



## OASIS Program – Primary Care and Prevention of HIV and Hepatitis C

*The Oasis program provides medical and social services for people living with, or concerned about HIV and/or hepatitis C, and who encounter barriers to services because they use street drugs, have a mental illness, are homeless or are involved in the sex trade. Our services include a drop-in centre, medical staff, counselling, street health outreach, an experienced dietitian, needle exchange services and complementary care.*

*\* This brief represents the views of a coalition of women who access services at OASIS \**

On March 12<sup>th</sup> 2014, a coalition of women who access services at OASIS sent their collective answers to the questions of the Department of Justice's Public Consultation on Prostitution-Related Offenses in Canada. They wished to contribute their valuable insight on a matter they have deep knowledge and expertise on. Despite representing the very women the Government's new bill purports to protect, namely marginalized women working in the street-based sex industry, their responses were not given special consideration, as the consultation process was not designed to facilitate that.

Again, on August 7<sup>th</sup>, a coalition of women from OASIS attempted to ensure their voices would be heard during the review process of Bill C-36 by choosing a representative and recommending her as witness for the Senate Committee hearings due to take place from September 9<sup>th</sup> to September 11<sup>th</sup> 2014.

OASIS has not received an invitation to appear despite the fact that their representative would have shared the perspective and the lived experiences of current and former street-based sex workers, some of them currently working, or having worked in the Market and Vanier areas, two of the most policed strolls in the city of Ottawa.

This perspective is of great importance in the context of the Government's study of Bill C-36 as, historically, the criminalization of sex work has mostly fallen on marginalized and often street involved communities, with close to 95% of all prostitution charges in Canada tied to street-based prostitution.

The Oasis's Women's Night provides a gathering space for women who are at risk of, or live and/or work on the street to discuss issues that pertain to health and safety. This brief presents the sum of several discussions hosted at OASIS since the Supreme Court ruling on Bedford vs Canada, and reflects the experiences of a coalition of women

who have been personally impacted by the criminalization, stigmatization and marginalization of sex work.

In this spirit, OASIS wishes to submit this document to the Senate Committee studying Bill C-36 in the hopes that this crucial contribution will be given the weight it truly deserves.

Section one includes the answers given to the questions outlined in the Government's online consultation that took place in March 2014.

Section two includes additional points gathered during subsequent facilitated discussions after Bill C-36 was tabled.

## Section One

**Question 1: Do you think that purchasing sexual services from an adult should be a criminal offence? Should there be any exceptions? Please explain.**

No, with no exception when the people involved are both consenting adults. Sex work is an agreement between both parties. If you make it illegal for clients, it's negative because we wouldn't have clients anymore and if we need the money to survive, it means having to resort to stealing or other crime. We need money to live, to pay rent, to survive. Who can live on a 500\$ welfare check when you have to take care of rent, food, bills, transportation, kids, etc.

*One participant:* "I have been waiting for three years to get on disability and can't make it work on Ontario Works money. I have a physical disability; this is my only way to get the money I need in a way that I'm ok with".

Also, what we do is important. If we can't do it, there will be more rape and more violence in families and on the street.

The cops in Ottawa pick up clients now in the sweeps but they still harass us, ask for our names, "what are you doing here", they tell us to get off the street. The relationship is no good, they still harass us and there is still violence from police and threats even though they say they only target clients right now.

Arresting our clients wouldn't stop prostitution. It would never disappear. It is a crime right now for everyone and they harass us all the time but that has not made it disappear so it won't either if you go after clients.

If you need the money, you need the money, any programs like 'Jane School' (diversion programs or exiting programs) don't change anything about that. You just got back to working after you're out because you need to.

Not all clients are violent or attackers. Not all clients are bad dates.

*Participant:* “I had two or three bad dates in over 15 years, one said he wouldn’t pay and had planned it all. If they are going to attack you, it’s not arresting our good clients that will change that, those who want to hurt us, they plan it.”

**Question 2: Do you think that selling sexual services by an adult should be a criminal offence? Should there be any exceptions? Please explain.**

No, with no exception when the people are two consenting adult. It is an agreement between two adults and we still get arrested for it. We go to jail and have records because of it, which makes it almost impossible to get any other jobs. We are fending for ourselves and still, it gives us records to go out to get money. Getting arrested, it destroys your name, any chances of moving on. You try to hide from police all the time and clients are afraid as well. If we see cops around, that means we have to refuse dates until they leave or have to go hide. That’s a bad thing because then we don’t get the money that we need. We have to wait longer out in the cold. The longer you are out there, the more chances you have to run into a psycho. Police treat us like crap, they treat us like we’re piece of dirt because of something we have to do to survive. They treat us like we have killed people, like we’re real criminals.

**Question 3: If you support allowing the sale or purchase of sexual services, what limitations should there be, if any, on where or how this can be conducted? Please explain.**

No limitation for adults. Most of us are really careful about where we do it. We don’t do it in front of children and that’s why it’s on Montreal road where there are stores or in other spots where we try to be discrete.

