**Title:**

Point: Prostitution Should be Decriminalized. By: Coles, Denyse, Canadian Points of View: Prostitution, 2016

**Database:**

Canadian Points of View Reference Centre

Point: **Prostitution** Should be Decriminalized.

* [](http://web.b.ebscohost.com/pov/detail/detail?sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7@sessionmgr110&vid=2&hid=128&" \o "CURRICULUM STANDARDS--Canada.)

[CURRICULUM STANDARDS--Canada.](http://web.b.ebscohost.com/pov/detail/detail?sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7@sessionmgr110&vid=2&hid=128&" \o "CURRICULUM STANDARDS--Canada.)

**Thesis:**It is time for Canada to decriminalize **prostitution** and afford sex trade workers the rights every Canadian deserves: dignity, safety and health.

**Summary:**An examination of Canadian **prostitution** laws reveals that they are counterproductive and dangerous. Negative associations with**prostitution** such as drug addiction, sexually transmitted diseases, and underage workers disguise the issues and contribute to a two-tiered sex industry that punishes those who participate for survival and degrades those who participate by choice. Decriminalizing **prostitution** does not deny anyone the right to object to the practice on moral grounds; it does, however provide every citizen the right to live in safety. A civilized Canadian society is inclusive and realistic and recognizes the value of all its citizens. The government has no place in the sexual affairs of consenting adults.

[**Unintended Consequences**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

**Prostitution** laws in Canada are dangerously inconsistent. The practice itself has always been legal. However, it is illegal to talk about it, to have a place to complete the transaction, and to give the money earned through sex trade to anyone, even if that person is a family member. None of these laws have eliminated **prostitution**, but all of them have endangered women.

Existing laws regarding **prostitution** were written in 1985 as Bill C-49, the language of which blatantly protects property values not women; since the laws were enacted, they have not worked. A result of the law's restrictions on communicating for the purpose of sex trade is that sex workers and clients move through different neighborhoods as needed to avoid prosecution. Relocating creates hazardous consequences; client pools are temporarily reduced, and workers accept customers they normally would avoid. As it exists, the law succeeds in protecting neither communities nor workers.

The Criminal Code that includes the language of Bill C-49 is illogical and its application results in unintended consequences. For example, Section 210 disallows brothels, which results in more sex workers working unsafely on the street. Section 212 addresses third party involvement, making "living off the avails" of **prostitution** illegal. While this section supposedly was designed to curb the existence of pimps, a person who solicits clients for and manages prostitutes, the law can be used against anyone supported by the sex worker, including a partner or child. This legislation doesn't prevent the existence of pimps, but it does increase the risk of incarceration for what may be a family's sole wage earner.

Furthermore, Section 213 makes it illegal for sex workers and clients to communicate in public. Because this is the most visible violation of the Criminal Code related to **prostitution**, it has been enforced heavily and with hazardous consequences. In order to avoid being caught, street workers are likely to make snap decisions and go with clients quickly instead of taking a few minutes to assess the danger inherent in a situation.

Since Bill C-49 was passed, more than six hundred sex trade workers have been murdered or reported missing. Experts say there is no question that violence against prostitutes increased dramatically under this law. Murder is the number one cause of death for prostitutes. Sex workers are killed at rates up to 112 times higher than other women.

In 2002, the disappearance of fifty women from Vancouver's downtown eastside, an area known for high levels of **prostitution**, led investigators to a pig farm in Port Coquitlam. When the farm's buildings were razed, the remains of twenty seven women were uncovered. In December 2007, owner Robert William Pickton was found guilty of six counts of murder and sentenced to life in prison; it is unknown whether he will be tried for the remaining deaths. To date, there are thirty-nine prostitutes still missing from the Vancouver area, the bodies of five women have been found in the Niagara region since 1995, and twenty-five are missing from that area. Twelve sex trade workers have been found dead around Edmonton, Alberta.

