

PROSTITUTION

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EXECUTIVE SUMMARY

Prostitution is the exchange of sexual favours for payment. There are several precipitating factors that lead people into the prostitution trade. Some of the more influential factors are age, pre-mature home leaving, childhood sexual abuse, drug abuse and a poor financial situation. Most prostitutes have encountered at least one of these problems, and many have experienced them in combination.

The problems associated with street prostitution affect not only the prostitute, but also the community in which he/she works and the family members of the people using his/her services. Prostitutes often suffer physical and sexual abuse, drug addiction and low self-esteem. Residential and commercial areas often experience traffic congestion, noise, litter, harassment of residents, declining property values and business loss. Families of those who procure the services of prostitutes can suffer financial hardship, distrust, emotional suffering and family breakdown.

There are three legislative options that have emerged to address the problems associated with prostitution. The first option, further criminalization, proposes to strengthen prostitution-related laws. The second option, decriminalization, proposes to remove prostitution-related offences from the Criminal Code and replace them with municipal by-laws. The final option, legalization, maintains that prostitution is a social problem that should be legalized and regulated by the state.

Some communities have implemented various practices to control prostitution and its negative effects. Some of the more popular practices include legalizing brothels, implementing prostitution offender programs, mailing out "Dear John" letters and creating zones of tolerance.

Some social programs have emerged in Canada to help prostitutes leave the trade or, at the very least, help them cope with their lifestyle. These programs offer job counselling, emotional counselling, relocation, retraining and medical services to prostitutes.

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INTRODUCTION

Prostitution involves the exchange of sexual favours for payment. Prostitution in some form dates back to ancient Greece. Today, street prostitution, and the various methods to control it, have sparked heated debates between law enforcement agencies, residential and business communities. In recent years, numerous task forces and committees have been established to study prostitution and its effect on businesses, communities and individuals. All committees agree that the effects of prostitution are harmful, but their proposed solutions range from increasing the punitive nature of prostitution-related laws to legalizing prostitution and implementing more social programs.

This paper examines the social and economic factors associated with entry into prostitution. The problems associated with prostitution are also discussed. Canadian criminal laws regarding prostitution-related activities are examined, and the legislative options that dominate the prostitution literature are reviewed. Several community practices which have emerged to deter those who procure the services of prostitutes (“johns”) and eliminate the problems associated with prostitution are summarized. The paper concludes with a discussion of some innovative social programs that have been implemented to help prostitutes cope with their lifestyle and, if desired, leave the trade.

RISK FACTORS

There are several social and economic factors that are associated with entry into prostitution. Among the more prevalent factors are age, pre-mature home leaving, childhood sexual abuse, drug abuse and economic conditions. Each of these associated factors are discussed below.

Age

While adolescents constitute only 3% of the total persons charged with communicating for the purpose of prostitution, the decision to enter into the trade is typically made as a youth (Canadian Centre for Justice Statistics, 1993). In 1984, the Badgely Committee (formed to determine the prevalence of youth prostitution) studied 229 prostitutes and found that half of those interviewed began prostituting when they were 15 years of age or younger (as cited in Canadian Centre for Justice Statistics, 1993). Further, almost all of the subjects (96%) began prostituting before the age of 18. Interestingly, a young person’s decision to enter into prostitution does not rest solely upon the influence of another person such as a pimp; more than 50% of the prostitutes interviewed stated that they could not name one specific person responsible for initiating them into prostitution. Moreover, of those who could identify such a person, only 1% of the boys and 10% of the girls said that the influential person was a pimp.

Pre-mature Home Leaving

Young people sometimes face family problems that are intricate, inter-related and associated with running away. Parental drinking, parental conflict, mental illness, spousal abuse and child abuse are all related to pre-mature home leaving. Many runaways subsequently enter into prostitution. The Badgley Committee found that 93% of female and 97% of male prostitutes studied had ran away from home at least once in the past (as cited in Canadian Centre for Justice Statistics, 1993). Furthermore, 67% of the females and 46% of the males had left home on several occasions.

Childhood Sexual Abuse

Although recent research has revealed mixed results on the correlation between childhood sexual abuse and prostitution, tentative findings suggest that a great number of prostitutes were sexually abused as children. According to the Badgley Committee, prostitutes are twice as likely as non-prostitutes to have a first experience which was unwanted and forced (as cited in Canadian Centre for Justice Statistics, 1993). Moreover, prostitutes are more likely to have this first sexual experience with a family member such as the father or an uncle.

