

Sonia Lawrence: For even for those [inaudible 00:00:03] there's always the chance to learn something new. At a minimum, I'm sure that everyone on the panel and everyone in the room shares the conviction that no one involved in the sex trade should experience the kinds of violence that shadow the written judgment in Bedford and that everyone shares offense that those who have died from that violence need to be remembered and respected and heard and honored in whatever comes next in our national debate.

In that light I would ask the public [inaudible 00:00:32] the vigil taking place on Valentine's Day [inaudible 00:00:37] who have died violent death February 14th at 12:30 [inaudible 00:00:42-52] ... and before I do that I should let you know that this candle is being audio taped for [inaudible 00:01:03]. So I'm going to thank the panelists in the opposite order in which they will participate.

So on my very far left is Kim Pate, the executive director Canadian Association of Elizabeth Fry Societies. She works with criminalizing and institutionalized men across Canada. [inaudible 00:01:24] at the University of Ottawa [inaudible 00:01:28] in the center, tweeting about the panel is Professor Brenda Cossman. She's Professor of Law here at UT and director of the Bonham Center for sexual diversity studies at UT that's housed here in University College.

speaker 1: Hashtag is after Bedford.

Sonia Lawrence: In between Kim and Brenda is Professor Jamie Cameron. She's on the faculty of Osgoode Hall Law School at York. She's widely published in her area of expertise which is the charter [inaudible 00:01:58]. Beside Brenda is Christa Big Canoe. She's the legal advocacy director at Aboriginal Legal Services of Toronto. She has many friends in the audience. Her career as a lawyer has been built around her passion advocacy for First Nations children and women's rights. Immediately to my left is Cheryl Auger. She's a political science Ph.D student at UT. She's also on the board of Maggie's: The Toronto Sex Worker Action Project. To her left is Katrina Pacey who will be our first speaker. She's the legal director at Pivot [inaudible 00:02:45].

So now maybe we can thank everybody on this panel. ... [inaudible 00:02:57] only going to get, we told them seven minutes, and I'm going to really cut them off at ten immediately. I doubt I will get the kind of authority that the Chief Justice has, but I will do everything that I can to stop them so there could be time for questions. We're going to take questions on paper. We'll have students handing out something that you can write the questions on. I will read them without paraphrasing or

editing. Okay, so if you ... want me to ask a question in your voice you can write them down and I will read them without editing.

Although this is really minor in relation to the other things that divide some people in this room, I do really want to thank my co-organizers [inaudible 00:03:43] University of Toronto faculty of law and Mariana Valverde of the Department of Criminology for the spirit academic collaboration and cooperation with which the panel was organized. Of course those who assisted, including but not limited to Rebecca Thorpe of the Bonham Center, Jennifer Tam of UT law and Rebecca Weaver who's a Ph.D candidate in the criminology program. Funding is courtesy of the Scotiabank- UT faculty of law lecture and conference fund and the Osgoode Institute of Feminist Legal Studies.

Without further ... I'm just going to give a very brief introduction to the topic that we're going to talk about and then we're going to turn it over to Katrina. The December 20th unanimous judgment of the Supreme Court struck down three Canadian laws that criminalize [inaudible 00:04:32] sex per se [inaudible 00:04:35] so communicating to the purpose of prostitution, keeping [inaudible 00:04:39] living off [inaudible 00:04:40] of prostitution generally. This is a very multi-disciplinary audience here with people from all walks of life and many law students plus social science students, so this is just a brief introduction to the legal context of the case. The panelists will be presenting different aspects of the aspects of the case. This is just a very brief [inaudible 00:04:59].

The claim [inaudible 00:05:01] to challenge the laws and question under Section 7 of the charter arguing that the criminalization was creating inordinate risk for sex workers despite the legality of the ore activity: selling sex for money. So in striking down these laws and the reason the frame in which we organized this panel today in striking down these laws, the unanimous court really pushed the ball back to Parliament. So what's going to happen next? The judgment is suspended for a year to give some time for discussion and preparation of new legislation. It is to consider both kinds of questions that we convened this panel today. What avenues remain open to us after this Supreme Court decision? What should we be thinking about in terms of the process by which we pursue those avenues? What should we be thinking about in terms of the substance of whatever regulation is coming next? Finally, of course, the political question: What can we expect from the government of the day?

To answer these questions I will turn it over to our panelists and my only remaining job is to drag them off at minute ten. Thank you very much, and Katrina ...

Katrina Pacey: Let me know if I get too close to the microphone. I have a tendency to lean in and I start spitting at you and just being very loud. I want to thank you all for being here. I want to thank the organizers of the event for inviting me and I want to particularly thank the sex workers and activists in the room who allowed me to be ally in this movement to do this amazing transformative work.

I thought I'd begin with a reflection which takes me back twelve years ago, which was actually the first time I sat down and borrowed the [inaudible 00:06:57] and had my first meeting with women from that community who were involved in sex work. I have to admit that I brought with me to that meeting a head full of assumptions and beliefs and stereotypes and misapprehensions about what sex work was, why people did it, what they needed from society and I brought all those beliefs and assumptions to that meeting and it was really in the course of those conversations with sex workers that all of that melted away, that everything I thought I knew, that I read about in my women's studies textbooks, that I had seen in the media, that I had been educated through the sort of society that surrounded me really just melted away.

I had to abandon everything I thought I knew about sex work, about what it was and how it existed and why and really realize that my job in this work, if I really wanted to serve the community is to listen to sex workers. So that's my first point for today. What we're talking about is after Bedford. We're talking about moving forward. The most important thing that I would like you to take home from this is that we need to listen to sex workers. That they need to have a leadership role in all future law policy development.

In those meetings sex work was described to me how the laws were not only a failure, but how they created the really egregious crimes that we were seeing [inaudible 00:08:12] and across the country. So this is really the message that came through loud and clear in that meeting. That's where [inaudible 00:08:19] and the campaign was born. The campaign to decriminalize adult sex work and all of the litigation, everything that follows. Of course ten to twelve years ago so much has happened and if I lots of time I would tell you all about it, but we've arrived in this amazing place where thanks to [inaudible 00:08:36], Valerie Scott, we have this incredible opportunity. This moment in time where those three women stood up on behalf of the movement nationally, went to court, fought in front of three levels of court, eventually in front of nine justices of the Supreme Court of Canada and won.

It was an amazing victory, but we're at a moment now where we need to hold on to it. We need to ask ourselves where should Canada go post-Bedford? Should Canada continue to cling to the criminal law with some kind of hope, because people do have a fundamental discomfort. Often people have a sense that, "Well, if we hang on to the criminal law or if we keep prohibiting adult sex work maybe it will go away? Maybe that's the right thing to do." What I'm here to tell you is that this is an opportunity where we're getting to look at the harms and the failures and the disaster of criminalization and to start to think about a new approach.

My hope is that in this talk, as I talk to you about the conversations I'm having with sex workers in the downtown east side about what would happen if Canada re-criminalizes or criminalizes sex work in a different way the disasters and tragedies that will continue in that community. I'm actually going to tell you what sex workers are saying to me and what they're asking me to say to you today about what their experiences will be if a new law were to come into force that criminalizes the purchase of sex, which really seems like where the debate lies at this moment.

What I hope is that when you hear these quotes that I'm going to read to you today and talk to you about the harms that that [inaudible 00:10:06] a lot of the misapprehensions and beliefs that I think are informing that perspective will also melt away. This is the conversation we need to be having in our communities with government to make sure that we can start undoing some of those mis-beliefs that are informing that position.

I'm supposed to show you this slide next but I forgot, but this is [inaudible 00:10:26] part of Canada.

Now I'll move on to talk about the conversations I'm having in the community because of course everything that stands for [inaudible 00:10:36] the sex workers and help to bring their voices forward. In the Nordic model, or what we call the Swedish model, which really just means criminalizing the purchase of sex, when that conversation started, although it's been ongoing for a while, we started asking sex workers in Vancouver, "What do you think? How's this going to affect you?" Those conversations led us to start to document what women's experiences had been in Vancouver because in fact the model of criminalizing clients has been in place for quite some time in Vancouver.

Vancouver city police have a policy of actually non-arrest, of not arresting sex workers, but they're actively and aggressively targeting clients. This is the effect sex workers are seeing. First of all, sex workers have to work longer hours, have less choice in terms of vehicles they get into and

experience greater vulnerability under that legal system. Chasing their clients away means that they have to work longer and harder and have less control over the conditions of their work.

I want to stop here and just make a point, which is that if criminalization a client is somehow about preventing prostitution or saving sex workers, well it does not protect sex workers or saving them from anything, because the women that I work with have to go out every night. They do go out every night. They go out for a range of different reasons, but it's for economic reasons. So when the police chase their clients away, they don't get to go home that night and say, "I guess I didn't get to make that extra money." They don't go home. They stand out there longer for longer hours under worse conditions. It increases their vulnerability to violence.

The second point I'd like to make is that whether police are chasing clients around or chasing sex workers, they end up being displaced. This might all sound quite familiar to you because you may have heard this and heard about this in the Bedford litigation. This is one of the main reasons why the communication law was struck down, it's because sex workers are being displaced to isolated dangerous parts of the city where they then are not in control of the circumstances, they have less access to resources and safety. This is what sex workers are saying ... when the police are targeting their clients at present. They say that clients are worried about the police, so they're indicating to sex workers, "Let's just move down the road." Well that's not where they want to go. That's not where they want negotiation to take place, but it's necessitated by the fact that they're targeting their clients.

