

Lee Lakeman, Alice Lee and Suzanne Jay

Resisting the promotion of prostitution in Canada: A view from the Vancouver Rape Relief and Women's Shelter*

Since 1973 the Vancouver Rape Relief and Women's Shelter has been an organizing centre and a 24-hour phone line for women raped and battered. Since 1980 it has also been a feminist transition house. We house women running from abusive men—usually husbands and fathers, but sometimes pimps, johns, landlords, and sons. At any given time some thirty women collectively deliver these services and advocate for the women calling. Only ten are paid. We consider that the women who call us for help in their individual lives are also purposefully connecting with a feminist collective in order to document violence against women and in order to join forces with other women to make a better world. Besides doing what we can for each woman in turn, we collect those stories of sexist horror and women's resistance and pass them on to other women who call. We mean to spread examples, but also to inform and reinforce those women—including but not limited to ourselves—who are writing theory, designing tactics and executing strategies to end violence against women.

We organize collectively and usually commit a year at a time in groups of about thirty women. Some members have stayed for over a decade, and a couple for more than fifteen years. We are usually about one third lesbian, usually about a third are from working class backgrounds, and usually we have a higher proportion of women of colour in our group than does Vancouver's population generally. A small aboriginal membership has been steady for many years now. Although we do not have quotas, we work to keep those percentages of marginalized women as high as we can.

As a group we participated in and have often led campaigns in the Canada-wide coalition of such centres called the Canadian Association of Sexual

* Developed from the report *Canada's Promises to Keep: The Charter and Violence Against Women* by Lee Lakeman for The Canadian Association of Sexual Assault Centres (CASAC) 2004. The author is Lee Lakeman except where otherwise noted.

Assault Centres (CASAC). As in our case, the women who founded and work in those centres are largely from working class backgrounds. Women of colour have held leadership positions within major centres for at least fifteen years. Our delegate to the UN Conference on Women in Nairobi in 1985, for instance, was chosen on an affirmative action strategy for black women. Most centres have at most one woman with a university degree, for instance. Our structures are still largely cooperative, if not collective: Montreal, Toronto, and Vancouver are all collectives.

As CASAC we also take part in several other progressive feminist alliances, including the Feminist Alliance For International Action (FAFIA) and the Canadian wing of The World March of Women (Marche Mondiale des Femmes).

During the five years spanning the new century (1998–2003), our Vancouver collective participated in and hosted a research project called CASAC LINKS to examine why cases of sexual violence do so poorly in the criminal justice system. We asked ourselves and we asked our callers (and women in ten sister centres across the country asked another ten callers each) how criminal convictions were discouraged and even blocked.¹ In reporting that research, we found it necessary to speak not only about the individual acts of male violence against women, but also to examine numerous aspects of their social, political, and economic context in order to begin to fight for a better future.

Even to win the relatively few cases that are brought before police and/or the courts, we need massive social change. Two decades ago Canadian feminists won the Charter of Rights and Freedoms² (which functions somewhat like the Equal Rights Amendment hoped for in the USA). In reporting our research, we meant to increase the pressure on the Canadian system to comply with those Charter Rights to equality. We examined the forces that are acting on us and on other women living in Canada that hold us back from a future of peace, equality, and justice.³

Since the Charter is a domestic instrument that carries the human rights thinking of the United Nations as expressed in the United Nations Declaration of Human Rights, we examined strategies such as the promotion of human rights through the United Nations, especially using CEDAW (the Convention on the Elimination of all forms of Discrimination Against Women). Unlike the USA, Canada has signed the CEDAW agreement and agreed to the optional protocol that will allow a Canadian to appeal to the UN if her rights are

1 Copies of the full report, *Canada's Promises to Keep*, are available through <http://www.casac.ca>

2 See http://canada.justice.gc.ca/Loireg/charte/const_en.html

3 Feminists have always argued that Charter Rights apply to any women in Canada and not just citizens.

ignored or trampled within Canada and she has exhausted possible remedies within the country. We joined a coalition that offered to the UN committee overseeing CEDAW a version of the recent and current conditions of Canadian women quite different from the one presented by our government as to the progress made for women in this five-year reporting period.⁴

We did not rely solely on these lobby efforts either internationally or nationally but also participated in processes of building the international grassroots women's movement, such as gathering in The World March of Women at Puerto Allegro in Brazil and Mumbai in India. That work took the form of membership in the Canadian Women's March Committee.

We gathered our membership and some 800 allies at a national conference in Ottawa—Women's Resistance from Victimization to Criminalization—to discuss all these facets of our work and of the stories of our lives.⁵ We digitally recorded those proceedings, stories and debates for future consideration and have made samples of them available online at both our local site, www.rapereliefshelter.bc.ca, and our national site, www.casac.ca.

Each member centre of CASAC, including ours in Vancouver, continues to apply our understanding and our hopes in each community. Our centre has engaged in a local debate about the importance of welfare, about prostitution in our city, and about the need for local women's service/organizing centres that are autonomous both of political parties and of limiting professional disciplines. We have been defending these tactics as part of our overall strategy to reduce—indeed to end—violence against women and to advance the status of women as a group.

What follows are excerpts from this whole range of our work regarding prostitution as violence against women. All three pieces are works in progress.

1. Structural adjustment comes to Canada

Author's note: Under pressure from international capital, and propelled by both a right-wing economic theory (neo-liberalism) and a whipped-up public frenzy about the economic deficit, the Canadian federal government recently gutted two sets of federal policies that were vital to the interests of Canadian women.

They eliminated national standards partly by ending the federal provincial economic deal called CAP (Canada Assistance Plan) which used to fund and thereby standardize across the country women's access to welfare, health care and education (including transition houses). Canada once had nationwide entitlements to survival incomes that could be appealed to in law. Now each province is setting separate policies mostly

4 The FAFIA alternate report and the BC CEDAW Group alternate reports are at http://www.fafia-afai.org/index_e.htm

5 See <http://www.casac.ca> (Go to the order form to access the recordings.)

copying the welfare 'reforms' of the USA: time limits, cuts, regional disparity and other punitive and regressive policies.

They effectively ended federal funding to national women's groups, especially those that were founded and maintained by the feminist movement with the support of the community to address women's equality. Funding has been removed from anti-violence work unless it is either a service (and explicitly not advocacy) paid for by the province, or an educational or research opportunity for professionals. There is no longer a federal policy to fund anti-violence work as a means to achieve the end of women's oppression.

In examining the application of legal concepts of equality to the legal cases of women complaining of violence, we found ourselves up against the regressive changes to our country's social safety net and to global economic relations. We have tried here to connect our crisis calls to those other grave considerations. What follows is the part of our national report used as the basis of a presentation to the Federal Standing Committee on Finance as it traveled the country in pre-budget hearings during the fall of 2003.

Some effects of restructuring Canada on the nature, severity and incidence of violence against women

'The poor will always be with us', 'prostitution is the oldest profession', and 'men are just naturally that way'. These stereotypical assumptions and essentialist positions or attitudes are not promoted in CASAC centres.⁶ Rather, we see that each corporate move, social policy, and interaction of the state with its subjects moves us toward or away from the desired future. Class, race and gender division and domination are social and economic constructions always in the making . . . as is equality.⁷

The end of the welfare state and the social welfare it sometimes provided is part of the globalization process in which Canada has played a role and that has engulfed women living in Canada. We have rarely had the opportunity to express, in our own way, the connections that are part of our daily lives between those international economic forces, federal laws and policies, and what is happening in anti-rape centres. Rare indeed is our opportunity to express the link between global/federal forces and our advocacy supporting women, especially those violated women trying to engage the power of the state against the power of their male abusers.

6 We are saying that there is nothing intrinsically different about the women and children who end up poor or violated. And the men who violate them are not biologically compelled; they make choices to do so.

7 Professor Dorothy Smith's work has helped us to keep seeing this. Her early analysis of the United Way struggle in Vancouver from the 1970s to 1990s was followed by conversations with us about class and the women's movement over the years.

The CASAC LINKS project offered possibilities for renewing our alliances with other anti-rape centres and for speaking out together about the lives of women; but in any case we were compelled to do so by the changes in our daily work brought by the changes in Canadian society.

We are not the best ones to articulate, and there isn't space in this report to fully express, the devastating impact on Canadian women of the loss of public sector jobs and services.⁸ But from our point of view, it is clear that there are few women who have not been made more vulnerable to criminal sexual assault. There is no criminal violence against women in Canada that has not been negatively affected. There is no liberatory and/or ameliorative process affecting violated women that has not been damaged and undermined.

CASAC's goal of a social economy that values women's labour and fairly shares wealth with women has been set back drastically. The trajectory of reforms toward those ends that had been won by our grandmothers, mothers, and ourselves—from the vote to unemployment insurance, from pensions to childcare, from self determination to settling land claims, from welfare to more humane immigration policies, from criminalizing sexist violence to the inclusion of women in a living Charter of Rights and Freedoms—has been reversed in the service of grotesque individualism and corporate wealth.

CASAC wishes to express our understanding of those effects which we have encountered most often in our crisis work during this five-year period, and which affect anti-violence work most profoundly: the loss of women's right to welfare, the promotion of prostitution, the use of the Divorce Act in such a way as to uphold the permanence of the patriarchal family, and in short the restructuring of Canada (from the shape of the justice system to the structure of civil society). These effects appear to CASAC to amount to a refusal by our national government to apply The Charter of Rights and Freedoms; to apply the Charter would require a diligent application of the current knowledge of women's oppression and an appropriate commitment to women's advancement.⁹

There are those who see it differently.¹⁰ We have had to defend our positions rather rigorously in the last few years. The government has applied only formal

8 We have learned a lot from Penni Richmond, Madelaine Parent, Sharon Yandel, and Linda Shuto, and suggest their work as a source of that history and its importance to women.

9 According to our Supreme Court Rulings that support substantive equality approaches rather than merely formal equality (since sometimes by treating different groups exactly the same way causes more inequality) and support contextual understandings.

10 It remains to be seen whether the Social Union Framework Agreement can and will be an improvement on the Meech Lake Accord or the lost CAP and Health regimes. Certainly the process so far has barred non-government involvement. We have no reassurance, either, that our particular identities will be recognised or that our collective or universal needs and entitlements will be met. While there seems to be some consensus that the framework can be adjusted to serve us as citizens and specifically as women, we should not be satisfied with less than the language that encodes those promises in enforceable national standards and oversight mechanisms.

equality when attending to equality at all. It has sometimes ignored both the Supreme Court rulings against formal equality and the reverse impact of the application of these policies. Huge economic and political forces have been mounted to oppose any government role beyond armies and prisons. Sometimes we have found ourselves reeling from many simultaneous blows.

At the same time, there was a big push, supported by government, to promote the rights of victims, even a possible new national victim's association. The government promotion of the notion of 'victim' as a legal policy category plus the changes to community policing, sentencing changes to confinement in the home rather than jails, and the promotion of prostitution, opened up a number of key questions within criminal justice. Who, for instance, defines community and how? And who is considered part of the community? What is the relationship between the state and the community? What is the relationship between women's anti-violence groups, social change and the state?¹¹ We were interested in those conversations that might affect our understanding of our options as the nature of the Canadian state changed.

