



**Fédération des femmes
du Québec**

Égalité **pour** toutes, égalité **entre** toutes

Brief

**Submitted to the House of Commons Standing Committee on Justice and
Human Rights
as part of the study of the Protection of Communities and Exploited Persons Act**

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Fédération des femmes du Québec

www.ffq.qc.ca

info@ffq.qc.ca

Presentation by the Fédération des femmes du Québec

The Fédération des femmes du Québec (FFQ) was founded in 1966 at a conference attended by over 400 delegates. Since then, the FFQ continues to represent the voices of Québec women by bringing together community organizations from all feminist backgrounds, unions and individual members. Through its advocacy efforts, the FFQ has contributed to major advances for women over the past 55 years, including pay equity legislation, civil union legislation, legislation on the automatic collection of support payments, a Québec parental insurance plan, a Québec policy on the status of women, reduced sponsorship time for immigrant women sponsored by their husbands and many others. In more recent years, the FFQ has contributed to discussions on Muslim women's rights, voting reform, gender-based analysis (GBA+) and intersectionality. The FFQ created the *Bread and Roses March*, which has become a worldwide movement through the World March of Women, and actively participates in the organization of activities for the 12 Days of Activism to End Violence Against Women and March 8, International Women's Day. The FFQ's slogan, [TRANSLATION] "equality for all, equality among all," represents the collective perspective of the Federation's members who recognize the plurality of women's needs.

Mission

The Fédération des femmes du Québec is an independent feminist organization that works to transform and eliminate gender-based social relations and relationships of dominance in all spheres of life, with a view to promoting the development of full autonomy for all women and the true recognition of all their contributions to society.

The FFQ is a hub of feminist solidarity bringing together individual and associative members of different backgrounds around the desire to create a society free of oppression. This hub aims to represent the pluralism of Québec society and the diversity of the women's movement, particularly women who are marginalized or experiencing oppression.

The FFQ strives for justice and equality between women and men, between women themselves and between peoples. Within the women's movement, the FFQ has taken on a collective leadership role to advance a feminist project for society anchored in the values of the Women's Global Charter for Humanity: equality, freedom, solidarity, justice and peace.

At the international level, it is concerned with developing and strengthening solidarity for the defence of women's rights and gender equality, particularly with regard to international covenants and conventions protecting women's rights.

The FFQ is a non-partisan organization for the collective defence of women's rights, education and political action, providing feminists a democratic space for activism and action, analysis and reflection, debate, training and dialogue in solidarity with women in Québec, Canada and around the world who are creating alternatives to the systems of oppression that affect them.

The mission of the Fédération des femmes du Québec was adopted by its members at its policy convention in March 2015. Together with our statement of principles, it forms the basis of our feminist commitment.

Statement of principles

The Fédération des femmes du Québec affirms its feminist orientation in a plural and pluralist perspective and its members advocate for the realization of a feminist project for society that creates equality, freedom, solidarity, justice and peace for all women.

It fights for the emancipation of women and the affirmation of their right to full and free participation in social, cultural, political and economic life. For society to truly transform, responsibility for human development must be assumed collectively and power must be reorganized to ensure a more equitable and horizontal sharing of power.

The FFQ rejects any system and any practice of oppression and domination that generates and maintains violence, poverty, intolerance, discrimination or exclusion as well as the destruction of the ecosystems on which life is based. The FFQ takes an intersectional feminist approach that aims to deconstruct and eliminate patriarchy and all the other systems of oppression and domination with which it is intertwined, such as capitalism, racism, imperialism, heterosexism, colonialism, ableism and ageism that work together to marginalize and exploit women sexually, socially, economically, culturally, politically and religiously.

The FFQ is open to all women in their plurality and diversity. The FFQ and its members are aware that systems of oppression also operate within the women's movement and within the FFQ. As such, the FFQ and its members are actively advocating to create a space for all women to engage without oppression. The FFQ is an organization open to controversial and emerging issues. Through constant deliberation, it allows for democratic debate and the ability for members to differ on issues but to unite in action on all collectively decided policy directions.

