

Canada's new prostitution law: Separating fact from fiction

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In 2014, Canada made history by creating prostitution legislation that recognizes prostituted people are not criminals, but that those who exploit them are. Previous laws treated prostitution as a public nuisance instead of an issue of violence against women. This new approach signifies a major victory for women's equality as it will teach generations of men that women's bodies are not for sale.

Of course, whenever there is an advancement towards women's equality, there is a backlash; and this case is no different.

Over the last few months the conversation about Bill C-36 has been widely publicized by the media, though that coverage has been largely one-sided. Therefore the public has heard from those who oppose the law far more than from supporters. As a result, ordinary Canadians whose only knowledge about prostitution comes from the news articles they read with their morning coffee have been led to believe myths and lies about who created this law, how, and why.

Canada's new prostitution law is not a religious conservative attempt to limit women's autonomy, as the bill's opponents would have us believe. The sex industry does not consist of morally-neutral transactions between consenting adults, and sex trafficking is not a separate issue from prostitution. Rather, these are myths, *presented as indisputable truth*, perpetuated intentionally by those who want to (continue to) profit from exploitation.

The truth is that the driving force behind Bill C-36 was a combination of the testimonies of women who have direct experience in prostitution, research from Canada and around the world on prostitution laws, and the lobbying efforts of women's groups who seek an end to violence against women. This law stands as proof that what Canadian women want is equality, not exploitation.

It has been implied by opponents that the Standing Committee on Justice and Human Rights, who heard testimonies, studied, and evaluated the bill, was full of Evangelicals and Conservatives who sought to impose Christian morality on Canadians and who refused to listen to women in prostitution. Although there were

some Evangelicals who testified in the hearings, they were far outnumbered by secular lawyers, academics, and women with no particular religious affiliation who testified about their own experience in the sex trade. These accusations against the committee were part of a strategy to discredit Bill C-36 in the eyes of Liberals and the left. And it seems to have worked — the Liberals and the NDP [unanimously voted against the bill](#), despite testimony and research supporting it. In a strange turn of events, Conservatives helped pass feminist legislation, while the Liberals and the NDP attempted to stop it. Although this raises interesting questions about what it means to be on the political right or the left in Canada these days, there's no real reason why prostitution should be a partisan issue — ending violence against women should be a no-brainer for any political party.

Considering the level of contradictory information put forth about the issue of prostitution, it's no surprise that so many people have difficulty separating fact from fiction.

The pro-prostitution lobby, with the support of many Canadian media outlets, has successfully reached and convinced much of the public that there is an entire sex industry made up of consenting adults and that exists in isolation from human trafficking and underage prostitution.

This lobby is represented most-notably by Terri-Jean Bedford, who has featured in much of the coverage of prostitution in Canada over the last few years. Media outlets love titillating their readers with images of Bedford, clad in black leather and brandishing her riding crop, delivering snappy banter in her best dominatrix voice. “Prime Minister Harper called me again,” [she declared in the committee hearing](#) for Bill C-36. “He wanted to appoint me to the Senate... as a government whip!” What is rarely mentioned in the media, however, is that it was not Bedford who sought out a lawyer to help her overturn Canada's previous prostitution law — it was lawyer Alan Young who initiated the case. He [stated on camera](#) that he recruited Bedford to act as an applicant, despite the fact that the media frames the case as one “led by sex workers.” Another fact rarely mentioned in articles about Canada's most famous dominatrix is that she was [first prostituted before the age of 18](#). For all her talk about “consenting adults,” she was not yet an adult when she first learned that her sexuality was for sale.

But while the pomp and spectacle of the sex trade lobby carries on, the women affected by prostitution do the unglamorous — but necessary — work of healing themselves and helping others.

In Toronto, survivors of prostitution started [SexTrade101](#), an organization that provides counselling and emergency services to women in the sex trade, as well as public presentations and educational workshops. The two founders of the organization, Natasha Falle and Bridget Perrier, did significant work getting Bill C-36 passed. They did it not because of conservative ideology or “morality,” as opponents suggest, but because they know what the sex industry is — they’ve been in it and they’ve counselled hundreds of women in it, and they know that pimps and johns need to be held accountable for their abuse.

Falle has been working with women in prostitution since 2001, and out of the hundreds of women who have filled out intake surveys, she says 97 per cent of them wanted to get out of the industry. Hundreds of them also reported being controlled by pimps and entering prostitution [between 13 and 16 years of age](#).

The “consenting adults” we keep hearing about make up only a tiny percentage of the industry, but the media focuses on those few people, ignoring the majority. Moreover, there is not such a clear distinction between human trafficking and prostitution. Many survivors were controlled by pimps at some point during their time in the sex industry even if they worked independently at other times. In any case, it is the same men who are buying women — whether they are controlled by pimps or not.

