

Criminalization and Law Enforcement Campaigns as a Compounding Contributor to Gender-Based Violence against Racialized Sex Workers

Final Report

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Executive summary

Our knowledge synthesis project is part of a larger research and communication initiative entitled *Beneath the Red Umbrella: Sex and Solidarity!* The larger, multi-media project focuses on the harms of criminalizing sex work (prostitution) and conflating it with trafficking, the rights of sex workers, and the governance of sex work in Canada and the US. The overarching problem we seek to address is the vulnerability of sex workers created in large part by criminal laws specific to their industry and certain anti-trafficking campaigns, all of which is well established in research literatures. Instead of conceptualizing sex workers as victims, however, we understand them as governance actors as they mobilize in “by, with, and for” civil society organizations. These organizations engage in day-to-day governance by providing sex-worker communities with support services, sharing resources to reduce harms, and advocating for policy change at local and national levels.

Our research team includes academics, activists, and artists, all of whom have scholarly expertise on the sex industry and are committed to advancing sex worker rights. Together we are developing a series of comic strips aimed at starting conversations about sex work, the harms of stigma and criminalization, the need to uphold the human and labor rights of all workers, and the importance of understanding those who sell or trade sexual services as vital actors in the governance of their industry. These open-access comic strips will be incorporated into a hybrid, book-length monograph. Ultimately, we hope that our work serves the ends of destigmatizing and decriminalizing sex work, advancing the rights of sex workers, and empowering them in their governance capacities.

For this smaller project, we reviewed the academic and civil society literatures on the harms of criminal laws specific to sex work and anti-trafficking law enforcement campaigns that target sex workers, especially for racialized/minoritized sellers of sexual services. Our methodology included a comprehensive search for both types of literature, a careful read of each piece, and an inductive analysis of dominant themes. We then developed two scripts based on salient themes and had these developed into comic strips.

The key results of this review are the following:

- Sex workers in Canada and the US have long identified the increased risks of violence created by criminal laws around sex work, as well as certain anti-trafficking enforcement campaigns
- Peer-reviewed research confirms that criminal laws and certain enforcement campaigns displace sex workers to isolated areas where they are more vulnerable to predators, make them reluctant to report violence against them, and limit their access to health-care support
- Peer-reviewed research also confirms that criminalization limits sex workers’ ability to adequately govern their industry (e.g., network, unionize, provide support services), which compounds risks of violence and of diminished health

- Indigenous, Black, and Asian sex workers face much higher risks of violence, which are exacerbated by criminalization and racism
- Im/migrant sex workers also face higher risks, which are exacerbated by criminalization, including anti-trafficking law enforcement campaigns and immigration laws
- Because of laws and law enforcement campaigns, Indigenous, Black, Asian, and im/migrant, sex workers are much less likely to trust authorities
- Rather than preventing violence against sex workers and preventing human trafficking, criminalization and law enforcement campaigns contribute to conditions in which these crimes are more likely to occur

The practical implications include the need for the following:

- Empowering civil society organizations that are “by, with, and for” sex workers
- Destigmatizing sex work and sex workers
- Combating misinformation about the sex industry
- Educating policy makers, law enforcement officials, and the general public about sex work
- Removing criminal laws specific to sex work and ending law enforcement campaigns that conflate sex work with trafficking

Background

This knowledge synthesis project is part of a larger research and communication initiative entitled *Beneath the Red Umbrella: Sex and Solidarity!* This larger, multi-media project focuses on the harms of criminalizing sex work (prostitution) and conflating it with trafficking, the rights of sex workers, and the governance of sex work in Canada and the US. The research team includes academics, activists, and artists, all of whom have scholarly expertise about the sex industry and are committed to advancing sex worker rights. Our objectives are to develop and apply an approach to research that understands sex workers and their “by, with, and for” organizations as governance actors. “By, with, and for” organizations are those where a majority of their staff, board, and members are current and former sex workers. These organizations are crucial in supporting sex workers on a daily basis, advancing their human and labor rights, and advocating for policy change. Based on the large body of evidence in peer-reviewed and civil society literatures demonstrating that stigma against sex workers and criminal laws specific to selling sexual services increases risks of harms to sex workers, we seek to conduct our research in solidarity with these organizations to bolster their endeavors to support sex workers, advocate for their rights, and decriminalize sex work.

We are developing a series of comic strips aimed at starting conversations about sex work, the harms of criminalization, the importance of human rights, and the empowerment of sex workers. These open-access comic strips will be incorporated into a hybrid, book-length monograph.

