



## Building on the Evidence: An International Symposium on the Sex Industry in Canada

**September 22 & 23, 2014**

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Ottawa, Ontario

### Summary Report

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## **Introduction**

### **Cecilia Benoit, CARBC and Department of Sociology, University of Victoria**

The first part of this report summarizes the discussions held during *Building on the Evidence: An International Symposium on the Sex Industry in Canada*, and the accompanying workshop, *Knowledge Exchange about Violence & Resiliency in the Sex Industry*, hosted by the CIHR Team Grant on Gender, Violence and Health, Contexts of Vulnerabilities, Resiliencies and Care among People in the Sex Industry (henceforth Team Grant) that took place on September 22-23, 2014 at the Novotel in Ottawa, Ontario.

Participants at the event included principal investigators, researchers, and research assistants belonging to the Team Grant, community partners, and other interested parties.

The main objectives of the meeting were as follows: 1) introduce the early findings from the national research program; 2) engage in discussion about key issues pertaining to the research program, and 3) develop a foundation for further analysis of the findings and their knowledge transfer to key audiences.

### **Building on the Evidence: An International Symposium on the Sex Industry in Canada (September 22-23, 2014 at the Novotel in Ottawa, Ontario) (See Appendix A: Symposium Agenda)**

#### **Participants to the Symposium**

Participants on Day 1 included national and international experts, academic members of the research team and research assistants, representatives from the team's community partner organizations and invitees from sex worker outreach organizations, women's groups, representatives from different levels of government, regional and municipal police, and representatives from the faith community. (see Appendix A: List of attendees).

#### **Institute of Gender & Health, Violence, Gender and Health Team Grant Program (Abigail Forson, Assistant Director of IGH)**

Abigail gave an introduction to the Canadian Institute of Health Research (henceforth CIHR) Institute of Gender and Health (henceforth IGH). For more information, visit <http://www.cihr-irsc.gc.ca/e/8673.html>

## **Overview of Team Grant: Research Program Framework, Objectives & Methodology (Cecilia Benoit)**

Cecilia welcomed the attendees and gave an overview of the Team Grant, describing three central research objectives:

- 1) Identify factors linked to violence and victimization in the Canadian sex industry;
- 2) Identify factors linked to health, safety & resiliency in the Canadian sex industry;
- 3) Identify and evaluate evidence-based knowledge to inform policy and practice regarding safety and health.

Cecilia introduced the five embedded projects, and described the methods for data collection and analysis of information regarding the following types of respondents:

- 1) Sex workers/sellers of sexual services
- 2) Intimate partners of sex workers/spouses
- 3) People who purchase sexual services/clients
- 4) Managers of sex establishments
- 5) People who regulate and police the sex industry and provide services to those involved

The Team Grant includes surveys or in-person interviews with:

- 218 sex workers
- 35 intimate partners of sex workers
- 258 clients
- 55 sex industry managers (38 escort services, 17 massage businesses)
- 108 regulators & service providers

Surveys and interviews were used to collect data on a number of key factors:

- personal & social background
- childhood experiences
- occupational history
- sex, gender & sexuality
- sex industry involvement
- general, mental & sexual health
- contact with police, health care & outreach agencies

### **Discussion**

•An attendee asked whether incentives were offered for participation. Cecilia responded that this varied by project. The sex worker project advertised a \$60 honorarium on its posters, while the

partner project offered higher remuneration for a longer interview. Service providers were offered a \$50 honorarium, but regulators were not.

•An attendee noted that the sample group for the sex worker project includes people 19 and older who are not trafficked, and asked whether a single piece of legislation can also address underage and forced sex work (trafficking). Cecilia responded that there is currently legislation in place to deal with underage sex work and trafficking, therefore any new legislation can be designed specifically to address the target population.

## **Overview of the Prostitution Debate in Canada, Summary of National Report, Objectives for the Day (Dan Reist, Knowledge Translation Leader)**

Dan noted that current debates surrounding the sex industry are marked by tensions- us/them, opportunity/constraint, and individual/social. He then outlined some early findings from the national research program. These include:

- 1) People involved in the sex industry are a lot like other Canadians;
- 2) People involved in the sex industry experience poorer physical, emotional, and mental health;
- 3) Punitive laws and regulations, stigmatizing public attitudes, and institutionalized practices make it difficult for those involved in the sex industry to access protections and supports like other Canadians.

Dan then outlined some messages emerging from the research:

- 1) Most sex workers do not feel exploited/most sex buyers are not predators;
- 2) Much of the vulnerability experienced by some sex workers has little or nothing to do with sex work;
- 3) Sex work provides an opportunity for some individuals;
- 4) The tensions involved in the sex industry are a lot like other service industries;
- 5) Service environments more removed from normal networks of social regulation and control increase the likelihood of escalating serious conflict;
- 6) Stigma, fear, and isolation are common experiences in the sex industry;
- 7) Current social responses make it difficult for third parties to provide protection for those involved in sexual exchanges.

He also identified some of the emerging questions:

- 1) In what ways are early childhood and current life circumstances associated with the sex industry?