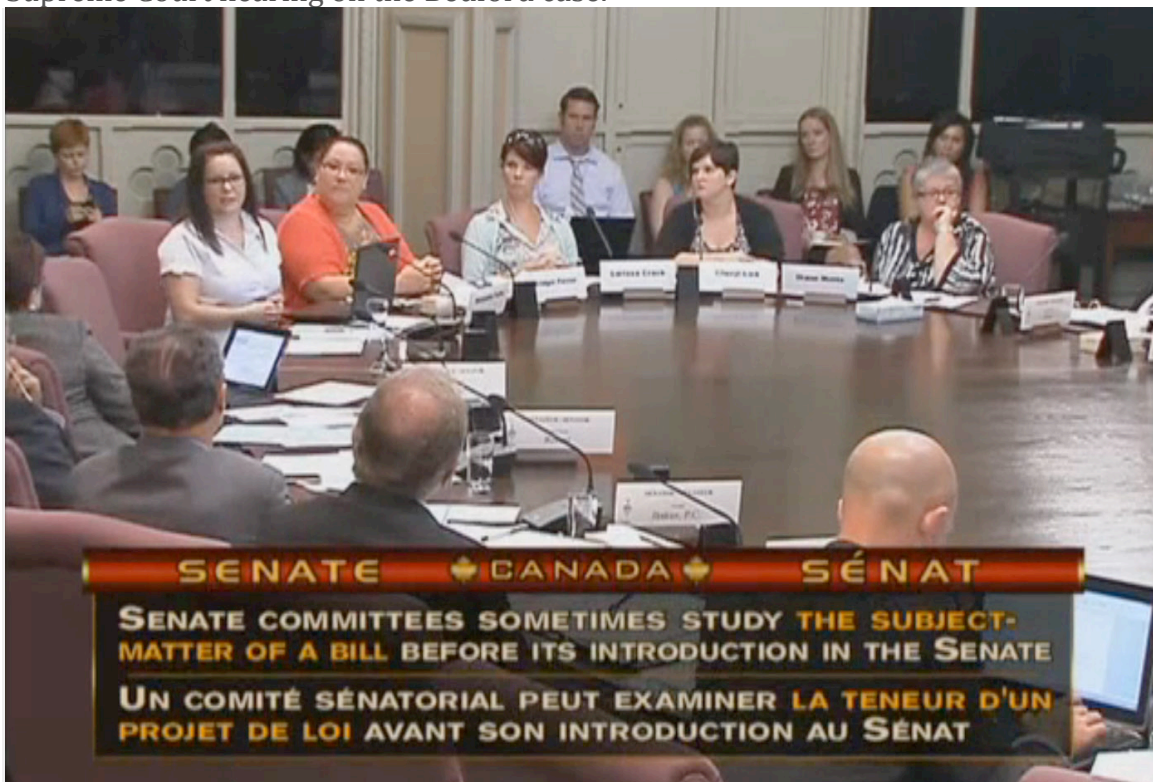
Rachel Moran is a survivor of prostitution who was never trafficked. In her book, *[Paid For: My Journey Through Prostitution](#)*, she writes:

Women like myself who were forced by nobody need to find our voices and assert that this does not mean we were forced by nothing. It is a very human foolishness to insist on the presence of a knife or a gun or a fist in order to recognize the existence of force, when often the most compelling forces on this earth present intangibly, in coercive situations. My prostitution experience was coerced. For those of us who fall into the ‘free’ category, it is life that does the coercing. People concentrate so much on the differences between prostituted women and trafficking victims that they forget there are far more similarities than differences. Probably the most fundamental of these is that while the trafficked woman had her sexual autonomy stolen from her, the prostituted woman had hers bought; and so both sets of women have lost their sexual self-governance. While individuals and organisations argue about whether the issues of trafficking and prostitution should be

dealt with separately or together, the punters have already made their minds up. They use both sets of women, and they make no distinction (p227).

The Standing Committee on Justice and Human Rights heard horrific tales of abuse from the survivors who testified. Women who identify as sex workers and who oppose this new law distanced themselves from the survivors who testified, implying that *those* women were victims of sex trafficking who have nothing to do with the conversation about “adult prostitution,” framing their testimonies as merely a tactic intended to tarnish the image of the sex trade. But the committee did not *seek out* survivors with tales of abuse — these activists applied to be witnesses as a part of their ongoing advocacy work. These women cannot be dismissed as simply having a “victim mentality” — they are courageous and determined women who are in the trenches every day fighting to make things better for others who are going through what they did.

