

# CONTRE L'EXPLOITATION CONTRE LA PROHIBITION



**Pour les droits des travailleuses du sexe,  
le droit de travailler**



Montréal sex workers protesting increased police repression and surveillance of sex workers during the Grand Prix in Montréal in 2016. Photo credit: Stella, 2016.

# CANADA

*Annalee Lepp*

*I acknowledge with deep respect that this work was conducted on the unsundered territories of the Songhees, Esquimalt, and WSÁNEĆ First Nations; the Kanien'keha:ka First Nations; and the Huron-Wendat and Petun First Nations, the Seneca, and Mississaugas of the Credit River.*

There is a growing body of important community-based and academic literature in Canada that seeks to challenge prevalent and harmful misconceptions about the relationship between sex work and human trafficking<sup>1</sup>. This chapter builds on such work and takes a localised case study approach based on research conducted with two Canadian sex worker organisations—Stella, l'amie de Maimie (Montréal, Québec) and Butterfly: Asian and Migrant Sex Workers Support Network (Toronto, Ontario)—as well as interviews with seven sex workers affiliated with one or both organisations and a former sex worker involved with two allied organisations. The entry point and overarching thematic framework of this study is sex worker organising. It considers the histories and stories of sex worker organising, as well as an exploration of the empowering and transformative potential of organising and how it has enabled sex workers to address discrimination and stigma. It also examines whether and to what extent sex worker organisations have engaged with anti-trafficking discourses, and how these discourses have impacted their organisational work and sex workers' lives, and in particular Indigenous, Asian, and migrant sex workers who are most affected by anti-trafficking discourses. Finally, it explores what strategies and initiatives sex workers and sex worker organisations employ to address situations of coercion, deception, abuse of authority, etc. in the sex sector, as well as what factors facilitate or hinder their ability to do so.

This chapter begins with a brief discussion of the Canadian context and the methodological considerations that guided the research design and process. It then analyses the main research findings as they pertain to the aforementioned

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<sup>1</sup> See, for example, the cluster of essays, 'Critical Perspectives on Canadian Anti-Trafficking Discourse and Policy', edited by A DeShalit and E van der Meulen, *Atlantis: Critical Studies in Gender, Culture and Social Justice*, vol. 37, no. 2, 2015, pp. 1–80; A Clancey, N Khushrushahi, and J Ham, 'Do Evidence-Based Approaches Alienate Canadian Anti-Trafficking Funders?', *Anti-Trafficking Review*, issue 3, 2014, pp. 87–108; K Kempadoo and N McFadyen (eds.), *Challenging Trafficking in Canada: Policy brief*, Centre for Feminist Research, York University, July 2017.

themes and concludes with the recommendations articulated by the sex worker organisations as well as the sex workers who participated in the study.

## Introduction

### Socio-economic and Political Context

Canada, which has the second largest landmass in the world and a population of 35.2 million people, was ranked tenth in the UN Human Development Index in 2016. In the late 1960s and early 1970s, it was officially designated a bilingual (English and French) and multicultural nation. At the federal level, equality rights are encoded in the *Canadian Charter of Rights and Freedoms*,<sup>2</sup> and the *Canadian Human Rights Act* identifies prohibited grounds of discrimination<sup>3</sup>; in 2005, same sex marriage was legalised. Such global rankings and legal protections, however, render invisible the histories of white settler colonialism in these territories, state-sponsored genocidal and assimilationist practices imposed on First Nations and Inuit peoples, as well as persistent racial discrimination against Black, Asian, and racialised<sup>4</sup> communities. In the 1980s, Canada's immigration patterns shifted from favouring predominantly European immigrants. Currently, it accepts about 300,000 permanent immigrants per year and, and in 2016, most (56%) continued to choose to settle in the country's largest urban centres, especially Toronto, Montréal, and Vancouver<sup>5</sup>. In 2016, too, there were 79,755 temporary foreign workers labouring in various sectors under often substandard conditions, including in agriculture (57%) and as live-in caregivers (10%).<sup>6</sup> The number of 'non-status' migrants living in Canada is unknown, but estimates have ranged from 80,000 to 500,000.<sup>7</sup> Since the 1980s and 1990s, with the introduction of neo-liberal, fiscal austerity, and economic restructuring policies as well as the significant expansion of precarious employment, Canada has also seen deepening social and economic inequalities. While universal healthcare and public education have been maintained, there have

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<sup>2</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*.

<sup>3</sup> Currently, the main prohibited grounds include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression (added in 2016), marital status, family status, genetic characteristics, and disability. The provinces and territories also have their own human rights acts.

<sup>4</sup> Canada's *Employment Equity Act* and Statistics Canada use the term 'visible minority' to refer to 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour'. This category includes the following groups: South Asian, Chinese, Blacks, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese. See Statistics Canada, 'Visible minority of person', 19 October 2015, <http://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=45152>. Given critiques of the official term, 'racialised' is now commonly used as an adjective to refer to these demographic groups, particularly since many of them do not self-identify as 'people of colour'.

<sup>5</sup> Canadian Council for Refugees, *2017 Immigration Levels – Comments*, n.d., <http://ccrweb.ca/en/2017-immigration-levels-comments>; Statistics Canada, 'Immigration and Ethnocultural Diversity: Key results from the 2016 census', *The Daily*, 25 October 2017, <http://www.statcan.gc.ca/daily-quotidien/171025/dq171025b-eng.pdf>.

<sup>6</sup> 'Canadian Temporary Foreign Workers – 2016', *Canadian Magazine of Immigration*, 15 April 2017, <http://canadaimmigrants.com/canada-temporary-foreign-workers-2016/>.

<sup>7</sup> Canada, House of Commons, *Temporary Foreign Workers and Non-Status Workers: Report of the Standing Committee on Citizenship and Immigration*, May 2009, p. 47.

been successive and drastic cuts to the social safety net, such as to national unemployment insurance and provincial social assistance programs.

For those who reside in and have im/migrated to Canada, access to economic opportunities and experiences of discrimination and marginalisation are fundamentally shaped by the intersecting lines of Indigeneity, gender, racial and class background, and immigration status to name but a few. Canada has no federal poverty reduction strategy and over 4.8

million (or one in seven) Canadians live in poverty. Single working adults, single parent families, people with disabilities, refugees and refugee claimants, and Indigenous peoples (representing 1.4 million people or 4.3% of Canada's population) experience the highest poverty rates and Indigenous peoples continue to be subjected to persistent forms of colonial violence and racial injustices.<sup>8</sup> Canada ranked 35<sup>th</sup> in the World Economic Forum's 2016 global gender gap rankings. Full-time employed women earn 74 cents to every dollar earned by men. Indigenous women face a 57% gender pay gap, immigrant women a 39% wage gap, and racialised women a 32% gap, and these populations experience significantly higher rates of poverty.<sup>9</sup> Women are more likely to be employed in low wage, part-time, insecure, and temporary jobs, and racialised and newcomer women predominate in the lowest paid occupations, such as childcare workers, cashiers, and food service workers.<sup>10</sup> Research also indicates that transgender and non-binary people experience chronic un/underemployment and job insecurity in the Canadian labour market.<sup>11</sup>

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<sup>8</sup> Citizens for Public Justice, 'Poverty Trends 2017', October 2017, <https://www.cpj.ca/poverty-trends-2017>.

<sup>9</sup> T Grant, "Who is minding the gap?", *Globe and Mail*, 6 March 2017, <https://www.theglobeandmail.com/news/national/gender-pay-gap-a-persistent-issue-in-canada/article34210790/>; Canadian Women's Foundation, 'Fact Sheet: Women and Poverty in Canada', February 2017, <http://www.canadianwomen.org/facts-about-women-and-poverty>; F Faraday, 'Closing the Gender Pay Gap: Canada's Pay Gap Means Women Effectively Work for Free for the Rest of the Year', *Canadian Women's Foundation Blog*, 14 September 2017, <http://www.canadianwomen.org/blog/closing-gender-pay-gap-canada%E2%80%99s-pay-gap-means-women-effectively-work-free-rest-year>.

<sup>10</sup> Law Commission of Ontario, *Vulnerable Workers and Precarious Work: Final Report*, December 2012, <http://www.lco-cdo.org/wp-content/uploads/2013/03/vulnerable-workers-final-report.pdf>.

<sup>11</sup> See, for example, Dan Irving, 'Gender Transition and Job In/Security: Trans\* Un/der/employment Experiences and Labour Anxieties in Post-Fordist Society', *Atlantis: Critical Studies in Gender, Culture & Social Justice* vol. 38, no. 1, 2017, pp. 168–178.

best or only revenue-generating option for some. Structural factors, however, do not tell the whole story. While there are no existing statistics on the number of sex workers in Canada, estimates suggest that less than 20% of sex workers are street-based (with Indigenous women over-represented in some regions), 75% are cisgender women, and 25% are men, transgender, two-spirit, and non-binary people.<sup>12</sup> Those who work indoors labour in a variety of sectors, including massage parlours, strip clubs, hotels, in-call and out-call agencies, dungeons, porn, webcamming, erotic phone work, or as independent escorts. Cecilia Benoit *et al.* conducted interviews with 218 sex workers aged 19 to 61 in six Canadian communities (including in Montréal). Seventy-seven percent of interviewees identified as women, 17% as men, and 6% as two-spirit, transgender, gender fluid, etc.; 19% identified as Indigenous and 12% as racialised. Among the participants, 25% worked on street, 20% in managed indoor settings, and the rest worked indoor and as independents; the average age that they first engaged in sex work was 24 years. The interviews further revealed that most participants earned income through sex work because of the ‘desire or need for money’ (87%), citing under/unemployment, debt, inadequate social assistance, or supporting dependents or addictions or identifying sex work as the best of the labour options available, as flexible, and as offering the opportunity to make large sums of money in a short time. Some interviewees (25%) also mentioned ‘the personal appeal of the work’ (including the opportunity to explore and express their gender and sexuality).<sup>13</sup>

### Legislation on Sex Work and Trafficking

Canada originally inherited its prostitution laws from Britain, which were eventually codified in the 1892 *Criminal Code*. They treated prostitution as a ‘status’ offence and ‘prohibited every aspect of prostitution except the ... specific act of commercial exchange for sexual services’.<sup>14</sup> The 1880 *Indian Act* and the 1892 *Criminal Code* specifically prohibited Indigenous women from ‘keeping, frequenting, or being found in disorderly houses’ in an effort to prevent miscegenation and classified those in interracial relationships as prostitutes as a mechanism to uphold racial segregation between Indigenous peoples and the white settler population.<sup>15</sup> Subsequent amendments to the *Criminal Code* focused on street-based sex work —the provisions shifted from regulating vagrancy (1892)

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<sup>12</sup> B Belak and D Bennett, *Evaluating Canada’s Sex Work Laws: The Case for Repeal*, Pivot Legal Society, 2016, p. 34, [http://www.pivotlegal.org/evaluating\\_canada\\_s\\_sex\\_work\\_laws\\_the\\_case\\_for\\_repeal](http://www.pivotlegal.org/evaluating_canada_s_sex_work_laws_the_case_for_repeal).

<sup>13</sup> C Benoit, N Ouellet, M Jansson, S Magnus, and M Smith, ‘Would you think about doing sex for money? Structure and agency in deciding to sell sex in Canada’, *Work, Employment and Society*, vol. 31, no. 5, 2017, pp. 731–747.

<sup>14</sup> C B Backhouse, ‘Nineteenth-Century Canadian Prostitution Law: Reflection of a discriminatory society’, *Histoire sociale/Social History*, vol. 18, no. 36, 1985, pp. 387–423, p. 395.

<sup>15</sup> *Ibid.*, pp. 420–422; Kempadoo and McFadyen, p. 7.



to prohibiting soliciting (1972) to criminalising communication in public (1985). Prior to 2013, 'prostitution and the sale of sexual services [were] not illegal in Canada, yet the laws that surround[ed] prostitution-related activities [made] it extremely difficult to work without breaking the law'.<sup>16</sup>

With the enactment of the *Charter of Rights and Freedoms* (1982), the constitutionality of Canada's prostitution laws was challenged on a number of occasions in the late 1980s and early 1990s.<sup>17</sup> Eventually, the 2007 constitutional challenge by three current and former sex workers (*Bedford v Canada*) was successful when, in 2013, the Supreme Court of Canada struck down three *Criminal Code* provisions as unconstitutional: the communication, living off the avails, and bawdy house offences. The plaintiffs argued that the laws violated section 7 of the *Charter*, namely the right to life, liberty, and security of person, and that the criminal laws that regulated adult prostitution worked to endanger sex workers' safety and security. With the legal vacuum created, the

Conservative government enacted Bill C-36, *Protection of Communities and Exploited Persons Act* (PCEPA)<sup>18</sup> in December 2014, the 'made in Canada end demand regime'. Previously defined as a 'public nuisance', PCEPA redefined prostitution as 'sexual exploitation' and all sex workers as 'victims'. The laws criminalise clients and third parties, public communication in certain areas, working with others, and advertising sexual services with the main objective being to eradicate prostitution<sup>19</sup>. Three years after the laws were enacted and based on sex workers' reports across the country, the Canadian Alliance for Sex Work Law

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<sup>16</sup> E van der Meulen, E M Durisin, and V Love, 'Introduction' in *Selling Sex: Experience, advocacy, and research on sex work in Canada*, UBC Press, Vancouver, 2013, pp. 7–11.

