

Legal questions arise as Vancouver subsidized housing turns blind eye to sex workers

BY TARA CARMAN, VANCOUVER SUN MAY 10, 2012



Janice Abbott, Executive Director at Atira Women's Resource Society is pictured in one of the rooms in Vancouver's Downtown East-side neighbourhood.

Photograph by: Bem Nelms, National Post Files

VANCOUVER - Subsidized housing residences that turn a blind eye to sex workers who bring clients to their rooms could be breaking Canada's law against bawdy houses if management is aware such activity is occurring regularly, according to the Pivot Legal Society.

"If someone in the space, whether it's the people who are living there or the people who are operating the space, know that prostitution is occurring there regularly, then they could be found to be guilty of being found in or keeping a common bawdy house," said Katrina Pacey, Pivot's litigation director. "So the question is who's aware of what's going on at any given time and so that's where the . . . legal questions lie."

Janice Abbott, CEO of the Atira Women's Resource Society, said tenants of supportive housing complexes for low-income women are entitled to the same rights as any other renter in the city, even if they are sex workers who bring clients to the residence.

Janice Abbott said that when Atira opened Bridge Housing in 2001, which offers 36 units of long-term,

supportive housing for women and is subsidized through BC Housing, there was no conscious decision to create a safe, indoor space for women to do sex work.

When the situation presented itself, Atira decided not to question the women's guests as to their business with the tenants, Abbott said.

"They're paying rent and it's their home and they get to do everything all the rest of us take for granted in our homes, which is have guests come and go, among many other things."

Prostitution is legal in Canada, but related activities such as operating brothels, living off the avails of prostitution and communicating for the purposes of prostitution are not.

Any communication with clients, however, happens outside of the facility and support staff don't see any money changing hands. Any guests Atira tenants choose to bring back to the residence are their own business, Abbott said, noting that this is something that happens all over the city.

Pivot's Pacey noted that the Ontario Court of Appeal recently ruled that Canada's law prohibiting bawdy houses is unconstitutional on the basis that it places unreasonable restrictions on sex workers' ability to protect themselves. That case is headed for the Supreme Court of Canada, which will decide the issue for the entire country. Should the police choose to bring such charges against tenants or management of such housing complexes in Vancouver, they would likely have a constitutional challenge on their hands, she said.

Pacey also noted that the City of Vancouver has proposed a new sex work enforcement policy to the Vancouver police board indicating that consensual adult sex work is not an enforcement priority for the police and that their priority should be ensuring the safety of sex workers.

Atira was one of two residences highlighted in a study published Wednesday in the *American Journal of Public Health* by the Gender and Sexual Health Initiative of the BC Centre for Excellence in HIV/AIDS (BC-CfE) and the University of British Columbia.

The study's authors interviewed 39 women who previously worked on the street and were living in complexes operated by Atira and RainCity Housing and Support Society.

They are women-only buildings (residents and staff) that offer supportive guest policies that require clients to sign-in at front desk, have 24-hour staff available to call police in case there is violence and onsite security cameras.

The buildings also offer health and safety resources, including bad date sheets and condoms. Bad dates sheets include licence plates and descriptions of violent "dates," the term used to describe customers who pay for sex, though Abbott noted all of these things are widely available throughout the Downtown Eastside.

The study showed that indoor sex work is much safer than women working on the street and negotiating through car windows and that the supportive housing programs increased the women's

control over negotiating sex work transactions, including the capacity to refuse unwanted services, negotiate condom use and avoid violent predators.

Energy Minister Rich Coleman, who carries responsibility for housing, said Thursday he has not yet taken a stance on the issue.

"This is a really tough issue. We're dealing with an inquiry of sex trade workers that were murdered by a serial killer, and that's one of the areas where serial killers prey on people, particularly in this cohort of folks. These women come from backgrounds of sexual abuse and drugs and alcohol and they're on the streets not by choice. Our housing is trying to break down those barriers to give them a chance to change their lives," he said.

"For this to be going on is a concern on one side, but on the other side, at the same time, my heart actually goes out to the individuals too because it's a human rights issue too for me," he continued.

"I've seen friends lose their children to drugs and alcohol and prostitution and if there's a chance to turn those children's lives around I would have wanted it for them. If this does it for someone here then we have to measure that with the challenge. We ask our providers to obey the law, but at the same time the rooms are their rooms, they're like their home."

Coleman added he thinks the study did not collect enough information, adding he has asked his staff to look into the issue further.

"My disappointment with the study on the first blush was that it didn't ask any of the other residents how they felt about it. It only talked about a select number of people, which I've asked my guys to look at how the other residents feel and how we can improve security and those issues around it?" he said, adding he will continue to consider the issue.

"This is a situation where these folks have other issues - mental illness or addictions or abuse in their backgrounds - I think we have to be sensitive to that as we try to find a way to deal with it," he said.

"I just don't have the answer. The actual act is not illegal, it's the solicitation," he added.

"It's a tough one and I'm not prepared to throw anybody under the bus on this one."

New Democratic Party housing critic Shane Simpson said he thinks safety needs to be the paramount concern.

"While I think it's an uncomfortable situation, from a safety point of view it's probably something we have to accept and look at better ways to deal with it in the future," he said.

"You don't want to adopt it as policy and you don't want to create a situation where that kind of activity could simply occur in other developments," he added.

"But this is a unique community, it's a unique circumstance with these women and we probably need to accept that and move forward."

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