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Canada steps closer to legalising sex work While UK tiptoes a bit further away

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Diametrically opposed views on how to deal with sex workers were on display this weekend, with Canada teetering on the brink of legalising prostitution, and the UK's Met warning media owners that they could face criminal charges if they carry ads for massage parlours and saunas.

The federal government in Ontario is in a lather after the Superior Court of Justice [struck down laws](#) [1] against keeping a common bawdy house, communicating for the purposes of prostitution and living on the avails of the trade.

This drove a coach and horses through long-established laws against prostitution, and put the government on notice that in the absence of a serious appeal on its behalf, this ruling would be in effect within just 30 days of the original hearing (28 September).

That deadline was subsequently extended by a further 30 days, giving the government until last Saturday to explain why Judge Himmel, who spent a year reviewing some 25,000 pages of evidence, had got it wrong.

In the event, this proved too much for government lawyers, and the best they could come up with was a request for a further "stay" until such time as they could get their arguments in order.

Michael Morris, a lawyer for the federal government, was [reported by CTV News](#) [2] as saying that if a stay wasn't granted Saturday (27 Nov), it would be the start of a "social experiment unprecedented in this country."

Justice Marc Rosenberg, from the Court of Appeal for Ontario, reserved his decision on Monday, saying that he would attempt to come up with a ruling by the Saturday deadline.

No news yet, but legal experts expect that the stay will be granted, leaving the Canadian legal system facing months, maybe [years of uncertainty](#) [3] over the status of prostitutes.

No such uncertainty appears to affect the Met, which [has been asking](#) [4] editors to put a system in place to ensure they do not accept adverts which are a front for criminal activity that could be linked to human trafficking, exploitation or proceeds of crime.

Detective Chief Superintendent Richard Martin, head of the Human Exploitation and Organised Crime Unit, wrote to some 170 editors, warning them: "Advertisements that offer multi-national or young women or which are sexually suggestive in tone are often the type found to be linked to the provision of sexual services and/or the presence of trafficked women.

"It is these types of adverts I am seeking your support in preventing. I would ask that you put in place a system to satisfy yourselves that those seeking to place advertisements are genuine concerns or businesses and not a cover for the types of criminal activity highlighted above.

"As you will appreciate, criminal liability can arise in certain circumstances where evidence clearly shows that the advertising in question supports or promotes offences associated to trafficking, exploitation or proceeds of crime."

Well, sort of. The Canadian ruling and the Met's warning represent opposite ends of an exceedingly heated debate as to the right way to deal with sex work. On the one hand is a view espoused by a number of organisations, including the Poppy Project, some feminist politicians and some religious groups that prostitution is in and of itself a crime of violence against women.

According to that analysis, those participating in "sex work" are without exception victims, in need of rescue, which can be best effected by the state taking a strong stance against those involved in the trade, both organising it and using it.

Hence the UK has recently passed law – the Policing and Crime Act 2009 - to clamp down on anyone who might buy the services of a trafficked sex worker: and police have regularly made use of legislation such as the Proceeds of Crime Act 2002 to prosecute anyone involved in sex work. The track record of such prosecutions has been patchy, however, with juries notoriously unwilling to convict in a number of recent high profile POCA cases.

By contrast, organisations such as the International Union of Sex Workers and English Collective of Prostitutes take what they believe to be a more pragmatic view. They do not advocate sex work as a career of choice for the average school leaver, but they do believe that sex workers are best supported by removing conflict from the legal system and by not engaging in enforcement that leads to the development of a "them and us" attitude.

Thus, they have previously condemned what they see as politically motivated actions against small ads in magazines, on the grounds that it makes it harder for women to work alone, and forces them into the hands of organised enterprises. Similarly, new laws on trafficking and POCA have been considered dangerous, making it less likely that sex workers will seek help from the police when threatened. ®

Bootnote

There has also been controversy over the exact level of “trafficking” in the UK. The Met did not have a figure for numbers of trafficked women found through small ads: however, [recent research from ACPO \(pdf\)](#) [5] suggests that across the UK around nine per cent of women involved in sex work (2,600 out of 30,000) might meet the definition of "trafficked" at any one time - and that this problem was most highly concentrated in the London area (where 93.4 per cent of sex workers were of migrant origin).

Links

1. http://www.theregister.co.uk/2010/10/01/canada_prostitution/
2. <http://www.ctv.ca/CTVNews/Canada/20101122/prostitution-law-lifted-101122/>
3. <http://www.thestar.com/article/898212--dimanno-sexual-anarchy-does-not-await>
4. <http://www.holdthefrontpage.co.uk/news/101126sexads.shtml>
5. [http://www.acpo.police.uk/asp/policies/Data/Setting%20the%20Record%20\(Project%20ACUMEN\)%20Aug%202010.pdf](http://www.acpo.police.uk/asp/policies/Data/Setting%20the%20Record%20(Project%20ACUMEN)%20Aug%202010.pdf)

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