<sup>17</sup> *Ibid.*, p. 10.

<sup>18</sup> Department of Justice Canada, *Technical Paper: Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts (Protection of Communities and Exploited Persons Act)*, 1 December 2014, <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/index.html>.

<sup>19</sup> According to the Department of Justice, 'Bill C-36 harmonize[d] the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked'. See Canada, Department of Justice, 'Prostitution Criminal Law Reform: Bill C-36, the *Protection of Communities and Exploited Persons Act*', 18 March 2015, [http://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs\\_fi/](http://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/). Given this criminalised environment, it is not surprising that Stella's website contains the following statement: 'The information presented on this website is not intended to influence anyone to commit an illegal act. This website is a tool offered to sex workers to improve living and working conditions'. See Stella, 'Contact Us', <http://chezstella.org/en/contact/>.

Reform has confirmed PCEPA's endangering effects with the greatest impacts on Indigenous, transgender, racialised, and im/migrant sex workers: it has intensified the displacement and isolation of sex workers; increased targeted violence, stigma, and discrimination against them; and enhanced police profiling and surveillance.<sup>20</sup>

Canada's *Immigration and Refugee Protection Act* (2002) criminalises human trafficking and smuggling, and anti-trafficking provisions were introduced into the *Criminal Code* in 2005. In 2012, the Conservative government, as an anti-trafficking protection measure, closed down the temporary exotic dancers' visa (which had been available since the 1960s), barred all sex work-related businesses from accessing the temporary foreign worker program, and any migrant workers who are issued open work permits are restricted from working in the sex sector. Trafficking—in conjunction with national security, moral values, and protection of the vulnerable—has been deployed to justify stringent migration policies, heightened border surveillance, and repressive enforcement raids of indoor sex work establishments. Furthermore, beginning in the late 2000s, federal and provincial governments increasingly focused on domestic trafficking, arguing that 90% of trafficked persons are Canadian residents and, of those, 25% are minors, including Indigenous youth.<sup>21</sup> Anti-sex work advocates in the political and civil society sectors have cast domestic trafficking as a national crisis and it has been used to legitimate the ongoing criminalisation, and rescue operations in the sex sector, and to dismiss the longstanding legal and policy demands of the sex worker rights movement. Canadian sex worker rights activists and their allies have consistently maintained that sex workers must be at the centre and fully represented, as the workers most affected, in the development of sex work legislation and policies, in devising strategies that address the complex social conditions that shape their lives (colonialism, racism, homophobia, transphobia, poverty, immigration status, etc.), and in all efforts to address coercive and exploitative labour situations in the sex sector.

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<sup>20</sup> Canadian Alliance for Sex Work Law Reform, *Safety, Dignity, Equality: Recommendations for sex work law reform in Canada*, March 2017, p. 7. As will be discussed in more detail below, the Alliance was formed in 2012 and currently has twenty-five member organisations consisting of sex worker rights and allied groups from across Canada. Its main mandate is to advocate for sex work decriminalisation as 'one part of the larger struggle for the recognition and actualization of sex workers' rights'. See <http://sexworklawreform.com/>.

<sup>21</sup> Government of Canada, *National Action Plan to Combat Human Trafficking* (Ottawa, 2012), 8; R Remiorz, '25% of Canada's Human Trafficking Victims are Minors: Statistics Canada', *Globalnews.ca*, 19 July 2016, <https://globalnews.ca/news/2819281/25-of-canadas-human-trafficking-victims-are-minors-statistics-canada/>.



## Methodology

The selection of one organisation as the focus of this study was challenging, especially given that there are many important and active sex worker organisations that have been established in large and smaller urban centres across Canada, many of which are currently members of the Canadian Alliance for Sex Work Law Reform. Stella was chosen for two main reasons. First, established in 1995, it is recognised as one of the longest standing Canadian sex worker-led organisations, and is well-known for its depth of experience and expertise in the areas of low barrier service provision and sex worker rights advocacy in Canada and beyond.<sup>22</sup> Second, Stella is located in Montréal, which, according to reputation and estimates, has a higher number of sex-related businesses than other Canadian cities.<sup>23</sup> I made initial contact with Jenn Clamen at Stella in January 2017, and, after outlining the purpose and parameters of the project, she expressed support for its focus and direction. Jenn, however, recommended that I also include another direct service organisation - like Butterfly – that specifically works with Asian and migrant sex workers. I then contacted Elene Lam at Butterfly in Toronto and she too agreed to participate.

When developing the research design and methodology, I allowed each organisation to determine how best to proceed with and structure the research, especially given the fairly tight timeframe of the project, and the geographical distances between Victoria (where I am based) and Montréal/Toronto. I was also very cognizant of the fact that sex worker organisations in Canada tend to receive countless requests from researchers and I wanted to be mindful and respectful of each organisation's time, resources, priorities, and protocols for participating in research.<sup>24</sup> I also hoped that such an organisation-led process would enhance the potential for the project to be beneficial to both Stella and Butterfly and their members.

Jenn has been a member of Stella for many years and has been actively involved with the Canadian Alliance for Sex Work Law Reform since its inception in 2012. As

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<sup>22</sup> Other longstanding sex worker-led organisations include, for example, Maggie's Toronto Sex Workers Action Project founded in 1986 (<http://maggiestoronto.ca/>) and Providing Alternatives, Counselling and Education (PACE) in Vancouver incorporated in 1994 (<http://www.pace-society.org/>). Stella has also won multiple awards for its support and advocacy work as detailed on its website at <http://chezstella.org/en/about-stella/accolades/> and, as Ava, one interview participant noted, the organisation has done this 'kind of work under the spectre of criminalisation'.

<sup>23</sup> S Gabriele, 'Sex Work in Montreal: First location report', *The Oldest Game: Creating a Newsgame about Sex Work in Canada*, 13 February 2013, <https://theoldestgame.concordia.ca/?p=274>.

<sup>24</sup> See, for example, Sex Workers of Winnipeg Action Coalition, *Good Sex Work Research Checklist*, <http://sexworkwinnipeg.com/for-everyone-else/for-researchers-and-students/>; E van der Meulen, 'Action Research with Sex Workers: Dismantling barriers and building bridges', *Action Research* vol. 9, no. 4, 2011, pp. 370–384.

part of the research process, she consulted with Stella staff and volunteers, including outreach workers, and compiled the history of the organisation as well as Stella's responses to the guiding interview questions that pertained to its work.<sup>25</sup> Jenn also invited a number of sex workers affiliated with Stella to contact me if they were interested in participating in in-depth individual interviews. Four sex workers (Alice, Ava, Daria, and Jade<sup>26</sup>) contacted me directly. Prior to conducting the individual interviews, I forwarded the participant consent form and interview question guide to them, and reviewed the focus and purpose of the study, provisions related to anonymity and confidentiality, and how the interview results would be used. The interviews, which lasted between 1.5 and 2 hours, were conducted in English over Skype, audio recorded, and transcribed. Participants were able to review the interview transcript for accuracy upon request. Any concerns raised by the participants after the interviews (for example, pertaining to anonymity or requests that certain information be redacted) were noted and their wishes were respected when analysing the results. Each interviewee was given a small honorarium as a gesture of thanks for sharing their time, knowledge, and expertise.

Given the heterogeneity of the sex sector in Montréal and the fairly narrow scope of this study, interviewing a diverse and representative sample of sex workers was not possible.<sup>27</sup> I asked each participant to share as much or as little information about themselves and their work as they felt comfortable revealing to me. The four sex workers I interviewed are in their late twenties to late forties and have worked full-time and/or part-time in the sex industry for between ten and twenty-five years with some leaving the industry for a time and then returning, and one self-identifying as semi-retired. They have worked in different indoor sectors, including as porn performers (online and independent), cam workers, strippers, phone sex operators, independent escorts, and/or as pro doms/dominatrices. Most have been or are engaged in consultative, educational, artistic, activist, and/or advocacy work related to sex work and/or sex workers' rights.

The research process with Butterfly unfolded in a similar organisation-led manner with Elene, my contact, providing me with the information about the organisation's history and mission as well as specific responses to the guiding interview questions. She also offered to interview three migrant sex workers affiliated with the organisation, given that the interviews needed to be conducted

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<sup>25</sup> Given Jenn's critical role in undertaking this research, I asked her if she wished to be named as a co-investigator or co-author. She responded by saying that it was vital for 'allied groups' like GAATW to undertake research on its own that features sex worker organisations, which the latter can then use for public awareness and other purposes. Jenn Clamen, email communication, 9 April 2017.

<sup>26</sup> These are all pseudonyms.

<sup>27</sup> van der Meulen, p. 377.

in participants' first language and in order to maximise the protection of anonymity. Translated interview transcripts were made available to me for analysis and, in addition to giving each of the participants a small honorarium, Butterfly was compensated for translation costs. The participants (Fanny, Daisy, and Ching<sup>28</sup>) were or are indoor workers with varying but tenuous immigration statuses in Canada, including as an international student, failed refugee claimant, and now undocumented; on a tourist visa and then deported. Finally, I conducted an interview with Kerry Porth, a former sex worker, who has been the chair of the Board of Directors of Pivot Legal Society (Vancouver), and is a public educator with the Living in Community project (Vancouver).<sup>29</sup> She was interviewed because she has worked in a leadership role in various non-profit organisations, and has been at the front lines of sex work activism, advocacy, and legal reform in Canada.

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<sup>28</sup> These are all pseudonyms.

<sup>29</sup> Pivot Legal Society, based in Vancouver, is a human rights organisation that combines 'strategic litigation with high impact public education and advocacy campaigns'. Working 'in partnership with communities affected by poverty and social exclusion', it focuses on 'four policy areas: police accountability, health and drug policy, homelessness and sex workers' rights.' Living in Community is also based in Vancouver and is 'an innovative community initiative that works to find solutions to the impact of sex work and youth sexual exploitation on communities and to reduce the harms and isolation that sex workers experience.' See <http://www.pivotlegal.org/> and <http://livingincommunity.ca/>.

## Findings

### The Benefits of Organising

Stella was established in 1995 through ‘the initiative of a handful of sex workers, public health researchers, and allies’ and was ‘created as a project within a HIV programme’ with sex workers integrally involved from the start. During the 1980s to the mid-1990s, Montréal was ‘hit hard’ by the HIV epidemic and public authorities were debating whether medical exams and mandatory HIV testing should be introduced and imposed on sex workers. Stella was formed in response to this proposed form of social and medical control and on the advice of public health researchers and downtown street-based sex workers who together wanted to launch a project that would address sex workers’ real needs in the context of the HIV/AIDS pandemic. Stella’s first team comprised four employees, a handful of volunteers, and a few allies and, from there, this community-based organisation continued to build a constantly evolving, accessible, and dynamic resource for sex workers in Montréal and beyond. Founded on and continuing to institute the organisational principle ‘by and for sex workers’, there is, according to Rachel,<sup>30</sup> ‘always a majority of sex workers in decision-making roles—whether that be the Board of Directors, whether that be staff, and there are certain tasks or certain services at the organisation where the person providing that service must have sex work experience’.

Stella’s work is directed at women sex workers (both cis and trans) of all ages, including Indigenous, Black, and racialised sex workers, who work or have worked in any sector of the industry and regardless of their immigration status in Canada<sup>31</sup>. Other affiliated organisations in Montréal provide services to cis and trans gay and bisexual male sex workers (Rézo, projet travailleurs du sexe), and trans sex workers (Action Santé Travesti(e)s et Transexuel(le)s du Québec (ASTTeQ)).<sup>32</sup> Jenn further noted that Stella also collaborates with non-sex-working allies—both individuals and groups—who support the mission of the organisation, have ‘a good

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<sup>30</sup> This is a pseudonym of a pseudonym as requested by one of the sex workers interviewed.

<sup>31</sup> This includes refugees, those on temporary visas, those with landed immigrant status, and permanent residents.

<sup>32</sup> See Rézo at <http://www.rezosante.org/> and ASTTeQ, a project based within Cactus Montréal and a member of the Canadian Alliance for Sex Work Law Reform, at <http://www.astteq.org/aboutus.html>.

understanding of the current realities experienced by sex workers’, ‘recognise sex work as legitimate form of income generation’, and ‘seek to support sex workers and help fight for decriminalisation of all forms of sex work’.

