



Peers Victoria's submission to the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls.

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Background

Peers Victoria Resources Society is an innovative, multi-service grassroots agency established by, with, and for sex workers since 1995. Through direct services and community partnerships, we provide an array of peer-focused outreach, harm reduction, housing support, education, violence prevention, and advocacy for current and former sex workers and their connected communities on Coast Salish territories known as Greater Victoria.

As an organization established by, with, and for sex workers, we believe that no policy recommendations or decisions should be made without direct consultations with sex workers (especially those sex workers who experience high degrees of marginalization). In our response we did not answer all of the questions provided, as not all are relevant to our work. It is also important for us to acknowledge the language used by the Special Rapporteur as language that we do not utilize as a rights-based organization. Specifically, "prostitute" is considered a prohibitionist term that is rooted in the prohibitionist movement; instead, we use the term "sex work" as coined by Carol Leigh to highlight the fact that sex work *is* work and should be included in labour rights frameworks (Appendix 1). At Peers Victoria we recognize that *stigma, discrimination, and criminalization* of the industry are all compounding factors that contribute to the violence experienced by some sex workers. In this submission we assert that violence is not inherent to sex work; it is stigma and the criminalization of the industry that fosters an unsafe work context for sex workers.

Responses

What type of violence are sex workers subjected to (physical, psychological, sexual, economic, administrative, or other)?

- Institutionalized violence: Sex workers experience systemic violence through the criminalization of their work at the federal, provincial, and municipal level (including bylaw and immigration restrictions) that restricts their capacity to exercise agency and increases risks of precarity and exploitation in their work. Institutional violence is increased for sex workers with compounded intersections (BIPOC, 2SLGBTQAI+, and sex workers with disabilities).
- Targeted violence (sexual/physical): Sex workers and other marginalized people are targeted by predators because of the stigma and discrimination they experience from police that impact lower levels of reporting from these populations. This is compounded by sex workers experiencing multiple intersections of marginalization (BIPOC sex workers, sex workers with disabilities, 2SLGBTQAI+ sex workers, etc.).
- Economic violence: Criminalization of sex work results in increased precarity of work due to prohibitions on advertising, third party supports, and the purchase of sex (Appendix 2). Additionally, due to the Protection of Communities and Exploited Persons Act (PCEPA), the Immigration and Refugee Protection Act and its Regulations (IRPR), and municipal bylaw restrictions, sex workers cannot work from home, or in agencies/massage parlours; if they do so they could face eviction or deportation. Finally, in our experience through our housing program, stigma against sex workers often results in landlords not wanting to rent to sex workers. All of these factors and more contribute to economic violence that sex workers face because of policies and laws that negatively impact and restrict sex workers.
- Psychological violence: evidence shows that the main challenge of sex work compared to other forms of labour is the stigma that sex workers experience. Stigma is understood to include acts of stereotyping, “othering”, discrimination, and loss of social status. Studies have shown that those experiencing stigmatization report such consequences as: social isolation, poor physical and mental health, a fear of accessing health and social service supports, and employment discrimination (outside of sex work) (Appendix 3). This is only compounded by sex workers experiencing multiple intersections of marginalization (BIPOC sex workers, sex workers with disabilities, 2SLGBTQAI+ sex workers, etc.).

Who is responsible for the perpetration of violence against sex workers?

- (1) The criminal justice system: In studies conducted by Celia Benoit, she demonstrates that marginalized populations overwhelmingly report a lack of confidence that police will apply the law fairly (Appendix 4). As a result of this, most sex workers do not report violence to the police. At Peers Victoria we have a liaison relationship with our local police department to try and offer a safer option for sex workers wishing to report violence, however, even with this option, 90% of our participants do not report violence they experience to the police. The reasons they give are primarily: a lack of trust in police and the criminal justice system and fear of stigma/discrimination from police officers.

- (2) Targeted Violence: The sex workers we meet report that they and other marginalized populations are targeted by predators who know that because of discrimination and stigma that sex workers experience from police, are less likely to report. This impunity is an invitation to predators seeking victims of violence.

How is the issue of consent dealt with? Is it possible to speak about meaningful consent for sex workers?

- It is absolutely possible to speak about meaningful consent for sex workers. Sex work is work, and consent exists in sex work as much as it does in any capitalist labour framework.
- Sex workers agency and consent is often negated when sex workers are assumed to be exploited.

How effective have legislative frameworks and policies been in preventing and responding to violence against sex workers?

