

FIRST

Decriminalize Sex Work

“What a Difference a Day Makes” – FIRST Press Conference, November 6, 2014

(Photo credit: Esther Shannon)



Kerry Porth (moderator):

Good morning. My name is Kerry Porth. I am a former sex worker, a member of FIRST and chair of the board of Pivot Legal Society.

We are gathered here today in the Downtown Eastside of Vancouver, on the unceded territory of the Coast Salish peoples. This area is ground zero where Canada's worst serial killer preyed exclusively on sex workers for 20 long years.

I am joined today by six current sex workers. They are appearing here today, masked and under anonymity, because Bill C36 makes them invisible and anonymous just as they've been to the Harper government.

The Harper Government's rationale in responding to the Bedford decision with Bill C36 is to get rid prostitution

altogether. Once you understand that, you should understand that first they need to “get rid” of sex workers. In this context, is it any wonder that they have excluded us from a transparently political process that has been rushed through with unseemly haste? They have told us over and over again that this bill is intended to protect sex workers but let me read you a quote from Conservative Senator Donald Plett from this summer's pre-hearings on the bill: “Of course, we don't want to make life safe for prostitutes; we want to do away with prostitution. That's the intent of the bill.”

These laws were drafted without input from sex workers. They were rushed through parliament and the senate. This is a now familiar tactic employed by the Harper government as part of their larger tough on crime social order agenda.

The new laws are so confusing that no one – not even the government itself -- really knows what activities will be illegal and what will be legal.

But what we do know is that these new laws will push sex work further underground, into the darkest corners of our city. It criminalizes the purchase of sex, so sex workers will have to rush transactions with clients who will now be nervous about being targeted by enforcement for the new crime of paying for sex.

While brothels have been decriminalized, advertising sexual services is now prohibited making it difficult, if not impossible for sex workers to choose to work in safer indoor locations. Advertising is a critical form of communication for sex workers where they can set boundaries with potential clients ... they will no longer be able to do so.

Third parties are criminalized under these new laws. As a result and with very few exceptions, safe and trusted managers, drivers, security people, and others will leave the industry opening the doors for organized crime to fill the void. Individuals who rely on income from sex work to meet their needs will lose some or all of their income leaving them worse off than they were before.

Communication between clients and sex workers will now be a criminal offense no matter where it occurs as it is now always illegal for a client to communicate for purpose of purchasing sex, everywhere. The ability to clearly communicate with clients is the most crucial safety measure that sex workers employ. They will now be forced to rush or abandon these measures. And despite the lies told by the government, sex workers will still be criminalized by many of these laws, including for communication.

We have a message for the Harper government: In this community, many sex workers have been disappeared. Those who have survived are here. We stand together. We stand together against your oppressive regime. We refuse to die for your ideology.

Yesterday all these sex workers had names and faces. What difference does a day make? For these brave sex workers who are about to speak to you, it makes all the difference in the world.

Jessica Doe:

My name is Jessica Doe. I am a sex worker living and working in Metro Vancouver. In my work, I start with healing compassion. I have training in counselling, human sexuality, human pathology, human sensuality, yoga therapy, yoga, Tantra, massage, and clinical sterilization. And even theatre as therapy. My clients see me for sexual dysfunctions, relationship issues, stress, depression, loneliness, education, need for touch and compassion, and for love and companionship, as well as healthy physical pleasure.

I am over 50 years old. And I'm a professional. I'm a sexual healer, I am not a victim, which is the basic premise of Bill C-36, that anyone who provides sexual services is a victim. My clients range from 25 to 85 years old. Many see me once or twice, and some have been supporting me for 5 or 10 years. They are mostly kind generous people who have a stressful problem to solve. I provide them a service. I do not sell my body. My clients are respectful members of society. They are not criminals.

I primarily offer sensual massage, education, intimacy coaching, and boundary explorations. This Bill C-36 is an impediment to the valuable work I have been doing for over 14 years. Clients who need my help may not be able to find me due to advertising restrictions or fear of the law. The bill removes my agency

to create a safe and caring work environment, free from guilt, shame, invasion, physical harm, and poor communications.

But my job requires clear, concise, healthy, strong, open communication in a safe and protected, healthy environment. As a sexual healing professional, it is up to me to provide this environment for my client, and also to create safety for myself. Who else will? It is also up to me to determine if a client is suitable for my services through open and precise communication. In fact, every act of my service actually depends upon detailed, descriptive communication. So when the law prevents this communication, it silences me. It removes my agency. It puts me in harm's way. It hurts my clients. It prevents me from earning a living. It may prevent me from counselling a lost soul, truly in need of loving guidance.

