

## **SEX WORK AND WOMEN'S RIGHTS**

Position statement by the  
New Brunswick Advisory Council on the Status of Women  
June 2008

### **Past comments by the Advisory Council**

In our 1984 brief, "Confronting Pornography", the N.B. Advisory Council on the Status of Women included a discussion of prostitution, but we noted that the issue did not seem to be a priority concern of New Brunswick women, and the Advisory Council had not studied the issue in depth nor taken a position on it. We said that, of the 3 approaches to problems associated with prostitution - criminalization, legalization and decriminalization – decriminalization most closely approached a feminist perspective of the issue: it accepts the transaction as one occurring between consenting adult. However, we noted, it poses potential problems, for example because empowering municipalities to draw up soliciting bylaws would create a non-uniform approach. Legalization, we said, would make law enforcement easier, improve the worker's self-image, but it would institutionalize a profession « which, at least in part, is a product of a society based on sexual inequality and sexual exploitation and condones those negative aspects ».

We said that problems associated with prostitution will not be resolved by laws, that sex workers are victims of a society which ineffectively deals with the emotional trauma of child abuse, sexual abuse and woman abuse and where women are struggling for equity. "All the soliciting by-laws in the world will not change the fact that most of our poor are women, that most poor single parent families are headed by women ... that for many women, prostitution is their only financial alternative, or a better financial alternative than their "legitimate" job skills will allow. Nor will those by-laws change the fact that over 60% of sex workers were physically and sexually abused as children, that many witnessed the abuse of their mothers by their fathers, that therefore many fall into prostitution because of self-hating, self-destructive feelings."

Finally, we concluded that the real solutions are to effectively deal with abuses, social injustices and economic inequities and to counteract the male social conditioning that perpetuates the demand for sex workers.

### **Current situation**

As the background document produced for us by Evaluation Designs, *Prostitution In Canada*, attests, few issues are as challenging as prostitution when it comes to determining what stance to take. Sexism, moral and religious judgments and polarization of opinions make examination of the topic difficult, especially when intertwined with the problems associated with the underworld to which sex work is relegated in the current context. The goal is clear - improvement of the status of women – but the means to the end are difficult to discern.

If our efforts are focussed on improving conditions for sex workers, does that encourage women to remain in it and is that not harmful to their long-term well being? Does prostitution contribute to continued sexism and violence against all women? What will improve the well-being for all women? If some women choose to become sex workers, is that not because only poor options were available - no one grows up hoping to be a sex worker. Does equality for women depend on the elimination of sexual oppression – and is prostitution necessarily sexual oppression?

We do not attempt to solve these questions. We note situations that require action, and propose to add to our position in the future.

## **Statement by the New Brunswick Advisory Council on the Status of Women**

- Sex workers - whose work, we restate, is currently legal under Canadian law - are entitled to the full protection of the law. The human dignity of sex workers requires that their rights be enforced, including their right to life, liberty and security of the person, the right to be presumed innocent until proven guilty, to equality before and under the law, and to equal protection and benefit of the law. Women engage in sex work for a variety of reasons and, regardless of their motivation or circumstance, they deserve to be safe and to have access to the same rights and protections as other Canadians.
- Although prostitution is legal, it is next to impossible to engage in any related behaviour without breaking the law. In order to develop more rational rules focussed on regulating exploitation and procuring, there is need for reform of the Criminal Code, with consultation of sex workers and organizations working with sex workers.
- By themselves, laws that aim to push prostitution away from our view increase the risks associated with sex work and the violence experienced by the women. Their consequent marginalization leaves them vulnerable to abuse. This is made worse by the adversarial relationship established between police and sex workers; their experiences with police make them unwilling to seek help. This has also deprived sex workers of the protection of the law when they are victim of a crime while engaging in prostitution. Sex workers “have little expectation that the police will protect them from violence and every expectation that the police will arrest or fine them if given the chance” – and because this is known in the general population and by “johns”, sex workers are highly vulnerable to violence, robbery and other abuse. The Criminal Code should be enforced against people who threaten, harm or exploit sex workers.
- Sex trafficking is a different issue from prostitution. Trafficking involves coercion. Prostitution is the sale of sex with consent. Most women enter prostitution because of difficult life circumstances but they are persons exercising choices. Viewing sex workers only as victims needing to be saved is demeaning and can be a violation of their human rights. We must however take all appropriate measures to suppress all forms of traffic in women and exploitation of sex workers.
- Additional reform should conform to internationally recognized best practices and should include meaningful participation of sex workers in decision making about laws, policies and programs that apply to them.
- Prejudice against women and abuse of women is magnified for women who engage in sex work. Individuals, community groups, churches, municipalities, and other levels of government need occasions to discuss our attitudes toward sex workers and the need for these attitudes to be informed by the reality of the lives of sex workers, and by their rights in Canada.
- Prostitution as practiced today often brings about harmful consequences – drug use, physical and mental health problems, involvement in criminal justice, loss of contact with family, loss of safe housing, and exposure to abuse. Sex workers urgently need health and other services such as counseling, substance abuse programs, needle exchanges and sterilization kits, street-wise workshops and condoms, as well as initiatives to reduce violence against sex workers. All agencies dealing with these issues must be aware of the needs of sex workers. Government intervention is required to provide additional resources and to bring together service organizations that are or should be involved in the delivery of harm reduction measures. A comprehensive harm reduction strategy must be designed to meet the needs of those engaged in sex work, and especially provide opportunities for any who wish to leave sex work.

- Sex workers who want to leave the trade often need help to deal with low employment skills, personal problems, and with attitudes about them in the work world. Government leadership is needed to fund outreach workers and to streamline solutions for this population: housing, drug detoxification and mental health services, education and employment.
- In recognition of the fact that the average age that women enter sex work is 14, services for youth at risk must be improved related to the following areas, so that sex work does not become the only real or perceived option: drug abuse, mental health, job training and gaps in social services for children and 16 to 18 yr olds.
- In recognition of the fact that some women enter sex work because of their limited options, there is need for coordinated measures to address poverty, violence against women, gaps in social services and problems with access to appropriate drug treatment and mental health services, with particular reference to the needs of sex workers.