The bottom line: the loss of the women's welfare

Most members of the community realize that we are contending with mean-spirited welfare reductions and restrictions that make life more difficult for the poor. Although it is difficult to keep track of the specifics, some changes have been publicized. In British Columbia, for instance, we know that 'women with children will lose one hundred dollars a month from their already inadequate cheques by April 1, 2004' (Duncan 2003).

No government declared honestly to its citizens before election either the nature of welfare cuts it intended or the further feminization of poverty that would be imposed by those cuts. It is simply not true that Canadians voted for those attacks on the poor.

And no government within Canada has been given a mandate to end welfare. Any such mandate would be legally questionable in any case, given the Charter and human rights law and conventions. This is perhaps why no government makes public those whom it is refusing subsistence. But CASAC women are witness to the fact that women across the country have no guaranteed, or even likely, access to a promised minimum standard of living. No matter how poor, women have no guarantee of welfare in any form. As women consider their options for improving their lives, they certainly learn this, and so do we.

With the end of national standards of welfare, we have lost a small but significant recognition and amelioration of the historically disadvantaged

11 Dobash and Dobash best introduce these issues in 'State Public Policy and Social Change' (Dobash, E. and R. Dobash. (1992)).

economic condition of women's lives. But as predicted in feminist accounts of the end of CAP funding and as recorded in our alternate reports to CEDAW, women in Canada have also lost what application we had of this encoded economic human right (Brodsky and Day 1998). CASAC is most concerned that we are losing this benchmarked redistribution of income toward equality.

In each province and community the attacks and erosion have been different, ranging from workfare to 'man in the house' rules, age limitations, rate decreases, time limited access, lifetime bans, immigration and settlement restrictions, punishment bans after and through criminalisation, to bans based on health requirements.

Not only has the formal policy been degraded, but the positive discretionary power in applying procedures and enforcing regulations has also been curtailed. Management and sometimes the remaining staff too often interpret rules with the same anti-entitlement attitudes.

There is a plain abdication of the federal role in assuring women and others who need a guaranteed dignified income, and it is Canada-wide. This includes the downward pressure of shrinking transfer payments and block funding without national standards (Brodsky and Day 1998). That abdication encourages provinces to set welfare, education and health needs of the community against the needs of business for roads and bridges, to ship goods, and transport tourists. We don't win.

Transition houses in Canada emerged partly to deal with the limits that existed in the welfare policy of the 1970s. Welfare departments would refuse to grant women welfare cheques when they came to the state for assistance in dealing with abusing husbands. Welfare workers were directed to tell women that the state could not be responsible 'for the break-up of families' (Lakeman 1993). If a woman left and established residency on her own, then welfare might be granted since it was an assumed economic right of Canadians to not starve or be homeless. Since they usually had no money, women moved to transition houses, where they didn't need rent or deposits, not only for immediate safety, but to establish a separate residence to prove to the state that they had left the marriage/family/couple. During their stay with us, they qualified for welfare.¹²

Women still come. Transition houses are full. Shelters for the homeless and other emergency facilities are also full. But now these women 'qualify' for welfare less and less often, and they do not ordinarily receive benefits without aggressive advocacy from someone independent of government. They are told constantly that it is not a right and cannot be relied on. Welfare, they are told,

12 Between 1975 and 1995 it was rare for women to have trouble getting welfare after living in a transition house.

can be reduced, withdrawn, and denied temporarily. A woman could be banned for life.¹³

Women, especially poor women, have always had to make extra-legal deals with the men in their lives. When ex-husbands or lovers are taking responsibility by sliding women money under the table for childcare, we are all glad. But in women's position of extra dependence created by the state withdrawal, sometimes those deals are dangerous underground contracts, which the women cannot enforce, and which subjugate them to the very men they are trying to leave for the sake of themselves and their children.

Any welfare granted currently is so inadequate and insecure as to force the women into subsidizing it with an informal economy: housework for others, childcare for others, personal health care for others, food preparation and production for others, drug sales, and/or prostitution.¹⁴ If the woman finds a way to subsidize her income legally, then it is either clawed back through mechanisms that 'allow' recipients to keep only pittance earnings above the welfare cheque, or the subsidizing activity is declared illegal. To be poor is to be criminalized.

Women who complain to the state of rape, sexual harassment, incest, sexual exploitation and trafficking face the denial of security: no exercisable right to welfare. If by some cleverness, accident or kindness a woman gets welfare and is subsidizing it to get by, she is vulnerable to blackmail by her attacker. If she reports criminal sexual abuse, she will quickly be threatened (directly and indirectly) by the defence bar. Exposure can cause either a loss of informal income or the loss of her credibility as a complainant. She can and will be painted as a liar, thief, con, drug dealer, prostitute, unworthy of the protection of the law.

The fourteen- or eighteen-year-old incest victim leaving home, the worker on minimum wage or making her way in the informal economy, the dislocated woman pulled from her small town or native Indian reserve into the city for work or education, the immigrant woman struggling to survive or trying to transition into lawful citizenship and a reasonable life . . . all are frustrated. If the normalcy of male violence against women were not known, one might think this was something other than state collusion with violence against women.¹⁵ Access to the rule of law and equal protection under the law become meaningless.

13 In both BC and Ontario, lifetime bans have been imposed. Temporary refusals have been instituted. Time limits—for instance, of being eligible for only two years out of five—have been imposed. Health criteria have been imposed. Rate reductions have been imposed.

14 All welfare rates as well as minimum wage rates in the country are below the poverty line.

15 Federal-Provincial-Territorial Ministers Responsible for The Status of Women. (2002).

Predictable access to welfare was a power used by more than the destitute. It was a power in the hands of all women: the knowledge that we could (in a very modest amount) pay for food and shelter for ourselves and our kids by right. It was a power used to fend off attackers and to take advantage of opportunities. It was a basis on which to build one's self respect: the organizing in the 1930s, resulting in the legislation of welfare rights, had declared that everyone in Canada was entitled to at least this minimal share in the community and in the commonwealth.

We have no romantic memories of the days when welfare was great. We learned early in our herstory, and as we discussed our lived experiences, a critique of the welfare state as social control, especially of women.¹⁶ We needed much more income redistribution and much less regulation of women's lives (Sidel 1996). Still, we share with many second- and third-wave feminists¹⁷ a critique of the dismantling of the welfare state and the social safety net that it sometimes provided.¹⁸

In anti-rape centres we now face daily many women who judge that they simply cannot leave or escape men who criminally abuse them: husbands, fathers, bosses, pimps, johns, landlords, and sometimes social or welfare workers.¹⁹ Since they cannot afford to actually leave, they cannot afford to effectively stand up to their abusers either. Those that do leave those economic positions are on their own with their children, and they know it.

Canadians have been deceived and manipulated to achieve this reversal of social policy. Clearly national standards are necessary as are achievable protections for women across the country.

When we redesign 'welfare', as we surely will, we must revive and improve the Guaranteed Annual Income concepts that generated the welfare reforms from the 1930s to 1975. Feminists will not tolerate going back to notions of family income or of the worthy and unworthy poor, to disempowering immigrant workers, divisions of minimum wages from disability rights, disassociated child poverty, or to mothers' allowances, aboriginal disempowerment, forced work camps, or age restrictions even when disguised as age entitlements. We will certainly not tolerate going back to the intrusive state supervision of the private lives of women.

In this desperate time for so many women, perhaps we should take heart that most Canadians have not yet realized our loss of welfare and will surely rise to the occasion.

¹⁶ See CASAC newsletters (1978–1982) available at Vancouver Rape Relief library.

¹⁷ Such as the member groups of FAFIA and the BC CEDAW group.

¹⁸ See online http://www.fafia-afai.org/index_e.htm

¹⁹ Welfare workers and social workers are sometimes reported to us as abusers of their clients. They have much more power to abuse if the women know they have no enforceable right to welfare: they are dependent on the discretion in his hands.

A global economy: the promotion of prostitution

Can anyone still believe that there is no connection between the economic redistributive functions of the state, including within the social safety net, and the staggering increase in the informal economy? Are we meant to say the emperor is clothed? The economic division of the peoples of the world is staggering. The economic division among Canadians is growing exponentially.

Child and street-level prostitution and the so-called 'adult entertainment' industry are booming. This is globalization being brought to Canada. Drug trafficking and prostitution are replacing welfare, health care, and education as the hope of the destitute.

Professor Dara Culhane at Simon Fraser University describes 'a process that moves women farther and farther out from under whatever small protections working people and women have been able to construct within the state.'²⁰ While they have for many years been prey to the law and order agenda and remain so, at the same time some are now moving out past the reach of law to the no-woman's land of the urban and suburban informal economies.

Aboriginal women have been talking about this for years as a factor in violence against women on and off reserve. We remember Teresa Nahanee at an Ottawa LEAF conference in the early 1990s describing the condition of aboriginal women in many parts of Canada as having to live without any basic rule of law. Now these are the conditions for many women in every major Canadian settlement.

Many women are being driven into the hands of global traders in labour, flesh and drugs. They are trafficked into and throughout Canada by those global traders on the one hand and, on the other, within Canada by Canadian gangs, particularly the motorcycle gangs.²¹ As protection we are offered racist immigration practices that jail the people trafficked, and legalization of the prostitution industry. Of course, we don't want the criminalization of the victims, including all those at the bottom of these rigid hierarchies.²² But surely we are all aware now that this multi-billion dollar prostitution industry is actively involved not only in the trade itself, but also in the promotion of the legalization of the trade in women and drugs.²³

²⁰ Personal communication, October 2001.

²¹ In our work we have become aware of the ownership and prostitution dealings of (at least) The Hell's Angels in every province except the Maritimes, the Big Circle Boys gang, the Lotus gang, Fukianese, the Russians, the Mafia-related gangs, and the Vietnamese gangs.

²² Most of the Canadian women's movement has agreed that prostitutes and low-level drug dealers should not be jailed or even criminalized. We have also agreed that those women trafficked as indentured labour or sex slaves should not be criminalized or deported. Our debates are about how to deal with the men and how to interfere with the trade.

²³ Gunilla Eckberg, personal communication, September 2003. She is special advisor to the government of Sweden on prostitution.

As with our struggles against the rest of the inhumane multinational trade agenda, we must expose, confront, and interfere with the managers, owners, profiteers and consumers. The leadership of Sweden in this matter of human rights and women's rights is impressive and hopeful.²⁴ Sweden has criminalized the seller and begun to protect the victimized.²⁵ It regards prostitution as violence against women. It is no accident that Sweden is not building an economy on tourism or the sex tourism that goes with it.

To ignore women's equality aspirations and the current unequal status of women in Canada and in the world will undermine any progressive efforts to protect prostituted women from criminalization. Naïve good intentions to protect the individual women should not be used to tolerate the development of this grotesque industry. In our efforts to address the needs of women trafficked into and throughout Canada, CASAC has come to the conclusion that we can only serve them by protecting their gender rights, their status as women, and the status of all women. No one is disposable or worthy of any lesser rights.

