

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

CANADIAN ALLIANCE FOR SEX WORK LAW REFORM,  
MONICA FORRESTER, VALERIE SCOTT, LANNA MOON PERRIN, JANE X,  
ALESSA MASON and TIFFANY ANWAR

Applicants

- and -

ATTORNEY GENERAL OF CANADA

Respondent

**AFFIDAVIT OF DANIELLE COOLEY  
(Affirmed July 9, 2021)**

I, **DANIELLE COOLEY**, of the City of Victoria in the Province of British Columbia

AFFIRM THAT:

1. I am an Indigenous woman and a co-facilitator of SACRED – a program for Indigenous sex workers that is offered through the Peers Victoria Resource Centre (“**Peers**”). I am also the Violence Prevention and Support Coordinator at Peers. Peers is a member group of the Canadian Alliance for Sex Work Law Reform. I have knowledge of the matters to which I hereinafter depose, except where expressly stated to be based on information and belief, which I verily believe it to be true.

**My Background**

2. I have a Certificate in Criminology from Simon Fraser University, and attained a Bachelor of Arts in Psychology and Indigenous Studies from the University of Victoria. I am currently working on a Master of Arts in Justice Studies from Royal Roads University. My thesis is focusing on community safety initiatives in my home Tsimshian community.

3. Prior to working at Peers, I did outreach harm reduction work with the unhoused community for two years. After that, I worked in a youth group home with teens with severe mental health and behavioural issues. I also volunteered at the University of Victoria with the sexualized violence response group while attending the university.

## **Overview of Work**

### **(a) *Programming through Peers***

4. Peers is a multi-service grassroots agency that was established by, with, and for sex workers in 1995. Through direct service delivery and community partnerships, Peers provides a range of outreach and drop-in harm reduction and support services, alongside education and employment training for current and former sex workers.

5. Through my role as the Violence Prevention and Support Coordinator at Peers, I work with female, male, trans, and 2-Spirit Indigenous sex workers ranging in age from approximately 18 through 60. Through Peers, I engage with an average of 5-20 Indigenous sex workers per week. I am responsible for our Bad Date List. A bad date is any experience with a client that makes a sex worker feel uncomfortable, unsafe, or violated. This includes people who do not pay or waste a sex worker's time and resources, give the worker a bad feeling, as well as clients who become violent. I maintain the Bad Date Lists by receiving reports from sex workers and offering supports to people who experience a bad date. I also connect with diverse groups of sex workers at Peers, and interact with people who may want supports for current or former bad dates. The Bad Date List is used by sex workers in all parts of the industry and across the region in both urban and rural spaces. We are in the process of creating a National Bad Date reporting system.

6. Our Bad Date List is a vital community tool in a context of criminalization where sex workers, particularly Indigenous sex workers, experience antagonism from law enforcement when reporting crimes against them. When sex workers report incidents to be included in the Bad Date List, we offer to accompany them to report to police. Despite the numerous reports to the Bad Date List, not one Indigenous sex worker has ever expressed a desire to report to police throughout my time at Peers and SACRED.

(b) *Programming through SACRED*

7. SACRED is a program of Peers, and was established in 2018 to respond to the distinct experiences of Indigenous sex workers, and the need for Indigenous sex workers to have cultural support and a space to come together to form community.

8. I have worked at SACRED for two and a half years. All of SACRED's members are current or former Indigenous sex workers, who identify as women, trans, or 2-Spirit. Our program sees Indigenous sex workers who work indoors, either independently or at agencies such as massage parlours and escort agencies, as well as sex workers who work on the street.

9. At Peers, there are a number of groups like SACRED that run monthly for diverse groups of sex workers. This includes a trans and non-binary group, a men's group, and an indoor workers group. These groups serve to expand the reach of Peers' programming, and ensure that services are specific to the needs of different groups.

10. Through SACRED, I run monthly lunch groups where we provide cultural supports, share meals, and host workshops to engage in cultural activities together. At these lunches, participants learn about each other's sex work and support members with any issues they may have related to their sex work. On average, we see 10-12 Indigenous sex workers at the monthly lunch groups.

11. Part of these lunch groups involve learning about different types of sex work by educating participants about the experiences of other sex workers to cultivate understanding and solidarity. If participants are not familiar with a certain part of the sex industry, these conversations help to address the stigma that sex workers may be experiencing.

12. I have observed that perceptions and stereotypes about sex work are often based on media or what people can physically see. The most common stereotypes about sex work, which even sex workers have about each other, surround street-based sex work. My observations are that the media produces sensationalized images of the violence sex workers experience and often presents sex workers as victims. But through my work at Peers and SACRED, it is clear that the reality of sex work is so much larger than that.