Then the third point, which is also going to sound familiar to you if you follow the evidence in Bedford, is that sex workers where the police are targeting their clients ... wanting to get out of the way of police or not be seen by police, sex workers feel rushed to get in to their vehicles. Clients want them to jump in, they want them to get on with it and get in the car and move on and have that conversation elsewhere and negotiate the terms of the transaction. Sex workers need to be able to take that really essential step of looking in the vehicle, talking to the client, agreeing on the terms of the transaction, checking out the situation to see if it feels safe, looking at [inaudible 00:13:32]. Again, the laws are unable to carry out those really effective and really important initial safety measures.

Finally there's this whole question about whether or not targeting clients is increasing or improving the relationship between sex workers and the police. I think the philosophy behind that model I hear is, If you actually

are no longer enforcing against sex workers, there's an appeal there for protected by the police. Well, what I want to tell you is that our conversations with sex workers is they do not feel protected by the police. They feel they are judged by the police. They feel [inaudible 00:14:06] and targeted by the police, even if they're not being arrested, and at the end of the day what needs to happen if we're actually going to improve the relationship between police and sex workers in an actually meaningful [inaudible 00:14:16] need protection, there's a lot of work that needs to be done.

What sex workers are saying is the only way to create the faith for that is for the police to no longer be targeting sex work when it's happening between adults who wish to engage in it.

Finally, the last point that I want to make, what sex workers are talking about with us is, "So you're telling me the body has [inaudible 00:14:38] yeah because I'm working indoors, it's so much safer, but how are we supposed to do that when the police just park their car outside and target our clients?" How do you actually, ever, operate or open up for work in a safer indoor space when all the police have to do is sit out front and target your clients as they go through the door or surveilling your clients as they go through the door. So in fact, the spirit of the Bedford decision, the spirit behind being able to allow sex workers, or at least remove laws that were creating barriers for sex workers to be able to set up the indoor spaces, that spirit of that intention or that benefit is completely lost if you have a new law in place that then criminalizes clients.

So the [inaudible 00:15:18] displacement, lack of time to screen, lack of ability to work indoors, inability to work together all of those harms are ones that may sound very familiar to you if you've been watching this case because those exact reasons, those three provisions, were just struck down by the Supreme Court of Canada and In my view they're the reason why a new framework that criminalizes clients would be struck down as well.

What do sex workers want? Well, what they're telling me they want is equal access to the broadly different protections that are already in the criminal code that protect all of us from intimidation, exploitation, violence, sexual violence, emotional violence and all the range of protection that we should have equal access to but the criminalization of sex work actually stands in between sex workers having appropriate access to those protections.

So I'm done and I'm going to sit down. Thank you.

Cheryl Auger:

Hi. My name is Cheryl Auger and I volunteer and a board member at Maggie's: The Sex Worker Action Project. ... For over a year now I've been on the board and I've been a volunteer longer than that. I've been asked by the organizers to talk a little bit about municipal politics and sex worker regulation.

The question is how do we move forward, where do we go from here after the Bedford ruling? I think in order to answer that question we need to look at where we're at now. We've heard a lot of talk about different federal legal systems like decriminalization, the asymmetrical approach, legalization, but one thing that's interesting to me is that throughout many of those systems what remains the same is that at the local level there is already some form of regulation. Including here in Canada where we have a criminalized system, we still have local regulation.

There are a range of municipal bylaws related to ... business licensing and zoning already in place that regulate some parts of the sex industry in Canada. That kind of suggests that most approaches are actually a hybrid of different types of regulation. So let's say if I'm asking, "Who do I license?" This varies across Canada's cities. Different cities have different policies. I'm going to use Toronto as an example because it's where we are and it's also what I [inaudible 00:18:05].

In Toronto, for example, exotic dancers or strippers are licensed as well as recently managers and for longtime owners. Body rubs parlors, owners are licensed as well as the so-called body rubbers, the workers there. Holistic practitioners are licensed and [inaudible 00:18:27] centers are licensed. In other cities escorts are actually already licensed, like in Edmonton.

How do you get a license? Right? In most systems you need to have police clearance. This involves paying a fee and then giving a criminal record check. Most systems will exclude people that have certain kinds of criminal records. In the Toronto licensing system there's a grid and it's based on demerit points. Your demerit points will depend on the infraction and how long ago it was. The types of infraction that matter depend on the type of license you're applying for. This means that some forms of licensing are exclusionary. Additionally, licenses cost money and are kind of expensive compared to other licensing categories. I'll give you an example.

If you want to own a body rub parlor in Toronto you will have to pay initially \$11,992 and seventy-something cents and a renewal fee annually will be \$11,588.32. If you want to be a body rub parlor attendant, you initially need to pay \$360.59 and then \$250 every year there after. In addition, if you want to work in a body rub parlor in Toronto you will need to have a medical certificate proving that you are free from communicable diseases.

Holistic centers are not as expensive to license and that's in part because they're kind of a fuzzy category. In Toronto there are only 25 licenses available for body rub parlors. [inaudible 00:20:17] knows, there's where more licensed parlors than that, right? So the way the owners get around that is they license themselves as holistic centers. The workers there are licensed as holistic practitioners. To be licensed as a holistic practitioner it costs \$282.72, but you also have to prove that you're a member in good standing in one of Ontario's holistic associations. Like a reiki association and so on.

Licenses are relatively expensive, prohibitively so for some sex workers. Additionally, I've heard a number of strippers and erotic massage workers express concern that the licenses are really expensive but they don't really ... provide any value added. They don't make the work place better. They don't ensure labor rights are protected. I've heard repeatedly that these licenses are, I quote, a "cash grab."

I'd like to highlight [inaudible 00:21:17] make it difficult for some people to get started in state regulated parts of the sex trade. Additionally, licensing means that there's a state record of participation in stigmatized industries and it's not clear to me who has access to those records. In Toronto city officials say that it's just city officials, however, I have heard people who are licensed tell me that border guards have stopped them, they've told me that if they've had an encounter with the police their license comes up. The city insists this isn't the case. I don't know.

You need to prove you're legally of age to work, so that means 18 or over in most cities in Canada. You also have to prove you're legally entitled to work in Canada. That means that licensing systems are only open to people legally entitled to work, and again, they're somewhat exclusionary.

Licenses are enforced by enforcement officers at the Licensing and Standards Office, but they're also enforced by police. Police can enter clubs or massage parlors to enforce these licenses at will. They don't need a warrant, they don't need any special reason.

Licenses also contain prohibitions on certain kinds of behavior and touching. I want to give you an example of the most recent revision to the bylaws regulating strippers in Toronto. This is section 545393: "Entertainers are not to have physical contact with other persons. No entertainer shall touch, spit on, rest or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genitals, pubic, anal areas of the patron or any other person when providing services at an adult entertainment club. This rule was recently instituted and the city [inaudible 00:23:13] in response to concerns that adult entertainment workers brought forward during consultation about unwanted touching. So that solution was to ban all touching. However, in those same consultations, the strippers said it's impossible to do their job without some element of touching. I would call this an example of a rule that is punishing sex workers in order to supposedly protect them.

This is just a few of the examples of what already exists. I just used Toronto, but other places, lots of cities across Canada have these types of rules even though we know about the criminal law. What I want to say is probably what's going to happen is more and more people are going to [inaudible 00:24:06] for licensing in municipal forms of zoning and regulation to govern the sex industry. However, I want to say that licenses do not replace labor laws and protection and that's an important point.

I also want to reiterate what Katrina said about the importance of including sex workers in policy-making processes and including them in ways that matter in leadership and decision making positions. Moving forward it's really important to ensure that sex workers are included in any sort of municipal consultation and policy making procedures.

I think it also might be helpful, having said that, to think a little bit about some of the models that seem to be working. One of them that a number of people might point to is in New Zealand where sex work was decriminalized and municipal licensing is used as a form of regulation but it's only used in commercial brothels of four or more employees. Individuals can work together in collectives or cooperatives without heavy-handed state regulation. New Zealand also removed licensing and inspection from police authority which I think is another important step to foster better relationships between sex workers and the police. That said, New Zealand is no [inaudible 00:25:27].

Their municipal laws have been criticized because migrant workers cannot legally work in commercial brothels and additionally some municipalities impose unreasonable restrictions and conditions in

licensing and zoning. So basically they created zoning rules where it was so difficult that you could actually find no place to put a brothel.

It's a work in progress and I think we need to be cautious that municipal licensing [inaudible 00:25:54] can be used in some more ways to promote code. They can be used in [inaudible 00:25:59] ways. However, hopefully by consulting and including sex workers we'll see the adoption of laws and policies geared towards sex worker safety and security. Thank you.

C. Big Canoe:

[inaudible | speaking foreign language | 00:26:36-56] ... give you credit and the organizers of today's event. Within the indigenous processes, including legal processes, one of the important things that often aboriginal people do [inaudible 00:27:10] own constitution, is to always introduce themselves. In fact, you can say it's a law within the traditional context and to take time [inaudible 00:27:18] to the traditional territory for which we're sitting on. When we speak of our people we have to recognize [inaudible 00:27:25-29] amongst the same communities that climb trees with first the British and then the Canadian government. We always take that time and so one of the things I said in addition to thanking the organizers and the [inaudible 00:27:43] is to thank them [inaudible 00:27:45] because this is their traditional territory and although the Toronto purchase settled out the [inaudible 00:27:49] this all is still an area that's in negotiation and dispute.

Why do I start there? ... Why is aboriginal legal services a place that talks about [inaudible 00:28:02] and cultures because we believe in aboriginal justice. I'm a Canadian lawyer who passes with Canadian law, but where, if possible, I have to bring some voice to the community I represent. The community we represent in Toronto includes sex workers and non-sex workers but [inaudible 00:28:19] it includes is an abundance of aboriginal woman who experience a high level of victimization. Not just in sex work, but violence. Where there's domestic violence, [inaudible 00:28:30] violence, colonial violence, a history of trauma ... when we decided to do something like intervene in a case like this we try to bring that perspective to the court's attention.

