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HEALTH AND HUMAN RIGHTS ORGANIZATIONS TO INTERVENE IN LANDMARK SEX WORK CASE

Sex workers dangerously persecuted under Canadian law

TORONTO, March 14, 2011 — The Canadian HIV/AIDS Legal Network (Legal Network) and the British Columbia Centre for Excellence in HIV/AIDS (BC-CfE) are among several organizations that have today been granted joint intervener status in a landmark case before the Ontario Court of Appeal aimed at protecting the health and human rights of sex workers. They will support Terri Jean Bedford, Amy Lebovitch and Valerie Scott in resisting the federal Government's attempt to overturn a favourable ruling from a lower court that could open the door to decriminalizing sex work — and very likely save lives in the process.

Sex work itself is not illegal in Canada, but provisions on communicating, procuring, bawdy houses and living off the avails of prostitution in Canada's *Criminal Code* make it all but impossible to engage in sex work without running afoul of the criminal law. In September 2010, an Ontario trial court found that some of these provisions force sex workers into more dangerous situations and contribute to a greater risk of violence and other threats to their health and safety.

The federal government wasted no time in filing an appeal, which is expected to be heard by the Ontario Court of Appeal in June of this year. The current laws remain in force pending the outcome of the appeal.

“As the law currently stands, it only creates further risks to the health and lives of sex workers,” says Sandra Ka Hon Chu, a senior policy analyst with the Legal Network. “But the *Canadian Charter of Rights and Freedoms* guarantees the right to security of the person for all — and the courts should not give governments a free pass when they adopt laws that contribute to harm.”

The Legal Network and the BC-CfE will intervene at the Court of Appeal in an effort to uphold the lower court decision.

“We know from research that the law is not only failing to protect, it's actually causing harms. It is time for the Government of Canada to make decisions based on evidence, not

so-called moral agendas, and protect sex workers' rights to health and safety," notes Dr. Kate Shannon, director of the BC-CfE's Gender and Sexual Health Initiative who has been researching the impact of Canada's prostitution laws since 2004.

"We've seen too often that disregard for the health and safety of sex workers can have ultimately tragic consequences," said Chu. "Instead of taking its responsibility to protect seriously and enabling sex workers to protect themselves, the government's approach paradoxically treats sex workers as inherent victims and then, perversely, contributes to the very conditions that lead to abuses."

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About the British Columbia Centre for Excellence in HIV/AIDS:

The British Columbia Centre for Excellence in HIV/AIDS (www.cfenet.ubc.ca) is Canada's largest HIV/AIDS research, treatment and education facility and is internationally recognized as an innovative world leader in combating HIV/AIDS and health related harms. Based at St. Paul's Hospital, Providence Health Care, a teaching hospital of the University of British Columbia, the BC-CfE is dedicated to improving the health of marginalized populations through developing, monitoring and disseminating comprehensive research, public health and HIV treatment programs.

About the Canadian HIV/AIDS Legal Network:

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

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