




The Right to Life, Liberty and Security for Prostitution: *Canada v. Bedford*

Natalie M. Snow , Mollee K. Steely, and Tusty ten Bensel

University of Arkansas at Little Rock, Little Rock, AR, USA

ABSTRACT

Canada v. Bedford (2013) was a Supreme Court case challenging prostitution laws in Canada. Before *Bedford*, the Criminal Code outlawed certain elements of prostitution. In *Bedford*, it was argued the current laws violated the *Canadian Charter of Rights and Freedoms*, which guarantees the right to life, liberty, and security for all. The Supreme Court held that the laws violated the right to security as afforded by Section 7 of the Canadian Charter of Rights and Freedoms. Subsequently, the Canadian government enacted Bill C-36, which criminalized prostitution. Although these laws attempted to extend the rights of sex workers, many argue that Bill C-36 only changes who gets charged with a crime and does not ensure the safety or security of sex workers. This review will discuss the current state of the sex industry in Canada and how these laws impact women working within the industry.



KEYWORDS

Prostitution; Canada;
sex work

INTRODUCTION

The commercial exchange of sex has become a highly contested global issue, specifically in Canada. The future of Canada's prostitution laws has become an urgent public policy issue following the Supreme Court's ruling in *Canada v. Bedford* (Waltman, 2014). This case invalidated three prostitution-related¹ laws on the grounds that it violated the right to life, liberty, and security, as guaranteed the *Charter of Rights and Freedoms*, Section 7 (*Canada (Attorney General) v. Bedford*, 2012). Subsequently, Canadian legislators passed Bill C-36 or the Protection of Communities and Exploited Persons Act (PCEPA), which criminalized the purchase of sexual services, while the sale of the services remains legal (Department of Justice Canada, 2014). Although this legislation was intended to advance the rights of female sex workers, many argue it does not ensure security and safety for female sex workers,² especially since it only criminalizes the purchase of sexual services rather than creating safe spaces for women within the sex industry (Campbell, 2015; Sampson, 2014).

Between 2009 and 2014, prostitution related incidents represented less than .01% of all crimes reported to the Canadian police (Rotenberg, 2016). Approximately, 82% of prostitution charges were for "communicating or attempting to communicate with a person for the purpose of engaging in or obtaining sexual services" (Rotenberg, 2016, pp. 3). Close to half of the individuals who were arrested for prostitution were females (43%), while females constituted approximately 23% of all offenses overall between 2009 and 2014. The race and ethnicity of sex workers varies by

CONTACT Natalie M. Snow  nmsnow@ualr.edu  University of Arkansas at Little Rock, 2801 S. University Ave., Ross Hall 510, Little Rock, AR 72204, USA.

¹Prostitution is defined as a term "used by Canadian law to describe the exchange of sexual activity for monetary payment" (Canadian Public Health Association, 2014, pp. 3).

²Sex work and prostitution is used synonymously throughout the paper.

region (Neal et al., 2014) and Indigenous women are overrepresented among street sex workers, ranging from 14–60% across the country (Bingham, Leo, Zhang, Montaner & Shannon, 2014; Shannon, Kerr, Allinott, Chettiar, Shoveller & Tyndall, 2008). Although little is known about those who pay for sexual services, previous research has found that the majority of buyers are males (Atchison, 2010; Lowman, 2000), whose sexual preferences are similar to the general population (Lowman, 2000). Violence against sex workers accounted for the largest percentage of secondary violation (36%), in conjunction with prostitution offenses between 2009 and 2014 (Rotenberg, 2016). There were about 294 homicides of prostitutes in Canada between 1991 and 2014 and one-third of these homicides are still unsolved.

