

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

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Dear Committee Members,

For the past decade, I have been researching prostitution policy and sex work governance in Canada. With my research collaborator, Kerry Porth, I have published (or have had accepted for publication) four peer-reviewed articles, several community reports, and opinion pieces. Ms. Porth and I are currently working on a book manuscript that develops a methodology for conducting research with and for marginalized communities. This manuscript will be submitted to an academic press later this year.

Over the course of my research, two themes relevant to the Committee's review of the *Protection of Communities and Exploited Persons Act* have emerged. These are the following:

1) The risks of violence against sex workers are increased by criminalizing either the buying or selling of sexual services. Even when sex workers are granted immunity from criminal charges, under PCEPA, they still work in a criminalized context. This is a very significant point. As lawmakers, you must recognize that laws both apply in and give rise to social contexts. The context of criminalization under PCEPA results in a reduction of time that sex workers need to engage in a risk assessment of prospective clients. Relatedly, it curtails on-line options for communication during which the terms of the transaction, including consent, can be established. Any criminalized context for sex work exacerbates risks of violence against sex workers. These are facts. Not only are they articulated by spokespeople from organizations supporting sex workers – organizations that work with, directly serve, and/or are constituted of sex workers and that are involved in the day-to-day governance activities around sex work – but these facts have been consistently demonstrated in numerous peer-reviewed studies from a wide range of disciplines. In other words, these facts can be triangulated with studies employing different methodologies. There is a cross-disciplinary consensus around the harms of criminalization.

2) Sex workers, sex worker rights organizations, and ally organizations that work directly with or for sex workers have both lived expertise and scholarly expertise. They should be recognized by policy makers as not simply recipients of policy but as policy stakeholders. In the same way that law makers engage in meaningful and consequential consultations with energy corporations on

energy policy, they need also to engage in this type of consultation with sex workers. PCEPA and the criminal provisions it replaced in light of *Bedford* can and will be identified by scholars and students of public policy as failed policy. It is failed policy because it is not based on evidence and it is not based on the expert insights of key stakeholders. Organizations such as Pivot Legal Society, Butterfly, SWAN-Vancouver, and the Canadian Alliance for Sex Work Law Reform are key stakeholders in this policy area with enormous expertise, including expertise of those who have experiences as sex workers and/or those who have law degrees, Masters degrees, and PhDs. This is a policy community of highly qualified individuals who do not have a political agenda that is ideologically driven. Instead, their political goals are to advance evidence-based policy in this area in order to stop the harms caused by criminalization. Not listening to them is not only a questionable decision in terms of policy development but it is also a form of epistemological injustice.

I attach the two papers below to substantiate the claims I've made in this brief:

Genevieve Fuji Johnson and Kerry Porth, "Sex Worker Rights are Human Rights: An Approach to Solidaristic Normative Theory," *International Journal of Feminist Politics* (accepted and forthcoming 2022).

Genevieve Fuji Johnson, Mary Burns, and Kerry Porth, "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* 50 (2017), 921–953.

I urge the Committee to tend to the well-established facts concerning the harms of criminalization and to listen to the expertise of sex worker rights advocates. There is an opportunity for this Committee to advance a policy of decriminalization, which would be evidence based, progressive, and enlightened. But most importantly, it would advance the human rights of sex workers and, by extension, Canada's record on human rights.

Sincerely,

Genevieve Fuji Johnson, Vancouver, BC