

EDITORIAL: THE COMPLEX RELATIONSHIP BETWEEN SEX TRAFFICKING AND SEX WORK

As this newsletter is released just days before November 25th, 2018, the International Day for the Elimination of Violence against Women, the Peel Institute on Violence Prevention (PIVP) wishes to dedicate this newsletter to women in the sex trade. Due to the nature of their work, sex workers have increased susceptibilities to violence, exploitation, and trafficking. In Issue 1 of volume 3 (March 2018), we discussed human trafficking and highlighted that the majority of victims are women and girls who are lured, coerced, or forced into sex work against their will.

Although many of the women and girls who are being trafficked end up in the sex trade as a result of being trafficked, in some cases the opposite occurs. Some women become victims of trafficking by first entering the sex trade willingly. In the same way, a woman's consent to emigrate freely to another country often makes the legal identification of trafficking unclear, it becomes even more complex when this migratory strategy includes an independent decision to work as a prostitute in the host country.

Services for sex workers are usually offered by feminist organizations and activist groups. The majority of these services are created with the vision of providing support to sex workers who are victims of human trafficking consequently service users are viewed as victims. This view that sex workers are victims is one of two opposing feminist ideologies that are in tension about the issue of consent and free choice for women in the sex trade. On the one hand, there are the neo-abolitionist perspectives of radical feminism that argue that the fundamental dynamics of the sex trade is originated and sustained by male dominance and patriarchal societal structures. On the other hand, there are sex-positive feminists who are in favour of a woman's right to choose where they want to work and argue that telling women that choosing to work in the sex trade is wrong can be dangerous and patriarchal.

The relationship between prostitution and trafficking is complex, as the distinction between voluntary and enforced participation in sex work, is highly controversial and ever-changing. It is undeniable that most societies have evolved with patriarchal structures remaining at the very core where a woman's choices are often limited, especially when it comes to sex and sexual conduct. While knowing all this to be true, there is always the hope that within those limitations there is room for women to choose.

THE PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT: A HARM- REDUCTION APPROACH

The Protection of Communities and Exploited Persons Act, also known as Bill C-36, aims to protect those involved in prostitution, as the disproportionate impact on women and girls is an epidemic in this line of work. The listed objectives of Bill C-36 include the reduction of requests for these services, the protection of communities where prostitution occurs, and most integrally, the protection of sex sellers themselves. We suggest that this act equates the decriminalization of sex work with the protection of sex workers, which is a problematic approach (The Protection of Communities and Exploited Persons Act, 2014). Subsection 286.5(2) states that "those who sell their own sexual

services are protected from criminal liability for participating in the commission of this offence if the offence relates to their own sexual services" and subsection 286.5(1)(b) states that "those who sell their own sexual services are protected from criminal liability for committing this offence if they advertise their own sexual services (The Protection of Communities and Exploited Persons Act, 2014).



These strides are a step in the right direction for the legal protection of sex workers, however, there are aspects of this act that are idealistic in nature. Bill C-36 protects those selling sex from direct criminal charges, but that is where the protection stops. Unfortunately, protecting women from criminal charges is just one area of protection they need. Protection from violence, protection from sexually transmitted diseases, protection from rape, protection from any number of the complex traumas they may face in their line of work, are also integral to the betterment of their quality of work. Although Bill C-36 prioritizes the decriminalization of sex work in an aim to shift the criminal onus onto the purchaser of prostitution, a hyper-focus on the criminalization of purchasers eclipses a focus on safety and protection for sex sellers. Simply decriminalizing sex work does not necessarily make protection more easily accessible; in fact, we argue these two are separate issues. To combat a singular view of protection, a harm-reduction based approach is required to properly address the needs of sex workers in Canada. A harm-reduction based approach involves prioritizing the needs of victims and survivors during and after their foray into sex work. Any amendments that can be made to reduce or remove the possibility of re-victimization should be included in future drafts.

While the federal, provincial and local governments have allocated millions of dollars toward combating human trafficking. Simultaneously they are reluctant to finance safety measures to protect sex workers and encourage women working in the sex industry to report incidences of violence to the police. Encompassing a harm-reduction approach is significant in the process of mending this relationship and providing proper aid to sex workers. Stepping away from mainstream service protections and moving toward directly targeting these specific needs, allows for a victim-centred approach. While the government claims that a regime of decriminalization is a form of protection, women are still exposed to the same vulnerabilities as when prostitution was criminalized.

EAST ASIAN MIGRANT SEX WORK: THE MESSAGE PARLOUR BOOM

East Asian immigrant women working within massage parlours deal with unique vulnerabilities because of their simultaneous hyper-visibility and invisibility in the eyes of Canadian law. This group is disproportionately targeted by law enforcement, who blur the lines around consent, thus making it difficult to determine when someone is a victim versus a criminal. This instant criminalization drives East Asian sex workers underground, making protection unavailable and inaccessible to them, due to fears around deportation and illegalization.

The strained relationship with law enforcement agencies is a crucial factor contributing to East Asian women's increased vulnerabilities in sex work. In a study based in Los Angeles, over half of the East Asian workers surveyed, indicated that they were forced into prostitution within the massage parlours they were employed. In the same study it was reported that of these women, only one voluntarily sought assistance from the police. This study was one of very few in the United States, and unfortunately, there is little research in Canada that focuses on East Asian women's experiences in the sex trade.

One of the contributing factors to reluctance in seeking help from the police was the barrier of terminology and language. The specific distinction between sex work and sex trafficking results in ambiguous definitions and blurs the lines between victimhood and criminality. The desire to avoid criminality results in isolation and this form of isolation from external resources is a significant barrier immigrant women face, further increasing the possibility of sexual exploitation.

This trend is alarming because the RCMP reports that the majority of identified domestic sex trafficking victims in Canada are Caucasian, Canadian females between 14 and 22 years old are recruited to work in the sex industry. This demonstrates that the victims of sex trafficking are not being accurately depicted, which makes it difficult to prevent the frequency of trafficking occurrences for other victim profiles. Those who feel comfortable reporting to law enforcement, are often the ones who will be reflected in the development of typical victim profiles. These profiles may not accurately reflect the numbers of victims who are women of colour, immigrants, aboriginal women, impoverished women, and others who have a history of systemic distrust with law enforcement.

Peel Institute on Violence Prevention - Family Services of Peel
Monica Riutort, BSc. B.A., M.A. **Manager**, *Peel Institute on Violence Prevention*
Tel: 905.270.2250 Ext 227 - **Email:** mriutort@fspeel.org - **Web:** www.fspeel.org



Editors: Monica Riutort, Aida Carlos, Chandra Coomaraswamy, Madeleine Beam, Yagana Samim, Chuck MacLean, Mohammad Yama Aini, and Sandra Rupnarain. **Graphic Designer:** Yagana Samim. We welcome volunteer writers, reports, artists, cartoonists, photographers, and distributors.