The unsafe working conditions and violent victimization of sex workers was the primary impetus for challenging the legitimacy of prostitution provisions outlined in *Criminal Code of Canada*. The following sections will provide a thorough background of the prostitution provisions in the *Criminal Code of Canada*, the case that changed these provisions (*Bedford v. Canada*, 2010), and Bill-C36 which subsequently criminalized the purchasing of sexual services, advertising sexual services, receiving material benefits from prostitution and procuring services. We conclude this paper with a discussion about how these prostitution laws currently impacts sex workers in Canada.

Before the *Bedford* ruling, the sex industry in Canada was regulated through provisions outlined in the *Criminal Code of Canada* (Casavant & Valiquet, 2014). Although the exchange of money for sexual services was legal, the *Criminal Code of Canada* outlined a number of provisions on how and where prostitution could occur. These limitations included prohibiting the keeping of or being found in a bawdy house (i.e., building used for prostitution) (Section 210(1)), living on the avails of prostitution (Section 212(1)(j)), and communicating for the purposes of prostitution (Section 213(1)(c)). Specifically, it was illegal for sex workers to sell sex outside, from a fixed location, and to work with others (Belak & Bennett, 2016).

In 2007, three sex workers challenged these provisions before the Ontario Superior Court of Justice by arguing that these laws violated Section 7 of the *Charter of Rights and Freedoms* (*Bedford v. Canada*, 2010). Section 7 of the Charter states that “everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice” (Canadian Charter of Rights and Freedoms, 2019, § 7). They mainly argued that the prostitution laws within the *Criminal Code of Canada* prevented sex workers from implementing safety plans by prohibiting the communication between sex workers and their clients. Lack of communication between sellers and clients compromised the overall health and security of prostitutes, especially for those who were street-based sex workers (Belak & Bennett, 2016). Furthermore, the current law often required sex workers to conduct business outdoors and alone in isolated areas because they were unable to use a building for their services. This led to the inability to screen clients before engaging in sex, lack of negotiation on price, type of sexual services, and use of condoms (Belak & Bennett, 2016).

Their arguments were fueled by recent increases in violence against street-based sex workers, explicitly involving crimes committed by Robert Pickton (Sampson, 2014). In December 2007, Pickton was convicted of murdering six women in Canada who disappeared from Vancouver’s Downtown Eastside and were thought to be sex workers (Sampson, 2014). The remains of 33 missing women were found on his property. He was initially charged with the deaths of 26 women, and ultimately, convicted of six charges of second-degree murder. Critics argued the Vancouver Police Department’s failure to capture Pickton sooner was due to inadequate investigations, as well as the existing sex work laws that contributed to dangerous working environments for sex workers (Sampson, 2014). The Pickton case raised concerns about the security and safety of sex workers, which led to the *Bedford v. Canada* challenge.

Bedford v. Canada

Bedford, Lebovitch, and Scott challenged the *Canadian Criminal Code* based on four claims: 1) the laws violated *Section 7* of the *Charter of Rights and Freedoms* rights to liberty and security of the persons, 2) these violations were not in accordance with principles of fundamental justice, 3) prohibiting communication for prostitution violated sex workers' rights to freedom of expression, and 4) these violations were not justified in a "free and democratic society" (*Bedford v. Canada*, 2010). On September 28th, 2010, the Superior Court of Ontario declared the *Canadian Criminal Code* unconstitutional and Justice Himel suggested the provisions were "grossly disproportionate to their purpose" (*Bedford v. Canada*, 2010, p. 19). She argued that the laws restricted the ability of sex workers to lawfully protect themselves from danger, especially violent victimization (*Bedford v. Canada*, 2010; Stewart, 2015).

Himel's decision was appealed by the Crown in 2011. The Court of Appeals upheld that the prohibition of bawdy houses for prostitution was unconstitutional because the impact of the law was disproportionate to the purpose of deterring a social nuisance (*Canada (Attorney General) v. Bedford*, 2012). This prohibition no longer prevented sex workers from conducting business within a fixed, indoor location, which has shown to be safer than meeting clients at different locations or working on the street (O'Doherty, 2011; Sanders & Campbell, 2007). Further, the court amended section 213.1(c) to clarify that living on the avails of prostitution only applied to those who were exploiting sex workers, such as pimps (*Canada (Attorney General) v. Bedford*, 2012). The Court now allowed sex workers to legally hire bodyguards, drivers, or other security staff to reduce their risk of harm (*Canada (Attorney General) v. Bedford*, 2012).

