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October 06, 2009

## Bawdy of evidence

The constitutional challenge launched by some Canadian sex pros is all over the headlines. That's because [the hearing began today in Toronto](#).

“ Pressing to have the laws thrown out, a lawyer for three sex-trade workers argued that provisions outlawing communication for the purposes of prostitution, living off the avails, and keeping a bawdy house are contributing to the horrific violence women across the country often face while plying a legal trade.

“This is not about a right to sell sex - you can sell sex,” lawyer Alan Young told Ontario Superior Court.

“It's about a right to liberty and security.”



Dominatrix Terri-Jean Bedford, 49, left, was beaten with a baseball bat when she was a street hustler. Valerie Scott, 51, says danger would be minimized if sex workers operated from home. Osgoode Hall law professor Alan Young is representing Bedford.

MIKE SLAUGHTER/FILE PHOTO (left), FRANK GUNN/THE CANADIAN PRESS FILE PHOTO (centre), ANDREW WALLACE/TORONTO STAR FILE PHOTO

A couple of weeks ago, I columnized on the sex trade and how, despite the fact that it is legal in Canada to be a "hooker," pros were being discriminated against.

[Here, read it, with linky freshness and some added news.](#)

“ Last time I looked, prostitution was not a capital crime.

But right here in Canada, where sex work is – technically – legal, it can earn you a death sentence.

A 2006 [government commission](#) (PDF) found that, between 1994 and 2003, "at least 79 prostitutes" were murdered on the job.

"At least," because, as the commission added, "(T)his is almost certainly lower than the real figures, since it includes only those cases in which the police were able to determine that the death occurred during prostitution-related activities."

## Broadsides by Antonia Zerbisias



Antonia Zerbisias, columnist for the Star's Living section, has been telling people what she thinks ever since she could open her mouth. Her career ambition as an opinionator dates back to Grade 9 when a cartoon commentary on a teacher resulted in her suspension from high school. The principal sent her home with a note calling her "rude, obstreperous and bold." Her parents were neither amused, nor surprised. Once she was punished for being that way. Now she makes it pay. And, because she can take it as well as dish it out, she wants to hear what you have to say. Fire away!

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## UNRULY CANADIAN WOMEN (& MEN I LOVE)

A Creative Revolution

Worse, the commission noted, "Some police officers do not take the violence committed against them seriously, often regarding it as an inherent part of prostitution and believing that no one who engages in such activities should be surprised at being mistreated."

She asked for it.

Now understand that, when it comes to the so-called oldest profession, only a fraction of workers – an estimated 8 to 20 per cent – are actually, as we used to say, "streetwalkers."

[The overwhelming majority of them are aboriginal women.](#)

You don't have to dig [deep into the headlines](#) to see what's been happening to them: [More than 500 have gone missing over the years, and dozens of their bodies have been found.](#)

What's more, as a result of the obscene – and longtime – government inattention to this tragedy, even young women who don't sell their bodies end up as corpses. The Native Women's Association of Canada says 14 per cent of the missing girls were under 18 years of age when they vanished.



The really insane thing is, women who work the streets are the ones who, as long as they don't "communicate" with a prospective customer in a public place, are working legally.

If they get into a "john's" car or truck to talk business, it's basically a-okay under the law.

But it's also dangerous. Very dangerous.

Because of that, three members of [Sex Professionals of Canada](#), plus some two dozen others who can testify to the violence they've suffered, are arguing that their human rights are at stake, that they, like other Canadian workers deserve a "safe haven."

Which brings us to their [current constitutional challenge](#) of that section of the Criminal Code, and other sections that forbid the keeping of that quaintly named "bawdy

house," ie. taking it indoors, and "living off the avails," e.g. hiring security.

"It's a [health and safety issue](#)," their [lawyer Alan Young](#) tells me. "They are denied basic civil liberties that any other occupation would have and, in the face of our knowledge of what's happening in the streets, the law can't prevent what we're calling a safe haven."

The case resumes (this was Sept. 25) in a Toronto courtroom where a [coalition of conservative groups](#) – the [Christian Legal Fellowship](#), [REAL Women](#) and the [Catholic Civil Rights League](#) – will jockey with Young to get as much intervention time as they can, in order to present their "moral perspective."

This coalition will, according to a statement released Tuesday by the Catholic Civil Rights League, "discuss the harm prostitution causes to the individuals, family and children, particularly those forced to engage in it, and the broader implications such a change would have for society."

But not all sex professionals are "forced" into it. They like their work.

And anyway, lots of things are "immoral," including adultery – but they aren't criminalized.

