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HUMAN RIGHTS VIOLATIONS AGAINST SEX WORKERS in CANADA

Submitted by:
Canadian Alliance for Sex Work Law Reform
The Canadian Alliance for Sex Work Law Reform formed in 2012 and is composed of sex worker rights and allied groups and individuals in cities across Canada: Calgary, Edmonton, Halifax, Hamilton, London, Longueuil, Montreal, Québec, St. John's, Toronto, Vancouver, Victoria, Winnipeg, and Yukon. Members work together to fight for sex work law reform, sex workers 'rights, and community well-being. Our member groups include: Alliance member organizations include: Action santé travesti(e)s et transsexuel(le)s du Québec (ASTT(e)Q); ANSWERS Society; BC Coalition of Experiential Communities (BCCEW); Butterfly Asian and Migrant Sex Work Support Nework; HIV Legal Network; Émissaire; Maggie's Toronto Sex Workers 'Action Project; Maggie's Indigenous Sex Work Drum Group; PEERS Victoria; Projet L.U.N.E.; Prostitutes Involved Empowered Cogent Edmonton (PIECE); PACE Society; Rézo, projet travailleurs du sexe; Safe Harbour Outreach Project (S.H.O.P); SafeSpace London; Sex Workers 'Action Program Hamilton (SWAPH); Sex Professionals of Canada (SPOC); Sex Workers 'Action Network of Waterloo Region (SWAN Waterloo); Sex Workers of Winnipeg Action Coalition (SWWAC); Sex Workers United Against Violence (SWUAV); Shift Calgary, HIV Community Link; Stella, l'amie de Maimie; Stepping Stone Halifax, SWANS Sudbury; SWAN Vancouver; and SWAPY Yukon.
Website: http://sexworklawreform.com
Contact: contact@sexworklawreform.com

Action Canada for Sexual Health and Rights
Action Canada for Sexual Health and Rights is a charitable human rights organization committed to advancing sexual and reproductive health and rights (SRHR) in Canada and globally through policy advocacy, research, and health promotion.
Website: www.actioncanadashr.org
Address: 240 Bank St #501, Ottawa, ON K2P 1X4 Canada
Contact: Meghan Doherty, Director of Global Policy & Advocacy
Email: meghan@actioncanadashr.org

Sexual Rights Initiative
The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Argentina, and Southern Africa that work together to advance human rights related to sexuality at the United Nations.
Website: www.sexualrightsinitiative.org
Address: Rue de Monthoux 25, Geneva, 1201 Switzerland
Contact: Anthea Taderera, Advocacy Advisor - UPR
Email: anthea@srigeneva.org, Tel: +41767656477

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Introduction

1. During its 2018 UPR, Canada received numerous recommendations on gender equality, women's rights, and the human rights of Indigenous peoples, Black people, and 2SLGBTQ+ people. Most sex workers are women, and many identify as migrant, racialized, Indigenous or 2SLGBTQ+. The criminalization of sex work comes with a constant police presence, social and racial profiling, harassment, surveillance, arrest, detention, and deportation — all of which contribute to sex workers' isolation and vulnerability to violence. Some members of our communities face additional police harassment, particularly Indigenous women and youth, people who are im/migrants (especially racialized women), and trans people (especially trans women). The criminalization of the sale or exchange of sexual services gravely exacerbates sex workers' stigmatization and marginalization. Protecting the rights of sex workers is imperative to Canada's response to the UPR review and to upholding their human rights.
2. The criminalization of sex work in Canada through the *Protection of Communities and Exploited Persons Act* (PCEPA) is a profound violation of sex workers' human rights including the rights to life, health, autonomy, non-discrimination, self-determination, privacy, freedom of association, to be free from violence, labour protections and access to justice. Indigenous women who sell or trade sex, racialized, Asian, and Black sex workers, migrant sex workers, trans sex workers, and sex workers who use drugs are disproportionately deprived of these rights. Our recommendations for actions and law and policy reforms need to be taken up by the Canadian Government to respect and fulfill the human rights of sex workers. These include (but are not limited to) the removal of all criminal provisions that criminalize sex workers, clients and third parties, as well as the removal of immigration regulations that prohibit migrants from working in the sex industry.
3. Decriminalization is part of a holistic response that must also be accompanied by other measures that address economic, social, colonial, and historical oppression of women, trans persons, and Indigenous, racialized, and migrant communities.
4. We regret that Canada did not receive any recommendations specifically on the rights of sex workers.

