

N.B.: A separate and personalized letter was sent to each premier of British Columbia, Manitoba, Ontario and Quebec. For the reader's convenience, these four letters have been merged into one. The signatories to each of the letters are listed separately following the text.

December 1, 2014

Kathleen Wynne, Premier
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Christy Clark, Premier
PO BOX 9041
STN PROV GOVT
Victoria, BC V8W 9E1

Greg Selinger, Premier
204 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Philippe Couillard, Premier
Honoré-Mercier Building, 3rd floor
835 René-Lévesque Blvd East
Québec, QC G1A 1B4

Dear Premier:

We are deeply concerned with the new criminal provisions introduced by the so-called *Protection of Communities and Exploited Persons Act*, which will undoubtedly result in serious harms against sex workers in this province and across Canada. As HIV/AIDS and human rights organizations based in **[applicable province]** or with a Canada-wide mandate, we ask that you refer the Act to the Court of Appeal of **[applicable province]** for it to determine the constitutionality of these provisions.

The Act, which received Royal Assent on November 6th, is the Government of Canada's response to the 2013 ruling of the Supreme Court of Canada in *R. v. Bedford*. Sadly, it runs counter to the spirit and letter of the Supreme Court's decision and will replicate the harms of the previous laws, which were found to be unconstitutional.

The overwhelming evidence concerning sex work demonstrates that the criminalization

of sex work — both directly through a prohibition on the purchase of sex, and indirectly through prohibitions on advertising sexual services, receipt of “financial or other material benefit” from sex work and procuring, all of which are found in the Act — contributes to harms to sex workers. These harms were not only found to be unconstitutional by the Supreme Court in *R. v. Bedford*, they also constitute violations of international human rights law.

The Act cannot be reconciled with a concern for the health and welfare of sex workers. It will expose sex workers to further stigma and discrimination, diminish the control sex workers have over their working conditions, and gravely threaten their health and safety. The Government of Canada has passed this new law despite the objections of those who will be most affected, including outdoor sex workers, who are among the most marginalized and vulnerable.

As HIV/AIDS and human rights organizations, we have been working alongside groups representing sex workers for many years. We stand with them again today. We also want to specifically voice our concern about the impact of these new criminal provisions on sex workers’ exposure to HIV and other infections. It is now well recognized in the international scientific community that punitive laws and policies governing sex work, including the criminalization of some or all aspects of sex work, elevate HIV infection and transmission risks. Such criminalization limits sex workers’ access to essential HIV, sexual health and harm reduction services.

While theoretical for many involved in the passing of this law, the physical, social and psychological harms that this law will perpetuate are all too real for sex workers. We are concerned for the health and safety of our friends, colleagues and community members.

We therefore ask you to refer the Act to the Court of Appeal of [applicable province], and to do so before pursuing prosecutions under these laws, or directing police to enforce these laws.

Sincerely,



Richard Elliott
Executive Director
Canadian HIV/AIDS Legal Network

With the support of the following organizations:

Signatories to all four letters (national organizations)

- Canadian HIV/AIDS Legal Network
- Canadian AIDS Society (CAS)
- Canadian Treatment Action Council (CTAC)

Canadian Working Group on HIV and Rehabilitation (CWGHR)
CATIE
Interagency Coalition on AIDS and Development (ICAD)

Signatories to the BC letter (BC-based organizations)

AIDS Vancouver
AIDS Vancouver Island
ANKORS
Positive Living Society of British Columbia
Positive Women's Network

Signatories to the Manitoba letter (Manitoba-based organizations)

Sexuality Education Resource Centre MB
Sunshine House

Signatories to the Ontario letter (Ontario-based organizations)

AIDS Committee of Ottawa
AIDS Committee of Windsor / AIDS Support of Chatham-Kent
Alliance for South Asian Prevention (ASAAP)
Black Coalition for AIDS Prevention (Black CAP)
Bruce House
Peel HIV/AIDS Network
HIV & AIDS Legal Clinic Ontario (HALCO)
HIV/AIDS Regional Services (HARS)
HIV/AIDS Resources and Community Health (ARCH)
Prisoners' HIV/AIDS Support Action Network (PASAN)
Regional HIV/AIDS Connection
Réseau Access Network
Toronto HIV/AIDS Network

Signatories to the Quebec letter (Quebec-based organizations)

A.R.C.H.E de l'Estrie
Centre des R.O.S.É.S de L'Abitibi-Témiscamingue
Centre Sida Amitié
Coalition Sida des Sourds du Québec
COCQ-SIDA
ÉMISS-ère
Portail VIH/sida du Québec
RÉZO
Sidaction Mauricie