

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

B E T W E E N:

ATTORNEY GENERAL OF CANADA, ET AL.

Appellant

-and-

TERRI JEAN BEDFORD, ET AL.

Respondent

-and-

THE FEMINIST COALITION

Proposed Intervener

AFFIDAVIT OF JANE DOE (

I, [REDACTED], of the City of Toronto, in the Province of Ontario, SOLEMNLY
AFFIRM as follows:

1. I am the convener of the intervener Feminist Coalition and as such I have direct
knowledge of the matters to which I hereinafter depose. Where I do not have direct

knowledge of the facts I have stated the source of my information and I believe such facts to be true.

2. I am an activist, teacher, and author focusing on issues of Violence Against Women (“VAW”). In the 1990s, I was the successful plaintiff “Jane Doe” in the landmark case of *Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police* (1998), 160 D.L.R. (4th) 697 (Ont. S.C.J.). In that case, the court held that my *Charter* rights to security of the person and equality were violated by the failure of the Toronto Police to warn women in my community about the activities of the “balcony rapist”. The court found that the shortcomings of the police investigation were informed by sexist “rape myths” and stereotypes about women.

3. For the past three decades, I have been active in education, research, training and policy design respecting VAW issues for a wide range of institutions including multiple universities, the Toronto Police Services Board, the Ontario Court of Justice, the United Way of Toronto, and Humber College. My published work is on the curricula of numerous universities in Canada and internationally. As a result of my work, I have received many awards including honorary doctorates in law from the University of Ottawa and Concordia University.

4. My *curriculum vitae* is attached as Exhibit “A” to this affidavit.

5. In keeping with the court-ordered publication ban placed on the use of my real name and/or likeness in 1987, and renewed in 1997, I will hereafter use the pseudonym “Jane Doe” for the purposes of my involvement in this appeal and related public dissemination.

Overview of the Feminist Coalition

6. The Feminist Coalition consists of 23 member organizations related to the VAW and feminist communities who share a pro-decriminalization equality outlook on sex work.

7. The members of the Feminist Coalition argue in support of both the complete decriminalization of prostitution and full human and labour rights for sex workers. Our membership is national and supported by international organizations including the Global Alliance Against Traffic in Women (GAATW) and the Association of Women in Development (AWID). Our individual mandates and mission statements are specific to the equality rights of all women, including transgendered women, with a focus on providing direct services to those who experience sexualized and gendered violence - particularly sexual assault and/or woman abuse. Based on our common experiences and perspectives, we advocate for the decriminalization of prostitution, from an explicitly feminist equality-oriented perspective, in the context of this appeal.

8. Each of our member organizations hold specialized knowledge, experience, and expertise in support of our position, enabling us to make a useful and knowledgeable contribution in this appeal. Most significant is our combined decades worth of research, training, and advocacy experience, not represented in the host of interveners that made submissions before the Court of Appeal. Our coalescence into a single coalition will serve to make better use of the Court's time and resources.

Contrast with the Women's Coalition

9. There are several similarities and points of agreement between our Feminist Coalition and the Women's Coalition, which intervened in the Court of Appeal. Notably, we:

- Agree that sex-working women must not be criminalized;
- Recognize the historical and racialized/colonized specificity of sex work in Aboriginal communities;
- Agree that sex-working women experience a disproportionate amount of violence, especially those who are street-based.

10. Based on our collective knowledge and expertise regarding the issues represented in *Bedford*, however, the Feminist Coalition differs from the Women's Coalition in several significant ways. For example, we:

- Categorically disagree with the nature of prostitution as outlined in their Court of Appeal factum;
- Work distinctly and specifically on issues of violence against women and women's equality rights;
- Work in collaboration with and/or support sex worker run agencies across Canada and internationally, and respect their rights to self-autonomy.

11. Additionally, we hold oppositional positions, research, knowledge, and expertise on the following issues as delineated in the Women's Coalition intervener factum:

- Asymmetrical criminalization of prostitution as applied in the "Swedish" or "Nordic" model;
- The definition, nature, and role of clients;
- The definition, nature, and role of so-called "pimps";
- The conflation of "trafficking" with sex work;
- The conflation of youth and children with adult women, cis and transgendered, and male sex workers.

12. It is our opinion that, as with other groups of marginalized women, the right to autonomy for sex-working women is critical to determine their equality rights under law. We understand that issues including race, colonization, ability, gender identity, sexual orientation, immigration, and class, impact and intersect individually on sex working women and their political organizations.

Feminist Coalition Membership

13. The following is a brief summary of each of the Feminist Coalition's member groups.

2110 Centre for Gender Advocacy (Montreal, Quebec)

www.centre2110.org

Located at Concordia University, the CGA facilitates social action through ongoing programming and campaigns, as well as building coalitions and working in solidarity with grassroots social movements. It provides respectful, confidential peer-to-peer support, advocacy, and resources for those who seek it with a focus on harm reduction, empowerment and self-determination.

Assaulted Women's and Children's Counsellor Advocate Program (George Brown College, Toronto, Ontario)

www.awcca.ca

Established in 1989, this two-year program provides students with a feminist analysis of the political and counselling issues related to violence against women and children. It trains students to be agents for change in their work of community education, political action and law reform. It prepares them to provide counselling and advocacy for women and children who have experienced or are experiencing violence.

