To: Human Rights Council on Prositution and Violence Against Women and Girls

Subject: Call for input from the United Nations Special Rapporteur – Jan, 2024

Submitted by Kathy King, MSW, Edmonton, Alberta, Canada - Jan 19, 2024

I would like to share some thoughts originally submitted May 2023 to the Standing Committee on the Status of Women in Canada on the topic of **Human Trafficking of Women, Girls and Gender Diverse People.** It reflects my serious concerns about an observed ideologic shift and would address your questions 5, 6, 12, and 13.

(5) **Many political officials are responsible for the perpetration of violence** because they accept the myth that trafficking can be prevented by decriminalization of offenders. (6) **This ignores the human rights of all people who deserve better choices than sanctioned servitude** and (12) creates major obstacles for those who wish to support victims and survivors. (13) This will continue until prostitution is recognized in society and legislation as universally destructive.

Canada has progressive legislation with the Protection of Communities and Exploited Persons Act, enacted in 2014, which criminalizes the purchase of sexual services. However, the legislation has largely been ignored as cities and municipalities across our country create bylaws to circumvent enforcement and instead offer protected “licensed” sites for sex buyers. Non-compliance is so prevalent that one town (Newmarket, Ontario) and one city (Winnipeg, Manitoba) made national news by announcing their decisions to align with federal legislation. One could say **political duplicity is a major obstacle to abolition of the sex trade**.

Excerpts from my original Brief Submission (May 2023):

I am a private citizen, retired clinical social worker, and mother of a MMIWG who disappeared from the streets of Edmonton in 1997. For over a quarter-century, I have advocated for improved services for the vulnerable and voiceless of our community. For the last three years, I worked with co-author Andrea Heinz in researching commercial sexual exploitation. Our book “***When Men Buy Sex: Who Really Pays***” was published Jan 4, 2024. Subtitled “***Canadian Stories of Exploitation, Survival, and Advocacy***,” we include a contemporary literature review, voices of experiential women, plus reflections of a former sex buyer and noteworthy guest contributors.

The three years were a period of intense scrutiny and contemplation as various advocates, all presumably with good intentions for at least some segments of the population, expounded differing ideologies. Rather than repeat much of what will be presented by others, I would like to draw your attention to what I see as a new and more disturbing issue.

My concern is that **Human Trafficking rhetoric has become a front for decriminalization of so-called “sex work.”** It is relatively easy for politicians to stand together, smile for cameras, and claim to support anti-trafficking initiatives. Of course, they/we do not want to see children exploited; of course, they/we believe no person should be forced against their will; of course, they/we believe violence and degradation should not be part of human interactions; and, of course, they/we believe no one should benefit from the pain and suffering of another.

The often-unanswered question is: **What is the opposite of trafficking? What are we really supporting?** Look behind those smiling faces and you will often see politicians who support full decriminalization. They want a society where buying sex is acceptable, where men have the “right” to purchase sexual services, where vulnerable young people can subscribe to an illusion that somehow equates “choosing” to sell their bodies with a kind of pseudo-empowerment and supposed gender equality, where activity historically associated with subservient “survival” is considered worthy of constitutional protection, and where anyone who believes otherwise risks being labelled “anti-feminist.” …

The fact that sexual submission has been a survival strategy in many cultures through history is an indictment of those societies, NOT an historical “right” to be protected. Survival is a right, NOT monetized violation.

The word “conflation” seems to permeate many conversations. A small minority of sex sellers claim they do not want to be “conflated” with the vast majority who are trafficked, pimped, coerced, abused, substance dependent, under-employed, under-educated, marginalized, or destitute. Whatever percentage this minority represents (it would be interesting to find out), the reality is that **consumers constitute conflation**. Most buyers do not think or care about the agency of their providers. Claiming autonomy as a seller does not change the indifference of purchasers; rather it serves municipalities who want to create a “licensed” option for sex sales.

We know that where commercial sex is tolerated, trafficking follows to meet increased consumer demand. Is this a situation we want to expand, opening Canada to become the world’s brothel? Or is it time to take a stand against commercial sexual exploitation that is dependent on human trafficking? **The alternative is a healthy society based on social and economic equality**.

Recommendations:

1. Supportive social networks and policies are needed to assist all vulnerable people in achieving full human rights recognition and economic security. These include a range of services such as housing, child care, education, financial support, health services, and trauma recovery.
2. Education initiatives are needed at all levels from school children to professional development and community action. Citizens deserve to understand the benefits of equality, dignity, respect, intimacy, sexual health, and reciprocal relationships as well the negative impacts of poverty and marginalization, the dangers of pornography, and the social harms of commercial sexual exploitation.
3. Enforcement and expansion of legal measures to reduce sexual commodification is required with concurrent training of police and court systems. This could include expansion of STOP: Sex Trade Offender Programs beyond the justice system. My experience is most arrested buyers express sincere gratitude for the opportunity of learning a new perspective. We need more men as allies.
4. Expanded development of exit resources and services are necessary for those who are rescued or escape from human trafficking. It is well documented that participation in the sex “industry” causes long term damage to those being sold. Many sellers, even if once voluntary, face considerable obstacles if/when they wish to leave. **Exit is considerably more difficult than Entry**.

