

EXPANSION OF PROSTITUTION AND DEMAND POLICIES AND RESISTANCE IN THE
GLOBAL WEST: A COMPARATIVE DISCOURSE ANALYSIS OF CANADA, ENGLAND,
AND NORTHERN IRELAND

A DISSERTATION

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

IN THE GRADUATE SCHOOL OF THE

TEXAS WOMAN'S UNIVERSITY

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

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DENTON, TEXAS

AUGUST 2016

DEDICATION

This dissertation is dedicated to the lives lost in prostitution due to violence and hatred.

ACKNOWLEDGEMENTS

Thank you to my dissertation committee members- Drs. James Williams, Jessica Gullion, and Mark Kessler. Each provided guidance in the dissertation process I greatly appreciate. Dr. Williams chaired the committee and was very helpful with teaching the framework for creating the dissertation and providing feedback on drafts throughout the process. I also appreciate how accessible he was. We met various times during the dissertation process to discuss how it was coming along.

Dr. Gullion's background in qualitative methodology was helpful in this process. In particular, I was uncertain about what type of coding software to use and she suggested NVivo- which was accessible at Texas Woman's University and very helpful in terms of organizing information which I referred to repeatedly in the process of writing my dissertation.

Also, I appreciate how Dr. Kessler took the time to not only read through the entire draft of my dissertation proposal, but write comments on it that guided me in creating the final dissertation. Additionally, Dr. Kessler provided resources on Foucault's concepts of law and power that provided helpful background information for this dissertation.

Furthermore, I wish to thank the family, friends, and teachers I have had over the years. The guidance and encouragement many of them provided on my life's path to get to this point is greatly appreciated.

Considering that transcripts from legislative hearings and debates are the main data source for this dissertation, I specifically acknowledge the legislatures of England, Northern Ireland, and Canada for making these accessible online through their websites. Additionally, I acknowledge the many people who testified during the legislative hearings in these transcripts.

ABSTRACT

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EXPANSION OF PROSTITUTION END DEMAND POLICIES AND RESISTANCE IN THE GLOBAL WEST: A COMPARATIVE DISCOURSE ANALYSIS OF CANADA, ENGLAND, AND NORTHERN IRELAND

AUGUST 2016

The development of prostitution policies continues to be a dynamic issue globally with new developments continually occurring. This dissertation integrates social constructionism and Michel Foucault's theory of discourse to study how conflicting interests construct the main issues in prostitution public policy disputes and power dynamics involved. Specifically, the study focuses on disputes between multiple conflicting interests in legislative hearings and debates in England, Northern Ireland, and Canada on proposed end demand legislation- which refers to legislation with the stated emphasis on criminalizing the sex buyers rather than the sex providers in prostitution. Transcripts from legislative hearings and debates are the main data sources analyzed using NVivo software for qualitative coding and organization.

This discourse analysis found that across the nations included, supporters and opponents of end demand legislation differed to an extent in their constructions of the main issues in prostitution policy disputes-including the meanings they attach to concepts including consent, victimization, harm reduction, and gender equality. These differing constructions shaped their conflicting positions on prostitution policies. The opponents of end demand tended to support non-criminalized systems of prostitution. Results indicate that interest groups' power in shaping prostitution policies was based primarily on how well their ideologies aligned with those of powerful political parties. The vast majority of people testifying to legislatures on conflicting

sides specified neither current nor past sex trade or sex industry experience. Of the testifiers who did, more identified as former sex workers or survivors of prostitution than as current sex workers.

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CHAPTER I

INTRODUCTION

The complexities of prostitution policies continue to be major topics of debate in contemporary societies. Though not the only models of prostitution policies globally, a major contemporary dispute exists between proponents of decriminalization, who support the elimination of laws prohibiting consensual sex for payment no matter whether buying or selling sexual services (Chapkis 1997; Chateauvert 2013; Hanon 2015; Jenness 1993), and proponents of end demand legislation who support policies that emphasize punishing the sex buyers (Brown 2014; Ekberg 2004; Krüsi et al 2014; Ostergren 2004). Such a dispute was at the center of recent changes in Canada's and Northern Ireland's prostitution policies as well as British Parliamentary debates regarding such laws. In Canada and Northern Ireland, indoor prostitution was legal to a limited degree before passing end demand legislation, and indoor prostitution remains legal (except for brothels) in England because the end demand clause introduced to the Modern Slavery Bill was removed before making it to a vote, though the overall bill passed.

Though supporters of end demand legislation argue that such policies are focused on punishing the customers and stopping abuses, supporters of decriminalization argue that anti-prostitution legislation further endangers sex workers, including end demand policies. Supporters of decriminalization also denounce the conflation of all prostitution with trafficking, and distinguish between forced and consensual prostitution. They often use the term *sex work* when referring to prostitution, which implies prostitution is an occupation. On the contrary, supporters of end demand legislation tend to oppose defining prostitution as an occupation, commonly referring to it as the buying and selling of women's bodies. Likewise, they often use the

gendered term *prostituted women* when referring to providers of sexual services in the sex industry. The word *prostituted* implies a lack of agency, indicating this is something done to somebody.

Sweden was the first country to pass end demand legislation in 1999 that criminalized the buying of commercial sexual services, but not the sex workers (Ekberg 2004; Ostergren 2004). Norway and Iceland followed before Northern Ireland, Canada, and France passed such laws more recently. Canada is the only of these places with a provision that criminalizes not just customers, but also sex workers for soliciting next to certain places, such as schools, playgrounds, and churches--though the legislation does not specify how close “next to” means.

CANADA PROSTITUTION POLICIES

A lawsuit filed in 2007 challenged the constitutionality of Canada’s anti-prostitution laws. Three women with sex work experience were the plaintiffs: Terri-Jean Bedford, Amy Lebovitch, and Valerie Scott. Their lawyer was Alan Young. Though prostitution was legal to a limited degree in Canada before the lawsuit, certain activities associated with prostitution were not. Specifically, communicating in public for the purposes of prostitution (such as street prostitution), being a third party making a living fully or partially off prostitution, and bawdy houses were illegal. Canada passed legislation in 1985 prohibiting communication for the purposes of prostitution in public areas, thus pushing street prostitution further underground into more isolated, dimly lit areas (Lowman 2000). Even if the intent of the provision criminalizing third parties is to prevent abusive and exploitative relations, Hanon (2015) asserted that this provision criminalized sex workers’ non-abusive support and safety networks. Violence and enslavement were already criminalized under laws prohibiting such abuses whether insider or outside of prostitution. Bawdy houses refer to in-call locations where customers visit the sex

workers at their (the sex workers') locations, like a brothel multiple people work from or a private location such as a home or office where sex workers work independently (Hanon 2015).

This lawsuit challenging Canada's anti-prostitution laws is referred to as *Canada v. Bedford* and was filed the same year that Robert Pickton was convicted of killing six women he picked up off the streets in Vancouver's Downtown Eastside, though he was initially charged with 27 murders (Nanda 2014). The women he was convicted of killing are Marnie Frey, Georgina Faith Papin, Brenda Ann Wolfe, Andrea Joesbury, Mona Lee Wilson, and Sareena Abotsway (CBC News 2007). Retired Royal Canadian Mounted Police inspector Don Adam said Pickton's killing spree began in 1991 and continued into the new millennium until he was arrested and charged with the murders in 2002, even though he was not convicted until five years later (Fornier 2012). This serial killing spree and the many unsolved murders of women in prostitution-amplified discourse concerning violence in the sex trade, including whether and to what degree public policies play a role.

In the December 2013 *Canada v. Bedford* ruling, the Canadian Supreme Court ruled unanimously in favor of the plaintiffs challenging the anti-prostitution laws, ruling Canada's existing anti-prostitution laws unconstitutional under Section 7 of the Canadian Charter of Rights and Freedom—which supports the right to life, liberty, and freedom. The Supreme Court thus upheld the decision of a circuit court that ruled in favor of these sex workers (Noronha 2013). Nanda (2014) asserted that the Pickton murders were crucial in leading up to this ruling.

If the Supreme Court's ruling stood, prostitution would be decriminalized in Canada with no anti-prostitution laws on the books. However, the Supreme Court gave Parliament a year's reprieve to pass new prostitution legislation (Noronha 2013). On Nov. 4, 2014, Parliament passed the final vote needed to make Bill C-36-called the Protection of Communities and

Exploited Persons Act (PCEPA)- law, and this legislation went into effect on Dec. 6, 2014 (Sex Professionals of Canada 2014). Bill C-36 criminalizes paying for commercial sex, communicating for the purposes of prostitution in certain places where somebody under the age of 18 can reasonably be expected to be around, and third parties placing prostitution ads any place they may be public-such as the Internet and newspapers (Brown 2014).

NORTHERN IRELAND PROSTITUTION POLICIES

The Northern Ireland Assembly voted by a margin of 81-10 to enact end demand legislation. Section 15 of Northern Ireland's Human Trafficking and Sexual Exploitation Act 2015 criminalizes the purchasing of commercial sexual services. The law was enacted on June 1, 2015 and the first arrest against a prostitution customer occurred months later in November of the same year during a brothel raid. Three people were also arrested for running a brothel in this raid, which was already a crime before this legislation passed (McDonald 2015). This law makes Northern Ireland the first nation to criminalize the buying of commercial sex in the United Kingdom, a region of Northwestern Europe that also includes England, Scotland, and Wales. Prior to the passage of this legislation, Northern Ireland had prostitution laws like the rest of the UK in which indoor prostitution was legal to a limited extent, but brothels and street prostitution were illegal.

ENGLAND PROSTITUTION POLICIES

Prostitution is legal in England to a limited extent, so long as the provider is working indoors and working alone. Street prostitution is illegal as are brothels (Casciani 2008; Douse et al. 2011). In 2014, the British Parliament rejected an amendment to the proposed Modern Slavery Bill that would criminalize the buying of sexual services. The bill still passed without this amendment. This is similar to Northern Ireland in which end demand for prostitution sections

were included in proposed broader anti-trafficking and anti-slavery legislation extending beyond just prostitution, and both nations passed such legislation. However, they differ because Northern Ireland's anti-trafficking bill passed with the end demand section included, but the British legislation passed without this included.

While proponents of end demand policies disagree with supporters of decriminalizing prostitution on various issues, they agree that the English prostitution laws are problematic- though for different reasons. End demand proponents oppose this legislation because it does not criminalize the buying of commercial sexual services indoors except in brothels where it also criminalizes the selling of sex. Decriminalization supporters are critical of English prostitution laws because 1) these laws leave street prostitution and brothels criminalized and 2) decriminalization supporters oppose how the very broad definition of brothels criminalizes sex workers who work together. Brothels are defined under British law as any location where more than one person is providing prostitution services (Casciani 2008; Douse et al. 2011). Thus, if two sex workers work out of the same flat, this would constitute a brothel and be criminalized under a statute called *brothel keeping*.

PROBLEM STATEMENT

The purpose of this dissertation is to study how claims-makers on opposing sides of the prostitution policy disputes construct the main issues in the development of and resistance to prostitution end demand laws, guided by Foucauldian discourse analysis that emphasizes power dynamics. The proposed dissertation will delve deeply into the social construction of prostitution policy, with an emphasis on Canada's Protection of Communities and Exploited Persons Act (Bill C-36), Northern Ireland's Human Trafficking and Sexual Exploitation Act, and England's Modern Slavery Bill. This will be accomplished through a Foucauldian style discourse analysis of

full transcripts from legislative hearings on Canada, Northern Ireland, and England's proposed end demand legislation. Additional relevant texts will also be included as supplemental materials.

The passage of legislation against clients and crackdowns on clients is a microcosm of multinational trends in the West. The use of discourse defining prostitution as inherently victimizing, exploitative, and linked with trafficking to promote anti-prostitution policies is also a global trend. As with the names of the legislation in the countries compared, various additional anti-prostitution legislation also has altruistic-sounding names, such as Cambodia's Law on the Suppression of Human Trafficking and Sexual Exploitation, India's Immoral Trafficking in Persons Act, and the U.S. Trafficking Victims Protection Reauthorization Act. A common discursive theme in such legislation across nations is policy names that indicate fighting against sexual exploitation and victimization, and protecting people from such abuses. Since these are anti-prostitution policies, such naming also promotes and reflects the position that violence and exploitation are intrinsic to prostitution.

Though the end demand legislation being considered and sometimes passed has occurred in the Western part of the world and Northern hemisphere, such legislation and discourse could have global implications. Aas (2007) pointed out how contemporary public policies on crimes tend to start in the West and then spread globally. If this trend continues with end demand anti-prostitution policies, then such policies would in time extend into the Eastern world and Southern hemisphere.

Some support for Aas's assertion about policies starting in the West spreading globally can already be noted in prostitution laws, such as Cambodia enacting new anti-prostitution legislation in 2008 and further cracking down on prostitution under threat of sanctions from the

U.S. after scoring low on the U.S. Trafficking in Persons report based on U.S.-created criteria. This led Cambodia to pass the Law on the Suppression of Human Trafficking and Sexual Exploitation (SHTSE). A provision in this legislation criminalizes solicitation for prostitution. This provision criminalized sex workers, resulting in and arrests against brothel- and street-based sex workers (Dara and Brito 2015; Dumey 2009; Human Rights Watch 2010).

Dumey (2009) and Maher et al (2015) explained how the provision of the SHTSE criminalizing solicitation interfered with harm reduction efforts. This included efforts to curb the spread of HIV/AIDS as well as additional health and safety initiatives. In this context, the curbing of HIV/AIDS refers not only to sex workers transmitting this to clients and anybody the clients have sex with, but also curbing the spread of HIV/AIDS to sex workers considering that they are not only transmitters- but that it can also be transmitted to them.

Dumey (2009) and Maher et al (2015) pointed out how this legislation put sex workers in a position where they attempt to hide from police in order to avoid detection and arrest under anti-solicitation laws, which also makes it harder for harm reduction workers to reach them. They mentioned how various brothel workers have moved to the streets where they are harder for outreach service providers to locate since they are not as centralized in a single location. Furthermore, Dumey and Maher et al explained that sex workers relocate more to avoid police detection, which puts them in unfamiliar areas and makes it harder for them to develop ongoing, stable safety networks with sex workers and harm reduction service providers. In addition to increased difficulty forming peer networks, the researchers also said the effects of the anti-solicitation provision reduced sex workers' access to condoms and health care.

While proponents of criminalizing prostitution in the name of stopping trafficking assert that anti-prostitution laws provide police with tools to stop trafficking, opponents point out how

they provide police with tools to abuse sex workers. In addition to the crackdowns and arrests against sex workers under the (SHTSE), sex workers also reported additional human rights abuses, such as being raped, robbed, and assaulted by police and prison guard (Dara and Brito 2015; Dumey 2009; Human Rights Watch 2010; Maher et al 2015). This exemplifies conflicting constructions of the police under anti-prostitution legislation—on the one hand as protectors stopping abuses and exploitation, and on the other hand as abusers. Dumey (2009) explained that sex workers' complaints of abuses by law enforcement is nothing new and existed before this legislation passed, but the anti-solicitation provision exacerbated the problem. For example, this provision gives the police a tool to extort sex workers by threatening to arrest them for soliciting if they do not give them their money or free sexual favors. This is not simply a micro level problem of individual police officers abusing power, but more deeply a macro level issue involving the effects of laws- which are not always the same as the intent.

The issues and controversies addressed above are not specific just to Cambodia, but reflect multinational contemporary disputes. These include the globalization of prostitution policies and the power of the West in imposing these; the effects of prostitution policies on law enforcement behaviors; the use of trafficking legislation to expand the criminalization of prostitution and the effects on sex workers; and concerns about anti-prostitution policies interfering with harm reduction efforts. While the Cambodian legislation is not consistent with end demand policies considering that it criminalizes the providers but not the buyers of sex, the topics of dispute mentioned above also exist in disputes concerning end demand legislation and will be expanded upon further when discussing the results of this dissertation.

The U.S. government does not have laws explicitly criminalizing prostitution and each state sets prostitution laws. However, the U.S. government does offer financial incentives to

support the criminalization of prostitution through the Trafficking Victims Protection Reauthorization Act (TVPRA). This legislation is a major source of funding nationally and globally for governmental and non-governmental organizations as well as researchers. Recipients of funding under the TVPRA funding are required to sign an oath saying that they oppose legal prostitution and do not accept prostitution as a legitimate occupation. As required by the TVPRA, the U.S. produces an annual Trafficking in Persons Report that ranks countries on their efforts to stop human trafficking based on U.S. criteria (Ditmore 2005).

Aas (2007) also pointed out how zero tolerance policies and policing began in the U.S., but spread globally. She explained that *zero tolerance* in this context refers to cracking down on less serious crimes that are perceived as gateways to or associated with more serious crimes. Such is the case with the trend of cracking down on prostitution in the name of stopping human trafficking. When prostitution is defined just as the exchange of sex for payment, slavery and violence are not inherent in this definition. Yet, when prostitution is conceptualized as a gateway to human trafficking and as being intrinsically linked to this, then laws against prostitution are promoted, implemented, and enforced under the rationale of preventing and stopping trafficking. This exemplifies how the construction of discourse plays a central role in shaping policies and policing.

Despite these commonalities across places, the situation in Canada is also unique in some ways, such as the Supreme Court handing down a ruling that would decriminalize prostitution on the one hand, but on the other hand, giving Parliament a year to pass new anti-prostitution legislation. Just as Canada's previous anti-prostitution laws were challenged, the constitutionality of the new laws are also being challenged- though not yet in a court like with the *Canada v. Bedford* case. Twenty-five city council members in Toronto, Ontario signed a letter asking

Premier Kathleen Wynne to challenge the constitutionality of this legislation in the Ontario Court of Appeals (Zerbisias 2014), which she did (The Canadian Press 2015). Ontario Attorney General Madeleine Muilleur responded that the law was constitutional. Thus, Wynne said that Ontario will abide by this legislation (The Canadian Press 2015). Yet, disputes persist in Canada about the constitutionality of Bill C-36. Sixty organizations signed a letter opposing Bill C-36 (CTV 2014). Furthermore, Now Communications Inc., a Toronto-based media company, is refusing to obey the provision that bars placing ads for sexual services (Levitz 2014).

Likewise, opposition to the Northern Ireland end demand legislation also persists and this law is being challenged. Laura Lee, an escort residing in Scotland who sometimes travels to Northern Ireland for work, called for a judicial review of the legislation. Lee said that if need be she will pursue her case up to the European Court of Human Rights. She asserts that such legislation further endangers sex workers and denies them rights workers in other industries have. Lee advocates for a decriminalized system (McDonald 2015).

In this dissertation, the focus is on discourse constructed by interest groups. Such interest groups are vast, including current and former providers of commercial sexual services, academic researchers, survivors of violence, harm reduction workers, people from faith-based organizations, lawyers, law enforcement representatives, anti-trafficking organization representatives, people from social movement organizations, and other parties. The present study will consider not only the voices present, but also groups whose voices were not represented in the Parliamentary hearings, but may still be especially affected by this legislation. Referring to a group as an interest group does not mean all organizations or individuals within the group share the same position on prostitution policies. For example, though academic researchers and legal professionals are defined in this analysis as interest groups who provided testimony in legislative

hearings, results show they are divided in their support of prostitution end demand legislation with some supporting it and some against.

Interest groups construct discourse in ways that promotes their position, a process Kituse and Spector ([1973] 2003) defined as claims-making-which are at the center of social constructionist analyses. Thus, for the purpose of this analysis, the terms *interest groups* and *claims-makers* will be used interchangeably.

Of particular interest in this dissertation is how discourse surrounding human trafficking, violence, victimization, choice, prostitution clients, exploitation, harm reduction, women's rights and labor rights is being conceptualized by the different sides of the prostitution public policy dispute. Debates on prostitution policies are often constructed as women's rights issues, whether that be defining prostitution as an inherent form of misogyny and violence against women, as a woman's right to make decisions for what she does with her body—including having sex for payment, etc. This study pays attention to discourse as it relates to the intersectionality of gender, race, class, occupation, age, and any additional relevant characteristics.

RATIONALE

This study adds to and expands on previous analyses of prostitution policies multi-nationally. Because prostitution policies are consistently changing and being modified across time and places, it is important that continual updated research exists to keep up with the trends and discourse guiding these. Additionally, analyzing how discourse is constructed on different sides of the prostitution debate can have implications for how this topic is taught in academia and broader societal rhetoric. It can provide public policy makers, students, researchers, sex workers, academic instructors, advocates, harm reduction workers, workers in the legal system, and the

public with a deeper insight into the complexities surrounding prostitution and the development of prostitution policies.

This study will provide insight into how such social construction is present in public policy disputes and shapes policies. No matter what prostitution objectively is, it has been socially constructed in various ways and carries conflicting subjective definitions from competing groups in disputes concerning the sex industry. Such disputes are not based simply on differences of opinions, but on how prostitution and issues within prostitution are constructed.

While various studies exist on prostitution, few have focused primarily on the power of discourse in the development of prostitution policies, and none are identical to the present study. Outshoorn (2001) conducted a feminist discourse analysis of legislative processes over a 15-year period leading to the legalization of prostitution in the Netherlands. Desyllas (2007) conducted a discourse analysis of contemporary human trafficking policies, guided by a postmodern feminist analysis. Like the present study, Desyllas applied Foucault's definition of discourse. FitzGerald and McGarry (2015) conducted an analysis of prostitution policy debates in the Republic of Ireland using a critical discourse analysis developed by Carole Bacchi which the researchers said expands on Foucault's conceptualization of problematizing. Kontala and Squires (2004) conducted a discourse analysis on debates about prostitution and human trafficking in the United Kingdom.

The present study expands on previous discourse analyses and is unique in the sense of providing a comparative discourse analysis of prostitution policies between specific nations who had legislative hearings regarding end demand policies. A major contribution of this study is its comparative focus, which contributes to comparative analyses of law and prostitution, specifically toward the contemporary expansion of and resistance to end demand laws.

PLAN OF WORK

Chapter II reviews literature concerning the impact of discourse on prostitution policies and more specifically, the effects of end demand discourse on policies and policing. The literature review also includes an overview of Michel Foucault's theory of discourse as well as social construction theory and their relevance to this research. Chapter II concludes with the research questions guiding this dissertation. Chapter III identifies the data sources, sampling procedure, instruments, data collection, and data analysis. Chapter IV addresses the findings and research questions. Chapter V summarizes the key findings and discusses the implications, limitations, and directions for future research.

CHAPTER II

LITERATURE REVIEW

The literature review begins with an overview of Foucault's theory of discourse and how it applies to this dissertation. Considering how genealogy is a central component of Foucault's theory, the literature review will provide genealogies of how prostitution end demand policies first came into place with an emphasis on Sweden since this was the first nation to pass such legislation and then progress onto the genealogies leading up to the passage of prostitution end demand legislation in Northern Ireland and England, and the failure of such legislation to make it to a Parliamentary vote in England. Furthermore, the literature review will provide an analysis of existing material on the main topics of contention in prostitution public policy disputes.

FOUCAULT'S THEORY OF DISCOURSE

Subjugated Knowledge

While various types of discourse analysis exist, the present study is guided by Michel Foucault's theory of discourse. Power dynamics along with the historical, economic, political, and cultural context leading to discursive events are central concepts in Foucault's (1972) theory. Foucault's theory is not focused on objective realities. In fact, he is very critical of claims to objective knowledge and positivism. He likewise rejects a hierarchal claim to knowledge, in which scientific knowledge is considered superior to all other forms. Instead, the subjectivity of knowledge- which Foucault called subjugated knowledge-is at the heart of his theory of discourse. This subjugated knowledge is developed through historical contents, which Foucault referred to as genealogy. In this context, history does not end in the past but continues into the present and future. Foucault's theory is concerned with local knowledges, which are based on

political, economic, historical, and cultural contexts. To paraphrase, Foucault's theory is focused on truth with a lowercase "t" instead of a capital "T." Truth with a lowercase "t" refers to subjective, contextual truths. Truth with an uppercase "T" refers to objective, universal truth.

Power

In Foucault's theory, knowledge is a way to exercise power. That is, some forms of knowledge gain power and disqualify or diminish the perceived legitimacy of other forms (Smart 1989). This ideological power is called hegemony.

Writing in the 1970's, Foucault explained that Western society was transitioning from a sovereign form of power to a disciplinary form-though these are not mutually exclusive and the existence of the latter does not eliminate the former (Foucault 1977). Disciplinary refers to the different subject fields of inquiry and knowledge, such as academic and vocational disciplines. Disciplines are themselves forms of discourse. Thus, law is discourse. Foucault described sovereignty as a universal form of power, and as an ideology that has persevered as a guiding principle in legal codes. One reason for this persistence he noted is due to the democratization of sovereignty. Yet, he describes this as a misleading concept, giving the illusion of democracy while actually being grounded in disciplinary coercion. In this context, disciplinary and sovereign powers co-exist.

Smart (1989) described power as "productive" based on Foucault's conceptualization. That is, power is not static but is continually being developed, expanded, and modified. Within this framework, new disciplines emerge and the dominant knowledge in existing disciplines can change. Some disciplines gain more hegemonic power while some experience a decrease in this.

Discourse and Law

Smart (1989) applied Foucault's theory of discourse to the development and effects of law. She asserted that law exerts power not only in its material effects, but also because it is able to disqualify other forms of knowledge and experience. In this sense, law becomes more socially legitimized than other forms of knowledge--hence giving it hegemonic power. Thus, Smart asserted that law was equivalent to science in terms of social legitimacy.

Smart pointed out that the emergence of new disciplines has not diminished the power of law. Instead, law shifts its focus. She noted a move toward "protection" laws that justify legal interference in realms traditionally deemed private--such as family life. Examples the expansion of laws prohibiting incest, child abuse, and intimate partner abuse.

Even outside of family life, sex is a realm widely deemed private. Frank, Camp, and Boutcher (2010) conducted a quantitative study of global trends in state regulations toward sex over a 60-year post-World War II era from 1945-2005. They found a dominant trend against criminalizing consensual sex acts while expanding laws criminalizing nonconsensual sex acts. Frank et al attributed this finding to a global movement toward increased individualism, where personal choice and privacy are paramount.

Disputes thus persist concerning how much power law should have over sex. A landmark U.S. Supreme Court ruling concerning the issue of sexual privacy is the 2003 *Lawrence v. Texas* case. This case emerged after two men in Houston were arrested in 1998 for engaging in private, consensual sexual behavior. Anti-sodomy laws were commonly used to criminalize such behavior between people of the same sex, including in Texas. These men sued, saying their constitutional rights were violated, including the right to privacy. The Supreme Court ruled in

their favor, thus having implications for anti-sodomy laws across the U.S. (*Lawrence v. Texas* 2003).

This right to privacy issue is also one of the main points of dispute concerning prostitution laws. As Smart (1989) explained, the discourse of protection is promoted as a way to justify legal interference in acts that would otherwise be considered private. Various questions are at dispute here: Do commercial sex acts deserve the same right to privacy as sexual behaviors outside of the sex industry? Are anti-prostitution laws (including end demand policies) unnecessarily violating the right to privacy or do such laws provide a level of protection that justifies any violations of privacy that may occur?

Yet, the questions go deeper than only the above when applied to prostitution policy disputes-extending beyond just privacy rights vs. protection. Proponents of decriminalization commonly assert that criminalization harms sex workers, no matter whether this involves end demand policies or more traditional forms of anti-prostitution laws that criminalize the sexual service providers. Thus, if one accepts the position that anti-prostitution laws are about protecting, then it is important to ask who the laws are protecting. Are they protecting victims of abuse and exploitation, or are they protecting the interests of the perpetrators? Further questions can be asked about how concepts such as victimization, exploitation, and protection are being defined and how conflicting interests provide differing conceptualizations. Here, social construction theory comes into play.

SOCIAL CONSTRUCTION THEORY

Social constructionism is a subjectivist theoretical orientation asserting that issues become social problems when interest groups are successfully able to convince masses of people that the issue is a social problem (Rubington and Weinberg 2003). In other words, the issue gains

mainstream recognition as a social problem. This has effects on public policies and policing practices (Ditmore 2005).

Social construction theory provides a means for highlighting how groups subjectively define concepts, such as prostitution. Groups supporting decriminalization define prostitution as an occupation that is not inherently violent or exploitative—though circumstances and conditions may make it that way. Yet, supporters of end demand prostitution policies have defined it as inherently violent, exploitative, and misogynistic, and do not accept it as an occupation (Chapkis 1997; Chateauvert 2013; Desyllas 2007; Outshoorn 2001).

Thus, while groups on differing sides of the prostitution debates denounce violence and recognize this exists in prostitution, they are constructing it differently. Supporters of end demand legislation define prostitution as inherently violent by its essence while supporters of decriminalization dispute this claim and assert that degrees of safety exist vary within the sex industry.

Conceptualizing prostitution as intrinsically violent leads to the position that prostitution must be eradicated to end the violence inherent in the industry. This is a central argument of end demand legislation, which says end the demand for prostitution to eliminate the sex trade or at least reduce it. On the contrary, when conceptualizing violence in prostitution as shaped by stigmas, hatred, oppressive policies, and additional oppressions against marginalized groups rather than an intrinsic part of prostitution; the focus shifts toward supporting harm reduction and occupational health, safety, and rights-which are central to discourse supporting decriminalization.

Though not denying that trafficking occurs in the sex industry; supporters of decriminalizing prostitution commonly dispute claims about astronomical numbers of people

being trafficked into the sex trade, saying such claims are sensationalized, promote hysteria, and are tactics to promote anti-prostitution policies that do more to harm sex workers than stop trafficking (Chapkis 1997; Hanon 2015). However, the disputes are not just about numbers, but also whether prostitution is intrinsically linked to trafficking and the effects of policies further criminalizing prostitution in the name of stopping trafficking. Critics of criminalizing prostitution tend to dispute how trafficking is being defined, pointing out how overly broad definitions of trafficking in prostitution are resulting in sex workers and people who are not enslaving anybody being punished (Desyllas 2007; Ditmore 2005; Sanghera 2005).

While disputes also exist concerning how domestic trafficking within nations is being defined, there is a widespread assumption that migrant prostitution between nations automatically means trafficking is involved. Yet, in the globalized economy, many people across international borders to survive and make a living- including migrant sex workers. Many migrant women can make a better income in prostitution than in the very limited amount of other jobs that may be available to them (Sanghera 2005). This is not about whether prostitution is a good job for migrant women. Rather, this is about the scarcity of jobs available to populations such as migrant women that pay livable wages within the broader political economy as well as broader economic circumstances that lead to migration for work. This is not to deny that trafficking in the sex industry ever happens to migrant women, but to address the complexity of economic circumstances that may lead people to cross international borders and work in prostitution. “Trafficking has been nationally and internationally defined through the use of ethnocentric language and western assumptions” (Desyllas 2007: 60). This statement refers to how trafficking discourse has been socially constructed. Desyllas explained that the ways trafficking policies are created and implemented exemplify Western imperialism.

Likewise, critics point out contradictions of policies criminalizing prostitution in the name of fighting trafficking because these policies typically treat sex workers as both the victims and the criminals. On the one hand, these policies are based on the premise that many or all people working as prostitutes are trafficking victims, but on the other hand, such people are criminalized under the same legislation.

For example, though the stated goal of India's Immoral Traffic Prevention Act is to prevent trafficking, law enforcement agencies use it to go after sex workers rather than traffickers. Sex workers must frequently appear in court where they are fined, imprisoned, or both (Jayarsee 2004). Jayarsee reported that over 90 percent of the people arrested under the Act are sex workers, citing data on the enforcement of this legislation. Many such arrests happen under a section of the law criminalizing solicitation in public places. Despite the intent or public perceptions of such legislation, anti-trafficking policies often result in criminalizing or victimizing sex workers, while having very little effect on the traffickers and people responsible for the exploitation (Jayarsee 2004).

GENEALOGY OF PROSTITUTION END DEMAND POLICIES

Though Sweden was the first nation to pass end demand legislation in 1999, the precursors leading up to it extend earlier and beyond just Sweden. The notion of women as being in need of protection is centuries old and policies focused on protecting women from sexual slavery-at least in theory-extend way earlier than the 1990's. In the U.S. around the being of the 1900's, widespread fears persisted about migration (especially immigrants from China) bringing prostitution and sexual slavery into the U.S. This came to be known as the "white slavery" scare. The fears about sexual slavery in addition to broader moralistic concerns led the U.S. government

to pass the Mann Act in 1910. This act prohibited unmarried women from crossing state lines for prostitution or “other immoral purposes” (Chapkis 1997; Desyllas 2007).

The Mann Act exemplifies a global trend that has continued into contemporary times of passing legislation that constrains women in the name of protecting them and the intertwining of moralistic concerns with deeper human rights issues. In 1949, the United Nations became the first entity to pass legislation against trafficking that specifically targets prostitution. The UN has since expanded its definition of trafficking to include additional industries (Desyllas 2007). Yet, the strong focus on the sex industry above all other industries in human trafficking rhetoric and policies has persisted.