- 2) In what ways do issues such as gender, class, and race relate to experiences in the sex industry?
- 3) In what ways do contexts relate to those experiences?
- 4) In what ways do policing policies and practices impact the sex industry?
- 5) In what ways can various legislative and regulatory tools effectively improve outcomes for people?

Finally, Dan spoke to the role of the research program and symposium in building a foundation for action. The ultimate goal is to produce knowledge that can improve the lives of those involved in the sex industry. This requires us to invest in building skills for dialogue and cooperation in the context of diversity. While these skills may be under-represented in modern public discourse, they are critical in making any complex society work.

A contact form for continued questions and feedback can be found at [understandingsexwork.com/contact](http://understandingsexwork.com/contact).

## **Discussion**

•Bill McCarthy raised the issue of labeling, and noted that the labels used in this research and during this symposium are “short form.” It is important not to reify these labels as individuals have multiple and complex identities.

## **Sex Industry: Exploitation or Empowerment? (Cecilia Benoit, sex worker project & Chris Atchison, client project)**

Cecilia described the sex industry as a topic of polarized debate, wherein sex workers are typically described either as victims of wrongdoings or, the opposite, as empowered actors. Rarely does research focus on the complex life circumstances of workers or on the multiple parties involved in the sex industry. Some of the early findings include the following:

Early life experience & relationship dynamics:

- 1) 29% of sex workers spent some of their early childhood or adolescence in government care, and a similar percentage first sold sexual services before age 19;
- 2) Sex workers report somewhat higher levels of childhood disadvantage and trauma than some comparison groups but not others;
- 3) Just over half of workers reported currently having a primary partner;
- 4) 70% of workers and 75% of partners said they are satisfied or very satisfied with their relationship;

- 5) 24% of sex workers reported being physically or sexually victimized by a partner in the previous 12 months.

#### Demographics & income:

- 1) The average age of first sale of a sexual service was 24 years, with 10 years being the average length of work experience;
- 2) Like many Canadian workers, income and the freedom to be independent were two of the most commonly reported reasons for originally selling a sexual service.

Chris outlined findings pertaining to power and control in the sex industry, noting that the vast majority of sex workers in the study report feeling empowered to set the terms and conditions when with a client, and most clients respect sex workers' boundaries and conditions.

#### Clients' motivation for involvement in the sex industry:

- 1) Companionship, conversation, intimacy, human touch, and fulfillment of sexual desires motivate many clients;
- 2) The desire to degrade, humiliate, exploit or dehumanize a sex worker are not motives that clients express;
- 3) Clients are generally satisfied with most aspects of their encounters with sex workers.

#### Costs of involvement in the sex industry:

- 1) Perceived stigma is a major drawback of sex work involvement for many sex workers;
- 2) Many clients fear that they will be "outed" to family, friends, or society at large;
- 3) For many clients, this fear is a product of the stigma surrounding the sex industry;
- 4) This fear affects the relations clients have with sex workers, their sexual safety behaviour, and their willingness to contact police regarding their own victimization as well as victimization of sex workers.

#### Summary

- 1) Most sex workers do not see themselves as victims.
- 2) Inequalities between sex workers and clients do exist.
- 3) Inequality does not equal exploitation.
- 4) Like all human relationships, those between sex workers and clients are diverse and complex.
- 5) Stigma and shame negatively impact worker-client relations.

## **Discussion**

- An attendee noted that abusive clients would be unlikely to participate in such a study, and asked how we should go about studying these individuals.

Chris replied that there is a difference between a legitimate client and someone who has made a conscious decision to target sex workers. Under the effects of stigmatization and criminalization, it is much easier for the latter to pose as a client and victimize workers.

That said, there are also some clients who are abusive people. Cutting off sex workers, managers, good clients, etc., from contacting police by stigmatizing and criminalizing sex work won't allow us to identify abusers more easily. Ultimately, research suggests that there is a small percentage of clients who victimize sex workers.

- An attendee noted that there is significant variation in gender among sex workers, but clients are overwhelmingly men. What do we take from this pattern of gendering?

Chris responded that women and couples who purchase sexual services often don't identify themselves as "clients," nor do they participate in communities of people who purchase sexual services. Additionally, men are socialized to value sex to an extent that they are willing to purchase it if they do not have access to it, whereas women are socialized to devalue sex to an extent that they will go without it if they do not have access to it. Gay and bisexual male buyers often use the sex industry to explore their own sexual identities.

- An attendee asked about complexity in the identities of clients.

Chris responded that client-sex worker relationships are ongoing and dynamic. Some buyers will see the same worker for many years and transition to other roles such as lover, provider, father, and so on.

- An attendee asked whether the studies included measurement of mental health and brain trauma.

Cecilia responded that we did not ask specifically about brain trauma, but we did ask numerous questions on health, mental health, and disability.

- An attendee asked whether the distribution of power varies according to the cost of the transaction.

Chris responded that this has not been analyzed but it is an important question for future analysis. Cecilia added that, in general, sex workers who are women are more firm in setting the terms of the transaction, whereas sex workers who are men engage in more negotiation.

## **Commentary by John Lowman, Simon Fraser University, Canada**

John noted the comprehensiveness of the research, with its five projects also enabling triangulation of findings. This is a research program that proceeds from questions rather than from answers, and does not simply replicate stereotypes. Bill C-36 is almost certainly going to be

passed into law, and will be facing challenges in court next year. The current research program, and others like it, will be important in evaluating the claims made by proponents of criminalization who frequently rely on exaggeration and fabrication.