13. Many Indigenous sex workers have told me that it is a job that they decide to do, and the sex workers in our group talk about agency in this choice despite how they might feel about their work. People who do other types of work also have bad days. Some hate their jobs while others enjoy their jobs, and sex workers are no different – many of those who I work with have good and bad days. These group discussions about stigma, agency, and the realities of different sex workers is vital to our community at SACRED. The realities of Indigenous sex workers are so often ignored and Indigenous sex workers can be categorized as victims, which is not reflective of the experiences that Indigenous sex workers share with us.

14. In addition to these programs to nurture community and connection among Indigenous sex workers, we operate an outreach van at night that offers services to sex workers who work on the streets – about half of which identify as Indigenous. This includes being a visible presence on the working strolls and offering safer sex materials as well as other harm reduction supplies, and taking reports of bad dates.

15. About half of the Indigenous sex workers that I see through SACRED work indoors as escorts or providing in-calls, while the other half work on the street. If Indigenous sex workers are doing indoor work, they tell me that they will never advertise themselves as being Indigenous because of the stigma and prejudice against Indigenous peoples. Sex workers report to us that agencies often instruct these sex workers to not disclose their Indigeneity, claiming fewer clients will be interested in them, or that they will potentially face violent clients. Indigenous women are an extremely targeted group of people, and are often dehumanized further when their sex work becomes known. The stigmatization and criminalization of sex workers can have a disproportionate effect on Indigenous sex workers, and cause Indigenous families and communities to disconnect with them.

### **Indigenous Sex Workers' Experiences Under Current Criminal Prohibitions**

16. Members of SACRED have told me that the criminal prohibitions on sex work make it harder for them to work in pairs on the street, force them to spread out on the stroll (the area frequented by sex workers) in Victoria, and make it more difficult for them to negotiate the terms of an interaction with a client. Indigenous sex workers express that this has made their work less safe.

17. Members of SACRED often explain that they would prefer to work with other sex workers, as it is easier to undertake safety measures, like recording a licence plate which helps in case a date goes badly. When sex workers are able to work together, it allows them to better screen and negotiate with clients. The Indigenous sex workers at SACRED express that being accompanied by another worker helps them to feel safe, by one evaluating if they feel safe with the client while the other pays attention to the client and the car that they are driving. These safety measures allow for information gathering so that if something happens, another person is able to help report the details. Being accompanied in the early moments of an interaction with a client is also a preventative measure that deters people from acting violently or inappropriately with a sex worker. Although Indigenous sex workers from Peers and SACRED prefer to work with others, such arrangements are difficult under the current criminal prohibitions and the environment that they create for sex workers.

18. In Victoria, similarly to Vancouver, police have shared that they will not arrest sex workers under the *PCEPA*, instead focusing on clients. However, members of SACRED have told me that police are always monitoring sex workers on the stroll. The police drive by and want to talk to sex workers to get a sense of what is going on. Sex workers report to us that this monitoring makes their potential clients nervous. Because clients are trying to avoid police detection, it is often impossible to have a clear and explicit conversation about the kinds of services that a sex worker will and will not perform. Instead, criminalization forces quick and coded exchanges.

19. Since Indigenous sex workers do not want to attract police attention towards themselves or their clients, they will often work alone, work earlier in the day when it is quieter and when there are fewer people and police around, and spread out on the stroll and work on side streets. This negatively affects their safety because there are fewer people around to assist if necessary. It also contributes to their isolation. Indigenous sex workers have told me that after the introduction of the new sex work prohibitions through the *PCEPA*, fewer work together and there is less community on the street.

20. Some Indigenous sex workers rely on their boyfriends to keep them safe at work, including safety from bad dates, but this is difficult because third parties are criminalized. Members of SACRED often inform me that they feel like clients with bad intentions may be deterred when

they see a sex worker who has a boyfriend or friends around them. This highlights the safeguards that can come with working alongside another person. These boyfriends engage in very close partnerships with Indigenous sex workers, where they share money and pool resources. But sex workers fear their boyfriends or friends will be charged under the sex work third party laws.

21. SACRED members also share that some clients are immediately verbally abusive upon contact, which can be minimized by having a boyfriend or friend around, since predators frequently target sex workers who are working alone. This makes those working in isolation more vulnerable to violence. Sex workers have told me that they often experience guilt and shame seeking the help of their boyfriends or friends because they could be subjecting their loved ones to the risk of arrest under the sex work laws.