In 2013, the case was brought before the Supreme Court of Canada. In a unanimous (9-0) vote, the Supreme Court of Canada ruled that all three provisions violated the right to security of the person protected by the *Charter of Rights and Freedoms* and struck them down. Ultimately, the Court had two choices for the future of Canada's prostitution laws: 1) remove the unconstitutional sections of the *Criminal Code*, which would leave sex work largely decriminalized, or 2) introduce new criminal laws that were in compliance with the *Charter*. Although many sex workers, public health organizations, and human rights groups advocated for the first choice, the Supreme Court decided to suspend the prostitution laws within the *Canadian Criminal Code* for a year and allow the government to revise or enact new legislation that would address the Supreme Court's decision (*Canada (Attorney General) v. Bedford*, 2013).

During the year-long suspension, the debate among Canadian government officials shifted towards regulating sex work (Campbell, 2015; Casavant & Valiquet, 2014). This eventually led to the adoption of a "Nordic Model," which assumes prostitution is inherently harmful and promotes violence against women, such as sexual harassment, rape, and exploitation (Farley, 2004). In 2014, the Canadian government introduced a new law, Bill C-36 or the Protection of Communities and Exploited Persons Act (PCEPA), which criminalizes the sale of sexual services for the first time in Canadian history (Belak & Bennett, 2016). It was based on the premise that prostitution exploits both women and children and should be regulated by the government. It now penalizes purchasers and those who receive financial benefits from prostitution (Department of Justice Canada, 2014).

The Protection of Communities and Exploited Persons Act (PCEPA)

Bill C-36, the *Protection of Communities and Exploited Persons Act*, received Royal Assent on November 6, 2014 (Protection of Communities and Exploited Persons Act S.C., 2014). This enactment amended the *Criminal Code of Canada* to include five broad categories of sex work-related offenses. This bill criminalized paying for sexual services, communicating to exchange sexual services, profiting as a third party from someone else's sexual services, and procuring someone to

provide sexual services and third-party advertising to provide sexual service (PCEPA, 2014). Through PCEPA, the Canadian government sought to protect the dignity and equality of Canadians by prohibiting the exploitation of prostitutes and prohibiting the purchase of sexual services (PCEPA, 2014).

The overall objectives were to protect prostitutes from their own services, ensure societal protection (predominantly children from the harms of prostitution), and to reduce the demand of prostitution within the community (Department of Justice, 2018). The government also promised \$20 million to local agencies to help sex workers exit prostitution (Department of Justice, 2018). *PCEPA* reflected a paradigm shift in the treatment of sex workers, as it portrays all sex workers as victims and the consumers as criminals. To protect women and children from exploitation, the goal was to target the demand for sexual services and those who exploited sex workers (Department of Justice, 2018). In the following sections, we review the concepts of the new law, their impact on the sex industry, and provide a brief discussion on the changes of the law and how it can potentially impact sex workers.

