

**IM/MIGRANT
SEX WORKERS,
MYTHS AND
MISCONCEPTIONS**

**REALITIES
OF THE
ANTI-TRAFFICKED**
2nd EDITION

About SWAN Vancouver Society

SWAN Vancouver Society (SWAN) promotes the rights, health, and safety of im/migrant women engaged in sex work through front-line service delivery and systemic advocacy. More information is available on our website: www.swanvancouver.ca.

The Palermo Protocol and Canada: The Evolution and Human Rights Impacts of Anti-Trafficking Laws in Canada (2005-2015)

This advocacy toolkit was first created in 2015, from a collaborative research project funded by the Law Foundation of British Columbia, *The Palermo Protocol & Canada Ten Years on: The Evolution of Human Rights Impacts of Anti-Trafficking Laws in Canada*.

As part of this project, primary investigators Drs. Tamara O’Doherty and Hayli Millar undertook a legal analysis of the evolution and enforcement of anti-trafficking legislation, conducted interviews with criminal justice practitioners with direct experience related to anti-trafficking efforts in Canada, and convened three focus groups at SWAN. The themes from the focus groups formed the basis of this toolkit, which was later updated in 2020 to reflect the ongoing evolution of anti-trafficking efforts in Canada.



SWAN Vancouver Society
Culturally-Specialized Supports & Advocacy
for Im/Migrant Women Engaged in Indoor Sex Work

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Executive Summary

Human trafficking is an area of inquiry that receives an immense amount of attention from law enforcement, government, media and the philanthropic and non-governmental sectors. The term itself is often conflated with sex work, exploitation and migration for work.

Due to this conflation, we actually know very little about the magnitude of human trafficking in Canada. Despite this, a variety of unsubstantiated statistics and claims are used by awareness campaigns and fundraising efforts. People donate millions of dollars to an ill-defined problem, sometimes with no understanding of how harmful the mainstream narrative is for sex workers, especially migrant and immigrant (im/migrant) sex workers.

When SWAN was conceived in 2002, ‘human trafficking’ was not even a criminal offence in Canada. Over the last 15 years, we have seen a reframing of migrant and immigrant sex work as human trafficking, effectively erasing the lived experiences of im/migrant women who do sex work. This reframing has had a detrimental impact on the women who SWAN supports. Indeed, when im/migrant sex workers tell their stories, they are resourceful, hard-working, self-determined and resilient.

This uncritical discourse informs a variety of anti-trafficking efforts that violate the rights of im/migrant sex workers and make them more vulnerable to violence and victimization, despite intending to protect them. It has led to the expansion of criminal laws related to sex work and trafficking, as well as immigration laws, resulting in the increased surveillance and ongoing criminalization of im/migrant sex workers through workplace raids and other anti-trafficking initiatives. The mainstream discourse has also led to an increased popularity in training everyday citizens to spot the signs of human trafficking using an ever-growing list of ‘red flag’ indicators that most often target sex workers and other marginalized and racialized communities, without actually identifying true victims of trafficking.

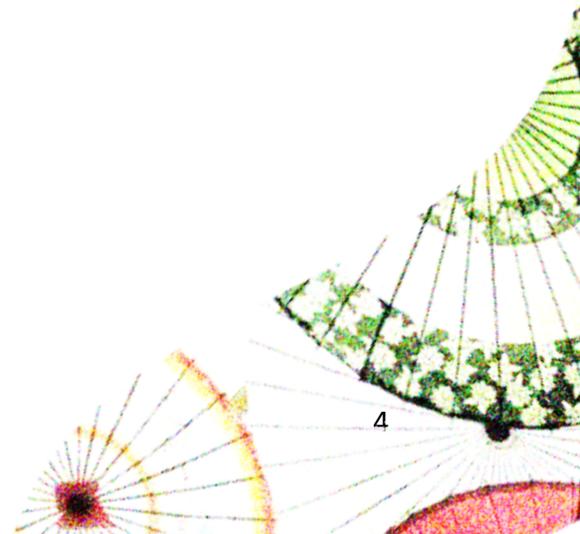
This conflation of sex work and trafficking and the targeting of sex workers in anti-trafficking efforts in Canada has led to a variety of harmful impacts for the health and safety of im/migrant sex workers. One of the greatest harms of anti-trafficking efforts is increased sex work stigma and misinformation, which contributes to barriers to justice, barriers to accessing community services, and impacts on workplace safety for sex workers. These harms are further perpetuated by workplace raids and increased surveillance by law enforcement.

The trafficking narrative has also heavily influenced how organizations are funded to do anti-trafficking work. Sex work organizations operate on very little core funding, while other mainstream organizations who conflate sex work and trafficking – and are often anti-sex work – operate on millions by purporting to support victims of trafficking while harming sex workers in the process.

This advocacy toolkit was first created in 2015 and has since been updated to reflect the ongoing evolution of anti-trafficking efforts in Canada. With this advocacy toolkit, we hope to inform the public about the realities facing the women SWAN supports and about the negative impacts of well-intentioned, but often harmful anti-trafficking efforts. We give meaningful suggestions on ways to move towards more ethical anti-trafficking supports and services, and what you can do to be more critical of the anti-trafficking narrative. We suggest differentiating sex work and trafficking, being cognizant of your motivations for supporting a human trafficking campaign, checking your sources, supporting human trafficking initiatives that address root causes, and ensuring anti-trafficking initiatives include those that they purport to help in the design and delivery.

While we acknowledge that victimization can occur in the sex industry, the assumption that all im/migrant sex workers are victims of human trafficking is inaccurate. Indeed, this assumption can prevent im/migrant sex workers and trafficked persons' voices from being heard.

We hope that this resource helps to provide a more nuanced understanding of anti-trafficking that leads to a more evidence and rights-based approach to supporting im/migrant sex workers and also actual victims of trafficking.





Introduction

Over the last 15 years, human trafficking has garnered steadily increasing attention from law enforcement, government, the media and philanthropic and non-governmental sectors. We continue to hear that human trafficking is an epidemic in Canada.^{1 2} But where is the evidence? And how are we defining human trafficking?

It turns out that the term ‘human trafficking’ has become a catch-all for many criminal and non-criminal activities such as exploitation, migration for work and sex work. As a result of this unnuanced approach, sex workers – especially im/migrant sex workers – are caught in the crossfire and actual victims of trafficking are lost in the shuffle.

This advocacy toolkit was first created in 2015 and has since been updated to reflect the ongoing evolution of anti-trafficking efforts in Canada. It begins with defining what human trafficking is and what it is not, and introducing you to who im/migrant sex workers are and who they are not. It explores the dominant trafficking narrative, scrutinizes the statistics most commonly used in the mainstream anti-trafficking movement and how this movement actually harms im/migrant sex workers while purporting to help them. By taking a critical, rights-based approach to anti-trafficking, you will learn how to be more critical of the anti-trafficking narrative and move to a more ethical way of supporting im/migrant sex workers and victims of trafficking alike.

With this advocacy toolkit, we hope to educate the public about the realities facing the women we support and about the negative impacts of well-intentioned, but often harmful anti-trafficking efforts.

¹ Ricci, R. (2019, May 10). Luring of girls into sex trade reaching ‘epidemic’ level, police say. *CBC News*. Retrieved from <http://bit.ly/2RgJQTE>

² Braun, Liz. (2016, February 14). Canadians slowly becoming aware of human trafficking epidemic. *Toronto Sun*. Retrieved from <http://bit.ly/35QIF2z>



Defining Human Trafficking: What It Is and What It Is Not

To understand how skewed the dominant human trafficking narrative is and how it harms im/migrant sex workers in a variety of ways, it's important to understand what human trafficking is and what it is not.

In Canada, trafficking in persons involves recruiting, transporting, transferring, receiving, holding, concealing or harbouring, or exercising control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation.³ With this definition, it doesn't matter if someone consents to their work; they may still be considered a victim of trafficking.^{4 5} Other trafficking-related prohibitions include receiving a financial or other material benefit for the purposes of exploitation and withholding or destroying travel documents or documents that establish their identity in order to exploit a person.⁶

In this case 'exploitation' means causing a person to provide or offer to provide, labour or services by engaging in conduct that could reasonably be expected to cause the person to believe their safety, or another person's safety would be threatened if they did not provide the labour or service. By using this definition, someone does not actually need to be afraid for their safety for the police to think they have been exploited, which is an issue given that most police assume im/migrant sex workers to be victims.

International trafficking occurs when a victim is transported across borders, from one country to another, for the purposes of exploitation. In addition to the provisions in the Criminal Code, there are also specific offences in the Immigration and Refugee Protection Regulations that target cross-border trafficking. While domestic trafficking is defined as occurring within one country's borders, victims do not need to be moved from one location to another to be considered "trafficked". This definition is much broader than the internationally recognized definition in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁷

Human trafficking has become a catch-all phrase for a variety of other activities, some criminal in nature and others not.⁸

It Is Not Sex Work

Sex work is work. Sex work is the exchange of sexual services between adults for money or goods. Trafficking is not sex work.

