



THE PERILS OF “PROTECTION”

SEX WORKERS' EXPERIENCES OF LAW ENFORCEMENT IN ONTARIO



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ABOUT THE CANADIAN HIV/AIDS LEGAL NETWORK

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization.



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INTRODUCTION

Criminal law has perpetually trapped sex workers within dualities of criminality and victimization. Whereas the previous criminal offences concerning sex work¹ framed sex workers in terms of nuisance and criminality, the passage of the *Protection of Communities and Exploited Persons Act* (PCEPA) in 2014 legally enshrined sex workers as victims, invalidating the labour of sex work in addition to the agency and consent of people who sell or trade sexual services. The preamble of the law itself describes sex work as inherently exploitative and claims to protect the “human dignity and the equality of all Canadians by discouraging prostitution.”² At the same time, the new law purports to “encourage those who engage in prostitution to report incidents of violence and to leave prostitution.”³ **However, this ideological and legal framework for sex work ensures that when sex workers do not identify as victims of sex work, law enforcement pose a threat and potential danger to sex workers and they also fall outside the law’s protection; as a result, sex workers’ experiences of actual violence go unaddressed.**

In Canada, sex workers have been advocating for their human rights for decades. Part of this fight has included calls to repeal sex work-specific criminal laws as a first step to address the state repression that increases sex workers’ vulnerability to violence. In *Canada (Attorney General) v. Bedford*, the Supreme Court of Canada held that the criminal prohibitions on communicating in public for the purpose of prostitution, keeping a common bawdy-house and living on the avails of prostitution violate sex workers’ constitutional right to security of the person.⁴ In response, not only did the PCEPA maintain criminal prohibitions on sex work but also extended the scope of those criminal offences under the guise of protecting sex workers from exploitation.⁵ **As a result, demands from sex workers to remove police from their lives is often overshadowed by the myth that sex workers are no longer criminalized under the**

PCEPA and are, rather, protected by police and other law enforcement agencies.

However, the reality experienced by sex workers is much different. Some sex workers continue to be charged under the PCEPA and the harms of criminalization extend beyond the arrest, prosecution and conviction for sex work-related criminal charges. The criminalization of sex work makes the environment of sex workers’ labour criminal, by criminalizing relationships with clients and third parties and sex work income and workplaces. While the PCEPA immunizes some sex workers from criminal prosecution, **sex workers continue to experience ongoing human rights abuses perpetuated by both the presence and practice of law enforcement in the course of their work.** In particular, the PCEPA framing of sex work as exploitation and consequent conflation of sex work with human trafficking, and the corresponding passage of anti-human trafficking policies and laws and major investments in anti-human trafficking campaigns, has led to increased presence of law enforcement in sex workers’ lives.⁶ Trafficking discourse, related to a claimed need to “protect” sex workers from exploitation, has justified the escalation of law enforcement intrusions in sex workers’ workspaces and empowered law enforcement to surveil, harass and abuse sex workers. This has, in turn, forced sex workers to evade law enforcement, or to feel that they are unable to avail themselves of the protection that law enforcement supposedly offer. The result is greater risk to their rights to work; privacy; equality and non-discrimination; life, liberty and security of the person; health; dignity; autonomy; working conditions that are just, favourable, safe and healthy; freedom of expression; freedom of peaceful assembly; freedom of association; freedom from unreasonable search and seizure; freedom from arbitrary detention and imprisonment; freedom from torture and cruel, inhumane and degrading treatment; and overall well-being.



Encouragingly, there is a growing body of research in Canada documenting the impact of sex work–specific criminal offences and the way sex workers experience enforcement at the hands of police. An increasing number of sex workers and researchers have also chronicled the ways in which the enforcement of laws beyond sex work–specific criminal laws (namely those related to human trafficking, immigration, municipal and child protection) affect sex workers, including after the 2014 passage of the PCEPA and when national strategies around human trafficking routinely included sex work.⁷ As this report will highlight, despite the assumed protective function of law enforcement, sex workers often describe their interactions with law enforcement as harmful — regardless of whether or not an arrest has taken place.

The mere presence and surveillance of law enforcement in sex workers’ lives and workspaces is reported as negatively affecting their working and living conditions. **This highlights our need to understand not only sex workers’ experiences of criminal law enforcement, but to focus on sex workers’ interactions with law enforcement in various other contexts, and to bring these realities to the forefront and for an audience of the public, law enforcement and policy-makers.** The *Sex Work Documentation Project* was borne from a need identified by sex worker advocates and allies to document sex workers’ experiences with law enforcement — exploring the ways in which myriad criminal, immigration, human trafficking, municipal and other laws and law enforcement practices affect sex workers’ lives.

THE SEX WORK DOCUMENTATION PROJECT WAS BORNE FROM A NEED IDENTIFIED BY SEX WORKER ADVOCATES AND ALLIES TO DOCUMENT SEX WORKERS’ EXPERIENCES WITH LAW ENFORCEMENT — EXPLORING THE WAYS IN WHICH MYRIAD CRIMINAL, IMMIGRATION, HUMAN TRAFFICKING, MUNICIPAL AND OTHER LAWS AND LAW ENFORCEMENT PRACTICES AFFECT SEX WORKERS’ LIVES.



METHODOLOGY

The *Sex Work Documentation Project*, facilitated by the Canadian HIV/AIDS Legal Network (“Legal Network”), is a community-based project that draws on the experiences of sex workers in Ontario and their interactions with law enforcement, and the expertise of key informants in sex working communities. Inspired by participatory models of research, the project involved sex workers and sex worker advocates in the development of the research questions, questionnaire, methodology, analysis and presentation of the findings. It also modeled the ethical process and consent documentation from other participatory models of research with sex working communities. As a member of the Canadian Alliance for Sex Work Law Reform — an alliance of more than 28 sex worker rights and close allied groups working towards the safety of communities and reform of Canada’s sex work laws — and as a result of our work with sex workers and sex worker rights communities, we were able to connect with sex workers across Ontario who had encountered law enforcement in the context of their sex work, to tell their stories.

DATA COLLECTION

Interviews with 22 sex workers were conducted from March to November 2018 in Toronto, London, Sault Ste. Marie and Ottawa. Six key informants from the same cities and Sudbury were also interviewed. Key informants (KIs) were identified who have extensive knowledge of the collective experience of sex workers and law enforcement practices in their region and/or specific sectors, as well as a history of advocacy and engagement with different stakeholders in the sex industry and legal, social and health institutions. All of the sex work organizations with which key informants are affiliated are also members of the Canadian Alliance for Sex Work Law Reform. These key informants are:

- **Julie Baumann** of SafeSpace, London, Ontario, a volunteer-run drop-in and support centre by and for sex workers, allies and women in crisis that also provides harm reduction supplies, sexual health resources and assistance and advocacy to sex workers.
- **Monica Forrester**, outreach and program coordinator for the Indigenous Sex Work Program of Maggie’s: The Toronto Sex Workers Action Project, an organization run for and by local sex workers that offers a drop-in and resource centre for former and current sex workers and provides assistance and advocacy to sex workers who have experienced harassment or discrimination, informal counselling and referrals, sex worker-led workshops, safer sex and safer drug using materials and education, and legal and health information.
- **Tracy Gregory**, executive director of Sex Workers Advisory Network of Sudbury (SWANS), a sex worker-led organization that delivers sex worker peer support and training, sex worker outreach training, and sex worker-led education.
- **Amanda Jabbour**, co-founder of Sault Ste. Marie Sex Workers’ Rights, a group of sex workers and allies working to improve working conditions for sex workers in Sault Ste. Marie and founded on principles of self-determination, autonomy, and the recognition of sex work as a form of labour. Sault Ste. Marie Sex Workers’ Rights works in solidarity with sex worker rights groups across the country.
- **Elene Lam**, executive director of Butterfly (Asian and Migrant Sex Workers Support Network), a sex worker rights organization that provides support, training and education to and advocates for the rights of Asian and migrant sex workers in Ontario and beyond.



- **Macdonald Scott**, an immigration law practitioner with Carranza LLP, advocate with experience working with and representing sex workers in Ontario, and member of No One Is Illegal (Toronto).

Among sex workers we interviewed, the criteria for participation was sex workers who live and work in Ontario who had been approached by law enforcement (e.g. police, immigration or municipal authorities) in the context of their sex work since December 6, 2014 (the date the *Protection of Communities and Exploited Persons Act* became law). A number of recruitment strategies were employed, ranging from contacting community organizations that provide services to and have trusted relationships with sex workers in a range of sectors and posting flyers at these organizations and advertising on their social media, to reaching out to individual sex workers from community organizations to determine whether they fit the project criteria or knew a sex worker who did and might be willing to participate, to posting criteria and project information on various social media fora. Sex workers interested in participating contacted us via a 1-800 number.⁸

Ensuring a diversity of sex work experiences and communities was the primary focus in choosing cities in which to conduct interviews and we attempted to appropriately weigh various factors: outdoor or indoor work (e.g. public and/or private workspaces), sector of the industry (e.g. commercial and collective venues, street-work, in-calls) and self-identified positionality (e.g. racial identity, gender identity). This led us to conduct interviews in cities with established sex worker rights or other community organizations that could facilitate our contact with sex workers and that offered diversity in terms of *where* sex workers work and the communities to which sex workers belong.

WE INTERVIEWED 22 SEX WORKERS, RANGING IN AGE FROM 19 TO 60, SOME OF WHOM BEGAN WORKING BEFORE THE AGE OF 18. THE MAJORITY IDENTIFIED AS WOMEN, INCLUDING ONE TRANS WOMAN, ONE PERSON IDENTIFIED AS TWO-SPIRIT AND ONE PERSON IDENTIFIED AS MALE.

During the interview process, sex workers had the option of using a pseudonym, which the vast majority chose. The questionnaire was semi-structured, with open-ended questions in English and in two cases, in Chinese with the assistance of a translator. Interviews took place in person or on the phone, with two people present to ensure that pertinent follow-up questions were asked and information was accurately documented. Most of the interviews were audio-recorded and transcribed.⁹ In line with established Tri-Council ethics procedures, all sex workers and key informants interviewed were presented with a consent letter, which was orally reviewed with the interviewer. Consent was either given verbally and recorded or provided in writing. Each interview lasted between 45 and 150 minutes.

Obtaining a representative sample of a group of people who are criminalized, stigmatized and marginalized by law enforcement, health, legal and social services and members of the public poses various challenges. The experiences documented here should not be generalized to an entire community of sex workers, but provide important insight into the realities of sex workers in Ontario.

DEMOGRAPHICS

We interviewed 22 sex workers, ranging in age from 19 to 60, some of whom began working before the age of 18. The majority identified as women, including one trans woman, one person identified as Two-Spirit and one person identified as male. Sex workers also identified as white, Indigenous, Asian, Black, Latina and Middle Eastern. Several disclosed having permanent resident (versus Canadian citizenship) status. Workplaces included strip clubs, massage parlours, street, hotels/motels, spa/body rub parlours and personal residences, with roughly half working independently and the remainder with other sex workers and/or third parties.

At least seven of the sex workers interviewed have previous sex work-related charges, five of which occurred prior to 2014. The majority of sex work-related criminal charges consisted of communication in public for the purpose of prostitution (prior to 2014), with two sex workers also charged for human trafficking, and one for keeping a common bawdy-house. Some had been incarcerated after being convicted of the charge, while the charges against others were dropped. Several sex workers were also charged with criminal offences related to loitering, obstruction of justice, breach of condition and drug possession, and sex workers and key informants were also aware of colleagues being criminally charged after law enforcement encounters, including for non sex work-related charges such as drug possession.



BACKGROUND AND DEFINITIONS

THE LAWS AND LAW ENFORCEMENT THAT SEX WORKERS ENCOUNTER IN THE COURSE OF THEIR WORK

Law enforcement officers have a number of tools that they can employ to intervene in sex workers' lives. In this report, the main ones that sex workers described being used to target them are sex work-specific criminal laws, human trafficking laws, immigration laws, municipal bylaws, child protection laws and laws against drug possession.

Laws

In Canada, current sex work-specific criminal offences, including those introduced in December 2014, prohibit:

- impeding traffic or pedestrians or communicating in a public place next to a school ground, playground or daycare centre, for the purpose of offering, providing or obtaining sexual services (s. 213 of the *Criminal Code*);
- purchasing or attempting to purchase sex in any place and at any time (s. 286.1 of the *Criminal Code*);
- materially benefitting from sexual services (s. 286.2 of the *Criminal Code*);
- procuring sexual services (s. 286.3 of the *Criminal Code*); and
- advertising sexual services (s. 286.4 of the *Criminal Code*).¹⁰

While sex workers remain vulnerable to arrest pursuant to the prohibition on communication, since 2014 there has also been an absolute prohibition on the purchase of sex, predicated on the theory that ending the demand for sexual services will eliminate sex work more broadly. The prohibitions on material benefit, procuring and advertising capture “third parties,” or the people who work, provide services to or

associate with sex workers including drivers, security, bookers, webmasters, business owners, receptionists of outcall agencies (e.g. escort agencies) or in-call establishments (i.e. residential or commercial locations from which sex workers work such as massage parlours). As the Canadian Alliance for Sex Work Law Reform has clarified, “Third parties in the sex industry are often referred to as ‘pimps’; however, this does not accurately reflect the range of relationships sex workers have with third parties” and the fact that many “sex workers are also third parties.”¹¹ **The cluster of criminal laws under which sex workers operate thus situate them in an endless web of criminality.**

Canada's *Criminal Code* also includes prohibitions against “trafficking in persons.” The offence is committed when a person “recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation.”¹² “Exploitation” is broadly defined to encompass causing another person “to provide, or offer to provide, labour or a service by engaging in conduct that ... could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.” A court is to consider, among other factors, whether the accused “used or threatened to use force or another form of coercion,” “used deception,” or “abused a position of trust, power or authority.”¹³

While the “trafficking in persons” (i.e. human trafficking) laws may appear coherent on paper, sex workers have described how these laws have led to unjustified criminal charges, particularly within migrant and Indigenous sex work communities. According to Butterfly (Asian and Migrant Sex Worker Support Network), human trafficking laws are “often used against people who work in the sex industry due



to the conflation of sex work and trafficking. Since clients and third parties of sex workers themselves are criminalized by sex work and trafficking laws, the implementation of collaboration and safety measures are often against the law, resulting in criminal investigations.”¹⁴ Not surprisingly, the preamble to the PCEPA confirms this conflation with the explicit acknowledgement that the law was enacted to “ensure consistency between prostitution offences and the existing human trafficking offences.”¹⁵

Canada’s **immigration laws** (i.e. the *Immigration and Refugee Protection Act* and *Immigration and Refugee Protection Regulations*) prohibit everyone without Canadian citizenship or permanent resident status from working in the sex industry. In particular, the *Immigration and Refugee Protection Regulations* prohibit temporary residents from legally working for employers who offer “striptease, erotic dance, escort services or erotic massages,”¹⁶ while all work permits stipulate that they are “[n]ot valid for employment in businesses related to the sex trade such as strip clubs, massage parlours or escort services.”¹⁷ An individual employing someone to work in any of these sectors could thus be punished by a fine of up to \$50,000 or imprisonment for a term of up to two years.¹⁸

Among other things, **municipal bylaws** regulate public space and businesses in a municipality. While the extent of municipal power and bylaws differ from municipality to municipality, all confer bylaw enforcement officers with authority to monitor behaviour and people in public spaces, where sex work can occur (e.g. for activities that officers perceive to be “causing a disturbance” or “loitering”) and to ensure establishments where sex work may occur (such as strip clubs, massage parlours, holistic centers or body-rub parlours) abide by bylaws that ostensibly address health and safety issues encompassing operating hours, dress code, the presence of cameras, licensing, the state of a massage bed, the state of a shower and the locking of doors. All business owners and operators need a municipal license (which can be revoked) to operate their business; staff at the above establishments may also need one depending on the municipality.

Ontario’s **child protection legislation** governs child protection services, and requires anyone who has reasonable grounds to suspect that a child (i.e. aged less than 18) is or may be “in need of protection” to report this suspicion to a children’s aid society. A child “in need of protection” is defined as including a child suffering from — or likely to suffer — physical harm, emotional harm, sexual abuse or sexual exploitation.¹⁹ This legislation also empowers children’s aid societies to investigate the care a child is receiving and to

initiate a court application against a child’s parents or caregivers to remove the child from their care if a child is deemed to be in need of protection.

Canada’s **drug control legislation** (the *Controlled Drugs and Substances Act*) prohibits unauthorized possession of a controlled substance (i.e. an illegal drug), as well as trafficking, importing, exporting or producing a controlled substance.²⁰

Law enforcement

In Ontario, criminal laws (including those related to sex work, human trafficking and drug possession) are enforced by the Ontario Provincial Police, municipal police forces in Ontario (such as the Toronto Police Service, London Police Service, Sault Ste. Marie Police Service and Ottawa Police Service) and the RCMP. Immigration laws are enforced by Canada Border Services Agency (CBSA) agents. Although they are generally not authorized to enforce immigration laws, police may also contact CBSA to inform them of alleged immigration infractions. Municipal bylaws are enforced by municipal enforcement officers, and in some cities, the police. Child protection legislation is enforced by children’s aid societies, in some cases with the assistance of the police.

