

Maggie's:
The Toronto Sex Workers' Action Project
www.MaggiesToronto.ca

CALL TO ACTION! Sex Workers Need Your Support NOW!

The Canadian government is conducting an online public consultation on prostitution laws. This consultation is a chance for the Canadian public to have our say in how we want to protect, respect and support sex workers' human rights!

Many of you have asked how you can be more supportive of sex workers' rights.

Here's how in 5 easy steps!:

1. Use the suggested guidelines below to craft your unique response to the consultation questions. Responses are due by March 17th. These are examples of responses -- prepared for you by sex workers and allies across Canada.
2. Submit only one response. If you need to expand or clarify something that you said in your first response, then feel free to make a follow-up submission, but make sure you indicate in the last box that you are expanding on your previous submission. IP addresses are used to track responses and you don't want your response disqualified.
3. Mobilize your colleagues, friends, families, individuals in organizations to fill out the consultation using these guidelines! **Share these guidelines discreetly with allies and friends. Create more broad guidelines from these messages** for others who you want to mobilize but may be "on the fence". Do not post these guidelines online, rather post an invitation to be in touch with you for guidelines.
4. If you are assisting others by transcribing their responses (for example, in a community group, during a meeting, or for people that visit your organization) be sure to state the following in the last question (which asks whether you a member of a group):
 - a. State whose submission it is (in other words, the person you are assisting): *I am a (community member, sex worker in X city, member of X organization, ally etc).*
 - b. State whether that person received assistance: *I required assistance with the online submission process so another individual transcribed and submitted my answers on my behalf.*
 - c. State whether you borrowed someone else's computer: *I used a computer at XX organization, which may have been used by others to participate in this online consultation,*

5. Copy your own unique responses to the consultation and post them on your blogs, Facebook, and websites – they act as great educational tools!

Important: Create a PDF or copy of your response – send one copy to your Member of Parliament (to find your MP, go here: www.bit.ly/1cuJOxO) and one copy to the person or group who sent you this Call to Action! We are trying to keep track of *how many* people respond and what they said.

You can respond to the questionnaire here:

In English:

http://www.justice.gc.ca/eng/cons/curr-cours/proscons-conspros/index.html#2014_02_17

In French:

http://www.justice.gc.ca/eng/cons/curr-cours/proscons-conspros/index.html#2014_02_17

Guidelines for Answers : Inspire Yourself from these answers!

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

A: No, the **purchase** of sexual services from an adult should not be a criminal offence, with no exception.

- Evidence shows that criminal offences relating to the purchase of sexual services from an adult is harmful to sex workers and communities. The harms that result from this type of law include:
 - o Increased risk and rates of violence against sex workers
 - o Decreased ability to negotiate safer sex practices
 - o Safety networks among sex workers and screening systems (accessing important information from clients that will help sex workers assess risk) are threatened
 - o Aggressive policing that ends up impacting sex workers, not just clients
 - o Further marginalization and isolation of sex workers
 - o Clients are reluctant to report violence they may witness against sex workers
 - o Clients are less likely to provide information to the sex worker before a date, which sex workers use to screen for safety.
 - o The sex industry is driven underground, which means sex workers have diminished access to police, social programs and benefits since their income is part of a criminalized transaction
- Criminal offences relating to the purchase of sexual services from an adult replicates the same harms that sex workers experienced under the laws struck down by the Supreme Court's ruling in *Bedford*. Therefore, it would be both unconstitutional and would undo the progress made by the Supreme Court

ruling in *Bedford*.

- Criminal offences relating to the purchase of sexual services from an adult is also a waste of taxpayers money and is not a cost-effective regime– it demands an expensive regulatory system. At a cost to the Swedish tax payer of over US\$ 7 million a year, Sweden has, over the last four years, convicted an annual average of three people for trafficking and 18 for pimping, and has fined an average of 75 men a year for buying sex. In terms of its impact on rates of sex work, street-based sex work decreased soon after the law was passed, then stabilized and had remained constant. It is widely understood that sex workers who could move indoors chose to do so and this was one reason for the decrease in the visible aspects of the sex industry.

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

A: No, the **selling** of sexual services by an adult should not be a criminal offence, with no exception.

- Adults who sell sex should never be threatened with criminal charges.
- Criminal offences relating to the selling of sexual services by an adult and prohibition of these activities by adults makes working and living conditions more dangerous and unsafe for people working in the sex industry, which violates sex workers' right to safety.
- In addition, forced rehabilitation programs that often accompany criminal sanctions are coercive and do not help address the many needs for sex workers.
- Sex workers ability to access social benefits are impeded since they are criminalized
- The income and standard of living of sex workers decline when they are unable to engage in their work without fear of arrest

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.

- There should be no criminal laws that target prostitution itself.
- Canada should use the sections of the Criminal Code that are meant to address violence and abuse of all people to protect sex workers (such as assault, harassment and threatening).
- Non-criminal laws that address labour conditions and municipal regulation should be developed in consultation with sex workers.
- Regulations should respect and protect sex workers' human and labour rights.

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? Please explain.

A: No, benefitting economically from sex work should not be a criminal offence. Sex work should be seen as work.

- Sex workers hire, work for, and work with third parties of all kinds and provide compensation for these services or in kind: security, family members, a place to

sleep, receptionist, owners, etc.

- Third parties involved in sex work can play an important role in assisting sex workers with aspects of their work and can significantly increase safety.
- The criminal regulation of third parties criminalizes much-needed working and personal relationships.
- Criminal offences relating to person(s) benefiting economically from the prostitution of an adult also limits the capacity for sex workers to work together for safety. These offences violate sex workers' security and safety.
- Criminal laws used against people benefiting from the prostitution of an adult further isolates sex workers from seeking out services if they are in circumstances of exploitation.

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

- The *Bedford* decision was an accurate response to the failings of government to protect sex workers, particularly the most marginalized sex workers.
- The Supreme Court of Canada recognized that the health, safety and security of sex workers was impeded and violated by the prostitution laws that were struck down.
- The *Bedford* decision recognizes that Parliament has the power to create laws that limit public nuisance, but not at the cost of the health, safety and lives of prostitutes.
- It recognizes that the three criminal offences that were challenged in that case (which target sex workers, clients and third parties) contributed to heightened risks.
- It states that "the laws prevent people engaged in a risky—but legal—activity from taking steps to protect themselves from the risks".
- I wholly support the Supreme Court of Canada decision in *Bedford* to strike down the three major prostitution provisions.
- I would like to see a "made-in-Canada New Zealand model" that focuses on sex worker input, and protects, respects and fulfills sex workers' human and labour rights.
- The decriminalization model, as mentioned in the discussion paper above, in New Zealand offers a measure of protection for sex workers by legitimizing their work as labour and offering protections through occupational health and safety standards
- Evidence shows that where sex work is decriminalized, sex workers are able to access accurate, up-to-date, and non-judgmental health and social services.
- Meaningful consultations must be done with sex workers and sex worker organizations, as sex workers are the experts in their own lives and work.

For support:

<http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.p>

df AND:

[http://www.parliament.nz/en-nz/parl-support/research-papers/00PLSocRP12051/p
rostitution-law-reform-in-new-zealand](http://www.parliament.nz/en-nz/parl-support/research-papers/00PLSocRP12051/p
rostitution-law-reform-in-new-zealand)

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