



peers

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

PEERS Victoria Resources Society is submitting this document to provide an overview of our organization and summarize the concerns with Bill C-36 that we presented at the Justice Committee Hearing on July 10, 2014. We also want to introduce the members of the Legal and Constitutional Affairs Committee to some of the community partners in our region who support PEERS' work and have contributed to PEERS' efforts to support and improve the health and safety of sex workers.

PEERS Victoria Resources Society is a non-profit organization in Victoria, B.C. founded by former sex workers and supporters in 1995. PEERS serves a diverse population of people involved in the sex industry, including women, men and transgender people whose past and present work experiences include street-based sex work, independent indoor work, and agency-based indoor environments. We strive to incorporate values focused on sex worker leadership, harm reduction, rights-based perspectives, and non-judgmental, person-centred service delivery into all our projects and services.

Additional information about our organization can be found on our website: www.safersexwork.ca.

While our services are open to the broader population of sex workers in the region, our support services are most often utilized by current and former street-based sex workers

who often experience multiple barriers to health and safety. In a recent survey of our clients, we found that over one third identify as Aboriginal, the vast majority are women, and two thirds work on the street (even though in our region, and elsewhere, the majority of people in the sex industry do not solicit on the street). This discrepancy between the work characteristics of the broader population of sex workers in our region and those who primarily utilize PEERS services speaks to the tendency of health and social services to be utilized, quite naturally, by persons who are experiencing the most pressing health and social support needs.

Our programs include day outreach and housing support, night outreach (a van on the Victoria stroll that delivers food, clothing, harm reduction supplies, and one to one support), employment programs, a weekly health clinic, and a daytime drop-in program that offers meals as well as education and support groups. Our staff participate in the compilation and circulation of a “bad date” and aggressor sheet that is shared among sex workers, and we support and encourage sex workers to report crimes committed against them. We also provide a social group for indoor independent and agency-based sex workers; as noted, these workers are less likely to utilize our outreach programs but still experience social isolation, stigma-related stress, and often have unmet needs related to open healthcare access, legal and justice supports, and other pertinent information and advocacy resources.

In our presentation to the Standing Committee on Justice and Human Rights (brief and presentation included), we outlined our concerns that the criminalization of sex sellers and buyers, advertising, and material benefit in the context of commercial venues will cause harm to people in the sex industry. We believe that the provisions in C-36 will:

- encourage furtive, pressured interactions at the street level which can easily lead to conflict without the possibility of bystander or witness intervention;
- grievously complicate the screening and safety-enhancing communication strategies used by people in the indoor sex industry as they rely on advertising and the exchange of information with sex buyers to establish parameters of service;

- discourage safer sex and harm reduction practices if sex workers and their associates are concerned that items such as substance use tools and condoms will be regarded as evidence of a crime;
- discourage sex workers from seeking out and engaging in supportive relationships with third parties as the provision in C-36 prohibit these relationships in the case of commercial venues, and place a proof of exception onus on other kinds of relationships;
- discourage sex workers from accessing police services and other supports.

We also argued that the foundational premises of C-36 are based on an inaccurate representation of people, contexts, and relationships in the sex industry, and have, in effect, wholly disregarded decades of rigorous peer-reviewed research as well as the perspectives of many people who have been, or are currently, in the sex industry.

Bill C-36 does not account for the diversity and complexity of the sex industry. As a result, the provisions will not meet their aims upon application, but rather, will result in harmful unintended consequences. For example, criminalizing purchasers of sexual services will mean buyers will be less likely to provide safety-enhancing information (such as phone numbers and other identifying information) and all parties will feel additional pressure to conduct transactions in isolated contexts to avoid contact with law enforcement. Criminalizing third-party benefits in commercial enterprises will mean that the group work environments (i.e. escort agencies, adult massage spas) which are preferred by some sex workers for their security and support will prioritize practices that help them to remain hidden and evade the law, rather than the practices that promote safety. Contrary to popular discourse about “pimps”, many commercial venue operators wish to be provided avenues to be law-abiding and to conduct their businesses in ways that promote the health, safety and security of those who engage with their business.

Our assertions regarding C-36 are informed by our collective expertise providing services to people in the sex industry for close to 20 years, and were reaffirmed in two focus groups we held with 25 current sex workers in our region in the spring/summer of 2014. Fourteen participants attended a focus group held in April prior to the introduction

Bill C-36, and eleven participants participated in a July focus group following the introduction of Bill C-36. The participants in these focus group quickly identified that targeting sex buyers will not improve sex workers' circumstances, but in fact will further marginalize them within a society in which they already experience profound discrimination. Participants expressed much fear and confusion regarding the implications of C-36 on their day to day activities. Many of the questions posed by participants are difficult to answer at this time – such as “Is my husband doing something illegal if he updates my ads while I am travelling for work?” - and may not have been considered by those drafting the bill, as they reflect the nuanced and tacit knowledge that comes with lived experience of the sex industry.