Communicating Offenses

The *PCEPA* criminalizes potential clients from communication with sex workers near or in view of a park, daycare or school (i.e., areas where children are commonly located) (PCEPA, 2014). Client interactions are prohibited in person, by telephone and email, or through any kind of web-based messaging service (Belak & Bennett, 2016). Although sex workers can communicate with their clients legally (provided they are not in a prohibited public place), clients cannot legally respond to or initiate communication with sex workers. This restricts sex workers from being able to negotiate the terms of service, price, rules, and have the ability to visually screen clients to determine if they feel safe to exchange services with clients and lack of safety was a central issue in the *Bedford* case (Armstrong, 2014; Belak & Bennett, 2016; Standing Committee on Human Rights & Justice, 2006). For street-based workers, the risk of arrest is ever-present under the new communication law. For example, Duff et al. (2017) examined factors associated with workplace stress among 545 Canadian female sex workers. Among those factors, workplace violence, police presence at worksites, and having a location to seek refuge from danger were reported as very stressful, while servicing clients from informal indoor locations was associated with decreased stress. Furthermore, these concerns were particularly high among Indigenous and im/migrant women who worried about undercover police operations and inspections which could result in deportation or loss of immigrant status (McBride et al., 2019).

As a result of increased police surveillance, sex workers are unable, or have less time, to communicate with their clients, which hinders their ability to negotiate and screen their clients in public and supervised areas (Duff et al., 2017; Krüsi et al., 2014). Street-based workers generally work in neighborhoods with clients driving by to obtain services. Typically, the vehicle stops, the driver speaks to the sex worker about services and pricing, and simultaneously, the sex worker screens the client (Duff et al., 2017; Armstrong, 2014). When interviewing 31 street-based workers, Krüsi et al. (2014) determined that the greatest likelihood for detection by police is entering a client's vehicle. Since the *PCEPA* targets clients who pay for services, sex workers are severely limited in their time to screen clients and often bypasses the terms of their transactions (i.e., fees, sexual services, and condom use) prior to entering the client's vehicle (Krüsi et al., 2014). The capacity to screen clients adequately has been instrumental in sex workers ability to control their health and safety from violence and the contraction of HIV/STIs (Krüsi et al, 2012). Research on transgendered sex workers (Lyons et al., 2017) has found that the inability to adequately screen clients has increased their risk for workplace violence. After interviewing 33 transgender sex workers in Vancouver, Lyons et al. (2017) determined clients' misreading or the discovery of one's gender identity during the negotiation of sexual services substantially increased their risk of physical violence. As a direct result of *PCEPA*, street-based sex workers have resorted to alleys,

side streets, and isolated areas to conduct business in efforts to avoid detection, which often increases their risk of victimization (Belak & Bennett, 2016).

Third-party Profiting of Sexual Services/procuring a Person to Provide Sexual Services

PCEPA also criminalized profit from the sale of sexual services. It aims to prevent the commercialization of sexual services and any substantial gain based on the exploitation³ of sex workers (Belak & Bennett, 2016). This provision applied directly to those who use violence, coercion, or power imbalance as a means to benefit from sales of sexual services, such as pimps (Campbell, 2015; Vuolajärvi, 2018). Moreover, individuals who work in indoor facilities, such as security, receptionists, and bookers can also be charged for a crime under this law (Department of Justice, 2014).

Despite this provision, research has found that sex workers who work in indoor facilities typically have access to bad-date lists, support staff to assist with violent and aggressive clients, and reproductive health supplies (Duff et al., 2015; Krüsi et al., 2012). In fact, studies have found that working in indoor facilities provide reliable client information, security, and a sense of personal safety (Lazarus, Chettiar, Deering, Nabess & Shannon, 2011; Krusi et al., 2012; O'Doherty, 2011). For example, Bungay and Guta (2018) interviewed 85 sex workers in British Columbia, Canada who operated within indoor facilities and determined the importance of having someone else around while servicing a client. These participants reported hiring personal security, a driver, or a bookie to intervene when safety became an issue with the client. With the criminalization of sexual service businesses, sex workers are driven to work alone without having the protections stated above.

Third-party Advertising of the Sale of Sexual Services

The third element of *PCEPA* was the criminalization of the advertisement of sexual services. This legislation sought to eradicate online and print advertisements, which was believed to lead to reductions in prostitution (Protection of Communities and Exploited Persons Act S.C., 2014). This provision specifically targeted those who are responsible for the placement of ads for sexual services online (Department of Justice, 2014).

