

A Critical Analysis of Canada's Sex Work Discourse and Policy:
From Federal to Local

by Dana Hickson

A thesis submitted to the Faculty of Graduate Studies in partial fulfilment of
the requirements for the Master of Arts degree.

Department of Criminal Justice

The University of Winnipeg

Supervisor(s): Dr. Bronwyn Dobchuk-Land

Dr. Kelly Gorkoff

2023

Table of Contents

INTRODUCTION	3
CHAPTER 1: CONTEXT AND LITERATURE REVIEW	7
IDEOLOGY IN THE FEDERAL LEGISLATIVE DEBATE	7
THE <i>BEDFORD</i> DECISION.....	8
THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT.....	10
CRIMINALIZATION DISCOURSE	11
VIOLENCE AGAINST WOMEN DISCOURSE	12
THE CASE AGAINST CRIMINALIZATION	14
CHAPTER 2: DATA AND METHODOLOGY	21
DATA COLLECTION	21
METHODOLOGY	24
CHAPTER 3: THEMES FROM HOUSE OF COMMONS REVIEW OF <i>PCEPA</i>	29
THEME 1: CONTESTED DEFINITIONS OF SEX WORK	30
<i>Violence Against Women</i>	33
<i>Sex Work is Work</i>	35
THEME 2: EMPOWERING POLICE	37
<i>Police Training</i>	41
<i>Unequal Enforcement</i>	45
THEME 3: AGENCY VS. VULNERABLE VICTIMS	47
CONCLUSION	50
CHAPTER 4: THE MANITOBA STRATEGY AND LOCAL RESPONSES TO SEX WORK.....	52
TRACIA’S TRUST: MANITOBA STRATEGY TO FIGHT SEXUAL EXPLOITATION.....	52
BUYING SEX IS NOT A SPORT.....	56
WINNIPEG PROSTITUTION OFFENDER PROGRAM	61
<i>Program Components</i>	63
DETER AND IDENTIFY SEX TRADE CONSUMERS (DISC)	67
HOSPITALITY SECTOR BILL	72
WINNIPEG ESCORT AND BODY-RUB BY-LAWS.....	76
CHAPTER 5: ANALYSIS: CONNECTING THE NATIONAL DISCOURSE AND THE MANITOBA CONTEXT	84
VIOLENCE AGAINST WOMEN	84
TRAFFICKING AND EXPLOITATION.....	87
EMPOWERING POLICE	91
CHAPTER 6: THE CURRENT CONJUNCTURE.....	94
MAPPING THE CONJUNCTURE	95
CONCLUSION	100
WORKS CITED.....	102

Introduction

This thesis asks: why, given significant challenges to legislative models that seek to criminalize sex work and the demand for sex work, do legislative and policy responses in Canada continue to rely heavily on policing and criminalization, reflecting carceral feminist approaches?

Legislative responses to sex work have been a subject of public debates over the last several decades in Canada. These debates embody a range of ideological positions about women's labour and sexualities. Discussions leading up to and following the enactment of the current legal regime, the *Protection of Communities and Exploited Persons Act* (Bill C-36/*PCEPA*), have included diverse groups of people with varied interests, including anti-trafficking and anti-prostitution advocates, representatives from sex workers' rights organizations, governmental agencies, non-governmental organizations, and academics (Durisin & Van der Meulen, 2020). Despite the diverse makeup of interest groups invested in the issue, the debate is often reduced to a highly dichotomized "sex workers rights" versus "abolitionist" positions (Chevrier, 2020). This dichotomy does not accurately characterize the range of responses to sex work in a given place, in part because there are many factors beyond ideology that shape local policy and programming.

While scholarship on the ideological concerns related to the regulation of prostitution is fundamental in policy debates, there is also a need for more empirical research to examine how ideological claims are expressed through policy and programs at a local scale (Benoit, et al., 2016; Rosentel et al, 2021). As sex work policy debates continue to take place nationally through federal hearings and constitutional challenges, it

is important to investigate the complex ways provincial and municipal policy actors interpret and enact federal prostitution legislation. Given the range of local actors intervening in policy and programming, understanding social and political responses to sex work requires examining the issue as embodying more than two sides. To this end, this thesis provides an important contribution to better understanding how the discourses articulated in public policy debates are taken up, modified, and re-interpreted in local responses to sex work.

This is largely because, in Canada, the administration of justice occurs at the provincial and municipal levels. Wagenaar et al. (2013) argue that the focus on national policy deflects attention from the everyday business of policy design that is crucial to the impact of prostitution policy on the target groups, and the lack of attention to local policymaking prevents researchers from understanding the complex relationship between the national and the local in shaping sex work policy (p. 63).

“...local policy matters. The impact of prostitution policy on sex workers, proprietors, clients and communities is shaped by national legislation, but realised by local measures and regulations. The significance of this is that much of the local design and implementation of prostitution policy takes place on the edges of the democratic process.” (Wagenaar et al., 2013, p. 66)

This is imperative, considering the significant variation in political and ideological priorities across the provinces. Much of the literature on local responses to sex work in Canada has focused on police-sex worker interactions, the level at which sex

workers are able to access social and health services, and their overall experiences under *PCEPA*. What is missing is research that examines the complex local networks that shape public policy at the provincial and municipal levels and how police forces and Crown prosecutors carry out the formal administration of prostitution-related criminal code offences. Legislative and policy responses to the regulation of sex work have varied over different periods and geographical locations across Canada. In Manitoba, several groups and organizations that would not normally be assumed to share political commitments seem to be united in supporting the “end demand” approach. Many resources are being poured into police and prosecution services, and the scarce amount of resources allocated to community organizations have been co-opted into efforts to combat sex work.

Therefore, in order to understand why legislative and policy responses continue to reflect carceral feminist approaches, relying heavily on criminalization and policing- I study both the discursive frameworks deployed at the national level and the ways they are realized and expressed through local policies and programs in Winnipeg, MB. To carry out this research endeavour, this thesis is guided by the following sub-questions:

1. How are discourses about sex work articulated, challenged, and debated at the national level?
2. How are these discourses expressed in local programming and policies in Winnipeg?
3. Who are the key players involved in these debates and policy arenas and what capacities do they mobilize?

Through an analysis of the most recent iteration of federal House of Commons standing committee hearings in 2022 and selected provincial and municipal documents, I

illustrate some of the ways that the discourses articulated during national policy debates empower certain groups while disempowering the people these legislative responses ostensibly support and protect. I turn to the Manitoba context to demonstrate how these discourses play out through a study of local policy and programming. Through a conjunctural analysis, this thesis argues that a massive number of resources are being poured into police, prosecution services, and community organizations to combat sex work in Manitoba. This reflects a continued carceral feminist approach which prioritizes institutions that purport to be ‘saving’ vulnerable people.

This thesis begins by outlining the context and literature necessary to understand the discursive frameworks which dominate federal legal conversations and provincial policies. Chapter 2 details my data collection, methodology and conjunctural analysis which informs this research. Chapter 3 describes the data collected from the 2022 House of Commons review of *PCEPA*. Chapter 4 presents the data found within the local Manitoba context through document analysis of local policies, including the Manitoba Strategy, DISC stops, the Hospitality Sector Customer Registry Act, and the City of Winnipeg by-laws governing the licensing of body rub parlours and escort services. Chapter 5 presents my research findings by bringing together the themes identified through the most recent iteration of federal debates about sex work and the findings from local examples. Finally, Chapter 6 concludes my thesis with a discussion of my findings, relating back to the literature.

Chapter 1: Context and Literature Review

Ideology in the Federal Legislative Debate

In Canada, concerns about the regulation of sex work were on full display in 2012 when three current and former sex workers argued before the Supreme Court of Canada that several Criminal Code provisions related to adult prostitution violated their constitutional right to life, liberty, and security (*Canada (Attorney General) v. Bedford*, 2013). The Supreme Court of Canada ruled that the pre-existing *Criminal Code* provisions prevented sex workers from employing safety measures to reduce their exposure to vulnerable situations and harms, which violated their *Charter* rights (Galbally, 2016; Benoit et al., 2018; Shaver, 2018). As a result, the laws were struck down, and the Conservative federal government was allotted one year to enact new laws to decide on the criminality of the sex industry. This resulted in the enactment of Bill C-36 - the *Protection of Communities and Exploited Persons Act* (hereinafter *PCEPA*).

Characterized as an ‘abolitionist’ response to sex work, *PCEPA* criminalizes the purchase of sex with the stated goal of reducing the demand for commercial sex. Despite testimony and evidence presented by current and former sex workers, their allies, and researchers indicating that any form of criminalization would continue to infringe upon sex workers’ human rights (Karim, 2017), Canada chose to enact legislation that continues to criminalize sex work. This approach, commonly referred to as the “Nordic Model,” is deeply rooted in radical feminist thought, which conceives sex work as a severe form of gendered violence that must be condemned and eradicated (MacKinnon & Dworkin, 1997). Without effacing any distinction between ‘forced’ and ‘consensual’ sex work, *PCEPA* conflates human trafficking with domestic sex work while reinforcing

stereotypical constructions of the sex worker as a victim in need of saving (Galbally, 2016, p. 150). This frame is largely contested and opposed by sex workers who argue that commercial sex is a form of legitimate labour. Thus, policy efforts aimed at eliminating the industry are paternalistic and deny their agency (Jackson 2016; Benoit et al. 2019; Rosentel et al. 2021).

While the goals of the Nordic Model are ostensibly to eliminate gendered violence, proponents of this approach rarely acknowledge the negative impacts of increased policing and criminalization for those involved in sex work. In other words, the goals of this framework do not necessarily materialize or align with the stated purpose of protecting sex workers. Before I unpack the arguments in support of end-demand/criminalization found in the literature, I begin by describing the nature and origin of Canada's current sex work laws.

The *Bedford* decision

The Supreme Court of Canada handed down the *Bedford* decision on December 20, 2013. This landmark decision came as the result of three current or former sex workers who challenged the constitutional validity of the existing criminal code provisions which regulated the commercial sex industry. The Supreme Court found that three specific criminal code provisions violated section 7 of the *Canadian Charter of Rights and Freedoms*, which protects the rights to life, liberty, and security of the person which are not to be deprived except in accordance with the principles of fundamental justice (Government of Canada Department of Justice, 2017). Specifically, the Supreme Court found that:

- The bawdy house offence (s. 210) was grossly disproportionate in its serious impact on sex workers' safety as it prohibited conducting sexual commerce indoors as a basic safety precaution. The risks posed to sex workers thereby far outweighed the provision's objective, which was characterized as nuisance-related, namely to safeguard public health and safety (Government of Canada Department of Justice, 2017).
- The living off the avails offence (s. 212(1)(j)) was found to be overbroad relative to its objective, which was to target pimps and other exploitative actors. This offence was overbroad because it punished everyone who "lives off the avails" without distinguishing between those who exploit sex workers and those who help or assist sex workers.
- The communicating offence (s. 213(1)(c)) was found to be grossly disproportionate in its impact on sex workers' safety in that the objective of the communicating offence was to remove sexual transactions from the public view. The Court found that this provision negatively impacted the lives and safety of street-based sex workers and hindered their ability to screen clients before entering into a transactional agreement (Government of Canada Department of Justice, 2017).

The Supreme Court of Canada instructed the federal government to enact new legislation. While the Supreme Court's decision was applauded as a victory for sex workers in that it affirmed their *Charter* rights, the legislative response and resulting criminal code amendments from the Stephen Harper-led Conservative government

indicate that federal legislators adopted a near-monolithic framing of women and sex workers as victims (Gordon, 2021, p. 51), as will be explored further below.

The Protection of Communities and Exploited Persons Act

Following the *Bedford* decision, the Supreme Court struck down the unconstitutional provisions of the criminal code sections relating to prostitution. It granted Parliament one year to enact new laws that regulate the sex trade. Branded as an ‘abolitionist’ response to sex work, the new legislation, Bill C-36 or *PCEPA*, criminalizes the purchase of sexual services, but not the sale, with the overarching goal of reducing the demand side of the sex trade.

PCEPA created several new prostitution offences and modified others. Section 286 of the *Criminal Code of Canada* legally defines what is criminalized under this new regime. There are four main categories of new or modernized *Criminal Code* provisions. The first is the purchasing offence which criminalizes “obtaining sexual services for consideration, or communicating in any place for that purpose” (Government of Canada Department of Justice, 2018). The advertising offence of Section 286 formally criminalizes “knowingly advertising an offer to provide sexual services for consideration”. This section criminalizes advertising the sale of sexual services as it is believed to contribute to the demand for sexual commerce (Government of Canada Department of Justice, 2017). Third is the material benefit offence which is a restructured version of the “living off the avails of prostitution” offence that was found to be unconstitutional in *Bedford*. The material benefit offence criminalizes receiving material benefits from sex workers as a third-party beneficiary with few exemptions. The final section of the *Act* is the procuring offence. This section of the *Criminal Code* now uses

the term “procuring”, which is defined as “for the purpose of facilitating the purchasing offence, recruiting, holding, concealing or harbouring a person who offers or provides sexual services for consideration, or exercising control, direction or influence over the movements of that person” (Government of Canada Department of Justice, 2018).

PCEPA embodies both radical and carceral feminist theory that argues that the state must intervene because sex work is conceptualized as a form of violence against women (Sutherland, 2004). This points to the nature of predominant frameworks of sex work regulation, which are grounded in a particular set of ideas about sex, sex work, and gender relations. A set of ideas which depicts women, girls, and trans people involved in the sex trade as victims in need of protection from the state.

Criminalization Discourse

Radical feminists generally support the asymmetrical criminalization of sex work, such as the Nordic model, because theoretically, its intention is to protect the sex worker, who is considered to be a victim of their occupation (Thusi, 2018). For radical feminists, the issue of autonomy is of central concern. “Radical feminists say that prostitution is not a harmless, ‘private’ transaction but a powerful means of creating, reinforcing, and perpetuating the objectification of women through [masculinist] sexuality” (Freeman, 1990, p. 92). Catharine MacKinnon and Andrea Dworkin contend that agency within paid sexual transactions is impaired in that sex workers cannot exhibit agency in a system of male subordination of women (MacKinnon & Dworkin, 1997). According to Dworkin, commercial sexual transactions are a violation of women’s bodies and cannot be separated from the patriarchy within which these sexual relations occur (MacKinnon &

Dworkin, 1997). As such, criminalization of the purchase of sex is part of the legal framework to protect women from harm.

In addition to the overarching premise that women involved in sex work are victims of patriarchy in need of protection, legislation that criminalizes sex work is influenced by ideas of risk. Risk is seen in two ways – first, the perceived risk posed to communities and second, the need to manage the risk posed to sex workers themselves who are understood to be victims of exploitation (Karim 2017, Weitzer 2007; Shaver 2004; Benoit et al. 2017). Abolitionist or radical feminist scholars are largely concerned with male domination, men’s entitlement to sex and sexual exploitation (Miriam, 2005; Farley et al., 2017), arguing for policies that reflect the need to “end the demand” for sex work.

Legislative responses such as PCEPA are based on the understanding that the discourses of law must be focused on reducing risk as a way to protect victims from harm. This raises an interesting consideration. By distinguishing the community from the “exploited persons”, this implies that sex workers are caught in a dichotomy of either being “in” or “out” of the community (Campbell, 2015). The law directly implies that the community needs protection from the associated risks of prostitution in the form of organized crime, HIV and other health risks, and the destruction of the nuclear family (Lowman 2000; Roy & Aruda 2015).

Violence Against Women Discourse

Sex work abolitionists argue that the criminalization of sex work is necessary because commercial sex is, by definition, violence against women (Ekburg 2004; Farley 2004; Farley; 2005). The literature that supports criminalization asserts that prostitution

privileges and excuses male dominance at the expense of women's bodies. Sex work is viewed as an industry that normalizes rape, assault, and harassment because prostitution supports the sexual objectification of women (Barnard 1993; Karim 2017). Radical feminists maintain that all forms of commercial sex are inherently violent and a form of "gender victimization and oppression" (Ekburg, 2004). Therefore, the criminalization of clients and other exploiters is conceived as a way to address violence against women.

Many of these arguments point to the need for the swift action against predatory pimps who coerce women to sell their bodies and give up the profit (Farley 2004; Farley 2005; Farley 2008; Ekburg 2004). According to Farley (2008), most women in prostitution are controlled by some form of a third-party beneficiary, most often conceived as a pimp. Farley contends that individual traffickers prey on vulnerable women and force them into the industry, subjecting them to various physical and psychological harms with limited opportunity to leave. The solution, according to anti-sex work activists, is to abolish the industry and criminalize the purchasers who create the demand and people who profit from commercial sex (The Women's Coalition, 2011).

The sex industry is construed as an inherently risky business that poses a threat to the community and those who sell their sexual services. These risk narratives conflate all sex workers, especially those who are Black, Indigenous, or People of Colour, as victims of trafficking and coercion, and those who purchase their services as victimizers. Government officials and anti-prostitution activists continue to cite the extreme violence against marginalized women involved in the sex trade including and especially Indigenous women (Davies, 2015, p. 87).

In summary, the literature which supports the criminalization of the purchase of sexual services is grounded in the idea that criminalization will protect women, communities, and marginalized people. It also argues that asymmetrical criminalization will prevent exploitation and will give law enforcement the legal means to crack down on sex trafficking and its harms. In the next section, I explore the arguments against end-demand legislation by looking to the literature which criticizes and problematizes the previous scholarship.

The Case Against Criminalization

The previous section outlined the overarching arguments of those in favour of end-demand policies to regulate sex work. It is important to remember that the debate surrounding the appropriate method for regulating sex work in Canada is comprised of large groups on both sides of the ideological spectrum. The Canadian federal government ultimately chose to adopt legislation based on the claims of those in favour of the criminalization of the purchase of sex work which aligns with those who seek to abolish the sex industry.

Directly challenging the dominant abolitionist arguments is a body of literature that identifies the criminalization, in any capacity, of prostitution to be a contributing factor to the stigma and violence experienced by sex workers (Karim, 2017). This counter-argument views asymmetrical criminalization as a source of harm for sex workers to exert agency and choice through their work. Criminalizing any aspect of sex work is viewed to directly impact the safety of sex workers by restricting their ability to manage risks, vet clients, and ensure their own security (Shaver, 2012).

Scholars have voiced the need for decriminalization to safeguard the health, safety, and overall well-being of sex workers (Goodyear & Cusick 2007; Jeffrey & Sullivan 2009; Galbally 2016). Critics of decriminalization hypothesize that countries that legalize prostitution have become hubs for human trafficking, and put sex workers in further danger. The competing arguments brought forth in this debate raise questions of choice, agency, and victimhood among sex workers (Armstrong, 2017, p. 571). Additionally, those who advocate for decriminalization discuss stigma and policing as two areas of concern.

According to a considerable body of literature on street-based sex work, stigma is identified as a defining factor in how sex workers are treated once their work is disclosed (Karim, 2017; Bruckert & Hannem, 2013). Historically, sex workers have been characterized as dirty, immoral, coerced victims, but rarely, if ever, workers (Shaver, 2004). Stigmas are powerful social labels that have severe consequential impacts on those whom the labels are applied. Individuals who are stigmatized by society are subject to a wide-range of penalizing behaviours, from public shaming, shunning and avoidance, to restraint, abuse and assault (Hallgrímsdóttir et al., 2008, p. 120). The language and images used in legislation, media depictions of sex work, and general societal assumptions about sex work are all well-documented contributing factors for the presence of stigma in the lives of sex work. These assumptions about sex workers act as a means of “othering” them, which in turn creates the idea that sex workers are less than human and, therefore, undeserving of fair treatment. The implications of external and internalized stigma are extremely harmful to the well-being of sex workers.