Anyone who's read the Bedford decision will not find the word aboriginal. They will not see the word aboriginal women. They will not see the word colonialism. [inaudible 00:28:48] but was it a win constitutionally for aboriginal surviving sex workers? Absolutely. When you see the [inaudible 00:28:57] talk about fundamental principles of justice I see some wins there as it relates to aboriginal people because there's starting to be a recognition of some of the needs and perspectives, even if it's not spelled out in the words that we recognize.

One of the things I was asked to speak about today was colonialism and harm and how that contextualizes into something like the Bedford decision, or how do we move forward without losing context of colonialism, because the legacy of colonialism has placed a huge role in the stereotypes [inaudible 00:29:33] media perception of aboriginal women. We have a large number of aboriginal women missing or murdered in this country. The number can be debated, some say, "Well, it depends on how you define it, it can be around 250 from the national organizers [inaudible 00:29:49] around 600." The point is, it's far too many women. When we look at it the first perspective [inaudible 00:29:56] coming into this was to give some perspective on the legacy of colonialism and the impact it's had on aboriginal people within the sex trade and on the street.

The second part of that is also that there's continuing colonialism ... Colonialism does play a role in the continued oppression both in legislation and policy and particularly in criminal law. One of the other positions we can never walk away from is discussing the overrepresentation and criminalization of aboriginal people. For the vulnerable people on the streets [inaudible 00:30:42] what we feel is the most marginalized woman who are often the most [inaudible 00:30:49] aboriginal women.

I have less time here than I did at the Supreme Court of Canada ... How do you capture colonialism and the over-representation ... time is a little much for me, but I [inaudible 00:31:09] the decision as I already told you there was no mention about aboriginal women or colonialism, but the fundamental principles of justice for me it's an exciting time. I don't know if there's any law students in the room, but if you're a law student I think it's an exciting time because you have a unanimous decision by a court that talks about principles of fundamental justice and defines it in a way they haven't. What this means at the end of the day for me, and this is [inaudible 00:31:31] about the decision, whether it talks about the [inaudible 00:31:33] or any specific client base, no matter what government or policy makers do, you can never have this discussion again [inaudible 00:31:42] Supreme Court decision without considering the safety of women.

[inaudible 00:31:50-52] the court that life and liberty are important fundamental principles and without them we always risk peril. When you're bound to the peril of somebody's livelihood in their life to a [inaudible 00:32:03] or something that may be seen as socially unacceptable by some you cannot put the balance of safety of life in favor of the nuisance.

In moving forward, you know quite frankly, what's the good thing about this? Constitutionally we've got a good decision. What happens with the time frame? What happens is they suspend the decision for a year so they policy makers, the law makers can make a determination. That's not enough time. What's going to happen in a year? A government is going to rush through legislation ... without the biggest [inaudible 00:32:39] and that's [inaudible 00:32:40].

Too short of a time frame, but what can we do to get that voice to the people that need to hear it? We've already heard ministers talk about what models or systems they're going to put in. Once again, [inaudible 00:32:54] or without consultation with the voice that matters most. It's interesting because if [inaudible 00:33:00] I actually found myself on a panel for one of the organizers of this group and one of the things that I was talking about at the time was, I spoke on a panel, and I urged then that without the voices of the most vulnerable we will not have [inaudible 00:33:15]. At the time we were talking about breaking down the law. Deconstructing it so that the policy makers ... make it right, well I kind of find myself, after the Supreme Court decision, after all of the laws were unconstitutional, in the same thought I have to echo that without the voices, the voices of the most vulnerable people, we will never have law that has meaning. We won't.

It doesn't matter what position of the issue on prostitution you're on, if you don't mobilize or vocalize your communities' needs, whatever they are, because diverse perspectives also have meaning. You can't depose your good laws in a vacuum to only one position. It requires robust debate. It requires multiple visions of what law should look like to balance [inaudible 00:34:05]. Regardless of your position, if you're an abolitionist or not, if you're a sex trade supporter or not, we need to advocate those positions and have voices heard. [inaudible 00:34:16] that's not going to happen here.

I quite frankly know that my [inaudible 00:34:20] population will not be [inaudible 00:34:23]. There will be reports and some studies done and we can look back at all of the studies and commissions that have already been done to get voices, but it doesn't mean it's going to be direct computational on how that law will impact moving forward.

One of the things Katrina had pointed out is some of the reasons that she gave for why following out her client will cause safety issues for women, there will be more challenges. In my respectful view, regardless of how the law [inaudible 00:34:51] there's going to be more challenges.

We have to start at the point, which I said, since Bedford we only have this conversation when we talk about, in respect, to humanity, life and liberty. Until the starting point is safety, you don't get anywhere. We revalue of the diverse opinions and succumb to moral legislation made without good consultation or support. Part of that legislation does have to recognize, and again I'm going to sound like I'm just echoing Katrina here, is the protection. Legislation can't just solely look to criminalize. Legislation has to put into place frameworks that make sure that that [inaudible 00:35:29] has protections.

I only have two minutes, so I'm just going to focus the two minutes wrapping up on something that we argue. When we talked about colonialism before the Supreme Court, we talked about colonialism in the context of the situation of aboriginal people in the extreme margins of society. At those margins we find those engaged in street-based sex work and survival sex that colonialism in the context of the situation of aboriginal people, in Canada we [inaudible 00:36:03] were adopted with specific purpose of attempting to destroy aboriginal people as people. In fact, there's groups including advocate groups here in Toronto, one that I can think of is the aboriginal [inaudible 00:36:16] sexual health network that would argue to you that colonialism and destruction of our rights to our lands is analogous to the destruction and harm and violence that women experience.

Until we start making those connections and recognizing some of that indigenous belief around conservatism, creation and life, we will always exclude those honorable voices. My big point to you in this short time I have is be vocal. Debate it. Really situationize into the context of something bigger than what you might think prostitution or sex work is.

Remember that at the end of the day it's human beings who are missing and murdered and who faces perils. Without safety and protection and good legislation, it won't matter. Until we talk and have conversation it won't matter. It will be more law that will just be continuously in a cycle of litigation. Thank you.

[inaudible 00:37:32]

Brenda Cossman: So, the Bedford challenge. A smart and courageous challenge. I have nothing but the most complete admiration for the three women who brought it to their council and all the interveners who supported the constitutional challenge. It was the right challenge at the right time with the right strategy. Nothing that I'm going to say should be in any way be taken ... to detract from that, but here are the problems as I see it on a go

forward basis and let me just be perfectly clear in terms of going forward, I mean going forward to try to completely and irrevocably decriminalize sex work.

The Supreme Court's decision was itself a courageous decision. The Chief Justice did not do a lot to make friends with this current government in doing this, yet she managed to do it in a [inaudible 00:38:29] decision. But the decision casts sex work entirely in the language of harm. It reflects the legal arguments that were made. It reflects the lower court decisions, where the focus was on how the law harms a vulnerable at-risk group. In particular, how these three laws in question endanger the lives and safety of sex workers. Don't get me wrong, I agree, these laws do precisely that, but there's nothing in the decision about sexual morality. There's nothing in this decision about sexual autonomy. There's nothing in the decision about decriminalizing prostitution.

The picture the decision paints of prostitution itself is not a very pretty one. It focuses almost exclusively on the most disadvantaged of sex workers. Here's a paragraph: "While some prostitutes may fit the description of persons who freely choose to engage in risky economic activity of prostitution, many prostitutes have no meaningful choice but to do so. Ms. Bedford herself stated that she initially prostituted herself, quote, "To make enough money to at least feed myself," unquote. Street prostitutes with some exception are a particularly marginalized population whether because of financial desperation, drug addiction, mental illness or compulsion from pimps, they often have little choice but to sell their bodies for money. These are not people who can be [inaudible 00:39:45] to be truly choosing a risky line of business.

There is no doubt truth that that describes a range of sex workers, but that image of sex workers in the decision becomes the image of all sex workers. It overly determines the ruling. It colors the view, I think, of all sex workers, and then what it also colors is the strategy moving forward of what law's role might be and what law's potential role might be. This image is then used in a good way, right to strike down the three laws because they make the lives of sex workers worse, but I think it also goes to ... Parliament might now be able to put back into play of the three laws that were struck down.

Having found the laws unconstitutional the Supreme Court continued, this is in the remedy section right at the end, and said some things that I find very promising. Having struck down the laws, the chief continues and says, "That does not mean that Parliament is precluded from imposing limits on where and how prostitution may be conducted. The regulation

of prostitution is a complex and delicate matter. It will be for Parliament, should it choose to do so, to devise a new approach reflecting different elements of the existing regime. How prostitution is regulated is a matter of great public concern and few countries leave it unregulated."

Now this is respectively an open invitation to Parliament to write new criminal laws. Not just new laws, it means criminal laws. Why criminal? Well, for one, that's what Parliament has jurisdiction over. It doesn't have jurisdiction over the many alternative ways or regulating prostitution. Alternative ways, we heard a little bit about it from the New Zealand model, using health regulation, using employment regulation, using occupational health and safety, using municipal zoning or municipal bylaws, none of those are within federal jurisdiction. Those are exclusively within provincial and municipal jurisdictions.

