

# ***CEDAW, Sex Work, & Addressing Human Rights for Women in the Sex Industry***

Canadian Alliance for  
Sex Work Law Reform

Alliance Canadienne pour  
la Réforme des Lois sur  
le Travail du Sexe

**Canada's laws and government policies concerning sex work violate cis and trans women's rights under the CEDAW to be free from violence, stereotyping, and discrimination in the areas of employment, health, and access to justice.**

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equality lifts everyone

## ***Article 5 - Stereotyping***

Criminalization of sex work advances the ideological position that there is something inherently wrong about exchanging sexual services for compensation and encourages targeted violence against sex workers. The consequent stigma and discrimination against sex workers reduces sex workers' capacity for obtaining economic empowerment and healthy and safe working and living conditions. It also increases discrimination in housing, employment, child rearing, education, and other social arenas. Racialized women doing sex work, particularly Indigenous women and migrant women, experience intersecting discrimination and thus the most prejudicial treatment and violence. Anti-trafficking law enforcement programs that conflate sex work with trafficking are based on assumptions that Indigenous and migrant women are incapable of making life decisions. The intrusion of the criminal law in sex workers' lives amplifies pre-existing structural inequities such as poverty, prejudice, and immigration status instead of reducing them.

## ***Article 11 – Labour Rights***

Criminalizing any aspect of sex work, including criminalizing clients and third parties, diminishes sex workers' control over their working conditions and enables exploitation, because all parties operate beyond the protection of legal structures and systems. When third parties are criminalized, sex workers are cut off from mechanisms to enforce and uphold labour rights, including employment standards and occupational health and safety regimes. They cannot negotiate better working conditions or benefit from supportive and cooperative work relationships. Prohibitions on purchasing and communicating about sexual services leave sex workers less able to employ screening and security procedures. *Immigration Act* restrictions that prohibit women issued temporary visas from working in strip clubs and massage parlours unnecessarily limit the employment options of migrant women as compared to Canadian citizens and permanent residents and encourage conditions of exploitation.

## ***Article 12 – Health Rights***

Criminalization and stigma compromise sex workers' general health and their sexual and reproductive rights. Sex workers are constantly avoiding police detection and as a result are forced to work in relative isolation, removed from health and social services. The criminalization of clients and third parties impedes safer sex negotiations and practices. Migrant sex workers are often hesitant to access health and social services for fear their immigration status will be disclosed.

## ***Article 15 – Right to Equality Before the Law***

Despite the fact that they are immunized from criminal charges in some contexts, sex workers have very little recourse to legal remedies and are still in conflict with the law, because their clients and third parties are avoiding police detection. Increased surveillance, harassment, and abuse by police foster distrust between sex workers and law enforcement. As a result, sex workers are extremely unlikely to contact police when they are victims of crimes, including sexual assault. Sex workers caught in anti-trafficking raids are often detained, denied access to community advocates or legal counsel, and then deported.

## ***General Recommendation No. 19 on Violence Against Women***

Criminal laws and anti-trafficking programs racially profile and target migrant and Indigenous sex workers, placing them in greater conflict with the law and diminishing their capacity for economic empowerment. Combined with existing stigma, these constraints put women who sell and trade sex at greater risk of targeted violence from predators. Street-based sex workers and indoor migrant sex workers experience significantly higher rates of violence than other sex workers or the general population, yet are less likely to contact police for fear of profiling, increased surveillance, and arrest.

## The Canadian Alliance for Sex Work Law Reform and Pivot Legal Society call on the Government of Canada to:

- Remove all criminal laws specific to sex work in Canada, including the *Protection of Communities and Exploited Persons Act*.
- Ensure that sex workers enjoy the full protection of generic criminal laws when they are victims of assault, harassment, theft, and other crimes.
- Ensure that sex workers enjoy the full protection of employment and occupational health and safety laws.
- Stop harmful anti-trafficking law enforcement that puts sex workers in danger and results in sex workers themselves being deported and arrested.
- Repeal *Immigration Act* restrictions that prevent women from obtaining visas to work in strip clubs, massage parlours, and other similar businesses.
- Provide federal support for municipal Access Without Fear/Sanctuary City policies to support migrant sex workers in accessing health and social services.
- Increase federal funding to Indigenous communities for self-administered programs providing housing, educational and vocational training, health services, and basic needs, to ensure that Indigenous people who sell or trade sex do so with adequate supports.

**The Canadian Alliance for Sex Work Law Reform** is composed of 29 sex worker rights and allied groups and individuals in 17 cities across Canada: Calgary, Edmonton, Halifax, Hamilton, London, Longueuil, Montreal, Ottawa, Gatineau, Kingston, Québec, Sault Ste. Marie, St. John's, Toronto, Vancouver, Victoria, and Winnipeg. Members work together to fight for sex work law reform, sex workers' rights, and community well-being.

Angel's Angels (Hamilton)  
Action Santé Travesties et Transsexuel(le)s du Québec  
(ASTTeQ) (Montréal)  
BC Coalition of Experiential Communities  
Butterfly (Toronto)  
Canadian HIV/AIDS Legal Network  
Émissaire (Longueuil, QC)  
FIRST (Vancouver)  
Maggie's (Toronto)  
Migrant Sex Workers Project  
PACE Society (Vancouver)  
PEERS Victoria  
PIECE (Edmonton)  
Pivot Legal Society (Vancouver)  
POWER (Ottawa)

Projet Lune (Québec)  
Rézo, projet travailleurs du sexe (Montréal)  
Safe Harbour Outreach Project (St John)  
Sex Professionals of Canada (Toronto)  
Sex Work Advisory Network of Sudbury (SWANS)  
South Western Ontario Sex Workers (London, ON)  
Shift (Calgary)  
Stella, l'amie de Maimie (Montreal)  
Stepping Stone (Halifax)  
Stop the Arrests! (Sault Ste Marie, ON)  
Strut! (Toronto)  
SWAN (Vancouver)  
West Coast Cooperative of Sex Industry Professionals  
(WCCSIP) (Vancouver)  
Winnipeg Working Group

**Canadian Alliance for Sex Work Law Reform**  
contact@sexworklawreform.com



**Pivot Legal Society**  
getinvolved@pivotlegal.org