Bill C-36 seeks to silence my voice, my human right by law, my freedoms, as provided by nature and God. Sex worker rights are human rights.

Jillian Doe:

My name is Jillian Doe. I've been a sex worker for 22 years. I'm 34 years old. We are here today to speak on behalf of Sex Workers United Against Violence Society, also known as SWUAV. SWUAV is an organization of women who do sex work in the Downtown Eastside of Vancouver. We have been active in fighting the previous laws around sex work and are devastated to see the direction that the Canadian government has taken in criminalizing sex workers as well as their clients.

Our membership is made up entirely of women with experience doing sex work in the streets. Women who will be severely impacted by this new law. There has been friction and distrust between street sex workers and police in Vancouver. In recent years, new policies and guidelines that were developed by the VPD have been attempting to improve the situation. Unfortunately, Bill C-36 will move the clock back and undo a great deal of work that has been done.

Criminalizing sex workers creates a more adversarial relationship with the police. If every time a sex worker sees the police, they are trying to arrest her, that sex worker will end up avoiding the police. That will also mean that she won't feel safe telling them about bad dates and other violence.

Another huge impact of Bill C-36 on sex workers is reducing or even eliminating the time available for screening clients. Having a minute to screen can mean checking the inside of a car for weapons or for other people. Having a brief conversation with clients gives you the time to feel them out and see what your gut instinct is telling you. It also gives you time to go through recent bad date sheets or warnings and see if anything raises any red flags. Criminalizing sex workers and their clients just creates more anxiety and can lead to sex workers forgetting important details. Or it can make it difficult to check or take down license plate numbers. If by the time that first minute has gone and you're already in the car driving quickly away from your neighbourhood, and you get a sinking feeling in your stomach, it's way too late. C-36 will cost sex workers that minute and so much more.

Finally, the pressure created by criminalizing will mean that sex workers will end up working in more dangerous and isolated environments than they currently do. If clients won't stop to pick up in a well-lit area because they're afraid to be stopped by police, that will mean that sex workers won't work in well-lit areas. Working in familiar areas surrounded by people you know, buildings you know, safe spots, and well-lit areas where you know if you call for help, someone will hear you – these are all safety strategies. Bill C-36 will take these away as well. Bill C-36 is not about protection, quite the opposite. For SWUAV and our members, it's about exposure. Exposure to violence, exposure to persecution, exposure to more and more everyday stigma and discrimination. We stand in solidarity with everyone here today to say that we will be watching out for each other. And we will be fighting this law with everything we've got.

Jack Doe:

For the last 10 years, I've been a sex worker, sensual body worker, sexual healer and educator, sex and intimacy coach, and escort. It's a challenging but gratifying career. I give people love, touch, pleasure, healing and teach them sexual skills that make their lives richer.

My clients are not perverts as Minister MacKay has called them. They are men, women and couples with real human needs that I can fulfill.

I'm not a "happy hooker" as one Conservative MP rudely called one of my fellow workers. I work hard for my money, and like many working people these days there never seems to be enough. I live and work in downtown Vancouver and I'm a single dad of a 5 year old boy. Getting high hourly pay for part time meaningful work is the best way to support myself and my family.

Not once have I ever experienced violence from a client. My clients are decent law abiding people. Sadly under Bill C-36, these good clients – people like the professional couple from Shaughnessy, or the nurse who was sexually abused as a child, or the businesswoman emerging from an abusive marriage - these good clients will be too scared to continue working with me for fear of criminal prosecution.

With this downward pressure on my income, I'll be forced to take riskier clients whom I would normally screen out. I will also be forced to work later hours, when I'm sick or in need of rest. This will affect my capacity to make good judgements and set boundaries to protect myself.

The ban on advertising in c36 adds an additional safety concern. I attract all my clients through print and internet advertising. Before a client arrives at my door, the terms of the transaction are worked out in detail by phone or email. One of the simplest screening methods that keeps me safe is to clearly state my services in my advertising and then confirm with potential clients that what they want is what I'm offering.

Now imagine for a moment the confusion created under Bill C36. Potential clients won't be frank about what they want, due to fear of police stings. And they won't actually know what I'm providing because I can't explicitly advertise it. This confusion will lead to more misunderstandings and disappointments which in turn will create a much higher potential for violence.

