

ABOLISHING PROSTITUTION THROUGH ECONOMIC, PHYSICAL AND POLITICAL SECURITY FOR WOMEN

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In the view of The Canadian Association of Sexual Assault Centers (CASAC), prostitution is a globalized abuse of women (and a few men) best viewed as a form of violence against women laced with economic exploitation. Prostitution in Canada feeds on women's relative poverty and economic insecurity, and on women's physical and social vulnerability to men, and as well as on men's sense of entitlement. This chapter will explain how current social forces emboldening the global sex industry result from governments' laissez faire economic and social policies. Prostitution within Canada is racialized, simultaneously exploiting and creating a demand for transnational trafficking of women and children from Asia and the global south as well as from the impoverished Aboriginal communities of the north. Prostitution of adult women relies on, exploits and creates, the demand for the sexual exploitation and commercialized rape of children.

In Canada the recent publicity on the horrific multiple murders of prostitutes in Edmonton and Vancouver and a desire to 'clean up' the Downtown Eastside in

Vancouver, in anticipation of the tourism of the 2010 Olympic Games, and the anticipated property development has revived a strong interest in new prostitution laws. Decriminalization and legalization of prostitution are two possible alternatives considered by various groups advocating for law reform.. This chapter argues that the decriminalization and legalization of prostitution would address neither its root causes nor the harms done. The position advanced in this chapter is that there are various policy initiatives that could support the *abolition* of prostitution within Canada, and that the latter approach would be facilitated by attending to issues of global economic fairness and changes in international human rights law. This chapter therefore focuses particularly on domestic policy solutions that are consistent with the goal of effecting global economic fairness and international human rights law designed to reduce all forms of violence against women, including sex trafficking and sex tourism. It is argued that women's economic security will be advanced only if these two sets of concerns are addressed simultaneously.

CANADIAN LEGISLATION AND THE CURRENT DEBATE

Canadian law criminalizes prostitution under the Criminal Code's solicitation laws, under the new Anti-trafficking amendments to the criminal code passed in

2005 and by way of the international agreements to pursue sex tourists for crimes abroad.¹ According to Criminal Section 213, “Offence in Relation to Prostitution”, commonly known as ‘the communication law’, all forms of public communication for the purposes of prostitution are illegal including those relating to bawdy-houses (s. 210 and s. 211), and procuring (s. 212) (Canada 2005). The anti-trafficking amendments create offenses that prohibit acts “for the purpose of exploiting or facilitating the exploitation of another person and prohibits receiving a financial or material benefit” that they know results from the commission of trafficking and it prohibits interference with the travel documents of those trafficked. Canadian courts have relied on “regulation, prohibition and rehabilitation” to manage prostitution and have offered little protection to victims of prostitution (Canada 2005: n.p.). This approach criminalizes prostitutes and prostitution, with women typically bearing the brunt of arrests and sentencing, and ignores the fact that prostitution is largely a practice of men exploiting women -- especially women in need. Consequently, many otherwise progressive groups and individuals, including some feminists, argue that Canada’s prostitution laws should be removed from the criminal code altogether. These individuals and groups, like many women’s organizations that represent prostitutes, want prostitutes to be protected by, rather than subjected to, criminal prosecution. A number of different positions are advanced by these individuals and groups; some call for the legalization of prostitution, others for the decriminalization of

prostitution, while others go so far as to argue for the withdrawal of any state or international control or restraint from the global business of prostitution. No national feminist groups have called for total decriminalization or legalization of prostitution.

Decriminalization and legalization theory and public policy

One position advocating decriminalization of prostitution argues for exempting prostituted women from prosecution under Canada's Criminal Code but without exempting prostitution itself from criminalization. The elements of this policy were first visible beginning in 1985 with the Fraser report. This report, a government study of adult prostitution in Canada, called for criminal sanctions to discourage street prostitution because it is seen as destructive to the community; at the same time, the report also recommended acceptance of and a licensing system for indoor brothels (sometimes organized as escort services and massage parlours), claiming these present no harms to women (Canada 2005).

Another version of decriminalization policy, under consideration by the Canadian Subcommittee on Solicitation Laws (of the Standing Committee on Justice and

Human Rights), calls for total deregulation or decriminalization of prostituted women and also of customers and pimps (Canada 2006). Decriminalization in this sense promotes the total deregulation of the sex industry and calls for the removal of all laws against johns, pimps, procurers, bawdy-house owners as interference with 'ordinary businesses'.