Sometimes, law enforcement officers do not identify the law enforcement agency to which they belong when they confront a sex worker. As a result, sex workers may not know with which law enforcement body they are interacting, be familiar with which laws an officer is authorized to enforce, or their rights in relation to an alleged offence or infraction. This ambiguity renders sex workers vulnerable to law enforcement abuse. In this report, some sex workers describe their understanding of the above laws, including their observations of the misapplication of these laws and their perceived risk of violating those laws based on their own experiences with law enforcement. In some cases, this may lead sex workers to perceive a risk of an infraction when there is none — at least according to the letter of the law. Some sex workers may also describe the categories of law enforcement interchangeably because they are not aware of which law enforcement body is engaging them at a given moment. Irrespective of whether their understanding of the laws or law enforcement is accurate, sex workers must mitigate the harms of law enforcement based on their previous experiences with law enforcement, which suggested that they were breaking the law (even when they were not). Because many of their activities are illegal, sex workers must also mitigate the harms of law enforcement for fear of surveillance and contact whether or not they actually come into contact with law enforcement.



WHAT DOES SEX WORK MEAN TO SEX WORKERS?

During the course of the project, a number of sex workers shared their views of sex work and what it means to them. Significantly, none of them expressed the view codified in the preamble of the PCEPA that sex work is inherently exploitative. Many described sex work as a job that provides them with necessary resources to support themselves, and in some cases, other people including their families. According to Kelly (Toronto):

“I do enjoy the job a lot; it has helped me out a lot. It has given me resources to have the freedom to go to school, while on the side I know I’ll be fed and I’ll have somewhere to stay, at least as long as I’m doing my job. ... It has helped me out a lot, it has helped me out with shelter, food, stuff like that, basic needs. Maybe it could help me pay for school.”

Similarly, Brandy described sex work as her life: “This has been my whole life, and it’s all I know, and I just wish people looked at it differently. Because I think work is work, that’s how I basically look at it. And for somebody that’s gone through poverty and had to be a single mom, raising three kids on their own... when you have to survive, you do what you can, not for the wrong choices, but for the better. ... It’s how I support myself; it’s how I survived since I was 18, on my own. It’s how my kids got better things in life than I had growing up. I don’t look at it as trying to hurt another human being, and I don’t find it hurting myself at all.” Contessa also debunked the myth that all sex workers would prefer to work in other sectors; speaking of her particular workplace, she

observed: “[My coworkers] want to be there ... they didn’t like working retail, they didn’t like working bars, they make more money, but that’s not apparent to these officers that think ... oh, they’re saving you, you know, from a horrible life of prostitution.”

May, who owns a spa in Toronto, also explained that for many migrant sex workers, sex work provides useful support at different stages of one’s working life:

“I couldn’t find any work related to my old profession. The people who work with me ... are also people who could not find work. For some people, this is a very good opportunity because they are employed while they develop their careers. ... Some people take this as interim work — as a stepping-stone to move forwards ... We provide support and pay taxes, and pay off debt. I do this work to support myself. I am not harming other people... This is my experience. That is why this job is so important. I have success at work. I also have other women studying English part-time with me, so now they have jobs at pharmacies. Not all people do this job forever, but some people need this job to support themselves at different stages of life. This is very, very useful.”



Several sex workers further described the way in which sex work has instilled in them a sense of empowerment. O, for example, said sex work “allows me to maintain a certain sense of pride in what I do and feel like ‘Yes. I’m an adult professional doing this thing.’” Ella described the empowerment she feels from sex work: “Sex work saved my life, so I’m not going to stop. I was homeless for a long time, and a heroin addict for a long time, too. Stripping really did it for me, because I started making money, and got my shit together, paid off most of my college debt. It’s good. I made new friends, and like my boss,

too, showed there is nothing to be ashamed of... it’s annoying that it’s not as easy as it should be.” Similarly, Taya shared that “sex work has always been an empowering thing for me, no matter what area of privilege that I’ve been in, because it was the first time in my life where I learned about consent, and I was able to verbalize consent, whereas in other areas of my life, I didn’t have that... there’s an element of me that enjoys sex work.”

DURING THE COURSE OF THE PROJECT, A NUMBER OF SEX WORKERS SHARED THEIR VIEWS OF SEX WORK AND WHAT IT MEANS TO THEM. SIGNIFICANTLY, NONE OF THEM EXPRESSED THE VIEW CODIFIED IN THE PREAMBLE OF THE PCEPA THAT SEX WORK IS INHERENTLY EXPLOITATIVE. MANY DESCRIBED SEX WORK AS A JOB THAT PROVIDES THEM WITH NECESSARY RESOURCES TO SUPPORT THEMSELVES, AND IN SOME CASES, OTHER PEOPLE INCLUDING THEIR FAMILIES.



GENERAL PERSPECTIVES OF LAW ENFORCEMENT

Regardless of their personal encounters with law enforcement in the context of sex work, on the whole the sex workers interviewed for this project did not have positive perceptions of law enforcement. In some cases these perceptions were informed by their previous interactions with them (including prior to the passage of the PCEPA in 2014), and in other cases by the experiences of members of their family and/or community.

Some sex workers, for example, described their earlier experiences of being physically assaulted by law enforcement (Sister Laura; Leigh; Brandy) — marring their subsequent perceptions of law enforcement. Sex workers and key informants also described being aware of other sex workers' assaults at the hands of law enforcement (KI Julie Baumann, KI Elene Lam; KI Macdonald Scott). Leigh, for example, recounted an incident when she encountered undercover police officers in the context of a police sweep:

“They picked up some girls and they parked at a ... I believe it was a gas station at the time. They stopped there and said ‘Look, if you show us your tits and your ass, and we take some pictures of you, we’ll let you go’. It was a Kodak camera, and so I let them take pictures of me, but they didn’t let me go. They kept the pictures — they had a whole big box of pictures, other girls were doing it, too.”

Josie Lee recalled her sex work colleagues being forced to give police oral sex while Paige described sex workers being taken by police to a Toronto beach where they reported being sexually assaulted. According to Paige, “Years ago, they used to take the girls and sexually assault them down on Cherry Beach. It still happens, I know a girl who says that still happens. The cops will take them down and rape them and leave them there.”

Sex workers were also acutely aware of the race, class and gender biases of law enforcement (Chelsea; Brandy; D; Leigh; May; O; Kelly; Veronica; Josie Lee; Patty; Paige). Brandy’s awareness was informed by witnessing police abuse firsthand, before she began selling sex: “When I was younger, they used to beat up my mom a lot because she was Native, and they actually broke her shoulder because they beat her up so bad. So I know how rough they can get. It was just, I’ll never forget how the law enforcement treated my mom growing up and it was always because she was Native.” Paige, an Indigenous Two-Spirit sex worker, said, “Police sometimes aren’t really the best to people around sex workers. If you identify as trans and you’re working, it’s even worse. Add First Nations in there and it’s a mess of what’s going to happen.” Julie, an Asian migrant sex worker, described the constant fear migrant sex workers have of law enforcement because of their precarious immigration status. As she shared, “Most girls at the workplace are very defensive, they try to protect themselves from police, they don’t always feel safe. They don’t want to tell what they’re really thinking, what’s their exact identification, they’re always very defensive because they have to face hostile policy or system, police and society.”



Several sex workers also described how they felt police are not genuinely motivated to help sex workers, but rather to remove them from the streets or to discourage them from doing sex work (Ella; Julie; Kelly; Leigh; Veronica). Leigh, for example, described how she was “always getting charged all the time, even when I wasn’t working. I’d just walk down the street, and the cops would notice me and they were familiar with me and they’d just charge me. I didn’t communicate and didn’t do anything.” On one occasion, the police actually admitted to Leigh that they were arbitrarily detaining her: “I was in Parkdale [a Toronto neighbourhood] and they charged

me with communicate, and they were bringing me back to the station and they said ‘It’s nothing against you — we’ve got a quota to meet, we have to get you off the street, and make it look good for the boss.’” Chelsea, who grew up in what she described as an environment where police tormented and detained members of her community, which included people who use drugs, believed that “[police] want to be the one who protect you but they don’t really care about you... It’s all about them and flexing and posturing and how it appears and they get to go back to the office and tell people how they helped some ‘ho’ become a waitress or something instead.”

REGARDLESS OF THEIR PERSONAL ENCOUNTERS WITH LAW ENFORCEMENT IN THE CONTEXT OF SEX WORK, ON THE WHOLE THE SEX WORKERS INTERVIEWED FOR THIS PROJECT DID NOT HAVE POSITIVE PERCEPTIONS OF LAW ENFORCEMENT. IN SOME CASES THESE PERCEPTIONS WERE INFORMED BY THEIR PREVIOUS INTERACTIONS WITH THEM (INCLUDING PRIOR TO THE PASSAGE OF THE PCEPA IN 2014), AND IN OTHER CASES BY THE EXPERIENCES OF MEMBERS OF THEIR FAMILY AND/OR COMMUNITY.



SEX WORKERS' PERSPECTIVES OF HOW LAW ENFORCEMENT VIEW SEX WORKERS OR THEIR WORK

As with sex workers' general perspectives of law enforcement, their perspectives of how law enforcement view them or their work is informed by both their previous experiences (including before the passage of the PCEPA in 2014) and current experience. Almost universally, sex workers interviewed for this project indicated that the culmination of their law enforcement experiences suggested that law enforcement “look down on” and disrespect them (Andrea; KI Amanda Jabbour). Sex workers described how police continue to treat sex workers like “second-class citizens” (Josie Lee; Ella; Veronica) and mock, belittle, demean and dehumanize them with rude and condescending comments (Leigh; Guisella; Kelly [Toronto]; KI Amanda Jabbour; KI Tracy Gregory). According to Kelly, police treated her “[l]ike I was scum, and that because they're cops and I'm some random street worker — oh, I'm nothing to them, they can treat me however they want and get away with it.” Similarly, Taya described “a general aura of you feeling like they're looking at you like you're filthy, and they use the word ‘prostitution’ a lot. I hate that word so much, but they use that word, like, ‘Are you prostituting? Are you selling yourself? That's the language they use, so I can definitely tell there's a preconceived notion that you're dirty or less worthy in their eyes.” For O, “It was just this air of ... they just really thought they were better than us ... So the air of because we were working in the adult field, we were lower than them.”

Even in instances where sex workers felt law enforcement were driven by a concern for their well-being, they felt there was an overriding paternalism to their actions. Chelsea observed police who approached her after a recent date treating her “partially like garbage, but also like a little kitten in garbage. Like he needs to protect me from something, but also is grossed out.” Some sex workers described a “saviour complex” underpinning their interactions with law enforcement (Contessa; O; Taya).

As Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights explained, “they're in ‘saviour mode’ ... ‘We've got to save these women; we've got to get them off the streets or we've got to help them. We're gonna save them from these awful clients that they have, or predators or johns.’” According to Julie Baumann of SafeSpace, this has forced sex workers to “present as a victim,” since the police have been trained to assume that everyone is a victim:

“From police posing as johns or to check in on them to make sure they're safe. It's not wanted and it's not asked for. So women have to say, women can't be like ‘oh, I'm here because I choose it’ and they fear they could get in trouble for something, so instead they say [to police]: ‘oh, yeah, I don't really want to be doing this’ and just present as the police want them to be presented.”

A number of sex workers — particularly those that work on the street — also reported that law enforcement continue to treat them as a nuisance and not as members of the community (Brandy; Leigh; April; Paige; Patty; Josie Lee; D). Whether law enforcement are responding to a neighbourhood complaint to remove sex workers from the street because they are not considered legitimate community members, or whether this reflects officers' own perspectives, sex workers continue to be repressed in public spaces. Josie Lee, for example, described how police constantly pester her to “move on” or “get out of here” without explaining why this is necessary. According to Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights, current police harassment of sex workers who work on the streets of Sault Ste. Marie is motivated by a desire to remove



sex workers from public space: “Even the chief of police has said that he wants to ‘clean up the downtown core.’ That’s their way of cleaning it up.” The belief that sex workers are perceived as undesirable community members is also shared by indoor workers such as O, who explained, “Wanting to keep things low key is really a direct result of feeling as though people do not want me in their community and the average person wouldn’t see me as a professional operating a business. They would see me as a blemish on their neighbourhood; someone who would decrease real estate value. I’m very aware that I’m not ... because my work is sexual in nature, I’m not seen as part of the community that I’m part of. I’m seen as outside the community, even though I’m physically in the community.”

The interviews also demonstrated the extent to which the **human trafficking discourse** has pervaded sex workers’ interactions with law enforcement in recent years and been deployed as a pretext to invade their spaces or to discourage them from working. This was especially so for younger, white women (whom law enforcement seemingly sought to “rescue,” e.g. Contessa, in context of colleague). In contrast, Asian women were racially profiled by law enforcement for the purpose of issuing tickets or identifying immigration infractions rather than to identify victims of human trafficking, and Indigenous and Black workers (e.g. Paige, D and Kelly [Toronto]) were themselves accused of human trafficking. According to May, an Asian woman who owns a spa in Toronto, there has been a significant shift in law enforcement focus over the past five years. She reports that police and bylaw enforcement officers claim they are concerned about human trafficking and have singled out her spa for scrutiny, ticketing her aggressively in recent years. Despite that, “They don’t ask me if I am trafficked. ... They are very clear that the purpose of the investigation is to issue tickets.” In an incident involving Asian sex workers at an in-call establishment, Jennifer recalled police and immigration officers raiding the workplace, after which they detained and deported two of her friends to Asia within two weeks, without appearing to investigate the possibility of human trafficking. And when Julie, an Asian woman working at a massage parlour, asked a police officer whether he could offer her any assistance, all he suggested was “English class.” According to Macdonald Scott, who has represented Asian migrant sex workers charged with immigration infractions:

“They rarely will say a woman is a human trafficking victim. They will say they did a human trafficking investigation as justification for the raid in the first place. But they will not say she’s a victim

because then that opens her up to a whole bunch of opportunities for her to get temporary status. Because there are specific temporary residence permits for victims of trafficking. ...They don’t want them to have this opportunity; they just want to get her out of the country.”

Conversely, O, a white woman who worked in a higher-end spa, had been asked by police if she was forced to work at that business while Ella, a Latina woman, was routinely asked by bylaw enforcement whether she was forced to work at a body rub parlour. Veronica, a white woman, had also experienced several human trafficking raids firsthand because, as the police explained to her at the time, her ads “stood out to them.” As Taya shared, “It just showed the whole morale — let’s just rescue, everybody’s there just to be rescued. Even if they’re not being trafficked, they need to be rescued from this lifestyle, which just aggravated me.”

A number of sex workers described how law enforcement officers advised them to find other work. For Guisella, “I’ve had a police officer tell me I should look for a ‘real’ job.... This is a real job.” Chrissy recalled how a police officer suggested she panhandle instead of continue to sell sex: “She was like, ‘You know, you could end up being killed’ and I was like, ‘No shit, Sherlock!’ She actually told me to go panhandle ... She goes, ‘I know the money’s good for you, but go panhandle. It’s a lot safer.’ I go, ‘But that’s also illegal, too. You’ll give me a ticket.’ She goes, ‘What would you rather have? A ticket or being dead?’” As Julie Baumann from SafeSpace summed up, this advice sends a harmful message to sex workers:

“That’s such a common thing: you’re too good for this; you’re better than this. To me, it sends a message: if you can’t get out of it, then you’re actually not better. It’s a toxic message to preach that.”

Several sex workers also described how law enforcement would suggest to them that sex workers deserve any violence they experience. When Taya described her experience of sexual assault to police, “I said at the end ‘What if I was to tell you I was doing sex work at this time?’ Just the way it changed, all of them. It was kind of a perspective of ‘Well, you asked for it,’ that was the reaction from them.” Similarly, a police officer told Kelly (Toronto) after she was violently attacked, “‘Oh, well, why were you shocked that was going to happen? Are you dumb?’ That’s not supposed to happen, in no job, nobody deserves that. She clearly feels like, ‘Oh, you deserve it.’”



CONFLATING SEX WORK AND HUMAN TRAFFICKING: IMPLICATIONS FOR LAW ENFORCEMENT PRACTICE

Significant shifts have occurred in the human trafficking landscape in recent years. Sex work is often seen as trafficking, regardless of circumstances — a framing that is evident in the *National Action Plan to Combat Human Trafficking*, in which the federal government claims the “demand for sexual services can be a contributing cause of human trafficking,”²¹ the *Immigration and Refugee Protection Regulations* prohibiting all temporary workers from sex work–related employment,²² and the *Protection of Communities and Exploited Persons Act*, which contends in its preamble that exploitation “is inherent in prostitution.”²³ These laws and policies have been accompanied by a proliferation of government studies on human trafficking²⁴ as well as significant financial investments in human trafficking projects and campaigns, including those led by law enforcement.²⁵ As a result, public discourse about trafficking depicts almost all human trafficking as sex trafficking, sex trafficking of women and girls as a prolific and growing problem,²⁶ and in particular conflates the exchange of sexual services within migrant and Indigenous communities with sexual exploitation. As O’Doherty et al. explain, the convergence of the criminal and immigration laws — or “crimmigration” — was purportedly intended to “protect” migrant women from exploitation. Yet, the sex workers and key informants interviewed for this project underscored the numerous harmful implications of the conflation of sex work and trafficking. In particular, this has led to the mischaracterization of third parties — particularly those who are associated with and provide services for migrant sex workers — as traffickers. According to Elene Lam of Butterfly:

“Many [sex workers] work with other people like third parties. I think it’s true for migrant sex workers because of language barriers, because they aren’t familiar with the social system or they have problems with transportation. Very often they need to work with other people who can help them to find a place to work, help them to pay the rent, or help them to advertise. I think working together is also very important for them to have more power, to protect themselves and increase their safety, so that when they have issues, they have more support. ...