Literature that opposes all types of criminalization of sex work also cites the complex and largely negative history of police-sex worker interactions. The literature states that in order for sex workers to be safe, whether working on the street or indoors, they must be able to work on their own terms and trust in the police is essential. A 2014 study conducted in Vancouver found that when police targeted clients, sex workers rushed screening practices and got into clients' cars quickly in order to avoid police interaction (Krüsi, et al., 2014). Additionally, Krusi et al. (2014) revealed that while sex workers themselves are no longer criminalized, the data shows that the law is ineffective in deterring clients from purchasing sex and reducing street-based sex work. Indicating that demand-based solutions do not achieve their intended effect. A number of previous studies in the United States have also consistently found that criminalization and aggressive policing initiatives undermine the safety measures used by sex workers to avoid harm and victimization (Armstrong, 2017, p. 573). This suggests that the law is inadequate in addressing structural issues that radical feminists and others have advocated for: namely, addressing/ending violence against women.

In a study that examined the relationship between sex workers and police, Benoit et al. (2016) argue that the lack of trust in police creates a "blue ceiling" for sex workers' safety. The researchers in this study used a qualitative approach that dealt directly with sex workers to obtain their point of view of being policed and regulated by the government, though the interviews were completed before the enactment of the PCEPA. As in other studies of sex worker-police interactions (e.g. Bruckert and Chabot 2010; Jeffrey and Sullivan 2009), Benoit (2016) found that sex workers' perceptions of police are vastly negative (see also Shaver 2012; Downe 2012; Nixon et al., 2010).

Similarly, The Canadian HIV/AIDS Legal Network (2019) found that the majority of sex workers interviewed for their study reported their experiences of law enforcement as a barrier to sex workers' safety and an immediate and systemic danger. The negative impacts of police interaction stem from the rhetorical shifts in characterizing sex workers as victims in need of state surveillance and protection, regardless of whether sex workers view themselves in this manner (Canadian HIV/AIDS Legal Network, 2019). The major effects of increased surveillance and police presence included negative impacts on sex workers' ability to earn an income, their physical and mental health, family life, geographic mobility, and overall safety (Canadian HIV/AIDS Legal Network, 2019).

Studies on the measurable impacts of criminalization and the Nordic model have exposed the inadequacies of federal law in ensuring the safety and well-being of those involved in the sex trade. In reviewing the literature and evidence in opposition to criminalization, it is important to consider how we can understand which arguments appear to dominate policy arenas and why the asymmetrical criminalization of sex work appears to be favoured in Canada. I draw upon the work of critical scholars in this area to offer partial answers to this question.

Galbally (2016) draws upon previous literature regarding the theory behind the "Nordic approach" to regulating sex work. She argues that Canada was heavily influenced by Sweden's *Act Prohibiting the Purchase of Sexual Services*. The theory behind this partial decriminalization model, grounded in radical feminist theory, begins with the assumption that all prostitution is a form of violence and coercion. In seeking to balance the need to protect those who the government views as inherently "exploited"

while eliminating the opportunity for further exploitation, the Nordic approach finds its equilibrium by criminalizing those who exploit and create the demand for sexual services (Galbally, 2016, p. 142). Additionally, the Nordic rationale argues that prostitution objectifies and commodifies women and upholds the oppressive patriarchal system that is at odds with Norway and Sweden's national commitment to gender equality (Davies, 2015, p. 81). While the Nordic countries are often cited as examples of nations leading the fight for material gender equality, Davies (2015) argues that Canada is a land of vast inequalities across gender, class, and racial lines which has become increasingly worse in recent years.

Hunt (2013) and Hunt (2015) expands our understanding by examining the context of the sex trafficking discourse, with a particular focus on policy outcomes in British Columbia. As outlined above, the dominant narrative surrounding sex work in Canada is grounded in protecting women from harm but ends up conflating sex trafficking/sexual exploitation and sex work. Hunt (2015) does the important work of tracing the shifts in the discourses surrounding sex work in Canada. While the conflation between sex work and sex trafficking is articulated as being a recent phenomenon, Hunt points to the material consequences of this discourse. The trafficking framework can be understood as a representational strategy intended to reposition Indigenous women as victims appealing to the law and the government (Hunt, 2015, p. 35). The problem from Hunt's perspective is that the trafficking framework has the effect of "representing all Indigenous girls and women involved in the sex trade...as a monolithic group along with missing and murdered women" (Hunt, 2015, p. 35). Additionally, the abolitionist stance on the issue serves as a means to silence those who self-identify as sex workers and

denies their agency. As such, the law functions as a form of colonial violence by reinforcing colonial power structures of domination (Hunt 2015; Durisin & Van der Meulen 2020).

What is unique to Indigenous sex workers is their inescapable relationship to the violent nature of colonial forces. Reporting on the large number of Missing and Murdered Indigenous Women and Girls (MMIWG) has continued to increase over the years, thereby amplifying this conflation between violence against Indigenous women and sex work (Sayers, 2015). The genocidal rate at which Indigenous women are murdered or go missing shed light on the ways in which police and the entirety of the legal system have failed to take violence against Indigenous women seriously (Hunt, 2015, p. 26). The discourse of missing and murdered Indigenous women served an important function in creating a discourse that highlights the systemic factors that impact the vulnerability of Indigenous women to various forms and varying degrees of violence (Hunt, 2015).

In a similar vein, Seshia (2010) argues that while legal changes that prioritize the needs of individuals working in the sex trade is an important step, addressing the systemic character of the causes of violence against street-based sex workers, including the gendered, racialized, and classed nature of stigma and violence is crucial (p. 13). Seshia's work also points to the importance of evidence-based research that is spatially and regionally specific due to the large variation in the degree of local sex worker experiences as well as the local policies and programs that shape on-the-ground sex work management.

Despite evidence showing the negative effects of asymmetrical criminalization, Canada tends to continue its historical reliance on the criminalization of sex work. Approaches applauded and fueled by groups with a shared commitment to carceral paradigms of social and gender justice as the pre-eminent mode of engagement by the state (Bernstein, 2010).

The next chapter details the data and methodology used for the present study. To understand why the legislative and policy responses persist in endorsing carceral feminist methods, which rely mainly on criminalizing and policing, my research focuses on examining the discursive frameworks implemented at the national level. Additionally, I analyze the means by which these frameworks are executed and articulated through local policies and programs in Winnipeg. In order to conduct this research, the following questions will guide this thesis: How are discourses on sex work expressed, questioned, and debated at the national level? How do these discourses manifest in local programs and policies in Winnipeg? Who are the primary actors involved in these discussions and policy arenas?

Chapter 2: Data and Methodology

This thesis uses conjunctural analysis to answer why, given significant challenges to legislative models that seek to criminalize the purchase of sex and reduce the demand, the legislative and policy response continues to reflect carceral feminist approaches as opposed to equity-based approaches. Legislative and policy responses to regulating sex work have varied over different periods and geographical locations across Canada. In Manitoba, several groups and organizations that would not normally be assumed to share political commitments seem to be united in their support of the “end demand” approach. Disproportionate resources are being allocated toward police and prosecution services, and the scarce resources allocated to community organizations appear to have been co-opted into efforts to abolish sex work. A conjunctural analysis encourages investigation into the ways issues are understood and mobilized around, the alliances that are made in particular times and places, and attends to the ways that seemingly contradictory analyses and approaches hold together within specific local logics and politics.

This Chapter outlines the data I collected and analyzed to answer my research questions. I begin by outlining the process through which I collected data, followed by a brief description of the data sources I analyzed. I then move on to explain my methodological approach, conjunctural analysis.

Data Collection

In order to map the contemporary legislative and policy formations around sex work, I began by investigating the 2022 House of Commons standing committee review of the *Protection of Communities and Exploited Persons Act*, a process mandated by a review clause when the law was passed in 2014. I used the Hansard from these hearings

to develop an understanding of the most recent iterations, articulations, and contradictions of the discourses around present-day Canadian sex work laws. My first read-through of the transcripts involved noting who spoke as witnesses before the committee, what organizations they represented or their affiliation, and what geographical locations were represented by the various delegates. A total of 48 witnesses gave testimony before the Standing Committee on Justice and Human Rights in a review of *PCEPA*. Some witnesses appeared as individuals, while others appeared on behalf of organizations, including advocacy groups, non-profits, and representatives from governmental institutions. Roughly half of the witnesses supported *PCEPA*, requesting that the government maintain the law, while the other half spoke in opposition, requesting that the government repeal the legislation in full or in part. In addition to the 48 witnesses, 72 briefs were submitted to the committee. Some of these briefs were submitted by witnesses who spoke before the committee, and others were submitted by individuals or groups who did not.

My second read-through of the transcripts and brief submissions involved identifying the themes that arose from the data. A theme captures something important about the data and represents some level of patterned response. According to Ryan and Bernard (2003), themes are abstract constructs that link to expressions found in texts. Some themes are broad constructs, while others are more focused and link to specific kinds of expressions (p. 88). Themes in qualitative analysis emerge both inductively through the data, but also from the researcher's prior theoretical understanding of a phenomenon (Ryan & Bernard 2003; Braun & Clarke 2006).

I identified several themes, many of which can be thought of as arguments and counterarguments. I identified themes in the various conceptualizations about sex work, including sex work as violence against women, sexual exploitation, and trafficking, with contrasting themes of sex work as a legitimate form of labour. Within these broader themes, discussions around agency, autonomy, and self-determination were also revealed as themes. I also identified themes around policing and the overall enforcement of *PCEPA*, including the idea that *PCEPA* is a necessary tool to protect victims and the counterargument which problematizes criminalization. Additional themes include the uneven enforcement of the law and fears about what decriminalization would look like in Canada.

In addition to analyzing the transcripts and briefs from the *PCEPA* review, I collected various documents to analyze local policy initiatives occurring at the provincial and municipal levels through sex work policy and programming. This included governmental and non-governmental reports, provincial and municipal Hansards, documents obtained from websites and Freedom of Information Requests, academic literature, and literature from sex worker organizations. I narrowed my search for documents to a few key policy initiatives: Tracia's Trust: Manitoba's Strategy to Fight Sexual Exploitation, Deter and Identify Sex Trades Consumer (DISC) stops, reports on reverse-string operations, the Hospitality Sector Customer Registry Bill enacted in 2022, and the by-laws governing the licensing of body rub parlours and escort services. By analyzing these examples, I could further my understanding of how the province of Manitoba and the City of Winnipeg justify these policy choices to the public. I also

identified the key players involved in the local dynamics, many of which operate in the non-profit/community organization sector.

My ability to locate relevant documents for this analysis was largely guided by the work I have done as a research assistant on a project led by Winnipeg's local sex worker organization, the Sex Workers of Winnipeg Action Coalition (SWWAC). The three SWWAC members I worked for at the time of this writing have provided me with invaluable guidance about the relationships between local government and community organizations that make up the Winnipeg landscape of sex trade-related programs and policies. Their guidance and expertise have also informed the formation of my research questions.

By bringing together the articulations at the national level through a 2022 public policy debate about the implications of *PCEPA* and local realizations of the articulated discourses (i.e. provincial and municipal policies which regulate sex work), I conducted a conjunctural analysis, a rigorous research methodology which highlights the importance of mapping the specificity of the present.

Methodology

“Conjuncture” is a concept developed by Antonio Gramsci and Louis Althusser that designates a specific moment in the expressions of social formation, referring to a period in which the antagonisms and contradictions begin to “fuse” into a “ruptural unity” (Hall et al., 2013, p. xiv). Conjunctural analysis deploys a type of periodisation which distinguishes between moments of varying degrees of stability and unrest, which have the potential to result in more general social crisis (Hall et al., 2013, p. xiv).

Resolutions to the crisis can take many forms, and they may allow the historical project

to be maintained, or they may provoke a process of transformation (Hall et al., 2013, p. xv). “Conjunctural analysis can be broadly defined as the analysis of convergent and divergent tendencies shaping the totality of power relations within a given social field during a particular time” (Gilbert, 2016, p. 6).

Hall’s seminal example of a conjunctural analysis through his study, *Policing the Crisis* opens with an analysis of a moral panic observed through the British press over an “increase” in “muggings” of white victims by young black men (Gilbert, 2016). Operating at a level of abstraction to capture the fusion of different circumstances and the accumulation of contradictions in a given moment, Hall diagnoses this particular moral panic as a fragment of an emerging right-wing response to a crisis of the British social formation. The former social formation, marked by a social consensus favouring a mixed economy and an expansive welfare state, broke down under political, social, and economic pressure (Gilbert, 2016). Hall’s mapping of the conjuncture accurately foresaw the emergence of a new cluster of social forces and discourses that would fuse together, creating a new wave of support for the right-wing politics of Margaret Thatcher. It made this diagnosis by recognizing the moral panic around muggings as a “symptomatic of the emergence of a new “common sense”: a new set of widely diffused and shared understandings of the social world” (Gilbert, 2016, p. 9).

Hall and other cultural studies scholars utilize conjunctural analysis to examine the context – a conjuncture – as a field of power (Grossberg, 2019, p. 46). “A conjuncture is always a description/construction of a context as an unstable balance in the field of forces (embodied in structures of and struggles over power), some of which are specific to the conjuncture, and some are more organic...” (Grossberg, 2019, p. 46). The

conjuncture cannot be separated from its context. The analysis must be committed to recognizing the complexity of the conjuncture as a field of forces, a concept Grossberg (2019) refers to as ‘radical contextuality’. It is anti-universalist while at the same time claiming that realities (truths) do exist, but only within specific contexts. Furthermore, radical contextuality recognizes the innate instability of any one element or relation within a conjuncture (Grossberg, 2019, p. 46). Relations are fixed, but only temporarily, and contexts are unities, but they are always unstable and their boundaries permeable (Grossberg, 2019).

Grossberg (2019) distinguishes three concepts/analytical practices: war of positions, problem space, and organic crisis. Grossberg contends that “a conjuncture is constituted at the indeterminate point where a war of positions demands to be understood as a problem space that might be... articulated to/as an organic crisis. It is at the intersection of these three analytics where a hegemonic struggle might be – but also might not – emerge” (Grossberg, 2019, p. 49).

In addition to Stuart Hall’s conjunctural analysis, this thesis is also informed by Sarah Hunt’s critical theory of law. Hunt (2015) argues that contemporary trafficking frameworks have drawn attention away from the role of the state in the plight of Indigenous peoples and instead appeal to the state for more powerful responses to the trafficking problem (p. 32). Hunt’s analysis problematizes the ways in which Canadian law has failed to address the many forms of violence against Indigenous women. Instead, the growing awareness of missing and murdered Indigenous women, coinciding with the general crisis around sex trafficking, has repositioned Indigenous women as victims of a “more serious” violent crime, appealing to Canadian law. Hunt (2015) argues that

portraying Indigenous women and girls as victims reinforces violent relations with state institutions, which have failed to address the issue of violence against sex workers. Furthermore, these strategies have increased criminal sanctions and police contact with Indigenous peoples, subjecting them to further harm and violence.

Influenced by Stuart Hall's *Policing the Crisis*, this thesis uses conjunctural analysis and Hunt's critical theory of law to ask why society reacts to sex work, sex trafficking and sexual exploitation in the way it does when it does. What does this tell us about the nature of social control, the ideologies of crime, the role of the state, and the historical and political conjuncture in which this cycle appears (Hall et al., 2013, p. 182). Furthermore, how do the iterations of the crisis transcend into the private and social lives of consenting adult sex workers? My thesis identifies the struggle over a particular set of criminal laws representative of broader social struggles that stretch far beyond the purchase and sale of sexual services. These broader but related struggles include the definition of and response to violence against women, policing, and how to address the broad social crisis of capitalism, patriarchy, racism, poverty, and colonialism. These struggles also reveal the key contradictions in the contemporary legal frameworks that regulate, control, and define sex work. Contradictions such as the ostensible concern for women (Indigenous women in particular), yet the promotion of policies which undermine their safety, security, and agency; the appeal to community organizations and service providers, yet the empowering of only those community capacities that explicitly align with policing goals.

In this chapter, I have presented an outline of my methods for collecting and analyzing data and Stuart Hall's approach to conjunctural analysis methodology. In the

upcoming chapters, I will utilize this theoretical framework and its corresponding concepts to analyze the document data I have gathered for this research.

Chapter 3: Themes from House of Commons Review of *PCEPA*

A broad spectrum of ideological positions were displayed during the 2022 House of Commons review of the *Protection of Communities and Exploited Persons Act*. While relatively niche, these hearings presented an opportunity for the review committee to hear directly from stakeholders and interested parties as they prepared to submit a report to the federal government with their recommendations on the future of *PCEPA*. The committee heard from over 40 witnesses throughout several days of meetings. Those in favour of maintaining or strengthening the current legal framework presented arguments about why asymmetrical criminalization is needed to protect vulnerable people exploited in the sex trade. These arguments appear to mirror those advanced during the *Bedford* court proceedings and the legislative debates leading up to the enactment of *PCEPA*. In short, this position relies on the idea that state actors must intervene through criminal law to discourage and denounce the exploitation of women and children.

Those who spoke in favour of repealing *PCEPA* refute the claim that all sex work is inherently exploitative. Instead, witnesses who spoke in opposition of *PCEPA* insist that casting all sex workers as victims and the legislative/policy responses it endorses is a source of harm, not sex work itself.

This chapter discusses the themes I identified while examining the transcripts from the 2022 House of Commons standing committee hearings in review of *PCEPA*. This review was mandated with the passing of Bill C-36/*PCEPA* in 2014, which stipulated that the current legal regime would be subject to review five years after it was enacted. While the hearings occurred almost ten years after *PCEPA* became law, the

Standing Committee on Justice and Human Rights allowed individuals and the organizations they represent to present their positions and supporting evidence about the current legal regime. This allowed me to analyze the most current iteration of discussions about sex work in Canada and the heterogeneous groups who have a vested interest in maintaining or challenging the law and what it represents.

The over-arching question guiding this chapter is how are carceral approaches around sex work were justified and challenged within this particular conjuncture. My study of this public debate helps to further the understanding of the logical/ideological routes that lead us to these outcomes. Following this chapter, I turn to my study of policy outcomes in Manitoba, which helps to explain the relevant factors beyond ideology that shape responses in a given time and place.

Theme 1: Contested Definitions of Sex Work

During my analysis of the 2022 House of Commons PCEPA review hearings, one of the predominant themes I observed was a tendency to conflate sex work with sex trafficking and the sexual exploitation of children and youth. Several speakers, including service providers and experiential women, testified that due to the perceived high incidence of domestic sex trafficking in Canada, there is a need for asymmetrical criminalization of clients and exploitative third parties to protect trafficking victims.

“Bill C-36 must remain, and parliamentarians must do more to protect their constituents from these predators, because the traffickers are in every constituency in our country. Victims of human trafficking are the recipients of horrid abuse and often lose their lives. To legalize prostitution would be a travesty of massive proportions against our most vulnerable populations, our LGBTQ, our immigrants and our youth.” (February 15, 2022, p. 1550).

