

Prostitutes jailed unfairly, groups say

Boundaries and curfews in bail terms

BY ANN RAUHALA
The Globe and Mail

Unreasonable bail conditions, including curfews and boundaries that amount to house arrest, are among the measures being taken against those picked up under federal anti-prostitution law, activists for prostitutes' rights say.

Although the constitutionality of Section 195.1 of the Criminal Code is being challenged in the courts, police are still using the section in sweeps aimed at "cleaning up" downtown cores in Toronto, Montreal, Ottawa and Vancouver, the activists complained yesterday.

Women who plead not guilty to charges are being penalized by the imposition of curfews and long periods in custody without trial, Val Scott of the Canadian Organization for the Rights of Prostitutes said at a news conference.

Many women are pleading guilty immediately to avoid spending days in custody, she said.

Last Thursday night, Metro Toronto Police arrested more than



Chuck Barhydt

80 people who were kept in custody until Friday morning. Those who pleaded not guilty on Friday and asked for bail were told that they would either have to accept bail conditions or remain in custody until Monday or Tuesday.

Under the conditions, women have to stay out of certain neighborhoods and must stick to a curfew after 9 p.m. and before 6 a.m. Violating the terms of bail results in a six-month jail sentence.



Gillian Ridgerson

Chuck Barhydt, a lawyer acting for one of those arrested, told reporters that in the normal course of events a person charged under anti-prostitution law might expect a court appearance, a fine and no more than a half-hour or so in custody.

By arranging the sweep for a Thursday, he said, police "put women in the position of having to stay in custody for five days. The police know how the system

works."

He said his client agreed to the terms because she did not want to be away from her child for five days, "a penalty she would never have faced if she were found guilty."

"I feel my client has been penalized before she's had a chance to appear before the courts."

Prostitution is not a criminal offence, although related activities such as communicating for the purpose of prostitution are.

The Canadian Organization for the Rights of Prostitutes argues that the provisions of federal law are absurd, inappropriate and dangerous to prostitutes, and maintains that decriminalization is the only solution.

The group was joined yesterday by representatives of the National Action Committee on the Status of Women, the Elizabeth Fry Society and the newly formed Citizens Organization for the Repeal of Prostitution-Related Laws.

Gillian Ridgerson, a member of the new group, told reporters that the real nuisances in downtown Toronto are high rents, poor government services and arbitrary and intrusive policing.

"Prostitutes are part of the neighborhood," she said in an interview later. "I don't think it's valid to make them the scapegoats."

'Condom patrols,' threats cited at hearing

BY THOMAS CLARIDGE
The Globe and Mail

Street prostitution in Toronto has led to death threats being directed at homeowners and "condom patrols" being carried out by school authorities, a Provincial Court judge was told yesterday.

Crown counsel John Hambidge also said drug trafficking and depressed property values were offshoots of a problem Parliament was addressing in 1985 when it amended the Criminal Code to outlaw communications for the purpose of engaging in prostitution.

Mr. Hambidge was responding to an invitation by Judge June Bernhard for argument on whether the new law is demonstrably justified in a free and democratic society. The judge issued the invitation last August in ruling that the legislation infringes on guarantees of free speech contained in the Charter of Rights and Freedoms.

Under Section 1 of the Charter, all specified rights and freedoms are made subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

The constitutionality of the amended law has been challenged by lawyer Peter Maloney, whose client, 21-year-old Jennifer Smith, was charged with the communication offence on Jan.

15, 1986. She and an alleged client, Raymond Fortner, were charged after engaging in a conversation near the corner of Wellesley and Sherbourne streets in Toronto's Cabbagetown area.

The Crown and the defence have produced a foot-thick pile of documents ranging from transcripts from a four-day hearing to relevant court decisions in Canada and the United States. The oral submissions are expected to last at least two days.

Revelations of the extent of the street-prostitution problem in Toronto's Cabbagetown and Lakeshore motel strip were made in a 38-page written submission by Mr. Hambidge and Crown counsel Michael Bernstein.

Judge Bernhard was told that area residents, pedestrians and workers had been subjected to verbal and physical harassment.

"One gentleman asked someone to move from in front of his house and had his front teeth knocked out," the Crown said. "Actions to remove prostitutes and pimps from the property of their houses have resulted in broken windows, threats to burn down the complainant's house and death threats."

The court was told that a man circulating a petition against prostitution in his neighborhood "was threatened with having both his legs broken. His son was almost run down by a car."

Some staff members at Wellesley Hospital

required escorts to and from work and "some prostitutes even proposition inside the hospital."

The submission also told of:

- Bumper-to-bumper traffic in "track" neighborhoods between 6 p.m. and 5 a.m. every night
- Residents and merchants spending their mornings picking up fast-food litter and contraband.

"A school principal in the area must conduct a condom patrol every Monday morning."

- Residents witnessing couples openly engaging in intercourse. ("On four occasions one resident has pulled his car into the laneway beside his home to find sexual acts being committed on his property.")

- Street-corner battles over territory.
- Widespread use of illicit drugs, particularly as a means for pimps to control their prostitutes.

The judge was told that proclamation of the new law has sharply reduced the problem. "Presently there is only 30 per cent of the number of prostitutes that were on the street prior to the legislation," the submission said.

In his written submission, Mr. Maloney agreed that street prostitution was a serious nuisance, but argued that the new law is unconstitutional in that it goes too far by barring conversations in private, as well as public, places.