Despite the criminalization of advertisements, research has shown sex workers use of technology has increased the safety of sex workers, specifically involving client screening (Cunningham & Kendall, 2011; Sanders, Connelly & King, 2016). Sex workers can reduce the risk of violence through the utilization of online tools to screen their clients and negotiate their terms ahead of time. Through the Internet, sex workers can negotiate various aspects of their work through web-chat with prospective clients, discuss prices and rates, types of services offered, locations in which services will be exchanged, condom use, and other expectations (Argento et al., 2018). For example, Sanders et al. (2016) surveyed 240 Internet based sex workers and found that crimes against sex workers, in a digital platform, had lower incidents of physical violence. Prior to *PCEPA*, online forums allowed for sex workers to negotiate terms, screen potential clients, which reduced the risk of violence by clients, and decreased the risk of harassment from police officers, especially among those who were street-based. This component of *PCEPA* undermined the safety concerns brought forward in the *Bedford* Supreme Court decision, which has limited their control over their own working conditions (McClean, 2015; Parsons, Koken, & Bimbi, 2007).

³The *Canadian Criminal Code* and the *Immigration and Refugee Protection Act* contain separate laws as it pertains to human trafficking. The applicable *Criminal Code* sections are 279.01-279.03(2), can and should be applied in bona fide situations of coercive labor. Other *Criminal Code* offences can also be used by police and Crown prosecutors depending on the facts and circumstances of the case. Section 117 of the *Immigration and Refugee Protection Act* covers charges related to human trafficking.

DISCUSSION

The underlying basis for the *Charter* challenge of the *Criminal Code of Canada*, in *Bedford v. Canada*, was to ensure that sex workers were afforded the right to liberty and security that is guaranteed to all Canadian citizens by the *Charter of Rights and Freedoms* (Sharpe & Roach, 2005). In a unanimous vote, the Supreme Court of Canada decided that all three provisions of the *Criminal Code of Canada* violated the *Charter of Rights and Freedoms* and struck them down (*Canada (Attorney General) v. Bedford*, 2012). Prior to the implementation of *PCEPA*, it was illegal for sex workers to communicate with their clients, from a fixed place, with help of other individuals. Although the Supreme Court of Canada struck down these provisions, the new law prohibits similar components of prostitution in Canada. Under the new law, the *PCEPA* prohibits communication between sex workers and their clients by penalizing the *clients* for communicating to exchange services instead of the sex workers. The Canadian adoption of the Nodric Model simply transferred the culpability of sex work from the worker to the client; however, the fundamental issues of security, safety, and liberty still remain (Belak & Bennett, 2016). In addition, the criminalization for paying for services was added to the provisions of prostitution, which specifically targets clients of prostitution. The lack of communication and the criminalization of paying for services likely speeds up the transaction process between the two parties; thus, limiting the sex workers ability to screen and negotiate with clients, while the advertising offense increases opportunities for in-person hostile negotiations (Duff et al., 2017; Krüsi et al., 2014). Prior to *Bedford v. Canada*, it was also against the law to be “living on the avails of prostitution,” which criminalized individuals like security guards, receptionists, and bookers who worked with sex workers to secure clients in a safe manner (Lazarus, Chettiar, Deering, Nabess & Shannon, 2011; Krusi et al., 2012; O’Doherty, 2011). Post *PCEPA*, this remains illegal (i.e., profiting as a third party from someone else’s sexual services) and sex workers are forced to work alone in isolated areas (Belak & Bennett, 2016; *PCEPA*, 2014).

