

Criminal Code

Bill C-49 is a further step on the road to criminalizing prostitution, although the Fraser Report and a number of groups now recognize that criminalization has fallen short of its goal of reducing prostitution.

Because total elimination of prostitution is altogether unrealistic, it is normal to try to limit it. As I said earlier, prostitution is one of those problems against which criminal law is of no avail. What must be found and implemented is a social strategy rather than the big stick approach which the Minister of Justice is proposing today. In that sense, Mr. Speaker, I personally call for the de-criminalization of prostitution. The actions of people engaging in prostitution should not be considered as offences under the Criminal Code whenever they cause no public nuisance.

Like the members of the Special Committee, the Fraser Committee, I believe that criminal provisions concerning bawdy houses should be rewritten in order not to prohibit small groups of persons, one or two people, from engaging in prostitution in residential premises, nor to prevent provinces from authorizing and regulating small prostitution establishments located on non-residential premises and involving adult people.

I am aware of the dangers of such an attempt to allow the commercialization of prostitution, but it is my view that this is an approach that should be considered and looked into. We should look at foreign experiments, especially in Sweden and the Netherlands.

● (1540)

Make no mistake about it, Mr. Speaker: the idea is not to encourage prostitution but to place it in its proper social and economic context. It would be unrealistic to try to abolish prostitution in view of the inequalities which continue to exist in our society and the place occupied by women within the political and economic pecking order. We would be better advised to try to limit prostitution and reduce its harmful effects.

With an open mind, the Government should take steps to help women involved in prostitution to adopt a different lifestyle, if they want to.

Prostitutes may have a hard time trying to do so. Economic inequalities which women are faced with on the marketplace are not likely to encourage them to adopt massively a lifestyle more consistent with social morality.

A woman who has spent a major part of her adult life in marginal or even illegal activities is not likely to have the knowledge and abilities necessary to carry out most ordinary duties. She will also lack the contacts which would enable her to find a job on the normal labour market.

Any woman outside the labour market should have access to programs where she can learn what qualifications are required to join the paid work force. She should be able to obtain information about jobs offered and the required training.

Mr. Speaker, prostitution is a complex phenomenon and I think it is sad that after the Fraser report the Government is introducing a bill which will solve none of the issues this report has raised. This patchwork approach borders on misunderstanding. I find it quite disconcerting and disappointing that after the Fraser and Badgley reports, the Government should view prostitution from such a narrow angle.

Street soliciting seems to be the major issue for this Progressive Conservative Government and the Minister of Justice. It should be emphasized that soliciting represents only 15 per cent of prostitution. They fail to recognize the fact that for women *de jure* and *de facto* equality is a basic right, as well as the means to achieve it. Prostitution is but one result of social and economic inequalities, and I feel that the Government should deal with these inequalities much more urgently than with street soliciting.

The institution of a truly egalitarian society where all men and women could really be involved in the decision-making process which affects their personal, economic and social lives is one of these prerequisites. The issue of prostitution is one which should be dealt within the broader context of the type of society we want to develop.

We should emphasize, therefore, that in a truly egalitarian world, all exchanges, sexual and otherwise, should neither be bought nor sold.

I strongly encourage the Conservative Government to widen the debate on prostitution. This problem should be considered more from the social point of view than the legal one. I am not alone to hold that view: many groups of women, as well as the Special Committee on Pornography and Prostitution and the Badgley Committee have drawn the same conclusions.

[English]

Ms. Margaret Mitchell (Vancouver East): Mr. Speaker, I am pleased to speak to Bill C-49. As we know, this Bill will amend the Criminal Code to make it a criminal offence, punishable by summary conviction, for persons in a public place to stop or attempt to stop a motor vehicle, impede the flow of traffic, to stop or attempt to communicate with any person for the purpose of engaging in prostitution or obtaining the services of a prostitute. It also provides for a review of the legislation after three years.

As my colleague stated this morning, our Party is opposed to this Bill. However, I also want to say that contrary to the propaganda that some of our Conservative friends have been pushing, we do not intend to unduly delay this Bill. Although my colleague elaborated on this in some detail this morning, let me quickly relate some of our major concerns about Bill C-49. We believe that although much stricter enforcement legislation that affects communities is needed to protect communities and its citizens, this Bill is unlikely to be a quick fix, contrary to a rather common belief held by the public.