[**A Practical Assessment**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Government studies begun in the 1980s further stigmatize sex trade workers and blur a number of issues. Less than 20 percent of sex workers make their living from the streets but, as they are the easiest to access, street workers provide the majority of information for these studies. A leading expert compares this to the government trying to assess the state of marriage in Canada by interviewing only women in domestic violence shelters. Many of the people on the streets are drug addicted, and a majority of them are victims of childhood sexual abuse. Runaways and homeless people who are not prostitutes also are represented in the government reports. These studies have led to the erroneous assumption that all prostitutes are victims while virtually ignoring the more than 80 percent of sex workers who make a substantial amount of money while working in relatively healthy and safe conditions.

Women and men working out of brothels, escort agencies and massage parlors represent the majority of sex trade workers. Their reasons for doing so can be as varied as anyone's in choosing a career, including convenience, compensation or an affinity for the work. There is a simple practicality in regard to sex work that often is ignored: there is a demand for it that always has been and always will be present in society. Normally when people move in to supply an existing demand and create economic stability for themselves and their families they are credited with business savvy. Sex workers, however, are portrayed as victims or criminals, two labels that neither advance our understanding nor contribute to our ability to craft intelligent laws.

In any other business there are laws to protect workers from harassment, sexual abuse and rape. Prostitutes are reluctant to report attacks due to high legal and emotional risk. They put themselves in legal jeopardy by explaining the circumstances of an attack to a police officer, and law enforcement officers know how difficult it is to prosecute anyone for raping a prostitute. With existing laws, women are unsafe, prosecutor's hands are tied, and rapists can go free. Criminalizing **prostitution** will not end the practice and, given the lack of logic in the existing laws, it is unlikely that new laws will help protect participants. The solution is not more but rather less and more effective laws.

If all the related laws were removed, **prostitution** could come in off the streets and be far safer for workers. Customers prone to violence are more likely to seek out single sex workers on the street than from a fully-staffed massage parlor. Women could take the time to evaluate potential customers and would be able to exchange recommendations and warnings with each other legally. They could organize themselves, working independently or in collaboration, within a safe setting.

[**Confusing the Issue**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

The negative associations with sex work are real, and they are not being addressed adequately. Combining the issues of drug addiction, abuse, and underage workers with**prostitution** gets in the way of practical solutions. These are social issues, and there are social policies to address them. People are more likely to seek assistance if they are not putting themselves in legal jeopardy by doing so. Underage and involuntary workers would be more easily identified if they worked within alliances. People who sell sex for survival have far different needs than people who freely choose the business, but it is the former that are affected most negatively by existing laws.

Linking human trafficking and the sexual exploitation of children with **prostitution** blurs potential solutions as well. The United States (US) Central Intelligence Agency (CIA) estimates that 17,500 women and children are trafficked into the US each year, and the Council for the Status of Women in Quebec believes that some of those women and children are Canadian. Such human trafficking is unrelated to the practice of consenting adults trading sex for money. The right approach to stopping human trafficking is to determine why these women and children are vulnerable to exploitation in the first place and to focus on solutions. Trying to stop human trafficking by criminalizing **prostitution**, much of which is carried out by willing sex trade workers, simply makes no sense.

[**Speaking Out**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Since the World Charter for Prostitutes Rights was written in 1985, advocacy groups have expanded. Great Britain's International Union of Sex Workers and the Sex Professionals of Canada organization are two examples of groups organized to protect and advocate for sex workers. For activists there are great differences between a legalized system, in which police and government play an active role in regulating health checks and places of business, and decriminalization, through which all laws are removed and workers regulate themselves. Decriminalization is the most practical remedy in Canada, because existing laws are too contradictory to amend, and change needs to occur as quickly as possible.

