



**A Submission to the House of Commons Standing
Committee on Justice and Human Rights**

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

**Submission the Iskweu Project, a project of the Native Women's Shelter of Montreal
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My name is Jessica Quijano. I am a coordinator of the Iskweu project for the Native Women's Shelter of Montreal. I have been a front-line line intervention worker for almost 19 years, I have worked in harm reduction for almost 10 years. I work at the Native Women's Shelter of Montreal.

Who is the Native Women's Shelter of Montreal?

NSWM provides a safe environment where women can begin to rebuild their lives. We offer support and frontline services to First Nations, Inuit and Métis (Aboriginal) women and children to promote their empowerment and independence. The NWSM is the only women's shelter in Montreal that provides services exclusively to Indigenous women and their children. Women are offered an up to three-month stay in one of 13 private rooms, many of which are capable of accommodating more than one person so that women may stay with their children. There is a zero-tolerance policy for drugs and alcohol at the shelter.

Since its incorporation in 1987, the Native Women's Shelter of Montreal has provided shelter and support to First Nations, Inuit and Métis women and their children. Our clientele are self-referred or referred by community resources.

The shelter provides an environment where women can focus on their various challenges and rebuild their lives. Our in-house programs combined with our outreach services help in the healing process of women, while assisting them in re-establishing a balanced lifestyle.

The Native Women's Shelter works within an Aboriginal framework. We incorporate many different teachings from the various cultures of First Nations, Inuit and Métis. We combine traditional healing techniques with contemporary approaches to give the women a multitude of options to address their immediate needs and issues.

Who is Iskweu?

The Iskweu Project (the “Project”) is an initiative by the Native Women’s Shelter of Montreal (NWSM). The Project responds to an immediate need for assistance expressed by families and loved ones when an Indigenous woman or girl (including trans, Two-Spirit) goes missing. The Project was established with funding from Justice Canada in recognition of the need for community involvement to address missing and murdered Indigenous women and girls.

Our aim is reducing and ultimately eradicating the number of missing and murdered Indigenous women and girls (trans, two-spirit) of Quebec; to offer support and ensure adequate response from institutions when someone goes missing. We seek to reduce barriers in accessing support and receiving an adequate response from institutions that have historically discriminated against Indigenous peoples. The Iskweu project files missing person’s reports for Indigenous women and puts pressure on police to locate the person.

I have been the Project coordinator since 2017. In this time, I have worked on 55 missing persons cases, most of which involved women involved in the sex trade. Of these, five Indigenous women were found dead, one is still missing, all of whom had experience in the sex industry. I have also worked on cases where women have been victims of abuse and violent crimes (e.g., threats, assault, sexual violence, kidnapping, confinement). The Project has located 23 Indigenous women without the assistance of law enforcement.

6. My role at the Project is to support families and advocate for them when their loved one has gone missing. We currently have a protocol with the Service de Police de la Ville de Montreal (“SPVM”), which allows me to make missing person’s reports and put pressure on police to locate Indigenous women. The Project exists because of the non-action from police forces to deal with the Missing and Murdered Indigenous Women, Girls and Two Spirit (MMIWG2S) crisis. Indigenous communities are better equipped to deal with this crisis but lack the resources that police have (e.g.: technology and access to information to locate missing people or aggressors).

Indigenous Women who Sell or Trade Sexual Services

Iskweu works with a diversity of Indigenous sex workers. While some are street-based workers, not all are. Most of the women I assist at the Project are Inuit and most come from Nunavut or Nunavik. Most of these women also did sex work in their home communities before they came to Montreal. They come to Montreal to try to access services and resources that are not available in the North (e.g., health care). For them, sex work is a way to make money in circumstances where they have few employment opportunities. Some are mothers and need money to feed their families. For some, sex work is a way to sustain their drug use. Some report

that they find sex work empowering, as it is a means of supporting themselves. The women Iskweu serves through the Project have little opportunity to access income and supports due to a legacy of colonialism, displacement and racism, and this is why they do sex work.

In our experience at Iskweu, women can both choose to participate in sex work and nonetheless be victims of crimes. The women we encounter through the Project report a broad range of experience in sex work, from positive to negative to neutral. Many of the women we work with may experience abuse and violent crimes (e.g., from police or other service providers, partners, aggressors), but they do not describe their sex work as inherently exploitative. Rather, they describe the instances of violence as the problem. The violence or abuse is an event – it is not the broader role of sex work in their lives that is the violence. In fact, some women sometimes use sex work to escape situations of violence. For example, they may go stay with a client to escape an abusive partner.

