

Public Opinion on Prostitution Law Reform in Canada¹

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La présente note de recherche examine l'évaluation des prohibitionnistes de l'opinion publique de la Loi canadienne sur la prostitution. Elle se concentre sur le factum de Christian Legal Fellowship, de REAL Women of Canada, et de la Ligue catholique pour les droits de l'homme (Catholic Civil Rights League – CLF) présenté à la Cour supérieure de l'Ontario dans le cas Bedford c Canada (2010), qui prétend que la plupart des Canadiens sont en faveur de la prohibition, et aussi sur l'assertion du premier ministre Stephen Harper à l'effet que la plupart des Canadiens appuient la position en faveur du prohibitionnisme à la base de la décision du gouvernement d'en appeler de la décision de la Cour supérieure de l'Ontario d'annuler plusieurs lois touchant la prostitution (Bedford c Canada 2010). Une étude portant sur sept sondages d'opinion publique à l'échelle nationale effectuée entre 1984 et 2011 révèle que, contrairement à ce que prétendent le CLF et le Premier ministre, une légère majorité de Canadiens sont depuis 2005 en faveur d'une certaine forme de décriminalisation de la prostitution adulte consensuelle. Les études révèlent une différence marquée entre les genres en ce qui a trait aux attitudes envers la réforme de la loi sur la prostitution, les hommes étant plus enclins que les femmes à favoriser la décriminalisation. Trois études Angus Reid (2009, 2010, 2011) suggèrent qu'il n'y a pas beaucoup d'appui au « modèle scandinave » en ce qui a trait à l'interdiction du côté demande.

Mots clés : prostitution, opinion publique, réforme du droit

This research note examines prohibitionist claims about public opinion on Canadian prostitution law. It focuses on (1) the Christian Legal Fellowship, REAL Women of Canada, and the Catholic Civil Rights League (CLF) factum to the Superior Court of Ontario in Bedford v Canada (2010), which claims that most Canadians support prohibition; and (2) Prime Minister Stephen Harper's assertion that most Canadians support the prohibitionist stance underlying his government's decision to appeal the Superior Court of Ontario's decision to strike down several prostitution laws (Bedford v Canada 2010). A review of seven national public opinion polls conducted between 1984 and 2011 reveals that, contrary to the CLF and the prime minister's claims, since 2005 a small majority of Canadians favour some form of decriminalization of consensual adult prostitution. The surveys reveal marked gender differences

in attitudes to prostitution law reform, with men being more likely to favour decriminalization than women. Three Angus Reid surveys (2009, 2010, 2011) suggest that there is little support for the “Nordic model” of demand-side prohibition.

Keywords: prostitution, public opinion, law reform

One of the most controversial issues currently facing Canadians concerns the legal status of consensual adult prostitution.² Despite general agreement that the current prostitution laws are “unacceptable” (Report of the Subcommittee on Solicitation Laws 2006: 86) and with numerous calls for their wholesale revision, dating back to 1985 (Fraser Committee report 1985), politicians have been unable to agree on what direction law reform should take (Lowman 2011). At the heart of the impasse is their disagreement over the degree to which consensual adult prostitution should be prohibited, if at all. The ensuing research note describes public opinion about the various models of prostitution law currently under debate.

Two models of prohibition have been advanced:

1. The *conservative* version would criminalize both the buying and selling of sexual services and any third-party profit from prostitution. This is the law in the United States, with the exception of parts of Nevada.
2. The *radical-feminist* version – the “Nordic model” – would criminalize sex buying and third-party profit from prostitution, while sex selling would be legal on the grounds that the seller is a victim of male violence against women. In 1999 Sweden was the first country to adopt demand-side prohibition.

Although they are often conflated, two models of legal prostitution have been advanced:

1. *Legalization* entails the specific regulation and licensing of consensual adult prostitution in brothels or other venues, combined with various criminal prohibitions. For example, in Nevada prostitution is a criminal offence apart from in 10 rural counties where brothel prostitution is permitted and regulated.
2. *Decriminalization* would remove all references to adult prostitution from the *Criminal Code*. Prostitution would be regulated with generic business and other civil laws rather than creating a specific system of prostitution regulation and licensing. In 2003 New Zealand decriminalized prostitution.