In our centres we are contending with women trafficked from abroad as indentured labour, mail-order brides, domestic workers, and street-level prostitutes. Sometimes we are asked to support beaten and raped exotic dancers, as well as women working in 'escort' services and 'massage' parlours. Daily we are dealing with women dislocated from remote territories within Canada and trying to make their way in the cities. We are taking calls from, housing, and referring women who have been supplementing their incomes with prostitution and who want protection, both legal and political, from their pimps, johns, boyfriends, lovers and fathers, and sometimes from the government officials to whom they try to report incidents of violence.

The public provision of exit services to women leaving prostitution is inadequate. From our centres in the early 1980s we supported the development of both the ASP (The Alliance for the Safety of Prostitutes) and POWER (Prostitutes and Other Women for Equal Rights) networks.²⁶ Both were spin-offs, in both membership and politics, of anti-rape centres that wanted to specialize in serving women prostituted.

During this project we participated in Direct Action Against Refugee Exploitation (DAARE)²⁷ and have provided financial and political support for Justice for Girls²⁸ and many other initiatives across the country. But we remain

24 For instance, see online

<http://www.naring.regeringin.se/fragor/jamstaddhet/aktuellt/trafficking.htm>

25 And here we mean the pimps. We rarely see the women as the sellers.

26 See online: http://www.wrapreliefshelter.bc.ca/herstory/rr_files86.html

27 For those who wonder, the extra A is because the cookie company DARE threatened us with lawsuits if we used their trademarked name.

28 Justice for Girls is a group focusing on feminist intervention against the exploitation of young women.

convinced that to use the easier provision of services as an argument for legalization is misguided. As Cherry Kingsley says:

If we want to set up areas to protect women, to give women dignity and police protection, appropriate childcare, housing, and job training, and so on, then we should do that. Why should women have to service men sexually to be offered those things needed by all women?²⁹

Certainly, among the women who call us and come to us, most do not choose prostitution except as a highly available way to survive. We speculate that the few women in the world who do choose it are short-time participants with privileges that allow them to leave. The provision of services specific to women trapped in or wanting to leave prostitution is inadequate everywhere. But to think that such services alone will curtail the harm of prostitution in the midst of this economic agenda is ridiculous. And for the federal government to refuse to try to curtail the domestic and international prostitution of women is barbarous.

The recognition of the so-called 'rights of prostitutes' or the new talk of decriminalization (meaning legalization) is a self-serving policy ploy.³⁰ It legitimizes men's right to abuse women and also legitimizes Canada's refusal to redistribute income to women, some of whom are the most needy women, both within her borders and in the international community.

Sex tourism is surely a cash cow for many a government, both national and city. 'The sex industry now accounts for five percent of the Netherlands' economy' (Daley 2001). 'Prostitution has become an accepted side of the tourism and casino boom in Victoria, Australia, with government sponsored casinos authorizing the redeeming of casino chips and wheel of fortune bonuses at local brothels' (Sullivan and Jeffreys 2001). Is it any wonder that Canadian rape crisis centres protested the mega-tourism plans as far back as Expo 1986 and up to the current Olympic plans (Lakeman 1985)? Before both those tourism events, there was a heightened promotion of prostitution in Vancouver.

Men who buy women, on the streets of Canadian cities and in the third world, are almost always situated in higher class and race designations.³¹ In Canada, most of the men buying the sex services of women on the street, for use there or in their cars, could afford to purchase sex in more comfortable surroundings, but they prefer the street trade where the degradation, humiliation,

29 Cherry Kingsley, personal communication, October 2001. Cherry Kingsley works in the International Centre to Combat Exploitation of Children.

30 Decriminalization used to mean preventing charges against the women. Now it is shorthand for the legitimating of the trade. We continue to stand with the women and against the trade.

31 Professor Dara Culhane, personal communication, October 2001.

and violence are part of the purchase.³² CASAC and many others have discredited the ineffective and silly use of John Schools to divert these men from the consequences of criminal activity (Lowman 1998). CASAC has long held the position that criminalizing men's behaviour requires that they be convicted of the crimes they have committed. And no diversion should occur before conviction. The illusion that this trade will simply move indoors and be tamed by the legalization of prostitution is ridiculous. It hasn't worked anywhere else in the world and it won't work here.³³ Women who are so trapped as to be part of that disastrous practice will not be incorporated into the imagined self-organized bawdy house or the call girl trade of the 'Pretty Woman' propaganda. More than 50 percent are aboriginal women raised in poverty and racism who are dislocated from their communities to the urban ghettos.

In any case, the phoney division in law and practice between the attitudes and approaches to different 'kinds' of prostituted women—innocents victimized by sexual exploiters (the adolescents, the so-called survival trade women, 'forced' trafficking of mentally handicapped women) versus women somehow deemed complicit in their own victimization—is reminiscent of the traditional virgin/whore dichotomy used to divide and conquer each group of women who tried to use law to address other violence issues: the raped, the beaten, the impoverished, the racialized, the disabled, those women thought rightly or wrongly to be lesbians.

Nor will their dignity, body integrity or human right to a life without violence and a reasonable standard of living be assured by legalizing prostitution. Pretending to accept prostitution as a viable option for our sisters and daughters by protecting men from social and criminal sanctions for buying and selling women and sex, presents us with a grim version of women's equality under the law. To use a woman in this state of desperation as the example of protecting women's agency is to make a mockery of the concept.³⁴

CASAC women fear that we are facing an era when women will be designated, numbered and regulated by city health departments as prostitutes. They will cooperate in order to evade immediate and punitive criminalization.³⁵

32 Professor Dara Culhane, personal communication, January 2003, in conversation about the research she was conducting in the Downtown Eastside of Vancouver.

33 'Amsterdam's Street Prostitution Zone to Close'. (2003, October 21). *Expatica News*.

34 CASAC women note that the most destitute and violated are always invoked as a reason we should accept legalization, and then the most uncommon and privileged are invoked as the proof of agency. We say we should look at and set policy based on the most common experiences and the unromantic version of prostitution.

35 We imagine them charged with nuisance charges or other offences. So far the regulating processes of Harm Reduction are not made to answer even indirectly to Charter rights. For instance, how would we keep the records of past sexual history out of the case of sexual assault against a registered prostitute, when the state already would own those health records and the legal practice would make those records vulnerable to disclosure obligation claims?

That designation will remain with them for life and will affect every aspect of their lives and futures. Those who are sick, drug addicted, or who rebel against this trade regulation will be further forced into the illegal informal economy and will simply be the 'bad' prostitutes and 'bad' drug addicts who have refused the 'harm reduction' model and therefore are even less worthy of the protection of law.

The current public policy debate about adult prostitution is constructed around the wishes of men, the big city interest in real estate development, and the interests of international capital, including their interest in cheap migrant labour. In those debates, pro-prostitution voices use the women subject to prostitution in their rhetoric. They try to box us into a discussion limited to anecdotes about individual women and their individual adaptation to a horrible situation: about their 'choices'. It is as though political concepts of disadvantaged groups are silenced. The public is confined in these debates to giving our approval, or not, of how women and their children live in the belly of the beast of international trade.

Responsibilities for the well-being of citizens and for the safety net programs and policies have been downloaded from the national to the provincial level, and then to cities. This has put a tremendous burden on cities. There is a long-standing Canadian political strategy of gathering political party power at either city or provincial levels in order to set the stage for that party's affecting federal power. In this moment of Liberal party dominance at the federal level and conservative dominance at our and other provincial levels, it should come as no surprise that politicians argue for a new government relationship between the federal and city levels.³⁶ Notably in Ottawa, Toronto, Montreal and Vancouver, city officials trot out urban decay, including the debauchery of the informal economy in the sale of drugs and flesh, as a rationale for this new relationship. In one example called The Vancouver Agreement, millions of federal dollars are injected directly to the city. Instead of welfare, education and health commitments to the whole population (some universal programs across Canada and national standards for others) being met by the federal provincial agreement, money-short local services are bribed with short-term funds to their own programs so obviously that local people refer to them as 'poverty pimps' and the 'poverty industry'. So far those federal-provincial-municipal negotiations do not invite or even tolerate participation from equality-seeking groups (those committed to redistribution, not just services) and are not in any meaningful way public and transparent processes. The misery of the people on the

36 'Municipalities Urge Martin to give Cities a Fair Share of Funds: Heads of Municipal Organization Tours Downtown Eastside and Calls Its Problems A Canadian Issue, Not a Vancouver Issue'. (2003, September, 24). *The Vancouver Sun*, p. B5.

streets is cynically used to justify new and questionable, if not bad, governance processes.

These changes are further weakening women's access to Charter rights. A renewed federal legal and social policy approach is needed to address the plight of prostituted women and girls. This approach must be based on an equality-driven attack on the beast that is prostitution: a hugely profitable form of violence against women.

The basic social unit: enforcing the private domain and upholding the patriarchal family after divorce

Author's note: From the earliest conversations between transition house workers and residents, it has been clear that incest and wife assault are closely related and that women forced into prostitution have often experienced sexual coercion from their male guardians. I heard it from women in one of the first shelters in 1973. Sometimes those guardians were their institutional or stand-in fathers—teachers, priests, athletic coaches, foster fathers, residential school staff—but most often they were their everyday fathers, both biological and custodial. We will not solve prostitution without solving incest. And we will not solve incest without allowing and aiding women socially and financially to leave the families of men who use sexual violence to enforce their status.

When we began this CASAC LINKS project, we were worried by the imposition of the 'law and order' public policy agenda, the promotion of insubstantial and false 'restorative justice' as an alternative to that agenda, the funding cuts to already inadequate legal aid and legal services, and the pressure to label and shape our work as merely victim assistance, rather than as initiatives toward the equality of women and the prevention of women's sexualized victimization (Lakeman 2000).

While these concerns remain and must be dealt with, these past five years have dramatically changed the picture. We contend with the privatization of police to such a degree that we now have as many private police as public police, and often armed just as lethally. We face the privatization of courts in 'community based' diversion programs that authorize religious groups (both Moslem and Christian) to rule on the fate of women. We have police serving as judge and jury of aboriginal children without legal counsel. Mediators, both regulated and unregulated, are replacing legal advisors and legal advocates. Courtrooms, which are obliged by law to be public, are being replaced with private closed venues where each victim is told she is the centre of activity, but where she is in fact isolated from other victims and from other equality advocates in the name of privacy and where her rights are balanced against the rights of the accused. Victim Rights approaches accept crime and

oppression as inevitable at best and as the functions of weirdos, monsters, or freaks at worst. They never demand more than the 'right' to be treated with some politeness, and they certainly never encompass the right not to be a victim or the hope that one might be the last such. The Victim Rights Movement is too often a tool of the right wing to call for more law and order—that is, more guns, more police, longer sentences, and less civil rights beginning but not limited to the accused. The Victim Rights Movement is used to undermine already scarce community support for state-supplied social programs, state-organized social sharing, state-delivered policies of humane compassion, and the overarching commitment to equality for all that is required to support effective social change.