Legal Context

5. Sex workers in Canada face significant risks to their safety, health, and human rights because of the criminalization of sex work. On December 6, 2014, the *Protection of Communities and Exploited Persons Act* (PCEPA) came into force. The PCEPA was the Government's response to a unanimous Supreme Court of Canada decision in *Canada (Attorney General) v. Bedford, Lebovitch and Scott* (*Bedford*).[i] Prior to *Bedford*, neither paying for nor selling sexual services was illegal, although many of

the activities associated with sex work were. The Supreme Court in *Bedford* struck down three *Criminal Code*[ii] provisions as unconstitutional: the prohibitions on publicly communicating to sell sexual services, keeping a "bawdy house" or brothel, and living on the avails of another's sex work.

6. The Court found these provisions violated sex workers' rights to security under s. 7 of Canada's constitution (the *Charter of Rights and Freedoms*) by preventing those engaged in a "risky — but legal" business from legally employing safety-enhancing practices and could not be justified in the name of preventing nuisance. The Government was given one year to enact constitutionally compliant legislation. However, the changes introduced with the PCEPA not only reproduce the harms of the three invalidated *Criminal Code* provisions, but also add new offences that have created grave dangers for sex workers.

The Harms of Criminalizing Sex Work: *Protection of Communities and Exploited Persons Act* (*PCEPA*)

7. The PCEPA has been touted by its proponents as an "equality model" that seeks to reduce sex workers' exposure to violence by treating them as "victims" while subjecting only clients and third parties benefiting from sex work to criminal sanctions. **In reality, the PCEPA relies on the policing and surveillance of the most marginalized sex workers across Canada, and sex workers experience heightened surveillance and harassment from law enforcement and continue to be criminalized, arrested, deported, and denied their rights**. As is evident from the name of the law and the accompanying technical paper,[iii] the PCEPA prioritizes the protection of "communities" — not sex workers — from the perceived harm and nuisance of sex work, at the expense of sex workers' rights.

8. In addition to laws that already made it a crime to impede vehicles or traffic in a public place to sell or purchase sexual services, the PCEPA criminalizes all aspects of sex work and sets out five primary offences:

- Selling one's own sexual services in a public place is illegal (at or in view of a school, playground or daycare);
- Purchasing sexual services is illegal in all circumstances;
- Third parties are prohibited from financially benefiting from another's sex work, including in the context of a commercial sexual service enterprise;
- Procuring someone to provide sexual services is illegal;
- Advertising anyone else's sexual services, whether by publishing an advertisement in print, broadcasting it, or hosting it online, is illegal.[iv]

9. While the government claims that sex workers are immune from criminalization under PCEPA, the immunity only provides safety from prosecution and arrest, not from the impacts of criminalization that extend far beyond arrest. The fact that sex

workers are still operating in the context of criminality negatively affects their working conditions and encourages isolation and avoidance of law enforcement.[v]

10. The PCEPA is premised on the assumption that sex work is inherently exploitative. However, this is not demonstrated in the evidence in Canada. Studies across Canada have found that, although street sex workers have experienced particularly dangerous work conditions because of criminal laws and their enforcement, most sexual transactions are not violent.[vi] When violence does occur, it is more often targeted violence from predators and people posing as clients. The Supreme Court in *Bedford* case reaffirmed these findings, concluding that expert testimony about the intrinsic violence of sex work was ideologically motivated.[vii] Additionally, international human rights experts have concluded that the criminalization of any part of sex work creates vulnerability to human rights violations.[viii]

11. PCEPA has also been accompanied with an aggressive law enforcement response that conflates sex work with human trafficking. This has resulted in an increased police presence in the lives of already oversurveilled and underprotected communities of Indigenous and migrant sex workers. This police presence has resulted in increased arrests and deportations. Not only are law enforcement failing to distinguish between sex work and human trafficking, it is evident in much of the police response to sex work that anti-trafficking initiatives are driving the repression of sex work.

