

*WILDWEST!!
FEAR VS. FACT*



BC Coalition of Experiential Communities
Brief to the Justice Committee review of PCEPA
February 2022

Foreword

The violence experienced by sex workers in British Columbia under the dangerous legal frame works of the past reached it's pinnacle in 2002 when Canada's most prolific serial killer was arrested. The escalating violence which occurred in direct correlation with actions taken by Police and the government against the sex industry community defined sex worker organizing in BC and continues to shape how the broader community in Vancouver is working to protect some of it's most vulnerable citizens.

Sex workers and allies in Vancouver do not use the names of people who committed crimes against us. We choose to remember those who died and to deny those who harmed us the fame and notoriety often awarded to people who kill members of our community.

It is important to understand the context in which sex workers began organizing in BC, we were under siege from police, neighborhoods, governments and predators. No aspect of our lives was safe. Doctors, nurses, business owners, social workers....no matter where we turned for help or respite we were shunned, degraded and left to die.

Our hard won battles and achievements are the legacy of the people who died. They paid for our progress with their lives.

We will never forget.

Thank you for taking the time to consider to sex worker concerns about The Protection of Communities and Exploited Persons Act (PCEPA)

For the purpose of this brief and request to appear as a witness, I represent the BC Coalition of Experiential Communities;

The BC Coalition of Experiential Communities are a consortium of sex workers who are activists mandated as a mechanism for the voices of experiential people to support the development of legislation and policies; peer driven programs and services; and work toward the elimination of oppressive systems and forces that create harm within the sex industry.

Having watched the hearings so far, I am compelled to offer information to the committee about false statements being made and bias coming from committee members in relation to that false information.

About Me

I am an active sex worker working in the sex industry since 1986 as an independent escort but with experience in many areas of the industry and as many sex industry workers do. I have migrated across the industry and this country with the availability of work. I have worked in micro brothels, businesses run from a residential space, escort agencies, massage parlors, adult film and on the street in Halifax, Moncton, Montreal, Toronto, Surrey, New Westminster, Burnaby, and Vancouver. I have spent time in prison, survived numerous assaults and several attempts on my life including at the hands of “he who shall not be named” but is now in prison having been found guilty in the case of the Missing Women, I have battled cocaine and heroine addiction to cope with my CPTSD and survived 4 overdoses.

I am not an “elite” escort or part of the “minority” as we are so often cast, of sex workers who “choose” this work. I am a working class Canadian just like my more than 100,000 cohorts. I work to feed and house myself and my family.

I am also an advocate for the lives and freedom of my community and have engaged in the fight since 2002 authoring numerous reports, testifying to municipal, provincial and federal government representatives and committees, lecturing at universities across the globe and appearing in media more than 400 times to represent the experiences of my community.

Most notably I took part in work with the Vancouver Police to develop their lowest level of enforcement policy which has now been adopted by all 45 police services and the E-Division of the RCMP across BC and the City of Vancouver Task Force which also explicitly states that sex work is not a by-law violation in efforts to protect the safe work spaces which exist in legitimate licensed business spaces.

<https://vancouver.ca/files/cov/sex-work-response-guidelines.pdf>

<https://vpd.ca/wp-content/uploads/2021/06/sex-work-enforcement-guidelines.pdf>

I also gave evidence and testified to the Missing and Murdered Women's Commission of Inquiry Report; Forsaken.

<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/forsaken-es.pdf>

I am currently the Director of the BCCEC and engaged in addressing numerous issues cause by the current legal regime including housing issues – tenant agreements which prohibit sex work, Provincial

Human Trafficking Training Modules which are out of date and incorrect, Financial discrimination via FINTRAC and unintended consequences of anti trafficking measures, Anti pornography actions which impacted a wide swath of my community, defining “non payment” for sexual services as sexual assault and the on going fear and lack of trust in a system which is built to be biased against us.

I submit the following observations and information for your consideration.

The Wild West!!!!

