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TORONTO • Are Canada's prostitution laws killing women or are they saving society from moral decay? Is it bad legislation that makes the sex trade dangerous or the depraved minds of men? Such disparate views on prostitution were put before a panel of judges deciding the fate of Canada's prostitution laws Thursday.

From moral and ethical pleas to the stark nitty-gritty of street solicitation, the Court of Appeal for Ontario heard arguments from 19 groups as divergent as the Downtown Eastside Sex Workers United Against Violence Society and the Catholic Civil Rights League.

The thorny issue transcended traditional ideological divides, with conservative groups finding strange allies in feminist activists.

Each of the organizations were granted intervener status, allowing them to make submissions in the landmark case that could decriminalize running a brothel, communicating for the purpose of prostitution and living on the avails of prostitution.

The government is appealing a lower court ruling last fall that struck down the three anti-prostitution provisions of the Criminal Code.

This challenge was raised by three sex trade workers who argue the laws prevent them from taking basic safety precautions, such as hiring a bodyguard, working indoors or spending time assessing potential clients.

The large number of intervener groups speaks to the passion over, and importance of, the emotional issue.

Prostitution is immoral and should be eradicated through strict laws, even if that leaves sex trade workers vulnerable to attack, argued Ranjan Agarwal, a lawyer representing the Christian Legal Fellowship, Catholic Rights League and REAL Women of Canada.

"Parliament intended to eradicate prostitution" by enacting these laws because it is "an attack on the fundamental values of modern Canadian society," he said.

But, asked Justice David Doherty, what if that meant sex workers die as a result, wouldn't that be harm out of proportion from the intended good?

No, Mr. Agarwal said, such an outcome is a "sad side effect," and it was better for Parliament to "send a signal" to anyone thinking of entering the sex trade that there was great risk involved. His stance caused a ripple of derision from several sex workers observing the proceedings.

"Canadians have good reason to abhor prostitution and they have every reason and justification to discourage people from engaging in the sex-trade, either as sex workers, customers, pimps and madams or as service-providers," the groups told the court.

Contrasting sharply with that view was a frank portrayal of how the law interferes with sex workers' ability to protect themselves, making it a constitutional infraction.

Cynthia Petersen, a lawyer representing Maggie's, a Toronto sex workers group, and POWER, an Ottawa

sex worker rights group, argued the laws need to be repealed to save lives.

Prohibiting communication for the purposes of prostitution may have been designed to scoot unseemly solicitation out of sight, but it prevents sex workers from discussing with customers what sex work they are willing or unwilling to offer before they are alone and isolated, which would make prostitutes safer, she said.

Whether a prostitute insists on condom use or will allow intercourse or anal sex or photography or how many customers will be participating are all relevant discussions, she said.

Talking about how a worker will perform the labour, a worker's personal boundaries and a client's expectations are normal in any other business transaction.

Prostitutes are exempted from this, she said, "because sex work is not valued by society. Sex workers are not valued by society. To put it bluntly, nobody cares. Nobody cares about their safety. Certainly not the state."

Katrina Pacey, representing a coalition of the PACE Society, Downtown Eastside Sex Workers United Against Violence Society and Pivot Legal Society, struck a similar stance, saying the current legislative regime requires prostitutes to fear that "every night they go to work may be their last."

She said many of the sex trade workers in Vancouver's Downtown Eastside, one of Canada's poorest postal codes, are involved in the sex trade because they find no other way to meet their basic needs.

"I recognize," she said, "that striking down these laws is not the ultimate answer," she said, but it was an important step.

A coalition of feminist and progressive groups, however, stood alongside the conservative Christian organizations in supporting the current laws, although for different reasons.

Janine Benedet, lawyer arguing on behalf of the Women's Coalition for the Abolition of Prostitution, comprised of seven women's groups, including the Canadian Association of Sexual Assault Centres, argued the laws should be kept so men can be penalized for victimizing women.

"We feel comfortable referring to prostitution as the world's oldest profession but not as the world's oldest men's pastime," said Ms. Benedet.

"Prostitution itself is harmful to women. The danger to women's security is a function not of the laws constraining prostitution, but of the actions of men who demand the sale of women's bodies. It would be illogical and contrary to principles of fundamental justice to decriminalize men's prostitution of women in order to protect women from those same men," court was told.

Addressing arguments that prostitutes would be safer if they were allowed to work in homes or brothels, she said: "It is not locations that kills women. They are not killed by apartment or houses, they are killed by johns and pimps."

The Canadian Civil Liberties Association and the B.C. Civil Liberties Association independently argued against the laws. The national branch of the organization told court the laws "are unconstitutional as they materially contribute to the decreased personal security of persons engaged in prostitution in Canada."

Two HIV/AIDS groups supported repealing the laws, saying they interfered with negotiating safer sex,

including condom use.

Justice Doherty thanked the interveners for their thoughtful remarks, saying the arguments were “compelling” and represented “important interests.”

On Friday, the court will decide whether to impose an injunction to keep the current prostitution laws in effect until the judges render their decision or allow them to lapse immediately.

There was a general consensus from counsel that the laws should remain while the judges deliberate.

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