These early findings challenge the primary points/tropes central to abolitionist arguments:

- very high levels of childhood sexual abuse
- early age of entry into sex work for the majority
- widespread exploitation
- high rates of post-traumatic stress disorder

An issue to consider going forward is that of labelling and fostering an ‘us-them’ mentality. Consistently contrasting sex work with trafficking reifies the mythology of trafficking, whereas, in reality, there is a continuum of choice and agency.

## **Discussion**

- An attendee asked how we can consider statistics on childhood disadvantage, publicly, in a way that does not imply causation (of entry into sex work).

Cecilia responded that research is always vulnerable to the purposes of others. John Lowman suggested we talk about diverse pathways into prostitution, as opposed to causes. Chris Atchison stated the danger with descriptive reports such as this one is they lack nuance, but they are mined for other publications which camouflages diversity. The next step is to carry out more sophisticated analyses, which will not be as widely read. We need to determine how to mobilize knowledge exchange to communicate complex findings, and we need to become more educated consumers of research ourselves.

Dan added that, as researchers, there is a tendency to think in terms of controlling the data/message. What we should focus on, rather, is injecting these stories into the discourse in a way that animates multiple pathways and experiences.

An attendee added that stories are powerful, but so are graphics that cannot be dissected into individual parts. Graphics can be an effective way to facilitate the consumption of good evidence, especially when they tell a story rather than simply relaying facts. Abigail Forson stated that the packaging of research findings should be undertaken with an audience in mind. Case studies, for example, are an important addition to many presentations.

- An attendee pointed out that stigmatic assumptions surrounding sex work make up the narratives that many of us grew up with. How do we move past this? This attendee started to question her own beliefs while doing public outreach with PEERS. The women there made her feel welcome and taught her, and this is where she feels there is hope for changing public opinion. Politics drive curricula and these are difficult to challenge, but more “grassroots” efforts can be very effective.

Another attendee added that city councillors perceive that the public expects them to take a traditional stance on issues such as sex work; decision-makers are driven by votes.

## **Closing Exercise**

Dan asked attendees to consider everything that was discussed over the morning, and share any lingering questions:

- 1) Regarding the percentage of people who grow up in care: what does this finding say about our assumption that putting someone in care means taking them out of an unsafe situation and putting them in a safe one? What are the implications for child protection?
- 2) Regarding binary legal talk around the issue of gender: even when legislation is not explicitly gendered, it is taken up that way and functions that way. What are the ways laws are constructed mainly around women, and how will this impact trans and non-binary workers?
- 3) Why should our goal not be to abolish prostitution? What are its benefits?
- 4) What is the percentage of long-term addictions among sex workers? How many people in the sex industry have long-term addictions?
- 5) Why do other employers not offer the same opportunities (pay, flexibility, etc.) as sex work?
- 6) What are some community responses to sex work, and how do communities negotiate sex work in their neighborhoods?
- 7) How do these understandings inform us in terms of harm prevention and producing healthy communities?
- 8) What does the regulatory community look like? Does it hold a monolithic view of the sex industry and regulation, or is there a continuum of beliefs and approaches?
- 9) How do the intimate relationships of sex workers influence the spaces in which they work?
- 10) How can one talk about the abuse that happens within those intimate relationships without reinforcing pimp mythology?
- 11) Are people who enter the sex industry before age 19 and after age 19 distinct populations, or is there a continuum of experiences and demographics?
- 12) Regarding Indigenous sex workers and connection to residential school trauma: are there generational impacts?
- 13) John Lowman concluded the exercise with the following question: When do sex workers get to tell their own stories? The researcher-participant relationship is a power relationship. One of the reasons women don't tell their stories is that the public places demands on the speaker, which exposes them to victimization. In the current climate of stigmatization, keeping identities protected is very important.

## **Conflict: Interpersonal and Structural Dimensions (Mikael Jansson, Intimate Partner Project & Bill McCarthy, Manager Project)**

Mikael Jansson and Bill McCarthy provided the following preliminary results and comments from the project focusing on the relationships between sex workers and their intimate partners.

### Reporting of Victimization

-Twenty-two per cent of sellers who were victims of a violent crime while at work reported contacting the police

-Fourteen per cent of victimized managers reported the incident to the police (in the 2009 GSS, 29% of all violent victimizations were reported to police)

Buyers are also unlikely to report seller victimizations. Some of the common reasons for this include:

- The fear of getting involved
- Not having sufficient evidence to call authorities
- Wanting to maintain discretion and anonymity
- Self-preservation
- The seller not wanting help

### Safety strategies “always” or “usually” used by workers:

- |                                |     |
|--------------------------------|-----|
| -Screen buyers                 | 90% |
| -Get money up-front            | 82% |
| -Not working while intoxicated | 72% |
| -Maintain a blacklist          | 66% |
| -Have emergency contact #s     | 62% |
| -Have a spotter                | 18% |
| -Have a security camera        | 15% |
| -Have a panic button           | 6%  |

### Safety strategies “always” or “usually” used by managers:

- |                                    |     |
|------------------------------------|-----|
| -Get money up-front                | 90% |
| -Organized check-in                | 90% |
| -Avoid booking intoxicated sellers | 85% |
| -Screen buyers                     | 89% |
| -Maintain a blacklist              | 75% |
| -Avoid booking intoxicated buyers  | 65% |
| -Have a security camera            | 47% |
| -Review bad date information       | 46% |
| -Have a panic button               | 27% |

## **Discussion**

•An attendee noted that some existing research found that levels of violence in the off-street sex industry are relatively low, but the current research finds that they are higher; how can we interpret this conflicting data?