Sex work/prostitution

The issue of sex work/prostitution can be controversial in feminist circles. At least since the late 1990s, the FFQ has been working to create forums for discussion on the subject with the aim of moving forward collectively and finding consensus. The official positions of the FFQ have evolved over the years. Our members revisited our stance following the Bedford decision and the passage of the Protection of Communities and Exploited Persons Act, as well as the formal adoption of the intersectional approach as a method of feminist analysis. This culminated in the adoption of an official position on women in the sex industry during a special general assembly held in October 2018. Additional work was subsequently carried out to launch further reflection. Sex work/prostitution remains a complex issue for many of our members, but we believe that our journey can help inform the committee's understanding of feminist concerns related to laws criminalizing the exchange of sexual services.

As stated in our formal position, we believe that we must recognize the agency of women in the sex industry and that they have the right to safety, health, autonomy, freedom of expression and association, and decent conditions both in the exercise of their practice and in other areas of their lives. Recognizing agency means having an ongoing dialogue with women, who are the first to be involved in and affected by decisions related to the sex industry. Furthermore, we recognize the need to differentiate between consensual exchanges, exploitative situations and human trafficking, and that poverty, exclusion and conflictual relationships with the state must be addressed, with a particular focus on the needs of women living at the intersection of multiple oppressions.

We therefore submit the following documents:

- Position on women and the sex industry adopted in October 2018
- Reflection tool developed as a follow-up to our position (spring 2019)

We hope that this information will be useful and allow the committee to integrate a feminist perspective into its work.

Position adopted by the members of the Fédération des femmes du Québec on October 28, 2018, in a general assembly

WOMEN AND THE SEX INDUSTRY

Whereas the FFQ works to promote the development of full autonomy for all women and the true recognition of all their contributions to society,

Whereas the FFQ aims to be representative of the pluralism of Québec society and the diversity of the women's movement, particularly women who are marginalized or experiencing multiple oppressions,

Whereas the FFQ fights for the emancipation of women and the affirmation of their right to full and free participation in social, cultural, political and economic life,

Whereas the FFQ takes an intersectional feminist approach, which includes the principle of recognizing the expertise of those primarily affected,

Whereas the FFQ and its members actively advocate to create a space for non-oppressive engagement for all women,

Whereas women who clearly identify themselves as sex workers are members of the FFQ and have contributed to the community life for decades,

Whereas women in the sex industry consider their practice as work including the right to access labour standards, occupational health and safety, and other employment-related protections,

Whereas at least 10 women in the sex industry were murdered in Canada in 2017, that 79% of women incarcerated in provincial prisons have experience in the sex industry, and that antagonistic relationships with the state and its agents are a major risk factor for HIV and other sexually transmitted and blood-borne diseases and for overall health,

Whereas the FFQ is an organization open to controversial and emerging issues, be it resolved:

12. THAT the FFQ recognize the agency of women in prostitution/the sex industry including consenting to their activities.

13. THAT the FFQ fight against the stigma and barriers to full participation in society that follow these women throughout their lives, even if they

leave the industry, and against the violence and barriers to exiting prostitution/the sex industry experienced by women both in the industry and those who get out.

14. THAT the FFQ recognize the importance of defending, both for those who choose to make a livelihood from prostitution/the sex industry and for those who want to leave it, their rights to safety, health, autonomy, freedom of expression and association and to decent conditions both in the exercise of their practice and in other spheres of their lives.

15. THAT the FFQ work to differentiate between the sex industry, consensual exchanges, exploitative situations and human trafficking and THAT the FFQ fight against exploitation and violence against women in prostitution/the sex industry and defend the right of all women to physical and mental integrity, dignity, health and safety.

16. THAT the FFQ continue to fight against poverty, marginalization and discrimination and antagonistic relationships with the state and its agents, especially for women who experience multiple oppressions.

Reflection tool on our position (spring 2019)

Women and the sex industry/prostitution

This project was made possible by a grant from the Canadian Women's Foundation

Introduction

The question of how to support women who are or have been in the sex industry has been an important one within the FFQ for over 30 years. In October 2018, the FFQ membership passed a resolution that reads:

Women and the sex industry

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15. That the FFQ work to differentiate between the sex industry, consensual exchanges, exploitative situations and human trafficking and that the FFQ fight against exploitation and violence against women in prostitution/the sex industry and defend the right of all women to physical and mental integrity, dignity, health and safety.

16. That the FFQ continue to fight against poverty, marginalization and antagonistic relationships with the state and its agents, especially for women who experience multiple oppressions.