Under the new pressures and in the new policies we can see a different use of the state emerging. It is questionable what privatizing public roads, rails, and airlines may be doing to Canada, but it now seems obvious to us that devastating equality losses result from privatizing criminal and civil law, legal assistance to individuals, and consultative processes of law reform, as well as what we normally understand as 'cops, courts and corrections'. Many Canadians are not yet aware that we are experimenting with privately owned and privately run jails. And most are not aware that for a decade, policing has become more and more a matter of private companies guarding private property and private interests. (We are, however, all getting inured to the image of security guards in shopping malls and building lobbies who are armed with handcuffs, clubs, stun wands, sometimes guns . . . but never with the Charter.)

This newly adjusted state carries with it the danger of further reinforcing the patriarchal family, including the violent ones. When women are threatened by having to face their religious leaders for permission to leave, warned that they must appear friendly to the parenting of the men they are leaving, deprived of their rights to social services and welfare payments to support them in the likelihood of their being poorer after divorce, denied legal aid or pro-bono legal representation on family matters or on poverty law, faced with an organized fathers'-rights right-wing lobby and no well-funded support for equality law to counter it, faced with threats to the custody orders they need to protect their children, faced with property settlements that must be yielded in order to protect custody interests, faced with the pervasive assumption that men must have unrelenting access even after abusive behaviour, warned that they may lose mobility rights and have unenforceable child support payment schedules . . . how is divorce an option? For that matter, even if a woman persists against all these obstacles, how does divorce actually get her out of this marriage? She is likely to be tied to him for years by the initial and forever-ongoing court settlements of economic and custody and access orders.

CASAC claims that violence against women is not simply or best understood as a crime against one woman, but as an individuated incident or stream of incidents in the campaign of sexist violence that terrorizes and contains most women. It has some of the character of hate crime against a minority, or racialized group, and some of the character of violence that we categorize as terrorism. That is, it affects all women and all women's freedom. And this is no less true when the violence is committed in the family.

Sometimes both progressive prison abolitionists³⁷ and capitalist privatization promoters challenge us to consider whether the adversarial justice system (either criminal or civil) is an appropriate vehicle for women to use. They apparently agree with each other that the state is suspect on the issues of freedom and oppression. One side fears direct repression by the state, and the other fears wasteful expenses and 'social engineering'.

Still others point out that this is a time of the 'shrinking of the state' and so our worries about the imposition of the law and order agenda and victim's rights approaches are ill placed. Our insistence on the positive obligations of government, they claim, is dated and doomed. But some of the same people support aggressive federal government intervention in urban redevelopment in the name of health or so-called 'harm reduction strategies'. Some do not see the government intervention involved when, in divorce settlements of property, mobility, custody, and access, the government falsely claims gender neutrality while upholding the apparently perpetual paternal, social, and economic interests in the family.

Anti-violence workers continue to argue that women must have the power of the state and the legal system added to ours, to protect ourselves and as part of the struggle for equality. We are not naïve. We know that we must also be careful of the ways courts and laws and legal processes can be used to exploit and exacerbate the inequalities among women as well as the inequality between men and women. We have already learned that race and class oppression have to be considered and fought in any plans we make for reforms and in any analysis of the changes needed. We must never sacrifice women's freedom or the full range of women's human rights—especially our privacy, agency or autonomy—in our search for safety.

Seeking protection through family courts

Most violence against women that enters the courts does so at family court level, where it is dealt with as civil and not as criminal law. This is not only

³⁷ See Julia Sudbury, 'Locating this Conference in the Wider World—2001', opening plenary in the proceedings of *Women's Resistance: From Victimization to Criminalization*. And, for an example of a corporation profiting from mediation, see online: <http://www.mediate.ca>

because much of the violence done to women is committed in the family, but also because of the history of law and policing, and because those designing the justice system prefer it that way. It is important to remember here that civil law contends with struggles between individuals or private parties, and criminal law was developed to deal with offences against the community or the state.

All through the 1970s, feminists interfering with sexist violence negotiated with the welfare state. We were funded by it. We relied on it to guarantee income to women leaving abusive men. We referred women by the thousands to legal services. As assistants to women beaten (especially by their husbands), we were in constant contact with the courts.

Those of us who worked with women raped by strangers were constantly aware of the differences in criminal justice offered to wives. We always debated the acceptability of diverting wife assault and child incest from criminal court rooms to civil law units where often it meant settling for mediation, and counselling rooms. We sometimes agreed that family court was a solution women could sensibly try when police offered no court at all.³⁸ Women could appeal to those courts without convincing the police to charge their abusers with a crime. In our debates, one side protested the acceptance of this diversion. The other side argued that it was useful to women and children that they be spared the rigors of criminal court, including the burden of legally proving violence, and that relaxed and specialized methods could be applied in family courts, which might serve women well. But we agreed then and agree now that mediation and counselling must never be mandatory.

Some 'specialized family courts' incorporated a criminal as well as civil stream; some of these improved the criminal conviction rate and the response to women's complaints for a year or more. In the early days of those experiments, the concentration of professionals particularly interested in the problem and the coordination of their energy paid off. As long as the original personnel are present, the conviction improvements are likely to hold. Too often, however, these specialized courts became job ghettos and policy pockets.

³⁸ By not arresting and/or laying criminal charges. Coroners are provincially appointed officials. Coroners are mandated to investigate deaths of people while in the care of the state, and they also have discretion to investigate other deaths in order to determine and recommend measures to prevent similar types of deaths. Coroner's inquests are a formal court proceeding open to the public and allow for examination of evidence relating to a death. Inquests were conducted in the highly public murders of Gillian Hadley and Arlene May, both killed by ex-husbands. Both juries took education from front-line feminists in their deliberations killings and made a series of important and wide-ranging recommendation to government, police and other government agencies. The Hadley inquiry reinforced the findings and recommendations of the May/Iles inquiry. The recommendations are yet to be applied.

The overall contempt for women in the legal system (Wilson 1993) carried over into a lack of respect for these woman-identified legal venues and proceedings. At the same time, these venues replicated the racism and class biases of the wider legal systems. Men of colour and aboriginal men were much more likely to be tried and convicted of wife and incest assault than their white neighbours. Generally, the Specialized and Unified Family Courts also suffered a lack of financing from both federal and provincial budgets after the first years. Any initial success was usually sabotaged.

Whatever the motivation for their creation and maintenance, family courts often seemed to us to be torture chambers for battered and raped wives and for children sexually assaulted by their fathers. The problems ranged from the victim having nowhere to sit or stand that wasn't vulnerable to his gaze, harassment, following, verbal assault, and/or silent intimidation, all the way to her having no way to make her message understood by staff and professionals (and no assistance in doing so) because of language, culture and class, but most of all because of gender biases.

Information and public support does not seem to be the answer to improving the state response to wife murder. After two very high-profile cases of wife murder, Canadian coroners' inquests have recommended useful state interventions in the inequality imposed on women and improvements on the state response to sexist violence. But we do not hold out much more hope. One provincial government, Ontario, claims to be responding by instituting 56 new Domestic Violence Courts funded with some 24 million dollars. The May/les and Hadley inquest jury demands cannot possibly be satisfied in this way.³⁹

As one example of the faulty practices in family courts, women (before they were denied lawyers by the cuts to legal aid) were told by their legal aid lawyers to be careful not to breach the 'friendly parent' or 'maximum contact' rule for fear of appearing uncooperative with the court. This 'rule', which may well be encoded in the new divorce law, claims to favour the interests of the child by presuming that the ideal situation for a child is to have both parents involved and cooperating with each other as equals. It of course contradicts reality in that the parents are not equal socially, financially, or legally. But since the rule dominates the decorum of the court, it was unwise to mention violent incidents against either the wife or the child unless they had winnable criminal cases of violence. And who did!

Alternatively, women and children might be heard as truthful in this family court if they had professional authorization of their voice as the officially raped and battered. That authority could only be attached by a medical or

39 May/les and Hadley Jury recommendations from the coroner's inquests.

social work professional. Without such professional authorization, their lawyers were not free to assert that criminal assault had occurred, and there was no police or crown responsibility for checking out the criminal activity, even if abundant evidence was still available.

In fact, in family courts most decisions have always been made by professionals other than legal ones and then confirmed by the judge. In our minds, this created enormous problems regarding the place of legal equality concerns in the proceedings. Even after the Charter and the discussions fostered by it, the staff and professionals—including the few who were legally trained—didn't see themselves as being guided, much less bound, by the Charter, Human Rights law, or any other legal concept of equality. And their personal or collectively held view of equality was never declared or open to challenge or review.

These courtrooms were (and are still) finally technically answerable to the criminal justice accountability and appeal systems. With expert legal counsel, with a fund for legal challenges or a topnotch advocate, or with highly trained and committed family court staff, some women could make their way. But that is rarely the situation. And like many other 'special' venues offered to women, it often turns out to be a ghetto or dead end in efforts to assert a right to be free of violence.

If a woman is lucky and the professionals believe her, she might get a separation settlement that protects both mother and children, but no criminal procedure against the abuser: criminal immunity for him in return for autonomy and/or safety for her. Otherwise, she is better off remaining silent about such criminal abuse and fighting for custody and access, supervised visits, and autonomy as though the abuse had never happened. That is, of course, a difficult case to make once she has had to leave the most important facts out of her story. To reveal abuse (unproven in criminal law) is considered by some professionals within the system, and by the law, an unfair use of the police and courts. It might well cost a mother sole custody of her children or result in an access order that eliminates the safety plan of the protesting ex-wife.

It can also increase the risk to the daughter. The children of an abused woman are left to observe the abuse of their mothers and suffer it as training for themselves in their future roles as women and men. This moment of legally disarming and abandoning mothers who try to protect their daughters from incest (by leaving abusive men or by telling on them to the state) is key in the creation of young women ready for the prostitution trade. Displaying to daughters and sons the state's contempt at worst and disregard at best for their mothers propels both young men and young women into harm's way. Research clearly shows that the girl children of abused mothers are more likely to be abused as girls and as women and that the young men are more likely to

become abusive to their future partners and to their mothers.

There were always many pitfalls, even for those women granted custody. The victory might be limited to having the abusive husband or father ordered to see the child only under supervised conditions. But supervision was privatized and, most of the time in most of the country, had to be bought. Often men would claim inability to pay, but the legal order stood and had been hard-won, so usually the abused wife paid. Even then, the supervisor was neither under her contractual control nor ordered by the court to secure her safety or her equality interests.

Not every marriage break-up is the end of an abusive, battering or incestuous relationship, of course. But of the ones that go before the state, most are troubled if not abusive. Otherwise, the two individuals would just resolve things themselves with less bother and expense for both of them. And the trouble is between two who are unlikely to be of equal position, resources or status in the world. Clearly it is wiser to make our knowledge of women's current unequal status, and of the current frequency of violence against women in marriage, central to shaping policy, law, and procedure for everyone.

Most women in family court do not choose to be there in the sense of asking for mediation in a struggle between two individuals. Many have called on the state because they are told by welfare departments, and sometimes by legislation, that they will not receive welfare unless they do. Staff members of child protection agencies—often motivated by the knowledge that men who abuse their wives often also abuse their children (Edelson 2003; Jaffe, Baker and Cunningham, in press)—do blackmail abused women, often aboriginal women, with threats to take away (that is, to take state control of) their children if they do not formally sever violent marriages.

