

Like Any Other Job? Analysis of Changes to Canada's Prostitution Legislation

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Provincial Association of Transition Houses
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Community-Based Research Showcase
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Community Research Unit (CRU)

The CRU connects community groups and University of Regina faculty and students through research, service-learning and other collaborative activities.

These partnerships seek **answers to community questions** to foster positive action and change.

The CRU fosters and facilitates community engaged scholarship.

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www.uregina.ca/arts/community-research



Project

- CRU funded research project on proposed changes to Canada's prostitution legislation
- Paper: *Like Any Other Job? An Analysis of Potential Changes to Canada's Prostitution Legislation*
- Consultation (March 2014)
- Round Table and Discussion on Bill C-36 (September 2014)

Timeline

- **March 2007**—Charter challenge with the Superior Court of Ontario (Bedford v. Canada).
- **October 2009**—argued in Ontario Superior Court of Justice
- **September 2010**—Ontario Superior Court of Justice ruling
- **June 2011**—Attorney General of Canada and Attorney General of Ontario appealed the Superior Court decision in the Ontario Court of Appeal (Canada (Attorney General) v. Bedford, 2012).
- **March 2012**—Ontario Court of Appeal ruling
- **December 20, 2013**— Supreme Court ruling striking down Canada's prostitution laws
- **November 6, 2014**— New legislation (Bill C-36) reaches Royal Assent

The Challenge

- Canadian Charter of Rights and Freedoms
 - section 7—the right to life, liberty and security of the person
 - section 2(b)—freedom of expression
- Justice Susan Himel in 2010: “These laws, individually and together, force prostitutes to choose between their liberty interest and their right to security of the person as protected under the Canadian Charter of Rights and Freedoms.”
- December 2013 Ruling:
 - s.210- unconstitutional (bawdy houses)
 - s.212- unconstitutional (living off the avails)
 - s.213- unconstitutional (communicating)

Paper: *Like Any Other Job?*

- December 20th, 2013: Supreme Court Ruling
- Background
- The Discussion (different viewpoints)
- Legislative Approaches (other jurisdictions)
- Conclusions

Issues

- Labour Market
- Increased Demand
- Intersectionality– gender, race, class
- Indigenous women
- Safety
- Choice
- Morality

Equality

- We want more than prostitution for women. We want meaningful employment options to actually give women choices. We want affordable education. We want addictions services, and health care. We want affordable child care and opportunities for all women and girls.—*The Women's Coalition*

Bill C-36, *The Protection of Communities and Exploited Persons Act*

The proposed law has the following objectives:

- Protecting those who sell their sexual services from exploitation;
- Protecting communities from the harms caused by prostitution; and
- Reducing the demand for sexual services.

Proposed New Prostitution-Related Offences:

- Purchasing sexual services
- Receiving a financial or material benefit
- Advertising the sale of sexual services
- Communicating for the purpose of selling sexual services in areas near schools, playgrounds or daycare centres

Contact Information

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PATHS Paper: *Like Any Other Job? An Analysis of
Potential Changes to Canada's Prostitution
Legislation*

pathssk.org/resources/paths-fact-sheets/

