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**CALL TO ACTION: SEX WORKERS NEED YOUR SUPPORT!
TELL THE FEDERAL GOVERNMENT YOU SUPPORT SEX WORKERS'
RIGHTS!**

Following the historic *Bedford* decision in December 2013 striking down the harmful and unconstitutional prostitution laws that put sex workers in harm's way, the federal Department of Justice is conducting an online public consultation on what the federal government should do next.

This is an opportunity for you to support sex workers' right to work in safety and dignity. POWER is calling on sex workers and allies to participate in this consultation to help shape the government's response. We have provided our own answers below to inspire your own responses.

A few general points to remember:

- It takes a bit more work, but it's important that you create your own response – do not simply cut and paste ours or anyone else's! A unique response will reflect your own perspective on the issues, and will be taken more seriously.
- Submit only one response. More than one response from the same person may be discarded. If you re-submitting because you want to elaborate or clarify your response, make sure you indicate this in the last box.
- Please share this call to action with other supporters of sex worker rights and encourage them to submit their own responses!
- If you can, please share your responses with POWER – e-mail us at powerottawa@gmail.com. Please also consider sharing them with your federal Member of Parliament – to find your MP, go here: <http://www.parl.gc.ca/Parlinfo/Compilations/HouseofCommons/MemberByPostalCode.aspx?Menu=HOC>
- Be sure to respond before March 17th, 2014!

You can respond to the questionnaire here:

In English: <http://www.justice.gc.ca/eng/cons/curr-cours/proscons-conspros/index.html>

In French: <http://www.justice.gc.ca/fra/cons/cours-curr/conspros-proscons/index.html>

Here's how POWER answered the questions. Feel free to use these points to inspire your own response!

Question 1: Do you think that purchasing sexual services from an adult should be a criminal offence? Should there be any exceptions? Please explain.

Answer: The purchase of sexual services from an adult should not be a criminal offence. Criminalizing any aspect of consensual adult sex work would recreate the dangerous conditions perpetuated by the previous legal regime, would continue to put sex workers in harm's way, would continue to isolate and marginalize sex workers, would make it more difficult to address instances of abuse or coercion, and would waste taxpayer dollars on an expensive and ineffective enforcement regime.

Additional points:

- Making it illegal to purchase sexual services harms sex workers and communities by:
 - Making clients less likely to provide information to sex workers before a date, so that sex workers are unable to screen clients
 - Allowing aggressive policing that drives sex work underground and makes it difficult for sex workers to access protection when they need it
 - Making clients and sex workers reluctant to report any coercion and abuse against sex workers that they may witness or experience
 - Further marginalizing and isolating sex workers, making it difficult to access social programs and benefits, and to pay taxes, since their incomes comes from a criminalized activity
 - Making it difficult for sex workers to negotiate safer sex, thereby putting their health at risk.
- Criminal sanctions against purchasing sexual services would recreate the same dangerous conditions experienced by sex workers under the laws recently struck down by the Supreme Court of Canada. This would be a major step backwards.
- Criminalizing the purchase of sex from adults demands considerable resources to enforce the law, doesn't stop it from happening, and is ultimately a waste of taxpayer dollars.

Question 2: Do you think that selling sexual services by an adult should be a criminal offence? Should there be any exceptions? Please explain.

Answer: The selling of sexual services by an adult should not be a criminal offence. Criminalizing any aspect of consensual adult sex work would recreate the dangerous conditions perpetuated by the previous legal regime, would continue to put sex workers in harm's way, would continue to isolate and marginalize sex workers, would make it more difficult to address instances of abuse or coercion, and would waste taxpayer dollars on an expensive and ineffective enforcement regime.

Additional points:

- Making it illegal to sell sexual services harms sex workers and communities by:
 - Allowing aggressive policing that drives sex work underground and makes it difficult for sex workers to access protection when they need it
 - Making clients and sex workers reluctant to report any coercion and abuse against sex workers that they may witness or experience

- Further marginalizing and isolating sex workers, making it difficult to access social programs and benefits, and to pay taxes, since their incomes comes from a criminalized activity
- Making it difficult for sex workers to negotiate safer sex, thereby putting their health at risk.
- In addition, the risk of arrest and of having a criminal record can make it difficult for sex workers to transition to other forms of work, if and when they wish to.

Question 3: If you support allowing the sale or purchase of sexual services, what limitations should there be, if any, on where or how this can be conducted? Please explain.

Answer:

- POWER believes that criminal sanctions against any aspect of consensual adult sex work are inappropriate, as they would recreate the dangerous working conditions that led the Supreme Court of Canada to strike down the prostitution laws challenged in *Bedford*, and continue to isolate and marginalize sex workers.
- To address violence, abuse and coercion against sex workers, Canada should use existing *Criminal Code* prohibitions.
- Non-criminal laws to address working conditions and municipal by-laws regulating the sex industry must respect and protect the human and labour rights of sex workers, and should be developed in consultation with communities and sex workers themselves.

Question 4: Do you think that it should be a criminal offence for a person to benefit economically from the prostitution of an adult? Should there be any exceptions?

Answer: Sex work is work. It is not and should not be a crime to benefit economically from the work of another person, as long as relevant laws regarding wages, working conditions, coercion and exploitation, health and safety and human and labour rights are respected.

Additional points:

- Like workers in any other industry, sex workers hire, work for, and work with, a range of third parties. These can include security personnel, receptionists, managers, accountants, legal counsel, and industry colleagues. These people provide important supports to sex workers in their work, including helping them to stay safe.
- Making it a crime to benefit economically from the prostitution of an adult can also criminalize family members who may rely on sex workers for support.
- Ultimately, criminalizing third parties has the effect of removing much-needed working and personal supports to sex workers, further isolating and marginalizing them.

Question 5: Are there any other comments you wish to offer to inform the Government's response to the *Bedford* decision?

Answer:

- The *Bedford* decision was a welcome affirmation of the human rights of sex workers.
- The Supreme Court of Canada recognized the right of Parliament to create laws that address public nuisance, but not at the cost of the health, safety and lives of sex workers.
- The Supreme Court's ruling recognized that criminal prohibitions on aspects of sex work put sex workers in harm's way.
- The evidence is clear that criminalizing any aspect of consensual adult sex work would recreate the dangerous working conditions for sex workers that led the Supreme Court to rule as it did.

- POWER urges the Canadian government not to repeat the mistakes of the past in responding to this ruling.
- POWER supports full decriminalization of sex work along the lines of New Zealand's model, which offers protection to sex workers by considering their work as legitimate labour and offering the protection of occupational health and safety standards.
- Evidence shows that where sex work is decriminalized, sex workers are better able to access safe and non-judgmental health and social services, as well as police protection when they need it.
- Any legislation or regulation with regard to the sex industry must be developed in direct consultation with sex workers, as we are the experts on our own lives and work.

Question 6: Are you writing on behalf of an organization? If so, please identify the organization and your title or role.

Answer: POWER is a sex-worker led organization in the National Capital Region that works for the human and labour rights of sex workers.