“The trafficking law often comes in so people are at risk of being charged as a trafficker. And I think this is not only because of the law but because of the myth about the ‘sex worker as victim,’ and the assumption that all the people working with them or their close friends or family are traffickers if they know about their work in the sex industry. ...

“For example, some sex workers may need to transfer money back home, but they may not be able to open a bank account, so they may need a third party to help them to transfer the money. At the same time they might introduce their client to other sex workers. That is how that community supports and helps each other, but under the criminal law, it has all become illegal. **With the lens of ‘trafficking victim,’ everything is exploitation.**”

THE HARMS OF ANTI–HUMAN TRAFFICKING INVESTIGATIONS HAVE ALSO MANIFESTED IN RECENT HIGH-PROFILE ANTI–HUMAN TRAFFICKING CAMPAIGNS SUCH AS “OPERATION NORTHERN SPOTLIGHT,” A YEARLY INITIATIVE UNDERTAKEN BY THE RCMP AND OTHER POLICE FORCES THAT HAS INVOLVED POLICE POSING AS CLIENTS AND TARGETING SEX WORKERS IN THEIR WORKPLACES.



As noted above, the conflation of sex work and trafficking is also reflected in immigration laws that prohibit migrant workers from working in the sex industry. Law enforcement are thus authorized to interrogate sex workers as part of their anti-human trafficking investigations, though as our project participants report, such investigations merely served as a pretext to discourage sex workers from working or to investigate immigration infractions that could lead to deportation. According to immigration law advocate Macdonald Scott, these regulations were “put in ostensibly to protect the workers ... the idea was that these women of colour from other parts of the world should be protected from ... doing terrible, evil sex work in Canada, by prohibiting them from doing so. And so, of course, the way of protecting them is by sending them back to their country of origin, regardless of what kind of economic or personal impact that will have on their lives. ... I think what it has done is effectively created a culture of fear among migrant sex workers. Where they’re not going to speak out against employers, where they’re not going to raise a fuss, where they’re not going to speak up about bad clients.” Elene Lam also observed, “It’s very often that we have some people, they are being investigated as a trafficking victim in the beginning but the investigation turns out to suspect that they are criminals. They’re detained; their personal belongings are seized. So the problem of having criminal law and also the lens and the conflation of sex work and trafficking, particularly for migrant and Asian folks, that makes them more often targeted by law enforcement and also isolated. ...[T]hey are being ordered to leave Canada because they work in the sex industry.”

The harms of anti-human trafficking investigations have also manifested in recent high-profile anti-human trafficking campaigns such as “Operation Northern Spotlight,” a yearly initiative undertaken by the RCMP and other police forces that has involved police posing as clients and targeting sex workers in their workplaces. While some law enforcement may be motivated in these scenarios by a desire to “rescue” victims of human trafficking, sex workers have opposed such measures as ineffective at best, and a profound violation of their human rights in most cases. Tracy Gregory of SWANS shared, “They did do the Northern Spotlight here ... fishing on Craigslist and the sites that they were setting up these ads as clients and then as sex workers. But particularly they were fishing as clients,

from what I understand, and women were showing up to these calls and it was actually police and they were there under this guise that they were there to help and that they just really want to connect with women and girls that are working under duress or being trafficked, but what was really happening was that women were going to these calls thinking that they were going to see a client and then they were being traumatized by the fact that they’re walking in on cops or social workers.” Veronica, a white woman with Canadian citizenship, described her experience of police raiding her hotel in the context of an anti-human trafficking investigation:

“So we’d be in the hotel room, me and my girlfriend, waiting for call to come through, or even going to an outcall ... and it wouldn’t be who it was projected to be, it would be a police officer. So either when you would walk to the outcall, it would be a separate door, and they’d come through, or if you’re on in-call, it would be them coming in. So once they got into room, they would be very ‘hush hush.’ ... The police would say wink once, or show us some sort of signal if you can’t speak right now and we’ll get you out of here.

“It was a very intimidating feeling, because there were so many officers, and also you’re in a strange city, you’re not a local resident, so you don’t really know what is going on. And you can’t really answer your phone and say ‘Hey, my friend, the police are here right now, can you come help me?’ You can’t really do that. They never once said you couldn’t leave, but I mean there’s also one standing behind the door; they’re circling you. It’s like, ‘Put your belongings on the bed where we can talk to you,’ that sort of thing. I never felt comfortable doing that. That would be in outcall situations. I’m not putting anything down, I’m sorry. They were very intimidating that way.”



THE CONFLATION OF SEX WORK AND TRAFFICKING IS ALSO REFLECTED IN IMMIGRATION LAWS THAT PROHIBIT MIGRANT WORKERS FROM WORKING IN THE SEX INDUSTRY. LAW ENFORCEMENT ARE THUS AUTHORIZED TO INTERROGATE SEX WORKERS AS PART OF THEIR ANTI-HUMAN TRAFFICKING INVESTIGATIONS, THOUGH AS OUR PROJECT PARTICIPANTS REPORT, SUCH INVESTIGATIONS MERELY SERVED AS A PRETEXT TO DISCOURAGE SEX WORKERS FROM WORKING OR TO INVESTIGATE IMMIGRATION INFRACTIONS THAT COULD LEAD TO DEPORTATION.

After Veronica made clear that she was not being trafficked, she recalled how police tried to convince her to stop doing sex work: “They want to start giving you pamphlets on how to get you out of here; how to stop sex work; how to contact these places, these church groups and all these places and get out of this work. And I’m telling them ‘I want to do this, leave me alone.’”

For migrant sex workers who are prohibited from doing sex work, detention and deportation is a likely outcome. As Elene Lam described:

“They will go in and have a raid in the name of law enforcement; they claim it’s a rescue. But actually, what happens is the sex worker is being arrested and they will take them away ... After they come in, normally what happens is they will ask the women whether they are controlled by somebody, whether anyone takes their money, do they have any boss. If the woman says ‘no,’ they will ask for the immigration status document so if they find out they are not a permanent resident or citizen, they will be taken away and be referred to the CBSA by the police.

“Sometimes, they even have joint enforcement [between the CBSA and the police] so they take them

away together. They may be under investigation; sometimes there are criminal investigations to determine whether they are criminal and exploiting other sex workers or working with other sex workers because they use the lens of ‘if they work together, this is an organized crime.’ So they will check their phone, and they will also take all the records of related people. And then we also find that sometimes the sex worker may have a boyfriend, and the boyfriend is under arrest. We had one member, the boyfriend was there and he just has a student visa, and then the boyfriend is also being taken away, because they said that if you don’t live by yourself, we will arrest you and deport you. This is what happens to the indoor sex workers.

“When they don’t have documents, they will continue to detain them, as I said they will have the criminal investigation. But they will also investigate the immigration law, whether they break the immigration law and work in Canada without a permit. Or they break the prohibition of working in the sex industry. ...[I]f they come with a tourist visa, they can say



‘false representation’ because you say you come as tourist but now you work. And the detention, the time is very secret because it can be a few weeks to a few months — it depends on the investigation, how it goes. It’s very difficult for them to come out, because as I said we have tried to help some people to get bail, but all their friends are assumed to be traffickers if they’re women. If they’re men, all of them are assumed to be clients or criminals. ”

Macdonald Scott elaborated, “By the time they come to me they’ve already been handed over to the CBSA and they get treated pretty shabbily. ...[T]heir goal is to get her out of the country, and they will do whatever they can to do so. ... And unfortunately, by that point, often the woman just wants to do that, just wants to get out. And in a lot of cases, immigration looks down on them for being sex workers Certainly it comes up in the hearing; it’s brought up, it’s usually brought up in a negative manner, and a judgmental manner, but it’s more like it’s just basically a machine. A machine based on getting these women out of the country.” As Macdonald further explained:

“Trafficking is used as a very strong moral code to basically attack and persecute sex workers.... They say, ‘Oh, what we’re doing is we’re going after these traffickers that traffic these poor women, and the way we’re going to protect them is by deporting them back to country of origin.’”

Tracy Gregory further surmised: “I think a lot of the motivation from police services right now is [human trafficking] money. Having access to these dollars, and ensuring that their work remains relevant ... because you hear about all this trafficking, trafficking, trafficking; well, nobody’s really connecting with these victims of trafficking. People who are experiencing exploitation, a lot of the times, are not showing up in ways that these trafficking narratives are describing people or their experience. That’s not what trafficking looks like. That’s not what people’s experience looks like. I think that they’ve got this money and really trying to prove that they’re doing the work that needs to be done to be able to get the funding.”

Another significant human trafficking development took place in 2018, with the U.S. passage of the *Allow States and Victims to Fight Online Sex Trafficking Act* (FOSTA) and the *Stop Enabling Sex Traffickers Act* (SESTA), subjecting websites to potential prosecution if they engage in the “promotion or facilitation of prostitution” or “facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims.”²⁷ While the aim of these laws may have been to discourage sex trafficking, several sex workers interviewed for this project described how the loss of websites such as Backpage has deprived them and other sex workers of safe online platforms and made it harder for them to work — negatively affecting their income, safety and independence (O; Ella; Andrea; Guisella; Taya; Veronica). Veronica, for example, started working on the streets again after she could no longer advertise on Backpage. According to Andrea, Backpage’s shutdown led to “a higher influx of girls coming in [to the strip club].... They have nowhere to work out of, how do they get their names out?” Similarly, Guisella shared: “A lot of the girls that were inside, strictly doing Backpage work are now actually in the strip clubs now. It has boosted business for strip clubs everywhere.” The loss of these websites has also had implications for the way in which sex workers communicate online. As Taya explained:

“Craiglist is down, Backpage is down. I’m seeing a lot of change; I’m seeing ads ... that are in job spots from women, and

WHILE THE AIM OF THESE LAWS MAY HAVE BEEN TO DISCOURAGE SEX TRAFFICKING, SEVERAL SEX WORKERS INTERVIEWED FOR THIS PROJECT DESCRIBED HOW THE LOSS OF WEBSITES SUCH AS BACKPAGE HAS DEPRIVED THEM AND OTHER SEX WORKERS OF SAFE ONLINE PLATFORMS.



they're not saying specifically what they're asking for... But in doing that, that has created so much risk because there is no 'What I won't do / What I will do.' It's not the same. Whereas before on Craigslist or Backpage ... when you advertised you could say 'This much for this amount of time'.... what type of sex they're willing to do, what types they're not willing to do; that's usually encompassed in one ad. ... Knowing a lot of girls that have been doing escort type work that have moved to either camming²⁸ or street work, which has taken them out of the comfort of their safety zone, or having their filtering ability. ”

Undue focus on human trafficking has also had negative ramifications for sex workers subject to municipal bylaw enforcement. According to Elene Lam, “In Toronto it's very clear that city enforcement come into massage parlours and are supposed to only enforce bylaws, but their goal is try to investigate whether you have sexual activities. Even if they cannot find anything, they will find different reasons to give you a ticket. ... So if they cannot find any sexual activity, they may say that your massage bed is bad and broken and give you a ticket. Or they will do a search to find condoms and when they find a condom, they cannot give you the ticket for having condom because it's not illegal ... they will say your place is not clean and they will give you a ticket for finding a condom, on the basis that your place is not clean.” As Elene illustrated, overzealous municipal bylaw enforcement poses significant harms to sex workers:

“The criminalization of sex work is giving a very powerful tool for the city level. When people don't like the sex industry, they can use [the criminalization of sex work] to empower them to change the municipal law to make it more repressive So even the escort or massage industry, they are legal, but they will use the name of anti-trafficking or they will use the name of criminal activities so that they can bring in the police and increase surveillance, and then they can change the policy. So

for example in Toronto, they investigated 400 massage parlours more than 2,600 times a year in order to find trafficking or other criminal issues, investigating sex workers. So we can see the municipal law oppression is huge and it also makes people in the workplace not safe. Because the violence is not only from perpetrators but the violence is from law enforcement. Because when you give more power to law enforcement, they will have more abuse and power and also more oppression or more violence against sex workers. ”²⁹

At the same time, several sex workers and key informants described how anti-human trafficking discourse, projects and campaigns have affected the services that are available to sex workers. As Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights described, “there's still a lot of judgment in regards to sex workers and things like that, like I said a lot of 'saviour' approaches, within many agencies within Sault Ste. Marie. And the workers [at these agencies] — their hands are tied, too They're really interested in harm reduction and in these fabulous concepts, like the rights of sex workers and supporting sex workers, but their policies don't allow them to exercise what they'd like to exercise with sex workers, like exercise good social work skills.” Similarly, Elene Lam described the challenges of seeking support for migrant sex workers: “We have tried to contact some NGOs. We could get some help sometimes but they also have very problematic trafficked victim lens. So, for example, we had a case at the beginning, one NGO was willing to support a woman because they think that she is a trafficked victim, but when they found out she was connected with other [sex working] women they said, 'Oh, they are organized crime,' and they tried to help the second woman and to force the first woman away, because they think that, 'Oh, she was also a pimp.' So they worry that they will lure other women into the sex industry.”

Sex workers are consequently discouraged from accessing services. As Elene Lam reported: “Now instead of people asking, 'What food do you need? What shoes do you need? What clothes do you need?' Now they all have some intake so they ask you a lot of questions: 'Who are you working for? Who takes your money?' So all these women avoid these people for support. Because they just went to get food or shoes, right? We



see it from some of the sex workers. Now they go there, they are afraid they need to answer lots of questions, and also they fear they are being looked down on. They treat them as someone with problems. And all the red flag identification of trafficking victims actually is pushing people away from support.” Monica Forrester of Maggie’s also observed:

“This whole trafficking initiative and the money that has been given to cops or specific agencies ... has really turned their eyes to the most marginalized sex workers in the industry that used to access those services and no longer have those services anymore, and they are subjected to either get out of the industry to go through those exit programs, which doesn’t guarantee anything ... the government is demanding that they have so many trafficked sex workers or they lose their funding, so **a lot of agencies who took on this money are really put in [a] place of abandoning their service users and really opting to get people to go through these exit programs. So it’s kind of scary, you know what I mean? That sex workers are losing their voices through this, and their rights. And it can be very detrimental around survival ... they only have programming for women that either want to get out or that are trafficked ...** Many agencies that have this money have really put sex workers in a very vulnerable place, and have taken them away from their communities, if they’re more culturally specific communities.”

As a result, “[Maggie’s] programs are beyond capacity but we’re still managing to make sure that we make space and make more programs ... We’re trying to meet the demands of sex workers within [the] industry, and trying to really work with existing agencies, but because of the pushback, because of the funding they got, they’re no longer willing to partner with us or to work with us anymore.”

The focus on human trafficking has also limited the accessibility of police services for sex workers in situations of actual need. According to Elene Lam, “Before, we could connect to the Special Victims Unit in Toronto. So when there was a sex worker murder, we tried to find the information about the murder, because [the assailant] was still not arrested, but we called the police and then they said they could not do anything because the Special Victims Unit has now transformed to the Anti-Trafficking Unit, so they only investigate trafficking cases. So they don’t investigate other kinds of cases. So it’s very clear that when sex workers face real violence, this is not being addressed anymore.” According to Amanda Jabbour, anti-human trafficking policies and practices are “creating sex trafficking victims ... You’re making free choice turn into victimization ... you’re making things go underground, and making things really unsafe. And it’s scaring a lot of sex workers and it’s harming a lot of sex workers and sex workers are dying because of ... the policies that are in place right now.”

More broadly, project participants described how sex workers feel pressure from law enforcement and social service providers to identify as “victims” in order to receive support. Julie Baumann of SafeSpace explained the impact of this:

“By taking away what someone chooses or their identity or what their voice is, that is still really harmful. It’s still really harmful that women are being put into positions to have to present as victims or trafficked people ... to be supported by police. For the women themselves and the women who are actually being trafficked, that nobody’s doing anything for because they feel like they’re hitting their quota with the women who are presenting as trafficked because they’re in fear of authority.”



LAW ENFORCEMENT ABUSES

On the whole, the sex workers interviewed for this project reported experiencing a range of abuses at the hands of law enforcement, including assault, intimidation, threats, harassment, unwarranted searches of their workplaces and belongings, destruction or theft of property, arbitrary or disproportionate application of the law, and extortion. These abuses markedly occurred after the passage of the *Protection of Communities and Exploited Persons Act* in 2014, challenging the misconception that the law protects sex workers and indicating, rather, that it gives law enforcement greater license to accost sex workers. **As a result, sex workers perceive law enforcement as an ongoing threat and source of danger, and rarely as a source of protection.** This has obvious implications for sex workers' rights to work; privacy; equality and non-discrimination; life, liberty and security of the person; health, dignity; autonomy; working conditions that are just, favourable, safe and healthy; freedom of expression; freedom of peaceful assembly; freedom of association; freedom from unreasonable search and seizure; freedom from arbitrary detention and imprisonment; and freedom from torture and cruel, inhumane and degrading treatment, especially in a context where they are subject to stigma, discrimination, violence and other abuses from both state and non-state actors, and also in a context where law enforcement are perceived by the public and policy-makers as a safeguard against abuse.