While it is true that sex workers face higher rates of violence than other workers, sex work is not intrinsically violent. Rather, it is the environment in which sex work takes place that affects both the magnitude of harms and the probability of them occurring. Criminal laws around sex work are proven to contribute to harms against sex workers, yet criminalization remains dominant world-wide. Criminalization of communication between sex workers and their clients leads to rushed and furtive transactions where it is difficult to reach consent leaving sex workers in unsafe situations. Prohibitions on working in public also inhibit sex workers’ ability to negotiate with clients and leads to increased police surveillance and harassment. These impacts are experienced more acutely by racialized and minoritized (also referred to as BIPOC) sex workers who face discrimination based on their identity in addition to being profiled as sex workers. Laws that criminalize people who assist sex workers with their professional activities, such as managers, receptionists, bodyguards, drivers, and advertisers, isolate sex workers and make it more difficult to work safely.

In recent years, this line of work has become conflated with human trafficking to the extent that many police agencies see all sex work as exploitative and coercive. Certain anti-trafficking initiatives profile racialized women, in particular Asian women, as victims of human trafficking. Racialized sex workers who are caught up in these broad anti-trafficking campaigns often find themselves in immigration detention and ultimately deported causing them untold harm. As a

result, racialized sex workers are afraid of police and are reluctant to call them when they experience robbery or assault.

It was important to our research team that we work in solidarity with sex workers in their struggles for rights, justice, and liberation. As such, we developed a conception of political solidarity that involves conceptualizing our research design to ensure that sex workers are not victimized but are understood as governance actors and directing our resources toward research that is useful to these communities in their endeavors to end the injustice and oppression they experience. Our aim was also to continually try to address and minimize our participation in racism and to support the resurgence of Indigenous peoples and cultures and the emancipation of Black and Brown people from violence and discrimination. For us, solidaristic research and theory necessarily involves direct engagement and relationships with community members. It involves ongoing, genuine dialogue with those in justice struggles and empathetic scrutiny to bolster their claims and amplify their voices. It also involves actively working to minimize and address power imbalances. This approach to research is explicitly political in that it seeks to change public beliefs, practices, policies, institutions, and governance regimes in order to end oppression and injustice. It is also scholarly in that it upholds basic principles of social science research.

How we articulate our analysis and findings is also a deliberate expression of solidarity. It is well known that comics can be thought provoking and can stimulate deeper conversations. Our comic strip series, featuring university students Selina, Jaz and Julie, are designed to inform broader publics about issues related to sex work and to facilitate more thoughtful, evidence-based discussions about how to address these issues. Our comics present information on the harms of criminalization, the importance of a human-rights approach to sex work, and the empowerment of sex workers in an easily-accessible format. The comic series follows the three students through an academic year where they learn about and discuss various topics relating to sex work.

Objectives

Our overarching objective is to develop and apply an approach to research that empowers sex workers and their “by, with, and for” organizations. Objectives specific to this smaller project include the following:

- 1) Thematically review the academic and civil society literatures on harms of criminal laws around sex work and anti-trafficking law enforcement campaigns, especially for racialized/minoritized sex workers;
- 2) Develop scripts based on salient themes in these literatures;
- 3) Develop these scripts into comic strips.

Through our comic strips, we hope to advance informed conversations about sex work, the harms of criminalization, the importance of human rights, and the empowerment of sex workers. Ultimately, we hope that our work contributes to destigmatizing and decriminalizing sex work, advancing the rights of sex workers, and empowering them.

Methods

Our methodology for our review of the literatures included a comprehensive search for materials by academics and by sex worker rights activists and organizations. It involved a careful read of each piece, and an inductive analysis of dominant themes. We then developed scripts based on salient themes and involving our characters Selina, Jaz, and Julie. We then had these developed into comic strips.

It was important to us that we drew from both academic and civil society literatures on harms of criminalization and anti-trafficking initiatives on sex workers. We focused on literatures primarily from Canada, the US, and the UK because sex work is criminalized in all three countries with some variations among them. While it is generally acknowledged that academic literature represents a source of expert knowledge, we argue that the same can be said for literature produced by sex work organizations. Sex work organizations are in daily contact with sex workers, and they can therefore authentically report on what sex workers are saying about the oppression and injustice they experience. This is also part of our responsibility as researchers to work alongside the community we are researching, in this case sex workers, and to listen and take what they say seriously as they are the true experts. We conducted a comprehensive search for both types of literature. We then did an inductive analysis of each piece looking for dominant themes. We checked in frequently with sex work organizations to ensure that the themes we were discovering corresponded with their own expertise and to seek help in the development of scripts for our comic series.

The most important, overarching theme that we identified was that criminalization of sex work and certain anti-trafficking initiatives interfere with sex workers' safety strategies, increasing their risks of violence and exploitation. Enforcement of sex work laws has a number of impacts including displacing sex workers to isolated areas where they are more vulnerable to predators. Sex workers have an adversarial relationship with police and do not call on them when they are assaulted or robbed meaning predators can act with impunity. Criminalization also interferes with sex workers' labour rights generally leaving them without the ability to unionize, organize and to provide support services. The literature confirmed that Indigenous, Black, and Asian sex workers face increased criminalization and harassment due to racism and discriminatory immigration laws. BIPOC sex workers also face higher risks of violence, which are exacerbated by both criminalization and racism. Im/migrant sex workers also face higher risks of violence and exploitation due to racism and discriminatory immigration laws. These sex workers are much less likely to trust law enforcement due to laws and enforcement campaigns. Overall, rather than addressing violence and exploitation in the sex industry, sex work laws and enforcement campaigns make sex workers more vulnerable.