Policies promoting the legalization of prostitution, as distinct from the decriminalization approach, allows, even insists on, state interventions, particularly with regard to the regulation of prostitution and taxation of its proceeds. It usually includes proposals for 'industry standards', government-authorized credentials for prostitutes, and for 'harm reduction' programs on the theory that one could encourage the trade and still ameliorate the impact of poverty and violence on individuals within the trade, as well as reducing and the impact on the communities hosting it. Some who argue for legalization, recommend regulation of certain forms of prostitution either through urban zoning laws designed to create and confine 'red light districts' or through licensing prostitutes in designated numbers of women per site or throughout designated areas. The legalization approach deals with the sex industry in a way that is consistent with many other international, national and local labour/industry policies under imperialism (or globalization as it is more commonly called). And,

like these other industries, governments and unions are called upon to institutionalize and normalize prostitution and to control it with regulations. This approach intends to embed prostitution in the local economy such that the government has an investment in maintaining the flesh trade, much as governments have done with gambling. While not always glorifying the sex trade, legalization accepts prostitution as an inevitable and permanent industry.

The problem with decriminalization and legalization policies

There are a number of problematic ideas that underlie both decriminalization and legalization approaches: these include the notion that prostitution is an acceptable service to men, that it is an inevitable part of life for women and that there are ideal conditions, namely under free markets, where coercion can be eliminated so that only those truly wanting to be prostitutes will actually be in the business. Prostitution is imagined as a situation where, under the best circumstances, ‘choices’ can be made between free agents – the prostitute and her client. In this sense, prostitution is seen as work and like any other type of work, needs employment protections to minimize exploitation. Some who hold, whether consciously or unconsciously, to the free market approach are so wedded to the notion of the market as a solution to this issue that they see prostitution as no

different in any way from any other job. Even those who understand the exploitative nature of the sex trade, nevertheless focus on prostituted women as ‘workers’ in the sense that they need employment protections. The state’s objectives, under decriminalization then, are to protect prostituted women from the harassment of the police, to maximize individual women’s occupational choices, and to promote “harm reduction strategies”. Often supporters of this regime can be identified by the contradictory messages of claiming to be protecting ‘women on the street’ by proposing to legitimize the indoor bawdy-house, massage parlour and escort trade. The emphasis of legalization policy is on removing criminal laws and passing permissive legislation. Even local by-laws and other civil regulations under this regime would be curtailed. Municipal governments and civil law bodies would not be able to restrain or prohibit what has been deemed legal.

As a political term ‘decriminalization’ has changed meaning over the years with the growth of neo-liberalism. In the 1970s and 1980s, those calling for decriminalization proclaimed ‘for the prostitutes and against prostitution’. During the conditions of the 1970s welfare state, with a women’s movement still on the rise, a strong anti-poverty movement, and with anti-racist and anti-colonial uprisings underway, we might have seen a different outcome from decriminalizing

prostitution. Although then, unlike now, the policy framework of decriminalization presumed that only the women would be decriminalized, not the owners of escort services, massage parlours and bawdy-houses, not the traffickers and slave traders, not the child rapists (there being no such thing as a child prostitute since children cannot give consent) (Lakeman 1993). Decriminalization once implied removing, as social control agents, both the 'hard cop' of the police and the 'soft cop' of the intrusive social worker while expanding the formal and informal supports of a connected community of more or less equals. It implied a provisioning government tending common resources for the common good. It presumed that even in government policy, 'community' trumped 'commerce'. It relied on the mistaken belief of the time (of the welfare state) that we were moving steadily toward a future in which the common ground of the commonwealth was understood to be the result of the contributions of all and would be legally accessed and shared by each. In such circumstances decriminalization implied, even promised women, affirmative political recognition, legal and social inclusion and government-mandated entitlement to resources. With that assurance to the group, women would not individually choose prostitution. Why would they?

In contrast to the ideas of the 1970s, decriminalization policy now means the absence of legal protections against prostitution and trafficking of human beings in an economic and political environment that promotes prostitution (Lakeman 2005). There are a couple of exceptions to this completely laissez faire approach. For example, all proposals for decriminalization, even in this context, allow an exception to protect children, since according to international studies 14 is the average age for entering prostitution. (Sweden 2005). One other frequent exception allows for the prohibition of buying and selling women who can prove they were forcibly trafficked. In this frame, force requires not only crossing international borders but also proof of brutality (like a gun to the head).

The swing to the right of global politics has changed the context of the discussion of prostitution and the consequences of decriminalization as policy. The current context for decriminalization proposals is neo-liberalism, structural adjustment programs, regressive immigration policy, third world plague and destitution, a backlash against feminism, and a regressive approach to economic entitlements. The economic need has grown to the extent that our borders do not hold third world destitution beyond our shores. Abysmal conditions can be found on many reserves in both remote communities and in many city centers. The internal migration from native reservations, coastal communities and resource towns to

city ghettos continues, interrupted only by urban renewal programs that push those ghetto populations to bleaker suburbs. (Lakeman 2005).

