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PROPOSED LEGISLATION WILL HARM SEX WORKERS AND COMMUNITIES

Statement by the Canadian HIV/AIDS Legal Network

June 4, 2014 — We are profoundly disappointed that the federal government has decided to reject reason and evidence in moving forward with proposed legislation that replicates — and is even worse than — the failed “Nordic” model for sex work. The model chosen targets sex workers’ clients, their means of advertising their services, and even preserves much of the unconstitutional prohibition on any communications about sexual services. As a result, the government ensures that harms to sex workers — as identified by the Supreme Court of Canada in *R. v. Bedford* — will continue. This proposed legislation is a terrible step backward, which would worsen working conditions for sex workers and render hollow the positive court decision in *Bedford*.

Ample evidence in Nordic countries as well as in Canada shows that when clients are targeted, violence against street-based sex workers increases. This is because sex workers are more likely to take risks and provide services they would not otherwise be prepared to offer. A reduced client base means sex workers must work longer hours and more often to generate the same income, decreasing safety and increasing potential tensions with fellow community members.

As well, surveillance patrols to locate clients push sex workers into darker and less populated areas, where they are more vulnerable to violence. When clients fear detection by police, sex workers are unable to take the time they need to screen potential clients before getting into cars. These are some of the very harms that the Supreme Court found to be unconstitutional in *Bedford*.

Ultimately, the proposed legislation will only reinforce the already adversarial relationship between sex workers and police, as sex workers may be perceived to be complicit in a crime and police are still engaged in targeting their livelihood. This deters sex workers who wish to seek police assistance and justice when they are the victims of violence and crime.

Decriminalizing sex work, and prioritizing the safety of sex workers, has been enormously successful in New Zealand. We had hoped that Canada might learn something from this positive example. A government evaluation in New Zealand has shown no growth of the sex industry, no increase in the numbers of sex workers and no increase in trafficking since decriminalization. Instead, there has been improvement in overall employment conditions and a decrease in violence against sex workers. Research has also shown that sex workers in New Zealand are better supported by the law in negotiating safer sex practices. Improved

relationships with police means sex workers in New Zealand are more able to report violence to police and expect and receive police protection.

In *R. v. Bedford*, the Supreme Court of Canada upheld the human rights of sex workers. Today's proposed legislation does the exact opposite and will have serious negative effects on sex workers and our communities. There is no justification for the fully preventable harms against sex workers that will result from misguided legislation. We will continue to stand in solidarity with sex workers and fight for the development of laws and policies that promote health, safety and human rights.

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About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.