

CORP

Canadian Organization for the Rights of Prostitutes

THE CASE AGAINST C-49

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Standing Committee on Justice

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The Canadian Organization for the Rights of Prostitutes (CORP) is a Toronto-based prostitute-run organization that was founded in 1983 to advocate for the decriminalization of prostitution. CORP opposed Bill C-49 before it was passed in 1985 and we continue to oppose it in 1989 for the same reasons:

1) We said C-49 would not stop street prostitution and it hasn't.

According to the Synthesis Report on the impact of C-49, prepared by the Department of Justice, street prostitution has not been altered appreciably in Toronto and Vancouver, the two cities most affected by street soliciting.

This should not be surprising: there are countries in the world with far tougher prostitution laws (in Iran prostitutes are stoned to death, a solution we fear might please some people in Canada) yet prostitution persists.

Civilized societies (among them many European countries and Australian states) have learned that penalizing people for prostitution is not only ineffective, it is cruel. Instead these countries are experimenting with ways of regulating prostitution to minimize the nuisance any commercial activity can generate.

2) We said C-49 would adversely affect prostitutes and it has.

Prostitutes continue to be victims of a disproportionate amount of violence, harassment, exploitation, rape and theft and this will continue to be the case as long as the law sends the message that prostitutes are criminals: bad people who are deserving of contempt and abuse. Now street prostitutes must also contend with fines, criminal records and, in many cases, jail terms, as well as curfews and boundaries that deprive them of their civil liberties.

C-49 has created a new danger for street prostitutes. The Prostitutes Safe Sex Project, a Toronto organization founded by CORP and funded by municipal and provincial governments, has found prostitutes more than willing to use condoms and learn about disease prevention. (The numerous complaints from residents of condoms left behind by prostitutes should attest to this.) But the Department of Justice Synthesis Report (page 88) notes that prostitutes complain the number of clients has been reduced as a result of C-49, and less money is available on the street. To add to this, many prostitutes are now burdened with further expenses in the form of fines, as well as lost work hours due to arrest and detention. "Some street prostitutes noted they had become less choosy and more likely to accept 'dates' that were questionable, such as customers who were drunk." Such a desperate situation not only puts prostitutes in physical danger; it could well make it difficult for some prostitutes to refuse the demand of a customer to have sexual intercourse without a condom.

If a condom is not used, there is little chance the customer could be infected by a prostitute since female-to-male transmission of HIV is very inefficient. It is the prostitute who is in greatest danger of being infected.

3) We said C-49 would be costly to enforce and that it would take limited police resources away from more serious problems and it has.

According to the Department of Justice report, in Toronto alone in 1987 it cost police at least \$1,835,680 to enforce C-49 (page 29). In 1988 it cost an additional \$4,500,000 to hire an additional 90 foot patrol officers in Toronto.

These costs do not include court and detention costs. Nor do they include the cost to society in terms of lost police attention to other crimes. Since the Metro Toronto Police have been waging their anti-prostitution war the media has been filled with reports of increased violence and property crimes. The assumption that increased police visibility on the street to combat prostitution deters other crimes crumbles when one considers that police on prostitution duty spend the majority of their time transporting prostitutes to the station and doing paperwork.

When we look at these costs relative to the benefits of enforcing C-49, one wonders if we can even afford to keep "communicating for the purpose of prostitution" illegal.

4) We said, and we maintain, that C-49 is a violation of human rights.

Whether or not the law has had its intended effect, it is an unjust law. People are receiving fines, criminal records, and in many cases even jail terms, simply for offering to rent or purchase a legal service. (Prostitution itself is not a crime.)

In the Toronto report on C-49's effectiveness it was noted that "In several hundred hours of observation and interviews in prostitution areas, members of the prostitution team infrequently observed disruptive or noisy behaviour on the part of prostitutes". People are charged whether they cause a nuisance to others or not.

Now the police and ratepayers' groups are demanding tougher penalties for those charged, and the police want to be able to arrest people simply because they have "reasonable and probable grounds" to believe they are "communicating for the purpose of prostitution."

Do people deserve to go to jail for trying to make a legal living? Do people deserve to go to jail for standing on a street corner wearing high heels and a tight skirt? This is what C-49 is sending people to jail for.

Why is it that such a heavy-handed, punitive and expensive approach is being taken to deal with what is such a minor problem? We certainly do not see police rounding up street vendors, giving them criminal records and throwing them in jail. Nor do we see undercover cops pretending to be street vendors in order to arrest their customers. Instead we regulate street vendors, using municipal bylaws, in order to minimize the disruption that they, like any commercial activity, can cause. And, of course, we allow commercial activity to take place off

the street in stores.

So why do we not treat prostitution as we would any other commercial activity? Why do we not allow prostitutes to solicit on commercial and non-residential streets, and major traffic arteries in order to keep them out of quiet residential districts? (If prostitutes knew they could work on commercial streets, a municipal by-law against any kind of soliciting in residential areas would be a more than sufficient deterrent.) Why do we not repeal the bawdy house and procuring laws so that prostitutes can work out of their own homes, offices, outcall services and brothels, rather than on the street? (It is common knowledge that when the City of Toronto closed the body-rub parlours in the late seventies, street prostitution in that city increased greatly.) Why do we not use already existing laws against those who disturb the peace, litter or otherwise cause disruptions, while using assault, rape, kidnapping and coercion laws against those who exploit prostitutes?

Decriminalizing prostitution will take the business out of the underworld where it is now forced to operate and allow prostitutes to work in a safer, healthier, more dignified, professional and humane atmosphere. And it will free up police resources, and the taxpayers' money, for more urgent social problems.

Decriminalization will not satisfy those who wish, for "moral" reasons, to stamp out prostitution, and who are willing to stamp out human rights in order to do it. These people believe prostitution is an embarrassment to society, but we believe it is society's treatment of prostitutes, often in the name of God and morality, that is the embarrassment.

Nor will decriminalization satisfy some police forces who depend heavily on the money, prestige and power they get from being seen to control prostitution. They will continue to argue that they are the only ones who can solve "the problem," despite all evidence to the contrary. They said C-49 would allow them to reduce street soliciting. Now they say tougher penalties, and "the reasonable and probable grounds" clause will solve the problem. But it won't. Even prior to 1972, when the vagrancy laws were still in effect and women could be jailed just on suspicion of prostitution, police were unable to stop the sex trade.

Decriminalization will satisfy the ratepayers' groups who want prostitutes off residential streets, and it will satisfy that majority of Canadians who prefer justice to moralism. It will end the shameful situation wherein thousands of Canadians go homeless and jobless, while our governments spend millions of dollars enforcing a law that does nothing more than punish people for trying to make a living.