According to Jenn, ‘community organising is integral to the work’ that Stella does. As a ‘by and for’ organisation, ‘sex workers *are* the organisation’, so ‘connecting with sex workers across Montréal and Québec’ is what makes Stella strong and effective in its mission to improve sex workers’ quality of life, their working conditions, and their capacity to live and work safely and with dignity. Organising has also allowed ‘sex workers [to] have a visible presence’, so that ‘sex workers who are isolated or not in touch with others can see they are not alone and may decide to join in the movement’ and in the struggle against discrimination and stigmatisation. Visibility also ‘helps to increase pressure’ on lawmakers and social services providers ‘to pay attention to sex workers’ needs’. Jenn further emphasised that ‘sex worker organising does not happen in a vacuum’—building connections with sex workers locally, provincially, nationally, and globally has given the organisation the opportunity to ‘learn and grow’ and in turn has inspired ‘all of our actions and initiatives’.<sup>33</sup> ‘It also reminds us that sex workers are not alone ... When sex workers in our region realise that there are others in different parts of the world, it’s very empowering’. Beyond sex worker communities and its involvement and investment in the Canadian and global sex workers’ rights and decriminalisation movements, Stella ‘organises with allied groups around reproductive health, substance user rights, housing and economic rights, migrant rights, labour rights, LGBT2s rights, and health rights.’ While ‘there are few women’s groups that support sex workers’, it currently has a representative on the Board of the Fédération des femmes du Québec, the province’s largest feminist organisation, ‘to ensure that an intersectional approach to feminism is respected, which includes the experiences of sex workers’.

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*Self-organising is a key mechanism through which sex workers, and, in Butterfly case, Asian and migrant sex workers, are able to become more empowered and foster greater respect for their agency.*

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Butterfly was established in 2014 and filled a significant gap in the support of and advocacy for Asian and migrant sex workers in Toronto.<sup>34</sup> Initially established by

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<sup>33</sup> Stella provided two examples of this process. First, when Stella ‘was laying the seeds for our organisation in 1995, we borrowed the rules and procedures guide’ developed by Maggie’s in Toronto ‘to inspire our own’. Second, the first edition of the *XXX Guide* was inspired by the first 1998 edition of the Scarlet Alliance, Australian Sex Workers Association’s *Sex Workers Handbook*.

<sup>34</sup> The other sex worker organisation in Canada that works specifically with newcomer, migrant, and immigrant women who work in massage parlours and other indoor sites is SWAN in Vancouver,

sex workers, social workers, and legal and health professionals in Toronto, it is now 'a migrant sex worker-led organisation' and has expanded its work to other cities in Canada. Butterfly works with Asian and migrant sex workers of any gender (but primarily women) who have different immigration statuses (including permanent residents, international students, tourists, refugees, and people without status) and who mainly work in indoor apartments, hotels, and massage parlours. Founded on the principle that 'migrant sex workers' rights are human rights', Butterfly maintains that 'Asian and migrant sex workers are vulnerable and their human rights are denied because of their race, language, social, immigration and legal status. Stigma and marginalisation increase their exposure to violence and exploitation and hinder their access to basic health, services, protection and justice'. In addition to actively advocating for the recognition of sex work as work and for decriminalization, Butterfly further asserts that, 'regardless of their immigration status, Asian and migrant sex workers should receive the same respect and human and legal rights as other workers'.<sup>35</sup>

According to Elene, self-organising is a key mechanism through which sex workers, and, in their case, Asian and migrant sex workers, are able to become more empowered and foster greater respect for their agency. In addition, 'instead of relying on the protection of law enforcement, the sex worker community can', by organising and reducing isolation, 'build capacity and support networks to protect themselves' and their human rights, safety, and dignity. In the case of Asian and migrant sex workers, this includes sharing information and strategies to deal with bad bosses or clients and how to negotiate better working conditions to reduce exploitation and violence, change workplaces or find a place to work, and find clients and advertise within a criminalised legal environment. In addition, when sex workers learn about their rights under existing laws, they build capacity and enhance their skills to negotiate varied and difficult circumstances. Through the building of networks and solidarity, sex workers can support each other when they find themselves in crisis situations and assist in accessing the legal, health, and social services they need. Finally, when sex workers organise, the community has greater power to influence discriminatory immigration and legal policies that affect their lives and work and to create spaces and opportunities where they can share their experiences and let their voices be heard.

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which was officially launched in 2004 and was registered as a non-profit in 2008. See <http://swanvancouver.ca/her-story/>.

<sup>35</sup> See 'Migrant Sex Workers' Rights are Human Rights' at <https://www.butterflysw.org/> and 'Mission' at <https://www.butterflysw.org/copy-of-contact>.

## Organisational Work

Stella's physical space is located in a large warehouse-type facility on rue Parthenais in Montréal. Here, according to interview participants, very welcoming, accessible, well-informed, and experienced staff not only offer a wide range of low barrier, confidential, and individualised support services, resources, and programmes to sex workers, but also create opportunities to exchange information and facilitate the building of a sense of community and solidarity among them. For example, the organisation runs a highly in-demand support or 'listening' line and a drop-in centre (open four days a week) where 'you can always drop by ..., you can bring your kids there and do whatever you need—it feels like a home (Jade). Sex workers can also access free prevention supplies (condoms, syringes, etc.), and, according to Ava, 'Stella is really, really effective in terms of its providing heaps of safer sex gear, safer using kits'. It also offers self-defence courses, legal clinics, housing, psychological, and criminal justice support, art workshops, and self-esteem courses, and assists with transition or exiting plans for those who wish to stop sex working. The organisation also hosts various social events, including monthly community dinners, which creates opportunities for sex workers to get together and socialise over food. Jade described one event as follows:

*A few days before Christmas, they had this giant party—the place was packed to the gills ... There are trans women, there are women who seems like they haven't had a decent meal in a while, there are women who were still active sex workers in their late 60s and early 70s ... [T]here are a lot of sex worker populations that the mainstream society just shuts out and you see these women right here. And they have this family that they can come to—like everyone there knows each other and, even if they don't, even if you're brand new, when you come there, people will introduce themselves to you and they'll make you feel comfortable.*

Daria commented on the important protocols Stella has instituted at such events:

*There were procedures in place ... I didn't even have to go ask for them, they were offered to me, that allowed me to go to these events and know where to physically be in the room if I didn't want to be in photos or I didn't want to be filmed, recorded. The fact that I never used my name and never had to use my name wasn't an issue ... There was just a sense, there was the ability to be completely open and vocal and share*



*everything under sun and simultaneously it was completely normalised and welcomed if you also had your own sort of boundaries, security, and anonymity practices.*

Interview participants described the medical clinic reserved for sex workers that Stella runs every Tuesday evening as a discreet, non-stigmatising, and invaluable service. During clinic hours, a nurse is available for treatment, STI testing, gynaecological exams, and the administration of Hepatitis A and B vaccines, and will provide referrals to clinics that are best suited to provide follow-ups and long term medical care if needed. Importantly, sex workers are not required to show identification or a Medicare card to access this anonymous and confidential service. As Ava emphasised,

*I was sitting in the office for maybe two hours the other day ... and they get dozens of phone calls. Many of them are geared towards the clinic—that is such an important resource for sex workers who don't feel comfortable going to a health clinic and potentially having a stigmatising interaction with a doctor. We have all been there. The other thing is if you don't have a health card or you don't have access to getting a health card, that kind of interaction with yet another person in one of these spaces feels oppressive and scary to you. Having access to a health clinic that is sex worker focused is so important.*

The importance of Stella's very existence as a sex worker-run organisation in Montréal and as a physical space where sex workers are able 'to gather privately or publicly' was emphasised by all the Stella interview participants. Daria recalled how, as a young sex worker new to the industry, she encountered Stella posters 'around town':

*I knew there were sex working women who created a community that they gave a name to ... and had the audacity and creativity to publicise it because there was this poster. And that was in itself a mind-blowing experience for me as a young woman ... I could conceive of the idea that I wanted to do sex work, I could conceive of the idea of doing sex work, but I couldn't yet conceive of the idea that women who did this work were able to resonate in public space. And that was an extremely inspiring and empowering thing to know about ... I think there's a lot of sex workers in Montréal that ... do feel a sense of protection and empowerment and dignity just by knowing of this existence.*

Alice talked about the physical space as a place ‘that you can go to connect, to get really good resources, not just a box of condoms ... but someone to talk to you when you tell your ridiculous story of the idiot client you had or the fantastic client or the bad thing that happened, you’re not going to have to explain yourself more. They’ll know what you’re talking about ... It’s really great to be in a space where you feel completely grounded and appreciated’. Daria echoed this sentiment when she spoke about the ‘benefit of speaking to people who have the expertise you need. As a sex worker, it’s so difficult to access a lawyer or medical professional who can actually understand your situation. So the overall benefits of having resources and people with lived experience and collective knowledge—not only what they have experienced but what the community has taught them over the years’. Ava emphasised that,

*the fact that the space is open just for sex workers to come in and make themselves at home in the lounge area is monumental ... [S]ex trade workers have to carve out these spaces for themselves. So a space where they are comfortable and unimpeded from discussion or not being harassed by the police or on the verge of being kicked out because they don’t have the money to sit there for a long period of time is super important. And also where their knowledge and stories are respected.*

Stella also runs an extensive outreach program. In fact, most of Stella’s contact with sex workers is through its outreach work on the street, in houses specifically for drug use, in massage parlours, in-call and out-call agencies, home visits, strip clubs, and hotels in Greater Montréal. Jade noted that ‘Stella is legit—they don’t just say that they’re for all sex workers, they really are for all sex workers ... they have women strapping on backpacks to walk around the city and giving condoms [and other supplies] out to women and just making sure they’re okay. They’re basically like a mobile army that silently takes care of the women’. Stella also runs a monthly prison outreach program, which focuses on STI and sex-related information and which, according to Jade, ‘empowers the women there through knowledge’. Outreach workers will also accompany sex workers to any appointment or service (medical, social services, legal, etc.) and provide support and accompaniment to those workers who decide to engage with the criminal justice system when they have experienced violence.

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Interview participants highlighted the critical importance of the ‘rigorously researched information’ that Stella produces, all of which is developed or conceived by sex workers.<sup>36</sup> It includes working, safety, and rights guides for sex workers such as the *XXX Guide* (now in its fifth edition), which covers different aspects of sex work and offers ‘suggestions for living and working with dignity in a healthy and safe environment’. Stella has also created specific guides for strippers, clients, and substance users as well as rights tools for those navigating various institutions, including the courts, prison, immigration, youth protection, or housing. In addition, the organisation publishes a bad client and aggressors list in its monthly *Stella Bulletin*, which includes descriptions of incidents that are reported anonymously,<sup>37</sup> and a magazine called *ConStellation*, where sex workers can share their knowledge and perspectives.<sup>38</sup> For Alice, this information and having the opportunity to learn from other sex workers with varied experiences ‘helped me make more informed decisions about my work’. During the *Bedford v Canada* constitutional challenge (2007-2012), Stella worked with allies to produce information sheets to assist sex workers in Montréal and across Canada to follow and understand the case.<sup>39</sup> After the enactment of PCEPA in 2014, Stella, in collaboration with the other member organisations in the Alliance, immediately produced another series of what participants referred to as ‘really thorough’ and ‘highly useful’ information sheets/cards detailing the intricacies of Canada’s new prostitution laws.<sup>40</sup>

Finally, interview participants acknowledged Stella’s public education work and activism that foregrounds sex workers’ lived experiences and realities. As Ava emphasised, the organisation ‘is a huge source of pride for sex workers in Montréal’ and provides ‘a really brilliant visibility to sex work activism’. Much of the ‘activism is activity-based so they place sex workers front and centre in these activities ... Stella really centres creativity in its activism which foregrounds and

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<sup>36</sup> These print and online documents are available in French and English and some in Spanish and Inuktitut. Jade shared that she has been assisting in translating some materials into Russian.

<sup>37</sup> Alice indicated that she tended to rely more on what she called ‘black and grey lists’ available on online message boards where the information is more immediately distributed and accessed. She also acknowledged that it could be more challenging and risky for Stella to digitise their bad clients and aggressors lists as the online lists ‘are not secure’; ‘they can be shared’ and ‘hacked’.

<sup>38</sup> Many of these resources are available on Stella’s website at <http://chezstella.org/en/sex-work-resources/>.

<sup>39</sup> These information sheets were entitled, ‘The Basics: Decriminalization of Sex Work 101’, ‘Sex Work and the Charter’, ‘Challenging Prostitution Laws: Bedford v. Canada’, ‘Language Matters: Talking about Sex Work’, and ‘10 Ways to be a Great Ally to Sex Workers’. See Stella, ‘Guides & Infosheets’ at <http://chezstella.org/en/guides-infosheets/>.

<sup>40</sup> These information sheets covered such topics as advertising and the law; arrest and detention; clients and the law; communication and the law; our friends, family and the law; police powers: in-call and outcalls; third parties and the law; immigration status and the law; and working in Canada without Canadian citizenship. *Ibid.*

also acknowledges the creativity of sex workers', while at the same time 'respecting people's anonymity and safety'.

