

Ontario Court Strikes Down Prostitution Laws

NATIONAL – Sex workers across Canada are celebrating the Ontario Superior Court’s decision today, which struck down Canada’s prostitution laws. The Court held that the bawdy house law, the communication law and the law that prohibits living on the avails are unconstitutional because they violate sex workers’ rights to safety, life, liberty and freedom of expression.

“We’re excited to start working on the next steps,” said Susan Davis of the BC Coalition for Experiential Communities (BCCEC). “Sex workers have already laid the groundwork for building a safe and vibrant working community for ourselves, and we’ve already started implementing our plans.” BCCEC’s new *Opening the Doors* report (link below) lays out detailed plans to increase the safety of all sex workers and can be a template for working in a decriminalized environment. The report was written by sex workers, who are in the best position to know what is best for themselves and their industry.

“Although the government will likely appeal this verdict, this decision is a huge step towards ensuring that sex workers will enjoy the same rights and protections as other Canadians, including the protection of police and other support systems,” said Tamara O’Doherty, a FIRST spokesperson and a criminologist at UFV.

“We call on all provinces and police forces across Canada to stop enforcing the prostitution laws immediately,” said O’Doherty. “This would be a crucial first step in reducing violence against sex workers. It’s time for Canada to acknowledge that sex workers are people too, and that sex workers are entitled to safety and equality.”

The plaintiffs – Amy Lebovitch, Terri-Jean Bedford, and Valerie Scott, of Sex Professionals of Canada (SPOC) – argued their case in front of the Superior Court of Ontario in October 2009, with Alan Young as counsel.

“Much of the violence and abuse experienced by sex workers is a result of the conditions created by the criminal laws,” said Katrina Pacey, lawyer with Pivot Legal Society. “The laws have forced sex workers into the shadows where they face very dangerous conditions and can’t turn to the police for protection without risking arrest. It’s wonderful that the court has recognized the harm of the laws, and has freed sex workers from the threat of criminal prosecution.” Pivot and FIRST explain why consensual adult sex work needs to be decriminalized in Canada in their new position paper, *Out of the Shadows* (see below for link).

FIRST, Pivot, and BCCEC would like to thank Sex Professionals of Canada and the three Toronto sex workers for their courage and determination in standing up publicly for the rights and safety of themselves and all Canadian sex workers.

For more information:

- Full decision from Ontario Superior Court will be posted at: <http://www.ontariocourts.on.ca/scj/en/> ^[1]
- *Out of the Shadows: Why Canada Must Decriminalize Consensual, Adult Sex Work* : <http://www.firstadvocates.org/> ^[2]
- *Opening the Doors*: <http://www.wccsip.ca/doc/Opening%20the%20Doors.pdf> ^[3]
- *Swedish Model a Failure*: <http://www.firstadvocates.org/> ^[2]

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FIRST (www.firstadvocates.org [2]) 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 [4]) 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.

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[1] <http://www.ontariocourts.on.ca/scj/en/>

[2] <http://www.firstadvocates.org/>

[3] <http://www.wccsip.ca/doc/Opening%20the%20Doors.pdf>

[4] <http://www.pivotlegal.org/>

[5] http://www.firstadvocates.org/sites/firstadvocates.org/files/press-release-sep-28-10-FINAL_FINAL.doc