ASSAULT

Several sex workers described their personal experiences of being physically or sexually assaulted by law enforcement since 2014 in the context of their work (Veronica, grabbed by police officer; Julie, asked by police to lift up her dress; D, assaulted by a police officer while being detained), while some sex workers also described being aware of other sex workers' assaults at the

hands of law enforcement (Paige, describing other sex workers taken by police to Cherry Beach where they reported being sexually assaulted). In one particularly troubling incident in 2016, several police officers beat Brandy, an Indigenous sex worker, and fractured her rib while she was on her way to meet a client. As Brandy recounted, "They started nagging me and nagging me and they wouldn't leave me alone. They were like, 'How about you just come sit down in the back of our cruiser, let us have a talk with you and then we'll definitely let you go.'" When Brandy attempted to leave, one of the police officers physically restrained her, after which a struggle ensued and Brandy was tackled to the ground:

“I got up and they started batoning me with their stupid stick thing. They end up hitting me in the leg, and they're hitting my knees so my knees would bend. By the time that came, because I was wearing these big high boots, I started kicking with all I had. He ends up calling that female cop. The female cop comes and she tases me. I have three cops on me, and they're constantly saying that I was resisting. ... They end up tasing me, they batoned me ... they end up cuffing me and they tried to get the other cuff on, and I was already mad as can be. they beat me up pretty good — the two male officers were using their stupid batons; they were roughing me up all over the ground. One punched me in the ribs and fractured one of my rib cages. It was just ridiculous. They threw me in the drunk tank.”



At the end of the incident, the police charged Brandy with being drunk in a public place, obstructing justice and assaulting a police officer.

INTIMIDATION, THREATS AND HARASSMENT

Multiple sex workers and key informants described law enforcement treating sex workers in an intimidating manner well into the years following the passage of the PCEPA, sometimes with lasting psychological consequences. In many cases, this treatment involved law enforcement verbally abusing, harassing and threatening sex workers (Veronica; Guisella; Andrea; Chrissy; Chelsea; Josie Lee; April; Ella; Patty; KI Elene Lam; KI Amanda Jabbour). For example, Kelly encountered a police officer outside her London massage parlour, who threatened her with criminal charges:

“He proceeds to tell me ‘Oh, well, yes, you can go to jail, I can arrest you right now. You’ll spend up to two years behind bars’ — and he’s trying to intimidate me over and over again. This goes on for 10 minutes. I finally look at him, reach into my purse and I grab my lawyer’s business card and say, ‘If you’re going to press charges, do it. I’m not going to sit here and argue with you, I know my rights, leave me alone.’ He then proceeds to tell me, ‘Well, fine, we’ll just go bust the parlour and we’ll say that it was you who ratted.’”

MULTIPLE SEX WORKERS AND KEY INFORMANTS DESCRIBED LAW ENFORCEMENT TREATING SEX WORKERS IN AN INTIMIDATING MANNER WELL INTO THE YEARS FOLLOWING THE PASSAGE OF THE PCEPA, SOMETIMES WITH LASTING PSYCHOLOGICAL CONSEQUENCES.

In Guisella’s case, police approached her after she left work with a client and threatened to get her fired by telling her employer that she was taking home a client as well as threatening to charge her with obstruction of justice when she refused to provide information about what she was doing. When Leigh challenged police officers who arbitrarily and incessantly detained and questioned her while she was working on the street, they called her a “smart ass.” Sex workers also reported other inappropriate behaviour from law enforcement. As Ella recalled, municipal bylaw enforcement told her ““Oh, you’re too pretty to be here, you don’t have to do things like this.”” In her view, law enforcement “don’t usually hit on you when they’re taking your name. It’s almost like they don’t look at us like normal civilians.”

The unspoken gestures of law enforcement can be equally threatening. In one encounter at her massage parlour, Julie asked a police officer if he had a warrant after he began searching the premises, to which the police responded by showing her his gun and a handcuff. As Julie described, “he showed me some other way his power, the gun and the cuff, and his badge. I didn’t record the number, because usually I’m so scared in this sort of situation, but I know I should have asked him because for no reason he searched around the indoor place.” In another incident at a massage parlour, May recalled how police and bylaw enforcement officers rounded up her staff, all newcomers to Canada from Asia, and ordered them to face the wall while they searched the place without a warrant or explanation as to who they were and their objectives: “It was me and one other staff. Facing the wall. They wouldn’t allow us to say anything. They said to the coworker ‘Shut up! Don’t say anything.’” Contessa had to contend with a bylaw enforcement officer who would visit her outside the context of her workplace (i.e. the massage parlour that he periodically inspected): “He’s definitely ‘Captain Save-a-Ho.’ He has an unnatural interest — unnatural is the wrong word, prurient, I don’t know — prurient interest in the place. He’ll just come and hang out, ask girls if they want to go for a coffee, ask for their Facebook information. He has shown up — I’m a burlesque performer — he’s been to my shows several times. He knows everything about me and my friends. He’s very peculiar.” Julie Baumann of SafeSpace also described the experience of one sex worker who was stalked by a police officer: “[H]e’d follow her around, he’d pop in here, he’d see her there ... ‘You’ve got to stop dancing; you’re too good for this.’”



A number of sex workers also described how law enforcement would “out” their legal name to other people (Veronica, to clients; O; Patty; Taya), including their family. As Elene Lam of Butterfly reported, “women who have documents will still be taken away to the immigration office/detention center, so that they may request their family come here, and sometimes they ‘out’ the worker because they suspect that family member or the husband is a trafficker, so they may ‘out’ them: ‘Your wife is in sex industry.’ I think this is very problematic, even if some of them are being released in the end — it creates trauma to the people, and also makes people become very vulnerable.” In one harrowing incident, May recalled how police and bylaw enforcement officers confiscated a pornographic video compact disc from her massage parlour and forced her outside with them:

“They asked me to go outside the store, to go on the street. The licensing officer had a metal clamp. Outside the store is a garbage bin, and I was standing next to the garbage bin, with four policemen around me, so everyone on the street could see us. In front of everybody, the licensing officer had the clamp and he broke the CD in front of everyone and forced me to put it in the garbage bin I was crying and so embarrassed. My neighbours were looking at me and asked, ‘What happened?’ because the police are always around me. I felt very insulted, because all the neighbours saw that, what the police did to me.”

Tracy Gregory of SWANS elaborated on why “outing” is so problematic: “Women have told me about situations — just walking down the street, they’re known to police as sex workers working outdoors and they’re walking home from the library with their books ... they’re not working in that moment. Their defences are not up around their identity as working, they’re in a different place, in that moment and police are driving along and calling them out by name and asking them what they’re doing on the street. ... [I]n that moment, that’s a threat to her; to her identity, as somebody other than her sex work identity ... If she happens to be with someone who would think it’s a problem that she is identified by police, those would be implications ... there could be so many [implications] if they see her approached by police, or called out by police. There’s a threat to her physical safety. There are many threats. ... If she has a client that’s out there and potentially approach her for

service and the cops come over and talk to her, there’s a threat to her money.”

In one case, police “outed” Patty’s trans identity to a client and several sex workers described how police told clients that they are HIV-positive (Josie Lee; KI Monica Forrester). Leigh, for example, described being followed by police while she was with a client, who then told her client: “Look, this girl has AIDS’ or she has this or that, ‘don’t come back down here and try and pick up these girls because they’re drug addicted and very sick.’ Meanwhile I don’t have AIDS, I don’t have HIV, I don’t have hepatitis ... but they scare the shit out of the trick, their tactics.” Police employed a similar tactic with D, telling a client, “‘You know this person is sick’ and ‘Hey, you’re a married man Shame on you, you’re taking his germs back to your family, etc. Do you know how many people are going to the hospital because of this man, or people like this man?’”

Several sex workers described how law enforcement would verbally abuse them, in some cases mis-gendering them (Paige; KI Monica Forrester). Paige, a Two-Spirit sex worker, described police asking her sometimes, “‘So do you have a dick?’ or ask disgusting questions, or ‘How much?’ They’re just being assholes. They don’t really interrogate us, or they’ll throw slurs, they’ll turn car lights on and flash big lights on us, stuff like that, honk horns or sirens on us.” April shared how police insulted her whenever they encountered her on the street: “They show bad gestures at you, bad names and ‘suck a dick’ and whatever, or ‘you’re a whore, your mother’s a whore, your daughter will be a whore.’” After May complained to the police about their harassment of her, two of the officers returned to her spa and called her “garbage.” According to May, “They asked me to show my license and I showed the license and the police, pointing at the picture, said ‘garbage.’”

SEARCH, SEIZURE AND DESTRUCTION OF PROPERTY

A number of sex workers and key informants described police or bylaw enforcement searching sex workers’ indoor workplaces in recent years (Julie; Ella; Kelly [London]; Paige; May; Contessa; KI Elene Lam). May’s spa was searched by police and bylaw enforcement officers twice without a warrant. The first time, they went through every room, drawers, her purse and her wallet: “There was one room, a private room, not for work but for rest. My purse was in this room but they removed it and took my underwear out piece by piece, took things out from my wallet. They searched the wallet.” Police searched Paige’s condo where she saw regular clients, under the pretence of attempting to find evidence of trafficking:



“They came up with a warrant, into my apartment, when I wasn’t there, and threw my whole place upside down. Everything was everywhere.”

Police who claimed to be investigating human trafficking during a series of raids would also search sex workers’ belongings — a search that led Veronica’s roommate to be charged with drug possession: “[T]hey were going through her belongings ... they found heroin and needles in her purse, but they had no reason to search her, that was the bottom line.” Elene Lam of Butterfly also shared accounts of how migrant sex workers’ phones are systematically searched by law enforcement, even after they explain that they are not trafficked. In one case, the friends of a sex worker who had died after being assaulted by her partner and another assailant contacted the police to urge them to investigate her death. As Elene described, this led the police to investigate the friends and “take all the records of their phone, [to determine] whether they were involved in organized crime or whether they brought her to Canada and exploited her.”

Sex workers and key informants also described the seizure of property. As Elene Lam described: “Some of the migrant sex workers, especially if they are being detained, it’s very common that they report the property loss. We know a woman who had \$60,000 taken away without record. There was no record, so basically [the money was] stolen by law enforcement. Jewelry is being stolen in detention centres. Also, we know a woman who had \$10,000 seized by police and not returned to her, even though she identified as a trafficking victim.” When Veronica worked at a massage parlour in 2012, the police and immigration authorities would also search and seize workers’ money and purses — experiences that continue to inform her perceptions of and responses to law enforcement. According to Veronica, “They took my money a couple of times; took my whole purse. You had to have a license up there, so if you didn’t have a license, they could take everything in your purse apparently, they said — this is what their claim was. They could take all the money you had on you that you already made.” This money was never returned: “[Y]ou never heard any more about this money that they took. There was never any ‘oh, you can pick your money up at the police station later.’ Never, ever, ever. ... [T]hey definitely got a good \$500 or \$600 out of me each time.” Sometimes, the searches would result in damaged property. When police and bylaw enforcement officers searched May’s spa, “they pushed the massage bed over and flipped it over.” In the course of searching Paige’s condo, the police turned her apartment “upside down. Everything was everywhere,” resulting in damage to her furniture. During

police and immigration raids of the massage parlour where she worked, Veronica said the officers would “trash the place.”

Several outdoor workers also described incidents in which police searched their belongings, apparently without cause (Taya; D; Josie Lee; April). Police searched Taya’s bag, for example, after they pulled her over with a client: “They had gone through my bag and my bag had toys, condoms and drug paraphernalia. They said, ‘Do you think we’re stupid?’ and I said, ‘No, I don’t think you’re stupid. I was going to have a fun time with a guy I’m seeing, what’s wrong with that?’” On a number of occasions, police searched Josie Lee’s purse without a seeming reason: “I’ve had my purse looked through and things like that. I said ‘no’ one time, and it’s like, you can’t refuse. ‘I can refuse, can’t I?’ The cop says no, I can’t refuse. They’ll say they had reasonable cause. They’ll say someone had a purse stolen that matched my description.” Police searched Leigh’s purse while she was walking home, during which they found painkillers and charged her with drug possession. As she described it, “Because of laws that changed, I found that when I got charged for prostitution before that, [now] for some reason they would target me for other things, like I was coming home and had my purse on me and had a couple of painkillers in my purse, they checked my purse and they charged me with possession of a controlled substance.”

ARBITRARY OR DISPROPORTIONATE APPLICATION OF THE LAW

A number of sex workers — particularly individuals from marginalized social locations (e.g. racialized, Indigenous, Black, migrant, trans, people who use drugs) — described experiences of arbitrary and disproportionate application of the law by various law enforcement officials, including after the passage of the PCEPA. Julie, an Asian sex worker, felt law enforcement exploited vague municipal bylaws to penalize workers with arbitrary tickets. As she elaborated, “The tickets they issue are the same, for unauthorized service, improper dress, license not posted on the wall. And for the business, it’s like some problems for massage table, some scratch, something broken. ... They don’t explain at all. When they say I’m dressed improperly, I ask, ‘Do you have specific standard of dressing?’ They wouldn’t say anything. I say, ‘Can you show me something in writing?’ They say, ‘Just go to court.’” Other sex workers also expressed this concern (Contessa; Ella; O). May, an Asian sex worker, was visited multiple times by police and bylaw enforcement officers over the span of several months, during which they ticketed her seven times. According to May,



“They don’t ask me if I am trafficked. When they search the spa, it’s not something they’re concerned about — trafficking. They just do what they want. There is racism and they treat this industry very differently — there is more discrimination, and they are very clear that the purpose of the investigation is to give tickets.”

In one frightening incident, police entered the hotel room of Kelly, a young Black sex worker, where she was working with a friend. They had their guns drawn and claimed to be investigating a domestic violence complaint. When there was obviously no indication of domestic violence, the police detained the two women and questioned Kelly’s involvement in sex work, including whether she controlled her friend — despite having no evidence to warrant such a suggestion.

Outdoor sex workers universally described experiences of arbitrary detention and arrest (D, constantly harassed by police and given multiple tickets for loitering; Chrissy reported that police target sex workers with prison tattoos), particularly if sex workers are trans (Paige; Patty), use drugs (Paige; Taya; KI Amanda Jabbour; KI Monica Forrester) or are racialized/Indigenous (Brandy; D; KI Amanda Jabbour). As described above, after the PCEPA passed in 2014, police would continue to scrutinize and charge Leigh for non sex-work related offences:

“...they didn’t charge me with prostitution because laws were changing at the time. It was shifting, they still wanted to hold me accountable for whatever they could get me on, even though they couldn’t charge me for the prostitution they were going to charge me for something. Always a target. As long as they knew who I was, they were going to get me.”

Similarly, Josie Lee described being constantly and arbitrarily harassed by police, in one instance being told she matched a robbery suspect while she was standing outside a shelter: “[T]wo cops came up, a car came up, and me and another girl were standing outside having a cigarette and they asked to look through our bags, and I said, ‘No, you can’t do that’ and the other cop said, ‘Oh, yes, we can.’ They said that somebody had their wallet stolen and gave your description, and me and this other girl looked nothing alike. ... But they went through our purses.” Taya recalled how police would single out a sex worker who used drugs for harassment: “A couple of girls and I, when I was doing street work, we watched for each other ... We observed the police, and there was a girl that definitely got hassled a lot more than the other two of us. She was very petite; unfortunately you could see effects of her drug use on her, more apparently than myself and the other girl ... [S]he would get into a car and the next thing you know police would come out, not even from where we had been sitting. We wouldn’t see them, they would just pull up. They have their idea of what people look like and they tend to target those.” Brandy, an Indigenous sex worker, also recounted arbitrary and aggressive harassment by the police throughout her time as a sex worker. Frustrated by the never-ending racial profiling, she asked the police, “Are you pulling me over again because I’m brown? Why is it always the Natives in Sault Ste. Marie that you’re trying to harass?” Amanda Jabbour of Sault Ste. Marie Sex Workers’ Rights also described police harassment of outdoor sex workers, many of whom are Indigenous: “They’re constantly driving by, sticking their head out the window ... [T]hey’ll stop you and say, ‘Oh, somebody in the area fits your description and they just burgled a house, or they just robbed from a store.’ They’ll make something up, just to make something up. I don’t even know if they’re allowed to do that, but that’s literally what they do. Then they’ll want to search your bag and know who you are.”

Thus, not only are sex workers subject to repressive sex work-specific laws, but they are subject to arbitrary and disproportionate surveillance, interrogation and the heavy hand of immigration, human trafficking, municipal and other laws, and also penalized for behaviours that are rarely used to regulate the activities of the general public. This bears out the claim that law enforcement are engaging sex workers not out of protection or concern for their safety, but for repression.



RETALIATION AND EXTORTION

Several sex workers described law enforcement retaliating, or threatening retaliation, against sex workers who did not cooperate or who complained about abuses against them (Kelly [London]; Guisella; May). After a relentless campaign to ticket her spa over the course of several months, May complained to the police and licensing office about the harassment. Perversely, this led to additional inspections and harassment from the same officers. As a result, May “found it was useless [to complain] ... [T]hey would not change their attitude, so instead of complaining, I apologized to the police officer and said I wouldn’t complain again. I was worried about retaliation from the police. I wanted to say that because I was very afraid and did not want them to come back again to harass me. I tried to tell them I wouldn’t complain anymore and hoped they wouldn’t return. I knew they could affect my business, and they had threatened that they would return.” Elene Lam also described law enforcement retaliation against Butterfly members: “In our experience, it’s very few people. They try to complain but what happens is [law enforcement] actually try to get revenge. So, instead of carrying out the investigation to stop abuse, level of abuse has increased. So, for example, we have one member who complained and after that police came more often and gave them tickets, and also harassed them so that she cannot work anymore.”

