



**Online Public Consultation on
Prostitution-Related Offences in Canada
Final Results**

**Research and Statistics Division
Department of Justice Canada**

2014



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1. Background

On February 17, 2014, on direction from the Minister of Justice, the Department launched a month-long online public consultation on prostitution-related offences in Canada. The consultation was open to all Canadians and sought their input to inform the response to the Bedford Decision.¹ A national [news release](#), as well as Facebook and Twitter posts, served to draw public attention to the consultation Web page. A discussion paper was provided on the consultation Web page, including background information, context on existing criminal laws governing prostitution and information on models that have been implemented in other countries.

Internationally, the law generally treats prostitution in one of three ways:

- **Decriminalization/legalization:** seeks to reduce the harms associated with prostitution by decriminalizing both the purchase and sale of sexual services and regulating the way in which prostitution takes place (implemented in Germany, the Netherlands, New Zealand and Australia);
- **Prohibition:** seeks to eradicate prostitution through the prohibition of both the purchase and sale of sexual services, as well as the involvement of third parties in prostitution (implemented in the U.S.A., except in Nevada); and
- **Abolition (the “Nordic Model”):** seeks to abolish prostitution through criminalization of those who exploit prostitutes (clients and third parties) and decriminalization of prostitutes themselves, who are viewed as victims of sexual exploitation and assisted through programs (implemented in Sweden, Norway and Iceland).

¹ The Supreme Court of Canada's decision in *Bedford v. Attorney General of Canada* found three *Criminal Code* prostitution provisions unconstitutional:

- the bawdy house offence with respect to the practice of prostitution (section 210 prohibits keeping and being an inmate of or found in a bawdy house);
- the living on the avails offence (paragraph 212(1)(j), which prohibits living in whole or in part on the earnings of prostitutes); and
- the communicating offence (paragraph 213(1)(c), which prohibits communicating in a public place for the purpose of engaging in prostitution or obtaining the sexual services of a prostitute).

The Supreme Court found that these offences violate prostitutes' right to security of the person, as protected by section 7 of the Charter, by preventing them from taking measures to protect themselves while engaging in a risky, but legal, activity. Such protective measures include selling sexual services indoors, hiring bodyguards and drivers, and negotiating safer conditions for the sale of sexual services in public places.

The Supreme Court's decision does not take effect for one year. If there is no legislative response, the result of this decision would be decriminalization of most adult prostitution-related activities:

- indoor prostitution (e.g. in a house or apartment, massage parlour, or strip club);
- providing services to prostitutes (e.g. as a bodyguard or a driver); and
- communicating for the purposes of purchasing or selling sexual services in public places (e.g. in the street).

Canadians were invited to respond to the online public consultation by filling out and submitting the online form or by sending an email directly to a “consultations-prostitution” email address. The consultation questions were as follows:

1. Do you think that **purchasing sexual services** from an adult should be a criminal offence? Should there be any exceptions? Please explain.
2. Do you think that **selling sexual services** by an adult should be a criminal offence? Should there be any exceptions? Please explain.
3. If you support allowing the sale or purchase of sexual services, **what limitations should there be**, if any, on where or how this can be conducted? Please explain.
4. Do you think that it should be a **criminal offence for a person to benefit economically** from the prostitution of an adult? Should there be any exceptions? Please explain.
5. Are there **any other comments** you wish to offer to inform the Government's response to the Bedford decision?
6. Are you writing on behalf of an organization? If so, please identify the organization and your title or role.

This research report outlines the results of the online public consultation, highlighting key findings related to the proportions of respondents who support or oppose criminalizing different aspects of prostitution. Canadians were invited and encouraged to participate in the consultation by way of a government news release and the use of social media throughout the consultation period.

2. Methodology

The Department’s Research and Statistics Division compiled and analyzed responses to the online consultation. Throughout the course of the consultation, responses submitted via the online form were automatically transferred into a database for analysis. Analysis and roll-up of quantitative results were done using SAS (a statistical analysis program) and Microsoft Excel, with a combination of manual review and qualitative coding. The focus of the analysis was to identify the proportion of responses in which the respondent expressed a view in favour of or opposed to criminalizing different aspects of prostitution. This includes those who responded with “Yes” or “No” to the consultation questions, or those who expressed these views in different ways, e.g. “I don’t think purchasing sex should be illegal.”