Opposition to policies such as the Mann Act because they are oppressive to marginalized groups under the guise of protecting them also persist. This is based on the notion that such legislation has an ulterior purpose rather than protection, and the protectionist discourse is used as a ploy to gain support. The Mann Act has been criticized on the grounds of being xenophobic, anti-immigration legislation targeting groups deemed “undesirable” by the dominant power interests (Desyllas 2007). The same criticisms continue to be applied to contemporary anti-trafficking legislation. Likewise, supporters of decriminalization dispute protectionist assertions about end demand legislation.

Prior to becoming the first nation to pass end demand legislation, Sweden had a system of prostitution that was legal to a limited extent. Buying and selling sex were legal, though third party management was illegal (Ostergren 2004). While the “migration plus prostitution equals human trafficking” discourse waned somewhat after the early 1990’s, it became more pronounced again in the 1990’s. The fall of the Eastern European Communist bloc occurred in the late 1980’s. Thus, the effects were especially pronounced in the 1990’s. With this drastic shift in the

economy, many people migrated from Eastern to Western Europe in search of work--some of whom found work in the sex industry (Kantos 2011). In Western European nations such as Sweden, this amplified discourse about sex trafficking--focused on masses of women from Eastern Europe being trafficked into Western Europe. While many of these women may have been consensual migrant workers leaving Eastern Europe due to the drastic economic shifts occurring, they were widely assumed to be trafficking victims.

Thus, if the objective is to create a society where nobody needs to engage in prostitution for survival, targeting prostitution alone is not enough. It is essential to provide sufficient job opportunities that pay at least a livable wage and to address global economic conditions. While migrant women are not the only ones engaging in prostitution, they may face additional obstacles in terms of gaining sustainable employment due to issues such as language barriers and lack of papers to work legally in their destination countries. Yet the challenges facing migrant women may vary. For example, language barriers may be an issue for some migrant women, but not for all. This is not to say that only women engage in sexual labor, but that like with non-migrant people, many of the immigrants who provide sexual services are women.

Like the Mann Act, the Swedish prostitution policy is also used for anti-immigration purposes that disproportionately target women. In 2010, authorities in Western Sweden deported 20 migrant women for working as prostitutes, 15 of whom were sent back to a European Union (EU) country. One of the deported women from an EU nation filed a grievance with the Migration court. The Swedish police argued that though selling sex was not illegal under Swedish law, the buying of sex was and she would need buyers in order to sell sex. Thus, they argued she was violating law and order in Sweden. However, the court ruled in the sex worker's favor, saying that by deporting her, Sweden violated "Freedom of Movement" allowed under EU

protocol (Radio Sweden 2011). Furthermore, Jordan (2012) said that sex workers were not consulted in the development of this end demand legislation in Sweden and the government did not invite them to provide input into prostitution policies.

Proponents of end demand prostitution legislation laud the Swedish system as a success, commonly mentioning that the amount of prostitution has decreased in half since this law passed. While they do not commonly name the source or how this statistic was derived, it is likely based on a 2010 report by the Swedish government that estimated that street prostitution decreased by 50 percent in era of end demand legislation.

However, as Jordan (2012) points out, it is highly possible that prostitution did not necessarily decrease by 50 percent. The 50 percent drop in street prostitution this report found did not account for indoor prostitution. Furthermore, it is possible that street-based sex workers may have relocated to areas where they are less known to the local police, or to areas where they are less visible and harder to find—even if not impossible to locate. Under this legislation, sex workers may wish to hide from police out of fear of the police spying on them to catch their customers--which is easier to do when they are out in the open. It is thus unclear how much of this 50 percent drop in street prostitution the Swedish Government estimated is based on less prostitution actually occurring, and how much is based on a movement of prostitution indoors or to other areas outdoors less familiar to authorities.

The following sections will focus on the social, political, and economic circumstances in which end demand legislation made it to debate, and in some cases passage, in the nations to be compared in this analysis: Canada, England, and Northern Ireland.

Genealogy of Prostitution Policies in Canada

Lowman (2000) conducted a content analysis of newspaper articles about murdered sex workers in the Canadian province of British Columbia from 1964-1998. He noted a “discourse of disposal,” referring to ongoing attempts among politicians, police, and neighborhood groups to eliminate street prostitution from residential areas. Rather than eliminating prostitution, it just shifted from one area to another when police would crackdown on certain areas and sex workers were subject to harassment and vigilante-type behaviors by neighborhood residents. Such actions also pushed sex workers further underground into more areas that are isolated.

Amidst such discourse of disposal, Canada passed legislation in 1985 making it a crime to communicate publicly for the purposes of prostitution. This, in essence, criminalized street prostitution. Even if no verbal exchanges occur publicly, communication can still be argued to occur non-verbally. Lowman found an increase in violence against street sex workers in British Columbia since Canada passed this legislation in 1985, which he attributed to both the legislation and the discourse of disposal.

As an example of this discourse of disposal Lowman noted, copies of a handwritten poster were attached to telegraph poles in the Downtown Eastside of Vancouver stating-

Warning: Street Prostitutes
From: 700,800,900 Block East Pender, Hastings, & Cordova Residents
Move out or face consequences by July 15/93 and thereafter

Is this movement toward vilifying the clients and perceiving the sex workers as victims getting away from the discourse of disposal Lowman (2000) noted or just another form of this? The focus of contemporary end demand discourse is not just about getting street prostitution out of their neighborhoods, but eliminating prostitution all together as an effort to stop exploitation and violence end demand proponents argue is inherent in prostitution.

As mentioned in Chapter I of this dissertation, three women with experience in sex work sued Canada challenging the constitutionality of the nation's previous prostitution laws in 2007. At the time of the first ruling of on this case in 2010, only one of the three plaintiffs, Amy Lebovitch, was still doing sex work. The additional plaintiffs, Valerie Scott and Terri-Jean Bedford, were formerly in sex work (*Canada v. Bedford* 2010). Two of the three plaintiffs (Scott and Lebovitch) are leaders in *Sex Professionals of Canada*, an organization advocating for the decriminalization of sex work. Lebovitch is the executive director while Scott is a co-legal coordinator (Sex Professionals of Canada n.d.).

While prostitution was legal to a limited degree in Canada, plaintiffs in *Canada v. Bedford* argued that the criminalization of certain activities associated with sex work were unconstitutional under Section 7 of the Canadian Charter of Rights and Freedoms, which guarantees the right to life, liberty, and freedom. They were challenging three aspects of the law as unconstitutional (*Canada v. Bedford* 2010): 1) The prohibition on publicly communicating for the purposes of prostitution- (This is explained earlier in the literature review when describing the Communications Act of 1985.) To add on, this provision of the law also prohibits communication for the purposes of prostitution in cars; 2) The prohibition on bawdy houses- This provision criminalized operating or being in a place used for prostitution more than once. Not only were third parties who ran prostitution services criminalized, but sex workers were also criminalized. If a sex worker worked alone or with other sex workers out of a place that was used for prostitution more than once, this would constitute a bawdy house. This provision also made it illegal for somebody, such as a landlord, to provide a space for sex workers to work out of; 3) living off the avails of a prostitute. This criminalizes not only third parties in prostitution or providing business services (such as accountants or web designers) to sex workers, but also

anybody living with a sex worker. People living with sex workers must prove that their relationship is not exploitative in order to not be criminally liable under this provision.

The Ontario Court of Justice was the first to hear the case, and Justice Hamell in 2010 ruled all three of the above provisions to be unconstitutional. In particular, Hamell ruled that the provision against communication for the purposes of prostitution was defined broadly enough as to interfere with sex workers' communicating with clients for safety reasons and that the ban on bawdy houses criminalizes sex workers for taking the safety precaution of working indoors and pushes sex workers out of the streets. Though indoor prostitution is not immune to violence and abuse, plaintiffs argue that street prostitution is more dangerous (*Canada v. Bedford* 2010).

The Attorney General of Canada appealed this ruling, and the four justices on the Ontario Court of Appeals upheld only the prohibition on bawdy houses as unconstitutional in June 2013. Yet, they also modified the provision prohibiting living off the avails of sex workers, saying this was only unconstitutional if the relationship was exploitative. The Court of Appeals said that the anti-prostitution provisions being ruled unconstitutional does not prevent Parliament from setting restrictions on where and how prostitution can operate, so long as this do not violate the constitutional rights of sex workers. This court also recommended the declaration of invalidity for the anti-prostitution provisions should be suspended one year.

The case then went to the Canadian Supreme Court for review. The Supreme Court's ruling is consistent with elements of both lower courts' rulings and recommendations. In December 2013, the Supreme Court justices ruled unanimously (9-0) that the three provisions being challenged were unconstitutional because 1) the impact of these provisions is tremendously disproportionate to the purpose of the law; 2) it is overly broad and criminalizes too many unrelated actions; and 3) the provisions are arbitrary and lack connections to the purpose of the

law. In sum, the Supreme Court ruled that the provisions unnecessary interfere with sex workers' safety and protection. This is consistent with the ruling of the Justice Court of Ontario. The killings by Robert Pickton addressed in Chapter 1 of this dissertation appear to play a role in Supreme Court's ruling. This court stated, "If screening could have prevented one woman from jumping into Robert Pickton's car, the severity of the harmful effects is established" (Gender and Sexual Health Initiative n.d.).

Yet, the Supreme Court's ruling did not ultimately stand. Consistent with the Ontario Court of Appeals recommendation that a year-long waiting period be implemented before invalidating the anti-prostitution provisions, the Supreme Court gave Parliament a year's reprieve to implement new prostitution legislation- leading to the passage of Bill C-36 criminalizing 1) the buying of commercial sexual services, 2) third parties placing ads for such services anyplace public, and 3) both the buying and selling of sex next to certain places where people under the age of 18 can reasonably be expected to be at, such as schools, playgrounds, and churches.

In a press conference introducing Bill C-36 before the Parliamentary hearings started, Conservative Party MP Peter MacKay stated that "the buying and selling of sex has never been illegal in Canada, but that changes today" (Ng 2014). He went onto explain that certain activities surrounding prostitution were illegal rather than prostitution itself under the existing legislation at the time that was ruled unconstitutional. In the press conference, he said that most people in prostitution do not engage in it by choice, the legislation is intended to stop "pimps and johns," that women and girls are disproportionately exploited and harmed by prostitution, prostitution is inherently violent, and that the effects of prostitution extend beyond just people directly involved. To extend on the latter point, though the stated goal of this legislation is to eliminate prostitution overall, he expressed a need to especially focus on getting prostitution away from places where

Canadians can go with their children in their local communities. Thus, MacKay connected Bill C-36 to various issues, such as anti-violence, protecting women and children, anti-exploitation, and the well-being of the Canadians overall as well as communities within the nation.

Though MacKay said that people selling sex in prostitution are often victims, especially if they are children, he also said that minors would be criminalized if selling sex in the presence of another minor. An example he provided was if two 16-year-olds are soliciting prostitution in proximity to each other, then each could be criminally charged for committing prostitution in the presence of a minor (Ng 2014).

While he said that Bill C-36 is about protecting vulnerable groups, critics argue that such provisions which criminalizing providers for working together or around each other pushes them into more isolated areas and interferes with them being able to communicate with each other, thus further endangering them. Reporters asked him about this point during the question and answer segment of the press conference, to which he responded twice that the government is not forcing anybody to engage in prostitution (Ng 2014). Yet, even if the government is not forcing anybody into prostitution that does not negate concerns about this provision endangering prostitutes.

He also mentioned this provision does not make exceptions for the time of day or night. For example, the legislation does not consider that while it is reasonable to expect children to be at certain places during the day, it is not reasonable to expect them to be out at 3 a.m. Furthermore, MacKay said that sex workers who work out of their homes could be criminally charged for prostitution if children are in the home (Ng 2014).

Thus, implications that this legislation only criminalizes the buying of sexual services and third party profiteers are at best misleading. Though Bill C-36 does not directly criminalize sex workers for selling sex in itself, it does criminalize them for activities associated with their

work- such as soliciting near certain places somebody under age 18 may be around (even if the sex provider is also a minor).

The dominance of the Conservative Party in Canada's Parliament was instrumental in the introduction and passage of this legislation. Bill C-36 was introduced by a Conservative Party MP (MacKay) and Parliamentary voting on this bill was partisan. All voting Conservative Party members voted for it, while voting Liberal and New Democratic Party members voted against it.

Genealogy of Prostitution Policies in Northern Ireland

Magdalene houses and laundries. Dating back to the 1700's, Ireland developed a legacy of "Magdalene houses," a term referencing Mary Magdalene. She was a woman in the Bible whom many assume to be a prostitute and who became a follower of Jesus. These are places where women and girls who were in prostitution or perceived to be at risk of becoming involved in prostitution (such as being orphaned or of a low-income background) were institutionalized in an effort to divert them away from prostitution and into roles deemed more socially acceptable for women. Beyond only prostitution, women and girls who engaged in any sexual behaviors deemed "immoral" by the dominant Catholic order, which promoted abstinence until marriage, were also institutionalized in Magdalene houses. This included unmarried girls and women who became pregnant or otherwise engaged in pre-marital sexual behaviors. Girls and women were taught how to fulfill roles as wives and mothers. Though some job training was provided, this was restricted gendered occupations deemed socially acceptable for women (Belknap 2015).

Magdalene houses exemplify a phenomenon Belknap (2015) referred to as "benevolent sexism." Benevolent sexism refers to acts and systems that proponents claim benefit women and girls, but are still oppressive. Magdalene houses were run by mostly by Catholic groups (though some were run by Protestant organizations) who asserted that they were helping women and girls

by instilling morals in them and guiding them away from prostitution. Yet, critics point out the slave-and prison-like conditions, in which women and girls were held captive and required to perform work without pay. Belknap (2015) explained that the Magdalene houses in Ireland emerged into the Magdalene laundries run by nuns, detaining thousands of women and girls in slave-like conditions until they were shut down in 1996 (Belknap 2015).

They were shut down after nuns attempted to sell the property Good Shepherd Sisters was on and hired gravedigger Barney Curran to dig up bodies buried on the land in a mass grave. He reported digging up 133 bodies and noticing many with broken and plastered bones, indicating the girls and women may have been subject to work too strenuous for their bodies. Yet, the conditions leading to the broken bones are not immediately clear just by digging up the bodily remains. This discovery led to media reports about the conditions and the Irish government ran an investigation, which ultimately led to the shutdown of the Magdalene laundries. Survivors of the laundries increasingly spoke out about the experiences of enslavement as well as physical and verbal abuse by nuns who supervised the laundries (BBC 2014a).

“It was horrible, it was horrible. You didn’t have conversations with anybody. You weren’t allowed to talk to nobody. You weren’t allowed to communicate,” said Maureen O’Sullivan, who was institutionalized in a Magdalene laundry when she was 12-years-old run by the Good Shepherd Sisters. O’Sullivan said she was woken up at about 5 a.m. and made to work until 8 p.m., with a break for tea at 5 p.m. (Coleman 2009).

Bill Donohue, President of the Catholic League for Civil and Human Rights, said the assertions of widespread abuses in Magdalene laundries were exaggerated (Donohue 2013). Likewise, Oddie (2013) wrote a *Catholic Herald* article disputing assertions of widespread abuse in the Magdalene laundries, and quoted women formerly institutionalized in such places who said

they did not experience or notice physical abuse there. This indicates that conditions varied between Magdalene laundries and how nuns treated women and girls there may have also varied.

Unlike the Republic of Ireland, Northern Ireland's government has not conducted an investigation into the Magdalene laundries. However, an independent group took on this role, creating "The Historical Institutional Abuse Inquiry." In 2012 the Northern Ireland government agreed to allow this team to conduct the investigation, report to the government on the findings, and make policy recommendations. This is a multidisciplinary group headed by Sir Anthony Hart, a lawyer. This investigation applies not only to Magdalene houses and laundries, but to anyplace children were institutionalized during the timeframe studied. Though this investigation focuses only on children, grown women were also institutionalized in Magdalene homes and laundries.

Whether prostitution is defined as an occupation or an act of violence against women, it is about more than just sex either way. In the first case it is also a means of making a living and in the latter case it is gendered violence. Yet, the ideologies of the Catholic and Protestant Churches guiding Magdalene laundries combine prostitution with various forms of sexual behavior deemed immoral for women and girls in that all are violations of appropriate behaviors. Women and girls engaging in such behaviors or perceived at risk to must be reformed for their own good and the good of the broader society. Despite the shutdown of Magdalene laundries, disputes persist concerning whether anti-prostitution policies, including end demand, are mainly about promoting an underlying moralistic agenda. This topic came up during legislative disputes addressed in this dissertation and will be elaborated on further in Chapter IV. Furthermore, Christian groups continue to be involved in shaping prostitution policies, which will also be further expanded upon later in this dissertation.

Expansion of prostitution end demand legislation to Northern Ireland. The European Union passed a resolution in 2014 recommending that member nations enact end demand prostitution policies. The Justice Committee of the Northern Ireland Assembly was simultaneously holding hearings on proposed end demand legislation that eventually passed. Nations in the United Kingdom joined the European Union together as a single entity rather than individually, though the British Parliament voted to withdraw England's membership in 2016.

In June 2013, Assemblyman Lord Morrow introduced a provision criminalizing the purchase of sexual services into the proposed Human Trafficking and Sexual Exploitation bill. Morrow told the Assembly that his Christian background underpinned his decision to introduce this clause. Dan Boucher is the public affairs director of a Northern Ireland organization called Christians Advocating for Resources and Education (CARE). He advised Lord Morrow on this bill since early 2012, which was before the bill was introduced to the Assembly and throughout the process (Gleich 2014). Months after introducing this bill, Lord Morrow recommended when testifying to the nation's Justice Committee in March 2014 that they add a provision providing support services for people wishing to prostitution because various organizations such as Ruhama (a prostitution diversion program) and Women's Aid (an organizing providing services to victims and survivors of domestic violence and sexual assault) said this is needed. The committee agreed to write to the Departments of Justice, Education, and Health, Social Services and Public Safety and the Department for Social Development requesting their insight on this proposal in order to assist in the consideration of the proposed support services (Northern Ireland Assembly 2014).

The right-leaning Democratic Unionist Party (DUP) is the largest party in the Northern Ireland Assembly, though Northern Ireland has multi-party assembly. Both Lord Morrow, who was the sponsor of this bill, and Paul Givan, the chair of the Justice Committee who held hearings

on the proposed legislation, are members of the DUP. This party has strong ties to Protestantism and has attempted to garner support from Catholics with some success (Clarke 2012).

In December 2013, the Justice Committee of the Northern Ireland Assembly traveled to Sweden to meet with governmental and non-governmental figures concerning prostitution end demand legislation. The committee also met with the Oireachtas (Republic of Ireland) Joint Committee on Justice, Defence and Equality who expressed an interest in both nations on the Island of Ireland enacting prostitution end demand policies (Northern Ireland Assembly 2014). On various dates between November 2013 and March 2014, the Northern Ireland Justice Committee held hearings with testimony from interest groups regarding the proposed end demand clause to the anti-trafficking bill, which was Clause 6 later to become Section 15 of the final bill.

After the hearings, the committee agreed to support the end demand prostitution clause with some members refusing to take a position on this clause at the time. The committee members with reservations said they were concerned about unintended consequences and adverse effects prostitutes, and needed more information about the magnitude and nature of prostitution in Northern Ireland (Northern Ireland Assembly 2014).

The human trafficking bill was then sent to the overall Northern Ireland Assembly for consideration with Clause 6 included which had become Section 15 of the bill before it passed. This clause in the trafficking bill received widespread support across political parties, with 81 Assembly members voting in favor of it and 10 voting against in October 2014. In addition to the DUP, the left-leaning Sinn Féin party also backed this clause. Thus, the clause was supported by the two largest parties in the Northern Ireland Assembly, which was crucial to its passage (Press Association 2014).

Genealogy of Prostitution Policies in England

Like Ireland, England has a history of Magdalene houses dating back to the mid-1700's. In fact, the first known Magdalene house was created by a Protestant group in England (Donohue 2013).

As explained in Chapter I, prostitution is legal to a limited extent in the England, with indoor prostitution being legal if the sex worker is working alone while brothels and street prostitution are illegal (Casciani 2008; Douse et al 2011). Consistent with Lowman's findings among street-based sex workers in British Columbia, Canada, Sanders (2004) also found a discourse of disposal imposed upon street workers in Birmingham, England. Though the locations of the studies were different, both researchers found neighborhood residents uniting against street prostitution; street sex workers being subject to harassment, threats, and vigilantism; and police crackdowns on street sex workers amidst these uproars against street prostitution.

Kantola and Squire (2004) found that discourse in prostitution and human trafficking policy disputes in the United Kingdom have been dominated by public nuisance and moral order discourse. The hostility that Sanders (2004) noted toward street-based sex workers is consistent with a public nuisance discourse, in which street prostitution is constructed as a nuisance in the neighborhoods where it occurs.

As mentioned in Chapter I, neither supporters of end demand nor proponents of decriminalization support England's prostitution policies. End demand proponents oppose these policies because they do not criminalize prostitution clients in all sectors of the industry while advocates for decriminalization oppose the criminalization of street prostitution and brothels in this legislation. Decriminalization proponents criticize how the broad legal definition of brothels

criminalizes sex workers who work together. They assert that working together is a safety precaution that must not be criminalized (Mullin 2016).

As part of the United Kingdom, England was a member of the European Union along with Northern Ireland before the British Parliament voted to withdraw membership in 2016. Also like Northern Ireland, British legislators considered prostitution end demand clauses added into anti-trafficking bills in 2014, the same year the European Union recommended that member states enact such policies. British Labour Party MP Fiona Mactaggart proposed that a clause criminalizing the purchase of commercial sex acts be added into the Modern Slavery Bill Parliament was considering. Mactaggart eventually retracted the end demand provision (English Collective of Prostitutes 2014) and the Modern Slavery Bill ultimately passed (Bradley and May 2015). Yet, some debate about the end demand clause occurred in Parliament before the clause was removed.

The most vocal opposition to the end demand clause in Parliament came from MP John McDonnell, who like Mactaggart, is a Labour Party member. McDonnell had developed alliances with British sex workers' rights activists. For example, he hosted a day long symposium on November 2, 2015 organized by the English Collective of Prostitutes at the House of Commons. This symposium was intended to educate British policy makers about the need to decriminalize prostitution (Corvid 2015).

Sex workers' rights groups distinguish between legalized and decriminalized prostitution, and tend to favor the latter. From this conceptualization, the British policies would fit into a legalized framework, with highly restrictive laws in which prostitution is legal only to a limited degree leaving many sex workers on the criminalized sector. On the contrary, decriminalization is a less restrictive system involving the removal of criminal sanctions in exchanges of sex for

payment. In other words, the exchange of sex for payment is not in and of itself a crime no matter whether it involves indoor or street prostitution, or prostitution inside or outside of brothels (Chapkis 1997; Chateauvert 2013; Jenness 1993; Mullin 2015). Sex workers' rights activists point to New Zealand and New South Wales, Australia, as examples of decriminalization. Under this system, neither street nor indoor prostitution is criminalized regardless of whether sex workers are working together or alone. In New Zealand (New Zealand Occupational Health and Safety Services and Department of Labor n.d.) and New South Wales (New South Wales Government 2001), prostitution is regulated under occupational health and safety codes.

Merseyside model. The county of Merseyside in Northwestern England enacted an innovative approach to encouraging street sex workers to report violence in an effort to curtail violence. Like many places, Merseyside was experiencing high rates of violence in street prostitution, but low rates of reporting this violence to police. This project started through a national grant in December 2000 and is a collaboration between the Merseyside police and the Ugly Mugs scheme run by the Linx Project. This Ugly Mugs scheme is a project in which outreach workers go to the streets and bring forms to street sex workers asking them if they have experienced violence and if so, for descriptions of the type of violence, the location, the perpetrator, etc. They also communicate with street workers through speaking with them (Penfold et al 2004).

The Linx project has been able to note links between violence different sex workers have reported to them in some cases, linking this to the same perpetrator. They then warn street sex workers of this and provide information to the police. While they do not make sex workers report

violence to the police, they support them in doing this- being there with them through the process. They thus serve as a liaison between street sex workers and the police (Penfold et al. 2004).

By March 2002, two perpetrators of violence have been caught through this collaboration between the Linx Project and the Merseyside police (Penfold et al. 2004). The first was a man who forced oral sex at knifepoint. The Linx Project provided Merseyside police with three incident reports, in which two provided the registration number of his vehicle that linked him to the crimes. With the support of the Linx Project, one of the survivors made a formal statement to the police. The assailant was convicted of assault.

The second conviction under the collaborative efforts between the Linx Project and the Merseyside Police involved three sex workers reporting to the Linx Project a security guard who abducted, imprisoned, and assaulted them. After these three sex workers filled out incident reports for the Linx Project, another sex worker was assaulted by the same man. The Linx Project connected the attacks to the same perpetrator and a survivor agreed to make a formal statement to the police. Within a week of her making this statement, the assailant was arrested. With support from the Linx Project, each of the survivors eventually agreed to proceed with charges against the assailant and in January 2002, he received three life sentences for imprisoning and assaulting the sex workers. He received life sentences due to these convictions combined with two previous convictions for violence against women.

In 2006, Merseyside took a position recognizing violence against sex workers as a hate crime. In 2011, the conviction rate for rape and other violence occurring the sex trade was 67 percent in Merseyside, compared to an average conviction rate of just 6.5 percent in England overall (Jacobs 2014). This Merseyside model (as it has come to be called) provides a framework for community organizations building partnerships with the police in efforts to curtail violence

and provide a liaison between sex workers and law enforcement. Additionally, the Linx Project also serves as a liaison between sex workers in terms of sharing information about dangerous customers. Though sex workers develop networks where they may share this information with each other, not all work in the same locations and thus may not come in direct communication with each other.

FEMINIST IDEOLOGICAL INFLUENCES ON PROSTITUTION POLICIES

Feminists are much divided on prostitution. Multiple, sometimes conflicting perspectives on the sex industry exist within the women's movement (Chapkis 1997; Desyllas 2007; Outshoorn 2001). While some feminists recognize prostitution as form of labor and see multiple sides to the sex industry, a type of feminism widely referred to as *radical feminism* argues that prostitution is not simply an undesirable job, but an inherent form of violence and male supremacy. According to this genre of feminism, gender equality cannot be achieved as long as prostitution exists.

Based on discourse from supporters of this position, prostitution cannot be compared to other jobs because they reject conceptualizations of prostitution as an occupation. This is in sharp contrast to discourse asserting that prostitution is not inherently oppressive, but that conditions shape this (Chapkis 1997; Chateauvert 2012; Jenness 1993).

When prostitution is conceptualized not as an occupation, but as an inherent form of oppression, efforts to improve working conditions in the sex industry become secondary to meaningless. When prostitution is constructed as an inherent form of violence and slavery, consent becomes a moot point. Thus, radical feminists and supporters tend to support end demand prostitution policies, which shift the focus of criminal sanctions from the sex workers to

their customers. This framework has been influential in the development of prostitution policies and policing of prostitution (Ditmore 2005).

Feminism is widely considered to be a left-wing ideology challenging conservatism. Yet, right-wing groups, including religious fundamentalists and conservative political organizations, have co-opted the anti-prostitution discourse of radical feminism and gone on board with promoting legislation against prostitution in the name of stopping violence and trafficking; and protecting women (Ditmore 2005). Though radical feminists are often at odds with the religious right and other conservative groups on political issues, they all object to prostitution. In this context, end demand prostitution discourse transcends liberal vs. conservative dichotomies and has garnered support across various sides of the political spectrum.

Policing prostitution has traditionally focused on arresting the sex workers, who are largely women. Though not all feminists support criminalizing the sex workers or the clients, radical feminists argued that the focus needed to shift toward arresting the clients (who are largely men). From this perspective, the clients—commonly called *johns* by proponents of end demand policies—were exploiting the women and perpetrating an act of violence even if doing nothing more than paying for sexual services. These men, according to radical feminists, are complicit in the marginalization and oppression of women. Radical feminists and additional supporters of end demand policing argue that while sex workers are often compelled into prostitution due to dire circumstances, the clients have more of a choice in their actions (Monto 2010).

While sex workers' rights activists also focused some energy on pointing out the double-standard in which sex workers were much more likely than clients to be arrested (Chateauvert 2013), this movement is in opposition to end demand legislation. Rather, the sex workers' rights

movement opposes the criminalization of prostitution instead of just shifting who is most commonly arrested under anti-prostitution laws (Chapki 1997; Chateauvert 2013; Jenness 1993).

Despite widespread praise of the Swedish model from anti-sex work feminists, many politicians, numerous religious groups, various anti-trafficking groups, and some academic professionals; Ostergren (2004) found Swedish sex workers to be very critical of this legislation. They reported that their work has become more dangerous when compared to the legal system that existed prior to 1999. For example, various Swedish sex workers in Ostergren's study explained that they felt less able to turn down clients who they had feelings about and who demand unsafe sex acts than before this end demand legislation was enacted. Additionally, though Sweden is known globally for having a very strong social welfare state, sex workers mentioned that under this legislation, they did not feel that they have as much access to the welfare state as non-sex workers. They also complained of police spying on them and invading their space to catch their clients and gather evidence against them, and some sex workers complained of being made to testify against their clients.

Even locations that have not totally implemented the Swedish model may still develop policies and practices influenced by it. For example, though both street sex workers and clients were criminalized in Canada, the Vancouver Police Department (VPD) began gradually focusing on arresting customers more than sex workers before the passage of Bill C-36- that also criminalizes clients of indoor sex workers in prostitution. In January 2013, the VPD officially implemented this focus on end demand enforcement of prostitution laws into their Sex Worker Enforcement Guidelines (Krüsi et al. 2014). Krüsi et al found that while many Vancouver street sex workers reported this shift away from arresting them to be beneficial, they asserted that the targeting of customers endangers them (the sex workers) in various ways- such as displacing

them to isolated areas; interfering with screening clients and safely negotiating terms and conditions of services; and interfering with accessing police protection. This is consistent with Ostergren's (2004) findings among Swedish sex workers.

Despite implementing end demand policing even before Canada passed Bill C-36, the City of Vancouver (2014) has since issued a statement opposing this legislation. This statement asked the nation to uphold the Supreme Court ruling against anti-prostitution laws. The statement uses harm reduction discourse to express opposition to the legislation, saying how Bill C-36 further endangers the health and safety of sex workers.

Gendered Language in Prostitution Discourse

Radical feminists and proponents of prostitution end demand policies commonly refer to providers of commercial sexual services as *prostituted women*, though the more gender-inclusive term *prostituted people* is also sometimes used. The term prostituted implies a lack of choice, that prostitution is something done to somebody. *Prostituted women* is a gendered term, leaving out men and sex workers who do not conform to the conventional gender binary. This type of gendered discourse also typically constructs prostitution as the buying and selling of women's bodies rather conceptualizing prostitution as an occupation in which sex workers are paid for their services. "In Sweden, it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and sexually exploited by men" (Ekberg 2004:1188).

Such gendered discourse could be interpreted in various ways. Though sex workers can be any gender or identify by no gender identity, many are women. Considering how radical feminists construct prostitution as an inherent form of male-supremacy and exploitation against

women, they may be less inclined to perceive men sex workers as victims lacking agency. According to radical feminism, prostitution affects not only the women directly involved, but is a form of oppression against all women.

Despite how such discourse is being promoted by a segment of the women's movement, this position has also been criticized within feminism. The feminist disputes concerning prostitution extend beyond just whether being paid for sexual services is demeaning or empowering to women. Among the criticisms within the women's movement against the radical feminist position is that it infantilizes women (Gangoli 2007), which is something the women's movement has been long advocating against. While some may justify infantilizing women in prostitution or not call it this because some women entered prostitution when they were children or adolescents, an argument can also be made that this does not excuse infantilizing women. The women do not remain children forever and have more years of life experience than children. Infantilizing women is not only disrespectful, but it may also add to any duress they may have experienced or by experiencing by assuming they are less mature than they may be-which can come across as patronizing.

From a liberal feminist perspective and consistent with criticisms against infantilizing women in prostitution, radical feminist discourse treats women in prostitution overall like they lack the capacity to make decisions for how they make a living and what they do with their own bodies based on their circumstances without distinguishing between forced and consensual conditions. The radical feminist ideology has also been criticized for being based on overgeneralized, stereotypical assumptions about prostitution while overlooking the diversity of realities and different sides of prostitution as well as how it is not necessarily degrading to all women (Bromberg 1997). The later of these points in particular is consistent with the focus on

individualism, which supports the right of women in prostitution to define their experiences for themselves and decide for themselves how they feel about being in the sex industry or sex trade. However, from a radical feminist framework, just because certain women may not find prostitution degrading does not negate how it degrades women overall. Radical feminists assert that prostitution degrades women as a gender, not just as individuals.