Sex workers also described being extorted by police officers. Kelly (London), for example, described being approached by a police officer while leaving the massage parlour where she worked: “I had a police officer pull me over and ask me to come up to his car and he said to me, ‘I’ve seen where you came out of. I’ll pay you to rat what goes on in the parlours.’ And I was like, ‘Are you kidding me? I’m not going to tell you what’s going on in there.’” When Kelly refuted the officer’s claim that she was engaged in illegal activity at her massage parlour, he threatened her with first with arrest, then told her “‘we’ll just go bust the parlour and we’ll say that it was you who ratted.’” The police also threatened to charge Guisella with obstruction of justice and to tell her employer that she was taking a client home, after she refused to provide incriminating evidence against her client (i.e. that he had paid for her services). Patty described being robbed and extorted by a police officer after giving him oral sex: “[T]his undercover cop pulled over, paid me the \$60; I sucked his dick. Next thing you know he’s flashing a badge and telling me if I don’t give him the money back that he’s going to arrest me. I’m like, ‘Here’s the money.’ If I had known, I would have kept the condom.”

A NUMBER OF SEX WORKERS — PARTICULARLY INDIVIDUALS FROM MARGINALIZED SOCIAL LOCATIONS (E.G. RACIALIZED, INDIGENOUS, BLACK, MIGRANT, TRANS, PEOPLE WHO USE DRUGS) — DESCRIBED EXPERIENCES OF ARBITRARY AND DISPROPORTIONATE APPLICATION OF THE LAW BY VARIOUS LAW ENFORCEMENT OFFICIALS, INCLUDING AFTER THE PASSAGE OF THE PCEPA.



RACIAL PROFILING: INDIGENOUS, BLACK AND ASIAN SEX WORKERS

As scholars have noted, racialized sex workers bear the brunt of state and non-state violence, oscillating between invisibility as victims of violence and hypervisibility as deviant bodies deserving of the violence they encounter.³⁰ Racialized and migrant trans women in particular face intense police profiling, including a presumption of involvement in sex work, but are routinely positioned outside the reach of security, safety and assistance in times of actual need.³¹ The racialized sex workers interviewed for this project described their ongoing experiences of being over-policed and under-protected, with varying manifestations depending on their self-identified or perceived race and immigration status. One sweeping commonality, however, was their experience of law enforcement as a source of repression rather than protection.

Notably, despite government claims to be motivated to “abolish prostitution” by a desire to protect Indigenous women from sexual exploitation,³² Indigenous sex workers described how they were singled out for law enforcement scrutiny and abuse. Brandy, for example, described the systematic harassment and abuse of Indigenous sex workers on the street, something which she frequently experienced firsthand: “They’re constantly trying to nab the hookers, just anybody that looks like they’re either Native or they’re always trying to find a probable cause.” As D, an Indigenous sex worker, said about the treatment of Indigenous people, “the tolerance was next to zero. Any time there’s a Native, there’s a problem ... you’re going to jail.” Monica Forrester of Maggie’s, who identifies as a Black and Indigenous Two-Spirit trans sex worker, also described the troubling history of police subjecting Black and Indigenous sex workers to intense surveillance:

“Indigenous sex workers or Black, African-Caribbean sex workers are most targeted within the work they do; they’re most visible, and even when sex workers are not working, they’re still being confronted by police, and I can talk about my own experience, living around the areas where the strolls are that I’m always ... I’ve had cops come up to me, question me, ID me ... you know what I mean? I’m like, ‘Why? I’m not working. Why’d you make that assumption? I want your badges; I want to file a complaint.’ And

they’d zoom off. You know what I mean? This is something that’s happening, just due to the colour of your skin, depending on who you are or if you’re known in the area.”

Sex workers and key informants also described racialized sex workers being criminally charged after defending themselves against an assailant — a phenomenon documented by scholars elsewhere in Canada.³³ Kelly, a Black sex worker, was handcuffed and ticketed by the police for trespassing after she protested the racist hiring practices of a strip club; she was ultimately charged with obstruction of justice. In another incident, police charged Kelly with assault with a weapon when she defended herself with scissors after being physically restrained and assaulted by an aggressor. As Kelly speculated, “With the police, I guess they just look at me as some young Black teen that’s up to no good.” Monica Forrester also described the experience of a Black trans sex worker in Toronto who was convicted of manslaughter after she defended herself against a violent assailant: “She’s the one that called 911 and said, ‘I’ve been physically assaulted with a knife by my client. I guess I defended myself; we both have injuries.’ And it turns out that she was pepper sprayed [by the police]. She was the one who looked like the predator or the one that was criminalized, and now she is fighting for her life in jail.”

At the same time, racialized sex workers are unable to access police protection when they decide they actually need it. Paige, an Indigenous sex worker, explained why Indigeneity and other intersecting factors discourage racialized sex workers from reporting police abuse: “There’s stigma, they’re sex workers, they’re people of colour, they’re marginalized, they’re Indigenous. These are all aspects that will go against them in court. A lot of them are scared. They’ve been assaulted already and have to go in front of more people in uniform after that. There’s so much stigma already against them. That judge has already painted a picture of them before they go in there, and it isn’t in their favour.” Monica Forrester also described the troubling history of police failing to properly investigate violence perpetuated against racialized sex workers, recounting the recent murder of a Black trans sex worker:



“We just had Alloura Wells go missing and was found and the community wasn’t notified, but also when we look at past sex workers within the city of Toronto like Cassandra Do and other sex workers that have died at the hands of clients, and police have known that these clients exist, and have DNA, which really makes you feel, should we be reporting? ... [The police] had [Alloura’s] body for five months. They did not go into the community; they knew she was trans, she was homeless ... there was not anything on TV or anything about a body found.”

Correspondingly, law enforcement engagement with Asian migrant sex workers is seemingly underpinned by an anti-immigrant xenophobia in addition to an ideological or moral opposition to sex work, whereby Asian migrant sex workers are most frequently investigated for immigration infractions that will lead to their eventual removal from Canada. As Elene Lam of Butterfly explained:

“It’s not only a trafficking lens, but they also have anti-migration lens. So that’s why if you are not a trafficking victim, why do they want to ask about immigration status? Because they don’t feel comfortable seeing you there; because they want to get you in trouble ... that is the mentality of anti-trafficking. Or they see that if you’re Asian and you don’t speak English, then you are the ‘other,’ right? The ‘other’ people, so I have responsibility to take you away. And I think this is also affecting practice. ... the anti-sex work mentality and also racism mentality: they see Asian sex workers are more problematic, so they target them more often, instead of the white sex workers who they think they know what they are doing.”

Macdonald Scott, an immigration law advocate, also underscored this point: “If I’m a white American up here without status doing sex work, I’ll be fine. If I’m an Asian woman working at a massage parlour and I have a work permit that says I shouldn’t do sex work, I’m in grave danger. It’s completely racial profiling.” As Macdonald further elaborated:

“There is an extremely moralistic approach to sex work ... law enforcement decides to use the current laws as a way to target the community. Reporting people is the easy solution because you don’t have to go through the whole criminal process, which can take years. And so I think they go in, say they’re investigating trafficking; they’re worried about the women, but then their real goal is to get them out of town. And I think we can also see that at the border, where CBSA is empowered to turn back a woman if they think that she’s being brought in, or she’s coming in to do sex work. No one ever investigates if there is an actual trafficker, or if she’s being abused. They just send her back.”³⁴

As discussed in greater detail below, racial profiling, over-policing and under-protection of racialized sex workers have multiple, adverse impacts. Such tactics and attitudes intensify the prevailing antagonism between law enforcement and racialized sex workers, rendering them more vulnerable to abuses from state and non-state actors in a context where racialized communities already mistrust law enforcement given the longstanding history of racist law enforcement practice. As Kelly, a young Black sex worker, concluded after numerous frustrating encounters with the police: “[The police] don’t care, probably mainly only because they don’t view me as their daughter because I don’t look like them. It just made me view the world as ... they’re not here to help sex workers and especially not Black sex workers.”

SEX WORKERS AND KEY INFORMANTS ALSO DESCRIBED RACIALIZED SEX WORKERS BEING CRIMINALLY CHARGED AFTER DEFENDING THEMSELVES AGAINST AN ASSAILANT — A PHENOMENON DOCUMENTED BY SCHOLARS ELSEWHERE IN CANADA.



HOW SEX WORKERS EVADE AND MITIGATE HARMS FROM LAW ENFORCEMENT

Sex workers develop patterns and habits of working that help them to respond to work needs, including threats posed by law enforcement. Sex workers reported to us the changes they have had to make to their ways of working to evade and mitigate the harms perpetuated by law enforcement such as working in unfamiliar and secluded areas, working in isolation from community members, and working with unknown risks — all of which heighten their vulnerability to targeted violence and abuse, in addition to negatively affecting their economic security and mental health, as discussed in the following section.

COMMUNICATION WITH CLIENTS AND COLLEAGUES

Numerous sex workers described how they avoid discussing sexual services upfront in order to prevent implicating themselves in a perceived criminal transaction (Julie; Veronica; Brandy; Cintra; Ella; KI Elene Lam). As Chrissy elaborated, “Well, we wouldn’t really discuss what was going to be done ... ‘Oh, you want an hour of my time? That’s how much it is and we’ll discuss what it is you want to do when you get here in person.’ They’ll try and ask, and I’ll be, ‘I’m not going to talk about this’ because that’s the illegal part of the whole thing.” Kelly (London) explained the rationale for this: “We take every client as if they could be a cop, whether they’ve been a regular for 15 years or not; it keeps everybody safe. There’s wordings that we say, like ‘Tips are gladly appreciated’ instead of saying, ‘Oh, for this service it’s...’ It protects clients and protects myself.” The same tactic is employed by O with respect to her online advertisements: “Probably the majority of my efforts to avoid law enforcement pertain to my online presence ... so making sure that my website doesn’t explicitly list services, making sure that I wouldn’t be seen as potentially advertising for anyone else.” Similarly, Paige described how she omitted specific details from her online advertisements to evade law enforcement: “You don’t know if that’s an undercover.”

While sex workers felt the tactic could shield them from perceived criminal culpability, it also has negative repercussions for them. According to Chelsea, “The way I would do ads and stuff, it would be really vague, and all the details would have to get hashed out on the phone verbally or through text, which is frustrating because you’re trying to schedule things Then to get up to the point where they’re asking something I don’t want to do, then no. Now I’m out of money that night. ... [I]t gets up to the point where we book it, yep, we’re negotiating, and then he wants this, and wants that. And I say no, and he goes ‘Oh, I’m going to call somebody else.’” Moreover, Taya explained:

“For in-person, if I can’t do the communicating that I’m used to doing online then it’s going to force me in that moment, when I meet that client ... boundaries are important, I usually go over boundaries when I meet with a client ... if you’re not able to communicate ahead of time to the actual act of happening, it puts you in a rush to go through your boundaries, your prices, and everything.”

As Chelsea and Taya describe, limiting their communication with potential clients to avoid law enforcement affects sex workers’ ability to negotiate in advance the terms of a transaction. Not only does the inability to agree upon such terms upfront potentially affect their income and ability to work, but it may also pose risks to sex workers who may not be able to properly screen a client in advance or to come to an agreement with the client about the services before they meet. Kelly (London) elaborated: “Why would I want to talk about that stuff behind closed doors, where I could get hurt? I’d rather talk about that before I get to my hotel room than afterwards.”



Significantly, while non-migrant sex workers described how they discussed among themselves strategies for dealing with law enforcement, migrant sex workers' fear of law enforcement dissuade them from communicating openly with colleagues about their status or their work. As Elene Lam of Butterfly explained, "Many sex workers themselves are seen as victim or criminal, so their friends are also at risk of deportation." As a result, sex workers are "very isolated; even if they work in the massage parlour together, they may not disclose their identity to each other." Elene further described the impacts of such isolation:

“[T]hey cannot share so much information with their coworkers. One of ways of how to resist violence — one of the most important things — is information. You know your rights with more information, so you can be empowered. But because, even when you're in the same working place, it's not safe to tell other people about what you are doing, right? So then this isolation means they cannot share the information, they cannot share the support — because of the fear that this increases their risk, so they don't share. They have lesser resources and lesser support. And it endangers their safety, especially with coworkers, and also they are not able to share with service providers.”

SEX WORKERS DEVELOP PATTERNS AND HABITS OF WORKING THAT HELP THEM TO RESPOND TO WORK NEEDS, INCLUDING THREATS POSED BY LAW ENFORCEMENT.

SCREENING FOR LAW ENFORCEMENT

While there has been increased public discussion about the necessity of screening for clients in the context of sex work, far less has been written about screening for law enforcement in order to circumvent law enforcement encounters, and the risks that sex workers assume while engaging in evasion strategies. Sex workers in this project discussed the various ways in which they screen specifically for law enforcement after the passage of the PCEPA, with numerous sex workers describing a tactic of sticking with long-standing clients who they trust are not law enforcement. (Paige; Kelly [London]; Chelsea; Ella; Brandy; Kelly [Toronto]; KI Elene Lam) After her encounter with police, for example, Veronica explained:

“I'm more leery about who is to come; I'll turn down a lot more people, I don't let anybody come to my room; I don't want to go through that out here, and I do not want to have that sort of crap. I'm worried it might be a cop; I don't want a police interaction.”

After Kelly (London) was raided in her hotel room by police while she was with a client, she stakes out hotels beforehand for law enforcement presence: "I do a drive around to make sure nobody is in their cars just sitting there. I didn't do this before. Even when I get a call or email from a regular client, before I even go into their house or hotel room I'm always checking my surroundings — [the police] basically have turned me paranoid, and I have never in the 10 years I've worked this industry, felt paranoid."

Some sex workers who talked about screening for law enforcement described assessing the language they used when approaching them for sex. According to Brandy, "We had a couple of undercover cops try to set us up a few times. ... It was like, 'Oh, honey, why don't you come back to our room. We have somewhere we can go.' And we knew the signs to look out for. ... How they would pretty much go about questioning to get us set up. Sometimes my girlfriend would actually get caught. Working business since I was 18, I knew exactly what to look for." Paige took the additional step of creating "legal forms" to screen for undercover police, "so that when you come in, you sign that form, before anything happens. That you're not here for entrapment, or in law enforcement."

For those working in indoor commercial establishments, a third party or manager would sometimes assist with screening for law enforcement. In Julie's case, "Sometimes the boss tries



to download the officers' face, and prints it out to show to girls, to pay attention to that. But those officers change a lot, they move around."

In addition to the anxiety that screening for law enforcement induces, this strategy taxes sex workers' ability and energy to maintain other safety strategies — consequently increasing their risk of violence and other abuses. As Veronica noted:

“I find it's almost equal avoiding cops versus avoiding aggressors; it almost takes from keeping an eye on tricks when you've got to watch for police now, who might be trying to set you up.”

VISIBILITY: SECTOR/SPACE

Many sex workers and key informants described altering the sector or space in which they worked to avoid law enforcement (Leigh; KI Amanda Jabbour). For outdoor workers like Josie Lee, constant police presence on her stroll has meant that she has had to “move on Because [the police] come back a couple of hours later,” displacing her from her “safe spots.” As Josie Lee described, “Police made it not a good place to do dates anymore.” Patty described a similar experience of police presence, which “messes the whole night up because if they're going to sit there all night, we'll go down the street, but of course, they follow. So we go home, no money.” To avoid them, “I kind of work a couple of blocks away from where I'm known to work, so I change location, I change hours.” Leigh also described how she would “walk away, if they're driving down the street, you walk in the other direction. I don't want to make eye contact across the street, just move quickly, so they don't see me. I don't want them to see me standing on the corner so they can come and harass me. So I move. And if I keep seeing them, I just go home, because I know they're out there to bug, so it's not a good night for me.”

Unrelenting police presence on certain streets has forced sex workers like April to move to more remote locations “because it's discreet, and a lot of time the police aren't there. They're not as regular ... they're more set back, so the chances of a cop pulling up on you while you're giving a blow job in the car; it's not happening.” As Leigh noted, “[The police are] not bugging me as much as they used to ... as long as I stay in the dark alleys ... and crime-ridden places, and ... don't cross the line.” Taya also described “being pushed to work in back alleys where there's no lighting and all these things, because of the way that, you know, you feel like the police could come.” This

has obvious safety implications for sex workers. As Guisella elaborated, being visible to the broader community (versus the police) can be an important safety strategy:

“You would just see [the police] circling around, so any cars that they would see slowing down or see twice in the area, they'll make their presence known, so then they'll not come back, they'll just keep going, so you're just standing there for police to run off anybody who's going to come down that way. It's a waste of time — now you've got to find darker places to hide. And be meeting people in shadier areas ... that makes any of the tricks kind of have, like, more of an upper hand if they are dangerous.

“Who's going to see you get in a car if you're getting in a car in the back of an alleyway, as opposed to right on a lit street? ... I had to walk a little bit up or down ... you didn't want to be in the area where that's where they're coming. A meeting spot; that's where the services are provided and that's where you go. So now it's all hidden and scattered. ... I certainly don't want to meet anybody in an alleyway, or even have the conversation to know if I want to get in his car or not in the back of an alleyway, because if I don't agree, who's to see if he just pulls you in and says 'too bad.' He might not be as brazen when you're out in the middle of a street corner where there are other cars and businesses and people walking by, and be able to intervene. So it just makes it much harder and a lot more dangerous.”