Fear based speculation by some committee members and witnesses about a post Decriminalization Canada having no rules or recourse for sex industry businesses are baseless and intended to scare this committee into accepting the harms caused by PCEPA in order to protect children and youth from exploitation.

“Once those doors close, how will we know if there is exploitation?

How will we now if there are under aged inside?”

-Trisha Baptie

“You're talking about a Wild West scenario”

- MP Elisabeth Briere

Every City, municipality, town, village, hamlet and grove have business licensing, development permits and health regulations which will continue to ensure the safety of sex working people in sex industry businesses.

There will not be an unregulated, unseen industry where exploitation can run rampant and unchecked as has been asserted by committee members and witnesses. That is what results from criminalization as we have now and can see

City By-laws require businesses to be licensed and to comply with various regulations which are deemed reasonable in addressing the concerns of the broader community.

City license Inspectors, Health Inspectors, Fire Inspectors will all continue to enter and inspect ALL businesses including sex industry businesses.

This idea of the “Wild West” of sex work and unregulated brothels on every corner is based in fear and designed to make society fear an end to enforcement against my community.

The BCCEC have done extensive work on reforming business licensing practices in Vancouver BC and are currently engaged in working to revise the development permit process which is also attached to these licenses.

The City of Vancouver Sex Work Response Guidelines are a reflection of that work and state explicitly that sex work is NOT a by-law violation and as such allows sex industry businesses to exist. This in turn protects the health and safety of sex workers by ensuring they have safe indoor spaces to work with in legal and licensed sex industry businesses.

<https://vancouver.ca/files/cov/sex-work-response-guidelines.pdf>

There is no need to fear a “Wild West” when the sex industry is inevitably decriminalized. There are plenty of ways to ensure that sex industry businesses are complying with the expectations of Canadians and that they are not engaging in the exploitation of any person.

About the Law

As a witness who gave evidence in the Bedford Case, I was thrilled when the Supreme Court agreed that the laws were unconstitutional and we achieved a victory for our freedom.

We were overwhelmed with the possibilities the future might hold and the potential to finally bring Occupational Health and Safety and Labor Standards to our industry. We would be able to move forward in aspirations of industry association development, union development, cooperative development and ending violence and exploitation in sex work.

That excitement to move forward was short lived as it became clear that the Government of Canada had no intention of granting us the freedom all other Canadian workers enjoy.

The Harper Era process to develop this legislation was biased, discriminatory and overwhelming for those of us who had spent the previous 7 years fighting to create change for our community.

To see religious groups, anti sex work lobbyists and criminal justice lobbyists take the witness chair and bias government representatives was difficult. The fear based assertions of these groups showed no consideration for the safety of my community and were embraced by the majority Conservative Committee. It became painfully clear that there was no impartiality nor was there even a thought for whether evidence being heard actually qualified as evidence at all.

The outcomes created by this law demonstrate the impact of this lack of impartiality and lack of attention to whether evidence being considered is based in ethical foundations and meets the standards set out in this country to govern research involving human beings.

Sex workers are not safer.

Poverty is still a huge issue for Canadians.

Sex workers are still experiencing violence on many levels.

Sex work demand has not decreased.

Sex work has not been eliminated.

This law and its ill conceived goals are a complete and utter failure as was predicted by all those who respect the science and legitimate data in this regard. The harms a broad and still emerging as new issues are identified in an ongoing way.

This “experiment” which places the lives of my community members as secondary to the private interest of the “abolition of prostitution” is illegal and will not stand a test of constitutionality.

About Children and Youth

Concerns about the safety of children and youth in the sex industry have been voiced by committee members and other witnesses. No one supports the exploitation of children, youth or any person in any industry.

Members of the Committee have stated that there are no laws to punish those people who exploit children and youth in the sex industry and have stated that the Human trafficking laws do not always work to protect youth at risk.