For our comic strips, the research team collaborated on all aspects of their production. Based on academic and civil society literatures, each script was developed to explore a particular theme emerging from the literature reviews. That draft script would then be shared with the script team sub-group where edits would be made. This second version of the script would then be shared with the entire research team for any further feedback. Depending on the content of

the script, we would also share it with “by, with, and for” sex work organizations for their input which we would incorporate into the final version of the script. The script would then go to our illustrator who would do a rough sketch of the comic strip which would be shared with the research team. After further edits, a completed comic would be produced by the illustrator and shared with the research team for any final changes. Some of the comics have been shared on social media and in sex-work related newsletters and websites. They have received very positive attention.

Results

Sex workers in Canada and the US have long identified the increased risks of violence created by criminal laws around sex work, as well as certain anti-trafficking enforcement campaigns.

For many years, sex workers in both Canada and the US have clearly articulated that criminal laws around sex work, as well as certain anti-trafficking enforcement campaigns, contribute to an environment where sex workers are more vulnerable to violence and exploitation. Some researchers argue that the criminalization of sex work which leads to these negative impacts on sex workers amounts to human rights violations.¹ Laws that prohibit sex workers from communicating with clients in public make it difficult for sex workers to properly negotiate the terms of a transaction, take safety precautions, and evade law enforcement.² Not only are more comprehensive conversations serving to screen prospective buyers and to establish consent

¹ Brenda Belak and Darcie Bennett, *Evaluating Canada's Sex Work Laws: The Case for Repeal* (Vancouver BC: Pivot Legal Society, 2016), 47, <http://www.pivotlegal.org/evaluating-canada-s-sex-work-laws-the-case-for-repeal/>; See also Canadian Alliance for Sex Work Law Reform, *Safety, Dignity, Equality: Recommendations for Sex Work Law Reform in Canada* (Toronto, ON: Canadian Alliance for Sex Work Law Reform, 2017), <http://sexworklawreform.com/wp-content/uploads/2017/05/CASWLR-Final-Report-1.6MB.pdf>; Canadian Alliance for Sex Work Law Reform, *Joint Stakeholder Submission to the Universal Periodic Review of Canada 30th Session of the Office of the High Commissioner for Human Rights* (Toronto, ON: Canadian Alliance for Sex Work Law Reform, 2018), <http://sexworklawreform.com/wp-content/uploads/2019/02/CASWLR-UPR-FINAL.pdf>; Canadian Alliance for Sex Work Law Reform, "About Us," Canadian Alliance for Sex Work Law Reform, Accessed 12 April, 2019, <http://sexworklawreform.com/about-us/>; Canadian Alliance for Sex Work Law Reform, *Moving Backwards in the Fight Against Human Trafficking in Canada: An Analysis of and Response to the Report of the Standing Committee on Justice and Human Rights*, (Toronto, ON: Canadian Alliance for Sex Work Law Reform, 2019), <http://sexworklawreform.com/blog/>; and POWER - Prostitutes of Ottawa/Gatineau Work, Educate and Resist, *Sex Worker Rights Group Condemn the Raids on Massage Parlours that Led to the Deportation of Eleven Women* (2015).; Chris Bruckert, "Protection of Communities and Exploited Persons Act: Misogynistic Law Making in Action," *Canadian Journal of Law and Society* 30, no. 1 (2015): 1-3, <https://doi.org/10.1017/cls.2015.2>.

² Tara Santini et al., *Upholding and Promoting Human Rights, Justice and Access for Migrant Sex Workers: Criminal Law and Migrant Sex Workers' Rights* (Toronto, On: Butterfly – Asian and Migrant Sex Workers Support Network, 2017), 6, https://www.butterflysw.org/files/ugd/5bd754_7e9b78110c594d959c9af10a47f176b6.pdf; Jacqueline Lewis and Frances Shaver, *Safety, Security and the Well-Being of Sex Workers: A Report Submitted to the House of Commons Subcommittee on Solicitation Laws* (Windsor, ON: Sex Trade Advocacy and Research, 2006), 1-45.; Amy Prangnell et al., "Workplace Violence among Female Sex Workers Who Use Drugs in Vancouver, Canada: Does Client-Targeted Policing Increase Safety?" *Journal of Public Health Policy* 39, no. 1 (2018): 86-99, <https://doi.org/10.1057/s41271-017-0098-4>.