Veronica echoed this sentiment: “A lot of the johns that I'm talking to now are so nervous and it seems almost like it's dangerous and they want to meet you in dark alleyways, because they're scared of the cops now, because it's only them that get in trouble. They try to meet you in creepy dark alleyways. ... Constantly that's where I meet them now, they'll wave you back into some spot, I've had plenty of things happen, and you don't know what you're walking into.” According to Julie Baumann of SafeSpace:



“ [It is] more dangerous for sure, because they’re more secluded. I think it definitely puts safety at risk; more secluded and not close to the people who do support them. It’s money out of their pocket to get to this spot or that spot, or rent this, so it is harmful in the long run to push the women out of where she regularly works. ”

Sex workers working in hotels also employed specific tactics to avoid law enforcement. For example, Contessa shared how “everyone there knows which hotels are better for doing in-calls, whether the client is already there, or you’re staying in a hotel, like there’s this one that’s better than others for in-calling at because [the other ones] have a more police-y environment.” Sex workers also endeavoured to be as discreet as possible. As Kelly (London) explained: “Nobody would know I was there, I’m so quiet ... Nobody would ever know I would be at a hotel because I don’t make my presence known.” And in some cases, sex workers felt forced to avoid hotels altogether. According to Taya:

“ The knowledge that they are doing stings in hotels ... [it] puts a little more pressure in making my home a bit of a comfort zone, [and also] that puts it a little more at risk because you’re not getting the opportunity to get to know who is coming into your personal space. I never really loved working from home. I preferred hotels if I could afford it at times. With your own home, I feel like police aren’t going to take as much time to go to specific homes, whereas setting up a sting at a hotel, you never know. ”

The most alarming tactic to avoid law enforcement involved sex workers who had frequent, negative encounters with police: they felt compelled to isolate themselves by staying indoors and avoiding public spaces because of their profound fear of the mere possibility of encountering law enforcement in the context of their everyday lives and work. Brandy, an Indigenous sex worker who had been racially profiled, harassed, criminally charged and assaulted by police throughout her sex-working life, said, “To this day, I would not go back to those streets ... because it’s a constant red flag. They’re constantly trying to nab the hookers, just anybody that looks like they’re either Native or they’re always trying to find a probable cause.” Similarly, Kelly (Toronto), a young Black sex worker who had frequent, negative encounters with the police, shared:

“ I stay indoors. Bad things happen when you go outside. All my incidents, if I had just stayed in my room ... I find you get less exposure to police if you just don’t go out as much. Outside is just bad karma. ... [The police] make me isolate myself. ”

For migrant sex workers, reducing their visibility not only shields them from law enforcement, but also from the scrutiny of members of the public who may assume they are trafficking victims. As Elene Lam of Butterfly explained:

“ Sometimes the people assume, ‘Oh, I see a traffic victim, the owner or the boss won’t allow the women to go out of their working place.’ But sometimes it’s not because of that. Why — when you ask migrant sex workers — sometimes they never go out from their working place? It’s not because someone locked them in. Why they cannot go out? Why they stay at the place and not go out? Because it’s not safe for them to go out; because they’re in a remote area, they don’t know anyone; they’re not familiar with the neighbourhood. They don’t want to go out. And the other thing is if they are visible to their neighbour, especially some white small town, they are visible as Asian, and people may find out they’re working in the sex industry. Because of the conflation of sex work and trafficking, people usually think organized crime or trafficking victim, so they think they need to call the police to help them. But that actually causes them trouble. ”

The impacts of this intentional invisibility are severe. As Monica Forrester of Maggie’s shared, “The police presence and this whole trafficking initiative is really putting sex workers in areas where they don’t want to be visible ... [A]lso putting them in areas where they’re more vulnerable to violence, puts them in areas where they’re not familiar with the work area or the clients.” Despite public perception of the protective effects of law enforcement interactions with sex workers, the sex workers in this project were compelled to move spaces and change their working patterns — often at the expense of their own safety — to avoid such interactions and meet their economic needs.



VISIBILITY: SCHEDULE/FREQUENCY

Another strategy that sex workers adopted in order to avoid law enforcement was to adjust their schedule and reduce the frequency with which they see clients — resulting in grave consequences for their livelihood and well-being. Leigh, for example described needing to “walk instead of standing ... I try to lay low. I’ll see one date or two dates and go home. ... Just get what I need to get and go home, instead of staying out all night and getting in trouble, or going to jail, or getting charged. I don’t stay out that long.” Patty would change hours and start work later, “when [the police] do their shift change.” Brandy stopped working at night: “I’ll do day calls. I don’t trust doing evening calls so much, just because I’m always scared I’m going to run into something, a situation ... I don’t know if it’s going to be a setup. ... It’s just law enforcement that I’m scared of running into ...” As she elaborated, “You’ve always got to keep in mind of, when it comes down to the law enforcement, it’s not so much when you’re on your own. What they’re more [concerned] about is when [we’re] driving at a certain hour. If we’re doing calls at two in the morning and it’s dead in the streets, and they’re out patrolling and they see that same vehicle driving around, and they’re out for two, three hours ... yeah, they will start following you, they will pull you over, they will ask you questions.”

After a negative encounter with the police in her condo, Paige spaced out the clients she saw in her home: “I don’t see them all in a row now. I spread them throughout the month because I can’t have traffic coming in.” Paige also avoids staying in a hotel for lengthy periods to avoid arousing the suspicion of law enforcement. Similarly, Veronica described keeping it “low-key”: “As long as you’re not doing back-to-back johns coming in, the hotels don’t always know what you’re doing.” As O summed up:

“Wanting to keep things low-key is really a direct result of feeling as though people do not want me in their community and the average person wouldn’t see me as a professional operating a business. They would see me as a blemish on their neighbourhood; someone who would decrease real estate value.”

Sex workers interviewed for this project described the isolation as well as the adverse economic implications of being forced to adjust their working schedule or reduce the frequency with which they saw clients — also discussed in greater detail below. As Tracy Gregory of SWANS concluded:

“In our community we realized we know the people are continuing to work, and now they’re working in areas ... where we don’t know where they are, or we don’t see them. Things are not safer for sex workers, actually — now we’re disconnected, and that’s a problem for peoples’ safety. ...

“People still have to make money and provide for their needs. Just because you push people away from the area doesn’t mean that all of a sudden they’ve secured housing and they have access to food and everything without having to work for their money.”

THE MOST ALARMING TACTIC TO AVOID LAW ENFORCEMENT INVOLVED SEX WORKERS WHO HAD FREQUENT, NEGATIVE ENCOUNTERS WITH POLICE: THEY FELT COMPELLED TO ISOLATE THEMSELVES BY STAYING INDOORS AND AVOIDING PUBLIC SPACES BECAUSE OF THEIR PROFOUND FEAR OF THE MERE POSSIBILITY OF ENCOUNTERING LAW ENFORCEMENT IN THE CONTEXT OF THEIR EVERYDAY LIVES AND WORK.



VISIBILITY: WORKING ALONE OR WITH OTHERS

To avoid drawing attention to their work, some sex workers and key informants described sex workers working alone, or less frequently with others. According to O, who works out of a rented apartment and sometimes rents the apartment out on an hourly basis as a safe, in-call space for sex workers she knows, “I’m pretty cautious about who I rent it to. ... I definitely wouldn’t have a day where six different girls are coming in and out of the place. So I just keep it really low-volume and I find that helps a lot, because it doesn’t draw so much attention.” As O elaborated:

“The more attention you get, the more chance that someone is going to have a problem with something that you’re doing, and it’s going to cause complications. Such as law enforcement showing up, landlords potentially evicting me, thus completely derailing my source of income ... It’s hard to know what the possible complications could be — I just know that I don’t want them.”

For Patty, working alone is more effective “because when the clients are driving up and down the street and they see too many girls standing together they don’t stop, because there are too many people. They get nervous; they get scared; they don’t want nobody to find out that they’re out there picking up or paying for sex.” In May’s case, both her staff quit their jobs after a months-long, aggressive campaign of harassment by municipal bylaw and police officers at her massage parlour, forcing May to work alone. Even when sex workers do work with one another, the ongoing threat of law enforcement encounters fosters a hostile work environment. As Julie, who works at a massage parlour that employs migrant sex workers, explained, “Most girls at workplace are very defensive. They try to protect themselves from police; they don’t always feel safe. They don’t want to tell what they’re really thinking, what their exact identification, they’re always very defensive because they have to face hostile policy or system, police and society.”

And despite the valuable services that third parties provide to sex workers, Elene Lam of Butterfly explained how the misconception that third parties are traffickers has led migrant sex workers to “isolate themselves as a way of protecting themselves. Because when they contact more people, when they’re more visible, [law enforcement] will have more reach — and that puts them in more danger.” Similarly, Veronica described how a series of anti-human trafficking raids unnerved

her and discouraged her from continuing to work with a helpful third party: “I did have somebody I was working with at the time, and I didn’t want him to get in trouble ... someone I [had given] \$100 to stick around, or if I need help I can call him. So I didn’t want him getting in trouble, too.” And while Josie Lee would have continued to rely on third parties who resided near her outdoor workplace for protection, unyielding police presence in that area meant she could no longer work with this safety backup. According to Elene Lam, this isolation means sex workers “decrease contact with other people, especially when they need help or if they experience violence,” which in turn, increases their risk of exploitation and violence.

VISIBILITY: APPEARANCE

Several sex workers — primarily those working on the street — reported frequently changing their appearance to avoid recognition from law enforcement. Patty, a trans sex worker, described needing to “dress down” — “I wear longer skirts or jeans or trousers” — and in some cases becoming “more ‘masculine-looking,’ and not looking the way I normally look because of police. ... The police would see me, as I normally am, presenting as a female. But then, when they see me, well, I changed to become more ‘masculine’ because I don’t need the harassment or stigma ... When I walk down the street like this, I don’t have any problems. When I’m walking down the street with my hair on and this on, ‘oh, she must be a prostitute.’” D described changing “four times a day to elude [police]... I change, and I change up or I’ll change down. Blend right in with the hobo.” Leigh also shared how she avoided dressing “a certain way where it would piss them off or the neighbours would call the police. I try to be incognito about it, so I don’t call the police to me.” Not only does this strategy illuminate sex workers’ need to change their way of working to avoid the unwanted attention of law enforcement, whom they do not see as a source of protection but rather as a risk to be mitigated, but it also underscores how sex workers are stigmatized and marginalized by both law enforcement and the public, requiring them to conceal who they are and what they do. It goes without saying that not all sex workers have the option of changing their physical appearance in order to avoid police profiling.



VISIBILITY: TRAVELING WITH CLIENTS

After what Taya described as an embarrassing encounter with the police, when they pulled her and her client over in their car and interrogated them in public, Taya reported she no longer travels by car with her clients. Instead, she will ask clients to meet her at a hotel or another spot. This has financial implications for her: “If it’s late at night and I have to travel by cab to a hotel ... or wherever we’re meeting ... it costs money, especially if it’s late at night, and you can’t really take a bus, because they usually have a time they want you to be there.” Similarly, Guisella, who was stopped by police with a client on her way out of a strip club where she worked, shared how she now “wouldn’t leave with somebody straight out the door. I would walk up to a nearby store and if I’m going to go with somebody, I’ll have them pick me up there, not leave straight out of the doors from work.” While reducing their visibility with clients may minimize the possibility of law enforcement scrutiny, this strategy comes at a cost. As Guisella shared, “You don’t really want to be walking around at three in the morning as a female meeting someone. It’s safer to walk out the strip club door. It’s definitely less safe.”

WHILE REDUCING THEIR VISIBILITY WITH CLIENTS MAY MINIMIZE THE POSSIBILITY OF LAW ENFORCEMENT SCRUTINY, THIS STRATEGY COMES AT A COST.

OTHER LAW ENFORCEMENT AVOIDANCE STRATEGIES

In addition to the strategies described above, the sex workers interviewed for the project developed various other strategies to avoid or approach law enforcement. After an unsettling encounter with police outside her massage parlour, Kelly (London) became hyper-vigilant about her surroundings: “When I’m walking in [to the massage parlour], I see if somebody is following me ... Because you never know.” Some sex workers, like Ella, have a planned escape route when bylaw enforcement show up at their work.

Perhaps most systematic are Paige’s strategies. After having experienced prolonged police surveillance, Paige described how she ensures all of her encounters with police are now documented. When working on the street, she records all police interaction on her phone: “I turn my voice recording on ... and everything’s recorded. So that interaction, if it does go down, I have everything there, and what they’re doing.” In the event police also interrogate a client, Paige will provide her clients with personal information that they can recite if they get pulled over by the police: “This is my name and my address. I say I work at Harvey’s part-time; just a quick bio so if the cop pulls over, I can say it’s my boyfriend who’s picked me up from work, and if the cop asks personal questions, he knows it already, so I already have that covered if he pulls us over.” When Paige works in-call, “I would have my camera set up ... just in case anything happened then I had evidence. So if that was a form of entrapment, then it was caught on camera and I would have something backing me up.”

The diversity of strategies that sex workers employ to avoid law enforcement illustrates the amount of energy sex workers must invest to protect themselves from law enforcement — time and resources that are not spent safeguarding their safety and security in other ways. As described in greater detail below, unwanted law enforcement encounters — as well as the strategies that sex workers adopt to avoid such encounters — have negative impacts on sex workers’ rights to work; privacy; equality and non-discrimination; life, liberty and security of the person; health; working conditions that are just, favourable, safe and healthy; freedom of expression; freedom of peaceful assembly; freedom of association; freedom from unreasonable search and seizure; freedom from arbitrary detention and imprisonment; and freedom from torture and cruel, inhumane and degrading treatment.



IMPACTS

Universally, sex workers interviewed for this project described **increasingly pervasive, unsought and disproportionate surveillance from law enforcement**, who employ an array of laws (criminal, immigration, human trafficking, municipal and others) to scrutinize, monitor, interrogate, harass, detain, ticket and/or arrest sex workers. As Tracy Gregory of SWANS observed:

“After the laws changed and then it became the *Protection of Communities and Exploited Persons Act* ... there was a huge over-policing and this idea of community policing in the area that women were working. There was a huge police presence, all the time in the area ... women who have told me that they go to a call and it's police that are at the call, or police approach them while they're trying to work outside with a 'community service or wellness check' on women working outdoors.”

Among sex workers working in indoor sex work establishments, bylaw enforcement and police officers have been a growing, regular presence in their massage parlours, body-rub parlours or strip clubs (Kelly [London]; Guisella; Andrea; May; Julie; Jennifer; Contessa). May, for example, encountered belligerent municipal bylaw enforcement and police officers at her massage parlour five or six times within the span of a few months, rendering her fearful and anxious. Police also surveil hotels where sex workers work, terrifying sex workers and their clients (Taya; Veronica; Chelsea; Kelly [Toronto]). As Contessa described, “It makes you feel under glass.”

For sex workers who work on the street, unyielding police surveillance resulted in Leigh “always getting charged all the time; even when I wasn't working. I'd just walk down the street, and the cops would notice me and they were familiar with me and they'd just charge me.” Similarly, constant police presence in tourist areas where D worked led to multiple tickets and other charges against him. In Brandy's case, merely being in a public space meant being harassed and interrogated by the police:

“There was always law enforcement, always pulling us over, even if we were walking down the street. It was just the way we handled ourselves, I guess. We stood out, basically the way we dressed. **They were always harassing us, always asking us what we were doing out so late; asking if we were on drugs. They would pretty much stay around us. They were like owls; they would watch us constantly throughout the night.** If they seen us out, they had their eyes on us.”

As Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights shared: “They're constantly driving by, sticking their head out the window ... they'll stop you and say, ‘Oh, somebody in the area fits your description and they just burgled a house, or they just robbed from a store.’ They'll make something up, just to make something up. I don't even know if they're allowed to do that, but that's literally what they do. Then they'll want to search your bag and know who you are.” Amanda summed up, “There's a lot of police around. I call it police harassment and they call it monitoring, or social order. I mean now they're trying to say they're keeping women safe, but they're not actually keeping the women safe.”



Online, sex workers also expressed anxiety about being monitored by law enforcement, some of whom pose as clients and contact sex workers via their online advertisements. According to O, “sex workers, such as myself, that didn’t really feel policed before, now feel more policed. ... It’s this indirect big brother kind of imposing on my life, in this really crazy way ... It’s not as though I’m having more direct contact with law enforcement, it’s almost more indirect contact with law enforcement. I feel like I’m being policed somehow in this mysterious way, from a location I can’t find. It’s creepy as hell.” For Ella, “[law enforcement surveillance has] made me nervous to put myself online. Just police looking at websites and looking at ads. I haven’t put up any ads since Backpage. I’ve just been scrounging off my few regulars. It makes me nervous.” This online surveillance has had implications for some sex workers’ geographic mobility. Contessa’s social media presence, for example, led border patrol authorities to detain her while she was attempting to visit the U.S.: “I try to remove a lot of my social media, but still, some stuff came up, and because I’m pretty open, I guess they connected to my sex work.”

Beyond their own online presence, several sex workers reported how their identities — and sometimes those of their families or other loved ones — were in law enforcement databases even if they did not have previous criminal charges, enabling law enforcement to more aggressively monitor them for perceived infractions. (Andrea; Guisella; Brandy) As Kelly (London) recalled, “I was talking to a cop who works with sex workers now and she told me that they can have a file on you at the police department, but not be a criminal. They could be investigating you and you wouldn’t even know it.” According to Paige, who was charged with human trafficking (charges that were ultimately dropped), “the police had years of footage of me working, they had voice recordings, they had video surveillance inside rooms that I was working in ... they said they do watch certain people. I don’t know the reason why. And they tried to pull that off as evidence. If they can’t get me for this, they want

to get me for something else, for working. But that was thrown away in court, they weren’t allowed to use that in evidence, but they tried to bring that up. They had evidence of me working. They had voice recordings; it was almost like a TV series.”

