



Standing Committee on Justice and Human Rights
House of Commons, Government of Canada

February 23, 2022

Sent via email:

Jean-François Pagé, Committee Clerk: JUST@parl.gc.ca

Randeep Sarai, Chair: randeep.sarai@parl.gc.ca

Rob Moore, Vice-Chair: Rob.Moore@parl.gc.ca

Rhéal Éloi Fortin, Vice-Chair: rheal.fortin@parl.gc.ca

Scott Aitchison, Member: Scott.Aitchison@parl.gc.ca

Gary Anandasangaree, Member: gary.anand@parl.gc.ca

Élisabeth Brière, Member: Elisabeth.Briere@parl.gc.ca

Larry Brock, Member: larry.brock@parl.gc.ca

Anju Dhillon, Member: anju.dhillon@parl.gc.ca

Lena Metlege Diab, Member: lenametlege.diab@parl.gc.ca

Randall Garrison, Member: randall.garrison@parl.gc.ca

Rob Morrison, Member: Rob.Morrison@parl.gc.ca

Yasir Naqvi, Member: yasir.naqvi@parl.gc.ca

Dear Committee Members,

We are writing to you in response to your current review of the *Protection of Communities and Exploited Persons Act* (PCEPA).

Living in Community (LIC) is an incorporated non-profit organization in British Columbia that brings together diverse stakeholders to collaboratively improve the health and safety of sex workers and address community concerns as they arise. Through extensive stakeholder collaboration, Living in Community has developed a multi-pronged community development model for systemic change on sex work-related issues that includes community engagement, public education, and policy change.

Our co-signatories in this brief are members of the B.C. Sex Work Support Service Network, an alliance of 22 organizations that provide services and supports to sex workers in all regions of the province of B.C and beyond. We convene on a quarterly basis for shared learning and collaboration.

Since the implementation of PCEPA, sex workers have experienced many negative outcomes. Criminalizing communication has made it much more difficult for sex workers in both indoor and outdoor settings to engage in critical screening and negotiating

practices with potential clients.¹ Restrictions on where sex work can take place on the street has led to sex workers seeking out more clandestine and hidden areas of their cities or towns to avoid police detection. In Vancouver, this type of displacement of sex workers led to a situation where 67 women were disappeared and murdered in the late 1990s and early 2000s.

In addition, police enforcement has led to more distrustful relationships between police and sex workers which means that much of the violence that happens to sex workers is not reported by them to police.² Material benefit laws have reduced the number of safer, indoor locations for sex workers to work and have impeded their ability to work together for safety. These laws have also made it more difficult for sex workers to work with those who support the safety of their work such as receptionists, bodyguards, drivers, managers, peers, and partners.³ Restrictions on advertising limit sex workers' ability to clearly advertise their services, connect with potential clients, and set boundaries.⁴

Moreover, although the stated intent of the current laws is to criminalize the clients of sex workers and not sex workers themselves, sex workers are routinely surveilled and harassed by law enforcement who target clients of sex workers for communicating and purchasing sex.⁵ This type of police enforcement is disproportionately aimed at Black, Indigenous, and People of Colour sex workers. Sex workers can also face eviction if their landlord finds out they do sex work due to the material benefit law and the stigma created by criminalization.

These laws, taken individually and collectively, have had very similar negative effects to the laws that were struck down by the Supreme Court in *Bedford v. Canada* in 2013. The stated purpose of these laws, according to the preamble, is to abolish sex work to the greatest extent possible. We wholly disagree with this goal and ask how it can be achieved without harming sex workers who are still engaged in work that is technically legal. Efforts to abolish sex work through more and more draconian laws have failed around the world and have only created more harm for sex workers. Instead of end-demand laws, decriminalization — coupled with efforts toward ending poverty and homelessness, reducing domestic violence, promoting anti-racism, and implementing evidence-based drug policy — would do more to reduce the number of people who turn to sex work as a last resort to make ends meet and who face higher levels of violence and exploitation.

¹ Krüsi, Andrea, Katrina Pacey, Lorna Bird, Chrissy Taylor, Jill Chettiar, Sarah Allan, Darcie Bennett, Julio S.

Montaner, Thomas Kerr, and Kate Shannon. "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study." *BMJ open* 4, no. 6 (2014): e005191.

² Benoit, Cecilia, Michaela Smith, Mikael Jansson, Samantha Magnus, Nadia Ouellet, Chris Atchison, Lauren Casey et al. "Lack of Confidence in Police Creates a "Blue Ceiling" for Sex Workers' Safety." *Canadian Public Policy* 42, no. 4 (2016): 456-468.

³ Centre for Gender and Sexual Health Equity. "Harms of End-Demand Criminalization: Impact of PCEPA Laws on Sex Workers' Safety Health and Human Rights". (2019).

⁴ Benoit, Cecilia, Mikael Jansson, Michaela Smith, and Jackson Flagg. "'Well, It Should Be Changed for One, Because It's Our Bodies': Sex Workers' Views on Canada's Punitive Approach towards Sex Work." *Social Sciences* 6, no. 2 (2017): 52.