Since the implementation of *PCEPA* in 2014, arrests for the new violations classified as “commodification of sexual activity”⁴ under “violations against the person” have increased (Statistics Canada, 2019). The rate per 100,000 Canadians have risen from 0.01 in 2014 to 2.19 in 2018- peaking at 2.54 in 2017 (Statistics Canada, 2019). Non-violent prostitution offenses, such as stopping and impeding traffic for the purpose of providing or obtaining sexual services has slightly increased by .05 per 100,000. Although *PCEPA* was intended to be a progressive legislation for sex workers, some argue that it re-created a similar context in which sex workers are still working in unsafe conditions and placed in dangerous situations (Abrol, 2014; Kunimoto, 2018).

After examination of current research in consort with the new provisions surrounding the sex worker, it appears the authors of the new laws did not heed the instruction from the *Supreme Court of Canada*. Many pro-sex work organizations and lawyers argue these provisions create more isolation and danger for an already stigmatized population (Belak & Bennett, 2016; Haak, 2017; Sampson, 2014) and will unlikely stand up to another *Charter* challenge in the future once the new laws are challenged in criminal court (Belak & Bennett, 2016; Haak, 2019; Sampson, 2014). The Canadian government will conduct a full review of the law in 2020.

DISCLOSURE STATEMENT

We have no known conflict of interest to disclose.

⁴The classification includes the charges of purchasing of sexual services or communicating for that purpose, procuring of persons for the purpose of prostitution, receiving a material benefit deriving from the purchase of sexual services, and advertising sexual services offered for sale (Statistics Canada, 2019).

ORCID

Natalie M. Snow  <http://orcid.org/0000-0003-4197-0946>

REFERENCES

- Abrol, M. (2014). The criminalization of prostitution: Putting women's lives at risk. *Prandium: The Journal of Historical Studies*, 3(1), 1–12.
- Argento, E., Taylor, M., Jollimore, J., Taylor, C., Jennex, J., Krusi, A., & Shannon, K. (2018). The loss of boystown and transition to online sex work: Strategies and barriers to increase safety among men sex workers and clients of men. *American Journal of Men's Health*, 12(6), 1994–2005. doi:10.1177/1557988316655785
- Armstrong, L. (2014). Screening clients in a decriminalised street-based sex industry: Insights into the experiences of New Zealand sex workers. *Australian & New Zealand Journal of Criminology*, 47(2), 207–222. doi:10.1177/0004865813510921
- Atchison, C. (2010). *Report of the preliminary findings of John's voice: A study of adult Canadian sex buyers*. University of Victoria: Canadian Institute for Health Research and the British Columbia Medical Services Foundation. doi:10.13140/RG.2.1.4317.6402
- Bedford v. Canada. (2010). *ONSC 4264*. Retrieved from <http://canlii.ca/t/2cr62>.
- Belak, B., & Bennett, D. (2016). *Evaluating Canada's sex work laws: The case for repeal*. Vancouver, British Columbia: Pivot Legal Society.
- Bingham, B., Leo, D., Zhang, R., Montaner, J., & Shannon, K. (2014). Generational sex work and HIV risk among Indigenous women in a street-based urban Canadian setting. *Culture, Health & Sexuality*, 16(4), 440–452. doi:10.1080/13691058.2014.888480
