

# In Selling Sex: Experience, Advocacy + Research on Sex 6 Work in Canada (2013)

## **Decolonizing Sex Work: Developing an Intersectional Indigenous Approach**

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In the early 1990s, I attended my first Valentine's Day Memorial March for women who had gone missing from, or been murdered in, Vancouver's Downtown Eastside. There, violence had come to be expected, and police were slow to respond to the deaths and disappearances of female residents (Cameron 2010). The community's proud history as the home of vibrant immigrant populations and the site of diverse social justice and arts movements is often overshadowed by its current concentration of visible street-level drug use, poverty, and sex work. As a young mixed-blood Kwakwaka'wakw woman, I was familiar with the struggle to get attention from police and the media about the violence in our communities. This was not unique to the Downtown Eastside but was prevalent in rural and urban on-reserve and off-reserve First Nations communities. In my late teens, my passion for breaking the silence about intergenerational violence and abuse was fuelled by the writing of Indigenous women that I had been introduced to in university women's studies classes (Campbell 1973; Chrystos 1988, 1995; Allen 1992; Brant 1994; Acoose 1995; Dumont 1996; Maracle 1996).<sup>1</sup> But that Memorial March made the silences even clearer for me.

Before the march began, as I listened to elders and families speak about their lost loved ones, I scanned the lists of names that lined the painted banners. I stopped when I read the name Sheila Hunt. Until then, the missing women had been members of a broader community, both Indigenous and non-Indigenous – women who were marked as “outsider” by a society that shuns sex workers, substance users, the poor, and the homeless, among many others. But this

stopped my heart. It suddenly occurred to me that if I were related to this woman, or any of the other missing women, I might never hear about her life because of the shame and silence in our communities. Women and girls who leave smaller communities to go to the city and end up on the streets of the Downtown Eastside are often not talked about. They, like those of us who break the silence about abuse or who dare to leave a violent relationship, are often pushed away rather than being supported. At times, it feels that the shame has deeper roots than the love. From that day on, this added layer of silence informed my work and became the measuring stick for my ethics and accountability.

Soon after the march that year, I began looking for research on the overrepresentation of Indigenous women in the sex trade. Surprisingly, I found that very little work had been done in Canada, at least the sort of work that made it into written form, such as research, scholarly writing, or community publications. Due to this lack of research and publication, I became inspired to write my honours thesis about the colonial stereotypes of Indigenous women that were integral to the colonial project. The same stereotypes that were used to justify keeping us confined to reserves, that barred us from cities, prohibited our spiritual practices, and took away our children, were alive and well in this ongoing invisibility in the Downtown Eastside. Since that time, I have been involved in community-based research, program development, and education on violence, sexual exploitation, and a range of other issues in Indigenous communities across British Columbia. And, since then, both nothing and everything have changed.

In recent years, increasing recognition has been given to the reality that large numbers of Indigenous women have gone missing from, or been found murdered in, communities across Canada. A national study reported that over five hundred Indigenous women have been identified as missing or murdered, their cases largely remaining unsolved (NWAC 2010). Awareness about the national scale of this issue emerged only after the police identified a serial killer in Vancouver's Downtown Eastside and pressed charges for the deaths of twenty-six of the sixty-seven women officially identified as missing from that community. The first trial focused on six of the cases, and the offender was convicted of second-degree murder. Today, many Canadians are aware of the missing women from Vancouver and the horrors some of them experienced at the hands of a serial killer. Although we know that not all were Indigenous, thirty-nine of the sixty-seven were (Pratt 2005). It has become commonplace for the image of the missing women to be invoked whenever violence against Indigenous women is mentioned, thus muddling the complexity of their lives. After years of community advocacy, the police have finally been forced to sit

up and pay attention as the world looks on. But that's usually where the story ends: the missing women. What about the women who are still working in the sex trade today, right now, in cities and towns, on highways and street corners, in communities across Canada? And what is the relationship between violence targeted at sex workers in the Downtown Eastside and the broader racialized violence experienced by Indigenous women at a national level?

In order to have a view to the present and the future, as well as of the injustices of the past, this chapter argues for a shift in the way that sex work is talked about in Indigenous communities. It is based on the available literature and the insights I've gained from my work in this area, and it recommends a series of approaches that I believe provide a strong foundation for decolonizing our views about sex work; these include centring the voices, agency, freedom, and mobility of Indigenous sex workers.

### Colonialism in Canada: Situating Sex Work in Relation to Colonial Violence

Diverse and distinct Indigenous groups have lived in what is now called North America since time immemorial. The cultural and political practices of Indigenous peoples prior to contact with Europeans, and their experiences since colonialism began, vary widely. Thus, there is no single history of colonialism in Canada – each Indigenous nation has its own cultural identity and set of practices, and its own engagement with the Canadian and provincial governments. However, some common colonial ideologies and practices have been imposed on Indigenous peoples through the formation of the Canadian state and its continued relationship with them.