rendered exceedingly difficult by criminal laws, but so are conversations to establish indoor locations for transactional sex – locations that are typically safer than the street.³ Sex work organizations also report that sex workers are harassed by law enforcement, which is of particular concern for Indigenous sex workers.⁴ The shuttering of online advertising spaces for sex workers due to criminal laws makes it difficult for sex workers to advertise, to negotiate conditions with clients in advance, and contributes to the disappearance of “virtual lounges” where sex workers share information with each other about problematic clients and aggressors.⁵ Laws against materially benefitting from sex work criminalize sex workers’ personal and professional relationships isolating them from people who could help keep them safe.⁶ Finally, certain anti-trafficking initiatives have effects similar to those of criminal laws prohibiting the selling and/or buying of sexual services. For example, these campaigns tend to push sex work further underground, which can increase sex workers’ vulnerability to violence and exploitation.⁷

Peer-reviewed research confirms that criminal laws and certain enforcement campaigns displace sex workers to isolated areas where they are more vulnerable to predators, make them reluctant to report violence against them, and limit their access to health-care support.

Enforcement of sex work laws in public spaces has the effect of displacing street-based sex workers to more isolated, less populated areas in cities in order to avoid detection by law enforcement. These areas tend to be more dangerous for sex workers and increases their risks

³ Santini et al., *Upholding and Promoting Human Rights*, 6.; Vicky Bungay and Adrian Guta, “Strategies and Challenges in Preventing Violence Against Canadian Indoor Sex Workers,” *American Journal of Public Health Research* 108, no. 3 (2018): 393-398, <https://doi.org/10.2105/AJPH.2017.304241>.

⁴ Santini et al., *Upholding and Promoting Human Rights*, 25.; Cecilia Benoit and Alison Millar, *Dispelling Myths and Understanding Realities: Working Conditions, Health Status, and Exiting Experiences of Sex Workers*, (Victoria, BC: PEERS, 2001), 1-116, <https://www.understandingsexwork.ca/sites/default/files/uploads/10%2026%202012%20Dispelling%20Myths%20Benoit%20%26%20Millar.pdf>.; See also Cecilia Benoit et al., *Gender, Violence and Health. Contexts of Vulnerabilities, Resiliencies and Care among People in the Sex Industry* (Ottawa, ON: Canadian Institute of Gender & Health, 2014), 1-27, <https://www.nswp.org/resource/research/gender-violence-and-health-contexts-vulnerability-resiliencies-and-care-among>;

⁵ Santini et al., *Upholding and Promoting Human Rights*, 7.

⁶ Ibid. See also Belak and Bennett, *Evaluating Canada’s Sex Work Laws*, 59.; Peers Victoria Resources Society, *Sex Work and the Legal Environment* (Victoria, BC: Peers Victoria Resources Society, 2014).; Bruckert, “Protection of Communities and Exploited Persons Act,” 1-3.; Kate Shannon, “The Hypocrisy of Canada’s Prostitution Legislation,” *Canadian Medical Association Journal* 182, no. 12 (2010): 1388, <https://doi.org/10.1503/cmaj.100410>.

⁷ Canadian Alliance for Sex Work Law Reform, *Joint Stakeholder Submission*.

for violence and exploitation.⁸ In addition, the policing of sex work in public spaces creates an adversarial relationship between sex workers and police, so many sex workers will not turn to police to report crimes against them.⁹ Criminalization of sex work can also lead to barriers to health care, particularly for im/migrant sex workers who fear disclosing their participation in sex work to health care providers.¹⁰

Peer-reviewed research also confirms that criminalization limits sex workers' ability to adequately govern their industry (e.g., network, unionize, provide support service), which compounds risks of violence and of diminished health.

Peer-reviewed research and literature from sex work organizations also confirms that criminalization limits sex workers' ability to adequately govern their industry. Unlike other workers, sex workers do not have access to labour rights and protections due to criminalization, and are therefore vulnerable to labour abuse in the sex industry.¹¹ Sex workers are frequently subject to being made to work long hours and to take clients they don't want. Disagreements over pay are common. Thus, exploitation by managers and increased vulnerability to violence is facilitated by criminalization.¹² In addition, some of the organizing activities that sex workers engage in are inhibited by criminalization. For example, in the US, ongoing surveillance and harassment by police make distributing harm reduction supplies to sex workers, including condoms and safe injection kits, much more difficult.¹³ Distribution of harm reduction materials is critical in the fight against HIV/AIDS.

Indigenous, Black, and Asian sex workers face much higher risks of violence, which are exacerbated by criminalization and racism.