The destructive pressure on our relationship with battered women by social workers bullying women into shelters for the sake of the children is shortsighted, counter-productive, and an infringement on women's equality. The same is true of the co-opting pressure on us (introduced through protocols, coordination models, and funding standardization) to screen or monitor the mothering of women who come to shelters. The autonomy of these women is essential to their children's safety, and the voluntary relationship of trust between us and the women who call us is an essential ingredient of both the children's safety and the women's autonomy.

For many reasons, usually less noble than an interest in the safety and freedom of the women and children, state officials demand that women (especially poor women) formally settle child custody and access agreements. It is part of the ideological change that claims to reduce welfare payments by holding individual men responsible for their obligations. Actually it functions by criminalizing more poor men than rich men for the same behaviour.

meanwhile excusing the state for eliminating the collective economic responsibility we have to the women and children in need.

Police almost automatically press women to engage civil restraining orders and other family law processes, because once they do so the pressure for criminal investigations is over for the police.

The poorest, the racialized women, those most vulnerable to state apprehension of their children, and those who have tried to involve police and criminal law are often those who enter the family courts. These are the mothers whose daughters, while in the public state care of group homes and foster homes, are at increased risk of entering prostitution.

The women from these and other overlapping categories often don't distinguish between civil and criminal law, but they do understand themselves to be completely overpowered and unfairly treated. They seek fairness and security. State officials instruct them that family court is the appropriate place to invoke the protection of the state for their children and themselves from inequality and sexist domination by their intimate enemy. They have no idea that, practically speaking, it could mean they are dependent on convincing some untrained person—who may well be empathetic or kind, but who is not Charter-literate, never mind equality-literate or equality driven—to see the danger or unfairness in their situation.

This family court process shirks the state's responsibility to create equality and to enforce criminal law against violence, even as it forces women to accept more and more state intrusion and imposition of inequality.

Sometimes what has been missing is the intervention that can be made in criminal court to assert the social interests of women as a group. As friends of the court, women's groups have been able to request an opportunity to put their interests in the case before the courts. This is a role that should expand. The domestic violence courts in Ontario and the Yukon conceive of women's groups only as low-cost service-delivery systems for women's emergency housing and comfort while their cases are handled by the courts. Both courts reduce women's groups to advisory committees outside the formal processes, which can legitimate the court's authority but not affect its outcomes, and on which the courts rely to keep women acquiescent. These courts are created by the same provincial governments that refuse to provide shelters with the core funding and political independence they require.

Often programs to counsel men (out of illegal abusive behaviour) are tied to these courts as diversions from jail. But because men lie about the criminal violence they do even while in these diversion programs that promise them criminal evasion, the presence and ongoing assistance of the wives and ex-wives is an essential source of information to the therapeutic diversion plan. They become the monitoring assistants to the counsellors, reporting on the

advance—or more likely the failure—of men to change. In this impossible job they are not only unpaid but at risk of revenge. Both courts plan to spend inordinate amounts of time and money on these therapeutic approaches, which so far have very limited results, and which do not in any way address the equality issues of the women.

We might expect, then, that for a while these courts will improve some women's safety, but in the long run they will fail. The independence of the women's services from the state and the men, which was reinforced by their connection to the wider independent women's movement, will be compromised and weakened. Their embodiment as a kind of women's auxiliary to the courts will render them merely victim service providers directly under the control of the courts. The chance of women's groups maintaining enough independence to advocate for Charter rights from that position is not very good. If not us, then who?

The proposed divorce law changes

Author's note: The interconnections between economics, divorce law, the virtual impossibility of legally proving incest, and pressure toward prostitution (and other informal or illegal economic activity) are complex, intense, and never unimportant. The poorer women are, the more they are forced to rely on fair divorce law, especially if welfare and minimum wages do not protect them. Divorce law for poor women is about custody and access, about parental responsibility and women's mobility. More and more women find themselves trapped by men's abandonment in the form of lack of child care payments and parental responsibility, or on the other hand by paternal control of and endangerment of the children. If he is exploiting the economic situation by refusing to pay, or abusing the sexuality of the children, or abusing the woman directly, it all becomes pressure on her. If a young girl wants to escape from an abusive father, knows that criminal law will fail her, and cannot rely on her mother's access to effective divorce law, she will struggle to find a source of income; and since usually the state will refuse her help unless she can prove incest or has her father's permission, it will be either a new man or the illegal economy.

This year, CASAC women and all other anti-violence workers have had to examine the proposed amendments to the *Divorce Act*, *Bill C-22*, for their implications for women raped and battered by their husbands, and for women mothering children who have been incestuously attacked by their fathers. Coalitions formed all across Canada to look at the issues from an equality perspective and to prepare proposals for the Standing Committee on Justice this fall.

There is a high level of resentment about this. We have been forced into this work by the government pandering to the agitation of the fathers' rights groups.

They went into full gear in response to the small victory of the changes to support payments and tax breaks that Allan Rock, then Minister of Justice, introduced to the Child Support guidelines in 1997. Those changes eliminated an unfairness in which men could claim tax breaks for paying child support and women were taxed as receiving extra income when they got child support payments. In a dispute within his political party over supporting that bill, the minister agreed to support a reconsideration of the whole Divorce Act after a public hearing process under the control of an anti-feminist senator.

According to the National Association of Women and the Law, the introduction of *Bill C-22 (An Act to Amend the Divorce Act)* significantly altered the terms that govern the custody and access to children of divorcing parents. It contends with key issues of woman abuse, access to justice, parenting after separation, the best interests of the children, and women's equality rights in family law.

The draft proposal of the law re-opens the question of support payments by challenging ideas about custody and access. To save themselves from paying for a fair share of the costs of raising children, the fathers' rights organizers challenge the recognition that women do most of the nurturing of children. The bill presses 'joint parenting' principles similar to those imposed in the USA and could entrench them in law.

But in May 1995, the Federal and Territorial Minister Responsible for the Status of Women had already agreed 'on the importance of gender-based analysis undertaken as an integral part of the policy process of government'; later that year, Status of Women Canada published *Setting the Stage for the Next Century: The Federal Plan for Gender Equality (Status of Women in Canada 1995)*, which says that 'the federal government will where appropriate ensure that critical issues and policy options take gender into account'. CEDAW and in fact all Human Rights Law requires this.

The international agreements, the decisions of Parliament in declaring the Charter, the Supreme Court adjudication of cases that interpreted it, and the legal precedents set in cases women have brought should be implemented. Otherwise the oft repeated election promises of providing aid to violated women and 'mainstreaming gender' meant nothing.

Having allowed the senator to stir up right-wing sentiment against divorcing women, the government refused to handle the furor without jeopardizing women's equality concerns. At least one reading is that women and our safety and freedom are being sacrificed as unimportant chattels in the negotiations for the imagined right-wing votes. This strategy is destructive to everyone. CEDAW, the Charter and the policy of gender mainstreaming were supposed to override such banal politicizing.

Yet not one politician, jurist or bureaucrat effectively interfered with this

sexist backlash while conducting the hearings of the Joint Committee in 1997, preparing the critique of the current legal practice and law, preparing the *For The Sake of The Children* report in 1998, preparing research and drafting in the next year, preparing the Federal/Provincial Territorial Family Law Committee report released in 2001, or the new report in November 2002 and in the work of the drafting staff that proposed the amendments announced in December 2002. As drafted, this Divorce Law:

- * refuses to name gendered inequality;
- * acknowledges violence—but not who does what to whom—including by stating the obvious: that men commit the violence in the family and that they use the family structure to do it;
- * does not assure or attempt to assure women's equality at the time of divorce;
- * does not allow women to be assured that divorce ends the patriarchal relationship; in fact the amendments could keep her more married;
- * does not assure women of safety and security in divorce proceedings;
- * does not contribute to women's ability to plan for safety and security in the months after separation/divorce, which we know are potentially dangerous for women in tense or abusive relationships;
- * does not assure women legal representation in legal processes that require representation to assure equality interests;
- * is not consistent with Charter obligations;
- * is not consistent with Canadian positions or agreements taken and promoted internationally;
- * is not consistent with election promises;
- * is not consistent with commonsense versions of equality and safety.

The proposals in the draft to assert, exempt, screen, identify, or isolate cases of violence against women and treat them differently are unworkable. Officials know it, and therefore it is only a cynical recognition of the violent reality. There is no workable plan to redress the violence or redistribute power. The government-proposed draft leaves unchecked both male power and the power of male violence to enforce inequality.

It is still very unevenly wise for women to reveal to the state or the community the violence committed against them by husbands and fathers. They get blamed for the violence, labelled as attackable women, discredited in the storytelling of their own lives, and belittled with facile advice about how they could or should have protected themselves. They may well be abandoned by the state to a more angry man. The justice system still grossly under-convicts the violence against women that is reported to it. It is therefore unreasonable to base a divorcing woman's access to equality interests on whether she can prove or convince others about violence in her life. Women should not have to prove violence or even expose violence against them or their children in order

to secure their right to safety and autonomy. The process and the law should assure that universally.

Nor should they be invited to relinquish privacy and autonomy in a search for safety from sexual violence and security for themselves and their children. We have not achieved any reasonable level of proving violence in any court yet. Revealing incest or wife assault may well backfire in the woman's loss of custody or in the lack of fair economic settlements that provide the children with proper care. The loss of status and income involved in divorce already undermines the power women need to keep their sons and daughters safe. The draft, like all new family law initiatives, proposes to step even further back from equality law. It implements ADR approaches with no plan for how these approaches will meet equality obligations to women, even as determined by the Charter law and rulings.⁴⁰

'But don't worry,' says the draft: 'First we accept inadequate universal entitlement to the rule of law, then we build in an exception designed to deal with violence.' So now we could easily and often be put in the position of having to prove violence in order to apply for equality.⁴¹

Two responses are likely: one is that non-feminists and humanists will be tempted to widen and soften the definitions of violence, in hopes that more women (whether or not they have suffered violence) can qualify for equality practices—practices which are considered exceptions to the norm and only to be applied to violent marriages. There will then be a backlash against that tactic. The backlash forces will cite the widening of the definition of violence as a further excuse for the state's withdrawal from assisting women against violence at all.

The other is that most women seeking fair custody and access agreements at the end of marriages will still get pushed through the screen that was supposed to catch their stories of violence, because no one will believe them (and because there is no money or legal initiative to help them, and in general because all women continue to get unequal application of the law at divorce). In those few cases where the people doing the screening do believe the women to be victims, the women will lose control over decisions about how to proceed, by virtue of being victims. That is, they will predictably face unwanted state

⁴⁰ Alternate Dispute Resolution has been the overarching policy of the Department of Justice at least since George Thompson was deputy minister in Allan Rock's administration.

⁴¹ The Canadian Divorce Act reforms are on hold now. The Attorney General has announced they will wait. We think that is because the Supreme Court rulings on same-sex marriages will so affect any definition of marriage that the government will have to reconsider the laws again. So this process is not over, and the danger for women and their children has not diminished.

intervention. Some women stand to lose even more agency, privacy, and dignity and sometimes security.