Sex workers exercise agency in their work even in constrained situations.

Just like with any type of work, some sex workers like their work and some may not, with a variety of feelings in between depending on the day. Just because sex work is work doesn't mean it's always good or empowering. However, sex work is not inherently harmful; it is criminalization that creates the circumstances for violence and exploitation. Sex workers deserve the same workplace safety and labour protections as other labourers.

³ See section 279.01 of the Criminal Code of Canada at <http://bit.ly/3abG8mY>

⁴ Ibid.

⁵ SWAN. (2019). Trafficking Signals: Know the Laws, Know Your Rights. [Unpublished internal document].

⁶ Sections 279.02 and 279.03 of the Criminal Code of Canada at <http://bit.ly/3abG8mY>

⁷ United Nations Office of the High Commission on Human Rights (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Retrieved from <http://bit.ly/2uQdgjZ>

⁸ Global Network of Sex Work Projects (n.d.). Briefing note: Sex work is not sexual exploitation. Retrieved from <http://bit.ly/30ibzHI>

It Is Not Exploitation

I don't know how many women are actually using that language: trafficking, trafficker. She may very well be in an exploitative situation with either an owner of a massage parlour, or a manager or a boyfriend or something. So even if she's being exploited, that doesn't necessarily mean she's being trafficked. And I think it's very important to make that distinction.

~ SWAN Outreach Worker

While exploitation is a necessary component of trafficking in Canada, exploitation can occur outside of “trafficking” and can occur in any industry. Exploitative and/or abusive working conditions exist in many informal, under-regulated work environments. It is very difficult, if not impossible, to address exploitative, abusive or unsafe working conditions where the workers themselves face criminal or immigration-related penalties for their work.⁹ Types of exploitation that can occur in the sex industry include:

- Non-payment
- Poor working conditions (unsafe/unhygienic)
- Threats to report workers to law enforcement
- Threats to disclose one's sex work status publicly or to one's family
- Inability to refuse risky clients and/or risky services
- Domestic violence in personal relationships and the fear of public disclosure of sex work - especially in child custody matters
- Pressure to accept social services or 'rescue' interventions to avoid sex work-related arrests, charges and convictions

This list is neither exhaustive nor is it representative of the sex industry; these are simply examples of exploitation that have been reported to SWAN. Exploitation can occur in the sex industry, just like in other industries. With the overly broad definition of trafficking in Canada and the ongoing conflation of sex work and trafficking, we encourage you to differentiate between trafficking and instances of exploitation that in any other industry would simply be viewed as exploitative working conditions. For example, would you consider a worker at a retail store who works overtime without compensation as a victim of trafficking? It's unlikely, yet people are much more likely to apply the trafficking label to a sex worker who is not adequately compensated for their work.

Despite the fact that exploitation can happen in any industry, especially in informal work sectors, there are factors that can mean less recourse for sex workers and less accountability for those who exploit and/or abuse them:

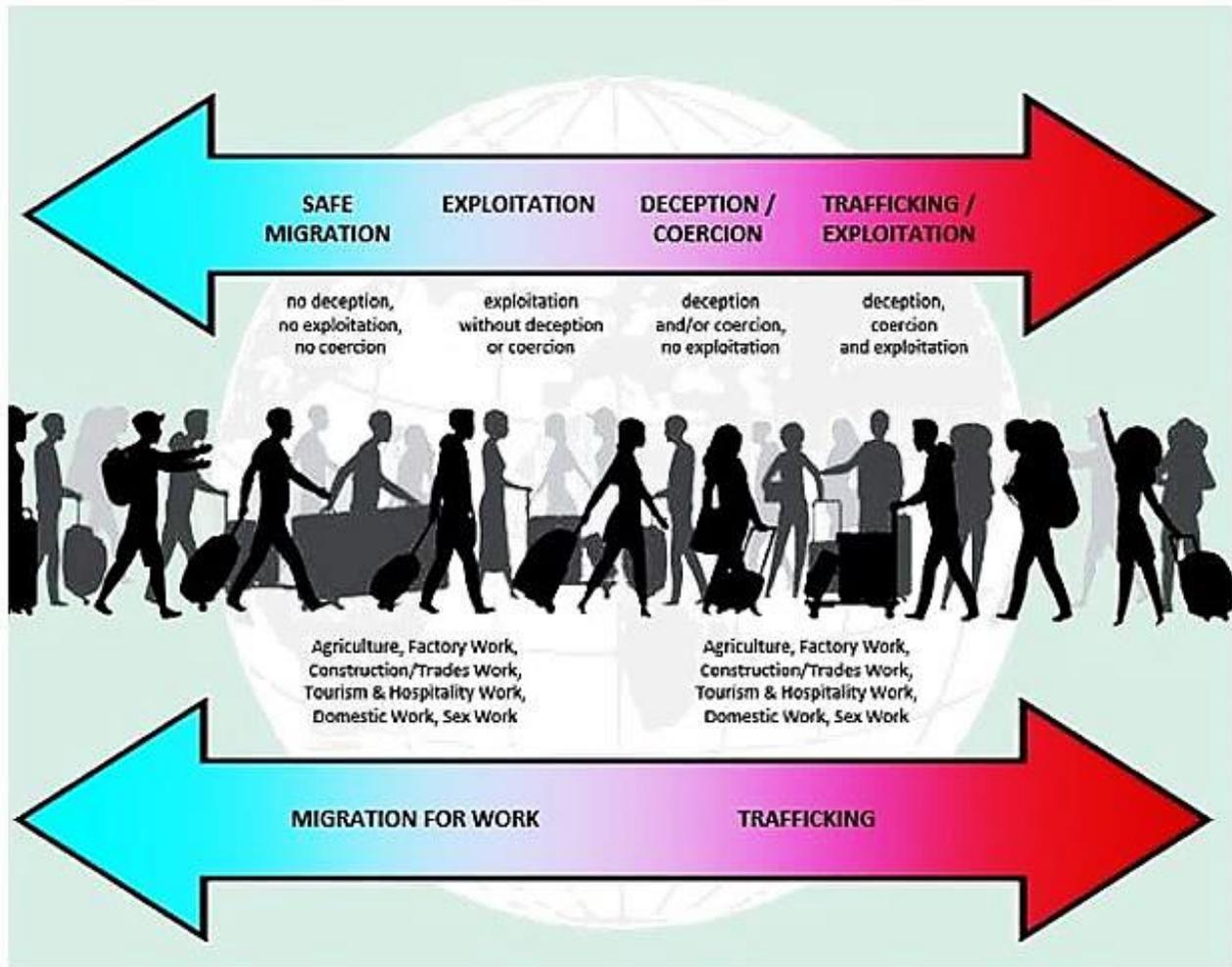
- Lack of a governing body to negotiate or defend sex worker labour rights
- Inability to report exploitation due to the criminalized nature of sex work
- Stigma and criminalization of sex work leads to fears of public disclosure which can be used against sex workers
- Exclusion from federal and provincial employment standards legislation and protections, resulting in no access to:
 - ~ Health benefits
 - ~ Parental or family leave
 - ~ Retirement plans
 - ~ Vacation pay

⁹ Global Alliance Against Trafficking in Women. (2007). Collateral damage: The impact of anti-trafficking measures on human rights around the world. Retrieved from <http://bit.ly/387uPue>

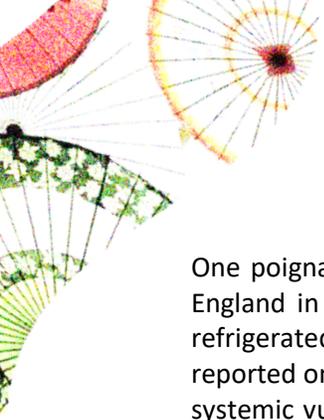
It Is Not Migration for Work

Anti-trafficking discourse rarely distinguishes between migration for work and human trafficking. The continuum below shows that the difference between migration for work and trafficking are in the conditions of movement and the conditions of work. It also shows that the nature of work for those who migrate and those who have been trafficked can be the same.

Continuum of Movement of Work¹⁰



¹⁰ Adapted from the Delphi survey implemented by the International Labour Organization and the European Commission (2009)



One poignant example of migration for work being mistaken for human trafficking occurred in Essex, England in October 2019, when the bodies of 39 Vietnamese migrants were found in the back of a refrigerated truck. While many media outlets framed this story as human trafficking,¹¹ a few media outlets reported on the realities of migrant labour, international migration, and immigration policies that create systemic vulnerability to labour exploitation.^{12 13} In their deaths, the migrants were viewed as victims; however, had they reached their destination, there is a possibility they would have been viewed as criminals and deported.