Indigenous, Black, and Asian sex workers face much higher risks of violence, which are exacerbated by criminalization and racism. Racialized sex workers face persistent police harassment, and this harassment often occurs on the basis of participation in the sex industry in

⁸ Tara Santini et al., *Upholding and Promoting Human Rights*, 6.; Putu Duff et al., "Poor Working Conditions and Work Stress among Canadian Sex Workers," *Occupational Medicine* 67, no. 7 (2017), 515-521, <https://doi.org/10.1093/occmed/kqx092>.

⁹ Leonard Cler-Cunningham and Christine Christensen, *Violence against Women in Vancouver's Street Level Sex Trade and the Police Response* (Vancouver, BC: PACE Society, 2001).; Benoit and Millar, "Dispelling Myths," 1-116.

¹⁰ Julie Sou et al., "Recent Im/Migration to Canada Linked to Unmet Health Needs among Sex Workers in Vancouver, Canada: Findings of a Longitudinal Study," *Health Care for Women International* 38, no. 5 (2017): 492-506, <https://doi.org/10.1080/07399332.2017.1296842>.; Benoit et al., *Gender, Violence and Health*, 1-27.; Duff et al., "Poor Working Conditions," 515-521.

¹¹ Bungay and Guta, "Strategies and Challenges," 393-398.

¹² Peers, *Sex Work, and the Legal Environment*, 3.

¹³ Best Practices Policy Project et al., *Human Rights Violations of Sex Workers*, 7.

combination with other aspects of their identities that are minoritized and marginalized.¹⁴ For Indigenous women, policing can be seen as an extension of the violence of colonialism, including displacement from traditional lands and waters onto reserves and into residential schools, the child apprehension system, and other systems that perpetuate the genocide of Indigenous women and girls. The criminalization of sex work is an extension of this history of legal and legally-sanctioned violence against Indigenous people, in this case Indigenous women in the sex industry. The law puts them at an increased risk of violence at the hands of perpetrators and at an increased risk of harmful interactions with law enforcement, which can result in incarceration and other harms.¹⁵ Similar arguments are made in the US with respect to Black sex workers and other sex workers of color, who have experienced similar forms of displacement, cultural assault, and violence, and who are also overrepresented in the criminal justice system, likely due to their racialized identity and participation in the sex trade.¹⁶ Although the historical contexts of Black sex workers in Canada and the US are different in many respects, both face challenges intensified by systemic racism. Lack of economic security contributes to even greater vulnerability for Black sex workers, which, when combined with fear of and lack of trust in police, further increases susceptibility to violence and crime.¹⁷ Asian sex workers are stereotyped as passive victims which leads to increased intervention by law enforcement.¹⁸ Decision-making tools that are designed to assist law enforcement to ascertain

¹⁴ Canadian Alliance for Sex Work Law Reform, *List of Issues Prior to Reporting: Canada's Compliance with the Convention on Elimination of All Forms of Racial Discrimination* (Toronto, ON: Canadian Alliance for Sex Work Law Reform, 2017), 3, [Canadian-Alliance-CERD-submission-for-Issues-Prior-to-Reporting.pdf](https://www.sexworklawreform.com/files/2017/06/Canadian-Alliance-CERD-submission-for-Issues-Prior-to-Reporting.pdf) (sexworklawreform.com).

¹⁵ Canadian Alliance for Sex Work Law Reform, *List of Issues Prior to Reporting: Canada's Compliance with the Convention on Elimination of All Forms of Racial Discrimination. Submission to the United Nations Committee on the Elimination of Racial Discrimination, 93rd Session* (2017), 3.; Sarah Hunt, "Decolonizing Sex Work: Developing an Intersectional Indigenous Approach," in *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, eds. Emily van der Meulen et al. (Vancouver: UBC Press, 2013), 82-100.; Naomi Sayers, "Municipal Regulation of Street-Based Prostitution and Impacts on Indigenous Women: A Necessary Discussion," *Red Light Labour*, 57-66.

¹⁶ Best Practices Policy Project et al., *Human Rights Violations of Sex Workers*; See also Coyote RI and SWOP Seattle, "Coyote RI Impact Survey Results – 2018," 2018, https://docs.google.com/presentation/d/1KBsVBQh7EsRexAyZacaf_fUvvsVb2MR1Q30_gV7Jegc/edit#slide=id.p.; Santini et al., *Upholding and Promoting Human Rights*.; Robyn Maynard, "Do Black Sex Workers' Lives Matter? Whitewashed Anti-Slavery, Racial Justice, and Abolition," in *Red Light Labour: Sex work regulation, agency, and resistance*, eds. Emily van der Meulen, Elya M. Durisin and Chris Bruckert (Vancouver, BC: UBC Press, 2018), 281-292.

¹⁷ NSWP, "Shrinking Spaces and Silencing Voices," *Global Network of Sex Work Projects* (Edinburgh: NSWP, 2020), <https://www.nswp.org/resource/nswp-briefing-papers/briefing-paper-shrinking-spaces-and-silencing-voices>.