A segment of feminism also focuses on sexual labor as part of the broader gendered-division of labor within the political economy (Sanders 2005). Such a position is rejected by some feminists on the grounds it defines prostitution as a form of labor and compares it to various other forms in which the vast majority of workers are women. Intersectional feminism focuses on prostitution not only as a gender issue, but looks at how gender intersects with various demographic variables to affect experiences in prostitution and standpoints, as well as broader life circumstances and how these vary not just between women and men—but also between groups of women (Lucas 2013). An intersectional feminist ideology would argue that prostitution is not the same for all women involved and the effects of commercial sexual services and relevant policies are not the same for all groups of women inside or outside of prostitution. Rather, this ideology focuses on experiences, perspectives and circumstances may vary due to race, class, and many additional demographic variables.

Despite the varying and conflicting feminist ideologies, none deny that violence and exploitation exist within prostitution. Where they differ to an extent is in terms of how they construct these concepts in prostitution. For example, in terms of whether they define prostitution as intrinsically violent or whether they differentiate between violent and non-violent commercial sexual exchanges.

RESEARCH QUESTIONS

The following research questions guide the study:

Research Question One: Who were the main competing interest groups involved in the development of and resistance to end demand legislation in each country and how do they construct the issues?

Research Question Two: Which groups were underrepresented, and unrepresented in legislative hearings about the proposed end demand policies, and how does this reflect power dynamics?

Research Question Three: Despite the similarities between these countries, why did national legislatures pass end demand legislation in Northern Ireland and Canada, but not in England-and how is this relevant to power dynamics?

Research Question Four: How do the power dynamics in the legislative hearings and development as well as resistance to end demand legislation exemplify law as a form of discourse?

CHAPTER III

DATA AND METHODS

This chapter will explain how the analysis was conducted overall. The chapter describes the materials analyzed, the instrument used for analysis, the processes by which the data was analyzed, applying Foucault's theory to discourse analyses, constructions of relevant terminology, and a personal reflection on this overall research process.

OVERVIEW OF DISCOURSE ANALYSIS

Discourse analysis is the study of how language is used to communicate within a context and is a method of inquiry in various fields, including sociology (Georgakopoulou and Goutsos 1997). Language changes from a means for describing reality to a means of defining reality. People behave and make sense of issues based on how they categorize, so different definitions of the same category can arouse conflicts. In this sense, discourse analysis is constructivist considering that language is not used just to name concepts and things, but is manipulated to create and define them. Discourse analysis is based on interpretation (Donati 1992). In this sense, interpretation refers to how participants in the interactions interpret each other and how the researcher interprets the discourse.

While various types of discourse analysis exist, the present study is guided by Michel Foucault's theory of discourse. Power dynamics along with the historical, economic, political, and cultural context leading to discursive events are central concepts in Foucault's (1972) theory.

DATA

This analysis will integrate a variety of texts. The main texts are transcripts from legislative hearings and debates the Canadian Parliament and Northern Ireland Assembly regarding proposed end demand prostitution legislation. Because the British Parliament did not feature hearings where interest groups testified, the debate between legislators will be the primary data source. Relevant texts by courts, activists, politicians, and others who provide perspectives and insight outside of the hearings will also be included in the analysis.

The dates of the legislative hearings and debates concerning the end demand policies are listed in Appendix C. Debates refer to disputes and discussions between legislators. Hearings refer to sessions where interest groups testify to legislatures. The way the hearings worked in Northern Ireland and Canada is that testifies begin by providing an opening statement, in which they may explain their background, organizational affiliations, their positions on the legislation, and any suggestions they may have. Legislators can then respond with questions and comments.

In the Northern Ireland and Canada legislative justice committee hearings, the transcripts for each of the sessions are uploaded to their websites as a separate document even if they occurred on the same date. For example, there were three sessions of hearings in the Canada House of Commons Justice Committee on July 10, 2014 and these are labelled 2014 a, b, and c to distinguish each in Appendix A and when referenced in Chapter IV. Though the Canada House Standing Senate Committee on Legal and Constitutional Affairs also held multiple sessions of hearings within a given day concerning Bill C-36 “The Protection of Communities and Exploited Persons Act,” the transcripts for these sessions are uploaded online as one document for each date.

In Canada, the House of Commons held debates on Bill C-36 on the following dates in 2014: June 6, 11, 12; July 16; September 22, 23, 26; October 3,8; and after Bill C-36 received Royal Assent and was signed into law on November 6. On July 7, government officials briefed the Justice Committee in the House of Commons on Bill C-36 and the Committee held hearings from July 7-10, 2014. The Committee engaged in clause-by-clause consideration of Bill C-36 on July 15, 2014.

From September 9-11, 2014, the Canadian Standing Senate Committee on Legal and Constitutional Affairs held preliminary hearings on amending Bill C-36 where testifiers could provide suggestions for how to amend the legislation and share their positions on proposed amendments. Many of the individuals and organizations testifying here were the same as those who testified to the House of Commons Justice Committee.

After the preliminary hearings, the Standing Committee met on September 17, 2014 to amend Bill C-36 and then held final hearing on the amendments on October 29 and 30 where testifiers could provide reactions and input on the amendments, days before the final vote on Bill C-36 in Parliament. Previously on October 9, 2014, the Senate debated Bill C-36.

The Northern Ireland Assembly debated the Human Trafficking and Sexual Exploitation Act (HTSEA) on September 23-24, 2013. While the debates focused on the overall legislation rather than just Clause 6 criminalizing the purchase of commercial sexual services, this dissertation focuses specifically on Clause 6 in terms of debates, hearings, and additional legislative activities. On September 12, 2013, Lord Morrow and three advisors briefed the Justice Committee of the Assembly on the HTSEA, including Clause 6.

The Justice Committee of the Assembly held hearings on November 28, 2013 and the following dates in 2014: January 9, 16, 30 and February 6, 20. On February 13, 2014, the Justice

Committee held an oral evidence session featuring testimony from interest group representatives. The format of the oral evidence session differed from that of the sessions classified as hearings in this dissertation because in the hearings, testifiers began with an opening statement as previously explained and then legislators had the opportunity to direct questions or comments to them. In the evidence sessions on the other hand, testifiers did not provide an opening statement and then respond to questions. Instead, the oral evidence session was a clause-by-clause analysis in which testifiers shared their positions on the clauses as the clauses were brought up one-by-one. On March 6, 2014, the Justice Committee debated this legislation. Members of the Department of Justice and the Attorney General also addressed the Committee on that date. On March 20 and April 8, the Committee engaged in clause-by-clause considerations of the legislation.

The British Parliamentary hearings concerning the prostitution end demand amendment (also Clause 6 like in Northern Ireland) to the Modern Slavery Bill was debated in Parliament on Nov. 4, 2014. Considering that the prostitution end demand clauses were part of larger anti-trafficking bills in Northern Ireland and England, only the debate specifically regarding the parts of these bills discussing prostitution policies will be included in the analysis.

Data Collection

Data were retrieved online. Transcripts from the legislative hearings in the Canadian Parliament and Northern Ireland Assembly are available online in each respective legislature's website. Debate transcripts were available on the legislatures' websites for all three nations compared in this analysis. These are listed and linked to in Appendix C. Transcripts were downloaded to a hard drive and then uploaded to NVivo, a computer-based qualitative data analysis tool. While some videos of full sessions and clips of partial sessions are available on-

line through YouTube and possibly additional sites, these were not uploaded to NVivo for coding and only the written transcripts were coded.

Data Analysis

The transcripts are based on what was said verbatim at the legislative sessions, which allows for assessing interactions between testifiers and legislators. Comments and questions by testifiers and legislators in the transcripts were coded as they relate to specific themes salient in discourse on prostitution policies, such as violence, conceptualizations of work, and nuances in the concept of choice, women's rights, human trafficking, and harm reduction. Consistent with the qualitative discourse analysis methodology, the proposed study delved into the meanings of the discourse, and how this shapes positions on policies. This was achieved by providing excerpts from the transcripts in Chapter IV of this dissertation and analyses of these. NVivo was used for coding.

While I entered the coding process with specific concepts in mind considering my background knowledge and how I had informally looked over some of the transcripts, I used an open coding system. Rather than starting with a list of concepts to code, I coded concepts as they came up. Examples of broad concepts included human trafficking, harm reduction, and violence. I also coded for specific terminology. Proponents of end demand consistently referred to prostitution as the buying of women's bodies or variations on this phrase, and I coded for this. Furthermore, I coded for specific types of behaviors in interactions between legislators and testifiers, such as appreciation, gratitude, disputes, and disagreements. These are only examples of the concepts coded and there are many more. Nodes were created for the concepts in NVivo and excerpts from the transcripts illustrating those nodes were added in as they appear. Nodes refer to categories. For example, harm reduction is a category and quotes relevant to this were

included in the appropriate node. Some quotes were relevant to more than one node and were included in multiple.

As I went along, I decided to stop coding in nodes with satiation. While no number was set saying if more than “such and such” a quantity of examples are in a code to stop coding, many nodes included far more quotes than needed for writing this dissertation. Because this is a qualitative discourse analysis focused on excerpts and quotes to illustrate concepts instead of a quantitative study where I have to record how many times a specific concept or term appears, it was unnecessary to continue coding beyond saturation.

Testifiers are classified based on whether they testified in support for or opposition to prostitution end demand legislation in Appendix A for Canada and Appendix B for Northern Ireland. Their names, organizational affiliations and types, and whether they self-disclosed sex industry or sex trade experiences are noted in these appendices. An additional column exists in Appendix B on the chart for supporters of end demand laws that say whether their organizational affiliations are part of the Turn Off the Red Light (TORL) Campaign. This campaign is an alliance of organizations in Ireland opposed to the sex trade. The classifications in Appendix B are based on whether the organizations are listed on the TORL’s website as member organizations (Turn Off the Red Light n.d.), and some testifiers also mentioned their organizations being part of TORL on top of this.

The demeanor and behavior of legislators toward people providing testimony on differing sides of the issues was coded based on what they said in the transcripts. This is not just about whether they agree or disagree with the testimony provided, but also in terms of whether their demeanor comes across as kind, supportive, harsh, sympathetic, abrasive, etc. when communicating with people providing testimony.

APPLYING FOUCAULT'S THEORY TO DISCOURSE ANALYSIS

Consistent with Foucault's theory, all of the elements mentioned above are connected with power dynamics. In other words, what does this say about power dynamics involved in shaping prostitution policies. Foucault's writings are much more theoretical than methodological. That is, while he provided a very thorough theoretical framework and wrote much about discourse, he did not layout instructions for conducting discourse analyses. This is not surprising considering his postmodern (also referred to as poststructuralism) theoretical orientation. Postmodern theories are characterized by fluidity and flexibility rather than rigid rules and guidelines. This leaves a lot of methodological flexibility for applying Foucault's theory to discourse analysis. Various researchers have applied Foucault's theory to discourse analysis (Diaz-Bone et al 2007; Dysallas 2007; Graham 2005). While Foucault's theory provides many potential paths to follow, the current discourse analysis focused primary on the following Foucauldian concepts explained in Chapter II: genealogy, disciplinary power, subjugated knowledge, and law as a form of discourse.

In particular, the genealogy is traced throughout the dissertation, beginning in Chapter II with the social, political, and historical processes leading to the development and expansion of end demand prostitution policies. In Chapter IV, the analyses of the legislative hearings that are the focus of this study serve as a continuation of the genealogy. The genealogy continues into Chapter V, with a focus on occurrences multi-nationally in the development of prostitution policies after the legislative hearings analyzed in this study.

CONSTRUCTIONS OF RELEVANT TERMINOLOGY

While the terms *sex trade* and *sex industry* may share the same literal definitions and can be used interchangeably, the connotations may be at least somewhat different. Sex industry may

in some contexts imply a business relationship while sex trade is commonly used specifically to refer to enslavement in prostitution and additional exploitative practices. Additional differences may also exist in the connotations. Thus, the phrases “sex trade or sex industry” and “sex industry or sex trade” will be consistently used throughout this dissertation in consideration of the differing connotations and various realities that exist in this industry and trade.

Yet, these terms are not mutually exclusive and various supporters of end demand legislation in the transcripts analyzed used the term *sex industry* when addressing their opposition to the sex sector of the economy. Some used the term *sex industry* when speaking of trafficking and exploitation more broadly in prostitution.

Another term that comes up a lot in the analysis is *sex worker*. Some differences and uncertainties may exist in terms of how this term is constructed. Yet, for the purpose of this analysis, *sex workers* refer to providers of direct sexual services, companionship, or entertainment in exchange for payment in the sex sector of the economy. While the analysis is focused primarily on prostitution policies, many additional forms of sex work exist including phone sex, exotic dancing, sexual massages, professional dominatrices, and erotic live webcam.

In this analysis, the term *sex workers* does not apply to third parties who also work in the sex industry or sex trade, but are not providing direct sexual services, entertainment, or companionship. For example, bartending at strip clubs, housekeeping at brothels, and running escort services are not defined as sex work for the purpose of this analysis. Yet, people in such roles may have also been sex workers past or present. For example, if somebody who answers phones for an escort service also works as an escort, then their work as an escort is sex work, but not answering phones in itself. Yet, it is important to recognize the terms used vary greatly within the sex industry and sex trade, and providers of direct sexual services, entertainment, and

companionship may identify by other terms besides sex worker. The common terms used vary based on the sector of the sex industry or sex trade.

Another term commonly brought up in this dissertation is the *decriminalization* of prostitution. Considering how this term is sometimes used in different ways by conflicting sides, it requires clarification. The term *decriminalization* is sometimes distinguished from *full decriminalization* in prostitution policy disputes because many proponents of end demand assert that such legislation decriminalizes the providers of sexual services, but criminalizes the buyers. Within this construction, the full decriminalization of prostitution many opponents of end demand legislation advocate for decriminalizes both the providing and buying of commercial sexual services. Yet, for the purpose of this analysis, decriminalization refers to the latter—policies in which neither the buying nor selling of sexual services are in themselves crimes and in which the exchange of payment does not in itself determine whether a sex act is criminal. Thus, in this analysis, decriminalizing prostitution differs from end demand policies that criminalize the purchase of commercial sexual services.

PERSONAL REFLECTION

In July 2014, I began following the Canadian House of Commons hearings regarding Bill C-36 (Protection of Communities and Exploited Persons Act) online with great interest—along with the social media discussions and articles about this. The various interest groups testifying grabbed my attention. At the time, I had already finished my coursework toward my Ph.D. in Sociology, yet was uncertain about a dissertation topic. I was considering prostitution policies, though not sure what angle to take or what places or types of policies to focus on. While following the Canadian prostitution policy hearings with intrigue from my computer in Texas, the idea entered my mind to make this a dissertation topic. Later, I made this comparative having

learned of the hearings and debates concerning prostitution end demand legislation in Northern Ireland and Canada. The comparative focus adds breadth and depth.

Prior to coming into this dissertation, I already had gained much knowledge about prostitution policies and the conflicting sides. This is an issue I have been following for years. Thus, I was not surprised by how the conflicting sides constructed the issues in the prostitution policy disputes. I had already known of the push toward prostitution end demand policies and the expansion of these in the global West. Yet, as I complete the dissertation, I can say conducting an in-depth discourse analysis has deepened my knowledge of the constructions of issues involved and the power dynamics. Learning is a continual process and there is always plenty more to learn. While I was well-versed on prostitution policies entering this dissertation, I started much less knowledgeable about the politics of the nations compared in the analysis: England, Northern Ireland, and Canada.

With a background in sociology and women's studies, I am intrigued by how divided feminists are concerning prostitution policies and views on the sex sector of the economy more broadly. Yet, my interest in this topic extends beyond just academics and extends into personal concerns and advocacy for social justice issues. Even when not sitting at a computer analyzing the data or typing up my dissertation, issues relevant to prostitution policies and the sex industry or trade more broadly are on my thoughts a lot, as are many of the people who testified. I learned of many organizations I was not previously familiar with. The process of working on this dissertation has been intellectually stimulating and emotionally moving—eliciting a variety of emotions.

My postmodernist inclination shaped the theoretical focus of this dissertation. I recognize multiple realities and many truths as valid and do not search for objective and

undisputable truths, consistent with postmodernism. Questions that interest me are: How do groups subjectively construct issues to promote their position? How does this play out in life, such as public policies and how people live? This subjectivity is highly present in the dissertation. This is not a positivist study seeking objective answers to social phenomena. Rather, the focus is on how groups subjectively construct and define their issues and realities-and how this plays into the development of public policies. Thus, the integration of social constructionism and Foucault's theory of discourse provide a strong postmodernist analysis.

CHAPTER IV

RESULTS

This chapter qualitatively addresses the research questions in-depth based on the findings of the analysis, which is guided by Foucault's theory of discourse. The chapter focuses on which types of interest groups testified to legislatures concerning prostitution end demand legislation and how conflicting sides constructed the issues; stakeholders who are unrepresented and underrepresented; why the prostitution end demand legislation passed in Canada and Northern Ireland, but not England; and how the prostitution policies exemplify law as discourse. Chapter 2 included a genealogy, which provided a sociohistorical context for prostitution end demand legislation. The genealogy continues in this chapter, considering that the legislative hearings and debates are part of the genealogy in the development of and resistance to prostitution end demand laws.

RESEARCH QUESTION ONE

The first research question sets the foundation of this analysis by laying down the groundwork concerning who the main competing interest groups were in the legislative disputes and how they constructed the issues. These include groups supporting prostitution end demand legislation and resisting such laws. In the Canadian Parliament, hearings where interest groups testified first occurred in the House of Commons in July 2014. The House then passed the bill onto the Canadian Senate who held hearings in September and October 2014 to amend the bill before a final vote in Parliament. Many of the people and organizations who testified in the House hearings also testified in the Senate hearings.

Unlike with Canada and Northern Ireland, the British Parliament only featured debates among Parliament members concerning the proposed end demand prostitution legislation, so interest groups did not testify before Parliament. However, Parliament members on both sides referenced communications with interest groups in terms of shaping their positions.

Testifiers for and Against Prostitution End Demand Legislation

In both the Canadian and Northern Ireland legislative hearings, more individuals and organizations who testified supported prostitution end demand legislation than opposed this. None of the opponents of end demand advocated in favor of sex workers being criminalized. Some specifically spoke in favor of decriminalization and some were critical of end demand and criminalizing prostitution in general without specifying another model they supported. In Canada, 52 people from 36 organizations in total testified to the Parliament in favor of Prostitution end demand legislation compared to 41 people from 24 organizations against. Of the total 93 testifiers, only 20 mentioned having experience in the sex industry or sex trade- of which just five mentioned current experience. Of the testifiers mentioning current experience in the sexual sector of the economy, four identified as sex workers (meaning providers of sexual services, companionship, or entertainment) and one identified as a manager in a body rub venue.

Of the 20 testifiers who disclosed sex industry or sex trade experience, 8 testified in favor of end demand legislation and 12 testified against. This is noteworthy considering that most testifiers overall spoke in favor of end demand legislation. However, most of those with sex industry experience testified against it. While the testifiers with current sex industry or sex trade experience all testified against Bill C-36, testifiers with former such experience were divided with some testifying in favor and some against (Appendix A).

While the vast majority of testifiers in Canada specified organizational affiliations, a few did not. Five testifiers did not specify an organizational affiliation, three of whom testified in favor of end demand prostitution legislation and two testified against. Those testifying in favor included Linda and Ed Smith, parents of Cheri Lynn Smith, a young woman involved with prostitution who was murdered. Georgiale Lang also testified in favor of this legislation as a lawyer without specifying organizational membership. Yet, she did mention that she served as legal counsel during the *Canada v. Bedford* case for the Evangelical Fellowship of Canada- an organization who testified in favor of end demand legislation at the Parliamentary hearing. However, Lang explained that her legal services for this organization ended after the *Canada v. Bedford* ruling and that she was testifying before Parliament as an individual. The only people testifying against end demand legislation in Canada who did not specify organizational affiliations were Terri-Jean Bedford who was a plaintiff in the *Canada v. Bedford* case and Maxime Durocher who identified as a sex worker.

In the Northern Ireland Assembly hearings, 22 people from 13 organizations testified in favor the end demand prostitution legislation, while 11 people from 8 organizations testified in opposition (Appendix B). There were more individual testifiers than organizations because more than one representative spoke in many of the organizations. This was the case in both Northern Ireland and Canada. Of the total 33 people who testified in the Northern Ireland Assembly hearings concerning end demand legislation, only 3 identified as having sex industry or sex trade experience--two former and one current. The 2 women (Rachel Moran and Mia de Faoite) who spoke of having past sex trade experience testified in support of prostitution end demand legislation. The woman (Laura Lee) who identified as a current sex worker testified against this legislation and in favor of decriminalizing prostitution.

Organizations Supporting End Demand Prostitution Policies

Based on Appendices A and B combined, organizations testifying in favor of prostitution end demand legislation included faith-based groups except for one, anti-trafficking groups, prostitution survivors' groups, and law enforcement. Law enforcement was somewhat of an outlier. While most representatives of organizations supporting end demand did not favor arresting the prostitutes, various law enforcement representatives said that being able to detain them was an important tool for getting at the traffickers or other exploiters. That is, they asserted that by detaining them, they could question them to find this information out. In this way, prostitutes were useful to police as informants.

Yet, law enforcement representatives are still listed in Appendices A and B as groups in favor of end demand legislation because though they were more likely to support detaining prostitutes than other groups in favor of end demand, they still supported criminalizing their customers. This makes their position more similar the proponents of end demand than those opposing it--with the latter supporting non-criminalized systems of prostitution. Furthermore, Police Services of Northern Ireland (PSNI) was skeptical of the prostitution end demand clause in the Northern Ireland Trafficking and Sexual Exploitation Bill. The position of the PSNI on this legislation is complex and appears to have shifted to an extent. BBC (2014c) cited a statement from the PSNI dated November 6, 2013 that said, "The criminalisation of paying for the sexual services of a person is not supported at this time." The term *at this time* is crucial because it implies that they were willing to change their position. In other words, it does not say they are unwilling to support end demand, but just that they did not at the time of the letter.

The following statement from Chief Superintendent Phillip Marshall clarifies this point: "There needs to be wider social debate and understanding about what prostitution actually is in

Northern Ireland before we consider what the right policy might be” (BBC 2013). Here, Marshall is not saying that the PSNI opposes prostitution end demand legislation, but just that they need to learn more. Marshall did not testify before the Justice Committee at the Assembly hearing, but two PSNI representatives did: Assistant Chief Constable Drew Harris and Detective Chief Superintendent Roy McComb. They seemed concerned about effects of this clause, though not necessarily opposed. Harris said that while the PSNI had no objections to the prostitution end demand clause, he was concerned about unintended consequences. Among these included shifting law enforcement resources away from stopping organized crime and toward cracking down on consensual adult sex (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing February 20, 2014).

Because the representatives from PSNI who testified to the Assembly did not object to the end demand clause but just warned of unintended consequences, they are listed in Appendix B with the supporters of end demand considering that they are more closely aligned with this side than the opponents who did state explicit objections to this clause.

In the Canada, York Vice Detective Thai Truong was very critical of Bill C-36 and expressed preference toward the previous legislation that the was ruled unconstitutional. Truong objected to both the decriminalization of prostitution and end demand policies focused on criminalizing the purchasers but not the providers of sexual services (Appendix C: Canada Parliament House of Commons Justice Committee hearing July 9, 2014a). “I say that a society that allows the purchase or sale of the human body is a broken one,” said Truong. “The ripple effect this could have on the future of our girls, boys, and society is unimaginable.” Here, Truong’s rhetoric is very similar to proponents of end demand who testified, such as referring to prostitution as the selling of human bodies. However, he then went on to challenge the end

demand position promoting the criminalization of the buyers but not the providers of sexual services.

Others say that by raising awareness about prostitution and its harms, providing exit strategies for prostitutes, criminalizing the purchase of sex but decriminalizing its sale, prostitutes will voluntarily walk away from their pimps if they are given options. That is not going to work on the women and the girls we are looking for.

To put the quote above in context, Truong explained that the women and girls they are looking for are controlled by pimps in abusive, exploitative situations. He said such victims are not going to call the police no matter whether end demand legislation is implemented. Thus, according to Truong, the police need tools to find the women and girls in such situations rather than waiting for them to contact the police. He explained that the previous prostitution policies provided tools to help stop trafficking and remove victims from exploitative situations better than Bill C-36, such as the criminalization of third parties living off the avails for prostitution—which as explained in Chapter One and will be further explained in this chapter, was ruled unconstitutional because the focus was overly broad in that it criminalized not only abusive third parties, but also non-abusive support networks that may provide important safety measures and other helpful services to sex workers.

Yet, Truong expressed a different position on this provision, saying that it was a tool the police could use to remove victims from abusive pimps. “Under the new regime, there will be some issues with that—i.e., that they’ll (abusive pimps) mask themselves as security bodyguards and that she (the victim) will go,” explained Truong. “Under the old regime, I could say, ‘You know what? I’m not leaving. You’re coming with me. He’s under arrest for living on the avails of prostitution.’ I could separate them. I could tell her, ‘Listen, I don’t want to criminalize you in any way, but I need time to talk to you.’” In this context, the *new regime* refers to Bill C-36 and the *old regime* refers to the legislation it replaced. Truong’s statement that he does not want to

criminalize the sex providers appears inconsistent with a position he previously mentioned in opposition to both decriminalized and end demand policies that would not criminalize the providers. However, the testimony of the Chief Eric Jolliffe of the York Regional Police Department where Truong works could at least partially explain this discrepancy. Jolliffe testified that his department has not criminally charged sex providers in five years, which Truong confirmed. Yet, this does not mean they were not detained for questioning, as it is possible to do this without filing criminal charges.

Truong's position is complex and he is thus difficult to classify within the two charts in Appendix A: one for supporters of end demand and one for opponents. His position is not consistent with the proponents of criminalizing the purchase but not the providing of sexual services, nor is it consistent with the proponents of decriminalization. Yet, he did not advocate against criminalizing the purchase of sexual services overall, but just said that legislation criminalizing the purchase without also criminalize providers would not help locate the women and girls he is searching for who do not go to the police-and implied this may get in the way. Thus, because he did not take a stance against criminalizing prostitution or against criminalizing the buying of sexual services provided the selling of such services is also criminalized, he is listed in Appendix A in the chart with the supporters of end demand.

Representatives from faith-based organizations with the exception of one also testified in favor of prostitution end demand legislation. The faith-based groups represented were Christian. Ten people representing nine faith-based organizations testified in legislative hearings regarding prostitution end demand policies between Canada and Northern Ireland combined (Appendices A and B). With the exception of one, representatives from the faith-based organizations did not mention God or refer to the Bible when speaking. They constructed their arguments in secular

language. The only testifier from a faith-based organization who used religious language was Julia Beazley of the Evangelical Fellowship of Canada (EFC): “Since 1964 the EFC has provided a national forum for evangelicals and a constructive voice for biblical principles in life and society.” She then went on to say,

A central message of the Bible is the call for God’s people to be compassionate because God has been compassionate to us. Our belief that God has created all people in his image and loves each one compels us both to announce and to guard the fundamental dignity of each person. We understand people should be treated as creatures with inherent worth, not as objects for another’s gratification or profit. The EFC has long expressed concern for those who are prostituted based on biblical principles that compel care for the vulnerable, the pursuit of justice, and inform the duty of care we owe one another as human beings (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b).

The faith-based groups who testified in Northern Ireland and Canada expressed support for end demand legislation, with the exception of Rev. Norman Hamilton from the Presbyterian Church of Ireland. While he did not state a position on prostitution or express his views on paying for sex, he did express many concerns about Clause 6- the end demand clause in the Northern Ireland Human Trafficking Sexual Exploitation bill. Among these included: “...we are concerned that the focus on Clause 6 has distracted from the wider issues of those trafficked for bonded labour and domestic servitude. We are also concerned that resources may well be allocated away from those trafficked for bonded labour and servitude and towards the implementation of Clause 6” (Appendix C: Transcript from Northern Ireland Assembly Justice Committee Oral Evidence Session February 13, 2014). The types of services and advocacy faith-based groups offered varied by organization, but may include prostitution diversion programs, counseling, and support groups-which are services that some secular organizations also offer.

Organizations Opposing Prostitution End Demand Policies

Organizations opposed to end demand legislation testifying during the hearings included sex workers' rights and well-being, harm reduction, and civil liberties. Harm reduction organizations refer to those focused on reducing the harms of an act, such as prostitution. While they may also engage anti-violence efforts, they differ from anti-rape, trafficking, sexual assault, and abuse organizations supporting end demand in that these groups who testified in favor of end demand asserted that such abuses were intrinsic to prostitution. They thus were not focused primarily on minimizing harms to people while in prostitution though they may still address this, but on getting people out of the industry and providing services. Harm reduction organizations, on the other hand, are focused on making sex work safer though they may provide some of the same types of services as prostitution exit programs or anti-violence groups supporting end demand.

Populations Divided

Faculty from academia were divided, with some testifying in favor of end demand and some testifying against (Appendices A and B). Legal professionals were also divided with some testifying for and some testifying against prostitution end demand legislation. Legal professionals who testified included representatives from legal analysis groups, law firms, and law professors (Appendices A and B). This was particularly noteworthy in Canada where legal professionals were divided in terms of whether they thought Bill C-36 could survive a constitutional challenge, with some saying it would and some saying it would not.

While some were clear on their positions, some are hard to classify in terms of the being for or against. Ian M. Carter and Gaylene Schellenberg testified as representatives from the Canadian Bar Association. Schellenberg spoke briefly during their opening statement,

mentioning that Carter would explain the position of the organization. Carter then said that the organization did not have a position on in favor of or in opposition of prostitution end demand legislation. Yet, his comments were critical of Bill C-36 without saying anything in favor of it. Thus, for the purpose of this analysis, representatives of the Canadian Bar Association are listed in Appendix A among the opponents of end demand.

Indigenous communities and organizations in Canada are divided on their support for Bill C-36. The Parliamentary hearings reflected this to an extent, though organizations focused primarily on the rights and well-being of indigenous people were not highly represented and very few testifiers mentioned being indigenous. Christa Big Canoe, director of legal advocacy for the Aboriginal Legal Services of Toronto, testified against end demand. Michéle Audette and Teresa Edwards from the Native Women's Association of Canada testified in favor of end demand legislation. Only two people identifying as indigenous women with sex industry or sex trade experience testified to Parliament: Naomi Sayers testified as a spokesperson with Canadian Alliance for Sex Work Law Reform and Bridget Perrier testified as a co-founder of Sex Trade 101. Sayers testified against end demand legislation and in favor of decriminalizing prostitution, while Perrier testified in favor of end demand.

Furthermore, anti-violence crisis and counseling organizations in Canada testified in favor of prostitution end demand legislation. Yet, such groups testifying in Northern Ireland were divided. Ruth Breslin of Eaves, an anti-violence against women and girls organization, spoke in favor of end demand as did Annie Campbell and Noelle Collins of Women's Aid, an organization providing support services for victims and survivors of sexual and domestic violence. On the other hand, Gillian Clifford of an organization called Victims Support and Pam Hunter of Nexus, an organization counseling victims and survivors of sexual abuse, testified against end demand.

Disciplinary Power

The mixture and diversity of organizations testifying at the hearings in Canada and Northern Ireland reflects Foucault's concept of disciplinary power, which he noted was a prevalent feature of contemporary societies in which knowledge as power was becoming increasingly differentiated and scientific knowledge does not have as much sovereignty. This is not to say that scientific knowledge is absent, considering that various testifiers and legislators referred to studies during the course of the hearings. Yet, it does mean that the groups and information presented has become vaster. Not only were scientists or researchers testifying, but so were many additional groups noted in this section. Furthermore, the information and evidence presented was not only based on studies conducted using scientific methods, but also on personal narratives and experiences, and philosophical ideologies.

Consistent with Foucault's theory of disciplinary knowledge, even if research seems objective on the surface, there is still subjectivity in terms of how it is conducted and interpreted. That is, researchers' biases can affect the variables they include in their studies and their interpretations of the results. Furthermore, subjectivity also affects how outsiders interpret the data and the angles they focus on.

Constructions of the Main Issues

Disputes between supporters and opponents of end demand were not based simply on differences of opinions, but more deeply on differences in how they constructed the main issues. The most salient of these concepts in the legislative hearings and debates analyzed fit into the following broad categories: gender equality, choice and consent, victimization, and harm

reduction. These concepts are not mutually exclusive and are often connected in discourse surrounding prostitution policies.

Gender Equality

Testifiers in favor of end demand legislation consistently constructed the existence of prostitution as a violation of women's rights that interferes with efforts to achieve gender equality within the broader society. "For the first time in Canadian legal history, a government is inviting us to examine prostitution as a crime against the person, a form of violence against women that is incompatible with the quest for social equality, in particular the equality rights of women who are among the most marginalized," testified Diane Matte, Community Organizer, Concertation des luttes contre l'exploitation sexuelle (Appendix C: Transcript from Canada House of Common Justice Committee hearing July 10, 2014b). Here, Matte connects the issues of ending violence and women's equality--rather than treating these as mutually exclusive.

