



# Victoria Sexual Assault Centre

healing, education & prevention

201-3060 Cedar Hill Rd  
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August 25<sup>th</sup> 2014

Dear Members of the Senate Committee,

Honourable Bob Runciman [bob.runciman@sen.parl.gc.ca](mailto:bob.runciman@sen.parl.gc.ca)  
Honourable George Baker, [george.baker@sen.parl.gc.ca](mailto:george.baker@sen.parl.gc.ca)  
Honourable Mobina S.B. Jaffer, [mjaffer@sen.parl.gc.ca](mailto:mjaffer@sen.parl.gc.ca)  
Honourable Piere Hugues Boivenu, [boisvp@sen.parl.gc.ca](mailto:boisvp@sen.parl.gc.ca)  
Committee Clerk Shaila Anwar, [lcjc@sen.parl.gc.ca](mailto:lcjc@sen.parl.gc.ca)

The Victoria Sexual Assault Centre wishes to express our support for the Senate submission provided by PEERS Victoria Resources Society.

The Victoria Sexual Assault Centre (VSAC) is a feminist organization committed to ending sexualized violence through healing, education, and prevention. We are dedicated to supporting self-identified women and all transgender survivors of sexual assault and childhood sexual abuse, through advocacy, counseling, and empowerment. Due to this dedication and in line with our vision and mandate, VSAC has recently entered into partnership with PEERS Victoria Resources Society (PEERS) for a Status of Women funded project. The project is to provide a coordinated and community-based response to sexualized violence, so as to better address the needs of marginalized people across Victoria, BC. PEERS Victoria fosters safety for sex workers in our community by providing support and services that are beyond our scope. They provide invaluable resources that aid in the prevention of sexualized violence, as well as sex-work specific crisis support when sexualized violence occurs. We have entered this partnership because we value the knowledge and expertise of PEERS as an organization, and their value that nothing should be done for sex workers, without the input of sex workers.

In face of Bill C-36, and upon review of decades of peer-reviewed research and experiences of sex workers and sex work organizations, VSAC has recently decided to take an official organization stance on sex work. **VSAC unanimously agreed to support the decriminalization of sex work. We therefore oppose Bill C-36, as it further criminalizes the sex work industry.** We take this stand as an organization because we see the potential impact of these laws to decrease the safety of sex workers and increase the potential for sexualized violence. We also believe that any criminalization of sex work will prevent people from seeking or receiving support if sexualized violence occurs.

Criminalization of *any aspect* of the adult sex industry will have a negative impact on the safety of sex workers. Criminalizing sex work creates mistrust with the police, the criminal justice system, and other organizations. This distrust will discourage sex workers from reporting sexualized violence (whether the violence occurs within or outside client interactions), and/or seeking help from organizations such as VSAC. Further, due to fear of legal repercussions, criminalization of the sex industry is a strong contributing factor in the isolation of sex workers to desolate areas of the city, away from others who can provide safety. The following provisions are problematic from the point of view of an organization that is dedicated to preventing, and responding to, sexualized violence:



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**Provision 286.1(1): “Commodification of sexual activity.”** *Obtaining sexual services for consideration. Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of (a) an indictable offence and liable to imprisonment for a term of not more than five years ...* This provision creates an atmosphere of haste in which sex workers are unable employ safety tactics such as gathering personal information and screening purchasers of sexual services. Although the proposed law targets purchasers, sex workers are *de facto* targeted because they are involved in the same interaction. These safety tactics are used as tools to prevent sexualized violence and to gain valuable information that can aid a sex worker if sexualized violence occurs. These tactics are invaluable to the work, and this provision undermines their importance.

