

Canadian Alliance for
Sex Work Law Reform

Alliance Canadienne pour
la Réforme des Lois sur
le Travail du Sexe

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Media Release

GOVERNMENT FAILURE TO RESPECT SEX WORKERS' HUMAN RIGHTS FORCES SEX WORKERS BACK TO COURT

Sex Worker Legal Media Briefing: Monday, October 3, 2022, 1pm, 330 University Avenue (Ontario Superior Court)

September 29, 2022 – The Canadian Alliance for Sex Work Law Reform — an alliance of 25 sex worker led groups representing thousands of sex workers across the country — along with several individual applicants, is going back to court to challenge sex work laws next week. The Protection of Communities and Exploited Persons Act (PCEPA) introduced in 2014 has failed to protect sex workers and has caused grave human rights violation. In 2014, the Liberal government promised to repeal PCEPA; 7 years later they have failed to act and sex workers have been forced to work in the context of criminalization causes harm to their lives.

“Taken individually and together, the PCEPA provisions reproduce harms of the criminal laws struck down in *Canada v. Bedford* and causes new harms to *all* sex workers,” says Jenn Clamen, National Coordinator of the Canadian Alliance for Sex Work Law Reform (CASWLR) speaking at a media briefing this morning. “We don’t want to be going to court again, it is a waste of precious community resources and time. This government can put an end to this by proposing a Bill for total decriminalization of sex work that would save lives and protect sex workers’ human rights. The harms of these provisions are extensively documented in our evidentiary record, which includes academic and community research on the experiences of Indigenous, Black, racialized, trans, and migrant sex workers across the country, many of whom work in some of the most difficult conditions.”

Sex worker rights organizations are seeking to strike down criminal prohibitions on sex work arguing they violate sex workers' human rights to dignity, health, equality, security, autonomy, and safety of people who work in the sex industry, which includes their right to safe working conditions.

Before PCEPA became law, sex workers warned of the dangers of criminalization; the Liberal, NDP, and Green Party rejected the PCEPA as it moved its way through the House of Commons. Once passed, however, there has only been government inaction and many expected harms to sex workers' lives.

The most marginalized sex workers working in public space feel the brunt of PCEPA. Monica Forrester, a 2Spirit Black and Indigenous sex worker explains, "Clients fear detection by police, which impacts my ability to communicate with them, and make my work riskier. I cannot negotiate prices and services with clients, especially in public spaces, because the police might show up. The fear of police makes me rush and I'm not able to do the screening I need to. PCEPA puts me at risk every day, it must be repealed, let us work safely."

PCEPA criminalizes communicating to sell sexual services in public, communicating to purchase sexual services in any context, facilitating or receiving a benefit related to the purchase of someone else's sexual services, and advertising sexual services.

"Black sex workers are isolated and criminalized by PCEPA, these racist laws must be repealed" added Ellie Ade Kur. "Black sex workers are often required to rely on existing networks of other Black sex workers for help and support, but due to anti-Black racism, Black sex workers are often characterized as "pimps" when working together, for example, by sharing space, sharing supports, and splitting costs for services like drivers, booking, and screening support. As a result, Black sex workers have reported that they are afraid that helping one another will result in arrest and prosecution for third party offences."

Sex workers face risk child apprehension, loss of life and life supports, detention and deportation, experience targeted violence, lack of access to health, legal, and social services experience human rights abuses as sex workers try to avoid detection by law enforcement, live and work in precarious and unsafe conditions, and do not seek help or report crimes against them.

"Unlike other industries, the criminalization of sex work gives police the power to investigate sex workers' workplaces, and the impact of their decision touch on all aspects of sex worker lives. This is especially true for Asian and migrant sex workers, these laws must be repealed", added Elene Lam, founder of Butterfly Asian and Migrant Sex Worker Support Network explains, "Sex workers are less likely to get help when they need it and the vast majority of Butterfly participants who have been injured in the workplace have not reported the injuries or sought compensation. Both sex workers and managers have indicated that they are afraid of disclosing their involvement in the sex

industry, because it threatens their livelihood, and they may lose their immigration status and face deportation.”

“The Crown and anti-sex work advocates intervening in the case continue to ignore the realities of the most marginalized sex workers working in the most difficult conditions. This law, that fundamentally denies sex workers’ constitutional rights, needs to be struck down,” says Sandra Ka Hon Chu, co-director of the HIV Legal Network, member of CASWLR.

This is the first constitutional challenge to PCEPA provisions initiated by sex workers, and the first to challenge all the provisions individually and together arguing they violate sex workers’ human rights to dignity, health, equality, security, autonomy and safety of people who work in the sex industry, which includes their right to safe working conditions. Public hearings at Superior Court begin on October 3rd and continue throughout the week.

For more information about the case: <http://sexworklawreform.com/wp-content/uploads/2022/09/Infosheet-ENG.pdf>