One social, rather than commercial, objective claimed by supporters of both legalization and decriminalization as public policy, is to reduce the prejudice, the stigmatization against prostitutes and to address the situation by reducing any sense of moral superiority over prostituted women and children, and over john's, pimps and procurers. This position argues for acceptance of prostitutes on the basis of diversity, welcoming them into the mainstream of society or even to the elite. And in the situation of legalization some prostitutes are indeed accepted into liberal elites. More often, however, what is accepted is the behaviour of the johns, pimps and owners who are already there. It ignores or dismisses as collateral damage the continuing or even consequent denial of human rights and freedoms for whole groups, in this case the freedom of women as a group to 'substantial equality' as a basis for meaningful individual choice.

Another social objective claimed by those calling for decriminalization and/or legalization is the hope that either policy would increase the safety of women in the street trade by moving that trade into the light of brothels and massage parlours. However as is evident in Australia and Holland, not to mention the

Asian markets, legalization of the indoor trade expands the illegal outdoor trade, and legalizing the adult trade increases the trade in children.

In the name of individual choice, this policy of legitimization/decriminalization of prostitution generally refuses to group, measure and name the gender, class or race of those who would benefit from legalization and those who would be left with the problems it would cause. It therefore fails to see the connections with other abuses and other possible solutions. Neither legalization nor decriminalization as a public policy accepts the possibility of the transformative imperative to end race, class and gender oppression. So it cannot imagine ending prostitution. Those promoting legalization and decriminalization refuse to be scandalized by the sexualizing and racializing anti-woman stereotypes in the everyday advertising for de facto legal bawdy-houses and escort services. They disassociate the reality of providing women for that domestic trade in massage parlours and bawdy-houses, advertising one race at a time, one fetish at a time from the demand for more and more compliant, exoticized trafficked women and children.

So far, the policies stemming from the legalization and decriminalization positions seem to uphold the human right of men to prostitute women and for women to agree to that right of men, but it cannot challenge the privilege of men

to sexualize commerce and violence. It cannot challenge the privilege of men to commercialize and violate girls and women sexually. It cannot uphold the right of girls and women to refuse to be prostituted.

Yet, this is the policy framework promoted by the 2006 majority of the Canadian Subcommittee on Solicitation Laws (of the Standing Committee of Justice and Human Rights). This policy framework indirectly proposes a mix of decriminalization and legalization (or regulation) by implying that all prostitution offences be removed from the criminal code (Canada 2006). As Maria Mourani, Criminologist and then Bloc Québécois Critic for the Status of Women, points out, the law seems to have been framed on the basis of ‘choice’.²

To accommodate and ‘protect’ a tiny minority of individuals who ‘choose’ to sell their bodies, Members of Parliament are considering accepting prostitution as the simple exchange of sexual services for money. Prostitution is much more than that, however. Prostitution is a system of exploitation whose victims are primarily women. It derives from and fosters unequal and violent relationships between men and women. Can we accept that? (Mourani 2006: n.p.).

While the Canadian Subcommittee on Solicitation Laws claims distance from those voices who advocate legalizing a sex industry by talking about some of the

harms, the need for exit services, and the need for regulations, the responses to that report were quick and delineate the points of disagreement. For example, in what follows Maria Mourani cites a comparative study prepared for the Women's Rights and Gender Equity Committee of the European Parliament, which shows that:

The legalization of prostitution leads to child sex abuse, violence against women and a marked increase in human trafficking. This committee also concludes that the legalization of prostitution fuels demand and the purchasing of sex, including trafficking victims, and recommends that States recognize that reducing the demand for trafficking is crucial (Mourani 2006: n.p.).

It is a little hard to imagine how an absence of law (decriminalization) would make successful one of the 'harm-reduction' methods proposed by the Subcommittee – i.e., the 'two-woman-shared apartment/brothel'. The committee seems to imagine, for example, that two drug-addicted women operating a small business brothel in their home could defend themselves from the likes of the Vancouver or Ipswich killer.³ They seem to imagine that these women could be protected by hiring private security. The argument that private enterprise can buy

such protection seems to replicate the old joke about chivalry in which we see “Prince Charming” (abusive husbands/pimps) as men who propose to own and control you to protect you from the violence of other men. Once again, quoting Mourani in her response to the Subcommittee’s Report:

The individuals who are exploited and who have not really chosen a life of prostitution, (which applies to the majority) need our help. They have no help at present and that is scandalous. It is unacceptable that women’s right to a society that fosters equality and non-violence should be sacrificed for a very small minority of individuals who choose to sell their bodies. This so-called freely consenting choice applies to a minority, which cannot demand that society abandon its defence of egalitarian and non-violent relationships in its laws and regulations (Mourani 2006: n.p.).

