

## **Waterloo Region Crime Prevention Council (WRCPC)**

### **Position on Prostitution Law Reform, Bill C-36**

**Adopted at the regular meeting of the WRCPC on Friday, July 11, 2014**

**Whereas** the Waterloo Region Crime Prevention Council (WRCPC) has the mandate to advise, recommend and stimulate actions which reduce and prevent crime, victimization and fear of crime and address the root causes of crime; and

**Whereas** a preventative approach to complex social issues has been shown to have far greater sustainable positive outcomes than criminalization and enforcement; and

**Whereas**, it is at the local level that crime and victimization and fear of crime are most acutely felt; and

**Whereas**, as part of the WRCPC's mandate the Council reviews the impact of legislation such as the recently tabled legislation regarding the **Protection of Communities and Exploited Persons Act (Bill C-36)** on the local community and residents; and

**Whereas**, sex work is a complex social issue; and

**Whereas**, the Supreme Court ruled that several provisions of the Criminal Code of Canada governing the activities associated with prostitution are unconstitutional in that they violate section 7 of the Charter of Rights and Freedoms; and

**Whereas**, the selection of any legal framework should be based on the principle of the least amount of harm to the individual and community; and

**Whereas**, an evidence based examination of legal frameworks (decriminalization, legalization, criminalization, partial criminalization<sup>1</sup>) and their impact on diverse populations should inform policy decisions; and

**Whereas**, the Criminal Code of Canada provides protection against sexual and physical violence, exploitation, human trafficking for commercial sexual exploitation, and other crimes against the person; and

**Whereas**, research shows that decriminalization of prostitution and its related activities most effectively provides protection of sex workers, including those who engage in sex work by choice and those whose social, economic and personal circumstances leave them little to no choice; and

**Whereas**, decriminalization is the policy that is most likely to create an environment where outreach and social supports to sex workers who wish to exit the sex industry will be successful; and

**Whereas** research-based evidence demonstrates that decriminalization:

- does not increase harm to individuals and communities
- does not increase the size of the sex industry
- does not result in an increase in human trafficking for commercial sexual exploitation; and

**Whereas** the criminalization of purchasers of sexual services and the criminalization of other activities associated with prostitution as proposed by Bill C-36:

- will not offer greater protection for communities or exploited persons than the current legislation
- will increase stigmatization, risk and harm to sex workers and purchasers
- will require significant additional resources for enforcement potentially at the expense of prevention

**Now therefore be it resolved that**

The Waterloo Region Crime Prevention Council supports decriminalization as the policy approach that

- offers the greatest potential for prevention through appropriate social supports
- according to research evidence produces the least harm and provides the greatest opportunities for safety;
- best aligns with the Charter of Rights and Freedoms and the concept of the common good; and

should be adopted as the Federal Government's response to the Supreme Court decision in Bedford.

1. “Decriminalization: is where neither sex work nor activities related to it are subject to criminal law. Instead, Occupational Health and Safety guidelines that recognize labour rights and responsibilities are in place to regulate the sex industry.”

“Legalization: is when sex work is regulated – most often through criminal law – and strict requirements are placed on sex workers if they are to work legally.”

“Criminalization (can be separated into two types): a. Prohibition: where the laws are designed to prohibit all forms of sex work including the buying and selling of sexual services... b. Toleration: where the buying and selling of sexual services is legal but there are laws prohibiting a variety of activities related to sex work that are judged to be harmful.”

“Partial criminalization: is when it is legal to sell sexual services but illegal to buy them.”

From: [\(understanding\) sex work: a health research & community partnership](#)