3. Results

At the close of the online consultation on March 17, 2014, there were a total of 30,073 submissions to the online consultation form. There were also 959 direct emails sent to the

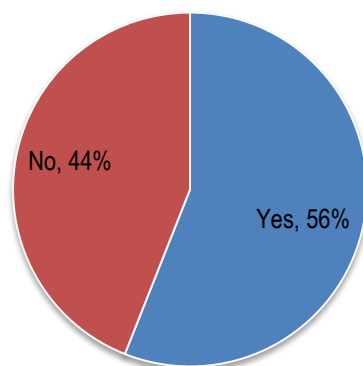
prostitution consultation email address.² As well, 140 responses were received via the Department's Ministerial Correspondence Unit, which includes responses forwarded to the Department of Justice via Status of Women Canada. Overall, a total of 31,172 responses were received.

3.1 Analysis of Consultation Questions

A total of 31,145 responses were analyzed, including online submission forms, direct email and paper submissions.³ This figure does not include the small number (27) of responses from individuals or groups outside of Canada.⁴

Question 1 asked whether respondents think **that purchasing sexual services** should be a criminal offence. Chart 1 shows that more than half (56%, or 15,993 known responses) felt that this activity should be a criminal offence, and 44% (12,418 known responses) felt that it should not.

Chart 1
Should purchasing sexual services be a criminal offence?



*Unknown/missing responses are not included and account for 9% of all responses.⁵

² This excludes emails that have no discernible feedback on prostitution (e.g. spam) but includes emails that discuss prostitution, even if they do not provide responses to the consultation questions, or advocate for a particular approach. Also, for groupings of responses that came in one email (e.g. a petition signed by multiple individuals), each individual response is counted separately.

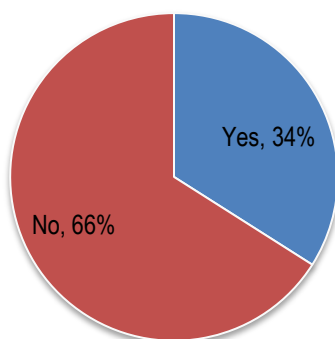
³ Note that each question has a different number of total responses depending on the number of unknown/missing responses.

⁴ Twenty-seven of the responses to the online form were identified as having been submitted from an individual or group from outside of Canada (those that self-identified through their response to question 6). These responses are not included in the analysis, but have been reviewed separately.

⁵ These include responses that were left blank or worded in a way that did not allow them to be coded as "yes/no."

Question 2 asked whether respondents think **that selling sexual services** should be a criminal offence. Two-thirds of respondents (66%, or 17,801 known responses) felt that it should not be a criminal offence to sell sexual services, and 34% (9,121 known responses) felt that it should be a criminal offence (Chart 2).

Chart 2
Should selling sexual services be a criminal offence?



*Unknown/missing responses are not included and account for 14% of all responses.⁶

Question 3 asked whether **those who support the sale or purchase of sexual services felt there should be any limitations on where and how it can be conducted**. A keyword search was used to identify the types of limitations that respondents who answered this question felt should apply to where and how prostitution is conducted. Table 1 presents the number of times each of these keywords were mentioned, from most frequent to least frequent.

The most commonly mentioned limitations were related to public health. In particular, sexually transmitted disease/infection (STD/STI) testing was mentioned, with respondents highlighting the importance of health inspections of brothels and regular medical testing for those who provide sexual services. “Regulation, taxation and licensing” was the next largest category of responses, with respondents suggesting that taxation and licensing of those who provide sexual services were important. The terms “brothel,” “bawdy house” and “red light” were often mentioned, with most of these respondents suggesting that prostitution should only take place in these contexts. The terms “street,” “school,” “residential” and “neighbourhood” were mentioned mostly by respondents opposing street-based prostitution or prostitution taking place in residential areas or near schools. Age was mentioned by respondents indicating that those who provide sexual services must be over a certain age (either the age of majority or over 21).