Additional quotes from supporters of end demand prostitution policies at the legislative hearings that connect prostitution with women's oppression include:

I'll start by saying that we applaud the intent stated in the preamble setting protection of women's dignity and equality as an objective of the bill. -Suzanne Jay, Member, Asian Women's Coalition Ending Prostitution (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

We know from members of our group and from women who access our services that the sex industry is both an expression and reinforcement of women's inequality in society. - Kiera Smith-Tague, Front-Line Anti-Violence Worker, Vancouver Rape Relief and Women's Shelter (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

The argument that's been made throughout these hearings, that normalizing this practice by fully decriminalizing or legalizing it will enhance women's inequality, is absurd. Women are already born into a world with a disadvantage to men. We live in a society where men have more power than women socially, economically, and politically. Overwhelmingly, men use that power against us, often along with their physical force or

threat of it. We see this perfectly reflected in their entitlement to buy us. -Deborah Pond, Chair of the Board, u-r home (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

As exemplified in the quote by Pond above, end demand proponents repeatedly constructed prostitution as the buying and selling of women's bodies by men to emphasize the gender inequity they argue is inherent in prostitution. This language constructs prostitution as an institution in which women have no power and become "objects" for sale, and men have the power to buy them. This rhetoric will be further expanded upon in Chapter IV, applying the ideology to the development of prostitution policies and law as discourse.

While proponents of end demand legislation constructed prostitution as intrinsically sexist and disempowering to women, opponents brought up how the end demand discourse was oppressive to women.

Christine Bruckert, Professor of Criminology at the University of Ottawa, said,

As a feminist, I am appalled. Since the 1980s, we have rallied for women's right to choose what they do with their bodies- think abortion- even when those choices are not what we personally would do. We defend and respect a woman's ability to make decisions for herself, recognizing that those choices are very often made in less than ideal circumstances. I am deeply saddened that in 2014 Canada is going in the opposite direction, drawing on paternalistic rhetoric to justify criminalizing consensual sexual activity between adults (Appendix C: Transcript from Canada Standing Senate Committee on Legal and Constitutional Affairs hearing September 11, 2014).

Likewise, Frances Mahon, a lawyer with Sack, Goldblat, Mitchell, LLP asserted,

If people can stand before you and tell you that they are exercising a choice, I believe, out of respect for equality, that we need to take them at their face value. Are we assuming that they're incorrect, that they cannot assess their own life situation, that they don't actually have autonomy, even though they believe they do? Actually, I think that's a degrading way to treat women and to treat all sex workers (Appendix C: Transcript from Canada Standing Senate Committee on Legal and Constitutional Affairs hearing September 10, 2014).

Mahon mentioned that while she was a law student, she assisted Alan Young while he was the plaintiffs' lawyer during the *Canada v. Bedford* case supporting the decriminalization of prostitution.

Gender and intersectionality. Some testifiers on different sides of the issues spoke of how gender intersects with various demographic variables, including race and class, to affect women's experiences in prostitution. Supporters of end demand legislation brought up how the harms of prostitution disproportionately affect the most marginalized groups of women. "The bill's preamble demonstrates an understanding of the systemic nature of prostitution and the consequence of undermining women's equality on the basis of race, national or ethnic origin, color, and sex," said Jay.

She also explained,

We experience negative consequences when our characteristics, whether they are real or imagined, are sexualized and commodified to promote sexual services. These stereotypes dehumanize and sexualize Asian women and they block our access to our Charter of Rights regardless of whether or not we are prostituted (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

In the quote above, Jay asserts that the effects of prostitution and the racist and sexist ideologies that go along with it extend beyond women in prostitution, but affect Asian women as a whole. Additional comments asserting the most marginalized groups of women are most adversely affected by prostitution include:

In 2005, we further articulated our analysis that prostitution is a harmful practice of sexist and sexual discrimination. It exploits and compounds women's social inequality, the economic inequality of women living in poverty, and the racial inequality of women of colour and aboriginal women. -Lisa Searcy, British Columbia, Canadian Association of Sexual Assault Centres (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

Prostitution exploits women and increases the inequalities based on their gender, race, age, disability, and poverty. We know there's a link between the many missing and murdered aboriginal women and to trafficking or to those who have been linked to sexual

exploitation and who were prostituted. -Teresa Edwards, In-house Legal Counsel, Director, International Affairs and Human Rights, Native Women's Association of Canada (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014b)

Opponents of end demand also addressed intersectionality. However, rather than focusing on how prostitution in itself disproportionately harms the most marginalized women, they focused on how anti-prostitution policies such as end demand do this. That is, the harms of such legislation will be especially pronounced for the most marginalized groups in prostitution:

As well, because women of colour, indigenous women, and those who are substance-dependent are overrepresented at the street level, that does mean that these harms would be levelled at these groups at a larger rate than for other groups in society. That's something that we also need to think of—the most marginalized people and how they'll be affected by the laws. -Robyn Maynard, Spokesperson and Outreach Worker, Stella, l'amie de Maimie (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a)

There is an overrepresentation of aboriginal sex workers- which all the witnesses seem to agree on- engaged in street-level and survival sex work. The acute overrepresentation of aboriginal women in the penal system, and the harm that incarceration or institutionalization causes aboriginal women, also applies to their families and communities. -Christa Big Canoe, Legal Advocacy Director, Aboriginal Legal Services of Toronto (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Aboriginal women in remote areas are working along the highways to get from town to town. Survival sex work is necessary to feed their kids and themselves. They face added stigma within their communities because of ongoing colonization. Colonialism already silenced them about sex, and sex work adds another layer of stigma and more isolation from their community. -Monica Forrester, Maggie's: The Toronto Sex Workers Action Project (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b)

Forrester was unable to be at the hearing for reasons that will be explained when responding to the second research question. Thus, Chanelle Gallant, Outreach and Community Support Worker with Maggie's: The Toronto Sex Workers Action Project, read Forrester's statements above.

Particularly in Northern Ireland and also to an extent in Canada, the intersectionality of gender and migration came up repeatedly during the hearings. Some testifiers pointed out that most of the providers in Northern Ireland are migrant. This is likely, at least in part, because of the ease of crossing borders between European Union countries. Yet, some of the migrant providers in the sex trade are not from such nations.

We need to look at migrants' rights. However, the Immigrant Council has been absolutely clear: we do not want legal permits for migrant women to enter the sex industry, which is what the Netherlands is advocating. - Monica O'Connor, anti-trafficking researcher and activist (Appendix C: Transcript Northern Ireland Assembly Justice Committee hearing January 9, 2014a)

Although we continue to work with significant numbers of Irish women, it is important to note that the majority of those in the indoor sex trade, in particular, are migrant women. That is reflected by the fact that, in 2012, we worked with women of 32 different nationalities. -Sarah Benson, CEO, Ruhama (Appendix C: Transcript Northern Ireland Assembly Justice Committee hearing January 9, 2014b)

In Canada, Alice Lee of Asian Women Coalition Ending Prostitution recommended that the nation provide landed status to migrant women in exploitative circumstances. "We recommend granting women in exploitative situations landed status upon arrival in Canada regardless of how each woman arrived. This will reduce women's vulnerability to being recruited or trapped in prostitution and will also contribute to her chances of successfully exiting the sex trade" (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a). Landed status allows permanent residency to immigrants who are not citizens.

Summary. Conflicting sides of the disputes speak in support of gender equality and the empowerment of marginalized groups. Where they differ is in the constructions. While end demand proponents construct prostitution as a sexist institution in and of itself disproportionately harming the most marginalized groups of women; opponents of end demand construct the anti-

prostitution laws as sexist, oppressive, patronizing, and endangering--particularly to the most marginalized women.

Choice and Consent

A dispute between Sayers and Conservative Party MP Bob Dechert illustrates the nuances of how the concept of choice is constructed as it relates to prostitution, particularly survival prostitution (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a). In response to Sayers' testimony that many indigenous women engage in prostitution for survival, Dechert asked Sayers if survival prostitution out of necessity due to lack of other options is a really a free choice. Sayers responded by asking Dechert if he would do his job for free. He replied that he would not, to which Sayers responded, "You have your answer."

However, the exchange did not end there. Dechert went on to say, "-but I have chosen from a number of things available to earn a living. If this is the only way for them to survive, is this really a free choice? That's my question."

Sayers replied, "*Choice* and *free* are such value-laden terms. To say somebody has a free choice is speaking from a privileged position. We don't question other workers whether they freely choose their job and we shouldn't be questioning sex workers whether they freely choose their jobs."

The exchange above exemplifies differences between how end demand proponents and advocates for decriminalizing prostitution construct choice and consent. In this dispute, Dechert was promoting a binary discourse on choice, in which prostitution is either a free choice or not a choice at all- implying the latter in the case of survival prostitution. Furthermore, his comments implied that only people with enough privilege to have many career options are capable of

making choices, which Sayers challenged. Likewise, Bruckert pointed out how a choice binary is problematic:

Of course, what constitutes choice is profoundly complex and subjective. It is disconcerting, however, when choice is reduced to a simple binary. Among other things, this erases the agency of social actors and negates the resilience of marginalized individuals operating in extremely challenging circumstances. (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c)

Dechert's position is typical among proponents of end demand prostitution legislation, and was echoed various times during the testimony and debates in the Canadian, British, and Northern Ireland legislative hearings. End demand proponents consistently construct choice in prostitution for the providers (whom they commonly refer to as prostituted women) as non-existent; existing within very constrained circumstances to the point where it is no longer consent; or existing for only a few, but not for the vast majority. "Let us be clear: this is not about a choice of career" said Fiona Mactaggart, British Labour Party MP (Appendix C: Transcript from England Parliament hearing November 4, 2014).

Alice Lee said, "It is clear to us that Canada rejects the dehumanizing claim that racialized women freely choose prostitution and that somehow we're not harmed by prostitution," (Appendix C: Transcript from Canada House of Commons hearing July 10, 2014a). Here, Lee is focusing on how the intersection of race and gender stop women from being able to freely choose to engage in prostitution.

The following quote by Jared Brock is an example of how Foucault's concept of subjugated knowledge was present in the legislative hearings.

While Mr. Lowman would also like this committee to believe that the vast majority of women in the sex trade are not trafficked, it's likely that he doesn't fully appreciate the nuance of the word 'choice' nor is it likely that he shares the same definition of trafficking that is widely accepted around the globe. Can we really believe that the vast majority of women in the sex trade have, for the complete duration of their commercial sex experience, worked completely free from threat, use of force, coercion, abduction,

fraud, deception, the abuse of power, or positions of vulnerability? I frankly find that very difficult to believe (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

In the quote above, Brock said that he finds it hard to believe that the vast majority of women in the sex trade have for the complete duration worked free from threat, use of force, coercion, abduction, fraud, deception, abuse of power, or positions of vulnerability. Jared Brock, along with his wife Michelle Brock, who testified to the Canadian Parliament with him, produced a documentary about prostitution with an emphasis on trafficking. They repeatedly referenced comments by people they interviewed when testifying. Based on their testimony, their subjugated knowledge is based at least in part on the interviews they conducted, observations they made, and experiences of producing a documentary. Thus, Brock mentioned finding experiences that extend beyond his subjugated knowledge hard to believe.

This represents the subjectivity of subjugated knowledge. Their ideologies about prostitution going into the documentary production could affect who they interview and places they observe, which could affect the information they receive. This could serve to confirm their subjugated knowledge going into the documentary production process and further strengthen this, making experiences or realities beyond this difficult to believe. Yet, Brock qualified his statement above by saying he does not believe that “most” women in prostitution are free their entire careers from the abuses they experienced- leaving room for the possibility that some may be, but implying they are in a numerical minority.

Michelle Brock shared this position that there may be people providing sexual services in prostitution consensually, but most are not:

We acknowledge that there are some people who, as adults with an education and other options, choose to go into the sex industry. These people might have a little more power and resources to carefully select their clients or negotiate safe sex practices and hire bodyguards. But considering that the industry disproportionately targets the most

vulnerable, it would be foolish to think that the majority of those in prostitution would have that kind of relative bargaining power, even within a fully decriminalized context (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

Smith-Tague offered a somewhat different construction of consent, asserting that prostitution-by definition-is not consensual.

The notion that the relationship between prostituted women and the men who buy them is a transaction between two willing, consenting adults cannot be applied to prostitution. In the Criminal Code of Canada, it explicitly states that consent cannot be obtained if there are threats or fear of the application of force to the complainant or to a person other than the complainant or the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority Consent cannot be bought. The very act of exchanging money or materials in return for sexual services reflects the coercion necessary by men in order to buy women (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

Unlike the Brocks who said that consent from sex providers may exist in some cases of prostitution, though not the majority- Smith-Tague argued in the excerpt above that prostitution, by definition, is non-consensual. Like the Brocks, Smith-Tague also testified in favor of prostitution end demand legislation.

Timea E. Nagy, founder and front -line victim care worker at Walk with Me, spoke of being a trafficked into the sex trade, and later returning to prostitution voluntarily due to a financial crisis:

I originally entered the sex industry when I was forced into it by traffickers. Sometime after my rescue I went back to the business for a few months, responding to a huge financial crisis. I already knew what I had gotten myself into and I voluntarily returned, but my choice to prostitute myself was to make a living, to avoid becoming homeless, and to be able to put food on my table.

Here, Nagy described her decision to return to prostitution as such a constrained choice out of survival that it is arguably not even a choice. Dechert asked Nagy, “If you need money for food, or if you need money because you need a place to live, is that a free choice?”

Nagy replied, “It's absolutely not.” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a)

Erica Obsession (2014) is a Vancouver-based sex worker who wrote of a paradox where on the one hand, various proponents of end demand legislation recognized survival imperatives that lead people into prostitution, but on the other hand, also support legislation that interferes with sex workers being able to meet their survival needs. “Some prostitution opponents acknowledged the economic imperatives that give rise to the necessity of sex work. However, Bill C-36 will ultimately remove the opportunity of another parent to feed his or her children.”

Likewise, Bruckert testified,

...it is certainly true that some sex workers would rather be working in other sectors of the economy and find themselves with severely restricted options. We would all agree that this is an unacceptable situation. It seems wholly illogical, however, to suggest that the solution is to remove the income-generating activity these women and men do have access to. One does not create options by taking them away. You most certainly do not create options by implementing a legal regime that puts people in harm's way (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c).

Kerry Porth, chair of the Board of Directors for Pivot Legal Society, said, “The way to ensure that no one is doing sex work out of desperation or lack of options is to ensure an effective range of social supports and professional training options. That is how you really support choice” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014c).

Some opponents of end demand also asserted that this legislation is harmful no matter whether one chooses to engage in prostitution. “I think the issue of choice may be a red herring in this,” said Frances Mahon. “To me it doesn't matter so much if someone is exercising a choice or not if both groups of people are subjected to harm as a result of this law” (Appendix C:

Transcript from Canada Standing Senate Committee on Legal and Constitutional Affairs hearing (September 10, 2014).

Consent and structural inequalities. Canadian Conservative Party member and Minister of State (Western Economic Diversification) Michelle Rempel advocated in support of Bill C-36 and for a definition of consent she said came from the University of Calgary Consent Awareness and Sexual Exploitation (CASE) club. "...at the heart of this new notion of sexual consent is the concept of equality, the concept that all parties are in equilibrium from a power dynamic perspective," said Rempel (Appendix C: Canada Parliament House of Commons Debate September 22, 2014).

Based on this conceptualization that there must be equality for consent to exist, arguably no sexual relations even outside of prostitution are consensual. This construction of choice implies that for sex to be consensual, each partner must be of the same gender, class, race, age, occupation, and nationality as well as identical on all other structural variables. If not, then sex cannot be consensual because structural inequalities will exist between the partners. Applying such a restrictive standard of consent to prostitution that is rarely if ever applied to sex acts outside of prostitution is a way denying consent in sex trade. Yet, Rempel did not deny that some sex workers consent.

...this is not to say that sex workers are in every instance incapable of giving consent. In contrast, by adopting Bill C-36 and the related funding we have announced, our country acknowledges we have the right to consent over what we choose to do with our bodies but that the burden of proof is overwhelming and shows that the majority of sex workers are degraded, assaulted, and abused (Appendix C: Canada Parliament House of Commons Debate September 22, 2014).

The University of Calgary CASE (2014) issued a written statement in response to Rempel's use of the organization's definition of consent to support Bill C-36. In this statement, CASE expressed opposition to Bill C-36. "Although it is flattering to see our name mentioned in

the House of Commons, and we are thankful for Ms. Rempel's support, we would like to clarify that we as a group do not support Bill C-36," wrote CASE. "Whether or not one wants sex work to happen in Canada, one effect Bill C-36 would have been to further marginalize and criminalize an already marginalized, criminalized group: aboriginal women." While CASE did not testify to Parliament, their concerns about the harms of this legislation on indigenous women are consistent with concerns expressed by some testifiers. Such concerns are based at least in part on the disproportionately high representation of indigenous women in street prostitution and the effects of the provisions criminalizing solicitation around certain places on such women. CASE went onto explain additional reasons they oppose this legislation, including concerns that the restrictions on advertising put women in more vulnerable positions--a concern also expressed by various opponents of Bill C-36 who testified to Parliament.

Complexities of choice. Opponents of end demand prostitution legislation who testified consistently distinguished between forced and consensual prostitution.

Services are needed, but we still have to distinguish between an act among consenting adults and an act of abuse. People need to recognize that an act between two consenting adults is a different matter. However, better resources have to be provided for all those who want to move on to something else or want to remain in prostitution. At the very least, support and more assistance have to be provided. Even in the case of acts between consenting adults, people have to be given an opportunity to report assault, abuse or a violent act. -Natasha Potvin, Member, Board of Directors, Peers Victoria Resource Society (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

We need laws that allow us to work with safety and dignity, to make our own choices, for example, the right to advertise, to hire security staff, and to work with buddies. We need sex-worker positive agencies, like Maggie's, that empower us about safety, health, and well-being. The Supreme Court decision should be respected because it saw the necessity of decriminalization for all sex workers, whether we are in it by choice, coercion, or because of economic circumstances. -Statement from Forrester read by Gallant

(Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b)

Some sex workers who spoke of consenting to engage in prostitution described notions that they cannot choose as disrespecting their agency and their ability to make choices based on their circumstances.

I am outraged by Bill C-36. I think it disrespects our human rights by stressing the fact that I am a victim because I chose to work in sex trade. However, I chose that job of my own free will. Referring to me as a victim or treating me as such ignores and denigrates my reality. It disregards my choice. -Potvin (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

Instead of using the extensive body of clear evidence demonstrating the detrimental impact of criminalizing prostitution, both here and around the world, as the basis for Bill C-36, lawmakers have opted for reforms that are ideologically based. They are also premised on the view that we are victims and should be treated like children. Lawmakers have failed to recognize our independence in making intrinsically personal decisions and our ability to consent. -Émile Liliberté, Spokesperson, Canadian Alliance for Sex Work Law Reform (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a)

Jared Brock's reference to "Mr. Lowman" on page 73 of this dissertation refers to John Lowman, a Professor of Criminology at Simon Fraser University who testified to the Canadian Parliament against end demand legislation and in favor of decriminalization. While Brock said Lowman lacked a nuanced understanding of choice, an argument can also be made otherwise. In the passage below, Lowman addressed the complexities of choice:

I believe that the state should not prohibit consenting adult sexual activity, especially in situations where it endangers sex workers. I therefore disagree with those who say that 90 percent of prostitution doesn't involve choice, although much of it involves highly constrained choice. Some prostitution is entirely opportunistic. Some is sexual slavery, and the law should criminalize sexual slavery in every circumstance that it should occur.

However, like most service and manual workers, sex workers make the choice to prostitute in situations that they do not choose, i.e., the capitalist political economy,

colonialism, gender power structures, racism, and so on. The vast majority of the population make those choices in situations that they do not choose, but we don't see criminal law as the solution to those inequalities (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a).

Here Lowman is taking on a nuanced definition of choice by pointing out how even if people do not choose their circumstances, this does not always mean they cannot make decisions within those circumstances. Thus, he is considering different levels of choice. He compares sex work to other forms of labor when making this point. He also addresses various structural oppressions end demand proponents point out in their argument that prostitution is not a choice, such as colonialism, economic inequalities, racism, and sexism. However, Lowman points out of the vast majority of people make decisions within these broader structural circumstances, but criminal law is not a solution to the inequalities.

Lowman's comments allude to the broader complexities of choice and problems with defining choice as a binary in which everything is either a free choice or a non-choice. *Free choice* implies that people make choices without any social constraints. In this context, free choice is non-existent even outside of prostitution. Any decisions people make occur within a context where constraints exist, whether those are based on laws, financial circumstances, or social expectations. What varies is the degree of constraints, with some people making decisions under much more constraining circumstances than others.

Summary. While conflicting sides advocated in support of choice and consent, differences exist concerning how they construct this as it relates to prostitution. End demand proponents take the position that prostitution is a non-choice or very constrained choice. From this ideology, the only genuine choice is the choice not to engage in prostitution. Opponents of end demand construct choice in a more complex way. They focus on different levels of choice and how engaging in prostitution under undesirable life circumstances and structural issues is not

simply a non-choice, but a rational decision to engage in prostitution based on the circumstances they are in- recognizing their agency to decide what to do based on however many or few options are available.

Victims

Testifiers supporting end demand legislation consistently defined prostitution as intrinsically violent and exploitative-thus inherently victimizing.

While not every john is violent, it's not unreasonable to say that violence is inherent to prostitution. This is because of three things. It thrives on anonymity, preys on vulnerability, and seeks to fulfill a one-sided fantasy. These three characteristics are present whether prostitution is legal or illegal, indoor or outdoor. While decriminalizing the purchase of sex may have an illusion of empowering women, in reality it leads to a deeper entitlement by men. -Michelle Brock (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

We believe that those who are prostituted are treated by the buyers and pimps as commodities with little value, and that the cycle of violence is inherent in prostitution. -Pond (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

You must look at prostitution as an environment where exploitation fundamentally occurs. It is predicated on a disparate power dynamic: you have vulnerable individuals who commonly do not have other viable choices available to them, are without family supports and are often carrying debt; and you have individuals who are buying sex and are simply using disposable income to meet what they consider to be a need. -Benson (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014b)

People testifying in favor of end demand legislation sometimes brought up other forms of violence when speaking of prostitution, saying that prostitution is also a form of violence in itself.

From our experience, prostitution overlaps with wife battering, rape, and incest. -Jay (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Our authority and knowledge on prostitution as violence against women is grounded in and advanced by our front-line work with women currently or formerly prostituted. We view prostitution as a form of male violence against women within a spectrum of men's violence, alongside rape, incest, wife assault, and sexual harassment. -Smith-Tague

(Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Amidst repeated testimony by supporters of end demand legislation comparing prostitution to domestic violence, Executive Director Jean McDonald of Maggie's: The Toronto Sex Workers Action Project responded,

Shall we ban marriage next? Is marriage inherently violent? Or, similar to the legal supports and laws that we have created and should continue to create to protect survivors of domestic violence, we need to make those same kinds of legal rights and social supports available and more accessible to sex workers (Appendix C: Transcript from Canada Standing Senate Committee on Legal and Constitutional Affairs hearing September 11, 2014).

Lucy Smith owns the Ireland Ugly Mugs harm website, which will be explained more in the *Harm Reduction* section of this chapter. She implied that constructing prostitution as intrinsically victimizing leads to victimization and desensitizes people to abuses against sex workers:

More and more sex workers report to me things that indicate that the trafficking debate is encouraging crime- incidents like robbers telling them, 'Sure, the money would go to your pimp if I did not take it' or 'It is OK to sexually assault you; you are a sex worker and get raped everyday anyway' (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 30, 2014c).

Human trafficking. Proponents of end demand legislation consistently testified that trafficking and prostitution are intrinsically linked, or very closely related:

There isn't a difference between prostitution and human trafficking in our organization's view. The demand for prostitution is directly linked to the financial gain of traffickers. If there is no demand in this country, then it is our view that trafficking will be reduced... - Robert Hooper, Chair, Walk with Me (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Prostitution and sex trafficking are intrinsically linked: You have one because of the other. - Mia deFaoite, testified individually rather than with a specific organization and mentioned involvement with Ruhama and the Immigrant Council of Ireland (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing February 6, 2014).

We should see prostitution as a problem not of badly behaved women but of men who pay to own those women's bodies. It is vile exploitation and a form of modern slavery that we should end. -Mactaggart (Appendix C: Transcript from England Parliament Debate November 4, 2014)

... we should not dismiss the link between the demand for prostitution and trafficking. – David Burrowes, British Conservative Party MP (Appendix C: Transcript from England Parliament debate November 4, 2014)

Opponents of end demand repeatedly pointed out how laws against human trafficking already exist:

We do actually already have trafficking laws, and if you go to StatsCan, they'll show you how many have not been convicted or prosecuted, which also touches on your enforcement issue. Why is it that the laws we already have aren't effectively prosecuting those who are engaged in trafficking? -Big Canoe (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Certain provisions of the Criminal Code already criminalize human trafficking...How will Bill C-36 improve the situation? Legislation on this issue already exists. - Ève Pécelet, Canada New Democratic Party MP (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a)

Opponents of end demand also expressed disagreement with conflating prostitution and human trafficking. While not denying that trafficking occurs in prostitution, they dispute claims that they are one in the same. Rather, they construct trafficking as a condition that sometimes occurs in the sex industry and various industries--but not as intrinsic to prostitution:

... what we're hearing from a lot of witnesses is the interconnectedness. What we're not hearing are the distinct differences between trafficking and sex work. -Big Canoe (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

We need to separate sex work and trafficking. We absolutely need to draw a distinction between the two because trafficking happens for a variety of reasons. It happens for domestic servitude, cockle-picking and all sorts of reasons, not just sex work. -Laura Lee (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014c)

All of the abuses that can be part of trafficking existed before we ever used the term *trafficking*. Also, it can mean so many different things. Notably here, under UK law, there is no requirement of force, coercion or deception for sex trafficking to occur. As a

result, a huge range of things related to sex work can now be termed sex trafficking. - Lucy Smith (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 30, 2014c)

Smith went onto explain that under existing laws, trafficking is defined so broadly that it could include a sex worker buying another sex worker a plane ticket for work, or providing them with a ride to work or an appointment with a client. Like many opponents of end demand legislation, Smith was critical of overly broad constructions of trafficking. Smith then expressed the importance of including sex workers as partners in efforts to stop trafficking: “Sex workers care greatly about the well-being of other sex workers. They do not want trafficking; they want to stop trafficking. The sex work community is already doing that. Who do you think is helping the police to combat trafficking in Northern Ireland? It is the sex work community.

Supporters of end demand legislation sometimes brought up Sweden as a model of how to stop trafficking.

So we spoke with the head of anti-trafficking in Stockholm, and he said that it's a great tool to address demand. Now women can come to the police and they're not criminals and they can ask for help. If they want to get out, they have the opportunity. But at the same time, the police can really go after demand. So they're seeing that as a tool, as a weapon to fight trafficking. -Jared Brock (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Let me start by saying that the Swedish model—after 1999, with the sex purchase act, prohibiting and sanctioning the purchase of sexual services but not their sale—really had an intention. They wanted to curb the demand because they wanted to attack the root cause. The root cause is that without man's demand, there would be no demand for trafficking of human beings. The prostitution industry would not be able to flourish so much. -José Mendez Bota, Member of the Portuguese Parliament; General Rapporteur on Violence against Women, Parliamentary Assembly of the Council of Europe (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a)

While overall supportive of criminalizing prostitution clients, law enforcement representatives tended to be more critical of the Nordic model than other groups supporting end

demand. For example, some law enforcement representatives spoke trafficking in nations that have implemented end demand legislation without mentioning a decrease, including Sweden:

I want to also talk a little bit about human trafficking, and the fact that it's a \$3-billion-a-year industry worldwide. Let us not pretend or ignore the fact that if Canada changes its course in this regard we will be a place where this becomes more and more prevalent. We can all beat our chests and wail about what happened in Nigeria with the kidnapping of almost 300 young school girls, but the reality is those girls are going to wind up sexually trafficked and could very well come to this country, like they go to other countries. We've visited Scandinavian countries to study the Nordic model. East European girls and those from Africa are disproportionately represented. -Rick Hanson, Chief, Calgary Police Department (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a)

Sweden undoubtedly still has prostitution, some of which is Internet-based and some of which is off-street. -Harris (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing February 20, 2014)

Harris' colleague, McComb, said the prostitution end demand clause could interfere with law enforcement's efforts to stop trafficking by making it harder to openly place online ads for sexual services- which provide a tool for law enforcement.

If selling an escort service is synonymous with selling a sexual service, those websites would go underground or shut down overnight. That denies us an opportunity to understand the nature of the picture of prostitution in Northern Ireland, so there is one potential risk that we would have to consider. (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing February 20, 2014)

Provision prohibiting selling sex around certain places. Despite their overall support for Bill C-36 in Canada, many proponents of end demand denounced Section 213 that criminalizes solicitation for the purposes of prostitution near certain places where people under the age of 18 may be present. Their main objection was that this criminalized the sex providers, who they assert are victims. Thus, many requested that the bill be amended to remove this provision:

We call for an amendment to remove the sections that criminalize communication in public areas because it undermines the objective of equality. -Jay (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

An amendment or further specification could bring the bill in line with its great preamble, which recognizes that people in prostitution are vulnerable and should not be treated as criminals, regardless of their location. -Michelle Brock (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

The provision that would criminalize women communicating in public places for the purposes of prostitution where persons under the age of 18 can reasonably be expected to be present is inconsistent with the understanding that prostitution is a practice that overwhelmingly targets, exploits, and coerces vulnerable women, and therefore their continued criminalization is in contradiction to the objective to protect them. -Smith-Tague (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

I know of no other offence in our Criminal Code that criminalizes the victim. I would encourage each of you as committee members, as you study Bill C-36, to amend and remove the provision that criminalizes those prostituted victims. - Pond (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Yet, while most supporters of end demand legislation who testified in Canada expressed opposition to the provision in the bill criminalizing sex providers for solicitation in certain places, Lang was among the exceptions:

Françoise Biovin, Canada New Democratic Party MP: You're okay with the fact that if they are victims they could be criminalized anyway.

Lang: What I'm okay with is that prostitution shouldn't take place where there are children. I'm okay with that, and I think that will pass constitutional muster as well. (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014b)

Here, Lang, like the few other supporters of Bill C-36 who testified, asserts Section 213 of Bill C-36 is necessary to protect children from being around prostitution. Thus, while they construct providers as victims, they also construct children as victims when exposed to soliciting prostitution. Thus, their focus is not only on protecting the sex providers from the clients, but also on protecting children from both the provider and sex buyers along with prostitution overall.

Providers constructed as the exploiters. Proponents of end demand discourse consistently construct the providers of sex as the victims and the buyers as the perpetrators in prostitution

exchanges. An exception to this is the following dialogue between Democratic Unionist Party Assemblyman Paul Givan, who was also the Chair of the Northern Ireland Assembly Justice Committee at the time, and Laura Lee of the International Union of Sex Workers (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014c).

Givan: You said earlier that you feel privileged to have brought joy into the lives of people with disabilities. Do you charge them?

Lee: Yes, but I do a discounted rate.

Givan: You do a discounted rate.

Lee: Yes.

Givan: Would you not rather do it for free?

Lee: I do not know anybody who works for free.

Givan: These are people with disabilities. If it is such a privilege and you want to bring joy into their life, why would you exploit a disabled individual and make them pay?

Lee: It is not about exploiting anybody. They contact me, not the other way around.

The exchange continued and Givan went on to refer to the clients with disabilities as “vulnerable.” In this exchange, Givan is constructing Lee as the exploiter and her customers with disabilities as the vulnerable victims. Yet, these clients who Givan asserts are being exploited as still criminalized under the legislation he is promoting, considering that this law criminalizes clients without distinguishing between those with and without disabilities.

The statements by Givan raise the question of whether the “tides shift” when the clients have disabilities. That is, do the sex buyers become the victims and the providers become the exploiters in such cases? This position was not consistently supported by proponents of end demand legislation. While most of the testifiers did not mention clients with disabilities, a few did or were asked about this. They asserted that even if the clients are part of a marginalized population, they are still complicit in oppression by paying for sex. In other words, this does not

negate the power dynamics in which the sex buyer is still in control while the provider is in a more marginalized position.

“For the sake of our health, women need not be forced into a class that submits itself to unwanted sex, not for the benefit of the disabled or anyone else,” said Rachel Moran, a founding member and the European Coordinator of Survivors of Prostitution-Abuse Calling for Enlightenment [SPACE] International (Appendix C: Northern Ireland Assembly Justice Committee hearing January 30, 2014a). Here, Moran is criticizing the position that some men with disabilities need to pay for sexual services for health reasons and asserts that the health of women also needs to be considered. She said this notion of some men with disabilities needing paid sexual services for health reasons confuses a need with a want.

While the implication that the providers become the exploiters when clients have disabilities is not widely promoted by supporters of end demand, it is still consistent with the common perception of anti-sex work proponents that prostitution is an intrinsically exploitative relationship. In some cases, the providers are constructed as the exploiters and in some cases the clients are. Laura Lee’s position challenged this notion of sex work being intrinsically exploitative from one side or the other. In the exchange above with Givan, she asserted that her relationships with clients who have disabilities are not exploitative toward either side. Thus, Lee is asserting that she is not exploiting the clients by charging them for services and companionship nor are her clients with disabilities exploiting her by paying.