The invitation for Parliament to regulate is by definition an invitation to regulate criminally. The court is saying, "Yes, prostitution can be regulated criminally." By all accounts that is precisely what the Minister of Justice plans on doing. Peter Mackay has already ruled out in his speech a couple of days ago, completely ruled out zoning and licensing instead of treating the matter of prostitution as a criminal matter. Quote: "We will bring forward legislation that will address what we think are the significant harms that flow from prostitution." Now notice the return of the word "harm." The word harm is what sounds all the way through the decision, around the "harms of prostitution," but also the harms that the law causes, but the word harm is coming back here.

He's also said that he wants to study very carefully the Nordic model. The model of criminalizing pimps and clients, criminalizing the purchase of sex work as [inaudible 00:42:34] sex workers. They're hedging. They haven't said that's what they actually want to do because I think there's some chance they might even decide that they want to actually criminalize all sex work ... Like the actual act of prostitution itself. They're hedging, but the Nordic model has many, many, many advocates. Feminist abolitionists and Evangelicals in cahoots again.

It's going to emerge, as what I believe, to be, what I think is going to emerge [inaudible 00:43:02] preferred policy and legislative options. What's wrong with the Nordic model? Pretty much everything. We heard from Katrina about where this is effectively being practiced right now in Vancouver and what some of the sex workers are saying. This is directly reflected by studies that are coming out of Sweden.

What they are now finding from what the Nordic model does there and what sex workers themselves are saying. Sex workers in Sweden oppose the laws for exactly the same reasons that the three prostitution laws were struck down in Canada. Why? Because they make prostitution more dangerous. There's laws against procurement, which basically make it illegal to work indoors, makes it illegal to work with others, makes it illegal to profit from the sexual labor of others and to advertise. That sounds a bit familiar doesn't it? It's exactly what was struck down here.

The laws against purchasing sexual services makes it harder to access clients because the clients are stressed and scared, no kidding, because they're the ones engaged in the criminal act. Negotiations must be really quick and so it forces sex workers to make decisions very quickly and at greater risk. It makes sex workers more apprehensive about seeking out help from the police because they don't want to have to turn in their client. They've also found that on the street it's had a kind of bizarre impact ... it reduces the number of clients on the streets, so it makes things much worse for the women who are on the streets. The ones who work inside [inaudible 00:44:33] they can work a little bit more under the radar screen, but on the street, because there are less clients the prices have gone down, there's much more competition and it makes the women who are on the street take much greater risk with the clients that approach them.

This is all the same stuff that's in this decision. This is all the same stuff for why the Court struck down the [inaudible 00:44:51]. It's all about how the laws make the practice of sex work more harmful for these women. The idea that the Nordic model is some fantastic alternative, that it's going to uphold and protect the rights of prostitutes while going after their evil clients and pimps is a fallacy.

I think that right now the go forward strategy, the most immediate strategy, is we need to be mobilizing against the Nordic strategy of the Nordic model. Just like what I said earlier about all the problems with the discourse of harm, it's the discourse that we have right now, and I think we need to be framing the opposition to the Nordic model in terms of the language of harm because it's exactly the same harms that led the court to strike down the prostitution laws ... we've got it so let's just throw that at the wall and see if that's going to stick.

In terms of a longer term strategy ... alternative forms of regulation, that is a longer term strategy because right now we just have to stop the re-criminalization. Then I think it is a question of starting to look at other jurisdictions. Cheryl talked a little bit about the New Zealand model. I'd

like to see the New Zealand model kind of become part of our discourse the way the Nordic model is right now. If you say the Nordic model, everyone knows what you're talking about. If you say the New Zealand model nobody knows what you're talking about. Well, not really, but it's not part of our discourse in the same way and despite the fact that it has problems and it's not [inaudible 00:46:15] better than anything else to fit there and I'd like to see that become part of the conversation. You say Nordic, I say New Zealand and moving forward from there.

Jamie Cameron:

Hi, I'm Jamie Cameron from Osgoode Law School. I'm delighted to be here this afternoon and I'd like to begin just by thanking the organizers for including me on the panel and in particular my colleague Sonia Lawrence because she's done an excellent job in organizing the event. I just want to begin by saying that unlike all my co-panelists I have not been directly involved in the litigation of the issue. My closest involvement in the [inaudible 00:47:10] has actually been walking down the hallway and having [inaudible 00:47:15] with my colleague Allan Young as he worked on the case for many many years and I do want to give a shout out to Allan at the beginning and also at the end because I just have enormous respect for him and [inaudible 00:47:31] as well for his commitment to this case and seeing it through at great personal costs because the work it requires from him.

Anyway, I have been asked by Sonia and organizers to say something about Section 7 of the charter. I recognized that this is a mixed audience. Not necessarily an audience of law students and legalists, but apart from a couple of editorials I'm actually not going to say much at all about the criminal code provisions, the regulatory options or the legislative choices. I will let you know though that [inaudible 00:48:18] no brief whatsoever for these criminal code provisions and I don't support them at all. What I'm going to do instead is shift off from the actual provisions and say a few words about Section 7.

I really enjoyed Professor Cossman's remarks about the Supreme Court decision and her criticisms of the decision because I have some as well, although mine are a little bit more abstract in nature. I hope it won't be too abstract for you. I do think that it's very apparent that the decision is a landmark decision, but it's useful to know what makes it a landmark decision and also how it characterizes law and why it might be problematic and controversial. That helps to sort of explain it's nature as a landmark decision.

I've been involved in commentary on Section 7 since the very beginning of motor vehicle reference in 1985. I've stepped away a few years ago

and I think I'm ready to join issue against, so here it comes, it's Section 7 in seven minutes.

I have always viewed that Section 7 of the charter as the most challenging guarantee. It's two challenges in particular that I will point to that we have to deal with with Section 7. One is a requirement of a coherent theory of content [inaudible 00:49:58] entitlement. That's the first one. The second one is a theory of containment, a theory of the sort of parameters, the limits, the boundaries which define and legitimize the [inaudible 00:50:09] of review that the Supreme Court is engaging in. Now we've seen these challenges elsewhere in the charter, but in my view they're magnified as a matter of definition in Section 7's case because [inaudible 00:50:22] features of both clauses: the entitlements clause and principles of fundamental judgment clause [inaudible 00:50:29].

I don't have time to trace out Section 7's history, although I'd love to do it, but I can tell you that it's very interesting to go back and observe the way the Court wrestled with both of those clauses through much of its history and struggled with important questions about the nature and scope of Section 7.

So on to Bedford because I only have seven minutes for this, and Bedford has surprised me on a number of levels, one of which is that in my view anyway - and it's not a very deep and it's not a very sorry opinion, it's not an opinion that gives much of a sense that the difficult ... that the issues that were being decided were difficult, or even that there was much nuance in the way Section 7 of the charter works. One of the things that I find really surprising, others may not share this view, I found it very surprising that the Court was able to reach unanimity in this case and likewise to do so in an important case last year [inaudible 00:51:42].

What's going on in Section 7 that it only works by unanimous decision, because these were both important in highly controversial cases. Anyway, I've got to rush, I want to come to the core of Bedford and I picked out a couple of key ideas in the opinion and I just want to read two paragraphs very very quickly which show you, in my mind, what really is at the core of the Chief Justice's idea of Section 7 at this point in time.

So the first one is paragraph 96. Back to the motor vehicle reference she says the motor vehicle reference "recognized that the principle and fundamental justice are about the basic values underpinning our constitutional order. The Section 7 analysis is concerned with capturing

inherently bad laws. That is laws that take away life, liberty or security of the person in a way that runs afoul of our basic values." That's a key idea in her opinion. I don't know what an inherently bad law is ... If we're talking about a certain government, it could be almost everybody in Canada.

Turning to paragraph 123, and this is another theme in her opinion, where she [inaudible 00:52:55] repeatedly about the analysis under Section 7 of being qualitative in nature rather than quantitative. She goes to this extent in paragraph 123, she says: "The question under Section 7 is whether anyone, life, liberty or security of the person, has been denied by a law that is inherently bad," defined there as "a grossly disproportionate over-broad or arbitrary effect on one person," she says "is sufficient to establish a breach of Section 7."

How do we know that the law is inherently bad? Well, it's in the impression, it's in the perception, it's in the eye of the beholder. It's to the courts [inaudible 00:53:47] in Bedford it says simple as that. I'm also not sure how an inherently bad law only effects one person, but she does say that that's all you really need in order to establish a breach of Section 7. I don't really have time to sort of go back and sort of explain what is so unusual to my mind about the way the Court has defined Section 7 in this case, but to my mind it is a view of Section 7 that is inherently without standards. Without a standard, without a theory of [inaudible 00:54:21] entitlement and without any kind of a theory of limits, boundaries and what they might be.

It's great to have an important victory in this case, and I do support the outcome on the merits, but I just want to impress upon this audience that the grounding of the decision matters to. It matters greatly. It doesn't matter only to people like me who spend a lot of time getting annoyed about Supreme Court decision making and so on. It matters on the ground to the rest of you as well because this is the framework under which the Court operates. If it's arbitrary, and shallow, and thin, and ad hoc in nature, you win one case but you don't know what's going to happen the next time around.

Okay, I'm going to stop soon, Sonia. I think there is very little risk in my view that the court will take its own remarks that I just read out about the qualitative nature of Section 7 decision making, its own remarks about deference in Bedford, and in Bedford it said it wasn't the right occasion to defer to Parliament, but that's out of sync with what the Court says in much of the other charter adjudication and I'm not sure that it will take what it says about laws that violate basic values literally or at

face value because it cannot, it cannot do that because nothing would be left.