Child and Youth Sexual Exploitation

SWAN condemns child and youth sexual exploitation and supports initiatives to protect children and youth from violence and exploitation. However, when the sexual exploitation of children and youth is centered in a larger conversation about the trafficking of all humans (including adults), prohibitionists ultimately reduce the complexity of trafficking. Capitalizing on the concept of harming and sexually trafficking/exploiting children, prohibitionists are able to keep the issue of trafficking in hyperbolic, emotive extremes that leave no space for nuanced discourse or critical analyses.¹⁴

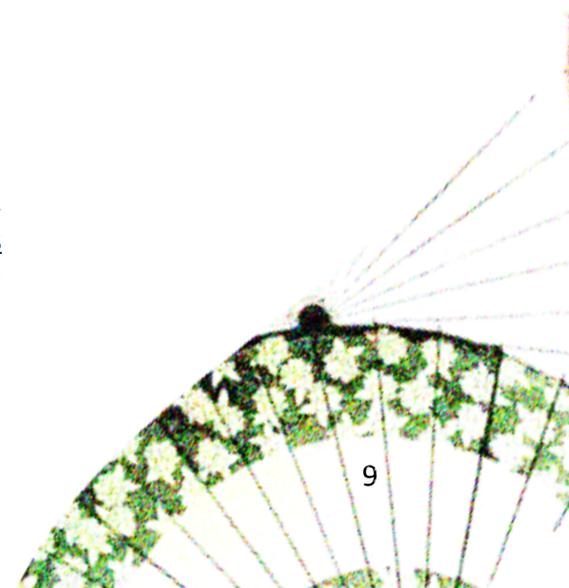
This is why we encourage you to be critical of anti-trafficking efforts that do not differentiate between children/youth and adults, and recognize that adult sex workers – who condemn child and youth exploitation – are often best positioned to uncover and report it.

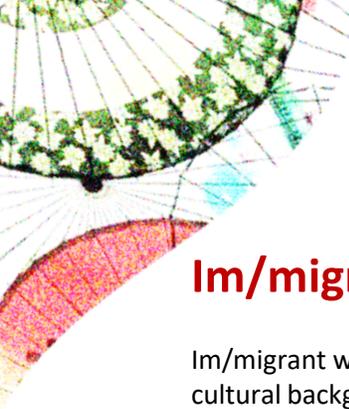
¹¹ Goodyear, S. (2019, October 23). UK MP Calls for Crackdown on Human Trafficking After 39 Bodies Found in Truck. *CBC Radio As It Happens*. Retrieved from <http://bit.ly/2NqnhKS>

¹² Lainez, N. (2019, November 28). The debts of undocumented Vietnamese migrants in Europe. *Open Democracy*. Retrieved from <http://bit.ly/2NqnwFM>

¹³ Hsiao-Hun Pai. (2019, October, 19). Vietnamese Migrants are not 'Lured' by Traffickers. They Just Want a Better Future. *The Guardian*. Retrieved from <http://bit.ly/2u0dEvA>

¹⁴ Agustin, L. (2012, July 12). The age of women who sell sex: Does Kristof lie? What about the children? Retrieved from <http://bit.ly/32gNZvl>





Im/migrant Sex Workers in Canada

Im/migrant women who do sex work in Canada are a diverse group of women who vary in age, ethnicity, cultural background and circumstance. Migrant women in particular experience unique barriers in Canada related to their immigration status. However, as you read through this section, you will likely note that regardless of immigration status, public perception largely paints migrant and immigrant sex workers with the same brush.

Public Perceptions: The Victim/Criminal Dichotomy

Sex workers are a diverse group of people who are often generalized despite vastly different experiences. This is especially true for racialized sex workers who are often referred to as ‘migrant sex workers’ (even if they are Permanent Residents or Canadian citizens). Im/migrant sex workers are often perceived by the mainstream media – and subsequently the general public – within two frames: victim or criminal. While we have seen a recent increase in societal acceptance of sex workers in mainstream media (e.g., *Vice*¹⁵, *Teen Vogue*¹⁶) and entertainment (e.g., Netflix’s “*Bondage*”, HBO’s “*The Deuce*”), this acceptance is largely limited to a particular type of sex worker: white and/or middle-to-upper class.

While society is starting to recognize sex work as work for more privileged sex workers, the victim/criminal dichotomy for sex workers who are people of colour and/or im/migrants continues to be pervasive in media and government representations. This perpetuates an ongoing narrative that refuses to acknowledge the realities of im/migrant sex workers.

In popular media representations, im/migrant sex workers are often perceived as forced into the sex industry against their will. Narratives about traffickers luring women and girls into Canada with false job promises, taking their passports and threatening their families back home are frequently repeated.^{17 18} The economic and systemic motivations for why people travel and/or migrate are rarely considered. Self-determination is ignored and im/migrant sex workers are labeled as powerless victims with low self-esteem who are forced or deceived into providing sexual services.¹⁹

If not perceived as victims, im/migrant sex workers are perceived as criminals. These women are regularly subjected to heavy scrutiny and surveillance by law enforcement and other governmental agencies.^{20 21} When law enforcement raids occur at indoor sex work sites with the expressed intention of finding and helping victims, the women working at these sites are often treated as criminals with little thought given to the consequences of these enforcement actions and their impact on the women or the business they work in.²²

¹⁵ See *Vice News* various articles on sex work here: <http://bit.ly/36SCAUm>

¹⁶ Mofokeng, T. (2019, April 26). Why sex work is real work. *Teen Vogue*. Retrieved from <http://bit.ly/30k2zBC>

¹⁷ Ho, P. (2019, January 18). Police arrest Toronto man allegedly behind international sex trafficking ring with thousands of possible customers. *The Star*. Retrieved from <http://bit.ly/35T3GcK>

¹⁸ Glavin, K. (2019, July 11). Behind closed doors: International human trafficking ring busted in the Upstate. *7 News*. Retrieved from <http://bit.ly/2QNKetE>

¹⁹ Perrin, B. (2010). *Invisible Chains*. Toronto, ON: Penguin Group.

²⁰ Oppenheim, M. (2019, June 17). Jailing of migrant sex workers in Ireland decried as ‘completely unjust’. *The Independent*. Retrieved from <http://bit.ly/2QR77g3>

²¹ Fedorko, B. (2019, August 19). ‘Send them back’: Migrant sex workers deported from Europe. *Open Democracy*. Retrieved from <http://bit.ly/2FQJWk>

²² Jeong, M. (2019, October 4). “You Won’t Believe What Happened”: The Disturbing Saga of Robert Kraft’s Visit to a Strip Mall Sex Spa. *Vanity Fair*. Retrieved from <http://bit.ly/30hcmlV>

An example of this occurred in Ottawa in May 2015 when Ottawa police launched a “human trafficking investigation” into commercial massage parlours and body rub facilities. Despite the intention to find victims of human trafficking, none were found. Instead, Canada Border Services Agency detained and deported 11 women for working without a valid permit. One comment in a news article covering this story stated, “they are breaking the law by coming here illegally. Why should women get a free pass to break the law simply because they're ‘vulnerable?’”²³

In SWAN’s experience, many women migrate to Canada through legal channels, but are later made “illegal” due to restrictive immigration policies such as the condition that they not work in the sex industry.²⁴ Criminalization of the sex industry, coupled with the threat of detention and deportation, are systemic factors that create vulnerability.

I think the women are the opposite of who the trafficking victim is represented to be, and who migrant and immigrant sex workers are represented to be, i.e., passive, subservient, uneducated, backwards, unable to speak for themselves [...] They're actually the opposite of that. They're go-getters. Despite all the barriers that they have in the Canadian labour market, they still find a way to provide for their families.

~ SWAN Board Member

²³ McIntyre, C. (2015, May 13). Ottawa sex workers caught up in Ottawa sting facing deportation, further exploitation, activists [Online forum comment]. *National Post*. Retrieved from <http://bit.ly/2twlKeD>

²⁴ The Immigration and Refugee Protection Regulations state temporary residents are “not to enter into an employment agreement, or extend the term of an employment agreement, with an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages.” See Immigration and Refugee Protection Regulations Sections 183.1, 196.1, 200.3 at <http://bit.ly/2FStw61>



How Im/migrant Sex Workers Define Themselves

When given the opportunity to share about their lives and define their own realities, im/migrant sex workers tell a different story than what the dominant discourse ascribes to them.²⁵

Here are just a few findings from the body of research in which im/migrant sex workers share their stories as they experience them:

- Many are actually Canadian citizens or Permanent Residents. For those that are here temporarily, most arrive through legal means with immigration status (e.g., student, visitor, work visas) but become non-status through restrictive immigration policies.²⁶
- Reasons for moving to Canada may be due to issues in their home country (e.g., low income, inequality, discrimination, lack of education or employment opportunities)²⁷
- Sex work may be an option in the Canadian labour market, particularly if educational credentials and/or work experience from other countries is not recognized in Canada.²⁸
- Sex workers include mothers who work to support their children and families and value the flexibility of a job that allows them to spend more time with their children.²⁹
- Most make more than minimum wage based on daily average income.³⁰
- The majority practice safer sex and would seek out medical attention if worried about a sexually transmitted infection.³¹
- The majority are at least 21 years old, with many in their 40's or older.³²
- The most common form of victimization they report is from predators and/or law enforcement, not traffickers.^{33 34}
- Many rely on information and support from peer networks to remain resilient in the face of punitive law enforcement strategies and victimization by law enforcement, clients or intimate partners.^{35 36}

These findings are consistent with SWAN's experience providing services to im/migrant women who do sex work. The women we support are resourceful, determined, hard-working and resilient in the face of many systemic barriers – yet, these attributes are very rarely recognized in the dominant discourse.

