



To: The House of Commons Standing Committee on Justice and Human Rights.

Re: Protection of Communities and Exploited Persons Act (PCEPA).

From: Programming Coordinator The Centre for Gender Advocacy/Centre de Lutte Contre L'oppressions des Genres

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The Centre for Gender Advocacy is pleased to have the opportunity to share the unique experiences of Sex Workers, Sex Worker Serving Organizations and Harm Reduction Practitioners as relates to Sex Work since the Assent of The Protection of Communities and Exploited Persons Act in 2014.

The Centre for Gender Advocacy works to support Sex Workers, both within the Concordia University Student body and beyond with frontline Harm Reduction Services, Peer-to-Peer and Counselling based therapeutic responses, as well as, referral and interorganizational collaboration with other Sex Worker Serving Organizations and Collectives across Montreal. The Centre for Gender Advocacy uses the term Sex Worker to refer to consenting adults, free from third party coercion, or the threat of third party coercion, and also believes the consenting adult Sex Worker includes active drug users, in any of its depictions, more holistic responses notwithstanding. The education, frameworks and expertise embedded within this brief originate from a multiplicity of lived and living experiences of Centre staff and its members, as well as through employment and relationships with multiple Sex Worker Serving Organizations across Canada namely in Montreal and Vancouver.

The Protection of Communities of Exploited Persons Act lends itself to many instances of contradiction, and the first can be observed within Street Sex Work. Street Sex Work, often regarded as the most dangerous, least financially beneficial form of the Sex Industry has experienced the most harm from The Protection of Communities of Exploited Persons Act. Referring to people working visibly (or not so visibly since the implementation of PCEPA) on the street, on corners, in industrial areas, out of Single Room Occupancies (SRO's) are a workforce that continue to see an overrepresentation of poverty, sexual assault, physical assault, and death. As well as an overrepresentation of drug use, drug poisoning, Black, Indigenous, and People of Color (BIPOC) and transgender women. This can be commonly observed in Vancouver's Downtown Eastside where the author of this brief worked on the frontline of Sex Worker Harm Reduction for many years. While paragraph 286.5(1)(b) and subsection 286.5(2) protects the person selling their own sexual services from criminal liability, thus placing the criminal onus on

the purchaser, this section has perpetuated a culture of fear and criminalization that still disproportionately affects the seller.

I think here it is essential to share a more ephemeral quality to sex work, the workers intuition. Over time, and through experience the worker learns to identify red flags, gut feelings, and sense about the people they meet. Prior to the implementations of paragraphs 286.5, people working as street sex workers were free to negotiate the terms of their transactions at their own pace, openly, vocally with one another, perhaps have a conversation, in well lit areas and perhaps with friends who could note the car licence plate or other established safety measures. This has never been for the sake of socialising or camaraderie but rather to give the seller the opportunity to internally identify any clues to inform the rest of the transaction should the seller decide to agree. Now this is criminalised, and with this criminalization, these workers are forced to work more alone, in cold and isolated industrial areas, less empowered to negotiate the terms of their own transactions, and forced to enter moving vehicles to avoid detection. These workers are now more likely to go missing, or be assaulted. I am reminded of one instance, a worker was picked up in an isolated area, driven across the city 45 minutes away, and at the end of their transaction she is kicked out of a moving car, without payment and an injury requiring surgery. This instance, not singular or uncommon, has never been met with justice, and likely would not have occurred had the worker been empowered to take the time to negotiate the transaction, check the surrounding car for possible dangers, engage the other party in a conversation, and operate among other workers ensuring safety. The worker who experienced this crime struggled to get home due to her injuries and was gone for many more hours than intended, no one knew where she was. It is only due to the sheer resilience and tenacity of these workers in the face of PCEPA that ensures their survival.

To protect a "Community of Exploited Persons", as the Government has so chosen to name these workers, lawmakers must look towards the root of what actually exploits them. The "end demand" model embedded within PCEPA is insufficient because the demand is still there. However there is a deeper demand these sex workers are responding to, the demand to alleviate poverty, displacement, homelessness, hunger. The demand to alleviate chronic pain, illness, and disability. The sex worker responds to these demands through sex work, and to criminalize them coerces them further into their challenging material conditions. Governments must look towards alleviating poverty, perhaps through a Universal Basic Income, to ensure affordable and adequate housing for every person, affordable food prices, and comprehensive, culturally safe, sufficient health and addiction services. Implement this, and we might just see an alleviated Sex Working workforce.



The concept that legislative measures can reduce a demand for a service is an absurd one. Lawmakers need only look to prohibition, drug legislation, and gun laws to understand why this approach is inadequate. As I previously discussed the practical and intuitive ways a sex worker decides on a transaction is oftentimes called screening. Buyers persist, both online and in person, and they do so with the awareness that they are now at risk of criminalization. A buyer once willing to share information about their identity during negotiations is now more reluctant to do so. The workers ability to ensure their own safety is truncated. The worker is more at risk.

