

Decriminalization of Sex Work

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SACHA supports the decriminalization of sex work. Decriminalization entails the removal of all sex work related offences from the Criminal Code. This means sex workers, and their clients, would not be subject to arrest because of activities related to sex work.

Both men and women participate in sex work. Women (trans and cisgender) are more often the target of violence. For this reason, we address the concerns of women in sex work. SACHA supports the decriminalization of sex work for the safety of all sex workers.

The legal status of sex work is a complex and controversial issue. We have not come to our position without awareness that the current context of sexism, trans-hatred, racism, colonialism, adultism and classism complicates the consideration of sex work and decriminalization. We believe our commitment to ending oppression compels us to support decriminalization.

SACHA believes that policies and laws have often been formed to instruct women on what is right and wrong in an attempt to control their behaviour. These social rules are decided for women by people (primarily men) in power who decide how “good girls” and “bad girls” behave. Sex workers are a group of people more often spoken about than spoken with; they have not been consulted in forming the rules. Policy decisions regarding sex work have been imposed on sex workers rather than in collaboration with them. Racism, colonialism, classism, adultism, and other forms of oppression have also been pivotal in policy design.

SACHA believes that there is a high cost to the criminalization of sex work:

- It contributes to the marginalization and stigmatization of sex workers. The further to the margins a woman is pushed the greater the risk of harm she faces; the less likely she may feel able to access support including police and social services.
- When women are arrested, they often lose their income, housing, children and social supports.
- Having criminal record affects a woman's life long after she has left prison and can further limit her ability to leave sex work if she wishes to in the future.
- Laws preventing sex workers from “communicating” inhibit women's ability to assess a potential client and discuss the terms of service. This negotiation allows a woman to evaluate her safety; her freedom to do this is compromised, so is her wellbeing.
- Women will risk eviction from their homes or places of business, as it is illegal to live on the wages of sex work or to use any indoor space for sex work.

Decriminalization of Sex Work (continued)

- Outdoor sex work prevents women from establishing safety precautions that are possible with indoor work. Indoor work decreases isolation and allows other staff to be onsite as a security measure.
- Imprisonment increases state involvement and control over individuals who may already have limited power in their lives.

SACHA's response to the controversy

SACHA recognizes that sex workers, like any group of individuals, do not speak with one voice. There are women who identify the greatest challenges they face as sex workers are the attitudes and assumptions of others who decide that they are victims; their assertions of empowered choice are dismissed as misinformed and ignorant.

SACHA recognizes that some women identify that participating in sex work has harmed them both emotionally and physically.

We believe all women are vulnerable to violence. Sex workers are sometimes specifically targeted for violence. The criminalizing of sex workers contributes to the belief that they are either unsympathetic or deserving victims; this sends the message to predators that violence committed against sex workers is of little or no consequence.

Services for survivors of violence should be appropriate and responsive to the needs of sex workers. We believe the current system of criminalization creates barriers to sex workers who wish to access police and social services. Workers have experienced dismissive and judgmental responses from these systems. Sex workers have been blamed for the violence they experience.

SACHA recognizes that some women wish support be directed towards helping them leave sex work.

We believe that women who wish to exit sex work should have the necessary supports to leave the industry. We believe that decriminalization will reduce the fear of arrest and imprisonment that some women identify prevents them from accessing support systems. Decriminalization may contribute to a reduction in the stigma and judgement regarding sex workers thereby also addressing barriers to service.

Decriminalization of Sex Work (continued)

SACHA recognizes that some women participate in sex work because they feel it is the only viable option for survival.

We believe that choice is a complex word to apply to women's lives. We believe women are often operating within circumscribed "choice" (given the reality the realities of sexism, adultism, racism, colonialism and other forms of oppression); sex workers are not alone in this. It is our goal to maximize choice in all areas of women's lives. Women's human rights need to be strengthened so that they have meaningful choice in all areas of their lives. Supporting the right to receive a dignified income through labour rights and income assistance programmes will allow women greater choice.

SACHA recognizes that multiply marginalized women are disproportionately represented in street level sex work and that this is the most dangerous form of sex work.

We believe racism, colonialism, sexism, classism and all oppressions create this stratified reality: multiply marginalized women are disproportionately affected by criminalizing sex work. Women from racialized communities are overrepresented among incarcerated women. For example, in First Nations communities, "high rates of arrest and incarceration are a reality, yet there still has been no justice for the over 500 missing and murdered Indigenous women in Canada". The people who engage in street level sex work are often "over policed and under protected". – Native Youth Sexual Health Network

Conclusion

Our bottom line is that we believe the safety and dignity of women who do sex work is paramount; with this as our guiding principle, we support the decriminalization of sex work