

Press Conference – International Day to End Violence Against Sex Workers
Toronto, December 17, 2014

Statement on behalf of the Canadian HIV/AIDS Legal Network

Good morning. My name is Richard Elliott. I'm the executive director of the Canadian HIV/AIDS Legal Network, a non-governmental organization that works to defend and promote the human rights of people living with HIV and of communities affected by HIV – and to ensure that our laws and policies respect and advance human rights in responding to HIV.

We do this for two reasons.

The first is because it is a basic principle that all people are entitled to fundamental human rights; ultimately, it's about the right to dignity and to live without fear and want.

The second reason is that ensuring human rights is essential to enabling an effective response to HIV. When human rights are violated or denied, it impedes HIV prevention and care.

And it's for both these reasons that we stand in solidarity with sex workers in speaking out against the ways in which the law continues to violate their rights by criminalizing them, their clients and their work. Criminalizing sex work is wrong because of the harm it causes to sex workers, and that includes undermining their ability to control their working conditions to protect themselves, whether it's against violence or HIV.

In last year's *Bedford* decision, the Supreme Court of Canada struck down several provisions of the Criminal Code as unconstitutional because they unjustifiably violated the Charter rights of sex workers to security of the person. The harm they caused to the health and safety of sex workers was at odds with the principles of fundamental justice.

Yet, sadly, it is entirely foreseeable that the new laws that have just recently come into force will generate the same harms. The federal government has largely repackaged the same harmful provisions in new wording and slapped a new label on them – this time, claiming that the objective is to abolish prostitution and declaring all sex workers to be exploited victims in need of protection. The first of these is simply ludicrous, the latter is simply inaccurate.

But sadly, these new laws do not protect; in fact, they do the opposite – and will be especially harmful to those women, men and transgender people in the profession who are already marginalized by society.

We are, therefore, heartened that Premier Wynne has expressed her grave concerns about the new legislation and has asked the Attorney General of the province to examine whether it is constitutional. Today, we are releasing a letter to the Attorney General and the Premier of Ontario, signed by 190 lawyers and counting, outlining their concerns that the harmful new legislation is indeed unconstitutional. Similar concerns are today being brought forward in British Columbia.

We urge the Attorney General of Ontario – indeed provincial Attorneys General across the country – not to be complicit in the enforcement of harmful laws that will lead to further violence, further injury and further death for sex workers in Canada. This is not just and it is not in the public interest.

Thank you.