¹⁸ Jamie Chai Yun Liew, "The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada," *Studies in Social Justice* 14, no. 21 (2020): 90-116, <https://doi.org/10.26522/ssj.v2020i14.2144>.

if someone is being trafficked often lead to the detention, interrogation, and arrest of Asian sex workers as they are assumed to be victims of human trafficking.¹⁹ However, if they assert that they are working in the sex industry voluntarily, they are often then subjected to a protracted investigation into their immigration status to determine whether they worked illegally in the sex industry.²⁰

Im/migrant sex workers also face higher risks, which are exacerbated by criminalization, including anti-trafficking law enforcement campaigns and immigration laws.

Im/migrant sex workers also face heightened risks of violence due to the impact of certain anti-trafficking campaigns. They are tenuously positioned by their citizenship, immigration and employment status. For example, in Canada im/migrant sex workers face not only sex work criminalization but they are also prohibited from working in the sex industry by immigration regulations. This creates a hostile environment where im/migrant sex workers avoid law enforcement.²¹ Decision-making tools that are designed to assist law enforcement to ascertain if someone is being trafficked often lead to the detention, interrogation, and arrest of sex workers.²² Police will set up sting operations on sex workers, ostensibly to see if they are trafficked but which also leads to the detention, interrogation, and arrest of sex workers.²³ These anti-trafficking efforts have the effect of pushing sex work further underground where there is greater risk that violence and exploitation will occur.²⁴ Likely the single greatest harm to im/migrant sex workers is workplace raids by Border Services and bylaw officers. These raids can lead to immigration detention and deportation.²⁵ Im/migrant sex workers are also vulnerable to workplace abuse as they are working in the sex industry illegally and therefore

¹⁹ Elene Lam and Annalee Lepp, "Butterfly: Resisting the Harms of Anti-Trafficking Policies and Fostering Peer-Based Organizing in Canada," *Anti-Trafficking Review* 12 (2019): 91-107, <https://doi.org/10.14197/atr.201219126>.

²⁰ Lam & Lepp, 99.

²¹ Alison Clancey, *Realities of the Anti-Trafficked: How Canada's Human Trafficking Response Increases Vulnerability for Im/migrant Sex Workers: Brief to the Standing Committee on Justice and Human Rights on Human Trafficking*, (Vancouver, BC: SWAN, 2018), 1-2.; Liew, "The Invisible Women," 90-116.

²² Lam and Lepp, "Butterfly: Resisting the Harms of Anti-Trafficking Policies," 91-107.

²³ Ibid.

²⁴ Canadian Alliance for Sex Work Law Reform, *Joint Stakeholder Submission to the Universal Periodic Review of Canada 30th Session of the Office of the High Commissioner for Human Rights* (2018).

²⁵ Loretta Mui and Elene Lam, "Fanny's Story - A Migrant Sex Worker Who Was Arrested and Detained in Canada," *Butterfly: Asian and Migrant Sex Workers Support Network*, Accessed 2 March 2021, https://docs.wixstatic.com/ugd/5bd754_26e05b9179164105bca95697ba43887b.pdf.

have no recourse against unfair, exploitative and dangerous working conditions.²⁶ In addition, im/migrant sex workers face barriers to accessing health care, including STI testing, due to their immigration status and stigma against sex work.²⁷ Violence against im/migrant sex workers is clearly not prevented but is, in fact, exacerbated by sex work-specific criminal offences and immigration regulations.²⁸

Because of laws and law enforcement campaigns, Indigenous, Black, and Asian, and im/migrant, sex workers are much less likely to trust authorities.

Indigenous, Black, Asian, and im/migrant sex workers are all subject to racial profiling, increased police surveillance, and harassment based on their intersecting identities as racialized people and sex workers.²⁹ There is a long history of distrust between sex workers and police which means that sex workers will rarely call on police when they have been the victim of a crime.³⁰ Im/migrant sex workers are sometimes not provided with an interpreter when interacting with law enforcement.³¹ Im/migrant sex workers are often assumed to be victims of human trafficking and therefore avoid services so as not to be mistreated.³²

Rather than preventing violence against sex workers and preventing human trafficking, criminalization and law enforcement campaigns contribute to conditions in which these crimes are more likely to occur.

While the elevated risks of violence against sex workers are undeniable, the context in which this work takes place directly affects both the magnitude of harms and the probability of them

²⁶ Lam and Lepp, “Butterfly: Resisting the Harms of Anti-Trafficking Policies,” 99.; Hayli Millar and Tamara O’Doherty, *The Palermo Protocol & Canada: The Evolution and Human Rights Impacts of Antitrafficking Laws in Canada*. (Vancouver, BC: UBC Press, 2015).

²⁷ Sou et al., “Recent Im/Migration to Canada,” 492–506.

²⁸ Santini et al., *Upholding and Promoting Human Rights*.

