



United Nations Human Rights Council

Subject: Input to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls.

Vancouver, British Columbia, Canada
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To: Special Rapporteur Ms. Mary Lawlor

VCASE is a Canadian non-partisan collective of diverse individuals, including lawyers, survivors, ex-brothel owners, front line workers and organizations who have come together as a single voice to end all forms of sexual exploitation.

I am Chair of VCASE and a mother of a daughter who was on the streets, aged 13 to 16, who had friends that were minors, with pimps who trafficked them. These girls were indigenous, and felt it was 'no big deal' to be selling their bodies. The Indigenous people of Canada, oppressed by colonialism, and with their legacy of abuse in residential schools, suffer violence and sexual abuse in their communities. Indigenous women and girls make up 4% of Canada's population yet comprise 52% of those in the sex industry.¹ Girls fleeing the reserve arrive in the city, are easy pickings for traffickers and sexually exploited with little opportunity to escape.

Testimony from the National Inquiry into Missing and Murdered Indigenous Women and Girls has highlighted that human trafficking is strongly linked to the disproportionately high rates of violence against Indigenous women and girls and that the extent of human trafficking and victimization of Indigenous women is grossly under-reported.²

Proponents of prostitution, as a choice and empowerment, constitute a small minority of the sex trade. Research shows that 89% in prostitution would exit if they found another option for survival, with the majority being coerced or exploited through their vulnerability or marginalization.³ For most prostituted persons, it is not a choice as they are victims of luring, marginalized by poverty, and blinded by the need for survival. Confusion about the meaning of a healthy love relationship due to age, abuse, and lack of caring adults in their lives increases susceptibility to grooming by Romeo pimps, gangs, and traffickers. Trauma bonding with pimps, exploitative friends, or familial traffickers complicates their ability for escape or to accept exit services offered.

The average age of entry into prostitution is 12–14 years of age, although traffickers will target children much younger. Pacific Community Resources Society Supervisor Tracey Corbett told me that organized crime and gangs in Delta and Surrey B.C. are now targeting 10-to-12-year-old children online as they generate more money and are easier to manipulate. At that age, a child cannot legally quit school, marry, sign a contract, or drive a car. Nor can she give "consent" to enter prostitution.⁴ There has been a dramatic increase in child exploitation along with the production and consumption of child pornography. In November 2023, police reported 16,000 cases of online child sexual exploitation to date in B.C.⁵ Unregulated technology has increased the demand for commercially paid sex and access to youth, who are being addicted and educated about sex via pornography. Law enforcement is overwhelmed with exponential increases in child

sexual exploitation and are experiencing a significant increase in sexual assaults by youth aged 12 to 17 on peers or younger children, some “choking” their victim as viewed in pornography.

Prostitution is fueled by pornography. Child sexual abuse and pornography are the pathways into prostitution, contributing to the normalization of violence towards women and children. For victims of child abuse, abuse becomes the norm to be expected. French police have been undertaking a wider investigation into the links between pornography, prostitution, and human trafficking.

An Ontario Superior Court ruling, September 18, 2023, stated that there is evidence that exploiters and traffickers target those with pre-existing vulnerabilities such as addiction issues; poverty; cognitive ability; mental health issues; immigration issues; and medical conditions. There is also evidence that exploiters and traffickers specifically target youth in foster care, group homes, and youth correctional facilities. Often these are young women and girls who have been in the child protection system or run away from home. Indigenous girls and women are especially vulnerable.⁶ Racism, LGBTQ, poverty, education vulnerabilities, necessity to feed children, payment of education or rent are also contributing factors. Childhood sexual abuse is present for the majority of those prostituted.⁷

Hidden forms of prostitution include massage or body rub parlors, wellness spas, sugar dating sites, escort agencies, phone sex, Only Fans, strip clubs, pornography, child abuse and domestic abuse. Thomas Reuters published a report that stated there are 53 potentially illicit massage parlours in Vancouver and possibly more across Canada licensed by various municipalities, operating without detection or retribution.⁸ Casandra Diamond, an advocate for change has shared her harrowing story of working inside a Canadian modern-day brothel.⁹