ABOLITION OF PROSTITUTION

Abolitionism policy

Abolitionism policy does not support criminalization of prostitutes; it supports the criminalization of the exploitative activities that constitute the industry of

prostitution.. The aim of abolitionism is to eradicate prostitution and in this it goes far beyond even the 1970s notion of decriminalization, where prostituted women and children would not be legally targeted. Abolitionism as a political framework unites, in feminism, the struggle for women's sexual autonomy, the struggle to end violence against women and the struggle for women's economic security. It links the struggle of women within Canada to the trans-national struggle, privileging the needs of the poorest to legal protections, and socio-economic and environmental entitlements. Abolition policy to meet feminist standards requires an integrated feminist approach. This is the position held by the Canadian Association of Sexual Assault Centres (CASAC): to combine and address imperialism, immigration issues, racism, and poverty as state obligations to provision residents and to reduce violence against women. In conjunction with this the state's obligation to democracy means it must cooperate with the self-organized uprising of women for equality. For example, faced with the incremental government decriminalization of violence against women and with the increased targeted criminalization of women who defend themselves from violence and poverty, CASAC passed interconnected resolutions. These resolutions call for an end to all forms of prostitution including pornography and the placement of prostitution within the context of world wide violence against women and global women's poverty (CASAC 2005).

Underlying theory: Prostitution is violence against women

Prostitution is a practice of men exploiting trapped women and like all forms of violence against women, it is a sexist threat that has the effect of controlling all women. Catherine MacKinnon summed up the encompassing nature of violence that extends beyond immediate corporal abuse.

By violence against women, I mean aggression against and exploitation of women because we are women, systematically and systemically. Systemic, meaning socially patterned, including sexual harassment, rape, battering of women by intimates, sexual abuse of children, and woman killing in the context of poverty, imperialism, colonialism, and racism. Systematic meaning intentionally organized, including prostitution, pornography, sex tours, ritual torture, and official custodial torture in which women are exploited and violated for sex, politics and profit in a context of, and in intricate collaboration with, poverty imperialism, colonialism, and racism (MacKinnon 2006: pg. 29).

To be prostituted is to live at the whim and will of, and with only occasional and unreliable benevolence of, the patriarch, the patron. It creates “a class of women (that) can be legally segregated from society to be used as instruments of male pleasure and sexual commodities” (Raymond 2001: pg.5.)

The economic problem

Women endure prostitution because they are degraded, desperate and have few alternatives. In feminist economic terms prostitution is a practice forcing many girls and women, some of the time, to resort to this disabling and scarring, ever-available means of 'making a living'. Many adult women report that they first entered prostitution at the ages of 13 or 14.⁴ "The majority of girls enter prostitution before they have reached the age of consent." says Professor Donna Hughes (Hughes 2000) at a lecture on Sexual Exploitation at Queen Sophia Center in Valencia Spain. Prostitution is reserved, as a lifelong confinement, for a very few selected doll figures but mostly for those women who are considered disposable, those who never had or have lost masculine protection and patronage. But perhaps more importantly, prostitution is a commercial enterprise in which men create the demand for trafficking of human beings, mostly women and children.

Prostitution, according to feminist abolition theory, is a pillar of power relations supporting patriarchy and conflicts with any notion of women's sexual autonomy. Prostitution often rests on the economic deceit of women. While women are promised a living through selling their bodies, the mechanisms often create debt bondage that ultimately can diminish women's economic autonomy to the point of

enslavement. (Lee, 2003) Whatever the circumstances of prostitution, there is no escaping the physical danger, health harms, social impairment and patriarchal dependency. There is no evidence to suggest women normally (that is other than a handful of women) find routes to long-term economic security through prostitution.

Abolition Supported by International Human Rights Agreements

For many, whether or not a woman ‘consents’ to prostitution (i.e., a woman’s ‘choice’), is the primary issue to be respected. Women assisting rape victims regularly face the legal situation of courts legitimizing a claim by men accused of rape of a presumption of consent. Until very recently men could claim that they had a reasonable belief that a woman consented even if they hadn’t asked her. They could claim consent even if she was debilitated by drugs and or alcohol, and some claimed consent even when she was found tied up at knife- point. The ‘consent’ involved when a woman is controlled by economic necessity or physical threat to herself or her children requires scrutiny. As late as the 1990’s CASAC women lobbied the Canadian government for changes to these legal loopholes .