As part of our obligations and commitments to FFQ members and our feminist principles and women's rights, we have prepared this reflection tool on the FFQ's resolution to inform our members on how this resolution is consistent with our intersectional feminist practice and positioning.

Specifically, this discussion paper seeks to clarify how this resolution reinforces a feminist philosophy that:

- recognizes the decisions of all women, and the contexts in which their decisions are made;
- recognizes the right of every woman to perceive and define her own experience, reality and needs, as well as the importance of not imposing judgment or discourse on another woman's experience.

The purpose of this document is to nourish and develop our reflections and best practices — individually and collectively — to create a more inclusive feminist movement that allows us to support all women while respecting one another's different realities. This requires that we recognize and respect the decisions of all women, and their strategies for survival and resistance within systems of oppression.

We have included questions for reflection throughout the paper to help us identify our own issues, biases and social positions within systems of oppression. An intersectional feminist approach requires ongoing self-critical work to better understand the impact of our practices, our assumptions, and the context in which we advocate.

Agency

The definition of agency developed by the FFQ is as follows:

“To recognize an individual’s capacity to act, regardless of their social context, economic or family situation, or even our understanding of their situation” and which includes “recognizing an individual’s capacity to act, and therefore their humanity and their rights.”

What do we mean by this definition in the context of the FFQ’s work?

Recognizing women’s agency compels us to recognize the duty of the FFQ as well as our *obligation* to respect the decisions of all women. As women, we make decisions every day. Some decisions are readily accepted by society, based on current ideology, values, and social perspectives, and some decisions incur disapproval.

An intersectional feminist approach requires an understanding that women make diverse decisions¹ based on their individual and structural realities. This approach leaves room for this diversity of decisions, as it recognizes the complex intersection of the various realities experienced by a woman and between women, and emphasizes the uniqueness of the decision-making process and how each woman exercises her agency.

Some feminists reject the notion of agency and decision making in a context of structural inequalities because women do not *choose to* suffer structural inequalities and violence. However, agency does NOT mean guilt-tripping, “victim blaming,” judging women’s choices, or excusing violence or other human rights violations. However, while women make decisions based on the options available, the range of options available changes depending on the level of privilege and access of the individual and her community. Respecting the agency and decision-making of all women does not mean that women choose or decide to experience violence, poverty or other structural inequalities. Instead, we make decisions and exercise our agency while fighting, personally and collectively, against inequalities and systems of oppression.

As women, we can experience many overlapping challenges. Our options and decisions may be limited by our gender, age, racial or cultural identity, mobility, immigration or health status, and many other factors influenced by our social, legal, economic and structural positions. We may experience difficulties related to many issues and systems of oppression such as language barriers, colonialism, poverty, criminalization and other legal conflicts, racial and social profiling, our working conditions, family issues, etc. These different forms of marginalization and oppression are linked.

Every woman has the right to make her own decisions and, regardless of the context in

¹ Recognizing women’s agency means recognizing their decisions. We use the language of decision making rather than a superficial notion of choice because “free will” does not exist in a context of social, legal, institutional or other inequalities.

which they are made, to have her decisions respected. Whatever limitations and disadvantages are imposed on their options and circumstances, this does not justify the FFQ in considering these women incapable of making their own decisions. Invalidating, dismissing, rejecting, marginalizing or otherwise denying the decisions of a woman because she is subjected to many inequalities denies her humanity, her rights and her agency. We have an obligation to rebut presumptions that attempt to deny the right to agency of all women, especially marginalized women whose rights are frequently and disproportionately violated. Denying their agency contributes to these violations rather than mitigating them.

Recognizing women's agency, particularly marginalized women's agency, means recognizing women's personal power in a context where she is suppressed and denied by structural and institutional factors and powers.

Questions for discussion:

- How do I define my own agency?
- Do I believe I have agency in making my own decisions?
- Do I question whether some women have the agency and ability to make decisions, and others do not?
 - If so, what is the rationale for this belief?
 - Where and from whom did I learn this?
 - Which women do I think have or do not have agency?
- How do I understand the agency of marginalized women, including women who sell or exchange money or goods for sex, who regularly use drugs/alcohol, who live with a disability, who are survivors of trauma, who experience violence, who have mental health issues, who live in poverty, or who are criminalized?
- How do racist, transphobic and colonial ideas impact my understanding of a woman's agency? Which of my values are at play when I question another woman's agency or ability to make decisions?

