

Justin Ling: Tories' new prostitution bill would outlaw lucrative adult classified ads and gut media revenues

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Curmudgeonry 20th century *New York Times* editor John Swinton once said that journalists are “intellectual prostitutes.” The Harper government, it seems, agrees. Their new prostitution bill is taking aim at the bread-and-butter of Canadian newspapers: the adult classifieds.

Bill C-36, which has been affixed with some long propagandized title by the government that I won't bother reprinting, makes illegal the advertising of sexual services. If you have ever opened a newspaper, you know

the hearty middle is usually stuffed with anachronistic-looking ads, rendered obsolete by Kijiji and Craigslist. Well, those fossils of a bygone era still make money. Somehow.

John Ivison: Peter MacKay's prostitution law a failure on all counts

Peter MacKay's role as Attorney General of Canada requires him to be the guardian of the rule of law. He is mandated to protect the personal liberties of Canadians and advise Cabinet to ensure its actions are legal and constitutional.

By introducing a new law on prostitution that is all but certain to be struck down by the courts, he has failed on all counts.

The new law makes it an offence for the first time in Canada to purchase sexual services, or to communicate in any place for that purpose. It makes it an offence to receive a material benefit from sexual services and it prohibits the advertising of sexual services in newspapers or online.

Newspapers Canada, which audits the print industry's revenue, reports that, in 2012, classified ads generated \$289-million in revenue, \$106-million for community newspapers, and \$584-million for online news sites. That's about 10% of newspapers' revenue, and nearly a fifth of the income generated by online news sites.

But when this prostitution bill passes, Justice Minister Peter MacKay made quite clear, that filthy business will be no more.

Mind you, even the Minister appears to be confused as to just how rigorous the state plans to be

about clipping newspapers. The bill says that sex workers who advertise their own services will be allowed to do so — the Justice Ministry maintains that will be true. But MacKay underlined that any sex worker who communicates his or her craft anywhere that persons under the age of 18 can be expected to be present is committing an offence.

When asked about that contradiction in a terse news conference, the Minister told reporters that so long as the advertisement “does not present itself in a public way,” then it would be legal. Advertisements are, of course, quite public. “If it is done so in a way that is perceived as public or as being available to those under the age of 18, it would be illegal,” he concluded.

So unless we're going to start asking IDs of those scurrilous youth who want to read newspapers, this is probably not great legislation for the future of an already-declining print industry.

Most alarmingly, publishers and newspapers will be liable for prosecution if they knowingly publish those sultry ads. Asked outside of Question Period if he thought that amounted to a full-frontal assault on the freedom of the press, MacKay shrugged it off: “When it's material that we feel is inherently dangerous and encouraging prostitution ... that is corrosive on communities, then yes. That's why we passed this legislation, to prohibit that kind of advertising.”

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Indeed, it will also be bad news for “Aphrodisia,” who promises readers of Quebec City's *Le Soleil*: “classe et discretion.” And the “Scent of a Woman” escorts whose ads in the Montreal *Gazette* promise “in/out calls” will only be smelling pepper spray if this bill goes through. The *Toronto Sun* has a whole page dedicated to adult personals. Everything from “big & beautiful, tall, curvy” to “A1 Asians. Party angels!” One ad promises “12 adorable classy young cuties.” All dozen of those cuties, and whomever is involved in running that business, is in trouble.

“All other businesses are able to promote and do business safely, so why are adult industry workers not afforded the same privilege?” One sex worker — and mother of two — told me after the bill was introduced. “I feel that other sex-faceted businesses will be targeted in a broad sweep. It truly is about oppression!” another sex worker emailed me. “Sex workers unable to advertise for sex work will now be forced off the Internet, and onto the streets; unable to find areas where there is no potential for minors,” said another.

Alice Klein, the CEO of NOW Toronto — an alternative weekly which contains a bevy of busty blondes plying their trade within its pages — is hugely worried. “I've just so many concerns,” she says. “In the media marketplace of today, there is no income that doesn't substantially impact the wellbeing of the project as a whole. So, yes, it would be a loss.”

While neither the NDP or Liberals haven't pronounced themselves on the bill, they're still worried. “They've created some type of a monster,” New Democrat justice critic Françoise Boivin told me after Question Period. Her Liberal counterpart, Sean Casey, shared the concerns.

Given the fact that, seemingly, nobody supports this bill — some second-wave feminists and a gaggle of NIMBY pearl-clutchers aside — it raises the question of just why any government would pull such a deranged stunt. Taking MacKay at his word, this bill amounts to an assault on the free press that we have not seen in some time.

A self-employed women who choses to exchange sex for money wants to advertise. A newspaper editor prints her advertisement. This bill would make criminals of them both. Sorry, Minister, but government has no business wiggling its dirty fingers into the newspapers of the nation.

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