

# Barriers to Justice for Migrant and Immigrant Sex Workers:

A Community-Led Research Project





Research completed by: SWAN Vancouver Society [www.swanvancouver.ca](http://www.swanvancouver.ca)

Written by: Kimberly Mackenzie

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# Executive Summary

SWAN Vancouver Society (SWAN) is a community-based, non-profit organization that provides a safe environment and non-judgmental support for newcomer, migrant and immigrant women (hereinafter im/migrant) who do indoor sex work in Metro Vancouver. SWAN undertook this project, funded by the Ministry of Public Safety and Solicitor General of British Columbia, to explore and understand the barriers im/migrant sex workers in Metro Vancouver experience in accessing justice. In this project, we seek to learn how im/migrant sex workers respond to and deal with violence in the workplace, and why they do or do not report this violence.

SWAN administered surveys and completed interviews with 22 im/migrant women who do sex work in Metro Vancouver. We analyzed the information using thematic and narrative analysis to identify key themes and show the variability in responses to violence based on past experience and the intersection of varying characteristics like workplace and immigration status.

The findings are indicative of the many barriers to accessing the criminal justice system im/migrant sex workers experience, and show a variety of concerns and disadvantages to reporting these kinds of violence. Sex work stigma and related factors such as impacts on one's personal life and worries about information sharing were the top reported concerns that impact whether women tell others about their experiences of violence.

Based on these findings, SWAN makes several recommendations to improve im/migrant sex workers' access to the criminal justice system including:

- addressing barriers to victim services for im/migrant sex workers
- ways for police to build trust and improve relationships with im/migrant sex workers
- law reform through the decriminalization of sex work.

We also collected feedback on what SWAN can do to better support women in the reporting process. We will report back our findings to our clients, as well as the greater community.

Everyone deserves to work without violence and receive equal protection under the law. This research shows that im/migrant sex workers experience violence, but are not able to access their rights to protection. Our goal in sharing the research findings with the women we support, is that they will feel more empowered to make informed decisions about reporting violence and victimization. However, this cannot happen without victim services, police and law/policy makers taking steps to better meet the needs of this population.

# Introduction

The purpose of this project is to explore and understand the barriers im/migrant sex workers in Metro Vancouver experience in accessing justice and justice-based services. In this project, we seek to learn how im/migrant sex workers respond to and deal with violence in the workplace, and why they do or do not report this violence.

This report highlights the key thematic findings from this research. We discuss the findings within the context of other existing research and the experiences of SWAN Vancouver Society as an organization that has been supporting im/migrant women who do sex work in Metro Vancouver since 2004. This report also contains recommendations for victim services, police and law reform that have the potential to improve im/migrant sex workers' access to justice.

This project was funded by a Civil Forfeiture Office Grant from the Ministry of Public Safety and Solicitor General of British Columbia.

## Who We Are

SWAN Vancouver Society (SWAN) is a community-based, non-profit organization that provides a safe environment and non-judgmental support for newcomer, im/migrant women who do indoor sex work in Metro Vancouver. Our mission is to provide culturally appropriate and language-specific outreach support, advocacy, education and research to uphold the basic human rights of im/migrant sex workers. SWAN envisions a society in which sex work stigma, discrimination and inequities are eliminated and non-judgmental community acceptance, supports and resources exist for im/migrant women who engage in sex work.

SWAN operates two programs: Outreach and Netreach. The Outreach Program involves in-person outreach to massage parlours in Metro Vancouver to disseminate safe sex supplies and address health, legal and other work-related issues through rights-based information sharing and/or referrals to community services. The Netreach Program connects with women via information communication technologies (ICTs) (e.g., mobile phones, tablets, computers) to provide virtual outreach and initiate relationships with im/migrant sex workers who utilize ICTs to work.

# Methodology

## Data Collection

Both surveys and in-depth interviews were used to collect data. There are some unique challenges in doing research with im/migrant sex workers, especially around concerns about privacy, anonymity and information sharing. Providing different options for collecting this data enabled women to use the research method with which they were most comfortable.

Surveys were offered both in-person and online. They were designed to elicit general responses about women's thoughts on what they would hypothetically do when experiencing violence, and what factors affect the reporting of violence and access to justice. The purpose of keeping the survey more hypothetical, rather than based on real life scenarios, was to offer an option for participation that was less invasive, and did not require a woman to recount a potentially traumatic experience through a less personal medium. The survey was designed bearing in mind that some women may be completing the survey independently online, with no opportunity to ask questions or receive support from SWAN outreach workers.<sup>1</sup>

Interviews were designed to get a deeper understanding of how women respond to violence in a specific scenario to gain insights into whom they tell, who they do not tell, the reasons for these decisions and the outcomes of their experience. Some women participated in both the survey and the interview.

Participants were recruited through both our Outreach and Netreach programs and given honoraria for their participation in both the survey and the interviews. Sampling was therefore non-random and self-selected.

## Data Analysis

Analysis was both quantitative and qualitative. Quantitative data from the survey was supplemented with qualitative data from similar interview questions.<sup>2</sup>

Qualitative data was analyzed using thematic and narrative analysis. Thematic analysis was used to identify key themes that emerged from the entire dataset, but also themes that emerged across responses to specific questions. Narrative analysis is a strategy that recognizes the extent to which personal stories provide insights into lived experiences (Thorne, 2000). We used narrative analysis to detect main narrative themes, but also to show the variability in responses to violence based on past experience and the intersection of varying characteristics like workplace and immigration status.

