

The term sex trade work is used in place of the word prostitute for many reasons. The term prostitute has social stigma and negativity attached to it. By using the term “sex trade worker” we recognize that it is work that is being done and that these workers deserve the same rights as anyone else. Sex trade also encompasses more than just street level working (i.e. strolls); it also includes people working in escort agencies, massage parlors, strip clubs, phone sex lines, and through the internet. It is important to note that the term prostitute and prostitution is what is used in the criminal code.

## **SEX TRADE IN CANADA**

Prostitution is legal in Canada, and it is legal to be sex worker<sup>1</sup>. However, almost all activities related to sex work are illegal. The four sections as outlined in the criminal code related to prostitution are:

- Common bawdy houses are illegal;
- It is illegal to direct or bring any person to a bawdy house;
- Living of the avails of prostitution is prohibited;
- It is illegal to communicate for the purpose of prostitution.

These laws are challenging for many reasons some of which are discussed here. These laws often force men, women and trans-people who are sex workers to work underground or in dark and dangerous areas. Forcing people to work in these areas means they are at greater risk of violence and will have limited time to negotiate safer dates. People may also not know where to find them and it would take longer to respond to a missing person report. We have seen in the last couple of years over 140 disappearances or murders of sex trade workers in Canada. These laws also mean that when workers experience violence it is more likely the crime will go unreported as sex trade workers may not be comfortable disclosing their professions for fear of legal action.

For a sex worker, being charged with fines related to prostitution also means that they may have to work more and for longer hours to pay them off. History shows us that women working sex trade often get charged more, and imprisoned more than the men who use their services. In Canada, statistics show us that the energy is often focused on the supply as opposed to the demand side of the sex trade. According to information gathered over 30 years by statistics Canada, women:

- Get sentenced to prison more often than men;
- Get longer prison sentences than men;
- Do not get probation as often as men;
- If they do get probation, usually get twice as long; and
- Are not offered diversion programs such as “john school” nearly as often as men.”

## **HARM REDUCTION AND SEX TRADE WORK**

The work AIDS Calgary does with sex trade workers is harm reduction focused. We recognize the importance of meeting people where they are at and work to provide them with the tools to make their jobs safer. We provide safer sex supplies, legal information, support, education and outreach to people working in the sex trade.

We also work from a rights based perspective which respects the basic human rights of all people. “Like everyone else in Canada, sex workers have the right to:

- Freedom of expression;
- Freedom of association;
- Life, liberty and “security of the person”;
- Be presumed innocent until proven guilty and
- Equality.

## **HIV AND SEX TRADE WORK**

There are many factors that contribute to a person becoming involved in the sex trade, some of which are also associated with higher rates of HIV. We talk about high risk populations; these are population that may be at high risk of becoming infected with HIV. People working in the sex trade would be considered a higher risk population. People with lower socio-economic status may be at risk of HIV; this would also fit for sex workers.

If someone (a date) offers a worker more money if they do not use a condom this may put them at higher risk for an HIV infection. Another reason is that some sex trade workers identify that they use drugs to cope with their stress and/or jobs. This would also put them at a higher risk of contracting HIV and/or Hepatitis C if they are injecting drugs. Another factor is that having multiple sexual partners may increase your risk of HIV and other sexually transmitted infections (STI's), especially if there are open sores or wounds inside of the body. This does not mean that all sex trade workers are putting themselves at risk it merely recognizes that some do identify engaging in some high risk activities.

It is unknown what will happen with sex trade work in regards to Canadian laws in the future. What we know for now is that we need to continue providing support services to people who work in the sex trade to ensure that they are working safely; and that we continue to provide them the opportunities to enhance their quality of life.

## **REFERENCES**

1. Decriminalizing Sex Work(ers): Law Reform to Protect Health and Human Rights. Canadian HIV/AIDS Legal Network. 2005.