



BRIEF SUBMISSION TO THE HOUSE COMMITTEE ON JUSTICE AND HUMAN RIGHTS: REVIEW OF THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT

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1. Introduction

The St. John's Status of Women Council (hereafter SJSOWC) is a feminist organization that since 1972 is continually working to achieve equality and justice through political activism, community collaboration and the creation of a safe and inclusive space for all women and non-binary people in the St. John's area, in Newfoundland and Labrador. The SJSOWC operates the province's first and only sex worker advocacy program: the Safe Harbour Outreach Project (hereafter SHOP). Since its inception in 2013, SHOP's mandate is to advocate for the human rights of all women and non-binary people who have engaged in sex work across our city and province, both on an individual and collective level. Serving people for whom sex work is an occupation, and also people who have experienced exploitation and/or violence, both within and outside of the sex industry. We support everyone who identifies as a current or former sex worker, regardless of industry sector area. This means that we offer support to dancers, street level workers, in and out call workers, webcam workers, phone workers, independent escorts, those who work in porn, massage parlours, and more.

The SJSOWC welcomes the opportunity to provide the House Committee on Justice and Human Rights feedback and considerations for the ongoing review of the Protection of Communities and Exploited Persons Acts (hereafter PCEPA). In this brief, the SJSOWC focuses on the experiences of sex workers in the City of St. John's, Newfoundland and Labrador, and the ways in which criminalization under PCEPA precludes safety and human rights of sex workers here and across Canada.

Our Position

Alongside member groups of the Canadian Alliance for Sex Work Law Reform, the SJSOWC supports a full repeal of PCEPA, because the evidence, which is validated by our frontline experience and set out in more detail below, demonstrates that:

- Criminalizing clients does not decrease demand for sex work, but rather pushes sex work into less populated areas of the city, in unsafe areas and working conditions, while decreasing their ability to undertake proper client screening.
- Criminalizing the advertising of sex workers' services creates significant barriers to working indoors and creates barriers to both the screening of clients as well as planning for meetings in more secure areas.

- Criminalizing third parties, including drivers, security personnel, administrators, or owners of establishments that support sex workers in their work isolates sex workers and creates risk for them in building a safe work environment.

In order to provide safe workplaces for sex workers, sex work must be decriminalized. In support of this position, we provide the following:

- (i) Outline of the ways in which the current legislation causes harm to sex workers and makes them unsafe, and
- (ii) Selected statements from current and former sex workers in our community that speak directly to their experiences under PCEPA.

Short of repeal, any proposed legislative change must be informed and directed by ascertaining to sex work in Canada must include direction from diverse groups of current and former sex workers, who hold expertise in terms of access to protections from their lived experience. In line with this, we have highlighted the voices of sex workers who are impacted by PCEPA to speak to their experiences in their own words (section 3). The following Key Considerations (section 2) are in line with [sex workers across Canada and national experts](#), and referenced through anecdotal testimonies by sex workers (section 3) to support our position and final recommendations.

2. Key Considerations

Prohibiting the Purchasing of Sex Workers Services

Sex workers and ally experts [have clearly demonstrated the harms](#) of criminalizing the purchasing of sexual services under PCEPA. When clients are displaced or deterred, sex workers are forced to move to darker or less populated areas, with less access to peer support, community or emergency services, leaving them vulnerable to violence and unsafe working conditions. A reduced client base necessitates longer working hours and taking greater risks in order to ensure they have adequate income. Above all, increased police presence often encourages sex workers to move to places that are less populated, increasing vulnerabilities. Finally, when clients fear detection by police, they may be reluctant to give sex workers the time needed for proper screening and safety measures. Criminalizing the purchase of sex does not decrease the demand. Rather, it pushes sex workers into the shadows, creating vulnerable environments and increasing risks of gender-based and state violence.

Prohibiting the Advertising of Sex Workers Services

Through advertising, sex workers create opportunities for indoor work – which increases their ability to conduct safety planning, utilize support staff to ensure that precautions are met, and conduct thorough screening to make informed decisions about clients. While sex workers are exempt from prosecution for advertising their own sexual services, any party that is linked to that advertising – whether it be a newspaper, magazine, website, or internet service provider – could face prosecution. The practical effect of this law is to prevent sex workers from being able to advertise, as a platform is needed to facilitate advertising. Removing access to reliable and secure advertisement platforms hinders the capacity of sex workers to maintain workplace safety and informed consent.