The comment above was made by Joy Smith, Founder and President of the Joy Smith Foundation, an anti-trafficking advocacy group that works with trafficking victims. During Smith's testimony, she argued that PCEPA is a necessary legislative scheme that promotes the protection of vulnerable victims in the sex trade. For this argument, there is little distinction between consensual adult sex work (the subject matter under review) and sex trafficking. In this sense, how one enters the sex trade is given important consideration. For example, Jennifer Dunn, the executive director of the London Abused Women's Centre (LAWC) discusses traffickers who lure women and girls into prostitution against their will:

“Young women and girls between the ages of 12 and 21 are at the highest risk of being sexually exploited, groomed and lured into the sex industry, often by traffickers who manipulate them into believing they are in a relationship. LAWC recognizes prostitution as male violence against women and incompatible with women's human rights; it is the demand for prostitution that fuels sex trafficking.” (February 11, 2022, p. 1305).

The figure of the trafficker was mobilized throughout the debate as a representation of the darkest aspects of the sex trade. The belief through many of these testimonies appears to be that most, if not all, women involved in the sex trade are there because they were coerced or manipulated into selling sexual services at some point in their lives. This perspective aligns with the basic tenets of the Nordic model: that there is no voluntary participation in sex work. The trafficking problem is articulated in a way that suggests it is a rampant issue in all communities across Canada (February 11, 2022, p. 1305). In other words, these testimonies suggest that nearly all women and girls in Canada are at risk of being trafficked. Witnesses like Cathy Peters, an educator who focuses on raising awareness about sex trafficking, advanced additional concerns about the connection between traffickers and organized crime,

“Ninety-five percent of those involved in prostitution want to leave: It is not a choice or a job. The vast majority of prostituted persons are pimped or trafficked, and organized crime and international crime syndicates are typically involved. Crime follows the money, and traffickers make hundreds of thousands of dollars per victim per year.” (February 11, 2022, p. 1300).

The above quotes from Peters, Smith, and Dunn all indicate that it is the demand for sexual services by (mostly) male clients that creates the opportunity for traffickers to profit from the sexual labour of others. Furthermore, it appears that clients are also conceived as exploiters since they are perceived to receive services from exploited persons, but also because men’s entitlement to sex was argued to be a driving force behind the exploitation of women and girls. From this perspective, sex work and sex trafficking are inseparable phenomena, even in cases where adult sex workers are not controlled by third parties. During my review of the transcripts, these arguments supported the position by some that criminalization is necessary to address the exploitative and coercive nature of the sex trade. One witness, Kelsey Smith – a survivor of sex trafficking, attributed the existing criminal laws as a means for deterring people from engaging in the sex trade: “I really strongly believe that even upholding laws that people wouldn't be allowed.... I feel like having these laws would deter people in the first place from seeking out sex work. I think, when you take away some of the demand.... The people who trafficked me wouldn't have had a market to do so.” (April 1, 2022, p. 1415).

What is notable about Smith’s testimony, as well as others cited above, is that *PCEPA* is viewed as a comprehensive legal regime which addresses adult and youth trafficking/exploitation. There is no distinction between adult and youth sex work

because the demand for sexual services is said to be the driving factor for trafficking and exploitation (see for example submitted briefs by London Abused Women's Centre, 2022; Hennes Doltze, 2022). The economics of this logic appears to be that as long as clients create the demand for paid sexual services, traffickers and other exploitative individuals will continue to look for ways to supply that demand. *PCEPA* is said to address this issue by purportedly reducing the demand for sexual services through asymmetrical criminalization.

Violence Against Women

During the parliamentary hearings, members from organizations who support *PCEPA*, trafficking survivors, and members from religious groups expressed concerns about violence against women. Men's sexual entitlement is repeatedly cited as a source of harm.

“The source of harm in prostitution is the men and the sex acts that they demand from women. Additional harms include being stabbed, shot, beaten and so on... When we decide that sex is work, this means that there are women coming in to their workplaces not wanting to perform their job duties, but doing so anyways, because they don't want to get fired and because they need to get paid—only these job duties are unwanted sex acts, such as blow jobs and anal penetration, instead of filing reports or attending meetings.” (April 1, 2022, p. 1410).

The excerpt above was made by Cherry Smiley, founder of Women's Studies Online. The concern over the inherent violence toward women in the sex industry was central during the hearings. Sex work being conceived as work was a point of contention due to the perceived high instances of violence during paid sexual encounters.

“The next time you hear the term “sex work”, examine the word exactly as it is. It will show you what it is: It is sex being placed in front of women being objectified, raped and killed. There is a continuum of harm, and even at its best, sex work still entails the objectification of our women.” (March 22, 2022, p. 1655).

Speakers like Andrea Heinz refute the idea that sex work is a form of labour. Instead, *PCPEA* advocates conceptualize all sex work as a form of violence against women. Sex work cannot be separated from the high instances of violence experienced by (mostly) women involved in the sex industry. In response to this form of violence, advocates call for the government to continue to criminalize the purchasers of sex who perpetrate this violence against women. From this perspective, decriminalization would legitimize this form of violence which was of central concern during the hearings.

Fear over Decriminalization

There seemed to be a consensus among pro-PCEPA witnesses that “victims” of the sex trade will be at further risk if laws prohibiting sex work ceased to exist. Fear about what would happen under a decriminalization model was frequently expressed as a concern for supporters of *PCEPA*.

“...the sex industry wants to repeal *PCEPA* to normalize, commercialize and institutionalize the sex industry in Canada. If this happens, Canada will become a global sex tourism destination and America's brothel. Indigenous women and girls will be the first casualties. No Canadian would ever support this.” (February 11, 2022, p. 1300)

The above statement was made by Cathy Peters of the London Abused Women's Centre. The idea that Canada would become "America's brothel" was a concern expressed by several witnesses, including Lynne Kent, Chair of Vancouver Collective Against Sexual Exploitation; Dianne Matte of Concertation des lutes contre l'exploitation sexuelle; Janine Benedet, Professor of Law at the University of British Columbia; and Cherry Smiley of Women's Studies Online. It is also notable that an antagonistic tone is conveyed through the statement above, which largely misrepresents the position of sex workers in Canada. It also appears to reduce violence against women in sex work, specifically against Indigenous women, to the existence of a commercial sex trade.

Sex Work is Work

The counterargument represented by sex workers during these hearings represented an alternative viewpoint to the above arguments. Rather than viewing all individuals involved in the sex trade as exploited or trafficked, sex workers and the allies who spoke on their behalf before the House of Commons review committee asserted that sex work is work and a legitimate form of labour.

"The sex worker rights movement has gained a lot of momentum since this law was passed. The more visibility sex workers gain in society, the harder it is for anyone to continue to justifiably claim that we aren't just doing it consensually, but that we also highly prefer it to other forms of work." (April 5, 2022, p. 1545).

From this viewpoint, sex work and sex trafficking are separate phenomena that should be treated under the law as such. The discursive practice of labelling all sex work as inherently exploitative was argued to do a disservice to both sex workers and victims of sexual exploitation. For one, this rhetoric appears to distort the placement of blame for situational violence during paid sexual encounters. The inference is that sex workers

who continue to engage in the industry are responsible for the harm inflicted upon them.

The following testimony from Sophia Ciavarella, Operations Manager of PEERs

Victoria Resources Society spoke to this,

“With sex work legally defined as inherently exploitive, violence against sex workers' bodies is naturalized. When the only way of helping sex workers is to rescue them, those who are actively engaged in sex work are seen as disposable. Their voices are deprioritized, and they face barriers to justice.” (March 4, 2022, p. 1315).

The need for additional ‘protection’ under laws like *PCEPA* was argued to be unnecessary and ultimately undermines the ability to engage in safer practices to avoid precarious or dangerous situations. Furthermore, the conflation between sex trafficking and sex work, was cited as a contributing factor to the stigmatization of sex workers (April 1, 2022, p. 1305). Kerry Porth, a Sex Work Policy Consultant at PIVOT Legal Society urged the government to address the stigma faced by sex workers, and the consequences that arise,

“Work on undoing the stigma that surrounds sex work. The greatest commonality between sex workers in Canada is the stigma they face. Most sex workers live in fear that their work will be revealed to family and neighbours. This stigma perpetuates over-policing and supports conditions that have allowed predators to murder, sexually assault, rape and abuse sex workers with impunity.” (March 1, 2022, p. 1545)

Witnesses seeking to repeal *PCEPA* challenged the dominant discourse underpinning sex work policy in Canada by pointing to the State as a source of violence and exploitation. Within this framework, sex workers and other advocates disrupted the idea that sex work is inherently exploitative and dangerous. Instead, they assert that the underlying effects of prescribing victimhood onto a heterogeneous group of people who

do not necessarily identify as victims is a form of violence that denies their right to self-determination.

Theme 2: Empowering Police

The second theme I identified during my analysis of the House of Commons transcripts had to do with the enforcement of the law through local police departments across Canada. Witnesses who spoke in support of *PCEPA* argued that this legal framework empowers law enforcement to go after the *real* perpetrators (clients/pimps) while no longer targeting sex workers for arrests.

Despite the assertion that *PCEPA* is effective in protecting victims of sexual exploitation, it continues to occur throughout the country, as evidenced by the frequency with which this issue was discussed throughout the hearings. By all accounts, witnesses who align themselves with the anti-trafficking perspective suggest that the way forward is to further educate police agencies on the complexities of sex work/sex trafficking. Education and enforcement are therefore viewed as the weak point in policing the commercial sale of sex, and more training is needed (March 22, 2022, p. 1705).

Witnesses opposing *PCEPA*, including researchers, experiential individuals, and sex worker allies, appeared before the committee with evidence to support the claims that *PCEPA* has not improved working conditions for sex workers. Instead of suggesting that police officers need to be better educated, witnesses who testified on behalf of sex workers insist that any form of criminalization hinders their ability to conduct their business safely. It was argued that the current criminalization model hinders sex workers' ability or willingness to report incidents of violence and robbery to police (Krüsi et al.,

2022). Furthermore, criminalization of any kind grants police agencies the power to continue to use surveillance to monitor and track sex workers' activities in the name of targeting their clients or work associates captured by third-party laws (Living in Community, 2022).

There was a significant amount of discussion about how law enforcement is currently using the legislation to achieve the stated goals of *PCEPA*. One of the witnesses, Superintendent Lisa Byrne, testified on behalf of the Canadian Association of Chiefs of Police. Throughout her testimony, Byrne insisted that *PCEPA* is effective because it criminalizes a wide range of illicit behaviours which is useful to law enforcement officers during investigations. In other words, it legitimizes a wider range of police interventions – and expands the discretionary capacities of police, which are at the center of their role.

“Additionally, when we do enforcement, the more offences we have.... If we think of the offences as a tool, we can use these offences. These will not necessarily be the charges that we lay in the long run, but the tools to obtain and gather evidence. We use them to seek judicial authorization, for example search warrants to search phones, and to gather other corroborative evidence that we can use either to corroborate the victim's testimony or instead of the victim's testimony.

Our goal is not to target individuals who are selling their own sexual services. Our goal is really to target offenders who are exploiting vulnerable victims, and to also target the buyers of sex who are being exploitative, particularly around children.” (March 22, 2022, p. 1600).

In other words, Byrne states that law enforcement agencies understand and appreciate *PCEPA* as a multi-faceted piece of legislation which empowers police officers to target clients and traffickers. University of British Columbia Professor Janine Benedet

expanded upon this by stating that the procuring provisions within *PCEPA* work hand-in-hand with other *Criminal Code* trafficking provisions, which are useful for arresting and prosecuting perpetrators of exploitation (April 5, 2022, p. 1540). Furthermore, Superintendent Byrne also made mention of the benefits to prosecuting perpetrators under *PCEPA* as opposed to the pre-existing trafficking provisions from a victim standpoint,

“Human trafficking investigations and prosecutions require significant victim participation. This leads to the revictimization of individuals who have to retell their stories and relive their experiences on multiple occasions.

While police in Canada focus on trauma-informed practices, the nature of the system required to hold offenders accountable is adversarial, difficult for victims to navigate and not victim-centred. The primary goal should be to fully support victims, who are often children and vulnerable individuals. This may include helping the victim leave the exploitative situation, but this often happens in the absence of criminal charges or offender accountability. A significant strategy employed by police to combat sex-related human trafficking is to hold offenders accountable in court by relying more on corroborative evidence and less on direct victim testimony.” (March 22, 2022, p. 1600).

While the assertion that the procuring and third-party offences captured in *PCPEA* are more beneficial to victims during criminal justice proceedings, it fails to justify the need for the entire piece of legislation, including the provisions which criminalize the purchase of sexual services and the advertising offence.

While approximately half of the individuals who spoke before Parliament supported maintaining *PCEPA*, the other half insisted that criminalization of any aspect of sex work and the enforcement of the criminal code provisions in question

continue to infringe upon the safety and security of sex workers in Canada.

Throughout the hearings, individuals advocating for the repeal of *PCEPA* presented evidence that speaks to the nature of police interactions under the current legislation,

“It is not safe for people who do sex work to report to police under *PCEPA*. Instead, workers create our own in-community “bad date” reporting systems. At SafeSpace, that includes a bad date reporting line and a bad date information flyer.

We experience ongoing reports of police harassment and assault, and when workers attempt to report incidents, police have instead found a way to charge them using *PCEPA*, like through “blocking traffic” charges, third party charges or saying that they're working in an illegal area.” (March 4, 2022, p. 1415).

Not only do sex workers continue to report harassment and, in some cases, violence at the hands of police officers, but the *PCEPA* has also been largely ineffective in the stated goal of making sex work safer. The evidence presented to the standing committee suggests that unsafe working conditions continue to harm sex workers through surveillance, detention, and monitoring. These conditions were argued to be exacerbated for sex workers who are Black, Indigenous, and People of Colour. Jenn Clamen, National Coordinator for the Canadian Alliance for Sex Work Law Reform (CASWLR), makes the case in point,

“A legal regime that relies on the surveillance, profiling, detention, and arrest of marginalized and racialized communities cannot claim to be an equality or a feminist model. A legal regime that criminalizes and seeks to eradicate an income-generating activity predominantly exercised by marginalized women cannot claim to be an equality or feminist model. Equality means that everybody receives the benefit of human rights protections. Substantive equality means that there's a

recognition that criminal law, and *PCEPA* in particular, disproportionately targets racialized, Black, Asian and indigenous communities. *PCEPA* encourages the uninvited presence of law enforcement into the lives of these sex workers and has grave consequences.” (March 4, 2022, p. 1305).

Police Training

Without explicitly acknowledging any issues with the legislation, some witnesses indicated that with better police training, law enforcement officers would be more able to identify perpetrators of prostitution-related offences while providing proper resources to victims in need. The source of these failures was most frequently directed at law enforcement officers, with *PCEPA* supporters contending that police officers need to ramp up surveillance, arrests, and investigations.

“We need to increase enforcement of the purchasing section. Buyers can rarely distinguish between a trafficked child and adult, or between a circumstantial sex trade participant and an emancipated sex worker.” (April 5, 2022, p. 1550).

The above quote is from Kathleen Quinn, the Executive Director of the Centre to End All Sexual Exploitation. Like Quinn, members from the anti-trafficking community expressed concern that buyers cannot distinguish between youth and young adults or between sex workers and victims of sexual exploitation. For this reason, the criminalization of clients is expressed as necessary. Any harm inflicted upon sex workers by law enforcement and their partners appears to be viewed as collateral damage that would be avoided if sex workers ceased to engage in this line of work.

“I think enforcement is the missing piece here. The police are not enforcing. The Crowns are not pressing charges... [T]he Act does

not cause harm to exploited people.... Where there is harm to women, it's because of the lack of enforcement. The refusal of the police to enforce the law leaves women at the mercy of the pimps and the sex buyers, who get to be as controlling and as violent as they want. It really does harm women to know that they are deemed not worthy of protection even when the law of the country says that what is happening to them is wrong. It harms all of the women in the community when we see that other women are being sold, denigrated and hurt and nothing happens to the man or the men who caused that harm.” (March 4, 2022, p. 1410).

PCEPA advocates are concerned with exploitation arising from sex work transactions but not with harms caused by policing – their concerns with harm are selective. Evidence presented at the parliamentary hearings suggests that calls for more enforcement of *PCEPA* continue even though official data from Statistics Canada indicates that police agencies across Canada have been actively enforcing prostitution-related offences. According to Statistics Canada data released in 2021, there was a notable increase in the number of men accused in incidents of the purchasing offence and the profiting offence involving third parties (Statistics Canada, 2021). The number of men arrested for obtaining sexual services from an adult or a minor increased from 132 in the five years before *PCEPA* to 2,489 in the five years after it came into force (Statistics Canada, 2021). For the profiting offence within the same time measures, the number jumped from 472 to 667 instances where men were accused as third-party beneficiaries (Statistics Canada, 2021). It is important to note that the Juristat data fails to capture whether the increase in arrests indicates that police have been more actively engaged in enforcing the new laws or the criminal conduct has increased. It also does not account for the number of sex workers who have been arrested for separate criminal code offences while engaging in sex work.

Police presence in the lives of sex workers has extreme consequences that stretch far beyond the risk of arrest. The enactment of other related criminal offences dampens the notion that sex workers are free to conduct their business in a manner they deem safe and secure. As one witness pointed out, any criminalized legal framework guarantees that the role of the police is at odds with ensuring sex worker safety. A notion which some argue will not improve with more police training,

“First, police training is futile in a criminalized legal framework. The police enforce the Criminal Code. *PCEPA* is part of the Criminal Code, meaning the police role is fundamentally at odds with ensuring sex worker safety.

Second, the police have severe and well-documented systemic racism issues. Until these issues are resolved, any *PCEPA*-related training is futile. In fact, until we admit that racial profiling sits at the heart of *PCEPA* criminalization of immigrant and migrant sex workers, and until we can have an explicit conversation about that, no amount of police training can make a difference.” (March 4, 2022, p. 1420).

Allison Clancey, Executive Director of SWAN Vancouver emphasizes the issue of systemic racism and its implications in sex work law enforcement in the above quote. Evidence presented throughout the hearings indicates that education and training must be matched with direct action in the form of policy or programming to impact actual change. The complex and violent history of policing marginalized and racialized communities was frequently cited as a cause for concern in response to pro-*PCEPA* advocates call for more policing.

The messaging found within the law suggests that sex workers who continue to engage in this line of work are responsible for the transgressions and crimes committed against them. In short, sex workers could manage their risk better if they

chose another source of income. As Amber Lindstrom of SafeSpace London argues below, criminalization and sex worker safety are at odds with each other,

“We cannot improve our relationships with police until decriminalization happens, because as long as there is criminalization, the police will be working through that lens of focusing on sex workers and our job. Right now, we can't go report to police. As a peer support worker, when somebody comes up to me and gives a bad date report, I always ask them if they would like to report it to the police and I offer to go with them to the police station. Even when offered peer support, they still do not feel comfortable going.

That is the extent to which we do not feel safe. We keep hearing a narrative that training the police will help, but it cannot take place until decriminalization happens, because the police cannot be educated to support us until they are no longer working to eradicate us.” (March 4, 2022, p. 1415).