There are many practices of law applied to the family in which we could demonstrate the same degrading and sometimes lethal mix of abandonment and overpowering of women and children. The withdrawal of aid to the oppressed and the simultaneous insistence on intrusion into and control over the lives of the oppressed are practices that move away from the responsibilities of welfare and redistributive justice for individuals and groups of individuals within the state. They also move away from any equality-seeking protection of individuals (including the most historically disadvantaged) from the unfair intrusions of the state.

This is obvious to CASAC in the flip-flop application and reversal of the 'mandatory' arrest practices as well as in the abandonment of any useful contextualizing policy such as the Violence Against Women Policy in British Columbia (Gulyas 2002). It is clear in the apprehension of adolescents from the streets under 'secure care acts' (Justice for Girls 2001) and in the well-documented failure to protect young women who are in the care of child welfare authorities from prostitute training.⁴² It is clear in the continued disproportionate apprehension of the children of aboriginal women, and the consequent damage to both women and children while maintaining an economic program that assures those women, on and off reserve, of destitution and impossible parenting conditions. Too often we are offered a trade: recognition of victim status and identity in place of rights and equality.

2. Trafficking across the Pacific

Vancouver, British Columbia, Canada sits on a shelf below the mountains on the Pacific coast an hour or two north of the American border. Vancouver Island is a three-hour ferry ride off our coast.

Of course almost our whole population base is immigrant, in the sense that this land was settled originally by aboriginal people and First Nations. Our country has recently increased the difficulty both of immigrating and of being legally authorized. Thus, immigration—especially what is legal and illegal in Canadian immigration, and how to treat illegal immigration—is a big issue here, as it has been in California and Washington. People are debating how to handle immigration policy, trafficking, and economic refugees, among other things. Feminists are bringing attention to the role of sex and gender in these debates.

⁴² Cherry Kingsley, personal communication, October 2001, in discussion of children in care.

These are clearly matters of individual lives as well as of international trade, of the aspirations of women and those of international capital. For us it has been a crisis call. Alice took some of the work of that call, and this is her account of it to the federal government and the anti-rape movement.

Alice Lee

Ever since July 20, 1999 when the first boat from China arrived on the shores of B.C. with 123 Chinese refugees, Vancouver Rape Relief and Women's Shelter has been grappling daily with the issue of trafficking (Lee 2000). In the months following that summer, three more decrepit boats arrived, depositing a total of 599 Fujian Chinese refugees into B.C. Traffickers from the second boat had dumped its passengers in the cold waters of the North Pacific near Vancouver Island as they fled from authorities.

The arrival of refugees in Canada is not a new thing, but the arrival of several boatloads in a row gave many people in B.C. a sense of urgency, and they wanted to give material aid to the women, men, and children.

In contrast, the Canadian government engaged in a systematic punitive response to the refugees. With the end goal of deportation, the government encouraged a racist media campaign, introduced incarceration as an appropriate immigration policy, and actively suppressed the legal rights that are the entitlement of all persons who come to Canada.

Upon arrival on B.C. shores, the refugees were 'welcomed' by local police. They were immediately detained under military guard and checked by doctors for disease and general health. Most were strip-searched, fingerprinted, and handcuffed. After the first boatload, many were automatically detained and remained in jail until their deportation; some were jailed for more than a year and a half. Children under eighteen were apprehended and placed in government group homes. Out of the 599 refugees, 90 were women, and 96 were under the age of eighteen.

Because Zhen was nineteen, she was jailed with the women. According to Zhen and other women who eventually lived in our shelter, solitary confinement was a common punishment. Zhen herself was isolated there for crying. After being in solitary confinement for days, she felt unable to cope any more and attempted suicide by jumping and hitting her head on the concrete.

In response to the first boatload of refugees, the Immigration Department designated the Canadian Forces Base at Esquimalt as a port of entry to process them. The Fujians were confronted with a process that jeopardised the likelihood that they would be rightly recognized as political refugees. They were detained illegally and denied legal counsel during their initial interviews with Immigration Canada. This made them extremely vulnerable, because the interviews became part of their refugee application. As a result, many exclusion

orders (legal determinations that individuals could not apply for refugee status) were issued (DAARE 2001). Denied access to counsel, the claimants were unaware that, under B.C. law, they could assert refugee status and engage legal aid to assist them with the immigration process.

A media that branded and isolated them supported the government strategy. Messages carried in local and national media embodied predictable, negative judgments that prevented humanization of the people. We were not informed of the conditions of their lives and the reasons why they would take such dangerous risks. We were encouraged to participate in the construction of racist and classist stereotypes. As the boats arrived, the media continued to sensationalize the story, evoking strong racist anger and causing a split in my Asian community as well as in the general public. The distancing of the refugees was enhanced by the structure of current immigration laws that have opened the borders to those who are wealthy or hold professional standing; these people clearly did not fit into those categories. Headlines such as 'Go Home' fuelled the debate, distorting the public discussion by focusing it on the matter of costs, on the 'relaxed' Canadian immigration laws, and on the illegal refugees having 'jumped queue'. A demand for deportation without legal process was loudly and repeatedly expressed in the media. There was no discussion of why the people had been illegally detained, or of the reasons for a substantive shift in legal criteria whereby group profiling was utilized as a just reason for detention. The refugees were deemed guilty without a fair hearing.

We at the centre were horrified to hear about the conditions the refugees had endured trying to get here and, along with other women, we struggled for an effective response. We soon confirmed that the trafficked women were being subjugated to indentured labour, including prostitution—and that apprehension and jailing did not save them from the traffickers.

Women around us were outraged and rallied against the detention on International Women's Day, March 2000. That summer, women's groups at a Legal Education Action Fund (LEAF) conference heard Direct Action Against Refugee Exploitation (DAARE) recount the plight of the refugee women who were jailed. Calling for their immediate release, we challenged the argument that the government was only protecting them from dangerous traffickers and that there was no place for them to go.

My shelter collective quickly offered space and a welcome to the trafficked women. Our efforts, together with those of DAARE, aided in the release of several Fujians and created opportunities for them to group with other women to share and plan for their survival. Zhen was released to us from prison, pending her refugee hearing.

The Fujians were eventually allowed legal representation, either through legal aid or individual lawyers paid by the province. By providing inadequate

translation services and insufficient and overworked legal counsel, the government ensured that most refugees would lose their claim for refugee status. Since that time, even our own justice system has recognized the unfair treatment the Fujians received and has acted to overturn many of the exclusion orders in court. Of course, it is too late for some of those people to benefit . . . justice delayed.

In the process of offering what we hoped would be useful and appropriate aid, we were confronted with many challenges, some successfully resolved, others regrettably not.

The primary difficulty we faced was the collection of useful information regarding the trafficking of women. During the months that followed the arrival of the first boat, it was almost impossible to get any accurate information regarding how many refugees there were, why they chose to take this incredible risk, who had trafficked them, and who benefited from the trafficking of women.

Zhen knew very little about her traffickers. She had contact with one person and she only knew his alias. He told her not to bring any belongings, as everything she needed would be provided for her, and that she would be traveling for only a few days. He had assured her that the ship was fully equipped and included her own private room and bed. Zhen was on the ship for over a month. She did not want to talk much about it.

Zhen came from a poor family in Fujian province in China, and lacked formal educational training, characteristics shared with many of the refugees trafficked by boat. Her mother had remarried, but her stepfather was in jail, and she could barely keep up with the living expenses of Zhen and her brother. One day a stranger asked Zhen if she would like the opportunity to come to Canada. It would cost her \$US35,000. She was not required to make a deposit but had the understanding that work would be set up for her when she arrived to repay that debt. She had no idea what kind of work she would be doing, but she decided to come since she had always heard that Canada was a land of opportunity and freedom. When I asked what made her take such a risk, she replied that she was her family's only hope for any future.

Almost all the refugees were escaping either political repression or extreme poverty. Women are subjected to severe birth control measures under China's One Child policy. Forced abortions and sterilization continue to be common enforcement methods. The push for globalization in the West is an impetus for China's change in economic policy, resulting in extreme poverty and massive unemployment. It is estimated that by 2002, over twenty million public sector workers had lost their jobs as China moved toward privatization. China's 'floating population' is now around 70 to 100 million people (James and Price 1999), with many people migrating to the cities in search of work. Both

women and men end up working for little pay at exploitative jobs as day labourers, factory workers, restaurant cooks and servers; many women end up working as prostitutes. Although prostitution is not legal in China, during a recent trip I observed that prostitution is rampant. It is very much a part of the local economy.

In Jinan, China, people I talked to noted that changes in municipal government policies have greatly encouraged the growth of 'night entertainment'. The growth of 'night entertainment', restaurants and bars has been accompanied by a tremendous increase in prostitution. Some believe this is deliberately overlooked as part of the government's plan for increased tourism and investment. With no social safety net, women are forced to service men. Canada, along with other Western countries, actively promotes such conditions by aggressively pressing for economic trade agreements that benefit only the wealthy few. By moving their businesses to the developing world and demanding outrageously low wages and poor working conditions, the businesses not only control the world's resources but they have also succeeded in commodifying human lives and migration opportunities.

Even the Criminal Intelligence Service of Canada acknowledges that international migrants are highly extorted and that women are often gang-raped and sold into prostitution. Zhen was unaware that she was a likely young candidate. The federal government, however, is aware of the presence of various gangs in Vancouver trafficking women like Zhen. To close the borders more and more, and then to jail the trafficked women, seems the least effective way to manage the situation.

Often women like Zhen are sent on to Toronto and New York, both destinations with large Fujianese populations (Criminal Intelligence Service Canada 1998). Many remain there without status and become part of the economy providing cheap illegal labour in the sweatshop industry and prostitution. Without legal standing in our country or the US, trafficked refugees are helpless, intimidated and controlled by real threats to them and/or to their families back home.

In this environment, helping the refugees is difficult. In China, women's services are often controlled and operated by the state, not by an independent women's movement; as a result of this (in conjunction with their treatment by the Canadian government), women are often suspicious of services offered for their aid. A guarantee of Landed Immigrant status would increase the willingness of at least some to testify against their abusers. If Canada and we were seen to be obeying our own laws, it might help to make us trustworthy.

Zhen told me that she had no idea what the journey would be like and that she would never have imagined being put in jail by the Canadian government. If she had known, she might not have come. Having women visit her in jail

was a great encouragement, and having a place to stay at Rape Relief and Women's Shelter was a tremendous relief for her. After her stay at our shelter, along with DAARE, we found her more permanent housing while she waited for her hearing. Zhen grew more and more restless as she waited. She grew increasingly scared of being deported, as she knew prison would be waiting for her in China. Any future that she might have had back home would no longer be an option. The media was full of stories of other refugees' deportations. In the end, Zhen disappeared before her hearing. We have only clues of her whereabouts from a phone call she made before crossing the US border.

Our collective found that the individual experiences of the Fujianese women were not so different from those of other battered women staying in our transition house. Isolation is a primary factor in all of these women's lives, and extreme poverty always makes women even more susceptible to male violence. But the refugee women had the extra burdens of language barriers, cultural differences, and being born in the global south.