⁵ Benoit, Cecilia, Michaela Smith, Mikael Jansson, Samantha Magnus, Nadia Ouellet, Chris Atchison, Lauren Casey et al. "Lack of Confidence in Police Creates a "Blue Ceiling" for Sex Workers' Safety." *Canadian Public Policy* 42, no. 4 (2016): 456-468.

We would also like to note that this review of PCEPA was mandated by law to begin in December 2019, and we feel that the delay in launching this review is reflective of this government's poor treatment of sex workers in Canada. We urge this Committee, in the strongest of possible terms, to centre the voices of working sex workers in order to understand the impact of PCEPA on those most directly affected. The parliamentary and Senate hearings on Bill C-36 which introduced PCEPA were marred by bias against and derogatory treatment of sex workers and their allies.⁶ We believe that witnesses who object to sex work on moral and ideological grounds should be excluded in this review process, and that the focus should be the impact of PCEPA on sex workers themselves.

Our recommendation to the Committee is to repeal PCEPA in its entirety and work directly with sex workers to provide them with labour protections that other Canadians take for granted. In Canada, we already have laws and regulations to address offences including human trafficking and other crimes against sex workers, as well as an entire set of laws to protect children and youth such as those against luring, sexual exploitation, and trafficking of minors. It is time to decriminalize sex work in Canada.

Signed by:



Unceded x^wməθkwəyəm (Musqueam),
Skwxwú7mesh (Squamish), and selílwitlh
(Tseil-Waututh) land (Vancouver, BC)

Living in Community brings together diverse stakeholders to collaboratively improve the health and safety of sex workers and address community concerns as they arise.



Victoria, BC (Esquimalt and Songhees
Homelands)

Peers Victoria is a multi-service grassroots agency that was established by, with, and for sex workers in 1995. Through direct service delivery and community partnerships, Peers provides an array of outreach and drop-in harm reduction and support services alongside education and employment training for current and former sex workers.

⁶ Johnson, G. F., Burns, M., & Porth, K. (2017). A question of respect: A qualitative text analysis of the Canadian parliamentary committee hearings on The Protection of Communities and Exploited Persons Act. *Canadian Journal of Political Science/Revue canadienne de science politique*, 50(4), 921-953.



Vancouver, BC (*xʷməθkʷəy̓əm*
(Musqueam), *Skwxwú7mesh* (Squamish),
and *selílwitlh* (Tseil-Waututh) First Nations
Territories)

PACE Society is a peer-driven organization located in the Downtown Eastside of Vancouver that provides support, advocacy, and education by, with, and for current and former sex workers of all genders. We envision a future where all sex workers are free from the risk of violence, discrimination, social stigmas and harms, so they may enjoy the same rights as all other individuals including the rights to life, liberty, security of the person, and equal protection under the law.



British Columbia (Lower Mainland, Interior,
Northern), Coast Salish Territories

HIM is a nonprofit society that aims to strengthen the health and well-being in communities of self-identified GBQ men and gender diverse people in BC.



Kelowna, BC
Vernon, BC

HOPE Outreach provide nighttime outreach 7 days a week for the women of Kelowna & Vernon who are homeless, living in addiction, exploited, and working in sex work. Our first priority is supporting their immediate and basic needs while being on the street. From there our services are developed to complement and fulfil gaps within the service provider community to support an individual's recovery journey no matter where they are within that journey.



Whitehorse, YT (Kwanlin Dün First Nation
and the Ta'an Kwäch'än Council)

The Yukon Status of Women Council is a non-governmental organization that advocates for gender equality through research, policy change and education.



There is more to me...than what you see!

Prince George, BC

The Prince George New Hope Society is a street level organization for sex workers and survival sex workers. P.G. New Hope provides support services for womyn and girls who are actively, periodically, or formerly involved in the sex industry, we also offer support and services to anyone identifying as female and at risk of working and or living on or close to the streets. No womyn is ever turned away.



Vancouver, BC

SWAN Vancouver is one of only two organizations in Canada providing culturally-specialized supports and advocacy to im/migrant women engaged in indoor sex work. The diverse voices and ongoing resilience of these communities of women fuel SWAN's mission to change the social and political narratives that racialize, misdefine, exclude and otherwise harm them.



WAVAW
rape crisis centre

Vancouver, BC (*xʷməθkʷəy̓əm*
(Musqueam), *Skwxwú7mesh* (Squamish),
and *sel̓íl̓wítulh* (Tseil-Waututh) First Nations
Territories)

WAVAW is a feminist, anti-oppressive, decolonizing rape crisis centre operating on unceded Coast Salish Territories. We provide support services to survivors of sexualized violence who have shared experiences of gender marginalization: cis and trans women, Two-Spirit, trans and/or non-binary people. We advocate for social and systemic change through education, outreach and activism.