The country of Canada officially formed in 1867, formalizing the claims that European settlers had been slowly making over the vast territories of Canada since first arriving in the fifteenth century. Confederation signalled the formal dismissal of Indigenous sovereignty and governance, which pre-dated contact with Europeans and continue to be practised in diverse ways to this day. In 1876, the federal government instituted the Indian Act, which established Canada as the paternal figure to Indigenous people, with the power to decide how the lives of "Indians" were to be lived (RCAP 1996). All aspects of their lives were covered in this act, including governance of Indian reserves and details of daily life in these communities, which were to be mediated by agents of the federal Department of Indian Affairs (Moss and Gardner-O'Toole 1991).

Although the Indian Act has been changed many times since then, it remains in effect today, shaping Indian bands, Indian status, and reserves. Other

significant legal documents work in complex relationship with the Indian Act, including section 35(1) of the 1982 Constitution Act, which recognizes and affirms the rights of Indigenous peoples as pre-existing the formation of Canada (see Borrows 2010). Indigenous people continue to navigate the relationship between Canadian and Indigenous law in broader efforts toward sovereignty and self-determination. However, as Coulthard (2007) has argued, Indigenous struggles to gain recognition and justice under Canadian law serve to reinforce the power of the colonial state, as the terms of recognition are always set by the state rather than within the terms of Indigenous nations. Thus, given that Canadian law provides the primary avenue for seeking justice for Indigenous people, some argue that this approach will always have limitations because of the colonial relationship between the state and Indigenous peoples. Although the Assembly of First Nations and some individual Indigenous leaders continue to work closely with the Canadian government, many Indigenous people are looking to self-affirmation, assertions of Indigenous sovereignty, and the resurgence of Indigenous legal and cultural traditions alongside (or instead of) greater recognition in Canadian law (Alfred 2005; Coulthard 2007; Corntassel 2008) under models of legal pluralism (Borrows 2010).

The Indian Act comprises colonial ideas about Indians, including racist and sexist stereotypes and ideologies, beginning with the beliefs that Indigenous people are inferior to Europeans and that women are inferior to men. For example, it legislated that only male band members could vote or hold office in band governance, which limited women's power in band politics until revisions were made to the act in 1951 (Peters 1998). Further, until 1985, when the act was again modified, Indian women lost their status if they married non-status men, whereas non-Indian women gained Indian status by marrying status men (*Indian Act*, ss. 20, 109-13). The repercussions are still felt today as many women and their children continue to be denied status due to administrative and legislative issues.

Ideas about Indigenous people, including Indigenous women's sexuality, existed in the colonial imagination prior to contact between Europeans and Indigenous people in Canada. Colonial agents in Europe imagined a world available for seizure, settlement, and development, envisioning Indigenous people as savages who were in need of being saved from their heathen ways, either by force or surrender (Williams 1990). As Said (1978) has shown in his analysis of Orientalism, the European or dominant identity has been fabricated in relation to representations of racialized Others in order to construct essentialized difference between dominant and marginalized groups.<sup>2</sup> In the colonial imagination, Indigenous women were portrayed as sexually licentious savages

or beasts of burden and were conflated with an imagined colonial landscape, which signified that it was open for settlement (Acoose 1995). Imagining Indigenous people as savage rendered them less than human, allowing settlers and colonizers to deny them rights and their humanity. Though colonial strategies changed over time and space, Indigenous people were often portrayed as inferior Others in need of being saved for their own good (Francis 1992).

At a material level, colonial ideologies in Canada came to be rendered real through law, violent acts of dispossession, and grounded and embodied colonialism. The Indian Act is one way that colonial ideologies became, quite literally, the law of the land. Colonial measures were justified partially through depicting Indigenous women as lewd and licentious, as colonial agents worked to legitimize the constraints placed on their activities and movements (Carter 1993). In some areas, this included a pass system in which Indigenous women must obtain permission from Indian Agents (federal employees) to leave their reserves (RCAP 1996). This 1885 measure, which kept Indigenous women away from cities, was justified by fears of white settlers and government agents that they would bring their supposed immorality to virtuous white women or end up working as prostitutes. The confinement of First Nations on Canadian reserves remained until about the 1950s, when Indigenous people began moving to urban areas in efforts to access resources and opportunities. The connection between First Nations people and reserves is determined by the Indian Act, which funnels resources and rights through bands and their reserve lands.

