

February 21, 2016

To the Missing and Murdered Indigenous Women and Girls Pre-Inquiry Secretariat,

We write to you on behalf of the Canadian Alliance for Sex Work Law Reform, an alliance of sex worker rights and allied groups across Canada working towards reform of Canada's sex work laws, in order to create safer and healthier communities.

Among our members and women that we work with are women – including Indigenous women – who sell sex on the street, in massage parlours, in-call and out-call agencies, and strip clubs. In addition to the frontline services that we provide, we advocate for an end to the disproportionate criminalization and police surveillance of targeted communities, as well as meaningful social, economic and health supports for women who sell sex.

The Inquiry on Missing and Murdered Indigenous women is a process that is close to our lives and our hearts. Alongside the current government's duty to recognize the legacy of colonization and its direct relationship to the widespread violence that Indigenous women suffer, we want to ensure the experiences of the women we work with are also represented.

The violence inflicted on Indigenous women is often directly related to their interactions with law enforcement. Rates of violence increase when Indigenous women are not able to report violence or when they do not have access to safety and protection. It is vital that the Inquiry is informed by the experiences of Indigenous women who are directly positioned in antagonistic relationships with law enforcement, namely, women who are currently sell sex. The Secretariat must implement a mechanism to ensure that Indigenous women who sell sex can participate in the Inquiry and speak to the harms of criminalization without being exposed to further harms created by stigma and discrimination associated with selling sex. Without the inclusion of perspectives of Indigenous women who sell sex, and a close look at the impacts of criminalization, the Inquiry will fail.

In order to participate, Indigenous women who currently sell or trade sex require a process that accounts for their privacy needs, such as the protection of their identity. Because of disproportionate surveillance, criminalization, consequent stigma and disdain for women who sell sex, anonymity is primordial for participation. On September 21, 2012, the Supreme Court of Canada recognized the fundamental need of anonymity for criminalized communities; in *SWUAV v. Canada*, a collective predominantly made up of Indigenous women who currently sell sex on the Downtown Eastside of Vancouver received legal standing to challenge the prostitution provisions as a group, rather than as individuals. Specifically, the Supreme Court acknowledged that no individual member of SWUAV could

challenge the provisions alone and recognized organizational representation because:

“[Members of SWUAV] feared loss of privacy and safety and increased violence by clients. Also, their spouses, friends, family members and/or members of their community may not know that they are or were involved in sex work or that they are or were drug users. They have children that they fear will be removed by child protection authorities. Finally, bringing such challenge, they fear, may limit their current or future education or employment opportunities.”¹

Allowing organizations to communicate the needs and realities of their membership remains necessary to address the very real and potential violence that Indigenous women experience. Because the members of SWUAV were selling sex, many members of SWUAV were known to the police and experienced high rates of surveillance and police harassment. The testimonies of Indigenous women who sell sex should be central to the Inquiry and anonymity should not invisibilize nor invalidate their experiences. However, a procedure is fundamental for these women to tell their stories without the actualization of the aforementioned fears acknowledged by the Supreme Court of Canada.

Indigenous women who sell sex need to participate in the Inquiry to testify to the harms of legal and social connotations of the sex trade with trafficking, and the most recent harms of the new prostitution laws. Since the implementation of new provisions around the sex trade, the conflation of trafficking with the sex trade has enabled law enforcement to increase police surveillance and other policing initiatives, which has not resulted in more protection or safety for Indigenous women selling sex. The increase in policing initiatives surrounding human trafficking has also contributed to increased surveillance of Indigenous women leaving their communities as well as undermining their relationships with family members who may offer safety or support to Indigenous women who sell sex. Indigenous women who sell sex can also speak to the harms resulting from the conflation of adult women and girls, particularly related to experiences in the sex trade.

The realities described above can only be represented by Indigenous women who currently sell sex and who are, at present, impacted by over-policing and under-protection as a result of increased surveillance and criminalization. Indigenous women who sell sex are often left out of discussions – because they are avoiding the consequences of stigma, hatred and discrimination and/or because they are not supported both socially and financially to participate in Inquiries about their lives. Ultimately, Indigenous women who sell sex must also be provided with adequate and necessary social and financial supports to be able to make their participation in the Inquiry possible and meaningful.

The Canadian Alliance for Sex Work Law Reform looks forward to being a part of the Inquiry process to facilitate the participation of Indigenous women who sell sex across Canada. We look forward to hearing from you at the contact information below about how to make this happen.

Thank you for your consideration,

The Canadian Alliance for Sex Work Law Reform

Action Santé Travesties et Transsexuel(le)s du Québec (ASTTeQ) (Montreal)
Angel's Angels (Hamilton)
BC Coalition for Experiential Communities (BCCEC) (Vancouver)
Butterfly (Toronto)
Canadian HIV/AIDS Legal Network
Émissaire (Longueuil, QC)
FIRST (Vancouver)
Maggie's (Toronto)
Migrant Sex Workers Project (MSWP) (Toronto)
PEERS (Victoria)
Pivot Legal Society (Vancouver)
Prostitutes of Ottawa, Gatineau Work, Educate, Resist (POWER)
Projet Lune (Quebec)
Prostitutes Involved Empowered Cogent Edmonton (PIECE) (Edmonton)
Providing Alternatives, Counselling and Education (PACE) Society (Vancouver)
Rézo, projet travailleurs du sexe (Montreal)
Safe Harbour Outreach Project (S.H.O.P.) (Saint John's)
Sex Professionals Of Canada (SPOC)
Sex Workers Advisory Network of Sudbury (SWANS) (Sudbury)
Shift (Calgary)
Stella, l'amie de Maimie (Montreal)
Stepping Stone (Halifax)
Stop the Arrests! (Sault Ste. Marie)
Strut! (Toronto)
Supporting Women's Alternatives Network (SWAN) (Vancouver)
West Coast Cooperative of Sex Industry Professionals (Vancouver)
Winnipeg Working Group for Sex Workers' Rights (Winnipeg)