- Bungay, V., & Guta, A. (2018). Strategies and challenges in preventing violence against Canadian indoor sex workers. *American Journal of Public Health*, 108(3), 393–398. doi:10.2105/AJPH.2017.304241
- Campbell, A. (2015). Sex work's governance: Stuff and nuisance. *Feminist Legal Studies*, 23(1), 27–45. doi:10.1007/s10691-015-9279-3
- Canada (Attorney General) v. Bedford. (2012). *ONCA 186*. Retrieved from <http://www.abolitionprostitution.ca/downloads/ontario-court-of-appeal-decision-2.pdf>.
- Canada (Attorney General) v. Bedford. (2013). *SCC 72, [2013] 3 S.C.R. 1101*. Retrieved from <http://canlii.ca/t/g2f56>.
- Canada Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2006). *The challenge of change: A study of Canada's criminal prostitution laws*. Sixth Report. 38th Parliament. Retrieved from <https://www.ourcommons.ca/Content/Committee/391/JUST/Reports?RP2599932/justrp06/sslrp06-e.pdf>
- Canadian Charter of Rights and Freedoms. (2019). s. 7, Part 1 of the *Constitution Act, 1892*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11. Retrieved from: <https://laws-lois.justice.gc.ca/eng/const/page-15.html>.
- Canadian Public Health Association. (2014). *Sex work in Canada: The public health perspective*. Ottawa, Canada: Canadian Public Health Association.
- Casavant, L., & Valiquet, D. (2014). *Bill C-36: An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts* (Publication No. 41-2-C36-E). Ottawa, Ontario: Library of Parliament.
- Cunningham, S., & Kendall, T. D. (2011). Prostitution 2.0: The changing face of sex work. *Journal of Urban Economics*, 69(3), 273–287. doi:10.1016/j.jue.2010.12.001
- Department of Justice Canada. (2014). Technical paper: *Bill C-36, an act to amend the criminal code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other acts*. Ottawa, Ontario. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/other-autre/protect/protect.pdf>
- Department of Justice. (2018). Prostitution criminal law reform: Bill C-36, the *Protection of Communities and Exploited Persons Act*. Ottawa, Ontario. Retrieved from: <https://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html#sec2a>.
- Duff, P., Shoveller, J., Dobrer, S., Ogilvie, G., Montaner, J., Chettiar, J., & Shannon, K. (2015). The relationship between social, policy and physical venue features and social cohesion on condom use for pregnancy prevention among sex workers: A safer indoor work environment scale. *Journal of Epidemiology and Community Health (Health-)*, 69(7), 666–672. doi:10.1136/jech-2014-204427
- Duff, P., Sou, J., Chapman, J., Dobrer, S., Braschel, M., Goldenberg, S., & Shannon, K. (2017). Poor working conditions and work stress among Canadian sex workers. *Occupational Medicine*, 67(7), 515–521. doi:10.1093/occmed/kqx092
- Farley, M. (2004). Bad for the body, bad for the heart[®]: Prostitution harms women even if legalized or decriminalized. *Violence against Women*, 10(10), 1087–1125. doi:10.1177/1077801204268607
- Haak, D. (2019). Re(de)fining prostitution and sex work: Conceptual clarity for legal thinking. *Windsor Review of Legal and Social Issues*, 40, 67–112.