Assaulted Women's Helpline (Ontario)

www.awhl.org

For more than 25 years, the Assaulted Women's Helpline has served as a free, anonymous, and confidential 24-hour telephone and TTY crisis telephone line to all women in the province of Ontario who have experienced any form of abuse.

The Helpline provides crisis counselling, safety planning, emotional support, information and referrals accessible 7 days a week, 365 days a year. The Assaulted Women's Helpline has responded to over 728,000 calls in the past 26 years, including 49,000 calls in its past fiscal year alone.

Atira Women's Resource Society (Vancouver, British Columbia)

www.atira.bc.ca

Located in the Downtown East Side of Vancouver, Atira Women's Resource Society is a community-based organization that supports all women, and their children, who are experiencing the impact of violence committed against them

and/or their children. Through education, advocacy and outreach, Atira is an active voice in the struggle to end violence against women and their children. Our feminist-based philosophy informs all our work with ourselves, each other and the community.

Barbra Schlifer Legal Clinic (Toronto, Ontario)

<http://schliferclinic.com/>

Established in 1995 the Barbra Schlifer Legal Clinic offers legal help, counselling and language interpretation to women who have experienced violence. The clinic advocates for law reform and social changes that benefit all women.

Carleton Sexual Assault Support Line (Ottawa, Ontario)

<http://ottawa.cioc.ca/record/OCR2055>

The Carleton Sexual Assault Support Line provides confidential telephone peer support to any student staff or faculty experiencing sexual violence and is independent of the university. Other services include crisis intervention and long-term support.

Centre for Women and Trans People @ the University of Toronto (Toronto, Ontario)

womenscentre.sa.utoronto.ca/

The Centre for Women and Trans People is committed to providing a safe, harassment-free drop in space for all women and trans people on campus. We provide free support, referrals, resources and advocacy on issues of sexism, racism, homophobia, transphobia, ableism, ageism, violence, health and poverty through our workshops, events, services and programming. The Centre was founded by U of T women undergraduate students in 1986.

Coalition for a Carleton Sexual Assault Centre (Ottawa, Ontario)

<http://carleton-sasc.ca/>

The Coalition for a Carleton Sexual Assault Centre advocates on behalf of the voices of Carleton students to develop a student-run, university-funded, sustainable, and accessible Sexual Assault Centre on Carleton University's

campus. This proposed Centre would be available to all Carleton students, staff, and faculty regardless of gender, sex, sexual orientation, race, religion, ethnicity, citizenship, ability, age, Mother Tongue or student status. It would provide peer support, advocacy and public awareness about sexual assault.

Ernestine's Women's Shelter (Toronto, Ontario)

www.ernestines.ca

Provides support and shelter for women and children escaping violence. Ernestine's assists women and children in rebuilding their lives by providing crisis intervention and a range of holistic support services, while acknowledging the multitude of issues women face. It promotes awareness and education, and advocates for early intervention and prevention.

Feminist Law Student's Association (Kingston, Ontario)

An official student group recognized by the Law Students' Society at Queen's University, the FLSA organizes events and forums for law students to discuss and debate issues from a feminist perspective, including issues related to violence against women.

Juliette's Place Women's Shelter (Toronto, Ontario)

Juliette's Place is the only shelter in North East Scarborough where women and their children fleeing domestic violence can get the necessary help and resources in their time of crisis. Juliette's Place has maintained excellence in service delivery to current and ex-clients, while providing extensive community outreach to help individuals and families better identify and address issues of domestic violence and other forms of oppression.

Hamilton Sexual Assault Centre (Hamilton, Ontario)

www.sacha.ca

The Hamilton Sexual Assault Centre is a **feminist** organization that believes all women have a human right to live without violence. To achieve this, women must have equal power in their personal lives and in society. The Centre works for women's equality by challenging discrimination based on gender, race, ethnicity,

ability or sexual orientation. It provides services to women who have experienced sexual violence at any points in their lives. The Centre works to end violence against women, eliminate barriers that prevent women's equality, and works towards the equitable inclusion of all women.

Kingston Sexual Assault Centre (Kingston, Ontario)

www.sackington.com

Since 1977, the Sexual Assault Centre of Kingston has provided confidential, non-judgmental support to women who experience sexual assault. It offers public education on that issue and strives toward prevention of all forms of violence against women.

London Sexual Assault Centre (London, Ontario)

www.sacl.ca

Founded in 1973, the Sexual Assault Centre of London provides counselling, group and peer support to women who have been sexually assaulted or experienced other forms of sexual violence. Services include: a 24-hour crisis line, court accompaniment, community outreach, advocacy, public education, forums and training.

Nellie's Women's Shelter (Toronto, Ontario)

www.nellies.org

Since 1973, Nellie's has helped over 13,000 women & children from our communities. Our Mission is to operate programs and services for women and children who have and are experiencing oppressions such as violence, poverty and homelessness. Nellie's is a community-based feminist organization which operates within an anti-racist, anti-oppression framework. It is committed to social change through education and advocacy, to achieve social justice for all women and children.