The historical misuse of consent in Canadian law in a way that excused rape leads us to an analysis of the importance of the concept of ‘consent’. Fortunately, there have been significant advances in the international arena regarding the issue of

consent. The 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (subsequently referred to as the Convention) had sprung from the post-war articulation of human rights and human horrors. It was on the right track by making consent a non-issue in any cases involving profiting, bullying, threats or deceit of women. Obviously such trickery renders consent either uninformed or not freely given. But even the anti-prostitution reformers of that sharp-eyed post-war time could not anticipate the exponential growth of child exploitation, body part sales, the pornography industry, the sex tourism, mail order bride systems or the mass migrations of poor women. (Huda 2006). They could not anticipate the hotels, taxi services, airlines and other businesses implicated in the billions of dollars that support the flesh trade. (O'Connor and Healy 2006, Plamondon 2002). They did not anticipate AIDS or the Internet. Still the United Nations Convention did begin the global agreement to protect four million victims and to prosecute traffickers (Raymond 2001).

Feminists articulated trafficking as 'female sexual slavery' (Barry 1985) based partly on the progressive reform concepts developed in the post-second world war period and encoded in both the International Declaration of Human Rights and the consequent instruments like the 1949 Convention for the Suppression of the

Traffic in Persons and of the Exploitation of the Prostitution of Others. By 1998 a United Nations process to update international agreements to restrain organized crime and three relevant protocols was underway: one being a protocol to deal with the trafficking in persons. In 2000, at a United Nations world summit in Palermo, Italy, 80 countries signed a protocol that embodied an understanding of the connections of trafficking between countries and prostitution within countries, between organized crime and prostitution, and between the realities of 'force' and 'consent'. The protocol began to link abstract concepts of prostitution and human trafficking to the lives and needs of real women and children:

'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The

consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used (United Nations 2000: Article 3).

This international agreement signed by Canada says that coercion, debt bondage, deceit or the more common lack of informed and free consent of women prostituted, are the key markers of criminal prostitution/trafficking activity. Enforcing the Palermo Accord and the new law prohibiting illegal sex tourism requires governments to protect those prostituted and to criminalize the trade of human beings (United Nations 2000). Signing this accord necessitated Canada writing domestic laws to enact it that criminalize prostitution and that promise aid to women and children trafficked including those trafficked for the purpose of prostitution. Canada is now bound to reconcile our regard for prostitution with our regard for trafficking, our obligations to not criminalize victims of trafficking with our habit of criminalizing women and children prostituted on our territory, our treatment of international victims with our treatment of victims from other parts of Canada, our requirements of free and informed consent in each of those situations of assessing woman abuse.

The Case for Abolition

According to abolitionists, nothing about prostitution makes it inevitable, necessary or worthwhile. Its impact on individual woman and children, on women as a group and on particular groups of women is devastating. By its nature negative, prostitution further damages the social relations between women and men. Feminist abolition calls for men to stop buying sex and stop buying access to women and children. It envisions government policy that moves toward an end to the trade in sex, the trade in women and children, and the end to all violence against women. Since the abolition position frames prostitution as the sexual enslavement of women, government policy about prostitution must not undermine the sexual autonomy of women. The feminist abolition position endorses prostitution law reforms that affect social, economic, civil and political policy shifts to ensure personal and economic security for all people. This is an approach that understands prostitution as an international and a national issue, and at its heart, demands a provisioning community and government protections against the kinds of economic and social policy that are integral to neo-liberalism. The demand for an egalitarian, economic and social future for all is key to the prevention of sexual exploitation in the future.

Feminism is a politic that recognizes women are largely treated in society as a group. While feminism increasingly stresses the differences among women, it also recognizes that many issues confront women as a group and tries to advance the interests of the group, women, so that women collectively and therefore individually are not oppressed. As part of the tilt of governments in Canada toward the right, they have minimized their obligations to reduce oppression of women as a group. The end of the equality seeking mandate of the department of the Status of Women and its funding toward the independent women's movement, the cuts to the planned child care initiative, the changes to the CAP program and the social transfer agreements which have resulted in the effective end of the right to welfare are only a sample. The loss of the Court Challenges program also means the almost total lack of access to the constitution's Charter of Rights and Freedoms since women cannot fund court cases demanding the equality promises of that Charter.

The feminist abolition of prostitution position, as represented by the Canadian Association of Sexual Assault Centres (CASAC), insists that since Canada has signed the Palermo Accord, it must abide by the spirit of that international agreement in protecting women and children prostituted/trafficked between countries and within Canada.⁵ “Neither the young women of the small towns and

impoverished first nations communities nor the young women escaping the impoverished developing world should be left to the rule of johns, pimps, procurers and traffickers. They should neither be criminalized nor economically abandoned by Canada” (CASAC 2006).

