



VIVRE ET TRAVAILLER EN SÉCURITÉ ET AVEC DIGNITÉ

October 19, 2007

Service des affaires corporatives
Direction du greffe
Division du soutien aux comités et commissions du conseil
275 rue Notre-Dame Est, bureau R-134
Montréal (Québec) H2Y 1C6

**RE : SUBMISSION TO : POUR UNE PARTICIPATION ÉGALITAIRE
DES FEMMES ET DES HOMMES À LA VIE DE MONTRÉAL**

To : Commission permanente sur le développement culturel et la égalité du milieu de vie de la Ville de Montréal,

We greatly appreciate the opportunity to submit this mémoire to you, in the hopes that our community can renew our efforts together to make our city of Montreal safer for all of our citizens.

We highlight, in the attached mémoire, our needs for a specific community in particular, that of people working in the sex industry. As a marginalized population in Montreal, the needs of sex workers are often not included in propositions, mandates, and policy amendments to the city. We believe, however, that we have a strong role to play.

Our role at Stella, l'amie de Maimie, as peer educators for over 12 years has contributed to the reduction of violence, HIV and STI transmission, and increased community commitment to health and safe standards of living for sex workers in Montreal.

Part of our mandate at Stella, as a sex worker organization working for the health, safety, and dignity of sex workers, is to work with city officials to create safer communities. We send this mémoire to you, highlighting the concerns for sex workers, in the hopes that we can recommence our work with you in the future, and work in partnership to decrease violence and health risks for our community of sex workers. As a community of peers that in direct contact with sex workers on a daily basis, we are best placed to be able to negotiate and forge these kinds of alliances between the sex working community and the City, for the benefit of all of us.

tel : 514 395 4500 téléc : 514 395 9890 fax : 514 395 2485 courriel : stella@stella.org



VIVRE ET TRAVAILLER EN SÉCURITÉ ET AVEC DIGNITÉ

If you have any further questions or need elaboration on anything mentioned in our mémoire, please do not hesitate to contact us. We look forward to working with you and thank you again, in advance, for considering our perspectives and realities as necessary to any city project.

With regards,

Jenn Clamen, Communications and Mobilisation Coordinator
Stella, l'amie de Maimie

Cc: Nicole Paquette, Secrétaire-rechercheuse
Mme Marie Cinq-Mars - Arrondissement d'Outremont
M. Karim Boulos - Arrondissement de Ville-Marie
M. Vincenzo Cesari - Arrondissement de LaSalle
Mme Isabel Dos Santos - Arrondissement du Plateau-Mont-Royal
Mme Carole Du Sault - Arrondissement de Rosemont-La-Petite-Patrie
M. Gilles Grondin - Arrondissement de Rosemont-La Petite-Patrie
Mme Lyn Thériault - Arrondissement de Mercier-Hochelaga-Maisonneuve

adresse : 514 985 4500 numéro : 514 985 9900 fax : 514 985 2165 courriel : stella@ccid.quebec.ca

MÉMOIRE

Présenté par

STELLA, L'AMIE DE MAIMIE

À

**LA VILLE DE MONTRÉAL DANS LE CADRE DU PROJET DE
POLITIQUE :**

**POUR UNE PARTICIPATION ÉGALITAIRE
DES FEMMES ET DES HOMMES À LA VIE DE MONTRÉAL**

OCTOBRE 2007

Submitted to la Commission permanente sur le développement culturel et l'égalité du
milieu de vie de la Ville de Montréal

1. Who are we?

Stella is the only community group in Montreal designed specifically for women, transvestite and transexual prostitutes, escorts, dancers, massage parlour workers, dominatrix and porn actresses. Created 'by and for' sex workers in 1995, we seek to improve the life and working conditions for sex workers. Stella's team meets sex workers in their place of work : on the streets, in the bars, in the agencies, and hotels. Our philosophy and work is based on the notion of empowerment, which means that sex workers and sex work experience is at the core of our work, and we seek to engage sex workers at all levels of the organization. This ensures that the services we offer are always informed by the community. Stella's overall mandate is to improve sex workers' lives and working conditions in order to create an environment where we can work and live in health, safety, and dignity.

Our objectives are :

- Education and prevention of HIV;
- Participating in the prevention of multiple forms of violence against sex workers and helping sex workers maintain personal dignity and equality in offering help and support;
- Break the feeling of isolation and provide a space for exchange, information, and discussion around common issues;
- Work in partnership with community resources to facilitate access for sex workers for social services and health services adapted to sex workers' needs;
- Encourage the integration and participation of sex workers in the community and activities in the organization;
- Combat discrimination that sex workers face through encouraging the respect for difference in language, socio-economic environment, and gender;
- Educate the public and different social agents about the different realities of sex workers;
- Promote the decriminalization of all forms of sex work; and
- Create a platform for sex workers with municipal, provincial and federal governments.

In 2004, our work was rewarded by the Health Minister and Québec Social Services with a Prize of excellence for the health and social services network, Community Initiatives category. This prize is given to organizations that work in prevention, promotion, and protection of health and well being in populations. And in 2006, the Canadian HIV/AIDS Legal Network and Human Rights Watch gave us the Canadian Award for Action on HIV/AIDS and Human Rights.

2. Unequal Treatment of Sex Workers in the City

a) Discrimination

Sex workers face discrimination from many systems and members within society. Citizens of our communities are, very often, discriminatory and hence, violent, towards sex workers. This discrimination takes many forms and is especially harmful when it affects and biases the protection and services offered to sex workers.