Violence and sex were also intertwined through colonialism and the Indian Act, as is evident in the widespread sexual and physical abuse in church-run residential schools.<sup>3</sup> Indeed, as Smith (2005, 12) writes, "The extent to which Native peoples are not seen as 'real' people in the larger colonial discourse indicates the success of sexual violence, among other racist and colonialist forces, in destroying the perceived humanity of Native peoples." In the early days of Canadian colonialism and settlement, Indigenous women were partners of white men, fulfilling a reproductive and familial role until the arrival of European women. However, the sexual availability of Indigenous women became seen as a threat when greater numbers of European women immigrated to Canada, and in 1921, the House of Commons considered a Criminal Code amendment that would make it an offence for any white man to have "illicit connection" with an Indigenous woman (Carter 1993). Thus, ideas about Indigenous women were linked to the powerful technologies of the law, as "officials propagated an image of Aboriginal women as dissolute, as the bearers of sinister influences, to deflect criticism from government agents and policies" (ibid., 150).

The legacy of colonialism lives on, as poverty and unsettled land claims shape the lives of Indigenous people to this day, with First Nations band governance defined and overseen by Ottawa. Interpersonal violence is just one of the ongoing manifestations of Canada's colonial relationship with Indigenous people. Although they cannot replace experiential knowledge, statistics do shed light on these violent realities. In the 2004 General Social Survey on Victimization, 4 in 10 self-identified Aboriginal people aged fifteen and over reported that they were victimized at least once in the past year (Brzozowski, Taylor-Butts, and Johnson 2006).<sup>4</sup> This proportion was well above the level of 2.8 out of 10 for non-Indigenous Canadians. In the same study, Aboriginal people were three times more likely than other Canadians to be victims of violent crime, specifically sexual assault, robbery, and physical assault; this trend was highest among people aged fifteen to thirty-four, which was 2.5 times higher than for other age groups. The 2009 General Social Survey found that Aboriginal women were three times more likely to be victims of violence than non-Indigenous women (Brennan 2011), with 13 percent of Indigenous women reporting violence in the previous year. The mortality rate due to violence is three times higher for Indigenous women than for non-Indigenous women, a rate that rises to five times higher for the twenty-five- to forty-four-year-old age group (Health Canada 2000).

Indigenous people have responded to the racist and sexist stereotypes and the realities of violence in our communities through writing, art, advocacy, and other acts of resistance. A number of Indigenous women writers have spoken back to the stereotypes of squaw, Indian princess, and sexually available brown woman, as well as the violence justified by these images of us (see Acoose 1995; Dumont 1996; Maracle 1996).

But has Indigenous women's refusal of these sexual stereotypes resulted in simultaneously distancing ourselves from women who are working in the sex trade? We need to examine the moralistic stance against sex work, and the conflation of sex work with exploitation, to see how we have internalized both this stereotype and its opposite. Although resistance to degrading and dehumanizing stereotypes of Indigenous people is important, it is simultaneously essential to look at how our responses affect – or fail to affect – the material reality of violence. In discussions about colonial violence, Indigenous sex workers are often invoked as nameless, voiceless, placeless victims, in memory of past injustices. The remembering and calls for justice are important, but the conversation must not stop there. We need to move away from positioning ourselves as advocates for, and saviours of, some disempowered sister-Other and instead facilitate a process that centres the voices of sex workers themselves. Otherwise

we risk reproducing the discourses of colonialism that constitute Indigenous women as without agency.

### **Bringing Them to Light: Emergence of a Discourse Related to the Missing Women**

Jiwani and Young (2006) argue that historically entrenched stereotypes about women, indigeneity, and sex trade work confer multiple degenerate status to the missing women from Vancouver's Downtown Eastside and continue to situate them at the margins. They suggest that media representations of the missing women serve to naturalize particular women's susceptibility to violence, blaming the women themselves for the violence they encounter. Pratt (2005) similarly states that Indigenous women are rendered as outside the public life of cities and outside the realm of law and rights. Despite Indigenous people's overrepresentation among the missing women, the issue of indigeneity remained a side-note in media coverage (Jiwani and Young 2006). As England (2004) contends, representations of Indigenous women in the Downtown Eastside oscillated between invisibility and hypervisibility: invisible as victims of violence and hypervisible as deviant bodies. In recent years, violence against Indigenous women has become more visible in mainstream media, yet little has changed. It can be argued that the violence itself has become hypervisible, but that it does not count as real violence, because Indigenous women are seen as less than human, as unworthy of response; violence is normalized and assumed to be part of the everydayness of Indigenous spaces. The violent reconstruction of Indigenous identities as inherently savage – more than racialized and sexualized, but categorically Other, within the broad discourse of Western identity – is rendered invisible through its naturalization.