Mikael responded that the team will continue to analyze the data, as these are early descriptive findings.

•An attendee asked what effect advertising prohibition in Bill C-36 will have on levels of violence.

Mikael responded that levels of violence are likely to increase.

•An attendee asked who the perpetrators are when figures on violence are high.

Mikael responded that data has been collected on violence at work and in personal life. Chris added that violence is often the result of conflict.

### **Commentaries by Chris Bruckert, University of Ottawa, Canada and Gillian Abel, University of Otago, NZ.**

Chris Bruckert shared several observations:

- 1) There is a difference between situational predatory violence and conflict – i.e., context matters.
- 2) The context is criminalization, stigmatization, and marginalization.
- 3) We cannot hope to understand statistics on violence without first understanding the context in which sex workers are disposable.
- 4) The involvement of third parties serves as a deterrent to violence. Bill C-36 makes this involvement more difficult.

Gillian Abel also commented on the importance of context, specifically, the context of early government care experiences reported in the data. These statistics may be a reflection of government policy, but not of experiences in the sex industry per se.

Decriminalization in New Zealand has increased sex workers' power to say 'no,' their power in the negotiation process, and their power to access the legal system. New Zealand sex workers have had major successes in litigations against managers over wages and conditions.

Gillian asked what deterrents there are for perpetrators when their victims are afraid to report because of the possible repercussions in the context of criminalization. Sex workers in Canada will be in a more vulnerable position when Bill C-36 passes into law.

## **Discussion**

•An attendee commented that street-based sex workers are often older than indoor workers, and, based on experience, tend to believe that street-based work is safer than indoor work because negotiations occur in person. How do we respond to these beliefs and experiential evidence?

Gillian responded that not all sex workers move indoors with decriminalization, as has been shown in New Zealand. Mikael added that risk management strategies must be developed for both indoor and outdoor work.

•An attendee asked about the role of police in advocating for decriminalization.

Gillian responded that the police did not play a large role in New Zealand. They were forced to change how they interact with sex workers following decriminalization, which has contributed to improved relationships. An attendee noted the importance of long-term commitments of resources and relationship-building on the part of police.

•An attendee asked whether New Zealand has seen improvements in health and safety and human rights since decriminalization.

Gillian responded that there has been improved access to the legal system and improved ability to openly negotiate terms and conditions of service. Despite this, research shows that stigma had not disappeared five years after decriminalization, and change since then has been slow. The general health of sex workers is on par with population statistics, but their mental health is poorer. Gillian Abel cautioned that we do not know whether there is a casual relationship between sex work and mental health, or what the direction of the relationship would be.

## **Closing Exercise:**

Dan asked attendees to consider everything that was discussed over the first portion of the afternoon, and share any lingering questions:

- 1) Is incarceration used as a form of rehabilitation by police convinced they are ‘helping victims?’ How do we address this?
- 2) How can relationships be established when the same police officers doing community-building are also doing “sweeps” of sex establishments?
- 3) Although enforcement relies on discretion, the culture as a whole is tied to criminalization. How can relationships be improved in this context?
- 4) How can this research program support the development of alternative measures, such as decriminalization?
- 5) In a context of criminalization, how can this data help build a different culture within communities?

## **Laws, Regulations & Services: Does Place Matter? (Fran Shaver & Bill Reimer, Regulation Project)**

Fran Shaver's earlier research has shown that sex industry arrest rates and violence vary by location.

The current regulator and service provider project is identifying legal, social, and institutional conditions that shape experiences in the sex industry. The research team has begun analyzing this data. Initial insights include the finding that the demands of provincial and municipal statutes and bylaws vary, that licensing practices also differ across locations, as does the policing/regulatory culture.

Future directions include additional analyses of the legal, institutional, and social contexts of sex work regulation and service provision, the demographic composition of the individual locales, the organization and culture of policing, the structure of key institutions, the nature of institutional relationships, and the various moral climates.

### **Commentary by Ola Florin, Sweden**

Laws, regulations, and services constitute much of what prostitution policy is all about at the local level, but the objectives of these need to be made clear. Is the objective to eradicate prostitution from society? Is the objective to provide help to exit prostitution? Is the objective to fight third-party involvement without compromising the wellbeing of those involved?

The objective of Sweden's prostitution policy, for example, is long-term eradication, but it has never been specified when this is expected to happen. Ola gave an overview of the Swedish legal framework relating to the buying and selling of sex and third-party involvement of adults.

