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Senate Legal and Constitutional Affairs Committee
The Senate of Canada
Ottawa, ON
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Email: lcjc@sen.parl.gc.ca

October 14, 2014

Dear Honourable Members of the Senate Legal and Constitutional Affairs Committee:

The Humanist Association of Ottawa (HAO) would like to express several concerns regarding Bill C-36, *the Protection of Communities and Exploited Persons Act*, by submitting this position.

The HAO is a not-for-profit organization that envisions a world where reason and compassion guide public policy and social values to enable the fulfillment of human potential. We value critical thinking and rational thought, seeking to proportion the strength of our convictions to the strength of the evidence that supports them. Our mission is to advocate for a secular public domain.

As citizens concerned for the well-being of fellow Canadians, we are troubled by several provisions within Bill C-36. In the case of *Canada v. Bedford*, the Supreme Court of Canada ruled against three laws aimed at adult prostitution, deeming them to be unconstitutional. Bill C-36 was drafted as a response to the Supreme Court decision; however, it is our opinion that it fails to address the unconstitutionality of those provisions challenged within *Canada v. Bedford*. The provisions that were struck down by the Supreme Court were not removed outright, but reformulated in the proposed legislation by criminalizing the purchase of sexual services, the communication in public for the purposes of prostitution, and the advertisement of sexual services. These provisions will unjustifiably impinge against the human rights of sex workers by increasing risks to health, safety and security.

In an open letter to Prime Minister Harper, over 220 legal experts voiced their opposition to the infringement of rights presented in Bill C-36. Although various criminal prohibitions within the Bill are said to protect the safety of sex workers, the letter

explicitly argues that it will have the opposite effect by forcing sex workers into scenarios that increase the risks of violence and pose “barriers to police protection,” such as working alone, outdoors and/or in areas away from police detection. We agree with these experts and the unanimous Supreme Court decision in *Canada v. Bedford*.

Humanist Association of Ottawa’s Position

We have seen no evidence to suggest that criminalizing sex work is effective in reducing the threat of harm to the parties involved. In light of the infringement on sex workers’ rights posed by Bill C-36, we are in favour of decriminalizing adult prostitution in Canada. We argue that Bill C-36 should be reconsidered and regulation should be pursued as an alternate means of protecting the health and safety of sex workers similar to the Prostitution Reform Act in New Zealand (PRA). The PRA was written in collaboration with sex workers across the country, and subsequent regulations were implemented to ensure the life, liberty, and security of the persons of sex workers in New Zealand.

Canada regulates occupations from a variety of industries to reduce risks to employees and promote safe workplaces. We envision regulations that address workplace safety in an environment where sex work is conducted between consenting adults. The HAO proposes that the Government of Canada considers collaborating with sex workers and other levels of government to devise a regulatory framework that enables sex workers to feel safe in our communities across Canada.

We recommend a democratic review of Bill C-36 that relies heavily on evidence, rather than moral judgments. Instead of addressing the unconstitutionality of Canada’s adult prostitution laws, Bill C-36 conflates all sex work with human trafficking and the luring of minors into the industry. Nevertheless, the current Bill affects the provision and procurement of services between consenting adults. If the concern surrounding sex work truly centres on human trafficking or the sexual exploitation of youth, we recommend the Government of Canada reconsiders Bill C-36 in order to refocus efforts toward enforcing the legislation in Canada that already criminally prohibits these practices.

Bill C-36 has been presented in the House of Commons as laying the groundwork for exiting the industry, while referring to sex workers as victims. We suggest the Senate reviews the testimonials provided directly by sex workers who oppose the bill and notes the diversity among their responses. Rather than unilaterally labelling all sex workers as victims, we argue in favour of moving away from Bill C-36 toward an approach that empowers persons working in adult prostitution to make decisions that suit them, whether it be transitioning out of the industry or choosing to stay, while upholding their rights and respecting them as fellow Canadians.