- Do I accept and respect the fact that some women make decisions about their lives when I assume I would decide differently?
- When and how do I think something is harmful or problematic for another woman?
- Do I believe that all women have the right and ability to identify and define their issues and the sources of harm in their lives?
- Do I prioritize lived realities and expressed needs over rhetoric and ideologies?
- Is the idea of rescuing women related to my own self-esteem?

Consent² and decision making

This part involves, but is not limited to, consent to a sexual act. It involves all the acts we consent to, in other words, the decisions we make every day and the contexts in which they are made.

Consent is a personal act that communicates our agreement to participate in something. Most women do not live and make decisions in the context of unlimited free choice. Our understanding of women's consent must go beyond two-dimensional notions of women as free agents who choose or as women without agency who are forced. Every woman makes her decisions and gives her consent according to her own reality. Consent is influenced and negotiated in every situation we experience and through our personal process as we weigh our options and make our decisions.

What we consent to is often determined by the contexts in which we live. Forced displacement, colonization, homelessness, poverty, racism, transphobia, ableism, and barriers to accessing services, supports and resources all influence these contexts and alter the range of decisions and opportunities available to us.

Because notions of consent are legally, socially, economically and culturally influenced, some people have difficulty recognizing another person's agency and consent because of their own biases as well as their social, cultural, legal and personal conditioning.

² There are many legal and social definitions of consent. The current legal definition of consent to sexual activity requires that this agreement be explicitly and continuously communicated to any person(s) participating in the act.

The stigma associated with the lives and activities of marginalized women promotes harmful myths that reduce women to being victims, deviants or criminals. Denying marginalized women the capacity and the right to consent is based on legal, social, feminist and cultural ideas that portray some women as incapable of consenting, particularly women experiencing homelessness, Indigenous women, women in precarious financial situations, racialized women, women experiencing mental health issues, drug/alcohol users, women who exchange sex for money or goods, women living with disabilities, and women who have experienced violence. We have an obligation to eliminate the biases associated with marginalized women that promote ideologies and discourse that present them as women who consent to everything (“presumed consent”) or who cannot consent (“invalid consent”).

The belief in women’s “presumed consent” is expressed in several ways: the presumption that a woman who consents to a particular sexual act also consents to any or all other acts; the presumption that a woman in a certain context (e.g., marriage, exchange of paid sex) consents to any sexual activity; or the presumption that a woman who consents to selling or exchanging sex also consents to the violence that may occur in that context (e.g., sexual assault, precarity, stigmatization).

The belief in “invalid consent” may be expressed more insidiously; however, these guilt-inducing ideologies cause equal harm to women and deny their capacity to consent and therefore their agency. The presumption that some women cannot give consent — particularly marginalized women — stems from a lack of respect for and recognition of women’s agency as victims without decision-making power. This presumption is reinforced by social and legal myths and ideologies.

The Canadian legal concept of sexual consent is intended to protect the sexual autonomy of individuals, particularly women. However, the law not only fails to sufficiently protect the sexual autonomy of marginalized women, but some laws compromise and even invalidate some women’s ability to consent. For example, the legal right of consent of female drug/alcohol users, migrant women and women who sell or negotiate sexual services is compromised and invalidated by some laws.

These oppressive legal and social ideas about marginalized and racialized women are based on racist, classist and anti-migrant values, systems and institutions. An intersectional feminist approach recognizes that it is not legitimate to dictate how another woman gives or withholds consent simply because we reject the inequalities that frame the context in which a woman gives consent, or because we assume that we would make a different decision in her place. Rather, it requires that we recognize and respect the consent of every woman, including consent given in contexts of oppression.

We all negotiate our consent based on our current contexts, and the vast majority of us are not in a privileged context. Our feminist commitment requires that we support women wherever they are, regardless of their individual contexts. This does not mean that we cannot work and struggle, collectively and individually, to improve the contexts in which we make our decisions. We can fight to improve and expand the conditions under which we negotiate our consent. This work includes recognizing current strategies employed by marginalized women to resist and challenge poverty, precarity, barriers to access, homelessness, food insecurity, marginalization and discrimination.