Given its work with Asian and migrant sex workers in Toronto and beyond, Butterfly offers a range of multi-language and specialised services, resources, and programmes. For example, it runs a 24/7 hotline in English, Mandarin, and Cantonese, provides emergency and counselling support, and engages in outreach work in apartments and massage parlours, and to escorts. Butterfly also provides health, social service, and legal information, support, referrals, and accompaniments and its expertise is much in demand in other regions of Canada. For example, Rachel noted that the organisation's outreach workers have developed extensive 'knowledge and experience with navigating the immigration systems', engaging with 'different legal actors', and knowing 'who and what needs to be involved in detention review hearings or inadmissibility hearings ... [T]hey've really developed the capacity to be able to support and assist migrant sex workers who are detained'. Butterfly also hosts workshops for migrant sex workers, which focus on leadership training, capacity building, and legal rights especially in relation to law enforcement and these meetings create spaces for them to gather and share information, expertise, and knowledge. In the summer of 2017, in addition to its core constituencies of Asian and migrant sex workers, Butterfly

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*Butterfly helps you get the information you need, while simultaneously [providing] support in all the other aspects of your life'.*

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invited 'sex workers who identify as BIPOC (Black, Indigenous, People of Colour)' to participate in its workshop series, which tackled such issues as 'self-marketing and branding' and 'immigration and law'.<sup>41</sup> As part of its grassroots organizing, Butterfly also offers English language and massage classes, hosts social gatherings, and organizes community art projects, which give migrant

sex workers an opportunity to speak out about their experiences.

Butterfly also produces (in some cases, in collaboration with Stella<sup>42</sup>) and disseminates 'accessible, relevant, and applied legal information' and harm reduction tools that seek to minimise the harms and risks that Asian and migrant sex workers experience when they come into conflict with and interact with authorities, be they city inspectors, municipal, provincial, or federal police, or immigration and Canadian Border Services Agency (CBSA) officials.<sup>43</sup> As Rachel

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<sup>41</sup> See Butterfly, 'Workshops 2017' at <https://www.butterflysw.org/workshops>.

<sup>42</sup> For example, Stella and Butterfly collaborated on two documents released in October 2015: 'Immigration Status and Sex Work' and 'Working in Canada Without Canadian Citizenship'. See Stella, 'Guides and Infosheets' at <http://chezstella.org/en/guides-infosheets/>.

<sup>43</sup> See, for example, Butterfly, 'Who is Who: Identifying law enforcers', July 2017, [https://docs.wixstatic.com/ugd/5bd754\\_748f9f3d7c9a4139b999f5b4a26b9f7a.pdf](https://docs.wixstatic.com/ugd/5bd754_748f9f3d7c9a4139b999f5b4a26b9f7a.pdf).

emphasised, when sharing information with Asian and migrant sex workers about potential conflicts with criminal and immigration laws and possible encounters with law enforcement, it is hoped that this ‘contributes to their empowerment versus increasing panic and fear. [T]he process takes a lot of time, takes a lot of care, takes a lot of work, takes a lot of support beyond those interactions’. In this sense, Butterfly ‘provides holistic support to the individual that goes beyond what you can access at a legal clinic or ... by consulting a lawyer per se. They help you get the information you need, while simultaneously [providing] support in all the other aspects of your life’. As Ching emphasised with reference to Butterfly, ‘I think it is helpful that you could find someone to talk to and ask, especially when you are lonely, feeling bad, or if you have problems. They are reliable and you know that they will not hurt you’.

Butterfly also engages in public education with a focus on anti-discrimination, anti-racism, and anti-sexism. It is also actively involved in education and advocacy in the areas of sex worker and migrant rights, access without fear policy in relation to law enforcement and service providers<sup>44</sup>, and the decriminalisation of sex work. Given that Asian and migrant sex workers are often targeted by law enforcement during anti-trafficking ‘rescue’ operations, one of the main issues that Butterfly focuses on is ‘stopping the harms of anti-trafficking policy and investigations’.<sup>45</sup>

### Sex Workers’ Experiences: What are the challenges?

When asked about some of the main challenges sex workers confront or she herself had experienced, Daria stressed that it is critical to be cognizant of ‘the extreme diversity within sex working communities in terms of the actual experiences and the individuals themselves’ and ‘in terms of our ways of working’. With that important caveat in mind, all of the participants affiliated with Stella and Butterfly did identify a number of challenges. While some of them are sector specific, most of them were linked directly to Canada’s anti-sex work legislation (PCEPA), local and provincial anti-trafficking initiatives, and, in the case of Asian and migrant sex workers, immigration and border security enforcement regimes.

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<sup>44</sup> Access Without Fear or Don’t Ask, Don’t Tell policies are designed to make essential municipal services available to all residents regardless of immigration status and without fear of being detained or deported. In the case of migrant sex workers, it also specifically refers to police officials not sharing information with CBSA when the former seek assistance from law enforcement.

<sup>45</sup> See, for example, Elene Lam, Butterfly: Asian and Migration Sex Workers Support Network, in collaboration with the Migrant Sex Workers Project, Maggie’s, Canadian HIV/AIDS Legal Network, Strut, and No One Is Illegal, ‘Stop the Harm from Anti-Trafficking Policies & Campaigns: Support Sex Workers’ Rights, Justice, and Dignity’, March 2016, <https://www.butterflysw.org/harm-of-anti-trafficking-campaign->. This work will be discussed in greater detail below.

## Criminalisation

Ava talked about the ‘constant white noise fear’ she has lived with working in a criminalised informal labour sector for twenty-five years:

*I do sex work to make money, like every job I have had since I was 11 years old ... I am a worker. That’s what I’ve had to do in my life and most of the women I meet in the sex trade are the same. But, as I see it, the major issue is criminalisation and this affects safety and mobility. There’s the fact that your in-call can be raided at any time. That there are people paid to watch your movement and actions online ... Frankly, after twenty-five years, I just find all of this oppression tedious ... For me, as an older sex worker, that kind of criminalisation is an issue because it prevents me from screening ... I don’t necessarily feel that I have the luxury of screening people as rigorously as some young hot thing. But I do the best I can for me.<sup>46</sup>*

Rachel added that the ‘illegal or quasi-illegal status imposed on sex workers places us in situations where it is very difficult for us to enforce our rights, and puts us in situations where we fear things such as eviction when neighbours or landlords make comments that “there is a lot of coming and going” ...

And that leads to all of these different challenges and issues that are related to increasing an individual’s vulnerability to violence, which includes forms of harassment and extortion’. In addition, Stella emphasised that Canada’s current prostitution laws have contributed to greater sex worker invisibility, which in turn has had an effect on its capacity to organise at the local level. Fewer sex workers ‘are inclined to be visible and to mobilise for fear of being identified by other workers and by the media and the public, though this has always been a challenge under a criminalised regime. Criminalisation in general drives the industry further out of reach’.

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*‘Illegal or quasi-illegal status imposed on sex workers places us in situations where it is very difficult for us to enforce our rights.’*

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<sup>46</sup> With respect to mobility, Ava also added that ‘many sex workers don’t know that they’re not allowed in the United States’. Alice expressed fears about travelling to the US because ‘I have known sex workers barred from entry even if you’re going for pleasure ... I wanted to go recently and I was just so scared of being banned and going through the trauma ... it’s eight to twelve hours of interrogation.’ As Jenn at Stella explained, ‘being a sex worker is a crime of “moral turpitude” in the US so if you are identified at the border as a known sex worker, you can be banned from the US for ten years. Border security officers are increasingly doing research on sex workers online so when they arrive at the border, they are identified and sent back’. In response, Maggie’s in Toronto has developed a document, ‘Safer Border Crossing Tips for Sex Workers’, given that ‘sex workers are at risk of being detained and questioned at the US border’. See [http://maggiestoronto.ca/uploads/File/FINAL\\_USborderrights.htm](http://maggiestoronto.ca/uploads/File/FINAL_USborderrights.htm).

Jade also suggested that then Montréal Mayor Denis Coderre<sup>47</sup> seemed to be ‘staunchly anti-sex work’ and ‘it doesn’t feel like the city wants to talk to sex workers.’ In particular, the mayor had ‘been under pressure by the local neighbourhoods to close the massage parlours ... around town and that has resulted in hundreds of women losing their jobs. And since they were mostly working in a cash economy, they now don’t have unemployment insurance, they don’t have work experience that they can put on a resume’. She also talked about the city’s gentrification projects:

*Montréal doesn’t have a red light district anymore. There used to be a stretch of the city that used to be just all strip clubs and sex shops and whatever, but they’re now actually trying to gentrify the city more and more especially the parts of it that used to have sex work establishments in them ... even though the history of Montréal is such that sex work has been here out in the open for so long.*

It is well documented that Indigenous, transgender (especially trans women), racialised, and migrant sex workers in Canada experience specific vulnerabilities, and their challenges also include intensified profiling, harassment, and abuse perpetuated by law enforcement which contribute to greater isolation, increased stigma, and heightened levels of violence. As Elene at Butterfly explained, under new immigration legislation enacted by the Conservative government in 2012, migrant workers, including those with open work permits, are specifically prohibited from working in sex-related businesses and have no access to any protections. In this environment, as Ching indicated, migrant sex workers tend to be very isolated upon arrival—they ‘don’t know anyone’ and ‘don’t have any information’. Daisy added that what makes the situation worse is that ‘you cannot tell others what you are doing’. Ching also identified challenges with transportation (until she hired a driver) and with booking hotel rooms where she could work. In the latter case, clients were very reluctant to make the booking because ‘they are afraid their identity will be exposed’ and she had to start paying someone to undertake this aspect of her business.

Due to language barriers and lack of financial resources, some migrant sex workers do work with others and rely on each other and third parties for support and assistance with, for example, advertising, answering phones, contacting and communicating with clients, providing transportation, and sharing profits. Given that all of these activities are violations of PCEPA’s provisions and given that third

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<sup>47</sup> Denis Coderre was defeated in Montréal’s mayoral election on 5 November 2017 after my interview with Jade.



parties risk being mistakenly identified as ‘traffickers’ rather than as co-workers and employees, migrant sex workers’ capacity to work safely and rely on peer supports is severely restricted.

### Violence and Safety

Rachel emphasised the need to talk about violence. This can be difficult, she maintained, because dominant prohibitionist and public discourses perpetuate the idea that violence experienced by sex workers is ‘inherent or inevitable’, which ‘causes great, great harm to sex workers and actually increases rates of targeted violence’. To unpack this, Rachel referred to other sites of labour (e.g. the taxi cab example) where vulnerability to and rates of violence are high: in these contexts,

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*Talking about violence can be difficult because dominant prohibitionist and public discourses perpetuate the idea that violence experienced by sex workers is ‘inherent or inevitable’.*

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‘[t]he objective is not to prohibit the practice or to determine the moral value of the practice—rather [it is] to develop relevant safety measures’. In her view, then, it is imperative to deconstruct dominant representations and assumptions, while at the same

time consider the physical and psychological violence that sex workers experience, including forms of harassment, extortion, and stalking, and the numerous ‘possible spaces and sources of this violence’. These might include intimate relationships, ex-partners, landlords, neighbours, colleagues at other non-sex work related jobs, or ‘people associated with your sex work workplace’. In fact, she argued, ‘violence experienced by sex workers is often located in intimate partner violence, for example, as is often the reality of non-sex working women who experience violence. In addition, violence against sex workers is often inflicted by aggressors that specifically target sex workers because of their illegal and stigmatised social status’.

Understanding violence in this way is, for Rachel, critical ‘because the dominant prohibitionist discourse—the “pimps and johns” discourse—vilifies all clients and third parties and frames them all as violent men, and it presumes and fosters the narrative that violence within sex workers’ lives is always directly and inherently linked to their sex work’. It is also important to distinguish between aggressors (who perpetuate acts of violence against sex workers) and bad clients (‘someone who makes appointments and doesn’t show up and tries to push your boundaries but never forces you’). This distinction and the ‘de-vilification of clients’ allows for greater attention to be paid to the factors that contribute to and increase vulnerability to violence in the sex industry—‘that being different forms of conflicts

with the law that force people into geographical isolation or not being able to work with other people in your physical space’.

Alice focused on how PCEPA provisions made advertising her services, the screening of clients, and running the business very challenging. The laws criminalise any person or business that advertises another person’s sexual services and she described how, after they were enacted, ‘the [online] advertising sites were so scared of them getting shut down ... so it made it really difficult for us to advertise with them’. In effect, ‘we had to use very non-sexual language’ and ‘the stuff that really helped clients and for us to figure out if we were a good match, we weren’t allowed to do that anymore’. With more sex work having moved online, Alice noted that, ‘harm comes to webcam workers but it’s not physical. It’s doxing<sup>48</sup> most likely ... The safety needs I think aren’t addressed because they’re always evolving and it’s really hard to track down hackers. Or people who troll you and cause you a lot of stress. I don’t think any organisation is really [addressing this], we just don’t have the tools yet.’ Another safety concern, which made it ‘excessively stressful to work’, was the direct result of the criminalisation of clients under PCEPA and the added difficulty of screening them: ‘it was really impossible for me to get their real information ... [whereas] before they would offer that up when you would screen them ... We [now] have to really rely on references [but] it was really hard if there was a client who didn’t have a reference and then you might take an appointment with less information than you used to get’. For Alice, ‘safety [is] a big deal’: ‘criminalising clients makes the work dangerous. Limiting communication makes work more dangerous.’