- 'Procuring' also targets landlords and independent sex sales.
- Non-residents may be expelled from the country if they are suspected by police of making a living selling sex.
- Purchasing sex typically results in a fine, but can also result in imprisonment for one year. An attempt to purchase sex is considered commitment.
- Under the social services act, the selling of sex by adults is investigated on the basis of complaints only. A parent selling sex is not alone sufficient to warrant intervention.
- There have been 16 convictions annually for procuring since 1999 when the sex purchase ban entered into law.
- There have been 4 convictions annually for sex trafficking since 2002.
- Convictions for purchasing have increased in recent years (from 11 to 400).
- One outcome of criminalization is that buying sex has come to be considered a more serious offence.
- One objective of the ban is to create long-term moral changes.

-Targeted social services exist in only three counties. Social service providers rarely encounter sex workers, and when they do they generally take no specific actions.

Ola concluded that tensions between criminal justice and social policy frameworks make policy difficult to implement. The conjunction of punitive laws and a lack of services appear to impact violence, health, and resiliency in negative ways.

## **Discussion**

•An attendee asked what Swedish evidence suggests about the relationship between criminalization and eradication of prostitution.

Ola responded that we do not know, as there were no Swedish baseline studies. The Swedish National Board of Health and Welfare was commissioned to regularly survey the development of the Swedish sex industry, but they came to the conclusion that this was impossible without baseline data. Visible street prostitution does seem to have diminished since 1999.

•An attendee asked about the difference between the meaning and implementation of the Swedish bill and the construction of Bill C-36 in Canada.

John Lowman responded that the sex purchase ban was not originally meant to be in the Canadian bill. An inquiry on prostitution was undertaken by a new Conservative government, who imposed the sex purchase ban onto the bill. Sex work itself is understood as violence against women, rather than as a collection of violent acts against individual women.

## **Closing Exercise**

Dan Reist asked attendees to consider everything that was discussed over the second portion of the afternoon, and share any lingering questions:

- 1) What is the mechanism through which police chiefs communicate with one another about their views?
- 2) How does communication take place between social services and the judicial system?
- 3) How many of the eradication-oriented strategies are based on ethnic cleansing, xenophobia, racism, etc.? Who benefits from these regimes?
- 4) In a Post- C-36 world, how can we have agencies that benefit financially from sex work while criminalizing sex work?
- 5) How does discourse affect sex workers? How does discourse affect how regulations are implemented?
- 6) How do regulations become enforced or not enforced?
- 7) How do regulation and service resources get allocated?

## **Summation of the Day (Chris Bruckert & John Lowman)**

Chris stated that, in the Bedford case, the previous prostitution laws were successfully struck down on the basis of testimonials and research evidence. Research programs like this one can continue to play a role in challenging Bill C-36 and shaping policy.

This research program is unique in terms of its scope, size, and methods, as well as in the centrality of its knowledge mobilization strategy. It has raised even more questions than it has presented answers, and this is important in terms of moving forward.

John concluded that this research adds considerably to knowledge of sex work, but also has practical importance in terms of charter challenges. Supporters of Bill C-36 say it will take several years for the courts to be able to address challenges, but the Court allows cases to proceed on speculations as to how a law *could* impact human rights, using “reasonable hypotheticals” for analysis. Cases cannot proceed in an evidentiary vacuum and an important point of consideration will be the research that has been conducted in this project.

## **Summary of Symposium Evaluations**

While not everyone in attendance submitted an evaluation form, those who did stated that the symposium was informative, and comments described the event as accessible, meaningful, and supportive.

Attendees agreed that the information presented at the symposium was helpful and will facilitate action. Plans for acting on the information included: sharing with coworkers and with networks on social media, writing blog posts, and advocating for more inclusive service provision.

Most attendees felt they were able to contribute in a meaningful way during the symposium, and comments highlighted appreciation for the presentation/question and answer period format, as it allowed for discussion and clarification.

The attendees had many helpful suggestions for the research team going forward. Data on Indigenous experiences should be explored, and diversity of experience should be described in greater detail. Further analysis and comparison is required to inform best practices for supporting people in the sex industry, and more work needs to be done to translate the data for consumption by public officials and legislators. The team should work on “packaging” the data for diverse audiences in ways that are compelling and relevant, and that discourage misunderstanding and misuse of the data. Finally, sex workers’ voices need to be at the forefront; their stories have real power.

## **Workshop: Knowledge Exchange about Violence & Resiliency in the Sex Industry (See Appendix C: Workshop Agenda)**

### **Panel Discussion: Community Models for Regulating the Sex Industry (Ron Weitzer, George Washington University, Gillian Abel, University of Otago, Catherine Healy, New Zealand Prostitutes' Collective & Ola Florin)**

Ron Weitzer was unable to attend but sent this feedback to the group:

*First, let me offer a few general points, not directly on your study but perhaps of some relevance. Most of this will not be new to you, but I thought I would mention anyway, as they include comments I would have made during my sessions in Ottawa.*

*In many countries, there is no national legal approach to prostitution. Instead, national law delegates most or all regulatory authority to cities or states. This is true in the USA, Germany, The Netherlands, Australia, Austria, etc. However, in some places recently, there have indeed been national-level efforts to create norms that will apply country-wide. Bills are currently being debated in the German and Dutch parliaments, and in both cases the bills provide for more restrictions, more control, etc. over either the workers, clients, or managers or all three.*