While sex workers are immune from prosecution for selling sexual services under *PCEPA*, the absence of threat of arrest has not improved the relationship between sex workers and police (March 4, 2022, p. 1305). Virtually all aspects of sex work continue to be prohibited, permitting law enforcement agencies to intervene through various strategies. The impact of criminalization was argued to extend into various aspects of sex workers' social lives. Numerous witnesses testified about the often-overlooked realities that sex workers face, including obstacles in accessing basic social services. As Jenn Clamen of the Canadian Alliance for Sex Work Law Reform argues below, the illegality of sex work puts sex workers at occupational risk, and threatens their housing and family dynamics,

“The harms of criminalization go beyond arrest. They create barriers to accessing health, social, legal or police services. They foster isolation and limit who sex workers can reach out to for support. They create a risk of

eviction and of child apprehension. The dangers of *PCEPA* and police that sex workers speak of are most definitely real. They are not a figment of sex workers' imaginations and definitely not an instruction from an imaginary pimp.” (March 4, 2022, p. 1305).

Over 30 witnesses emphasized the far-reaching negative effects of criminalization throughout the hearings. However, the legislative impact was said to depend largely on where one is geographically located. As some witnesses pointed out, the scope of enforcement strategies varies widely across the country, bringing us to the next point.

Unequal Enforcement

Several speakers at the parliamentary hearings pointed to the unequal enforcement of *PCEPA* as a point of contention. By all accounts, the likelihood of an arrest or an accusation under this legal regime seems to depend largely on where one is geographically located in Canada. For some witnesses, this is viewed as a problem because pro-*PCEPA* witnesses argued that the law is an effective and dynamic tool that targets the appropriate perpetrators. Therefore, any police department that is not actively or pro-actively enforcing the law is doing a disservice to the victims of sex work. As Professor Janine Benedet states below, certain terrains are “gaining momentum”, while others, like Vancouver, are “refusing to enforce the law”,

“It's quite clear that enforcement across the country is wildly uneven. We see some jurisdictions—and I see real momentum, particularly in Manitoba—where the law is being enforced. In other jurisdictions, like my own city of Vancouver, there has been a deliberate refusal to enforce the law. In terms of whether the law is actually being enforced, and enforced consistently across the country” (April 5, 2022, p. 1600).

Police have an incredible amount of discretion in all facets of their work. Police officers are given an extraordinary amount of power through laws created at the federal level, but it is ultimately up to police departments to determine their enforcement priorities. Provinces and municipalities are also relevant intermediaries in that they are responsible for structuring the policy environments where police do their work.

“I worked on a section 286.1 appeal last year, and I had a first-hand look into how police went about enforcing laws against clients. Much of it depended on whether you lived in a progressive metropolitan city, where police have real crimes to focus on, or in a less populated rural town, where police are more motivated to make arrests. If you didn't speak English very well, you were less versed in the industry know-how of how to discern real ads from fake ones. The stings are exclusively relegated to classified sites like LeoList, where the average rates are less expensive and half-hour and 15-minute bookings are more common. Essentially, those unlucky enough to get arrested tend to be less well educated, less white and less well off, which mirrors the trends in the criminal justice system.” (April 5, 2022, p. 1545).

The discrepancies in how *PCEPA* is variably enforced have important considerations both for the sex workers, clients, and individuals considered to be third party beneficiaries. As Nadia Guo argues above, the priorities and influences on local police departments depends largely on the spatial location where sex work takes place. A more progressive metropolitan city such as Vancouver starkly contrasts the enforcement practices of a Western Canadian city such as Winnipeg, or a rural town, where aggressively policing sex work is more pronounced. Guo also makes the point that offenders captured by the legal regime follow suit with trends in broader crime stats reflecting a criminal population that is less racialized, and of lower socio-economic status.

Theme 3: Agency vs. Vulnerable Victims

Many *PCEPA* advocates took the position that sex workers do not possess the capacity for human agency. Within this perspective, it was frequently argued that because sex workers do not employ agency, the sale of sexual services cannot be conceived as a form of labour. The very notion that any individual would *choose* to sell their own sexual services was met with resistance by several witnesses. For example, Suzanne Jay of Asian Women for Equality stated: “the vast majority of women who are in prostitution would leave if they had any other way to support themselves and their families.” (March 4, 2022, p. 1405).

Ideologically, many *PCEPA* advocates refute the idea that any individual would provide sexual services of their own volition. Sex work is then inextricably sexual exploitation, even in cases where adult sex workers insist that a third-party pimp or trafficker is not exploiting them.

“I think we need to take the zoom-out perspective and recognize the activity for what it is, which is coercive sexual access. It is not work. We have to look at where the lines between agency and submission exist. I really don't think many of us are operating with a lot of agency. I know I wasn't. Sure, I didn't have a gun put to my head. I didn't have a pimp or a trafficker. But poverty was my pimp. That's the case for so many women. Because we are so reliant on that, because materially we are subjugated in Canadian society, we lean with our abusers. We side with our abusers. We smile in the face of our abusers as they abuse us, because we need that money. It's not fair to do to women” (March 22, 2022, p. 1715).

What is interesting about the excerpt above is that Andrea Heinz, who has experience in the sex trade, identified structural issues (poverty) as her exploiter, not an individual trafficker. A discussion about poverty is useful within these debates,

especially when we imagine how to address the needs of those involved in the sex trade and perhaps questions about how or why one chose this line of work. Heinz's testimony indicated that she was once a sex worker and a licensed brothel owner. After several years in the industry, Heinz states that she came to understand the violence and heinous acts she was subjected to as a broader issue rooted in misogyny and men's sexual entitlement (March 22, 2022, p. 1655). Shaped by her experiences, she testified that PCEPA is a necessary deterrent for men and exploiters through legal recourse, conveying that sex buying is socially unacceptable (March 22, 2022, p. 1655). Heinz's testimony about the structural forces – poverty and, less explicitly, patriarchy – is an insightful consideration when thinking about the social formations and conditions which help explain certain aspects about the sex industry. However, what is revealed through their testimony is that carceral responses (i.e. the criminalization of sex work) are the most prominent ideas advanced during public policy debates.

Instead of denying all capacities for agency among sex workers, some witnesses use the language of survival alongside victim language. For example, one speaker went so far as to point to cognitive dissonance to explain how some sex workers assert their agency in their own minds.

“No, it's not fair to say that it's not exploitative in most cases. I spoke briefly about cognitive dissonance. We have to learn about trauma bonding as well. Especially when you're in a situation you were brought into through desperation or survival, you have to make the situation you're in as appealing as possible, or you will suffer from the mental despair of constantly wishing you were somewhere when you cannot exit the situation.

I can speak for myself and for a number of survivors I've spoken to. I talked loudly about how much I enjoyed myself, that I was partying,

that I was okay with what I was doing, because I needed to believe that in order to exist.” (March 4, 2022, p. 1405).

The statement above from survivor and prevention specialist Alexandra Stevenson describes their experience as a person who is a victim of sex trafficking. No matter the reason one may engage in sex work, advocates and survivors who support *PCEPA* claim that all sex workers will realize that they were never in control of their decisions and were instead experiencing a false consciousness of empowerment. However, it is important to note that the experiences that were attested to before the committee, like Stevenson’s, is an example of an illegal exploitative arrangement, not that of an independent sex worker.

“Well, we all acknowledge, and we've heard from many here, that we have significant exploitation happening. In fact, the multiple studies tell us that those with agency in this business are between 2% and 10%. The rest have no agency. Then is the answer to that to throw out the law and have no law at all? What would happen if we were to do that?” (February 15, 2022, p. 1735).

Even when *PCEPA* advocates like Lynne Kent, Chair of the Vancouver Collective Against Sexual Exploitation, acknowledge that *some* sex workers have agency, they report that the number is extremely low. This position fails to recognize that the current regulatory regime does not allow sex workers to exert agency. This claim often includes mention of the age of entry as a supporting argument. Several witnesses testified that the age of entry for most people in the sex industry in Canada is between fourteen and sixteen years of age. Despite being largely contested based on categorizations of what constitutes an entry, this point advances the idea of lack of agency since children or youth legally cannot consent. The argument is that if the vast majority of people in sex work began doing so in their youth, then that lack of agency

and consent extends into adulthood because the choice was not theirs at the time of entry.

Conclusion

In this chapter, I presented the data from my analysis of the 2022 House of Commons review of *PCEPA*. Roughly half of the witnesses who testified before the committee appeared in support of the legislation, while the other half appeared in opposition. Given the even divide between groups who support and contest the laws, the radical feminist position appears to continue to win out during these debates. Through the articulation of the trafficking discourse, violence against women, sexual exploitation, and the promise that more policing will improve working conditions for sex workers, radical feminist ideologies remain dominant in shaping sex work policy. Benoit et al. (2019) argue that there is a tendency to adopt more repressive policies, even in the face of strong empirical support for a perspective which conceptualizes sex work as a form of labour. Shaver (2019) expands upon this by noting that two primary issues are contributing to this inconsistency. The first is that there is a clear inability or unwillingness to separate moral values from the adoptive legal and policy positions, and secondly, there is a tendency for politicians and policymakers to reject evidence-based research (Shaver 2019, p. 1956).

In the following chapter, I present the data I collected and analyzed through document analysis of Manitoba policy frameworks to examine how the discourses articulated throughout the House of Commons hearings are expressed through local responses to sex work in Manitoba. My findings indicate that the dominant discourses I

discussed above are widely pronounced at the local level under study, suggesting a continuation of radical feminist claims shaping policies and programs.

Chapter 4: The Manitoba Strategy and Local Responses to Sex Work

This chapter identifies the major players, their ideas, and the local dynamics of sex work regulation in Manitoba. First, I focus on Tracia's Trust: The Manitoba Strategy to Combat Sexual Exploitation. I discuss the policy implications of this strategy and the programs and campaigns it funds. Next, I turn to the local policing of sex work in Winnipeg through an analysis of contemporary policing methods, including the Deter and Identify Sex Trade Consumer (DISC) stops, and the expansion of police powers through a 2022 provincial legislative change. These examples, when analyzed against the backdrop of the national debate about sex work regulation in Canada, tell us that local histories, political dynamics, and the social makeup of a particular place and time shape the dominant discursive practices of presenting all sex work as inherently exploitative.

Tracia's Trust: Manitoba Strategy to Fight Sexual Exploitation

In 2002, the Manitoba government launched the *Manitoba Sexually Exploited Youth Strategy* (henceforth, the Manitoba Strategy or the Strategy), a comprehensive legislative response to growing concerns about sexually exploited youth in the province. The primary goal of the strategy was to strengthen initiatives around prevention, intervention, coordination, and research and was informed by stakeholders who worked directly with sexually exploited youth (Drabble, 2019). Some of the early initiatives included the creation of a six-bed safe transition home, Honouring the Spirit of Our Little Sisters, mentorship programs through NewDirections, and the development of multi-sector coalitions that were designed to assist with the coordination of services across the province for sexually exploited youth (Drabble, 2019 p. 7). In 2008, the

Strategy was renamed Tracia's Trust in honour of Tracia Owen, a young girl who was in and out of the care of Child and Family Services and experienced sexual exploitation (Drabble, 2019). Tracia tragically took her own life at the age of 14, prompting an inquiry into the systemic failures that led to her death, resulting in recommendations for Child Welfare reform and initiatives to prevent children and youth from being sexually exploited (Chevrier, 2020).

Tracia's Trust is led by the Manitoba Department of Families, which coordinates and operates the Sexual Exploitation Unit, which works with several departments, agencies, and non-governmental organizations to combat child sexual exploitation and sex trafficking (Manitoba Government, 2019). The initiatives set out in the strategy operate in the areas of "prevention, intervention, legislation, coordination, research and evaluation" (Manitoba Government, 2019). Until 2019, the Manitoba Strategy did not provide any congruent differentiation between youth and adults in the sex industry, nor did it acknowledge the existence of consensual adults who choose to be involved in commercial sex (Chevrier, 2020). While the updated report does acknowledge a "continuum of choice", the Manitoba Strategy continues to construct sex workers as victims, all of whom are "sexually exploited women" who require assistance in exiting the sex trade (Manitoba Government, 2019). Additionally, the lines between sexually exploited children, youth, and adults continue to be blurred concerning the targeted interventions outlined within the strategy and the programs it funds.

The Department of Families defines child sexual exploitation as: "the act of coercing or engaging a child, under the age of 18, into a sexual act, and involvement in the sex trade or pornography, with or without the child's consent, in exchange for

money, drugs, shelter, food, protection or other necessities” (Manitoba Government, n.d.). Other important definitions include “sex trades” and “the sex war debate” are described as reflecting two “distinct sex trades” (Manitoba Government, 2019). The first being the sex trade in which individuals are exploited, and the second is described as a trade where adult sex workers have free choice (Manitoba Government, 2019).

Since its inception, the Manitoba Strategy has gone through three phases. The first phase, beginning in 2002, focused exclusively on initiatives pertaining to sexually exploited children. The second phase expanded Phase 1 to include people of all ages who are exploited, trafficked, or lured into the sex trade. Phase 3 expanded the Strategy further to include services for adults with a focus on “human trafficking, offender accountability and protection for victims” (Manitoba Government, 2019). The expansion of the Strategy to include adults through the different phases signals a discursive shift which reimagined the sex worker as a victim. Throughout the three phases of the Strategy to date, it appears that the ideological underpinnings largely mirror those which justify federal legislative responses like *PCEPA*. As a result, necessary harm-reduction and support services for sex workers are deprioritized by funding agencies.

Each year, the Manitoba Government invests approximately \$16 million in programs and initiatives through the Manitoba Strategy (Manitoba Government, 2021). Most of the programs funded through the Strategy focus on street-involved and sexually exploited youth. Programs catering to the youth demographic include Ndinawe Safe Home, Strong Hearted Buffalo Women Crisis Stabilization Unit (Strong Hearts), and Transition, Education and Resources for Females: Youth/Adult Transition Home

(TERF, not to be confused with Trans-Exclusionary Radical Feminists). While the services offered by these programs vary, they all provide short-term shelter and crisis or trauma-informed services.

In addition to programs providing shelter and support for street-involved and/or sexually exploited youth, many programs funded through the Manitoba Strategy strongly emphasize supporting or encouraging women to exit the sex trade. For example, Dream Catchers, operated by Klinik Community Health Centre, is described as a program providing “safe and therapeutic services for women and transgender individuals transitioning from the sex trade” (Klinik, n.d). Through weekly group sessions, the program focuses on skills including emotion management, setting boundaries, building healthy relationships, employment and education goals, and connecting with cultural traditions. Sheng and Chevrier (2019) point out that Klinik has a troubled history with defining sex work and differentiating between sexual exploitation and human trafficking, creating barriers to relating to their patients and community members who may not share the same views.

It seems that the rationale for prioritizing funding for programs tailored to sexually exploited youth and exit programs for women resides in the assumption that most, if not all, adult sex workers in Manitoba were once sexually exploited youth. This concept revealed itself throughout many of the documents I analyzed, as well as the transcripts from the hearings detailed in the previous chapter:

“Human trafficking is an outcome of vulnerability. It's progressive in nature. As I mentioned, 75% of people who end up in the commercial sex industry were first exploited as children. I've seen

in testimony through the work with the Alberta human trafficking task force, and in my work over the last 18 years that those initial abuses, victimizations, often lead victims into a dangerous spiral that they continue to deal with for the entirety of their lives. While there can be rehabilitation, there's a lifelong impact from this crime.” (March 1, 2022, p. 1540).

The victimization discourse legitimizes government interventions in Manitoba and across the prairies for youth and adults because it is assumed that individuals involved in the sex trade, regardless of age, lack the capacity to make informed decisions. The policy initiatives funded through the Manitoba Strategy appear to be responding to the symptoms of social inequality, rather than addressing the material needs created by colonization, patriarchy, and capitalism. Programs that address the material necessities of women and youth involved in the sex trade are largely absent. Instead, service providers and community organizations must align, at least publicly, with the goals of the Manitoba Strategy to generate resources to meet the needs of the people they serve. The perpetrators are imagined as the men who solicit sexual services and the pimps and traffickers who lure and groom children for the sex trade, evident in campaigns funded by the Manitoba Strategy such as “Buying Sex is Not a Sport”.

Buying Sex is Not a Sport

In 2015, the Manitoba government announced a public awareness campaign aimed at preventing a “spike in sexual exploitation” ahead of the Grey Cup hosted in Winnipeg that year (CBC News, 2015). This initiative mimics similar campaigns that have preceded other major sporting events around the world, where it is assumed that an influx of men travelling for the events will result in an increase in the supply of

sexually exploited or trafficked women/girls to meet the demand. It is important to note that the relationship between sporting events and an increase in instances of human trafficking has largely been debunked (see for e.g., Global Alliance Against Traffic in Women, 2011; Martin & Hill, 2019; Mitchell, 2022). Nevertheless, the “Buying Sex is Not a Sport” campaign consisted of large billboards and other advertisements around Winnipeg, urging residents and visitors to look out for possible signs of human trafficking and advising male visitors that buying sex is harmful, immoral, and illegal in Canada.

In addition to the public awareness campaign, the Manitoba Government teamed up with Klinik Community Health Centre to launch a toll-free 24/7 hotline to assist victims of sexual exploitation and human trafficking (CBC News, 2015). Both initiatives were developed through the Manitoba Sports Event Safety Working Group (MSESWG) comprised of members from the Manitoba Government, the City of Winnipeg, federal and municipal police, Klinik, Beyond Borders, Ma Mawi Wi Chi Itata Centre, among others (Manitoba Sporting Events Safety Working Group, 2015). Funding was provided by the province and the Joy Smith Foundation, founded by former conservative Kildonan-St. Paul Member of Parliament Joy Smith. According to former Attorney General Gord Mackintosh, the hotline was paid for “by predators themselves” through Manitoba’s criminal property forfeiture regime (CBC News, 2015). While these initiatives received strong support from the organizations that funded and promoted the campaign, the local sex worker advocacy group was vocally opposed.

The Sex Workers of Winnipeg Action Coalition (SWWAC), formerly known as the Winnipeg Working Group for Sex Workers' Rights took a public stand to counter the dominant discourse equating human trafficking and sex work (Global Network of Sex Work Projects, 2015). In addition to pointing to evidence of the myth that increased trafficking occurs during sporting events, SWWAC members insisted that the funds would be better spent on structural issues such as colonialism, poverty, and addiction to increase choices for sex workers (Global Network of Sex Work Projects, 2015). Despite SWWAC's efforts to mobilize this knowledge base, the campaign continued and was used during the NHL Classic the following year.

The members from various government agencies and community organizations who participated in the execution of the campaign and its funders are actors who are persistently at the forefront of the battle against sex work and sexual exploitation in Manitoba. Some wield more political sway than others. Joy Smith, for example, is a former conservative Member of Parliament who served from 2004 to 2015. During her time in Parliament, Smith was instrumental in passing two Criminal Code amendments, including a 2010 amendment enshrining mandatory minimum sentencing for traffickers of minors (Joy Smith Foundation, n.d.). After retiring from Parliament, Smith continued volunteering for her foundation to educate people on human trafficking in Canada. According to their website, the Joy Smith Foundation is "Canada's leading authority on the prevention and intervention of human trafficking, and the first organization in the country to focus on coordinating regionalized resources and services" (Joy Smith Foundation, n.d.).