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*‘Criminalising clients makes the work dangerous. Limiting communication makes work more dangerous.’*

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Ching and Daisy also raised safety concerns. They emphasised that ‘there are a lot of people who may take advantage of you when they know you are undocumented or you cannot work in Canada’. Daisy mentioned unnamed individuals who ‘come to get “protection fee”’: ‘They will give you trouble or call the police if you do not do so’. She also referred to ‘gangsters’ who ‘rob us because they think they can do whatever to us’. Given these difficulties, Daisy stated that she wanted to work in a massage parlour again because it is safer, but since she is now undocumented and ‘the license [inspector] came very often’, she is unable to change workplaces. ‘When you have no document, you have no rights’, she added. Ching and Daisy both suggested that they had received various forms of assistance from clients, including help with advertising, renting an apartment, opening a bank account, shopping, making community connections, and sometimes sight-seeing. Fanny,

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<sup>48</sup> Doxing means to search for and publish private or identifying information about (a particular individual) on the Internet, typically with malicious intent.

however, indicated that, in her experience, there is ‘the pressure of getting enough business’ and that ‘most workers in this profession know there will be chances of bad clients’ and there are risks of abuse and ‘things getting stolen’. Elene shared that a survey conducted by Butterfly revealed that 60 per cent of respondents had experienced some form of violence, including being robbed, sexually and physically assaulted, or abused by police, and three Asian and migrant sex workers were murdered in Ontario within a three-year period.

### Law Enforcement

When they experienced forms of violence, none of the Montréal-based sex workers interviewed trusted law enforcement to take the incident seriously whether prior to or after the enactment of PCEPA and the inclusion of protectionist language about the law seeking ‘to encourage those who sell sexual services to report instances of violence’.<sup>49</sup> Alice maintained that, even though she is relatively privileged as a white, cis woman in her forties,

*there’s no way I would go to the police ... if I were assaulted or robbed ... I know that Stella offers the services to help people through the justice system but I was like, even with their help, it’s not something I want to go through ... And then I was assaulted and I was like, nope. I’m going to deal with this in another way which was just to deal with myself and to blacklist the client. I didn’t have a violent assault but it was definitely non-consensual and I was like, nope.*

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*Because of their preeminent, presumed position as ‘victims’ in anti-sex work and anti-trafficking discourses, along with Indigenous women and youth, migrant sex workers are subjected to increased police surveillance and are one of the primary foci of anti-trafficking investigations.*

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When asked about Montréal police (Service de police de la Ville de Montréal) and its interactions with local sex worker communities, the interview participants indicated that street-based workers tend to have the most contact with police and, as Alice stressed, there’s ‘just horrible treatment there’, especially when police ‘go through these clean up phases’. Jenn also noted that, most recently, some

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<sup>49</sup> Jade shared that when she contacted the police about an incident she experienced, ‘they were of no help whatsoever. They loved hearing the story, but when it came to actually doing anything about it, they did nothing, knew nothing’. She added that in talking to other sex workers in person or on social media about the police, ‘I actually asked on my twitter account if sex workers have bad stories about the police, and I’m telling you, my direct message inbox just overflowed because the police tend to be like most of our problems’.

Montréal law enforcement officials, like elsewhere in the country, are collaborating with the Royal Canadian Mounted Police (RCMP) to increasingly focused their anti-trafficking intervention efforts on Indigenous sex workers, Asian and migrant women working in massage parlours, and young women living in group homes who have run away and are assumed to have become 'part of prostitution rings'. For those who work on the street, this means more police presence in their lives and for others, this results in visits to their indoor workplaces – both under the guide of 'protecting' or 'saving' sex workers. Ava referred to Operation Northern Spotlight, an anti-trafficking 'rescue' strategy, which various law enforcement agencies across Canada have participated in since 2014.<sup>50</sup> 'You've seen the raids that have happened across Canada where the police made appointments with women to see if they were trafficked. It's just fucking bullshit, man. Again, a power play ... And by the way, this is hurting me. You just made an appointment with me and you're not paying me. And additionally, the fucking media is here'.

Butterfly shared that, regardless of immigration status, Asian sex workers working in massage parlours in Toronto have also complained about the racism, racial profiling, arbitrary harassment, and abuse at the hands of municipal law enforcement and other officials, from being issued tickets and fines to being strip searched and physically and sexually assaulted. Because of their preeminent, presumed position as 'victims' in anti-sex work and anti-trafficking discourses, along with Indigenous women and youth, migrant sex workers are subjected to increased police surveillance and are one of the primary foci of anti-trafficking investigations. While such joint law enforcement operations, usually involving local police forces, the RCMP, and CBSA, are ostensibly intended to 'rescue' trafficking victims and target clients and third parties, they often result in the arrest, interrogation, detention, and deportation of indoor migrant sex workers. In an eighteen-month period, twenty-one Butterfly members were deported as a result of such raids. Under these conditions, as Butterfly emphasised, some sex workers 'complain that they are forced to identify themselves as victims in order to obtain social services or to avoid being treated as criminals by police or non-profit organisations'. In general, however, 'the fear of law enforcement and arrest push[es] migrant sex workers [to] work underground' where workers live and work in isolation and in less visible locations with fewer safety protections and are

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<sup>50</sup> SWAN Vancouver reports that, 'since 2014, there have been five "waves" of Operation Northern Spotlight coordinated among law enforcement agencies across Canada ... Typically, police officers posing as clients set up dates online with sex workers, through websites like Craigslist and Backpage, then surprise them in hotel rooms' or they conduct "'shock and awe" raids on indoor sex work venues'. See SWAN Vancouver, 'Open Letter to BC Law Enforcement Regarding Operation Northern Spotlight', 6 July 2017, <http://capacitycentre.ubc.ca/2017/07/06/open-letter-to-bc-law-enforcement-regarding-operation-northern-spotlight/>.

reluctant or not able to access the legal, health, and social supports and protections they might need.

With regard to law enforcement, Daisy pointed out that ‘most of the people will not go to the police as they think it is not useful’ and ‘it would make you have more trouble. We don’t want the police [to] come to us’. She also identified immigration authorities as a problem and suggested that ‘workers in small town[s] have more trouble when they meet the police’ as ‘they will call immigration and arrest you’. Fanny and several co-workers did get arrested in the hotel where they were working and were detained. She described what unfolded as follows:

*I didn't know why they [law enforcement] had come. I could tell they were police officers because one was carrying a gun and wearing the uniform ... The officers stayed at the door, spoke with the client, didn't really speak to me besides asking me who helped with booking the hotel room and to see my passport document. I replied that my friend helped me book the hotel room. The police officers asked if we had a boss or if someone controlling us to work. I said no one was controlling us to work ... We were arrested and detained in the detention facility. Two days later we had court. The judge told us we were arrested for working in Canada without permission to work. We were not granted bail.*

As Butterfly shared, although the lawyer Fanny’s boyfriend hired argued in court that she ‘was visiting a friend in the hotel room’, the judge was not convinced and, after being detained for one week, Fanny was deported from Canada.

### Stigma

Some of the Montréal-based sex workers interviewed also mentioned stigma as an issue. Alice, as a semi-retired former independent online porn performer and then escort, shared that, in her experience, ‘when you work in such a stigmatised way, you can’t have a resume, you can’t necessarily have access to banking, you can’t have access to housing because you can get turned away’. She also mentioned ‘the social situations of life and how to deal with stigma, how to deal with judgement, how to deal with gossip, how to deal with harassment’. Daria asserted that, while some sex workers choose to remain ‘invisible’ for various reasons, including as a strategy to mitigate the risks and violations associated with stigma and ‘people’s bullshit’,

*if we're public about it, then we're actively persecuted. Later in life, whether it's trying to access different resources, different forms of employment, different institutions, we're often barred for life because we have been branded a sex worker ... if you choose to be visible or if you have chosen at any point to be visible—with the way things are now recorded and shared, it's for life. Even if you're no longer working—but it is obviously infinitely heightened, ramped up if you are still working—you can experience potential loss of employment, custody, housing, and just increased exposure to different kinds of physical and psychological violence.*

Jade, however, who is very active on social media, especially on Twitter, as a young and out sex worker stressed that having visible and 'strong voices in the community is very important':

*There aren't a whole lot of avenues for sex workers to speak out about their experiences ... And there are a lot of women that don't feel comfortable speaking out ... It's important as a sex worker to have a voice because the whole world, sometimes it feels like it's conspiring [to] take your voice away from you—whether it's through violent media or through police interactions or through the laws being passed without our consent. Stuff like that. Or through the client violations. Or even how the different companies or platforms that we have to make money take money away from us. So it's a whole lot of crap that we're given on a day to day basis or it feels like we can't really ever talk about it ... Even though I didn't start off as like trying to inspire people, I kind of wound up doing that inadvertently.*

### Sex Workers, Sex Worker Organising, and Human Trafficking Discourses and Campaigns

Stella and the Montréal-based sex workers interviewed had much to say about how prohibitionist and anti-trafficking narratives and campaigns impact them and their work. In setting the Québec context, Jenn explained that the province 'is home to one of Canada's largest anti-sex work movements', which has been 'vicious and attacking in their approach' and has attempted to shut the organisation down 'both politically and financially'. In Québec, as Rachel clarified,

the ‘catch-all term’ and ‘frenzy’ is ‘*exploitation sexuelle*’ and ‘everything related to sex work gets trapped’ in that category. Over the years, according to Jenn, ‘prohibitionist campaigns against sex work have taken on the language of trafficking and [they] do not, in practice, make a distinction between sex work and trafficking. Even when this distinction is made, prostitution is seen as sexual

exploitation by anti-sex work groups in Québec. This is especially true for Indigenous and Asian sex workers in Montréal’. In the former case, Jenn referred to the Canadian Alliance for Sex Law Reform’s CERD submission, which argues that ‘much of the violence against Indigenous women who sell or trade sex is mis-categorized and conflated with “trafficking” — which has grossly inflated estimates of the number of “trafficked” Indigenous women and girls in Canada, and misdirected efforts to address violence against Indigenous women who sell or trade sex. The focus on trafficking, like the presumption that Indigenous women cannot exercise choice and are therefore victims, has deeply influenced the initiatives governments and non-profit organizations take to address violence against Indigenous women’, such as over-policing in Indigenous communities.<sup>51</sup>

Regardless of what terminology is used, Rachel pointed out that ‘it’s all the same ideology’: ‘everyone who’s providing a sexual service is a victim; everyone else who is involved in it in any way is a criminal, an aggressor, and needs to be punished’. Under these circumstances, Stella does not engage directly with the anti-trafficking movement—with the exception of being put in the position where ‘we are responding to it on a daily basis in the media and with law and policy makers’, and of experiencing ‘burn-out’ from ‘trying to engage and counter the discourses of the prohibitionists’. However, Jenn did emphasise that ‘contrary to allegations made by prohibitionists, we do recognise that human trafficking exists ... [and] that some sex workers may experience trafficking, according to the legal definition. The problem is the overzealous application of such laws to encompass activities and relationships that are not exploitative’.

### *Understanding and Analysis of Trafficking*

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*‘Prohibitionist campaigns against sex work have taken on the language of trafficking and [they] do not, in practice, make a distinction between sex work and trafficking. Even when this distinction is made, prostitution is seen as sexual exploitation by anti-sex work groups in Québec.*

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<sup>51</sup> Canadian Alliance for Sex Work Law Reform, ‘Issues Prior to Reporting: Canada’s Compliance with the *Convention on Elimination of All Forms of Racial Discrimination*’, United Nations Committee on the Elimination of Racial Discrimination, 93<sup>rd</sup> Session, 31 July – 25 August 2017, pp. 5–6, <http://sexworklawreform.com/cerd-93/>.



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*'Trafficking for the purpose of sexual exploitation' typically involves 'kidnapping and rape and violence and abuse and displacement and that's not work—that's kidnapping and rape and violence and abuse and displacement'.*

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All the sex workers affiliated with Stella had heard the term trafficking (*traite* in French), and had a good understanding of the elements and processes to which it referred, including situations of 'coercion', 'force', and 'kidnapping'. While most indicated that they had not encountered anyone who had been trafficked in their work contexts or in

their informal sex worker collectives/networks, Ava did state that she had 'met women who identify as victims of trafficking', and some of them had continued in sex work. That said, they all recognised that trafficking, *as legally defined*, occurs in the sex industry and some, like Alice, invoked broader systemic issues such as differential access to opportunities as well as 'capitalism, colonisation, just general poverty'. They all, however, insisted that the vast majority of sex workers in the industry have not been trafficked and that there are, as Rachel emphasised, 'an enormous number of circumstances that are not related to trafficking but are labelled as such'. Ava made a further distinction: 'trafficking for the purpose of sexual exploitation' typically involves 'kidnapping and rape and violence and abuse and displacement and that's not work—that's kidnapping and rape and violence and abuse and displacement'.

