

# CRIMINALISING THE ADVERTISING OF SEXUAL SERVICES WON'T WORK.

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7 June, 2014 by Douglas Fox

The Canadian Government's new sex work bill includes a provision banning the advertising of sexual services. Ireland did the same 20 years ago. The advertising of brothels and prostitution is prohibited in Ireland under Section 23 of the Criminal Justice (Public Order) Act 1994.

In 1998 proceedings were brought against Mike Hogan, then publisher of the In Dublin magazine, for carrying adverts for 'escort' services. He pleaded guilty in 2000. The law and this case now act as a somewhat successfully deterrent against publishing blatant sex work advertisements to Irish publications.

What the law cannot do though is stop the advertising of sex work on websites located outside of Ireland. Irish sex workers can easily advertise and be found on an array of Irish adult websites, invariably operated by companies located outside of Irish jurisdiction to bypass the Irish law.

Ireland's powerful anti sex work lobby have been furiously calling for such websites to be shut down for many years. The problem isn't that the 1994 legislation didn't cover websites. It did. The problem is that Ireland simply cannot enforce its law against advertising sex work across the rest of the world. It can only enforce it within its own jurisdiction.

Almost every trick in the book has been tried and failed. US diplomatic cables published in 2010 by WikiLeaks even reveal secret meetings took place between Irish nuns, police and US authorities in efforts to shut down one Irish escort website which was hosted in the US at the time. The folly of it was, even if the US had have been prepared to shut down a website that was legal in the US, the operators of it would have simply moved onto another jurisdiction the next day.

The Irish experience demonstrates what a Canadian law against the advertising of sexual services could possibly achieve if brought in and enforced to the fullest extent possible.

It could force sex workers to advertise more covertly in Canadian publications. It could lead to an increase in Internet advertising. It could force Canadian sex work websites to move outside of Canadian jurisdiction. It couldn't stop advertising of sex work in Canada.

There are a few wacky ideas out there that Ireland hasn't tried yet. If you put aside Western democratic values on freedom of speech and access to information, a country could in theory bring in laws forcing its ISPs to block or filter web content that could be sex for sale adverts. It would however be very difficult and expensive, easily circumvented by Internet users, and could only possibly be successful to the extent it could lead to sex workers being more discreet in their online advertising to avoid their ads being blocked.

The latest idea in Ireland is to go after people for viewing prostitution material as is already done in the case of persons viewing child abuse material. The Irish Justice Committee's 2013 Report on the Review of the Legislation on Prostitution in Ireland states that 'the accessing of web sites – whether located in the State or abroad – that advertise prostitution in the State should be treated in the same way as accessing sites that advertise or distribute child pornography.'

The proposed Canadian law to stop the advertising of sex work would be entirely ineffective. It would fail to stop sex workers advertising. It could potentially have negative consequences for sex workers though, in terms of reducing choices, both in terms of where they can advertise and how clearly they can advertise what they do and do not offer.

Other potential negative consequences are a loss of revenue to Canada's economy. The Spanish brought in and then repealed a ban on advertising prostitution in 2012, reportedly due to the loss of the advertising revenue to Spanish companies. Most seriously, anti-trafficking academics such as Mark Latonero and Danah Boyd, who both conducted research around US website Craigslist, which was pressured into stopping accepting adult adverts in 2010, have shown that pushing sex work advertising onto international websites, out of reach of the US authorities, harms law enforcement efforts to combat abuses such as trafficking.

20 years ago Irish legislators were doing something new, but Canada can't say the same now. It is clear a law against the advertising of sexual services won't stop sex workers advertising but will cause harm, so what is the point of it?

## One Response



1. on 7 June, 2014 at 16:17 | Reply korhomme

I saw some of a Twitter conversation about this. It seems, if I understood correctly, that sex work advertising isn't banned in a conventional way. Instead, it will be illegal to have an advert anywhere it can be seen; presumably, if you can't see the advert, it will be legal. The intention seems to be to subvert the notion that there are some things in Canada which are 'banned'.

There's also a bit somewhere in the proposed legislation which includes the word 'morality', or something like that; which, I'd say, is all you need to know about the real intentions of its sponsors.