[**Conclusion**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Existing laws related to **prostitution** do not work, and their greatest consequence is endangering lives. As **prostitution** itself is already legal, why not give sex workers the right to protect themselves by removing legal obstacles? It is time for Canada's citizens to put aside their differing personal convictions and be logical and practical, and the federal government has an ethical responsibility to step in and mandate inclusion in order to ensure the safety of sex workers. Accepting the sex industry as a legitimate service would have positive consequences for society through decreased violence and allowing an unnecessarily stigmatized segment of the population to live with security and dignity.

[**Ponder This**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

1. Analyze whether the author's purpose is to persuade or to offer an opinion. Cite details from the article to support your response.

* 2. Does the author argue more effectively for the decriminalization of **prostitution** or the inherent dangers of existing laws?
* 3. Review the evidence the author provides to support the argument. What examples could be used to oppose decriminalizing **prostitution**?
* 4. Drinking and driving and seatbelt laws are examples for which more laws have made society safer. Are fewer laws, as recommended by the author, reasonable in this instance? Can you think of other examples where fewer laws produced positive consequences?

[**Bibliography**](http://web.b.ebscohost.com/pov/detail/detail?vid=2&sid=548b0b0b-faef-4fa2-89f4-739c3d3f48e7%40sessionmgr110&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

*Newspapers*

*Girard, Daniel. "Chronology." Toronto Star (22 January 2007). Online. 13 February 2008. http://www.thestar.com/News/article/173483.*

*Little, Nicholas, and Christine Bruckert. "Tough on****Prostitution****." Ottawa Citizen (14 December 2007). Online. 18 December 2007http://www.canada.com/ottawacitizen/news/opinion/story.html?id=3984b99a-f7f1-492c-bfa5-742379bb4ef2.*

*"****Prostitution****Laws: Health Risks and Hypocrisy." Canadian Medical Association Journal 171.2 (20 July 2004). Online. 18 January 2007.http://www.cmaj.ca/cgi/content/full/171/2/109.*

*Zerbisias, Antonia. "Still No Justice for Victims." Toronto Star (12 December 2007). Online. 18 December 2007. http://www.thestar.com/living/article/284576.*

*Periodicals*

*Mahaffy, Cheryl. "THE HIDDEN FACE OF PROSPERITY." Alberta Views 10.9 (Nov. 2007): 36. Canadian Points of View Reference Centre. EBSCO. 3 Aug. 2009*

*Staley, Roberta. "FAIR TRADE." Elle Canada (Mar. 2008): 102. Canadian Points of View Reference Centre. EBSCO. 3 Aug. 2009*

*Suthers, Laura. "Services for sex trade workers need more support." Windspeaker 25.1 (Apr. 2007): 22-22. Canadian Reference Centre. EBSCO. 3 Aug. 2009*

*Websites*

*Hatty, Suzanne E. "The Desired Object:****Prostitution****in Canada, the United States and Australia." AIC Conference Proceedings: No. 14: Sex industry and public policy: proceedings of a conference held 6-8 May 1991. Eds. Sally-Anne Gerull and Boronia Halstead. Canberra: Australian Institute of Criminology, 1992. The Australian Institute of Criminology. (18 December 2007). http://www.aic.gov.au/publications/proceedings/14/hatty.pdf.*

*"Identifying Research Gaps in the****Prostitution****Literature." (29 June 2007). Department of Justice Canada. 19 December 2007. http://justice.gc.ca/en/ps/rs/rep/2002/rr02-9/p12.html*

*Neumeyer, Kari. "Serial Murder Tied to Canada's****Prostitution****Law." (25 January 2004). Women's E News. 18 December 2007. http://womensenews.org/article.cfm/dyn/aid/1687/.*

*North American Task Force on****Prostitution****. "About the North American Task Force on****Prostitution****." Bayswan. 14 February 2008. http://www.bayswan.org/NTFP.html.*

*Robertson, James R. "****Prostitution****." (19 September 2003). Government of Canada Depository Services Program. 14 February 2008. http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/CIR/822-e.htm.*