Notably, some sex workers felt like they had also been “branded” and therefore subject to intense scrutiny when they are in public spaces. As Guisella elaborated, “When you’re in London, it’s such a small town that you’re basically branded, so even if you have or haven’t done anything wrong, they’ll just make a notation on your file that you’ve been seen at ‘X’ place. So now you’re kind of branded, even if you weren’t engaging in any type of sex work. They just suspect it; they’ll brand you.” According to Brandy, an Indigenous sex worker, “It’s not a day thing, it’s an evening thing. If I were to go stand on [certain downtown streets]; those are the three main places where if a girl is walking by herself, or even with two or three girls, it’s just like a red flag for them. Even if I wasn’t a sex worker, they would still harass me, because of my colour.”

As chronicled in greater detail below, such surveillance has had hugely negative impacts on sex workers’ ability to earn income, their physical safety, mental health, family life, mobility and other or future employment: all aspects of their lives that sex workers report greatly overlap and intersect. For example, several sex workers interviewed for this project have criminal records, both prior to and after the passage of the PCEPA, which can have significant implications for one’s income, mental health, family life, mobility and other employment. Correlatively, reduced income can have severe ramifications for physical and mental health, family life, mobility, education and other or future employment. Attacks on one’s safety also affect one’s mental health and family life (among other things), as does the loss of child custody. Although the impacts of law enforcement encounters are organized by category below, sex workers reported the intersecting and overlapping nature of the various impacts on their lives.

UNIVERSALLY, SEX WORKERS INTERVIEWED FOR THIS PROJECT DESCRIBED INCREASINGLY PERVASIVE, UNSOUGHT AND DISPROPORTIONATE SURVEILLANCE FROM LAW ENFORCEMENT, WHO EMPLOY AN ARRAY OF LAWS (CRIMINAL, IMMIGRATION, HUMAN TRAFFICKING, MUNICIPAL AND OTHERS) TO SCRUTINIZE, MONITOR, INTERROGATE, HARASS, DETAIN, TICKET AND/OR ARREST SEX WORKERS.



FINANCIAL

Almost all sex workers interviewed for the project described the negative financial impacts of their encounters with law enforcement, which **affected their ability to support themselves and their loved ones**. Sometimes, the financial impacts were immediate (i.e. in the form of municipal tickets ranging from \$100 [Julie] to \$600 [Julie, for locking door] or a lost client, who had been frightened away or detained by law enforcement [Kelly (London); Chrissy; Josie Lee; Guisella; Veronica; Kelly (Toronto); KI Tracy Gregory]). In Veronica's experience working in a Toronto massage parlour, not only did the police fine her, but they also confiscated workers' belongings, including their money: "[the police] would take everybody's money and people's purses ... They took my money a couple of times; took my whole purse. You had to have a license up there, so if you didn't have a license, they could take everything in your purse apparently, they said, this is what their claim was. They could take all the money you had on you that you already made ... so, yeah, they definitely got a good \$500 or \$600 out of me each time." Frequently, law enforcement seized money and other assets from migrant sex workers, which was not returned (KI Elene Lam). Kelly (Toronto) also reported how police presence at her workplace resulted in lost livelihood, which consequently left her stranded without transport or shelter: "That night we didn't get to make money, and then we also had to pay for a taxi to get out of the area. ... we had plans to stay [at the hotel] in Toronto to work, but then we can't stay there, because the cops scared us out, and to get home to places like Hamilton is not easy or cheap."

Sex workers report that, often, **the negative financial consequences of law enforcement surveillance last long after officers leave**. According to O, "It really affected your business. Basically, okay, I'm not making any more money today. Even if clients came in after, I don't feel like working now. I feel like it was quite intentional to ruin everyone's night." Similarly, Ella described how bylaw inspections put "everyone on edge for the rest of the day. You just start thinking that they're across the street watching us. All the girls that leave, we don't come back for an hour; and we'll lock the doors for a while and not let clients in." For May, after repeated inspections of her spa by hostile law enforcement officers, some of her clients did not return and her business declined by 30% as a result. As Julie described, fewer clients also means clients demand more services for less money. The financial implications are incredibly severe, as Kelly (London) elucidated:

““ Yeah, if I can't work I make less money, and if I make less money, it makes it harder — I've got to supplement my income somehow. I've had to resort to going onto Ontario Works. And I've never wanted to do that in my life. You think I want to sit around on the system and have someone tell me what to do? No. I like being financially independent. Now that I've had my family, I work less. I might work once or twice a week and that's it, because I'm always paranoid — is a cop going to put me in jail, or do something to me and I'm never going to see my kid again. ””

Among sex workers working on the street, conspicuous police presence has also meant lost income. According to Leigh, "If cops are out there ... it's not a good environment for you to catch a date." Or, as Patty put it, "It messes the whole night up because if they're going to sit there all night, we'll go down the street, but of course, they follow. So we go home, no money." This has extensive, negative consequences, especially for sex workers living in poverty. As Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights summed up, "It affects [sex workers'] income generation ... We're not going to get constant clientele when the cops are around. They want to put our clients in jail. So it affects us greatly. It affects our income greatly. And then **because it affects our financial, it affects all other aspects of our life, right? It affects our basic needs like shelter, food, clothing, love ... all that stuff, it's affecting, because we don't have the money to buy it, or we have less money.**"

Moreover, **when sex workers are criminally charged and must attend court or face incarceration, their income and other important aspects of their life, such as education, are at risk**. According to Kelly (Toronto), who was charged with assault with a weapon after defending herself from a violent assailant, "It affects me because I work and I'm in school, and court is never on the weekend, so it's always during the weekday. I do try to focus on my studies and my working, but now I have to take time off." Strategies that sex workers employ to evade law enforcement also have financial implications. After being brutally assaulted by police while on her way to meet a client, Brandy described the impact on her ability to work: "I'm



not constantly on the go with calls; it's like if I'm not feeling up to it or I'm having an off day, I won't even take any calls; I'll brush everybody off. I keep the ones that I click with, but right now I'm dealing with trying to be as discreet as possible, when it comes to this line of work."

Sex workers reported that these negative financial consequences seriously affected all other essential aspects of their lives, such as housing, childcare and safety. A number of sex workers described how it also affected their ability to care for others. Julie Baumann of SafeSpace, for example, shared the experience of a sex worker who had been confronted by an undercover police officer posing as client; she told the officer: "Yeah, I have an eight-year-old son, I'm supporting us and you're wasting my time." According to Patty, "It impacts a big deal, I can't proceed with my work. I can't make money to pay bills or buy food, or take care of my cat." Veronica also reported: "My main source of income was this. My child's ... daycare, things like that, were paid for through this, so if I'm not working, we're all screwed."

Moreover, the limited, alternative sources of income proffered by law enforcement and others to sex workers fail to meaningfully meet their economic needs, as exemplified by the experience of a sex worker Julie Baumann knew. As Julie described:

“[The police officer] was really touched by her and really intended to do the best he could to support her. But what happened was, he'd follow her around, he'd pop in here, he'd see her there ... 'You've got to stop dancing; you're too good for this.' That's such a common thing: 'you're too good for this; you're better than this.' To me, it sends a message: if you can't get out of it, then you're actually not better. It's a toxic message to preach that.

“So she's like, 'Oh, okay.' And then tries to get out, but then ... so she's supporting her daughter, her granddaughter, herself and she's like, 'I don't get it. What are you offering me? I can't survive without doing this, and you're giving me no other option.' And this went on for a couple of years, and finally she was like, 'You know what? You've got to leave me alone.' And we watched her go through stages ... watching

as an outsider ... it's just inappropriate. It's kind of a weird mind game. She had quit dancing and she was going to be this, and she got this job at a grocery store because all of these things, according to him, were such better things. I don't know. And like, to me, it's like, 'Okay. You're better than being a stripper who makes a certain amount for a living that you can survive on, but you're not better because you're working at a grocery store.' It's just that morality policing, you know? **And it put her in a really precarious situation over that couple of years where she was trying to figure out ... where she was trying to take his guidance, but he actually didn't offer her anything tangible, except the weird moral policing kind of thing.**”

As noted in the discussion of human trafficking above, many programs also require sex workers to identify as “victims” of human trafficking in order to qualify for assistance, alienating many sex workers who do not identify this way or who do not wish to “exit” sex work.

SEX WORKERS REPORTED THAT THESE NEGATIVE FINANCIAL CONSEQUENCES SERIOUSLY AFFECTED ALL OTHER ESSENTIAL ASPECTS OF THEIR LIVES, SUCH AS HOUSING, CHILDCARE AND SAFETY.



SAFETY

A number of sex workers described the impacts of encounters with law enforcement on their safety. **In some cases, law enforcement officers were the direct and immediate source of safety violations.** As discussed above, several sex workers reported having been personally physically or sexually assaulted by law enforcement with apparent impunity (Veronica, grabbed by police officer; Julie, asked by police to lift up her dress; D, assaulted by a police officer while being detained) and some sex workers described being aware of other sex workers' assault at the hands of law enforcement (Paige). **When law enforcement approach sex workers in or outside the context of their work, sex workers' safety is also threatened.** As Tracy Gregory of SWANS described:

“When a police officer approaches [sex workers] when they're working, they do not feel safe, for many reasons. They do not feel safe in that moment. It's a threat. Police have been a threat in the sex work community for as long as I have known. And to have a police officer approach you or call you by name is a threat. It's a threat to you personally; it's a threat to your ability to make money in that moment. If there's a situation where a woman is working for somebody, or if somebody is imposing themselves in that woman's life at that time, and are approached by police ... that could cause problems for her, in lots of ways, after. Police in women's lives, especially when they're working, is a threat.

“Women have told me about situations — just walking down the street, they're known to police as sex workers working outdoors and they're walking home from the library with their books ... they're not working in that moment. Their defences are not up around their identity as working, they're in a different place, in that moment and police are driving along and calling them out by name and asking them what they're doing on the street ... In that moment, that's a threat to her; to her identity, as somebody other than her sex work identity, in that moment. If she happens to be with someone who would

think it's a problem that she is identified by police, those would be implications, there could be so many [implications] if they see her approached by police, or called out by police. There's a threat to her physical safety.”

Sex workers and key informants also described how law enforcement presence can lead to sex workers' isolation, increasing their risk of exploitation and abuse. For example, Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights explained how constant police harassment has led some sex workers who can no longer work independently in public spaces to work for exploitative third parties: “[I]t has caused a lot of women to ... start working for people that they don't know.” As Elene Lam of Butterfly also reported: “When you're in the same working place, it's not safe to tell other people about what you are doing, right? So then isolation means they cannot share the information, they cannot share the support because of the fear that this increases their risk ... They have lesser resources and lesser support. And it endangers their safety, especially with coworkers, and also they are not able to share with service providers.”

Moreover, as has been well documented elsewhere,³⁵ the criminalization of clients and the resulting policing of public spaces for sex work has scared clients who consequently request to meet in more isolated locations; it has also displaced sex workers from familiar, more central areas, which they perceive to be safer (Josie Lee; Veronica). As several sex workers reported, geographical and social isolation made them feel more vulnerable to perceived risks of violence from predators. According to April, meeting clients in industrial areas “puts me at risk, too, because if it's a psychopath I could end up dead, and nobody would hear my screams.” Similarly, Guisella shared:

“I certainly don't want to meet anybody in an alleyway, or even have the conversation to know if I want to get in his car or not in the back of an alleyway, because if I don't agree, who's to see if he just pulls you in and says 'too bad.' He might not be as brazen when you're out in the middle of a street corner where there are other cars and businesses and people walking by, and be able to intervene. So it just makes it much harder and a lot more dangerous.”



More broadly, clients may opt to meet sex workers in different venues to reduce their chances of police detection, thus depriving some sex workers of regular clients. As Taya described, “the pool [of good clients] has gotten smaller and smaller ... because the ones that were decent generally have families and good jobs, or lives that will be compromised by a charge like that,” while certain other clients “aren’t as intimidated by law enforcement, which can sometimes tend to be less nice people.” Guisella echoed this concern: “I think that, just the heavy police presence makes it easier for the more dangerous clients to operate and less safe for the girls.” Many sex workers reported that the criminalization of sex work and/or immigration restrictions on sex work, in addition to previous encounters with law enforcement, have made sex workers and management reluctant to call police even when there is an assault or other threat to safety at work (Julie; Jennifer). This issue, and its ramifications for sex workers’ safety, is further documented below.

MENTAL HEALTH

Almost all of the sex workers interviewed for the project indicated that encounters with law enforcement had negative impacts on their mental health, **ranking from feelings of trauma (Brandy) to stress and fear of returning to work (Contessa; May; Josie Lee; Veronica; Ella), and from anxiety about sudden law enforcement intrusion (O) to paranoia of being surveilled (Kelly [London]).** After police approached Kelly (Toronto) with their guns drawn, claiming to be investigating a domestic violence complaint, Kelly was naturally unsettled: “[W]e were really shaken up, but at the same time that just caught us off guard. We just acted confused, because nobody did anything that night. After that, we just left [the] hotel, we didn’t want to stay there anymore. After being terrified, by their guns.” According to Kelly (London), “[the police] basically have turned me paranoid, and I have never in the 10 years I’ve worked this industry, have felt paranoid.”

For Brandy, aggressive surveillance and a physical assault by police officers severely affected her mental health — a form of psychological violence with lasting consequences:

“I’ve had really bad anxiety. I picked up PTSD really bad, after this beating. Like everything that I have gone through, working in this kind of industry, when something bad happens or traumatizing happens or something you can’t wrap

your mind around, you bury it. You don’t try to deal with it at the time, because it sets you back, when you can be out making money. That’s where the drugs came in, where they were helpful. Staying intoxicated was useful; it kept me numb. ... It’s the first thing I think about all the time. It’s on my mind all the time.

“I have anxiety when I’m out; that’s why I choose not to go out at night, just because my anxiety is too strong to work in the evenings now, and it’s not the same. ... it sets in the PTSD, it sets in the anxiety where I’m constantly [in fear]. My partner still doesn’t understand and I can’t tell him why I fear law enforcement. ... Ever since then he’s noticed that, when I see cops, my anxiety kicks in right away and I go through a panic attack, or I’ll grab his hand, or I’ll call him right away; I’m by myself and I see a cop, because I’m constantly scared that they’re going to pull me over. And I’m always fearing the worst.”

Jennifer, who was violently handcuffed by law enforcement investigating immigration infractions at her in-call workplace, subsequently experienced “a strong fear of law enforcement because I only have permanent resident status and I’m not a Canadian citizen, so I can lose my permanent resident status. So I still feel very anxious. I continue to have fear.” And after persistent harassment by law enforcement at her spa, May described the longer-term psychological consequences: “I could not sleep, and did not have energy and it affected my mental health. I lost staff. I lost a lot of business. I also needed to leave my work early because I was very tired because I could not sleep. I did not have energy. I always wanted to lie down.”

In addition to the inherent harms of the above mental health impacts, fear and anxiety in relation to law enforcement have obvious implications for sex workers’ ability to approach law enforcement in times of actual need. As discussed in depth below, the majority of sex workers interviewed for this report would not seek assistance from law enforcement when they experience state or non-state abuse — an outcome that increases their risk of actual exploitation and abuse.



“OUTED” AND STIGMATIZED

Given the stigma associated with sex work, numerous sex workers described their fear of being “outed” as sex workers as a result of law enforcement encounters (Contessa; Julie; Chelsea; Andrea) — a fear that actually materialized for some. In some cases, law enforcement disclosed their legal names (May; Patty; Josie Lee; Kelly [Toronto]; D; Veronica). For Taya, being publicly shamed as a sex worker by police “was embarrassing ... there was a lot of people out in that part, the east end, there’s a lot of other working women and a lot of other folks that know the lifestyle so they can put it together pretty easily what’s going on there — and by no means am I ashamed of the work that I do, but I also don’t feel the need to publicize it while I’m doing it or have spectators.” According to O, “I’ve had police shout my real name ... They wouldn’t even think that would be a thing, right? Because they’ve never had ... experiences where they had to conceal their identity, because their job is so legitimate in society. ‘I’m a cop.’ You can tell anyone.”

In addition to the stigma associated with being “outed,” sex workers also described its impact on their work. For Chelsea, who also works as an outreach worker, “If I’m working with somebody downtown and I’m the advocate in the situation, where they’re having an interaction with police, and it’s the same [officer I’ve encountered in the context of sex work] ... Fuck. ... [The officer] would tell his colleagues, he could call my boss if he wanted ... I wouldn’t have any control over that information anymore. And johns don’t want people to know, other people I work with don’t want people to know, but that guy doesn’t give a shit; the cop, he doesn’t care.” As Josie Lee described, “[I]f [other people] see cops talking to me and it’s my legal name ... [t]hat’s not cool for anything. Because they may think I’m in trouble, that I’m doing something illegal, that I’m telling stories on other people.”