²⁵ SWAN. (2019). Chocolate or Chicken Bones? Retrieved from <http://bit.ly/2QR4vhX>

²⁶ Maynard, R. (2013, May 10). Sex work, migration and anti-trafficking: An interview with Nandita Sharma. Solidarity across Borders. Retrieved from <http://bit.ly/35Sp1c>

²⁷ Ham, J. (2015). Chinese sex workers in Toronto and Vancouver. Retrieved from <http://bit.ly/35LisSU>

²⁸ GAATW Feminist Participatory Action Research. (2010). Understanding needs recognizing rights. Retrieved from <http://bit.ly/2RrjVc7>

²⁹ Ham, J. (2015). Sex work, citizenship and social difference. (Unpublished doctoral dissertation). Monash University, Melbourne.

³⁰ Ibid.

³¹ Ham, J. (2015). Chinese sex workers in Toronto and Vancouver. Retrieved from <http://bit.ly/35LisSU>

³² Ibid.

³³ Ibid.

³⁴ Mackenzie, K. (2017). Barriers to Justice for Migrant & Immigrant Sex Workers: A Community-Led Research Project. Retrieved from <http://bit.ly/3a7VzfS>

³⁵ Ham, J. (2015). Chinese sex workers in Toronto and Vancouver. Retrieved from <http://bit.ly/35LisSU>

³⁶ Mackenzie, K. (2017). Barriers to Justice for Migrant & Immigrant Sex Workers: A Community-Led Research Project. Retrieved from <http://bit.ly/3a7VzfS>



They can't participate in the formal economy, they can't go to school, they don't have the financial resources, and there are certain places where food banks won't take them without documentation. At what point is this person going to say, okay I need to feed my kids [...] so women make choices. Maybe somebody would do something else if they wanted to. But a lot of people wouldn't because this is how they exercise their agency. They're able to feed their kids. They're able to go to work. They're proud of who they are and yet they're completely ignored from discourse or they're just marginalized as people who don't really have options."

~ SWAN Board Member



Human Trafficking Statistics Are Worth Scrutinizing

The conflation of trafficking with sex work, exploitation, youth sexual exploitation and migration for work is impossible to ignore when examining human trafficking-related statistics used and published by anti-trafficking organizations, the media and government. These statistics are often the same and repeated so often that they are assumed to be truth.³⁷

However, a literature review of over 700 sources on human trafficking found that less than half contained evidence-based research.³⁸ The anti-trafficking industry has been coined a 'rigor-free zone' where advocates can disguise their desire to abolish sex work with anti-trafficking initiatives and campaigns that equate sex work and human trafficking.³⁹

Anti-trafficking enforcement and awareness campaigns almost exclusively focus on trafficking for the purpose of sexual exploitation, neglecting the many other forms of labour trafficking and exploitation that occurs across the world.⁴⁰ The International Labour Organization reports that 71% of trafficking worldwide is labour trafficking and only 29% is trafficking for the purpose of sexual exploitation.⁴¹ When examining government efforts and media coverage, you would never know this.

Despite the rhetoric that human trafficking is an epidemic in Canada,⁴² ⁴³ this is simply not supported by evidence. Trafficking in persons accounts for a very small proportion of criminal activity in Canada – 0.02% of all criminal incidents reported to police in 2016.⁴⁴ Compared to the 937 charged persons reported through police data, Millar and O'Doherty were able to verify 88 trafficking in persons cases between 2001 and 2018. Of these 88 cases, only 42 resulted in one or more trafficking specific convictions and only one resulted in transnational labour trafficking convictions – the rest were domestic sex trafficking.⁴⁵

³⁷ CBC News. (2019, November 18). 'They're Kids': Expert on Human Trafficking Speaks About Victims, Prevention in Thunder Bay. Retrieved from <http://bit.ly/38q8DMF>

³⁸ Godziak, E.M., & Bump, M. N. (2008). Data research on human trafficking: Bibliography of research-based literature. Retrieved from <http://bit.ly/2Nsm8Td>

³⁹ Chuang, J.A. (2014). Exploitation creep and the unmaking of human trafficking law. *American Society of International Law, 108(4)*, 609-649. DOI: <https://www.jstor.org/stable/10.5305/amerjintelaw.108.4.0609>

⁴⁰ Kaye, J. & Hastie, B. (2015). The Criminal Code offence of Trafficking in Persons: Challenges from the field and within the law. *Social Inclusion, 3(2)*, 88. DOI: <http://dx.doi.org/10.17645/si.v3i1.178>

⁴¹ International Labour Office. (2017). Global Estimates of Modern Slavery. Retrieved from <http://bit.ly/2thEM9x>

⁴² Ricci, T. (2019, May 10). Luring of girls into sex trade reaching 'epidemic' level, police say. *CBC*. Retrieved from <http://bit.ly/2HhGI5m>

⁴³ Braun, Liz. (2016, February 14). Canadians slowly becoming aware of human trafficking epidemic. *Toronto Sun*. Retrieved from <http://bit.ly/35QIF2z>

⁴⁴ Ibrahim, D. (2018). Trafficking in Persons in Canada, 2016. *Juristat Bulletin – Quick Fact*. Ottawa: Canadian Centre for Justice Statistics.

⁴⁵ Millar, H. & O'Doherty, T. (forthcoming 2020). Racialized, Gendered, and Sensationalized: An examination of Canadian anti-trafficking laws, their enforcement, and their (re)presentation. *Canadian Journal of Law and Society*.

The following infographic challenges some of the human trafficking statistics we often hear. We critically examine these widespread statistics so that those interested in this issue will have the tools to question the source and context, and consider human trafficking in a more informed way.

TRAFFICKING MYTHS



THE MYTH
“The average age of entry into prostitution is 12-14 years old.”¹

BUT CONSIDER THIS...
To be the *average*, there would need to be a significant number who enter younger than that.

AND DID YOU KNOW?
This myth originated from research that studied only minors.² Hence, the “12-14 years” finding cannot be extrapolated to represent all entries into the entire sex industry.



THE MYTH
“There are at least 300,000 children & adolescents prostituted in the US every year.”³

BUT CONSIDER THIS...
This was inferred from an assessment of youth’s *risk*. The conflation of risk & actual exploitation is negligent. The all-too-common refrain that all children are at risk of being trafficked is inaccurate & disregards baseline factors like race, gender, region & socioeconomic status.

AND DID YOU KNOW?
The 300,000 stat comes from the same problematic research as above. Policy based on inaccuracies & speculation is harmful & ineffective.



THE MYTH
“Mega sporting events give rise to a spike in human trafficking.”^{4,5}

BUT CONSIDER THIS...
Given heightened levels of security, enhanced police presence & the substantial resources required to move women, wouldn’t it be too expensive & risky for traffickers to set up operations for a week or so based on one sporting event?⁶

AND DID YOU KNOW?
This myth persists despite being debunked year after year.^{7,8} It requires no evidence & propels political agendas such as crackdowns on the sex industry. It is a useful fundraising tool for police and faith-based & anti-sex work groups.

¹ They’re kids: Expert on human trafficking speaks about victims, prevention in Thunder Bay - <http://bit.ly/38q8DMF>

² The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico, Estes & Weiner - <http://bit.ly/38tAJXC>

³ Child sexual exploitation in the USA: Not just a problem for developing nations, Kiem - <https://uni.cf/38slPDH>

⁴ Moving Forward in the Fight Against Human Trafficking, Report of the Standing Committee on Justice & Human Rights (Canada) - <http://bit.ly/2KU9Kx>

⁵ Grand Prix brings human trafficking, sex trade to Montreal: activists - <http://bit.ly/35bt8KZ>

⁶ Do Not Harm: A Human Rights Approach to Anti-Trafficking Policies & Interventions in Canada, Lepp - <http://bit.ly/2MXzZkb>

⁷ Super Bowl sex trafficking: Real or just a rumour? - <http://bit.ly/36nQo8T>

⁸ Super Bowl Sex Trafficking Myths Return: And they’re just as wrong and dangerous this time around - <http://bit.ly/2G4uht7>

Despite having been debunked time and time again, these myths persist and continue to drive the moral panic behind trafficking for the purpose of sexual exploitation.