While the Badgley Committee supports the notion that prostitutes are more likely to experience sexual abuse than non-prostitutes, other research reveals that the correlation is not direct (Seng, as cited in Canadian Centre for Justice Statistics, 1993). Runaway behavior is the intervening variable that links sexual abuse with prostitution. That is, running away is a survival or defence mechanism that follows abuse but pre-supposes prostitution.

Poor Financial Situation

Many young runaways are faced with a poor financial situation which leads some into the prostitution trade in order to survive (Seng, as cited in Canadian Centre for Justice Statistics, 1993). Young runaways with low self-esteem and few employable skills may be attracted to the prostitution trade which promises financial gain. The interrelationship between childhood sexual abuse, early home leaving, a poor financial situation and entry into prostitution is apparent.

Drug Abuse

Numerous studies have revealed a strong correlation between drug abuse and prostitution. For example, a review by Goldstein revealed that between 30% and 70% of female drug users were also prostitutes, and that between 40% and 85% of prostitutes were also drug users (as cited in Gossop, Powis, Griffiths, & Strang, 1994). Similarly, a 1993 study, conducted in Edmonton, studied 54 prostitutes and their substance abuse patterns. Only 5 (8%) respondents reported no use of drugs or alcohol (Edmonton Social Planning Council, 1993). Of the remainder surveyed, 19 (29%) said they used drugs to help themselves work while 30 (44%) said they worked to pay for the drugs. Recent studies conducted in the United States and Scotland support these findings (Gossop et al., 1994).

A 1994 study, conducted in London, England, examined 51 female heroin using prostitutes (Gossop et al., 1994). The study sought to determine if heroin use led to prostitution or vice versa. The study also explored the women's reasons for remaining drug users and prostitutes. Sixteen (31%) of the prostitutes reported that the onset of heroin use dated at approximately the same time as their entrance into prostitution. Of the 35 other prostitutes studied, 17 (35%) entered prostitution before using heroin and 18 (35%) began taking heroin before entering into prostitution. A majority of the women (n= 32, 63%) indicated that they only worked as a prostitute in order to buy heroin. Approximately half (n= 26, 51%) of the women reported that they first started working as a prostitute to pay for drugs and 18 (35%) women admitted that they would not continue to work as a prostitute if they could discontinue their drug use. There was an overall consensus among the women that engaging in prostitution was necessary to continue their use of heroin.

EFFECTS OF PROSTITUTION

The problems associated with street prostitution affect not only the prostitute, but also the community in which he/she works and the family members of the individuals who use the prostitute's services. Prostitution reinforces the perception of women as objects that can be bought and sold at a price. Alienation from society, societal labelling, criminal records, addiction to drugs, lack of marketable skills and low self-esteem all work to prevent prostitutes from leaving the trade. Furthermore, prostitutes are subject to abuse by pimps and johns and are disproportionately exposed to harassment by law enforcement officials.

Residential and commercial areas are also subject to problems associated with prostitution. Community groups argue that prostitution creates traffic congestion, noise, litter, harassment of residents and declining property values. Business people in the commercial districts cite loss of sales and attraction of a criminal element (i.e., drug trade) as concerns arising from street prostitution.

Family members of individuals who visit prostitutes may also be adversely affected. An individual who frequents prostitutes will deplete money that would otherwise be circulated within the family. Moreover, infidelity may lead to contracting communicable diseases, to the break-up of the family and, at the very least, distrust and emotional suffering.

CANADIAN LAW

Prostitution between consenting adults is not illegal in Canada. However, the Criminal Code does address various activities associated with prostitution. Sections 210 to 213 of the Canadian Criminal Code prohibit procuring or soliciting a person to exchange sexual services for money or other compensation, operating bawdy houses and communicating for the purpose of prostitution.

Canada's prostitution laws have changed considerably over the last century. In the late 1800s, rather than criminalizing prostitution, Canadian law allowed female prostitutes to be charged under the

heading of vagrancy (Pilon & Robertson, as cited in Canadian Centre for Justice Statistics, 1993). This purely status-related offence prevailed for 80 years until, in 1972, a law was introduced that made the overt act of soliciting illegal.