12. Criminalization reinforces existing stigma around sex work, often resulting in both over-policing of nuisance complaints and victim blaming if sex workers do experience violence.[ix] The Missing Women Commission of Inquiry, established after the disappearance of 70 street-based sex workers in Vancouver, also found that adversarial relationships between street-based sex workers and police prevented sex workers from accessing police services when they had experienced physical and sexual violence, leading to a culture of impunity for predators.[x]

<u>Public Space Prohibitions</u>

13. One of the most significant misconceptions about the PCEPA is that only third parties and clients are impacted by the law. This is false. Section 213(1)(a) prohibits impeding or stopping vehicles or traffic in a public place to sell or purchase sexual services, and section 213(1.1) prohibits communication for the purpose of providing sexual services for consideration in a public place, or in any place open to public view, that is or is next to a school ground, playground, or daycare centre. **The most marginalized sex workers who work on the street are directly targeted and affected by this prohibition.**

14. The public space prohibitions heighten the need for both sex workers and clients to rush negotiation and avoid explicit and clear communication as they avoid detection

by law enforcement. Sex workers are displaced and isolated to avoid detection of themselves or their clients from law enforcement, which increases vulnerability to violence. This interferes with safety mechanisms that sex workers use to stay safe on the job – including informal or formal networks of security supports.

Purchasing Prohibition

15. The criminalization of clients makes no distinction between clients and perpetrators of violence. Negotiations with clients in public space are rushed because clients are anxious and stressed about criminalization. Clients' fear of detection by police means that sex workers are unable to take sufficient time to screen potential clients before getting into cars, facilitating an environment where opportunities for clear communication are severely limited and it is difficult to establish conditions critical to consent to sex. As a 2019 report co-authored by an Alliance member group confirms, the prohibition on purchasing has forced *all* sex workers to limit their communication with potential clients to avoid law enforcement, affecting their ability to negotiate in advance the terms of a transaction and posing potential risks to sex workers who may not be able to properly screen a client in advance or to come to an agreement with the client about the services before they meet, and impacting sex workers' income and ability to work.[xi]

16. Criminalizing the purchase of sexual services also isolates sex workers. Between 2012 and 2014, the Vancouver Police Department targeted clients for law enforcement. Research with sex workers during this period confirmed that criminalization of clients recreated the impacts of the former unconstitutional laws for sex workers: "displacement to isolated spaces; inability to screen clients or safely negotiate terms of transactions; and inability to access police protection."[xii] **When clients are criminalized, sex workers are forced to operate in more dangerous environments, where they are unable to clearly communicate, negotiate, and safely engage with clients.**[xiii]

Third Party Prohibitions

17. Sex workers work with a wide range of third parties. This includes people who provide initial screening, security, and workspaces; drivers; website providers; agency owners or managers; receptionists; translators and others. Third parties may own businesses that sex workers work for, assist with health and safety protections, and provide customer services, similar to other businesses and service providers outside of the sex industry. Often, sex workers take on roles as third parties for one another. **Sex workers often report that they would prefer to work with a third party, rather than by themselves, as this would allow them to focus on the services that they provide and the implementation of personal safety mechanisms**. Many sex workers do not have the resources nor desire to work independently, including due to poverty, isolation, language barriers, lack of resources, family obligations, and

technological proficiency. And yet, the PCEPA assumes that all sex workers can work alone and for themselves.

18. The prohibitions on third party benefits and procuring prevent sex workers from legally enjoying the security of working with others and often with each other, since sex workers often fulfill these roles. A key finding of *Bedford* was that working and living with others was often safety-enhancing. In a study of almost 600 sex workers, along with managerial practices such as venue safety policies and access to sexual and reproductive health supplies and services, social cohesion was found to significantly improve sex workers' health and safety and their abilities to negotiate condom use and other contraceptives.[xiv]

19. Although third party and procuring provisions ostensibly target exploitation, research has found that stereotypical "pimps," who manipulate or coerce sex workers through the use of threats and violence, are relatively rare in Canada, even accounting for the possible non-participation of those controlled by pimps in studies.[xv] While home-based in-call and street-based sex workers in Canada typically work for themselves, they also employ people to help them with aspects of their work. Many managers are women and themselves former sex workers.[xvi] In some commercial establishments, administrative or maintenance duties are shared between sex workers on rotation.