Our position is also informed by a large body of methodologically rigorous research in Canada which suggests that sex workers have very diverse views and experiences within the sex industry. Only a minority enter as sexually exploited youth, and while many take up sex work in the context of limited economic opportunity, they do so free of third-party coercion. Thus, the preoccupation with third-party coercion in relation to adult sex work in Bill C-36 is misplaced. Peer-reviewed research focusing on the sex industry in Canada is generally transparent regarding sampling and research methodology, and taken collectively, offers a more thorough representation of the spectrum of experiences in the sex industry than statistics from service organizations whose own statistics tend to reflect the experiences of the particular subpopulation that accesses their services the most. PEERS' own internal surveys, for instance, reflect the experiences of the street-based sex workers who most often use our services, rather than the broad spectrum of sex workers working in a wide variety of indoor settings in the region. This basic consideration of sampling bias was largely absent in many of reports given by witnesses representing service organizations at the Justice Committee hearings.

Homogenizing sex workers as victims who are unable to give consent in their relationships or actions, as is the case in the preamble of C-36, negates their ability to speak for themselves – an insidious form of violence which is often associated with notorious historical acts of institutional and state abuse. While sex workers in our region have diverse experiences in the sex industry, a common theme is that although most

transactions within the sex industry occur without incident, when there is a problem, sex workers do not often feel confident accessing police services. Indeed, many sex workers actively avoid any interaction at all with police regardless of the circumstances, including, quite, often, Aboriginal women who face additional barriers to justice services due to the ongoing and systemic effects of colonization.

An additional reality is that sex workers who face interacting forms of marginalization including homelessness, substance dependence, and mental health conditions are more vulnerable to victimization and communicable diseases including HCV and HIV/AIDS. Sex workers who face multiple forms of discrimination also experience compound barriers to accessing police services. Addressing the health and social support needs of those in the sex industry who face heightened exposure to violence and communicable disease requires a broader lens on the origins of inequities in socio-economic security, health and healthcare access. Tightening prostitution laws with the lofty goal of eradicating the sex industry as envisioned in Bill C-36 is a misguided response to a series of interacting social problems which affect the most vulnerable in the sex industry. It is a response that will increase the actual or perceived opportunity for police enforcement in the lives of sex workers; this will not be regarded as helpful, nor as a solution to the complex health and socio-economic vulnerabilities they grapple with.

Partners in our region recognize that interventions which address the health and safety concerns of sex workers must be tailored to fit the preferences of a diverse population and focus on increasing access to support, while reducing stigma and discrimination. The partnership between PEERS Victoria Resources Society and members of the Victoria Police is an excellent example of this approach. We work collaboratively to encourage sex workers to report victimization and related concerns. The Victoria Police have adopted a practice of relationship building to encourage both sex workers' confidence in accessing police services and increased communication with PEERS outreach staff. This approach has been fostered within a context where law enforcement is targeted toward being responsive to sex workers' reports of harm as opposed to sweeping enforcement against sex industry-related activities.

In addition to the police, PEERS also collaborates with members of Island Health, AIDS Vancouver Island, and Cool Aid Health Clinic, all of whom share our interest in making safer sex and harm reduction supplies available to sex workers to reduce disease transmission and promote health care access including early treatment. The distribution of these life-saving supplies is premised on non-judgmental care, and multiple points of service access including outreach to people in their work and home contexts. At present, in our region, commercial sex work venues work collaboratively with PEERS and health professionals to encourage health prevention and promotion strategies because they trust non-judgemental care will be provided.

PEERS also works with other community partners who provide treatment to persons who have experienced sexual and/or intimate partner violence. This includes a recent partnership with the Victoria Sexual Assault Centre. Again, many sex workers will only access sexual assault services if the services are delivered in a non-judgmental manner, which includes acceptance of the diversity of experiences among people in the sex industry. That same principle of non-judgmental service and respect for the autonomy of victims has guided responses to sexualized violence in Canada for many years; persons in the sex industry should not be excluded from the best practices that apply to other populations and should be protected by the same laws against sexual and intimate partner violence that protect other citizens.

PEERS also partners with researchers at the University of Victoria on topics related to social determinants of health and health care access for sex workers of diverse demographic backgrounds, factors that influence violence exposure, and related social policy. Our services are also supported by local initiatives to end homelessness and enhance economic opportunities for women. Finally, the work and service values of PEERS are supported by members of our local municipal government, who similarly share an interest in principles of harm reduction, access to social support, and community inclusion.

In drawing attention to the values and principles which guide the work of PEERS and partners in our region, our aim is to demonstrate that there are evidence-based alternatives to criminalization that simultaneously respect sex workers' varied

perspectives while also addressing the health and safety concerns associated with the sex industry. In closing, we urge the federal government to not proceed with Bill C-36, as it is fundamentally flawed due to its incongruence with the empirical realities of the sex industry. We share an interest in social policies and legal reform which prioritises the health and safety of sex workers. Any initiatives toward legal reform must be based on meaningful engagement with Canada's many sex worker-serving organizations as well as the incorporation of methodologically rigorous Canadian and international research regarding the health and safety outcomes associated with different legal models. PEERS supports the legislative approach adopted by New Zealand in 2003, which has increased safety and equality for those in the sex industry and is supported by sex worker, health and human rights organizations internationally.