More to the point, isn't it "immoral" not to come up with legislation that protects our young women who, for whatever tragic reason, end up on the streets? Or those sex professionals who suffer abuse at the hands of clients – and even the cops?

As Mae West might have said, "Goodness has nothing to with it."

Doing the right thing does.

[But do the Morality Brigades care? \(See also Women's Reproductive Rights & Prayers, below\)](#)

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## UPPITY AMERICAN WOMEN

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“ Diane Watts, a spokeswoman for Real (sic) Women, told CBC News that decriminalizing prostitution may make Canada a haven for human trafficking. She argued prostitution is harmful to the women involved in it.

Yes, well, especially if they're in danger of being battered or murdered.

“ “There will always be crime but we must try to diminish it, and no mother or father or grandparent wants their daughter or granddaughter or grandson to be a prostitute,” she said.

Thank you for stating the obvious, however irrelevant it is to the human rights of these sex workers – as if prostitution will ever just disappear.

“ “So it's not really a Canadian core value and this is what we're arguing in the courts, this is not a Canadian value.”

REAL Women does not speak for me.

“ “Young said upholding the current laws can on grounds of morality is "a good argument for [the] last century. It's not a great argument this century.”

Here are two good arguments for changing the laws, pluck right out of headlines.

First, via [Challenging the Commonplace](#).

“ “A targeted police investigation led to the arrest of 15 sex trade workers last week in downtown Maple Ridge.

This was the latest effort by Ridge Meadows RCMP to clean up the streets and address complaints from the community.

<SNIP>

Men (clients) are diverted to the prostitution offender program, run by the John Howard Society, on a weekly basis, Walsh said. The program aims to give men a greater understanding of the social issues that stem from prostitution.

So the women go to jail and the men go to compassion class.

The sex workers have to post bail, pay a lawyer, lose income and fear the police while the johns have to lie to their mates when they're attending night school.

Both groups broke the laws.

Discriminatory much?

Second, also from [Vancouver](#), this story:

“ “A billionaire businessman who founded the failed Harmony Airways has been charged with unlawful confinement of a sex-trade worker.

David Ho, 57, is also charged with unlawfully causing bodily harm, and faces four weapons charges and one count of possessing a controlled substance, Vancouver police said Monday.

The arrest follows an incident on Dec. 28, 2008, when Ho allegedly made contact with a woman via a chat line, Vancouver police Supt. Rob Rothwell said.

Arrangements were made for Ho to pick up the woman and return to his home with her, police allege. The following morning, the woman indicated at around 4:45 a.m. that she wanted to leave.

“It is alleged a struggle ensued with Mr. Ho during which the victim sustained bruising and scrapes and injuries of a minor nature,” said Rothwell.

“She did, however, successfully escape the home. Unfortunately, in doing so, she sustained a fractured ankle.”

If the laws were changed so that sex workers could work in safe houses in groups, or hire bodyguard-drivers, this kind of thing wouldn't happen.

The sex trade would be mostly off the streets, women would be safe, their human rights protected and we could all stop pretending that women weren't being brutally murdered and men haven't been buying sex since, like, forever.



Businessman David Ho

RICHARD LAM/THE CANADIAN PRESS FILE PHOTO

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Oh, and for those who raise the issue of human trafficking? There are laws against that. They should be enforced and reinforced. But they have nothing to do with this constitutional challenge.

**Note: The engraving is from the title page of [Honoré de Balzac's \*The Splendors and Miseries of Courtesans\* \(1847\)](#).**

**UPPITY WOMAN DATE:** [StageLeft finds practical reasons to decriminalize the sex biz](#).

“ In its' present form it is unsafe and unhealthy for all concerned — so why not legalize it and take it out of the back alley? This will not only solve a lot of health and safety issues for all concerned but save taxpayers a boat load of money in state incurred enforcement, prosecution, and incarceration costs for an activity that they've spent decades and untold millions of dollars trying to put an end to, and failed miserably to do.

Seriously, isn't there crime to fight out there?

Posted by at 09:17:33 PM in [Crime](#), [Human Rights](#), [Sex Trade](#), [Social Justice](#)

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“ StageLeft misses a most important aspect of legalization that will appeal to most politicians - tax revenue. This would bring another segment out of the underground economy.

Posted by: mozo | [October 07, 2009 at 10:15 AM](#)

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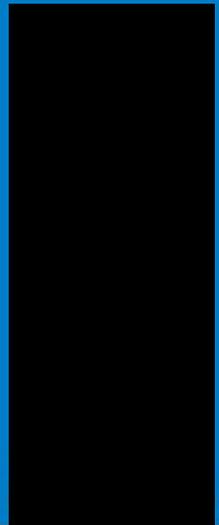
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