Both the traffickers and the State acted to isolate these women from each other and from the community—that is, they created and sustained conditions where women remain desperate and can be duped by promises of a 'better life'. In such an environment, it is little wonder that women are apprehensive and find it difficult to navigate their way toward autonomy and freedom. We regret that we could not offer Zhen any guarantee that staying in Canada for her hearing would mean a fair chance to achieve her autonomy and a 'better life'.

3. Vancouver women resist the red-light district as a solution to violence against women

Author's note: Vancouver has suffered a quickly growing ghetto of squalor, unemployment, drug addiction and prostitution and a series of serial killers that have preyed on the women there. We handle crisis calls from this area every day (although we serve the whole city and many of the women who call us are not economically desperate). Gentrification, land values, the need for social worker jobs, Puritanism and vigilantism all play a part in the debates. So does the revulsion of ordinary people who want to see drug addicts and prostitutes treated with dignity and compassion. In early 2003, our city had just elected a 'progressive left leaning' city council to address these and other local issues, but also as a beach-head against the more right-wing provincial and federal governments. The legalization or criminalization of the drug trade and of sex trade were and are key parts of the public discourse.

Our collective was active in a local coalition that organized an event in March 2003 called the Raging Women's Conference. It was meant to re-engage many of the activists who had fought for women in this city from the 1970s through the 1990s, with the hope of also pulling new young women into feminist activity. Rape Relief

women judged that the most important issues that needed a feminist voice at this conference were welfare, prostitution and the need for women's groups to re-establish themselves. We were trying to enter the discussion in a way that could unite women to fight for a fair and just world while we all grapple with our immediate violent and sexist realities. What follows is a version of our presentation.

Suzanne Jay

I have spent hours in the courtroom with Robert William Pickton.⁴³ I was there for his first day in court. I've watched him sit in the bullet-proof glass case that was built especially for him. I've heard his voice on tapes that the police made of their interrogations. Reporters refer to the case as the case of the century. That may well be true for Canadian women.

When Pickton was first arrested, I called a press conference so that feminists could claim a voice about the case. I've been to the Pickton farm many times, I've talked with family members of missing women, and I've talked to women who escaped the Pickton Farm.

While I was in the courtroom, I started to think about Jack the Ripper. I think about how Jack the Ripper's violence has been promoted to us and kept in the public consciousness of westerners, usually through commercially made movies, documentaries, books and tourism (Caputi 1987). I think about how the circumstances that allowed Jack the Ripper to kill, escape and become legend are mostly forgotten. Millions of dollars are being spent on the Pickton Farm case. There are media reports, books are being written and probably movies will be made as well. This case is a massive money-maker. But the money is not being distributed in ways that could challenge another man's ability to create another pig farm, and it isn't even going towards preventing you or me from being beaten or raped tonight.

William Robert Pickton may or may not stay in our collective memory. But we need to understand the circumstances that helped Pickton rape, beat, drug and kill so many women. I'm at the beginning of analyzing what the global corporate agenda, the provincial cuts, and sexism have to do with the creation of monsters like Pickton and Jack the Ripper, and how women are delivered into their hands. I'm going to base my analysis on some examples from the last three months of Vancouver Rape Relief's work. Some of the situations are severe, but I chose them because they expose a lot about women's oppression through violence.

Two months ago, Jane moved into our transition house. She had been charged with assault. Her husband picked a fight and wouldn't let her walk

⁴³ Robert William Pickton is criminally charged with the first degree murder of fifteen prostituted women. All of the women were on a list of now over sixty 'missing women'. It is possible that seven additional charges will be brought.

away, and she knew he was building up to hit her. She says she grabbed a knife in self-defence and he cut himself when he lunged at her. He says she stabbed him.

Jane is from the Philippines. She is part of the global migration of women that results from that country's policy of exporting women to earn foreign currency. And she is part of Canada's policy of bringing in low-paid labour to provide domestic services, mostly childcare. Canada has established particular labour laws for domestic workers and other guest workers so that their employers don't have to follow the same standards (for instance, regarding wages and hours of work, rights to change employers, or obligations to live-in) as for Canadian workers, and so that the Canadian government isn't obliged to provide these workers with medical or welfare services. It has also made it very difficult for domestic workers to get citizenship. (Guest workers can be sent home whenever the companies or individuals hiring here no longer want them.)

Jane has Canadian citizenship now. She has asked Vancouver Rape Relief to help her defend against the criminal charges and get custody of her children. Her husband has the children and says he wants to keep them.

Now if the government was interested in protecting and advancing women's equality, Jane would be guaranteed to have a lawyer—someone who is trained to understand and interpret the law and defend Jane's freedom and her rights. Instead, the provincial government cut legal aid by 40 percent. They made this cut to a budget that the NDP (New Democratic Party) had already weakened by almost \$18 million. The \$18 million was from a tax on lawyers' fees that was supposed to be added to the federal contribution to legal aid, but the NDP put that money into general revenue.

Jane does have a lawyer to defend her on the criminal charges, but I don't know about custody yet. Women can get legal aid for family matters in cases of male violence, but remember, the police charged her. The other complication is that a social worker could get involved and decide that neither parent is acceptable as a carer, and take the children into care. There is no legal aid for anyone trying to prevent the apprehension of their children by the government.

Jane should have been able to stay in the Philippines and have a happy life there. Or she should have been able to immigrate here without having to live in servitude and constant danger of deportation if she didn't please her employer. At a minimum, Jane's immigration should have included immediate landed status and entitlement to all social services, settlement help including training in English as a second language, and an introduction to civics and to civic services. With these things she might have been able to make her husband change right in the beginning, or she might not ever have needed him.

Margaret has not lived in our transition house, but she did live in another

one last year. I met her at the Pickton trial. She's a very attractive 44-year-old woman who has been married and has adult sons; she works out in the gym every day. Right now she is living on welfare. Last week I found out that she hadn't been going to AA for the past month because she didn't have enough money for the bus fare. She has to decide between spending her welfare money on bus tickets and spending it on food.

Margaret split with her husband six years ago. She worked in a hair salon and had her own apartment. A couple of years later, her boyfriend introduced her to crack cocaine. She was addicted for two years, and during that period she lost everything she had. The boyfriend was also using crack. He started to pressure her to act in porn movies and to go with other men at parties. He told her she could earn them some money to pay for the drugs. She refused and ran away. It's more complicated than this, but you need to know that she got away. Margaret has been off crack for two years. She says that it was easier for her to get off it because she was in her late thirties when she started. She had a life to go back to.

In the last three months that I've known Margaret, she has lived in four different places with four different roommates. She can't find her own place at the welfare rate. One of the roommates expected to be her boyfriend. He monitored her calls and questioned her whenever she went out. After he told her that he had people watching her, she moved out. She asked Vancouver Rape Relief to be with her when she went to the police to tell them what she knew about Pickton and the pig farm. We also offered to help get her money for the bus fare so she can go to AA.

Despite the North American war on drugs, the international drug trade has increased. In fact, the United States is the biggest importer of illegal drugs in the world. Americans and Canadians demand access to drugs. Poor people of colour are targeted by the large-scale dealers and turned into users and street-level dealers. The addiction makes people easier to control. Power and resources continue to flow away from women, people of colour and the working class. Corporations depend on a controlled population to be their market and to be their labour pool. Corporations exert enormous pressure on national government agendas, and poor countries have come to rely on the export of drugs to support their economies.

If the government were committed to protecting and advancing women's equality, Margaret would have enough money to eat and get to her AA group. The provincial Liberal government cut Margaret's welfare cheque from \$521 to \$510. If I were to give Margaret a gift of \$10.00 or \$100.00, it would be taken off her cheque. She is not allowed to have more than \$510.00 per month. She can't earn any money, either. If I give her a gift and she doesn't tell her welfare worker, she has committed fraud. Anyone committing welfare

fraud can now be banned from receiving welfare for the rest of her life. This is the first time in Canada since welfare was put in place that someone could be banned for life. Somehow it's become acceptable to leave someone to starve to death.

I don't think that welfare will bring about feminist revolution, but we can't make feminist revolution if half of us are starving to death or have no safe place to live. Welfare should be guaranteed to anyone who walks into a welfare office. The welfare rate must be enough for food and shelter at market rates and must include access to public utilities, like a telephone service, heating and hot water, and bus fare money. Women should be able to walk away from a violent husband and know that welfare will be enough to live on. A woman should also be able to quit a job where the boss is abusive, and get welfare. A woman should be able to provide for herself and her kids without having to commit the poverty crimes of stealing or prostituting or drug trafficking. This would be the start of fair income redistribution in one of the richest countries in the world. There is no reason to force women into the degradation of breaking the law in order to eat.

Sara lived in the transition house two years ago. She was 26 and had grown up in a small town. She came to the transition house to get away from her husband. He had punched her in the stomach repeatedly after finding out that she was pregnant. Sara thought she could go on welfare while she had the baby, but welfare disqualified her. Even before this last round of provincial welfare cuts, a battered pregnant woman with no means of support could not get welfare. The cuts were being implemented even before the changes had been legislated. The welfare worker told Sara that she should go into adult entertainment if she needed quick money. When Sara questioned her, the welfare worker told her that escort services have business licenses and are perfectly legitimate work.

Some of you might know that some members of Vancouver City Council support the idea of establishing a red-light district. A red-light district would be a designated area of town where men can buy prostitutes legally. It's supposed to protect us from seeing prostitution in our neighbourhood, while keeping it easy for men to find prostitutes. In other cities, like Amsterdam, Bangkok, Tokyo and Melbourne, the red-light district is also called an 'adult entertainment district'. There is a debate going on around the globe about prostitution. Capitalists are pushing for red-light districts in cities all over the world. Whole countries, like Thailand, have been turned into red-light districts. It is an enormous pressure on government to create the conditions that would push women into prostitution.

On December 28, 2002, the *Financial Post* ran a front-page story about Daily Planet, a brothel in Australia, going public. People could buy shares in

the brothel on the stock market. At the time, two men owned the brothel, which has operated since 1971. It has been legal since 1985 when brothels were legalized in parts of Australia. Investors are promised 10 percent return on their investment. The company is debt-free and is projecting earnings of \$AUS1.1 million per year. The owners expect that people will buy a minimum of \$AUS6.2 million worth of shares. The women who work at Daily Planet are not employed by the brothel. They are considered free agents, and the hotel has little to no obligation to any of the women. The 150 women are free agents in an 18-room brothel. The brothel owners charge each man \$115 for every hour he spends in each room. It seems that fire regulations are the only limit on the number of men allowed in each room with a woman.

The Daily Planet will be the model for any new brothel anywhere in the world. It isn't a new model; it's just the most public of them right now. And as of December 2002, when the story was written, there were plans for expansion into different cities in Australia, but the brothel owners are already talking about how poor countries like Colombia and Brazil are desperate for their expertise.

People buying registered retirement savings plans or making any kind of investment that involves mutual funds may eventually be buying shares in brothels.

Here in Vancouver, the Pickton farm is used to provide the background and justification for arguments about establishing a red-light district. Pickton was a well-known john, and the fifteen women he is charged with killing were prostituted. The chief argument for a red-light district is that it will be safer for prostitutes. People who are worried about the safety of women in prostitution are being told that the police will come faster and more reliably in a red-light district.