From the Policing and Judicial Systems

Where the Montreal police are concerned, there are numerous accounts of discrimination. Police often give tickets to sex workers for jaywalking or loitering. Other citizens are rarely the object of such control. Once a sex worker has accumulated a certain number of unpaid tickets, the police typically arrest her for prostitution. This is most often the case for street sex workers today. This type of discriminatory criminalization creates a cycle for sex workers and maintains their place within our judicial system. Current systems of legislation maintain and perpetuate the criminalization of sex workers and provide little opportunity to break this cycle.

When attempting to report harassment or violence, from police or other perpetrators, sex workers are rarely taken seriously by the authorities. Shockingly, at these moments when sex workers are victims of crimes, sex workers are often held responsible for their unpaid tickets. Because of this treatment and the risk of imprisonment, sex workers rarely denounce violence against their aggressors. With little resources for official help from the authorities on violence prevention, we have produced and distributed, for the past 12 years, our *Stella's Monthly Bulletin*. Sex workers in Montreal report their violent incidents and therefore can work towards violence prevention within our own community.

Once in court, sex worker testimonials are often challenged and put into question, because of one's work as a sex worker. Sex workers, at these moments, are denied the benefit to social justice, equality, and the respect for their human and civil rights.

Social and Health Professionals

Medical professionals often do not take the realities of sex workers into account. The Health Minister, with the City of Montreal need to ensure that social and medical services are available to all women, including sex workers, free of discrimination.

Prejudice and stigma around sex work create obstacles to non-judgemental and objective care and creates social determinants of health that put sex workers at risk for HIV and other STIs. In addition, because of the stigma around sex work, and resulting discriminatory treatment, many sex workers do not disclose their sex work to social and health care professionals. Women who therefore seek immediate or longterm medical attention often return home without having received the necessary treatment. Medical professionals, in these instances, are often not capable of seeing beyond the fact that these women are sex workers. For this reason, we have created our own *Stella Medical Clinic*, that has doctors and nurses who have been trained around sex work issues, so that sex workers can receive appropriate care. Training other medical professionals within Montreal is, therefore, a priority. The City of Montreal needs to prioritize this training to avoid discrimination from other medical professionals. Social service employees, equally, need this sensitivity training. Sex workers who are mothers are at risk of losing their children to Social Services, because of the social judgement they face with regards to their work.

Some Feminists, within their movement, and the policy they suggest in the City of Montreal, also rarely take the needs of sex workers into account, assuming sex workers have little control and little agency. Their lack of experience in the sex

industry and their protectionist measures impact on suggested policy that puts sex workers lives and work in danger. Feminist groups like Stella need to be included in these policy discussions so that other feminist organizations and services can offer the appropriate support to sex workers.

b) Stigma

A stigma is a strong social label which discredits and marks a person, deeply affecting the way that a person sees oneself, as well as the way others perceive her. Those who are stigmatized are usually considered deviants or scandalous. The stigmatized person is shunned, avoided, discredited, rejected, and in most cases for sex workers, reprimanded or penalized. The whore stigma is one of the most powerful control mechanisms used not only to exclude sex workers socially, but also to threaten sex workers with judicial consequences.

One must never take for granted that on a judicial level, criminalization has grave consequences, over and above the obvious ones such as a criminal record, heavy fines to pay, or prison time. For those amongst us who wish to leave the profession, a criminal record can be an obstacle to the transition process. Police harassment and extortion, unjust and unequal treatment during arrest, illegal imprisonment, negligent, if any, investigations or prevention of crimes committed against sex workers, threats and actions taken against the sex worker's family and entourage (notable in the application of laws against pimps or third parties) are just some of the results of stigma against sex workers. These are realities and consequences of the stigmatization and criminalization of sex workers. In sum, the criminalization of sex work maintains the illicit and transgressive aspects of prostitution, supports the propagation of the 'whore' stigma, and encourages abusive situations.

c) Criminalization/Judicialization

Sex work is criminalised not only by diverse infractions related to prostitution, but also by recourse to laws about indecency, nudity, troubling and peace and vagrancy. The attitude that prostitution is not really criminalized in Canada and Montreal and that the status quo is preferable to decriminalization comes from a drastic misunderstanding of the facts. In fact, in Canada and Montreal, prostitution is not illegal in and of itself, but operating or being found in a common bawdy house or living off the avails of prostitution, are. Even if penal laws focus on activities related to prostitution as opposed to the act itself, this distinction still renders sex work criminalized and sex workers in the position of breaking one of those surrounding laws. We observe that the campaign to eliminate prostitution and other forms of sex work has very negative effects on sex workers, particularly those already living with harsh realities, for example, extreme poverty, drug use, and or mental health problems. These people are the first to be pursued, marginalized, isolated and imprisoned and this approach does nothing to increase security for everyone.

The laws and policies surrounding prostitution are major preoccupations for sex workers. Prostitution law, and most policies, render us criminals and infringe on our human rights. One aim of the sex workers' rights movement is to call for law and policy reform in favour of our human and civil rights. Laws and policies often discriminate across workers' class, status and geographical location; we all suffer

under antiquated prostitution laws and their ambiguous enforcement.

The criminalization of sex work through prostitution law renders sex workers vulnerable to the judicial system and to constant societal discrimination and stigma. Not only are sex workers criminalized through the criminal code, but other laws are applied in a discriminating way to sex workers; we often accumulate tickets or are “flagged” by the authorities and subjected to constant scrutiny.