One last thing. Right now the biggest harm that I face as a sex worker is, not violence from my clients, but ongoing stigma and discrimination. Further criminalization of sex work will only increase that. Criminalization will also maintain the current adversarial relationship that exists between sex workers and police. Because of this sex workers will continue to be denied the police protection that other citizens enjoy and expect.

This stigma and lack of police protection will only encourage violent perpetrators to continue to target sex workers.

The bottom line is bill C36 will mean more injured and dead sex workers. That makes me sad and angry. Sex worker rights are human rights.

Jenna Doe:

I am a sex worker living and working in Metro Vancouver. I have been a sex worker for three years.

In 1967, Pierre Trudeau famously declared that the State has no business in the bedrooms of the nation. Now, in 2014, as Bill C-36 becomes law, sex workers and our clients deal with the state intruding on our

bedrooms. My clients, people I care about, are now considered criminals for having consensual sexual experiences with me.

It is easy and far too common to vilify and stigmatize clients, but the truth is, they are simply people. Their reasons for seeing a sex worker are varied and diverse. I have clients who see me for therapeutic reasons. Men and women seeking a safe place to work through sexual trauma and shame, or social anxiety. Some of my clients have survived life-threatening illnesses and seek out a professional to help them rediscover their sexuality after major surgery. Others simply seek companionship and human touch. There is nothing perverted about wanting to connect sexually with another consenting adult, and many people need the safe container of a professional relationship to explore and heal.

Criminalizing clients is a gross violation of the human and labour rights of sex workers. These laws force us into the shadows as we create ways to protect our clients from the law that should be protecting us. The criminalization of the purchase of sexual services is an attack on the sexual freedom of every Canadian.

Jewel Doe:

Hi there. I'm Jewel Doe. I'm nobody, as the Harper government would have you believe. I'm a woman. I'm also a transsexual. Post-operative. I've spent my whole life validating myself with the work I do, in the 25 years that I've been performing sex work as a fetishistic provider of erotic services. I provide an in-call service to individuals who come and see me. They come and see me for their diverse needs, their needs that I fulfill and validate.

I've been validating clients all my life and making them feel welcome and loved. And they know that I love them. They love me, they validated me. But the current government with all the things that they want to have in place with this current Bill C-36 are going to take and strip those rights away. They're going to invalidate me as a person, as a human being, as everything. And in effect, that's also going to invalidate my clients. People that have paid for my livelihood, they have given me comfort, the support I need to move on with my life, to be the person that I am.

I'm also further marginalized by this current government, we have with Bill c-279, which is also being fought in the House of Commons. So where do I sit? I don't really know. Where are they going to put me? Probably further out on the margins. How does that make me feel? Emotional. Angry. Frustrated. I spent a lot of time crying as I am now. Angry, screaming, yelling. I'm frustrated. But I'm not ready to give up. What I want to do is continue validating others that come to see for the love and support that they need, and that hopefully they'll be able to give to me. Because as far as I'm concerned, sex worker rights are human rights.

Jasmine Doe:

My name is Jasmine Doe. I am a sex worker living and working in Metro Vancouver. I was never raped as a child, nor do I have mental health problems. I am a mother. I am a university graduate, and a business owner.

I chose to work in agencies, as having third party representation is SAFER for me. It allowed me to separate work life, home life, and it allowed me to protect myself and my family. Bill C36 has taken that from me. No longer can I be safe just behind my "working name." Now, I have to figure out a way to advertise my services while still protecting myself, my son, my family, and my home. Now authorities

can find me, find my clients and criminalize us both. Now, my clients have no desire to see me as they too are fearful of being penalized for receiving consensual services.

As many of you may recall, on December 20, 2013 the Supreme Court of Canada struck down the current laws surrounding prostitution, declaring them unconstitutional. Sex workers and allies across the country banded together to impart our knowledge and needs. There was a unanimous cry for safety, acceptance, and basic understanding. Throughout the year, we spoke out loudly and our voices were constantly stifled. The Sex Work community itself has been turned upside down – from being cut off by MPs to getting kicked out of hearings, to being ignored; the voices that the SCC had specifically asked to hear were no longer just being muffled but were blatantly silenced.

The fact that Bill C36 has become law is a travesty. As a country, Canada, you pride yourself on being diverse, accepting, and just. By passing this Bill, Canadian government, you've disproved all of that in one fell swoop. By passing this Bill, Parliament, you have said "Sex Workers aren't worth listening to." Harper, you've failed your citizens miserably by KNOWINGLY making it unsafe and forcing us to submit to a will that jeopardizes everyone.

