

Statement Déclaration

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ONTARIO TURNING ITS BACK ON SEX WORKERS

Statement by the Canadian HIV/AIDS Legal Network, Butterfly (Asian and Migrant Sex Workers Support Network), COUNTERfit Women's Harm Reduction Program (South Riverdale Community Health Centre), Families of Sisters in Spirit, the Feminist Coalition in Support of Full Decriminalization and the Labour and Human Rights of Sex Workers, Maggie's - Toronto Sex Workers' Action Project, Mark S. Bonham Centre for Sexual Diversity Studies (University of Toronto), NOW Magazine, POWER (Prostitutes of Ottawa-Gatineau Work Educate & Resist), Sex Work Advisory Network Sudbury (SWANS), South Western Ontario Sex Workers, Sex Professionals of Canada, STOP The Arrests Sault Ste Marie, STRUT, Women in Toronto Politics, and Jane Doe (Sexual Assault Activist), Terri-Jean Bedford and Nikki Thomas

April 1, 2015 — While Ontario Attorney General Madeleine Meilleur has not yet publicly released her review of Canada's new, misguided sex work law, we understand – according to a reported statement today by Premier Kathleen Wynne – that this review has found “no clear unconstitutionality” in the so-called *Protection of Communities and Exploited Persons Act*. We disagree with this conclusion, and are profoundly disappointed that the province appears to be turning its back on sex workers and Ontarian communities, despite Premier Wynne's own “grave concerns” with the new sex work law.

This finding flies in the face of the December 2013 ruling in *R. v. Bedford*, in which the Supreme Court of Canada rightly upheld the human rights of sex workers. The new law is extremely similar to the old one, which was struck down by the Court as unconstitutional, and even further criminalizes sex work in some respects. More than 190 lawyers from across Canada have gone on record expressing their concerns with the law's constitutionality (or lack thereof). It should also be noted that the Attorney General chose not to meet with sex workers and their allies while her review was underway, preferring not to hear from those on whose backs these laws will be tested.

Canada's current sex work law replicates – and is even worse than – the failed “Nordic” model for sex work. The model chosen targets sex workers' clients, their means of advertising their services, and even preserves much of the unconstitutional prohibition on any communications about sexual services, including by sex workers themselves. It continues to surround sex work with a web of criminality. Sex workers have consistently articulated the many ways in which criminalizing them, their clients and their work settings does nothing to protect them, but instead undermines their ability to control their conditions of work to protect their health and safety. The law ensures that harms to sex workers will continue, and is a terrible step backwards.

Even if the Ontario Attorney General has concluded the law is “not clearly unconstitutional,” this is hardly an endorsement of the law – and certainly doesn't remove the fact that the new provisions will contribute to the risks of harm faced by sex workers. The Government of Ontario must not enforce this misguided law. We will continue to fight for the development of laws and policies that promote health, safety and human rights for all Canadians.

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About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.