In 1985, the Criminal Code was again amended to tighten prostitution laws. Bill C-49, which prohibits communicating for the purpose of prostitution, replaced the soliciting law of 1972 (Canadian Centre for Justice Statistics, 1993). Bill C-49 resulted in a dramatic increase in the number of prostitution-related charges from 1,225 in 1985 to 7,426 in 1986 (Canadian Centre for Justice Statistics, 1993).

In April, 1996, further amendments to prostitution-related offences in the Criminal Code were proposed. Bill C-27 proposes changes which aim to protect children from adults interested in exploiting young prostitutes for economic gain (Department of Justice, 1996). Furthermore, Bill C-27 also proposes to empower courts in Canada to prosecute Canadians accused of procuring sex from minors in other countries.

At the provincial level, Manitoba has proposed a change to its Child and Family Services Act. The amendment will expand the scope of Manitoba's child abuse registry to include pedophiles and procurers of child prostitutes (Convicted pedophiles..., 1996). Following Manitoba's initiatives, the Alberta government has made plans to amend its Child Welfare Act (Children on the streets, 1996). The proposed changes would make it easier to charge anyone who procures a child prostitute with child abuse.

LEGISLATIVE OPTIONS

There are three general legislative responses to prostitution discussed in the literature. The first, further criminalization, proposes to increase the severity of Canadian criminal laws relating to prostitution. The second, decriminalization, proposes that prostitution-related offences should be removed from the Criminal Code and municipal by-laws should be passed to control prostitution. The third, legalization, holds that prostitution is a social problem that should be legalized by the state. Each perspective would like to see an end to the problems associated with prostitution, but each has a different view on how to reach this goal.

Further Criminalization

There are two schools of thought among proponents of further criminalization of prostitution. First, some groups believe that the criminal law should be used to restore traditional religious and moral values (Special Committee on Pornography and Prostitution, 1985). The criminal law is seen as a reflection of Christianity and any act of prostitution is a sin against God and therefore a crime against society. Further criminalization would target prostitutes, johns, pimps and others who profit from prostitution. This view, while able to resolve ambiguous sections of the law, does not allow for any variation in moral opinion. Enforcement of these prostitution laws would require intrusive measures by law enforcement agencies that may infringe upon an individual's civil liberties.

Others maintain that prostitution laws need to be strengthened in order to enable the police to control prostitution more effectively and the courts to achieve convictions more easily. Some argue that acts such as loitering in an area known for prostitution or the mere suspicion of being a prostitute should be sufficient to warrant arrest. This argument does not take into consideration an innocent passer-by unknowingly straying into a prostitution district or a young person's freedom to wear what might be construed as questionable clothing. Under tight prostitution laws, these individuals could conceivably be subject to arrest and conviction.

Decriminalization

The argument for decriminalization maintains that offences relating to prostitution should be removed from the Criminal Code; specifically, the street soliciting and bawdy house provisions should be removed. Other Criminal Code provisions, along with municipal by-laws, would be used to deal with the annoyances associated with street prostitution (Special Committee, 1985). This view maintains that prostitutes are victims in a discriminating society. They are subject to abuse by those who use their services and are harassed by law enforcement officials. The law has accomplished little in the way of solving the problems associated with prostitution and, therefore, proponents of this view believe that adult prostitutes should be able to pursue this lifestyle free from persecution. In addition, proponents argue that decriminalizing prostitution-related activities would provide an opportunity to allocate resources to addressing the social and economic factors associated with prostitution.

Legalization

Proponents of legalization argue that prostitution is a social problem. Rather than using the Criminal Code to deal with prostitution, we should legalize and regulate it. Various suggestions on how to legalize and regulate prostitution have been put forth. These suggestions include licensed brothels, the creation of "red light" districts, municipal licensing of prostitutes and compulsory medical examinations of prostitutes (Special Committee, 1985). Several advantages of this approach are the ease of enforcement, the recognition of prostitution as a business, an improved self image of prostitutes, a reduced need for pimps and others who exploit prostitutes, better control over public health and an increase in tax revenue to municipal governments. As one Edmonton prostitute remarked, "[I]f it was controlled there wouldn't be any murders or diseases. It would be safe - like a

bar with a bouncer. We'd pay taxes and have rights. We are still human" (Edmonton Social Planning Council, 1993, p. 30).