What a difference a day makes. Yesterday, I felt safer, honoured, respected. Today, I face an unknown. I don't know where I am going to find protection from being raped, beaten, and left for dead. Yesterday, there was a chance that I could have been listened to. Today, I have been silenced. Yesterday, I was on the path of being viewed as a citizen. An equal. Today, I am cast aside as nothing more than a criminal. Subhuman. Yesterday, I could have been seen as a Sex Worker. Today, I'm a "Whore." My name is Jasmine Doe. and I am a Human. Please hear me.

Jordan Doe:

Hello. I am a sex worker of 28 years living and working in metro Vancouver. I'm a person. I have a family who loves me. I am not a criminal. Canadians feel that sex workers are outside of the community, a subclass, either criminals or victims. The government says they want to protect us, but it's clear here in Bill C-36 that they do not. They view us as criminals and wish to eradicate our community.

There are rules in Canada that protect all Canadians and guarantee an impartial process during the creation of law. This unprecedented and overt shaming, dismissal, and exclusion of sex workers during the Committee process, the complete lack of respect shown by both Members of Parliament and Senators towards sex worker witnesses, and the total abandonment of even the most basic Parliamentary principles, were not impartial at any time or at any level during this process. Why does the government feel that the rules do not apply to them? Because they view us as criminals.

We need to organize, as is our right, to form trade unions and begin to stabilize our community. But we can't. To do so would be criminal. We need safe places to work, but once again we'll be pushed onto the street, and the people that protect us will be deemed criminals. We have the right to be protected from discrimination. But we are not protected because we are criminals. We have the right to freely express ourselves, but because we are criminals, we cannot. Standing here in the killing fields of Vancouver's Downtown Eastside, where at least three serial murderers and rapists have been known, I'm afraid. I'm afraid for those who will once again bear the brunt of this government's ill-informed actions. We do not deserve to be punished. We are not criminals. We deserve justice but it will not come. Because we are criminals. Sex workers' rights are human rights.

Q&A:

Media Question: From a practical perspective, can you give an example of how you think the law will affect how you're working? What will affect it differently today than what it was yesterday?

Jordan Doe: I can tell you that the impacts of this law are already being felt by Vancouver sex workers and across the country. Indeed, sex consumers are confused by what the rules are now and how they can safely access the services that we provide. As a result, our incomes have severely been depreciated. As well as for migrant workers and those populations that are even more marginalized, people feel, the clients in particular, that those will be high-risk places for them to try to access services, and so they are not accessing those services. It becomes a matter of us all suffering, unable to pay our bills and feed our children and ourselves because our income has been undermined by this ill-informed bill.

The other issue being, in other parts of the country, not so much Vancouver, where backlash enforcement is already taking place under the guise of combatting human trafficking and rescuing the poor exploited victim prostitutes, [which is] closing down the places where we work, and forcing more and more workers out onto the street. I would say to people who believe that this law will actually protect communities that they have been lied to. And that when the workers pour into the streets and are standing on their corner, in front of their house, that they should remember what they thought this government was going to do for them, and how they supported this law being made into law. And as the bodies start to pile up, as the unfolding tragedy in Winnipeg is demonstrating to us, we should all remember that we had this opportunity to change this for everybody, but we decided not to. All because of some ill-founded ideology and morality that is driving this.

Media Question: We know that the VPD have developed policies recently regarding sex workers. It sounds like it has been relatively positive from some perspectives. Do you anticipate that changing, in terms of how they're dealing with the industry?

Jordan Doe: Absolutely not. The Vancouver Police focus has been, and remains, on exploitation of people in the industry, whether they be youth or any other person. We've seen some success with them lately, actually charging somebody with 30 different charges in a case of underage pimping. I think that they will continue to use their resources to combat exploitation and will not interfere with adult consensual activities.

Media question: Obviously, with the new law, there's been some discussion about whether the provisions would pass constitutional muster. Do you anticipate a new challenge, and is that something you might be involved in?

Kerry Porth: Well, I'm Chair of the Board [of Pivot Legal Society], but I'm not a lawyer. If we were going to take this back to a Charter challenge, because the intent and purposes of the law have changed, it would take anywhere between 3 and 5 years to collect evidence of a negative impact of the law. All Charter challenges are a long process. So there's no immediate plans to challenge the law.