Four Canadian universities are rated in the top twenty globally for sugar dating. The Canadian version of the Seeking Arrangement platform claims that more than 300,000 Canadian students use its services to meet “sugar daddies” or “sugar mommies.” It is darkly ironic that females are selling themselves to afford a higher education to achieve status and upward mobility. Imagine being a young person attempting to negotiate this world where even respected authorities like universities and psychology faculties suggest that “sex work is empowering”, that “buying sex is helping out a poor student”, and that anyone who objects are moralistic and judgmental.

It is a fundamental human right for every woman and girl to have a life free of violence. Glorifying any aspect of the sex trade perpetuates dehumanization, gender-based violence and discrimination. Prostitution is sexualization of power based on gender, class, and ethnicity and negatively impacts society’s view of women. Consent is logically impossible where power disparities exist based on power imbalance and vulnerabilities. A German politicians’ debate in October 2023 mentioned there is no consent when money is involved. It is not equality, but rather power over prostituted persons, making her do what he wants and wherever he wants, for his sexual pleasure and gratification.¹⁰

Most buyers of sex are privileged white men with buying power, although it involves all classes of society and ethnicities. Janith Rajamanthri, Diversion Program Supervisor for Salvation Army found the age range of buyers to be 19 to 87 years. Those who perpetuate violence are the buyers, pimps, and traffickers. Trisha Baptie, prostituted for 15 years, confirmed that “It is not the laws that harm us, it is the men in the room with us that beat, rape, and sometimes murder those who are prostituted.” The film *Buying Her* shows most sex buyers go to prostitutes without giving any thought to whether the women are trafficked. That indifference eventually becomes a kind of hatred of women and results in the degrading sexual fantasies that men play out in pornography

and prostitution, including rape and bestiality.¹¹ Alisa Bernard, said in a World Without Exploitation webinar, October 30, 2023, that “It is a misnomer that we can screen out violence. If we could, it would have been done years ago. You can’t make it safer by regulating it away. We call it a trick for a reason. The buyer is given a fantasy and inherent power. You don’t know if it is a good or bad buyer. Truthfully, a good buyer doesn’t buy at all.”

Depression, disassociation, degradation, disease, and addiction are prevalent in prostitution. Prostituted women and girls suffer from mental health problems, high rate of head injuries, suicidal attempts, disassociation, complex PTSD, and higher rates of mortality. The result is lifelong, complex trauma which requires years of healing. Andrea Heinz, executive producer of the award-winning docuseries, *Labeled* and author of *When Men Buy Sex Who Really Pays? Canadian Stories of Exploitation, Survival and Advocacy (2024)* suffers severe, recurring disassociation and suicide ideation as a former brothel owner/sex seller. She told me “When I “chose” prostitution as an immature, impoverished, and impressionable young woman, I didn’t understand how my life would be permanently marred by the sexually entitled men who dehumanized me and reveled in their opportunity to inflict (state-sanctioned) violence against me.”

Sex workers and abolitionists agree prostitution is inherently harmful and want those involved to be safe. Several countries have endeavoured to legalize, or fully decriminalize prostitution, to make it safer, but have failed to achieve this goal. Evidence shows that no legislation has reduced the harms of those prostituted. Wherever prostitution is legal, “sex trafficking victims show up in legitimate businesses,” said Marcel Van der Watt, Ph.D., Director of the Research Institute at the National Center on Sexual Exploitation. The former law enforcement official was forceful in denouncing decriminalization. “We must come to terms with the reality that the fleeting promises of prostitution full decriminalization have failed,” he said. “Full decriminalization and sex buyer impunity is not a pathway for harm reduction. Instead, it is the operations room for harm production,” he emphasized.¹²