20. Being unable to legally work with, and for, others disadvantages those who wish to work indoors but lack the monetary resources, stable location, and/or management skills to undertake the booking, scheduling, and accounting, and other arrangements (for example, for phone and internet service) required to work independently. Their experiences as workers in a precarious, unregulated, illegal business are dependent on the dispositions and actions of individual managers and co-workers. Criminalization of third parties prevents sex workers from accessing occupational health and safety or employment standards regimes, leaving them without legal recourse or complaints mechanisms for situations involving sexual harassment, underpayment or non-payment of contracts or wages, unsafe or unhygienic facilities, or unfair hiring and dismissal practices.[xvii]

21. Many sex workers also engage family members and intimate partners as third parties. Laws that criminalize third parties and their application assume all relationships between sex workers and third parties are exploitative. Where violence does exist in these relationships, law enforcement focuses on sex work rather than addressing the violence itself. Sex workers who want to maintain their relationship with third parties are often victimized and not supported in addressing violence.

<u>Advertising prohibition</u>:

22. Under the PCEPA, every person who advertises a sexual service offered by someone else risks prosecution. Sex workers often need the assistance of other third parties to help with advertising, including assistance with developing their ads, accounts and publicity, and accessing credit cards. More marginalized sex workers frequently do not have access to these resources and skills. However, people who provide this support can be criminalized by the procuring, material benefit, and advertising offences. **Among sex workers who have acquired the skills and resources to advertise, sex workers report the need to avoid clear communication in their online advertisements to ensure that they are not removed**. This is another factor that leads to uncertain terms between sex workers and clients. The restrictions on third party advertising have resulted in some sex workers who have typically worked in indoor settings to shift their work to public spaces.

Indigenous Women Who Do Sex Work

23. Indigenous people in Canada experience discrimination, over-surveillance and profiling by police, and involvement with the criminal justice system and incarceration at much higher rates than the population as a whole.[xviii]

24. Alliance member organizations from across Canada have reported the following experiences of Indigenous women who do sex work, since the introduction of PCEPA:

a)**Laws that criminalize the purchase of sexual services and ban public communicating about sexual services push Indigenous sex workers into isolated and dark areas where they are more vulnerable to predators** who rely on sex workers' distrust of police and the justice system's dismal response to sexual assault and violence against Indigenous women generally, to shield them from accountability. This **vulnerability is intensified for Two-Spirit and trans sex workers.**

b)**Police surveillance can also break down the sense of community and camaraderie between sex workers**, which has been shown to significantly enhance sex workers' health and ability to resist exploitation.

c)Indigenous sex workers may rely more heavily on family members to perform safety-enhancing roles, like providing transportation to and from other regions or jurisdictions. **The material benefit provisions of the *Criminal Code* have the potential to criminalize these personal relationships, even when they are not exploitative**, for example, if the parties share drugs or alcohol.

d)Much of the violence against Indigenous women who sell or trade sex is mis-categorized and conflated with "trafficking" — which has grossly inflated estimates of the number of "trafficked" Indigenous women and girls in Canada, and **led to prioritizing of funding for law enforcement strategies that increase over-policing in**

Indigenous communities, instead of investing in peer-led programs that allow Indigenous people selling or trading sex to exchange knowledge and support each other. Some programs offered by non-profit organizations require that those accessing supports identify as "victims" or pressure participants not to engage in sex work in order to access services. These strategies are not supportive of Indigenous women and do not respect that they are best placed to determine their own life choices.

e)**While Indigenous women will continue to face police harassment and over-policing regardless of the laws regulating sex work, the criminalization of the sale or exchange of sexual services gravely exacerbates their stigmatization and marginalization.** The ongoing criminalization of sex work has resulted in a constant police presence, social and racial profiling, harassment, surveillance, arrest, and detention of Indigenous women who sell or trade sex — all of which contribute to isolation and vulnerability to violence. Criminalization also exacerbates already significant barriers to the justice system for Indigenous people who sell or trade sex.

f)For Indigenous women working in constrained circumstances, removing their source of income by criminalizing their clients does not make them safer, help meet their immediate needs, or increase their future options. At present, Indigenous sex workers are also often silenced by stigma within their own communities and are assumed to be exploited in sex work.