Of course, violence against Indigenous sex workers is not unique to the Downtown Eastside of Vancouver. Indigenous women working in the sex trade have been murdered in Edmonton, Winnipeg, and other cities across Canada. The roots of this violence can be seen in Canadian newspapers from the nineteenth century, which indicate a widespread conflation of Indigenous woman and prostitute, and an accompanying belief that when Indigenous women encountered violence, they got what they deserved and were not worthy of police intervention (Carter 1993). These attitudes are alive today. As noted by the commissioner in the inquiry into the murder of Helen Betty Osbourne in The Pas, Manitoba, the violence of the offenders was justified by their assumptions that Aboriginal women are promiscuous and have no human value beyond the sexual gratification of men (Razack 2000). Razack contends that such assumptions

also appear to be operating when police fail to respond to the disappearance of Aboriginal women, as their presumed involvement in prostitution is reason enough for inaction. Harris (1991) further notes that representations of Indigenous women are marked by strategic silences, which strip them of their agency and silence them as victims. Indeed, old colonial stereotypes are alive and well in the images of Indigenous women we see in the media and mainstream Canadian culture.

### **Knowledge of Sex Work Involvement: Gaps, Invisibility, and Silence**

The hypervisibility of violent acts and the invisibility of sex workers themselves go hand in hand, contributing to the lack of sustained efforts to improve the quality of life for Indigenous people engaged in sex work. The lives and voices of Indigenous sex workers are obscured by discourses of victimization that, on the surface, aim to draw attention to marginalization and colonial violence but fail to provide a space for Indigenous sex workers to speak for themselves and define their own struggles.

Despite the increased awareness about violence against sex workers, we know little about the lives of Indigenous sex workers, which begs important questions: What does it mean that Indigenous people are overrepresented in the sex trade? What might a decolonizing analysis bring to discussions of sex work in Canada, beyond the polarization of debates around decriminalization and prohibition?

Anecdotal evidence from service providers and outreach workers indicates that Indigenous women are highly overrepresented in the street-level sex trade.<sup>5</sup> Although there are few studies on the topic, those that exist similarly indicate a high rate of Indigenous women's involvement. For example, Farley and Lynne (2005) – who take a prohibitionist stance against sex work – interviewed 100 street-based sex workers in Vancouver, a city where 1.7 percent of the population is Indigenous, and found that 52 percent of their participants were Indigenous. Another Vancouver study (Currie 2000) estimated that 70 percent of street-level sex workers in the Downtown Eastside were Indigenous women. What is not clear, however, is how many Indigenous women work in other sectors of the trade, including the indoor industry.

Another significant gap in the research and literature is regarding sex work in rural areas, including reserve communities and smaller towns and cities. Research conducted in five rural communities in British Columbia found that formal and informal sex work was happening in private homes, cars, outside, and in motels, through exchanges of sex for transportation and accommodation,

drugs and alcohol, and clothing and money (Justice Institute of British Columbia 2006). Study participants, who were mainly service providers, adults with a history of involvement in sex work, and youth, stated that the primary barrier to addressing the health and safety needs of sex workers was the inability of community leaders and politicians to admit that sex work was occurring in their communities.

### **Conflating Issues: Youth, Sexual Exploitation, and Human Trafficking**

As I have argued elsewhere (Hunt 2010), Indigenous sex work has been conflated with sexual exploitation, domestic trafficking, intergenerational violence, and the disappearance or abduction of Indigenous girls and women. Interestingly, and problematically, girls and women are talked about together, as though they are a single category, which echoes colonial views of Indigenous people as children in need of paternalistic surveillance and control. Although some research, such as that by Kingsley and Mark (2000), themselves Indigenous women who identify as having been sexually exploited, has provided some insight into the needs of Indigenous young people who have been exploited, the same has not been done with adult sex workers. Many adult sex workers first became involved as youth, which undoubtedly has implications for their adult sex-working experiences; however, a nuanced exploration of this issue has yet to be initiated. Instead, children, youth, and women are conjoined as victims, and their varying degrees of agency and choice remain unexamined.

Many Indigenous women experience sexual violence, among other forms of violence, on a daily basis. Yet efforts to raise awareness about sexual violence have conflated sex work with other forms of victimization. As previously mentioned, my own work on this issue emerged from an awareness of the normalized violence faced by Indigenous children, youth, and adults, as well as the shame and silence associated with sexual abuse. Sex work is indeed situated within the broader context of colonial violence, but in the conflation of sexual violence and sex work, critical and nuanced discussions have been neglected.