Some lobbyists argue legalization is different, due to its prostitution-specific regulations, and Germany can’t be used to compare with full decriminalization. Yet German police officer Sporer says it can be, due to the huge scale of the sex industry there, the ease with which vulnerable women are exploited in it, and also less possibility for police and other authorities to hold exploiters accountable whether they operate under a legal system or full decriminalization.¹³ Julie Bindel, in the *Pimping of Prostitution* said “I thought it would give more power and rights to the women, but I soon realized the opposite was true.” Decriminalization only benefitted the punters and brothel owners rather than those selling sex within them.¹⁴ Legalizing and decriminalizing only leads to increase in child and sex trafficking of women. Women are lured from other poor countries because they are desperate for money and there are not enough local women to answer the demand, as in Germany. With legalization, the state becomes the pimp, thus a gift to buyers and government. Increased demand leads to increased trafficking and organized crime involvement and associated crimes.

Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings has stated that although 57 countries have signed on to the Palermo Protocol, there is little discussion or focus on demand, the force fueling prostitution and trafficking. He feels combating human trafficking is not just a law enforcement responsibility. It is a human, societal and security imperative, and an urgent priority.¹⁵

In 2014 Canada enacted the Protection of Communities and Exploited Persons Act (PCEPA) based on the Nordic Model in Sweden, taking progressive leadership in elimination of violence against women by tackling demand reduction, and gender equality. The preamble to PCEPA

confirms the exploitation and social harm created by objectification of the human body and commodification of sexual activity. Those prostituted and trafficked are decriminalized and their human rights protected, while the buyers, pimps, and traffickers are criminalized. Sweden, South Korea, Iceland, Norway, Northern Ireland, France, Republic of Ireland and variations in Finland have adopted this Equality Model and Italy, Israel, and Luxembourg are considering it.

However, the law is not uniformly enforced across Canada, including full implementation of Sweden's actions, which provided resources and services for those exiting prostitution, plus a comprehensive public education program that shifted the social culture and attitude towards buying of sex. The Canadian Association of Chiefs of Police said the community, including the marginalized, think it is a good law and CACP wants to keep it.¹⁶

The three purposes of PCEPA are to reduce, discourage, and ultimately abolish ... to protect communities, human dignity and equality and prohibit economic interests. There is polarization about PCEPA, with powerful lobbying and a few court cases initiated by sex workers. It is encouraging to see the judgement from a recent challenge by the Canadian Alliance for Sex Work Law Reform, where Ontario Superior Court Justice Goldstein confirmed the constitutionality ...and...alignment with the purpose of PCEPA. The judge noted that the Canadian public does not fully understand the law. Based on the evidence provided, he stated the following: Exploitation is "not only parasitic and misogynistic but also frequently violent and manipulative."¹⁷ His findings were: The prostitution industry, in Canada and around the world, is sexist, racist, classist and colonialist. It legitimizes male violence against women and other forms of inequality in the pursuit of economic profit.¹⁸ There is a clear link between sex work and human trafficking. In fact, there is a considerable body of evidence that many sex workers are manipulated or coerced into sex work or trafficked while in it.¹⁹

PCEPA has two lungs: law reform/enforcement and social policy. It helps fight sexual exploitation, human trafficking, and commercial child sexual exploitation by going after the root cause; all things happen for a reason. It offers a chance for exiting, healing and improvement of quality of life for those prostituted and is a positive step towards the personal and systemic inequality prevalent in today's societies. There is a need for consistent nationwide enforcement of PCEPA, strengthened with funding of education programs, survivor informed services, and comprehensive exit strategies for prostituted persons. Recommendations also include the expungement of the criminal records of women related to crimes penalized under sections 213, 210.1 and 212 committed prior to 2014. Training on prevention and PCEPA for law enforcement and all levels of judicial officials, diversion programs, and extensive public education would be beneficial along with a school curriculum across Canada to educate boys and girls about sexual exploitation and healthy relationships. Sweden is an exemplary example with its reduction in demand and prostitution, accompanied by a systemic shift in societal attitudes, where boys and men have been educated towards a more gender equitable and violence-free society.