**Provision 286.4: “Advertising sexual services.”** *Everyone who knowingly advertises an offer to provide sexual services for consideration is guilty of: (a) an indictable offence and liable to imprisonment for a term of not more than five years; or (b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than 18 months.* Similar to provision 286.1(1), this provision prevents sex workers from employing the safety strategies by penalizing 3<sup>rd</sup> party involvement in advertising. For example, Victoria has at least 2 indoor agencies that provide advertising and pre-screening as part of their overhead fees. In addition, community forums are often used to screen in similar ways. By penalizing agencies and/or website hosts, the provision interferes with the ability to screen potential clients in an in-depth way, as well as gathering information that could be useful if the sex worker is victimized. Finally, if 3<sup>rd</sup> party advertisers are penalized, this can have the unintended consequence of pushing indoor sex workers (a safer form of sex work) to outdoor work, as the only way to advertise without involving other people. Like the other provisions, we will see an increased in sexualized violence towards sex workers due to the erosion of community and their rights to safety.

**Provision 286.2: “Material Benefit from Sexual Services.”** *Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 286.1(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.* Provision 286.2 criminalizes those who are acting as “spotters”, drivers, and commercial business operators (etc.) who are providing invaluable security for sex workers ranging from street-based to indoor sex work, including erotic dancing in private residences. Without 3<sup>rd</sup> party security measures, sex workers will be further isolated from possible interveners if sexualized violence occurs. In addition, it is vitally important in the event of sexualized violence to have a support network. If an intimate partner or friend lives off the avails of sex work, they face potential long-term imprisonment. Therefore, not only are sex workers isolated geographically and physically through this proposed legislation, but they are isolated socially as well. This limits the amount of social support they receive and harms their emotional safety in times of crisis.

**Provision 213 (1.1): “Offenses in relation to offering, providing or obtaining sexual services for**





***consideration.” Stopping or impeding traffic. Everyone is guilty of an offence punishable on summary conviction who communicates with any person — for the purpose of offering or providing sexual services for consideration — in a public place, or in any place open to public view, that is or is next to a place where persons under the age of 18 can reasonably be expected to be present. Provision 213 (1.1) will disproportionately affect outdoor workers who will be pushed to make transactions in isolated spaces where sexualized violence is more likely to occur, and where bystander intervention is unlikely in the case of an assault. VSAC agrees with the statement that “this portion of the bill is explicit in its message regarding sex workers as a threat to communities [and that] this is a message which has profound implications for furthering systemic and interpersonal violence against sex workers” (PEERS Victoria Brief, June 21<sup>st</sup> 2014).***

Criminalization of *any aspect* of the sex industry will increase stigma and discrimination associated with sex workers. Stigma and discrimination not only lead to further violence, *they are forms of violence*. We find as an organization that we have very few clients who disclose they are, or have been, sex workers. Further, while there are sex workers who access our Sexual Assault Response Team, there are few who access long term support services. One reason might be a distrust of “outsiders” due to the stigma of being a sex worker and the fear of being discriminated against. Therefore, entrenching the current stigmatizing beliefs in Bill C-36 into law may also have the unintended consequence of deterring survivors of sexual assault who are involved in sex work from accessing group programming and longer-term counseling services to heal from violence.

Finally, when we have seen clients who disclose their status as sex workers, we have not seen *victims* of the industry, but instead people who have been victimized through sexualized violence. One counsellor at the centre said the common thread she sees between the clients she has had who have been involved in the sex industry is a strong self-sufficiency in life. This challenges the narrative of sex-workers-as-victims by presenting an alternative one of strength and resiliency.

In sum, the best practices with regards to addressing sexualized violence and working with people who have experienced sexualized violence should be extended to persons in the sex industry. That is to say, sex workers should have access to the same laws that prohibit violence against other citizens as well as the same autonomy to access police and victim services. Further, sex workers, like all people, should be able to define their own victimization and be heard when they say they have not been victimized by the industry. VSAC supports the arguments outlined by PEERS that the proposed laws construct sex workers as simultaneously victims and criminals; homogenize the sex industry; conflate prostitution and trafficking; and infantilize sex workers who attempt to define themselves as people who have not been victimized. Bill C-36 alienates sex workers and fosters the perception that they deserve violence, or that violence against them is different than violence against non-sex workers.





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*For these reasons, we stand in solidarity with our partner organization, PEERS Victoria, with other organizations by and for people involved in the sex industry, and with sex workers across Canada by opposing Bill C-36.*

**Makenna Rielly MA, Executive Director**

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