Questions for discussion:

- How do I understand and define my own capacity to consent to a sexual act?
- Do I define consent differently when I think about the ability and right of marginalized women to consent to sexual acts? (Including women who sell or trade sex, regularly use drugs/alcohol, live with a disability, survive trauma, experience violence, have mental health issues, live in poverty, or are criminalized)
- How do racist, transphobic and colonial ideas influence my understanding of women's consent?
- Which of my values are at play when I question a person's ability to consent to a sexual act?
- Do I accept and respect the fact that some women will consent to things that I would not?
- Do I tend to assume what another woman would or would not consent to?
- Do I believe that some women make "bad" or "unhealthy" decisions?
- Do I think it's important to support women in reaching their own goals, even if they make decisions that "I disagree with" (i.e., even if I think her decision is "wrong" or that she should make a different decision)?

Violence and other human rights violations

Understanding the importance of agency and consent is key to differentiating between the decisions we make and the factors and contexts, both individual and structural, in which they are made.

Moreover, the recognition of every woman's agency is essential in being able to differentiate between:

- **the relationships, activities, exchanges and other situations in which we choose to *participate*** (our personal relationships, our work activities and relationships, our family contexts, our drug or alcohol use, our cultural and religious communities, etc.)
- **and acts of violence as well as human rights violations** (assault, sexual assault, robbery, kidnapping, forcible confinement, extortion, intimidation, economic exploitation, unfair working conditions, human trafficking).

We decide to engage in relationships, activities, exchanges and other contexts. Sometimes violence or other violations of our rights can have a negative impact on our lives (**e.g., marriage, dating, walking alone at night, trading or selling sex**). **While we may consent to participate in these relationships and activities, this does not mean that we consent to the violence and other abuses that may occur.** Every woman possesses agency; however, this does not mean that women cannot also be victims of abuse.

Violence can occur in a variety of settings, such as intimate relationships. However, not all intimate relationships are inherently violent. Similarly, violence can occur in the context of work (e.g., domestic work, sex work, agricultural work, nursing) but violence is not inherent in these activities or forms of work. In addition, human rights violations such as unfair working conditions can occur in the context of work: we can consent to work, but not to unfair conditions. The assumption that violence is inherent in certain relationships, occupations or activities reinforces erroneous, oppressive and destructive ideas about the inevitability of violence and supports the notion that violence is an expected consequence if women participate in certain relationships and activities. It also denies and diverts attention from the real cases of violence for which women are seeking recourse and justice.

Many marginalized women, particularly racialized, Black, Indigenous, migrant and trans women, as well as women in precarious situations or facing homelessness or poverty, drug/alcohol users and women who sell or exchange sex, experience particularly high levels of violence. Women's vulnerability to violence and other human rights abuses increases in line with their social, economic, racial, cultural and legal context. In addition, these marginalized communities are targets of predators and institutional violence. This targeted violence is, in part, a direct consequence of the way marginalized women are discussed and positioned as victims lacking agency.

Specifically, abusers target marginalized women because they know that because of their social, economic or family context, some women are less likely to report violence to law enforcement, leave an abusive partner or access existing or non-discriminatory services that would otherwise support them.

They are also aware of the low rates of arrests and convictions related to violence against women and the lack of commitment to investigating such violence. In addition, the fact that law enforcement systematically ignores and commits acts of violence against Black women, Indigenous women and women who exchange or sell sexual services or use drugs or alcohol contributes to this targeted violence.

Women who are victims of violence and other human rights abuses are often presumed to be unable to make their own decisions, or rather, the legitimacy of their agency and decisions are questioned. This victimization denies the agency of women who make decisions about their own lives and supports the idea that violence in their lives is inevitable or their fault. While many understand that violence experienced by a woman is not *her fault*, the majority of people continue to assume that in some contexts violence is *an inevitability*. This presumption of violence experienced by some women fuels the victimization of these women and consequently the violence against them.

When social, medical, legal, health or other service providers treat women as victims and deny their agency, women are denied the opportunity to take charge of their own situation and to be recognized as experts in their own lives and decision-making processes.