What Stella participants most took issue with was, as Alice stated, the ways in which the terms trafficking or sexual exploitation are used 'to describe every possible scenario and transaction in the sex industry'. Rachel added that legal definitions of trafficking and 'the elements of the definition should matter, but when it comes to anything of a sexual nature, sexual labour, they cease to'. As a result, trafficking 'is a term thrown around very, very loosely particularly when we're talking about individuals involved in sex work ... [I]t's actually a term you're allowed to drop all the time without actually saying what the heck you're talking about. That's [the] status quo'. When it comes to its application and how laws are enforced, 'situations that do not involve exploitation, that do not involve coercion, where no one is "being forced"—these situations are also swallowed up by the framework and label of trafficking when they are associated with sex work'. While Rachel recognised that trafficking is 'not limited to the sex industry' and 'may be more frequent in informal forms of labour', she

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*When it comes to how laws are enforced, 'situations that do not involve exploitation, that do not involve coercion, where no one is "being forced"—these situations are also swallowed up by the framework and label of trafficking when they are associated with sex work'.*

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was not sure 'if people in agricultural work, people in factory work also experience this—this meaning, being targeted and labelled and swallowed up in trafficking discourse'. For her, this disregard for 'actual elements of trafficking' goes 'back to stereotypes and the stigma towards ... sex work and the false assumption that this is de facto degrading work, no one would ever want to do it; if they're doing it by definition it must be against their will'.

While Stella does not 'have an officially documented position on human trafficking', it does attempt to convey certain messages on the issue in its public education and in the media. For example, Stella recognises that sex workers rights groups sometimes 'use the term "consensual sex work" as an informal strategy to counter the inaccurate and problematic conflation between sex work and trafficking or sexual exploitation' or, as Daria noted, to challenge 'the myths and stereotypes related to sex workers and consent — either we consent to everything or we consent to nothing'. Stella, however, tries to avoid this terminology 'because people can be at work consensually but not consent to the conditions of their labour'. The organisation also tries to nuance 'the difference between exploitation and trafficking because some sex workers experience exploitative working conditions and/or violence at work', which law enforcement, the media, and prohibitionists 'often automatically categorise ... as trafficking'. In other words, Stella attempts to explain that 'consensual sex work' can still involve situations in which sex workers experience exploitative working conditions and/or violence. For Stella, it is very important to acknowledge the ongoing efforts of sex worker rights organisations in combatting violence and exploitation in the sex industry, whether through extensive outreach work or by 'speaking about and fighting against (where/when possible) the exploitation we may experience at work. For example, physical or verbal abuse and harassment; exploitative working conditions such as unfair working hours; non-payment; dangerous physical working environments; discrimination; inability to negotiate contracts or services with third parties; theft; and fraud'. Of equal importance, it was noted, 'these exploitations are supported by criminalisation of our industry and of third parties'.

### *Trafficking in False Narratives*

What many of the Montréal-based sex workers found equally troubling and angering was how trafficking/sexual exploitation narratives negated their realities. A key part of the problem, according to Rachel, is that 'people who don't work with sex workers, who aren't listening to numerous numbers of actively working sex workers who are sharing their experiences and telling you what they need' are 'publicly representing the experiences of sex workers'. Ava also mused that:

*it's just weird too, for something that is actually quite a mundane job that we have to have so much expertise around it.*

*And not just the work itself, which is an area of expertise in and of itself ... It's amazing to learn from street-based sex workers what they know about a city, for example. The breadth of knowledge that we hold is very, very interesting ... But when we're not asked to share that, when we are simply asked to contest or justify our existence, it's fucking tiring.*

Jade shared a personal anecdote about an old childhood friend whose 'dream in life was to work' for the Polaris Project, a US-based anti-trafficking organisation: 'When she found out that I was a sex worker and very out and proud about it, our relationship completely changed because all of a sudden she thought I was a monster for not supporting anti-trafficking organisations' and could not see that 'there's a different reality for consensual sex workers that Polaris actually makes more difficult'. A number of participants mentioned the House of Commons Justice Committee (dubbed the 'Shame and Loathing Hearings' by Kerry Porth<sup>52</sup>) and the Senate Legal and Constitutional Affairs Committee hearings on Bill C-36, during which sexual exploitation and human trafficking took centre stage. Alice stated that she found them to be 'devastating, they were really traumatic. I think I actually had some sort of PTSD after that because I was just in shock with what the government, Members of Parliament were saying about people like me'. In her opinion, 'people who don't want to do sex work really shouldn't be doing sex work, who really hate it, who feel disgusted, and demoralised from it ... But there are people who are fine and have the ups and downs of it and it's just never addressed'.

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*'It's not just creepy clients that we might have to deal with or violent abusers, we have to deal with women who are threatened by our experiences and our lives and they're just trying to negate us out of existence to "protect all women"'*

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Ava focused on how much she resented the extent to which prohibitionists 'get to traffic in false narratives about us' (author's emphasis). If trafficking refers to 'someone who is coerced, who is not heard, who is disrespected', these and other terms 'can all apply to the way that those anti-trafficking narratives traffic sex workers'. For example, she took issue with

'the way our bodies are tossed around by prohibitionists' through the 'extremely violent' discourse they produce, such as the idea that 'we're just a series of holes' to men. In addition, after working in the industry for twenty-five years, she is 'tired of being told that I'm delusional', that 'I don't know when I'm being oppressed ... And I really actually resent having to argue that sex work is empowering outside of

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<sup>52</sup> K Porth, 'Justice Committee on Bill C-36 Ignored Sex Workers', 14 July 2014, [http://www.pivotlegal.org/justice\\_committee\\_ignored\\_sex\\_workers](http://www.pivotlegal.org/justice_committee_ignored_sex_workers).

the money. Why do I have to be empowered by my work? Why can't it be just one of many millions of things I do to make ends meet?'

Ava also shared how she and other sex workers are unable to speak publicly about their experiences, be they 'positive or complex or not coerced', without being 'eviscerated' by prohibitionists and anti-trafficking activists and told that 'I am in the minority, that I am privileged, and that I do not represent the prevailing experience'. In these contexts, she and others are also told that 'we are akin to pimps and abusers' and 'called to task for encouraging the trafficking of people for sexual exploitation'. And then 'when you are being told that you are contributing to the denigration of women worldwide' and that 'we do not care about women', 'I don't even know what to say to that ... [I]t is utterly devastating' and 'insulting'. Alice echoed this sentiment when she stated that 'it's not just creepy clients that we might have to deal with or violent abusers, we have to deal with women who are threatened by our experiences and our lives and they're just trying to negate us out of existence to "protect all women"'. Finally, Ava suggested that Canada and the United States were both 'built on human trafficking' and 'continue to profit from it through their prison system', but now that governments are 'firmly opposed to it in the form of human trafficking for the purpose of sexual exploitation', the 'whole fucking burden is laid on us'. 'I can't be taken away from my work for one more minute', she concluded, 'to argue about this' as it is 'very difficult and painful to have a conversation about this because these aren't really conversations at all'.

### *The Cost of a Rumour*

Two of the Montréal-based sex workers interviewed also drew attention to the Grand Prix Formula 1 weekend each June, which is one of the city's biggest tourist draws and during which, according to local prohibitionist and anti-trafficking organisations, Montréal 'becomes, more than ever, a hub of [sexual] exploitation and trafficking ... and a place known for international sex tourism'.<sup>53</sup> In Alice's experience, 'we never have business during Grand Prix ... It's always been dead for me and I've worked for

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*'Our stories are often co-opted by anti-sex work organisations where the only solution offered to exploitation in the sex industry is the 'elimination of the industry'.*

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<sup>53</sup> These groups include La Concertation des Lutes contre l'Exploitation Sexuelle (CLES), whose fifty members include union federations, Montréal's YWCA, and sexual assault organisations, as well as FEMEN, a radical feminist activist organisation. See R Lau, 'Montreal to Target Human Trafficking During Grand Prix Weekend', *Global News*, 29 May 2017, <http://globalnews.ca/news/3470784/montreal-to-target-human-trafficking-during-grand-prix-weekend/>; G Henriquez, 'Grand Prix Kicks Off With Topless Protester, Ribbon-Cutting', *Global News*, 7 June 2017, <http://globalnews.ca/news/3511543/grand-prix-disruptions/>; A Riga, 'Canadian Grand Prix: Is Montreal Formula One Race Really a Sex-Trade Hotbed?', *Montreal Gazette*, 9 June 2017, <http://montrealgazette.com/news/local-news/canadian-grand-prix-is-montreal-formula-one-race-really-a-sex-trade-hotbed>.

eight years'. She suggested that, 'yes, you see sexiness' and 'you're getting sexism, but you're not getting sex work at the Grand Prix'. Montreal's annual international Jazz Festival, the largest in the world, however, 'was good for my business. But no one bitches about Jazzfest. I would love to see that, that would be so funny. Close down Jazzfest'.

During the Grand Prix in June 2016, Stella organised an action partly in response to the 'police repression and surveillance of escorts and massage parlour workers', such as undercover sting operations via websites and workplace raids that have happened on that weekend as a result of 'pressures from anti-trafficking and anti-sex work prohibitionists'. As Stella further noted, 'one of the most frustrating things about [the sex work/sexual exploitation/trafficking] conflation is the fact that "exploitation" and "bad working conditions" no longer belong to sex workers ... Our stories are often co-opted by anti-sex work organisations where the only solution offered to exploitation in the sex industry' is the 'elimination of the industry'. Hence, the organisation created a social and mainstream media campaign called *Contre l'exploitation, Contre la prohibition (Against exploitation, Against prohibition)*, which 'highlighted that, in order to fight exploitation, we need workers' rights with the byline: "For the rights of sex workers, the right to work"'. The project enabled 'us to mobilise sex workers in our community' and each of the fifteen images produced was intended to emphasise the dangers of and the repression that ensues from the conflation of sex work and exploitation/trafficking, prohibitionist prostitution laws, and the overall disregard of 'sex workers' agency and decision-making capacity'.

#### *Migrant Sex Workers: Viminals*

Butterfly prefers not to use human trafficking as a framework to understand the realities of Asian and migrant sex workers. Rather, the organisation is more interested in addressing the actual issues that they experience, be they related to

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*When it comes to anti-trafficking discourse, if you don't agree that you are a victim, you will be criminalized and if you don't agree that you are criminal, you will be victimized... the word viminal was that combination of constantly being in that liminal space'.*

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violence, labour exploitation, or intimate partner violence. For example, Butterfly provides support to migrant sex workers who have problems with their employers or managers who hold their passports, do not pay them, or impose unreasonable charges, by assisting them to change workplaces, empowering them to negotiate with their

employers, and informing them about their rights. It also recognises the rights of people who decide to work in or leave the industry and, in the latter case, it offers

massage and English classes and referrals to help them develop alternative sources of income. That said, Butterfly stressed that its work has been negatively impacted by anti-trafficking campaigns. In the context of heightened surveillance, investigations, and arrests, migrant sex workers have been pushed out of sight, making it more difficult ‘to reach out to migrant sex workers’, especially those without status. It is also more challenging to undertake ‘public education and build partnerships with other service providers because they often assume that Asian and migrant sex workers are trafficked victims and they are not able to see and respect their agency’.

The three migrant sex workers interviewed indicated that they had heard the term human trafficking but insisted that they had not been trafficked nor did they know anyone who was being ‘forced’. Ching stated that ‘trafficking is not the big issue for us. [R]obbery and assault are issues of concern’. Daisy and Fanny suggested that there are sometimes ‘mean’ or ‘bad’ bosses who verbally abuse workers but do not ‘control’ them. In all cases, they emphasised that making money was their main priority. Daisy also noted that there seemed to be more police investigations in the past two years: ‘trafficking is just the excuse to arrest us. They said we are trafficked but they arrest us ... and took the money from you and you cannot get [it] back’.

Butterfly has been involved in various initiatives that focus on resisting the harms of anti-sex work and anti-trafficking policies and campaigns, especially as both the federal and Ontario governments have committed to investing millions in anti-trafficking strategies.<sup>54</sup> For example, in January 2016, in honour of Tammy Le, an Asian sex worker murdered in Hamilton, Ontario and in response to Ontario’s proposed Bill 96 *Anti-Human Trafficking Act, 2017*<sup>55</sup>, Butterfly and the Canadian HIV/AIDS Legal Network issued a public statement drawing attention to the impact that ‘repressive legal policies’ and anti-trafficking measures have on sex workers, especially Asian and migrant sex workers. ‘We encourage creative responses’, they stated, ‘that provide sex workers an opportunity to create safe and secure measures for their work and their lives. We wait with impatience for an end to a

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<sup>54</sup> In June 2016, the Ontario government announced that it ‘would spend up to CAD 72 million over four years in a new anti-trafficking strategy’, including bolstering ‘culturally appropriate services for indigenous survivors of trafficking’, establishing ‘a provincial anti-trafficking coordination centre’, and creating ‘a specialized prosecution team for human-trafficking crimes’, see T Grant, ‘Ontario Unveils \$72-Million Plan to Fight Human Trafficking’, *Globe and Mail*, 30 June 2016, <https://beta.theglobeandmail.com/news/national/canada-continues-to-be-a-source-for-sex-trafficking-annual-report/article30700484/?ref=http://www.theglobeandmail.com&>.