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<sup>1</sup> Despite making this option available, the survey was administered by SWAN in-person for the majority of respondents.

<sup>2</sup> Responses were not double counted for respondents that completed both the survey and the interview.

# Limitations

There are three key limitations to this study that make the findings difficult to generalize. First, we had a limited time frame to collect data and experienced challenges in recruiting participants, which led to a small sample size of 22 participants. There were several reasons why women stated that they did not want to participate, including being too busy with work or feeling 'over-researched'. Several women spoke about how they have participated in research before but they feel that nothing ever changes, or they have never seen the outcomes of the research. For this reason, we are ensuring that SWAN reports the results back to the community through infographics in both Chinese and English that depict the research findings in a short, accessible and engaging method. Despite the small sample size, the findings are consistent with the stories and experiences SWAN hears from women in day-to-day service provision, and is also consistent with previous research on barriers to justice in the sex industry.

Second, it may have been helpful to use ranking questions to get a better sense of participants' greatest concerns regarding reporting, rather than using an open response to elicit this information as many women did not indicate their greatest concern. This made it hard to differentiate between concerns with the largest impacts on behaviour and those that are less serious. Likewise, there could have been greater clarification in questions that examine reporting concerns. As previously pointed out, there may have been some conflation between reporting violence to the police and other people.

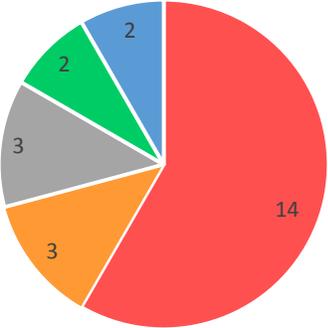
# Results

## Demographics

Overall, 22 women participated in this research project (n=22): eight of whom completed the survey only; six of whom completed the interview only, and; eight of whom complete both the survey and the interview.

We collected demographic information on three factors that we know can vary one’s experience of violence and/or decisions to report violence: type of workplace, municipality of workplace and immigration status.

Type of Workplace



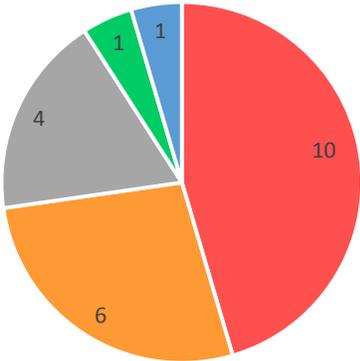
- Massage shop
- Apartment, condo or house - alone
- Apartment, condo or house - with other women
- Hotel
- Client's home

Workplace Municipality



- Vancouver
- Richmond
- Burnaby
- Surrey
- Abbotsford
- Coquitlam

Immigration Status



- Canadian Citizenship
- Permanent Residency
- Temporary Visa
- Canadian Work Permit
- Int'l Student Visa

## Definition of Violence

SWAN felt it was important to get a better understanding of how women define violence within the context of sex work to ensure we were not imposing our own definitions. When asked: “How do you define ‘violence’ in the workplace? What types of violence do women doing this work experience?” every participant in both surveys and interviews identified clients as the main source of violence. Participants defined violence in a variety of ways including physical, sexual, verbal, and emotional abuse. Almost half of the participants identified drunk clients as particularly problematic, noting that they can be rough, aggressive, disrespectful and can overstep boundaries. **In addition to more explicit forms of violence, participants also cited non-payment as a form of violence they experience.**

### Sexual Violence

It is particularly interesting to further examine responses regarding sexual violence. Most women did not explicitly identify sexual assault as a form of violence, but several women identified having clients remove condoms or being forced to provide services with which they are not comfortable or do not offer. One participant describes violence as being forced to do services she doesn’t do, but later states she has never personally encountered physical violence in the workplace. **A response like this is consistent with other anecdotal information from around the world suggesting that some sex workers have come to believe that this is ‘just part of the job’** (Bridgett & Robinson, 1999), which is suggested to be a result of the pervasive stigma regarding sex work. It may also be reinforced by inadequate or unfair treatment from law enforcement, the courts and/or health care providers. For example, sexual assault of a sex worker can be downplayed, or sex workers can be victim-blamed as a result of the stigma and misunderstandings of sex work.

While some women report that they have good clients and do not experience violence, they often preface this by saying that they personally have the power to say no to bad or violent clients. A few participants suggest that their ability to provide good services is the main reason they don’t experience violence. For example, one participant states:

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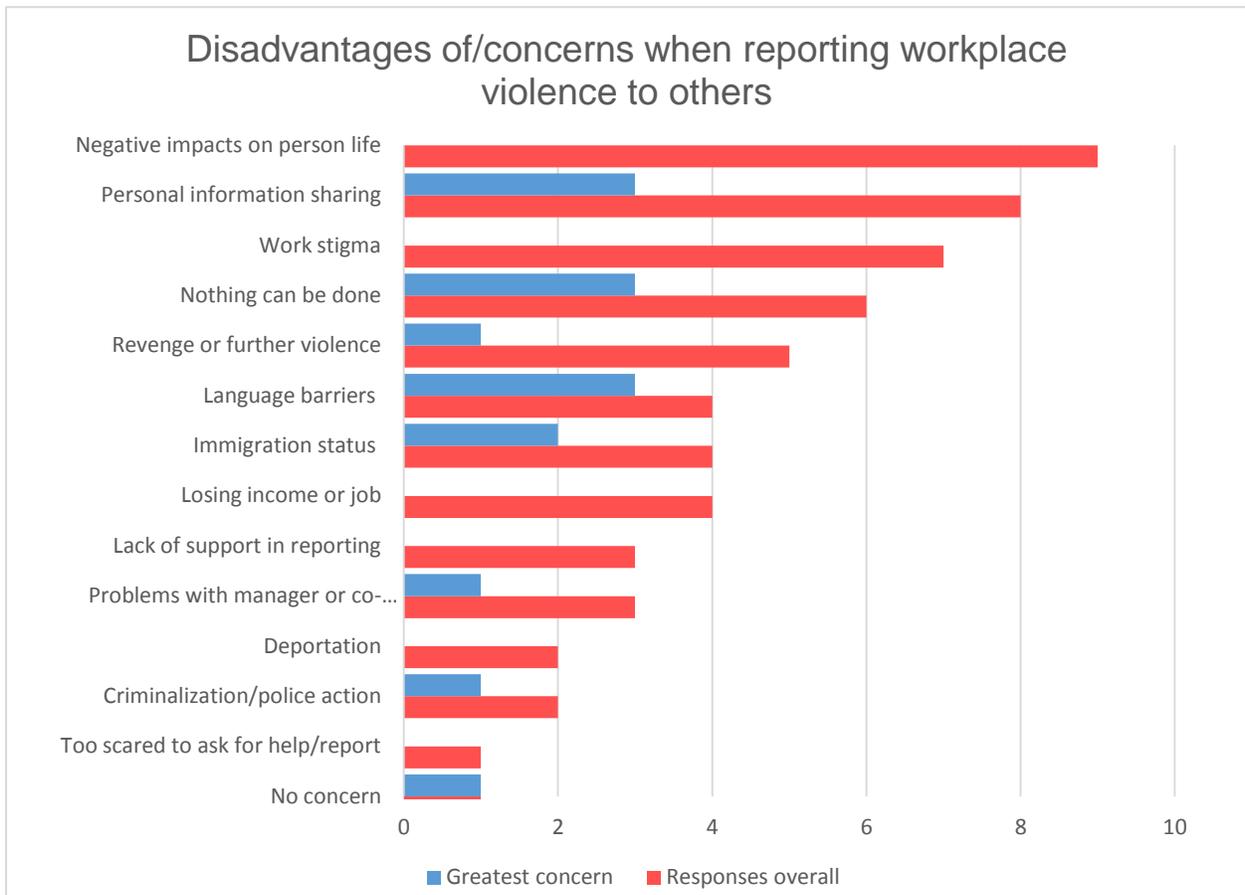
*“I personally have not had any experience with violent clients or negative experiences. I think it is because I know how to deal with difficult clients. [...] They spend money because they want to have a good time. It is my job to deliver good service.”*

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**The idea that women must provide good services to ensure their safety is consistent with what we know about the strategies that women employ to keep themselves safe.** Many of the participants who experienced violence reported that they dealt with it themselves. The reasons for this are explored in greater detail in following sections, but it is important to recognize that in their inability to access justice, “delivering good service” to prevent negative outcomes is a strength-based method of navigating violence that can occur in the workplace. This is a tool sex workers use across the globe. For example, in a study analyzing the strategies of female sex workers in Laos, women reported that doing what clients want and being nice to clients are strategies they use to avoid violence (Phrasisombath et al., 2012).

