

FIRST

Decriminalize Sex Work

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Media Release

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New Bawdy-House Sentencing Regulations Will Harm and Stigmatize Sex Workers

VANCOUVER – The Conservative government has introduced troubling new *Criminal Code* regulations that reclassify a number of existing offences as “serious offences” – indictable offenses for which the maximum punishment is imprisonment for five years or more. But sex worker advocacy groups say there is no rational basis for making it a serious offence to keep a bawdy house, and that the move goes against all evidence and expert advice.

The new “serious” offences include offences relating to gambling and drugs, as well as “keeping a common bawdy house” – a place kept or occupied for the purpose of prostitution. Under the new regulations, a group of three or more persons who facilitate a “serious offence” such as keeping a bawdy house for financial gain will constitute a “criminal organization.” This means that a group of sex workers who maintain a common workspace – often for safety reasons – now constitute a “criminal organization” subject to five years imprisonment (it used to be a maximum of two years). The same goes for three or more workers and managers who run massage parlours, brothel sites, or any other regular workspace. The regulations give police expanded powers, including seizure of assets, which places these worksites at risk for criminal forfeiture.

The expansion of the definition of “serious crimes” to include keeping a bawdy house is not only harmful, it is unnecessary. The *Criminal Code* already contains provisions that make coercing, procuring, and controlling a person to enter prostitution a crime subject to up to ten years imprisonment. The timing is also puzzling, because the Ontario Superior Court is about to rule on the constitutionality of Canada’s prostitution laws. In this case, a large body of evidence was presented in court last fall to show that the criminal laws contribute to the violence and abuse that sex workers experience.

“The Harper government has once again demonstrated a complete disregard for the rights and safety of sex workers,” said Katrina Pacey, lawyer with Pivot Legal Society. “With so much evidence pointing to the harms caused by the current prostitution laws, including increased danger and vulnerability for sex workers, it is shocking that any government would consider tougher laws and stiffer sentences.”

“The laws place sex workers outside the protection of the law, force them to work in remote and secretive locations, prevent them from reporting crime, and increase social marginalization” said Pacey. “Criminalization perpetuates stigma and labels sex workers as ‘disposable’ – easy pickings for predators like Robert Pickton, as well as others who have preyed on women in the Downtown Eastside of Vancouver and in other Canadian cities.”

“Making the bawdy house offence a ‘serious offence’ simply reinforces the stigma and further endangers sex workers,” explained Joyce Arthur of FIRST, a feminist group that advocates for sex worker rights. “Faced with the prospect of up to five years imprisonment or property forfeiture, some workers may avoid using a regular workspace and resort to unsafe street work,” said Arthur. “The evidence is clear that sex work is far safer when performed indoors, because indoor workers can better control the circumstances under which they provide services and can adopt increased security measures.”

The amendments were passed without any Parliamentary debate, under the auspices of targeting organized crime. “But the very basis for the rise of organized crime is the criminalization of activities that large numbers of people engage in despite the law – a lesson learned during Prohibition of alcohol,” said Arthur. “Therefore, treating these offences even more punitively will actually *increase* crime, both on paper and in reality. It will allow the Conservatives to ‘prove’ their false claim that crime is rising, so they can justify filling new prisons and claim they’re tough on crime.”

FIRST and Pivot believe that the decriminalization of prostitution is essential to improve the safety of sex workers and the well-being of our communities. “Instead,” said Arthur, “the government has passed a new law that basically labels sex workers as ‘violent criminals’ while actually fostering violence against them.” Pacey concluded: “The new regulations make a mockery of our criminal justice system, which should serve to protect those who need it the most, not stigmatize sex workers further and cost lives.”

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FIRST (www.firstadvocates.org) is a national coalition of feminists that advocates for the complete decriminalization of sex work for both sex workers and clients. FIRST believes that Canada’s prostitution laws rob sex workers of their livelihood and prevent them from creating safe and empowering working conditions.

Pivot Legal Society (www.pivotlegal.org) is a non-profit legal advocacy organization located in Vancouver’s Downtown Eastside. Pivot’s focuses on improving the lives of marginalized persons through legal and media advocacy on various issues, including the impacts of criminalizing sex workers, the importance of harm reduction, and the need for affordable housing.