The most damaging argument against legalization is that it legitimizes prostitution (Special Committee, 1995). The process of turning individuals into commodities that are bought and sold is sanctioned by the state. Under this circumstance, the state becomes the pimp because it has the power to control the activities of the prostitute and make money from his/her labour.

SOCIETAL PRACTICES

Following concerns about the spread of sexually transmitted diseases, sexual and physical assaults on prostitutes by pimps and clients, the decline in community cleanliness and the concern of driving prostitution further underground, many communities have implemented various practices to control prostitution and its effects. Some of the more popular practices include legalizing brothels, implementing prostitution offender programs, mailing out "Dear John" letters and creating zones of tolerance. Each program will be discussed below to assess its effectiveness.

Legalized Brothels

Brothels have been legalized in a number of countries around the world including Holland, West Germany and the United States. Advocates of legalized brothels say that state regulation in this manner would end the stigmatization of sex trade workers, reduce the AIDS epidemic, create new taxation profits and eliminate the annoyances associated with street prostitution. Conversely, critics say that "where such legislation exists, it has not protected prostitute women, nor has it helped women to get off the game" (Lopez-Jones, 1992, p. 594).

According to Lopez-Jones (1992), legalized brothels in West Germany have increased police powers and institutionalized pimping by the state. Legalized brothels have made it increasingly difficult for prostitutes to keep what they earn, and working conditions remain deplorable because power over the prostitutes has not disappeared but simply changed hands from the pimp to the state. Furthermore, the prostitutes face fierce competition and high rents which translate into longer shifts to remain competitive and keep their rooms. Surprisingly, even after all this regulation, AIDS cases among prostitutes are higher in Germany than in the United Kingdom.

The problems associated with legalizing brothels are not unique to West Germany. Legalized brothels in Nevada, United States, face many of the same problems. One problem unique to Nevada, however, is that prostitutes are segregated and forced to work apart from their families for six weeks at a time (Lopez-Jones, 1992). There appears to be little difference in living conditions and deprivation between brothels and prisons. Finally, the compulsory HIV testing for all prostitutes in Nevada brothels gives clients a false sense of security. They assume that the prostitutes are HIV negative and tend to argue against the use of condoms, thereby increasing the risk of sexually transmitted diseases.

Prostitution Offender Program

In April of 1996, the Edmonton Police Service piloted Alberta's first ever program for johns called the Prostitution Offender Program (Johns serve detention..., 1996). Just prior to April, 1996, 40 johns picked up during a crackdown on prostitution were given the choice of either going to school or going to court. Thirty-two johns chose to go to school. The johns attended an 8 hour session listening to the negative impact their behaviour was having on their families, the community and the prostitutes themselves. They heard officials from the province's sexually transmitted disease clinic talk about the risk of contracting and passing on AIDS and other infectious diseases. They also heard from David Dunwoodie, a spokesperson for the Avenue of Nations business association, who told the johns how prostitution drives down property values in a community. Evaluations of this program are currently underway but initial feedback appears to favour the continued use of the program.

Shaming Approaches

In Edmonton, Toronto and Winnipeg, police have incorporated a program designed to shame johns and deter them from future solicitation of prostitutes. The police send "Dear John" letters to the homes of suspected johns. These letters, which are targeted at the spouse and family of the johns, indicate that the individual was either engaged in a conversation with prostitutes or was seen patrolling in a known area of prostitution.

Another program, also interested in "shaming" johns, involves the publication of johns' names in local newspapers. Similar to "Dear John" letters, the intent behind this approach is to shame johns and deter them from future solicitations. In 1992, 3 Canadian cities (Winnipeg, Regina and Ottawa) were publishing the names of known johns.

There is considerable disagreement as to the effectiveness of the shaming approaches. Advocates argue that johns will be deterred if they know that their families may learn of their behaviour. Moreover, some advocates say that in shaming the johns, the real nuisance is addressed and the prostitutes, who are the victims, are not attacked.