In recent years, "human trafficking" has become a growing discourse among academics and other experts concerned with Indigenous girls and women (Sethi 2007; Sikka 2009). In 2009, the Assembly of Manitoba Chiefs, which represents First Nations people in the province, initiated a human trafficking campaign focused on stopping the sexual exploitation of First Nations people. The campaign material indicates that approximately four hundred children and youth are being sexually exploited on the streets of Winnipeg each year. Although the campaign groups women and children together as potential victims of

trafficking, no information is provided regarding the context of adult sex work in Winnipeg generally or regarding the distinctions between situations for youth and adults specifically.

### **Supporting Sex Workers: Responses from Indigenous Organizations**

Given the overrepresentation of Indigenous women in sex work, it is surprising that sex work remains a largely unexplored issue within Indigenous communities. It is also surprising that sex workers' rights organizations include little Indigenous representation. In both sex work advocacy and Indigenous movements, the voices and diverse experiences of Indigenous sex workers too often go unheard. Of the few Indigenous voices to have taken up the issue of Indigenous sex work, the ones most often listened to are those who position all sex workers as victims of colonial violence. For example, the Aboriginal Women's Action Network (AWAN) in Vancouver has taken a prohibitionist position, arguing that sex work is inherently violent and that greater legislation is needed to stop sexual demand for women's and children's bodies (Aboriginal Women's Action Network 2007). Further, it claims to speak on behalf of Indigenous women from both urban and reserve communities across the country (for more information on AWAN, see <http://www.awanbc.ca>).

Across the country in Toronto, and in opposition to AWAN's prohibitionist stance, the Native Youth Sexual Health Network (NYSHN) and Maggie's: Toronto Sex Workers Action Project, Canada's oldest sex-worker-run organization, have partnered in an effort to support Indigenous sex workers through an Aboriginal Sex Worker Outreach and Education Project (see <http://www.nativeyouthsexualhealth.com> and <http://maggie.toronto.ca>). This is Canada's first program by and for Indigenous people that centres on a harm-reduction and sex workers' rights framework and is located in the broader struggle for Indigenous rights, self-determination, and sovereignty (Maynard 2010; van der Meulen, Yee, and Durisin 2010). Indigenous organizations like the NYSHN are beginning the important work of centralizing the voices of Indigenous people in talking about issues of sexuality, sex work, and decolonizing our bodies. Sex workers are particularly vulnerable members of our communities, and we must act as allies by working with and alongside them, listening to their voices and responding to their needs. We must also assume that we, meaning Indigenous people and communities, necessarily comprise past and present sex workers, rather than furthering the gap between a perceived "us" and "them."

At a national level, the Native Women's Association of Canada (NWAC) has argued for decriminalizing sex workers themselves and criminalizing, instead,

those who profit from their work, including johns and pimps, while taking a stance that prostitution is inherently exploitative – evidenced by their use of the term “sexual exploitation” rather than “sex work” or “prostitution” in a statement released during 2011 (Women’s Coalition for the Abolition of Prostitution 2011). However, NWAC recently passed a resolution at its annual general meeting in support of harm-reduction approaches that both support sex workers where they are at and recognize that violence is a result of stigma and discrimination rather than inherent to sex work itself, demonstrating a possible shift in its position (NWAC 2011). The final report from NWAC’s Sisters in Spirit Initiative, a national study of more than a hundred pages focusing on the lives of missing and murdered Indigenous women and girls, dedicated only half a page to the issue of sex work, claiming that it was not a factor in these women’s disappearances (NWAC 2010). The Assembly of First Nations (AFN) – the body that represents First Nations people at a national level, including constitutional issues with the federal government – has not concerned itself with sex work. Although this may be due, in part, to the issue of gendered disparity within the organization, as only one woman is presently serving on the eleven-member AFN executive committee, even the AFN’s Council of Women does not include sex work in the list of key issues that it addresses. It is important to note that efforts to address sex work generally assume that all sex workers are female and that those who “exploit” or profit from them are male, failing to deal with the involvement of Indigenous men, boys, two-spirit, and transgender people in the trade. As an Indigenous person, I argue that we need to examine what lies at the heart of our inability to support our community members engaged in sex work. Further, we must strengthen our capacity to include this issue among all the other issues of marginalization in our communities.

The rights of Indigenous sex workers will become visible only if we decolonize dominant conceptualizations of sex work and Indigenous women’s position within its various sectors. As Indigenous people, we have long experienced being spoken for, misrepresented, and silenced by dominant discourses about Indians and Others. Why, then, are we continuing to reproduce these conceptualizations in our own communities? We must advance new frameworks for addressing violence, while at the same time we must undo colonial notions that Indigenous women lack the ability to make decisions for themselves. Further, we must reconcile the reality that Indigenous people continue to engage in sex work within the context of colonial violence in Canada. As a result of our inability to tackle these issues, Indigenous sex workers, their voices, and their humanity are rendered silent. The hypervisibility of the stereotypical sexualized

and racialized victim stands in stark contrast to the invisibility and silence around sex work itself.