Benson referred to the focus of commercial sex as a beneficial social service for some men with disabilities as a “red herring” in prostitution disputes, saying that they only account for a very small percentage of sex buyers. She mentioned that she asked women formerly in prostitution about this and they rarely have clients with disabilities. Considering that disabilities

are not always apparent and clients with disabilities may not explicitly state having disabilities, it is impossible for sex workers to know for sure how many of their clients have disabilities. All they can go by is what is apparent or stated.

While no representatives from organizations focused on the rights of people with disabilities testified, Benson mentioned asking an activist about this notion of prostitution as social service meeting the needs of some men with disabilities

I spoke to a disability activist not that long ago in relation to that very question, and, as a disabled man who is an activist in the field regarding support and rights for those living with disabilities, he felt that it was deeply insulting to people with disabilities to argue that there are certain people who are never going to get it any other way, because it is suggesting that it is not possible for some people who live with a disability to foster meaningful relationships and intimacy with others (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014b).

What about if the sex buyers are women and the providers are men? Amidst the widespread focus on women as victims in prostitution, Boivin mentioned receiving e-mail messages from men sex workers who said women also bought sex. She then asked the testifiers if they thought that the men were victims in such cases and the women were the exploiters. The end demand proponents testifying in that session responded that this is still exploitative, even when the men are the providers and the women are the customers.

Hilla Kerner, Collective Member of the Vancouver Rape Relief and Women's Shelter, responded, "Of course, it's based on criminal exploitation, but unlike violence against women, we do not have the problem of social phenomena, of women using their political, economic, and social power in the world to control men; otherwise, it's true" (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a). Here, Kerner is explaining that on an anecdotal level, women who buy sex from men would be exploitative-

though this does not negate the structural powers men have over women. Thus, she is constructing this within a broader patriarchal, societal context.

Constructions of sex workers vs. prostituted women and survivors. Amidst the discourse concerning victimization is the socially constructed dichotomy of sex workers vs. prostituted women and survivors. Though providers in prostitution and survivors can be of any gender or not identify as a gender, the pronoun *she* is used here because this dichotomy is typically constructed concerning women and many providers are women.

The sex worker is constructed as a woman with a lot of agency who enjoys her work and gains empowerment from it. She typically works as an independent escort. She also makes a lot of money and finds her clients to be intriguing. She is educated and chooses sex work over other career options. She can be very selective about the customers she sees and does not experience violence in her work. She is well-adjusted and is not victimized in sex work. If she leaves sex work, she is labeled as a *former sex worker*.

On the other end of this binary is the prostituted woman who is victimized in the sex trade. She may be a trafficking victim who is forced or deceived into prostitution by a third party. She may be under the control of an abusive pimp. She may have experienced childhood abuse before entering prostitution which led her on a dangerous path into the sex trade and she likely entered prostitution as a youth. She may also be a woman living in extreme poverty who engages in prostitution out of dire necessity and lack of other job options. She may engage in prostitution to feed a drug addiction. She does not enjoy prostitution and is disempowered. She experiences violence and must often engage in particularly risky sex acts with customers because unlike the sex worker, the prostituted woman lacks the financial means to turn down customers demanding such dangerous practices and lacks agency over her conditions. She likely works the

streets or in a brothel with very coercive conditions, or she may work as an escort under the control of a pimp or trafficker.

If the prostituted woman leaves prostitution alive, she becomes a survivor. The *survivor* label has been applied to people who have survived and overcome a diversity of horrible life events, such as cancer, the Holocaust, rape, domestic violence, and war. This label implies that somebody was a victim, but they overcame this and are out of the victimizing circumstance.

Canada Conservative Party MP Stella Ambler asked Big Canoe whether she thought that indigenous women in prostitution were prostituted women or sex workers. Big Canoe's statement below implies they could fit into both frameworks and she challenged the homogenizing of indigenous women's experiences in prostitution. Big Canoe was critical of how one set of experiences is used to negate or downplay the other-such as the experiences of survivors/prostituted women being used to downplay the voices of people fitting more into the sex worker construction, or vice versa:

There seems to be a suggestion that two completely different and incompatible views have been presented to this committee: one from current or former sex workers, saying that the work is fine, empowering, and a completely autonomous choice; and the second view saying that sex workers are vulnerable, poor, addicted, and just surviving. From our perspective as front-line workers, not only in the Canadian justice system but in providing services- aboriginal community, justice-driven services- we say that these can both be true (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

This statement recognizes the existence of multiple realities and multiple experiences in prostitution, and that just because not every provider experiences prostitution identically does not mean that one's experiences invalidates all others.

The socially constructed dualism between sex workers vs. prostituted women and survivors is also problematic because it presents this either-or dichotomy which fails to recognize that some women's experiences in prostitution may have elements of both, or do not fit well into

either end of the dichotomy. For example, having experiences of working independently with a lot of agency at times, but also having been trafficked with a lack of agency at some point. Another example would be a provider who identifies as a sex worker and engages in sex work consensually and usually does not experience abusive situations, but has experienced sexual assault in the sex trade. In this case, the consensual aspect of her work would fit more into the sex worker construction, but her experience with a violent customer would fit into the survivor construction. While she would be a survivor of violence, the dominant survivor vs. sex worker dichotomy does not allow room for identifying as a survivor if she still identifies as a sex worker or former sex worker, though she may identify as a victim of violence even if she does not identify as a victim of sex work. That is, she may not find the exchange of payment to be victimizing, but rather the sexual assault to be victimizing. As Lowman pointed out, “However, as much as prohibitionists deny that sex workers ever exercise choice, many and I would suspect most sex workers don't agree that they are one-sided and only victims, even if some of them are victimized.” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a). Some past and present providers of commercial sexual services may transcend this dichotomy and identify as both sex workers and survivors.

Despite similarities in experiences that may exist, the sex worker vs. survivor dichotomy as socially constructed pits sex workers against each other, assuming they have conflicting interests even though some providers may have experiences that fit into both paradigms. This is not only about conflicting positions concerning the issues. This construction can also lead to a victim vs. villain binary in which current and former sex workers as well as prostituted women and survivors of prostitution are categorized based not just on experiences, but on whether they accept the ideology that prostitution is intrinsically victimizing. Current and former sex workers

who do not accept this construction come to be considered aligned with the “enemies” and interfering with the interests of prostituted women and survivors. This creates a dualism where diverse voices are not accepted as valid. Such pitting of sex workers against prostituted women and survivors exemplifies a major way that oppression works, which is the pitting of marginalized groups against each other. This can lead to antagonism between marginalized groups where each perceives the other as the enemies and interactions as well as attitudes become hostile even if the hostility is not universal.

The pitting of sex workers’ against survivors’ interests was present in the legislative hearings analyzed in both Canada and Northern Ireland. Most notably, in how some legislators who supported end demand legislation communicated with sex workers who opposed such legislation and instead favored decriminalization.

An example of constructing sex workers’ interests in opposition to those of prostituted women or survivors is the following exchange between Givan and Laura Lee (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014c):

Givan: You have obviously painted the picture that you have never been subjected to any violence and that you enjoy your work. Do you think that we should protect your right or, let us go further, that we should legalise the sex trade in Northern Ireland so that your right can be protected? Is that something that we should do, given the knowledge that we have from the PSNI that the majority of people who are trafficked into Northern Ireland are brought in for sexual slavery and that women and girls are subjected to gang rape and suffer the most intolerable sexual, physical and mental abuse? Indeed, the Irish Medical Organisation’s report on the health consequences for those who are involved in the industry indicates that someone who is involved in the trade is twelve times more likely to die early than someone else in society. Do you believe that your rights should override all those other issues that come with the sex industry? [PSNI in this statement refers to Police Services of Northern Ireland.]

Lee: I believe that, if two consenting adults come together to have sex behind closed doors, whether or not money changes hands, the state should not intervene. Where the state should intervene is where there is harm to the buyer, the seller or anybody in between. I would never, ever advocate any form of violence or the horrible things that you spoke about, such as gang rape- of course not. However, I think that you should

protect our rights as workers and that you should obviously also protect the most vulnerable.

Givan: What if the state's most effective way to protect those who are being subjected to that type of violent physical abuse is to criminalise the purchase of sexual services? If that is the best way to protect those who suffer that type of abuse, is it not the right thing for the state to do?

Lee: I do not believe that it is the best way to protect those who are really suffering. I believe that the best way forward is to create some form of joint committee that sex workers can get on board with and through which they can work with the police. That committee could then actively make sure that those people are working of their own volition and are quite safe.

Here, Givan is constructing a binary, in which the interests of sex workers such as Lee who both consent to engage in sex worker and have positive experiences contrasts with the interests of those who are victimized in the sex trade. He is implying that the state can support the rights of one group or the other, but not both. By asking Lee why the state should support her rights over those of people in prostitution who are in worse circumstances, he is implying that supporting the latter group is more important. Yet, Lee suggests that it is not an either-or thing where the state can support the interests of the one group or the other (sex workers or prostituted women based on the dominant construction previously explained), but can support both. Furthermore, Lee rejects the premise that end demand legislation is the most effective way to help the most vulnerable people in the sex trade.

As an example from the Canadian Parliamentary hearing, Potvin identified as a former sex worker who chose to engage in sex work to support her daughter. She expressed no qualms about her decision to engage in sex work and spoke in opposition to criminalizing prostitution, including end demand legislation. Ambler trivialized her perspectives and experiences, and expressed disbelief (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b).

Ambler: [You] mentioned that you liked some of your clients, and liked some of them less, but that, overall you're proud of your choice, and that it's worked for you in your life.

The way you tell it, frankly, it sounds like a TV sitcom about happy hookers. I just can't reconcile this with the other things I've heard. I'm wondering if this bill were enacted, would it put you out of business?

Potvin: I think that would have prevented me from working in safety. I would have been more afraid, since my clients could be criminalized. That's very important. Assessing clients is very important.

Among sex workers, we send one another messages and warnings to be careful. A list of problematic clients is provided by certain organizations managed by and for the community. If this legislation is passed, my clients will be criminalized, and the good ones may stay away.

The bad clients are the ones who may not fear justice or police. Like in any other job, there are good and bad clients.

The exchange continued and Ambler went onto bring up specific forms of violence, and say that these are more "intrinsic" to prostitution than any other business she is aware of. Potvin responded by acknowledging that though risks are high in prostitution, violence can exist anywhere. To illustrate this, she mentioned that a friend was killed while working at a corner store. Ambler responded, "And so when you hear the other stories here that we've heard this week, do you tell yourself those are rare and it's just as likely that the guy at the corner store's going to be murdered than someone who's a prostitute?"

In the exchange above, Amber likens Potvin's narrative to "a TV sitcom about happy hookers" as if her experiences and input are silly and not to be taken seriously. Sitcoms are also fictional, though Potvin is an actual person rather than a fictional character in a TV show.

Furthermore, after Potvin mentioned that a friend was killed by a firearm in a corner store, Ambler did not express any condolences. Instead, she continued trivializing Potvin's voice by implying that she was out of line by even bringing up this murder because it occurred in a corner store rather than in prostitution where the risks of violence are much higher. Ambler's

reference to “the guy at the corner store” is also noteworthy considering that Potvin used the pronoun *she* when referring to her friend who was shot while working at a corner store.

As mentioned three paragraphs above, Ambler asked Potvin if she tells herself that the stories they have heard during the week are rare and that a guy at a corner store is as likely to be murdered as somebody who is a prostitute. The way Ambler constructs this question implies that such a position is absurd and Ambler’s comments about certain violent acts being inherent to prostitution furthers the criticism. Yet, Ambler did not ask about whether the guy at the corner store is subject to the same degree of hatred as prostitutes. She also did not ask whether the guy at the corner store is assumed be bringing violence on himself by being at a corner store in the same way that prostitutes are subject to victim blaming for experiencing violence. Likewise, she did not ask whether violence is assumed to just be intrinsic to working at corner store which would imply that corner store workers should just expect violence like the societal attitude projected onto prostitutes. It is important to ask these questions and assess the effects of these issues on violence before concluding that violence is just simply intrinsic to prostitution.

This exchange exemplifies the pitting of sex workers against survivors, making it appear as if Potvin as a former sex worker is being disrespectful and insensitive to the survivors or people (usually women) who are murdered in prostitution- even though Potvin did not make any hostile comments against them or attempt to deny survivors’ voices based on the transcripts of the hearing. To put Ambler’s comments in context, prior to Potvin’s testimony, various survivors had already testified to Parliament about horrible experiences they had in the sex trade and many representatives of anti-sex work spoke of how violent and abusive the sex industry is. Yet, Ambler made this statement after Potvin spoke of sex workers’ efforts to stop such violence.

Ambler's construction of the "happy hooker" image extended beyond Potvin. Sheri Kiselbach, Coordinator of Violence Prevention for PACE Society, identified as a former sex worker who testified against end demand legislation (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014c). Ambler said to her during the question and answer segment, "It's interesting to hear that you have experienced some violence, and I'm sorry to hear that because I did think it was a happier story..."

Yet, Kiselbach had already said that somebody tried to kill her. "The laws did not protect me when I reported numerous violent crimes, including attempted murder," said Kiselbach in her opening statement. "Instead, I was treated with contempt, ridiculed, discounted, and dismissed. I was treated as a criminal, as though I deserved to be treated this way." In response to a comment by Ambler, Kiselbach repeated again during the question and answer segment that somebody attempted to kill her, to which Ambler replied with the statement in the previous paragraph. Ambler's comment is indicative of the assumption that sex workers who advocate for the decriminalization of prostitution and against end demand have primarily or entirely "happy" experiences in prostitution-in sharp contrast with survivors' narratives. While this may be true for some, it is not true of all sex workers supporting non-criminalized systems.

Summary. While conflicting sides denounced forms of victimization such as violence, exploitation, and human trafficking, their constructions of these differed. To end demand proponents, prostitution is intrinsically victimizing against the providers. To opponents of end demand, prostitution is not intrinsically victimizing, but hatred against sex workers, oppressive policies, discrimination, and additional structural oppressions are. For example, Potvin identified not as a victim of prostitution, but as a victim of discrimination.

Harm Reduction

A major argument against end demand legislation is based on harm reduction principles, that criminalizing prostitution further endangers sex workers no matter whether it involves the more contemporary Nordic model that criminalizes the buyers but in theory not the providers, or more traditional types of anti-prostitution policies that criminalize the providers. Harm reduction can take many forms, including outreach, drop-in centers, outreach services, health and safety education, community building and communication networks, online “bad date” lists, and precautions sex workers take in their day-to-day lives.

An example of the latter is the Ugly Mugs website. On the Ugly Mugs websites, sex workers can provide names and aliases of such people along with descriptions of them, their phone number and email address, and a description of the incident. Phone numbers and email addresses can be helpful because many escorts ask clients to provide these during the screening process. Thus, sex workers can see if this contact information matches with anybody mentioned on Ugly Mugs. Various sex workers’ rights groups also feature bad date lists for their local areas on their websites.

Lucy Smith, owner of the Ireland Ugly Mugs website, explained during the Northern Ireland Parliament hearings that most of the sex workers who use her services are indoor workers. In this sense, the Ugly Mugs website Smith runs in Ireland differs from the Ugly Mugs scheme described in Chapter II run by the Linx Project in Merseyside England because the one run by the Linx Project is not mainly web-based, but rather is focused on in-person outreach to street sex workers (Penfold et al 2004). Yet, like the Ugly Mugs scheme in Merseyside, Smith said that she has also become a liaison between sex workers and the police. When sex workers report violence

to her website, Smith said that she shares this information with the police if they (the sex workers) request that she does this, and that she supports the sex workers in the process.

Despite the focus largely on indoor sex workers, Smith said that her service does not attempt to exclude street workers (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 30, 2014c). Rather, the fact that it is Internet based makes it more accessible for indoor workers overall. Many escorts use the Internet to advertise and communicate with each other and potential clients- thus spending a lot more time online.

Various types of harm reduction organizations exist and some are more geared toward outreach and drop-in centers for street workers and some may involve a mixture of street and indoor workers. Many provide in-person services, such as outreach, health care, community building, etc. Some may be more broadly focused and some may be more specifically focused on a single type of harm reduction. Among the most common forms of harm reduction brought up during the legislative hearings were screening clients, sex workers' networking with each other, and working indoors.

Screening clients. Various opponents of end demand legislation explained how this interfered with sex workers' efforts to screen potential clients. Screening can take many forms. For escorts, this often involves requiring potential clients to fill out online screening forms in which they provide their name, phone number, e-mail address, place of work, home and work numbers, and references from escorts they have been with before. The purpose of this is to increase the sex workers' safety because they can first verify information before seeing the client and deter abusive or violent behaviors because they have this personal information they can use to "out" them or report them in such cases. Yet, clients may be more hesitant to provide this personal information if they are criminalized. For starters, they do not always know if the escort

is an undercover cop. In addition, authorities may demand that escorts turn over information about their clients so they can go after these customers.

For street workers, screening may involve initial assessments before getting into cars with clients, such as making sure the passenger side door handle is still there; noticing if the client smells like alcohol or if open alcohol cans or bottles are in the car; scanning for weapons or anything that can be used as a weapon, and communicating with the clients. Various end demand opponents asserted that end demand legislation makes clients more rushed so they do not get caught, giving street workers less time to do initial assessments before getting into cars.

The following excerpts exemplify concerns expressed about the effects of end demand legislation on screening clients:

As Mr. MacKay said in his speech earlier this week, Bill C-36 should lead to a reduction in the supply and demand. Unfortunately, this bill will not have the desired effect. Instead of resolving the situation, the legislation will shift the problem and force sex workers to conduct their transactions in a context of increased pressure. There will be much more potential for conflict, and client screening will be inadequate. At the end of the day, the bill will make individuals involved in that occupation more vulnerable. -Rachel Phillips, Executive Director, PEERS Victoria Resource Society (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

If this new section comes into force, clients will no longer tell us any personal information about themselves, a vital part of protecting ourselves from those who would do us harm. -Lilibrè (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a)

Rushing negotiations limits the sex worker's opportunity to assess the potential client for signs of intoxication, to look for weapons or restraint devices, or to check a bad date sheet. Suggesting these sort of precautions will not prevent any violence is the same as saying to women all across Canada that all of the safety precautions they take will not prevent violence. -Porth (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c)

While opponents of end demand consistently expressed concerns about how this legislation would interfere with screening clients, supporters of this legislation consistently downplayed these concerns by asserting that screening is not an effective way to stop violence.

It is hard for us to believe that an additional 5 to 15 minutes will help a prostitute figure out whether or not a man is violent, either before she gets into his car or before he enters her apartment. -Mélanie Sarroino, Quebec, Canadian Association of Sexual Assault Centers (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

I know that one of the big arguments against the communication law is that if women could screen their clients beforehand, they would be able to protect themselves better, as if in a short period of time women would be able to determine if their potential client is a psycho or not. This is ludicrous. -Katarina MacLeod, Founder, Rising Angels (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014b)

There is no form of screening that would tell you if a guy is going to kill you. -Perrier (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014b)

The prostituted women we work with tell us that no amount of communication with a john will make their lives safer. In fact, they often are given only 5 or 10 minutes—or even at the outset 30 minutes- to communicate with a john. At that point, really, there's no opportunity to interview properly for safety. -Megan Walker, Executive Director, London Abused Women's Centre (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014b)

Overall, arguments about the futility of screening clients centered on how safety cannot be guaranteed and how prostitution is intrinsically dangerous no matter whether screening occurs. In response to many comments from supporters of end demand legislation about how useless screening is, McDonald said,

Some witnesses have suggested that screening clients cannot completely protect sex workers, and therefore they're in agreement with communication laws and criminalizing clients who, therefore, won't be likely to provide screening information. And it's true. Yes, no one can be perfectly screened. Similarly, seatbelts will not completely protect car passengers from injury or even death, but I would never deny someone the ability to wear a seatbelt (Appendix C: Transcript from Canada Senate Standing Committee on Legal and Constitutional Rights hearing September 11, 2014).

While clicking on a seatbelt is typically much quicker, simpler, and less complex than screening a client in prostitution, both are safety precautions. Yet, neither guarantees safety. Thus, McDonald is arguing that even though screening clients does not guarantee safety, it is still

a valid precaution- like wearing a seatbelt reduces the risk of danger in an automobile even though it does not guarantee no harm will occur. She uses this analogy to argue against interfering with sex workers' efforts to screen clients, which she and many opponents of Bill C-36 testified end demand legislation does.

In contrast to opponents of Bill C-36 who asserted that it would interfere with sex providers being able to screen, Natasha Falle of Sex Trafficking Survivors United said she believed this legislation would give them "an opportunity to screen because they can do so without having to answer to pimps and johns, because now men are going to be targeted" (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b).

Sex workers' safety and support networks. Sex workers' safety and support networks are vast. These can include sex workers working together or developing networks where they watch out for each other as well as share information. Safety and support networks can also include third parties who provide various services for sex workers.

The evidence is clear that when sex workers are not permitted to communicate—this is a primary mechanism that they use to protect themselves—for those who are most vulnerable, those who are in the street, that is going to contribute to the danger. That will lead to a finding of arbitrariness, in my view. - Leonard Russammano, Member and Criminal Defense Counsel, Criminal Lawyers' Association (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a)

This comment was in response to the provision in Canada's Bill C-36 criminalizing solicitation in certain public places, which can interfere not only with sex workers' ability to communicate with potential customers, but also to communicate with each other.

Various sex workers and allies also explained the safety role that third parties can provide. "Third parties are needed to ensure our safety, and they play an important role in helping us avoid isolation," said Liliberté (Appendix C: Transcript from Canada House of

Commons Justice Committee hearing July 7, 2014a). According to the *Canada v Bedford* (2013) ruling, this was a major reason why the Supreme Court ruled the provision in Canada's old anti-prostitution legislation criminalizing living off the avails of a prostitute to be unconstitutional. Bill C-36 was created afterwards, and included a provision to only criminalize exploitative third party relations with prostitutes. However, Big Canoe pointed out that this legislation defines exploitation very broadly and some testifiers expressed concerns about this vagueness being used to criminalize non-exploitative third parties who provide protection or other helpful services to sex workers. Furthermore, Phillips said,

Proposed section 286.1, which criminalizes material benefit from sexual services, places constraints on sex workers who wish to engage with others in assisting them. While we recognize that there are noted exceptions, and they have been discussed this week, this law is nevertheless very problematic, from our point of view, as it potentially places an onus on these parties to prove that they fall within these exceptions. (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

Guided by the ideology that prostitution is intrinsically exploitative, end demand proponents testified in support of criminalizing third parties profiting off of prostitution (often referring to them as *pimps*) and did not distinguish between abusive and non-abusive third parties. While various supporters of decriminalization said that sex workers need the right to hire bodyguards for safety, end demand proponents asserted that *bodyguards* can be a euphemism for pimps and pimps may present themselves as bodyguards.

In my experience, these so-called drivers or bodyguards have always been pimps. - MacLeod (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014b)

...one of the concerns you might have is that these bodyguards, who sometimes are called pimps, could actually end up being employees or service providers to the women who are in prostitution. -Gwendolyn Allison, Allison Law Group (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014c)

We also appreciate that the bill differentiates between those who depend on a woman's income without caring about how it's earned. That includes dependent children,

hairdressers, and other service providers. These people are very different from the people who are parasitically invested in having a woman enter and stay in prostitution. Those people include pimps posing as bodyguards, pimping boyfriends, brothel-keepers, and prostitution advertisers. -Jay (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

I have sold sex independently, and I have been forced by so-called bodyguards. -Falle (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b)

In addition to the quote above about her personal experience, Falle also said that her best friend was murdered by a pimp this friend thought was a bodyguard.

Both the online Merriam-Webster (n.d.) and Oxford Dictionaries (n.d.) define a pimp in gendered terms as a man who arranges clients for prostitutes and takes at least some of the profit in return. Merriam-Webster said this applies specifically to illegal prostitution. Yet, the term pimp has been used much more broadly than these dictionary definitions, and has various constructed meanings. The way the term has been used could include the common perception of a pimp as somebody (often a man) who deceives or forces people (often women and girls) into prostitution, takes all the money they make, and is abusive. Yet, the term has also been used to refer to anybody who runs a prostitution referral service or brothel in which the providers split a share of their pay with them for connecting them with customers or providing a place for them to work. This definition could also include drivers, bodyguards, receptionists, and any other third party profiting off of prostitution.

Proponents of end demand legislation also commonly refer to sex trade and sex industry management as pimps.

Pimps are not agents or managers: they are pimps, making money off the backs of others for high profits and at low risk to themselves. -Benson (Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014b)

My concern with this is that I have worked in legal brothels and massage parlours. Every time a client came in, I had to pay a fee to the house. To me this is pimping. If you pay

someone any moneys for sexual services, they are getting a material gain. I would like to see these owners and operators held accountable. -MacLeod (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014b)

Opponents of end demand challenged how proponents were constructing pimping, the broad use of this term, and the ambiguities.

We have heard the term *pimp* used in relation to Bill C-36 with little clarification of what is meant by this term. My colleagues and I recently interviewed 61 persons who manage commercial enterprises. We found that 60 percent were women and just over 70 percent of these women identified as current or former providers of sexual services. -Phillips (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

This bill prevents sex workers from having a relationship with a pimp, without knowing what a particular relationship entails...-Kiselbach (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014c)

What I am suggesting is that we need to move towards a reasoned and respectful approach that is not detrimental to sex workers, and the broad brush strokes of this law criminalizing virtually all third parties will have a very significant harmful impact on sex workers. -Bruckert (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c)

Bruckert went onto explain how legislation criminalizing virtually all third parties harms sex workers. She said such legislation interferes with sex workers' ability to hire third parties that provide safety measures, which include screening, maintaining bad date lists, collecting and verifying information, and providing on-site or on-call security. Yet, Bruckert acknowledged that abusive third parties exist and mentioned that laws are already in place against such abuses.

What about sex workers who work together or share workspace? Are they *pimping* each other since they can be considered third parties to each other? This is the main criticism sex workers and allies have levied against the *brothel keeping* laws in the United Kingdom countries:

In some regards, it is about women working together for safety; it is more like a cooperative. They work alternate days in a flat. Strictly speaking, under the current law, that constitutes a brothel. Even though they may never meet but work alternate days that is a brothel. Bizarrely, both women can be convicted for pimping each other. -Laura Lee (Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014b)

While Lee is referring to how sex workers sharing a flat to work out of on alternative days is criminalized, much of the criticism against the law she refers to also centers around how it criminalizes sex workers who work together at the same time out of the same flat--whether they are with a customer together or just there together but in separate room. Though *brothel keeping* is the statutory name of this offense (Douse et al 2011; Mullin 2015), Lee referred to it by saying that women who work out of the same flat can be convicted of pimping each other. In this context, Lee is protesting the law and how broadly the concept of pimping is being defined.

The term brothel keeping implies management and can thus be labelled as pimping, but Lee points out that such a label overlooks how sex workers are being criminalized just for working out of the same place. As explained in the literature review, brothels are legally defined so broadly by nations in the United Kingdom that they can include any place more than one sex workers work out of, regardless of whether there is third party management.

While much of the criticism against brothel keeping laws in the United Kingdom has come from proponents of decriminalization, Benson (a supporter of end demand) brought up how such legislation has been used against a trafficked woman. “We have gone in and met a woman who is in on a conviction of brothel keeping. She was a victim of trafficking” (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014a).

The end demand provision in Northern Ireland's anti-trafficking legislation does not eliminate the brothel keeping laws. Thus, sex workers can still be criminalized for working out of the same flat under such legislation.

Working indoors. Various opponents of end demand legislation brought up how working indoors is safer and provisions in the legislation make it harder to do this. Many end demand opponents in Canada tied this into the provision in Bill C-36 criminalizing advertising for sexual

services. Though the bill does not criminalize the sex workers for advertising their services, it does criminalize third parties who place ads. This makes it impossible for sex workers to legally advertise beyond their own website or in any publication they may own, which affects the ability to work indoors because many indoor sex workers rely on web-based advertising sites and additional publications they do not own for business. “In my ads, I don’t objectify myself or my body. I describe my personality, and above all, I list the services I want to provide and the prices I charge for those services. I also list the services I do not wish to offer,” said Amy Lebovitch. She went onto say,

Simply by posting my ad, I’ve been able to pre-negotiate the contract for my services. If I lose the right to advertise online and network with fellow sex workers who also post ads online, I will lose the ability to do reference checks on clients and work indoors. I will have to turn to the streets to find clients. I will have to turn to trafficking rings for clients. -Amy Lebovitch, Director, Sex Professionals of Canada (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014a)

With Bill C-36 you must think about how, for example, the advertising restrictions and the criminalization of the purchase of sex are going to work together. We say that together those mean that sex workers will not be able to work indoors. -Elin Sigurdson, Lawyer, Pivot Legal Society (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c)

In contrast, supporters of end demand legislation in Canada consistently testified in support of the advertising ban in Bill C-36. “I’m at a bit of a loss here to understand how advertising is really protective expression, in particular how profiting from running ads is protective expression,” said Janine Benedet, Associate Professor of Law, University of British Columbia. “I don’t see anything protective about that kind of expression, and I don’t see what you can do through advertising that once that guy is with you alone in your apartment really makes any difference, whatever it is you’ve bargained for in advance” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a).

Supporters of end demand also brought up racism and sexism in advertising for sexual services while testifying in support of the provisions that bans third parties from advertising or placing ads:

I see advertising that is blatantly racist, and divides women by their ethnic categories and ascribes various kinds of servile categories to them based on race. -Benedet (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a)

We support the section of the bill that criminalizes advertising of sexual services because of the role that advertising plays in normalizing and entrenching racist and sexist stereotypes. For example, when we gathered online ads that were posted over a 24-hour period from the adult services section of the Vancouver Craigslist website, we found that 67 percent of the women advertised in the 1,472 ads we gathered were described or displayed by photo as Asian. -Jay (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Jay elaborated on the quote above, saying that the percentage of Asian women in adult services ads was disproportionately high compared to their overall representation Vancouver's population. She also named racist and sexist labels applied to Asian women in the ads.

Additionally, various end demand proponents disputed assertions that the indoor sex trade is safer than street prostitution. They asserted that prostitution is dangerous no matter where it occurs and some said that indoor prostitution may actually be more dangerous because it is behind "closed doors" and not as out in the open. "Speaking from a decade of experience in various capacities within the sex trade, I am intimately aware of the inherent dangers of prostitution, regardless of whether the trade occurs indoors or outdoors," said Cassandra Diamond, Program Director, BridgeNorth (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a).

Pushing sex workers further underground. Among the most prevalent arguments against end demand legislation is that it further endangers the providers by pushing them into more

isolated areas since their customers do not want to get caught. This is especially the case with street prostitution.

Even when I go out on a street work shift on, say, a Thursday night, when the police are extremely present, that keeps clients away. Sex workers just end up moving to alleys and to other parts of the city where there are fewer peers and other people around. They're still trying to seek clients, but this is becoming more and more difficult. We know that this kind of isolation is really putting people in danger. -Maynard (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014a)

The adverse impact it (Bill C-36) will have on sex workers is the driving of the most vulnerable, the street-level sex workers or survival sex workers, into darker corners or into places where they become unsafe. -Big Canoe (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Police will push outdoor workers away from residential areas because of the restriction on being near anyone under 18. This will lead to an increase in residential surveillance and harassment. Marginalized groups, like people of colour, trans women, aboriginal women, and two-spirit women are more likely to be street-based, and they will face extreme criminalization under this bill. - Statement from Forrester read by Gallant (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b)

Potvin pointed out how this pushing sex workers further underground will also further endanger mobile response teams (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b). "I think that Bill C-36 could even endanger mobile response teams- which patrol the streets every night to provide frontline support—by prompting them to take to isolated areas like the clientele. Moreover, they will be doing their work in poorly lit locations, with no eye witnesses around."

Yet, supporters of end demand disputed assertions that it would push sex workers further underground, implying that this *underground* does not exist. "It (prostitution) would not exist and there would be no money to be made, if you could not advertise. It needs a face and a domain. Prostitution is the one vice that cannot exist underground," said de Faoite (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing February 6, 21014).

“We’ve had witnesses here who've said there is no such thing as ‘underground’ or ‘in dark corners’ because when johns want to purchase sex, they have to find the prostitutes,” said Ambler.

Northern Ireland Democratic Unionist Party Assemblyman Jim Wells expressed similar disbelief about the *underground* when questioning Laura Lee in reference to the prostitution end demand clause known at the time as Clause 6 which became Section 15 in the final version of the bill (Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014c).

“You say that prostitution would be driven underground if Clause 6 were enacted. How would a client make contact with a prostitute if prostitution had been driven underground?” asked Wells.

“How would that physically be possible? If the client can make contact with the prostitute, why would the police not be able to make the same contact?”