I would like to point out that there are many other laws which deal with this question and are specific to sexual exploitation of youth;

From the Government of Canada website;

<https://laws-lois.justice.gc.ca/eng/acts/c-46/page-22.html#docCont>

- 151 – Sexual Interference
- 152 – Invitation to Sexual Touching
- 153 – Sexual exploitation
- 153.1 – Sexual exploitation of person with a disability
- 155 – Incest
- 160 – Bestiality
- 163.1 – Child Pornography
- 170 – Parent or guardian procuring sexual activity
- 171 – Householder permitting prohibited sexual activity

All include specific provisions regarding the exploitation of youth and cover every possible situation where a youth is the victim of this kind of crime.

We do not need sex work specific laws which are redundant and replicate these statutes. The punishments under these provisions are actually heavier.

By separating youth exploited for money from youth exploited without money simply serves to further victimize youth who have experienced this kind of exploitation.

The laws infer that paid sexual exploitation of youth is some how different from other youth who have been sexually exploited without money changing hands.

This has the negative impact of “branding” a child victim of sexual exploitation a “prostitute” for the entirety of their lives. A stigma which is proven and predictable. This makes it difficult for families to understand that their child has been the victim of a crime and skews understanding of the serious impact of sexual exploitation – whether paid or not - on children and youth.

Also, assertions made by previous witnesses that the “average age of recruitment” of children into sex work is “10 to 12 years old” and that the age is getting lower are baseless, have no evidence in research to back them up and went unchallenged in the committee.

Dr, Chevrier was asked to justify her assertions and to submit evidence to the committee. Why was Cathy Peters not asked to submit evidence of her assertions as well?

Witness Cathy Peters made a number of sweeping assertions which were baseless and have no basis in fact and I quote ;

- In the Vancouver area the average age of recruitment into prostitution has dropped to 10 -12 years old
 - 54% of sex workers Indigenous
 - 70% of sex workers in Urban Centers are Indigenous
 - 82% of those involved in prostitution have been victims of childhood sexual abuse
 - 72% of sex workers live with CPTSD
 - 95% of those involved in prostitution want to leave- it is not a choice
 - The vast majority of prostituted persons are pimped or trafficked

- Organized Crime and international syndicates are always involved making hundreds of thousands off of each individual “victim”
 - Police in British Columbia are unaware of the Laws
- If the sex industry is decriminalized in Canada, we will become a global sex tourism destination and America's Brothel.

None of these statements are true nor would they qualify as “expert evidence” in a court of law.

Many are based on the work of Dr, Melissa Farley – notorious abolitionist – and have been proven to be false/based in bias in the Supreme Court of Canada decision re Bedford. As follows;

*[352] I find that some of the evidence tendered on this **application did not meet the standards set by Canadian courts for the admission of expert evidence.** The parties did not challenge the admissibility of evidence tendered but asked the court to afford little weight to the evidence of the other party.*

*[353] I found the evidence of Dr. Melissa Farley to be problematic. Although Dr. Farley has conducted a great deal of research on prostitution, her advocacy appears to have permeated her opinions. For example, Dr. Farley's unqualified assertion in her affidavit that prostitution is inherently violent appears to contradict her own findings that prostitutes who work from indoor locations generally experience less violence. Furthermore, in her affidavit, **she failed to qualify her opinion regarding the causal relationship between post-traumatic stress disorder and prostitution, namely that it could be caused by events unrelated to prostitution.***

[354] Dr. Farley's choice of language is at times inflammatory and detracts from her conclusions. For example, comments such as, "prostitution is to the community what incest is to the family," and "just as pedophiles justify sexual assault of children....men who use prostitutes develop elaborate cognitive schemes to justify purchase and use of women" make her opinions less persuasive.

[355] Dr. Farley stated during cross-examination that some of her opinions on prostitution were formed prior to her research, including, "that prostitution is a terrible harm to women, that prostitution is abusive in its very nature, and that prostitution amounts to men paying a woman for the right to rape her."

[356] Accordingly, for these reasons, I assign less weight to Dr. Farley's evidence.

