

Frequently Asked Questions

Who are we?

We are a diverse group of individuals who identify as feminists and support the decriminalization of the adult, consensual sex industry.

Why is it necessary for feminists to band together and speak out on this issue?

The current working conditions for sex workers in Canada are unacceptable. The violence that many sex workers face is an equality issue and one that feminists cannot avoid or try to remain neutral about. Unfortunately, by failing to support decriminalization, feminists are supporting the status quo. The general public should know that many feminists support decriminalization.

FIRST believes that women are adults who can decide what to do with their lives and their bodies, and sex work is a form of sexual self-determination for many sex workers. Social resistance to prostitution often represents a moralistic attitude towards sex and female sexuality, coupled with the traditional view that women are incapable of making their own decisions.

What are we advocating for?

We are advocating for decriminalization (removal of all criminal code sections related to prostitution). There should be no criminal sanctions for participation in the adult, consensual sex industry.

We are advocating for sex work to be subsumed under existing labour regulations. Sex work should not be singled out from other forms of service, entertainment, and personal business.

Does FIRST support legalization or regulation of the sex industry?

We do not support legalization, or the creation of specific regulations (like red light districts or licensing of workers). In its most fundamental form, legalization simply creates another system where certain people are allowed to work safely and others are still excluded from safe venues of work. Legalization would force the government into a pimp-like role. It would not help to incorporate sex work into mainstream business as it would set up a differential system for the sex industry. Legalization always includes penalties and or criminal sanction for those who do not follow the regulations; that will not change the existing situation.

How does the criminal law negatively impact sex workers in Canada? Are all sex workers impacted by the criminalization of prostitution?

Yes, all sex workers are impacted by the criminal law. Street-based workers face extremely high rates of violence and First Nations women are disproportionately impacted by both violence and exploitation in the sex industry.

For street-based workers, the criminal law:

- Forces workers into remote, poorly lit, and isolated areas.
- Denies workers the right to properly negotiate the terms of a transaction, as workers cannot openly communicate about the exchange without infringing s. 213 of the Criminal Code.
- Prevents workers from assisting each other and from working in partnership.
- Positions workers in opposition to police rather than under police protective services.
- Saddles many sex workers with a criminal record, which increases the already difficult task of exiting the sex industry by denying workers access to many “legitimate” working opportunities.

For off-street workers, the criminal law:

- Contributes to the exploitative structure of many agencies (fines, fees, employment standards, advertising costs, etc.)
- Prevents women from learning about the different ways to work safely in the sex industry, and prevents agencies from properly training their workers on safe practices.
- Limits workers’ abilities to openly negotiate terms of a transaction.
- Deters individuals from seeking recourse to police in the event of criminal victimization.
- Contributes to a lack of knowledge about declaring tax, obtaining credit, and managing finances.

Will decriminalization really make a difference?

Absolutely. Violence occurs to street-based workers at an unacceptable rate and the link between criminal sanction and increased violence is well-documented.¹ Violence is most likely to occur when women are in vulnerable positions (due to economic hardship, addictions, or other disempowerment) and when women are not realistically able to decline a date. When women are able to selectively choose their clients, when they determine the boundaries of their involvement, and when they get to control the date, women are much safer.

Decriminalization will alter the structure of relations between police and sex workers. Sex workers will be able to use the protective services of police without fear of having a criminal law related to prostitution enforced against them.

¹ See Betteridge (2005); Canadian HIV/AIDS Legal Network (2005); Cler-Cunningham & Christensen (2001); Lewis, Matycka-Tyndale, Shaver & Gillies (2005); Lowman (2000); Pivot (2003).

The effect of a criminal record is extremely difficult for individuals to overcome. For those individuals who wish to exit the industry, a criminal record can effectively destroy chances for legitimate work. The criminality of prostitution can also be used against women in custodial cases, it reduces women's capacities to manage finances as their income may be derived from illegal activities, and it forces the entire industry to remain underground. By decriminalizing the industry and subsuming it under existing labour law, we will be including workers who have traditionally been ostracized from our community.

Decriminalization protects sex workers by reducing stigmatization and marginalization, and allows the normal checks and balances of society to protect sex workers, such as labour codes and existing criminal laws against violence.

Will decriminalization address the social, economic, and health issues apparent in street-based sex work?

Decriminalization is a necessary first step, but it is not a magic solution to the various social, economic, and health issues that converge in impoverished neighborhoods. Decriminalization will allow for increased focus on these underlying issues.

What about sexual assaults, physical assaults, and other forms of violence committed against sex workers? How does FIRST suggest we deal with these forms of harm?

We suggest that the same criminal code sections that protect all Canadians should be extended to sex workers, too. There is no reason to make distinctions based on occupation—fraud, coercion, administering drugs without consent, or any other form of violence against individuals can be prosecuted by existing criminal code sections.

What about trafficking in women?

Canadian law must prohibit trafficking in persons for the purpose of any form of labour or services. We recognize that trafficking in women is a significant problem and that victims of trafficking may be forced into sex work. We also recognize that under the current legal framework, victims of trafficking are both criminalized and face deportation from Canada. We support the creation of criminal and immigration laws that provide protection and permanent immigration status to victims of trafficking.

What about the sexual exploitation of youth?

There should be no tolerance for the sexual exploitation of children and youth. This means we must preserve and *actively* enforce the current criminal laws that prohibit: living on the avails of prostitution of a person under the age of 18 years (s. 212); the purchase of sexual services of a person who is under 18 (s. 212 (4)); and the communication with anyone for the purpose of obtaining sexual services of a person who is under 18 (s. 212(4)). Further, children and youth who are involved in prostitution should not be criminalized.

Wouldn't there be increased numbers of sex workers if we decriminalized the industry?

No. In those countries that have either legalized or decriminalized their sex industries, there has not been an increase in the number of sex workers. There is no reason to expect that to happen here.

So, do you mean someone could sell sex out of their own home? In my neighborhood?

At present, sex workers are working out of their homes, and out of every neighborhood. Most of these workers are extremely discreet about their work and you would likely have no knowledge of the activities taking place. Sex workers are community members, too.

Why shouldn't we simply criminalize the purchasers of sexual services?

Enforcing tougher penalties on the clients of sex workers will force sex workers to take increased risks in order to do their business. We do not believe there should be criminal sanction for either party of the commercial sex transaction. We believe that all adults have the right to determine what they do with their bodies, regardless of whether there is a financial dimension to the services offered.

I understand that there are a lot of misconceptions about sex work and sex workers.***What are some of the realities of sex work in Canada?***

- Women engage in sex work for many different reasons, in many different ways, and come from many different backgrounds.
- Sex work involves many different activities than prostitution. Erotic massage, dominatrix work, pornography, telephone, and internet sex operations are some examples of other forms of sex work.
- Sex workers should not be presumed to have experienced family childhood sexual victimization, mental illness, or some other personal dysfunction.
- Rather than feeling exploited, many sex workers feel empowered by sex work.
- Sex work is not about selling unrestricted sexual access. Women identify clear boundaries of comfort for physical acts.
- The stigma of identifying as a "prostitute" is often so great that it prevents women from being open and honest about their work.
- Many off-street workers report abstaining from drugs and alcohol while working.
- There are a lot of individuals who work part-time in the sex industry. Many sex workers have other careers or are currently students.
- While there is some acceptance for those people who have exited the industry or who were only involved in the industry out of addiction or impoverishment, there is no understanding for those who maintain that they actively chose the work.