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## **New federal law on prostitution coming soon**

By Mark Kennedy, Postmedia News April 27, 2014



**Dominatrix Terri-Jean Bedford, and Nikki Thomas Executive Director of Sex Professionals of Canada celebrate during press conference in Toronto, March 26, 2012, when the Court of Appeal for Ontario swept aside some of the country's anti-prostitution laws saying they place unconstitutional restrictions on prostitutes' ability to protect themselves. The Supreme Court agreed.**

**Photograph by: Alex Urosevic for National Post , Postmedia News**

OTTAWA — The federal government is poised to introduce legislation in the coming weeks that will overhaul Canada's prostitution laws — possibly targeting the pimps and johns as criminals while leaving the prostitutes themselves free from criminal prosecution.

Justice Minister Peter MacKay has been exploring various options since the Supreme Court of Canada struck down Canada's prostitution laws last December, giving the government a year to come up with a new law.

Among the alternatives being examined is a Canadian version of the "Nordic model" — an approach first used in Sweden which then spread to Norway and Iceland — in which police target prostitutes' customers, pimps and sex-trade traffickers.

Earlier this month, MacKay said his bill will be drafted to find the "right balance" to a "complex" issue.

Two things have become apparent: the government will not decriminalize or legalize prostitution, as some other countries such as New Zealand and the Netherlands have done; and the governing Tories appear to be contemplating the Nordic model.

“We’ve looked at a lot of different options and a lot of different models,” MacKay said. “The Nordic model is one. I can assure you of this: it will be a Canadian solution.”

“We know that there is tremendous violence and vulnerability associated with prostitution,” MacKay added. “Prostitutes are predominantly victims. They have very much, in some cases, run out of options before entering this particular pursuit.”

He said there will be “support mechanisms outside the legislation in order to help people to transition out of the sex trade.”

His choice of words — and the goals — are similar to a proposal Manitoba Conservative MP Joy Smith has been circulating.

She has written a report, *The Tipping Point*, that argues Canada must make the elimination of prostitution its goal through future legislation, and that a form of the Nordic model is the best solution.

“The most effective route to tackling prostitution and sex trafficking is to address the demand for commercial sex by targeting the buyers of sex,” she writes.

“As a nation, we must ensure pimps and predators remain strongly sanctioned and prostituted women and girls are not criminalized.”

Smith argues that in addition to punishing those who buy sex, any new regime must also include “exit” programs to give prostitutes the things they need to get out of the sex trade: food, shelter, drug rehabilitation, counselling and education.

Moreover, she is calling for a national education program to make Canadians realize that prostitution is a form of violence against women.

“Our country has to recognize that this is Canada’s oldest oppression — not profession,” she said in an interview with the Citizen.

“It’s nothing but violence against women. Plain and simple. No matter how you paint it. We have to target the johns, the traffickers, the people who buy sex and go after trying to make money off of innocent victims.”

Smith said more than 90 per cent of prostitutes are “lured” into the sex trade and become victims who are “held captive by beatings” and “have no place to go.”

“They develop these Stockholm Syndromes, where they get attached to their perpetrator. They get almost like they are brainwashed. There’s no way out. They get despondent. And it’s very dangerous for them.”

At its policy convention in Calgary last November, the Conservative party adopted a resolution stating it “shall develop a Canada-specific plan to target the purchasers of sex and human trafficking markets through criminalizing the purchase of sex as well as any third party attempting to profit from the purchase of sex.”

But others, including some prostitutes and academics, are warning against the Nordic model, saying it will merely force the sex trade underground and leave prostitutes in greater danger of being harmed.

Christine Bruckert, a former prostitute who is now a criminology professor at the University of Ottawa, said that if the government chooses Smith’s proposal, the sex trade will continue.

She said that in a system where just the customers are charged by police, those “clients” will be nervous about getting caught by police and will insist to prostitutes that they meet in dark places — not open streets.

“If the client will only accept her as a date if she jumps in the car quickly, that’s what she is going to do. She’s not going to take time to see if he is a risk.”

Bruckert said the law would eventually end up back at the Supreme Court and be ruled unconstitutional because it fails to protect prostitutes from danger.

“The sad thing is that until that time, the most marginal sex workers are going to be at greater risk and they’re going to get hurt, and they’re going to get killed.”

Bruckert said those advocating the Nordic model are adopting a paternalistic attitude.

“It’s about taking an ideological stand: Sex work is wrong, women are victims. It’s about people saying if you are a sex worker, and you say you want to be a sex worker, you must be either deluded or mentally ill or not even know that you’re making a bad choice.”

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