

**An Overview of The Supreme Court of Canada's Decision to Strike Down Canada's Prostitution Laws: *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 S.C.R. 1001** <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>

**Executive Summary**

Prostitution, the exchange of sex for money and other considerations, is a controversial subject involving complex and contradictory interests, values and issues.

On December 20, 2013, *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] S.C.R. 1001, was decided by the Supreme Court of Canada (SCC). A unanimous decision authored by the Chief Justice of the Supreme Court of Canada Beverley McLachlin, upheld lower court decisions to strike down some of Canada's prostitution laws as unconstitutional: s.210 makes it an offence to keep or be in a bawdy-house; s. 212(1)(j) prohibits living on the avails of prostitution; and s.213(1)(c) prohibits communicating in public for the purposes of prostitution. The SCC held that all 3 provisions violate the security of the person guaranteed by s.7 of the *Canadian Charter of Rights and Freedoms* ("*Charter*"). The *Charter* is a Bill of Rights that is entrenched in the Constitution of Canada and s.7 expresses that the state cannot deny a person's right "to life, liberty and security of the person".

Acknowledging the complicated nature of these sections, the SCC suspended the declaration of invalidity for 1 year, providing the Conservative government time to re-write the Legislation. Bill C-36 *Protection of Communities and Exploited Persons Act*, was the Conservative Government's response to the SCC's ruling in the *Bedford* case. Bill C-36, for the first time in Canada, explicitly outlaws the buying, but not the selling of sex. It reflects a significant paradigm shift away from the treatment of prostitution as "nuisance" toward the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts women and girls. It received Royal Assent on November 6, 2014 and came into force on December 6, 2014. Its' overall objective is to reduce the demand for prostitution with a view to discouraging entry into it, deterring participation in it and ultimately abolishing it to the greatest extent possible.