In addition to providing education and training on human trafficking in Canada, the Joy Smith Foundation partners with various community organizations, including some of the local Indigenous organizations in Manitoba that seem to share the same views on sex work and sexual exploitation. The Joy Smith Foundation and executive director of Ma Mawi Wi Chi Itata Centre, Diane Redsky, have partnered on numerous occasions including the “Buying Sex is Not a Sport” campaign, speaking before the Standing Committee on Justice and Human Rights study of human trafficking in Canada in 2018, and more recently, campaigned to entice the City of Winnipeg to repeal city by-laws related to escort and body-rub licencing. Partnerships between conservative and/or Christian groups and Indigenous organizations represents what some may refer to as unlikely partnerships due to the potential disagreements that may exist when discussing other societal issues.

An example of how these ideological implications from various stakeholders manifest through policies and programs is the Winnipeg Prostitution Offender Program (POP), formerly known as John School. It is worth noting that the 2019 Tracia’s Trust report discusses the Prostitution Offender Program at great length. A total of 21 pages, or approximately one-third of the report details various aspects of the program, its components, the referral process, the participants, internal evaluations, and broader commentary on men who buy sex. This is a considerable amount of time spent discussing a program whose eligibility criteria excludes men arrested for buying sex from underage people (APTN News, 2019), which is an important consideration when looking at the report in its entirety.

The Sexual Exploitation Unit published its report in 2019 after three years of research with the goal of compiling a comprehensive overview of the strengths, weaknesses, and opportunities moving forward with the Manitoba Strategy. The report was created with the intention of informing evidence-based practices in response to sexual exploitation in the province. This was done using a mixed-methods approach in their analysis of the data which included extensive document analysis as well as focus groups with key stakeholders.

Within the discussion of the research findings, the report details some of the major themes the researchers encountered during the focus groups. One of the key findings expressed at the beginning of the report is the reasons the focus group participants believe people are sexually exploited. Overwhelmingly, the participants indicated that “our systems” are one of the reasons for sexual exploitation in Manitoba. Participant quotes further qualified this finding, pointing to the child welfare system as a responsible actor:

“You know, the child welfare system, it doesn’t set kids up to really necessarily succeed. Kids are running from placements, and that’s for a reason. Kids have many placements, so again, that makes them vulnerable. For kids who really struggle, education sees it as a behavioural issue. They get kicked out of school, and what do kids do when they get kicked out of school and have nothing to do?” (Manitoba Government, 2019).

The placement of this finding at the beginning of the report sets the tone for what can be interpreted as a scathing critique of Manitoba’s child welfare system. Participants indicated that systems like child welfare are mostly reactive, in that service providers and state actors only begin stronger interventions once bad things are

already happening to the youth in care. Additionally, the report signals that there is a serious need for more training and education for all of those involved in the lives of children and youth in care. Other threats to the well-being of children and youth in care cited later in the report include conflict and competition between organizations, inadequate transition-out-of-care planning, children being moved from placement to placement, and lack of adequate programming and resources to address co-occurring challenges such as mental health, learning and cognitive disabilities for sexually exploited youth (Manitoba Government, 2019). With all the systemic issues noted throughout the report, it begs the question; why is a program like the Prostitution Offender Program (POP) constructed as an adequate response to sexual exploitation and the gaping holes in service delivery by government agencies? This particular program warrants a closer look in the context of Manitoba.

The POP represents an important example of the nexus between community organizations and formal criminal justice agencies, and how they narrate and respond to sex work through specific discursive practices. Prostitution Offender Programs have been implemented in Canada even prior to the establishment of *PCEPA* in 2014. Nevertheless, the current iteration of the Winnipeg Prostitution Offender Program effectively adheres to the objectives of the federal legislation as outlined in the preamble of *PCEPA*. Specifically, the objectives of ending the demand side of sex work, protecting exploited persons and holding the so-called offenders accountable.

Winnipeg Prostitution Offender Program

The Winnipeg Prostitution Offender Program frames itself as a community-based diversion program for first-time offenders arrested for *obtaining sexual services for*

consideration or communicating in any place for that purpose under c.286 of the Criminal Code. This program was developed and is currently run by the Salvation Army, a faith-based non-profit organization, with the aim to “reduce the harms associated with the commodification of sex, and to reduce the demand for sexual exploitation” (Richard & Doltze, 2017).

The Salvation Army collaborates with the Winnipeg Police Service and Manitoba Prosecution Services, who are responsible for apprehending and referring participants to the program. This includes individuals who are soliciting prostitution on the street or online. Once an individual is referred to the program, the offence is typically called a “pre-charge”, which means that the charges will be stayed upon successful completion of the program. In order to qualify for this process, the participant must accept responsibility for their actions and participate in the diversion program.

The initial objective of the Winnipeg Prostitution Offender Program is to provide a community-based alternative to offenders who are arrested for purchasing sexual services through a series of educational presentations. Additionally, the POP has four specific program objectives, which can be summarized as follows: 1) to educate and identify the socio-psychological factors related to prostitution, associated crime, and the community, including the role buyers play in upholding the operation of the sex industry. 2) To reduce exploitation through prostitution by discouraging the purchasing of sexual services. 3) To provide participants with tools to analyze and address the aspects of their lives that contribute to their engagement in purchasing sexual services, and provide them with hope for their ability to change. 4) To respond to community requests that

perpetrators of prostitution be held accountable for their actions (Richard & Doltze, 2017).

Program Components

All referred participants are required to pay a one-time program tuition fee of \$800.00 to fund the program's operational costs. The POP is a self-funded program that does not receive any additional funding. Furthermore, the tuition fee purportedly serves as a form of restitution that promotes accountability for the offending behaviour (Doltze, Personal Communication, December 2018). Once operational costs are covered, the remainder of the money goes to the Salvation Army's Women Seeking Alternatives program.

Once the intake assessment is complete, the referred participants must attend the educational seminars which form the crux of the program. This portion of the program takes place on a Saturday at the Salvation Army in Winnipeg which is administered based on how many offenders are referred to the program. The Salvation Army reports that the seminar class sizes are usually between 20-40 participants (Richard & Doltze, 2017). The seminar day consists of presentations by a Crown attorney from the Manitoba Prosecution Service, a police officer from the Winnipeg Police Service Counter-Exploitation Unit, a representative from the Child Protection Services Sexual Exploitation Unit, a former Prostitution Offender Program participant, healthcare professionals, business owners, and women formerly engaged in the sex trade (Richard & Doltze 2017; Manitoba Government 2019). The presentations cover a range of topics from providing information about the current laws that regulate sex work in Canada to discussing the harmful effects of sex work on the community, exploited individuals

(which, includes sex workers in this case), local businesses, and the connection between sexual exploitation and missing and murdered Indigenous women.

The program components detailed above emphasize the ways in which sex work is predominantly discussed in Manitoba. Specifically, the POP aligns with the demand reduction theory used in the development of PCEPA, whereby clients are defined as a primary source of harm to the community and the people they seek to purchase sexual services from. Like many of the local programs, policies, and campaigns discussed above, the discursive practices that frame the prostitution offender program as a worthy endeavour embolden certain ideas about sex work while silencing others. Sex workers in Winnipeg are not consulted or asked to present during the seminar day unless they self-identify as victims and/or survivors of sexual exploitation. This is mainly because programs such as the POP are not meant to promote safety, security, and health for sex workers. Instead, the program seeks to eradicate sex work in Manitoba, while simultaneously pathologizing sex worker clients.

The Prostitution Offender Program brings together older iterations of morality and heteronormative sexual relations. Additionally, there is other evidence that highlights the problematic nature of who is being captured by the asymmetrical criminalization of clients in Winnipeg who attend the POP. The demographic information about program participants in Winnipeg from 2008 to 2016 indicates that close to 55% of the men who attended POP were born outside of Canada (Richard & Doltze, 2017; Manitoba Government, 2019). The Salvation Army stipulates that a large number of these participants immigrated to Canada in “more recent years”, indicating that the potential explanation for this phenomenon is that newcomers may not be knowledgeable about

Canadian laws surrounding prostitution, or they may come from “cultures that promote difference views towards women, and, in particular, the commodification of women’s bodies” (Richard & Doltze, 2017, p. 17).

The evidence suggests that a massive number of resources are being poured into police, prosecution services, and community organizations to combat sex work in Manitoba. While the POP is self-funded by the “tuition” paid by each of the participants, the program relies on the police to arrest men in the community to fill the seats of the seminar, (un)ironically creating a *demand* for John School participants. The justification for this collaborative effort between state actors and non-profit or community organizations is fueled and reinforced by the fact that Parliament institutionalized the very ideas which are being taught and reproduced within the POP seminar. To be sure, a diversion program like the POP would not be justifiable under a decriminalization model of sex work because clients would no longer be able to be punished for private sexual encounters between consenting adults. This notion problematizes the idea of victimhood within the educational component of the Winnipeg Prostitution Offender Program.

Framed as a restorative justice initiative, the Winnipeg POP fails to identify the victim for whom justice is being sought adequately. Within restorative justice frameworks, often contrasted with retributive justice, the goal of punishment is restoration or repairing harm and rebuilding relationships (Levrant et al., 1999). The POP relies on the Winnipeg police and crown prosecutors to funnel participants to the program through proactive surveillance, tracking, and arresting prostitution offenders. In many cases, this is done by identifying potential purchasers of sex through the DISC program, and/or arresting individuals through reverse-sting operations. In the latter

scenario, a (usually female) police officer poses as a sex worker, and arrests are made once solicitation occurs. There are no real or imagined individual victims in reverse-sting operations. There is no justice to be restored.

Still, the justification for programs like POP that continue to exist in Winnipeg centres on the landscape of actors who support and operate the program, namely, the Winnipeg Police, Crown Prosecutors, and the Salvation Army. Additionally, the existence of an advisory committee which oversees the operations of the program consists of governmental and non-governmental organizations that further legitimize this initiative. The advisory committee is made up of representatives from governmental organizations, including Probation Services, Employment and Income Assistance, Winnipeg Police, and Canadian Border Services Agency, as well as non-governmental organizations, including Mount Carmel Clinic, Sage House, Aboriginal Health and Wellness Centre, Klinik Community Health, and “community members” (Richard & Doltze, 2017, p. 7). It is unclear how much power the advisory committee holds in the decision-making process. It is also worth noting that, unsurprisingly, local sex workers, The Sex Workers of Winnipeg Action Coalition (SWWAC) and/or their allies do not appear to be included in the advisory committee or the seminar day of the POP.

While SWWAC and other sex workers are not granted membership of the POP advisory committee, it is worth mentioning that at the time of this writing, SWWAC is in the process of conducting a critical inquiry into the Manitoba Prostitution Offender Program. SWWAC members partnered with local researchers from the University of Manitoba and the University of Winnipeg, including myself as a Research Assistant, to investigate the program and evaluate the pedagogical practices and implications of the

POP. This points to one of the many ways that local sex work activists insert themselves through strategies of resistance with the goal of disrupting the dangerous order of anti-trafficking initiatives.

Deter and Identify Sex Trade Consumers (DISC)

DISC is a problem-oriented policing program developed in 1998 by two officers of the Vancouver Police Department (Vancouver Police Department, 2002). This program functions as a means for identifying and tracking those who are involved in the sex trade by stopping individuals in ‘known areas where street-based sex work occurs’ and recording the gathered information in a national database (Vancouver Police Department, 2002). The Winnipeg Police have been using the DISC program since 2002 as part of their counter-exploitation strategy to track five categories of persons involved in the commercial sex trade, one of whom is “sex trade workers” (Winnipeg Police Board, 2017). While the Winnipeg Police Service asserts that this program has been shown to be effective at deterring consumers and exploiters from purchasing sexual services in areas targeted by the DISC program (Winnipeg Police Board, 2017), members of the Sex Workers of Winnipeg Action Coalition (SWWAC) insist that programs like DISC allow police to surveil those who participate in the sex industry (Papadopoulos, 2017).

In 1998, two officers of the Vancouver Police Department developed the DISC program to respond to the “ramifications of prostitution” in the communities they serve. These ramifications include crime, health, safety, and security concerns, as well as fears of children being recruited into the sex trade. According to a report released shortly after

the program's inception, police officers lacked the necessary information to identify, track and interdict active participants in the sex trade, so the two officers created a database focusing exclusively on the sex trade and its participants. From the beginning, the DISC system had a number of core functions including identifying and tracking pimps/recruiters, consumers, and sex workers, protecting at-risk youth, having a centralized database containing any characteristics of the contacts, and having the entire database available to all DISC enabled police jurisdictions. Shortly after the program began, other cities across Canada began using this strategy to address prostitution in their own communities, including the Winnipeg Police Service.

The Winnipeg Police Service began using DISC in 2002. According to quarterly Winnipeg Police Board reports, the service began reporting on this program in 2017. The quarterly reports released by the Winnipeg Police Board indicate that the WPS use of the DISC program involves contacting individuals who are observed driving around known prostitution areas in the city, specifically the West End and the North End, and who are behaving in a way that suggests that they may be looking for sex workers or caught with a sex worker. The contact's information is then entered into the DISC database, and sometimes a letter colloquially known as a 'Dear John' letter is sent to the contact's address. One of the main components of this program is that it removes the anonymity of the consumer by identifying them as such. This practice is meant to deter individuals from returning to these areas of the city and discourage contact with sex workers.

While the program is mainly framed as a means for deterring and identifying sex trade consumers as the title suggests, it is important to note that the Winnipeg Police Service's Counter Exploitation Unit uses DISC to track five categories of persons

involved in the commercial sex industry namely: consumers or exploiters, persons of special interests which is said to be those who frequent the areas where street-based sex work occurs, procurers and human traffickers, sex trade workers, and youth or exploited persons.

Table 1 – DISC Events from 2017-2019

	2017	2018	2019
Q1	29	4	11
Q2	33	23	30
Q3	59	32	39
Q4	26	18	8
Total	147	77	88

Source: Winnipeg Police Board, Indigenous Women – Safety & Protection Quarterly Reports from 2017-2019.

The above table demonstrates that a total of 312 DISC events were recorded and reported to the Winnipeg Police Board for their quarterly reports on Indigenous Women – Safety and Protection initiative. According to the Winnipeg Police, a five-year ‘Strategic Plan’ was released in June of 2015 in response to calls for the Winnipeg Police Board to report on the Service’s activities to solve cases of missing and murdered Indigenous women and girls (Winnipeg Police Board, 2017). As a result, the Winnipeg Police Service developed a reporting system to the Police Board outlining the various police initiatives that are allegedly contributing to the ‘safety and protection’ of Indigenous women and girls in Winnipeg.

Although it is widely accepted that Indigenous women are overrepresented in the commercial sex industry, the DISC figures that appear in these reports make no guarantees that the individuals who were stopped during these police events were Indigenous or that the clients or ‘exploiters’ that were contacted by police were soliciting sexual services from an Indigenous person. The numbers indicate that police contacted several individuals on the street, some of whom may be sex workers. However, the relationship between this type of policing and ensuring the safety of Indigenous women and girls does not appear to be fully realized.

Additionally, the raw numbers do not reveal exactly who is being targeted and captured by this program. Attempts were made to gain access to the DISC database for the purposes of this research. However, a series of Freedom of Information requests did not garner the desired results because the data that was sought contained a large amount of personal data allowing the Winnipeg Police Service FIPPA coordinators to deny my request altogether. The main objective of seeking access to this information was to analyze the distribution of actors who have been targeted by the DISC program in Winnipeg.

While very little information has been made public about the DISC program, a few conclusions can be drawn with regard to how the Winnipeg Police Service has chosen to respond to sex work and sexual exploitation within the city limits. For one, the DISC program is an example of far-reaching police power that goes relatively unchallenged. Essentially, the police can physically stop any individual in the neighbourhoods they have designated as places where street-based sex work frequently takes place. There is no indication of what level of proof the police need to make these

stops, however, it is unlikely that the burden is particularly high because the recorded instances of DISC stops would occur before a potential arrest is made. The notion that sex workers are also included as persons of interest during DISC stops further points to the problematic nature of this program. This also indicates the inherent contradictions of *PCEPA* which was meant to decriminalize the sale of sexual services, meanwhile, police services continue to track and monitor sex workers and anyone in a peripheral role. Sex workers remain in a legal grey area whereby they cannot be arrested for selling sex, however, every other part, including their clientele, are criminalized under *PCEPA*.

Further demonstrating Winnipeg's commitment to aggressively policing the sex trade is Statistics Canada's police-reported crime by metropolitan area. The reported data that is available from 2010 to 2019 indicates that Winnipeg remains one of the cities with the highest number of sex-trade related crimes in Canada. In the post-*PCEPA* era, starting in 2015, the Winnipeg police reported 82 instances of crime related to the sex trade, followed by 78 instances in 2016. In 2017, this number drastically increased to 128, followed by 144 and 105 in 2018 and 2019 respectively (Statistics Canada, 2021). It is important to note that in 2018, Statistics Canada changed the definition of "founded" criminal incidents to include "incidents where no credible evidence was able to confirm that the reported incident did not take place" (Statistics Canada, 2021). This means that the number of sex-trade related incidents reported by the Winnipeg Police Service likely includes the number of DISC stops as recorded in the Winnipeg Police Board reports referenced above.

The Winnipeg Police Service's commitment to aggressively policing sex work is evident by the numbers. Programs like the POP and DISC are championed as fighting for

a worthy cause that is empowered not only at the federal level - but also by the Government of Manitoba, which recently enacted legislation further increasing police powers in the name of ending demand and protecting “victims”. The use of the DISC program and reverse-sting operations in Winnipeg indicate that certain elements of the radical feminist position on sex work continue to win out in policy arenas. Namely, the commitment to the idea that all women engaged in sex work are victims, which allows police and other governmental agencies to be construed as helpful instead of potentially harmful.

Hospitality Sector Bill

While the use of DISC stops in Winnipeg demonstrates the far-reaching discretionary powers of the Winnipeg Police Service to stop and contact individuals suspected of engaging in commercial sexual activity, it is important to note that the provincial legislature plays a major role in protecting, guaranteeing, and expanding the power yielded by law enforcement agencies. While the province does not have the jurisdiction to create criminal laws, it can create new opportunities for police to obtain information and surveil through regulatory regimes of other sectors such as the hospitality sector. As recent as 2022, the Manitoba government proposed and successfully enacted legislation that strengthened the powers of local police forces in the name of protecting vulnerable women and girls from human trafficking and sexual exploitation.

In May of 2022, the Manitoba government proposed Bill 40, containing both new legislation as well as amendments to existing provincial acts, which would require hotels, taxis, and ride share services to report ‘suspected human trafficking’ to local police

authorities. The new legislation, the Hospitality Sector Customer Registry Act, requires private businesses including hotels, temporary accommodation services, and online accommodation platforms to keep and maintain a register of guests including their personal information, and make the registers available at the request of police without a warrant (Manitoba Government, 2022). Additionally, Bill 40 contained proposed amendments to the Child Exploitation and Human Trafficking Act which would require hospitality providers, and operators of taxis and other ride-sharing platforms to immediately report ‘suspected human trafficking’ to police (Manitoba Government, 2022). The proposed legislation by Families Minister Rochelle Squires was said to strengthen the province’s ability to “stop human trafficking and keep vulnerable children and youth safe”.