We move indoors, and consider the Sex Workers often referred to Escorts, Full Service Sex Workers, and sometimes more creatively named, Companions, Courtesans, Sugar Babies. Much like their street based siblings, they are trading sexual services. It's here the author derives a lot of lived and living experience. Indoor sex workers everywhere echo the shared experience of consistently being criminalized, erased, and deplatformed, and censored off the internet and advertising services. As legislative measures have continued to criminalise advertising, as found in section 286.4 of PCEPA, as well as the global impacts of FOSTA-SESTA, workers have found themselves forced to adopt an ever evolving coded language to avoid detection, oftentimes blurring the terms of the transaction. It has forced workers to turn to European third party advertising sites, prone for price gouging. Should this price gouging be too expensive, the worker is forced to turn to free advertising sites, oftentimes sources for online aggression, or to street based sex work. Again, it demonstrates the contradiction between the intentions of PCEPA and its realities.

Erotic massage parlours, is a site of many things, and to challenge the narrative, its a place you will often find joy, laughter, friendship, a warm place to sleep, and financial stability. Yet it is at constant risk of unnecessary criminalization, due to section 286.3. Despite the language of “procuring” as one that robs the worker of their autonomy, intelligence and humanity it is also grossly inaccurate. These worksites offer safety, whether that safety arrives in the form of security, intervention when needed, or of harm reduction materials such as condoms, the choice to work here is just that, a choice. As erotic massage parlours especially are criminalized, the harm reduction materials found within them, often used as evidence, challenge the access to these materials and the workers' access to safety has once again been criminalized. The criminalization of these worksites and their owners coerces everyone into the shadows. Paradoxically again, this coercion into the outskirts of the workforce does create a more fertile ground for

unregulated work practises, for example workers are expected to manage other elements of the worksite such as front desk for long hours and outside the original negotiations, as well as contributing neglectful employers and labour infractions. It is here, in these realities where true exploitation within the sex industry often lives.

The language of procurement echoed throughout The Protection of Communities of Exploited Persons Act is one that relies on the often illusory narratives of the “procurer” “pimp” or the “trafficker”. The caricature of the vicious man beating and forcing the helpless worker does very little to appropriately inform our understanding of these dynamics. I do not live in a world where I don’t understand that these egregious crimes of bodily harm and coercion are sometimes indeed the case. Myself alongside other sex workers and other serving community organizations decry this with our entire person and I would go insofar as to argue that our fight for decriminalization is to see an end to this reality. What is also true, what experience tells me is that the “procurer” and the seller are oftentimes enmeshed in complicated, intimate relationships, family systems, and cycles of trauma. Sex Workers are often met with great difficulty in finding therapeutic and health services that are free of judgement. Perhaps a better use of legislative energy is to look towards an increase in therapeutic and health services. If lawmakers create the social foundations where sex workers and all marginalized people are supported and empowered to identify the health and interpersonal complexity of their own lives, to operate from their own autonomy, perhaps we just might alleviate the “procuring” concerns.

The illusory narrative of the pimp, coupled with the fantasy of the disempowered worker has, in my view, laid the foundation of what is the most offensive and erroneous element of CPEPA. The legislative position which “harmonizes the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked”. Despite being grossly offensive to both consenting adult sex workers, but more importantly legitimate survivors of human trafficking, it misunderstands both and disserves us all. In failing to understand the characteristics of legitimate consenting sex work, it fails to understand the characteristics of human trafficking. By harmonising the penalties and asserting the claim that the two practises are linked, you over criminalise consenting workers committing no crime, deny them safety and deny them opportunity. By attaching criminality to the consenting adult sex worker, you coerce them further into the labour in which CPEPA is attempting to free them of. It is important to remember human trafficking does not just operate within sexual labour. Often you will see human trafficking in the form of forced labour, debt servitude and forced domestic labour, yet these realities are met with noticeably less legislative intervention, social



discourse, or criminalization. It is as absurd to criminalize the consenting adult sex worker for sex trafficking as it would be to criminalize the hotel housekeeper for forced domestic labour. Alongside Amnesty International, devoted anti-trafficking organizations such as; Freedom Network USA, the Global Alliance Against Traffic in Women and La Strada International have all produced findings that lead us to believe the decriminalization of sex work would positively inform our fight against human trafficking. I would look to these organisations for legislative guidance.

At the erotic massage parlour I sit in the girls room, waiting and sometimes I pry, “*why did you choose sex work*”. Outside of the obvious answers that we all must pay our bills, there are a few, though not exhaustive list of themes that seem to recur; “There’s too big a gap in my CV”, “I didn’t finish school”, “the flexible structure is good for me because I am in school/disabled/unwell”, “I had to leave my abuser/family”. Legislators and advocates concerned with criminalization have failed these people. We must look towards legislation that ensures employers can no longer refuse employment based off of sex work, to ensure people cannot be denied housing and healthcare based off of their work. We must support young people in finishing school, we must ensure that pursuing education, being disabled or unwell doesn’t condemn people to poverty. We must support people leaving abuse. Finally, and perhaps most importantly, we must do away once and for all the perverse enmeshment that consenting adult sex work and human trafficking are linked practises.

It is essential we decriminalise and normalise this workforce because within this workforce are some of our society's most creative artists, some of our sharpest critical thinkers, our fiercest lawyers, our best doctors, our mothers, journalists, professors and school teachers. Their ask is simple, and it is similar to yours, their wish is to live.