We encourage people to question where human trafficking information and statistics come from, how they are collected, what they measure, and to whom they are applied. We also debunk these myths to demonstrate how the human trafficking narrative is based on a paucity of evidence, which should be concerning considering this narrative is what informs anti-trafficking law, policy and campaigns in Canada.



How the Human Trafficking Narrative Informs Anti-Trafficking Efforts

Despite all the misinformation and lack of information about the extent of human trafficking in Canada, the government continues to expand the definition of trafficking, add trafficking offences to the Criminal code and invest millions of dollars into combatting human trafficking.⁴⁶

In January 2019, the Government of Canada released its *National Strategy to Combat Human Trafficking 2019-2024*. In it, the federal government commits \$75 million over six years to implement an “enhanced suite of initiatives that will strengthen Canada’s response and fill critical gaps” (p. 6).

These initiatives include actions such as launching a public awareness campaign to help everyday Canadians learn the signs of trafficking, engaging youth through hackathons to combat trafficking online, and supporting law enforcement and the criminal justice system in a variety of ways to prevent, protect and prosecute.

With only 42 actual trafficking-related convictions between 2001 and 2018, one can only conclude that the sensationalist human trafficking narrative has largely driven a drastic yet unnecessary response.

Legislative Expansionism and ‘Crimmigration’

In addition to various action plans from governments across Canada, the human trafficking narrative has also led to an expansion in criminal laws related to human trafficking. Since 2010, the criminal offence of trafficking in persons has been amended four times, with subsequent efforts in 2018 and 2019 to bring the enacted 2015 amendments into force. According to Millar and O’Doherty, the empirical bases for these amendments is questionable and their net effect has been to expand the number of offences from three to six and to increase the minimum and maximum penalties associated with most of these offences.⁴⁷

⁴⁶ Government of Canada. (2019). *National Strategy to Combat Human Trafficking 2019-2024*. Retrieved from <http://bit.ly/35Wi586>

⁴⁷ Millar, H., & O’Doherty, T. (forthcoming 2020). *Canada and the UN Trafficking Protocol: The misappropriation of anti-trafficking laws to police domestic sex work*. [Unpublished technical report].



Furthermore, in 2014, the introduction of Canada’s prostitution laws, the Protection of Communities and Exploited Persons Act (PCEPA), was used as a legislative mechanism to amend the criminal trafficking offence, which has resulted in the judicial fusing of trafficking with sex work.⁴⁸

In 2013, the Supreme Court of Canada struck down previous prostitution laws as unconstitutional, choosing to uphold the rights and safety of sex workers in *R. v. Bedford*.⁴⁹ These laws were quickly replaced by PCEPA, which criminalizes the purchase of sexual services, alongside third-party involvement, advertising and other prohibitions. In 2020, an Ontario Court Judge ruled that the laws which prohibit procurement, advertising and materially benefitting from someone else’s services are unconstitutional.⁵⁰

PCEPA marked a shift in framing sex work as a public nuisance to a form of exploitation wherein women and girls are victims that require government protection.⁵¹ It should be noted that this shift in the framing was very much informed by a focus on human trafficking and the sexual exploitation of children and youth – crimes that were never at issue in the *Bedford* case and are already prohibited by other laws in the Criminal Code of Canada.⁵²

While this new legal framework perpetuates the victim narrative, it also continues to criminalize sex workers who work together and those who rely on third parties for safety, e.g., managers, drivers, security. Ostensibly, these laws create the same harms outlined in *R. v. Bedford* and uphold the tired dichotomy of sex workers as either victims or criminals.^{52 53 54}

In addition to the legislative conflation and expansion of criminal laws to “abolish[ing] it [the sex industry] to the extent possible”⁵⁵, and to purportedly crack down on trafficking for the purposes of sexual exploitation, immigration regulations designed to prevent the migration of and enable the deportation of temporary residents who do sex work were introduced in 2012.⁵⁶

⁴⁸ Ibid.

⁴⁹ *Canada (Attorney General) v. Bedford*. 2013 SCC 72, [2013] 3 SCR 1101

⁵⁰ Dubinski, K. (2020, February 21). Ontario Court judge rules parts of Canada's prostitution laws are unconstitutional. *CBC*. Retrieved from <http://bit.ly/39UpBTi>

⁵¹ Sibley, M. A. (2018). Owing risk: Sex worker subjectivities and the reimagining of vulnerability and victimization. *The British Journal of Criminology*, 58 (6), 1462-1479. DOI: <https://doi.org/10.1093/bjc/azy010>

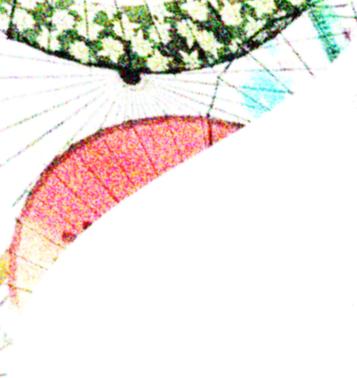
⁵² Porth, K. (2018). Sex, Lies and Committee Hearings. In E.M. Durisin, E. van der Meulen, & C. Bruckert’s *Red Light Labour: Sex Work Regulation, Agency and Resistance*. Vancouver, BC: UBC Press.

⁵³ Belak, B., & Bennett, D. (2016). Evaluating Canada’s sex work laws: The case for repeal. *Pivot Legal Society*. Retrieved from <http://bit.ly/2NgtaRE>

⁵⁴ Machat, S., Shannon, K., Braschel, M., Moreheart, S., & Goldenberg, S.M. (2019). Sex workers’ experiences and occupational conditions post-implementation of end-demand criminalization in Metro Vancouver, Canada. *Canadian Journal of Public Health*, 110 (5), 575-583. DOI: <http://doi.org/10.17269/s41997-019-00226-z>

⁵⁵ Mackay, P. (2014, July 7). Standing Committee on Justice and Human Rights Evidence. Retrieved from <http://bit.ly/2uP2NVX>

⁵⁶ The Immigration and Refugee Protection Regulations state temporary residents are “not to enter into an employment agreement, or extend the term of an employment agreement, with an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages.” See Immigration and Refugee Protection Regulations; Sections 183.1, 196.1, 200.3 at <http://bit.ly/2FStw61>



For im/migrant sex workers, the criminal laws under PCEPA converge with immigration laws and the expansion of anti-trafficking laws, demonstrating a pattern of ‘cimmigration’. While these criminal and immigration laws were created under the guise of protecting “vulnerable” populations like im/migrant sex workers, cimmigration actually creates systemic vulnerability.

These regulations were introduced to “protect” migrant women and girls from exploitation. Such exploitation creep and legislative expansionism has been accompanied by increased surveillance of “at-risk” communities through preventative policing, especially police stings, workplace raids and rescue campaigns.⁵⁷

Cimmigration creates systemic vulnerability for migrant sex workers by making it extremely dangerous for them to seek help from authorities if they experience violence and/or victimization, for fear of arrest, detention and deportation.

This creates the vulnerability the laws ostensibly aim to protect: predators know migrant sex workers cannot safely contact authorities for help under any circumstances without incriminating themselves via immigration law.

Workplace Raids by Law Enforcement

Another way the dominant human trafficking narrative influences anti-trafficking efforts is through workplace raids by law enforcement, who largely are looking to enforce the many expansive laws discussed above. These workplace raids generally target the sex industry and very rarely target other forms of labour, despite ample evidence showing labour trafficking is a much larger problem than trafficking for the purpose of sexual exploitation.⁵⁹

These law enforcement efforts often play out in the form of sting operations that involve intrusive and intimidating visits to sex workers’ homes and workplaces by undercover police officers pretending to be clients. A high-profile Canadian example of this is Operation Northern Spotlight, which is an annual, nationwide human trafficking investigation involving police agencies from across Canada who ‘interview’ individuals they “suspect to be working in the sex trade against their will, or at high risk of being trafficked.”⁶⁰

⁵⁷ Chuang, J.A. (2014). Exploitation creep and the unmaking of human trafficking law. *American Society of International Law*, 108(4), 609-649. DOI: <https://www.jstor.org/stable/10.5305/amerjintelaw.108.4.0609>

⁵⁸ Stumpf, J.P. (2006). The Cimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review*, 56, 367- 419. Retrieved from <http://bit.ly/2Rfznrr>

⁵⁹ Godziak, E.M., & Bump, M. N. (2008). Data research on human trafficking: Bibliography of research-based literature. Retrieved from <http://bit.ly/2Nsm8Td>

⁶⁰ RCMP (2017, October 18). Operation Northern Spotlight VI – Police arrest 14 in nationwide human trafficking investigation. Retrieved from <http://bit.ly/2FPCnFN>



I think racism does come into play because police go into massage parlours where they know Asian women are working. They go in expecting to find migrants that are illegal.

