



FIRST Position Statement

November 7, 2007

FIRST is a coalition of feminists who have come together to support the rights of sex industry workers and advocate for the decriminalization of adult sex work.¹ We are guided by the fundamental principle that sex industry workers should have equal benefit of the human rights protections that are available to all members of Canadian society. To be a society that is truly committed to equality, freedom and human dignity, we must recognize the rights of sex industry workers to:

- Live and work in conditions that are free from hate, violence and exploitation;
- Have their dignity, autonomy and liberty respected, including the right to engage in consensual sex with other adults without being criminalized; and
- Be treated as equal members of society, have equal protection and benefit of the law and not be subject to stigma, discrimination and social alienation.

We further recognize that discrimination against sex industry workers often intersects with prejudice and discrimination on the basis of gender, race, poverty, sexuality, ability and age. As a case in point, the oppression experienced by Indigenous women is intricately connected to Canada's history of colonialism and the failure to recognize the inherent right to indigenous self-determination.

It must be recognized that the decriminalization of sex work will not on its own stop the injustices experienced by sex industry workers. However, it is an important first step to improve the health and safety of sex industry workers, and communities overall.

WE DEMAND THAT:

- Adult consensual sex industry work be completely decriminalized in Canada. The term "decriminalization" refers to the repeal or removal of all criminal laws relating to adult prostitution. In the Canadian context, decriminalization means the repeal of the following sections of the *Criminal Code of Canada*: s. 210 (bawdy house law), s. 211 (transporting

¹ The term, "sex industry worker" refers to all women, men and trans-gendered adults who exchange sexual services for remuneration where parties consent and negotiate the details of the transaction. (<http://bccewc.ca/>)

a person to a bawdy house) s. 212 (1), (3) (procuring sections relating to adults), and s. 213 (communicating law).

- Canadian law not prohibit sexual activities between consenting adults whether or not payment is involved.
- Sex industry workers have full legal rights and equal access to the protection and benefit of the law, including labour and employment law.
- Sex industry workers and their organizations must be primary stakeholders in any process related to their legal, economic and/or social status. Governments must:
 - ♦ Provide financial support to sex industry worker organizations to ensure their full and equal participation in any process related to the sex industry in Canada;
 - ♦ Grant funding to support, expand and create community-based services dedicated to addressing sex industry workers' economic, social and health needs; and
 - ♦ Support the creation of organizational and business structures that empower and protect sex industry workers including, for example, the sex industry worker's cooperative proposed by the B.C. Coalition of Experiential Communities.
- The sexual exploitation of children and youth must not be tolerated. Further, children and youth should not be criminalized because of their involvement in the sex industry.
- Mobility rights for sex industry workers within Canada must be fully supported. We demand that a non-discriminatory and humanitarian approach be taken towards migrant sex industry workers wishing to enter Canada. We support the existing provisions of the Criminal Code which prohibit trafficking in persons for the purpose of any form of labour or service (ss.279.01 – 279.03). However, protections must be improved so that victims of trafficking do not face criminalization or removal from Canada.
- The appropriate levels of government immediately support sex industry worker organizations to develop and implement training that educates and sensitizes the justice system and health and social services providers to the needs of sex industry workers.
- The appropriate levels of government immediately support sex industry worker organizations to develop and implement public awareness campaigns aimed at educating society on the lived experience of sex industry workers.

FIRST holds that Canada's continuing failure to decriminalize sex work means the federal government implicitly sanctions violence against sex industry workers. We believe that sex industry workers will never truly gain equality, freedom and dignity until the illegal and stigmatised status of their work is addressed. Decriminalization is an essential step: the time for legislative change is now.