*The related point is that even where prostitution is “legal,” the systems vary considerably. So there is no monolithic category of “legalized prostitution”, but instead heterogeneity in what type of prostitution is allowed, under what conditions or locations, who is eligible and ineligible, and the kinds of regulations and enforcement machinery in place. Taking just Australia, we see tremendous variation from state to state. In the Netherlands, 10 cities allow for distinctive window-prostitution red-light districts, while other cities (including the second largest, Rotterdam) do not allow RLDs. We see this geographical variation in regulation in Canada as well, as documented in your study.*

*One question that I have been thinking about is whether nationwide legal norms are preferable to delegation of authority to localities. One possible solution is to have a hybrid system: (1) establish a set of minimum standards at the national level, that all municipalities must conform to and (2) then allow the latter to create other norms in addition to the national ones. However, this risks allowing a local area to impose unfair or impractical norms, such as Bavaria's mandatory requirement of condom usage for all prostitutes (and undercover police stings in brothels to see if the worker will agree to sex without a condom, followed by police arresting the worker and management). No other German state does this. In Bavaria, Munich essentially bans all prostitution from within city limits proper, forcing prostitution into the fringes outside the city. This departs from the norm for German cities. At the same time, having a national policy or legal framework, imposed on all localities, may generate local opposition and thus politicize prostitution. Legal prostitution is not a recent or outlier phenomenon. At least one*

*type of prostitution has been legal and government-regulated for 30 years in Victoria (Australia) and 43 years in Nevada (USA). So there is a long precedent for legalization in parts of the world. Regarding the claim that sex trafficking increases after a nation legalizes prostitution, that claim is not supported by Dutch or German statistics. The statistics pertain to cases that were prosecuted or otherwise “confirmed” – so this is not equivalent to saying that the actual prevalence of trafficking has declined – but the figures suggest that it is not increasing in those societies. All such figures are tricky, given the hidden nature of trafficking, but those who claim trafficking increases after legalization are basing their claims on partial (or no) data as well.*

Gillian Abel and Catherine Healy outlined New Zealand’s history of decriminalization. In New Zealand, the push for decriminalization emerged from the 1980s push to minimize HIV transmission among the general population by targeting three groups: men who have sex with men, intravenous drug users, and sex workers. The New Zealand Prostitutes’ Collective (NZPC) formed in 1987, and advocated for the formation of an interdepartmental committee to discuss decriminalization. Street-based workers were involved in official discussions on decriminalization, and sex workers essentially wrote the new law. Many amendments were made to the law, including a legal requirement to take all necessary steps to practice safe sex, an immigration clause, and a requirement that the law be reviewed in five years.

The law passed with 60 votes to 59 and 1 abstention, and the law was enacted in 2003. Many supporters were persuaded on the basis of public health and human rights arguments despite moral opposition to prostitution. Central to achieving the goal of decriminalization were the leadership of sex workers, support from key MPs, sound research to support pro-decriminalization arguments, and a commitment to portraying decriminalization as a matter of human rights and occupational health and safety. New Zealand is somewhat unique, however, in that its global location mitigates the trafficking debates that occur elsewhere. In general, the conversation surrounding trafficking needs to be scaled back in order for decriminalization to be accepted in other countries.

It was pointed out that there are important differences between New Zealand and Canada:

- The electoral system in NZ is proportional representation;
- Decriminalization in NZ has strong national supporters, including the YWCA;
- Labour laws and regulations are federal in NZ, but provincial in Canada;
- NZ has a powerful national sex worker-led coalition.

Preparing the Canadian public before the next round of court challenges is vital.

Ola Florin then commented on what we can learn from the Swedish experience. History has shown that efforts to eradicate sex work warrant caution. What is it that we intend to eradicate,

and what are our intentions? These questions were never adequately answered in Sweden nor was the damage of being paid for sex ever specified. It is assumed that there is a damage done to the individual being paid for sex, but this damage has not been defined or studied. In practice, prostitution has been dealt with as a crime against public order, not as violence against women.

Ola stated that in order for it to be positive and effective, sex work legislation must be developed in consultation with those concerned. It is problematic to view anything that ‘sustains’ the selling of sex as wrong, since such attitudes hinder harm reduction. Additionally, studies such as this one demonstrate that sex workers have needs and challenges that are not at all related to their selling sex, but stigma-driven distrust prevents them from accessing services. The framework of eradication eclipses all other practical concerns, and it becomes difficult to develop trust and working relationships with people in the sex trade in a crime control context.

## **Targeted Discussion—Moving forward based on the evidence on regulating the sex industry from the team grant report (small group discussion)**

### **Table 1**

The first table suggested working toward a shift in public thinking to support future court decisions by influencing national opinion leaders. These people and groups include artists, writers, sex workers’ organizations, and other national associations with widespread connections. To obtain national support, we need local supporters who can strategize nationally within their own circles of influence. The table proposed a speculative collective to facilitate networking called SWAT: Sex Workers Against Trafficking. The table suggested demystifying messages through fun and art. One idea was to organize a “decriminalization caravan” to raise awareness, support, and resources across the country.