Lee responded, “You find now that there are flats that are known to the police. The police know where they are and who works where; that is their job. If the law were to change, the situation would become more fluid and the women who so badly need our help would be moved an awful lot more frequently to avoid detection. That is the sad downside to it, really.”

Though some proponents of end demand question the existence of the *underground* in prostitution, Benson who is also a supporter of such legislation expressed the position that prostitution will always be underground no matter what the legal status is (Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014b).

I suppose that the definitive point is that, to a certain degree, prostitution will always be underground. It will never not be associated with criminality. You are never going to have a utopian situation where prostitution is run by former car salesmen and florists. It is always going to be run by the people who are running it illegally in the first place. So, it is always going to have a degree of operating in the shadows.

In sum, the concept of *underground* is constructed in various ways. This can mean pushing sex workers into darker, more isolated areas. Yet, as Laura Lee pointed out, the *underground* can also refer to sex workers continually relocating into different areas to avoid detection from the police. In addition to avoiding police detection, Lowman (2000) also said street sex workers relocated amidst vigilante-type behaviors, harassment, and threats from neighborhood residents.

Various supporters of prostitution end demand legislation disputed assertions that it would push prostitution further underground because clients would not be able to find the providers this way, and thus the sexual exchange could not happen. Yet, pushing prostitution underground does not guarantee that clients or anybody else will not be able to find sex workers. However, it could make it harder for them to find sex workers (though not impossible), which opponents of end demand asserted would make sex workers less able to be selective in the customers that they service since they would not have as wide of a pool to select from. This gives sex workers less agency and puts more pressure on them to service clients they would otherwise reject, which may include those demanding especially risky sex acts or who they get bad feelings about for any reason. Opponents of end demand also expressed concern that pushing street sex workers into more isolated area would them easier targets for perpetrators of violence because it is less likely that anybody would be able to provide a descriptions of the person who they go with or the car they get into and working in more isolated areas would shirk or diminish their safety networks with other sex workers and harm reduction services, making it harder to maintain consistent communication.

Labor rights. Relevant to harm reduction efforts and interconnected with these is labor rights. Various supporters of decriminalizing prostitution spoke in favor of New Zealand's

policies while supporters of end demand spoke in opposition. The New Zealand Law Review Committee (NZLRC) was an interdisciplinary team of researchers who studied the effects of New Zealand's decriminalized prostitution legislation and the report was published five years after the legislation was implemented. Different sides of the policy disputes focus on different angles when interpreting this report. Among the topics of dispute concerning the New Zealand policies is how well they recognize sex workers' labor rights.

For example, Allison testified in support of end demand legislation and referred to the NZLRC report in support her position (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014c). She mentioned that according to this report, decriminalization did not significantly affect the long-standing exploitative working conditions in the sex industry:

The committee decided not to recommend that women in prostitution be granted employment rights. The committee recognized that most women in prostitution were independent contractors. Under their system, as I understand it—and this is something that's beyond your jurisdiction, obviously—they have an employment relations authority that is roughly equivalent to the employment standards plus an industrial tribunal. The remedies there are not available to independent contractors.

In fact, the only provision that those authorities have is that they can provide a dispute resolution. It's a voluntary process, so a woman in prostitution would have to go to the authority to say she is actually an employee and convince them that she's an employee; then she'll get benefits. Otherwise, she's an independent contractor with no rights.

Sandra Ka Hon Chu, co-director of Research and Advocacy for the Canadian HIV/AIDS Legal Network, testified in opposition to end demand legislation and in favor of decriminalizing prostitution (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014c). She said the following in response to Allison's comments:

The same prostitution review committee also found that the law decriminalizing sex work in New Zealand had a noticeable effect in safeguarding sex workers' rights. There's an explicit provision in the law that says sex workers do not have to accept any client. There is no coercion in their employment.

There was even a decision just three months ago in New Zealand in which the human rights tribunal awarded a sex worker damages for sexual harassment by a brothel owner. This would not have been possible in a criminalized environment.

So there are examples. If you listen to the New Zealand Prostitutes' Collective, which is the largest national organization representing sex workers in New Zealand, you hear that for their membership there is a palpable effect based on the Prostitution Reform Act. There is a safeguarding of their employment rights.

In the excerpts above, Allison and Ka Hon Chu are referring to the same study, yet focusing on different angles of it to promote different positions. This exemplifies the subjectivity of knowledge Foucault noted. Even the same study can be interpreted differently and conflicting interest can use the results of the study to promote their positions, with the power to decide which results of the study to explicitly state.

Harm reduction efforts constructed as futile or of secondary importance. Various end demand proponents asserted that a focus on harm reduction programs in prostitution is practically meaningless. “Those who made this claim called for a harm reduction approach via complete decriminalization or legalization of prostitution, and I'm using quotation marks when I'm saying ‘harm reduction,’ because these methods will not reduce the harm, on the contrary,” said Kerner (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

Kerner went on to mention *screening*, also saying she puts this word in quotation marks. Big Canoe responded, “I don't say screening in quotations because it's an actual valid exercise” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

In the statement below, Michelle Brock acknowledges the importance of harm reduction efforts, but implies they exist because prostitution is dangerous and making it easier to pay for

sex will add to the problem. In this sense, she is arguing there is a self-fulfilling prophecy in which the dangerousness of prostitution creates the need for harm reduction measures, implying that resources would be better put toward efforts to decrease the demand for paid sex. Thus, from this construction, harm reduction is secondary to the primary goal of stopping prostitution.

While harm reduction efforts are vital and definitely should continue, our government is going to have to pour more and more resources into harm reduction efforts until it seriously looks at the question of why these are needed in the first place.

The question we really need to ask is this. What are the wide-scale, long-term effects of making it easier to pay for sex? (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

Summary. While supporters and opponents of end demand legislation assert that they are working toward ending harms, they are constructing these at least somewhat differently. End demand proponents assert that prostitution is intrinsically harmful and dispute the effectiveness of harm reduction measures opponents of end demand advocate for, such as screening clients, being able to work indoors as well as advertise, labor rights, and not being pushed further underground. Opponents of end demand constructed these as essential for saving sex workers' lives and increasing their safety in various ways. They asserted that end demand policies such those debated in Northern Ireland, Canada, and England, interfere with such measures and put sex workers in greater danger. Their focus was not on blaming sex workers if they were victimized. Rather, their focus was on how anti-prostitution legislation including end demand interferes with sex workers' safety efforts and harm reduction measures.

Research Question One Conclusion

The analysis of Research Question One was very in-depth, providing a foundation for this study by addressing who the main conflicting interest groups are in the prostitution policy disputes concerning end demand legislation and how they construct the main issues. While

conflicting sides speak in favor of gender equality and against victimization in the sex trade, they construct these concepts differently as they relate to prostitution. The conflicting constructions of the main issues represent an ongoing hegemonic, ideological power struggle that has made its way into the public policy realm.

RESEARCH QUESTION TWO

The first research question addressed who was represented and how they constructed the issues. Yet, when considering power dynamics, it is also important to pay attention to groups of stakeholders who were unrepresented or underrepresented-which the second research question focuses on. Stakeholders refer to groups directly affected by this legislation or with a direct interest. Those most directly affected are people within the sex trade or sex industry. Yet, other groups with interests include family members of people with experience in the sex industry or sex trade and as well as groups who may work with people in the sex trade directly, law enforcement, harm reduction services, and anti-violence crisis services who make work fully or in part with commercial sex providers. Non-represented stakeholder groups are those not represented at all while underrepresented are those who are represented, but less than more represented groups. An example of an underrepresented group is current sex workers. As addressed in the first part of Research Question One, they are less represented numerically than people formerly involved in the sex trade such as former sex workers or survivors of prostitution.

For the purpose of this analysis, representativeness refers to how individuals and organizations identify based on what they mentioned about themselves when testifying. While testimony to the legislatures was by invitation, people also needed the means to get to the legislative hearings to be able to testify. This was particularly beneficial for anybody working for organizations that could have covered their funding. Otherwise, without the means to cover

travel experiences for people outside of the area where the legislative building located, they would not be able to testify in person. This is an example of money as power. Also, people who could not get out of work or other obligations, such as find and pay for needed childcare, may also not have been able to testify. In the Canada hearings, some people testified remotely such as through Skype. However, even to do this, they would need Internet access and access to Skype software plus a video camera to appear visible, though they could still speak on Skype and just be heard without being seen.

When reading over Appendices A and B, something that really stands out is how the vast majority of testifiers did not disclose whether they have direct experience in the sex industry. This was the case across nations. There could be a variety of reasons for this. No matter what the reasons for this, power dynamics are still at play. If this is because most of the testifiers did not have sex industry experience, then this indicates a lack of power for those with such experiences to have their voices heard in terms of setting policies. Amidst the stigmas, hatred, criminalization in some cases, and additional repercussions, many people with experience in the sex industry keep this private. Thus, it is possible that some of the testifiers who did not disclose sex industry experience may still have some. If this is the case, it also speaks of power dynamics--the power of stigma, hatred, criminalization, or additional repercussions to keep people from being open about this.

Testifiers who spoke of having sex industry experience identified as current or former sex workers, or as survivors of prostitution. None identified as customers or buyers of sexual services. None of the testifiers with sex industry experience mentioned identifying as trans*. Monica Forrester, a transwoman sex worker was scheduled to testify as a representative from Maggie's: The Toronto Sex Workers Action Project, but Chanelle Gallant from the same

organization testified in her place and read a statement from her. Gallant explained that Forrester could not be present because she was tending to another sex worker who was arrested under the laws prohibiting communication in public places for the purposes of prostitution (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b). Though this was one of the provisions ruled unconstitutional as a result of the *Canada v. Bedford* case, it was still in effect during the Parliamentary hearings analyzed because the existing laws would not have ended until December 20, 2014 had Parliament not passed new legislation, and the Parliamentary hearings were before then.

Between the Northern Ireland and Canadian hearings combined, the only testifier identifying as a man working in the sex industry was Maxime Durocher who identified as an escort. He testified against end demand legislation to the Canadian Standing Senate Committee on Constitutional and Legal Affairs on September 11, 2014.

Of the 93 testifiers in the Canadian Parliament hearings between the House and Senate combined, only 5 spoke of currently working in the sex industry, 4 of whom as current sex workers—meaning providers of direct sexual services, entertainment, or companionship to clients. The testifiers identifying as current sex workers in Canada included Emile Liliberté, Elizabeth Dusault, Maxime Durocher, and Amy Lebovitch. The additional person, Konstadia Spooner, mentioned that she began working in the body rub industry 24 years earlier and later entered management when testifying to the Canada Senate Committee on Constitutional and Legal Affairs on September 11, 2014. She did not say whether she is presently providing body rubs to clients in addition to her management role, thus no conclusions can be drawn about this. Of the 33 people who testified to the Northern Ireland Assembly regarding the prostitution end demand clause, only Laura Lee identified as a current sex worker.

Nobody speaking of sex industry or sex trade experience who testified in the hearings analyzed mentioned being Asian, though Asian women in prostitution were spoken about-most notably by representatives of the Asian Women Coalition Ending Prostitution (AWCEP). Suzanne Jay of AWCEP testified that trafficking was intrinsic to Asian women's experiences in prostitution. "Human trafficking is intrinsic to the Asian woman's experience of prostitution, regardless of what country she comes from" (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

Various Asian sex workers and groups have disputed this homogenization of Asian women in prostitution. Not only do they assert that it is an overgeneralization, but also point out how such position adversely to Asian women in the sex industry or sex trade, resulting in raids against them and making it difficult to cross borders legally to work. This criticism is not specific to AWCEP, but is based on the broader ideology extending beyond one organization.

While the stated purpose of such measures is to stop trafficking, critics point out how the raids are resulting in Asian sex workers being arrested and in some cases, also deported if they are not citizens of the nation they are working in. Critics also point out how such attitudes result in anti-immigration measures targeting Asian women, including women who may or may not be in prostitution. Basically, critics complain of racial profiling against Asian women that constrains and punishes them. Though this may not be the intent of people asserting that trafficking is intrinsic to Asian women's experiences in prostitution and supporting anti-prostitution laws in the name of stopping trafficking, the effects of discourse may differ from the intent.

Asian and migrant sex workers in Canada formed a group called Butterfly: Asian and Migrant Sex Workers' Network. Butterfly noted how repressive laws especially target Asian migrant sex workers.

Repressive laws and anti-trafficking campaigns target, marginalize and isolate Asian migrant sex workers- sex workers can neither seek protection nor respect for their rights from government for fear of being arrested, detained and deported (Butterfly 2016).

In the following statement, Butterfly (2016) is focused on how oppressive laws and hatred make sex work dangerous rather than how danger is intrinsic.

Violence against Asian sex workers is a direct result of repressive laws and a climate of hatred towards sex workers and sex work. Because Asian sex workers avoid detection from police and larger societal stigma and discrimination, Asian sex workers are at once both isolated and targeted for violence (Butterfly 2016).

Nobody representing Butterfly testified at the Parliamentary hearings. Yet, Elene Lam submitted a written briefing on behalf of the organization to the Canada Senate Standing Committee on Legal and Constitutional Affairs expressing support for the decriminalization of prostitution and opposition to Bill C-36 (Lam 2014). This position differs from AWCEP who testified in support of the legislation.

Though spoken about many times during the hearings, youth in prostitution were also unrepresented. Some people who testified spoke of having become involved in prostitution as children or adolescents, but none identified as such during the time of the hearings in any of the nations analyzed.

Also unrepresented were family members opposed to end demand legislation of people- many of whom women- involved in prostitution who were murdered or missing. Parents of Cheri Lynn Smith, a young woman murdered in Canada who was involved in prostitution, testified to the Canadian Parliament in favor of prostitution end demand legislation. So did Geraldine Grant, the founder of Mother's Against Trafficking in Humans and mother of a missing daughter who was or is still involved in prostitution. Bridget Perrier, co-founding member of Sex Trade 101, said that she adopted Angela Wolfe who is the biological daughter of Brenda Ann Wolfe, one of the women Robert Pickton was convicted of murdering. Though Angela Wolfe did not testify to

Parliament, she wrote a letter in support of Bill C-36 that Perrier read while testifying (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014b).

Unrepresented were family members such as Maggie DeVries, the sister of a murdered Canadian woman who was involved in prostitution named Sarah DeVries. Unlike the Smiths and Grant, DeVries has become a strong supporter of decriminalizing prostitution (TEDx Talks 2014). Yet, for family members, this is a very personalized issue of losing a loved one rather than simply a public policy issue. Even so, the saying that “the personal is political” applies here considering that some family members of people (often women) killed in prostitution have become political and taken stances on public policies.

Underrepresented stakeholders also included indigenous women with sex industry experience, in which only two testified to the Canadian Parliament, both mentioning past experience in the sex trade. Forrester was also indigenous. She was scheduled to testify but did not for reasons previously mentioned. Yet, various testifiers on differing sides spoke of indigenous women in prostitution despite their underrepresentation at the hearing.

Hostile treatment toward current and former sex workers who opposed end demand legislation were sometimes subject to could also be a deterrent from testifying, thus affecting their underrepresentation. Perhaps, some had foreseen this and decided not to testify because they were unwilling to be subject to this type of treatment or because they assumed that most legislators would not be interested in listening to them, and that they (the sex workers) did not have the power to shape the policies. Yet, some may have foreseen this treatment and still testified, but the point is just that it could be an explanation for underrepresentation.

Examples of such hostility included Ambler’s treatment toward Potvin and Givan’s treatment toward Laura Lee previously mentioned. Another example of an awkward interaction

is the following exchange between Plett and Valerie Scott of Sex Professional of Canada, with Plett doing the vast majority of the talking (Transcript from Canada Standing Senate Committee on Constitutional and Legal Affairs September 10, 2014). “I would like to make an observation and then, Ms. Scott, if you wish to respond to it, by all means. You have suggested that your voice hasn’t been heard enough and that we hear only the horror stories, and so on. Of course, you have been here today and passionately stated your case,” said Plett. “We have had others here in the last two days who have supported your cause. I think we have heard a number of them, but we have also heard the horror stories involved with prostitution.”

Plett continued speaking and went onto tell Scott, “You say that we are taking away your right to have consensual sex. This bill doesn’t do that.”

“Yes,” said Scott as she began to reply. Before she could speak another word, Plett said,

No; let me finish. This bill takes away the right of a man to dehumanize a woman and treat her like a piece of meat when he is buying her. He can have sex with her. You can have sex with whoever you wish to have sex with. It’s the money that is the problem here. You need to be treated like a lady. Girls need to be treated like girls, and they should not be bought and sold like a piece of meat. That is what this bill is intending to do. It is intending, as Ms. Baptie said, to change the culture and attitude in men that they treat women with the respect that they deserve to be treated with. They have fought for years for voting rights, for equality, and this is another step to give them that equality. You have the right, ma’am, to have sex with whomever you wish. It’s the money that this bill deals with, not your right to have sex.

“As long as I do it for free,” replied Scott.

“Right,” responded Plett.

Here, Plett is telling Scott the condition under which she can have sex- which is only for free. On the one hand, Plett purports to be speaking in favor of gender equality and respect for women, but on the other hand, critics have written about Plett’s behavior as misogynistic in the

exchange above. For example, Hollander (2014) referred to Plett's behavior in this exchange as a "paternalistic, condescending, and misogynistic rant."

In the exchange above, Plett refers to men treating women like piece of meat and said that the main problem was the exchange of payment for sex. Like many proponents of end demand, he referred to this as "woman being bought and sold." Referring to women being treated like pieces of meat implies objectification- that men who pay for sex view the women they are paying as nothing more than body parts rather than as complete, conscious people with minds. Yet, an argument can also be made that the exchange of payment is not the main issue here, particularly when rejecting the notion that paying for sexual services means buying and selling women's bodies. Rather, if men treat women like pieces of meat, then the treatment is arguably the main issue no matter whether they are paying or doing it for free.

Though Plett told Scott that she could have sex provided it is free, what does this mean? Does this refer to any sex outside of prostitution? For example, if two people are on a date and one pays for dinner with the expectation of sex afterwards, is this really free sex? Is sex free in marriage when a couple receives tangible benefits from being married or are these benefits a form of payment? Does free sex only exist when there are no tangible benefits from being in a relationship, nobody paying to take anybody out to dinner or to anyplace, etc.?

In addition to hostile treatment, Kerry Porth, who is the Chair of the Board for the Pivot Legal Society, wrote about having been ignored when testifying to the Canadian Parliament House of Commons.

From the very first day, current and former sex workers and others who spoke out against Bill C-36 have been dismissed, ridiculed, subjected to hostile questioning, and heckled in what should be called the 'Shame and Loathing Hearings.' On our panel, Chris Bruckert spoke first from her recent research on third parties in the sex industry—drivers, managers, receptionists, and others. While she was speaking, Elin (Sigurdson) and I watched the Conservative members as they typed on their Blackberries and gossiped

amongst themselves. They behaved in exactly the same way when I read my statement to them. –Porth (2014)

While Porth identified as a former sex worker in her opening statement rather than using the term *survivor*, her narrative is far from the “happy hooker” image Ambler constructed when questioning Potvin. Rather, Porth said she engaged in prostitution in the context of poverty, addiction, and occasional homelessness (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c). In this sense, Porth’s narrative shares commonalities with survivor narratives, which exemplifies how the “either-or” sex worker vs. survivor dichotomy is problematic.

Like Porth, Naomi Sayers, also identified as a former sex worker who testified to the Canadian Parliament against end demand legislation and in favor of decriminalizing prostitution. She wrote,

Some antis remained there for the whole week. The privilege that many antis enjoy was evident in their ability to cover costs for an entire week, including food, travel and rooms. This privilege also enabled them to afford the time away from work to sit in a crowded room heckling sex workers, sex work activists, and allies. When it came time for the organization, CASWLR (the Canadian Alliance for Sex Work Law Reform), I represented to testify, it was very difficult to actually enter the building. The anti-sex workers swarmed the entrance (Sayers 2015).

Antis is plural for *anti* and is a term sex worker advocates often use when referring to the anti-sex work people or as Sayers said, “anti-sex workers.”

Research Question Two Conclusion

The results of Research Question 2 indicate that stakeholders are not equally represented and that groups the most directly affected including current sex workers lack power in shaping prostitution policies, which exemplifies a way sex workers continue to be marginalized. When considering who is underrepresented and unrepresented, numbers are only part of this. Another major part is considering whether groups are listened to and how they are treated. If

representatives from a group or a population are repeatedly subject to hostility, not listened to, or ignored, are they really represented just by being physically present and speaking? This analysis also indicates that the power to shape prostitution policies appears to be very heavily linked with how a group's ideology matches the interests of the dominant groups in politics, which will be expanded upon in the next section when addressing Research Question 3.

RESEARCH QUESTION THREE

Research Question Three focuses on the power dynamics involved with why Canada and Northern Ireland, but not England, passed prostitution end demand legislation. While not identical- England, Northern Ireland, and Canada share many similarities. Each are Western representative democracies where laws are debated and enacted at national legislatures-including prostitution policies. Though economic circumstances can vary within nations, each is classified as a “developed” nation. Each nation exists within a capitalist, globalized economy. Yet, each also has elements of socialism, such as nationalized healthcare. Furthermore, both Northern Ireland and England are part of the United Kingdom and both were part of the European Union until England withdrew in 2016. Both also has proposed anti-trafficking legislation around the same time with prostitution end demand clauses added, and both passed anti-trafficking legislation. Yet, why would one of these nations (Northern Ireland) pass anti-trafficking legislation with the prostitution end demand clause included, but in the other (England), it was removed before making it to a vote? In addition, how does Canada compare?

Power Dynamics in the Passage of and Resistance to Prostitution End Demand Legislation

Among the various claims-makers present in the public policy disputes analyzed, legislators arguably hold the most power. They have the power to make the laws, decide which types of questions to ask and to whom, and decide who to invite to testify. This power of

legislators appears to be a central reason why prostitution end demand legislation passed in the Canada and Northern Ireland legislator, but not in England.

While some legislators in the Canada and Northern Ireland legislatures expressed opposition to end demand legislation or skepticism during the hearings and debates, none are as closely aligned with the movement to decriminalize prostitution as John McDonnell, a Labour Party member in the British Parliament. In addition to speaking in favor of decriminalization and against end demand policies in the British Parliamentary debate, he has also hosted events organized by the English Prostitutes Collective to support the decriminalization of prostitution (Corvid 2015). Thus, he appears to have tighter bonds with sex workers' rights advocates than any legislators in Northern Ireland or Canada. No legislators who were skeptical of end demand legislation in Northern Ireland specifically spoke out in favor of decriminalization during legislative hearings or debates like McDonnell did when he said, "I am in favour of full decriminalisation" (Transcript from England Parliament debate November 4, 2014).

The English Collective of Prostitutes (2014) described McDonnell's contribution to the Parliamentary debate as "outstanding" and mentioned having a long lasting alliance with him.

...we have been worked closely with him over many years, including on defeating this measure. He made reference to the wide range of opposition, quoting from some of the many briefings and letters people had sent him, and countered the false claims put forward by those promoting criminalisation.

To contrast with the Canadian hearings, proponents of end demand legislation repeatedly praised Conservative Party MP Joy Smith for the work she has done around human trafficking issues. For example, Andrew Swan, Minister of Justice Attorney and Attorney General of Manitoba said, "I do want to recognize the work and the efforts of Manitoba MP Joy Smith; we've maybe taken a different path to the same conclusion. I'm sure that some other day we'll be disagreeing vehemently on something, but Joy Smith has been a strong voice on this in

Manitoba” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b). No such praise was expressed by opponents of end demand for the work any Canadian MP’s have done to decriminalize prostitution or fight end demand. Furthermore, Smith’s communications with various supporters of end demand during the legislative hearings indicated connections with them on a personal or advocacy level.

“Keira and Hilla, you’ve been amazing over the years. I’ve just loved partnering with you in so many ways, and you are in the real world, on the ground,” said Smith to Kiera Smith-Tague and Hilla Kerner of the Vancouver Rape Crisis and Relief Center (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

“Jay- I’m sorry, I never knew you as Jared- do you want me to call you Jared or Jay?” said Smith to Jared Brock of Hope for the Sold (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

No similar level of camaraderie was noted between opponents of end demand legislation and legislators in the Canada or Northern Ireland hearings. Additionally, in Canada and Northern Ireland where support for end demand legislation was partisan and major parties stuck together in their voting. In Canada, Conservative Party MP’s who voted all cast their votes in favor of it, and the two largest parties in Northern Ireland united in favor of the end demand provision. However, in England there was division within the Labour Party- which is the party that Fiona Mactaggart who proposed the prostitution end demand provision was in. This opposition included John McDonnell, the most outspoken opponent of the provision and member of the same party.

Furthermore, the chair of the party, Jeremy Corbyn, also issued a statement supporting the decriminalization of prostitution (Mason 2016), though he did not speak during the

Parliamentary debate. When one's party is not entirely behind legislation they introduce, this creates obstacles in terms of providing a unified front within the party to push for the bill.

Also unlike with Canada and Northern Ireland, a clause was introduced into the England Modern Slavery bill that would require further research on links between prostitution and human trafficking (England Parliament House of Lords 2014). This clause was separate from the prostitution end demand clause. Mactaggart withdrew the end demand clause from the bill. Unlike with the end demand clause, both McDonnell and Mactaggart expressed support for Clause 22. However, Clause 22 was eventually also removed from the bill (Simms and Francis 2015). Though Clause 22 did not pass, it could be perceived as an alternative to the prostitution end demand clause that supporters of criminalizing the buying of sex are willing to support, which Northern Ireland and Canada did not have.

While various testifiers for and against end demand legislation expressed opposition to Section 213 of Bill C-36 in Canada which criminalized solicitation next to where children can reasonably be expected to be present, this section was still included in the final version of the bill that passed a Parliamentary vote. The only difference is that the language was slightly changed to specify certain locations, such as playgrounds, schools, and churches. Sex workers soliciting around such places are still criminalized under the bill- which many testifiers on conflicting sides opposed. "Regardless of whether we are in favour of sex workers, and whether or not we are religious, both sides agree that this section should be removed from the bill," said Sarroino (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b).

Though many on both sides opposed this provision, the difference is that the end demand proponents requested that the bill be amended to remove this provision while the opponents of

end demand requested that Bill C-36 be revoked all together and that the Supreme Court ruling supporting the decriminalization of prostitution stand. The inclusion of Section 213 into the final version of the bill despite opposition from most testifiers on conflicting sides raises questions about power dynamics. Despite the widespread opposition, why was this section still included? This could speak to the power of law enforcement. Of all types of interest groups testifying, law enforcement most commonly supported this provision.

We know from discussions with other police forces that prior to Bedford, what the police forces would do is they would actually arrest the prostitutes, because they'd have a legal authority to do so; would question them; and would inquire as to whether or not they were victimized or whether there was some way that they could get information about the pimps, those who were victimizing them. They would not charge them, but would then direct them to services that might extract them from the industry. -Robert Goguen, Canada Conservative Party MP ["Bedford" in this excerpt refers to the *Canada v. Bedford* case] (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b).

Furthermore, Chief Eric Jolliffe of the York Police Department suggested that if this provision were removed like many end demand proponents were advocating for, then the police would lose an important tool Bill C-36 offers (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014a).

We would lose the procuring piece. We would lose the communicating piece. For us, we need these tools to be able to find out what's going on in this business. As I said, we're always trying to find out if individuals have been victimized and without those tools we don't have the ability to intercede, ask those questions, nor help those individuals who desperately need the help.

Canadian Liberal Party MP Sean Casey then asked Jolliffe the following:

Does that mean that you use Section 213 for the purposes of apprehending a sex worker, whom you then attempt to extricate with the possibility of a charge under Section 213 hanging over that person's head, but that you never actually deliver on what is hanging over that person's head? Is that what you mean by having it as a tool that you never actually use?

Jolliffe responded,

As I said, we have never charged a prostitute under that particular section of the code. We use it as a tool to help us get to much bigger things.

Brian McConaghy, founding director of Ratanak International and a former police officer, said,

Yes, I recognize that 213 does present a problem, and I don't have an easy answer for it because I fully recognize that the police, appropriately, want to have tools by which they can protect women who are in very vulnerable situations, to remove them from the danger, to remove them away from the context of pimps or those who might control them, to give them time to just think things through and give them options (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014c).

In the quote above, McConaghy recognizes a challenge where on the one hand, the provision (Section 213) of Bill C-36 allowing for the arrest of providers who solicit in certain places makes treats them as criminalizes despite widespread assertions they are victims, but on the other hand, he is expressing the position of some law enforcement representative who testified that this provides as tool to stop abusive situations.

Yet, support from those with experience in law enforcement was not absolute. For example, Pond mentioned being a former police officer, but still denounced Section 213. "I believe it should not be in Bill C-36. I believe that officers can have other tools. The women, the youth who are criminalized would..." said Pond. She continued onto say,

They need to be able to treat them as witnesses. They can talk to them as witnesses. They do not have to arrest them if they're not going to charge them. I think they just need to understand that they need other tools to do that (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b).

Though she identified as a former police officer, Pond was not testifying as a representative of law enforcement, but as a representative of a faith-based organization.

Furthermore, the multi-partisan support for the end demand clause in the Northern Ireland Human Trafficking and Sexual Exploitation Act illustrates the power of the Democratic Unionist Party (DUP). Despite skepticism and concerns from some Sinn Féin party members about unintended consequences, this party ultimately joined the DUP in supporting the clause. As explained when responding to the first research question, the Police Services of Northern Ireland (PSNI) issued a statement in November 2013 saying they could not support the end demand provision at the time. Assistant Chief Constable Drew Harris later testified that the PSNI had no objection to this clause. Yet, he and PSNI Assistant Chief Superintendent Roy McComb expressed various concerns about unintended consequences when testifying (Transcript from Northern Ireland Assembly Justice Committee hearing February 20, 2014).

Research Question Three Conclusion

In England, an end demand clause was proposed into anti-trafficking legislation like in Northern Ireland, but it was proposed by a member of a more liberal party (the Labour Party) and did not receive unanimous support within the party. While some support existed from within, the party did not officially endorse this provision. This indicates more mixed support for end demand legislation among progressives. In fact, the most outspoken opponent in Parliament was in the same party and the chair of this party also opposed this--both of whom voiced support for decriminalizing prostitution. Furthermore, the strong alliances British sex workers' rights activists formed with McDonnell gives them increased influence over policies than in nations such as Northern Ireland and Canada where they have not formed the same degree of an alliance with any national legislator. McDonnell specifically brought up some sex workers' rights groups by name when speaking out to Parliament against the end demand clause and in favor of decriminalizing prostitution.

RESEARCH QUESTION FOUR

Research Question Four focuses on how the power dynamics in legislative hearings and debates, and implementation as well as resistance to prostitution end demand policies exemplify law as a form of discourse. The responses to this research question will integrate and expand upon concepts in the previous research questions. Based on Foucault's conceptualization, the law is discourse in the sense that the law is itself a form of power. The section of this chapter addressing Research Question One that delved into the constructions of issues addressed exemplifies this well. As the hearings and excerpts provided in this dissertation show, such constructions are very prevalent in the development of law. This section will further expand on the concept of law as discourse as it applies to the development of prostitution end demand policies and resistance to these in legislative hearings and debates. Law as a form of discourse can be conceptualized in terms of the power law has over society as well as how law represents the interests of the dominant groups.

Using the Law to Promote Unstated Agendas

During the debates in the Canadian Parliamentary Justice Committee concerning Bill C-36, some MP's from the Liberal and National Democratic Parties expressed concerns that conservative groups supporting this bill are promoting repressive agendas under the guise of attempting to protect vulnerable people in prostitution.

Mr. Speaker, about a year ago, when the former member for Bourassa joined the mayoral race in Montreal, his election platform included a plan to close all of the massage parlours that were basically brothels and employed minors.

When he was elected mayor, people asked if he was going to follow through, and he said that he would only shut down the ones that employed minors. In the end, none of them were closed because the authorities could not find any that employed minors.

Is that the same argument that we are hearing from the other side—that no one should trade sex for money, in order to protect children? Is that argument not indicative of the deception hidden in this bill? Is the government using children to justify the religious Conservative ideology, according to which it is wrong to pay for sex? -Tarik Brahim, New Democratic Party MP (Transcript from Canada House of Commons debate October 3, 2014)

Brahimi's comments allude to a perceived hidden agenda among faith-based groups who testified in favor of end demand legislation. Many supporters of such legislation, including representatives from religious organizations, spoke of youth involved in prostitution when promoting their position. Yet, Brahim's statement implies that stopping underage prostitution was not really the core issue, but that rhetoric focused on youth was being used to garner support for their position while hiding a moralistic agenda that it is wrong to pay for sex. As previously mentioned, representatives of faith-based groups who testified at the hearings typically constructed their position in secular terms and only one brought up religious rhetoric. Yet, Brahim's comments suggest that this is a deceptive way to hide their core agenda which they are using this legislation to promote.

