Immigration and Refugee Protection Regulations Sex Work Prohibition
ANALYSIS: CHARTER VIOLATIONS

Violations of the Charter of Rights and Freedoms

The Immigration and Refugee Protection <u>prohibition on sex work</u> violates the <u>Charter of Rights and Freedoms</u>, specifically Sections 7 and 15.

> _Section 7:_ "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

- The blanket sex work prohibition on temporary residents results in their inability to take reasonable safety precautions from violence, and is therefore a violation of an individual's security of the person, which includes both physical and psychological security.

- The impact of this law is excessive and disproportionate to any legitimate government interest in protecting temporary residents working in the sex industry from violence, exploitation or human trafficking.

> _Section 15:_ "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

- The IRPR prohibitions impede racialized migrant women from exercising autonomy and participating equally in Canadian society, including in their vocational decisions.

- Police target racialized women and specific establishments on the basis of the IRPR provisions. While the law does not intend to treat people differently, the effect of the law, i.e. enforcement, targets certain people differently than others.

SWAN calls for an end to 'crimmigration', the intertwining of criminal and immigration law, whereby criminal investigations of migrant sex workers, such as anti-trafficking investigations, result in arrest, detention and deportation.

For a more in-depth look at the IRPR sex work prohibition, see SWAN's <u>backgrounder</u> and <u>analysis & recommendations</u>.

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