## Reporting Violence to Others

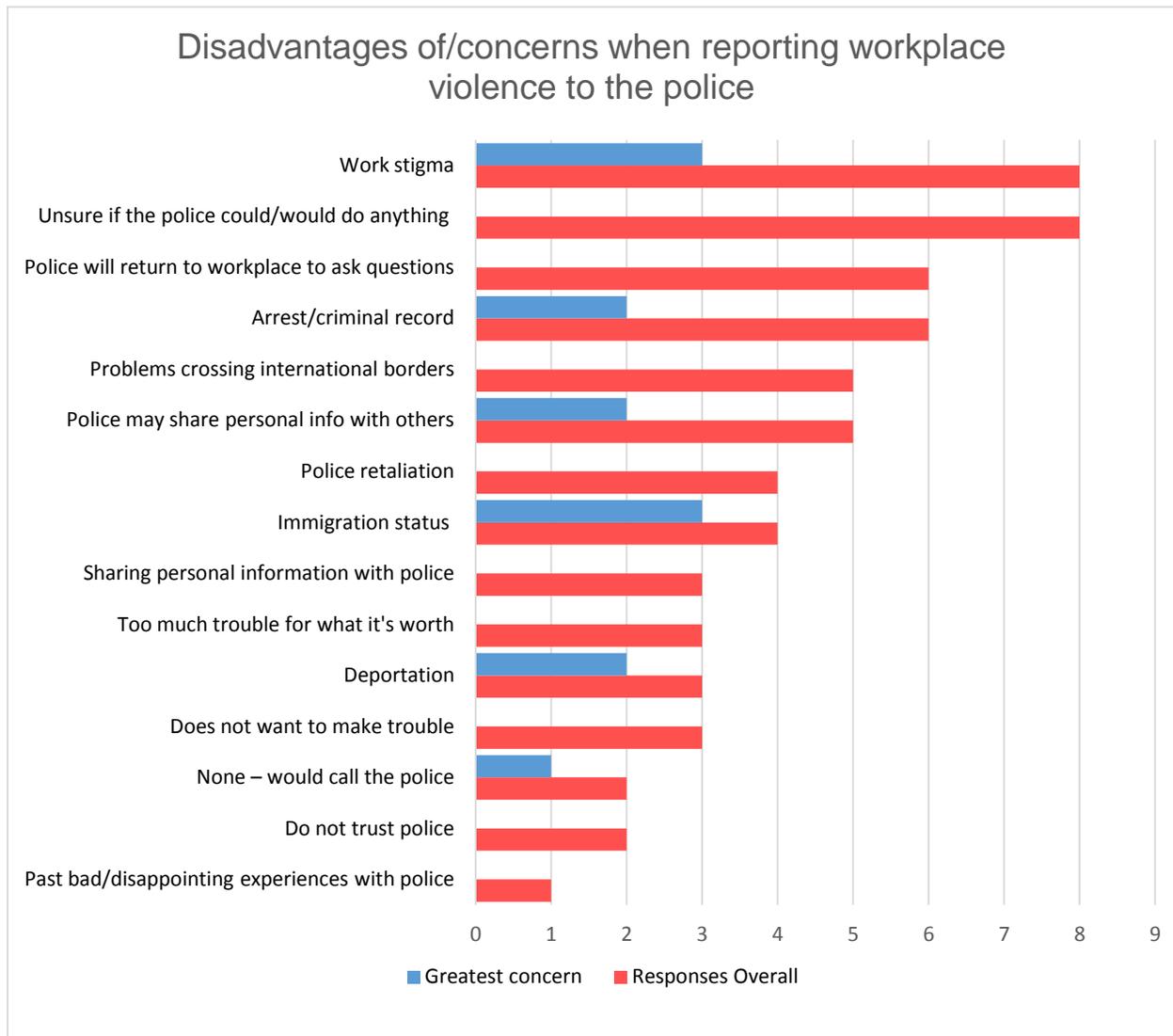
In designing the survey and interview guides, we recognized that reporting violence in the workplace could mean reporting to the police, but that it could also mean reporting to organizations like SWAN, to friends/family, to co-workers or to anyone else. With this, we asked two separate questions to try and delineate between reporting to the police, and others. In analyzing the data, it is quite possible respondents conflated the two questions. Nevertheless, participants exposed several important themes when asked about the disadvantages of and their concerns regarding reporting violence in the workplace.



The top three most commonly-identified concerns in Figure 1 appear to be inextricably linked. Many women say that they would tell co-workers or friends that know about their work, but not others who do not know about or understand their work because of work stigma, fears of their personal information being shared with others (i.e., what they do for work) and negative impacts on their personal and family lives (i.e., as a result of the work that they do).

When asked how they decide whether or not to tell anyone about violence they have experienced, heard or witnessed, **75 percent of survey respondents report that they usually only tell their co-workers and/or boss.** Reasons for this include: so co-workers know which clients to watch out for and/or ban; to share or vent; because it's too complicated to tell others, and; because co-workers/managers are considered to be the only ones able to help in the situation.

## Reporting Violence to the Police



Consistent with previously-identified concerns, work stigma is the most commonly reported concern that appears to have influenced many other responses. Stigma can be linked to the second most commonly-reported disadvantage – being unsure that the police could or would do anything to deal with the reported violence. In some qualitative responses, this was connected to an overall lack of faith in the criminal justice system:

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*“What’s the point? The police can’t do anything about it.”*

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In other responses, it was connected directly to sex work stigma and the idea that police can treat sex workers differently, leading to an unjust outcome. For example, one woman states:

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*“Police won’t help us, because we are not in a ‘proper’ or legal trade. We have to hide.”*

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**Women report fears of arrest and/or criminal records, further police involvement and fear of police sharing personal information with other government service agencies as other significant concerns.**

When asked how they decide whether to tell anyone about violence they have experienced, heard or witnessed, only two respondents say they felt empowered to report violence to police regardless of circumstance. Another four respondents say they would only involve police in a severe case of violence. There was no meaningful connection between municipality wherein respondents work and their reporting behaviours, despite the differential approaches some municipal police departments take in dealing with sex workers.<sup>3</sup>

Beyond concerns crossing international borders, a few women reported effects on immigration status and fear of deportation as disadvantages to reporting to police; and of those who did, these concerns were often their greatest concern. It is not surprising to uncover that these respondents specifically hold temporary visas and are not Canadian citizens or permanent residents.

## Dealing with Experiences of Violence

Of the 14 interviewees, eight women reported experiencing violence or feeling as if their safety was at risk in the workplace, and six reported experiencing no violence or feelings of unsafety. This supports other literature showing that violence is not a defining feature of sex work. For example, in a Canada-wide study examining victimization in indoor sex work, 68% of the 109 participants reported never experiencing violence (O’Doherty, 2015). Other research suggests that violence is a by-product of laws that criminalize either the purchase or sale of sex, that result in sex workers working in less safe work environments (van der Meulen and Durisin, 2008; O’Doherty, 2011; Krusi et al., 2014).