Prostitution law reform in Canada gained a renewed sense of urgency in September 2010, when the Superior Court of Justice for Ontario struck down the Criminal Code sections prohibiting communicating in public for the purpose of buying or selling sex (s 213), bawdy houses (s 210), and living on the avails of prostitution of another person (s 212.(1)(j)) on the grounds that they violate several Charter rights, including a prostitute's right to security of the person (*Bedford v Canada* 2010).³ Should this decision be upheld, the government will be forced either to criminalize the sale and/or the purchase of sex or empower provinces and/or municipalities to regulate consensual adult prostitution indirectly or directly.

Should *Bedford v Canada* be upheld, claims about public opinion will likely come to play an important part in the ensuing debate about how to revise prostitution laws. Indeed, claims about public opinion on prostitution already did play a part in that case.

In its quest to convince the Ontario Superior Court to uphold the impugned provisions, the Christian Legal Fellowship, REAL Women of Canada, and the Catholic Civil Rights League (CLF) – a coalition of Christian organizations that was granted intervener status in *Bedford* – claimed that public opinion surveys establish that the majority of Canadians believe that prostitution is “unacceptable” and should be prohibited. More recently, Prime Minister Stephen Harper asserted that the majority of Canadians support the prostitution laws that the Ontario Superior Court struck down, hence his government's decision to appeal that ruling.

The research note that follows evaluates these claims by reviewing the findings of seven public opinion surveys dating back to 1984 (Peat Marwick 1984; Environics 1986, 1995, 2005; Angus Reid 2009, 2010, 2011) to ascertain the extent to which Canadians believe that consensual adult prostitution should be prohibited.

CLF's rendition of public opinion survey findings

In the factum it presented to the Ontario Superior Court, CLF asserted that,

the [prostitution] laws are a reflection of society's views, soundly rooted in interfaith morality, which is that prostitution is an act that offends the conscience of ordinary Canadian citizens ... The

Interveners submit that prostitution is immoral. It should be stigmatized. Prostitution victimizes anyone who engages in it. This is not prudish sensibilities: it is a fundamental societal value rooted in Charter values ... Prostitution is wrong ... It offends basic concepts of decency. Many Canadians, including some members of the Interveners ... want the government ... to make prostitution illegal entirely. (CLF factum at paras 2, 4, 7)

To support its view about public opinion, CLF relied on data it claimed came from a public opinion survey released in 1985:

Survey results released by the Special Committee on Pornography and Prostitution (Fraser Committee report) just prior to the enactment of [the communicating law] indicated that 84 per cent of the population found prostitution unacceptable. In addition, 92 per cent of Canadians believed that prostitution should remain illegal. (CLF factum at para 17)

Presumably CLF was referring to Peat Marwick's opinion survey (Peat Marwick 1984), one of 17 studies that Justice Canada funded to provide background information for the Fraser Committee and the only Canadian public opinion survey cited in the Fraser Committee report (1985). Subsequently, the CLF factum claimed that "[t]he Fraser Committee found that the exchange of sex for money was considered morally wrong and unacceptable by 62% of Canadians. Generally, people view the sale of sex as immoral, dehumanizing and inherently wrong" (CLF factum at para 22).

CLF did not explain the discrepancy between the 84% cited in paragraph 17 of its factum and the 62% cited in paragraph 22, both of which it attributed to the Fraser Committee. In fact, the Fraser Committee did not report any independent findings. Rather, it cited Peat Marwick's 1984 opinion survey which reported that 62% of its respondents deemed prostitution to be "unacceptable." The Peat Marwick report does not contain the other finding that CLF attributed to it. Perhaps that is because CLF neglected to consult the actual report.⁴

Instead of examining the original Peat Marwick survey or even the Fraser Committee's review of its findings (Fraser Committee report 1985: 513-14), CLF cited the remarks of then Minister of Justice, John Crosbie, when he addressed the House of Commons in September 1985 about the purposes of Bill C-49, the proposed street prostitution

law that would prohibit communicating in public for the purpose of buying or selling sex:⁵

The Fraser Committee had a national population survey conducted in 1984 to do with prostitution. This public opinion showed that 84% of those surveyed found *street* prostitution unacceptable and that 71 per cent believed the police should be given more power to control adult *street* prostitution. I think it is clear that the Canadian public wants action taken in connection with *street* soliciting. (Canada, Order Paper 1985; emphasis added)