The Department of Families proposed this Bill in response to the estimation that approximately 400 children and youth are trafficked annually across the province (Manitoba Government, 2022). They stipulate that this figure represents only a small fraction of instances of child sexual exploitation that occurs in the ‘visible sex trade in Manitoba’ (Manitoba Government, 2022). As such, this Bill is meant to respond to the child sexual exploitation that occurs behind closed doors, much of which they argue happens in hotels and other private accommodations. Like DISC stops, the proposed Bill aligns itself with the Manitoba Strategy’s commitment to enhancing prevention initiatives and legislation to back them. This legislation received strong support from the Winnipeg Police Service, with Chief Danny Smyth embracing it as a tool that will enhance the police’s ability to “safeguard our most vulnerable populations in our continued efforts to combat these heinous acts that plagues our society” (Province of Manitoba, 2022).

Although the Winnipeg Police Service strongly supported the Hospitality Sector Customer Registry Act, some concern was expressed during the subsequent readings of the proposed legislation about the ability of police to access the registers without a warrant. Families Minister Squires was asked about what specific circumstances would constitute an ‘urgent demand’ to access the personal information registers without a warrant, to which she responded:

“Police believe that if they act immediately when a victim is in imminent danger, particularly a youth who is vulnerable, they are able to make a significant difference in acting before harm occurs. And in many cases, this registry would help them do that.

They do indicate that they would rarely need to resort to this measure, that a lot of the work that they would do would happen before. But if there's imminent risk to a child and they believe that accessing those hotel records would give them the ability to take action to prevent injury or harm to that child, then this is a tool that will be of use in that regard.” -Former Families Minister Rochelle Squires

Throughout the House of Commons review cited in the previous chapter, it was frequently mentioned that the federal prostitution laws provide police services with additional tools to fight sexual exploitation and trafficking. As previously mentioned, the use of these legislative tools is selective and depends largely on the position and discretion of a particular police department. The Hospitality Sector Customer Registry Act is viewed as merely an additional tool to be used at the discretion of the local and federal police services that operate in Manitoba. What is less evident within the four corners of the legislation is the effects this legislative tool will have on sex workers in Manitoba.

During the final reading of Bill 40, previous Families Minister Rochelle Squires addressed concerns that were advanced outside the legislature by local sex worker activists. SWWAC released a press release following the first reading of the Bill in May of 2022. SWWAC's opposition to the proposed legislation pointed to privacy concerns regarding the incredible amount of personal identifying data that will be collected and stored by private citizens and the corporations they work for (SWWAC, 2022). Furthermore, SWWAC argues that hotels and short-term rentals are often used as safer spaces to see clients and heavy policing of these private spaces further jeopardizes sex workers' wellbeing in the name of fighting sex trafficking (SWWAC, 2022). SWWAC states that this Bill will have severe consequences on the safety of sex workers while simultaneously forcing them to conduct business on the streets or in their homes. "This is dressed up as an anti-trafficking effort when in reality, is a complete overreach of police powers and an attack on consensual sex workers" (SWWAC, 2022).

Former Families Minister Rochelle Squires addressed some of the concerns raised in SWWAC's press release during the fourth and final reading of Bill 40, specifically the issue that this Bill criminalizes sex work and forces them onto the street:

"I want to emphasize that Bill 40 is not intended to criminalize sex workers. Instead, Bill 40 takes direct aim at child sex trafficking as a form of predation that is very different from consensual sex work. That is why we specifically excluded sex workers from the meaning of sexual exploitation and human trafficking in this legislation. Our government will work with law enforcement to ensure that Bill 40 is not misinterpreted or misused." -Rochelle Squires, Former Minister of Families

The distinction between sex work and sexual exploitation is important for legislators to recognize. However, these words do little to consolidate the real-life

consequences for those whom the legislation targets. Under *PCEPA*, clients and anyone considered a third-party beneficiary of the sale of sexual services are criminals. The potential for this legislation to be used as another method of targeting those who are formally criminalized under federal law is troubling. As mentioned at the beginning of this chapter, pro-PCEPA advocates argue that clients are unable to distinguish between consenting adult sex workers and exploited persons. I argue that police are also either unwilling or unable to differentiate between the two which begs the question, how will hospitality workers and taxi drivers be able to? The answer is that it does not seem to matter if sex workers are captured by this wide net, as long as aspects of their work and their clientele and associates continue to be criminalized.

Winnipeg Escort and Body-Rub By-Laws

On May 25, 2021, the City of Winnipeg's Community By-Law Enforcement Services submitted a report to the Executive Policy Committee (EPC) with several recommendations to amend the *Doing Business in Winnipeg By-Laws*. These by-laws were passed by City Council back in April 2008 with the goal of licencing businesses to promote public health protection, fire safety, and crime prevention (The City of Winnipeg, 2021). While the by-laws apply to several different types of businesses operating in Winnipeg, this section will examine the licensing by-laws pertaining to Adult Oriented Businesses, including body-rub parlours, practitioners, escorts, and escort agencies, and the road to the eventual repeal of these by-laws.

The 2021 report was based on four updated policy objectives for licensing certain businesses in Winnipeg, including adult-oriented businesses: 1) enhance safety for vulnerable persons; 2) fire prevention; 3) crime prevention; and 4) increase regulatory

effectiveness of the by-law (The City of Winnipeg, 2021, p. 11). The report indicates that the Licensing of Body Rub Parlours in Winnipeg formulates part of the City's strategy for ensuring the health, safety, and well-being of those who work in these establishments (The City of Winnipeg, 2021, p. 15). As such, the proposed changes to the by-laws to better meet this goal were to reduce barriers for workers throughout the licensing process, including reducing the licensing fee of body practitioners and escorts from \$371 to \$25 and eliminating the criminal record check requirement. Additionally, the report proposed additional safety measures be instated, such as mandatory CCTV systems and Panic Alarms in body-rub or escort establishments.

The Executive Policy Committee and, subsequently City Council approved some of the changes, namely the change to the cost of the licensing fees. However, it was agreed that any other changes would benefit from additional consultation with relevant stakeholders. On June 24, 2021, City Council adopted several recommendations passed by the EPC, the following being the most pertinent:

That the Public Service be directed to report back within 180 days detailing how making business licenses available to adult oriented businesses reconciles and/or complies with *The Protection of Communities and Exploited Persons Act*, incorporating consultations with:

1. Organizations that work with victims of human trafficking including, but not limited to, the Ma Mawi Wi Chi Itata Centre and The Joy Smith Foundation.
2. Stakeholders specifically in line with the National Inquiry Calls to Justice 4.3, 18.14, 12.14, and 9.11 calling upon governments to promote safety and security in partnership with people with lived experience in the sex industry.
3. Escorts and body rub practitioners and the Sex Workers of Winnipeg Action Coalition.
4. The Massage Therapy Association of Manitoba, Manitoba Justice and Manitoba Health. (The City of Winnipeg, 2021).

The above decision to deploy further stakeholder consultation resulted from anti-exploitation delegates. During the Executive Policy Committee meeting on June 16, 2021, former conservative MP Joy Smith presented a delegation submission strongly opposing the continual licensing of Body Rub Parlours and Escort Services. Smith urged the City of Winnipeg to repeal the by-laws related to adult-oriented businesses because it “gives the impression that our City of Winnipeg sanctions the abuse of women and girls” (Smith, 2021). Smith further argued that the entirety of the Adult Oriented Business section should be struck down because they are not businesses; they are “gateways for human trafficking and criminal activity”. Diane Redsky of Ma Mawi Wi Chi Itata Centre also made public statements in opposition to the proposed by-law amendments, taking issue with the report’s inclusion of the term “worker” when referring to individuals who work in these establishments. Redsky also stated that "The City of Winnipeg is a pimp and this approach makes it easier for other criminal pimps to become entrepreneurs" (CBC News, 2021). Joy Smith and Diane Redsky would have the opportunity to voice their concerns alongside other interested parties during the stakeholder engagement consultations that would follow.

In September 2021, the Public Service began its stakeholder engagement activities comprising an anonymous form for Body Rub Practitioners and Escorts to submit and four stakeholder sessions to gather input on best practices for licensing adult-oriented businesses. The engagement sessions were divided into four groups: resource/support providers, Indigenous Organizations, Government and Professional Associations, and Body Rub Practitioners and Escorts (The City of Winnipeg, 2021b). The following organizations participated: Joy Smith Foundation, Ma Mawi Wi Chi Itata

Centre, Massage Therapy Association of Manitoba Inc, Mount Carmel Clinic, Rainbow Resource Center, Sex Workers of Winnipeg Action Coalition, Tunngasugit Inc. Inuit Resource Centre, Winnipeg Regional Health Authority, Winnipeg Police Service-Counter Exploitation Unit, and Body Rub Practitioners and Escorts.

Representatives from these organizations were asked to give their opinions on the benefits or drawbacks of having a licensing regime in Winnipeg. Those who participated in the four engagement sessions expressed divided opinions on licensing overall and on improving safety for those who work at these businesses. For instance, some of the body rub practitioners noted that they feel safer working for a licensed establishment as opposed to working independently, but overall, they did not support licensing individuals (The City of Winnipeg, 2021b). Resources/support providers had largely mixed opinions on licensing, with some arguing that it normalizes violence against women and girls and others noting that working with a licenced agency provides some protection which could benefit the workers. Indigenous organizations expressed concerns that licensing body rub parlours and escort agencies encourages sexual exploitation and human trafficking.

“When we call it sex work or sex trade, it implies working, trading something of fair value. But with sexual exploitation, there is a power imbalance, and it benefits men. This is not women empowerment. She is not in control of the situation. It clouds the issue and normalizes violence.” -Indigenous Organization Representative (The City of Winnipeg, 2021b).

With regard to how safety could be improved for body rub practitioners and escorts operating in Winnipeg, sex worker participants indicated that mandating security cameras was not necessary since they already operate in this way. Instead, they cited concerns with police and police surveillance, and recommended that the city eliminate individual licencing or make it easier to obtain a license (The City of Winnipeg, 2021b).

Resources/support providers and Indigenous organizations expressed the need to address the root causes of sexual exploitation, namely, poverty and transphobia. This was another instance in Manitoba where a discussion about adult sex work could not transpire without discussions of victimization and child sexual exploitation supported by anecdotal evidence,

“You can’t make it safer. There is no way to make it safer. We asked survivors during national taskforce, where are you being trafficked? All said in massage parlour/escort agency/strip club. These venues participate in trafficking. There is no way to get around the criminal element of the people who are exploiting others for profit” (City of Winnipeg, 2021b).

In the final component of the stakeholder engagement activities, body rub practitioners and escorts were invited to share their input via an anonymous form. This strategy was employed in recognition that not all practitioners or sex workers would be comfortable attending one of the sessions in person (The City of Winnipeg, 2021b). In response to questions regarding how the city could improve worker safety, the majority of respondents indicated that decriminalization would promote safer working conditions and that eliminating licensing would positively affect them (The City of Winnipeg, 2021b).

As such, the Department of Community Services submitted an updated report to the Executive Policy Committee at the end of December 2021. The updated report summarized the key findings from the stakeholder engagement report and provided five updated recommendations for the adult-oriented business by-laws.

In response to the updated recommendations presented to the EPC, several local sex workers and members of SWWAC submitted communications in opposition to the matter. One of the major contentions was recommendation number four, which advocates

for a partnership between anti-sex work organizations (the Joy Smith Foundation) and the Public Service. As one delegate emphasized in a written submission, there was a sense that repealing the body-rub and escort by-laws was going to be a positive step toward ending the persecution of sex workers in Winnipeg. However, the positive outlook on this process changed when recommendations involving partnerships between anti-sex work organizations and the prioritization of police and surveillance were once again at the forefront of imagined responses (Gerbrandt, 2022). SWWAC members Austin and Amy submitted a presentation to the EPC condemning the authors of the report for prioritizing the Joy Smith Foundation and her new “anti-trafficking education centre” and the Winnipeg Police Service despite the fact that sex workers formed the largest group of people who were consulted for the purposes of the report (Sex Workers of Winnipeg Action Coalition, Amy, & Austin, 2022).

In an unexpected turn of events, the EPC concurred with all recommendations, with the exception of Recommendation number 4, which lost in a 4-3 vote. On January 27, 2022, the Council concurred with the recommendations from the EPC and adopted them as such, resulting in the repeal of the licensing requirements for Body Rub Practitioners, Body Rub Parlours, Escort Agencies, and Escorts (The City of Winnipeg, 2022). At the final showdown, Amy and Austin of SWWAC spoke in support of the recommendations now that the fourth one had been removed, stipulating that while they were supportive of the decision, they want to be sure that the repeal of the by-laws will not lead to the closure of safe spaces where sex work occurs:

“Austin: To be clear, we want the licenses to be removed, but the repeal cannot lead to closures or additional by-laws or policies that seek to ban sex

work. You cannot prioritize abolitionists motives. When sex work abolitionists are prioritized or consulted for by-laws and policies that directly affect sex workers, what we get are frameworks and tools that attempt to eradicate sex work, but in reality, increase harm against us and increase harm for those experiencing exploitation. You must meaningfully consult and work with sex workers. And this goes beyond just listening, it involves meeting our demands as we are the experts of our own lives and work. This is what keeps us safe and prevents exploitation” (City of Winnipeg, 2022).

The events leading up to the repeal of the body rub and escort by-laws in Winnipeg represent the dialectical dynamic between “community organizations” that prioritize anti-trafficking responses, which are too often revealed to be anti-sex work masked as benefiting and protecting vulnerable women and children. This is not to say that sexual exploitation or trafficking of youth or otherwise is not a serious issue that needs to be addressed. At issue is bringing sexual exploitation into a conversation about the regulation of adult sex work whereby the exchange of ideas necessarily shifts from the present discussion. With or without a licensing regime for adult sex work, the sexual exploitation of children, women, and others will continue to be illegal in Canada. What is evident from the stakeholder responses is local interest groups rarely agree on the definition of sex work, clients, and the role of regulatory or legal frameworks. What is different in this context is the notion that the assertions put forth by individuals who are directly impacted by regulatory regimes had a seat at the table. A phenomenon that has yet to be realized at the national level beyond symbolic participation and through legislative change.

The examples of the Manitoba Strategy, the Prostitution Offender Program, local police initiatives, and the repeal of the sex work by-laws reflect how the goals of ending the demand outlined in *PCEPA* are expressed through smaller fragments of public policy

that make up the overall regulation of sex work in Winnipeg. The POP and the repeal of the by-laws (for reasons other than promoting the safety of sex workers) demonstrate how seemingly progressive community organizations can operate in conversely conservative ways. So much so that community organizations seemingly promote and support regressive views on women and LGBTTTQ2S+ who engage in sex work and the men who make up most of their clientele.

In this chapter, I have presented evidence found throughout my analysis of relevant documents that speaks to the current Manitoba context of sex work regulation. In chapter 3, I presented evidence of the themes that were revealed at the 2022 Parliamentary review of PCEPA, some of which are mirrored and refracted in the local context. My research findings are presented in the next chapter as I consider the connections between the discourses found during my analysis of the national debate and how they are expressed and realized in Manitoba.

Chapter 5: Analysis: Connecting the National Discourse and the Manitoba Context

Chapter 3 presented the major themes that were revealed during the 2022 parliamentary review of *PCEPA*, and Chapter 4 discussed the data found through local examples of sex work policies and programs in Winnipeg. This chapter brings both sets of data together to form my analysis and provide answers to my research questions: how are the discourses found during the most recent iteration of a national conversation about sex work expressed through local responses to sex work?

This chapter analyzes the linkage between the themes identified during the Parliamentary hearings: violence against women, the trafficking discourse, and police empowerment by pointing to the precise instances of local expressions outlined in the previous chapter.

Violence Against Women

A considerable amount of time was spent discussing the inherently violent nature of sex work during the 2022 House of Commons *PCEPA* review. Those who spoke in favour of maintaining the current legal framework argue sex work is violence against women. This is evidenced by speakers from religious groups, anti-trafficking organizations, researchers, and trafficking survivors argued that the objectification of women and instances of violence at the hands of exploiters and perpetrators/clients require a state response which condemns the purchase of women and punishes those who choose to continue to create the demand for sexual services.

As Cherry Smiley, founder of Women's Studies Online argued, the source of harm in prostitution is the men and the sex acts they demand from women. In describing the violent nature of the sex trade, other language was deployed throughout the hearings

including commercial sex as thinly veiled rape, sexual harassment, coercive sexual access, and modern-day slavery. The discourses around sex work as violence against women are iterations of concepts found in radical feminist theorizing about prostitution which have been present in discussions about sex work policy and regulation in Canada before *Bedford*. This particular discourse has been a powerful force in shaping local responses to sex work in Winnipeg.

Several examples outlined in Chapter 4 reveal how the discourse of violence against women in sex work is mobilized through claims to be caring for women, and more specifically, Indigenous women and girls. The Winnipeg Police Service's use of DISC stops is emblematic of a police initiative which purports to protect women and provide safety, while simultaneously deterring men who are caught in areas where street-based sex work occurs in Winnipeg. What is significant about this program is how the data about DISC events is recorded and reported back to the Winnipeg Police Board. The number of DISC events each quarter is reported to the Winnipeg Police Board and summarized in quarterly reports on Indigenous Women – Safety and Protection. Aside from reporting the number of DISC events that occurred alongside the number of missing persons and homicides, it is unclear how the DISC program fits into the broader strategy which seeks to promote the safety and protection of Indigenous women and girls in Winnipeg.

The DISC program appears to subject sex workers to arbitrary surveillance and police contact under the guise of protection and safety for women in that sex workers are explicitly listed as a category of individuals whose information is tracked and recorded. As Hunt (2016) argues, rather than finding meaningful solutions to violence against

Indigenous women, these frameworks have reinforced power relations which position Indigenous women as dependent on the colonial government and law to be saved and protected (p. 26). In this sense, DISC stops and the way the data is reported for the purposes of promoting safety and protection for Indigenous women and girls can be thought of as more symbolic in nature rather than a solution which addresses violence against sex workers in meaningful ways that do not involve increased police contact and criminalization. It also suggests that DISC reinforces the colonial violence of the law by subjecting Indigenous sex workers to police contact and intervention. It also prioritizes criminal justice initiatives instead of structural changes in economic, gender, and race inequalities.

Another example of how the discourse of violence against women and implicit victimhood is expressed in Winnipeg is through the “educational” component of the Prostitution Offender Program. The POP is imagined as an alternative to traditional forms of punishment through the re-education of offenders (clients) to promote the understanding that sex work is a gendered form of violence and is, therefore, legally and morally wrong. The partnership between the Salvation Army, the Winnipeg Police, and Manitoba Prosecution Services reveals that these institutions, both individually and as a collective, mirror the ways in which the national conversation’s articulation of the discursive framework of casting all women involved in the sex trade as victims of prostitution due to the conception that sex in exchange for money is a violation of women’s bodies. The speakers who present during the seminars at the POP align themselves with the idea that men’s sexual desires are problematic, even if they were arrested for soliciting sex from an adult sex worker. The federal law emboldened these

ideas about sex work by criminalizing the purchase and not the sale of sex, which empowers local responses, like the POP, to treat male purchasers as deviant perpetrators of violence and women as victims of that violence. It is this discourse that empowers programs like the POP to continue to exist in a city like Winnipeg, where radical feminist ideas about sex and sex work represent the predominant way of thinking.