Questions for discussion:

- Do I think it's important to support women in reaching their own goals, even if they make decisions that "I disagree with" (i.e., even if I think her decision is "wrong" or that she should make a different decision)?
- Do I sometimes contradict another woman's decision?
- Is the support I provide (individually or as an organization) contingent on certain goals and outcomes? (For example: get out of a relationship, stop using drugs/alcohol, stop trading or selling sex for money)
- Do I support women in their own processes of identifying and determining their own needs?
- Do the supports and services I provide — mine or my organization's — require women to adhere to a certain framework or discourse? How does this practice alter access to essential supports and services for marginalized women?

Differentiate between human trafficking, sexual exploitation and prostitution/sex work

There is no single social, legal, ideological or feminist definition of *human trafficking* or *sexual exploitation*, and there is disagreement about the definition of *prostitution/sex work*. Therefore, a responsible document cannot use unique definitions. Rather, this introductory document offers a reflection on the fundamental concepts and underlines the complexity and diversity of realities.

There is a lack of consistency, precision and social or legal consensus on what constitutes *human trafficking* and *sexual exploitation*, as well as when a person's consent and agency are recognized. These concepts are poorly defined and misunderstood by the public, law enforcement and legal, social, feminist and other actors. In addition, many individuals, communities and institutions use these terms without providing clear definitions or parameters. This makes it difficult to understand what feminists, law enforcement, government or others are referring to when campaigning or taking action against human trafficking and/or sexual exploitation.

In addition, these terms are often used interchangeably with prostitution/sex work, which impacts feminists' ability to understand and respond to the different needs of women.

Human trafficking

There are many different legal, ideological and social definitions of human trafficking.

There are several legal definitions of human trafficking: in international law (the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*), in Canadian criminal law (the *Criminal Code*) and in immigration law (the *Immigration and Refugee Protection Act*). These definitions are not the same. Different offences require different elements to be present, such as a form of coercion like fraud, deception, kidnapping, threats or use of force, or that a person believes their safety or the safety of another person is at risk.

Similarly, there are various social notions of human trafficking.

Some use the term to refer to anyone who experiences human rights violations in the context of *forced labour*. This struggle is particularly led by the migrant rights movement, the fight against exploitation in the workplace, and other human rights movements that fight for fair and just working conditions for all.

Others use the term to refer to anyone who exchanges or sells sexual services. In this sense, they conflate human trafficking with prostitution/sex work. In particular, the term *sex trafficking* is consistently used as a synonym for *prostitution/the sex industry*. Although English speakers use the term *sex trafficking*, this concept is covered by “exploitation sexuelle” [sexual exploitation] in Quebec.

In the context of prostitution/sex work, *human trafficking* is often used to refer to any type of sexual activity where lack of consent is *presumed*, and any context where it is *presumed* that a woman cannot consent.

Specifically — and problematically — women from certain communities (Indigenous, Asian, racialized, migrant), women living in poverty, and women who are victims of domestic violence are presumed to be victims of human trafficking if they sell or exchange money or goods for sexual services. While women may experience poor conditions, violence or other human rights violations in the course of their work, as outlined above, it is flawed and harmful to assume that a woman loses her agency or capacity for consent based solely on her social and economic context.

In addition to social definitions, **funding and government policies also influence how the term *human trafficking*** is used. Governments are investing huge and growing amounts of money in funding streams for *anti-trafficking projects*, rather than investing in a variety of resources to address violence against women. This encourages community organizations to reframe the way they talk about violence in our communities to use the term *human trafficking* and to change the way they define women who are experiencing or have experienced violence as *victims of trafficking*. To access government funding and other resources, many community organizations and other institutions adapt their language to meet requirements for grant applications related to *human trafficking* programs when the definition of the concept is unclear or even misleading.

Sexual exploitation

There are many different concepts related to sexual exploitation. Just like the term *human trafficking*, the various definitions and interpretations of *sexual exploitation* come from many sources.

Although the concept of *exploitation* is the basis of the criminal offence of human trafficking, the Criminal Code offence of *sexual exploitation* (s. 153(1) CC) refers to every person who is in a position of trust or authority towards a young person (16 to 18 years old), who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who for a sexual purpose touches a part of the body of the young person.

The term “sexual exploitation” is often used as a synonym for the sale or exchange of sexual services. Although the term *sexual exploitation* is also used in association with *child prostitution* and youth exploitation, the scope of associated discourse, policies and services is often not limited to youth and minors. The definition of *youth* is increasingly vague and currently in Québec can include people between the ages of 30 and 35.