- Haak, D. M. (2017). The initial test of constitutional validity: Identifying the legislative objectives of Canada's new prostitution laws. *University of British Columbia Law Review*, 50(3), 657–697.
- Krüsi, A., Chettiar, J., Ridgway, A., Abbott, J., Strathdee, S. A., & Shannon, K. (2012). Negotiating safety and sexual risk reduction with clients in unsanctioned safer indoor sex work environments: A qualitative study. *American Journal of Public Health*, 102(6), 1154–1159. doi:10.2105/AJPH.2011.300638
- Krüsi, A., Pacey, K., Bird, L., Taylor, C., Chettiar, J., Allan, S., & ... Hannon, K. (2014). Criminalisation of clients: Reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada- a qualitative study. *BMJ Open*, 4(6), e005191. doi:10.1136/bmjopen-2014-005191
- Kunimoto, E. (2018). A critical analysis of Canada's sex work legislation: Exploring gendered and racialized consequences. *Stream: Inspiring Critical Thought*, 10(2), 27–36.
- Lazarus, L., Chettiar, J., Deering, K., Nabess, R., & Shannon, K. (2011). Risky health environments: Women sex workers' struggles to find safe, secure and non exploitative housing in Canada's poorest postal code. *Social Science & Medicine*, 73(11), 1600–1607. doi:10.1016/j.socscimed.2011.09.015
- Lowman, J. (2000). Violence and the outlaw status of (street) prostitution in Canada. *Violence against Women*, 6(9), 987–1011. doi:10.1177/10778010022182245
- Lyons, T., Krüsi, A., Pierre, L., Kerr, T., Small, W., & Shannon, K. (2017). Negotiating violence in the context of transphobia and criminalization: The experiences of trans sex workers in Vancouver. *Qualitative Health Research*, 27(2), 182–190. doi:10.1177/1049732315613311
- McBride, B., Shannon, K., Duff, P., Mo, M., Braschel, M., & Goldenberg, S. M. (2019). Harms of workplace inspections for im/migrant sex workers in-call establishments: Enhanced barriers for health access in a Canadian setting. *Journal of Immigrant and Minority Health*, (6)21, 1290–1299. doi:10.1007/s10903-019-00859-9
- McLean, A. (2015). You can do it from your sofa": The increasing popularity of the internet as a working site among male sex workers in Melbourne. *Journal of Sociology*, 51(4), 887–902. doi:10.1177/1440783313480416
- Neal, N., Schrader, T., Hyndman, J., Boyce, B., Phillips, D., Smith, R., ... Mukkath, S. (2014). *Street based sex workers needs assessment- Toronto, Barrie, and Oshawa*. Toronto, Ontario: Street Health and Regent Park Community Health Center.
- O'Doherty, T. (2011). Criminalization and off-street sex work in Canada. *Canadian Journal of Criminology and Criminal Justice*, 53(2), 217–245.
- Parsons, J.T., Koken, J.A., & Bimbi, D.S. (2007). Looking beyond HIV: Eliciting individual and community needs of male internet escorts. *Journal of Homosexuality*, 53(1–2), 219–240. doi:10.1300/J082v53n01_10
- Protection of Communities and Exploited Persons Act S.C. (2014). c.25. Retrieved from: https://laws-lois.justice.gc.ca/eng/annualstatues/2014_25/page-1.html.
- Rotenberg, C. (2016). *Prostitution offences in Canada: Statistical trends* (Report No. 85-002-x). Ottawa: Canadian Centre for Justice Statistics.
- Sampson, L. (2014). The obscenities of this country": Canada v. Bedford and the reform of Canadian prostitution laws. *Duke Journal of Gender Law & Policy*, 22(1), 137.
- Sanders, T., & Campbell, R. (2007). Designing out vulnerability, building in respect: Violence, safety and sex work policy. *The British Journal of Sociology*, 58(1), 1–19. doi:10.1111/j.1468-4446.2007.00136.x
- Sanders, T., Connelly, L., & King, L. J. (2016). On our own terms: The working conditions of internet-based sex workers in the UK. *Sociological Research Online*, 21(4), 133–114. doi:10.5153/sro.4152
- Shannon, K., Kerr, T., Allinott, S., Chettiar, J., Shoveller, J., & Tyndall, M. W. (2008). Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science & Medicine*, 66(4), 911–921. doi:10.1016/j.socscimed.2007.11.008
- Sharpe, R. J., & Roach, K. (2005). *The charter of rights and freedoms* (3rd ed.). Toronto, Canada: Irwin Law.
- Statistics Canada. (2019). *Incident-based crime statistics, by detailed violations, Canada, provinces, territories and Census Metropolitan Areas* (Table: 35-10-0177-01). Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510017701&pickMembers%5B0%5D=1.1&pickMembers%5B1%5D=2.236>.
- Stewart, E. (2015). Bedford and the structure of Section 7. *McGill Law Journal*, 60(3), 575–594.
- Vuolajarvi, N. (2018). Governing in the name of caring—the Nordic model of prostitution and its punitive consequences for migrants who sell sex. *Sexuality Research and Social Policy*, 16(2), 151–165. doi:10.1007/s13178-018-0338-9
- Waltman, M. (2014). Assessing evidence, arguments, and inequality in *Bedford v. Canada*. *Harvard Journal of Law & Gender*, 37, 460–543.