The institutions responsible for upholding the law rarely acknowledge that individuals operating within the sex trade have explicit concerns about their working conditions and ending violence against them. By labelling all sex work as exploitative and violent, these forces overlook the agency and autonomy of sex workers. Violence against sex workers was one of the primary reasons the *Bedford* case was advanced; to deal with violence and to produce safer working conditions. Sex workers and their allies acknowledge that the industry is varied and do not generalize about all aspects of it. This was evident at the 2022 Parliamentary hearings, as sex workers advocated for safer working conditions after almost eight years under *PCEPA*. Throughout the hearings, sex workers and their allies repeatedly rejected the notion that the profession is inherently unsafe. They challenged the claim that policing sex work through criminalization is a reasonable means for producing safe working conditions.

Trafficking and Exploitation

During the parliamentary hearings, PCEPA advocates spoke of their concerns about sex trafficking for the purposes of sexual exploitation in the Canadian sex trade as justification for the asymmetrical criminalization of sex work. Witnesses who testified before the House of Commons committee described the victims of sexual exploitation as

primarily young, poor, and Indigenous and spoke of the exploiters as pimps and johns who benefit from trafficking and/or exploiting vulnerable bodies for profit.

Within the Manitoba context, the discursive framework around sex trafficking has manifested in a number of ways. The Manitoba Strategy, Manitoba's framework for responding to sexual exploitation, reveals that the panic and misrepresentation surrounding young people involved in systems of sex work. While the number of individuals who are exploited each year in Manitoba remains unknown due to the difficult nature of tracking all instances of exploitation, the urgency found within the original writings of the Strategy, as well as the subsequent 2019 report, suggest that this is a large-scale problem that requires significant resources, attention, and intervention.

The panic around sex trafficking discussed during the national debate is expressed through various programs funded by the Manitoba Strategy, including the "Buying Sex is Not a Sport" campaign. While the title suggests that the campaign is targeted toward informing potential buyers of sex that doing so is illegal and consequently "not a sport", the campaign also warns the public about signs of sexual exploitation and trafficking and encourages individuals working in the service and hospitality sector to report suspected instances of trafficking to the police or the trafficking hotline. What is notable about the campaign is how the concept of buying sex and sexual exploitation and/or trafficking are treated as one and the same.

In the same vein, the passing of the Hospitality Sector Customer Registry Act in 2022, referenced in Chapter 4, indicates that human trafficking for the purposes of sexual exploitation continues to be a top priority at the federal, provincial, and municipal levels. In Manitoba, the provincial government enacted the Hospitality Sector Customer

Registry Act with the stated goal of addressing human trafficking and keeping vulnerable children safe by requiring hospitality providers, taxis, and ride-sharing platforms to report instances of suspected human trafficking to the police. This Bill suggests considerable panic around children and adults being trafficked using hotels and taxis across the province. Through both examples, I argue that the Manitoba provincial government has expanded the power of police and other peripheral organizations (Street Reach, and Child and Family Services, for example) through partnerships with community organizations and private businesses, which are supposed to protect youth. Unfortunately, it appears that this concern is almost exclusively articulated via the trafficking discourse rather than structural causes of poverty.

Additionally, my research indicates that programs funded through the Manitoba Strategy, including campaigns such as “Buying Sex is Not a Sport”, exit programs, and temporary housing and shelter for sexually exploited youth, prioritize programs that align themselves with the fight against sex trafficking. The abundance of governmental resources allocated to community-based and non-governmental organizations operating under the umbrella of anti-trafficking has led some scholars to be concerned that many of these organizations are potentially redefining their programming to align with government priorities to access funds (De Shalit et al. 2014; Durisin and Van der Meulen 2020). It is important to note that there may be reason to believe that some of the programs funded by the Manitoba Strategy may be less committed to fighting sex work through anti-trafficking programming and more affiliated with harm reduction principles in programs that support adults or youth where they are in life. My research suggests that there are incentives, financially and politically, to identify, at least publicly, with the

broader anti-trafficking movement. In many ways, it appears that this is the only way for agencies to survive. The anti-trafficking rhetoric survives because the valuable services provided to support people are necessary. However obtaining resources remains difficult outside of the anti-trafficking funding bodies.

With the institutionalization of the trafficking discourse through federal and provincial law and policy, the rights of sex workers in Manitoba are secondary. Claims made at the national level in support of anti-sex work policy argue that the sexual exploitation of women and children should be prioritized over what they consider to be a privileged minority of women who choose sex work as a form of employment. My data reveals that in Manitoba, sex work as a concept is very rarely acknowledged, and the language used when describing sex work defers to passive victim language of exploited persons and trafficking victims. In some instances, local community organizers such as Diane Redsky and Joy Smith explicitly state that sex work is not work and that all forms of commercial sex is exploitation. Programs funded by the Manitoba Strategy and the support the Hospitality Sector Bill received from local anti-sex work groups suggest that the dominant discourse is that all sex work is exploitation and/or trafficking (the distinction between these concepts is often unclear) regardless of age. The attempt to silence discussions of sex work with discussions of sex trafficking, as seen in both the federal and local contexts of my research, can be understood as an example of what Gayatri Spivak refers to as “epistemic violence” (Spivak, 1988). The epistemic violence in categorizing all sex work as exploitation is that the only legitimate response is through aggressive policing, raids, and surveillance (Chapman-Schmidt, 2019), which brings us to the local expressions of policing sex work in Manitoba.

Empowering Police

One of the predominant themes I found during my analysis was the assertion that *PCEPA* is a dynamic, powerful tool for law enforcement that allows local and federal police agencies to target the various offenders involved in the sex trade. In Manitoba, this theme is evident through the use of DISC stops, reverse-sting operations, by-laws, and the Prostitution Offender Program. Importantly, responses which criminalize sex work in any capacity mean that police always figure into a response and remain a key player.

The use of DISC stops and reverse-sting operations by the Winnipeg Police Service are examples of the proactive nature of policing sex work that occurs at the local level. The strategies we see here in Winnipeg demonstrate that the Police do not necessarily wait for victims to come forward if they are being exploited or subjected to violence. Rather, the WPS has designated a specific group of officers, the Counter-Exploitation Unit, to actively track, monitor, and arrest clients and third-party actors in the sex trade. While most of these police initiatives operate under the anti-trafficking umbrella, the WPS's stance on sex work is that sex work does not exist, thereby justifying the arrest of "Johns" who are caught in areas where street-based sex work is known to occur.

Further, the Prostitution Offender Program in Winnipeg is an example of the collaborative effort to eradicate sex work. A reminder that offenders arrested for soliciting sex from minors are not eligible for the POP diversion program, which means the offenders who attend the POP are arrested for contacting adult sex workers or police officers posing as sex workers. The efforts to eliminate the sex trade through policing and punishment in Winnipeg are centralized around the discourses of sex trafficking and

violence against women. Of additional significance is the spatial location where arrests are being made. As noted in earlier chapters, DISC stops, and sex work-related arrests typically occur in Winnipeg's North End and West End neighbourhoods. Both communities reside in Winnipeg's inner city, which has seen a rapid increase of police presence outside due to the understanding that crime is a problem that originates in "damaged" poor and Indigenous communities that require outside involvement (Dobchuk-Land, 2017, p. 406).

Without the criminalization of clients, I argue that local police departments would not be as empowered to carry out efforts to deter clients through DISC stops and reverse-stopping operations, nor would they be able to justify programs like POP which function as unique opportunities to "re-educate" clients who are perceived to need counselling and rehabilitation. Additionally, up until 2022, the licensing by-laws in Winnipeg provided police with the opportunity to raid body rub parlours and escort services in suspected instances of sexual exploitation or trafficking.

I argue that the culmination of sex work-related police initiatives mirrors the claims made during the 2022 Parliamentary review of *PCEPA*, where most witnesses agreed that the legislation empowers police. Those in favour of the continued criminalization of sex work in Canada insist that more policing is required to address the sexual exploitation of women, while others claim that treating all sex work as exploitation through programs and policies infringes upon sex workers' rights and subjects them to incredible amounts of surveillance, police contact, and harm. In the local context, sex workers argued the latter during the review and ultimate repeal of the City of Winnipeg body rub and escort by-laws.

This chapter made explicit connections between what was revealed during the 2022 federal debate and the Manitoba context, demonstrating how discourses are reproduced in some cases and refracted in others through local expressions. In the following chapter, I situate my research findings within a large body of literature to form a discussion. I use existing knowledge and scholarship to make sense of the findings outlined throughout this analysis.

Chapter 6: The Current Conjuncture

My analysis revealed that discussions about sex work and the resulting policies imagined through local formations continue to revolve around two primary discourses: criminalization/abolition versus empowerment and supporting sex workers. The criminalization discourse seen at the national level throughout the House of Commons hearings centred around ideas of risk and panic around sexual exploitation and trafficking, victimization, and the calls for more policing, punishment, and offender accountability. The resulting end-demand legislative frameworks stem from radical feminist ideas about sex, work, and violence against women (Ekburg 2004; Farley 2005) wherein prostitution privileges and excuses male dominance and supports sexual objectification, assault, and harassment (Barnard 1993; Farley 2004).

The counter-frame to the criminalization/abolition discourse centres around empowering and supporting sex workers, which begins with decriminalization. The arguments made at the national level mimicked what scholars, sex workers, and their allies have argued over several decades: that full decriminalization is needed to safeguard the health, safety, and social, political, and economic well-being of sex workers (Goodyear & Cusick 2007; Jeffrey & Sullivan 2009; Galbally 2016).

The evidence presented in this thesis suggests that a large number of resources are allocated toward police, prosecutions, and community organizations that align with sex work eradication which shows that the Manitoba context is a continuation of the discourse of abolition, victimization, and criminalization seen at the federal level, reinforcing radical and carceral feminist claims. The consequences of these discursive practices are widespread for both victims of sexual exploitation and sex workers in

Manitoba. The criminalization/victimization discourse emboldens the stigmatization of sex workers, which has been repeatedly identified as a source of harm (Bruckert & Hannem, 2013).

Mapping the Conjuncture

At this particular conjuncture, it appears that in Manitoba, there is a clear divide between those who advocate for criminalization and those who do not. The dominant discourse in this context strongly supports criminalization. Evidence from the local examples under study, reveals that the knowledge/power structures which embolden end-demand responses to sex work are represented by religious groups, experiential women (survivors), political groups, governmental organizations, and Indigenous leaders who align themselves with the goals of eliminating sex work. As Chevrier (2020) argues, the voices of anyone who does not adhere to the prohibitionist framework are silenced in Manitoba, highlighting the continuity of regulatory regimes on the sex trade marked by racism, classism, and sexism (p. 105-106). Through the regurgitation of anti-trafficking and violence against women discourses, the solution to the broader structural problems that are associated with sex work, sexual exploitation, and sex trafficking are exit programs and anti-trafficking expenditures, which are often the only way individuals in the sex trade can receive assistance (Hunt, 2015).

Conjunctural analysis enabled me to explore the role of political ideology in stitching together contradictory lines of argument and emotional investments when it comes to discourse on criminalization and abolition responses to sex work. One such contradiction is the publicized concern for missing and murdered Indigenous women but the lack of investment through policy that materially engages with addressing systemic

violence. These contradictions are characteristic of this current conjuncture, whereby discourses of trafficking and violence, as well as structural issues surrounding poverty, are symbolically mobilized to attract emotional investment without engaging with community groups that could inform meaningful policy responses to issues extending far beyond the sale and purchase of sex.

In the analyzed debates and policies, it was noted that there is a strong emphasis on arresting and punishing participants of the sex trade. Lauri et al. (2023) notes that the focus on punishment as the single solution to various forms of violence against women results in women's need for material resources being downplayed or ignored. In other words, penal policy takes priority over social policy. As a result, the carceral agenda fails to improve the lives of those they claim to protect (Lauri, Carbin, & Linander, 2023). Additionally, by making sex work an issue of criminality, supporters of regressive legislation and policy are inadvertently turning to the repressive state for aid. Carceral feminism helps conceal the fact that police, courts, and corrections are part of the same patriarchal structures which hinder feminist political change (Lauri, Carbin, & Linander, 2023, p. 7).

For Indigenous women, the reliance on the state for protection is particularly problematic. Hunt (2015) argues that violence is both a product and a method of creating the world when interpersonal violence against Indigenous women is discussed alongside the fundamental violence of law in settler-colonial society. Since representational strategies have not reduced violence against Indigenous sex workers but have instead increased criminal sanctions against them and put them at risk of violence, it is

imperative that we question how they continue to entrench sex workers in a violent relationship with the state (Hunt, 2013; Hunt, 2015).

The finding that policymakers in Manitoba are preoccupied with anti-trafficking campaigns, exit programs, and re-education programs like the Winnipeg Prostitution Offender Program speaks to what Davies (2015) argues: that the legal reconstruction of prostitutes as victims under PCEPA may force some to accept forms of help they do not desire from institutions they do not trust (p. 83). The alternative, she argues, is that sex workers may be forced into the same category of deviants as the purchasers and pimps, all of whom are categorized as threats to children and our communities (Davies 2015, p. 83). The intricate nature of the relationship between sex workers and the institutions that oversee them, which includes monitoring, surveillance, and supposed assistance, indicates that making sex work illegal prevents any significant improvements to the lives of sex workers.

My analysis of the federal House of Commons hearings as well as the local examples I explored, reveal that policymakers continue to conflate the sexual exploitation of youth with adult sex work. Durisin and Van der Meulen (2020) argue that the emphasis on youth sexual exploitation may serve to delegitimize support for the full decriminalization of sex work over fears that it will lead to more children being trafficked and exploited. The slippage between discussing youth and adults involved in the sex trade occurred frequently during my analysis of the 2022 House of Commons transcripts. It was also revealed that the sexual exploitation of youth is a strong argument in Manitoba to legitimize carceral responses toward adult sex workers through surveillance and police contact.

The contemporary understanding of youth in the sex trade as a form of child abuse/victimization emerged through specific constructions traced back to child development literature and radical feminist notions of sex work and patriarchy (Gorkoff, 2011, p. 6). Gorkoff (2011) argues that the state mobilizes these knowledge bases in the name of protection, however many of the intervention strategies of the past and present have a disciplinary and social control function where the material conditions that lead to prostitution are unchallenged (p. 22). Additionally, the selective uptake of knowledge that shapes the dominant discourse around youth sex work necessarily entrenches representations of youth as incapable choice-makers and passive recipients of whatever happens to them (Gorkoff, 2011, p. 25). The consequences of constructing all youth as powerless victims severely undermine and underestimate their capacity to exert their own agency as conscious decision-makers and leaves youth at the behest of the adults in charge, especially those who are under the ward of the state. Under this power/knowledge construction, the possibility that youth engage in sex work to exert control over their own lives in pursuit of economic stability is ignored. This construction of victimhood extends beyond when a young person turns 18, meaning protectionist programs and interventions persist into adulthood for those involved in the sex trade. This is evident among the programs, campaigns, and interventions I examined through the Manitoba context.

Manitoba's apparent commitment to carceral responses demonstrates the widespread failure to address the structural conditions that commercial sex is rooted in. Criminal law continues to be the mechanism via which social inequality is ignored. As Vanwesenbeeck (2017) argues, regressive policies exist with the conviction that making

sex work as unappealing as possible will somehow abolish it. However, as long as structural conditions such as economic disparities, gender inequality, poverty, and colonization continue to thrive, sex work will remain a viable option for some individuals, especially those most affected by social injustices (Vanwesenbeeck, 2017, p. 1636). My analysis of documents pertaining to the Manitoba Strategy revealed that even those working within institutions committed to the end-demand discourse cited structural and systemic issues as the number one contributing factor to the sexual exploitation of women and girls. Still, the commitment to vilify actors in the sex trade is reinforced by the idea that ending the demand and making sex work difficult in Winnipeg is a viable option to address the root cause of the “problem”.

Additionally, the prioritization of sex work abolition has resulted in working conditions being less safe in the *PCEPA* era, with empirical evidence suggesting sex workers are forced to rush negotiations and screening practices with clients (Krusi et al., 2014) and the relationship between sex workers and police is persistently shaky (Benoit, 2016). While my research does not contribute empirically to the sex worker experience under *PCEPA* in Manitoba, it does paint a picture of the local dynamics at play at in this particular conjuncture.

Conclusion

This thesis poses the question: why, given significant challenges to legislative models that seek to criminalize sex work and the demand for sex work, do legislative responses in Canada continue to rely heavily on policing and criminalization? I suggest that this question is best answered through examinations of particular social and political contexts. Through a conjunctural analysis of legislative and policy responses to sex work in Manitoba, I suggest that, there appears to be a morally conservative, settler-colonial status quo that is being maintained, with access to resources and power available through programming only by defining sex work in a particular way. Unfortunately, this has resulted in the silencing of material welfare solutions and has sidelined evidence-based responses.

This research adds to the expanding body of literature aimed at providing theoretical and empirical evidence to support evidence-based approaches to sex work on an international, national, and local level. Conversations surrounding the laws and public policies that aim to regulate and manage individuals engaged in the sex industry do not take place in isolation. My research contributes to the need to understand how discourses influence and shape practices realized across different landscapes and varying social, political, and economic conditions. Questions remain about the persistent success of radical and carceral feminist discourses in the regulation of sex work. Pointing out exactly why government representatives and decision-makers continue to ignore evidence supporting decriminalization and the inclusion of sex workers in policy decisions remains largely unanswered. However, my research does contribute to a more nuanced understanding of why the voices of sex workers continue to be undermined.

Shaver (2019) argues that the inability of politicians and policymakers to set aside their moral positions when enacting social and legal policy around sex work in the Canadian context is an issue that dates back to the 1980s. What appears to be different at this particular conjuncture is that the *Bedford* decision signalled that one of our main social change agents (the courts) demonstrated that the effective use of empirical evidence is possible (Shaver, 2019). My research demonstrates that the use of that evidence in policymaking has not yet come to fruition. At the time of this writing, another sex worker-led constitutional challenge is making its way through the courts. If the constitutional challenge succeeds, sex workers, researchers, and their allies will once again have the opportunity to compile and present empirical evidence which supports the need to address the material realities of sex workers. I remain hopeful that legislators will follow the court's acceptance and acknowledgement of the evidence, which will inform policy decisions for the future.

Works Cited

Committee Proceedings

Benedet, J. (2022) Standing Committee on Justice and Human Rights. Evidence. April 5. 44th Parliament, 1st session, meeting no. 10.

Brandt, P. (2022) Standing Committee on Justice and Human Rights. Evidence. March 1. 44th Parliament, 1st session, meeting no. 5.

Byrne, L. (2022) Standing Committee on Justice and Human Rights. Evidence. March 22. 44th Parliament, 1st session, meeting no. 7.

Ciavarella, S. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Clamen, J. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Clancey, A. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Davis, S. (2022) Standing Committee on Justice and Human Rights. Evidence. April 1. 44th Parliament, 1st session, meeting no. 9.

Dunn, J. (2022) Standing Committee on Justice and Human Rights. Evidence. February 15. 44th Parliament, 1st session, meeting no. 3.

Gerard, G. (2022) Standing Committee on Justice and Human Rights. Evidence. March 22. 44th Parliament, 1st session, meeting no. 7.