Falle survived physical and sexual assault, torture, and a serious cocaine addiction during her time in prostitution. She went on to graduate with honours from George Brown College, create a non-profit organization, teach at Humber College, become an accomplished public speaker, and was an affiant in the lower court leading to the Supreme Court hearing on the Bedford case.



Natasha Falle and Bridget Perrier at the Senate hearings on Bill C-36.

Perrier entered into the sex trade at the age of 12 and was subjected to physical and sexual assault, as well as torture. She managed to exit prostitution, went on to graduate from college, and became a prominent speaker and activist. As the co-founder of SexTrade101 she provides counselling, emergency support, and sometimes her own couch to sleep on, to women in the sex industry. These women may have sad stories to tell, but those stories are eclipsed by impressive accomplishments. “People who know me know that I’m a ballbuster,” Perrier says, “and I’m not gonna go down without a fight.”

If the media had spent more time talking to the women who were lobbying to get Bill C-36 passed, they would have uncovered some inspiring stories of perseverance and some interesting points of discussion about Canadian society.

In a telephone interview, Bridget Perrier explained what it was like working on Bill C-36 and testifying for the committee. When the old prostitution laws were struck down, survivors and their allies got right into action:

We formed a coalition of survivors. Natasha Falle, Trisha Baptie and me, along with organizations like The Native Women’s Association (NWAC), La CLES, and Walk With Me — we made sure our homework was done, because we knew our argument was the one that was going to help women, and we started lobbying. Anyone who would listen, we talked to. An amazing thing happened — people started listening. I’ve never seen that. It was a real David and Goliath situation. This bill should be called ‘The Survivor’s Bill.’

As for the question of whether or not there were too many Conservatives and Christians on the committee, Perrier says she never had a problem with that. She is not interested in organized religion herself, but she found that the Christians who helped her did not preach at her, but simply offered their support.

“Abolitionists come in all types. Some are Christian, some are not. Why is it an issue? Some are straight and married to men, and some are gay. It shouldn’t matter. We can all work together.”

Perrier says she found testifying at the committee intimidating. The hearings were televised and are [archived online](#) for anyone to watch, so her story is more public now than ever before. But Perrier had a strategy that helped her: “When I was testifying, it helped to imagine that it was only me and [Joy Smith](#) in the room.”

Of course, MP Joy Smith wasn't the only advocate who supported survivors. Other Canadian women such as Diane Matte of La CLES; UBC law professor, Janine Benedet; Michèle Audette, president of NWAC; Kim Pate of the Canadian Association of Elizabeth Fry Societies; Megan Walker of the London Abused Women's Centre (LAWC); and many more, were all excellent allies to survivors.

The legislation was not written solely based on women's testimonies, of course. The Department of Justice Canada's criminal law policy lead on prostitution, Nathalie Levman, who had a great deal of input into the drafting and preparation of the bill, told me in an email on February 5th:

As explained in the Department of Justice's Technical Paper, available [here](#), the development of Bill C-36 was informed by the evidence before the courts in Bedford, as well as the decision itself, the public consultations conducted by the Government in February and March of 2014, jurisprudence interpreting existing prostitution-related Criminal Code offences, the available research on prostitution in Canada, including relevant Canadian Parliamentary reports, as well as available international research on prostitution, including relevant government reports from other jurisdictions. The Technical Paper contains a bibliography of the research that informed the development of Bill C-36.

Levman says she "brings a rights-based approach" to her work and she demonstrated a thorough knowledge of the legislation's effect on women while answering questions in the hearings.

So what's next for Canadian abolitionists? Perrier seems upbeat about the future. In the short term, she says, funding is needed to support organizations that help women leave the sex industry, so they can do more outreach and help more women. In the long term, Perrier predicted that the attitude toward buying sex will shift. The next generation of men will understand that it's wrong to buy women, and that will contribute to future gender equality.

The women who support Canada's new prostitution law are too numerous to name. Canadian survivors, the families of women and girls who've entered prostitution and never come back, academics, lawyers, MPs, women's organizations, and directors of women's shelters across the country all worked to pass this bill. This large group of people did not act on "conservative morality," but on their knowledge of the issue and their caring for women. Journalists and organizations who spent

their time spreading myths and slandering the legislation as being “conservative” and “moralizing,” missed out on seeing the impressive show of solidarity among women and the powerful move toward a more just society. Too much emphasis on what Conservative politicians were supposedly doing wrong meant forgetting to ask the Liberal party and the NDP why they *weren’t* supporting an evidence-based law, supported by survivors, in an effort to end violence against women.

The result is that ordinary Canadians who have not studied the issue in-depth missed out on this, too, as well as much factual information on which to build their opinions. It’s time for the media to report the truth: Canadian women are working toward a better society, one in which we are no longer viewed as commodities to be bought and sold.

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