



Action Canada
for Sexual Health & Rights

Canadian Alliance for
Sex Work Law Reform

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



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For immediate release:

Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) Fails to Respect Sex Workers' Rights

November 18, 2016 — Sex workers and allies in Canada are expressing deep concern and disappointment with the CEDAW Committee's failure to adequately protect the rights of sex workers in Canada. During an international review of Canada's progress on women's human rights, the Committee on the Elimination of Discrimination against Women sidelined the concerns of some of the country's most marginalized women, particularly those who are Indigenous, migrant and trans.

The Committee's recommendation to "decriminalize women engaged in prostitution" is a welcome call for the removal of criminal laws that directly target sex workers. However, it falls short of understanding that decriminalization requires the removal of all specific laws related to sex work. It is not possible to decriminalize sex workers while maintaining criminal prohibitions against clients and third parties. Sex workers still experience harms when clients are criminalized: they continue to experience hostility from police; they continue to avoid law enforcement; and they do not report violence when it occurs for fear of arrest, detention and deportation. As long as sex work remains a law enforcement issue and priority, sex workers will continue to experience harms.

Arriving just a few years after the Supreme Court of Canada (SCC) highlighted the dangers of criminal regimes against sex workers, the Committee's Concluding Observations fail to acknowledge the conditions in which sex workers' rights will be respected. This is despite testimonies shared by sex workers during the session, which demonstrated the harmful impacts associated with the criminalization of sex work in Canada. The Committee's Concluding Observations also disregards recommendations made by other international bodies such as UNAIDS, UNFPA and Amnesty International — all of which endorse decriminalizing all aspects of sex work as the best way to protect the human rights of sex workers.

"Canada's criminal laws on sex work need to be repealed because they violate sex workers' human rights under the *Convention on the Elimination of All Forms of Discrimination against Women* and under Canada's own *Charter of Rights and Freedoms*," said Brenda Belak, lawyer at Pivot Legal Society, a human rights organization that represents marginalized groups, including sex workers in Vancouver's Downtown Eastside.

“The Canadian government’s criminalization of sex work clients and businesses undermines sex workers’ rights to health and labour protections, and continues to threaten our safety in a manner that the Supreme Court of Canada ruled unconstitutional in 2013. We’re disappointed that the CEDAW Committee failed to call for the repeal of these harmful laws. We are hopeful that the Canadian government will bypass ideological reactions and apply a rights-based and evidence-directed approach to law reform,” said Kara Gillies, who attended the 65th CEDAW session in October 2016 on behalf of the Canadian Alliance for Sex Work Law Reform.

“We cannot talk about eliminating violence without talking about how over-policing and under-protection contribute to this violence, particularly for groups that are profiled, such as Indigenous women who sell or exchange sex, and migrant sex workers,” added Emily Hill, a senior staff lawyer with Aboriginal Legal Services, who also attended the CEDAW session last month.

A [joint submission to the CEDAW Committee](#) by the Canadian Alliance for Sex Work Law Reform and Pivot Legal Society, endorsed by Action Canada for Sexual Health and Rights and the Canadian HIV/AIDS Legal Network, described how targeting clients and co-workers leads to violations of sexual and reproductive health and rights and denies sex workers access to protections under labour and criminal laws. The submission also detailed how overly aggressive enforcement of anti-trafficking laws makes it more difficult for sex workers to report perpetrators of violence. Sex workers suggest that marginalized people would be better served by increased government investments in education, housing, and income assistance in a non-criminalized environment.

“Migrant sex workers are stigmatized when anti-trafficking laws are used to raid and investigate sex work businesses,” said Elene Lam of Butterfly, a Toronto-based organization that provides support to migrant sex workers. “As a result of this increased scrutiny, migrant sex workers are afraid of police and may be too hesitant to access health care and other essential services.”

The [CEDAW Committee’s concluding recommendations](#), released today, were silent on the process for sex work law reform, despite commitments by Canada’s Minister of Justice to review the sex work laws and return to evidence-based lawmaking. Sex workers and their allies across Canada hope the government will stand by its promise to engage with sex workers in creating a legal regime that respects their rights.

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The Canadian Alliance for Sex Work Law Reform and Pivot submission to the CEDAW Committee is available at tbinternet.ohchr.org/Treaties/CEDAW/.../INT_CEDAW_NGO_CAN_25385_E.pdf.

The Canadian Alliance for Sex Work Law Reform is a coalition of 28 sex worker rights and allied groups and individuals in 17 cities across Canada committed to the decriminalization of sex work in Canada.

Pivot Legal Society is a leading Canadian human rights organization that uses the law to address the root causes of poverty and social exclusion in Canada.

Action Canada for Sexual Health & Rights is a progressive, pro-choice charitable organization committed to advancing and upholding sexual and reproductive health and rights in Canada and globally.

The Canadian HIV/AIDS Legal Network 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.

Aboriginal Legal Services exists to strengthen the capacity of the Aboriginal community and its citizens to deal with justice issues and provide Aboriginal controlled and culturally based justice alternatives.