Criminalization also has deep and potentially devastating impacts on the social determinants of health for sex workers: Imagine not being able to carry a condom to your place of work out of fear that it will be used against you in a court of law! The dissemination of health and safety information to sex workers is also impeded by criminalization. The reluctance of worksite owners to welcome peer educators, coupled with our criminalized status, makes it difficult for us to be open and public in our efforts to educate each other. This is actually meant to be part of Stella’s mandate, but the municipal criminalization conflicts with the work we need to do. As a result, our influence is smaller and it is more challenging to reach sex workers, or find ones who are interested in receiving that education. Sex workers who are interested in receiving health and safety information are generally not interested in getting it at work, but rather at a drop-in centre or somewhere else off-site. Hence, Stella is an important resource for sex workers in the community.

Police Repression

Police repression, in the form of harassment and abuse, is a major problem for sex workers, particularly those who are the most visible. This harassment is both verbal and physical, and takes a number of forms: officers give sex workers needless tickets—for jaywalking, loitering, and other infractions—that are not usually dealt out to the general public, and subject sex workers to physical and verbal abuse. Street sex workers pay the highest price for police repression. As sex workers, we have little recourse due to our quasi-legal status.

Police harassment has many roots. One is the constant pressure on the police from residents and anti-prostitution zealots to arrest and detain sex workers, and to ensure the streets, in particular, are “clean.” Another is that police are rarely accountable under the law. Stigma, as well, plays a large role in how police treat sex workers. When we are victims of a crime, for example, we are rarely met with respect and we are considered criminals before we are considered legitimate victims. We are under the constant scrutiny of police authorities and are rarely protected by them. As a result, we are constantly attempting to reform police behaviour and create laws that can protect us, instead of criminalize us.

Right now in Montreal, police repression is no longer instigated via fines for breaking municipal regulations, such as jaywalking and loitering—these laws that were once used to specifically target sex workers, young marginalized people, and homeless people. When Stella supported sex workers in their recourse to take these tickets in October 2001 to court, and demonstrate the discriminatory application of tickets to sex workers, the judge, instead of creating a legal precedent, mandated the morality squad in Montreal to make arrests in relation to the Criminal Code, communicating for the purposes of prostitution (213 *Canadian Criminal Code*), to be followed up by municipalities giving sex workers’ zoning restrictions (quadrilatères). This joint

federal-municipal approach has provided arrests of 38 in 2001 under the old regime, but 825 arrests in 2004 (numbers released to the public by the *Service de Police de la Ville de Montréal* on May 18, 2005). Between 2003 and 2004, the number of arrests increased by 42%, and Tanguay prisons have since been overcrowded with sex workers who have been incarcerated following these accusations. We need to reopen dialogue with the City of Montreal to prevent this needless imprisonment.

Transsexual sex workers are often the subject of grave discrimination and violence from police. They report being more harassed and degraded by police than other biologically female sex workers. Sensitivity training with Montreal police is therefore extremely vital in order to reduce violence against transsexual sex workers, and educate police on their realities.

Quadrilatères

The most severe example of criminalization of sex workers is the Quadrilateral Restraining Order. It is intended to limit an area where a sex worker or accused can go. An order typically include the areas between rue Jeanne-Mance and continues to Viau, as well as René-Lévesque to Sherbrooke. At times, a zoning restriction is given to a sex worker for the entire island of Montreal! The danger with these orders is that most of these mandated sex workers are also residents of these areas that they are typically restricted from entering. Not only are they residents, but most of the services and things they need to live are included in this very same area. Their children's school and the support of community groups are located there as well. So, sex workers find themselves either completely isolated or they end up breaking their conditions in order to maintain their lives. As a result, they end up in prison, which perpetuates a vicious cycle of criminality that is no longer in her control.

Some sex workers do go outside of the area to continue working, but in these cases, they are working in neighbourhoods unfamiliar to them, and as such are under stress and more vulnerable to attack or rape. Under this kind of pressure of constantly evading of the law, while receiving no protection from the law, sex workers have less time to judge the safety of a client, and there is little time to negotiate a safe exchange. Violence, as a result, is increased, while resident anger remains stable.

We view these quadrilatères as double sentences that sanction street sex workers to a cycle of criminality they can not escape. In this sense, the original sentence that a sex worker may have received for solicitation, is increased by a zoning restriction that simply increases recidivism, and does not allow for a sex worker's reality to be respected. These type of restrictions may engage the right to not to be deprived of liberty or of security of the person, under section 7 of the *Charter of Human Rights and Freedoms*.

Prisons

Our prison systems are filled with sex workers, who are often in and out of jail. Once in the judicial system, we are faced with discrimination, stigma, and a lack of respect for our fundamental rights. Often lawyers and judges are not sympathetic to our situations, and we are left to fend for ourselves. In some places, the increased frequency of arrest and imprisonment has created overcrowding in prisons, the deterioration of prison conditions (with prisoners sleeping on the floor) and the reduction of accessible health services. The high infection rates in prisons combined

with the scarcity of prevention services put sex workers at risk of factors that lead to HIV infection. This is one reason why Stella's visits within both Joliette and Tanguay prisons, where we disseminate health literature and provide Hepatitis A and B vaccinations, are of the utmost importance.