### **Table 2**

The second group suggested mapping opportunities for research and resources to create and fund sex worker communities. The group stated the need to address the tactical issues for moving ahead in the context of Bill C-36. They suggested assembling a small group of municipalities wherein police are overtly progressive and developing a tactical plan. The overall goal is to advance the agenda of health, wellness, and self-determination in the sex trade in Canada (notwithstanding C-36). The group suggested reconvening in a month’s time in Victoria to discuss next practical steps.

### **Table 3**

Table three’s suggested goals were to build coalitions and adopt a long-term view to creating a safer sex industry. There is an increasing amount of information available that can be used to

build a foundation that fosters helpful discussion. This is in line with a public health model where work starts from the people most involved in the issue and expands outward. The group suggested starting with sex worker groups, and then moving on to build coalitions among existing entities, keeping in mind groups on the periphery of the issues who might unexpectedly support decriminalization, for example, some faith-based groups.

#### **Table 4**

Table four suggested forming local networks based on transparency and clear communication. Their goals are to share resources for sex workers, target media, reduce stigma, engage in cross-training and education and evidence-sharing, to do outreach to gain public support, and to increase understanding of sex work/workers. They highlighted the need to shift the focus of discourse from personal choice to human rights.

#### **Discussion points emerging from subsequent plenary session**

It is important to deconstruct trafficking in public discourse.

There is a need to bring cohesion among advocates and allies. We need to establish clarity in our position, and address divergence by seeking common grounds.

There are different groups included within this study, and some are more marginalized than others. These intersections need to be addressed and deconstructed.

Is there a role for clients in advocating for a safer sex industry?

The media has members with various proficiencies and levels of knowledge/understanding. It is in our interest to seek out individuals who are already writing wisely about sex work issues.

#### **Panel Discussion: Community Models for Promoting Health and Safety within the Sex Industry (Catherine Healy, NZPC, Gillian Abel, University of Otago)**

Catherine and Gillian indicated that there are ongoing issues surrounding sexually transmitted infection (STI) testing programs and protocols in the New Zealand sex industry. It was written into the act that brothel owners cannot advertise their testing procedures or outcomes, and inspection protocols have thus far been successfully avoided. Furthermore, there remains a need for sex industry-specific institutional structure. Existing government employees became inspectors of brothels without receiving extra resources in terms of funding. There is top-down implementation of protocols, with some implementation at the local level around signage, location, and occupational safety & health.

Penny Ballam highlighted the impact of the Vancouver-based Pickton trial and missing women's inquiry on the sex industry in Vancouver. Constructive relationships are increasingly being developed between the police department and people involved in the sex industry, and the police force is relatively progressive in terms of enforcing sex work legislation.

There are several things to keep in mind when attempting to make changes at the municipal level. It is important to assemble supporters and have them first on the speakers list, anticipating opposition. Development and zoning issues can be detrimental to proposals, so it is important to have a good understanding of what is allowed and what is required. All of the 'layers' of a new initiative must be coherent: departments, councillors, bylaw and language, etc. Creativity is often required in terms of getting around or appeasing antagonist players.

David Opheim stated that the Anglican Diocese of Toronto is heavily involved with 'marginalized groups.' Key to creating helping relationships are humility, investment in the work, and a desire to engage in issues that are pertinent and important. It is important to acknowledge the humanity of the groups we are offering to help, and expectations need to be reasonable.

## **Targeted Discussion—Moving forward based on the evidence on community models for promoting health and safety from team grant report (small group discussion)**

### **Table 1**

Table one began by stating that they recognize the value of the work being done in this project. Their strategy for moving forward was to facilitate networking at the community level. This needs to center on industry voices to guide and consult, and should include faith organizations, support agencies, public health officials, researchers, media, all levels of government, and law enforcement. Through communication at the local level, we can identify key thought leaders. We should work toward the goals of increasing health, resiliency, and communication, while also working toward specific tactical goals.

### **Table 2**

Table two's goal was to communicate to sex workers in municipalities with progressive police departments that enforcement will likely not happen. Crisis strategies need to be developed (for example, paging an outreach team when a sex industry-related crime occurs). Bad date lists can be consolidated and made readily available to both those involved in the sex industry as well as police, and lines of communication can be established within and among agencies and municipalities. The group also suggested bringing on more young and diverse researchers as this and other projects progress.

### **Table 3**

The third table highlighted the importance of looking for ‘champions’ for our cause within our communities, and of translating our advocacy into our personal lives. How do we navigate the personal/professional divide in terms of conflict and stigma? The group also concluded that there are unique challenges in smaller communities in terms of creating positive change; services are less institutionalized, there is a higher proportion of survival sex work, and people in the industry experience different crises. Status of Women Canada is currently crafting a document addressing human trafficking. The group suggested that we consider what information can be forwarded to that organization while they are in the process of crafting this document.

### **Table 4**

Table four identified a need for peer training and peer support in communities, and for programming that allows peer support workers to be paid a living wage. Outreach programs should be developed to reach indoor sex workers, who are largely isolated, and a Canada-wide best practices inventory should be compiled. The group also identified sharing stories as a major goal, and suggested presentations and public dialogues as productive ways of sharing information and experiences. The format of events needs to be catered to our various audiences. The PEERS ‘talk show’ was given as an effective example of an intimate setting that facilitated conversation and participation. We also need to be prepared to respond to our opposition.