Although the Fraser Committee and Crosbie both reported the Peat Marwick (1984) figures correctly, CLF portrayed their comments about attitudes to *street* prostitution as applying to *prostitution in general*. This was a crucial mistake, especially given the other source that CLF cited for one of its key factual claims – that is, hearsay reported in the Minutes of the Proceedings of the Legislative Committee on Bill C-49. During those proceedings, MP Lucie Pépin asserted that, “A public opinion poll taken between June 19 and June 25, 1985 throughout Canada indicates that 92% of Canadians think prostitution should be illegalized” (Canada, Minutes 1985: 23).⁶

Unfortunately, Mme Pépin did not identify the survey. Consequently, we have no information about how it was conducted, the sampling technique employed, the sample size, or what questions were asked. As no other Canada-wide opinion survey (e.g., Environics 1986, 1995, 2005; Angus Reid 2009, 2010, 2011)⁷ has found this level of support for criminalization of prostitution, one is left wondering whether Mme Pépin reported the findings correctly or whether she too generalized a finding about street prostitution to prostitution as a whole. It is to those other opinion surveys that we now turn.

What have public opinion surveys actually found?

The earliest public opinion survey we know of focusing on Canadian attitudes to prostitution was Peat Marwick’s national population study of pornography and prostitution funded by the Department of Justice in 1984 to provide background information for the Fraser Committee (1985). In 1986, the Department of Justice funded a broader opinion survey on criminal justice issues (Environics 1986) that also included several questions about attitudes to prostitution law.

After the Peat Marwick study, there appears to have been no other national opinion survey focusing specifically on prostitution until the three Angus Reid surveys conducted in 2009, 2010, 2011. However, a search of online databases of national public opinion research⁸ identified two other surveys (Environics 1995, 2005; also see Jenkins Research 2010) that included a question about whether prostitution should be legal or illegal, which we also review below.⁹ As CLF restricted its comments about public opinion to Peat Marwick's (1984) findings, we begin with that survey.

The Peat Marwick survey comprised a random sample of 2,018 men and women over the age of 18. Rather than the picture of consensus that CLF painted, the Fraser Committee report (1985: 513) observed that, when it comes to its legal status, public opinion was "close to evenly divided on what, if anything, should be done about prostitution."

Although CLF was correct when it reported that 62% of Peat Marwick's respondents thought that "exchange of sexual services for money" is "unacceptable" (Peat Marwick 1984: Exhibit E-1), that sentiment did not necessarily translate into a belief that prostitution itself should be a criminal offence. Indeed, 61% of respondents thought that zoning would be an appropriate way of regulating street prostitution and 63% favoured licensing of prostitutes (Peat Marwick 1984: Exhibit E-4). Forty per cent favoured decriminalization as compared to 47% who were opposed, with the remaining respondents undecided (Peat Marwick 1984: Exhibit 21).

Peat Marwick found that the less visible prostitution is, the higher the level of its acceptance. For example, while 84% of Peat Marwick's respondents did not think that street prostitution should be legal, 34% of respondents agreed that adult prostitution in a private commercial place is acceptable, 42% thought that escort and call-girl services are acceptable, and 45% thought that adult prostitution in a private place is acceptable (Peat Marwick 1984: Exhibit 22).

These more specific questions about prostitution venues were asked *after* the question about its general acceptability, which led the Fraser Committee to comment that, "The results of the survey are questionable to some extent in that respondents were required to answer multiple questions without necessarily reflecting carefully on the consistency of their answers" (Fraser Committee report 1985: 513). In other words, if 62% of respondents thought that prostitution is "unacceptable" it is difficult to see how 45% thought that prostitution in a private place is acceptable.

When it comes to interpretation of survey data, one also wonders how much a respondent's misunderstanding of prostitution law might affect her or his answers. In 1984, 67% of Peat Marwick's respondents thought that "buying an adult's sexual services in private" is illegal (Peat Marwick 1984: Exhibit E-3). In fact, the Criminal Code prohibits public communication for the purpose of buying or selling sex, not the actual exchange. Some 25 years later, Angus Reid's three polls (2009, 2010, 2011) found much the same level of misunderstanding; only 23% in the 2009 survey and 22% in the 2011 survey¹⁰ were aware that the exchange of sex for money by adults is legal in Canada. The fact that a person believes an action is illegal may make them more likely to say that it is unacceptable.