Racialized Migrant Sex Workers

25. Sex work provides economic opportunities for people who work within informal labour markets and street economies, particularly communities of racialized and im/migrant sex workers who experience less employment opportunity because of continued racism in Canada. Similar to Indigenous people who sell or trade sex, im/migrant communities are made particularly vulnerable by the criminalization of sex work. The threat of police involvement, surveillance, and deportation increases their vulnerability to violence and limits their ability to come forward as victims of violence.

26. In Canada, as elsewhere, "anti-trafficking" campaigns have been pitched as a means of "protecting vulnerable women" but have worked primarily to endanger women doing sex work. Anti-trafficking rhetoric and programming by the government has focused on sex work to the detriment of other forms of labour exploitation, equating all sex in exchange for money or goods with sexual exploitation and violence against women, even in the absence of any evidence of exploitation. This fails to account for what sex workers themselves say about their experiences. The federal government amended parts of the *Criminal Code* trafficking provisions in the PCEPA, linking the two offences. As under the PCEPA, sex workers who are targeted in anti-trafficking investigations are labeled as victims but treated as criminals subject to a range of punitive responses.

27. Migrant sex workers have been targeted by law enforcement who often work hand in hand with Canada Border Services Agency (CBSA). For example, in 2015, the Ottawa Police Service released information about a raid on massage parlours that led to the deportation of 11 women.[xix] Trying to avoid detection increases im/migrant sex workers' isolation and dramatically reduces their access to health and safety resources. Im/migrant workers who are victims of violence do not report it for fear of being arrested and deported. Butterfly, an organization that provides support to migrant sex workers throughout Ontario, has documented cases in which one sex worker reported being robbed four times in a week, and another sexually assaulted three times in one week.[xx] In a survey conducted by Butterfly in 2015, more than 60% of respondent migrant sex workers said they had experienced different forms of violence, but felt that they were unable to call police for fear that they or their co-workers would be arrested or subjected to increased police surveillance, loss of income, and possible deportation.[xxi]

28. In addition, sex work-related criminal offences capture a range of people and behaviours that are not exploitative. As a result, migrant sex workers may continue to face economic and situational risks if the people they work with are criminalized.

29. Alliance member organizations from across Canada have reported the following experiences of migrant sex workers, since the introduction of PCEPA:

a)The criminalization of sex work increases sex workers' susceptibility to violence. **The conflation of sex work and trafficking has led to law enforcement targeting of women working in situations that are not exploitative and made it more difficult for sex workers to report incidents of violence and for courts to recognize actual incidents of trafficking**.

b)**Sex workers' physical and economic security is threatened when sex work establishments are increasingly raided by law enforcement**. Migrant sex workers are assumed to be exploited, and third parties are assumed to be exploitative. Racialized people are often assumed to be traffickers or trafficked victims.

c)Although the federal government has claimed that the new laws would not be used against sex workers, **racialized and migrant sex workers have been disproportionately arrested and detained under the sex work offences.**

d)**Sex workers, including migrant sex workers, may be prosecuted under the offences related to third party benefits and trafficking when they work with, gain material benefits from, and assist other sex workers to enter or work in Canada**.

e)The Canadian government claims that the purpose of immigration regulation restrictions that prohibit people with temporary work permits and people who have

open work permits from working in strip clubs and massage parlours is to prevent trafficking. However, it unnecessarily **limits employment options for migrant, and particularly racialized migrant, communities and ensures the presence of law enforcement in the lives of migrant sex workers, which puts them at risk of isolation and targeted violence**.

f)**CBSA may arrest and deport migrant sex workers**. Sex workers who receive "Departure Orders" must leave voluntarily within 30 days. Failure to do so may result in forcible removal from the country, even if sex workers are simultaneously identified as victims in an investigation.

g)Partnership investigations between Canada's federal police agency, the Royal Canadian Mounted Police (RCMP), municipal bylaw enforcement and CBSA often results in **racial profiling or the targeting of racialized sex workers or any sex worker who is not perceived to be 'local**'.