### **Decolonizing Sex Work: Recommended Approaches**

In order to address the current and ongoing needs of Indigenous people in the sex trade, I suggest that we must begin by humanizing sex workers as part of the broader Indigenous movements of regeneration and reclamation of our rights. To this end, I recommend the following approaches, which draw on broad efforts to strengthen Indigenous communities rather than situating the struggle purely within discourses on violence against women. These approaches are intended as a starting place, as each community must develop its own specific strategies to deal with unique issues faced by sex workers local to that context.

#### **Embracing Sex Workers as Members of Our Indigenous Communities**

Yee (2009) argues that reducing stigma and humanizing sex workers must start within Indigenous communities. Focusing on traditional teachings, such as respect, acceptance, and the principle “all our relations,” will begin to increase inclusion of sex workers in broader community healing and cultural practice. Indigenous leaders and organizations must look at their role in marginalizing the voices of sex workers and seriously consider the ways in which they can be embraced rather than shamed and silenced. Many Indigenous people have internalized the attitudes about our sexuality taught to us through residential schools and generations of dehumanization under the Indian Act. Indeed, it is difficult to untangle ideas about sexuality that have been, and continue to be, projected onto us from those that we ourselves believe. However, this deconstruction is a necessary part of decolonization. Movements to reclaim and remake Indigenous practices must include examinations of sexuality on both individual and collective levels. Talking openly about sexuality and instilling a sense of pride and empowerment in ourselves and our children are integral to decolonizing the bodies of all Indigenous people, including sex workers of all genders. The inclusion of sex workers in broader Indigenous revitalization and self-determination movements is integral to the recommendations that follow.

#### **Meeting Sex Workers’ Basic Needs**

Many Indigenous sex workers are concentrated in street-level work where they may have fewer resources and lower quality of life than their counterparts in other sectors. Poverty, homelessness, addiction, violence, intergenerational



abuse, and other vulnerabilities that are rooted in our colonialist history must be addressed in an effort to improve the lives of Indigenous sex workers. Poor quality of life is prevalent in many Indigenous communities, which can contribute to the level of choice Indigenous people can exercise about whether or not to engage in sex work. This is not only an urban reality. For example, people in northern and isolated communities who lack transportation may exchange sex for a ride into a nearby town. Some argue that these conditions have led Indigenous women – as well as men and transgender people – to enter sex work without “real choice.” Although we must focus on the inequities that put Indigenous women in positions where trading sex becomes one of few options, we must simultaneously acknowledge the agency of Indigenous people. Indeed, addressing the basic needs of sex workers, and all Indigenous people, must be at the centre of any approach to decolonizing sex work.

### **Multiplicity of Indigenous Cultural Practices and Beliefs**

Looking to Indigenous teachings, we must work within our own communities to determine the best ways to support people in the sex trade. This means accepting a multiplicity of approaches based on relationships among people, communities, and traditions rather than creating one “right” way forward. Indigenous people have always had their own unique traditions and localized strategies, which have been more effective and meaningful in speaking to local inequities than mainstream or government-imposed strategies. The challenge here is that some Indigenous people find their community leaders to be disapproving of efforts to support sex workers. Shifting the power in our communities might mean not including official leadership (such as the chief and council) and, instead, starting a dialogue among unpaid supporters, natural helpers, elders, and others. This work entails identifying individuals who are willing to listen to the needs and experiences of sex workers and who can act as allies and advocates. If possible, distinct cultural teachings and principles should be identified by elders and healers to guide local efforts to discuss sex work in a meaningful and respectful way. We can strive to be guided by our own intellectual traditions, which are embedded in Indigenous oral traditions: “Understanding who we are as indigenous peoples, and the ways of thinking that make us indigenous, ought to provide the foundation for how we learn to navigate our way in the dominant culture” (Turner 2004, 66).

### **Supporting a Rights-Based Approach**

Indigenous people have a complex relationship to international human rights discourses because these have been defined and determined by powerful state

actors rather than being based on Indigenous worldviews and principles. However, international human rights provide broad standards that are useful in advocating for a baseline set of conditions to which each individual is entitled. These basic human rights include the right to be free from violence, forced labour, and child abuse, as well as the right to freedom of mobility. This means that individuals who are forced into sex work have the right to protection and assistance in exiting from it. It also means that those who choose sex work have the right to protection from violence. These state-guaranteed protections are clearly not being upheld in many jurisdictions. Indigenous communities may also have their own concept of rights, which can be incorporated into broader developments of a rights-based approach.

