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HEALTH AND HUMAN RIGHTS ORGANIZATIONS APPLAUD SUPREME COURT DECISION STRIKING DOWN UNJUST SEX WORK LAWS

TORONTO, December 20, 2013 — The Canadian HIV/AIDS Legal Network (Legal Network), the British Columbia Centre for Excellence in HIV/AIDS (BC-CfE) and the HIV & AIDS Legal Clinic Ontario (HALCO) applaud the landmark decision of the Supreme Court of Canada in *Canada v Bedford* to strike down three key provisions of Canada's prostitution laws. The decision upholds sex workers' human rights to work and to health by acknowledging the ways in which criminalization contributes to unsafe working conditions for sex workers.

While sex work itself is not illegal in Canada, provisions in Canada's *Criminal Code* on communicating, procuring, bawdy houses and living off the avails of prostitution make it all but impossible to engage in sex work without risk of prosecution. "We know from our research that the law is not only failing to protect, it's actually causing harms. The Supreme Court decision today striking down these criminal sanctions is a landmark ruling and one that will be a critical evidence-based step towards promoting health and safety in the sex industry," states Dr. Kate Shannon, director of the BC-CfE's Gender and Sexual Health Initiative and Associate Professor of Medicine at UBC, who has been researching the impact of Canada's prostitution laws since 2004.

With this decision, Parliament must ensure that any new laws governing sex work do not replicate the harms caused by the unconstitutional provisions. As Sandra Ka Hon Chu, co-director of research and advocacy with the Legal Network, explains, "A legal framework that respects the human rights of sex workers does not criminalize clients, third parties in sex work or sex workers themselves. This approach has been shown to increase sex workers' risks of and experiences of violence as well as to decrease sex workers' negotiating power for safer sex practices."

Renée Lang, staff lawyer with HALCO, cites the case of New Zealand as the best model for Canada's government to follow. "Only the decriminalization of sex work — as is the case in New Zealand — truly addresses the stigma, discrimination and violence faced by sex workers. There, the sky has not fallen, there has been no substantiated evidence of trafficking, and sex workers are better protected from violence and exploitation."

The joint factum of the Legal Network, the BC-CfE and HALCO to the Supreme Court of Canada is available at www.aidslaw.ca/bedford. For an overview of how the criminalization of clients and third parties in sex work violates the human rights of sex workers, see www.aidslaw.ca/publications/publicationsdocEN.php?ref=1342. A summary of published research to support the decision can be found at www.gshi.cfenet.ubc.ca/bedford.

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