



SEX WORKERS OF WINNIPEG ACTION COALITION: BREIF SUBMISSION RE: COMMITTEE ON THE STATUS OF WOMEN'S MOTION ON HUMAN TRAFFICKING

SWWAC's mission is to fight exploitation, not sex workers. We have some recommendations if what the Committee wants is for people experiencing forced labour to be able to seek help. We encourage you not to think of creating new criminal law, but instead of removing barriers.

1. Decriminalization of sex work

This isn't a radical idea. New Zealand has had sex work decriminalization for 20 years.¹ Recently, parts of Australia² have done the same.

Decriminalization is the removal of *all* sex work-specific laws. Workers would be free to create and join unions, work together if they want to, communicate freely with clients and other workers, keep each other safe through essential safety measures like safe calls, and report abuse they experience without fear of being arrested themselves. Under full decriminalization, workers would be free to hire any staff to support their work, including safety-enhancing positions like security, drivers, and administrative staff.

Legalization is something different, and still allows for exploitation of workers who can't get a license to work legally. Workers who don't follow these rules are subject to fines and/or criminalization - meaning again that the most vulnerable workers who can't afford or acquire a license are put at risk. We do not recommend legalization.

You can read more here: <https://sexworklawreform.com/recommendations/>

2. Access without fear initiatives

Migrant sex worker groups like Butterfly advocate for Access Without Fear initiatives³ - meaning that people with uncertain or no immigration status can access police services without fear of being deported.

It's important to realize that many folks who have moved to Canada with no or uncertain immigration status are often not looking to go back to the place they left behind. They may have started families, built a community, or have myriad other reasons to want to stay here in Canada. When that's the case, and that person experiences abuse, they face an impossible choice of staying quiet or seeking help and being deported. Access without fear can take down that one barrier, relatively quickly and easily.

Canada makes an active choice to empower exploitive working conditions in all industries with every barrier that it puts in place to permanent resident or citizenship status. Every decision on immigration has consequences, every policy creates or mitigates risk in various ways. Canada needs to do the balancing work of what the price of long wait times and rejection of applications is, and if the answer is "we just can't change immigration policy", then the government needs to own that when it causes trafficking.

3. Refrain from enacting knee-jerk anti-trafficking digital policy and law. It kills.

We will use the example from the United States of the Stop Enabling Sex Traffickers Act and Allow States to Fight online sex trafficking Act. These two pieces of legislation,

¹ New Zealand Parliament, "Prostitution law reform in New Zealand" (July 2012), online: <<https://www.parliament.nz/mi/pb/research-papers/document/00PLSocRP12051/prostitution-law-reform-in-new-zealand>>.

² Government of Victoria, "Decriminalizing sex work in Victoria" (13 July 2022), online: <<https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work>>.

³ Matt Robinson, "City of Vancouver grants access without fear" (6 April 2016), online: <<https://www.cbc.ca/news/canada/british-columbia/access-without-fear-police-create-for-undocumented-immigrants-1.4750494>>.



introduced in 2018, were informed by the same sex trafficking scare that is likely behind this motion.⁴ The laws targeted people posting about sexual services on online platforms. The idea is supposed to be that if people can't post about sex online, people can't be trafficked online. It's the "end demand" model.

Those bipartisan Acts made things worse for everyone - sex workers, people in forced labour, and everyday people around the world. They *made it harder for law enforcement to find people actually experiencing exploitation*⁵ and sent some sex workers back to riskier street-based or in-person work when they'd been able to work online. It dashed communities and made communicating boundaries to clients more difficult.

The laws shut down websites used by sex workers that had *lowered femicide rates*.⁶ Now the sites are gone - threatening to return murder rates of women back to pre-SESTA-FOSTA levels. Said in plain terms: this "anti-trafficking" tactic causes death.

Some politicians are now pushing to repeal the laws despite having initially voted for them.⁷ It points to the allure of wanting to help vulnerable people but not listening when the people who will be affected speak up.

It's important to note that this has also harmed people who aren't sex workers.

Breastfeeding pictures, trans folks' journeys, access to sexual health and wellness educators, and more have been impacted as platforms attempt to avoid liability by blocking any content that could be considered sexual. For all the harm they have caused, the laws themselves have been used to prosecute a trafficking offence only once.⁸

4. **Guaranteed Basic Livable Income**

What people are looking for when seeking employment is access to money. To pay for housing, food, and the same things we all strive for: a good life. Specifically attempting to end sex work, an industry that is largely made up of women and 2SLGBTQI* folks means targeting one of the ways that people can access money in our capitalist society.

To be clear, we're not arguing that we can still push to end sex work as long as there is guaranteed basic livable income. We are saying that if your goal is to catch the people who don't want to be there, then you need to look at the choices people actually have and which ones they have to make in order to live.

See also the following studies:

- Hope Restored Canada, "Human Trafficking in the Prairie Provinces" (September 2022), online: <https://drive.google.com/file/d/1wh-M8f_DZo0Pnynwvhn5r7v-IN6o9b4/view>.
- Danielle Blunt and Ariel Wolf, "Erased: The impact of FOSTA-SESTA and the removal of Backpage" (2020), online: <<https://hackinghustling.org/erased-the-impact-of-fosta-sesta-2020/>>.

⁴ Carly Daniel-Hughes, "How Evangelical Women Took Over the Sex Work Debate" (15 January 2018), online: *The Tyee* <<https://thetyee.ca/Opinion/2018/01/15/Sex-Work-Debate-Evangelical-Women/>>.

⁵ Danielle Blunt and Ariel Wolf, "Erased: The impact of FOSTA-SESTA and the removal of Backpage" (2020), online: <<https://hackinghustling.org/erased-the-impact-of-fosta-sesta-2020/>>.

⁶ Samantha LN Tjaden, "Negotiated Safety? Did [backpage.com](https://www.backpage.com) Reduce Female Homicide Rates" (6 April 2022) online: <<https://journals.sagepub.com/doi/10.1177/10887679221078966?icid=int.sj-abstract.citing-articles.18>>.

⁷ Mike Masnick, "AOC Supports Full Repeal of FOSTA" (10 February 2020), online: <<https://www.techdirt.com/2020/02/10/aoc-supports-full-repeal-fosta/>>.

⁸ Adi Roberston, "Internet sex trafficking law FOSTA-SESTA is almost never used, says government report" (24 June 2021) <https://www.theverge.com/2021/6/24/22546984/fosta-sesta-section-230-carveout-gao-report-prosecutions>.