



Ontario's Court of Appeal has ruled that two provisions of the Criminal Code regarding prostitution violate the Constitution and should be struck down. Peter Goldring examines what this means for Canadian society, especially when it comes to the issue of helping children from harming themselves through prostitution and drugs.

The Appeal Court ruled that prostitutes may now hire staff (such as drivers and security guards) to assist them in their work and starting in March 2013 they may also operate brothels. The Court's position is that since prostitution is legal the Criminal Code restrictions were unconstitutional; however communicating for the purposes of prostitution remains illegal.

The ruling has brought the issue once more into the public's mind, but prostitution has been a concern in Canada for a long time, especially in Edmonton East. Of particular concern has been the number of underage prostitutes plying their trade on

city streets.

Past efforts to find solutions to solicitation and prostitution problems were confounded by federal government hypocrisy, as Liberals adamantly refused to ever consider raising the age of consent of children from 14 to even 16 while they bragged about their support for the United Nations Rights of the Child.

The sad fact is that child prostitution (under the age of eighteen) was basically being condoned by the Canadian government, an enthusiastic signatory to the United Nations Convention on the Rights of the Child, which obliges governments to protect our children and where a child is clearly defined in Article #1 as any person under the age of eighteen. The Liberal Government dithered, as child prosti-

tutes trained on the streets to become adult prostitutes.



Different jurisdictions have used varied measures to combat solicitation, including recording license plates and public dissemination of "Johns" photos.



It clearly is essential to help end the plight and human suffering of children who will soon become adult professional prostitutes, by defining and reinforcing judicially a national age of majority. This is an issue which is being addressed by many nations, in the interest of protecting children. For example, in Guyana, more than sixty organizations made a joint submission to a parliamentary committee, urging that the age of consent in that country be raised to eighteen. In Guyana, the social revolution relates to, as indicated in one report "girls as young as fourteen being abused." In Canada the Conservative government raised the age of consent from 14 to 16 in 2008, despite many Opposition members saying the change was unnecessary. The Opposition argument was that increasing the age above 14 was opposed by some ethnic groups.

An argument could be made that for all purposes considered to be adult in orientation or where adult choices are choices required - such as drinking, voting, getting married and sexual activity - the age should be eighteen in keeping with our international agreements and to protect our children. If we were also to establish this as the age of consent, activi-

ties with prostitutes under the age of eighteen could be adjudicated under child abuse legislation. Authorities then would have a greater right to intervene to protect the children.

It is a great challenge to curb underage prostitution, while keeping a fair and reasonable balance on children's rights and freedoms. Discussions with staff at the

youth prostitution lock-up revealed that fully one half of the youths do not want to leave the street or be controlled. Many young people consider prostitution an acceptable method to earn the money to experience an exciting social life. While certainly some are fleeing abusive homes, many others are simply petulant teenagers, doing what most teenagers

do, rebelling against elder authority and willing to make their way through life by whatever means they have available. All too often they don't understand the long-term consequences of their choices. Our adult society has a responsibility to keep children from harming themselves through prostitution and drugs.

While some prostitutes use prostitution to finance drug habits, it is important to appreciate for many others how closely poverty



A monument created by Michael C. Irving of Toronto, in support of child sexual abuse victims, including those affected by child prostitution.



and adult prostitution are linked. Many adult prostitutes are single parents with low incomes (if any other than welfare) and rents to pay each month. Many single parent prostitutes do not have the education or skills to earn a living involving income anywhere near comparable to that earned through prostitution. Minimum unskilled labouring wage ensures a life of poverty for single parent families. Our modern society of easy divorces or separations makes for seemingly easier choices, but choices that unfortunately impoverish many. Struggling young families are far better off financially in two parent one family homes than in one parent one family homes. It is not merely coincidental that "child poverty" has grown three-fold since the 1970s, in tandem with the breakdown of the traditional family, aggravated by the "Charter liberalism" of the 1980s and a growth in prostitution. Child poverty is a misnomer. Children don't work for a living. It is really parent poverty, very understandable when the single parent is also the sole wage earner.

Does a zero tolerance for prostitution by those under eighteen mean that all prostitution should be criminalized? Not necessarily. From time immemorial, there has been com-

mercial market for sexual favours. For many people, the primary concerns relate to the social effects of street prostitution and its accompanying drug trade. One problem with "not in my backyard" arguments is that driving prostitution out of one area - such as 118 Avenue - simply drives it into another area. The problem is that everyone is very aware of this cause and effect, so the stroll remains on 118 Avenue because no other area wants it. This somewhat explains the reluctance of police to place further pressure on street prostitutes, although we on 118 Avenue have had the stroll for more than our fair share of time.



Underage prostitutes in Thailand. Child prostitution in Thailand is a more than \$4 billion industry, with many Westerners shamelessly exploiting them.

The most serious problem with prostitution is street prostitution. Apart from issues relating to the exploitation of those under the age of eighteen, there are issues as to how street prostitution is most effectively controlled. Prostitution-related offences should be subject to fingerprinting and DNA registration, both to curtail abusive and dangerous customers as well as to provide identification to prostitutions. Another highly recommended control is by impounding cars of "johns" engaged in illegal street solicitation. This is no different from other vehicle impounding provisions, such as those relating to illegal hunting and fishing. It goes without saying

that those who exploit underage child prostitutes through pimping should be severely punished. We must also renew efforts and determination to control drugs better, particularly since we are faced with arguments by those who want to legalize everything and anything that they cannot control, and also favour the Charter of Rights and Freedoms over the rights and obligations of adults to protect children.

Another more controversial way to reduce street prostitution appears to be to create more accessibility to viable economic alternatives through increased number of municipally regulated privately-run escort services.

One concern is that cities, while appearing to be more than happy to partner with the escort and massage based industries, have their licensing fees focus solely on being an exorbitant form of "sin tax." One effect of a greedy and prohibitive taxation regime, be it in relation to prostitution or in relation to any other business, is that the smaller independents are driven out of the regulated business and driven underground or, as in prostitution, onto the street and into the arms of pimps and drug dealers.

Update: The Appeal Court decision does not come into effect until March 2013 which allows the federal and provincial governments time to review the decision and decide whether an appeal to the Supreme Court of Canada is warranted or whether to re-write the laws.

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This brochure series is intended to highlight special issues that Member of Parliament, Peter Goldring, has been involved in. If you wish to comment, please take a moment to fill out the survey below, write or call to the address above.

Your Opinion Matters...

Should prostitutes be finger printed and identified when arrested?

Yes

No

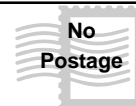
Should pimps of underage prostitutes receive much heavier sentencing by our courts?

Yes

No

Comments: _____

Name: _____
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