As another example of law being used to promote perceived hidden agendas, York Regional Police Chief Eric Jolliffe testified, "Once Bill C-36 is implemented, it is our hope that this legislation and related funding will continue to provide law enforcement with the tools of intervention to extract victims from immediate dangers and connect them to victim services and support agencies" (Transcript from Canada House of Commons Justice Committee hearing July 9, 2014a).

Challenging this statement, Sibley (2015) quoted Jolliffe and responded, "These tools of enforcement are merely euphemistic of an ongoing project to interrogate, harass and arrest sex workers as part of a moral crusade to rid Canada of prostitution." Like with Brahim's criticisms

against discourse from faith-based proponents of Bill C-36, Sidley is also asserting that law enforcement support for Bill C-36 is based on an underlying moralistic crusade that was not explicitly stated.

Furthermore, Sidley asserted that such discourse is connected to a broader Conservative Party agenda extending beyond prostitution: “Whether the constitutionality of Bill C-36 holds up, its mandate has leveraged a position that seemingly situates the Conservatives as the moral crusaders against exploitation- a narrative that will be touted during federal election campaigns.”

Unintended Consequences

In addition to unstated agendas, unintended consequences are also a power of law. Even if they are not part of a hidden or unhidden agenda, some opponents of end demand asserted they still exist. As mentioned in the literature review, this concern about possible unintended consequences led two members of the Northern Ireland Justice Committee to be hesitant to support the end demand clause and request more information. “With respect to Clause 6, what impact will it have on those who are independent of gangsters, criminal gangs and human traffickers, the people who work independently and who do not have any desire to exit or who feel that they want to stay in the sex industry? How will it impact on them?” asked Rosaleen McCorley of the Northern Ireland Sinn Féin party (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014a).

Like many proponents of end demand legislation in Canada, Sullivan who is participant in the Concertation des luttes contre l’exploitation sexuelle was opposed to the provision in Bill C-36 criminalizing public solicitation in certain places. She not only criticized this on the ground that this provision criminalizes victims, but also that it will have the opposite effect from the stated intend to keep prostitution away from children.

To call us victims in some situations and criminals in others makes absolutely no sense. In my view, this part of the bill could lead to more prostitution in places where children are present, even though the opposite is intended. In my view, this part of the bill could lead to more prostitution in places where children are present, even though the opposite is intended. It enables pimps to keep their control over the women. No matter where these women are—quote unquote—pimped out, they will be breaking the law and that will allow pimps to exploit them. -Sullivan (Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b)

Though a widespread stated intent of prostitution end demand legislation is to stop human trafficking, Naomi Sayers, Spokesperson from the Canadian Alliance for Sex Work Law Reform, cited information from the Global Alliance against Trafficking in women saying that the effects of discourse guiding such laws are actually the opposite.

As the Global Alliance against Traffic in Women asserts, conflating exploitation with prostitution ignores structural issues contributing to forced labour and diverts resources away from victims of exploitation and toward a highly politicized and futile anti-prostitution campaign (Transcript from Canada House of Commons Justice Committee hearing July 7, 2014a).

While the anti-trafficking organizations who testified to the Canadian Parliament spoke in favor of prostitution end demand legislation, Sayers cited information from an anti-trafficking organization (Global Alliance against Trafficking in Women) who asserts that criminalizing prostitution is not an effective way to stop human trafficking, whether that be end demand legislation or more traditional forms of anti-prostitution laws that also criminalize the sex workers.

Though Sullivan testified in favor of prostitution end demand legislation and Sayers testified against it, both women's comments point out how there can be a disconnect between intent and effects. In fact, the effects they mentioned are the opposite of the stated intent.

Additionally, during the hearings for end demand legislation, opponents repeatedly brought up how there are already laws in place against human trafficking, underage prostitution,

and violent acts such as rape and assault. Thus, when discourse in support of end demand is constructed based on these issues, why it is necessary to pass such legislation when the abuses that proponents argue it targets are already criminalized. In response to such questions, proponents of end demand said that this legislation is important because of the message it sends, which will be addressed in the section below.

Power of Law to Send a Message

Though human trafficking, child prostitution, rape, and assault are already criminalized under other laws, proponents of end demand legislation consistently brought up that laws criminalizing the purchase of sex are necessary because of the message it sends. This gets at another socially constructed power of law, which is to shape attitudes and behaviors. “The harsher penalties in Bill C-36 aimed at the purchasers of sex and the traffickers will make men think twice about purchasing sex, and deter the trafficker from what in the past has been easy money for them, with very little risk,” said Ed Smith (Transcript from Canada House of Commons Justice Committee hearing July 8, 2014c).

Proponents of prostitution end demand legislation repeatedly said such legislation is necessary to send men the message that it is not okay to buy sex--commonly referring to this as the buying of women. “Direct criminalization of purchasing sexual services in any location is positive, sends a clear message to men that buying women is not acceptable in Canada, and is consistent with the government's intent to reduce the demand,” said Smith-Tague. Additional comments along these lines included:

What I think Bill C-36 does is it sends a signal that human beings are not to be bought and sold. We see that there are victims of circumstance, so let's decriminalize. But at the same time— and this is the key for us— we need to end demand for paid sex. -Jared Brock (Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a)

The government's proposed change to the criminal law offers an opportunity for society, through law, to stand up for and alongside women who insist on more for themselves, and for all women than, being bought and sold in prostitution. The very existence of prostitution not only creates a subclass of women commodified as objects to be bought and sold by men, it sustains the sexual and sexualized inequality of all women. -Lisa Searcy, British Columbia, Sexual Assault Centres (Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

In terms of sending a message, much of the focus during the hearings was from supporters of end demand who asserted that this legislation is important for the message it sends to men not to buy sex as exemplified in the quotes above. Yet, Laura Lee who testified in favor of decriminalizing prostitution explained the power of law to send a message in a different way:

I think that what you are doing is targeting the wrong group of people. You are targeting the buyers of what is, for the most part, consensual sex, but those you want to target are the traffickers. What I would love to see happen in the North and South of Ireland is the introduction of a charge of aggravated trafficking, so that we sent out a clear message to these people that we, as an industry, will not tolerate abuses of sex workers like that, and certainly not as a state either, but that we acknowledge that there are some people who voluntarily go into the industry and we will protect those people (Appendix C: Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014c).

Power of the Law to Shape Policing Practices

Various testifiers brought up ways that laws affect law enforcement practices. In some ways, for the better by providing law enforcement with tools needed to assist people in vulnerable positions and giving police the power to go after perpetrators.

Diligent implementation of the proposed laws will be critical if they're to be effective in achieving their stated aims. The federal government has the responsibility to play a crucial leadership role in setting the standards for police and prosecutors across the country in order to ensure enforcement of all laws that criminalize violence against women. -Searcy (Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

Having spent a good bit of time with the police in Sweden, I know that the law gives a clear mandate to the police that those women are not criminals. They are victims of sexual exploitation and deserve respectful treatment. It changes the mind of police on their role and on women in prostitution. I certainly felt that working with them and with the services there. Their mindset as police officers is to protect the person who is in prostitution and to prosecute everything that surrounds it that creates that exploitation. -

Monica O'Connor, anti-trafficking researcher and activist (Transcript from Northern Ireland Assembly Justice Committee hearing January 9, 2014a)

Yet, testifiers on conflicting sides of the prostitution policy disputes also brought up ways that laws can affect police behaviors for the worse: Like many supporters of end demand who supported Bill C-36 overall, Sullivan opposed Section 213 in this bill because it criminalized soliciting in places where somebody under the age of 18 can reasonably be expected to be around. “Regardless, children can be anywhere. That part of the bill is extremely arbitrary,” said Sullivan. “Police and municipalities will still be able to freely abuse their power and continue to criminalize far too many women” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 7, 2014b).

Supporters of decriminalizing prostitution share this concern about police abusing power and additional forms of abuses. Based on this construction, the problem lies not simply within the individual police officers, but also with the laws: The exploitation comes from being forced to work under extremely dangerous conditions,” said Valerie Scott, Legal Analyst, Sex Professionals of Canada. “It is like saying women seeking abortions, when it was illegal, they went into these backstreet abortionists and they had dangerous abortions, they bled to death, but that wasn't the law that did that to them, no, they did that of their own volition.” Scott continued onto say,

Well, you can't say just because the clients are bad or the police are beating us up it's not because of the law. The law creates it. The law sets it up and then says, 'No, no, it is not us.' You can't get away with that. People have to own up. -(Transcript from Canada Standing Senate Committee on Constitutional and Legal Rights hearing September 10, 2014)

Power of the Law to Eliminate or Reduce Prostitution

“Of course we don't want to make life safe for prostitutes,” said Canada Conservative Party MP Donald Plett. “We want to do away with prostitution. That's the intent of this law”

(Transcript from Canada Standing Senate Committee on Constitutional and Legal Rights hearing September 9, 2014). Plett later said that like any crime, prostitution would never be eliminated, but the focus must still be on working toward this goal and reducing prostitution in the process.

Yet, Susan Jay of Asian Women Coalition Ending Prostitution said this organization believes “that prostitution can be eradicated” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a). Nonetheless, various proponents of end demand legislation echoed Plett’s position that even if ending prostitution is not a reachable goal, it can still be reduced by working toward that goal.

... it is crucial that the new prostitution legislation recognizes the social and individual harms of prostitution, that it aims to discourage it, and that it works to abolish it. - Geraldine Gerrard, Director, Defend Dignity: The Christian Missionary Alliance (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

CASAC is encouraged that Parliament has drafted a bill that makes it clear that there's a vital role for criminal law to play in condemning and curtailing the continued prostitution of women and girls in Canada. -Stacey [CASAC stands for Canadian Association of Sexual Assault Centres.] (Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

McDonnell challenged assertions that the Nordic model decreases the number of people in prostitution, and engaged in a debate about this with Mactaggart who proposed the end demand clause in the British Modern Slavery Bill (Appendix C: Transcript from England Parliament debate November 4, 2014).

McDonnell: It is that there is no evidence that criminalising clients as in the Swedish legislation reduces the number of either clients or sex workers. I could quote at length—time we have not got—from the Swedish Government’s report that demonstrates that there is no correlation between the legislation they introduced and a reduction in numbers of clients or sex workers.

Mactaggart: My honorable friend said that the Swedish Government have no evidence for that, which is true, but they did have evidence that the number of men who pay for sex in Sweden has gone down significantly.

McDonnell: That was one survey where men who were asked, “Do you pay for sex, because you could be prosecuted for it?” naturally said no. The evidence has been challenged.

Limitations of Law

Proponents of conflicting sides of the prostitution policy disputes brought up limitations in terms what criminal law can achieve. For example, various proponents of end demand mentioned that simply criminalizing the clients was not enough. Instead, services also need to be available to assist providers in exiting prostitution and will whatever issues they may be facing. They also brought up how it is important to address broader structural issues such as employment with viable wages outside of the prostitution, education and vocational training, housing, and accessibility to various social services.

Opponents of end demand also shared these structural concerns. In fact, one of the points they brought up in opposition to such legislation is that criminalizing clients does not address these issues. While end demand opponents did not express opposition to providing exit services to people wishing to leave prostitution, they argued these need to be voluntary and access to services sex workers need and can benefit from must not be contingent upon them exiting prostitution. They must have access to these whether they are willing and able to exit prostitution or not. Below are excerpts from people in each of the nations analyzed and on differing sides of the prostitution policy disputes, all expressing the importance of addressing broader structural issues beyond what criminal law can do and access to resources:

So, I think that people who are being exploited are being failed by our systems. However, I do not think specifically that it is the law that is not strong enough; I think that the problem is that we do not have support services and that we are driving it underground. We are making prostitutes afraid to talk to or engage with people. -Lucy Smith (Appendix C: Transcript from Northern Ireland Assembly hearing January 30, 2104c)

It is imperative to create social supports to provide women with sources of income other than prostitution. That includes a full range of exit services that would give prostitutes

health care services—including detoxification care only for women—safe housing for them and their children, legal assistance, access to education and job training, quality counselling services and a guaranteed subsistence income. -Sarroino (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014b)

It is true that I have met many others who entered prostitution to overcome economic disadvantage—they suffered in poverty to enable them to pay the rent and put food on the table for their children—but that has been made worse by welfare benefit cuts, escalating housing costs and energy bills. The answer is not to criminalise any of their activities, but to tackle the underlying cause by not cutting welfare benefits and ensuring people have an affordable roof over their heads and giving them access to decent, paid employment. - McDonnell (Appendix C: Transcript from England Parliament debate November 4, 2014)

Research Question Four Conclusion

Law has both powers and limitations. The powers of prostitution laws as constructed by people on differing sides of the issues are vast. Conflicting sides also dispute the effects of a law. Applying Foucault's theory, the question is how powerful the laws are and who's interests do they represent. This connects the research question in this dissertation to conclude with this final question about how discourse is a form of law. The construction of relevant issues; claims-makers represented, underrepresented, and unrepresented; and how do these affect the power interests involved with creating laws.

CHAPTER V

CONCLUSION

This is the final chapter of the dissertation. Chapter V will provide a summary of the main findings and address the implications and limitations of the study as well as directions for future research. This chapter will also further trace the genealogy of prostitution end demand legislation, and thus is a progression on Chapters II and IV. Chapter II provided a sociohistorical analysis of factors on the path to the introduction of prostitution end demand legislation and passage in some cases. Chapter IV continued this genealogy by providing a discourse analysis of legislative hearings and debates concerning such legislation. Chapter V will trace the genealogy past these hearings and debates, looking at occurrences in the development of prostitution policies since then and future directions.

SUMMARY OF THE MAIN FINDINGS

This study found that across the nations assessed, supporters of end demand tended to construct prostitution with an essentialist discourse while opponents offered a more comprehensive discourse. These discourses will be explained later in this chapter. The study also found across the nations that none of the opponents of end demand legislation supported criminalizing the sex workers. Instead, they advocated for non-criminalized systems- commonly decriminalization- or were critical of end demand without specifying a policy preference. Findings show unequal representation between types of interest groups and stakeholders. Furthermore, this analysis indicates that the power of interest groups in shaping prostitution is based largely on how well their interests match those of powerful political parties.

IMPLICATIONS

This section focuses on implications for power dynamics in shaping prostitution policies with an emphasis on faith-based interest groups; implications for theories with an emphasis on intersectional feminism as well as the integration of social constructionism with Foucault's theory of discourse; and implications for professionals and volunteers providing services to sex workers.

Implications for Power Dynamics

"I really believe that the Nordic model will make the difference. It has also been shown that Norway followed Sweden, Iceland followed suit and Canada has also just done so," said Fiona Mactaggart, British Labour Party MP (Appendix C: Transcript from England Parliament debate November 4, 2014). "I welcome the recent decision in Northern Ireland to introduce a similar arrangement. Other countries are following the Nordic model because it works."

The statement above implies the expansion of the Nordic model shows that prostitution end demand legislation works. Yet, when applying Foucault's theory of discourse, this is not necessarily the case. That is, Foucault's theory does not ask whether a law works. When asking this, it would also be important to ask "work for whom and in what ways." Rather, when applying Foucault's theory, the focus is on what power dynamics are involved in the expansion of the Nordic model for prostitution policies.

The current comparative discourse analysis of legislative hearings and debates regarding prostitution end demand legislation in Canada, Northern Ireland, and England sheds some light on this issue. While legislators arguably hold the most power among all the claim-makers involved, the results of this analysis indicate that Christian organizations continue to be influential among interest groups. The Magdalene laundries described in the literature review, which were prevalent in England and Northern Ireland, exemplify the power of Christian

churches in terms of regulating morality--particularly as this applies to women and girls' chastity issues. Most of these were run by Catholic organizations and some were run by Protestants.

While Magdalene laundries no longer openly exist in any of the nations, the power of Christian organizations appears to still have a powerful, more secularized power. This was apparent in the development and passage of prostitution end demand legislation in Northern Ireland and Canada.

Porth (2014) wrote,

For a country that is as diverse as Canada, with a long history of respecting a variety of religious and spiritual beliefs as well as respecting individuals who are agnostic or atheist, it is disturbing that one set of religious beliefs were given priority over all others. Furthermore, I question the value of permitting religious- and morality-based arguments when it comes to gathering information on the effects of criminal law in Canada.

The statement above is in reference to the Parliamentary hearings for prostitution end demand legislation in Canada. The present study confirms that various testifiers were from groups identified as faith-based organizations and each testified in favor of end demand legislation with the exception of one. In Northern Ireland, Dan Boucher was one of the main advisors to Lord Morrow- the assemblyman who introduced the Human Trafficking and Sexual Exploitation Act and later introduced the prostitution end demand clause into it. Boucher is the policy director of a faith-based organization called Christian Action Research and Education. He also testified when Lord Morrow introduced the Human Trafficking and Sexual Exploitation bill. Morrow described the people accompanying him as his "team," which included Boucher, Mark Braille who is the Public Policy Officer of CARE, and Gunilla Ekberg who was a leader in developing the Swedish end demand legislation and also testified in the Canadian Parliament hearings analyzed in this research (Appendix C: Briefing to Northern Ireland Justice Committee September 12, 2013). In addition to testifying to the Assembly like representatives from various interest groups, Boucher was also the only representative of an interest group who spoke when

Lord Morrow presented his amendments to the Assembly (Appendix C: Northern Ireland Justice Committee Discussion on Amendments to the Human Trafficking and Sexual Exploitation Act March 20, 2014). Boucher spoke in the capacity of being Morrow's advisor.

All of the above speaks for the power of faith-based groups in shaping policies. Perhaps, their secularized discourse adds to this power. That is, when testifying, they spoke about a lot of secularized issues while expressing support for end demand legislation—such as protecting women and children, how prostitution is a form of violence, the importance of exiting prostitution, gender equality and links between prostitution and trafficking. These are issues many secular groups spoke of and connect with concerns previously mentioned about unstated agendas. That is, are the religious groups using secular discourse to gain support and build alliance beyond their religious circles as a way to promote their religious, moralistic agenda?

This does not mean that individuals in these groups cannot also be genuinely concerned about the secular issues they address. Rather, there could be a deeper underlying agenda that shapes policies in a way that promotes moralistic religious ideologies and may not be the best ways to address issues such as human trafficking, violence, and factors that lead people into and keep people in prostitution who do not wish to be there; while also interfering with the safety and well-being of sex workers. Yet, based on Foucault's theory, the focus is not on what is objectively the best way to deal with issues, but on what power dynamics are involved in shaping the measures that are used.

The power of Christian groups appears to be heavily shaped by how their interests are aligned with those of power political groups. An example is when Lord Morrow told the Assembly that his Christian views motivated the legislation he proposed. Also, the Democratic Unionist Party of Northern Ireland has strong ties with Protestantism (Clarke 2012). While some

may argue that the power of religion in shaping public policies is diminishing while secular power is increasing, the current discourse analysis indicates this is not necessarily the case. It appears more likely that faith-based groups are shifting the focus of their political rhetoric to a more secular-style rather than that their power is diminishing.

An argument can be made that while power is becoming more differentiated and the Church does not have exclusive power as in the past, Christian organizations are adapting to this contemporary, differentiated power structure by using secular rhetoric politically, aligning with secular causes, and offering some of the same services and programs as secular organizations. This adaption can be helpful in terms of maintaining power and influence over contemporary policies, even if this power is not absolute.

Yet, to conclude that Christian groups exert tremendous power in shaping contemporary policies overall based just on prostitution laws is overly simplistic. Christian political groups opposing prostitution are also commonly among the largest opponents of same-sex intimate partner relationships, such as same-sex marriage and the abolition of anti-sodomy laws. Even with this opposition, increasing numbers of nations are recognizing same-sex marriages in recent years. Also, Frank et al. (2010) found increased liberalization in policies toward sodomy and adultery in a 60-year post-World War II era, which goes against the beliefs of many Christian groups.

Therefore, it appears that the influence of Christian interest groups on prostitution policies is based in large part on their ability to form alliances across the political spectrum rather than them having more control over public policies than other interest groups. This includes aligning with groups they are often at odds with, such as a segment of the women's movement who asserts that prostitution is intrinsically violent, oppressive, and that its existence interferes

with efforts to achieve gender equality. While only one representative from a faith-based organization used religious rhetoric in the legislative hearings, various representatives from Christian groups spoke of supporting women's rights and well-being.

Implications for further research include studying the power of faith-based groups in terms of shaping various policies. In this sense, comparisons can be made to prostitution laws and other types of laws where faith-based organizations have influence. Further research can also study whether representatives of faith-based interests use religious discourse to promote their positions politically, or like the present study found, use discourse that is more secular with their religious views often not stated explicitly in the process.

It is also noteworthy that all places that have enacted end demand legislation had legalized systems of prostitution before switching to the Nordic model. Does this pattern of end demand legislation replacing legalized system mean that the Nordic model is better than legalization? Based on Foucault's theory, this is not the main question. The focus is not on which is better, but on power interests. This trend indicates increasing power among proponents of end demand legislation compared to legalization. More broadly, this could also indicate the power of the movement to criminalize prostitution considering that no place has yet switched from a fully criminalized system of commercial sex to end demand, but only from legal systems. In other words, this indicates power among those advocating for more restrictive prostitution laws and against liberalization of such policies.

Implications for Theories

The results of this analysis have implications for feminist theories, particularly intersectional feminism. Specifically, the study illustrates the versatility of intersectional feminism in how it is applicable to conflicting positions. Supporters of end demand consistently

pointed out how prostitution is harmful not only to women, but specifically to the most marginalized groups of women. Conversely, opponents of end demand legislation consistently testified that anti-prostitution laws disproportionately harm the most marginalized groups of women.

This study also has implications for the merging of theories. This study merged social construction and Foucauldian theories, which complimented each other well in the analysis. The social construction elements provided a foundation for how conflicting interest groups construct the main issues of contention, leading to a Foucauldian analysis of how this connects to power dynamics in terms of shaping prostitution policies.

Implications for Professionals and Volunteers Serving Sex Workers

While the analysis focused on public policy hearings and debates, the implications extend further than the legislative rooms. Many professionals and volunteers such as social workers, hotline operators, harm reduction providers, police officers, counselors, anti-violence crisis workers and volunteers, lawyers, and health care providers work fully or in part with sex workers. Such professionals and volunteers may or may not have experience in the sex sector of the economy. Representatives from various such groups testified during the legislative hearings and this study has implications for those serving sex workers.

Chapter III provided a description for how sex workers are defined for the purpose of this analysis, mentioning that this term refers to providers of direct sexual services, companionship, or entertainment in the sex sector of the economy. As also mentioned in that chapter, not all such providers identify by the term sex worker and there are many terms they may identify by. Thus, the term sex worker when used in this section refers to providers in the sex trade or sex industry with respect to how they may or may not identify by this term and the input provided can also

apply to professionals and volunteers working with former sex workers or survivors of prostitution. Considering that there are so many terms that providers may identify by, it would not be feasible to list them all each time the word sex worker comes up and even if I attempt to do so, I may unintentionally leave some out or just not be familiar with all the terms.

In terms of providing assistance and services that benefit sex workers, it is first important that professionals and volunteers be introspective and consider their subjugated knowledge. That is, how their experiences, ideologies, sources of information about the sex trade or sex industry, and the broader sociocultural environment they live in shape their insight and the limitations to this-including biases. Recognize that sex workers are a diversity of people with a diversity of experiences, backgrounds, and perspectives. Thus, service providers need to avoid projecting some sex workers experiences to all, or projecting their own experiences in such ways if they have direct experience in the sex trade.

Subjugated knowledge takes many forms. In some cases, this may be from direct experience in the sex trade. For those without direct experience in the sex trade who regularly work with sex workers, their subjugated knowledge comes in large part from the people they service who have such experiences. Thus, it can be all too easy to invalidate the perspectives and experiences of sex workers when these differ from most they come in contact with. However, it is important to recognize that multiple realities exist within the sex industry and sex workers with similar experiences may still hold differing perspectives in some ways. Therefore, service providers must not invalidate sex workers' experiences and perspectives just because they differ from many others they work with. The service providers' subjugated knowledge is subjective and it is highly likely that the sex workers they most commonly come in contact do not represent all populations of sex workers.

Professionals and volunteers must support sex workers in defining their realities and insight in their voices, and defining their own needs. The situations, needs, and desires of sex workers can be very diverse. Christa Big Canoe, Legal Advocacy Director for Toronto Aboriginal Services, expressed the importance of meeting sex workers “where they are at” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 10, 2014a).

As an example of how this can be applied, some testifiers brought up drug detox services as a need some sex workers have. For sex workers with addictions who are also interested in detox services and may benefit from these, this would be meeting them where they are at. However, for some sex workers, this would not be a need and such services would not be meeting them where they are at. Yet, even for people needing detox, this alone is not necessarily enough and it is essential to address the issues in their lives leading to the addictions.

Meeting sex workers where they are at can also mean supporting them in accessing services and assistance when they are ready to and on their terms. “We have seen diversion programs for prostituted women are not the only solution for everyone,” said Bridget Perrier, co-founding member of Sex Trade 101. “There needs to be an understanding that supports must be there when exiting. Forcing support on women who are not ready to exit can set them up for failure” (Appendix C: Transcript from Canada House of Commons Justice Committee hearing July 9, 2014b). Though Perrier referred specifically to exit programs in the quote above, her comments can apply to various services.

Another example is literacy classes or tutoring. Sex workers with little to no literacy may benefit from such classes or tutoring based on where they are at, but sex workers who read and write proficiently would not need such services. Additional examples of the many services

sex workers may be looking for include safety from dangerous situations, health care, counseling, legal advice, vocational training, or guidance in reaching life goals or providing for their immediate needs. Some sex workers may need more than one of these services and some may not need any. These are just examples of needs sex workers may have, and there are more.

Some sex workers may simply need somebody to listen to them non-judgmentally and respect their input. Some may need somebody to review their resume and provide feedback, or provide practice with job interview skills. It is thus important for service providers to be conscious of what they can provide to benefit sex workers as well as limitations to this, and be knowledgeable of additional resources to refer sex workers to that may be better able to meet certain needs.

While many of the various needs mentioned are not specific just to sex workers, sex workers face particular challenges in terms of accessing such services within a society where they are subject to animosity, stigmas, criminalization in some cases, and various overgeneralizations as well as stereotypes. Some are subject to an intersectionality of oppressions that create obstacles in addition to being sex workers. Amidst such a context, many may not be willing to open up to service providers about being sex workers due to concerns about discrimination, awkward treatment, lack of understanding of their issues, incriminating themselves, or having biases against sex workers projected onto them even if the intent is to be helpful. Some sex workers may have also had adverse experiences with service providers.

It is thus particularly important when making referrals to be aware not only of the types of services offered, but the overall culture within organizations as this relates to sex work. For example, some services are specifically geared toward sex workers where sex workers are the main group they work with. Some may be geared toward sex workers in general while some are

focused on a specific population of sex workers, such as street workers. Many organizations service sex workers but are not focused only on sex workers, such as public health clinics. In these, the culture and treatment toward sex workers may vary greatly between individuals working within these clinics and between the clinics.

As was evident from testifiers during the legislative hearings analyzed in Northern Ireland and Canada, some organizations providing services to providers in the sex industry or sex trade view prostitution as intrinsically abusive and violent and oppose prostitution overall; while other organizations that may provide at least some of the same services have a more comprehensive ideology toward prostitution and do not take a position on whether it is intrinsically violent or a certain way by its essence- or may believe that it is not and violence is caused by other factors besides being intrinsic to prostitution. For example, if a sex worker is assaulted, some organizations may see that as an inherent part of prostitution while some may see it as an act of violence that occurred within prostitution but is not intrinsic to exchanging sex for payment.

It is important to be aware of such organizational culture when making referrals, as sex workers may benefit most from organizations that they connect with. For example, sex workers who are assaulted and recognize this as assault but distinguish between violent and non-violent encounters in prostitution may experience a disconnect with an organization promoting the view that their work is inherently violent. Yet, the amount and types of services and organizations within communities may vary greatly, so there might not always be services available that connect well with the sex workers' outlook though the sex workers may still wish to seek assistance from whichever services are available.

This has implications for professionals and volunteers in terms of meeting sex workers where they are at. When working with sex workers, it is important to put their needs first rather than one's own perspectives or ideology of the organization toward prostitution. In other words, it is not appropriate for service providers or organizations to impose their ideologies about prostitution onto sex workers even if well-intended. This is where being aware of one's own biases and organizational biases are crucial. The dissertation previously brought up how the intent of laws sometimes differ from the effects, and the same applies here in terms of professionals and volunteers working with sex workers. For example, while service providers may feel like they are enlightening sex workers by projecting their ideologies onto them, sex workers may perceive such behavior as patronizing by treating them like their insight is inferior and as if they are more naïve than they actually are on issues affecting their livelihood. Not only can this lead or add to duress, but it may also make sex workers less willing to open up and more prone to withdraw from the assistance with whatever issues they are facing.

ESSENTIALIST AND COMPREHENSIVE CONSTRUCTIONS OF PROSTITUTION

Despite the complexities of prostitution discourse, this analysis indicates that it can be broadly divided into two frameworks—essentialist and comprehensive. These frameworks are not dichotomies, but represent spectrums where many types of discourse can fit into each. Proponents of prostitution end demand policies construct an essentialist discourse while opponents supporting non-criminalized systems construct more of a comprehensive discourse.

Essentialist Discourse

Essentialist discourse argues that prostitution is by its very nature a certain way—such as violent, exploitative, paid rape, linked to social ills, etc. From an essential framework, work conditions are not the main factor shaping prostitution because these do not change the essence of

the sex industry. The position that prostitution is inherently exploitative and misogynistic regardless of conditions is one example of this. Variations in conditions across the sex industry become secondary to meaningless under such an essentialist framework. Thus, to proponents of essentialist discourses, improving conditions through promoting labor rights and harm reduction in the sex industry are not the main objectives, but eradicating prostitution from existence is or at least reducing it. Essentialists tend to oppose efforts to make prostitution legal and support criminalizing it, though the types of criminalization they support may vary. Some may support more systems of prostitution where sex workers, customers, and third parties running prostitution services are all criminalized. Many advocate for the Nordic model of criminalizing the purchasing of commercial sex or for legally-imposed prostitution rehabilitation/diversion programs.

While discourse focused on prostitution being inherently victimizing and thus non-consensual by its very nature is essentialist, this is not the only type of prostitution discourse to fit into an essentialist paradigm. Discourse arguing that prostitution-even if consensual- is inherently associated with community and societal decay also fits into the essentialist paradigm. Furthermore, religious discourse arguing prostitution is inherently sinful because God decided this is essentialist. Though the arguments in this paragraph do not come from identical angles, they are all based on prostitution being a certain way by its essence.

Comprehensive Discourse

While proponents of comprehensive discourse do not deny that violence, human trafficking, and additional forms of exploitation exist in the sex industry, they dispute essentialist claims that these are inherent to prostitution. They argue that these are conditions rather than natural parts of prostitution. Comprehensive discourse focuses a lot of how conditions vary in the

sex industry, supports efforts to improve conditions, advocates for harm reduction and labor rights, and rejects monolithic perspectives on prostitution promoted by essentialists-asserting instead that multiple realities exist in the sex industry.

Likewise, comprehensive discourse also focuses on how structural issues such as sexism, racism, transphobia, homophobia, classism, and additional oppressions shape experiences and realities in prostitution. While essentialists have given some attention to broader oppressions affecting prostitution, essentialists they that these oppressions are intrinsically linked to prostitution. For example, that prostitution is inherently sexist.

On the other hand, comprehensive discourse argues that structural oppressions are not inherent to prostitution, but exist within the broader society and permeate into prostitution as they do into various industries and aspects of daily life. Thus, prostitution is not the core problem from a comprehensive framework, but the structural oppressions are. Proponents of comprehensive discourse tend to oppose criminalized prostitution, though the types of non-criminalized systems they support varies-with some supporting more restrictive and some supporting more liberal systems of prostitution.

GENEALOGY CONTINUATION

The literature review included a discussion about the genealogy of end demand policies, and then applied this genealogy specifically to the nations analyzed in this dissertation- Canada, Northern Ireland, and England. The genealogies provided a historical context leading to the end demand legislation being considered in the legislatures. While the term *history* often implies the past, from Foucault's theory, it does not end in the past. It continues onto the present and future through genealogy. Thus, the results of this dissertation are not separate from the genealogy leading up to it, but are part of this genealogy. This section continues the genealogy by tracing

multinational occurrences in the development of prostitution policies since the legislative hearing analyzed in Chapter IV.

Based on Foucault's theory, genealogy refers to the social, cultural, political, and economic sequence of events. This sequence is not a straight line and need not occur in a linear way. Rather, it can be metaphorically be wrought with breaks in the path, turns, detours, etc. This is the case with prostitution end demand legislation. That is, it does not follow an entirely clear, linear path in which each nation enacting it following the same path to get there. For example, Canada enacted end demand legislation after the Supreme Court upheld a ruling from a lower court that the previous anti-prostitution provisions were unconstitutional, even though prostitution was legal to a limited extend. The Supreme Court then gave Parliament a year's reprieve to pass new anti-prostitution legislation, which it did.