The responses of the women who reported violence were consistent with the survey findings. Out of these eight women:

- Seven reported telling a co-worker or manager;
- Four women reported telling a friend;
- Four women reported dealing with the problematic client themselves, and;
- One woman called the police.

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<sup>3</sup> E.g., The Vancouver Police Department has Sex Work Enforcement Guidelines that aim to “promote the safety, dignity and well-being of those involved in the sex industry” (p2), and that state “sex work involving consenting adults is not an enforcement priority” (p4).

To get a better sense of the violence that sex workers experience, how they deal with this violence, and the factors that affect their responses, we will highlight some of the scenarios reported to us in our interviews.<sup>4</sup>

### **Donna**

Donna currently works in a massage shop<sup>5</sup> in Vancouver. She told us about two separate instances of violence that she has experienced. The first one presents an interesting narrative about the role of bosses and managers in supporting and protecting their workers. One time, she encountered an aggressive client while working at a massage shop. When she reported it to her boss, her boss did not make an effort to support or protect her and in fact, took the side of the client. She emphasized the importance of having a supportive manager to help deal with conflict situations.

The second incident involved a robbery while working in a hotel. In this case, she felt there was nothing she could do as the client had already left. She called a friend, but did not call the police. When asked why she didn't call the police, she said she was afraid she might be arrested or charged and fears judgment from the police because they do not understand this work. Despite being a Canadian citizen, she cited concerns over crossing the border. She fears that border guards could have a record of her work and ask intrusive questions, potentially leading to her inability to travel to other countries.

### **Sandy**

One day Sandy was working as a manager for a massage shop in Vancouver when a drunk client got aggressive and broke the mirrors in a massage room. Sandy told her co-workers so that they could keep an eye out for that client in the future. She pointed out that in this line of work, she believes only the women can protect themselves and each other. In this instance, she did not think the police could do anything to help her, but also said she did not trust the police. Despite working in Vancouver where the Vancouver Police Department have [Sex Work Enforcement Guidelines](#)<sup>6</sup> that are meant to ensure sex workers are treated with dignity and respect, Sandy has found police to be threatening and disrespectful in the past. In her view, they project stigma and belittle women because of their involvement in sex work.

### **Julia**

Julia works in an apartment in Surrey. In two different situations, Julia had clients get aggressive and demand either more service, or their money back because she has limitations on the services she is willing to provide. In one scenario, she was working alone and was able to convince the client to leave. In the second scenario, she got her boss involved and they got the man to leave.

In both situations, the client did not call the police, but threatened to do so when Julia would not comply with his demands. Julia did not want the police involved and said she would only consider calling the police in more serious situations because of fears of being arrested or charged. She has concerns about sharing her personal information with the police because she is afraid that reporting might affect

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<sup>4</sup> Names have been changed to protect women's confidentiality.

<sup>5</sup> Massage shop is the term used by women to describe their workplaces, which are more commonly known as massage parlours.

<sup>6</sup> <http://vancouver.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>

her immigration status and/or get her deported. She is visiting on a temporary visitor's visa, but is interested in pursuing permanent residency.

### Christina

Christina works in an apartment with other women in Richmond. After experiencing a violent incident, she told a close friend who works in sex work so that they can learn from her experience. She believes that there is no point in telling anyone else, including the police because she feels nothing else can be done about it, especially because she cannot be open about her work with them. She would only consider calling the police in life-threatening situations and feels she has to deal with most unsafe situations herself because there is nothing the police can do. She does not want police coming to her business because it will deter clients and potential co-workers. However, an even bigger fear is that reporting to the police could result in retaliation from clients and other bad people. She does not want any trouble.

### Maria

Maria works at a massage shop in Abbotsford and is one of the few participants who is comfortable calling the police when she feels her safety is being threatened by clients. In the past, she has called the police and they have dealt with drunk and aggressive clients for her. She says she has a good relationship with the police and has always had positive interactions with them. Maria says she feels empowered to call the police because she is a Canadian citizen who pays taxes and works in a licensed business, so she feels it is her right to call the police if she needs them.

## Police and Victim Services

When asked about familiarity with police and victim services, survey respondents generally had not heard of the many services that are available to victims of violence. Only four respondents were familiar with any victim services. Of the existing victim services, respondents were only familiar with Police Victim Services, community-based victim assistance programs, BC Crime Victims Assistance and Crime Stoppers. Three of the four respondents were familiar with Crime Stoppers and one had accessed it before.

These findings show that more can be done to educate sex workers on the existence of victim services, though the unique barriers for sex workers in accessing these services must be considered. **Even if sex workers are aware of police and victim services, the findings from this project suggest that there are many reasons why im/migrant women who do sex work would not seek them out.** Similarly, we discovered this with the launch of our '[Legal Rights Cards](#)' created in collaboration with Pivot Legal Society.<sup>7</sup> While a woman may have become more aware of her legal rights as a result of this card, she may not feel empowered to exercise those rights because of the various barriers described in this report.