Although it would have been possible to produce a comparison of male and female attitudes to prostitution, Peat Marwick (1984: II.5) did not report these figures other than to remark that fewer women (26%) than men (44%) consider prostitution to be "morally acceptable." In contrast, the Environics criminal justice survey conducted in 1986¹¹ for the Department of Justice allowed for a more detailed analysis, as it provided gender and provincial breakdowns for responses to all its questions, including the subset on prostitution. In that study, 47% of respondents thought that prostitution should be legal, while 46% thought that it should be a crime (Environics 1986; see Table 1). However, the overall percentages concealed an important gender difference, one that is apparent in all national surveys that provide gender breakdowns: 56% of males thought that prostitution should be "legal" compared to 37% of females, while 56% of females thought it should be

Table 1: Peat Marwick and Environics surveys: Should consenting adult prostitution be a crime?

	Consenting Adult Prostitution Should Be a Crime	Consenting Adult Prostitution Should Be Legal
Peat Marwick 1984 N = 2,018	47%	40%
Environics 1986 N = 2,200	46%	47%
Environics 1995 N = 2,000	55.5%	40.3%
Environics 2005 N = 2,000	46.2%	50.7%

“illegal” compared to 36% of males (the remaining respondents were undecided); 65% of males and 77% of females thought that street prostitution should be illegal (Environics 1986).

The 1986 Environics survey also revealed marked geographic variation in attitudes to the legal status of prostitution. Sixty-two per cent of BC respondents thought that prostitution should be legal, as compared to 51% in Alberta, 51% in Manitoba, 46% Ontario, 45% in Quebec, 37% in Saskatchewan, 35% in Nova Scotia, 14% in Newfoundland, and 11% in PEI (Environics 1986).

When Environics (1995) again asked a representative sample of Canadians their opinion about the legal status of prostitution, 55.5% responded that it should be illegal compared to 40.3% who thought it should be legal. However, when Environics (2005) asked that question 10 years later, in its third national survey, the balance had shifted: 50.7% of Canadians thought that prostitution should be legal compared to 46.2% who thought that it should be illegal.

The three Angus Reid national surveys conducted in 2009, 2010, and 2011 confirm this trend. Table 2 summarizes the results of the three Angus Reid survey questions on the legal status of prostitution. Table 3 summarizes their findings on respondents’ attitudes about who, if anyone, should be punished for exchanging sex for reward.

Table 2: Angus Reid surveys: Legal status of prostitution

Angus Reid Surveys		Make Prostitution Illegal	Maintain Status Quo Criminalizing Some Acts	Decriminalize Some Currently Illegal Acts to Allow Consenting Adult Prostitution	Not Sure
2009 N = 1006	Male	19%	12%	62%	6%
	Female	31%	19%	40%	10%
	Both	25%	16%	50%	8%
2010 N = 1001	Male	18%	14%	60%	7%
	Female	30%	16%	38%	16%
	Both	24%	15%	49%	12%
2011 N = 2011	Male	16%	14%	66%	4%
	Female	31%	14%	41%	14%
	Both	24%	14%	53%	10%

Table 3: Angus Reid surveys: Who, If Anyone, Should Be Punished for Engaging in Consensual Adult Prostitution?

Angus Reid Surveys		Consensual Adult Prostitution Should Be Legal	Punish Prostitutes Only	Punish Clients Only	Punish Both Prostitutes and Clients	Not Sure
2009 N = 1006	Male	60%	0	6%	25%	9%
	Female	36%	0	11%	43%	9%
	Both	48%	0	8%	34%	9%
2010 N = 1001	Male	59%	1%	6%	26%	8%
	Female	32%	1%	13%	45%	9%
	Both	45%	1%	10%	36%	8%
2011 ^a N = 2011	Male	66%	1%	4%	25%	5%
	Female	39%	1%	9%	39%	13%
	Both	52%	1%	7%	32%	9%

a There were two rounds to this survey. The first round included six questions ($n = 1,009$), the second round added a seventh question ($n = 1,002$).

Angus Reid (2009: 5) reported that 34% of its respondents favoured punishing both prostitutes and clients, while another 8% would criminalize the purchase of sex only, as compared to 48% who thought that “adults should be allowed to engage in consensual prostitution” (the remaining 10% were not sure). In Angus Reid (2010: 2), 45% thought that “adults should be allowed to engage in consensual prostitution,” 36% would punish both prostitutes and clients, while 10% would punish clients only. In Angus Reid (2011: 7) survey, 52% thought that “adults should be allowed to engage in consensual prostitution,” as compared to 32% who thought that both prostitutes and clients should be punished, and 7% who thought that only clients should be punished.