**Question 4: Do you think that it should be a criminal offence for a person to benefit economically from the prostitution of an adult? Should there be any exceptions? Please explain.**

No. Of course, pimps should not exist. Pimps encourage drug use and beat girls up. There are not many of them out there, especially compared to 20 years ago, but when the girls are insecure and they feel unsafe on the street by themselves, not knowing their rights and all, afraid of clients and police, pimps say they will protect you so that convinces some girls to work for them. They don’t actually protect girls, but they say they will. They are not deserving of the money the girls give them because they take advantage of how it is dangerous out there with the police and having to hide and all.

Other people who are working for sex workers should be allowed to do it as long as they are doing what they say they will, then that’s fine. Like security guards or secretaries. If it was legal people, could check on them and make sure they don’t scam us. If they are not doing their job (of protecting us, administering our affairs), then they should not benefit from the money we make.

*Participant:* “Many people work with us that are not pimps. My boyfriend was taking down plate numbers. One time I got attacked and the guy had planned to attack me. He had stolen plates so the car wouldn’t be tracked (the police told me after) so he knew he wanted to do something to a girl. It was all planned out. That guy didn’t know but my boyfriend was watching out for me. There were lots of empty parking lots on of Nelson before and when he attacked me, I managed to punch him back and unlock the door. My boyfriend heard me scream and came running. Neighbours also heard. The police came.”

**Question 5: Are there any other comments you wish to offer to inform the Government's response to the Bedford decision?**

We agree with the Bedford decision. It shouldn’t be a crime as long as it’s between consenting adults and the majority of us are consenting mature adults. It is negative for us that it is a crime. Because it makes us feel like we are doing something wrong when deep down, it’s not wrong. The decision should be ours. We don’t think it’s a crime and we should get support when we need it instead of being jacked up.

## Section Two

*The answers provided below are from an in-depth discussion with a retired sex worker who attends Women’s Night at OASIS and was interested in taking part in the pre-study process as a representative. She has experiences both working on the street and in bars. The conversation touched on the following topics:*

**Question 1: Could you introduce the OASIS group and who you represent?**

Oasis is a really good space and program. Girls can come in and talk about work, get help if need be. We are not looked down on or shunned, regardless of who we are or what we do. A lot of sex-trade workers come to Oasis and can share their input. At Oasis, workers are not afraid to speak and be heard. Staff at Oasis are helpful. It is also helpful that other people come in and talk about various issues like self-protection which is good for the working girls. People can get connected with other job opportunities when they are here. All of this is to help people have more choices.

**Question 2: Break down how sections of the new bill will impact the community you represent:**

Section 213 is interesting. I guess I get it in principles because, as it stands, street sex work is out in the open to the public. I understand that sex work should be private, but in a way that people are still protected. That’s where it doesn’t work in real scenarios. We should help people work in a safe way. As a whole, trying to stop sex work completely means that sex workers who need to work and make their money are going to other, darker places where they are going to get hurt.

There are some concerns with setting up girls who work indoors. There is a history of undercover cops entrapping girls.

Regulations around sex work should take care of the health of workers and make sure no one gets hurt. We need to catch bad dates before it gets out of hand. Women who use drugs when working are more vulnerable to abuse from clients. How we can help people work in a safe way, that's what's important.

**Question 3: Do you believe criminalization of any or all of the parties in the sex industry would help the community you represent?**

Criminalization doesn't help sex workers. The women and men will just go and do it again. I was caught near the end of my career and sent to Jane school by the court. The charges against me were dropped because I agreed to go to Jane school. Johns who are busted, they pay for the school; they each have to pay \$100 or something. The campground at Jane school was beautiful and the food was catered. It was a nice weekend during which we spoke about how we each got into sex work. One girl shared a story of a pimp who beats her all the time. She was supporting his drug use. Overall though, sex workers go back to it after because they need to. More choices and more support is what would make a difference for those who want to get out, not control.

Now, when we speak of violence, the deaths of Native and Black women are not followed up on. They get beat by their clients but brush it away because they know they won't get any help.

**Question 4: What do you think of a model like the one in New Zealand which starts with the decriminalization of sex work?**

A brothel and a red zone where it is legal to engage in sex work are both good things. Having a valid operating license could be a good option. Get ex-working girls to run the place. They know what the girls are going through, how to talk to them.

And they include important tips to stay safe in the way they go about it. Discussing the transaction beforehand is really important. Sex workers shouldn't make promises they can't keep. Being able to be honest about what services you provide is an important part of staying safe. When you can't talk, that's not possible. Housing and a safe work environment are very important. So is a red zone area where girls and dates can be safe and won't worry about being busted by cops when it is two consenting adults. Girls should have access to condoms (male and female). Everyone wears a condom. These are the things we should be talking about. This is where we need to start the work.

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The OASIS team urges the Government of Canada to consult with those who are and will be most affected by legislation regulating sex work to ensure any new law is evidence based and prioritizes the health and well being of sex workers.