



Living in
Community

**Submission to the Standing Senate Committee on Legal and Constitutional Affairs re:
*S-203, An Act to restrict young persons' online access to sexually explicit material***

From Living in Community Society

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We are writing to offer important context for the Committee's consideration of Bill S-203, *An Act to restrict young persons' online access to sexually explicit material*.

[Living in Community](#) (LIC) is a provincial non-profit organization based in Vancouver, British Columbia. Centering sex workers' rights, Living in Community convenes diverse stakeholders in order to: understand a range of experiences and perspectives; inform sex work-related policies and practices of governments, service providers, and community organizations; and provide education to support these goals. We focus on root causes including colonization, capitalism, racism, criminalization, and discrimination that create systemic vulnerability for sex workers as well as other community members.

LIC convenes the BC Sex Work Support Service Network, a group of over twenty organizations that provide frontline services, supports, and advocacy to sex workers in their communities. Network members are located across British Columbia and the Yukon. The Network meets regularly to share best practices, learn from each other, and strengthen our unified voice for sex workers' rights in BC.

As an organization that works with diverse sex workers across BC, we are concerned about several aspects of Bill S-203. If implemented, this bill would infringe upon sex workers' legal right and ability to work, creating additional barriers and hardships for an already-marginalized group of workers.

We draw your attention to the following concerning aspects of Bill S-203:

Infringing on sex workers' right to work

By making it an offence to "make sexually explicit material available to young persons on the internet,"¹ we are concerned that internet service providers and websites will be incentivized to err on the side of caution and remove or block any materials that could be deemed "sexually explicit."

Under Bill C-36, the *Protection of Communities and Exploited Persons Act*, providing a sexual service and advertising on behalf of yourself to provide sexual services are decriminalized.² While we believe this legislation is problematic and leaves the sector still criminalized and stigmatized overall, it provides an important legal basis that sex workers have the right to work.

If Bill S-203 is implemented, sex workers' risk being unable to share their work online, advertise their own services, or post content to build their brand. We are concerned this would be unconstitutional.

Pushing sex work into less safe environments

Since sex work is not fully decriminalized in Canada, what we have heard and experienced from among sex workers in our communities is that the sector remains unsafe. Sex workers are routinely surveilled and harassed by law enforcement who target clients of sex workers for communicating and purchasing sex, and street based sex workers are forced to work in more clandestine and isolated areas in order to evade law enforcement. Sex workers are often rushed in deciding whether or not to take on a client because they cannot speak openly about what services are being offered, they must make decisions

¹ <https://parl.ca/DocumentViewer/en/43-2/bill/S-203/first-reading>

² <https://parl.ca/DocumentViewer/en/41-2/bill/C-36/royal-assent>



quickly to avoid detection, and it is difficult to find safe indoor spaces to work as these businesses are criminalized. While limitations remain, online platforms often offer sex workers more safety as they can screen clients and have a greater degree of control over their work environment and options.

This bill would push sex work into less safe environments by limiting the internet as a safer avenue. Removing sexually explicit content from verified internet service providers will not remove it from the internet; instead, it will drive sexual content to more obscure online locations which may be less safe for those creating and sharing their work, as well as for the youth who may access that content. This may also drive some sex workers (back) into street-based sex work, which is often less safe than online work.

Increased urgency of these issues due to COVID-19

COVID-19 has heightened the issues raised above. Many sex workers have experienced a significant or complete loss of income, have struggled accessing community services because many frontline organizations have reduced their services and hours, and have been ineligible for government supports such as the CERB or EI. Additionally, many sex workers have pivoted to online work during COVID-19 to respect public health requirements and best practices against in-person contact.

By reducing the ability of sex workers to work online – one of the only safer options available for some sex workers – this bill would further entrench critical and systemic gaps in safety for sex workers.

Conclusion

If implemented, this bill would risk infringing upon sex workers' legal and constitutional rights to work, and would lead to increased safety concerns for sex workers.

We ask you to carefully review these considerations and vote against this bill moving forward.