

Living in Community Brief to the Standing Committee on the Status of Women Human Trafficking of Women, Girls and Gender Diverse People

May 2023

Background

Living in Community (LIC) is a provincial non-profit organization based in Vancouver. Centering sex workers' rights, Living in Community convenes diverse stakeholders in order to: understand a range of experiences and perspectives; inform sex work-related policies and practices of governments, service providers, and community organizations; and provide education and training to support these goals. We focus on root causes of issues including colonization, capitalism, criminalization, racism, and discrimination that create systemic vulnerability for sex workers, and we seek to build understanding and common ground with other community members.

LIC also facilitates the BC Sex Work Support Service Network, a group of twenty-five organizations that provide frontline services, supports, and advocacy with and for sex workers in their communities. Network members are located across all regions of British Columbia and includes one organization in the Yukon. The Network meets regularly to share best practices, learn from each other, and strengthen our unified voice for sex workers' rights across BC. Living in Community is co-submitting this brief with members of the BC Sex Work Support Service Network.

Sex Work is Not Trafficking

Oftentimes, sex work and human trafficking are seen as the same thing. However, we must listen to what people say about their own experiences and refrain from naming their experiences for them. Not everyone in the sex industry is trafficked; not everyone who is trafficked is in the sex industry.

It is important to distinguish between human trafficking and sex work to avoid negative impacts on sex workers. For example, when law enforcement targets the sex industry in efforts to detect human trafficking, these actions can cause sex workers to take steps to avoid police detection. This may mean working in isolation and can push sex work further underground where sex workers are more vulnerable to marginalization, violence, and exploitation, including human trafficking.

When the entire sex industry is understood as sex trafficking, only crimes that meet the trafficking threshold are of interest to police. Crimes such as assault, sexual assault, robbery, and other serious crimes are unaddressed. Predators seize this opportunity and act with impunity. When ill-informed anti-trafficking strategies such as police raids on massage parlours or hotel stings are applied to sex workers, these increase sex workers' distrust of and animosity toward police. This results in underreporting of crimes when sex workers actually experience violence or exploitation.

These anti-trafficking strategies also cause loss of income, displacement, and the detention and deportation of migrant sex workers. Misguided 'rescue' missions are counter-productive and increase sex workers' precarity and vulnerability to violence and exploitation. Conflating sex work with trafficking is causing harm to sex workers.

Indigenous Women and Trafficking

Indigenous women who sell or trade sex are generally assumed to be trafficked, but many work in the sex trade to support themselves. Labelling Indigenous women who sell or trade sex as trafficking victims is disempowering as it absolves the state of its historical role, through colonization and systemic racism, in producing the challenging context that many Indigenous women find themselves in. This includes current conditions of poverty, insufficient income and disability assistance rates, displacement, homelessness, inequality, and barriers to accessing services.

Public nuisance bylaws, sex work laws, and drug laws all mean that Indigenous women who are selling or trading sex in public spaces bear the brunt of police surveillance and harassment, and this includes street sweeps aimed at finding victims of trafficking. Instead, efforts should raise Indigenous women up by addressing poverty and the legacies of colonization that are push factors for entry into the sex trade.

Im/Migrant Women and Sex Work

Immigrant and migrant women doing sex work are also assumed to be trafficked. This is often based on racist understandings, particularly of Asian women, who are believed to be naïve and duped into doing sex work.

Migrant sex workers experience unique barriers to rights, protections, and access to community services due to multi-layered criminalization, which includes criminalization based on their immigration status, as they are not permitted to work in the sex industry. Since 2012, the Immigration and Refugee Protection Regulations (IRPR) have prohibited temporary residents from working “with an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages.” Anyone who has a work permit, study permit or visitor’s visa and carries temporary resident immigration status is captured by these provisions.

Even if sex work was decriminalized in Canada, migrant sex workers would still be criminalized under the Immigration and Refugee Protection Regulations. Ill-conceived anti-trafficking ‘raid and rescue’ operations by the police on indoor locations where im/migrant women are doing sex work are terrifying for the workers and cause them to fear police. In addition, sometimes the Canada Border Services Agency accompany police, which can lead to detention and deportation for migrant workers. Predators come to know that im/migrant sex workers will not report to police and will deliberately target them for robberies and other violence.

Based on this context and our experiences and knowledge, we recommend the following:

Recommendations

1. Repeal the Protection of Communities and Exploited Persons Act

Repealing the sex work laws would mean that sex work is no longer a criminalized, underground activity. This would help to clearly delineate the boundary between safe, consensual sex work that is happening legally, and violence and exploitation which would remain illegal under existing laws. It would also help law enforcement to be better able to target trafficking which would be much more distinguishable from a decriminalized sex industry.

2. Repeal the IRPR Prohibition on Migrant Sex Work

Im/migrant women doing sex work should be able to access the police without fear that their immigration status combined with sex work will get them deported. Im/migrant sex workers should be free to work without anti-trafficking raids and unnecessary visits by bylaw inspectors. In the recent Standing Committee on Justice and Human Rights [report](#) on the review of PCEPA, it was recommended that the IRPR prohibition be repealed to better protect migrant sex workers.

3. Invest in Sex Worker-Led Organizations

Sex worker-led organizations across Canada continue to struggle for funding in an environment that prioritizes projects that focus on human trafficking or encouraging sex workers to exit the industry. Sex workers should not have to identify as victims of human trafficking or pledge to stop doing sex work in order to receive services. These important services help to prevent sex workers from falling victim to human trafficking.

Signed by the following organizations:

ANKORS (AIDS Network Kootenay Outreach and Support Society), Nelson & Cranbrook, BC

HOPE Okanagan, Kelowna BC

Ishtar Women's Resource Society, Langley BC

Living in Community, Vancouver BC

Peers Victoria, Victoria BC

Vancouver Aboriginal Community Policing Centre, Vancouver BC

WISH Drop-In Centre Society, Vancouver BC

Yukon Status of Women Council, Whitehorse YT