Transsexual sex workers, faced with the double stigma and discrimination from police and official authorities rarely receive the proper health and medical attention in prisons. In addition, transsexual sex workers are often placed at Bordeaux, the male's prison, where they are at risk of sexual assault and rape. Their risk of HIV infection is therefore elevated. Separate accommodation wings need to be created at Bordeaux for transsexuals in order to protect their health and safety while incarcerated.

Client-based police initiatives

Our need for law reform is not restricted to laws that affect sex workers, but include laws that affect our clients as well. The Swedish model of prostitution, which criminalizes clients, puts sex workers in grave physical danger. Policies designed with the criminalization of our clients in mind actually put sex workers in more danger by promoting a victimized view of sex workers, and by feeding shame and stigma around our work. An alarming number of "john schools" currently exist. "John schools" are an alternative to fines or jail time when clients are arrested; these "schools" are intended to discourage them from seeing sex workers in the future.

Not only do initiatives like these encourage stigma and discrimination, which lead to violence, but they render clients more afraid of prostitution law, and put both clients and sex workers in a position where there is less time to negotiate a service, and less time to evaluate a client from an aggressor. It also dislocates sex work to darker and less surveyed areas.

Where governments and municipalities have implemented client-based campaigns and laws that criminalize clients, rather than sex workers (Sweden, for example), sex workers experience an increased level of violence and harassment. Street sex workers, for example, have a lot of trouble with police because the police, in their attempts to arrest clients, need to collect evidence of the sex and of the exchange of money. Some sex workers in Sweden have reported being videotaped having sex, while others have reported illegal strip searches—police looking for condoms as evidence of sex. This is a strong incentive not to carry condoms.

Aside from the grave health implications, many clients have left the streets and gone to indoor sex workers, leaving fewer clients for street sex workers, hence fewer choices. This results in more desperate measures and less negotiated time for sex workers, which, from our experience, we know leads to more violence (Eriksson 2005; 98).¹

While the (Swedish) law has not reduced the trade nor has it resulted in addressing the problematic characteristics except perhaps the nuance aspect that the communities complain about because it does appear to have resulted in some displacement. It has however resulted in making the lives of sex

¹ Eriksson, J. "What's Wrong with the Swedish Model." *eXXXpressions: Forum XXX, Proceedings*. Montreal: Stella, 2005.

workers harder (reduced prices) and much more dangerous (more likely to experience violence and increased violence and increase risk of STIs).
Norwegian Working Group 2004 (Appendix 1)

When campaigns to further criminalize clients were implemented in Scotland, England, Ruth Morgan Thomas, project manager of Newhaven-based project for sex workers, Scot-Pep, reported that:

In the last year, we've had women going out working on the very edge of the city, some in desolate and isolated areas. As a result we've seen more women become victims of violent crime against them, such as rape, because they're further away from the relative safety of their previous work area in the city.²

It is noteworthy that sex workers or groups that advocate for sex workers' human rights were not consulted (Eriksson 2005) in the creation and implementation of the Swedish law or even local client-based initiatives. It is evidenced that when sex workers are not consulted for policy within their own municipalities, resulting politics put their lives in danger. That a replication of this non-consultation can lead to an increased level of violence is, indeed, a grave danger for the future of our cities.

Recent initiatives (October 2, 2007) targeting clients in Ottawa (Appendix 2) "that send inflammatory letters to clients and their acquaintances" are also dangerous to sex workers' health and safety. The AIDS Committee of Ontario (ACO) says in their October 3rd press release that "the letters will push sex trade workers further underground, which creates systemic barriers in providing support to women working in the trade, their children, access to health care and community social services"³ (Appendix 3). The ACO also points out that "the ill-informed message being sent is that women are vectors of HIV transmission and only works to further discriminate and isolate women. Canada's own Public Health Agency indicates that people who experience marginalization and stigmatization experience higher risks of illness and disease" (*ibid*). Campaigns like these, initiated in our own country, are a detriment to the already established HIV campaigns that sex workers, notably Stella, have been promoting and mandated to do. Additionally, they have negative impacts on the social determinants of health for marginalized populations—HIV risk is actually higher as a result of the marginalization and stigma created by campaigns like these. Client-focused criminalization, therefore, has grave impacts on the health and safety of sex workers.

It is vital that no policies that further criminalize sex workers OR clients are put into place. These policies have devastating effects on both clients and sex workers and violate sex workers' human rights.

3. Why the City of Montreal Needs to Create Safer Spaces for Sex Workers

² <http://news.scotsman.com/index.cfm?id=1658822007>

³ 'Safety' notes put sex workers at risk: AIDS group SEXUAL FREEDOM / Police to send letters to hookers' friends, acquaintances and clients. Marcus McCann / Capital Xtra / Wednesday, October 03, 2007

a) Violence

Violence, as a result of stigma, discrimination, and criminalization is a reality for sex workers, though this violence is not inherent to the sex industry itself. Women, transvestite and transexual sex workers often face violence from aggressors, police, and residents.

Transsexual and Aboriginal sex workers, in particular, suffer from extreme levels of violence. « In a 1995 report, 20 of 34 transgender sex workers replied that violence was the worst thing about sex work » (Namaste 1995; 15)⁴. The Canadian HIV/AIDS Legal Network also reports that « The Risk of violence is elevated for street-based transgender sex workers. » (Canadian HIV/AIDS Legal Network 2005; 33).⁵

Discrimination and consequent violence suffered by Aboriginal sex workers in Montreal is also elevated, due to their double marginalization as both Aboriginal and sex workers. « The backdrop to the violence is the history and legacy of colonization of Aboriginal people in Canada » (Canadian HIV/AIDS Legal Network 2005; 33). The legal network adds that this history contributes to a relationship of distrust with the people as Aboriginal people are reluctant to seek police protection. As sex workers, as well, they are even more reluctant.