The conflation of youth/minors and women contributes to the blurring of the term *sexual exploitation* as applied to almost all prostitution/sex work. Furthermore, this infantilization of young women contributes to the casual way agency and the ability to consent to a sexual act are denied and marginalized for both women and youth.

Increased funding from the provincial government to address “sexual exploitation” has led to increased use of the term. As a result, community groups and law enforcement institutions rely on this language to shape the positions and programs they develop.

Agency and consent in the context of the exchange or sale of sexual services

While there is much disagreement about the definition and concept of *human trafficking*, it is widely understood that human trafficking is a human rights violation. In general, definitions involve some form of force that leads another person to do something against their will, that is, without their consent. **However, there are many social and legal interpretations as to what constitutes a form of force, and what constitutes a lack of or withdrawal of consent.**

For some, all forms of structural and individual inequalities are a form of force and coercion. From this perspective, any woman who experiences inequality lacks agency and cannot consent to selling or exchanging sexual services to combat poverty, homelessness, food insecurity, marginalization, discrimination and other forms of oppression.

Prostitution/sex work

For many women, sex work/prostitution is a form of income generation, that is, an activity that allows them to earn money, or obtain goods and services. Women sell or exchange sex under a variety of circumstances, including poverty, racial and gender discrimination, and continued colonization. Although income production in the context of a capitalist economy is often coercive and exploitative, this fact is not limited to sale or exchange in a particular sector. Exploitation in the workplace and inequitable and precarious working conditions are common in informal and gendered sectors — especially sectors where marginalized women are the majority of workers.

Any non-consensual sexual act, whether paid or unpaid, is an act of violence. Exercising agency when making the decision to sell or exchange sexual services occurs in a variety of contexts, but the context itself does not negate a woman's agency. Prostitution/sex work is often presented as inextricably linked to human trafficking and as a form of violence against women. However, when all activities in prostitution/sex work are perceived as acts of violence or trafficking, it trivializes actual acts of violence perpetrated against women who sell or exchange sex, denies these women their right to remedy these acts of violence, violates their right to agency, and denies their capacity to consent to a sexual act when exchanging sexual services for money.

The criminalization and stigmatization of prostitution/sex work undermines the environment in which people sell or exchange sexual services and influences their relationships with others and institutions.

What is exploitation in the context of the sale or exchange of sexual services?

Women sell sexual services in a variety of settings and working conditions. In industries other than the sex industry, when exploitation occurs, the work itself is not defined as exploitative and workers are not presumed to be providing their services against their will. On the contrary, we try to improve the working conditions and the rights of the workers. In these cases, it is recognized that, while some individuals may be organizing against certain working conditions, they have consented (perhaps under limited options) to provide their services.

This non-stigmatizing, non-ideological, non-judgmental human rights approach is not applied to the sex industry. Conversely, it is assumed that any sale or exchange of sexual services is inherently exploitative and that workers are therefore incapable of consenting to such work. This view falsely equates the sale or exchange of sexual services with exploitation (or human trafficking) and does nothing to protect the rights of the women involved or to improve their current situation and quality of life.

Questions for discussion:

- How does the woman in front of me define her own experience?
- What does she say she needs? Do I doubt what she says she needs?
- Do I recognize that I am using a language — my own or my organization's — that may be different from that used by the person in front of me? Am I able to adapt to their language and their vision of their own reality? If not, what kind of impact could this have on the relevance and quality of the service or support offered?
- Have I analyzed the political and social agendas advanced by the discourse and ideologies I use?
- Do the labels I use change or distort the lived experience of the woman I am interacting with?
- How do I contribute to creating spaces where women can reclaim their power?

By recognizing women's agency, the FFQ has moved past the debate that questions women's decisions about prostitution/sex work, wearing a veil, or their participation in activities or practices related to their own consent and integrity.

In the context of prostitution/sex work, this means that the FFQ is committed to addressing human rights violations and abuse rather than debating whether or not women have agency in certain settings.

As we move forward together, we are committed to expanding our understanding of women's lived realities, developing our intersectional analysis of the contexts in which women make decisions, and addressing structural inequalities.