If we operate on a standard that all inherently bad laws are subject to being invalidated under Section 7 then that puts the courts at institutional risk and that's something that's not desirable. I think the Court's approach at this point in time is much more ad hoc than that and I think that's worrying. I think the Court shallowness and thinness in decision making concerns me a lot more than the outcome in this particular case. As I said before, I carry no brief whatsoever for these provisions. I do have concerns about this view of Section 7, but the one thing that I am [inaudible 00:56:41] is that I really hope the government gets the message that ... legislation affecting charter rights must be [inaudible 00:57:02] ... number one, and also post-Bedford, has to satisfy the requirement that there is a connection between the infringement of the right and the permissible government's objective.

I am going to wrap it up. Just a little bit of a view of Section 7, I do have a constrained view of this charter here in [inaudible 00:57:32] unlike many others, but at the same time, as I said at the beginning, I just have inordinate respect for my colleague Allan Young and what he did in the Bedford case as well as his other work on marijuana and so forth. He's made enormous contributions and those who stood with him as the litigates also were enormously courageous and that's really something to be admired and applauded. In my own case the much more modest ambition post-Bedford is for me to revisit my own views of Section 7 because now I'm in the state of conflict where I approve of the result but I don't have a legal theory that allows me to do that and so I have to go back and see if I can find one. Thank you very much.

Kim Pate:

Thank you very much. My name is Kim Pate, as you heard I'm with the Canadian Association of Elizabeth Fry Societies. I want to start by acknowledging the traditional territory [inaudible 00:58:48] the privilege of meeting. I want to thank the organizers for [inaudible 00:58:55]. Every day of the last thirty years that I've had the privilege and responsibility of walking [inaudible 00:59:01] and more importantly, being able to walk out of [inaudible 00:59:05] young people, for men and for women [inaudible 00:59:09] the impact of over-representation or of colonization when [inaudible 00:59:16] representation [inaudible 00:59:17] within a prison.

It's at that starting point I want to talk a bit about the position that we took and the coalition took that intervened in Bedford. We started from an equality position, that's the best way to achieve safety, is through

equality. Some of you will know that [inaudible 00:59:39] participating in this case is probably the first time I've ever been accused of not listening to those who with whom I work, probably the first time I've ever been accused of being Evangelical, the first time I've ever been accused of many things and I take those accusations seriously because in fact those of you who I have had the privilege of working with and the women including the ones I met with on Wednesday in prison who have argued that they continue to take the positions we do are very vital and important. If ever I stop doing that I do want to continue to be challenged.

Our organization historically had a position of decriminalization. That position was changed in 2008 because we recognized at the time we took that position, in fact, the law was only being applied to women. The reason we took the position is there was - and we would argue [inaudible 01:00:42] continues to be an asymmetrical application of the law against women. In fact, we see very little protection of women, very little in terms of safety and security of women in much of what is being proposed across the board increasingly when we talk about decriminalization absent, absent, a disability, race, class, gender and age analysis. Our position is not simply to argue that decriminalization alone is not workable, but our position is to argue that we need to see - that our [inaudible 01:01:26] in fact presumed the inevitability of that inequality. It's not a position we're going to move to.

Our position is rooted in the fact that it's not only do we talk about having a degenerate application of the law, which was what the government offered us twenty years ago with the [inaudible 01:01:48] of communicating for the purposes, in fact we saw the continued asymmetrical application of the law against women and what we also saw at the same time is increased evisceration of the very opportunities, the very options, whether it's social services, economic opportunity from women to be able to move in and out of the trade they so choose. Our position is one that is very much linked to the importance of having a guaranteed adequate and livable income. It's linked to the guarantee of adequate and appropriate social services, health services, educational services and the provision of those in ways that promote equality, not in a way that talks about reducing the harm of inequality.

One of the concerns we have about what has happened - and actually it may surprise many of you that the striking down of the legislation alone is not a huge concern for any of us in the coalition, it's really what it leaves open in terms of value if we were trying to promote value of equality [inaudible 01:03:06] in this country. The fact that we need a

much more multi-dimensional approach if we really want to address the issue of inequality. Whether it's inequality on the basis of gender, race, sexual orientation, class, age, [inaudible 01:03:21].

One of the things we see that has happened because of the polarization of the debate because of the manner in which the case arose and the manner in which it was brought is that we aren't having the real discussion about how do we shift to inequality analysis [inaudible 01:03:40] and we continue, I suggest, to allow men to hide behind women in these issues and we continue to not deal with the real issue of what are the effects of decriminalization to protect the ability of men to demand the commodification [inaudible 01:04:01] of women and children in particular.

It requires us to not continue see women being viewed as property and to fundamentally about looking at not just how we make the sex trade safer but how we ensure that we have equality for women across the board. In particularly those with whom we walk and work and are allied and those are the women who represent some of the most marginalized, victimized, criminalized and institutionalized women in this country. It's no accident that we link this to those issues and the fact that we see the very same women who are increasingly not protected in terms of the equality discussion, also increasingly institutionalized in state institutions both criminal and non-criminal.

One of the things I would like to see more discussion about the [inaudible 01:05:07] of the polarizing around this, but really to talk about the opportunities for us to really work across divides to really promote women's equality and to promote equality of those who are most marginalized so that we can have some real discussion and not be continually utilized, I would suggest, whether it's by the state, by those who have power and authority and resources in various so-called legal and non-legal sectors to commodify all of us.

I want to leave you with a quote that was first given to me by a woman for whom I had the greatest respect, it's a quote from an aboriginal woman in Australia who I've had the privilege of [inaudible 01:05:55] since I've been given this quote. Her name is Lila Watson and the quote goes like this: "If you've come here to help me you're wasting our time. If you've come here because your liberation [inaudible 01:06:06] then let us work together." Thank you.

Sonia Lawrence: I'm going to ask that we select the questions now from the audience [inaudible 01:06:33-38] I'm going to give a moment for the questions to

be collected and brought to me, and I have two that I can start with. [inaudible 01:06:51] turn in your questions [inaudible 01:06:52] hear my questions. They're probably really boring.

Okay, so, the first question ... sorry ... I'm going to suggest who on the panel might want to answer these questions, but any of you are welcome.

Okay, so the first question is actually [inaudible 01:07:09] the justified lines for municipality there's no new federal legislation and there's another part of the question, is it appropriate that individuals make delegations to local police [inaudible 01:07:20] asking for suspension of enforcement in the three areas defended by the Supreme Court [inaudible 01:07:25]. I think there are two different questions there going toward municipal regulations [inaudible 01:07:33-35]. There's also a question about the impact of suspension. The first question was about suggestions for guidelines for municipalities if there is no new federal regulations.

Brenda Cossman: This question may have come in before the speakers, so I think Cheryl largely answered that question, but in terms of a general guideline and then again about ...

Sonia Lawrence: We're at a very interesting period of the year in which the legislation is suspended [inaudible 01:08:04] another question.

Cheryl Auger: I can say first off, one of the most important pieces would be consultation with the people you intend to license or zone or regulate in any way shape or form, and I can say through some consultations that we did that, for example, the city of Toronto recently did a consultation with adult entertainers and it was the first time in seventeen years they thought to actually invite the entertainers themselves to the consultation. I mean, there's plenty of examples where sex workers have been excluded ... and I think that's the first step, is to rectify that.

Sonia Lawrence: About [inaudible 01:08:51] the group going to local police [inaudible 01:08:54] of non-enforcement in the period of suspension, so maybe if you want to talk about this suspension being [inaudible 01:08:59] generally.

C. Big Canoe: Practically speaking, I don't think you're going to have the time frame, first of all, in terms of when the decision was made, the suspension of invalidity which [inaudible 01:09:12] the day the decision came out, which is one year. So by the time you get increased [inaudible 01:09:17]

contemplate accepting that delegation it's not going to happen, it will be run through a city council. Where you have major metropolitans ... it just wouldn't happen quick enough to have any effect.

Katrina Pacey: If you do want to start talking to local police forces and talking about how enforcement is happening or not during this 12-month period I would suggest you take the decision and highlight the part [inaudible 01:09:45] about the harm. I would suggest you write letters and start making phone calls and actually start advocating to police chiefs and just make it known to them that [inaudible 01:09:55] of Canada found incredibly egregious harm caused by these laws. It would be unconscionable for a police department to be enforcing those laws over the 12-month period. Then I would also encourage you to download a copy of the report of the missing [inaudible 01:10:10] commission of inquiry out of British Columbia which has some really important [inaudible 01:10:14] fact that say that the police department in Vancouver [inaudible 01:10:19] they're policy of containment and displacement of sex workers was directly correlated to the violence and murders of women in the downtown east side and ask police forces across the country whether they would have that same responsibility laid at their feet.

C. Big Canoe: That answer, I actually concur with you, but it's a difference in the type of political advocacy or advocacy you do with enforcement agencies as opposed to the practical answer I was giving which was just [inaudible 01:10:45] actually have them suspend enforcement of formal [inaudible 01:10:49]. It doesn't mean it ... should be doing that kind of work with their police to remind them of what's important.

Sonia Lawrence: This question I have is directed at anyone on the panel: When I was an undergrad [inaudible 01:11:02] studies that the best option for sex workers was to decriminalization or legalization. Years later I moved to [inaudible 01:11:09] activists and representatives who [inaudible 01:11:11] women's associations say that prostitution is a form of [inaudible 01:11:14] and is not a traditional activity of [inaudible 01:11:17] women. Yet when I hear descriptions of abolition feminists rarely are these [inaudible 01:11:23].