From police :

Police raids carried out in places where sex workers work—raids performed under the pretext of anti-trafficking measures, neighbourhood cleanups or morality policing—are often an excuse for police brutality, arrest and imprisonment, with or without court trials. Sex workers are often detained in prisons or detention centres for migrants. In many of these places, detainees are reported to suffer high numbers of sexual assaults by staff or other detainees. These assaults create additional HIV infection risks for sex workers.

From residents :

When it comes to street prostitution, the impact of judicialisation is very visible: heightened police presence, or operations directed at clients provoke the displacement of sex workers. Generally, this displacement tends towards more isolated, residential streets, resulting in increased resident complaints and the rise in the public outcry for the elimination of prostitution. Many elements explain resident violence : frustration, insecurity, and intolerance against prostitutes. ‘Shame the John’ campaigns, like the Ottawa campaign mentioned earlier, are initiated by resident groups and consequent police responses. Increased police presence and ‘operations clients’ add to the criminalization of sex workers through an increased application of prostitution law. This contributes to a climate of violence against prostitutes.

There is a very slippery slope between ‘eliminating prostitution’ and ‘eliminating prostitutes’ and often this public outrage is coincidental with increased violence suffered by street-level sex workers. We saw this phenomenon take place in Montreal

⁴ K Namaste. *HIVAIDS and Transgender Communities in Canada : A Report on the Knowledge, Attitudes and Behaviour of Transgendered People in Canada with Respect to HIV and AIDS*, Toronto : Genderpress, 1995; p15.

⁵ Canadian HIV/AIDS Legal Network. *Sex, Work, Rights : Reforming Canadian Criminal Laws on Prostitution*. Report July 2005.

in 1993, when residents of the Centre-Sud went after sex workers in the streets with baseball bats. The media tagged the event a ‘witch-hunt.’ We saw the same thing in the summer of 2000. The Faubourg Residents’ Association organized a demonstration demanding tough action against prostitution, asking that the City establish ‘john schools’ and that clients’ license plates be made public. The response was more police surveillance and an increase of violent attacks against sex workers. When these police operations against clients began with intensity, three times more acts of violence were reported in Stella’s *Bad Tricks and Aggressors List*, which could be attributed in part to the fact that women were displaced to dark corners, isolated and dangerous spaces.

Sex workers have been a part of the solution in mending relationships with other residents over the years. In August 2001 a sex worker affiliated with Stella, created a pamphlet about clients and other residents’ concerns, in an effort to improve neighbourhood relations. In 2002, Stella helped establish the *Projet de Milieu* (Workplace Project) with other community organizations in the downtown and Centre-Sud areas. For almost three years, one of Stella’s workers met with neighbourhood police officers, shopkeepers, residents and organizations to discuss and resolve the challenges facing the neighbourhood, emphasizing social inclusion of street-level sex workers. Sex workers are concerned about resident safety as much as other residents are and need to be included in community discussions. There also needs to be a focus on creating safer spaces for sex workers in addition to other residents.

The city of Montreal needs to prioritize creating safer urban spaces for sex workers and needs to focus on eliminating aggressive police and state violence, rather than the elimination of prostitution.

b) Security of the Person

Sex workers are part of Canadian societies, and as such, are meant to be protected under Charter law and human rights laws. Many studies have shown that current repression of prostitution, either through municipal or federal law, stand in direct opposition to the *Charter* (Canadian HIV/AIDS Legal Network 2005; Pivot 2006⁶).

c) Health

Stella’s mandate to promote the health and human rights of sex workers is directly impacted by municipal law and the City’s approach to sex workers. As discussed earlier, the criminalization of sex workers impacts heavily on sex workers’ health. Not only are sex workers more at risk of HIV transmission because of the lack of information they will receive, but a criminalized context also impacts on stigma, discrimination and resulting violence against sex workers.

The stigma that sex workers suffer as a result of societal attitudes about sex work has drastic effects on sex workers’ health. Isolation, leading a double-life as a result, and secrecy about one’s profession has a negative impact on a sex worker’s health.

⁶ www.pivotlegal.org See ‘Beyond Decriminalization’ Report.

The current Criminal Code of Canada prohibition of prostitution as well as municipal laws against prostitution affects sex workers' social vulnerability to HIV.

4. What can the city do : Recommendations

a) Education

One of Stella's mandates is to educate our health professionals, social service professionals, and our communities about sexual health and our realities. We also educate the public about our clients, who are often demonized and pathologized, and as a result heavily stigmatized.

Stereotypes and misconceptions about sex workers are often formed at a young age, and future adults are reared with misguided perceptions about us. By changing the messages that young people receive at an age where they are less biased, we have a better chance of creating a world without human right violations against sex workers.

We need to inform and educate outreach program creators and others in social services. Sensitivity training led by sex workers can minimize the divide often caused by services that distinguish between "us" and "them." Outreach programs, or programs intended for a clientele that includes sex workers, should be designed using a bottom-up approach, informed by sex workers' needs and experiences. Our recent training, *Sex Work: Everything You Want to Know But Never Dared to Ask* (2006), created in collaboration with the Service aux collectivités de l'UQAM and Professor of UQAM, Maria Nengeh Mensah of the School for Social Work, is one of the initiatives that the City of Montreal can support that will encourage this sensitivity training amongst professionals that are working with sex workers .

