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## **Purpose**

I am writing to request an invitation to appear before the Senate Committee when they hear witnesses on Bill C36 in early September. In July, I applied to address the Justice Committee and was not invited, which was discouraging, especially when I learned that no other family member of a sex worker was invited to speak against the Bill.

I am a writer, primarily of children's books, and a creative writing instructor at UBC. My sister disappeared from the downtown eastside in 1998. I believe that the laws in effect at that time made it easy for predators to hurt and kill sex workers without drawing attention to themselves, and that the new laws will only make things worse.

## **Introduction**

My sister, Sarah de Vries, is one of Vancouver's missing women. In 2002, Robert Pickton was charged with her murder. Incorporating Sarah's writing, I wrote a book about my search for her and what I learned along the way. I spent five years (2002 to 2007) on the board of PACE Society, and formed many lasting relationships with people from my sister's world. The journey was painful, as I struggled to come to terms both with Sarah's death and the way she lived her life.

Since then, I have spoken about her life and what I have learned all over British Columbia, in Saskatchewan, Ontario, Nova Scotia and Prince Edward Island. I have spoken and given writing workshops in secondary schools, detention centres, inner cities and prisons, as well as addressing university women's clubs, university classes, First Nations communities and more. And, in 2005, I addressed the Parliamentary Subcommittee on Parliamentary Law Reform.

It is clear to me that criminalizing sex work in any way brings danger to sex workers and diminishes all of us by reinforcing our prejudices. I was glad when the laws were struck down last year, and I am appalled by the laws that are now lined up to take their place. These new laws will make life harder for sex workers, bring more violence their way, and make it more difficult for those who would like to change their lives to do so.

I've included two pieces in this brief that I wrote in the past, the first some years ago, the second just in the last few months. I have adapted the excerpts from my book (Part I) to address current circumstances.

## **Part I:**

**Adapted from my book, *Missing Sarah* (Penguin, 2<sup>nd</sup> edition, 2008).**

In the late eighties, a large part of the sex trade shifted down to the east side of Vancouver, an area where sex workers had worked for decades, but an area that was to change dramatically as street-level sex work and drug use were more and more concentrated there. By 1987, Sarah was spending much of her time on the Downtown Eastside, breaking one of her most important rules: never work on Hastings Street.

Today a debate rages about what to do about the downtown eastside, what to do about the poverty, the homelessness, the drug addiction, the overdoses, violence, disappearances and death. ... As I follow the debate, I am always asking myself what changes that are being proposed or made now might have meant for Sarah were she still there. Sarah needed a safe place to live. She needed choices. She needed respect. And she needed to be able to continue what she was doing as safely as possible until she was willing and able to make other choices. Any revitalizing that would have brought the neighbours out with their pennies and their eggs to push Sarah down to the other side of the tracks, to push her out from under the streetlights would have put her in greater danger. Any changes that would have forced her out of her house so that it could be renovated for more moneyed, respectable tenants would have placed her in greater danger still.

When community groups on the downtown eastside gather to discuss and bring about change, they need to involve groups that represent sex workers, such as PACE Society, and they need to involve sex workers themselves. When politicians and others work to bring about change in federal prostitution law and to decide what changes would help and which groups to fund at the provincial and municipal levels, they need to invite sex workers into their process. And give them an active role. The sex workers are out there. They are talking. They are as articulate and intelligent as the rest of us and they know what they need.

Several times in her journals, Sarah wrote about sexual acts with clients, always in negative terms. I don't know if passages such as this reflect how she felt all the time, but she here describes how badly she felt and implies that the men she was with didn't care.  
*May 1997*

*Sometimes I start to take my clothes off and I feel a lump start to form in my throat. It starts to burn as I try to swallow it back down. I swear whomever I'm with can see it clear as day. It hurts my throat. They must hear me trying to swallow. My mouth and throat are so dry. I always try to avoid eye contact at all times. It makes it easier for me.*

*As I lie on my back, I find that men's nipples look like two eyes and that their belly hangs down like a nose. The belly button is a mouth. Sometimes these faces are hairy, bald, wrinkly, smooth, fat, lean, dark, white, hot, cold, dry, sweaty. (33)*

Over and over, I've heard women tell how they turned to drugs to deal with the pain and humiliation they felt when they sold sex. At the same time, I know that many women who work in the sex trade do not do drugs. I met some of those women when I went on an outreach ride-along. I also know that drugs are not such a big part of the escort-service/ massage-parlour component of sex work. I find helpful the distinction between

sex work and survival sex. Survival sex describes a situation where choices are limited, where girls and women are having sex for money because it seems like their only means of survival, of keeping a roof over their head, getting food, caring for their children, or buying drugs.

At the same time, I think that it is important to draw a further distinction between survival sex and sexual slavery or trafficking. We hear a great deal nowadays about the trafficking of women for sex, but we must not conflate trafficking with the experience of women and men who are out there right now on the street. Not one of the women I've met, or the women I interviewed were being held against their will. And none of the front-line workers I've talked with have spoken of trafficked girls or women. The women who are out there now are doing the best they can with a tough situation; life circumstances may have limited their choices. But they do not need to be rescued in the way that one would rescue people who were being held captive.

They need more choices, more connections with the larger world, more services, more education, greater safety. When we equate one thing with another, such as saying that all prostitution is sexual slavery, or conflating sex work and trafficking, we limit our capacity to draw distinctions, to understand the actual permutations of people's lives. And we deny their agency.

