

St Johns Status of Women Council

Submission to the Special Rapporteur Review on the Committee for the Elimination for all Forms of Discrimination Against Women (CEDAW)

From the Safe Harbour Outreach Project

with the St. John's Status of Women Council

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Background:

The St. John's Status of Women Council is a feminist organization that since 1972 is continually working to achieve equality and justice through political activism, community collaboration and the creation of a safe and inclusive space for all women and gender diverse people in the St. John's area. The St. John's Status of Women Council (hereafter SJSWC) operates the Women's Centre, Marguerite's Place Supportive Housing Program, Safe Harbour Outreach Project and the province's first and only Managed Alcohol Program (MAP).

The Safe Harbour Outreach Project (SHOP) is the first and only sex worker advocacy program in Newfoundland & Labrador, operated by the St. John's Status of Women Council. Our mandate at SHOP is to advocate for the human rights of people who have engaged in sex work across our city and province, both on an individual and collective level. To date, our work involves a great deal of individual support, outreach, system navigation, community building and advocacy. This program was developed and built by, with and for with folks who engage in sex work, and everything we do is informed by the real experts - sex workers themselves.

Who is impacted by our laws around sex work:

Anybody of any background and gender can be involved in the sex industry in Canada. There is no one single nor group of identities or determinants. While all people in the sex industry are impacted by its criminalization, women and gender diverse people experience disproportionate harm from the conflation of sex work and exploitation. Sex workers can be protected by decriminalization. A disproportionate amount of women and gender diverse people are impacted by the problematic conflation of sex work as exploitation.

Why should sex workers rights be considered when we talk about women's rights:

Sex workers rights are an integral part of women's rights because they address the fundamental issues of safety, autonomy, and equality. Many sex workers are women who face unique challenges, including stigma, discrimination, and violence. Advocating for their rights ensures that all women, regardless of their occupation, have access to protection, fair treatment, and justice. Recognizing and supporting sex worker rights promotes a more inclusive and equitable society where every woman's dignity and human rights are upheld.

How sex work related laws are discriminatory against women:

Principally, laws that criminalize sex work contribute to an environment that creates stigma against sex workers, which makes sex workers less empowered to seek the supports that they need. Police and law enforcement can judge or increase violence against sex workers by not supporting sex workers when they report crimes that have been committed against them, and law enforcement officers also are direct perpetrators of violence.

<https://sjswc.ca/wp-content/uploads/2024/01/Report-Survivors-and-the-Criminal-Justice-System.pdf>

The criminalization of activities related to sex work in Canada put people who engage in sex work at risk. The Criminal Code of Canada prohibits sex workers from slowing traffic, and thereby prevents street based sex workers from taking the time to assess and negotiate terms with their clients if they were to choose to get in a car. The Criminal Code of Canada also prohibits sex workers from working out of a stable location, or hiring people to protect them. This criminalization prevents communication between sex workers about which clients are safe and which clients have a history of enacting violence against sex workers. These laws create haste, and haste rarely allows a person to make a reasonable and informed decision about the clients they choose to work with. Additionally,

criminalization of activities that surround sex work put sex workers at risk of unnecessary arrests for small “inconveniences to the public” which leads to some sex workers carrying criminal records that can prevent them from choosing other careers in the future.

Conflation of sex work and sexual exploitation:

Sex work, by definition, is not sexual exploitation and should be treated separately. People who do sex work or identify as sex workers can partake in sex work in different ways, from no contact online (e.g. pornography, onlyfans), some contact, or full contact. If the sex worker is of age and can consent and has established boundaries with their client then the sex worker is not being exploited.

If a person is being sexually exploited, then the terminology applied to the case changes radically. Pornography is only pornography if the people involved are consenting - if they are not consenting, then it is evidence of sexual exploitation, abuse, assault, or rape. Sex workers are experts in consent. If an individual is being held against their will or forced into any kind of sexual activity, this does not constitute sex work and is indeed sexual exploitation.

Alongside sex workers in our city and province, and internationally, we adamantly condemn sexual exploitation of youth and adults, and human trafficking for the purpose of sexual exploitation. We are deeply committed to the health, safety, and human rights of women, trans people, and gender diverse and Two Spirit peoples involved in the sex industry, including those who are at heightened risk of human trafficking and exploitation. SHOP believes that sex workers are integral to working against sexual exploitation and human trafficking. We support relationship-building and meaningful consultation between sex working communities and government and law enforcement, which must be founded in trust, transparency and accountability.

Harms of criminalization:

Legislative frameworks that criminalize sex work continue to perpetuate violence and sexual exploitation. The criminalization of sex work continues to force sex workers into vulnerable spaces and survival sex work. Our current laws in Canada are unsafe and unconstitutional.

Ignorant laws and international organizations who choose to patronize people and use paternalistic rhetoric to oppose people doing what they want with their own bodies is the number one thing that maintains stigma for the sex worker identity. Trying to support free-willed individuals in this climate poses challenges with maintaining anonymity, securing funding from government and non-governmental organizations who do not want to be publicly affiliated with pro-sex work narratives

There are many examples of policies, regulations, policing initiatives, and legislation across Canada to address the sex trade that in fact act as forms of criminalization, that often conflate sex work with human trafficking and exploitation. Sex workers across Canada have suffered the brunt of over-policing, over-surveillance, arrest and deportation from human trafficking initiatives that have deepened antagonism between law enforcement and sex workers. This has had the effect of isolating sex workers from mainstream support, and making sex workers more vulnerable to violence, exploitation and other human rights violations.

Recommendations:

Both locally and historically, punitive laws and legislation push sex work underground and create the very conditions where sex workers and people at risk of being exploited have been targeted and victimized. We have heard from numerous sex workers that their options have been restricted, making them vulnerable to harassment and exploitation from landlords and neighbours, and allows people who do enact violence against women and sex workers greater access and power to do so. In fact, public health advocates and 2SLGBTQIA+ advocates internationally overwhelmingly support actions towards the decriminalization of sex work for better safety and healthcare outcomes.

Based on research and lived expertise, alongside the groundswell of national evidence collected by the Canadian Alliance for Sex Work Law Reform, SHOP advocates for the full decriminalization of sex work in Canada and the ideological separation of it from sex trafficking and exploitation.

We recommend the Special Rapporteur urges CEDAW to fulfill their obligations to eliminate all forms of discrimination by:

Immediately repealling all sex work–specific criminal laws.

Removing immigration regulations that prohibit migrant sex work.

Stop law enforcement raids, detentions, and deportations of sex workers and the implementation of anti-trafficking, anti-sex work, and immigration laws in the name of protection.

Fund and support programs/services that are developed by sex workers.