While on the surface it would appear that shaming campaigns are suitable, there are several disadvantages. First, there is no concrete evidence that shaming johns will have a deterrent effect on future solicitations of prostitutes. Second, pain and suffering may inadvertently be inflicted upon the john's family. Third, shaming the johns only serves to transfer prostitution to another area; it does not eliminate the problem. Lastly, the question of the legality of publishing names is raised. The publishing of johns' names may be an invasion of privacy and an attempt to restrict their freedom to pursue a service that is not illegal.

Zones of Tolerance

Zones of tolerance can be found in virtually every city around the world. A zone of tolerance is an area that has been unofficially recognized by city council, residents, businesses, prostitutes and police

as a place where prostitutes can freely conduct business (Forbes, Engler, Marlow, Loenen, & Pflueger, 1992). There are several advantages to creating a zone of tolerance. First, these areas keep the nuisance of prostitution out of residential areas. Second, prostitutes are given a relatively safe and legal area to work out of. Third, police and other enforcement agencies can better regulate prostitution when it is confined to a small area. Unofficial zones of tolerance do not solve all the problems associated with street prostitution, but they do help to ease tensions between communities, police, businesses and prostitutes.

SOCIAL PROGRAMS

Although Canada has witnessed numerous changes to prostitution laws, social programs for prostitutes such as job counselling, emotional counselling, relocation, retraining and medical services have been comparatively scarce. Although insufficient to fully meet the needs of every prostitute, some Canadian social programs have emerged. Such programs include Edmonton's Kindred House, Crossroads/Outreach House, Boyle McCauley Health Centre and Calgary's EXIT program.

Kindred House

Edmonton's Kindred House is a drop-in resource centre that has been in operation since December, 1994 (Personal Communication, Kindred House staff member, 1996). This facility offers a number of programs and services to prostitutes including a kitchen area with food provided by the Edmonton Food Bank, a "health for two" project that provides milk coupons and health information to pregnant prostitutes and a computer training program that helps prostitutes acquire marketable skills. Kindred House also refers female prostitutes in need of a place to sleep or further services to Edmonton's WIN (Women in Need) House, Crossroads House or to the Women's Emergency Shelter.

Crossroads Outreach/House

Edmonton's Crossroads Outreach/House serves street-involved adolescents, especially those involved in prostitution (Personal Communication, Crossroads Outreach/House staff member, 1996). The program is comprised of two components. The first component is a safe house that provides food and shelter for youths wishing to leave street life. The second component employs an outreach worker who is on the street 5 nights a week and can be contacted 24 hours a day. The outreach worker provides assistance that meets the immediate needs of adolescent prostitutes including social services, legal services, health care, employment counselling, housing and friendship.

Boyle McCauley Health Centre

The Boyle McCauley Health Centre is a central Edmonton facility that provides health services and drug information to individuals without Alberta Health Care or other resources for health care and/or no fixed residence (Personal Communication, Boyle McCauley Health Centre staff member, 1996). Many street prostitutes fall into one or both of these categories. Accordingly, it is appropriate to

recognize this organization as one that helps prostitutes manage their way of life. Specific programs offered to clients include an AIDS prevention program, a needle exchange service and medical services such as immunizations and maternal child care programs. Furthermore, the Centre provides outreach care for those not able to attend the Centre.

EXIT

The EXIT program is a community outreach program serving prostitutes in Calgary (Personal Communication, EXIT staff member, 1996). Two outreach workers provide year-round information and services to prostitutes out of a van. Clients are given food such as sandwiches, milk and other dairy products in the summer and hot meals during the winter. Clients are also given condoms and information concerning sexually transmitted diseases and other health matters.

DISCUSSION

The current Criminal Code provisions have proven ineffective in dealing with the problems associated with street prostitution. For this reason, arguments for further criminalization, decriminalization and legalization of prostitution have emerged. In addition, many communities have implemented various practices to control prostitution and its negative effects. Further, many community programs have been generated to help prostitutes cope with their lifestyle. These programs recognize that prostitutes are susceptible to societal labels, criminal records, drug addictions, abuse and low self-esteem, which all work to prevent the prostitute from leaving the trade. Society has a responsibility to educate children about the increased risks of disease and violence associated with prostitution (Alberta Justice, 1995). Education initiatives should include the use of school programs, posters and the media to convey to adolescents the harmful effects of prostitution. Further, future changes should acknowledge prostitutes as victims, and realize that the punitive nature of the criminal law can be of little help in addressing a social problem like prostitution.

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