Sensitivity training for police should also be a City priority. The police are rarely held accountable for the ways in which they treat sex workers. They often do not respect our rights, and behave as though we were undeserving of legal protection. Educating police about our realities and informing them of our needs for protection may help them better respond to us.

Some of the most difficult, but also most important, groups to educate are feminist groups. Many feminist groups are swayed by abolitionist (or anti-prostitution) feminists who claim that our experience as sex workers is violent. Because this claim does not represent the realities of the thousands of sex workers we meet every year at Stella, we need to educate feminist groups that provide services to sex workers, to help break down these stereotypes and to allow for a harmonious integration of sex workers into our City. Part of our role as a member of the Fédération des femmes du Québec (FFQ) is one of education to other feminists. Professionals that are working with sex workers should be educated about the outcomes and/or dangers of the abolitionist approach for sex workers and more about the realities for sex workers.

Sex workers are experts in the realities of prostitution and are best located to

⁷ Consult our brochure created for our training program : "Travail du sexe : tout ce que vous avez toujours voulu savoir mais n'avez jamais osé demander!": <http://www.chezstella.org/stella/?q=14reponses>)

educate government, social workers and health care professionals about their needs.

Recommendations:

- **The City of Montreal needs to fund sex worker groups and projects to do HIV prevention and education.**
- **The City of Montreal needs to ensure that police are accountable under the law for their mistreatment and abuse.**
- **Research is by no means exhaustive on the effects of criminalization; Stella has partnered up with academics at the University de Montreal du Quebec, and at the University of Ottawa, to study the impact of criminalization on sex workers. The City of Montreal should support and encourage studies of this kind. (Bruckert, C., Parent, C., and P. Robitaille. (2003) Etablissements de Services Érotiques/Danse Erotique: Deux formes de travail marginalisé. Financée par la Commission du Droit du Canada, l'Université d'Ottawa et Condition féminine Canada⁸).**

b) Protection

Other municipal governments in provinces such as British Columbia (Vancouver) have taken the initiative to create safer spaces for sex workers with working conditions that are less dangerous. The cooperative brothel funded by VanCity (credit union) in Vancouver is a perfect example of a city initiative where the city takes into account not only the dangers of working in areas of the street that are not protected, but also that sex workers are often working in indoor conditions where the working conditions are not respectful of their health and well being—the creation of this coop brothel takes sex workers' needs into account by providing an indoor space, and doing so with direct consultation from the sex working community.⁹

Police and other legal professionals need to receive sensitivity training with regards to reports from victims of crimes. When sex workers are violated or are victims of a crime they need to be treated with respect and dignity.

Current protection of sex workers is slim to none. Sex workers do not have access to the police, as they are in constant pursuit by the police. This makes sex workers more vulnerable to violence, on the street in particular. As mentioned earlier, when sex workers are victims of violence, they are resistant to report the crimes against them to officials as they are often targeted, during those same moments, because of their criminal status. The City of Montreal needs to prioritize the reporting of crimes and provide a safe and trusting environment for all communities to do so.

Sex workers deserve equal protection under the law and spaces to work that will ensure their safety and security. No other community would tolerate or reproduce the levels of violence that are currently seen in sex working communities.

Recommendations :

⁸ Available at : <http://www.chezstella.org/docs/serviceserotiques.pdf>

⁹ Refer to www.livingincommunity.ca for more details.

- **The City of Montreal needs to train police to encourage better receiving of complaints against violence against sex workers.**
- **The City of Montreal needs to work with residents and sex worker organizations to reduce resident violence against sex workers.**
- **The City of Montreal needs to follow-up with city officials on incidents of violence against sex workers.**
- **When the City of Montreal takes on the task of ameliorating protection for residents in different areas of Montreal, the City needs to consider and acknowledge sex workers as residents as well.**

c) End to criminalization of sex workers and clients

As elaborated earlier, the quadrilatères, the laws against prostitution, and client campaigns put sex workers' lives in danger. Not only do they impede on their health, but also they create increased levels of stigma and discrimination, and consequent violence.

State violence in the form of criminalization campaigns is an unacceptable crime against the humanity of sex workers and clients.

Recommendations:

- **The City of Montreal needs to stop reproducing the cycle of criminalization and put an end to the disproportionate number of quadrilatères current given to sex workers.**
- **Support the removal of laws that criminalize both sex workers and their clients and put in place, instead, safer working spaces for sex workers (cf the City initiative in Vancouver above).**
- **The City of Montreal needs to focus on stopping the men who violate sex workers, not the men who give money to sex workers.**

d) Access to resources for sex workers

Resources for sex workers are currently scarce. Because of the stigma that people have towards sex workers, it is difficult for sex workers to access the same social benefits as other marginalized communities. For those sex workers who are in need of housing and drug treatment, more resources need to be implemented.

Housing

The gentrification of the central areas of Montreal has had its consequences-- decreased housing and a housing crisis. This has severely reduced low-priced, affordable, and secure housing for women in the City of Montreal.