‘They are us’, we repeated over and over. We recognize that we might have found ourselves with their limited choices but for some good fortune related to privilege of birth in class, or race, or particular patriarchal protection. . Those of us working directly with women in Vancouver who have been sexually assaulted observed and recorded the link between women exploited on the street to girls who had been ‘apprehended’ from poor and/or Aboriginal mothers and raised in the ‘care of the state’. We also saw the link in the male/female relations in prostitution back to incest and have challenged publicly the institutional power of men within the private realm of family. We observed and recorded the replication in the vulnerability of girls to the surrogate fathers of priests and teachers in residential schools (whether for the deaf or for the Aboriginal children). We noted the link of the hyper-sexualization of girls back to the propaganda of sex role stereotyping and to the hate literature of pornography as well as to the violence against women of incest itself. As women working with abused women, we were able to record

the current incidents of sexual violence replicating famous pornography and misogynist iconography.

No matter their form: as age-old myth, pornography, sex role stereotyping, advertising and popular culture, feminists have fought the stories that blame prostitution on women -of money-hungry, deviant girl children and dangerous nymphomaniac adolescent step-daughters and larcenous neighbours. We recognized and fought against the cultural relativism that claimed communities of poor women or third world women accepted or even venerated the life of prostitution as disciplined, artful or even spiritual choice. We fought the colonial attitudes that claimed Aboriginal women and Black women enjoyed a primitive, animalistic hyper-sexuality that endured prostitution mindlessly. We fought the notion that disabled women were so starved for affection and sex that all advances were welcome. These “rape myths” helped attackers and their apologists to construct the unreasonable belief that women have consented to sex or even masochistic practices or inane brutality. We still fight the twentieth century notions of ‘the disposable woman’ so embroiled in the endless replay of the “jack the ripper” story among the commercial media, the police and urban rapists as described by Jane Caputi in her book *The Age of Sex Crimes* (Caputi 1987)

The Policies of Abolition

Legal Prosecution

Criminalizing the women and children bought and sold is neither useful nor just. The point of abolition is to protect, not criminalize the women and children trapped, endangered and abused. All forms of violence against women suffer for lack of long term, concerted effort on the part of the criminal justice system. The recent research by CASAC reveals regular failure at the levels of policing, investigating, prosecuting, arguing and adjudicating and sentencing crimes of violence against women. Never the less we persist. Some of the public compassion towards prostitutes, results, in recent times, from more than 30 years of escalated and concentrated feminist public education and advocacy supporting prostitutes. Canadian feminists still organize against violent predators and police neglect but also against police harassment, gendered prosecution, fines or jail sentences for what we describe as women's poverty crimes. CASAC 2001)

Criminal censure against prostitution should reflect censure against other forms of violence against women. Criminal law cannot end violence against women or poverty but it can censure both the acts of sexist exploitation in prostitution itself and the layer of exploitation heaped on top of the already unbearable inequities

borne by some women. And while law and order, even in its most progressive and democratic forms, cannot eradicate violence against women, the protection by government and non-government players of social, political, economic, and civil human rights might (Lakeman 2005). In a liberal democratic justice system it should be part of the design that it happen in open courtrooms, within legal parameters and is best done with legal representation, recorded verdicts and recorded judicial reasons including for sentencing. It should not be effectively decriminalized by diversion to restorative justice initiatives, family courts, circle sentencing, offender- victim mediation, civil restraining orders, or john's schools. None of these forums are yet suitable for an equality seeking undertaking.

While anti-violence abolitionists call on men to voluntarily end the demand for prostitution, governments must also criminalize those who continue profiteering by supplying flesh in trade. The abolition of prostitution does not entail criminalizing women and children (or the rare man) bought and sold in prostitution; at the same time, it does involve criminalization and prosecution for pimping, procuring, running bawdy-houses or purchasing sex. And certainly there should be no tolerance for trafficking of people whether across recognized national borders or within them. The definition of consent (in the international protocols like the Palermo accord) is key and does not require proof of force but

only indications of deceit, profit or coercion. These consent-destroying factors are all present in domestic prostitution. The point of declaring prostitution as violence against women is to place the blame on those who promote or profit from prostitution including the “johns” and to see the connection to liberation. But it also reminds us that all violence against women is currently badly policed and badly prosecuted in court. Improvements are needed since all forms of violence against women function as enforcers of inequality.

Feminists will need to continue to monitor the impacts of government policy and lack of policy on women, all women. That monitoring and evaluating approach applies to trafficking of people within the country as well as international trafficking, to policing as well as the refusal to police, to ensuring immigration status as well as borders, to pay equity, pensions and welfare not just the profitability of international trade deals. Clearly feminists demand consultative status on all these policies regarding prostitution not only for the few prostituted women who want to show that they are content with their lot, but also for those women who wish to avoid, escape and end the trade.