C. Big Canoe: [inaudible 01:11:25] ... first of all, I think if we try to characterize what [inaudible 01:11:37] is to one community or group we forget that [inaudible 01:11:41] colonization happens not to just one scope or a narrow scope, but show me an aboriginal woman, including myself, who hasn't been colonized or can't practice traditions where there's [inaudible 01:11:51]. Including unconstitutional harms occurring. It's not just with the sex workers. There is a value in the opinion of a group of people who

see prostitution as colonization, or a group of people who see domestic violence and institutionalization as harm. There's no one perfect right answer. Here's the other thing, There was 613, or 620 [inaudible 01:12:15] First Nation communities in the entire northern hemisphere, Inuit and not to mention [inaudible 01:12:20] people distinct nations were not all going to have the same opinion. We're not all going to have the same experience of colonization and so what's best for one indigenous group of people may not be best for others.

The positions that I take when I'm practicing Canadian law from the perspective of the executive director of the legal clinic that focuses on this is the best interest of the community that we represent and what that is. In the balance, if we then decide to go into Bedford we have to balance, life and liberty and what our community wanted with some moral concept people have around prostitution ... I don't disagree that prostitution, or sexual harm, or violence, or taking of land, or not honoring treaties are all forms of harm that are caused by continued colonization or [inaudible 01:13:18]. But it doesn't mean that I can then stand by as a lawyer [inaudible 01:13:24] and say what they're doing that's unconstitutional is harming, and I appreciated your computation of the language, the use of harm, it is harming individuals. Including aboriginal individuals.

I'm not going to stand by as a Canadian lawyer and an indigenous person and say I'm going to keep letting this, because everything I do is to fight Canadian law as it harms indigenous people. I'm not going to stand by it and let things be unconstitutional with indigenous people even if I can recognize that some of those mechanisms are always harming us it's all part of a form of colonization [inaudible 01:13:59] many nations lived here, originated from here, prior to contact.

Sonia Lawrence: [inaudible 01:14:03-18]

Kim Pate: Well, I brought with me women's association material and they certainly are very much of the view that the opportunity for equality will be [inaudible 01:14:25] without an examination of other quality measures ... the other piece that is really important to remember is that we have not really talked about the asymmetrical application of the law against women historically that is being perpetuated and that for some of us the link is not lost on the move towards the recognition of women as having any rights, particularly in the areas of violence against women. This struggle reminds me very much of the struggle we had when we tried to institute marital rape as a provision and the challenges that posed to many people theoretically at the time and the hypotheticals that it posed

[inaudible 01:15:11] and that's not even debated anymore and yet it reminds me very much.

Sonia Lawrence: Directed at Cheryl, There think there might be more people who also [inaudible 01:15:20] can you talk more about the impact of listening to people without [inaudible 01:15:26]? Licensing. I'm sorry. Licensing on people without [inaudible 01:15:30]

Cheryl Auger: Sure. First off I think I said in my presentation that in order to get a license in cities across Canada to work as an erotic masseuse or an exotic dancer you must prove that you're legally entitled to work in Canada, That means non [inaudible 01:15:48] people cannot get a license to work in an erotic massage parlor or in a strip club or any other [inaudible 01:15:55] in the cities that license that way, although not many do.

That means that licensing, and this is a criticism of licensing can recreate some of the [inaudible 01:16:05] the sex industry where by those with status have access to services and resources and those without status are so pushed to the margins and driven underground.

Sonia Lawrence: That definitely has the benefit of clarity. This card has three questions, I'm going to read the first one, then I'm going to move to the other card. The first question is: What are some of the new ways that sex work may be re-criminalized?

Brenda Cossman: I think that the discussion has really surrounded the idea of criminalization of clients so that would make it illegal or prohibitive to purchase sex. That seems to be the center of most discussions and debates at the moment such as following the model we see in the U.S., in some of the U.S. States, which is just to make it illegal outright. Prostitution is a crime. That is an option, although I'm glad to see that not being discussed or debated at the moment, because that of course would be horrifying in terms of human rights violations that would take place under that type of framework. Those are really the two kind of central [inaudible 01:17:17] possibilities. Then the flip-side of that is for the government to say, "You know what? The court has found that criminalization is harmful in these three ways. We're going to look at those other models and we're going to realize that in fact [inaudible 01:17:33] be recreated if we recriminalize ... we're going to let the year go by and let the provisions that were struck down and let this really shift into a labor and employment and local - that level of issue and have the [inaudible 01:17:47] happening at that level, which is of course a position that [inaudible 01:17:51] going to happen though.

Janelle: Ain't going to happen.

Brenda Cossman: I hope you're right. I hope you're right, but given that the Minister of Justice is already said they're not going to do that - now having said that it behooves all of us to be [inaudible 01:18:10] every single day telling them not to do that and to write to your MP and write to the Minister of Justice and write to whoever you can .. The liberals are now taking a dreadful position on this as well, Justin [inaudible 01:18:25] has said that he believes that prostitution is violence against women, so it's not even as if the problem is just Harper's conservatives. It goes much more broadly than that.

C. Big Canoe: Just in the current legislative regime [inaudible 01:18:38-40] but anything criminalization, right now this tough on crime stance and all of the bills being pushed through are for my client base, are just the most harmful things you can see ... mandatory minimums, we're talking about all sorts of harsher penalties. This is not the government that's going to sit and let this pass by.

Sonia Lawrence: [inaudible 01:19:01] federal legislation [inaudible 01:19:03-05].

Brenda Cossman: Yeah. I mean, they do [inaudible 01:19:09] proof legislation, allegedly, one wonders how that's been working for them ... but there is that process and I believe I'm right in saying that it's a mandatory, statutory requirement that legislation that has [inaudible 01:19:28] for charter has to be vetted by the Department of Justice, but again, I guess I would say that I don't see us holding up a lot of legislation initiatives under this government and so that's the way that will work I think.

Sonia Lawrence: The voices of clients are silent in this debate. Where do they fit into?

Katrina Pacey: There are real efforts underway in Vancouver and in British Columbia to try to bring the voice of the clients and the experience of the clients to the forefront so that they mystery of who are clients and why do they purchase sex and how does that happen, so that some of that veil is lifted on that experience as well. I am not an expert on who the clients are [inaudible 01:20:19] ... One point I'd like to make in addition to the many learnings that I've had in doing this work is that clients are a very diverse group. They're much more diverse than I ever realized and that I think I realize now and so that is a really important perspective [inaudible 01:20:38] it needs to come forward if we're going to come to fully understand the experience of sex workers and how to make sure that the legal framework that surrounds this works is a effective and respects rights.

Sonia Lawrence: Slightly overlapping the question that [inaudible 01:20:55-56] slightly different, but if you want to refer back to previous answers just to expand on what an approach genuinely informed by aboriginal [inaudible 01:21:02] experience would involve? Expand on [inaudible 01:21:07] approach.

C. Big Canoe: You mean aboriginal experience? Okay. So again, it's the [inaudible 01:21:12] conflict of consultation, right? One thing is [inaudible 01:21:16] against, and I will refer to my answer one minute ago, [inaudible-skip in audio 01:21:21] of experience and that's occurred like the colonization and the historical colonization of this country has happened in stages. So there's obviously a different perspective, so again I have to think ... [inaudible 01:21:38] colonization and the one part I didn't answer in the first part, now that I remember, there was no prostitution in [inaudible 01:21:48-49]. I want to see evidence of that because there is a story and tradition around some of that and to presume that because one person says there is I think it's naive, right? Because we're only starting to buy in Canadian law, and Canadian society and history, we're only starting to buy into the value of oral history and give it some validity around the carriage of laws and [inaudible 01:22:14], we generally ignore things like wampum as story-telling mechanisms or constitutions and it's only now that law and other disciplines that we're actually seeing value in it.

Early days I think remain [inaudible 01:22:29] thinking, and the other thing is different laws apply. There's completely different societies and justice structures amongst the diverse groups. So if you're talking to [inaudible 01:22:37] woman who comes from a [inaudible 01:22:38] background or a Mohawk woman comes from a matrilineal background or an [inaudible 01:22:44] that practices a completely different type of justice, we're all going to have different types of answers.

So I can inform you with what I know and I'm a Canadian lawyer. Do I practice a traditional culture? Absolutely. So the best I could do is give you perspective from what I know in this context, which is aboriginal people in urban societies or in southern Ontario reserves. What would inform it would require consultation and that would actually for [inaudible 01:23:09] be part of a justice mechanism, Because consultation and getting [inaudible 01:23:16] together to get some community input and some congruency is an important part of decision making and ... there's traditional [inaudible 01:23:23] justice that allow communities to have voice and to have forum, which we don't have very often now. So consultation is kind of an answer in itself but [skip in audio 01:23:33] western Canadian concept that most people understand that

consultation with some indigenous groups requires a lot more [inaudible 01:23:42] and a lot more discussions.

Sonia Lawrence: Will sex workers will have different views since they're involved in the work? This one is directed toward Cheryl, and then [inaudible 01:23:50].

Cheryl Auger: Yeah, I don't think I'm in a position to say what approach the Conservative government will take because I'm not a Conservative party member.

That said, in the media, what's being reported in the media isn't just that the conservatives are leaning toward an asymmetrical criminal approach where they would recriminalize or continue to criminalize clients and not criminalize sex workers. That's what seems to be suggested by [inaudible 01:24:26] whether they do that or not I don't know. It really is just a prediction at this point and as I said, other parties don't have the same position. I always point out that the new democratic party has come out in support of decriminalization and [inaudible 01:24:42] on the panel for the liberals have recently [inaudible 01:24:45] for some kind of asymmetrical criminal model but I've been in touch with the liberals over the years over this and they haven't been able to give me a response.

Sonia Lawrence: The sex workers and [inaudible 01:25:00] to create a loud unified [inaudible 01:25:04], and there's I think two suggestions here.