The answer to the poverty of women cannot be prostitution but must be the fair distribution of power and resources, as the root cause of prostitution is personal and systemic inequality. We must both improve the lives of women around the world so that they can truly exercise choice and independence and teach men to understand that sexual access is not a right.

Maintaining prostitution as the last refuge for poverty-stricken women is exploitation and cannot lead to gender equality. If prostitution remains an "option" for poor women, there is no incentive to develop educational opportunities, job programs, or economic policies that could uplift the poor.²⁰

Instead, society should focus on strengthening our social safety net and work even harder at eliminating the inequality and issues that stand in the way of women’s actual safety and equality. Just like the movements that named domestic abuse, marital rape, child abuse, sexual harassment, and date rape for what they are – violence against women – we must likewise name prostitution as violence. To only go after the peripheral crimes of prostitution and not go after the root cause means the cycle of abuse will never stop.

As the UN Special Rapporteur on Trafficking pointed out in her 2005 report “the road to prostitution and life within ‘the life’ is rarely one marked by empowerment or adequate options.”

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¹ <https://www.theglobeandmail.com/news/national/the-trafficked-sexual-exploitation-is-costing-canadian-women-their-lives/article28700849/>

² <https://www.mmiwg-ffada.ca/final-report/>

³ <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

⁴ <https://www.cato-unbound.org/2013/12/06/dianne-post/prostitution-cannot-be-squared-human-rights-or-equality-women/?fbclid=IwAR28FH-ZRyyREcewh7Y9DmRGZ2pypFjZpMAKhOGyntzXZKuK1uvKtMx8qXY>

⁵ <https://globalnews.ca/news/10131363/online-sextortion-cases-bc-2023/>

⁶ Ontario Superior Court Ruling in [CASWLR v Attorney General of Canada](#), 2023 ONSC 5197, CV-21-659594, 20230918. at para. 183.

⁷ https://www.justice.gc.ca/eng/rp-pr/cj-jp/yj-jj/rr01_13/p3.html

⁸ <https://www.theglobeandmail.com/business/article-human-trafficking-shell-companies-money-laundering/>

⁹ https://www.ted.com/talks/cassandra_diamond_i_was_sex_trafficked_for_years_brothels_are_hidden_in_plain_sight?language=en

¹⁰ <https://cne.news/article/3771-german-politicians-debate-about-nordic-model-to-regulate-prostitution>

¹¹ https://c-fam.org/friday_fax/un-panel-explores-connection-between-pornography-and-sex-trafficking/

¹² *ibid*

¹³ <https://nordicmodelnow.org/2021/03/09/german-ex-police-officer-demolishes-common-arguments-against-the-nordic-model/>

¹⁴ Bindel, Julie. *The Pimping of Prostitution: Abolishing the Sex Work Myth*. London, Palgrave McMillan, 2017. (pg 384)

¹⁵ <https://jobs.osce.org/employee-profiles/valiant-richey-special-representative-and-co-ordinator-cthb>

¹⁶ <https://openparliament.ca/committees/justice/44-1/7/supt-lisa-byrne-18/>

¹⁷ Ontario Superior Court Ruling in [CASWLR v Attorney General of Canada](#), 2023 ONSC 5197, CV-21-659594, 20230918. at para. 17.

¹⁸ *ibid*. at para. 138.

¹⁹ *ibid*. at para. 179.

²⁰ <https://www.cato-unbound.org/2013/12/06/dianne-post/prostitution-cannot-be-squared-human-rights-or-equality-women/?fbclid=IwAR28FH-ZRyyREcewh7Y9DmRGZ2pypFjZpMAKhOGyntzXZKuK1uvKtMx8qXY>