Cette gentrification a aussi eu pour effet d'affaiblir, si ce n'est de faire disparaître, des réseaux sociaux particulièrement significatifs. Les femmes monoparentales pour lesquelles ces réseaux constituaient une source de soutien et de sécurité se sont retrouvés encore plus démunies.¹⁰

¹⁰ Laberge, D., P. Landreville, D. Morin et L. Casavant (2000). Une convergence : parcours d'emprisonnement, parcours d'itinérance. In Laberge D. sous la dir. *L'errance urbaine*. Québec : MultiMondes. P270-271.

With regards to housing we observe, from our direct work with sex workers, a lack of resources for marginalized groups of women who are in need of housing in Montreal, notably women with mental health difficulties, women who excessively use drugs or alcohol. These women, for whom the need for housing and appropriate care is even greater, are refused in many places. Sex workers are often refused from housing because of their profession, and even more notable are transsexual sex workers who are in need of housing but are refused from most housing accommodation, due to their transsexuality and the fact that they are sex workers. This double stigma puts transsexual sex workers, in particular, in a dangerous position of not having accommodation, protection, and health services. Limited access to housing in private spaces leaves women to use public and semi-public spaces to live and survive.

Female, transvestite and transsexual sex workers need to be included in housing schemes. Leaving sex workers who are in need, without housing, is neglect.

Recommendations:

- **The City of Montreal needs to provide appropriate help to sex workers for those in need housing and drug rehabilitation.**
- **The City of Montreal needs to create more housing for sex workers and transsexual women.**
- **Staff in accommodated housing need to receive sensitivity training on the realities of sex workers in order to adapt the housing policies to be able to accommodate sex workers.**

- e) Consult expert grassroots and community-based organizations of sex workers

Groups of sex workers that have come together, like Stella, have done so with the intention of putting their voices and realities forwards, so that they may no longer be criminalized and marginalized, but rather be considered as equal citizens within their municipalities, provinces, and countries. Those who are working as sex workers, and those working on the front lines are best able to speak to the needs of our community.

Sex workers in Montreal have long been consulted for our input on police development and City management of prostitution. For over 12 years, Stella has been consulted by various city officials and community groups to attest to the realities of sex workers and to attempt to incorporate our needs into community and city initiatives. Federally, Stella played a huge role in the Canadian parliamentary discussions (2003-2006) to review prostitution law (Submission to Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness). Locally, the Comité sur la prostitution de rue et la prostitution juvénile (1997-1999), the *Projet Pilot* (1999-2000), and the *Projet Milieu* (2000-2003), are just a few examples of when the city acknowledged the importance of incorporated the views and experiences of people working in the sex industry, to attempt to find a harmony that would consider sex workers as equal citizens. Since the arrival of the Tremblay administration, there has been little to no links with our community. We encourage these types of consultations and look forward to forging future partnerships.

Our work at Stella, based on our position as sex workers from the community, has rendered as an expert voice on the needs of sex workers, based on sex workers' realities, rather than moral hysteria.

The evidence we have demonstrated, in terms of our experience around violence as derived from the criminalization of sex workers and clients, therefore, needs to be taken with the utmost seriousness. Current policies, and those recommended by the Concertation des luttes contre l'exploitation sexuelle (CLÉS), for example, to further criminalize our clients, are extremely dangerous and NOT informed by those actually working in the sex industry. Those these policies claim to be protecting sex workers, by decriminalizing sex workers but not their clients, these policies actually make it *more* dangerous for sex workers. Partial decriminalization does not respond to the need to end violence against sex workers.

To arrive a system where equality is extended to sex workers in the city, sex workers and sex worker groups need to be consulted.

Recommendations:

- **The City of Montreal needs to consult sex workers and sex workers' organizations like Stella when creating new policies and law that affect sex workers.**
- **The City of Montreal should be encouraged to create working groups to discuss issues related to prostitution and criminalization and see how sex workers, as citizens within our communities, can contribute to equality within our cities.**

APPENDIX 1

Summery of the Implications of the “Swedish Model” of sex work regulation Based on 2004 Report *Purchasing Sexual Services in Sweden and the Netherlands* Norwegian Working Group

Swedish Model

- *Law on the Purchase of Sex...* was introduced January 1, 1999 as part of a larger bill that was intended to protect women (and included harsher sanctions for woman abuse, rape, sexual harassment as well as criminalizing the attempt to purchase sexual services)
- Became illegal to agree to compensate (with money, drugs, dinners, etc) a casual sexual relationship
- Punishment of fines (calculated based on the individuals income) and up to 6 months in jail
- [note that there is no evidence that the money that was also designated to protect women against violence has gone to health and social support or sex workers]
- Consciously based on an understanding of sex work as violence by *men* against *women* (as opposed to work) and that gender equality can not be realized as long as “men buy sell and exploit women and children through prostitution”.
- It is self consciously abolitionist.
- Law was opposed by most criminal justice professionals including the police

Implications

- prior to introduction of law approximately 26% of Swedish sex workers worked on the street
 - statistically it would appear that the number of street prostitution was cut by 41% the year the law came into force and has since remained constant... while it is not possible to substantiate with hard evidence (given that the number of women working off-street are largely unknown) but it would appear that this was largely due to displacement (the women shifted from on to off-street work)...some of this displacement may not have been due to the law but due to other factors (ie internet and cell phones are opening up other approaches to the trade)
1. no evidence that sex trade has decreased nor (based on police accounts and statistics) is there any evidence that other crimes associated with the sex trade have decreased
 2. few convictions under the law (principally because of problems around definitions and lack of evidence but also because limited police resources have been devoted to the law except for during the initial three year implementation period)