## Reflections on Police

The women we interviewed had a lot to say when asked about ways in which the police can improve how they work with sex workers so that women feel safer reporting violence. **The single most common**

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<sup>7</sup>[https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/315/attachments/original/1361921119/Pivot\\_VPD\\_Sex\\_Workers.pdf?1361921119](https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/315/attachments/original/1361921119/Pivot_VPD_Sex_Workers.pdf?1361921119)

**response is that police need to change their attitude by learning to be respectful and understanding, rather than making judgments and assumptions about sex work.** One respondent discusses her desire for greater understanding and less stigma:

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*“I want the police to understand that I am making the best choice I can right now so that I can earn enough money to go to school. I know there are women working to support their families. Women shouldn’t be stigmatized when they are all trying to achieve something.”*

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Furthermore, this shift in attitude needs to be not just institutional, but personal. Even if there are language barriers, sex workers survive on their intuitions and by reading micro-expressions. They can sense judgment even when it’s not explicit. As one woman says:

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*“It doesn’t matter if the police write anything on paper about how they are going to change their attitude, when deep down they still hold their assumptions about me.”*

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Related to this, some respondents suggest that a written policy outlining an approach that explicitly states the police’s willingness to support and protect sex workers might help, but others were skeptical that a policy like the VPD’s [Sex Work Enforcement Guidelines](#) actually do anything to protect them in practice.

Many of the respondents suggest that police need to appear less threatening and that they would consider reporting if the police could guarantee protection and promise a case would not be turned against them. **Similarly, several respondents suggest that the decriminalization or legalization of sex work would be the only change that could encourage them to report to the police.**

Other suggestions for police that could result in better relationships with sex workers include:

- Help sex workers understand the criminal justice system and the reporting process
- Clarify how reporting violence may affect sex workers’ immigration status
- Accept reports of violence through a third-party like SWAN
- Have an interpreter/translator present (especially Chinese)
- Show up to workplaces without uniforms when possible and give business cards if available
- Provide regular updates during investigations. “There’s nothing new this week. We are still working on it” is an important update to communicate that investigations take time and to prevent sex workers from thinking police are not taking the case seriously
- Protect personal information and inform women with whom their information may be shared and why.

# Discussion

While the ways in which im/migrant sex workers deal with violence are complex, this study still shows some overarching themes that are consistent with other existing research.

## Stigma

The single most common and pervasive effect on women's reporting behaviours was stigma. Even when stigma was not explicitly identified as barrier to reporting, it transcended many other reasons for not reporting violence, not only to the police, but also to others. There was an overarching fear of being 'outed' by either friends, family or the police by collecting and sharing personal information with others.

Furthermore, stigma heavily influenced participants' decisions to call the police. While some women were afraid to call the police for fears of being criminalized, many others just believe there is no point because the police cannot or will not do anything. As Wong, Holroyd and Bingham (2010) noted in their work on stigma and sex work in Hong Kong, **sex workers generally operate on an implied two-tiered policing system wherein sex workers are unable to assert their legal right to protection because of sex work stigma, while the general public are clearly encouraged to do so.**

Related to this is the idea that sex workers somehow 'deserve' violence because of the work that they do, which is inherent in sex work stigma. Victim-blaming is not only something promoted by members of the general public, but has also been shown to influence the ways in which police and other criminal justice personnel address violence against sex workers in Canada (Benoit and Shumka, 2015).

## Reporting to Police: Not Worth It

Aside from the small minority of women who have or would report violence to the police, the majority of respondents do not or would not report violence to the police. The overwhelming theme is that for most women, the potential negative impacts outweigh any potential benefits. These perceived negative impacts, while directly connected to stigma, are also largely influenced by criminalization and fear of arrest. Even if a woman has never felt personally criminalized, they know the risk is there. One woman describes how police behaviour can influence her decision to report:

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*"I know that one of my co-workers who used to work at a different massage shop was raided by the police. This made me less willing to report to the police because the raid meant that the police already think of us as criminals and will not be on our side."*

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Respondents even questioned the existence of potential benefits; **many women believe there is nothing that can be done – largely because they do not have faith in the criminal justice system to carry a process through to conviction.** These findings are consistent with most literature examining the effects of criminalization on sex workers' ability to report violence, including a study by SWAN

Vancouver and Zi Teng<sup>8</sup> wherein 95% of Chinese sex workers in Vancouver and Toronto stated that law enforcement would not be a strategy they would use to seek assistance (Ham, 2015).

## Reliance on Co-Workers

As a result of sex work stigma, the majority of women reported that they heavily rely on co-workers and managers when dealing with problematic clients or violent situations. The current legal climate in Canada has implications for this reliance on co-workers. In 2014, the *Protection of Communities and Exploited Persons Act (PCEPA)* was passed. Section 286 criminalizes third parties who facilitate sex work, like managers and even co-workers in particular circumstances.<sup>9</sup>

**While PCEPA has been designed to ‘protect’ sex workers from violence, this provision may actually do the contrary by criminalizing people that contribute to safer work environments by dealing with abusive clients, maintaining ‘bad client’ lists, and employing security measures.** Essentially, this provision means that sex workers who want to work legally have to work alone (Belak and Bennett, 2016).

## Unique Experiences of Migrants

While sex workers who are working in Canada as migrants represented a small sub-section of the sample, their concerns were largely the same. **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.**<sup>10</sup> While concerns regarding stigma and criminalization were also apparent for these respondents, immigration status and deportation were generally their primary concerns. As one woman stated:

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*“At least if women don’t report, they would still be able to work and not worry about being deported.”*

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Fear of deportation and concerns about immigration status has been well documented in existing literature. A previous study of im/migrant sex workers in Metro Vancouver found that sex workers who are awaiting permanent residency or citizenship are reluctant to report violence for fears that their application will be rejected (Goldenberg et al., 2017). These immigration concerns arguably make migrant sex workers even more vulnerable to violence and exploitation (Canadian Alliance for Sex Work Law Reform, 2014).