Prohibiting Materially Benefitting from Sexual Services

Sex workers often rely on support staff to ensure their safety and quality of work life. This can include receptionists, security, business owners, drivers, cleaning staff, and more. Each of these staff members ensure that sex workers can work in an environment that ensures their security

and workplace safety. Under PCEPA, people working in these positions are criminalized. Concerns about exploitation of people in the adult sex industry, are fully and adequately addressed in other pieces of existing Canadian legislation, meaning PCEPA is redundant and unnecessary.[1]

3. Sex Workers in St. John's Address Harms of Criminalization under PCEPA

The following testimonies have been provided directly by current and former sex workers in and around St. John's, NL, about the impacts PCEPA has had on their work and lives, between 2017-2022. This includes interactions with police while doing sex work. Many of these testimonies recount sex workers' experiences being targeted by [Operation Northern Spotlight](#) (hereafter ONS) in St. John's. Informed by the same criminalization approach as PCEPA, ONS is a punitive and carceral policing operation which has perpetuated great harms on sex workers by wrongfully equating sex work with sexual exploitation and trafficking. Police involved in ONS have approached, detained and harassed sex workers in cities across Canada without evidence of coercion or exploitative conditions. In some cases, police officers holding themselves out as clients purported to hire sex workers, luring them to hotel rooms under false pretenses, interrogating them, without pay and without recourse. The impacts of sting operations like ONS, a mechanism of PCEPA, are devastating and long-lasting.

3. a)

"I felt petrified in that room with them [police officers], so petrified I almost peed my pants. They told me I could leave but they had just lied to me and they're police, they have so much power, so I didn't feel like I had any choice to leave. I felt trapped. They told me I looked young even though I'm in my 30s. They asked who my pimp was and if anyone was controlling me. I don't have a pimp, I work on my own, but I felt like they were doubting everything I said. I asked the police 'Don't you need to tell me if you're a cop?' and they told me they don't have to be truthful and tell me if they're pretending to be clients. I felt so sick and no longer feel safe doing out-calls after this.

After it happened I didn't leave my house for a couple weeks, not even for food. I will never go to the police again and any trust I might have had with the RNC [Royal Newfoundland Constabulary] and RCMP is now gone."

3. b)

"I try to avoid the police as much as I can. I walk the other way, I turn my back, I put up my hood. They make it so difficult for us to make money. Just their presence makes everything uncomfortable. I do this 'cause I need to do it. This is how I get by. If I wanted to stop, I would go for help. I'm doing this because I'd rather do this than steal and break the law to get what I need. If I needed to do something else – go to school or get a different job – I generally know I could go places to figure that out. It's not easy getting another job with a criminal record, or an apartment for that matter.

The police are always on the hill [the street]. Constant. Daytime and nighttime. It's hard to make money when the cops are down there all the time cause the clients don't want to pick you up. I hate when the cops come around and try to talk to us, because it makes it look like we're giving them information or are working undercover with them. We are always getting that now from clients – being asked if I'm an undercover cop, 'cause if you're undercover you're just trying to get other people in trouble by getting charged. We don't like that.

One cop approached me, used my real name pretty loud [in front of a client] and called me over. He asked me if I'd seen someone. They stop us to ask if we've seen someone they're looking for, to ask us to give them information. I would prefer they didn't ask me anything. I never think they're trying to help me – they're trying to make our life worse.

I get anxious when I see the police, really bad. I get scared, because they're the cops – they can do whatever they want and they have in the past. I'm after going to jail for stuff I haven't done because the cops wouldn't believe anything I said."

3. c)

"To the police, other groups, organizations and community workers who think good things will come from this [Operation Northern Spotlight] – you're completely wrong. **If anything is coming from this it's creating more fear for women, more paranoia.** I would feel completely uncomfortable and I wouldn't want anything to do with you if you said this kind of police approach is ok.

We're supposed to feel safe, law enforcement is supposed to make us feel safe, and so are community groups that say they're here for us. This doesn't make us feel safe. This doesn't help. We already can't trust the police. **You're cutting us off from even more places we're supposed to be able to turn. You're threatening us – we take this as a threat.**"

3. d)

"I have been working in the adult massage industry as a massage attendant on and off for over ten years. For the last eight months I have been the in-house manager of an adult massage studio. The studio and staff identify as feminist and pro-choice. We have all-female management, and the business is owned and operated by a woman with lived experience in the industry. We respect the privacy and discretion of all of our clients and staff. We are registered and licensed with the city in which we are based. We pay income taxes. We vote. We promote and project equality, empowerment, independence, and self-worth. Our work is consensual. Our work is real work.

Since the introduction of [PCEPA] I feel less safe as an individual within the industry. At the studio we have had to change the way we advertise our work. Before [PCEPA], even though we had to be careful about the language and images we used in our ads, we were still able to advertise in the Yellow Pages, newspapers, newsletters, and elsewhere. We would pay for advertising like other businesses do in order to secure safe, reliable, and consistent work.