Many, in the name of either the right or the left, who would minimize government control of the sex trade, also eschew use of the state to interfere in other forms of

violence against women. In citing the racism and class bias of the state some suggest women should, as a matter of principle, hesitate to call on police even to interfere with men who overpower them. Anti-violence workers in my collective say it is possible to challenge the bias of the state without abandoning women to brutal men. And it is possible to enforce law against sexist violence without expanding police powers.

According to Statistics Canada there were 171 known prostitute slayings in Canada between 1991 and 2004 including a dramatic increase in 1995 when social programs began to suffer from the end of federal funding from the Canada Assistance Plan (CAP) to the provinces. According to Statistics Canada the number of men accused of killing their wives rose to 69 in 2001 from 52 in 2000. During the one- year period ending March 31 2000, a total of 57,182 women together with 39,177 children were admitted to 448 shelters (Dauvergne and Johnson 2001). According to Statistics Canada in 2004, 62 women were killed by spouses or ex spouses. (StatsCan.ca/daily/English/051006/do51006b.html). The conviction rate in virtually all states, on all crimes of violence against women including for traffickers, pimps, johns and procurers, is still shamefully low compared to any other major crime (CASAC 2004). For instance the British Guardian newspaper says “If a man commits a rape, then he has on average, a less

than 1% chance of being convicted” (Bindel, Feb 1, 2007)⁶ There have been incidents engineered by states (rarely by vindictive women on their own behalf) for rape crimes. But arresting men who abuse women is nowhere popular enough to be in danger of contributing to the legitimacy of a right-wing state. While men arrested and jailed are disproportionately poor men, Aboriginal men, and men of colour, that is not an indicator that innocent men are criminalized, rather it makes visible that too many of the moneyed men and white men who also committed violence against women are not targeted, investigated, arrested or convicted. Environmental degradation, war and impoverishment of nations of the south and indigenous peoples creates the conditions that snare victims of sexual slavery and it follows that ending prostitution requires support for those peoples in their own lands before the herding and lure can happen.

Social Supports and Feminist Transformation

It is notable that the 2006 Standing Committee on the Status of Women assigned to address the question of trafficking insisted on integrating the issues of prostitution and pornography in their report called *Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada*. This all party committee approached the issues as a matter of women’s equality and therefore produced recommendations ranging from raising the age of consent, to

changing immigration policy to protect women, to legal and social provisions for those trafficked into Canada. The report clearly identifies the key factors as women's poverty, racism against women, particularly Aboriginal women, war, pornography and the local demand created by men buying sex.

“The Committee supports the definition of trafficking contained in the Protocol. However the Committee considers the definition to be weakened by its lack of clarity with respect to what constitutes sexual exploitation. For that reason, the Committee wishes to clarify that prostitution and pornography are forms of sexual exploitation, wherever they occur-on the street, in massage parlours, modelling agencies etc. or through escort agencies. “ (Chapter 2 pg 3)

They also minced no words on consent of trafficked persons. They point to the UN definition and Canadian trafficking law language in which one cannot consent to any of the activities (of being exploited) and point out that “the vast majority of witnesses who testified before our committee saw prostitution as a form of violence against women in and of itself. (pg4) The committee came to the conclusion that prostitution is closely linked to trafficking in persons. We believe that prostitution is a form of violence against women and a violation of human rights. The Committee feels that the prostitute's consent is irrelevant, because you can never consent to sexual exploitation (pg5)

Clearly approaching the problem with the equality of women at the forefront, shapes the understanding and recommendations of this all parliamentary committee.

Feminist abolition policy as developed by the autonomous women's movement would require universal social systems of universal public health and education. It would still require specific programs that focus on ameliorating and interfering with violence against women including supports for victims such as exit strategies for prostitutes and internationally trafficked women and children. But more than that would be needed. It would require a challenge to men's entitlement to abuse women or even to be sexually serviced. A key economic strategy shift would understand wealth differently, women's economic contributions differently and foster a more fair and equitable redistribution of resources and income. This mixture of universal programs and economic shifts to prevent poverty and specific programs to aid prostitutes and others victimized by violence need to be designed by women themselves through the processes of debate, representation, and continued monitoring to see that women's objectives in policies are met.