### **Acknowledging Agency and Voice**

Currently, depictions of Indigenous sex workers as helpless victims contribute to a social context in which many of them are denied agency and voice, yet agency and voice are imperative in rehumanizing people who work in the sex trade. Agency involves the ability to make decisions for yourself, to be considered as a person with choices rather than having those choices determined for you by another individual or state actor. Indigenous views of agency can be quite different from European or Canadian concepts. For example, some Indigenous traditions recognize that all living things have an inherent agentic ability, including rocks, the land, trees, and animals. These Indigenous conceptions of agency are being fostered in revitalization movements and must include recognition of the agency of all members of our communities, including sex workers. Listening to the voices, experiences, and needs of sex workers requires allies to step back and unlearn the stereotypes and assumptions we carry. The voices of sex workers must be at the centre of efforts to improve safety, increase choice and agency, and humanize their experiences within the context of our communities and families.

### **Supporting Freedom of Mobility**

In an effort to reduce violence against women in broader society as well as in Indigenous communities, women are often told to stay home, not wear provocative clothing, keep out of trouble, and not put themselves in dangerous positions (Lonsway and Fitzgerald 1994; Canadian Resource Centre for Victims of Crime 2009; Patterson 2011). This rhetoric serves to blame women for the violence they endure. Restricting Indigenous people’s mobility has also been a central component of colonialism, through the creation of reserves, mandatory residential schools, and efforts to restrict land and resource use. The rights of

Indigenous peoples have been depicted as fixed in the past, at the point of contact with settlers, and any changes in our traditions have been seen as moves toward inauthenticity. Anishinabek legal scholar Borrows (2009) argues that mobility is a fundamental aspect of asserting our rights as Indigenous people. Portrayals of Indigenous peoples as nomadic or less attached to land and territory (due to their concepts of property ownership and land use) have been part of denying their rights to their lands. Recognition of the right to mobility includes individual and collective rights to resist forced relocation, such as has been the case for some First Nations in Canada, as well as the right to move freely. It is in this spirit of asserting Indigenous mobility that sex workers must be encouraged and supported in moving between and within community spaces. This may include efforts to ensure equal access to health care, ceremonial spaces, and family gatherings in urban and rural areas, as well as safe movement between and among rural and urban communities.

### Controlling Our Own Bodies

As discussed above, Indigenous women's bodies have been violated through colonization. This has involved the control of our bodies by the state and by a number of other powerful decision-makers who think they know what is best for us. The Canadian government has used various means to control Indigenous bodies, including forced sterilization for some residential school students (Haig-Brown 1988; Chrisjohn, Young, and Maraun 2006). Those who want to prohibit and outlaw sex work are part of a movement to control the bodies of sex workers, which I see as a continuation of our colonial legacy. As with all Indigenous people, sex workers must be free to make decisions about their own bodies, including making money through sexual acts.

### Community Change, Beyond Legal Response

Indigenous people know that we cannot rely on the Canadian legal system to protect our communities and ourselves. The Canadian nation-state was accomplished through the establishment of the Canadian legal system, which wholeheartedly ignored Indigenous law and sovereignty. Law, regarded by the West as an instrument of civilization, was also the West's most vital and effective instrument of empire during its colonization of Indigenous peoples (Williams 1990). Fighting for recognition and protection solely through Canadian law is inherently limited given the colonial history and ongoing power of law. Debates around decriminalization and prohibition are focused on a legal system that is inherently oppressive to Indigenous people, as the dismissal of Indigenous sovereignty and Indigenous law depends upon the perpetuation of "the myth of

inferiority" (Borrows 2010, 17) of Indigenous peoples and their failure to count as legitimate subjects. Laws against murder and violence fail to prevent the death and violation of Indigenous people of all ages and genders because we are not valued within the dominant culture that created and maintains the legal system. Although decriminalization may have an impact on the ability of sex workers to seek police protection, Indigenous women's relationship with Canadian law will continue to frame their relationship to justice. Therefore, decolonizing sex work must go beyond debates about decriminalization, as legal responses can go only so far in providing justice and safety for Indigenous sex workers.

### Conclusion

My motivation and inspiration for this work is two-fold: first, the steadfast resistance and memory of the determination of my ancestors, who have gone before me; and second, the strength, health, and brilliance of the generations yet to come. We need to look forward and back simultaneously, walking and speaking in both memory and anticipation of the lives yet to be lived. The voices of sex workers must be heard in efforts to improve their safety and reduce their vulnerability. Both Indigenous and non-Indigenous allies must look into their own hearts and ask themselves how their views and experiences might affect their feelings about sex work and their ability to be effective allies.

Twenty years ago, when I attended that Women's Memorial March on Valentine's Day in Vancouver's Downtown Eastside, community members were struggling to get the media, justice officials, and the general public to acknowledge systemic violence against women. And though today the dominant image of the Downtown Eastside is that of an Indigenous sex worker, current media and police attention has not translated into changes in the lives of Indigenous people in the sex trade.