My sister was engaged in survival sex. Her choices were limited as long as she could not see a way out of that life. She was locked tight inside her addiction. But she had dignity. Within the scope of her life, she made choices every day. I believe, though they are difficult words for me to write, that she had the right to sell sex whether she hated it or loved it. She could only leave that life if she did so freely. I don't think that there is any way we could have helped her except by increasing her freedom.

It strikes me that the argument that all sex work is sexual slavery--that it is impossible for a woman truly to consent to selling sex--because buying sex is inherently exploitative is rooted in outmoded radical feminist ideas. Yet the laws laid out in Bill C36 spring from this notion, that sex workers must be protected from themselves. The Bill also seems so assume that all clients are men and all sex workers are women, which is far from the truth.

I remember studying radical feminism in university and exploring radical feminist ideals when I was involved with the Women's Union at McGill University in the mid-eighties. I was well grounded in feminist principles before that time and remain so, I hope, but radical feminism is a whole different realm. It goes beyond notions of equality. One of the ideas of radical feminism that I remember struggling with was the idea that all sexual penetration is rape. There again is the equation of one act with another.

The idea that all penetration is rape eliminates the possibility of women being equal with men in heterosexual relationships, thus suggesting that women cannot participate in the world with men without being enslaved, dominated and used. Such a notion is patronizing in the extreme.

Men (or women) who push women (or men) into selling sex are moving sex work close to the realm of slavery, but still the differences are important. The relationships between people who "live on the avails" of prostitution and the people who support them are infinitely complex. Even the relationships between pimps and those who work for them are complicated, I think, and varied as well. And many, many sex workers do not work for pimps.

I saw a couple on Oprah once who were unhappy in their relationship because the husband wouldn't give his wife money unless she had sex with him. She had to earn her spending money at twenty dollars per sex act. She felt degraded. He thought the system worked well because they both got what they wanted. He got sex and she got money. It made me sick to listen to him, and I was glad to see him set straight. At the same time, no one suggested that either one of them should be arrested.

By making communicating for the purposes of prostitution illegal, we criminalized the way in which those working in the survival sex trade made their living. They were at odds with the system in which they lived and thus were vulnerable. Men could hurt them and get away with it. And men did, every day.

Now, the new laws make it illegal for men to buy sex, and illegal for either party to communicate for the purposes in certain places. The effect, driving sex work out of view, will be precisely the same, keeping sex work underground, making it impossible for sex workers to create a stable, safe way to do business, while making it very risky for a client to come forward if he witnesses violence, coercion or exploitation. We remain unwilling to acknowledge sex workers as a legitimate part of our workforce. Thus they are not protected by the structures that protect others.

## Part II

My responses to the questions from the government during the recent consultation process.

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

No. I do not think that purchasing sexual services from an adult should be a criminal offence. My sister was a sex worker. She was murdered by Robert Pickton in 1998, and she wrote about how unhappy she was selling sex. Even so, after all the research I did, writing a book about her and about my journey (*Missing Sarah: a Memoir of Loss*), I came away feeling strongly that criminalizing any part of the exchange of money for sexual services between consenting adults would not be the right step to take.

First, I believe that doing so interferes with our rights as Canadian citizens. Second, criminalizing the purchasing of sex creates danger as it causes sex workers to take risks. For example, they must negotiate with clients in places where they will not be seen by police.

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

No. I do not think that selling sexual services by an adult should be a criminal offence. Adults should be free to sell sexual services for the same reasons that adults should be free to buy them. Criminalizing the exchange of sexual services creates danger, invites organized crime into the arena, and inhibits sex workers' ability to support themselves, to

access the services that are readily available to the rest of us and to participate meaningfully in society.

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 criminal laws should target sex workers or their clients specifically. The laws that are already in place prohibiting violence, coercion etc, should be used to protect sex workers just as they are used to protect the rest of us. Sex workers themselves should be consulted on the development of any non-criminal laws with regard to labour conditions and municipal regulations.

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. I do not think it should be a criminal offence for a person to benefit economically from the prostitution of an adult. Sex workers should be free to use the money they earn as they please just as the rest of us are, including to rent space, to hire people in various capacities. Such a law places sex workers in danger as it prohibits others from taking money from them to help them and prohibits them from grouping together to support one another. Such a law also invites organized crime into this arena, as criminals become the only group of people sex workers can hire for protection or for other purposes.

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

I fully support the *Bedford* decision, and I would like to see the Government doing so as well. I would like to see Canada fully decriminalize sex work, and work with sex workers to come up with a set of best practices for moving forward. I believe that New Zealand provides a model worth examining closely. My sister disappeared in 1998. Since that time, I have spent a great deal of time studying this issue and discussing it with front line workers, with ex-sex workers and with sex workers themselves. I was happy to see the Supreme Court of Canada strike down the three provisions, and I believe that Canadians are shifting their views, and they are ready for change. I hope that the Government does not undo the good that has been done.

6. Are you writing on behalf of an organization? If so, please identify the organization and your title or role:

I am not writing on behalf of an organization. I am the sister of a sex worker who was murdered. In April 2005, I addressed the Federal Subcommittee on Solicitation Laws in Parliament, and gave each member of the committee a copy of my book about my sister. I feel that these changes in law have been a long time coming. The research has been done.

Let's move forward and make Canada a safer place for sex workers, so that predators like Robert Pickton no longer find it so easy to hurt and kill our citizens.