Excerpts from a Brief Submission (Feb 2022) to the House Committee on Justice and Human Rights: Review of the **Protection of Communities and Exploited Persons Act (PCEPA, 2014)**:

 ... PCEPA initially provided a glimmer of hope that vulnerable women would no longer be blamed and criminalized for their own exploitation. ... An obvious difficulty faced by the Committee is that **PCEPA legislation has been largely unenforced since its adoption in 2014**. How does one accurately assess its effectiveness when it was labeled as partisan and subject to campaign attacks by our existing minority government? ...

Cities across Canada have been allowed to create bylaws to provide protected facilities for sex buyers in blatant contravention of federal legislation. The discussion has theoretically become one of “case law.” ...

We know that buyers cross all social strata and we know exploitation is magnified in countries where commercial sex is more accepted. It is unfortunate that **most of the buyers represent economic interests and some hold political office**.

Contrary to PCEPA which curtails the entitlement of men to buy women’s bodies, **every word expressed in favor of “sex work” implies the right of men to buy**. PCEPA is about setting a higher standard for male behavior and greater accountability for society, so that issues of marginalization and economic inequality can be addressed.

Sex buyers, the intended target of the legislation, remain elusive for two reasons:

1. There has been no attempt to track buyers in “licensed” facilities where they are treated as consumers deserving of “discretion.” Governing bodies act as if creating this rarified stratum somehow reduces the bigger problem. The vocal minority who self-identify as “sex workers” understandably do not want their “customers” criminalized.
2. Buyers who frequent unlicensed venues are probably more dangerous, less affluent, and more likely to be involved with drugs and violence. These buyers are protected by pimps and traffickers, while the girls and women sold have no voice. Other exploited women, already at risk because of vulnerabilities, are unlikely to report their offenders because they are anxious for the proceeds at stake.

**The intention of PCEPA is the PROTECTION of communities and exploited persons**. PCEPA is based on the Equality Model which recognizes sexual exploitation as part of the continuum of violence against women, and it seeks to address the power differential. **The legislation represents a cultural shift towards recognizing that all women deserve full human rights participation, mutual and consensual sexual relationships, and economic equality.** ...

Full decriminalization would extend to superficial, impersonal, uncaring, pornified, indifferent, demeaning, sadistic, and frequently violent purchasers. **Commodification cannot be separated from the coercion that supplies the buyer market**.

Behavior tolerated within the sex industry would not be allowed elsewhere. Under any other circumstances, the repetition of unwanted sexual contact would be assault. Suggesting that economic dominance resides with men, and that women can access “empowerment” through subservience, is an inexcusable scenario.

Decriminalization would allow an open and convenient “playing” field where the perverse, the character disordered, the merciless, and even killers can hide. Alternatively, criminalizing the purchase of sexual services will hopefully encourage men to reconsider one-sided compulsions, explore healthy and respectful relationships, seek treatment, or develop other hobbies.

Conclusion: Two final thoughts (also mentioned in my Feb 2022 submission) include:

1. **John schools do make a difference**.

Having volunteered with close to one hundred STOPs: Sex Trade Offender Programs, aka “john schools,” in over twenty years, I can attest that many men are grateful for a different perspective and appreciate supportive resources. Many spontaneously apologize and pledge to change their behavior. In fact, very few attendees are rearrested.

Intervention programs, such as STOP, could be developed beyond the justice system and certainly deserve more research. Positive results from similar programs in American cities are reported by Victor Malarek in his book, ***The Johns: Sex for Sale and the Men Who Buy It*** (pp 263-266).

PCEPA is not just about penalizing offenders; it is about believing they can do better and calling them to cease exploitative behavior. Educational awareness, as well as an improved social net, is an intended part of the legislation. Prevention is a critical element. It is also important for men to understand how pornography can short-circuit their brains, contribute to addictions, and prevent them from enjoying mutual connections.

1. **Women deserve to reclaim a sacred role in our community.**

All human beings are born free and equal in dignity and rights, including the right to live and love in mutually respectful relationships. It is vital to recognize that behaviors such as sex buying and pornography reflect gender-based violence, discrimination, and substantive inequality for women and children around the globe. We must address the role these actions play in perpetuating inequality and commodification.

**Real power comes from our ability to abolish conditions that enable exploitation.**

Thank you for your attention.

Information about the Heinz and King book can be obtained at [whenmenbuysex.ca](UnitedNations.docx).