⁶ These include responses that were left blank or worded in a way that did not allow them to be coded as “yes/no.”

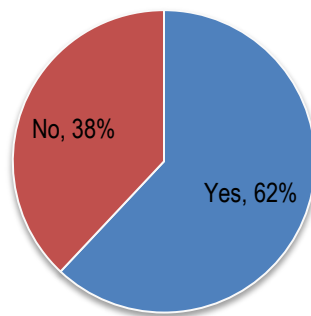
Table 1

What limitations should there be on how the sale or purchase of sexual services is conducted?	
Limitations	Number of times mentioned
Health Concerns (STD/STI)	6,431
Regulation/Taxation/Licensing	3,693
Street/ Schools/Neighbourhood/Residential	3,637
Brothel/Bawdy House/Red light	3,065
Age (“age of majority”)	868

Question 4 asked respondents whether they think it should be a **criminal offence to benefit economically from the prostitution** of an adult. Almost two-thirds of respondents (62%, or 15,293 known responses) felt that it should be a criminal offence to benefit economically from the prostitution of an adult, whereas 38% (9,384 known responses) felt that it should not be a criminal offence (Chart 3). Many responses to this question, however, indicated that those who provide sexual services should be able to hire bodyguards and drivers, but that exploitive relationships (e.g. pimps) should be illegal.

Chart 3

Do you think that it should be a criminal offence to benefit economically from the prostitution of an adult?



*Unknown/missing responses are not included and account for 21% of all responses.⁷

⁷ These include responses that were left blank or worded in a way that did not allow them to be coded as “yes/no.”

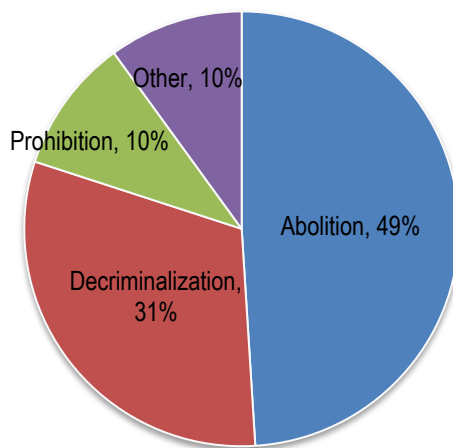
3.2 Responses from Organizations

A total of 117 organizations were identified as having submitted a response to the consultation. Groups that provide education, public awareness and/or front-line support and services, groups representing those who provide sexual services, police forces, municipalities and faith-based organizations were among the represented organizations. For reasons of confidentiality, the names of individuals or organizations who contributed to the online consultation are not being made public.

In order to identify these responses, a search of the database was conducted to identify those who answered “yes” to question 6, which asked whether the respondent was representing an organization. In addition, a keyword search was conducted using terms that would be used by someone responding on behalf of a group/organization (e.g. “behalf,” “founder,” “director,” “president”).

Overall, 57 organizations (49%) out of 117 supported the abolitionist approach or Nordic Model, and 36 (31%) supported decriminalization. The remainder either supported prohibition (12, or 10%) or provided more general comments that didn’t necessarily directly correlate with abolition, decriminalization or prohibition (12, or 10%).

Chart 4
Responses from organizations by approach



4. Conclusion

The volume of responses to the Department’s online consultation on prostitution-related offences is indicative of the significant level of public interest in, and engagement on, the issue of prostitution in Canada. The results show the following:

Online Public Consultation on Prostitution-Related Offences in Canada

- a majority (56%) of respondents felt that purchasing sexual services should be a criminal offence (44% felt it should not be);
- a majority (66%) felt that selling sexual services should not be a criminal offence (34% felt it should be); and
- a majority (62%) felt that benefiting economically from the prostitution of an adult should be a criminal offence (38% felt it should not be).