

## Sex Work and Self-Determination: in solidarity with the Bedford case

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On Thursday June 13th, the Supreme Court of Canada will begin hearing a case on the constitutionality of Canadian prostitution laws. As sex workers and their allies take to the streets, I feel compelled to reflect on some of my reasons for supporting the decriminalization of sex work. My arguments are framed, in part, in response to the view advocated by some Indigenous women that colonialism is at the heart of Indigenous women's involvement in sex work, and as such, it should be abolished by arresting johns, pimps and, in some cases, sex workers themselves. In this view, increasing the breadth and force of law is seen as a way to crack down on sex work, as it is seen as inherently violent. This stance is taken by a number of Indigenous activists and organizations across Canada, and unfortunately there seems to be little dialogue between people who hold this view and those of us who see a different solution to the violence faced by Indigenous sex workers. Because I want to be clear here – my work is all about ending violence as well. Addressing intergenerational, widespread, normalized violence in our communities has been at the heart of my life and work for as long as I can remember. This includes the disproportionate rates of violence experienced by our relations working in the sex trade.

And so, here are some of the reasons why I, as an Indigenous woman, support decriminalization of sex work:

1. Canadian law is violent. As Indigenous people, we know this more clearly than anyone. Police, social workers and other state officials have used the law to remove us from our lands, remove our children from our homes, and lock up our loved ones in schools, jails, and hospitals. At the same time, laws against murder, abduction, sexual abuse and other forms of interpersonal violence have failed to stop these crimes from being committed against us at overwhelming rates. Why do we continue to seek answers to violence within a violent system? I fail to see how laws prohibiting various elements of sex work (communicating, benefiting from, or running a bawdy house) do anything but strengthen the hold this violent system has in our lives.

2. Relatedly, Canadian law is not about healing. It is a punitive system. While a courtroom may

be a place where a victim can have their truth heard, it is also a site of power in which the 'truths' of some people are valued over others. I have heard this repeatedly from women and girls who have testified as witnesses in cases where they were raped or assaulted. Often the court process itself can be retraumatizing or entail further violence, such as when witnesses are harassed about their credibility (as is often the case for Indigenous youth and certainly for sex workers).

3. Canadian law is carried out by police, lawyers and judges who use their discretion the application of law. The legal system is created within, and used to sustain, a racist colonial society. Indigenous people are disproportionately brought into this system as offenders. Canadian jails are filled with Indigenous people. In 2011, our relations made up a quarter of the youth age 12-17 who were locked up. I have no doubt that laws which prohibit aspects of sex work are being, and will continue to be, enforced in ways that are biased against Indigenous people.

4. It is argued by some that patriarchy and colonialism are at the root of sex work, and therefore sex work should be abolished. Can't the same be said of marriage? Aren't Indigenous women violated, raped and murdered by intimate partners, including spouses, at three times the rate of Canadian women? If our streets, workplaces and are homes are all shaped by patriarchal colonialism, I see no reason to support abolishing sex work without arguing for the abolition of every other gendered activity in which we are violated. Instead, it seems more useful to agree that colonialism structures our lives as Indigenous women and then choose to center our agency, choice, mobility and relationships in resistance to this structure in all aspects of our lives. This includes centering Indigenous women's agency, choice and mobility in sex work.

5. Violence against Indigenous girls and women has been justified by stereotypes about our sexuality since colonialism began. This is not unique to Turtle Island; it is true for Indigenous people all over the world. We know the whore stigma all too well. As Andrea Smith, Lee Maracle, Naomi Sayers (read an interview here) and others have documented, this can be seen in the ways that violence against Indigenous women has been blamed on our own supposed immorality. But in trying to distance ourselves from these stereotypes and the stigma around sexuality and sex work, we have distanced ourselves from sex workers themselves. This is a violent strategy that only leaves sex workers more isolated from our families and communities. I cannot support this strategy. Instead, I put my energy toward mending relations with sex workers as vital members of our communities.

6. Abolitionist rhetoric reeks strongly of the savior complex. Sex workers are constantly portrayed as the most down and out group of people in all of society, in need of being saved from their awful lives. Indigenous people have been similarly portrayed in this light, which was historically used to justify the government's control over our communities in the Indian Act, including supposedly taking responsibility for educating us in residential schools, replacing our systems of governance with a federally-created band system, and having a dirty hand in every aspect of our families and homes. History has proven that the hand of the government will not 'save' us. And as sex workers reiterate over and over again, they do not need to be saved. They need to be

heard. They need control over their own lives, work and choices. As an Indigenous woman, this call for self-determination is something that rings true for me as well. You can read more about the needs of Indigenous sex workers here in this joint statement from the Native Youth Sexual Health Network.

7. The violence that Indigenous sex workers face while working cannot be isolated from all the other forms of violence they might experience as Indigenous people. Challenging the normalization of violence against Indigenous people, especially two-spirits, girls, and women, means addressing our humanity. This requires broad social change, education, listening to each other, and creating reciprocal relations of responsibility. The law cannot do this for us.

8. Sex workers are a diverse bunch. There is no one solution to creating safety and autonomy for all sex workers, given the very different social, economic and geographic realities in which they live and work. This means that even if sex work is decriminalized, not all sex workers can call on the police for help (a vast understatement), and indeed many sex workers, especially Indigenous and other racialized people, will continue to feel the unequal oppressive power of the law in their daily lives. Rather than advocating for more legal intervention into Indigenous peoples' lives and homes, diverse community-specific solutions are needed to increase choices for sex workers. From what I have heard from sex workers, the way to support this is to advocate for less criminalization of their work.

As someone who hasn't worked in the sex trade I cannot, and would not, speak for sex workers. But as a Kwakwaka'wakw woman who has worked in alliance with sex workers for more than 15 years, I think it's important to vocalize my support of decriminalization as connected to broader struggles to address violence. On Thursday, and the days that follow, I will continue to conduct anti-violence work in our communities in solidarity with the sex workers and their allies who are taking this case to the Supreme Court. This is an important case that all Indigenous people should be concerned about, as an integral part of our broader struggles for self-determination.

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