### **Discussion points emerging from subsequent plenary session**

It is important to find appropriate presenters at events, and to have people involved in the sex industry speak for themselves as much as possible.

In terms of establishing a respectful dialogue, we need to be intentional about the language we use to discuss marginalized people. One attendee suggested that we should remember to speak about people as though they were in the room.

As research is made available, creating images/graphics will be a useful way of sharing information.

We should attempt to connect with one another, and with other likeminded individuals and groups, via social media.

## **Summary of Workshop Evaluations**

Those who submitted feedback forms denoted that the workshop was informative, and that the attendees learned from both the presentations as well as the targeted discussions.

Attendees stated that they plan on referring others to the national report and meeting report, and that they expect that future nuanced analyses will be helpful in guiding policy and debate.

In terms of personal engagement, attendees felt that the event format enabled networking, information-sharing, and strategizing.

Finally, attendees had several suggestions for the research team moving forward, including: to work on presenting more nuanced findings; to clarify findings so that issues cannot be conflated (e.g. sex work and trafficking) or misunderstood (e.g. victimization); to better communicate the diversity of experiences; and to engage probation, parole, and corrections staff in dialogue.

## Appendix A: Research team and attendee list and affiliation

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Vanessa West  
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Jan Wilson  
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## Appendix B: Symposium Agenda



### Building on the Evidence: An International Symposium on the Sex Industry in Canada

**Audience: Women's groups and outreach organizations, sex work advocacy groups, health organizations, policing and regulatory groups, faith communities, media, and politicians**

**Date: Monday, September 22, 2014**

**Place: "Red Room", Novotel Hotel (33 Nicholas Street, Ottawa, ON)**

#### Program

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8:30 – 9:00	Coffee/light breakfast
9:00 – 9:20	Welcome from Cecilia Benoit, Team Grant leader
	Summary of Institute of Gender & Health (IGH), Violence, Gender and Health Team Grant program (Abigail Forson, Assistant Director IGH)
9:20 – 9:40	Overview of team grant: research program framework, objectives & methodology (Cecilia Benoit)
9:40 – 10:00	Overview of prostitution debate in Canada, summary of national report, objectives for the day (Dan Reist, Knowledge translation leader).
10:00 – 10:25	Q&A
10:25 – 10:45	Coffee/tea

10:45 – 11:15	Sex Industry: Exploitation or empowerment? (Cecilia Benoit, sex worker project & Chris Atchison, client project)
11:15 – 11:45pm	<b><i>Commentaries by Ronald Weitzer, George Washington University, USA &amp; John Lowman, Simon Fraser University, Canada</i></b>
11:45 – 12:15pm	Q&A
12:15 – 1:30pm	Lunch
1:30 – 2:00pm	Conflict: Interpersonal and structural dimensions (Mikael Jansson, Intimate partner project & Bill McCarthy, manager project)
2:00 – 2:30pm	<b><i>Commentaries by Gillian Abel, University of Otago, NZ and Chris Bruckert, University of Ottawa, Canada</i></b>
2:30 – 3:00pm	Q&A
3:00 – 3:30pm	Laws, regulations & services: implications for vulnerability, resiliency and health (Fran Shaver & Bill Reimer, regulation project)
3:30 – 4:00pm	<b><i>Commentary by Ola Florin, National Board of Health and Welfare, Sweden)</i></b>
4:00 – 4:30	Q&A
4:30 – 4:45	Summation of the day (John Lowman & Chris Bruckert)
4:45 – 5:00	Future developments (Cecilia Benoit)

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There is no charge to register for the symposium. Please RSVP to Leah Shumka: [lmshumka@uvic.ca](mailto:lmshumka@uvic.ca) as there are limited spaces for this event.

## Appendix C: Workshop Agenda



### Workshop: Knowledge Exchange about Violence & Resiliency in the Sex Industry

**Audience: Community partners and other invited guests**

**Date: Tuesday, September 23, 2014**

**Place: “Red Room”, Novotel Hotel (33 Nicholas Street, Ottawa, ON)**

#### Program

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8:30 - 9:00	Coffee/Breakfast
9:00 - 9:15	Welcome/outline of the day (Cecilia Benoit)
9:15 - 10:30	Panel discussion: Models for regulating the sex industry (Ron Weitzer, Gillian Abel & Ola Florin)
10:30 - 11:30	Targeted discussion – moving forward based on the evidence on regulating the sex industry from the draft team grant national report (small group discussion)
11:30 -12:00pm	Group feedback & discussion (Dan Reist, facilitator)
12:00 - 1:15pm	Lunch
1:15 - 2:30pm	Panel discussion: Community models for promoting health and safety within the sex industry (Catherine Healy, NZPC, New Zealand, NZPC, Penny Ballam, City of Vancouver, British Columbia, and David Opheim, All Saints Church, Toronto)

- 2:30 - 3:30pm Targeted discussion – moving forward based on the evidence on community models for promoting health and safety from the draft team grant national report (small group discussion)
- 3:30 - 4:00pm Group feedback & discussion (Dan Reist, facilitator)
- 4:00 - 4:30pm Closing remarks (Cecilia Benoit)