When it came to regional variations in attitudes to the legal status of prostitution, Angus Reid’s 2009 survey revealed the same pattern that Environics detected in 1986: the lowest level of support for legal prostitution was in the Atlantic provinces, where only 39% of respondents agreed that “adults should be allowed to engage in consensual prostitution” compared to 50% in BC, the highest level of support (Angus Reid 2009: 5). However, in 2010 and 2011, the regional pattern of attitudes changed. In 2010, the greatest support for “prohibiting prostitution entirely, and making it illegal to exchange sex for money” was in

Manitoba and Saskatchewan (46%); the least support for prohibition was in BC (19%) and the Atlantic Provinces (19%) (Angus Reid 2010: 6). In 2011, again the greatest support for making it illegal to exchange sex for money was in Manitoba and Saskatchewan (39%), with the least support in BC (18%) and Quebec (19%) (Angus Reid 2011: 8).

The three Angus Reid surveys also show a clear gender difference in attitudes to the legal status of prostitution (Table 3). In 2009, in contrast to the 60% of men who thought that “adults should be allowed to engage in consensual prostitution,” only 36% of women agreed (Angus Reid 2009: 3). Most women either wanted to punish both prostitutes and clients (43%) or the clients exclusively (11%) (Angus Reid 2009: 5). In 2010 and 2011, these proportions remained much the same, with 59% and 66% of men favouring legal consensual adult prostitution respectively, as compared to 32% and 39% of women (Table 3). In 2010, 13% of women thought that only clients should be punished as compared to 9% in 2011 (Table 3), indicating that there is little support, even among women, for the radical-feminist model of demand-side prohibition.¹²

When asked about the issues raised in *Bedford v Canada*, 41% thought that prostitution laws “are fair to [sic] the purpose of protecting the public good,” with an equal proportion believing that “these provisions are unfair and force prostitutes into unsafe situations” (Angus Reid 2009: 4).

The 2009 Angus Reid survey presented respondents with two arguments concerning law reform and sex worker safety:

Some people support allowing prostitutes to work indoors or in brothels because they believe this will make them safer, and stop them from working on the street. Other people oppose allowing prostitutes to work indoors or in brothels because they believe it would lead to a legitimization of prostitution, which could turn Canada into a safe haven for sex tourism (Angus Reid 2009: 6).

In light of these arguments, respondents were asked how strongly they supported or opposed allowing prostitutes to work indoors or in brothels.

Overall 60% gave moderate or strong support to allowing indoor prostitution, while 30% were opposed, but there was a clear gender difference in attitudes: 71% of men would strongly or moderately support prostitution indoors or in brothels as compared to 50% of women (Angus Reid

2009: 6). Gender differences aside, one wonders what Prime Minister Stephen Harper would make of these findings in light of his justification for appealing the Ontario Superior Court's decision to strike down several prostitution laws.

Canada's appeal of the Ontario Superior Court decision

When describing his government's decision to appeal the Ontario Superior Court ruling Harper stated:

The government's position is very clear. These are laws on the books. The government supports those laws. The government is in court to encourage the court to uphold those laws. We believe that the prostitution trade is bad for society. That's a strong view held by our government, and I think by most Canadians. (Nguyen 2010)

When he made these comments, the prime minister apparently was not aware of the findings of Angus Reid's 2009 survey or the survey it conducted just two weeks after the Ontario Superior Court released its ruling in September 2010.

The Angus Reid survey (2010: 1) revealed that 48% of those sampled agreed with the Ontario Superior Court decision to strike down the impugned laws; 34% disagreed. Further, 43% disagreed with the government's decision to appeal the decision as compared to 39% who supported it.

Only 24% of respondents to Angus Reid's (2011: 2) survey would prohibit prostitution entirely – the preferred option of Harper's Conservative party (Report of the Subcommittee on Solicitation Laws 2006: 90–91). Contrary to Harper's assertion that public opinion supports the Conservative party line on prostitution, three in five respondents (62%) said "they would be comfortable living in a society where prostitution is legal while one third (32%) said they would feel uncomfortable" (Angus Reid 2011: 3). The same gender difference characterized this survey, with 66% of men favouring decriminalization of consenting adult prostitution as compared to 41% of women. When asked whether "the act or practice of providing sexual services to another person in return for payment should be legal between consenting adults" (Angus Reid 2011: 11), 67% said that it should be legal (including 78% of males and 56% of females), while 29% said that it should not (20% of males and 37% of females).