North York Women's Shelter (Toronto, Ontario)

www.nyws.ca

For 25 years, NYWS has provided shelter and services to women and their children fleeing violence. We also provide training and information seminars on women abuse to schools, hospitals, businesses, religious groups and other community agencies.

Sarnia Lambton Sexual Assault Centre (Sarnia, Ontario)

www.sexualassaultsarnia.on.ca

Established in 1984, the Sexual Assault Centre of Sarnia Lambton provides supportive, non-directive counselling to women who have experienced sexual assault including: group counselling; referral and advocacy; public education through school programs, public speaking, presentations and trainings on the topics of incest, date rape, sexual harassment, sexual assault and prevention and safety. It also operates a 24-hour crisis line.

Toronto Rape Crisis Centre/Multicultural Women Against Rape (Toronto, Ontario)

www.trccmwar.ca

TRCC/MWAR is a grassroots, women-run collective working since 1974 towards a violence-free world by providing anti-oppressive, feminist peer support to women who have experienced sexual violence through support, education and activism.

University of Windsor Women's Centre

<http://windsoressex.cioc.ca/record/WIN2672>

Volunteer and paid student staff run the Centre. They provide referrals to professional agencies; promote special events, vigils, films and guest lectures/seminars/workshops; raise awareness of women's issues, including health (sexually transmitted diseases), pregnancy, abortion, violence against women (assault, harassment), employment equity and racial discrimination.

Women's Sexual Assault Centre of Renfrew County

<http://wsac.shuttlepod.org>

Since 1994, the Centre's mission has been to support women who are experiencing, or who have experienced sexual violence at any time in their lives. It is committed to working towards ending the violence against, and the oppression of women.

York University Centre for Women and Trans People (Toronto, Ontario)

www.yorku.ca/ywc/ywc

The Centre is a pro-choice, anti-racist, queer-positive, trans-positive, feminist organization committed to breaking the social isolation that women and trans people face on campus through programming, socials and networking events, and providing services such as peer-to-peer crisis intervention, peer counselling, advocacy & referrals from a feminist, anti-oppressive framework.

International Membership

Association of Women in Development (AWID)

www.awid.org

AWID is an international, feminist, membership organization committed to achieving gender equality, sustainable development and women's human rights. Understanding violence against women as a denial of equality rights, AWID funds, initiates, participates in, and otherwise supports members and the broader constituency to take urgent action to protect anti-violence movements globally. Recognizing that political-religious projects are gaining ground all over the world with particularly negative consequences for women's rights, AWID's "*Resisting and Challenging Religious Fundamentalisms*" initiative was begun. AWID supports and works with sex workers internationally including in East Africa, Krygyzstan, India and South Asia.

Global Alliance Against Traffic in Women (GAATW)

www.gaataw.org

GAATW's mission is to ensure that the human rights of all migrating women are respected and protected by authorities and agencies. GAATW promotes rights of women migrant workers and trafficked persons and believes that ensuring safe migration and fair work places should be at the core of all anti-trafficking efforts. We advocate for living and working conditions that provide women with more alternatives in their countries of origin, and to develop and disseminate information to women about migration, working conditions and their rights. We support the self-organisation of women in vulnerable and marginalized situations, especially migrant workers in the informal sector and aim to strengthen their efforts of self-representation and advocacy.

Academic Advisors

Kamala Kempadoo

Professor, York University

<http://people.laps.yorku.ca/people.nsf/researcherprofile?readform&shortname=kempadoo>

Starting with research on sex work in the Dutch Caribbean, Kempadoo's research has broadened to include global issues of "the traffic of women" and sexual economic transactional relations that exist outside of the sex industry. She has conducted policy-oriented research on Caribbean sexual relations and HIV for UN and intergovernmental agencies, and recently held a SSHRC-Research Development Initiative grant to examine the issue of incest in the Caribbean. Much of her research is collaborative. A new focus in her work is on research methodologies in Caribbean feminism and sex work studies.

Maria Nengeh Mensah

Director of Undergraduate Studies and Professor, UQAM

http://www.travailsocial.uqam.ca/Page/mensah_maria.aspx

Mensah's research on sex work has led to publications such as "Evolution of feminist discourse on "prostitution" in Quebec"; "Feminists and sex workers: an alliance to deconstruct the stigma of whore"; "Defending women who do sex work"; "The idea of community and collective action of sex workers," in "But yes it is a job! Think sex work beyond victimization"; "Sex Workers Training Professionals to Reduce Stigma and Vulnerability to HIV", and "Feminist debate on prostitution in Quebec, views of sex workers".

Conclusion

14. In summary, I believe that the collective experience and common outlook of the groups comprising the Feminist Coalition make it well positioned to offer a unique and informed perspective on the difficult and contentious issues confronting this Honourable Court.

15. I affirm this affidavit in support of the Feminist Coalition's motion for leave to intervene in this appeal, and for no other or improper purpose.

SWORN before me at the City of)

Toronto, in the Province of Ontario)

this day of , 2013)

)

)



A Commissioner, etc.