*[357] Similarly, I find that Drs. Raymond and Poulin were more like advocates than experts offering independent opinions to the court. At times, they made bold, sweeping statements that were not reflected in their research. For example, some of Dr. Raymond's statements on prostitutes were based on her research on trafficked women. As well, during cross-examination, it was revealed that some of **Dr. Poulin's citations for his claim that the average age of recruitment into prostitution is 14 years old were misleading or incorrect.** In his affidavit, Dr. Poulin suggested that there have been instances of serial killers targeting prostitutes who worked at indoor locations; however, his sources do not appear to support his assertion. I found it troubling that Dr. Poulin stated during cross-examination that it is not important for scholars to present information that contradicts their own findings (or findings which they support).*

There has been no census of sex workers which could reveal the racial and cultural backgrounds of sex working people. There has been no study conducted in BC to ascertain the “average age of entry” has dropped. There has been no study which demonstrates that 95% want to leave sex work. There has been no study to determine how many sex workers have experienced exploitation in fact many ethical studies suggest the majority do NOT experience exploitation. There is no study which reveals the level

of organized crime involvement in the sex industry. There has been no study of levels of childhood sexual abuse among sex working people.

These are the kind of fear based assertions which are designed to illicit an emotional response from the committee and have been promoted as fact by the anti sex work crusaders for decades. These kinds of myths have no place in any creation of law or decision making about the lives and safety of the more than 100,000 Canadian sex workers and their families who are impacted by PCEPA.

Police in British Columbia

Some witnesses have characterized the Police in British Columbia as “not knowing about the law”.

“The Police just don't know the law”

-Trisha Baptie – E.V.E

“The police aren't educated”

-Cathy Peters- High School Teacher

Police in British Columbia are very aware of the current legal frame work and are also acutely aware of the outcomes of ideologically based policing polices when it comes to the sex industry.

The Trial in the Case of the Missing Women and the murder of 49 women was followed by a 10 million dollar Public Inquiry and subsequent recommendations which highlighted the violence and murder caused by ideological and biased policing approaches.

All 45 BC Police Services and the E-Division of the RCMP have committed to trying to address the biases they hold against sex workers and to deal with issues raised in the Forsaken Report Recommendations.

Part of that work was to develop the “Sex Work Enforcement Guidelines” which are now in use across British Columbia and have been adopted by all police services working here.

https://d3n8a8pro7vhm.cloudfront.net/pivotlegal/pages/319/attachments/original/1566600395/BCAC_PSexWorkEnforcementGuidelines_Endorsed_November2017.pdf?1566600395

This policy which is now practice recognizes the harm caused by heavy handed enforcement and the way it can undermine sex workers trust in police. It recognizes that the laws were in part the reason 49 women went missing and were murdered by one criminal in BC.

The assertions made by some witnesses that the police are unaware or uneducated are clearly false as reflected by the policy in BC which supports sex worker safety over ideological opinions.

Closing Remarks

As a sex worker and longtime advocate, I am disturbed by the total disregard for the voices of actual sex workers during this committee review.

The choice to entertain the opinions of a country and western singer, a retired high school teacher and others who have no legitimate expertise in the area of safety for adult sex working people demonstrates the inherent bias held by members of the committee and the absence of any meaningful will to understand the impact of the laws.

I am so disappointed but sadly not surprised that my government has once again allowed unethical, biased and ideological opinions to permeate the committee's work and to undoubtedly bias the final

report as to whether these laws have achieved their goals or have further deepened stigma and danger for sex working people in Canada.

My greatest frustration in my 20 years of work on this issue is the total lack of accountability when false or misleading information is used in the creation of policy and law.

Where is the commitment to ethics, impartiality and truth? What is the purpose of an “Oath of Office” if there is no adherence to that Oath?

The solution to exploitation in the sex industry is obvious if you have the courage to see it. We must have decriminalization in order to move forward towards safety for our community.

Please, stop giving credibility to people who do not deserve it by entertaining their opinions during important government work.

Sex workers deserve better, Canadians deserve better. Do better.