~ SWAN Board Member

Operation Northern Spotlight undermines sex workers' health and safety by increasing surveillance over, interrogating, harassing, detaining, deporting and arresting sex workers – all while failing to meaningfully uncover actual victims of trafficking. For example, in 2017, police “interviewed” 324 individuals involved in the sex industry, but only removed six “believed to be at-risk.”⁶¹

If law enforcement is genuine in their efforts to support victims of human trafficking, they must work with sex work communities to develop best practices for supporting victims, while protecting the safety, dignity and human rights of those in the sex industry.⁶¹

Awareness Raising and Human Trafficking ‘Red Flags’

Many organizations have developed lists of situational ‘red flags’ and the presence of one or more of these indicators suggests human trafficking is occurring.^{63 64 65 66} More recently, including in the 2019-2024 National Strategy to Combat Human Trafficking, everyday citizens have been encouraged to spot the signs of human trafficking using an ever-growing list of ‘red flags’.⁶⁷ Governments in North America have been funding partnerships with hotels, airlines, truckers and other public-facing industries under the guise of combatting human trafficking and sexual exploitation, which puts the private sector on the frontlines of identifying victims. For example, there is a growing trend of training programs for those working in the travel industry, specifically airline and hotel staff.⁶⁸ In practice, however, these efforts have largely wound up as law-enforcement crackdowns on sex workers and other members of racialized and marginalized communities.⁶⁹

⁶¹ Ibid.

⁶² Canadian Alliance for Sex Work Law Reform (2017, October 19). Turn off the spotlight: Sex workers and allies urge an end to Operation Northern Spotlight [Press Release]. Retrieved from <http://bit.ly/36VJF6C>

⁶³ United Nations Office on Drugs and Crime. (n.d.). Human trafficking indicators. Retrieved from <http://bit.ly/3aaELor>

⁶⁴ Hope For Justice. (n.d.). Spot the signs. Retrieved from <http://bit.ly/2TpzFPo>

⁶⁵ Ontario Restaurant Hotel and Motel Association (n.d.). Sex Trafficking in Hotels [Presentation]. Retrieved from <http://bit.ly/2tgBO52>

⁶⁶ The Canadian Centre to End Human Trafficking (n.d.). Signs of Human Trafficking. Retrieved from <http://bit.ly/2FM5UAF>

⁶⁷ Government of Canada. (2019). National Strategy to Combat Human Trafficking 2019-2024. Retrieved from <http://bit.ly/35Wi586>

⁶⁸ For example, see the US Department of Homeland Security’s “Blue Campaign” at <http://bit.ly/2FQpiQu>

⁶⁹ Rawles, T. (2020, February 6). SD Uber driver calls police on gay dads, child “needed his mother” Retrieved from <http://bit.ly/2UGWvCF>



These indicators have become so broad they are practically meaningless, and it is unclear the extent to which these indicators are based on actual empirical evidence of human trafficking. For example, Marriott International has been training its employees across North America to spot the signs of human trafficking, which include red flags such as:

- Minimal luggage and clothing
- Women travelling alone and/or drinking at the bar alone
- Guests who insist on little to no housekeeping
- Having sex toys, condoms or lube⁷⁰

In addition to hotel workers, airline companies have started training staff to be aware of indicators like a young passenger traveling with an adult who doesn't look like them or have the same last name. Since this training has been implemented across airline companies, there have been several occurrences of entire families - often multiracial – being profiled by airline staff as being involved in human trafficking. In April 2017, a Mexican father was accused of trafficking his own daughter on a United Airlines flight because his fair-skinned daughter “didn't look like him”.⁷¹ Also in 2017, a father of three adoptive children from China was accused of trafficking his teenage daughter home on a flight from a family holiday. In September 2019, another father, who is Caucasian, was accused of sex trafficking his 12-year old adopted son who is black.⁷² Yet airlines receive awards for this purported “anti-trafficking” work.⁷³



I think it really is just like they watched a movie on human trafficking and took notes. Oh, there's dark windows, there's metal bars over there, oh they're all the same nationality – they must be trafficked. But even in the movies or whatever, all those “indicators” would also apply to a Caucasian parlor as well. So, let's say there's all Caucasian women working there and there are bars and surveillance because they're worried about safety and they distrust authority because of how they have been treated by authority. Would they still think of those women as being trafficked? Probably not nearly as much.

~ SWAN Outreach Volunteer



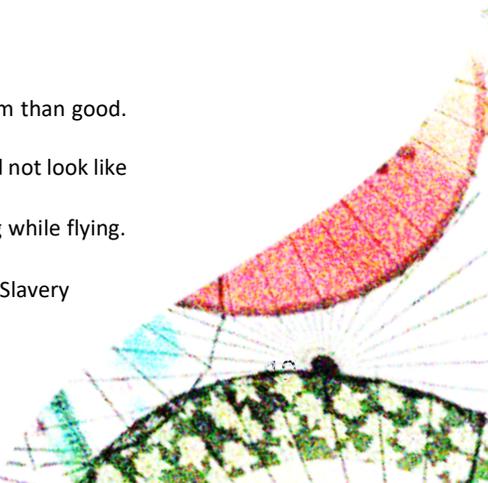
SWAN's focus groups highlighted the unacknowledged role and complex interplay of gender, race, ethnicity, language and culture in establishing perceived red flags; that is, it is not always the red flag itself that indicates risk but who the indicator is applied to. The same can be said in regard to the assumption that im/migrant sex workers are trafficking victims. For example, when a number of non-White (and especially Asian) sex workers who speak accented English work together, this work situation may be perceived as a case of trafficking, whereas the same conclusion may not be drawn from a group of White, Canadian-born sex workers.

⁷⁰ Song, S. (2019, January 20). When anti-sex trafficking policies like the Marriott's do more harm than good. *Paper Magazine*. Retrieved from <http://bit.ly/30iRYHm>

⁷¹ News.com.au. (2017, April 17). Father interrogated for child trafficking because his daughter did not look like him. Retrieved from <http://bit.ly/2TphKbj>

⁷² Nolan Brown, E. (2019, October 9). Another multiracial family falsely accused of sex trafficking while flying. *Reason*. Retrieved from <http://bit.ly/30liCPP>

⁷³ Thomson Reuters Foundation. (2020, February 20.) Delta Air Lines, Aldi, HSBC lead way in Stop Slavery Award. *Thomson Reuters*. Retrieved from <https://tmsnr.rs/2SZhFcI>



There are harmful effects for im/migrant women that are directly related to the unquestioning acceptance and promotion of these indicators, particularly when neglecting to consider the many alternative possibilities these 'red flags' may represent.

To put this into perspective, if you go to the doctor with a headache, and he/she tells you that a headache is an indicator of brain cancer without giving any alternative conditions, would that be responsible health care? In this instance, it would be unacceptable to jump to conclusions without adequate evidence. What makes assessing a person for signs of human trafficking any different?

We understand that for some service providers, checklists are useful tools in assessing a client, a patient and/or a situation. However, checklists designed to identify victims of human trafficking can be particularly problematic when they are developed based on assumptions rather than empirical evidence. If a service provider filters an im/migrant sex worker's story through a trafficking red flag checklist, it may leave little or no space for the woman to represent herself and her story can become wildly distorted through this imposed lens. Furthermore, while service providers are becoming more mindful not to attach stigmatizing labels to clients or patients (e.g., frequent flyer, junkie), there is less mindfulness that the 'trafficked' label can also be stigmatizing. It can create barriers to services when a service provider is not able to see a woman for who she actually is, which can result in missed opportunities for meeting im/migrant sex workers' needs.

At SWAN, we are aware of many other possible meanings for these indicators based on nearly two decades of working with im/migrant sex workers who are often perceived to be trafficked.



Human Trafficking "Red Flag"

- Forced to work excessively long hours
- Someone speaking on another's behalf, even when they were directly addressed
- An indoor sex venue has women of the same nationality working there
- Paid a fee for transportation to Canada, and for living quarters arranged prior to arrival
- Fear of revealing or disclosing immigration status



Other Plausible Explanations

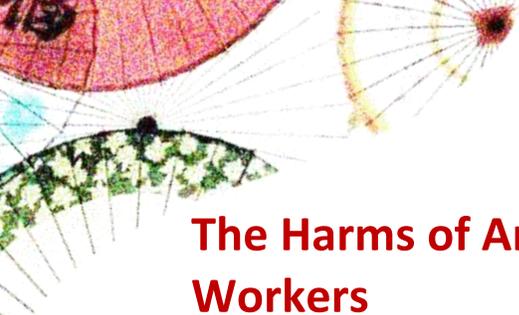
You are paid per client, not per hour. If business is slow you stay longer to optimize the number of clients you can see, and ensure you have enough money to pay next month's rent.

You are trying to navigate a complex health care system and you aren't confident doing so because English isn't your first language. You invite someone who has experience with the health care system and who speaks better English to assist you.

In order to reduce isolation in a foreign country, you seek out workplaces where you can effectively communicate with and relate to your fellow employees.