Indeed, Indigenous sex workers' lives remain largely invisible, and many issues remain underexplored: sex work in rural communities and on reserves must be acknowledged and better understood; the role of reserve geographies and power relations inherent in band governance should be considered in connection with sex work in these communities; and efforts should be made to assess the ability of service providers to meet Indigenous sex workers' needs and to better integrate Indigenous perspectives and analyses of colonialism in front-line organizations. Further, intergenerational involvement in sex work will affect our future generations, and we must consider the implications for all aspects of community growth and revitalization. On a broad level, we must seek to better understand how issues of housing, poverty, trauma, and systematic



racism/sexism/homophobia/colonialism shape the choices facing sex workers and their ability to assert individual agency. Measures must be taken to improve safety for all Indigenous people, but particularly those who are at heightened risk of violence, such as sex workers, children, youth, women, and two-spirit people. The links between interpersonal violence and systemic colonial violence, both ideological and material, must be examined in relation to sex work. Additionally, the voices and experiences of sex workers must be recognized along with their particular histories, which could include victimization (such as childhood sexual abuse), while respecting their decisions, agency, and resilience. We have a long way to go in reconfiguring approaches that increase safety in the lives of Indigenous sex workers. Let's make sure to put the voices, needs, and rights of sex workers themselves at the centre of this movement.

### Notes

- 1 From first contact with Europeans to the present day, the English language has contained many ever-changing names for us, including Indigenous, Aboriginal, Native, First Nations, and Indian. In recent years, critical Indigenous scholars in Canada and abroad have begun using the term "Indigenous" rather than "Aboriginal" when referring to the broad grouping of First Nations (government-designated status Indians), non-status, Métis, and Inuit peoples of Canada, as well as for first peoples internationally. The use of "Aboriginal" and "Indian," neither of which were created by Indigenous people ourselves, was perpetuated by the state. As a Kwakwaka'wakw scholar, I align my work with that of other Indigenous people who wish to link the local experiences of first peoples in Canada with others around the world, asserting the shared primacy of our relationship to the lands of our ancestors as well as the international quality of our political movements. I primarily use the term "Indigenous" in this chapter but also employ "First Nations" to talk specifically about federally recognized Indian bands and status Indians.
- 2 Said critiques Orientalism as a constellation of false assumptions underlying Western attitudes toward racialized Others, particularly Eastern peoples. He argues that racist images of Others are rooted in Eurocentric prejudice and have served as an implicit justification for European imperialism and colonialism.
- 3 Attendance at these federally mandated schools was optional at first, but a 1920 revision to the Indian Act made it a requirement for all status Indian children. The purpose of the schools was to assimilate Indigenous children into white society, in efforts to get rid of "the Indian problem" (Haig-Brown 1988).
- 4 "Aboriginal" is the term used in this government research, meaning individuals who self-identify as having First Nations, Métis, or Inuit ancestry.
- 5 Indigenous men, transgender, and two-spirit people are also present in street-level work, but, again, the numbers are unclear, and little research has been done in this area.

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## Transitioning Out of Sex Work: Exploring Sex Workers' Experiences and Perspectives

TUULIA LAW

For many sex workers and sex work researchers, the topic of transitioning out of the industry is highly contentious and politically loaded. This contention is derived, in part, from court-mandated exit programs and prohibitionist feminist efforts to "save" sex workers, particularly those who are street-based, by helping them leave the industry. Since much of the existing literature focuses on the exiting strategies of the most marginalized and smallest sector of the sex industry, street-based sex workers (see Mansson and Hedin 1999; Woodman 2000; McIntyre 2002; Brown et al. 2006; Canada 2006; DeRiviere 2006; McNaughton and Sanders 2007; Oselin 2009; Ward and Roe-Sepowitz 2009), the term "exit" positions the sex industry as something that needs to be escaped, thus overshadowing the diverse labour arrangements and experiences of sex workers. However, if sex work is indeed a form of labour, as I and other authors in this collection contend, it needs to be situated as part of the trajectory of one's working life. Because of this, I use the more neutral term "transition" to describe the journey from the sex industry to mainstream work.

Taking a sex-work-as-labour perspective to examine the process through which sex workers shift into other forms of work differs significantly from the approach of most of the literature, as does looking at the experiences of sex workers who work in off-street locations. This chapter, then, focuses on the labour transitions of indoor sex workers, including escorts, dominatrices, and massage parlour attendants, who are criminalized through their labour activities. This perspective has been developed through a qualitative study with ten women from Toronto and Montreal who have transitioned out, or begun transitioning

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