

10 Ways to Explain Prostitution Law Reform to Your Constituents

1 *If sex work is decriminalized, will there be laws in place that target harm and exploitation?*

Yes. Laws that directly target these harms will remain in place including those that prohibit physical assault, sexual assault, threatening, harassment, murder, extortion, human trafficking, and child exploitation.

It is a common misperception that prostitution laws protect women from violence. Since Canada's prostitution laws make it difficult, if not impossible, for sex workers to work in safe and secure conditions, the repeal of these laws will substantially improve sex workers' safety. Further, if sex workers are no longer treated like criminals, they will have greater access to the police and criminal justice system in the event that they experience violence.

2 *What about the nuisance that is associated with street-based prostitution, such as condoms and needles littering my neighbourhood, noise, and proximity to places where children frequent?*

There are provisions in the Criminal Code—as well as municipal laws—directly addressing disruptive and dangerous behaviours. The challenge is to apply them in a manner that does not endanger sex workers. Decriminalization provides the only environment with the potential for addressing the concerns of residents without jeopardizing sex workers' safety.

Nuisance and other community concerns are best addressed through community dialogues that promote positive relations between sex workers and the communities in which they live and work. Removing the laws that criminalize sex workers and their clients is a step towards creating safer and healthier communities at large.

Further, we can look to other countries, such as New Zealand, to see that prostitution does not become more disruptive or increase in size when it is decriminalized.

3 *How will decriminalization help on-street sex workers, especially when they are often marginalized women, men, and trans who struggle with poverty and other barriers?*

The reality is that there will always be some on-street sex work taking place. Arresting on-street sex workers and clients does nothing to improve the economic and social conditions that negatively affect sex workers' lives. Decriminalization would mean that those continuing to work on the street can more readily adopt a range of measures that will significantly reduce the violence they experience, such as spotting for each other, working collectively, working in well-lit locations, taking time to screen clients, and improve their access to police if they are victims of violence. Repeal of the bawdy house law means that on-street sex workers who have housing can see clients in their homes, which would be much safer than on the street.

4
If we decriminalize sex work, will Canada become a haven for sex tourism and exploited/trafficked women?

Decriminalization of sex work does not mean increased trafficking in women. At present, women, girls, and men are trafficked into a wide variety of economic sectors including textile and agricultural work, domestic work, restaurant work, sweatshops, and the sex industry. Criminalizing sex work has not, and will not stop trafficking. Instead, criminalization forces the sex industry underground, to less visible areas making it more difficult for victims of trafficking to come forward to access protection from the state. As a result, trafficked sex workers end up in more vulnerable and disempowered circumstances.

Decriminalization is an important aspect of anti-trafficking strategies because it creates a situation where sex workers are protected under the law, similar to other forms of employment, and traffickers will find it more difficult to function with impunity. Sex workers themselves and their clients are best-placed to detect and report instances of trafficking or abuse, but criminalization prevents them from taking action. We have seen that in New Zealand there has been no increase in trafficking for prostitution. Indeed, New Zealand's tier ranking is still the highest (most favourable) Tier 1 ranking in the US 2013 Trafficking In Persons (TIP) Report, and has been ever since New Zealand was included in the report in 2004.

5
If we decriminalize adult sex work, is Canada sending the message that prostitution is okay? Doesn't it send the wrong message to our young women and men?

No. Decriminalization is not about encouraging sex work, it's about recognizing that prostitution laws have failed by every measure. Instead of increasing public safety, the laws increase harm and contribute to the violence that sex workers are currently experiencing.

No one wants women to do any work, including sex work, as a result of financial desperation or coercion, but criminalization is not a measure to prevent this. Social protections are the only way to ensure that people have options to make the choices that are best for them.

6
If there are sex workers in my neighbourhood, does that mean there will also be more treatment centres and homeless shelters in my neighbourhood? What about drug dealers, gangs and violence?