- The current federal laws that impact sex workers in Canada are PCEPA and IRPR. The objective of PCEPA was to reduce exploitation for sex workers, however, evidence shows that it increases exploitation and precarity for sex workers (Appendix 3). Researchers on the impacts of PCEPA, as well as sex worker rights organizations argue for PCEPA to be repealed, and for sex work (including third party sex work and advertising) to be decriminalized (Appendix 3). For example, s. 286.2 (1), states that “everyone who receives a financial or other material benefit knowing that it is obtained or derived directly or indirectly from the commission of an offence under subsection 286.1(1) is guilty of an indictable offence”. This means that anyone working in the industry supporting sex workers (drivers, escort agency workers, phone operators, bodyguards, etc), can be charged with s. 286.2(1) of the criminal code. Evidence shows that having access to bodyguards, drivers, and working in a communal setting decreases exploitation and isolation (Appendix 5).
- The IRPR puts restrictions on temporary residents which prohibit them from engaging in sex work; if discovered, these individuals can be arrested, detained, or deported. This means that migrant sex workers will most likely not report violence that they experience to police as they fear arrest or deportation.

What measures are in place to assist and support women and girls who wish to leave sex work?

- As a rights-based organization we advocate for labour rights for sex workers and the decriminalization of sex work. We do not pressure or encourage workers to leave the industry; we meet them where they are at. We support individuals currently working, as well as individuals trying to leave sex work; it is their choice, and we support them fully in whichever decision is right for them.

What are the obstacles faced by organizations and frontline service providers in their mission to support sex workers?

- The largest obstacles we face as an organization/frontline service provider in our mission to support sex workers are stigma against sex work, a lack of public education/knowledge on sex

work, and the criminalization of many aspects of sex work which make it difficult to collaborate with police and other public entities.

- Additionally, research conducted by Rachel Phillips demonstrates that sex work organizations and frontline workers experience “courtesy stigma” (stigma related to serving sex workers) which can negatively impact their physical and mental health, result in employment discrimination with future employers, and cause social isolation (Appendix 6).

Are frontline organizations and survivors’ organizations sufficiently included in policymaking at the national and international level?

- Oftentimes “experts” are included in deliberations on public policy at the national level who represent anti-trafficking organizations (that are not evidence based) to speak on policy in relation to sex work. This often further conflates sex work and human trafficking, which are separate industries.
- Sex workers and sex worker support organizations should be included more in policymaking at the Provincial, National, and International level: “nothing by us without us” (Appendix 7)!

Recommendations

- The repeal of all sex work–specific criminal laws and bylaws in Canada and Internationally.
- Remove immigration regulations that prohibit migrant sex work, including within the IRPR in Canada.
- Stop the conflation between sex work and human trafficking. End harmful law enforcement raids, detentions, and deportations of sex workers by ineffectively using anti-trafficking policies and frameworks to target sex workers.
- Fund and support peer led/focused sex work programs and services that are rights-based and operate within an evidence-based framework.

Appendix

- (1) Genzlinger, N. (2022, November 19). *Carol Leigh, who sought a new view of prostitution, dies at 71*. The New York Times.
- (2) <https://www.nytimes.com/2022/11/18/us/carol-leigh-dead.html>
- (3) Benoit, C. and Mellor, A. (2023). Editorial: Decriminalization and What Else? Alternative Structural Interventions to Promote the Health, Safety, and Rights of Sex Workers. *Social Sciences*, 12(3), 202 <https://doi.org/10.3390/socsci12040202> (article)
- (4) Benoit, C., Unsworth, R. (2022). COVID-19, Stigma and the Ongoing Marginalization of Sex workers and their support organizations. *Archives of Sexual Behavior*. 51, 331–342. (article)
- (5) Benoit, C., Smith, M., Jansson, M., Magnus, S., Ouellet, N., Atchison, C., Casey, L., Phillips, R., Reimer, B., Reist, D., Shaver, F. (2016). Lack of confidence in police creates a 'blue' ceiling for sex workers' safety. *Canadian Public Policy/Analyse de politiques*. DOI: <http://dx.doi.org/10.3138/cpp.2016-006> (article)
- (6) *Infosheets: Impacts of sex work laws (PCEPA)*. Canadian Alliance for Sex Work Law Reform. (2022, June 27). <https://sexworklawreform.com/infosheets-impacts-of-c-36/>
- (7) Phillips R, Benoit C, Hallgrimsdottir H, Vallance K. Courtesy stigma: a hidden health concern among front-line service providers to sex workers. *Social Health Illn*. 2012 Jun;34(5):681-96. doi: 10.1111/j.1467-9566.2011.01410.x.
- (8) Machat S, et al., "By Us, For Us: A needs and risk assessment of sex workers in the Lower Mainland and Souther Vancouver Island." Transitions Metra Vancouver Consortium (2023). https://wish-vancouver.net/content/wp-content/uploads/2023/04/by_us_for_us_-_a_needs_and_risks_assessment_of_sex_workers_in_the_lower_mainland_and_southern_vancouver_island_-_web.pdf