



Brief presented by the Concertation des luttes contre l'exploitation sexuelle to the Standing Committee on Justice as part of the review of the Protection of Communities and Exploited Persons Act – by Diane Matte

March 22, 2022

Who we are

The Concertation des luttes contre l'exploitation sexuelle (CLEES) helps women who are struggling with prostitution and its impacts on their lives. Founded in 2005 by organizations and individuals with longstanding expertise in the fight against violence against women and for the equality of all women, CLEES supports close to 200 women a year, including about 100 whose first step is contacting us. The women and girls who approach CLEES for help range in age from 16 to 65. About 20% of them are women from racialized communities and more than 60% of them live below the poverty line or have no income.

What is prostitution?

Prostitution is first and foremost a patriarchal practice. All over the world, it is overwhelmingly men who buy sex from women and girls, who are overwhelmingly from marginalized, poor and racialized communities. CAP International, an NGO that brings together grassroots organizations like ours in more than 30 countries, is launching a study today, Tuesday, March 22, entitled "Last Girl First! Prostitution at the intersection of sex, race & class-based oppressions." This study documents the realities of women and especially girls in various parts of the world and the systems that bring them into and keep them in prostitution. We sent you a copy. No matter what we call these women and girls: sex workers, prostitutes or victims, we must question why so many of them are in an industry that feeds on social and economic inequalities and on war and environmental disasters.

A question must be asked

In order to review the Protection of Communities and Exploited Persons Act, passed in 2014 by the federal government, a fundamental question arises: do we, as a society, wish to recognize

men, because it is overwhelmingly men, as having the “right” to buy sex from, overwhelmingly, women and girls? In the answer to this question lies a fundamental choice. If the answer is yes, then we wish to see a total decriminalization of this practice; otherwise, no woman or girl can feel safe in Canada. If the answer is no, we need to ensure that we take a socio-legal approach to changing the behaviours of men who pay for sex.

Equality model

The equality model is the model that underlies the 2014 law. A social and legal model that addresses the need to recognize that prostitution, like the human trafficking that results from it, is contrary to human dignity, as recognized by several international human rights instruments, and is a major barrier to equality for all women and girls in Canada.

The equality model is rooted in a variety of programs to prevent entry into prostitution and to prevent the purchase of sex; programs to support women and girls involved in prostitution, including support to get out of prostitution and punishment of those who exploit and profit from the prostitution of others and who buy sexual services. The decriminalization of people who are prostituted is becoming a major objective and is leading to a paradigm shift: sexually exploited women and girls become victims of crime against their person, not crime against society and its morals.

Since 2014, arrests of sexually exploited women and girls in Canada have declined sharply (-97%). This in itself is a major victory of the Act. But more needs to be done. Sexually exploited people must be decriminalized wherever they are. Provinces and federal programs must achieve the equality objectives of the chosen model by investing massively in prevention and public awareness (making the law and its intentions known). Educational programs in our schools must include the issue of sexual exploitation. Specific programs must combat women’s poverty (the main reason for entry into prostitution). Support must be given to those who wish to leave. Lastly, forces must be familiar with the Act and enforce it.

Conclusion

We believe that the Act must be maintained, strengthened and fully enforced. It is primarily this last element that has been neglected since 2014, making it very difficult to review the Protection of Communities and Exploited Persons Act. The goal of the Act is to achieve true equality and greater safety for all women and girls in Canada.

Above all, make sure that the right of women and girls not to be prostituted guides you in the response raised above.

Notes for CLES' presentation to the Standing Committee on Justice on Tuesday, March 22, 2022, as part of the review of the Protection of Communities and Exploited Persons Act – by Diane Matte

CLES has been working with sexually exploited women and girls in Quebec for over 15 years. We support approximately 200 women a year as well as families seeking help to support their daughters. We meet women who want to get out of prostitution and others who do not. However, they all have a desire to prevent other women from entering prostitution.

As we only have 5 minutes, we'll get right to the fundamental question we think you're facing, which is: Do we in Canada want to say that men have the right to buy sexual acts from women and girls?

If the answer is yes, you would opt to completely decriminalize the purchase of sex. This will affect women and girls. Countries such as Germany, the Netherlands, Belgium, Spain and New Zealand have made this choice to varying degrees. All are now living with an exponential increase in men wanting to buy sex and an increase in human trafficking, and some are considering changing their response. If more men want access to paid sex, more women and girls will have to agree or be led to do so. Behind prostitution is an industry that is greedy for profits and wishes to maintain the idea that it is a right for men and a simple choice for women.

We already know that some of the most marginalized women, Indigenous women, migrant women and women from racialized communities are overrepresented in the sex industry. The total decriminalization of this industry and the practice of buying sex makes this fact tolerable and invisible. We note that, far from questioning the existence of such a reality, women are often used by proponents of total decriminalization who defend prostitution by invoking their safety.

If the answer to our question is no, you may be interested in looking at countries such as Sweden, Norway, Iceland or France that have chosen the so-called equality model. This is the model on which the 2014 law was based. That is, a model that aims to prevent entry into prostitution, to question this practice that is apparently as old as the world, to support those who are involved in prostitution and the many who want to get out, and to target those responsible for this exploitation: clients and pimps.

France passed its law criminalizing the purchase of sex in 2016 and reviewed it in 2020. This review was positive and, despite the fact that the law has not been applied equally in each French

department and that too little money has been invested to support pathways out of prostitution, among other things, the review was positive and the law is being maintained, if not strengthened.

This is what we are calling on you to do: maintain the law and its principles, strengthen it by eliminating all forms of criminalization of people being prostituted, and ensure that it is enforced in all provinces.

The Quebec government has already answered no to the question. It has an equality policy that states that prostitution is a form of violence against women. It adopted a strategy to address sexual violence in 2016 and a new action plan against the sexual exploitation of minors in 2021. We are counting on you to refuse to decriminalize prostitution completely despite the strong lobbies in this regard and to choose safety and equality for all women.

Appendices

Rapport d'activités de la CLES 2020-2021 <https://www.lacles.org/rapport-dactivites-2020-2021>
[in French only]

CAP International – Last Girl First! Prostitution at the intersection of sex, race & class-based oppressions (published in March 2022)

Proxénétisme et exploitation sexuelle à des fins commerciales (Quebec Ministry of Public Safety, 2021) [in French only]