<sup>55</sup> This provincial legislation, which received Royal Assent in May 2017 and builds on Bill C-36, named 22 February as Human Trafficking Awareness Day, introduced a provision that enables a trafficked person to get a restraining order against an alleged trafficker, and created a tort of human trafficking. See Legislative Assembly of Ontario, Bill 96, *An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017* at [http://www.ontla.on.ca/bills/bills-files/41\\_Parliament/Session2/b096ra\\_e.pdf](http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session2/b096ra_e.pdf).

climate of hatred of sex workers that encourages people to violate and prey on sex workers ... [W]e stand up for human dignity and the right for all sex workers to live free from violence, racism, and discrimination<sup>56</sup>. In March 2016, Butterfly, in collaboration with the Migrant Sex Workers Project, Maggie's, the Canadian HIV/AIDS Legal Network, Strut, and No One Is Illegal Toronto, launched another similar public awareness and advocacy campaign. Their four recommendations included the recognition of sex work as work and 'the right not to be "rescued"'; support for 'peer-led models so that the sex work community can connect with others and assist in cases of exploitation and abuse'; the repeal of PCEPA, 'which endangers sex workers' lives, health, and safety'; and the halt to 'raids, detention, and deportation of sex workers' and to CBSA's involvement in anti-trafficking investigations.<sup>57</sup>

One sex worker I interviewed highlighted the multi-disciplinary art show Butterfly created, which was featured at the Art Gallery of Ontario in Toronto in 2015 and sought to draw attention to the realities and experiences of Asian and migrant sex workers. It was called 'Viminal Space' and addressed what it is 'like to actually be called, labelled, and framed a criminalized body'. The term 'viminal' was 'a portmanteau of victim and criminal and liminal ... [W]hen it comes to anti-trafficking discourse, if you don't agree that you are a victim, you will be criminalized and if you don't agree that you are criminal, you will be victimized ... the word viminal was that combination of constantly being in that liminal space'. As part of the show, 'some of the workers at Butterfly dressed up as border agents and put people through the process that they are put through when they are basically removed from their places of work—labelled as victims of trafficking and all of the questions that they are asked to confirm that'. They had 'stamps that said victim, criminal, [and] viminal'; it denoted an 'official but very highly subjective a space where it's just like you're asking me these questions, but you've already decided who I am'.

## Organisational Responses to Sex Workers' Challenges

### *A Source of Support*

Kerry stated that 'everything I learnt about keeping myself safe when I was a sex worker came from other sex workers ... That sort of inside information on what to look out for, how to keep yourself safe, you can't get that from anyone else. You're

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<sup>56</sup> See 'Honouring Tammy Le', 29 January 2016, <https://www.butterflysw.org/statement>.

<sup>57</sup> See *Stop the Harm from Anti-Trafficking Policies & Campaigns: Support Sex Workers' Rights, Justice, and Dignity*, March 2016, <https://www.butterflysw.org/harm-of-anti-trafficking-campaign->. Stella also emphasised that specific police guidelines and policies should be established 'to deter the unnecessary seizing and sharing of information with and CBSA involvement in policing matters'.

only going to get that from a sex worker so that's a huge benefit to sex work organising—the ability to provide safety planning, safety training, even self-defence that's particular to sex work'. The Montréal-based sex workers indicated that they relied on and obtained support and information from various sources, including partners, clients, fellow sex workers who are friends, informal indoor work collective members, sex-worker friendly medical professionals, and online/social media forums.

At the organisational level, the Montréal-based interview participants accessed Stella for different purposes and discussed what types of supports, services, and resources it provides to local sex workers and how it fostered a space to build connections and community among them. Daria recounted how Stella has been an 'incredible source of support in so many different ways over the last fifteen years—from showing up as a total stranger, not knowing anyone at the organisation, just arriving and knocking on the door and saying "hi, I am a sex worker and I would like to chat. Can I have some support?"' to helping her 'develop information and skills to apply to sex work ... how to navigate living in this world with an invisible status and in an informal labour market'. Alice liked 'knowing that they're there—it's more for the legal stuff that I feel I need them, how to navigate the laws and keep myself informed about what's coming around the corner'.

Stella characterises its approach to service provision as "an empowerment approach" (before the concept was co-opted); this means 'we meet sex workers where they are at and provide a space for sex workers to determine their own path ... to guide the terms of the service they want from us'. As a confidential

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*Stella takes a non-directive approach in which 'the person comes first—their needs and their decisions as they define them' ... And so back to autonomy, back to respecting people's decisions, back to treating people as the experts and masters of their own situation and their own decisions'*

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service, Stella does not turn anyone away, including those with tenuous immigration status or minors who sell or trade sex. As Rachel stressed, what makes Stella's services so strong is the fact that the organisation takes a non-directive approach in which 'the person comes first—their needs and their decisions as they define them': 'There's no agenda—to support a person to attain a certain goal. You don't define the person's goals and, quite frankly, you don't even have an opinion as what is a more virtuous goal ... And so back to autonomy, back to respecting people's decisions, back to treating people as the experts and masters of their own situation and their own decisions'. She emphasised that this non-directive approach is 'applied to everyone' regardless of their background or situation—whether they are experiencing custody and housing issues, violence, threats, or



extortion, 'financially tough times, they'd like to have more clients, be able to make more money, or they are working in shitty conditions [e.g. unfair or extremely low pay], or they are in a situation that is actually exploitative [e.g. coercion and abuse]'. As Stella maintained, its doors are open to 'sex workers who want to enter the industry, stay in the industry, or leave a very transient industry permanently or temporarily'. Alice expressed strong appreciation for the fact that 'they're always checking about our needs. They're not trying to determine what our needs and wants are. We come first as their client base and they're not going to decide what's best for us. If I want to get out of the business, they can offer me some help with my resume. But if I want to stay in the business, they're not telling me how to run my business, [but] they'll give advice'.

The Asian migrant sex workers interviewed indicated that, despite their sense of isolation and need to be self-reliant, they too came to draw on diverse sources of emotional, financial, and practical support, including co-workers, drivers, and clients. Daisy, Fanny, and Ching learned about Butterfly through various means, including via an organisation in their home country, through its outreach work in massage parlours, or when arrested. They discussed the multiple ways in which Butterfly had supported them — providing legal information and strategies on 'how to face police', offering emotional support and connecting them to other workers, assisting them to leave an exploitative workplace 'carefully' so there would not be 'trouble in the future', taking them shopping and to medical appointments, or, in Fanny's case, 'assisting with communication outside of detention' and organising her return to her home country after receiving her deportation order. Daisy also stated that Butterfly dealt with the police when her co-worker/friend died and then assisted with raising money for and organising the funeral, including helping to bring her friend's family members to Canada to attend. What they seemed to value most about the organisation was that the outreach workers were so dedicated and could be trusted. While Ching emphasised that Butterfly was reliable, Daisy stated that 'it is good to have an organisation which give you information and care about you ... [T]hey understand us ... They speak our language which is very helpful ... When you ask other [people] to do something for you, you have to pay. Butterfly doesn't get money from us and they will not cheat us ... They are working for us, not for government, [and] they fight for us'.

#### *Continued Dedication Despite Exclusion*

Stella also undertakes more 'systemic work', such as addressing law enforcement's treatment of sex workers from an intersectional understanding and advocating for sex work law reform. Alice commented that, during the House of Commons and Senate hearings on Bill C-36, she appreciated having 'an organisation ... go and speak on your behalf ... I'm glad my voice was heard'. She also valued the fact that

Stella ‘consulted with us before going to present — like what are our needs’. Within the context of anti-trafficking work, it is also essential, according to Rachel, to have ‘sex worker organisations providing nuance and informing this context ... We’re constantly trying to dismantle these things that are built up and harm us ... So we need to have groups out there that are constantly trying to clarify and disentangle the conflation’ between human trafficking/sexual exploitation and ‘consensual sex work’.

When asked what Stella could do to more effectively address the challenges that sex workers experience and what might be inhibiting that work, interview participants, like Jade, were very clear that the organisation is ‘already doing so much’ with the very limited funds and resources they have available: ‘I’m telling you, given their existing resources ... it’s kind of ridiculous to even suggest that they should be doing more’. Rachel agreed, arguing that ‘we have limited resources’ and yet ‘we’re constantly building’ and ‘growing’, and seeking to ‘offer things of value’ to sex workers from ‘different walks of life’ and with ‘all different kinds of challenges and needs’. Jade was, however, troubled by the fact that, ‘[w]hen I see that politicians are talking about trafficking and prostitution in the same breath’, they are ‘talking to basically everyone except places like Stella and places like Maggie’s and Butterfly. It’s very draining to watch these meetings go on without having even been given an invitation or a seat at the table when these laws are being passed when these things involve our safety and our rights.’ As one antidote, she suggested that Stella build a bigger presence on social media, especially to combat the misinformation circulated by some anti-trafficking organisations. ‘A lot of my work is online and I found just how important it is in reaching people and changing minds and hearts’.

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*Anti-violence, social justice, and labour organisations who, sometimes intentionally and other times not, do not include sex workers as part of their long list of marginalised groups that experience human rights violations.*

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Rachel identified a number of factors that, in her view, inhibit Stella’s work. On the one hand, she argued that the organisation is incredibly stigmatised, targeted, and misrepresented and ‘one of the reasons is because we’re

by and for sex workers’. In some instances, this means that Stella members are unwelcome in certain spaces when undertaking outreach or advocacy work, which could be the result of ‘a level of ignorance such as “oh you’re not relevant”, or it could be straight out disdain, “you’re all social parasites and problems and we don’t want your kind here”’. On the other hand, there are other individuals and organisations that fail to include and invisibilise Stella ‘without necessarily speaking out publicly against us’. She was referring mainly to anti-violence, social

justice, and labour organisations who, sometimes intentionally and other times not, do not include sex workers as part of their long list of marginalised groups that experience human rights violations.

### *Best Positioned to Detect Exploitation*

When asked whether or not there is a role for sex worker organisations in anti-trafficking work, there were varied responses. Rachel stressed that the inclusion of ‘sex work specific groups’ into conversations about working conditions and trafficking in the industry would require the recognition of ‘sex work as legitimate work’. Kerry insisted that ‘sex workers are best positioned to detect cases of exploitation and trafficking. I don’t know anyone else who’s better placed to do that ... I mean sex workers know how to regulate their own industry, know what occupational health and safety looks like in the sex industry, know what fair practices should look like’. However, ‘people with actual expertise in the subject matter [are] ignored’ and ‘just get kicked to the side lines’. Kerry suggested that there are two main reasons for this lack of consultation and inclusion:

*One is the stigma associated with sex work and it’s a pretty intense form of stigma ... when you decide that an entire population of people engaged in a particular activity are either victims or criminals, you kind of write them off, you ‘other’ them, and you don’t have to listen to them. Plus, certain feminists and anti-sex work campaigners have done a really, really good job of discrediting sex work organising—they call us ‘the pimp lobby’ ... [claim] that sex work organisations exist to keep women in the sex trade. I mean sex work support organisations have been supporting women to exit sex work forever, and we generally do that off the side of our desk and without there being any specific funding for it.*

Kerry further emphasised that anti-sex work campaigners have ‘also done a really, really good job of saying that sex work activists, the ones who are able to come out publicly, are a privileged minority—and, in a certain sense, we reinforce that because we haven’t done a good job in the movement of supporting intersectionality, supporting racialised and Indigenous sex workers to speak for themselves’.<sup>58</sup>

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*In Butterfly’s view, ‘sex workers are the best people to protect the sex workers who are in exploitative and vulnerable situations’.*

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<sup>58</sup> With reference to migrant sex workers in particular, however, Ava identified the risks of visibility and speaking out: ‘it’s like anti-trafficking narratives almost get to rely on the fact that those who are the most marginalised ... don’t speak out because they can’t ... Then it just looks like there’s

Ava agreed that ‘with the resources, skills, backgrounds, research, and gifts and talents that so many [sex worker] organisations have, they could be leaders in anti-trafficking ... We are often in spaces, we are the ones who share spaces with people in all kinds of different states’. However, from her perspective, organisations like Stella are underfunded, overworked, ‘absolutely burdened enough’ with ‘supporting women who are in the state of criminalisation ... [I]t takes a lot of energy out of you to produce rigorously researched information, to maintain contacts in those communities, to go hat in hand to Conservative MPs and talk about issues that they don’t even want to fucking listen to. The amount of energy that that takes while simultaneously being burdened by these anti-trafficking narratives is unbelievable’.