²⁹ Naomi Sayers, “Municipal Regulation of Street-Based Prostitution and Impacts on Indigenous Women: A Necessary Discussion,” in *Red Light Labour: Sex Work Regulation, Agency, and Resistance*, eds. Elya M. Durisin, Emily van der Meulen, and Christ Bruckert (Vancouver, UBC Press, 2018), 57-66.; Robyn Maynard, “Do Black Sex Workers’ Lives Matter?” 281-292.; Lam and Lepp, “Butterfly: Resisting the Harms of Anti-Trafficking Policies,” 99.

³⁰ Lewis and Shaver, *Safety, Security and the Well-Being of Sex Workers*, 1-45.

³¹ Best Practices Policy Project et al., *Human Rights Violations of Sex Workers* (2019), https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/RES_43_1/NGOsAndOthers/black-sex-worker-collective-new-jersey-red-umbrella-alliance.pdf.; Kimberly Mackenzie and Alison Clancey, *Im/Migrant Sex Workers, Myths and Misconceptions* (Vancouver, BC: SWAN, 2020), https://3ef32e5e-964e-4a01-a2dc-2292a5000739.filesusr.com/ugd/3a120f_1d90bc8e5a904bcbb7ef4b45fbfba931.pdf?index=true&fbclid=IwAR1X9TTdME5NYa4hP5BsA779d9DFSY_7vtAQ8wOAvIN2DevX9hRYxGFKSQA.

³² Best Practices Policy Project et al., (2019).; Kimberly Mackenzie and Alison Clancey, *Im/Migrant Sex Workers*.

occurring. That context is largely defined by policy – especially criminal laws around sex work and sex trafficking – and certain anti-trafficking campaigns. Based on scholarly research in Canada, the US, the UK, and New Zealand, we know that even if prohibitive policies around sex work do not *cause* these harms, they certainly serve in facilitating them. Laws, prohibitive policies and enforcement activities inhibit sex workers’ ability to engage in critical safety-enhancing behaviors which leaves them more vulnerable to violence and exploitation.³³ Thus, rather than protecting sex workers from harm, laws, prohibitive policies and law enforcement activities create an environment of vulnerability for sex workers.

³³ Benoit and Millar, *Dispelling Myths and Understanding Realities*, 1-116.; See also Benoit et al., *Gender, Violence and Health*, 1-27; Bruckert, “Protection of Communities and Exploited Persons Act,” 1-3.; Bungay and Guta, “Strategies and Challenges,” 393-398.; Stephanie Church et al., “Violence by Clients towards Female Prostitutes in Different Work Settings: Questionnaire Survey,” *British Medical Journal* 322, no. 7285 (2001): 524-525, <https://doi.org/10.1136/bmj.322.7285.524>.; Cler-Cunningham and Christensen, *Violence against Women*.; Duff et al., “Poor Working Conditions,” 515-521.; Lewis and Shaver, *Safety, Security and the Well-Being of Sex Workers*, 1-45.; John Lowman and Laura Fraser, *Violence Against Persons Who Prostitute: The Experience in British Columbia* (Ottawa, ON: Department of Justice Canada, 1995).; Prangnell et al., “Workplace Violence among Female Sex Workers,” 86-99.; Kate Shannon et al., “Prevalence and Structural Correlates of Gender Based Violence Among a Perspective Cohort of Female Sex Workers,” *British Medical Journal* 339, no. 7718 (2009): 442-445, <https://doi.org/10.1136/bmj.b2939>.; and Shannon, “The Hypocrisy of Canada’s Prostitution Legislation,” 1388.

Implications

The practical implications include the need for the following:

- *Empowering civil society organizations that are “by, with, and for” sex workers*
In our work, we highlight public advocacy efforts by some of the major sex worker organizations in Canada and the US. These efforts include advocating for justice for sex workers, raising awareness of the everyday harms that their members experience, and elucidating how these harms are exacerbated by the criminalization of activities associated with their trade. This work, often articulated in public statements and reports, represents a distillation of their key points and arguments in an effort to develop public awareness concerning the risks they face in doing their work in a criminalized context. These organizations are sources of knowledge, and their works are artifacts of knowledge. The voices of these organizations expressed through their work should be privileged in processes designed to reform the governance of sex work, not just to minimize the injustices against sex workers but also to ensure that sex workers can thrive in their line of work and beyond.
- *Destigmatizing sex work and sex workers*
Sex work is universally stigmatized as a degraded form of work that only desperate people would engage; in fact, the sex industry is incredibly diverse. Sellers of sexual services include individuals from a wide range of backgrounds who do this work for different reasons and in a variety of circumstances. We aim to help to destigmatize sex work and sex workers by amplifying the voices of sex workers and the organizations that support them in telling their own truth about their work and their lives.
- *Combating misinformation about the sex industry*
There is an enormous amount of misinformation about the sex industry and those who participate in it. In recent years, sex work has come to be conflated with human trafficking leading to policies and practices that are harmful to sex workers. We aim with this work to present current research on sex work and sex workers in an effort to educate on the realities of the sex industry.
- *Educating policy makers, law enforcement officials, and the general public about sex work*
Sex workers have been lobbying for the decriminalization of sex work around the world for many years. However, due to a general lack of understanding about sex work, various forms of sex-work criminalization exist in most countries. We hope through this work to amplify the voices of sex workers and to educate policy makers, law enforcement officials, and the general public about what sex work is and is not in the hopes that better laws and policies can be crafted that respect the human rights of sex workers.
- *Removing criminal laws around sex work and ending law enforcement campaigns that conflate sex work with trafficking*
Sex workers have for decades reported an adversarial relationship between themselves and law enforcement, meaning that most sex workers are reluctant to report crimes against them to the police. Underpinning this distrust are laws and law enforcement campaigns that erroneously conflate sex work with human trafficking. It is critical that