Conclusion

Public opinion surveys do not support CLF's assertion that there is a consensus in Canada that prostitution should be prohibited. Nor do public opinions support Prime Minister Stephen Harper's claim that most Canadians support the prohibitionist logic underlying his government's decision to appeal the Superior Court of Ontario's decision to strike down several prostitution laws. These surveys show the reverse: most Canadians do not support the Conservative party's proposal (e.g., Report of the Subcommittee on Solicitation Laws 2006: 90–91) to prohibit both the purchase and sale of sexual services.

In 1985, the Fraser Committee concluded that "there is little evidence of a broad social consensus in Canada on prostitution and what should be done about it" (Fraser Committee report 1985: 513). Twenty-six years later, while there is still disagreement over how to reform Canadian prostitution laws, much has changed, not least being the murder or disappearance of more than 300 women involved in street prostitution in Canada, some 60 of whom worked the streets of Vancouver's Downtown Eastside. This national tragedy may well have altered attitudes to prostitution law and the perception of its effects (Jenkins Research 2010).

While CLF was correct when it claimed that, "[m]any Canadians ... want the government ... to make prostitution illegal entirely" (CLF factum at para 7), the public opinion research since 2000 reveals that those Canadians are in the minority. Like the Peat Marwick (1984) study that CLF misquoted and contrary to CLF's claim that most Canadians would like to see the act of prostitution criminalized, opinion surveys in the new millennium reveal that, although most respondents believe that *street* prostitution should be prohibited and an overwhelming majority (96%) agree with the law prohibiting the purchase of sex from a person under 18 years of age (Angus Reid 2011: 6), a majority do not believe that consensual adult prostitution should be prohibited.

Although there is a clear gender difference in support for prohibition – a small majority of women support some form of prohibition, while most men support decriminalization – there is a clear consensus in one respect: in three Angus Reid surveys (2009, 2010, 2011), just 8%, 10%, and 7% of respondents supported "punishing clients only," the radical-feminist model of demand-side prohibition. Of the women who supported prohibition, the large majority asserted that both the prostitute and client should be punished (Table 3).

When asked whether Canada's laws should be "closer to those in New Zealand," where prostitution has been decriminalized, or "closer to those in Sweden," where it is "legal for people to offer sexual services, but illegal to purchase them," 42% of respondents said "closer to the laws in New Zealand," 17% said "closer to the laws in Sweden"; 31% said that "Neither option is adequate for Canada," while the remaining 12% said they were "not sure" (Angus Reid 2011: 12).

These opinion survey results suggest that, if the Supreme Court of Canada ultimately upholds the Ontario Superior Court's ruling in *Bedford v Canada*, the government of the day might want to consider what survey research actually says about public opinion rather than taking on faith the claims of the prime minister or alliances like the Christian Legal Fellowship, REAL Women of Canada, and the Catholic Civil Rights League.

Notes

- 1 Thanks to Chris Atchison, Ki Bourne, and three anonymous reviewers for their comments on a draft of this paper.
- 2 We use the term *prostitution* and *prostitute* to distinguish exchange of physical sexual services for reward from other kinds of sex work (e.g., sexually explicit films, phone sex, erotic dancing) and sex worker (e.g., persons appearing in sex films, providing phone sex, erotic dancers).
- 3 For a review of the various constitutional arguments currently before the courts, see Lowman (2011).
- 4 The Peat Marwick study is not listed in its reference section or referred to by name in the text.
- 5 The law was enacted on 20 December 1985.
- 6 Cited in *Bedford v Canada*, Joint Application Record, vol 72 at 21,350 (available at <http://mypage.uniserve.ca/~lowman/>).
- 7 The three Angus Reid surveys were not available when CLF submitted its factum.
- 8 Including (1) the Scholars Portal for Opinion Research, (2) Canadian Gallup polls, (3) the Data Liberation Initiative, (4) the Canadian Opinion Research Archive, and (5) the Inter-university Consortium for Political and Social Research. The review was limited to national surveys utilizing random

probabilistic samples. These databases can be accessed on the ODESSI Web site at <<http://search1.odesi.ca/home/index.html>>.