The process of migrating to a new country is challenging, especially with language barriers, so you hire an agent to assist you with setting up your new life. Most people don't question such services for im/migrants working in other industries, but assumptions are routinely made about workers' agency and consent when it comes to the sex industry.

You are in the process of applying for permanent residency and your involvement in sex work will impact your application.



The Harms of Anti-Trafficking Efforts on Im/migrant Sex Workers

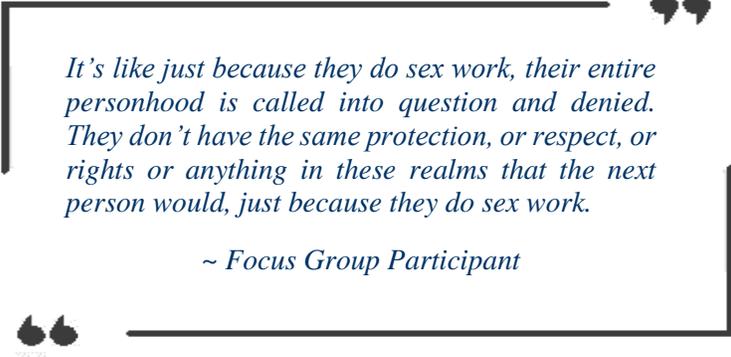
Through misguided awareness campaigns, expanded criminal and immigration laws, and workplace raids, im/migrant sex workers are being harmed. This conflation of sex work and trafficking is a major factor in perpetuating coercive and precarious working conditions for sex workers, especially im/migrant sex workers. This conflation also limits sex workers' access to justice and services and presents a barrier in organizing for better work conditions or asserting their human rights.⁷⁴

Stigma

One of the greatest harms of anti-trafficking efforts is increased sex work stigma and misinformation, which contributes to barriers to justice, barriers to accessing services, and impacts on workplace safety for sex workers.

Stigma is a direct result of the conceptualization of im/migrant sex workers as either victims or criminals. A woman is often unable to seek services without assumptions or questions regarding whether she is “forced.” Stigma and intrusive questioning that explore a woman’s experiences in sex work are major barriers to im/migrant sex workers accessing services such as health care. Stigma also contributes to feelings of isolation in Canadian society.

Stigma also acts as a significant barrier to justice. In a 2017 SWAN study, stigma was found to have the most common and pervasive effect on whether women reported violence to others or to police.⁷⁵ While some women who were surveyed were afraid to call the police for fears of being criminalized, many others believe there is no point because the police cannot or will not do anything.



It's like just because they do sex work, their entire personhood is called into question and denied. They don't have the same protection, or respect, or rights or anything in these realms that the next person would, just because they do sex work.

~ Focus Group Participant

⁷⁴ Global Network of Sex Work Projects (n.d.). Policy brief: The impact of anti-trafficking legislation and initiatives on sex workers. Retrieved from <http://bit.ly/2QXnVle>

⁷⁵ Mackenzie, K. (2017). Barriers to Justice for Migrant & Immigrant Sex Workers: A Community-Led Research Project. Retrieved from <http://bit.ly/3a7Vzfs>

Barriers to Justice

The greatest harm of workplace raids or the threat of workplace raids by police, Canada Border Services Agency and/or municipal bylaw officers is the fear of authorities and the subsequent barriers to justice that creates for im/migrant sex workers. Not only do these workplace raids result in feelings of trauma and victimization, they result in a reluctance to report violence if it does happen. When asked how they handle situations of violence in the workplace, 95% of im/migrant sex workers surveyed in Vancouver and Toronto in 2015 stated that law enforcement would not be a strategy they would use to seek assistance.⁷⁶

These barriers to justice are even stronger for migrant workers who have added concerns about immigration status and deportation.⁷⁷ ⁷⁸ Women without permanent residency or Canadian citizenship experience unique barriers to justice that are manifested through restrictive immigration policies that prohibit employment in the sex industry.⁷⁹

These harms appear to outweigh the benefits of raids as victims of trafficking are rarely discovered through these means, as has been the case in the multiple years that Operation Northern Spotlight has been executed. In Metro Vancouver, the most obvious example of the futility of these raids is the 2006 raids of 18 Asian massage parlours that aimed to identify victims of trafficking. Instead, none of the 78 women arrested were reported to have been trafficked.⁸⁰

Impacts on Workplace Safety

In addition to creating barriers to justice, the fear of workplace raids can result in the displacement of sex work into more isolated environments where workers feel they are less exposed to law enforcement. For example, some workers would prefer to work on their own from an apartment in order to avoid law enforcement surveillance and harassment, rather than at a licensed massage parlour where there are other staff and/or management who can look out for one another. Workplace safety is further impacted by ill-informed anti-trafficking efforts. Predators, aware that im/migrant sex workers fear criminalization and/or deportation and will not report violence to the police, are able to target them with impunity.

Im/migrant sex workers' safety is further compromised by anti-trafficking discourse and its impact on the ability to do business online. Anti-trafficking organizations, the media and governments continue to perpetuate the narrative that human trafficking victims are largely found online on websites like Backpage and Craigslist, once again conflating consensual sex work and trafficking.⁸¹ ⁸²

⁷⁶ Ham, J. (2015). Chinese sex workers in Toronto and Vancouver. Retrieved from <http://bit.ly/35LisSU>

⁷⁷ Mackenzie, K. (2017). Barriers to Justice for Migrant & Immigrant Sex Workers: A Community-Led Research Project. Retrieved from <http://bit.ly/3a7VzfS>

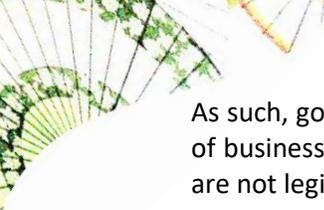
⁷⁸ Goldenberg, S.M., Krusi, A., Zhang, E., Chettiar, J., & Shannon, K. (2017). Structural determinants of health among im/migrants in the indoor sex industry: Experiences of workers and managers/owners in Metropolitan Vancouver. PLOS One, 12(1). DOI: <https://doi.org/10.1371/journal.pone.0170642>

⁷⁹ The *Immigration and Refugee Protection Regulations* states temporary residents are “not to enter into an employment agreement, or extend the term of an employment agreement, with an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages.” See *Immigration and Refugee Protection Regulations* Sections 183.1, 196.1, 200.3 at <http://bit.ly/2FStw61>

⁸⁰ Bolan, K. (2006, December 9). 18 massage parlours raided, 100 arrested. The Vancouver Sun. Retrieved from <http://bit.ly/2Rd1Z4w>

⁸¹ Cole, S. (2018, April 13). How a ‘Human Trafficking’ Narrative Was Used to Kill Backpage. Vice. Retrieved from <http://bit.ly/2OIQvp6>

⁸² Grant, T. (2017, May 1). Backpage faces pressure to crack down on human trafficking ads. Globe and Mail. Retrieved from <https://tgam.ca/2SmrUZE>



As such, governments have started to crack down on these websites, thereby removing another avenue of business for sex workers, despite their knowledge that the claims about sex trafficking on these sites are not legitimate.⁸³

Removing the ability for im/migrant sex workers to advertise online also removes their ability to more thoroughly screen their clients and communicate about the services they are willing and not willing to provide.⁸⁴

Funding for Sex Work Organizations

Mainstream anti-trafficking discourse has a huge impact on funding for organizations like SWAN, impacting our ability to provide services and therefore directly affecting the im/migrant sex workers that we support. For many years, SWAN has operated on little core funding, relying on the small amount of funding available for sex work support organizations. Meanwhile, many other organizations tapped into the large pool of anti-trafficking funding available, despite a lack of conclusive evidence that they supported actual victims of human trafficking. When it comes to trafficking, there seems to be unlimited funding even with very limited evidence.

In 2014, SWAN undertook an analysis on two Canadian funders (a federal government agency and the Canadian Women's Foundation) that have considerable resources and immense power to influence anti-trafficking discourse in Canada.

Due to the ideological bias in the funding applications, SWAN found that it is highly probable that only anti-sex-work organizations, which aim to abolish sex work through criminalization, would be eligible to receive funding.⁸²

The Canadian Women's Foundation (CWF), which is the national public foundation SWAN critiqued, has since recognized the problematic nature of anti-trafficking funding. It now recognizes that the term trafficking is only used by organizations when applying for funding through organizations like the CWF and government agencies and is not the language most agencies use with people who are most affected by the issue. It acknowledged that the definition of trafficking is extremely hard to maintain and adhere to in a consistent manner and is frequently used as a synonym for sex work by anti-sex work organizations who view all form of sex work as sexual exploitation and by extension, trafficking.⁸⁶

This begs the question, whose voices are being amplified and whose voices are being silenced by anti-trafficking funding? Often these funded organizations ignore the realities of im/migrant sex workers as they do not work directly with them. This ignorance contributes to stigma and allows the supporting of workplace raids to 'rescue' purported victims.