Katrina Pacey: There is so much education that needs to happen on this issue and so supporting your local sex worker organization to take a leadership role in your community to make sure that their voices are making sure that as you are messaging the way forward for Canada that you make sure you're doing that in a way that's really congruent and cohesive with sex worker organizations in your neighborhood ... wherever you are and it is so important - there's so much misunderstanding and lack of knowledge around this issue, whether it's about sex worker's experiences and realities, whether it's about the laws themselves and [inaudible 01:25:40] in Canada [inaudible 01:25:42] what is the law? What just got struck down? There's really deep education that needs to happen and so this might sound really obvious but educating your family, educating your friends, educating your MP and anybody you can who you think is in power or may just also be a member of the community that can speak out in a positive and influential and progressive way on this issue. That will go so far because there's been a real silencing around this issue, there's been a real neglect of thinking about sex worker safety and rights forever [inaudible 01:26:15] now having been forced by this litigation and

by the outcome of this decision. So this is a really important time to educate yourself and educate the community around you.

[inaudible 01:26:26] is? So this is a fairly informed crowd. [inaudible 01:26:38] Push. Most people don't know what the different models are.

Sonia Lawrence: And that's how education happens.

This question, we're directing it to the panelists, why did people put up signs during the last speaker?

Katrina Pacey: I would encourage somebody, if they felt willing to, from the audience to speak to that point because I think it's important.

Janelle: My name's Janelle and I do sex work activism. I encouraged folks who were going to be here today ... about the proposal to introduce any form of criminalization of sex work. Miss Pate speaks on behalf of an organization which [inaudible 01:27:32] of women sex workers who were fighting for decriminalization. I don't think it's ethical, fair, I think it harms women and so ... while I'm totally happy to support the diversity of voices on this I don't want the opportunity to go by where sex workers and [inaudible 01:27:53] to understand that that position does not represent sex workers. It does not represent what sex workers themselves have been demanding for decades.

Speaker 11: Truth. Male sex workers or queer sex workers or people who don't [inaudible 01:28:18-21] is a larger debate. It's not just polarized by two genders as well.

Speaker 12: [inaudible 01:28:35]

Kim Pate: I would like to say that the presumption that there aren't sex workers or former sex workers involved in our coalition. I just challenged that presumption. The other I would challenge is we don't have the voice of the South Asian Women's Coalition here and part of the reason they intervened separately is they wanted to challenge the notion that in-house or not in the public [inaudible 01:29:01] and in fact they take a very strong and different position based on their experiences. So I just wanted to make sure [inaudible 01:29:10].

Katrina Pacey: I just want to pick up on the comment on the side of the image of what sex workers are. So according to the Supreme Court of Canada sex workers are women and clients are men and that's all there is really to it. Of course that isn't. Sex workers are women and men and other genders

and clients are women and men and other genders, but there's a way in which the decision itself by constructing this one image of the sex worker just reinforces all of the [inaudible 01:29:38].

Kim Pate: Okay. What is the exploitation and commodification of women sex workers different from the exploitation and commodification of any worker?

Kim Pate: I would agree that it's not a continuum and that's the reason we took a position that talks about women's equality and racial equality, and sexual orientation, and age, and disability equality to look at this issue only from the perspective of a harm reduction or predominantly from a perspective of safety doesn't take into account all of those issues. It really is the evolution of, especially, the disintegration and evisceration of our support networks and the lack of system quality that has led us to this position. And I would echo what I said earlier, which is I think it's unfortunate that we're allowing this to be devisive in the way it is and I think that the opportunities for working across the divide are there are very real. We have never been [skip in audio 01:30:39] initiatives and [inaudible 01:30:41]. So the presumption that we would is quite frankly incredibly outrageous and disrespectful.

Katrina Pacey: What I would say is the difference between sex work and other forms of labor is that sex work is treated as a criminal offense. It has been criminalized and therefore has not been able to be really looked at through the labor-employment lens and sex workers have been deprived of access to all the protections that other workers have access to.

So workers in Vancouver who call me and say I'm being sexually harassed in the workplace or I have an agreement with my employer that says I want to do x, y and zed and he or she is asking me to do f, there's this range of options I want to have in the workplace and my employment rights are being violated. What are her options? What are his options? To go down to employment standards and file a complaint? No, they haven't been. The employment standards aren't there, the labor rights and protections aren't there and that's exactly where we need to go next.

Kim Pate: [inaudible 01:31:47] indentured servitude that comes in term [inaudible 01:31:49] the issue is much broader than that. I think we do [inaudible 01:31:53]

Katrina Pacey: What I would say is the workers coming to me with these questions are not identifying as indentured servants or slaves, they're identifying as workers who want workers rights.

Sonia Lawrence: We have twenty minutes left. I really want to [inaudible 01:32:16] because I cannot believe I really didn't have to [inaudible 01:32:19]. So we're actually getting through a number of your questions. I want to thank you all for [inaudible 01:32:23] for keeping their remarks short and to the point.

Here's the next question: What are the existing regulations the sex workers could benefit from with their work? So this is directed at Katrina and Cheryl, but it rides neatly on the last question I think.

Katrina Pacey: Regulations ...

Cheryl Auger: There's regulations of all kind. There's no [inaudible 01:32:46]

Katrina Pacey: So that's a really broad question and the question of regulation, Cheryl was actually brilliant in saying that that question is a really important and potentially very problematic issue. So we can look at it from a rights angle and we can say workers in the sex industry need to have protections and abilities to go forward and say "I didn't get paid on Friday, or I'm having to do things outside my contract, or I'm not being paid in the way that my contract is supposed to allow. I'm being sexually harassed." All of those rights that I would hope to enjoy in my workplace if I'm having problems. But there's actually this huge broad range of regulations that could also constrain the sex industry, create provisions within the sex industry, exclude people from the sex industry where they actually don't fit. This is a really important issue. You can imagine working the downtown east side with sex workers in that community who are really terrified about a regulatory scheme that they don't fit into. Where they are still exclude, where they are still on street corners being chased by authorities, whether it's licensing authorities or the police generally because they don't fit into regulatory regime.

So I actually don't have an answer for you, because frankly we're in the early days in terms of this conversation. Again, the criminal law has required us to keep talking about criminalization and not move on in the way I think we need to start thinking about all these other very important issues as well.

I think we need to have a much richer conversation about regulation. Often in the public's mind, when you think about regulation you think about law, there's criminal law and nothing else. So we criminalize something or else it's just going to be a free for all. [inaudible 01:34:28] states regulating seventeen ways to Sunday. We are good at regulating things. We regulate them in all kinds of different ways. Just then to say

that when you take a criminal law out, then what? Well, there's a multiplicity of options and guess what? Some are really terrible and some are less terrible and some are maybe moving towards the side of good.

If you look internationally at what's happened to countries that have decriminalized there's an unbelievable range of responses [inaudible 01:34:58] aggressive regulatory laws in places like Latvia and Turkey where sex workers are not only licensed but they have to have mandatory health checks like once a week and if they're found without their registration card they can be thrown in jail, it's really really horrifyingly aggressive, but it's all being done with regulation and not criminal law.

Then you have examples of New Zealand, which is a very different kind of regulatory model. A couple of things that they've done there in terms of actually taking the criminal law out but they've [inaudible 01:35:32] workplace health and safety rules that were done in consultation with local sex worker collectives to develop an occupational health and safety rules of law would look like if you were actually concerned with the actual conditions of sex workers. They now have employment disputes can be sent to the same place that all other employment disputes go [inaudible 01:35:53]. Nonetheless if you go to the same [inaudible 01:35:59] there's a myriad of ways that thinking about everything from occupational health and safety, health standards, employment standards, and even when we talk about municipal licensing.

Municipal licensing can be really really good and really really bad. When we talk about licensing ... we license everything. [inaudible 01:36:21] in Toronto you can't do anything without getting a license. But there's good ways to do it and bad ways to do it. We need to be having a much richer conversation about what those regulatory options could be and what would be good about them and what would be bad about them and obviously in a way that has the sex workers at the table.

Cheryl Auger:

I would just jump in and say that in actuality I think that [inaudible 01:36:47] are regulated currently in different ways than other industries. I'll give an example ... a body rub parlor, it's the owners that need to have a license in Toronto, but the workers also need to have a license. At a restaurant servers who handle food do not necessarily need to have a city license to do that, so do we want to actually license sex workers? [inaudible 01:37:12] a starting place, like, are these good ways to approach regulation? Or maybe we could expand our thinking a little bit and say, "There are other industries and economic activities, professions where there is self-regulation." Would self-regulation be an option?

Would it be possible to create bodies of sex workers? ... Would that be something sex workers would want? Maybe not. Right? So there's lots of ways to think about this. There's potentially options. So that said we have to keep in mind the fact that there already are licenses in place and those are probably going to influence the direction of policy in the future.

Sonia Lawrence: Can anyone speak to the possibility of sex worker unionization?

Katrina Pacey: It has been. It's happening in different jurisdictions around the world. There are lots of different ways in which it could happen and I would encourage it [inaudible 01:38:11]

Sonia Lawrence: This is more of a [inaudible 01:38:19] question. I'm not sure I'm going to get through all of these, but I'm going to do my best. How will women charged with a violation of body rub license [inaudible 01:38:28] this time?

Cheryl Auger: That's a tricky question. I'm not entirely sure. There's different ways of being charged, right? If you work in a licensed industry you can currently be charged under the criminal law. So the police can use the licensing regulations as an excuse to go into different premises and then check on them or catch them doing something that's currently illegal and then charge them that way, and that is a possibility, and I think that's something that's been happening in Montreal - using licensing as a way for the police to gain access.