One example of this process was the meeting of many Canadian feminist organizations in Pictou County, N.S. for two days in September 2004 to explore a

concept of fair sharing of Canadian resources, rather than having to rely on charity or social work once in poverty. This gathering proposed a feminist version of a 'Guaranteed Liveable Income' through the "Pictou Statement", as a more equitable redistribution of resources and income (Miles, A and Christiansen-Ruffman, L. Lakeman L. (2004). The Pictou Statement adopted by CASAC in 2005, envisioned a feminist economic agenda integrated with concern for sustaining the earth and establishing equality. It decried the fact that Canadian federal policy not only resists this direction, but has shifted over the past few decades to increasingly avoid government's obligation to provide for its residents and government responsibility to end poverty and to reduce women's vulnerability to sexist violence. Economic change occurred gradually over time, but significant major events occurred in 1995 both through Paul Martin's devastating budget cuts (Cohen 1997) and by the ending of the Canada Assistance Plan's federal/provincial national standardizing and cost sharing arrangements. In every significant area cuts and restrictions were imposed on women's organizing. Cuts to funding for women's advocacy groups were particularly significant and had a devastating affect on women's ability to communicate with each other on policy issues. But also the shift of responsibility from the federal government to the provincial ones for many social programs made the experiences of women across the country both more diverse, but also more precarious.

For government to assume obligation and or intention to establish the economic rights of women to equality, national welfare standards must recognize that while pay equity and affirmative action strategies are important, a ‘Guaranteed Liveable Income’ is the most promising strategy on the horizon. This would be an especially effective strategy if connected to the provision of universal social programs for health, welfare and education and world-wide sustainable environmental practices.

Protection from violence

State protection from violence is a crucial element in the elimination of prostitution. Enacting the demands of women for better responses to all forms of men’s violence against women requires improving law, policing, prosecution, court processes, sentencing, social programs, public education and a better relationship with women’s independent equality-seeking groups through government consultation and funding. It requires recognizing prostitution as violence against women.

Recognizing the specifics of women’s economic insecurity draws our attention to the fact that prostitution and sexual exploitation are both resulting from and compounding women’s impoverishment. Women’s economic vulnerability creates

an undignified and dangerous dependency on men. Men's exploitation of that vulnerability is anti-social and often criminal. Physical threat as well as economic exploitation, deceit and coercion legally eliminate consent.

CONCLUSION

Feminist abolition calls for men to stop buying sex and stop buying access to women. Legalization and incremental decriminalization policies outlined in the Justice Canada review of solicitation laws do nothing to prevent men from buying women; in fact, these policies promote the prostitution of women. It bears repeating that it is men who create the demand for sexualized services.

If people are being prostituted, there are necessarily 'prostitutors' – almost always we men – the people who buy or market the 'sexual services' of the women and youths being merchandised. Male privilege, desire and sexist culture have a lot to do with this institution. Indeed, prostitution would not exist without our will and our money....By 'disappearing' the role of men, the federal

report obscures this relationship of dominance (Bellefeuille *et al.*
2006: www.sisyphe.org.)

Abolitionists call on men to voluntarily end the demand for prostitution, but governments must also restrain organized crime and criminalize those who continue profiteering by supplying flesh in trade. The UN points the way forward and calls upon governments to reconsider the short-term economic security of women according to their human rights. To ensure that there is equal access to shared benefits, privileges and resources of society rather than abandoning women and children to the street we will have to look to long term feminist social transformation.

ENDNOTES

¹ See, for example, the case of Donald Bakker in Vancouver charged under Canada's "sex tourism law". According to Wikipedia: In 2004, he pleaded not guilty claiming that Canada has no right to police people while they are outside its jurisdiction. Much of the evidence against him was videotapes that Bakker himself made. Some of these show Bakker torturing Vancouver area prostitutes. Others show him having sex with girls in Cambodia under 12.

(http://en.wikipedia.org/wiki/Donald_Bakker) On June 1, 2005 he pleaded guilty to 10 counts of sexual assault which meant there would be no trial.

² Mourani was removed by the Bloc as critic for women's equality once she participated in the Status of Women Committee report that opposed the decriminalization or legalization of prostitution. This will be discussed later in this essay.

³ Robert Pickton is on trial for killing 26 women after scores of sex workers disappeared from Vancouver's notorious east side over the last three decades. In May 2005, Statistics Canada's Roy Jones told a parliamentary subcommittee that 79 prostitutes had been murdered in Canada between 1994 and 2003 – all "in the context of their involvement in this industry". Notably the annual murders increase in 1995, the pivotal year in which social policy changed away from national and universal programs and away from any guarantee of welfare (Lakeman 2005).

⁴ Cherry Kingsley spokesperson for The Experiential Women's Coalition reported this statistic to the April 30 CASAC gathering of 2005 but she had also spoken it at the Rape Relief anti-prostitution evening at the Wise Hall in Vancouver date Oct 10 2003

⁵ This agreement builds on Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Violence Against Women provisions and the other rights of migrant populations

⁶ Julie Bindel (Thursday Feb 1, 2007). Why Is Rape So Easy To Get Away With?

<http://www.guardian.co.uk/print/o,,329702204-104770,00html>. Accessed: 6/29/2007