We are now forced to advertise (if we do at all) by using sketchy websites that put everyone at risk. **The providers and consumers aren't going anywhere - they have all moved underground to connect.** Women have had their personal information, including full legal names, addresses, contact information, identifying photos and social media accounts, all posted and shared for everyone to see. This is where we are forced to advertise. **This is not safe and it's not acceptable.**

We need to be allowed to advertise in print and online media without fear of arrest of the third parties that run it. **We need government to acknowledge that sex work is real work. We need people to be our allies and not our adversaries.**"

3. e)

“Undercover operations scare the shit out of me and if I was caught up in it, I would be terrified to meet anyone ever again. I’d be worried it would be the cops. Then what would I do? The cops don’t seem to care what would happen to us then. The police have already lied to me. The cops have told me many times they wouldn’t arrest me if I only did this, or that, or gave them information, but then they’ve arrested me anyways. The police have told me they needed information from me that wouldn’t get me in trouble, but then put my name on statements that put me in danger.

*This whole thing freaks me out. **The police aren’t people I trust anymore. They’re harassing working girls and it’s no wonder we don’t have trust in the cops.**”*

3. f)

***“[Operation Northern Spotlight] was the most ridiculous waste of resources and time, simply to harass people who do consensual sex work.** Previously, a police officer came to the building I work out of to investigate something and I immediately started crying and had to get away from the officer. I react this way because when I went to the police with legitimate conversations about my safety they brushed it off and told me I was essentially on my own. If you’re a ‘whore’, nobody cares.*

Clients are more worried about my safety than law enforcement. A client bought me a security camera for my house after the RNC [Royal Newfoundland Constabulary] laughed me off when I was being stalked. He wanted me to feel safe in my house and actually did something. Clients can be helpful and good. Clients treat us better than most people, definitely more than the police.

*I wish the police would treat us like actual people that live in the community, who have actual problems. Don’t brush our experiences off. As a police officer, you’re choosing your line of work and you need to be here for everyone. **I love my job but I am judged for it. If I worked at Walmart and got stalked would it matter? The answer is yes and that’s the problem.***

*It doesn’t matter if the police weren’t arresting women [in Operation Northern Spotlight]. It doesn’t matter if they think they are professional. They went in and lied to people. If anyone knew anything about it at all, they would know this would target sex workers. Gross misjudgment. Almost incompetent. **It was a waste of time, money, and mental anguish, set up by police with participation with groups who were supposed to help these women and girls? To say you want to help people and then harass them in this way, how can any of them call themselves a support or advocacy group.***

You know where to look if you’re looking for exploited people. I’ve had girls come up to me and tell me. People will call us and ask where they can advertise underage girls. If we trusted the police and they ever tried to listen to us, we would be able to call them without fear.”

3. g)

“These laws [PCEPA] hurt us. These laws make it harder for us to work. The position of the government generates and cultivates stigma toward us from everyday people.

What we need is support, we need the ability and right to speak about our work and be taken seriously rather than being marginalized or spoken for.

These laws and the government say, 'We know best and what's good for you. You are being exploited, you didn't choose this work, we're trying to save you.' Surely you can concede there are sex workers that choose their work (I did), that enjoy their job at least as much as anyone else does theirs (be honest here, minimum wage workers) and you must KNOW there is a thriving sex industry of consenting adults. We know people know this, because we tell them.

Allowing people to go through life the best way they can is one of the most fundamental rights of human beings. Sex workers deserve at least that much dignity, you don't have the right to claim we don't."

3. h)

"Women who are working on the street are more at-risk and in harm's way. Safe, decriminalized places for women to work has to be a priority. Women working on the street who had safer places to work, without worrying about being criminalized and chased down by cops, would be safer and could make safer choices while working. Women on the street are always worried about being arrested. Society doesn't want women working in the public eye, and right now they aren't as visible. Because of these laws [PCEPA] they're getting raped and smacked around and hidden. This is because they don't have safe places to work - due to fear of being arrested and problems from these laws."

4. Conclusion

A just approach to any laws, policies, or programs about sex work must be developed, evaluated, and continually reviewed by diverse groups of sex workers themselves. This must include Indigenous sex workers, sex workers of colour, sex workers who are migrants, 2SLGBTQ+ and those living in poverty. Legislative change must be evidence-based; prioritizing the living experience and expertise of people engaged in sex work. Again, the SJSOWC advocates for the repeal of PCEPA. This is a necessary first step towards full decriminalization of sex work in Canada, as a means to increase safety and prevent gender-based and state violence against sex workers. In closing, on behalf of and informed by more than a thousand sex workers we serve in St. John's, and as a member group of the Canadian Alliance for Sex Work Law Reform, we submit the following recommendations to the House Committee on Justice and Human Rights:

- 1) In the parliamentary review process, repeal PCEPA.
- 2) Decriminalize sex work in Canada.
- 3) Centre and prioritize diverse and current expertise of sex workers in any and all processes towards legislative change and law reform pertaining to sex work.

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[1] These include, but are not limited to: the prohibition of kidnapping and forcible confinement (s. 279), organized crime (ss. 467.11-467.13), physical assault (ss. 265, 267, and 268), sexual assault (ss. 271, 272 and 273), intimidation (s. 423), extortion (s. 346), theft (s. 322), and harassment (s. 264).