Guo, N. (2022) Standing Committee on Justice and Human Rights. Evidence. April 5. 44th Parliament, 1st session, meeting no. 10.

Heinz, A. (2022) Standing Committee on Justice and Human Rights. Evidence. March 22. 44th Parliament, 1st session, meeting no. 7.

Jay, S. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Kent, L. (2022) Standing Committee on Justice and Human Rights. Evidence. February 15. 44th Parliament, 1st session, meeting no. 4.

Lindstrom, A. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Peters, C. (2022) Standing Committee on Justice and Human Rights. Evidence. February 15. 44th Parliament, 1st session, meeting no. 3.

Porth, K. (2022) Standing Committee on Justice and Human Rights. Evidence. March 1. 44th Parliament, 1st session, meeting no. 5.

Quinn, K. (2022) Standing Committee on Justice and Human Rights. Evidence. April 5. 44th Parliament, 1st session, meeting no. 10.

Smiley, C. (2022) Standing Committee on Justice and Human Rights. Evidence. April 1. 44th Parliament, 1st session, meeting no. 9.

Smith, J. (2022) Standing Committee on Justice and Human Rights. Evidence. February 15. 44th Parliament, 1st session, meeting no. 4.

Smith, K. (2022) Standing Committee on Justice and Human Rights. Evidence. April 1. 44th Parliament, 1st session, meeting no. 9.

Stevenson, A. (2022) Standing Committee on Justice and Human Rights. Evidence. March 4. 44th Parliament, 1st session, meeting no. 6.

Consultation Briefs

Doltze, Hennes. (2022). *Brief submission to the Standing Committee on Justice and Human Rights Re: REVIEW OF THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT*. Retrieved From <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11603027/br-external/DoltzeHennes-e.pdf>

Krüsi, A., Shannon, K., Goldenberg, S. (2022). *A submission to the House of Commons Standing Committee on Justice and Human Rights Re: Protection of Communities and Exploited Persons Act*. Retrieved from <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11599988/br-external/Jointly4-e.pdf>

Living in Community. (2022). *Brief submission to the Standing Committee on Justice and Human Rights*. Retrieved from <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11602467/br-external/Jointly5-e.pdf>

London Abused Women's Centre. (2022). *Brief to the Standing Committee on Justice and Human Rights*. Retrieved from <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11603694/br-external/LondonAbusedWomensCentre-e.pdf>

Works Cited

- Armstrong, L. (2017). From Law Enforcement to Protection? Interactions between Sex Workers and Police in a Decriminalized Street-Based Sex Industry. *British Journal of Criminology*, 570-588.
- Benoit, C., Jansson, M., Smith, M., & Flagg, J. (2017). Well, It Should Be Changed for One, Because It's Our Bodies. *Social Sciences*, 52(6), 1-17.
- Benoit, C., Smith, M., Jansson, M., Healey, P., & Magnuson, D. (2019). "the prostitution problem": claims, evidence, and policy outcomes. *Archives of Sexual Behavior : The Official Publication of the International Academy of Sex Research*, 48(7), 1905-1923.
- Benoit, C., Smith, M., Jansson, M., Magnus, S., Ouellet, N., Atchison, C., . . . Shaver, F. (2016). Lack of Confidence in Police Creates a "Blue Ceiling" for Sex Workers' Safety. *Canadian Public Policy/Analyse de politiques*, 1-13.
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs*, 36(1), 45-71.
- Bernstein, E. (2012). Carceral Politics as Gender Justice? The 'Traffic in Women' and Neoliberal Circuits of Crime, Sex, and Rights. *Theory and Society*, 41(3), 233-259.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 77-101.
- Bruckert, C. (2015). Protection of Communities and Exploited Persons Act: Misogynistic Law Making in Action. *Canadian Journal of Law and Society*, 30(1), 1-3.
- Bruckert, C., & Hannem, S. (2013). Rethinking the Prostitution Debates: Transcending Structural Stigma in Systematic Responses to Sex Work. *Canadian Journal of Law and Society*, 43-63.
- Campbell, A. (2015). Sex Work's Governance: Stuff and Nuisance. *Feminist Legal Studies*, 23(1), 27-45.
- Canadian HIV/AIDS Legal Network. (2019). *THE PERILS OF "PROTECTION": SEX WORKERS' EXPERIENCES OF LAW ENFORCEMENT IN ONTARIO*. Toronto: AIDSLaw.
- CBC News. (2015, October 29). *Buying sex is not a sport: anti-exploitation campaign launched before Grey Cup*. Retrieved from CBC News:

- <https://www.cbc.ca/news/canada/manitoba/buying-sex-is-not-a-sport-anti-exploitation-campaign-launched-before-grey-cup-1.3294471>
- CBC News. (2021, June 16). *Critics attack proposed changes to bylaws governing Winnipeg's body rub parlours*. Retrieved from CBC News: <https://www.cbc.ca/news/canada/manitoba/winnipeg-massage-parlours-bylaw-1.6068075>
- Chapman-Schmidt, B. (2019). 'Sex Trafficking' as Epistemic Violence. *Anti-Trafficking Review, 12*, 172-187.
- Chevrier, C. (2020). *Deliberative Identities: An Ethnography of Sex Work and Health and Social Services in Winnipeg Manitoba, Treaty One Territory*. Winnipeg, Manitoba: University of Manitoba.
- Clarke, J. (2010). Of crises and conjunctures: the problem of the present. *Journal of Communication Inquiry, 34*(4), 337-354.
- Cruikshank, J. (2012). The Role of Qualitative Interviews in Discourse Theory. *Critical Approaches to Discourse Analysis across Disciplines, 6*(1), 38-52.
- Davies, J. M. (2015). The criminalization of sexual commerce in Canada: Context and concepts for critical analysis. *The Canadian Journal of Human Sexuality, 78*-91.
- Doltze, H. (2022, March 11). *Brief submission to the Standing Committee on Justice and Human Rights Re: REVIEW OF THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT*. Retrieved from House of Commons Canada: <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11603027/b-r-external/DoltzeHennes-e.pdf>
- Drabble, J. (2019). *Meeting the Needs of Sexually Exploited Youth Building on the Work of the Sexually Exploited Youth Community Coalition*. Winnipeg: Canadian Centre for Policy Alternatives Manitoba.
- Durisin, E., & Van der Meulen, E. (2020). Sexualized Nationalism and Federal Human Trafficking Consultations: Shifting Discourses on Sex Trafficking in Canada. *JOURNAL OF HUMAN TRAFFICKING, 1*-22.
- Ekburg, G. (2004). The Swedish law that prohibits the purchase of sexual services: best practices for prevention of prostitution and trafficking in human beings. *Violence Against Women, 11*87-1218.
- Farley, M. (2003). Prostitution and the Invisibility of Harm. *Women & Therapy, 26*(3-4), 247-280.

- Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10*(10), 1087-1125.
- Farley, M., Golding, J., Matthews, E., Malamuth, N., & Jarrett, L. (2017). Comparing sex buyers with men who do not buy sex: New data on prostitution and trafficking. *Journal of Interpersonal Violence, 32*(23), 3601-3625.
- Ferris, S. (2015). *Street sex work and canadian cities : resisting a dangerous order*. Edmonton, Alberta: University of Alberta Press.
- Freeman, J. (1990). The Feminist Debate over Prostitution Reform: Prostitutes' Rights Groups, Radical Feminists, and the (Im)possibility of Consent. *Berkeley Women's Law Journal, 5*, 75-102.
- Galbally, P. J. (2016). Playing the Victim: A Critical Analysis of Canada's Bill C-36 From an International Human Rights Perspective. *Melbourne Journal of International Law, 1*-35.
- Gerbrandt, E. (2022, January 18). *Delegation Submission*. Retrieved from City of Winnipeg Decision Making Information System: <https://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=21540&SectionId=&InitUrl=>
- Gibbs Van Brunshot, E. (2003). Community policing and "John schools". *The Canadian Review of Sociology and Anthropology, 40*(2), 215-232.
- Gilbert, J. (2016). This Conjuncture: For Stuart Hall. *new formations: a journal of culture/theory/politics, 96-97*, 5-37.
- Global Network of Sex Work Projects. (2015, November 5). *Winnipeg Sex Workers Debunk Football Event Trafficking Claims*. Retrieved from Global Network of Sex Work Projects: <https://www.nswp.org/news/winnipeg-sex-workers-debunk-football-event-trafficking-claims>
- Gordon, K. (2021). Mobilizing Victimhood: Situating the Victim in Canadian Conservatism. *Canadian Journal of Political Science, 54*, 41-59.
- Gorkoff, K. (2011). Othering or Protecting? The Discursive Practice of Saving Youth Prostitutes. *The Annual Review of Interdisciplinary Justice Research, 2*, 5-34.
- Government of Canada Department of Justice. (2017, 03 08). *Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act*. Retrieved from Government of Canada Department of Justice: <https://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

- Government of Canada Department of Justice. (2018). *Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act*. Retrieved from Government of Canada Department of Justice: https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/
- Grossberg, L. (2019). Cultural Studies in Search of a Method, or Looking for Conjunctural Analysis. *New Formations*(96/97), 38-68.
- Hall, S. (1988). *The hard road to renewal: Thatcherism and the crisis of the left*. London: Verso.
- Hall, S. (2012). The neoliberal revolution. In J. Rutherford, S. Davison, & (eds.), *The Neoliberal Crisis* (pp. 8-26). London: Lawrence and Wishart.
- Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (2013). *Policing the crisis : mugging, the state and law and order (2nd ed.)*. Basingstoke: Palgrave Macmillan.
- Hallgrímsdóttir, H., Phillips, R., Benoit, C., & Walby, K. (2008). Sporting Girls, Streetwalkers, and Inmates of Houses of Ill Repute: Media Narratives and the Historical Mutability of Prostitution Stigmas. *Sociological Perspectives*, 119-138.
- Hayes-Smith, R., & Shekarkhar, Z. (2010). Why is prostitution criminalized? An alternative viewpoint on the construction of sex work. *Contemporary Justice Review*, 43-55.
- Hunt, S. (2013). Decolonizing Sex Work: Developing an Intersectional Indigenous Approach. In E. Van der Meulen, E. M. Durisin, & V. Love, *Selling Sex : experience, advocacy, and research on sex work in Canada* (pp. 83-100). Vancouver: UBC Press.
- Hunt, S. (2016). Representing Colonial Violence: Trafficking, Sex Work, and the Violence of Law. *Atlantis*, 37(2), 25-39.
- Jackson, C. A. (2016). Framing Sex Worker Rights: How U.S. Sex Worker Rights Activists Perceive and Respond to Mainstream Anti-Sex Trafficking Advocacy. *Sociological Perspectives*, 59(1), 27-45.
- Joy Smith Foundation. (n.d.). *Joy Smith's Story*. Retrieved from Joy Smith Foundation: <https://joysmithfoundation.com/about-us/>
- Jungels, A. (2007). *"Just Say No": A Process Evaluation of a Johns' School."* Thesis. Retrieved from https://scholarworks.gsu.edu/sociology_theses/18

- Karim, Y. (2017). *Ottawa Street-based Sex Workers and the Criminal Justice System: Interactions Under the New Legal Regime*. Retrieved from University of Ottawa: https://ruor.uottawa.ca/bitstream/10393/35710/3/Karim_Yadgar_2017_Thesis.pdf
- Krüsi, A., Pacey, K., Bird, L., Taylor, C., Chettiar, J., Allan, S., . . . Shannon, K. (2014). Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study. *BMJ Open*, 1-10.
- Lebovitch, A., & Ferris, S. (2019). *Sex Work Activism in Canada: Speaking Out, Standing Up*. Winnipeg: ARP Books.
- Lehtonen, M. (2015). 'What's going on?' in Finland: Employing Stuart Hall for a conjunctural analysis. *International Journal of Cultural Studies*, 19(1), 71-84.
- Lowman, J. (2000). Violence and the Outlaw Status of (Street) Prostitution in Canada. *Violence Against Women*, 987-1011.
- MacKinnon, C., & Dworkin, A. (1997). *In harm's way : the pornography civil rights hearings*. Cambridge, Mass: Harvard University Press.
- Manitoba Government. (2019, January). *Collaboration and Best Practices to End Sexual Exploitation and Sex Trafficking in Manitoba*. Retrieved from Tracia's Trust: https://www.gov.mb.ca/fs/traciastrust/pubs/tracias_trust_report_2019.pdf
- Manitoba Government. (2022). *Bill 40: THE HOSPITALITY SECTOR CUSTOMER REGISTRY ACT AND AMENDMENTS TO THE CHILD AND FAMILY SERVICES ACT AND THE CHILD SEXUAL EXPLOITATION AND HUMAN TRAFFICKING ACT*. Winnipeg.
- Manitoba Sporting Events Safety Working Group. (2015). *"Buying Sex Is Not A Sport" Fact Sheet*. Retrieved from Government of Manitoba: https://www.gov.mb.ca/asset_library/en/youarenotalone/bsinas-fact-sheet.pdf
- Martin, L., & Hill, A. (2019). Debunking the Myth of 'Super Bowl Sex Trafficking': Media hype or evidence-based coverage. *Anti-Trafficking Review*, 13, 13-29.
- Mitchell, G. (2022). *Panics without borders : how global sporting events drive myths about sex trafficking*. Oakland: University of California Press.
- Papadopoulos, J. (2017, November 23). *SEX WORKERS ARE NOT ILLEGAL Labour, Labels and the Law*. Retrieved from The Uniter: <http://uniter.ca/view/sex-workers-are-not-illegal>
- Richard, E., & Doltze, H. (2017, 11). Case Study: Winnipeg Prostitution Offender Program. Winnipeg, Manitoba.

- Roots, K. (2018). *The Human Trafficking Matrix: Law, Policy and Anti-Trafficking Practices in the Canadian Criminal Justice System*. Retrieved from https://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/35510/Roots_Katrin_2018_PhD.pdf?isAllowed=y&sequence=2
- Rosentel, K., Fuller, C. M., Bowers, S. M., Moore, A. L., & Hill, B. J. (2021, Apr 26). Police Enforcement of Sex Work Criminalization Laws in an “End Demand” City: The Persistence of Quality-of-Life Policing and Seller Arrests. *Archives of Sexual Behavior*.
- Roy, E., & Aruda, N. (2015). Exploration of a Crack Use Setting and Its Impact on Drug Users’ Drug Use and Sexual Behaviours: The Case of Piaules in a Montreal Neighbourhood. *Substance Use & Misuse*, 50(5), 630-641.
- Ryan, G. W., & Bernard, H. R. (2003). Techniques to Identify Themes. *Field Methods*, 15(1), 85–109.
- Sayers, N. (2015, February 11). *Who is Listening? Remembering Indigenous Sex Workers*. Retrieved from Decolonization: Indigeneity, Education, Society: <https://decolonization.wordpress.com/2015/02/11/who-is-listening-remembering-indigenous-sex-workers/>
- Seshia, M. (2010). Naming Systemic Violence in Winnipeg's Street Sex Trade. *Canadian Journal of Urban Research*, 19(1), 1-17.
- Sex Workers of Winnipeg Action Coalition, Amy, & Austin. (2022, January 19). *FIGHT EXPLOITATION, NOT SEX WORKERS RE. Proposed Changes to Doing Business in Winnipeg By-Law*. Retrieved from January 19, 2022 Executive Policy Committee Regular Meeting Minutes (Adopted): <https://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=21540&SectionId=&InitUrl=>
- Shaver, F. (1994). The Regulation of Prostitution: Avoiding the Morality Traps. *Canadian Journal of Law and Society*, 9(1), 123-145.
- Shaver, F. (2019). “The Prostitution Problem”: Why Isn’t Evidence Used to Inform Policy Initiatives? *Archives of Sexual Behaviour*, 48(7), 1955–1959.
- Shaver, F., Lewis, J., & Maticka-Tyndale, E. (2011). Rising to the Challenge: Addressing the Concerns of PeopleWorking in the Sex Industry. *Canadian Review of Sociology*, 48(1), 47-65.
- Sheng, A., & Chevrier, C. (2019). Changing the Conversation: The Sex Workers of Winnipeg Action Coalition. In A. Lebovitch, & S. (. Ferris, *Sex Work Activism: Speaking Out, Standing Up*. Winnipeg: ARP Books.

- Smith, J. (2021). *Delegation Submission - Joy Smith*. Winnipeg: Joy Smith Foundation.
- Spivak, G. (1988). Can the Subaltern Speak? In C. Nelson, & L. (. Grossberg, *Marxism and the Interpretation of Culture* (pp. 281-310). London: Macmillan.
- Statistics Canada. (2021, June 21). *Juristat Article—Crimes related to the sex trade: Before and after legislative changes in Canada*. Retrieved from <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00010-eng.pdf?st=gsydAtOE>
- Sutherland, K. (2004). Work, Sex, and Sex Work: Competing Feminist Discourses on the International Sex Trade. *Osgoode Hall Law Journal*, 42(1), 139-168.
- The City of Winnipeg. (2021). *Minutes – Executive Policy Committee – June 16, 2021*. Minutes, Executive Policy Committee, Winnipeg.
- The City of Winnipeg. (2022). *Council Minutes – January 27, 2022*. Council Minutes, Executive Policy Committee, Winnipeg.
- The Women's Coalition. (2011). *Factum of the Intervener Women's Coalition*. Retrieved from Canadian Association of Sexual Assault Centres: <http://casac.ca/sites/default/files/Factum%20-%20Womens%20Coalition.pdf>
- Thusi, I. (2018). Radical Feminist Harms on Sex Workers. *Lewis & Clark Law Review*(22), 185-229.
- Vancouver Police Department. (2002, April). *Deter and Identify Sex-Trade Consumers (D.I.S.C.)*. Retrieved from ASU Center for Problem-Oriented-Policing: <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2002/02-53.pdf>
- Vanwesenbeeck, I. (2017). Sex Work Criminalization Is Barking Up the Wrong Tree. *Archives of Sexual Behavior*, 46, 1631–1640.
- Wagenaar, H., Altink, S., & Amesberger, H. (2013). *Final Report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands*. Den Haag: Platform.
- Wahab, S. (2006). Evaluating the Usefulness of a Prostitution Diversion Project. *Qualitative Social Work*, 5(1), 67-92.
- Weitzer, R. (2006). MORAL CRUSADE AGAINST PROSTITUTION . *Society*, 33-38.
- Weitzer, R. (2007). The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade. *Politics & Society*, 447-475.

- Whittier, N. (2016). Carceral and Intersectional Feminism in Congress: The Violence Against Women Act, Discourse, and Policy. *Gender & Society*, 30(5), 791-818.
- Winnipeg Free Press. (2017, April 28). *'John school' takes repressive approach to sex*. Retrieved from Winnipeg Free Press:
<https://www.winnipegfreepress.com/opinion/analysis/2017/04/28/john-school-takes-repressive-approach-to-sex>
- Winnipeg Police Board. (2017, May 11). *Indigenous Women – Safety & Protection*. Retrieved from Winnipeg Police Board 2017 1st Quarter Update:
<http://clkapps.winnipeg.ca/dmis/ViewPdf.asp?SectionId=467387>
- Wortley, S., Fischer, B., & Webster, C. (2002). Vice Lessons: a survey of prostitution offenders enrolled in the Toronto John School Diversion Program. *Canadian Journal of Criminology*, 44(4), 369-402.