criminal laws around sex work are removed and law enforcement campaigns that conflate sex work with trafficking are halted so that sex workers can enjoy the protection of the law.

Knowledge Mobilization

Comics can deliver complex information in vivid, entertaining, and thought-provoking ways. As such, they can stimulate deeper conversations. Our comic strip series follow three university students – Selina, Jaz, and Julie – throughout a full year at university. Over the year, they learn more about what sex work is, the harms of stigma and of criminalization, and the importance of understanding sex workers as governance actors. Their friendship develops too, making difficult and nuanced conversations easier to navigate productively.

Our comics are designed to inform broader publics about issues related to sex work and to facilitate more thoughtful, evidence-based discussions about how to address these issues. We link two comic strips below (more can be found here: <https://anunusualacademic.com/comics/>)

[“Sex Work is Not Trafficking:
Jaz connects some dots and works through the implications with Selina and Julie...”](#)

[“Then Something Bad Happens: Selina gets stung”](#)

Conclusion

Public statements by support, advocacy, and activist organizations require that we attend to harms experienced by sex workers, both direct and indirect, and link them to stigmatization as well as criminalization. It is important that sex workers and their organizations are empowered to tell their truth as this is the most authentic information about the sex industry that exists. They require us to attend to the underlying causes or prior injustices enacted by criminal regimes and anti-trafficking policy. Whether the criminalization of sex work is prompted by prohibitionist, end-demand, or anti-trafficking perspectives, it is a major factor in bringing about direct harms to sex workers, such as increased rates of violence and compromised human and legal rights. These direct harms occur despite claims that laws around sex work and sex trafficking exist to protect the vulnerable. Moreover, these laws and law enforcement practices contribute in significant ways to indirect harms, such as decreased access to health care. Public statements by sex workers and their rights organizations do not merely testify in a documentary or anecdotal sense to the direct and indirect harms of criminalization. They offer nuanced and intersectional appraisals of the ways in which criminalization exacerbate the daily injustices faced by people who sell or exchange sexual services. Academic studies and reviews repeatedly reinforce the link between criminalization of sex work and harms and, on the basis of the insights of sex worker rights organizations, we argue that these harms are best understood as injustices that occur daily and in plain sight.

An aim of research in the social sciences is understanding truth in its full complexity. The truth is complex, and people often have competing understandings of it. As researchers, we have responsibilities specific to examining these understandings, to assessing them, and to making determinations about where the truth lies. But what if the truth is exposed as exclusion, marginalization, exploitation, dispossession, violence, or another form of oppression? In such cases, is it not also the role of researchers to advocate for the end of the particular oppression, or combination of oppressions, and ultimately for justice? We believe that it is. For this work, our goal was to work in solidarity with the sex work organizations whose public statements we drew from. This meant checking back in with them frequently to see if our interpretation of their work matched their expertise. It meant amplifying their voices in our work. Certainly, all of us have responsibilities to avoid causing harm, but those who have material resources, social status, and political power (all of which is gendered and racialized) have particular responsibilities to harness those resources toward doing good (e.g., toward empowering those less privileged). We believe that we have responsibilities to engage in research that explicitly empowers peoples and communities who experience oppression and who work in pursuit of both truth and justice.

Our series of comics is designed to spark informed conversations on the topic of sex work. Information about the criminalization of sex work, including anti-trafficking initiatives, the human rights of sex workers, research on sex work, and the safety of sex workers among other topics are all presented in an engaging and accessible manner. The scripts for the comics were carefully developed by our script team, which included members with lived experience of sex work, and were shared with sex work organizations to ensure they accurately addressed the

experiences of sex workers. We hope these comics will be effective in mainstreaming informed conversations about sex work and sex workers and to combat harmful myths around sex work. Ultimately, we hope that our work serves the ends of destigmatizing and decriminalizing sex work, advancing the rights of sex workers, and empowering them.

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