

The 411

ARE YOU A VICTIM OF VIOLENCE?

Supports, Services and Information for Sex Industry Workers Who are Victims of Crime



This document was
Created by:

**The BC Coalition of
Experiential
Communities**

About the BCCEC

We are a group of sex worker rights activists in BC whom are experiential. We have extensive experience in advocacy, developing organizations, programs and supports to sex industry workers and survival sex workers.

Among our other initiatives, we are working towards creating a **Red Alert** sheet for workers to report customer violence, a 1-800 number for sex workers to call in their reports as well as Community Victim Service Worker positions to be staffed by those sensitized to sex worker issues.

Visit us @
www.bccewc.ca

Help is Available

If you are a sex industry worker and have been the victim of a crime, **YOU DO QUALIFY FOR SUPPORT** and **YOU DO HAVE RIGHTS**. No matter what you are told to the contrary, help is available through **VictimLINK** and the Ministry of Public Safety and Solicitor General.

Sex industry workers may feel frustrated when dealing with the criminal justice system after being a victim of crime. As sex industry workers we often experience added trauma as we are judged or devalued because of our occupation and the prejudices of others during the process. Lack of education and understanding has made it difficult for sex industry workers to access Victim Services and the supports that are available for ALL victims of crime.

The BC Government has programs created specifically for victims and this document has been created to support you in accessing these programs. However, you should be prepared for delays as some barriers still exist.

The following information should assist you on your journey. Remember that you are strong, you are powerful and resourceful. No one and nothing can ever take that from you.

Dealing with the after effects of Violence

If you have been the victim of a serious crime it is very normal to personally experience

- Being overwhelmed
- Anger or rage
- Confusion
- Shame
- Depression
- Fear
- Numbness
- Powerlessness

Or to do things like:

- Use drugs or alcohol to cope and/ or forget
- Go back to work
- Take greater risks
- Withdraw and isolate

What can I expect to experience personally?

People experience a wide range of physical and emotional changes over a short period of time while others experience feelings long after the crime has taken place. You may find that your reaction will change from day to day or from week to week.

Victims of crime have some common experiences. For example you may feel just fine and then suddenly you break down and feelings of powerlessness, rage or sadness return. During these times remember that the feelings will pass.

VictimLink

1 800 563 0808

Example:

You may think that you are to blame because you entered the hotel room, agreed to take the date or got into the car, but you cannot consent to assault and your occupation does not entitle someone to victimize you in any way.

Warning

Seek support

Always seek the support of an advocate or someone who has your interests at heart. No appeals or re-trials can be filed if you feel that you have been treated unfairly by the justice system.

TIP

Think about a time in your life when you felt **powerful**, joyful and in control.

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TIP

Stay in the present

When you are experiencing overwhelming feelings it is helpful to concentrate on the present; focus on your breathing; firmly plant your feet on the ground while directing your attention on a particular object. Staying present will help keep your mind out of the past.

Remember

Be Persistent!

As the victim of a crime you are entitled to support and compensation

Example

Examples of self-care:

Exercise
Eating regularly
Writing: keeping a journal or poetry
Getting sleep
Reading a book that's uplifting
Art: Singing, dance
Chatting with a friend
Laugh
Meditation
Window shopping
A hot bath
Trying something new

Triggers

Triggers are things that cause physically, mentally or emotionally changes within us such as certain smell, sound, place, or person.

When the intensity of these feelings has passed identify any particular smells, touch, place, and/or sound that may have set off the intense feelings and reminders of the crime.

Getting a sense of your triggers can help you avoid situations where you may encounter them. Involvement in the sex industry can mean that you will HAVE to return to places and situations that may trigger you. If you plan to return to work in the sex industry, it is wise to develop a plan to help you cope.

Returning to work

Unlike other victims of crime, sex workers often have to return to the scene of the crime in order to continue to earn their living.

Where possible try to make a **return to work safety plan** with a friend or a sex worker advocate that addresses any fears you may have and will help you plan in advance how to handle being triggered should it occur. You may want to create your own self-care plan; rituals and routines that make you feel safer.