⁸³ Nolan Brown, E. (2019, August 26). Secret memos show the Government has been lying about Backpage all along. *Reason*. Retrieved from <http://bit.ly/2Tp4ONW>

⁸⁴ Belak, B. & Mackenzie, K. (2017, June 1). Backpage: Sex workers can find safety in online marketplace. *Globe and Mail*. Retrieved from <https://tgam.ca/2qwaNc6>

⁸⁵ Clancey, A., Khushrushahi, N., & Ham, J. (2014). Do evidence-based approaches alienate Canadian anti-trafficking funders? *Anti-Trafficking Review*, 3, 87-108. Retrieved from <http://bit.ly/386DIUK>

⁸⁶ Canadian Women's Foundation (n.d.). Brief to the House of Commons Standing Committee on Justice and Human Rights: Trafficking Brief. Retrieved from <http://bit.ly/2TmgdTA>



So the funding streams that are available do not allow for a representation of the women as we understand the women to be. The funding streams are only for organizations that write in their funding applications yes, we are supporting the 100-200 trafficked women per year; and yes, all the women are trafficked in massage parlours, and things like that. So that's how those campaigns affect us as an organization, because it reduces our ability to be able to provide services in the first place, because we don't adhere to the discourse that's perpetuated in those campaigns.

~ SWAN Board Member



The ideological nature of anti-trafficking funding presents SWAN with an ethical dilemma in applying for anti-trafficking funding; the women we support do not identify as victims of trafficking and we do not portray them as such. However, anti-trafficking is inherent in the work we do, which is mainly identifying the harms and human rights violations caused by repressive or misguided anti-trafficking efforts and supporting im/migrant sex workers who are negatively impacted. On the rare occasion we receive requests for services related to trafficking, SWAN has to pay out of pocket for the direct supports women require, and for which we receive no formal funding; client-centered language-accessibility aside, sex work-positive anti-trafficking services simply do not exist.

Limited resources continually restrict SWAN's capacity to challenge the problematic ways in which human trafficking is talked about and addressed, and in turn limits our ability to deliver direct services to im/migrant sex workers who continue to be harmed by mainstream anti-trafficking efforts in Canada.

Moving Towards Ethical Anti-Trafficking Initiatives and Support Services

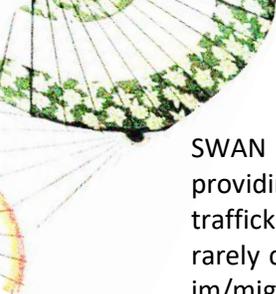
In a 2019 Global Alliance Against Traffic in Women (GAATW) consultation, participants asserted that trafficking could be successfully prevented by implementing measures addressing the issues of discrimination, migration, labour and social protections.⁸⁷ Awareness raising is only one pillar of anti-trafficking work and one that has much less impact than addressing the root causes of trafficking, which can include restrictive im/migration policies, lack of labour protections, poverty, social inequality, criminalization of sex work and more.⁸⁸ In fact, there is little evidence that public awareness campaigns help victims of human trafficking at all.⁸⁹

Human trafficking can be prevented by promoting safe migration via policies and laws that create safe and legal channels for working-class migrants. Human trafficking can also be prevented by increasing labour rights and ethical working conditions across industries, in particular industries dependent on migrant labour. For origin countries, this means providing information about visa and working conditions abroad. In destination countries, this means reaching out to migrant worker communities and providing information about their rights and working conditions, supporting self-organizing and referring them to services.

⁸⁷ Global Alliance Against Traffic in Women (2019). Global Consultation on Prevention of Trafficking and Unsafe Migration Report. More information at <http://bit.ly/34cHpX5>

⁸⁸ Ibid.

⁸⁹ Haynes, D. (2019, June 20). The wastefulness of human trafficking awareness campaigns. *Open Democracy*. Retrieved from <http://bit.ly/2TsqVbk>



SWAN is an example of an organization that engages in evidence-based, ethical anti-trafficking work by providing information to im/migrant sex workers about their rights and addressing the harms of anti-trafficking efforts that only serve to perpetuate their systemic vulnerability. Despite the fact that SWAN rarely comes across actual victims of human trafficking, our role in providing information and referring im/migrant sex workers to services is human trafficking prevention.

What Can You Do to Promote Ethical Anti-Trafficking Work?

Being knowledgeable about the impacts of the dominant trafficking discourse on im/migrant sex workers and learning about their actual needs can allow for more ethical and responsible anti-trafficking and sex work responses. If you have read this toolkit, you've made a great start!

Here are some other ways to ensure that as a member of the public, you can promote more ethical anti-trafficking work:

DIFFERENTIATE SEX WORK AND TRAFFICKING. The impacts resulting from the conflation of sex work and human trafficking are some of the greatest harms sex workers experience. How do you define sex work? How do you define human trafficking?

BE COGNIZANT OF YOUR MOTIVATIONS FOR SUPPORTING A HUMAN TRAFFICKING CAMPAIGN. Unexamined privilege, moral views about the sex industry, and misinformation about human trafficking can be powerful motivators *to do something* about human trafficking. Human trafficking is a very complex issue. While many efforts to address human trafficking are well-meaning, they can also be ill-informed and cause harm. Deeply examine your social location, motivation, and the skills and knowledge you bring to this incredibly nuanced issue. Ensure your efforts are less about a personal need for altruism and more about the self-identified needs of those your campaigns and efforts aim to serve and support.

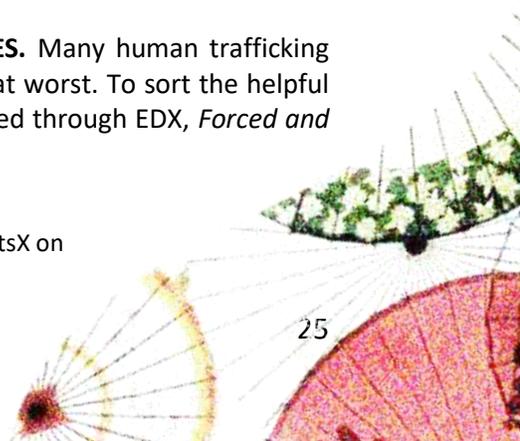
Because most anti-sex work and anti-trafficking activists come from a place of privilege, it's hard for them to see that a marginalized sex worker could have some agency. So it's hard for them to give up that ideal, or see beyond that place of privilege.

~ SWAN Outreach Volunteer

CHECK SOURCES. Consider where your information about human trafficking comes from. Is the source primary or secondary? Is the source reputable? Human trafficking (mis)information has the added complexity that some normally reputable sources have hidden moral, economic or political agendas. Also, consider who is captured within human trafficking statistics. Over time, we have seen a steady expansion of what is considered 'trafficking' – including forced marriage, legacies of colonialism, pedophilia, domestic violence and more – to justify ever-increasing anti-trafficking resources. Practice due diligence in considering any bias or agendas upon which human trafficking statistics are created.

SUPPORT HUMAN TRAFFICKING INITIATIVES THAT ADDRESS ROOT CAUSES. Many human trafficking initiatives offer simplistic solutions that are ineffective at best and harmful at worst. To sort the helpful from harmful and ineffective, SWAN recommends a free online course offered through EDX, *Forced and Precarious Labor in the Global Economy: Slavery by Another Name?*⁹⁰

⁹⁰ Forced and Precarious Labor in the Global Economy: Slavery by Another Name? WitsX on edX; see course description at <http://bit.ly/2Nuy8nh>





BE INCLUSIVE. Ensure that the individuals who the human trafficking initiative purports to help are involved in its design and delivery. For example, if the campaign addresses human trafficking for the purpose of sexual exploitation in the sex industry, sex workers **must** be involved in all aspects of the campaign to prevent inadvertent harm. Otherwise, the campaign may be more about stopping sex work than stopping human trafficking.

There are many other ways to better support im/migrant sex workers, and through a more ethical understanding of anti-trafficking. SWAN has developed a variety of resources detailing specific ways health care providers, law enforcement, immigrant-serving agencies, faith-based organizations, fundraisers, policy makers, politicians, researchers, students and the media can better meet the needs of im/migrant sex workers. You can access these resources by sending a request to info@swanvancouver.ca.

Conclusion

SWAN hopes that the information presented in this toolkit contributes to a more critical understanding of human trafficking and disrupts some of myths and misconceptions about im/migrant sex workers in Canada.

If you have any questions about the toolkit, please feel free to contact SWAN Vancouver at 604-719-6343 or by email: info@swanvancouver.ca.

To support SWAN's work, check out the "Get Involved" page on our website or make a donation directly through CanadaHelps.⁹¹

Thank-you for reading!

⁹¹ See SWAN's website: <https://www.swanvancouver.ca> and/or donate through CanadaHelps: <https://www.canadahelps.org/en/charities/SWAN-Vancouver>