Specific Recommendations for Legislation:

30. The harmful impacts of criminalizing sex work go beyond the violence of arrest and incarceration. Police repression is a significant factor in creating vulnerability to violence and poor working conditions. A context of repression makes it difficult for sex workers to report human rights violations and other crimes and for police to investigate acts of targeted violence against sex workers by predators, who commit such violence in a context of impunity. Legal and social constructions of sex work as exploitation contribute to a climate of stigma and disdain for sex workers and sex work, which also promotes violence and discrimination.

31. Like with other vulnerable communities, **the decriminalization of sex work is a crucial first step to reduce instances of violence and provide meaningful assistance to sex workers. By decriminalizing sex work, sex workers would be able to benefit from labour protections, including employment standards and occupational health and safety laws, that are afforded to all other workers.** These are far more effective measures to promote sex workers' human rights, including labour rights, than criminal and anti-trafficking laws.

32. As such, we recommend the following measures:

a)Repeal all the provisions introduced through the *Protection of Communities and Exploited Persons Act* and other *Criminal Code* provisions criminalizing sex workers, clients and third parties. As a federal state, the Government of Canada needs to lead the reform process and decriminalize sex work before other laws and regulations for sex worker health and safety can be enacted.

b)Repeal regulations in the *Immigration and Refugee Protection Regulations* (IRPR) that prohibit sex work. CBSA and other law enforcement need to immediately stop "visiting" massage parlours and other workplaces where migrant sex workers work, and cease detention and deportation of migrant workers, including migrant sex workers. Instead, sex workers should be able to access rights, support and services without fear, stigma, surveillance and the threat of criminalization.

c)Repeal municipal bylaws that allow entry by-law enforcement into predominantly migrant workspaces, e.g., body rub parlours, strip clubs and holistic centres, and stop by-law enforcement that target sex work or the adult entertainment industry.

d)Immediately ensure full and permanent immigration status for all in Canada, without exception.

e)Provide federal support for municipal Access Without Fear/Sanctuary City policies that allow migrants to report violence against them and receive essential services such as health care without fear of deportation.

f)Address violence against sex workers by guaranteeing that they enjoy the full benefit of existing laws criminalizing physical and sexual assault, robbery, forcible confinement, kidnapping, stalking, and other forms of abuse, instead of segregating them through a separate set of sex work-specific stigmatizing criminal laws.

g)Stop using anti-trafficking programs to justify the intrusion of law enforcement in places where sex work is taking place, including indoor sex work establishments.

h)Discourage the partnership between law enforcement and Canada Border Service Agency that enables them to enter indoor sex work establishments under the guise of anti-trafficking measures.

i)Review existing anti-trafficking policies and programs that equate sex work with human trafficking, and revise policies to remove assumptions that sex work, absent coercion, is a form of trafficking, sexual exploitation, or violence.

j)**Invest money into sex worker-led community initiatives, particularly Black, Indigenous, and migrant sex work initiatives** for self-administered education and vocational training, housing, income assistance, employment programs, and health and drug use programs.

k)Defund police and reallocate human trafficking resources to settlement, social, health, legal, and housing services and supports without a requirement to identify as a trafficking victim. Sex workers need non-judgmental programs that don't seek to minimize opportunities for sex work, pressure sex workers to "exit", seek to abolish sex work, or conflate sex with trafficking.

[i] 2013 SCC 72 (*Bedford*). The *Bedford* decision considered 25,000 pages of Canadian and international evidence from sex workers and social science research.

[ii] RSC 1985, c C-46.

[iii] see Technical Paper: Bill C-36, *Protection of Communities and Exploited Persons Act* available from http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html

[iv] For the provisions criminalizing purchasing sexual services, communicating to purchase sexual services, and benefiting from another's sexual services, parallel provisions exist providing for more serious penalties when minors are involved.

[v] See, for example, HIV Legal Network, *The Perils of Protection: Sex Workers' Experiences of Law Enforcement in Ontario*, 2019 and Anna-Louise Crago et al, "Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada" (2021) 10:13 Sco Sci.