Creating a **self-care safety plan** and making it a **daily routine** in your life will also help you cope with returning to work.

Self Care

Self-care is not just a tool for victims of crime but for every human being. Creating a strong self-care plan keeps you healthy and increases your resiliency (ability to 'spring back').

What should you do if you are the victim of a crime?

There are many things to consider if you have been the victim of a crime. Your **physical and emotional health** is at risk and the decisions you make can impact your life for years to come.

The filling out of police reports and proceeding with criminal charges can be a difficult and painful process and as a sex worker you may even encounter people who are insensitive in their handling of your case.

Details of your **private life may become public** and your privacy compromised. The consequences of being **"outed"** as a sex worker can affect many aspects of your life both personally and professionally.

TIP

Take a break!

Though it's not always possible, try to take time off work, change where and how you work. You may want to change your work phone numbers, get security, and get a work partner or spotter to reduce the likelihood of being re-victimized

TIP

Victim Service Workers provide:

- emotional support;
- practical assistance, such as going with you to talk with the police;
- information about the criminal justice system, the court process, and the status of your case;
- court orientation and accompaniment;
- assistance with the Crime Victim Assistance Program applications;
- referrals to other agencies and services;
- and help in preparing a Victim Impact Statement

TIP

Helping others

Helping others and **giving back** can also help get you out of your own head. You may want to volunteer your time in something unrelated to the incident, for example: walk a dog in a shelter or do a favour for a friend.

TIP

You have the right to:

- be treated with respect and dignity by all justice personnel;
- choose whether or not to engage with police or press charges.
*Choosing not to press charges will not affect your eligibility for benefits.
- be protected against intimidation and retaliation;
- justice system personnel who are trained to respond appropriately;
- interpreters in any language;
- culturally sensitive services for aboriginal peoples and members of ethnic groups;
- present a victim impact statement on how the crime has affected your life to the court before sentencing;
- FREE and independent legal advice regarding other people's access to your personal information being presented in court.

Example

If income assistance gives you a maximum of \$250 per year for dental work and as a result of the crime your dental work costs \$5000, the Crime Victim Assistance Program may pay the balance.

So Why Report?

The **safety of other sex workers** depends on the prosecution of the people who commit crimes against us. Choosing to go forward with criminal charges will protect other sex workers from experiencing the crime that you have. Proceeding with charges can also change the way society and the justice system handles our cases. You will have to **be strong** as well as patient but **you don't have to be alone**. An important step in dealing with the effects of a crime is to **talk about it with someone** you feel comfortable with. Friends and family can be a great source of support and if you are uncomfortable with talking to someone you know VictimLINK (see resource section) can put you in touch with over 150 victim service programs across the province. They can also connect you with a sex worker serving organization who can try to answer any questions you may have in regard to the risks and benefits of filing criminal charges.

Your Rights

Knowing your rights is the key to receiving fair treatment throughout the criminal justice process. If you have been the victim of a crime, you have rights under the Victim of Crime Act.

The purpose of the act is to make Victim Services available to ALL victims of crime and to remove any barriers that prevent people from accessing their services. However, some problems do still exist for sex workers attempting to qualify for benefits and access to victim services programs.

What is the Crime Victim Assistance Program (CVAP)?

This program is a resource that provides 'last resort' financial support to victims of crime and immediate family members providing that assaults are reported to community support staff, medical professionals or law enforcement.

Financial support is given for a range of expenses for injuries from the crime, some of which include the following:

- Medical and dental treatment and prescription drugs
- Replacing eye glasses and clothing damaged during the crime;
- Counseling;
- Support for a child born of rape if you keep the child or pay child support
- disability aids, childcare and homemaker expenses;
- Income support;
- Transportation to get to medical or counselling appointments;

If you are not on Income Assistance, **this program does not require you to apply** for those supports.

If you are present when someone close to you is killed or suffers a life threatening injury from a crime you can apply for things like counseling, prescription drugs and transportation to get to counseling,

If you are a victim of a sexual assault there is **no time limit** to apply for funds.