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<sup>8</sup> Zi Teng is a sex work support organization in Hong Kong. <http://www.ziteng.org.hk/eng/>

<sup>9</sup> For example, performing “duos” or dates where two sex workers see clients together; alternately booking appointments; cleaning facilities; or performing any number of rotating duties that sex workers often share in indoor premises (Belak & Bennett, 2016).

<sup>10</sup> Section 181 of the *Immigration and Refugee Protection Act* prohibits employment in the sex trade – including exotic dance, escort services, erotic massages – for all temporary residents

# Recommendations

Our research participants identified several ways to increase their willingness to report violence, both explicitly and implicitly. Using the findings from this research, combined with the existing literature on sex work in Canada and SWAN's experience as a sex work support organization, we make recommendations for victim services, police and law reform. These recommendations are key elements to improving im/migrant sex workers' access to the Canadian justice system.

We also asked our participants about what SWAN can do better to support women in accessing justice and in the reporting process. Combining this feedback with the overall findings from this report, we continue to re-examine our approach, learn from this feedback and reflect on how we provide our services to ensure they are addressing the needs of the women we support.

## Victim Services

Our research shows that there is little awareness of existing police and victim services in the im/migrant sex work community. However, our research also highlights the many barriers that prevent im/migrant sex workers from accessing these services. Awareness campaigns for victim services are not effective if the unique barriers for im/migrant sex workers are not addressed. These barriers can potentially be addressed by:

- Offering confidential and/or anonymous service provision
- Reducing formal requirements for service access (e.g., identification, 100% form completion)
- Providing multi-lingual services
- Reducing stigma and judgment from service providers and criminal justice personnel
- Training staff on the nuances of sex work and the unique barriers sex workers experience.

## Police

Police officers are the most important stakeholders when it comes to increasing access to justice for im/migrant sex workers. Project participants made explicit suggestions on how the police can build trust and improve relationships with im/migrant sex workers on pg.13 of this report. In addition to those explicit recommendations, SWAN makes several recommendations for police based on the findings from our research.

## Stigma

Sex work stigma is the most common concern when deciding to report violence. Police can help reduce the impacts of sex work stigma by:

- Being cognizant of any implicit sex work bias to ensure police treat sex workers with utmost dignity and respect
- Being aware of institutional biases and judgments and working hard to counter them by learning about the nuances of sex work and the unique barriers sex workers experience via experientially-informed training
- Being aware that their personal morals or values regarding sex may influence their understandings of sex work and consequently, the way they treat sex workers

- Understanding the limitations of a “we treat everyone the same” approach in the context of inequity among marginalized populations
- Understanding how their presence can be intimidating, regardless of professionalism, politeness and/or good intentions (e.g., uniform, weapons, relative body size)
- Not visiting an indoor venue without a reason. This makes im/migrant sex workers feel like they are being criminalized. If there is a reason, whenever possible police should inform the workers why they are there

## Privacy Concerns

Im/migrant sex workers are concerned about their privacy and how their information will be used and/or shared with others. Police can reduce these privacy concerns by:

- Being cognizant about sex workers’ privacy concerns and inform them on how their information may be used whenever possible
- Using the least intrusive means to resolve situations; for example, calling a sex work support organization like SWAN to assist in non-emergency situations like those involving community complaints, or using a law enforcement sex work community liaison
- Being more discrete by interacting with sex workers in plain clothes whenever possible

## Immigration Status

Migrant sex workers who are not Permanent Residents or Canadian Citizens are concerned about their immigration status and fear deportation, which affects their decision to report violence. Police can reduce these concerns by:

- Not asking about immigration status unless absolutely necessary to carry out their duties
- Not reporting sex workers with precarious immigration status to Canada Border Services Agency unless necessary for an investigation
- Implementing an Access Without Fear policy that would allow residents with uncertain, or no immigration status, to access police services without the fear of being reported, detained, or deported.

## Law Reform

One of our participants explicitly stated that as long as sex work is criminalized in Canada, she will never feel comfortable reporting violence to the police. While other respondents were not as explicit, **criminalization of sex work in Canada continues to contribute to stigma from larger society, fear of law enforcement and increased vulnerability to violence and exploitation (O’Doherty, 2011)**. While researchers have just begun to collect data on the negative impacts of the *PCEPA* on sex workers in Canada, we know that criminalization under the prostitution laws prior to *PCEPA* was deemed unconstitutional by the Supreme Court of Canada in *R. v. Bedford*.

We also know about the increased vulnerabilities of migrant sex workers as a result of restrictive immigration provisions that render their legal entry into Canada ultimately illegal through the work that they do, even though selling sexual services in Canada is no longer a crime under *PCEPA*.

