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MARINA AD SHADE

A chance to lead the world, Canada drops the ball on sex laws

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Marina Adshade is the author of *The Love Market: What You Need To Know About How We Date, Mate and Marry* [<http://www.amazon.ca/Love-Market-What-About-Marry/dp/144341056X/>]. She teaches at the University of British Columbia's Vancouver School of Economics.

The debate over how to legislate prostitution in Canada has become so polarized in recent months that until this week it seemed inconceivable that any bill tabled by the federal government could inspire consensus among all groups participating in that debate. And yet the Protection of Communities and Exploited Persons Act proposed by Justice Minister Peter MacKay this week has managed to do just that. When considering the Act as a whole, those with any knowledge of how sex markets operate now find themselves in complete agreement; it's a terrible bill.

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The bill itself looks like it was drafted at a Parent Teacher Association meeting in a Canadian town that has never actually experienced sex work first hand, but is pretty certain that they wouldn't want to see it in their community.

Countries around the globe have been experimenting with various forms of sex work legislation over the past two decades. In most instances this legislation was designed to mitigate the harm to the sex workers by creating a legal framework that worked to either decrease the overall size of the market (as in the case of the Nordic countries) or to provide opportunities for workers to operate in safer environments (as in the cases of Germany, the Netherlands and New Zealand).

Given the length of time that has passed since these countries revised their laws, much of which began in the mid-1990's, a significant body of scientific enquiry has been established that examines the effects of different forms of legislation on sex workers.

Canada is in an enviable position; we are so behind other countries in terms of addressing this particular social issue that we actually had the opportunity to get ahead. How could we have done that? By carefully considering the empirical evidence that has demonstrated how legislation can influence the behaviour of the various players on the market and crafted our legislation in a way that provides the best outcomes for those individuals.

I would be the last one to suggest that there is consensus in the academic community. As an example, in response to my last piece on this topic I received separate emails from two academics at my own school (UBC) each informing me that they were part of a collective of academics that were petitioning the government to adopt a specific form of legislation. The first, from a colleague in the school of epidemiology, believed that the research clearly supported the complete decriminalization of prostitution. The second, from a colleague in the law school, believed that the research clearly supported the adoption of the Nordic Model (which the current legislation is not).

In fact, the only perspective that these well-informed researchers seemed to have in common is that they were both adamant that I had no idea what I was talking about.

Simply because there is no consensus among researchers, however, does not mean that the academic research should be entirely ignored which, upon reading the Protection of Communities and Exploited Persons Act, is clearly what the government has done.

Canada is behind other countries in terms of addressing social issues that arise from sex work, and thanks to legislation that ignores the experience of those countries, we are about to be even farther behind than anyone who has spend time thinking about, or participating in, the sex markets had ever imagined.

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