So the second point I wanted to make was that there's a criminal law, but what you can also do instead under a licensed system is charge someone violating the license. So they don't get a criminal charge, they're not taken to court, instead what happens is you get fined money, which some people may not be able to afford, and then in the Toronto system you would get demerit points. If you were docked enough demerit points you would not be able to get a license in the future. So I think that answers that question.

C. Big Canoe: Where does the money go to? Right? [inaudible 01:39:54] think about women's criminalization, who's harmed by it?

Sonia Lawrence: [inaudible 01:40:04-12] How would legalization/decriminalization remedy this?

Katrina Pacey: These are tough questions.

I hope my fellow panelists are going to help out with this. What I was saying is that there is a very broad spectrum of experience in the sex industry with people with constrained choice to people with many choices. What I'd like to ask you all to think about is how is criminalization helping any of them? [inaudible 01:40:43] Whether you are a woman that I work with on the downtown east side who has very limited options in life and is living in a really desperate situation and is doing sex work to support herself in those most basic needs. Criminalization has not helped her. It will not help her. What she's asking from the state is for support, for options, for resources, for addiction treatment, for mental health services, for proper housing, for [inaudible 01:41:09] of her children, for respect for her culture and tradition and criminalization has failed her by every measure. So I would [inaudible 01:41:16] question and say criminalization has failed and what we need to do is look for a different solution and the criminal law is not where that solution lies.

C. Big Canoe: In terms of the vulnerability, some of the vulnerability will [inaudible 01:41:35] regardless, right? One of the things my co-council [inaudible 01:41:40] and I want to acknowledge [inaudible 01:41:40] because she's a huge part of our [inaudible 01:41:43].

One of the things her and I often talked about was, "When we go at this case I think at the end of the day [inaudible 01:41:53] clients, doesn't matter what this court says." Of course I don't go to the Supreme Court and tell them that. But it really doesn't say what the change is going to be for some of our clients who are in the most dire situation [inaudible 01:42:08] our people are over-criminalized for everything else they're doing or under-represented in job employment and opportunities and we talk about remote [inaudible 01:42:16] where there's no school. The people here who are still going to have that marginalization, but one of the things that we actually submitted to the Court plays off of what Katrina was just saying [inaudible 01:42:31] look at the past [inaudible 01:42:33]. Beyond the specific works of [inaudible 01:42:35] and look at the state for the perilous situation faced by street-based sex workers and those engaged in survival sex to allow the state to shed its responsibility for the marginalization of these aboriginal people and not allow the continued violations of life, liberty and security of those individuals is to further perpetuate the legacy of colonialism.

This outcome can't [inaudible 01:43:00] with protections in Section 7, which is life, liberty ...

Kim Pate: I would agree with that and it's part of the reason we have called for a decriminalization of women across the board and part of why I think we also have to look at some of the other examples besides. It isn't clear in New Zealand, quite frankly, when we talk about the work with the Maori women of what has happened for them and their positions in that model, but it is clear in places like Germany and Holland in terms of the situation of increased marginalization and victimization. I think, again, I would say it really speaks to the need to work across [inaudible 01:43:45] in the way that [audio skips 01:43:48]

Brenda Cossman: I just wanted to say that it's a question of necessity vs. choice is a question that goes across a broad range of different types of work. There's a lot of shitty types of work out there that people do because of necessity. [inaudible 01:44:04] the same way that sex work is and there's a lot of shitty work out there. We should be talking about all of that and not just taking one out and putting it in the criminal code because it's somehow stigmatized because it would have to do with sex, "Ew! Yuck!"

Sonia Lawrence: I'm getting that. I'm getting a recording of that.

Can you please comment on the [inaudible 01:44:30] the Supreme Court of Canada gave to the trial judge on the assessment of social and legislative [inaudible 01:44:33] through social science evidence?

[inaudible 01:44:45]

Jamie Cameron: The difference is very interesting I think [inaudible 01:44:54] into the Supreme Court's decision, right? That enables it to do the work that it obviously wanted to do under Section 7. I don't have particular issue with deference to the evidence and trial judge's assessment of the evidence [inaudible 01:45:19] the rational persuasive, but what I do find interesting in the Supreme Court decision making is just the sort of inconsistency in the Court's postures on deference more generally. So usually we see deference going in the direction that is not protective of charter rights and here we see the sort of opposite, although it's not an [inaudible 01:45:45] issue with the deference going in favor enforcing the charter right and on the basis of the evidence.

I think this is an important point for charter decision making that we're going to see patterning in some important cases that are coming up to the Court again in the next little while, most specifically ... coming up fast is the suicide case which is [inaudible 01:46:18] and so Bedford, for those who are constitutionalists, Bedford and [inaudible 01:46:26] which is the [inaudible 01:46:27] in the suicide case are a very in an interesting case if

sat side by side because of the trajectory in the charter jurisprudence that you see in both instances because both are repeats of earlier decisions in which the charter claim failed. Now we have the success in Bedford in large part because of the deference to the trial judges assessment of the evidence. Likewise in Carter, the claim [inaudible 01:47:00] that trial, again, on the basis of the trial judge's assessment of the evidence. So I think it's a pretty important development in jurisprudence.

Sonia Lawrence: I find that question fascinating.

How has the judiciary and [inaudible 01:47:17] historically treated laws during subject [inaudible 01:47:19] declaration of invalidity? Are they still realistically prosecuted and how does [inaudible 01:47:24]?

C. Big Canoe: I'm working at that. That's not the easiest question for a complex [inaudible 01:47:34] question. I think applications of it ... legislation is really clear about what happens. When we think of the [inaudible 01:47:40] in sentencing. When it came out, what's really clear and what happened interestingly it will be prosecuted, but sometimes you have back lash from the bench. That solution for sentencing [inaudible 01:47:51] saying "I don't care what the legislation said, I'm going to [inaudible 01:47:56] in my head then say "This is what the sentence is" [inaudible 01:48:00].

I can't think of a real life example of [inaudible 01:48:09] that, but when they do prosecute and legislation [inaudible 01:48:11] actual direction what a judge has to do, judges will use independent judicial [inaudible 01:48:18] to [inaudible 01:48:20] in the way they want to [inaudible 01:48:22].

Sonia Lawrence: [inaudible 01:48:24-28] what might happen after [inaudible 01:48:31]

C. Big Canoe: The charges have already been laid. So [inaudible 01:48:34] charges have already been laid in criminal law, already been [inaudible 01:48:37]. So it's already been vetted through the Crown and the Crown's already used prosecutorial discretion on determining what the charge they're laying is. Whether they see that through [inaudible 01:48:50] various points in the process, they could drop those charges or withdraw them or lessen them, but once the charges have been laid it's already been screened and [inaudible 01:48:57]

Katrina Pacey: What Christa is saying is that in my understanding a lot of cases, especially where someone who's accused and charged has council,

they've actually been kind of putting the cases into a sort of suspended state pending the outcome and that's where it ends. So a lot of cases were just kind of hanging out and the person unfortunately remains on bail throughout that time and still had bail conditions and so forth. A lot of judges and courts are waiting for the outcome of that [inaudible 01:49:27] before they made any decisions on cases where people have been, so my expectation is that during this period it will be a situation where Crown will actually not be approving charges because they'll say, "Look, these laws have been found to be unconstitutional."

The point I want to make though is on represented litigants prior to the decision and this of course is an enormous issue that's becoming more and more of an issue as legal aid is being drastically cut in so many provinces across the country, but you have unrepresented litigants which in this case is going to be sex workers who aren't facing jail, don't qualify for legal aid, are in the courts and may not have the resources or the knowledge to say, "Oh court! By the way, you should suspend my case for the moment because there's the Bedford case," or they get offered diversion and end up having to go into some type of program which may be okay or it may be a [inaudible 01:50:17] project in and of itself. That's a really problematic situation that I think we need to keep our eye out for. [inaudible 01:50:25] in that position and are still stuck in the system.

Sonia Lawrence: I have two questions left, which is just about perfect timing [skip in audio 01:50:31] self regulation and how we manage to do this. So I want to preliminary [inaudible 01:50:36] the two questions. Then we'll close and start your Friday night.

Does [inaudible 01:50:42] financially benefit from any aspect of the Nordic model, criminalizing aspects of sex work? I think I understand that as a straight question.

Kim Pate: Not that I'm aware. There may be some local society doing something but not that I'm aware.

Sonia Lawrence: The last ...

Kim Pate: [inaudible 01:51:01]. I don't think there are any more though

Speaker 11: The question is all aspects. Are there any aspects ...

Sonia Lawrence: The last question [inaudible 01:51:15] ... How might sex work be made safer for workers in ways that don't [skip in audio 01:51:24] we want to get one from each person.

Cheryl Auger: Could you repeat the question?

Sonia Lawrence: The question was how might sex work be made safer for workers in ways that don't rely on [inaudible 01:51:34] workers or clients

Kim Pate: Conditions of their work determine the conditions that have them [skip in audio 01:51:45]

C. Big Canoe: echo back but I'd also say that [inaudible 01:51:47] other social determinants of health. To honor treaties and make sure there's [inaudible 01:51:54] indigenous people actually have resources and equal access to education and equal access to [inaudible 01:52:00] that's where I'm coming from.

Kim Pate: I would say that the positions we've taken on ensuring that there are guaranteed livable income. We don't put criminalization and [inaudible 01:52:13] improvement of women at all. [inaudible 01:52:15] support where abolition in terms of [inaudible 01:52:17] so that an give you an idea of where our position is on failing anybody. The reality is that these issues if we really want to promote the standard of quality we need to be working not just on criminal justice issues.