



MP Joy Smith Alarmed by Ontario Court of Appeal Ruling on Prostitution

Tuesday, March 27, 2012 - Statement by Joy Smith against the decision to remove the common bawdy house provision.

Yesterday's ruling by the Ontario Court of Appeal to strike down the ban on brothels and living off the avails of prostitution is alarming. The government of Canada recognizes, as do many women's and First Nations' organizations, that prostitution is harmful to communities, women and vulnerable persons. I understand the Minister of Justice is currently reviewing the decision and the Government's legal options."

"Prostitution creates and facilitates sexual exploitation and violence towards women and youth. I am especially concerned with the Ontario appeal court decision to legalize brothels. In their ruling, the judges acknowledged that human trafficking and child exploitation may tragically increase through the operation of brothels. The judges also noted testimony from police officers that the brothel provisions in the Criminal Code are critical in human trafficking investigations. I am dismayed that the Ontario appeal court chose not to retain provisions that are clearly important in the fight against domestic sex trafficking."

"Legalizing brothels and the move towards the outright legalization of prostitution in Canada will inevitably lead to increased sex trafficking and child exploitation. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children [signed and ratified by 117 countries] explicitly recognizes that the majority of victims of trafficking, women and children, are trafficked for the purpose of prostitution. Legal brothels will provide organized crime, pimps, and human traffickers with the legal means to exploit women and youth."

"Counties that have legalized prostitution have seen an increase in human trafficking. A study by Scottish Parliament found that the legalization and regulation of prostitution led to a dramatic increase in the involvement of organized crime in the sex industry, in child prostitution, in the number of foreign women and girls trafficked into the region, and clear indications of a general increase in violence against women."

"Further, legal brothels do not provide a safer venue for prostitutes. A 2006 study reviewing the links between prostitution and sex trafficking found that in the Netherlands, which has legalized prostitution and brothels, 60% of prostituted women suffered physical assaults, 70% experienced verbal threats of physical assaults, 40% experienced sexual violence and 40% had been forced into prostitution or sexual abuse by acquaintances. It is telling that in 2007, the city of Amsterdam announced plans to shut down one third of its brothels to take back control of the legalized and regulated sex trade from organized crime, pimps, and human traffickers."

"I want to note that in its ruling, the Ontario Court of Appeal stated that 'it remains open to Parliament to respond with new legislation that complies with the requirements of the Charter.' Over the past few years, I have received petitions from tens of thousands of Canadians calling for Canada to adopt the Nordic model of prostitution. This approach recognizes that prostitution is a form of violence against women and vulnerable people. As such, the Nordic model focuses criminal sanctions on the purchasers

of sex and not prostitutes. It also provides programs and support for prostituted women who wish to escape the sex trade.”

“As a Member of Parliament, I will continue to advocate for the protection of women from the harms caused by prostitution and human trafficking. As the discussion on prostitution moves forward, it is essential that we listen to the voices of women who have been exploited through a system that dehumanizes and degrades humans and reduces them to a commodity to be bought and sold.”

“I am also pleased by the progress of my Private Member’s Bill C-310, which will be debated on Friday at 3rd Reading. This legislation is a vital tool which will help protect vulnerable women and children and will strengthen the ability of Crown attorneys to prosecute human trafficking offences.”

Joy Smith, B.Ed., M.Ed,

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Canadian organizations who have expressed opposition to legalizing prostitution:

- Sex Trade 101
- EVE (formerly Exploited Voices now Educating)
- Walk With Me
- [free-them]
- Aboriginal Women’s Action Network (AWAN)
- Asian Women Coalition Ending Prostitution (AWCEP)
- South Asian Women Against Male Violence (SAWAMV)
- Vancouver Rape Relief and Women’s Shelter
- Resist Exploitation Embrace Dignity (REED)
- Native Women's Association of Canada (NWAC)
- Canadian Association of Sexual Assault Centers (CASAC)
- Concertation des luttes contre l'exploitation sexuelle