It is important to remember that sex workers are also active and positive members of the community. They are working people, they are neighbours, and they are parents who share the same interest in community safety. At the same time, it is important to be realistic about the need for an effective social safety net to support marginalized members of our communities. Often the concerns raised are based on assumptions that social programs (housing, addiction treatment, etc.) increase crime, noise, and theft and lower property values. These assumptions are not supported by evidence.

As for drug dealers, gangs and violence, existing laws directly target organized crime, drug trafficking, and violence. These laws will remain in force if sex work is decriminalized.

7 *Does decriminalization mean that there will be prostitutes and brothels on my street or down the hall from me? Will prostitution become more visible? Will we end up with a red light district or naked women posing in windows?*

Looking at international contexts, such as New Zealand, makes it clear that the industry has not increased in size or visibility when sex work is decriminalized.

With that said, bringing the industry into the open means that the industry will be more accountable, and sex workers will be more able to come forward to access protection from the state. It will be far less likely that violence against sex workers will go unnoticed.

The reality is that the sex industry is already a part of most communities in Canada, indoors and outdoors. In order to produce a safe, accountable and transparent sex industry, municipalities must work together with sex workers, local businesses, and community members to ensure that sex work is conducted in safety.

8 *If sex work is decriminalized, will sex workers pay taxes?*

Yes, and some sex workers already pay taxes. However, under criminalization they face the dilemma of disclosing their income—which could result in criminal consequences—and do not benefit from many of the rights and protections provided by the state, using tax dollars.

9 *What needs to be done to reduce HIV transmission and promote public health in the sex industry? What about HIV and health in our community?*

Decriminalization is a key step in reducing HIV transmission. Sex workers are committed to their own sexual health and that of their clients. However, the ability to negotiate condom use and other risk-reducing measures is dependent on secure working conditions that are only possible in a decriminalized context.

Public health evidence—both in Canada and internationally—shows that criminalization increases a sex worker's vulnerability to HIV, the speed at which their HIV infection progresses or develops into AIDS and their ability to deal and live with HIV/AIDS.

Criminalization creates an unsafe, disempowering, and stressful environment that can hinder sex workers' ability to negotiate safer sex practices. It also limits their access to services and health care because of fear of discrimination.

10 *How do we reduce the demand for prostitution? Wouldn't laws that criminalize "johns" and "pimps" be a good thing?*

No. Studies following the implementation of the Swedish law found that it pushed sex workers underground, where they are subjected to more violence, are less likely to go to police for help and remain in a legally and socially precarious situation. Further, there is no evidence that it has decreased the demand for the services of sex workers. Instead, the law limits sex workers' ability to screen clients and negotiate safe sex, which increases risks to their safety.

Arresting customers does nothing to improve the economic and social conditions that negatively affect the lives of many of the women, men, and trans who do sex work. Ensuring that sex workers are protected from stigmatization and violence and that their human rights respected should be the focus of any legislation put into place.

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References:

- MamaCash online Exhibit “Out From Under”, “5 Myths About Sex Workers”. <http://www.mamacash.org/page.php?id=2622>
- Mensah, M.N. et C. Bruckert. 2011. 10 raisons de lutter pour la décriminalisation du travail du sexe. 10 Reasons to Fight For the Decriminalisation of Sex Work. [Pamphlets réalisés en collaboration avec Stella et POWER dans le cadre du projet « Sensibilisation XXX Awareness » – en ligne sous peu]. <http://www.slideshare.net/cybersolidaires/10-reasons-to-fight-for-the-decriminalization-of-sex-work>
- Mensah, M.N. 2007. Travail du sexe : 14 réponses à vos questions. [Dépliant]. Montréal: Stella. <http://chezstella.org/stella/en/en/14answers>
- Urban Justice Centre, Sex Worker Project “Working Group on Sex Work and Human Rights: Sex Worker Myths vs Reality”. <http://sexworkersproject.org/media-toolkit/downloads/08-Myths.pdf>