TIP

You should know

If you work in the sex industry it is more difficult to prove **lost wages** because:

- Compensation for lost wages is based on an hourly wage;
- Sex workers must file income tax returns in order to prove income;
- The amount paid is based on the difference between what you made before the crime and what you are able to make after;
- The maximum benefit is \$8 for 40 hours per week, regardless of how much you made before the crime;
- If you are receiving income assistance, funds from this program may be added to pay for expenses.

TIP

Provide Victim Services with detailed information about the crime being discussed. **Do not blur the details** of your case with other personal background information, this can make your case less clear and jeopardize your filling a successful claim.

TIP

Must be linked to the crime.

Support can only be provided for injuries from the crime and not for other reasons. They can't pay for benefits needed because of other problems that are unrelated to the crime.

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TIP

About Peace Bonds

- Provide details about why you are requesting one.
- Police decide whether they support the bond.
- It is valid in all provinces
- There is no fee.
- It is good for one year.
- Your case must be presented in criminal court

TIP

Restraining Orders

- You don't need to have a lawyer to file an order
- There is no fee in Provincial Court, but it costs \$200 to file the order in Supreme Court
- There is no time limit on a restraining order
- A restraining order is usually enforced in the province you filed it in
- Your case will be presented in Family Court

TIP

Be aware...

As a Sex Worker, your safety and protection should fall within the public interest, but you may want to get the support of an advocate to ensure your rights and needs are prioritized.

What is a Peace Bond?

It is an order of protection made by a judge in criminal court to protect you against anyone. To get one, **call 911** and ask for an **"810 Recognizance"**

What is a Restraining Order?

It is an order of protection made in civil court against a family member or ex family member only.

Crown Counsel

Crown Counsel Lawyers work for the government and represent the interest of the public; **they are not your lawyer!** They decide if there is enough information to pursue your case. This decision should be based on **evidence and not your occupation.**

If Crown Counsel approves your case, charges will be laid, there will be a trial and you will receive a subpoena to appear in court. Keep in mind, **sentences vary** and are based on prior offences, personal history and impact of the crime on the victim.

We strongly recommend that you access Victim Service workers who are mandated to provide you with support and options.

Victim Safety Unit

The Victim Safety Unit works to ensure victim safety by:

- notifying victims about the release or status of offenders;
- providing victims and family members with travel funds to attend court;
- making sure victims know about supports and have access to resources.

Victim Impact Statements:

A Victim Impact Statement is a written report about how the crime has affected the victim, physically, emotionally and financially. It does not include details about the crime. The statement is used in court by the judge to determine sentences. How the crime has affected the victim is important to share because crimes against sex workers often go unreported.

Crimes against sex workers have real impact on our lives and the lives of those who love us and ending violence against us must fall within the public interest.

A Victim Services Worker can help you write a statement or you can ask an advocate or someone you trust to write one on your behalf.

Resources:

Legal Resources

Legal Services Society
www.lss.bc.ca

VictimLINK
1-800-563-0808

Victim Safety Unit
1-877-315-8822

British Columbia Victim of Crime Act
www.qp.gov.bc.ca/statreg/stat/V/96478_01.htm
or phone VictimLINK to request a copy via mail

Sex Worker Resources

Vancouver

Hustle (TBA)?

Mobile Access Project
604-720-7686
Orchid Project
604-727-4737
PACE Society
604-872-7651
PEERS Vancouver
604-681-3044
SWAN 604-719-6343
WISH Drop-in
604-669-9474

Surrey

Surrey Women's Center
604-583-1295

Victoria

PEERS Victoria
1-888-733-7722

Kamloops?

Prince George

New Hope Society
1-866-286-8680

Be Aware

The accused has rights!

Be aware that the accused has rights and he/she can: hire a lawyer, enter into a diversion program, be found not guilty and let go, plead guilty, be convicted and sentenced, be imprisoned and then paroled, be sentenced to probation or community service.