At this time, Vancouver police are looking for a man who targets prostitutes. He hires a prostitute from the street, drives her out of town and strangles the woman while he rapes her. The police are describing him as 'the guy with the wonky eye'. The first report to the police was in February 2002, right after Pickton was arrested. In March 2003 the police started telling the public about this man. A CBC reporter asked the Vancouver police why they waited so long to release information. In their own words, the police said they 'didn't think he was a danger because he limited his attacks to prostitutes'. Since February 2002, he has raped and strangled at least four more women. I'm not convinced that police will suddenly start protecting prostitutes because they work in a red-light district where prostitution is legalized.

Some people argue that even if the police won't respond to a prostitute, they will respond when the brothel owners call. The rationale is that brothel owners will want to maintain a reputation that is acceptable to the men using

the area. In other words, the message is, 'Don't worry, capitalism will make women safe.'

But in fact, Daily Planet shareholders will not be happy if there are any publicized situations that make the brothel look bad. Most cases become public because they are recorded by the police. The media generally depend on police to release information about violence cases. It is far more likely that places like the Daily Planet will have a private security firm to take care of any incidents. The police will not be alerted, and any attack on a woman in the red-light district will be hidden by the privatized security. The official police record of violence against women, and by extension the official media record of violence against women, will be reduced—but not because the attacks are not happening.

Dara Culhane's research shows that most of the men who buy street prostitutes can actually afford to buy women through escort agencies or in massage parlours. The question is, why would a man who has enough money to buy sex in a safe, clean setting choose otherwise? Dara's research shows that the men are actually buying the degradation of women, not sex. Robert William Pickton had money. He could have bought women from escort agencies, but he didn't. Historians speculate that Jack the Ripper was from the upper class and that he may even have been part of the extended royal family. If women's degradation is what the consumer demands, the capitalists are sure to provide it.

If the government was committed to protecting and promoting women's equality, they would have given Sara welfare at a liveable rate. Feminist advocacy centres would be core funded to work without government control. Government would stop all planning for a red-light district and instead would be talking about how to stop women from being turned into prostitutes. They would seek our advice about how to promote women's escape from violence. They would plan with us about how to prevent the rapes and the assaults that will come with the Winter Olympics in 2010. (COPE members met with women's groups during the election campaign and agreed that provision of money from the city to women's groups was 'doable'. Since the election, that offer has disappeared.)

Jack the Ripper and Robert William Pickton both operated in a time when there was a huge redistribution of people, power and resources. In the Ripper's time, the economic agenda was shifting from agriculture to industry. In Pickton's time, the economic agenda is shifting from national control to globalized corporate control. Then as now, women were in a mass migration to get to jobs that paid very low wages and of which there weren't even enough to go around. Women were disconnected from their regular social networks. In the Ripper's time, social services were minimal, and mostly church-based.

And we all see what is happening to our social services in Pickton's time.

For both killers, there were red-light districts. Jack the Ripper's was the downtown of London, and in the case of Pickton I would argue that it was his farm that served as the red-light district. Mass media was well developed for both men, using the mystery and luridness of the murders to sell newspapers or advertising time. Media itself is now globalized under a corporate agenda. Neither government at the time was actively invested in protecting or promoting the status of women. Fear of these men was used to control women in each time period. In our time, the fear of Pickton is generating the localized pressure to create a red-light district in Vancouver. This is a plan that proposes a gross level of control over women. This control will be exercised most obviously on the women who are prostituted in the district, but every woman will feel it. The lower the status of the most destitute woman the lower the potential status of us all.

Feminists won laws on violence, affirmative action, and Charter protection for equality. A government-approved red-light district will reverse that legal ground. Anti-sexual harassment policies are impossible to apply when the woman's job is to be nude and available to any man in the establishment. When the sexual assault law was written, the government recognized that a man had to get a woman's consent to sex without using coercion. In a red-light district, women will provide sexual contact they wouldn't otherwise agree to if they weren't being coerced by their need for money. As for the Charter of Rights and Freedoms, the Charter's guarantee of security of the person becomes meaningless when a woman must be penetrated in order for her to have access to food or shelter.

If the government does create a red-light district, it will be delivering women into the hands of killers like Pickton and Jack the Ripper, because we are now living in circumstances that allow that kind of man to emerge.

In closing, I'm asking you to foment dissent against a red-light district and smash back at patriarchy.

Note: A temporary conclusion

The women at Vancouver Rape Relief and Women's Shelter fight all violence against women and fight its function in holding women down. So in a sense we expect to offer the same support to all women and we know from experience that all women abused by men will be harmed in similar ways.

Still, we do see that rape of a young girl by her father, or the beating of that girl's mother, is observable violence with the extra character of pressing the girl into prostitution. The lack of welfare for that mother, and the low rates and insecurity of welfare, make prostitution more of a consideration for both the mother and the daughter, and render them and all other women more

vulnerable to the violence that men think they are negotiating in prostitution.

There are particularities in the combinations of global economics and world wide sexist violence that increase the likelihood of women being abused at young ages, of dislocated women migrating from the third world to the first or from the rural to the city as mail-order brides or guest farmworkers, and of women being trafficked for sweatshop work or sexual slavery.

We do regard a woman as carrying an extra burden if she has been raped and beaten by a man on the streets of our city, who pretends to himself that he has bought the right to do this. The difference we see is that she needs intervention not only against his physical power and the superior male status assigned him that allows him to get away with the violence, but also against the economic powers that put her in harm's way and gave him the permission to buy her exploitation.

We do not usually distinguish between the way we treat women who cross our borders to find a way to live and those who come down the coast from Prince Rupert (on our north coast near Alaska) or from remote or impoverished reserves. Others would say one group is trafficked and the other is choosing prostitution. We see that in addition to facing sexist norms, both are migratory populations of women in search of a better life for themselves and their families, and both are prey to men who will exploit their vulnerabilities, including their love of their families and their love of their homelands and their loneliness. Both populations are denied their rightful share of the common wealth of society, and both are denied legal equality. Otherwise good people often romanticize the lives of both populations rather than assisting them.

Of course there are differences to be addressed between women. We find it impossible to work for women violated without daily confronting the issues of violence against prostitutes, and without facing the fact that the women available on the streets and in the massage parlours and strip clubs are disproportionately aboriginal First Nations and women of colour. Often they are also disabled women.

It is also impossible for us to avoid the reality that the women on our streets and in our legalized prostitution sites (massage parlours) are only manageable to the men if they are heavily drugged and brutalized. Drug addicts are forced to prostitute, and prostitutes are unable to continue without drugs. The stories may begin differently, but this reality almost always imposes itself at some point.

We know that prostitution will not end without the end of women's economic and social enslavement; without an end to the racializing of women; without an end to class and poverty. The hope we see is to continue our work to assist women who resist the abuse heaped on them and who join with us to fight for the others.

References

- Brodsky, G. and S. Day. (1998). *Women and the Equality Deficit: The Impact of Restructuring Canada's Social Programs*. Ottawa: Status of Women Canada.
- Caputi, Jane. (1987). *The Age of Sex Crime*. Bowling Green, OH: Bowling Green State University Popular Press.
- Criminal Intelligence Service Canada. (1998). 'National Organized Crime Priorities'. Available at <http://www.cisc.gc.ca/AnnualReport1998/Cisc1998en/asian98.htm>
- Daley, S. (2001, August 12). 'New Rights for Dutch Prostitutes, but No Gain'. *New York Times*.
- Direct Action Against Refugee Exploitation (DAARE). (2001). *Movement Across Borders: Chinese Women Migrants in Canada*. Vancouver: DAARE.
- Dobash, E. and R. Dobash. (1992). *Women, Violence and Social Change*. London and New York: Routledge.
- Duncan, C. (2003, October). 'Raging Women: Fighting the Cutbacks in BC'. Paper presented at the Raging Women's Conference by Vancouver Women's Health Collective. Vancouver, Canada.
- Edelson, J. (2003). 'Should Childhood Exposure to Adult Domestic Violence be Defined as Child Maltreatment Under The Law?' In Jaffe, P.G., L. Baker and A. Cunningham (eds). *Ending Domestic Violence in the Lives of Children and Parents: Promising Practices for Safety, Healing and Prevention*. New York: Guilford Press (pp. 8-29).
- Gulyas, M. (2002, December 31). 'Proposed Abuse Policy Changes Worry Chiefs: Amendment Would No Longer Make Charge Automatic'. *Delta Optimist*.
- Harnett, C. (1999, August 15). 'Go Home: We asked you to have your say about the latest wave of migrants to reach our shores. Your response was huge, the message was clear: send them back immediately'. *Times Colonist*.
- Jaffe, P.G., L.L. Baker and A. Cunningham (eds). *Ending Domestic Violence in the Lives of Children and Parents: Promising Practices for Safety, Healing and Prevention*. New York, NY: Guilford Press (in press).
- James, A. and J. Price. (1999, November). *No Safe Harbour: Confronting the Backlash against Fujian Migrant Workers*. (Working Paper Series, Series #1, Working Paper #2). Vancouver: Canada Asia Pacific Research Networks.
- Justice for Girls. (2001). 'Statement of Opposition To The Secure Care Act'. Available at http://www.justiceforgirls.org/publicactions/pos_securecareact.html
- Lakeman, L. (1985, February 27). 'Who killed Linda Tatrai?' A speech delivered in Vancouver (available at www.rapereliefshelter.bc.ca/herstory/rr_files85_linda.html#02) and at the

- meeting in October 2002 between women's groups and COPE candidates for Vancouver city election.
- Lakeman, L. (1993). *99 Federal Steps Toward an End to Violence Against Women*. Toronto: National Action Committee on the Status of Women.
- Lakeman, L. (2000). 'Why Law and Order Cannot End Violence Against Women and Why the Development of Women's (Social, Economic, Political, and Civil) Rights Might'. *Canadian Woman Studies*, 20 (3), 24-33.
- Lee, A. (2000). 'Working with Refugee Women'. *Canadian Woman Studies*, 20 (3), 105-107.
- Lowman, J. (ed.). (1998). 'Prostitution Law Reform in Canada'. In *Toward Comparative Law in the 21st Century*. Institute of Comparative Law in Japan, Tokyo: Chuo University Press, pp. 919-946.
- Sidel, Ruth. (1996). *Keeping Women and Children Last: America's War on the Poor*. New York: Penguin.
- Special Joint Committee on Child Custody and Access. (1998). *For the Sake of the Children: Report of the Special Joint Committee on Child Custody and Access*. Ottawa: Special Joint Committee on Child Custody and Access.
- Status of Women in Canada. (1995). *Setting the Stage for the Next Century: The Federal Plan for Gender Equality*, cat. SW21-15/1995. Ottawa: Status of Women in Canada.
- Sullivan, M., and S. Jeffreys. (2001). 'Legalising Prostitution is Not the Answer: The Example of Victoria, Australia'. Coalition Against Trafficking in Women, Australia and USA. Available on CATW Web Site at: <http://action.web.ca/home/catw/attach/AUSTRALIAlegislation20001.pdf> (Last accessed May 2004).
- Wilson, B. (1993) *Touchstones for Change: Equality Diversity and Accountability*. Ottawa: Canadian Bar Association.