While some suggest that Indigenous women do not freely choose to partake in the sex trade, the Indigenous women that we serve at Iskweu find this infantilizing. Although they have limited options, the women we encounter at the Project are making the best decisions they can make at a given time in their life, and we recognize their agency. This kind of judgment can make a sex worker fearful of social services. We respect how the women I encounter describe themselves, whether it be as a survivor or a sex worker.

The life circumstances of Indigenous sex workers may differ from those of non-Indigenous sex workers, as a result of colonialism, displacement and racism. However, there are also important commonalities between the communities. Both Indigenous and non-Indigenous sex workers are often extremely marginalized – they may be living in poverty, unhoused, have been through the child welfare system, and/or struggling with addiction. Criminalization harms Indigenous and non-Indigenous sex workers alike, through having to work covertly, being denied social services, and, in some cases, being incarcerated.

Impacts of PCEPA on Indigenous Women

In our experience, the women we serve through the Project are further marginalized by criminalization. In most of the conversations we have had with Indigenous sex workers, although they are unaware of the specific laws around sex work, they feel the laws do not protect them and they are aware their work is criminalized. We have observed that Indigenous sex workers have less access to services that claim to support Indigenous women. This is often because the services are not adapted to Indigenous culture and because they are not offered in English.

It is clear that any kind of law enforcement under the PCPA has contributed to further marginalization and violence towards Indigenous sex workers.

In our experience working with Indigenous sex workers, law enforcement of any kind has been a detriment to their safety. We have overheard many testimonies of how police interfere in

Indigenous sex workers lives that further contribute to their marginalization, criminalization and complete distrust of institutions.

In the cases that we have worked on where the Indigenous women was being exploited, the way we were able to assist the person was through community resources, and not through police. It is clear that given the long history of colonization that Indigenous women in the sex trade do not want to deal with police, and any laws that further criminalizes Indigenous sex workers and third parties.

Impacts of policing

The Indigenous women we work with do not believe the SPVM (Montreal police) have demonstrated an understanding of the enduring and ongoing harms of colonization or that they have adapted their services to be relevant for Indigenous women and their community. It is well known at the NWSM that the SVPM have not been responsive to sensitivity training. Indeed, in 2018 the SVPM halted sensitivity training that had been developed by the Montreal Urban Aboriginal Community Strategy Network (of which NWSM was a member). This article from CBC describes the SVPM's move to halt the training and recounts how some officers laughed during the training

<https://www.cbc.ca/news/canada/montreal/spvm-creates-new-training-1.4691099> We do not recommend additional training for police – rather we recommend removing the tools of the Criminal Code that police use to surveil Indigenous communities. This would include decriminalization of sex work and the removal of provisions under the PCEPA.

For many reasons including those described above, we do not find the SVPM to be a valuable resource in helping the women we serve at the Project – they are not protecting sex workers and the PCEPA has not been a tool for protection of Indigenous women PCPEA. We approach the police in very narrow circumstances, such as when we are looking into a missing persons case and I require access to a police database. The women we encounter do not see the police as an ally. They do not want the police to be present or to talk to them, except in specific circumstances when they themselves decide that they want to contact police. This mistrust is deep-rooted. It is a function of colonization and it is encouraged by criminalization and the PCEPA.

Recommendations:

The solutions are access to resources, culturally safe spaces, and stable housing — not law enforcement, displacement and criminalizing Indigenous women's source of income, which limit their opportunities even more.

Further, criminalizing sex work leads organizations and programs to expect Indigenous women to stop doing sex work and prevents active sex workers from accessing supports and services (e.g., housing supports that are only for "exiting" sex workers). In our experience, it is

specifically because Indigenous women can safely talk to us about their sex work — because we do not tell them that sex work is bad or degrading or that it should be a crime — that they can also get information about sexual health and safety.

The criminalization of Indigenous sex workers encourages stigma and prevents them from seeking help when they are victims of violence or when they require social support. Community-based, non-judgmental, non-stigmatizing services are best equipped to help sex workers when they are in need.

The removal of all criminal laws against sex work is a fundamental step to respecting the rights of Indigenous women and creating a context where Indigenous women can focus on access to services, health, and other supports. Repealing PCEPA is essential to this process.