3. all active investigations have been into the clients of street level sex workers
4. risks of street sex workers: although again no firm statistics there is considerable evidence it is a tougher market with more violence and that the risks for street workers has increased because
 - the customer base for street workers has been eroded – therefore they are more likely to take chances with customers of whom they are leering
 - because of the increased competition for the remaining clients, workers are reducing their prices and are more likely to agree to provide sex without a condom
 - the good clients have been scared off - street workers report that a higher percentage of the customers are ‘more dangerous’ wanting for example rougher sex’ or particular types of services
 - because of fear sex workers have much less time to assess a customer before entering the car and/or agreeing to provide services for him, moreover because all clients are now nervous it is much harder for street sex workers to ‘read’ clients to determine if they are dangerous
5. there is now an increased risk for off- street workers: women who work off street are going into homes without having negotiated all aspects of the exchange – as a result there may be disputes price and services which can lead to violence
6. some antidotal evidence that women are increasingly aligning themselves with managers or ‘pimps’ (for protection)
7. harassment by police has increased
8. the law has not addressed the issue of involuntary prostitution, in fact the industry is more underground
9. clients are fearful of reporting associated criminal activity (ie pimps and presumably under-age sex workers although that does not appear to be a huge issue in Sweden either before or after the implementation of the law so the report speaks of pimps but not of sex work by under-age women)
10. emergence of a new crime - led to exploitation of customers by women who pose as sex workers and then rob clients – the men are too fearful to report the offence since doing so would require them to acknowledge that they were engaging in a criminal activity

In summery, while the law has not reduced the trade nor has it resulted in addressing the problematic characteristics except perhaps the nuance aspect that the communities complain about because it does appear to have resulted in some displacement. It has however resulted in making the lives of sex workers harder (reduced prices) and much more dangerous (more likely to experience violence and increased violence and increase risk of STIs)

APPENDIX 2

OPS SAMPLE Community Safety Letter

yyyy/mm/dd

Dear,

RE: HINTONBURG NEIGHBOURHOOD CONCERN

Your Vehicle:

Location Stopped:

Date & Time Stopped:

The Hintonburg community in conjunction with the Ottawa Police Service is committed to improving the safety and security of the communities and streets within the City of Ottawa. Numerous residents and business people have expressed their concerns regarding street prostitution in their neighbourhoods. This Community Safety Letter is our way of informing you of the important initiative underway within this neighbourhood and to seek your support.

There is a clear correlation between street prostitution and drug use, including crack cocaine, as well as a variety of health concerns including H.I.V. and Hepatitis. Community members including their children are frequently finding used needles and condoms in playgrounds and public areas. The increased pedestrian and vehicle traffic has a direct effect on the quality of life for the community and we need your help to improve this community.

In order to maximize the efforts of community leaders in securing safe streets for their families, the Ottawa Police Service kindly asks that you help the members of these communities. You can do your part by refraining from bringing your vehicle into this area unnecessarily.

The Ottawa Police Service applauds the efforts of this neighbourhood in attempting to make it a safe community for its families and children. On their behalf, we welcome your support for this important community safety initiative.

If you have any questions, you may consult the Ottawa Police website (ottawapolice.ca, see Community Safety Letters under Crime Prevention) or you can call me directly at (613) 236-1222 extension 5234. Your cooperation in this matter is appreciated.

Yours truly,

Gilles Larochelle,
Superintendent (Central Division)

APPENDIX 3

Press Release FOR IMMEDIATE RELEASE

OTTAWA POLICE UNFAIRLY TARGET WOMEN IN THE SEX TRADE

(Ottawa) October 3, 2007 – The AIDS Committee of Ottawa (ACO) denounces yesterday’s dangerous and discriminatory decision by Ottawa Police Services to start sending out "community safety" letters to friends, acquaintances and clients of sex trade workers in Hintonburg.

The letters being sent out by the police make reference to an alleged correlation between HIV/Hepatitis C transmission and sex work. However according to the Canadian AIDS Society’s 2005 publication “HIV Transmission: Guidelines for Assessing Risk” there is no reference made to sex trade work being a risk factor for HIV/Hepatitis C transmission. Neither professions nor locations carry any inherent HIV risk – either high or low. Only high risk activities such as unprotected vaginal or anal sex have been shown to increase the likelihood of HIV transmission. Vaginal or anal sex with a sex worker can be high or low risk. What likely determines this is the empowerment of women working in the trade – not their disenfranchisement.

This decision by Ottawa Police Services puts women in greater danger by making them even more invisible within our community. Sending sex trade workers even further underground creates systemic barriers in providing support to women working in the trade, their children, access to health care and community social services.

The ill-informed message being sent is that women are vectors of HIV transmission and only works to further discriminate and isolate women. Canada’s own Public Health Agency indicates that people who experience marginalization and stigmatization experience higher risks of illness and disease.¹¹ The actions by Ottawa Police Services are, indeed, further stigmatizing women in the sex trade by increasing their risk of HIV/Hepatitis C transmission and other health concerns.

A healthy community includes people working in the sex trade. Politicians, police and community workers have an obligation to support all community members including those of us working in the sex trade, living with HIV, living in poverty and using drugs.

- 30 -

For more information, contact:
Michelle Ball, AIDS Committee of Ottawa
613 238 5014 ext. 235

¹¹ http://www.phac-aspc.gc.ca/ph-sp/phdd/docs/common/appendix_c.html