- 9 Several Canadian Gallup Polls included questions about attitudes to various prostitution policies and legal strategies. For example, Gallup (1985) included the questions: “[W]ould you favour legalized brothels?” (54.6% said *yes*, 38.0% said *no*, and 7.3% *did not know*); and “[W]ould you allow prostitutes to work out of their own home?” (44.2% said *yes*, 47.3% said *no*, and 8.1% *did not know*). However, as far as we can ascertain, no Gallup poll asked whether prostitution itself should be legal or illegal.
- 10 This question was not asked in the 2010 survey.
- 11 Data from this survey are not available online. These figures were taken from a hard copy of findings distributed to Department of Justice contract researchers in 1986. The handout was not page numbered.
- 12 The level of support for demand-side prohibition appears to be declining. In 1984, 17% of Peat Marwick’s respondents (males and females combined) agreed with the statement “leave prostitutes alone but prosecute customers” (Peat Marwick 1984: Exhibit E-4).

References

Angus Reid

- 2009 Gender Shapes Views on Debate over Prostitution in Canada.
<http://www.visioncritical.com/wp-content/uploads/2009/11/2009.11.27_Prostitution.pdf>.

Angus Reid

- 2010 Half of Canadians Willing to Allow Adults to Engage in Prostitution.
<http://www.angus-reid.com/wp-content/uploads/2010/10/2010.10.19_Prost_CAN.pdf>.

Angus Reid

- 2011 Canadians Remain Divided on How to Deal with Prostitution.
<http://www.angus-reid.com/wp-content/uploads/2008/11/2011.06.30_Prost_CAN.pdf>.

Canada, House of Commons

- 2006 The Challenge of Change: A Study of Canada’s Criminal Prostitution Laws. Report of the Subcommittee on Solicitation Laws of the Standing Committee on Justice and Human Rights, John Maloney, Chair (Report of the Subcommittee on Solicitation Laws).
<<http://cmt.e.parl.gc.ca/Content/HOC/committee/391/just/reports/rp2599932/justrp06/sslrrp06-e.pdf>>.

Canada, House of Commons

- 1985 Legislative Committee on Bill C-49. Minutes of the Proceedings and Evidence 33rd Leg, 1st Sess, Issue 1 (10 October 1985).

Canada, House of Commons

- 1985 Order Paper, 33rd Leg, 1st Sess (9 September 1985).

Canada, House of Commons

- 1985 Pornography and Prostitution in Canada. 2 vols. Report of the Special Committee on Pornography and Prostitution, Paul Fraser, Chair (Fraser Committee report). Ottawa: Supply and Services Canada.

Environics Research Group

- 1986 Criminal Justice in Canada. Unpublished survey conducted for the Department of Justice Canada.

Environics Research Group

- 1995 Environics Focus Canada. Canadian Opinion Research Archive. Queen's University, Kingston, ON.
<<http://odesi1.scholarsportal.info/webview/>>.

Environics Research Group

- 2005 Environics Focus Canada. Canadian Opinion Research Archive. Queen's University, Kingston, ON.
<<http://odesi1.scholarsportal.info/webview/>>.

Gallup

- 1985 Canadian Gallup Poll, May 1985, #497_3.
<<http://odesi1.scholarsportal.info/webview/>>.

Jenkins Research

- 2010 Legalizing Prostitution. <<http://jenkinsresearch.wordpress.com/2010/10/05/public-support-for-legalized-prostitution-a-look-at-the-por/>>.

Lowman, John

- 2011 Deadly inertia: A history of constitutional challenges to Canada's Criminal Code sections on prostitution. *Beijing Law Review* 2: 33-54.
<http://dx.doi.org/10.4236/blr.2011.22005>.

Nguyen, Linda

- 2010 Prostitution ruling stayed in Ontario. *National Post*, December 3.

Peat Marwick

1984 A National Population Study of Pornography and Prostitution. Working papers on pornography and prostitution, Report No 6. Ottawa: Department of Justice.

Legislation cited

Criminal Code, RSC 1985, c C-49.

Jurisprudence cited

Bedford v Canada 2010 ONSC 4264.

Bedford v Canada 2010 ONSC 4264 (Factum of the Intervener, Attorney General of Ontario) [AG factum].

Bedford v Canada 2010 ONSC 4264 (Factum of the Intervener, Canadian Legal Fellowship, Real Women of Canada, Catholic Civil Rights League) [CLF factum].

Bedford v Canada, 2010 ONSC 4264 (Joint Application Record).

Downtown Eastside Sex Workers United against Violence Society and Sheryl Kiselbach v Canada 2008 BCSC 1726.

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