While Northern Ireland also had a restrictive legalized system of prostitution before enacting end demand legislation, the path to end demand was different in various ways than Canada's. In Northern Ireland, there was no Supreme Court ruling saying that the anti-prostitution provisions in existing laws were unconstitutional. Instead, Assemblyman Lord Morrow added a prostitution end demand clause into the Human Trafficking and Sexual Exploitation Bill he introduced to legislators.

The concept of genealogy not following a linear path is further supported by Northern Ireland, but not England passing prostitution end demand provisions. The paths of these nations are very similar in a lot of ways. Both are part of the United Kingdom and close geographically-- with only a narrow waterway separating them. This close geographical proximity and the fact that both nations are part of the European Union eases going back and forth between the nations. Both also had very similar restrictive legalized systems of prostitution. Furthermore, in both

nations, prostitution end demand provisions were proposed into anti-trafficking and anti-slavery bills in 2014. If genealogy were a clear linear path, then it would be expected that both nations would either pass the prostitution end demand provisions or not pass these. Yet, this is not what happened--one nation (Northern Ireland) passed the end demand provision while in the other (England), the end demand provision did not even make it to a vote. While the results section of this dissertation shed some light as to why this likely is, further research can an expand on the broader social, political, economic and cultural differences between England and Northern Ireland that may explain this despite the similarities between the nations.

Yet, just because the end demand provision did not make it to a vote in 2014 does not mean that it will not be reintroduced to the British legislature. Like in England, prostitution end demand legislation was introduced to the French legislature, and was withdrawn in July 2014 before making it to a vote (International Committee on the Rights of Sex Workers in Europe 2014). Prostitution end demand legislation in 2016 to the French legislature and did pass this time (BBC 2016). Though this legislation did later pass in France, the removal of prostitution end demand provisions in anti-slavery bills in England and France in 2014 while such legislation passed in Canada and Northern Ireland during the same year indicates divisiveness on this issue, including whether end demand really is an effective way to stop trafficking.

The timing is especially noteworthy considering that the withdrawal of the end demand provision from proposed French legislation occurred during the same month that the Justice Committee in the Canadian House of Commons was holding hearings on proposed end demand legislation that passed. In fact, the French provision was brought up during these hearings in Canada with supporters of end demand pointing out how France is a model to follow by also proposing the legislation while opponents pointed out how this provision was withdrawn because

of concerns that focusing on going after prostitution clients in general would waste resources that could be put toward stopping and preventing actual cases of slavery. In the same year, the New Zealand House of Representatives (2014) also rejected a petition to implement end demand prostitution legislation and opted to keep the decriminalized system in place.

While prostitution policies remain highly differentiated with many types globally, there appears to be a trend toward end demand in the West, especially in Europe. Research for this dissertation began in 2014 when during that year, two nations passed end demand legislation: Canada and Northern Ireland. Presently, it is 2016 and as this dissertation is being wrapped up, France passed end demand legislation. Thus, five of the six nations that have passed end demand legislation are in Europe.

As the results of this study indicate, prostitution policies are very dynamic with new policies being proposed and in some cases passed. Since starting this dissertation research just two years ago, there have been new prostitution policies enacted such as France's end demand laws. There have also been policies rejected such as Maryland's proposed anti-trafficking legislation, which was withdrawn amidst harm reduction concerns (Ericson 2015a). New lawsuits have been filed challenging anti-prostitution laws. All this leaves a lot of possibilities for future research on prostitution laws. Future research can study whether current trends continue and how the dominant discourse and interest groups change or stay the same.

More developments in prostitution laws and policy disputes have also occurred in the two-year period since this dissertation research started, indicating both a push toward anti-prostitution legislation and a pull away from it. While many U.S. states have expanded anti-prostitution policies under the rationale of stopping trafficking, Maryland State Senator Justin

Ready withdrew his proposed trafficking legislation in 2015 before it was scheduled for a hearing.

Critics of this legislation expressed concerns that it would harm people who are not trafficking anybody, and interfere with harm reduction efforts for people in prostitution as well as sex workers' safety networks. Thus, groups such as the Women's Law Center and Maryland Coalition Human Trafficking Task Force (Ericson 2015a) along with a Baltimore-based harm reduction organization called Power Inside were critical of this bill (Ericson 2015b). Best Practices Policy Project (2015) asserted that this bill would define important harm reduction efforts as felonies, such as sex workers working together, a friend providing a ride to a sex worker, a partner serving as a lookout while a sex worker is with a client, and sex workers providing advice to each other.

Since the *Canada v. Bedford* case and since the legislative hearings and debates analyzed for this dissertation, additional court cases having been filed against anti-prostitution laws and in support of decriminalizing sex work. A lawsuit was filed in March 2015 with federal circuit court challenging the constitutionality of California's anti-prostitution laws. Though a hearing on this lawsuit was initially scheduled for August 2015, U.S. District Judge Jeffrey White cancelled the hearing and said that he would make a decision himself. In 2016, he ruled that California's anti-prostitution laws were constitutional (Coble 2016). Yet, plaintiffs can appeal the ruling to a higher court.

Because this lawsuit was filed with a federal court and challenges the constitutionality of anti-prostitution laws, the case has national implications. The lawsuit emphasizes the 2003 *Lawrence vs. Texas* ruling concerning how the right to privacy in consensual sex acts must also

apply to prostitution cases to be in compliance with the 14th amendment of the U.S. Constitution (Sirkin, O'Connor, and Sperlien 2015).

Furthermore, Laura Lee- the only person identifying as a current sex work to testify in the Northern Ireland hearings on end demand legislation- filed a lawsuit against this legislation with the High Court in Belfast. The lawsuit is based on the grounds that it violates her human rights to privacy and be free from discrimination, plus the legislation fails to comply with equality laws. The legal proceedings hit a stalemate when a judge was told that the Attorney General John Larkin was instructed to oppose her challenge. This occurred shortly before the hearing was scheduled. Likewise, in the U.S., the hearing challenging the constitutionality of anti-prostitution laws was also cancelled shortly because it was scheduled (Erwin 2016). Thus, in both cases, hearing dates had been scheduled and were cancelled shortly beforehand. In the case of the U.S., it was because the judge decided to and review written submissions instead of also having a hearing; and in the case of Northern Ireland, it was because of the Attorney General's intervention.

While these are just two nations, it could be indicative of a trend toward using the courts to challenge anti-prostitution laws. Further research can elaborate more on this and note whether the trend continues. Lee said before Northern Ireland passed prostitution end demand legislation that if such a law were enacted, she would appeal up the European Commission on Human Rights if need be. At this point, her lawsuit has not made it there and is stagnant in the High Court of Belfast.

LIMITATIONS

This qualitative study lacks the numerical precision of a quantitative study. The highly subjective, interpretivist nature of discourse analysis as a method limits the objectivity of this

study. Likewise, the study does not provide objective and definitive answers regarding various issues of dispute; such as whether prostitution can ever be a choice, is inherently linked to trafficking, is a form of violence in and of itself, and disputes about the best policies.

Another limitation in terms of precision is that Foucault did not develop a methodological outline for applying his theory of discourse to analyses. Yet, various researchers have developed ways to apply his theory methodologically (Diaz-Bone et al 2007; Dysallas 2007; Graham 2005).

Additionally, various prostitution policies exist throughout the world and this study focuses mainly on prostitution end demand and resistance to such policies. Thus, analyses of discourse surrounding other types of prostitution policies are very limited in this study. Though the movement toward end demand legislation does reflect global trends, most pronounced in Western Europe, there are limitations in terms of generalizability. Political systems and attitudes toward prostitution could vary globally. Thus, how the discourse is constructed in Canada, Northern Ireland, and England may differ at least in some ways from other nations. For example, the influence of Christian groups with the absence of other faith-based groups in the Canada and Northern Ireland hearings reflects the dominance of Christianity in the Western world. This is not generalizable to all nations, particularly in Asia and Africa. Yet, as Aas (2007) explained, a global hegemony exists in which laws often start in the West and expand into the Eastern world.

Another limitation of the current discourse analysis is that it is guided by Foucault's theory, which focuses on ideological power called hegemony as the primary form of power. From a Marxist framework, one can argue that such an orientation overlooks the central importance of economics in shaping power dynamics, including laws. That is, according to Marxist theory, economics shapes all power relationships. Knowledge and ideologies are

controlled and shaped by those with economic power over society. Economics is thus central to power dynamics, not ideologies- which are secondary.

Yet, to ask whether economics shapes ideologies or vice versa seems like a “chicken and egg”-type question. That is, it may not be possible to prove which came first. An alternative to trying to determine which came first is to study how they interact with each other. That is, how do economics influence ideologies and vice versa. This can be applied to funding policies and the ideologies accompanying them. An example is the U.S. Trafficking Victims Protection Reauthorization Act explained in Chapter I. Recipients of funding must sign an anti-prostitution loyalty oath saying that they do not support legal prostitution or accept it as a legitimate occupation. This oath reflects an ideology that recipients of funding must accept--thus illustrating the how economics and ideologies reinforce each other.

The same concept can be applied to Canadian legislation where the government is issuing 20 million dollars in grants over a five-year period for prostitution exit services, which was referenced various times during the Parliamentary hearings by legislators and interest group representatives. The funding comes with an ideological framework reflecting the preamble of Bill C-36, that prostitution is intrinsically abusive and exploitative, and the focus financially must thus be on exit rather than also funding programs and services focused on safety measures within prostitution. Here, economics and ideologies reinforce each other.

DIRECTIONS FOR ADDITIONAL RESEARCH

Over the course of this chapter, various suggestions for future research were brought up based on topics addressed. The current section will expand on these and provide suggestions for how to implement such research. One possible direction for further research is to study the effects of faith-based groups on public policies. Methodologically, this could include a text

analysis of legislative transcripts like the present study, or many other types of texts are available for analysis, such as news articles and written briefings submitted to legislatures. This could also involve comparative research like the current study--not only across nations but also between different types of faiths or interest group organizations within the same faith.

Another implication of the current study for future research is to delve more into the sociopolitical circumstances of the nations compared in this analysis. A question guiding such research could be: Despite the similarities between these United Kingdom nations, why did prostitution end demand legislation pass in Northern Ireland but not in England? When addressing this question, a starting point could be to compare the dominant political parties and the power of Christian organizations across the nations. As previously mentioned, the Democratic Unionist Party in Northern Ireland is heavily aligned with Protestant interests, and members of Christian Action Research and Education not only testified to the Assembly but also served as advisors in the development of the Human Trafficking and Sexual Exploitation Bill. Are any Christian groups in England heavily connected with the main parties and are they involved in the development of legislation also? Or, are Christian groups less powerful in England with other interests having more power, or a more differentiated power system? Research can also compare these nations on prostitution policies along with other policies- such as same-sex marriage.

As explained in the continuation of the genealogy in this chapter, prostitution policies are very dynamic with new developments continually occurring. Research needs to keep up with this, looking at emerging trends in prostitution policies as well as the introduction of new policies for consideration into legislatures or on ballots for voters. Also, focus on court cases challenging anti-prostitution laws. Such research can methodologically be conducted like the current study,

involving a Foucauldian discourse analysis of legislative hearings. Yet, the analyses can also include other texts as the main data sources, such as court documents, news articles, and written briefings submitted to courts and legislatures by interest groups and individual stakeholders.

Evaluative research is also important to assess the effects of prostitution legislation, and determine whether to make changes, keep the legislation as it is, or eliminate it. Before Bill C-36 passed, the Canadian Parliament planned a review at five years to assess the effects of this legislation. New Zealand did the same five years after implementing legislation that further liberalized prostitution policies, and this provides a model to follow for evaluative research. The New Zealand Prostitution Law Review Committee (2008) was a multidisciplinary group of researchers commissioned by the government to conduct a thorough analysis of the prostitution legislation. The committee interviewed and surveyed various stakeholders, including sex workers and representatives from non-governmental organizations. The study looked at many aspects of prostitution under this new legislation, such as amount of violence, health and safety, harm reduction, working conditions, sex workers' agency, and human trafficking. The study examined indoor prostitution both in and out of brothels as well as street prostitution across New Zealand.

While Canada and Northern Ireland's end demand legislation differs drastically from New Zealand's more liberalized, non-criminalized system, they can still follow the thorough and comprehensive methodology of the NZLRC's study-such as commissioning a multi-disciplinary team of researchers, focusing on many issues within prostitution, including stakeholders as participants, and focusing on different sectors of indoor prostitution as well as street prostitution. While the stated goal of end demand legislation is to eliminate or at least reduce prostitution, it is important that evaluations of such legislation not linearly focus only on this. Instead, they must also focus on the effects of such legislation on sex workers. As the results of the current analysis

indicate, one of the main arguments against anti-prostitution legislation including end demand is that it endangers sex workers. If such policies endanger sex workers which some research indicates they do (Krüsi et al 2014; Ostergren 2004), then it is important to know this and take measures to stop these harms.

During the hearings and debates analyzed, some researchers spoke and testifiers as well as legislators repeatedly referred to research when promoting their positions. This indicates research plays a role in advising interest groups and legislators, whether this involves expanding their knowledge of the issues, reinforcing their already existing positions, or all of the above. Yet, legislators and interest groups can still dismiss research that does not promote their agenda. Nonetheless, time will tell whether the current study and which future studies are brought up in public policy disputes and whether these play roles in shaping policies.

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APPENDIX A:
TESTIFIERS IN CANADA'S BILL C-36 ("PROTECTION OF COMMUNITIES AND
EXPLOITED PERSONS ACT") HEARINGS

Supporters of End Demand Prostitution Legislation:

	Testifier's Name	Title and Name of Organization	Type of Organization	Self-Disclosed Sex Industry or Sex Trade Experience
1	Suzanne Jay	Member, Asian Women Coalition Ending Prostitution	Feminist with an emphasis on how prostitution affects Asian women	
2	Alice Lee	Member, Asian Women Coalition Ending Prostitution	Feminist with an emphasis on how prostitution affects Asian women	
3	Jared Brock	Co-Founder, Hope for the Sold	Anti-trafficking	
4	Michelle Brock	Co-Founder, Hope for the Sold	Anti-trafficking	
5	Keira Smith-Tague	Front-Line Anti-Violence Worker, Vancouver Rape Relief and Women's Shelter	Rape Crisis Services and Shelter	
6	Hilla Kerner	Collective Member, Vancouver Rape Relief and Women's Shelter	Rape Crisis Services and Shelter	
7	Deborah Pond	Chair of the Board of Directors, u-r home	Faith-based	
8	Andrew Swan	Minister of Justice and Attorney General, Government of Manitoba	Governmental	
9	Julia Beazley	Policy Analyst, Centre for Faith and Public Life, Evangelical Fellowship of Canada	Faith-based	
10	Diane Matte	Community Organizer, Concertation des luttes	Sexual exploitation prevention and services	

		contre l'exploitation sexuelle		
11	Rose Sullivan	Participant, Concertation des luttes contre l'exploitation sexuelle	Sexual exploitation prevention and services	Yes, former
12	Natasha Falle	Representative, Sex Trafficking Survivors United	Anti-trafficking organization led by survivors	Yes, former
13	Timea E. Nagy	Founder and Front-Line Victim Care Worker, Walk with Me Canada Victim Services	Anti-trafficking	Yes, former
14	Robert Hooper	Chair, Walk with Me Canada Victim Services	Anti-trafficking	
15	Janine Benedet	Associate Professor of Law, University of British Columbia	Academic	
16	Megan Walker	Executive Director, London Abused Women's Centre	Abuse crisis services for women and youth	
17	Michéle Audette	President, Native Women's Association of Canada	Native women's rights and well-being	
18	Teresa Edwards	In-House Legal Counsel, Director, International Affairs and Human Rights, Native Women's Association of Canada	Native women's rights and well-being	
19	Kim Pate	Canadian Association of Elizabeth Fry Societies	Provides services to imprisoned people	
20	Katrina MacLeod	Founder, Rising Angels	Prostitution diversion services	Yes, former
21	Deborah Kilroy	Chief Executive Officer and Legal Counsel, Sisters Inside	Services and advocacy for incarcerated women	

22	Diane Redsky	Project Director, Task Force on Trafficking of Women and Girls in Canada, Canadian Women's Foundation	Anti-trafficking	
23	Linda Smith	No organizational affiliation stated, mother of Cheri Lynn Smith, a murdered young woman who was involved in prostitution		
24	Ed Smith	No organizational affiliation stated, father of Cheri Lynn Smith, a murdered young woman who was involved in prostitution		
25	John Cassells	Street Youth Specialist, Serving in Mission-Canada	Faith-based	
26	Cassandra Diamond	Program Director, BridgeNorth	Faith-based	
27	Rick Hanson	Chief of Police, Calgary Police Service	Law enforcement	
28	Jose Mendez Bota	Member of the Portuguese Parliament, General Rapporteur on Violence Against Women, Parliamentary Assembly of the Council of Europe	Governmental	
29	Geraldine Grant	Founder, Mothers Against Trafficking Humans	Anti-trafficking	
30	Eric Joliffe	Chief of Police, York Regional Police	Law enforcement	

31	Thai Truong	Detective, Drugs and Vice, York Regional Police	Law enforcement	
32	Gunilla Ekberg	Lawyer, University of Glasgow School of Law	Academic	
33	Linda MacDonald	Group of Nurses involved with the Canadian Federation of University Women	Medical	
34	Jeanne Sarson	Group of Nurses involved with the Canadian Federation of University Women	Medical	
35	Trisha Baptie	Community Engagement Coordinator, Exploited Voices Now Educating	Sex industry survivors	Yes, former
36	Larissa Crack	Co-founder, Northern Women's Connection	Works directly with women who have experienced trauma, marginalization and abuse in the sex industry	Yes, former
37	Heather Dukes	Co-founder, Northern Women's Connection	Works directly with women who have experienced trauma, marginalization and abuse in the sex industry	
38	Bridget Perrier	Co-Founding Member, Sextrade101	Anti-sex trade awareness and education	Yes, former
39	Georgiale Lang	Lawyer, no organizational affiliation specified		

40	Michelle Miller	Executive Director, Resist Exploitation, Embrace Dignity	Faith-based	
41	Lisa Steacy	British Columbia, Canadian Association of Sexual Assault Centres	Coalition of centers providing services to victims and survivors of sexual assault	
42	Mèlanie Sarroino	Quebec, Canadian Association of Sexual Assault Centres	Coalition of centers providing services to victims and survivors of sexual assault	
43	Kate Quinn	Executive Director, Centre to End All Sexual Exploitation	Anti-sexual exploitation	
44	Geraldine Gerrard	Director, Defend Dignity, The Christian and Missionary Alliance	Faith-based	
45	Marina Giacomini	Executive Director, Servants Anonymous Society of Calgary	Faith-based	Yes, former
46	Gwendolyn Allison	Lawyer, Foy Allison Law Group	Law firm	
47	Brian McConaghy	Founding Director, Ratanak International	Canadian-headquartered charity providing services to youth who have been in the Cambodian sex trade	
48	Tom Stamatkis	President, Canadian Police Association	Law enforcement	
49	Michèle Léveillé	Canadian Sexual Assault Centres Member, Gatineau	Sexual assault crisis services	
50	Cheryl Link	Assistant Director, Northern Women's Connection	Works directly with women who have experienced trauma, marginalization and	

			abuse in the sex industry	
51	Barbara Gosse	Senior Director, Research, Policy and Innovation, Canadian Women's Foundation	Anti-trafficking	
52	Bernard Lethe	Officer, Quebec City Police Department	Law enforcement	

Canada Opponents of End Demand Prostitution Legislation:

	Testifier's Name	Title and Name of Organization	Type of Organization	Self-disclosed Sex Industry or Sex Trade Experience
1	Christa Big Canoe	Legal Advocacy Director, Aboriginal Legal Services of Toronto	Legal analysis	
2	Jean McDonald	Executive Director, Maggie's: The Toronto Sex Workers Action Project	Sex workers' rights	
3	Chanelle Gallant	Former Staffer, Maggie's: The Toronto Sex Workers Action Project	Sex workers' rights	
4	Émile Liliberté	Spokesperson, Canadian Alliance for Sex Work Law Reform	Sex workers' rights	Yes, current
5	Naomi Sayers	Spokesperson, Canadian Alliance for Sex Work Law Reform	Sex workers' rights	Yes, former
6	John Lowman	Professor, School of Criminology, Simon Fraser University	Academic	
7	Anne London-Weinstein	Director, Board of Directors, Criminal Lawyers' Association	Legal analysis	

8	Leonard S. Russammano	Member and Criminal Defence Counsel, Criminal Lawyers' Association	Legal analysis	
9	Christine Bruckert	Professor, Department of Criminology, University of Ottawa	Academic	
10	Kerry Porth	Chair of the Board of Directors, Pivot Legal Society	Legal analysis	Yes, former
11	Elin Sigurdson	Lawyer, Pivot Legal Society	Legal analysis	
12	Emily Symons	Chair, Prostitutes of Ottawa-Gatineau Work Educate & Resist	Sex workers' rights	
13	Robyn Maynard	Spokesperson and Outreach Worker, Stella, l'amie de Maimie	Sex workers' rights	
14	Tim Lambrinos	Executive Director, Ontario Region, Adult Entertainment Association of Canada	Exotic dance clubs association	
15	Rudi Czkalla	Consultant, Principal, Municipal Policy Consultants, Adult Entertainment Association of Canada	Exotic dance clubs association	
16	Amy Lebovitch	Executive Director, Sex Professionals of Canada	Sex workers' rights	Yes, current
17	Valerie Scott	Legal Coordinator, Sex Professionals of Canada	Sex workers' rights	Yes, former
18	Josh Paterson	Executive Director, British Columbia Civil Liberties Association	Civil liberties	
19	Laura Dilley	Executive Director, Providing Alternatives	Harm reduction	

		Counseling and Education Society		
20	Sheri Kiselbach	Coordinator, Violence Prevention, Providing Alternatives Counseling and Education Society	Harm reduction	Yes, former
21	Chris Atchison	Research Associate, Department of Sociology, University of Victoria	Academic	
22	Rachel Phillips	Executive Director, PEERS Victoria Resource Society	Harm reduction	
23	Natasha Potvin	Member, Board of Directors, Peers Victoria Resource Society	Harm reduction	Yes, former
24	Kyle Kirkup	Trudeau Scholar, Faculty of Law, University of Toronto	Academic	
25	Sandra Ka Hon Chu	Co-Director, Research and Advocacy, Canadian HIV/AIDS Legal Network	Legal analysis	
26	Terri-Jean Bedford	No organizational affiliation stated, a plaintiff in the <i>Canada v. Bedford</i> case		Yes, former
27	Katrina Pacey	Pivot Legal Society	Legal analysis	
28	Elizabeth Dusault	Member, Prostitutes Involved, Empowered, Cogent - Edmonton	Sex workers' rights	Yes, current
29	Frances Mahon	Lawyer- Sack, Goldblat, Mitchell, LLP	Law firm	
30	Maxime Durocher	Sex worker, no organizational affiliation stated		Yes, current
31	Tyler Meggary	Street outreach worker, Sex Workers Program-REZO	Harm reduction	

32	Stéphanie Claivaz-Loranger	Senior Policy Analyst, Canadian HIV/AIDS Legal Network	Legal analysis	
33	Kara Gillies	Kara Gillies, Member, Canadian HIV/AIDS Legal Network	Legal analysis	Yes, did not specify whether former or current
34	Graeme Hamilton	Representative, Canadian Council of Criminal Defence Lawyers	Lawyers associations	
35	Nana Yanful	Representative, Canadian Council of Criminal Defence Lawyers	Lawyers Association	
36	Konstadia Spooner	Representative, Coalition of Body Rub Parlours of the Greater Toronto Area	Association of massage and body rub parlor organizations	Yes, current
37	Anna-Aude Caouette	Spokesperson, Stella, l'Amie de Maimie	Sex workers' harm reduction	
38	Nicole Matte	Representative, Maggie's: The Toronto Sex Workers Action Project	Sex workers' harm reduction	
39	Edward Herold	Professor Emeritus, University of Guelph	Academic	
40	Gaylene Schellenberg	Lawyer, Legislation and Law Reform, Canadian Bar Association	Law association	
41	Ian M. Carter	Member of the Executive, Criminal Justice Section, Canadian Bar Association	Law association	

APPENDIX B
TESTIFIERS IN NORTHERN IRELAND'S HEARINGS ON THE HUMAN TRAFFICKING
AND SEXUAL EXPLOITATION BILL, SPECIFICALLY CLAUSE 6
(LATER TO BECOME SECTION 15) CRIMINALIZING THE
PURCHASE OF COMMERCIAL SEXUAL SERVICES

Supporters of End Demand Prostitution Legislation:

	Testifier's Name	Title and Name of Organization	Type of Organization	Organization Member of Turn off the Red Light Campaign	Self-Disclosed Sex Industry or Sex Trade Experience
1	John Cunningham	Chair, Immigrant Council of Ireland	Immigration Advocacy and Services	Yes	
2	Monica O'Connor	No organizational affiliation specified beyond "Turn Off the Red Light;" Anti-trafficking researcher and activist		While no other organizational affiliation is specified, the Justice Committee Chair introduced her as a part of the "Turn off the Red Light Team" team.	
3	Claire Mahon	Irish Nurses and Midwives Association	Healthcare	Yes	
4	Jerry O'Connor	Communications manager of the Immigrant Council of Ireland	Immigration Advocacy and Services	Yes	
5	Sarah Benson	Chief executive officer, Ruhama	Anti-prostitution diversion program	Yes	
6	Gerardine Rowley	Policy and communications manager, Ruhama	Anti-prostitution diversion program	Yes	
7	Rachel Moran	Founding Member and European Coordinator, Survivors of	Survivors of prostitution	Yes	Yes, former

		Prostitution-Abuse Calling for Enlightenment			
8	Mark Baillie	Public policy officer, Christian Action Research and Education	Faith-based	No	
9	Dan Boucher	Director of parliamentary affairs, Christian Action Research and Education	Faith-based	No	
10	Gunilla Ekberg	Former Swedish Government Special Adviser	Governmental	No	
11	Mia de Faoite	Mentioned volunteering with Ruhama and the Irish Council on Immigration, but testified individually instead of with representatives from these organizations		Yes	Yes, former
12	Roy McComb	Detective Chief Superintendent, Police Services of Northern Ireland	Law Enforcement	No	
13	Drew Harris	Assistant Chief Constable, Police Services of Northern Ireland	Law Enforcement	No	
14	Ruth Breslin	Eaves	Anti-violence against women and girls	No	
15	Andrea Maltoski	Equality Now	Feminist	No	

16	Claire Moore	Equality Officer, Irish Congress of Trade Unions	Trade unions association	Yes	
17	Pamela Dooley	Chair of the Northern Ireland Committee, Irish Congress of Trade Unions	Trade unions association	Yes	
18	Peter Bunting	Assistant General Secretary, Irish Congress of Trade Unions	Trade unions association	Yes	
19	David Russell	Deputy Director, Northern Ireland Human Rights Council	Human rights	No	
20	Leanne Cochrane	Researcher, Northern Ireland Human Rights Council	Human rights	No	
21	Annie Campbell	Director, Women's Aid	Support services for victims and survivors of sexual and domestic violence	Yes	
22	Noelle Collins	Team leader, Belfast and Lisburn Women's Aid	Support services for victims and survivors of sexual and domestic violence	Yes	

Opponents of End Demand Prostitution Legislation:

	Testifier's Name	Title and Name of Organization	Type of Organization	Self-Disclosed Sex Industry or Sex Trade Experience
1	Laura Lee	Member, International Union of Sex Workers	Sex workers' rights	Yes, current
2	Lucy Smith	Founder, Ugly Mugs-Ireland	Harm reduction	
3	Graham Ellison	Postgraduate Research Coordinator, Queen's University	Academic	
4	Susann Huschke	Visiting Fellow, Queen's University	Academic	
5	Gráinne Teggart	Amnesty International, United Kingdom chapter	Human rights	
6	Catherine Murphy	Law and Policy Team, Amnesty International, United Kingdom chapter	Human rights	
7	Gillian Clifford	Victims Support	Anti-violence support services	
8	Pam Hunter	Nexus	Sexual abuse counseling	
9	Norman Hamilton	Presbyterian Church of Ireland	Faith-based	
10	Marianne O'Kane	Assistant Director, Public Prosecution Service	Prosecution	
11	Mairead Levery	Principle Public Secretary Public Prosecution Service	Prosecution	

APPENDIX C
SCHEDULE OF HEARINGS AND DEBATES WITH LINKS TO TRANSCRIPTS

Canada Parliament Bill C-36 Hearing and Debates:

House of Commons:

Debate June 6, 2014 <https://openparliament.ca/debates/2014/6/6>
Debate June 11, 2014 <https://openparliament.ca/debates/2014/6/11>
Debate June 12, 2014 <https://openparliament.ca/debates/2014/6/12>
Debate July 16, 2014 <https://openparliament.ca/debates/2014/6/16>
Debate September 22, 2014 <https://openparliament.ca/debates/2014/9/22>
Debate September 23, 2014 <https://openparliament.ca/debates/2014/9/23>
Debate September 26, 2014 <https://openparliament.ca/debates/2014/9/26>
Debate October 3, 2014 <https://openparliament.ca/debates/2014/10/3>
Debate October 8, 2014 <https://openparliament.ca/debates/2014/10/8>
Bill C-36 Received Royal Assent and Became Law November 6, 2014
<https://openparliament.ca/bills/41-2/C-36/>

House of Commons Justice Committee:

Overview of Bill C-36 to the committee from government officials July 7, 2014-
<https://openparliament.ca/committees/justice/41-2/32>
Hearing July 7, 2014a <https://openparliament.ca/committees/justice/41-2/33/>
Hearing July 7, 2014b <https://openparliament.ca/committees/justice/41-2/34>
Hearing July 8, 2014a <https://openparliament.ca/committees/justice/41-2/35>
Hearing July 8, 2014b <https://openparliament.ca/committees/justice/41-2/36>
Hearing July 8, 2014c <https://openparliament.ca/committees/justice/41-2/37>
Hearing July 9, 2014a <https://openparliament.ca/committees/justice/41-2/38>
Hearing July 9, 2014b <https://openparliament.ca/committees/justice/41-2/39>
Hearing July 9, 2014c <https://openparliament.ca/committees/justice/41-2/40>
Hearing July 10, 2014a- <https://openparliament.ca/committees/justice/41-2/41>
Hearing July 10, 2014b <https://openparliament.ca/committees/justice/41-2/42>
Hearing July 10, 2014c <https://openparliament.ca/committees/justice/41-2/43>

Clause by clause consideration of Bill C-36 July 15, 2014
<https://openparliament.ca/committees/justice/41-2/44>

Senate:

Debate October 9, 2014
http://www.parl.gc.ca/content/sen/chamber/412/debates/086db_2014-10-09-e.htm

Standing Senate Committee on Constitutional and Legal Affairs

Hearing September 9, 2014
<http://www.parl.gc.ca/content/sen/committee/412%5CLCJC/51557-e.HTM>

Hearing September 10, 2014
<http://www.parl.gc.ca/content/sen/committee/412/LCJC/15EV-51558-E.HTM>

Hearing September 11, 2014
<http://www.parl.gc.ca/content/sen/committee/412/LCJC/15EV-51559-E.HTM>

Meeting to Amend Bill C-36 September 17, 2014
<http://www.parl.gc.ca/content/sen/committee/412/LCJC/16EV-51569-E.HTM>

Hearing October 29, 2014
<http://www.parl.gc.ca/content/sen/committee/412/LCJC/19EV-51683-E.HTM>

Hearing October 30, 2014
<http://www.parl.gc.ca/content/sen/committee/412/LCJC/51691-e.HTM>

Northern Ireland Assembly Debates and Hearings on Clause 6 (Which Later Became Section 15) to Criminalize the Purchase of Commercial Sexual Services in the Human Trafficking and Sexual Exploitation Act

Assembly Debate September 23, 2013a <http://www.niassembly.gov.uk/assembly-business/official-report/reports-13-14/23-september-2013/#6>

Assembly Debate September 23, 2013b <http://www.niassembly.gov.uk/assembly-business/official-report/reports-13-14/23-september-2013/#11>

Assembly Debate September 24, 2013 <http://www.niassembly.gov.uk/assembly-business/official-report/reports-13-14/24-september-2013/#11>

Justice Committee of the Assembly

Lord Morrow and Advisors Introduce Clause 6 to the Justice Committee September 12, 2013 <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/september-2013/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-briefing-from-lord-morrow-mlacareformer-swedish-government-special-adviser/>

Hearing November 28, 2013a <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/november-2013/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-womens-aid-federation-northern-ireland/>

Hearing November 28, 2013b <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/november-2013/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-public-prosecution-service/>

Representatives from the Department of Health, Social Services, and Public Safety
Brief the Justice Committee December 5, 2013

<http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/december-2013/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-minister-of-health-social-services-and-public-safety/>

Hearing January 9, 2014a <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/january-2014/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-turn-off-the-red-light/>

Hearing January 9, 2014b <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/january-2014/human-trafficking-and-exploitation-further-provisions-and-support-for-victims-bill-ruhama/>

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