22. For Indigenous sex workers who work indoors, the criminalization of advertising has impacted their ability to find clients in safe and trusted online locations. In recent years, certain websites which sex workers had used to advertise were shut down. This has had a huge impact on Indigenous sex workers. When the old websites shut down, some sex workers moved to other websites to advertise; however, these other websites are more expensive and primarily geared towards white sex workers with more stereotypical body types. The Indigenous sex workers who do use these websites do not self-identify in their advertisements.

23. Members of SACRED who work indoors need to advertise. A lack of options for affordable and diverse advertising often means that Indigenous sex workers work for third parties at agencies or outdoors. Indigenous sex workers who have had to move outdoors to work tell me that the work is less predictable, less comfortable, and less safe because of constant police surveillance of Indigenous sex workers and the fewer safety measures available to them.

24. Indigenous sex workers at Peers and SACRED tell me that the criminal laws related to sex work are not keeping people safe. Everything a sex worker could do to keep themselves safe is illegal. Many Indigenous sex workers fear breaking the law because they have had previous negative experiences with police. This perception and fear shape the ways that Indigenous sex workers organize their work, and the ways they try to evade law enforcement.

25. Members of Peers and SACRED tell me that the criminalization of sex work is the main reason Indigenous and other sex workers experience violence, as it drives sex work into isolated and hidden locations, and forces sex workers to work in ways that compromise their safety. The criminalization of sex work makes sex workers ashamed of what they are doing. Sex workers are scared to tell their loved ones that they are doing sex work, and potentially violent people know this and target sex workers because they are aware that sex workers are much less likely to report violence against them in sex work. Predators target sex workers for physical or sexualized violence. Violent people know that Indigenous sex workers are even less likely to interact with police, so they are more likely to get away with violent behaviour and assaults. The criminalization of sex work contributes to this violence against Indigenous sex workers.

26. Members of Peers and SACRED often share that they do not trust police, because of their longstanding fear of criminalization and negative history with the police. The negative history is rooted in the legacy of colonialism. Indigenous sex workers who become known to police express that they become further surveilled when they are working because the police are trying to criminalize their clients. A lot of Indigenous sex workers already have frequent, horrible interactions with the police because of their substance use or from living on the streets, which is compounded by the criminalization of sex work. This makes it even harder for Indigenous sex workers to trust the police because their work exposes them or their loved ones to criminal charges.

### **Additional Impacts of the Current Criminal Prohibitions on Indigenous Sex Workers**

27. Members of Peers and SACRED state that the criminalization of sex work contributes to stigma and shame, which makes them scared to disclose their work. This results in Indigenous sex workers not accessing general health services, and some are very scared to go to the hospital. If these sex workers need healthcare, they will only access community-based organizations like Peers.

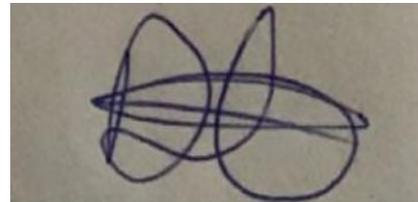
28. Indigenous sex workers have also told me that they have been evicted from their homes when their landlords learned they were doing sex work. Additionally, among Peers and SACRED members with children there is a huge fear of child welfare services. These sex workers worry that if their sex work is disclosed, child welfare services and police will take their children away. This means that Indigenous sex workers seek to avoid detection, because the criminalization of their

sex work is directly related to being surveilled, potentially triggering the attention of child welfare services. Indigenous sex workers have reported these cases to me, and children are often removed for reasons associated with their mother’s sex work. One Indigenous sex worker reported to Peers that child welfare services expressed to them that it was the “lifestyle that goes along with being a sex worker”.

29. Indigenous sex workers tell me that they engage in sex work for a variety of reasons. Some find sex work empowering, and some do sex work because it is the best job and best money they can find to provide for their families. These workers are making a decision. So many people outside of the sex industry do not like their jobs, but when sex workers do not like their job they are deemed to be victims. But they are still doing the job because it is a way to earn good money to provide for themselves and their family. They are doing sex work to fulfill a need – whether that need is food, drugs, or clothing for their children – and they are exercising their agency and making a choice to do it.

30. I affirm this affidavit in support of the Application, and for no other improper purpose.

AFFIRMED remotely in accordance with O. Reg. 431/20 with DANIELLE COOLEY in Victoria, British Columbia and Alana Robert in Toronto, Ontario at the time of the affirmation on July 9, 2021.



DANIELLE COOLEY  
*Signed electronically over video on  
July 9, 2021.*

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A Commissioner for taking Affidavits  
ALANA ROBERT LSO# 79331E  
*Signed electronically over video on July 9, 2021.*

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at Toronto

**AFFIDAVIT OF DANIELLE COOLEY**  
**(Affirmed July 9, 2021)**

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