[vi] Cecilia Benoit and Leah Shumka, Sex Work in Canada, May 7, 2015, available at www.understandingsexwork.com; Chris Atchison, Dalia Vulmirovich and Patrick Burnett, Executive Summary of the Preliminary Findings for Team Grant Project 4 – Sex, Safety and Security: A Study of the Experiences of People who Pay for Sex in Canada, Canadian Institutes of Health Research, June 2015;Tamara O'Doherty,

[vii] Justice Himel's evaluation of the testimony of Melissa Farley in *Bedford v. Canada (Attorney General)*, 2010 ONSC 4264.

[viii] See for example: Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Health A/HRC/14/20 available from http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.20.pdf; Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers https://www.amnesty.org/en/documents/pol30/4062/2016/en/

[ix] A Krusi, T Kerr, C Taylor, T Rhodes, K Shannon, "They Won't Change It Back In Their Heads That We're Trash: The Intersection of Sex Work Related Stigma and Evolving Police Strategies," *Sociology of Health and Illness,* 2015.

[x] *Forsaken*, *supra* at note 10.

[xi] HIV Legal Network, *The Perils of Protection: Sex Workers' Experiences of Law Enforcement in Ontario*, 2019.

[xii] A Krüsi, K Pacey K, L Bird, et al. "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study." *BMJ Open* 2014;4:e005191.doi:10.1136/bmjopen-2014-005191; Sex Workers United Against Violence, S. Allan, D. Bennett, J. Chettiar, G. Jackson, A. Krüsi, K. Pacey, K. Porth, M. Price, K. Shannon and C. Taylor, *My Work Should Not Cost Me My Life* (Vancouver: Pivot Legal Society, 2014), p. v.

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[xiv] P. Duff, J. Shoveller, G. Ogilvie, J. Montaner, J. Chettiar, S. Dobrer, K. Shannon, "The Impact of Social, Policy and Physical Venue Features and Social Cohesion on Negotiation of Barrier Contraceptives Among Sex Workers: A Safe Indoor Environment Scale," Journal of Epidemology and Community Health, 2014; E Argento, P. Duff, B. Bingham, J. Chapman, P. Nguyen. S.A. Strathdee, K. Shannon, "Social Cohesion among Sex Workers and Client Condom Refusal in a Canadian Setting: Implications for Structural and Community-Led Interventions," *AIDS & Behaviour*, October 2015.

[xv] C. Benoit & A. Millar, *Dispelling Myths and Understanding Realities: Working Conditions, Health Status and Exiting experiences of Sex Workers,* 2001, accessed at: http://www.hawaii.edu/hivandaids/Working%20Conditions,%20Health%20Status%20and%20Exiting%20Experience%20of%20Sex%20Workers.pdf; C. Bruckert & T. Law, Beyond Pimps, Procurers and Parasites: Mapping third parties in the in-call/outcall sex industry. Rethinking Management in the Adult and Sex Industry Project (Ottawa: Social Sciences and Research Council of Canada, March, 2013, accessed at: http://www.powerottawa.ca/ManagementResearch.pdf; L. Casey & R. Phillips, Behind Closed Doors: Summary of Research Findings, 2008, accessed at http://www.safersexwork.ca/wpcontent/ uploads/2014/06/BehindClosedDoors.pdf; K. Gillies, "A Wolf in Sheep's Clothing: Canadian Anti-Pimping Law and How It Harms Sex Workers," in E. van der Meulen, E. Durisin, & V. Love (Eds.) *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, (Vancouver: UBC Press, 2013) p. 269-278; O'Doherty, 2015, p. 47.

[xvi] Bruckert & Law, 2013.

[xvii] Bruckert & Law, 2013.

[xviii] Government statistics indicate that Indigenous adults accounted for one-quarter of admissions to provincial/territorial correctional services and 22% of admissions to federal correctional services in 2014/2015, while representing about 3% of the Canadian adult population. Statistics Canada. Adult correctional statistics in Canada, 2014/2015. http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14318-eng.htm; Annual Report of the Correctional Investigator 2014-2015. http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20142015-eng.aspx

[xix] http://news.nationalpost.com/news/canada/migrant-sex-workers-caught-up-in-ottawa-sting-facing-deportation-further-exploitation-activists

[xx] "Migrant Sex Workers Live Under Constant Police Threat," (Part 5 of Series) Ricochet , accessed at:

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