Butterfly takes a holistic approach to addressing the different realities and needs of Asian and migrant sex workers in Toronto and beyond. As Rachel emphasised, in contrast to many anti-sex work and anti-trafficking initiatives that ‘funnels people into limited and specific frameworks’, Butterfly ‘dares to put the defence or protection of migrant sex workers’ rights first, and then look at the way they can support migrant sex workers needs from this approach’. In Butterfly’s view, ‘sex workers are the best people to protect the sex workers who are in exploitative and vulnerable situations’. Fanny concurred, stating that, instead of relying solely on outside organisations, it was critical that migrant sex workers ‘form supportive connections’ among themselves to share information about safety and to address issues of ‘discrimination or bullying’. She and Ching also hoped that Butterfly could reach and provide emotional support and information to more sex workers, especially workers who have just arrived or are in a difficult situation. As Ching stressed, ‘each country and each city should have something like Butterfly’.

### Organising for Change: Bedford (2007-2012) and after Bedford (2013 – present)

The *Bedford v. Canada* constitutional challenge (2007-2012), the Supreme Court decision (2013), and the enactment of Bill C-36 (2014), have been the subject of much commentary produced by Canadian sex worker organisations, academic scholars, and journalists. Less well known is the story of sex worker organising during this period of struggle and optimism, victory and setback. It was this account that Stella wanted to share, one that highlights the work of sex worker

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all these white women speaking on their behalf and then we’re told, “oh you’re privileged, you’re non-representative”. But it’s just like “well, you’ve put these women in the situation where they can’t fucking say anything” because if they do, they identify themselves.’

rights groups and their allies across Canada who came together in the Canadian Alliance for Sex Work Law Reform beginning in 2012.<sup>59</sup>

While sex workers and sex worker organisations across Canada had previously attempted to form a national movement, the Alliance was born out of a sense of

urgency and the need for a united voice on sex work law reform. The Alliance started as a small group of sex worker activists who came together to organise around the *Bedford* case as it was going through the courts between 2009 and 2012. Its first national meeting was attended by two of the three *Bedford* plaintiffs as well as sex workers and close allies who intended to file applications for intervenor status in the Supreme Court

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*The Supreme Court's unanimous (9-0) decision to strike down all three Criminal Code provisions as violating constitutional guarantees to life, liberty, and security of the person in December 2013 was the culmination of an over thirty-year sex workers' struggle for decriminalisation.*

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case. The gathering provided an opportunity to prepare for the hearings, devise a coordinated legal intervention strategy so as to ensure that sex workers' realities were fully represented in the court, and to craft a national media and education strategy with a focus on sex workers' human and labour rights. On 8 June 2013, just prior to the Supreme Court hearing, a National Day of Action to Support Sex Workers Rights was organised, which included a huge mobilisation of sex workers on the steps of the Supreme Court in Ottawa.<sup>60</sup>

The Supreme Court's unanimous (9-0) decision to strike down all three *Criminal Code* provisions as violating constitutional guarantees to life, liberty, and security of the person in December 2013 was the culmination of an over thirty-year sex workers' struggle for decriminalisation. The Supreme Court, however, gave the federal government one year to craft a replacement law that complied with the *Canadian Charter of Rights and Freedoms*. The Alliance knew very well that the Conservative government would not sit idly by and abandon its strong prohibitionist, anti-trafficking, and law and order approach to sex work. Given the short one-year timeline, it was essential that Canadian sex worker-led organisations and allies join forces. As a result, a 'national working group' was organised, consisting of eighteen sex worker-led organisations from across the country that then formed a very loose alliance under the banner of the Canadian

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<sup>59</sup> The following is an edited version of the story about sex worker organising in the *Bedford* and post-*Bedford* period as shared by Jenn Clamen.

<sup>60</sup> POWER, 'June 8, 2013: National Day of Action to Support Sex Worker Rights', News Release, 2013, <http://www.powerottawa.ca/POWER%20Day%20of%20Action%20Media%20Release.pdf>; G Macdougall, 'Decriminalization of Sex Work and the Bedford case in Supreme Court: What It's All About', *rabble.ca*, 13 June 2013, <http://rabble.ca/news/2013/06/decriminalization-sex-work-and-bedford-case-supreme-court-what-its-all-about>.

Alliance for Sex Work Law Reform. Both prior to and after the introduction of Bill C-36 in June 2014, the Alliance was able to develop a constantly evolving and increasingly more inclusive national strategy to resist the legislation and build national visibility.

This national strategy consisted of a number of elements. One component revolved around the media engagement as well as the production of public education materials about C-36 and the legislative process and their regular and broad dissemination to sex workers and allies. In May 2014, the Alliance also developed a series of information sheets that could be used to educate lawmakers and the public on matters related to sex work law reform.

Another component of the strategy was to strengthen the capacity of sex working communities to engage with the legislative processes that impact their lives, mobilise them into action, and, in some cases, meet with local and federal politicians. Two advocacy guides were produced to facilitate this work. The first guide—*Sex Work on the Hill: A Guide to Getting Involved in Legislative Processes that Impact on Our Lives*—was released in May 2014 and was intended to demystify the Canadian Parliament. It explained how laws are made, how to set up a meeting and engage with Members of Parliament (MPs), how to develop strategic messaging tailored to different political party positions on sex work, and how to confront stigma during those interactions. The second guide—*Sex Work on the Hill: A Guide to Getting Involved in Legislative Processes that Impact on Our Lives PART II: Appearing Before Committees and Submitting Briefs*—was released one month later. With a specific focus on the Bill C-36 legislative process, it provided a step-by-step guide on how to submit a brief to or appear as an expert witness before the House of Commons Justice Committee and/or the Senate Legal and Constitutional Affairs Committee. Intended to empower sex workers and allies to interact with and have their voices heard in institutions of political power, both advocacy guides were in high demand and were widely distributed. During this period, Alliance members and allies also spent time on Parliament Hill. Two days were devoted to a two-day concerted national effort, which involved building advocacy capacity on one day and meeting with over 50 MPs and Senators on the next. Even though sex workers found the meetings and the stigma they encountered challenging, this was a very empowering initiative. It was critical that Alliance member groups positioned themselves as experts on sex work and the law and worked to make sex workers and their needs visible in that context.

The passage of Bill C-36 in December 2014 changed the context of sex workers' lives and work as well as the landscape of the Alliance's advocacy work. Given that 2015

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*It was critical that Alliance member groups positioned themselves as experts on sex work and the law and worked to make sex workers and their needs visible in that context.*

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was a federal election year, it was important for the Alliance to maintain its visibility and the law reform momentum it had developed in 2014. In June 2015, the Alliance created and distributed a third advocacy guide—*Sex Work on the Hill: A Guide to Getting Involved in Legislative Processes that Impact on Our Lives PART III: Hot on the Campaign Tail!* It was designed to educate sex workers and allies about various aspects of the electoral process and how to meaningfully engage with electoral candidates before and during the election. By this time, the Alliance had grown to twenty-eight member groups as new sex workers organisations were established in Canada and others were strengthened.

With the formation of a Liberal government in 2016, the Alliance decided to strengthen its future public education and advocacy by engaging in a one-year national consultation project. It involved all twenty-eight Alliance members and focused on developing a united voice on, and specific recommendations for, law reform on the federal, provincial, and municipal levels. The resulting document, entitled *Safety, Dignity, Equality: Recommendations for Sex Work Law Reform*, was released in March 2017 and endorsed by twenty-four Alliance members<sup>61</sup>. At the same time, the Alliance needed to maintain a media presence, speaking to the dangers of PCEPA, the harmful framework of victimisation and criminalisation, and the intersectional experiences of sex workers on the ground. In September, it published twenty-one ‘Sex Work Stories’ on *Ricochet Media* that offered diverse perspectives on the impact of Canadian sex work laws.<sup>62</sup> Other media interventions were designed to put pressure on the new Liberal government to tackle sex work law reform within the context of a broader criminal law reform agenda. In April 2017, members of the Alliance met with the Minister of Justice and high-level MPs in the Prime Minister’s Office. As Jenn noted, it ‘became painfully clear that, while the Liberals ‘voted against and promised to look into the constitutionality of Bill C-36, they require quite a bit of pressure to actually act’. Hence, there is an urgent need for the Alliance and its allies to ‘create more visibility around the harms of Bill C-36’.

The Alliance and its member organising has sought and continues to seek to facilitate sex worker involvement in legislative processes that impact their lives and work, and to ensure that their diverse realities are at the centre. It is currently in the process of strengthening its structure so that it can include allied and supportive member groups as there are many Indigenous, LGBTQ2s, reproductive

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<sup>61</sup> Canadian Alliance for Sex Work Law Reform, *Safety, Dignity, Equality*, p. 4.

<sup>62</sup> Founded in 2015, *Ricochet Media* is an online and multiplatform independent news site with offices in Vancouver and Montréal. For the series on the impact of PCEPA produced by the Alliance, see <https://ricochet.media/en/contributors/229>.

rights, and youth organisations that have expressed an interest in joining the Alliance.

## Conclusions and Recommendations

The knowledge and expertise shared by participants in this research have been invaluable in illuminating the rich histories of two Canadian sex worker organisations and the support, service provision, education, and advocacy work they undertake in their communities. Their insights have underscored the importance and ongoing need for sex worker organising especially in the current Canadian context in which the sex industry is criminalised and sex workers (and especially Indigenous, transgender, racialised, and migrant sex workers) experience very high levels of stigmatisation, marginalisation, isolation, and vulnerability to various forms of state and other violence. Contrary to the claims of prohibitionist and anti-trafficking campaigners, sex workers are indeed best positioned, through peer-based models, to detect cases of exploitation and coercion and to address working conditions in the various sectors of the industry. Over the course of this research, participants articulated different recommendations both implicitly and explicitly. Some key ones include the following:

### **Canadian and Provincial Governments:**

1. Repeal PCEPA and other *Criminal Code* provisions criminalising sex workers, clients, and third parties. The federal government needs to lead the reform process with decriminalisation before other laws and regulations for sex workers' health and safety can be enacted.
2. Decriminalise all aspects of sex work as a first step towards the recognition and actualisation of sex workers' rights.
3. Repeal legislative, regulatory, and policy restrictions on all work permits that prevent migrants from working in sex-related businesses, issue open and unrestricted work permits to all temporary workers, and create pathways to permanent residency.
4. Provide federal support for municipal Access Without Fear/Don't Ask, Don't Tell policies that allow migrants, including migrant sex workers, to report violence and receive essential services, such as health care, without fear of deportation.
5. Increase funding to Indigenous communities to support the self-determined development of specialised services as well as educational, housing, income assistance, employment, healthcare, and safe transportation programmes.



6. Review existing anti-trafficking policies and programs that equate sex work with human trafficking and revise policies to remove assumptions that sex work, absent coercion, is a form of trafficking, sexual exploitation, or violence.
7. Use evidence-based research to inform anti-trafficking initiatives and prohibit the overbroad use of anti-trafficking measures as a general law enforcement strategy to target sex work in general and Indigenous, racialised, and im/migrant sex workers in particular. Halt the raids, detention, and deportation of migrant sex workers under the façade of anti-trafficking investigations and end CBSA's unnecessary involvement in such investigations.
8. Conduct regular impact assessments of anti-trafficking legislation and enforcement practices with respect to the rights of sex workers in general and Indigenous, racialised, and im/migrant sex workers in particular.
9. Defund anti-trafficking law enforcement measures and redirect resources to community safety initiatives that are developed by sex workers and, in particular, by Indigenous, transgender, racialised, and im/migrant sex workers.

#### **Anti-Trafficking Organisations and Civil Society:**

1. Support sex workers' rights and stop conflating sex work, migration, and trafficking.
2. Recognise sex work as a legitimate form of income generation and the right not to be rescued.
3. Treat sex workers with respect and as stakeholders who are concerned about and have long worked at the grassroots level to improve the safety, wellbeing, and dignity of those working in all sectors of the sex industry.

#### **Sex Worker Organisations:**

1. Engage in more grassroots organising so that sex workers who are marginalised, especially Indigenous, transgender, racialised, and im/migrant sex workers, can fully participate in the movement.
2. Deepen the intersectional practices in the sex worker movement, including creating spaces for Indigenous, racialised, and im/migrant sex workers to speak for themselves.
3. Support and expand peer-based models so that sex workers can assist each other in situations of exploitation and abuse.

#### **Donors:**

1. Support self-organising among sex workers as a way to address abuse, violence, and exploitation in the industry and ensure that sex workers' voices are heard and represented.

2. Recognise sex workers rights as a human rights issue and support the international movement for the advancement of sex workers' rights.

**Community-Based Researchers:**

1. Build on this project and engage in further evidence-based research on sex worker organising, which would include more countries, sex worker-led organisations, and sex workers.
2. Place the experiences of sex workers still working in the industry at the heart of research that attempts to address human trafficking.

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**Annalee Lepp** is an Associate Professor in the Department of Gender Studies at the University of Victoria, Canada. She is a founding member and director of GAATW Canada which was established in 1996 and is a member of GAATW's Research Advisory Group. Since 1997, she has been involved in various collaborative research projects, which examine Canadian state policies and practices as they relate to trafficking in persons and irregular cross-border movements as well as the impacts of anti-trafficking policies on sex workers rights in Canada.