With this, SWAN makes three recommendations for law reform:

- Consistent with human rights organizations like [Amnesty International](#), [UNAIDS](#) and the [World Health Organization](#), we recommend that the Government of Canada repeal the *PCEPA* and decriminalize sex work to uphold sex workers' rights to health, safety and security under the *Canadian Charter of Human Rights*.
- To ensure that migrant women who do sex work in Canada have access to equal protection under the law as status Canadians, we recommend that Canada Border Services Agency cease all unnecessary deportations of migrant sex workers.
- We recommend that the Government of Canada repeal Subsection 185(b) of the *Immigration and Refugee Protection Regulations* prohibiting individuals with work permits from working in businesses related to the sex trade, thereby reducing migrant sex workers' vulnerability to violence and exploitation.

## Conclusion

Everyone deserves to work without violence and receive equal protection under the law. This research shows that im/migrant sex workers experience violence, but are not able to access their rights to protection.

This project has allowed us to explore and better understand the barriers to accessing justice that im/migrant sex workers experience. With this we have gained insight on ways SWAN can better support im/migrant women who do sex work in accessing the criminal justice system. We hope we have contributed to an increased understanding of these barriers for criminal justice personnel and that our recommendations are considered to help mitigate these barriers.

The factors that prevent im/migrant sex workers from accessing the justice system are complex and interconnected. These research findings show that simply educating and informing women on the justice support options available to them is not enough if other challenges remain unaddressed. Addressing one or two of the identified challenges on their own will have minimal impact; many of these barriers are systemic and require a systemic solution.

Our goal in sharing the research findings with the women we support is that they will feel more empowered to make informed decisions about reporting violence and victimization. However, this cannot happen without victim services, police officers and law/policy makers taking steps to better meet the needs of this population.

# References

- Belak, B., & Bennett, D. (2016). Evaluating Canada's Sex Work Laws: The Case for Repeal. *Pivot Legal Society*. Retrieved from [https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/1960/attachments/original/1480910826/PIVOT\\_Sex\\_workers\\_Report\\_FINAL\\_hires\\_ONLINE.pdf?1480910826](https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/1960/attachments/original/1480910826/PIVOT_Sex_workers_Report_FINAL_hires_ONLINE.pdf?1480910826)
- Benoit, C., & Shumka, L. (2015). Sex Work in Canada. Retrieved from [http://www.understandingsexwork.com/sites/default/files/uploads/2015%2005%2007%20Benoit%20%26%20Shumka%20Sex%20Work%20in%20Canada\\_2.pdf](http://www.understandingsexwork.com/sites/default/files/uploads/2015%2005%2007%20Benoit%20%26%20Shumka%20Sex%20Work%20in%20Canada_2.pdf)
- Bridgett, M., & Robinson, J. (1999). Sex Workers and Sexual Assault: The Hidden Crime. Retrieved from [http://www.aic.gov.au/media\\_library/conferences/rvc/bridgett.pdf](http://www.aic.gov.au/media_library/conferences/rvc/bridgett.pdf)
- Canadian Alliance for Sex Work Law Reform (2014). Migrant Sex Workers and Sex Work-Related Laws. Retrieved from <http://www.safersexwork.ca/wp-content/uploads/2014/07/Infosheet-on-Migrant-Sex-Work.pdf>
- 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: 10.1371/journal.pone.0170642
- Ham, J. (2015). Chinese sex workers in Toronto and Vancouver. Retrieved from <http://swanvancouver.ca/wp-content/uploads/2015/05/Chinese-sex-workers-in-Toronto-amp-Vancouver-Ziteng-SWAN-amp-ACSA.pdf>
- Immigration and Refugee Protection Regulations* (SOR 2002-227). Retrieved from <http://www.cic.gc.ca/english/resources/tools/temp/work/vulnerable.asp>
- Krusi, A., Pacey, K., Bird, L., Taylor, C., Chettiar, J., Allan S., Bennett, D., Montaner, J.S., Kerr, T., & Shannon, K. (2014). Criminalization of clients: Reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada – a qualitative study. *British Medical Journal*, 4. doi:10.1136/bmjopen-2014-005191
- O'Doherty, T. (2011). Criminalization and off-street sex work in Canada. *Canadian Journal of Criminology and Criminal Justice*, 53(2). doi: 10.3138/cjccj.53.2.217
- O'Doherty, T.C. (2015). *Victimization in the Canadian off-street sex industry* (Unpublished doctoral dissertation). Simon Fraser University, Vancouver, British Columbia,
- Phrasisombath, K., Faxelid, E., Sychareun, V., & Thomsen, S. (2012). Risks, benefits and survival strategies – views from female sex workers in Savannakhet, Laos. *BMC Public Health*, 12, 1004. doi: 10.1186/1471-2458-12-1004
- R. v. Bedford. (2013). SCC 3 S.C.R. 1101. Retrieved from <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>

- Thorne, S. (2000). Data analysis in qualitative research. *Evidence-Based Nursing*, 3, 68-70.
- Vancouver Police Department (2013). Sex Work Enforcement Guidelines. Retrieved from <http://vancouver.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>
- van der Meulen, E., & Durisin, E.M. (2008). Why decriminalize? How Canada's municipal and federal regulations increase sex workers' vulnerability. *Canadian Journal of Women and the Law*, 20(2), 289-311.
- Wong, W.C.W., Holroyd, E., & Bingham, A. (2010). Stigma and sex work from the perspective of female sex workers in Hong Kong. *Sociology of Health and Illness*, 33(1), 50-65. doi: 10.1111/j.1467-9566.2010.01276.x