Being “outed” also has implications on family life. According to Elene Lam of Butterfly, “some cases, women who have documents will still be taken away to the immigration office/detention center, so that they may request their family come here, and sometimes they ‘out’ the worker because they suspect that family member or the husband is a trafficker, so they may ‘out’ them: ‘Your wife is in sex industry.’ I think this is very problematic, even if some of them are being released in the end — it creates trauma to the people, and also makes people become very vulnerable.” The police also informed Paige’s family about her work: “That was hard, because they don’t know what I do, so they are now in the open. Contacting family, I didn’t know that it was allowed to happen, and my family has to go through this idea of me working and not telling them, so that’s hard.” Being “outed” also has implications for child custody. As Brandy explained, this has resulted in “people calling in and saying, ‘She’s prostituting; she’s not safe around her own kids.’ My ex’s family still thinks that I’m doing what I do, but they have no proof. And it’s my word against everybody else’s over trying to prove myself of being a fit person and not being judged ...”

Given the impacts of being “outed,” some sex workers described the way in which they mitigated this risk. According to Andrea, “I didn’t want anyone knowing I was [at a strip club], period. I went there because there was no licensing — I didn’t want any record of what it was that I was doing, just in life, period, because of the stigma and all.” As Chelsea also explained, “It made me feel like I needed to be a little bit more careful about the dates I take; not just because I don’t want to get arrested, but because more, in my professional life, if that cop sits on a committee with me or something ... I don’t need to be known to the police in that context.”

ALMOST ALL OF THE SEX WORKERS INTERVIEWED FOR THE PROJECT INDICATED THAT ENCOUNTERS WITH LAW ENFORCEMENT HAD NEGATIVE IMPACTS ON THEIR MENTAL HEALTH.



WORKPLACE EVICTION

As a result of law enforcement sweeps, several sex workers reported losing access to their indoor workplace, which had implications for their income, mental health and safety. In Jennifer's case, after police and immigration officers raided her workplace, the landlord evicted them: "I know the place shut down immediately after, because the landlord stopped renting it to the workers. I don't know whether it was the police or immigration officers who told the landlord to stop renting the place to the workers." As Elene Lam of Butterfly elaborated, "Sometimes even when there is no legal consequence after the investigation, because so many law enforcement come in ... the neighbours will find that, 'Oh, what happened? Is it something bad or organized crime near my place?' So then, they may inform management, they may inform the owner, so that we can see, actually, sex workers are being kicked out from their working place. So it's very common, you see, after the raid, the place is shut down because they are not allowed to work at that place anymore."

Veronica was banned from certain hotels after police entered her hotel room under the guise of investigating human trafficking: "I've been banned from a couple of hotels because of it, though, because the hotels would be pissed. You keep it pretty low-key; as long as you're not doing back-to-back johns coming in, the hotels don't always know what you're doing. Well, they sure do now, and I'm sure [the police] alert the front desk as well." Similarly, Brandy described how "the actual desk people were calling in — they were calling the police on us. What they started doing is, if they see you walking into a hotel, like especially here, they question you the second they see you walking in. If they don't recognize you, they'll ask you where you're going. To me, every time I've been in a situation, I'm like, 'Well, I'm going to see a friend.' 'Well, who's that friend?' And if you don't have the proper information to get to that room, then they end up calling the police." Even when sex workers did not experience this firsthand, workplace eviction was reported as a concern. According to O, "the more attention you get, the more chance that someone is going to have a problem with something that you're doing, and it's going to cause complications. Such as law enforcement showing up, landlords potentially evicting me, thus completely derailing my source of income."

The impacts on sex workers are wide-ranging, from loss of income (and the attendant inability to support oneself and one's family) to negative effects on mental health and isolation. Kelly (Toronto), for example, described the repercussions of a

2016 raid on her hotel: "I pay for the hotel room, it's not like I'm getting it for free ... [after the raid] I checked out probably a half an hour after; I packed up everything in my room ... I felt so violated." Furthermore, as Elene Lam of Butterfly reported: "Because their place is being shut down, they need to move to more remote areas, and then they don't have any connection; they are more isolated; they have more risk of being exploited, and experiencing violence ... the people don't allow them to go out because they are more visible. That will increase their visibility to the neighbours, so that it often makes them have more risk that the neighbour will call the police or the neighbour will call the management to take them away."

GEOGRAPHIC MOBILITY

A number of sex workers and key informants described the negative impact of law enforcement encounters on sex workers' geographic mobility — locally and beyond. Some sex workers were given tickets or sentences with conditions restricting their ability to be in, and consequently work in, certain neighbourhoods. D, for example, was ticketed for loitering and banned from a tourist area in Ottawa: "I got barred from the Market. I had to sign a waiver." Veronica was banned "from four-square (blocks) and this went on until court, and finally I was allowed down there again." Sex workers' mobility was also limited by state-imposed curfews. Patty, for example, received a conditional sentence with a curfew from 9:00 p.m. to 6:00 a.m. "so that fucked me up ... I would still go out to work, different wigs or different location." Given the challenges of working under such conditions, both Patty and Veronica were charged with breach of condition while working during the curfew and in the prohibited neighbourhood, respectively. A number of the key informants also described their observations of sex workers being displaced or physically zoned out of certain areas (KI Amanda Jabbour; KI Tracy Gregory, pre-2014). As Julie Baumann of SafeSpace recounted, "women were getting zoned out of where they live, and have lived longer than all these people who just come in and [have] taken over."

After being documented as sex workers in law enforcement databases and/or previously harassed by border control agents for sex work, sex workers also reported being banned from the United States (Contessa; Paige). Even if they had not personally experienced this, sex workers expressed a fear of this materializing, a factor that compelled them to mitigate the risk of law enforcement contact. As Kelly (London) described after experiencing a 2016 raid in her hotel: "It made it harder ...



It just put me in a place where I felt like, this could happen again. What if I actually do get arrested? What if charges do stick and then I'm stuck with a record ... I'll never be able to cross the border again, my family will never look at me the same — all these things running through my head.”

When sex workers' geographic mobility is limited, this has implications for their access to services (e.g. when they are restricted from certain neighbourhoods where essential social, health and harm reduction services are located, including sex worker organizations). According to Julie Baumann, “zoning people from their neighbourhoods or their communities — it's where all the social services were. Women were zoned out of where they lived and all their support, which put them in danger of so many things ... Women used to get zoned for working the streets ... I would be out and about, grabbing lunch with my mom or something, and I'd see someone and say, 'Oh my god, where have you been?' That's how we would find out about them. And they'd say 'I've been zoned.’” Similarly, Taya observed of other sex workers who had been “red zoned”: “[I]f [sex workers] get charged for anything, they zone them from areas. So if they get charged for having drug possession or anything like that, or any other type of crime, but they know that they're working in this specific area, they will zone them out; they're not allowed to be in that area, and if they are in that area they get arrested just for being present. Which causes all sorts of problems because oftentimes the areas they get zoned out of are areas where the shelters are, where all the services are.” Limitations on sex workers' geographic mobility also hamper their ability to seek work opportunities or additional and adequate remuneration, in their own municipal residence or beyond borders.

OTHER AND/OR FUTURE EMPLOYMENT

Some sex workers described the way in which law enforcement encounters could negatively affect other employment outside the sex industry. For Paige, who has previous sex work-related criminal charges and is pursuing a master's degree and an eventual social services career, “It's really hard when I do a vulnerable sector screening³⁶ ... [which is required] when you try to do anything in health care or social work ... I got refused once because I really wanted to do health care, I wanted to do nursing ... so I had to do the screening, and [my criminal record] showed up.” Similarly, Kelly (Toronto), who at the time of the interview had unresolved criminal charges, said: “It does really affect me because I want to be a nurse ... working in the helping sector, which works closely with police. I don't think hospitals will hire you.” Sex workers

also continue to be negatively affected by charges that preceded the passage of the PCEPA. According to Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights: “I have a girlfriend who was charged back in [the 2012] sting ... and she's still trying to get her son back, and it's been how many years later. She's trying to get custody of her son, trying to get jobs and stuff, but she'll always have that on her record, and she doesn't even do sex work anymore. These laws are still affecting people today; even though it was before 2014, it's still affecting us.”

Given the potential impact of law enforcement contact for other and/or future employment, sex workers also described the manner in which they mitigated this risk. Chelsea, for example, who is also employed as an outreach worker, which requires her in some contexts to meet with police, said, “because of the work I do, I don't like police, so I try to avoid them ... in my professional life, if that cop sits on a committee with me or something ... I don't need to be known to the police in that context.” To reduce the risk of encountering law enforcement while doing sex work, Chelsea no longer sees new clients, only seeing “the regulars that I've had for years now” and also meets them in less visible locations (e.g. residential neighbourhoods) where she feels she has less chance of running into police.

FAMILY LIFE

Several sex workers and key informants discussed their concerns about how interactions with law enforcement have affected — or could affect — custody of their children. According to Veronica, “Child protection is a concern. I've already had people threaten me with that. As long as I know my son is cared for and I'm not bringing johns into my house, there's nothing illegal with what I'm doing. I've had Children's Aid workers threaten me with this; I've had neighbours. You know how they act — so pretentious, and my son is cared for at this time.” Similarly, Kelly (London) provided: “I've heard scenarios where they found out you're in the adult industry and take your kid.” Thankfully, Kelly had “never been in that situation, where child protective services has had to come to my house and say 'Hey, listen, we found out that you're doing this and we have to take your kid away' — because in the long run, I know that they can't, but in some ways they can if they think that there is harm to the child ... It's not like I bring my work home. I would never, ever let him know what my business is.” And as noted above, Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights recalled “a girlfriend who was charged back in [the 2012] sting ... and she's still trying to get her son back, and it's been how many years later.” O, who was pregnant at the time of the interview, also shared:



“The first thing I did when I got pregnant was call my friend who is a social worker for Children’s Aid Society to ask her if my kid could get taken away because I’m a sex worker, because I’m so out; my face is online. Even if I don’t disclose to other parents that my kid goes to school with, it’s inevitable that it would come out eventually, so I was curious if ... my job alone would be enough for me to potentially lose custody. She said, ‘Make sure you never work out of your house, and you never bring your kid to work with you.’ Which I still see as problematic, because what I do is make people feel good. And my clients are lovely and work is a great time.”

Some sex workers’ fears were heightened after observing how their sex working colleagues with children had been treated by child protection authorities. Guisella, for example, shared “I’ve seen it happen to a friend, they are sex workers and then they have some type of altercation with police and then you have ... Children’s Aid Society giving them a call, saying ‘Hey, we were informed by police that this is what is going on. We need to come and see that everything is okay’ ... Anytime that I have altercations with police, I always get super nervous as to what the outcome’s going to be, beyond what I’m doing. So even if I can’t be charged criminally for anything that I’m doing, there’s always that feeling of ‘Oh, what are the repercussions of this now.’” Other sex workers, like Brandy, had firsthand experience with child protection authorities. As Brandy described:

FOR SOME MIGRANT SEX WORKERS, ISOLATION FROM THEIR FAMILY IS A NECESSARY MEASURE THAT SEX WORKERS TAKE TO PROTECT THEIR FAMILIES.

“My biggest scare was being charged with prostitution, my whole life. Because I’ve had Children’s Aid after me for prostitution, I’ve had people call in on me all the time. ... With my kids, I’ve been dealing with Children’s Aid, in that situation for over 10 years ... It was neighbours; it was other girls that I would do something to piss them off. Or it was the family calling me out to rat me out all the time. It just got to the point where I had no choice, like my voice wasn’t enough for Children’s Aid. They were always at my door saying, ‘You know what? We got a call saying that you were prostituting, or you’re on drugs.’ The harassment got so bad that my only protection for my kids, so they wouldn’t end up in care, was to give them to my ex’s family.”

Elene Lam of Butterfly also described a member’s experience with her child’s school: “[W]e have a woman, she has got a body-rub license, so when her children try to enter a very good school, they identified her; she is a body rubber and rejected her son from studying at the school, because they think that the mother is working in the sex industry and not a good person, so they will not take them.”

For some migrant sex workers, isolation from their family is a necessary measure that sex workers take to protect their families. According to Elene Lam, “The other thing is that some of them avoid contact with their family, so that their family won’t get into trouble. So they may move out from their family, trying not to contact their family, so that if they have trouble ... The women isolate [themselves] from their family, because they don’t want their family members to get in trouble, so if they are harassed or detained their family won’t be affected.” Not only does isolation from one’s family and community have negative effects on mental health, but it cuts sex workers off from their support networks and can increase their risk of exploitation and other abuse.

In addition to the potential impacts on child custody, sex workers’ encounters with law enforcement can impede sex workers’ ability to support their children (KI Julie Baumann; Veronica). For example, Veronica indicated: “My main source of income was this. My child’s ... daycare, things like that were paid for through this, so if I’m not working, we’re all screwed.”



When sex workers also get deported, immigration law advocate Macdonald Scott explained, “deportation ... we treat it as a regulatory situation, as a minor thing, but it screws up a person’s life. Particularly a lot of these women have children or they have families that they’re supporting back home, or both, and that monetary situation is gone.”

IMMIGRATION DETENTION AND DEPORTATION

As discussed above, immigration regulations prohibit everyone without Canadian citizenship or permanent resident status from working in the sex industry; those found in contravention of these regulations are subject to detention and potential deportation, an outcome that key informant Elene Lam has observed on numerous occasions. Even when a contravention of the regulations prohibiting migrant sex work is not the ultimate basis of a sex worker’s deportation, law enforcement may refer to these regulations to justify their surveillance and detention of migrant sex workers, and sex workers also fear law enforcement for this reason. According to Jennifer, a migrant sex worker, when police and immigration officers raided an indoor sex work establishment, she was terrified of the immigration implications:

““Because I didn’t have a permanent resident card, I was really afraid. If I had documents, I may have complained about the way they treated us. They took two of the women away to an immigration centre. It happened during a holiday so no one was working and they were detained for about two weeks. After that, they were deported. The immigration authorities made the workers buy their own planet ticket and deported them to Asia. ... After that, many girls were afraid to work.””

Elene Lam of Butterfly explained how migrant sex workers are treated during detention:

““Often they are locked up, they are being chained up; some women feel like they are being treated as a murderer ... When they are being questioned, there is also the issue — they may be informed they have a right to keep silent ... But during detention, when you don’t have anything ... detention time may be longer, and also the immigration officer may pressure you to talk.”

““Sometimes there may be victim support who may be the police themselves, but they don’t tell the women ... they are police, and they make the women think they are coming to help them. But when [the women] make a statement, actually the statement is being used against them ... by immigration law or criminal law. And their rights are not being protected.””

Elene also elaborated on the way in which the immigration detention and deportation process varies, depending on the city in which a person is detained: “Some cities have immigration detention centres so that they will have more rights, so they can make phone calls ... they are more able to get visits, for example you can get visitors every day. But in some cities, they don’t have any immigration facility so they may be temporarily detained in the police station. So we have a woman, she was woken up every half hour, during detention in a police station. They may also be detained in prison so they are treated as a criminal. So they are not able to make phone calls, or it is very difficult to make phone calls and in many facilities they don’t have any interpretation service, so they don’t know about their rights. And in some cases, their phone is being seized because they are in a criminal matter, so they cannot access their phone book, they cannot make any phone calls and they cannot contact anyone. No interpretation service; they cannot communicate with anyone, so it has created huge trauma.” Elene further indicated that migrant sex workers are rarely released on bail: “It’s very difficult to get bail ... because sex work is treated differently from other occupations. So it’s very common, if people work in restaurants, if they work in laundry ... even if they work illegally in Canada, they can get bail, but for the migrant sex workers, it’s very difficult because they are seen as trafficking victims: ‘I want to protect you so I must detain you.’”

As immigration law advocate Macdonald Scott explained:

““The way that immigration detention works is that it becomes a stick to force the woman to basically agree to leave. Unfortunately I’ve had a lot of clients where I’ve had to negotiate their release so they could just pack their bags and leave, because they just don’t want to be in those detention centres any longer.””



The broader consequences of immigration detention and deportation are far-reaching, with repercussions on sex workers' ability to meet their and their families' economic needs, their mental health, safety and security, autonomy, geographic mobility, and family life. According to Elene Lam, **“Many people are concerned about sex workers experiencing trauma in the sex industry. But I think, especially in the last few years, we find that so many women are being traumatized by the whole detention process, whether they are released or deported after that.** If a woman expresses that they have medical need, or a psychological need ... especially if they need mental health support, they may be detained individually, so they may only be in contact with people 20 minutes a day ... it's really, seriously harmful to their well-being.” Macdonald Scott also described the longer-term impacts of deportation:

““ They're usually getting evicted ... you're only allowed to carry two suitcases with you when you're deported, so they're losing possessions. These women are supporting families at the other end of the world through remittances. That gets cut off and the family has the impact. Sometimes they're being separated from their kids while they're being detained, and they're having to make the choice for their kids whether their kids stay here, either in Children's Aid Society or somewhere else into custody, or they go with them. ””

In addition, “Sometimes they've had to pay an agency to come over here; they owe that agency money and go back to having that huge outstanding debt. ... [O]r they may face persecution in their country of origin. ... [E]ven though immigration is not supposed to let a country know that the person is being deported back, [local authorities] often find out and there's often discrimination or persecution on the basis of being a deportee. I mean, it screws up your life. It has a huge impact on your family and your life.”

As discussed below, the means by which migrant sex workers mitigate the prospect of encountering immigration authorities also has serious consequences: by avoiding law enforcement who could lead to their detention and deportation, even in circumstances when law enforcement may be of assistance, migrant sex workers face increased risks of exploitation, violence and other abuse.

SAFER SEX

Some sex workers and key informants described how law enforcement inspections made it more challenging to practice safer sex by discouraging obvious condom use, since this could be an indicator of sex work happening on the premises. O, for example, shared how “that was a pretty major concern that was brought up by owners, of don't have condoms in your bag.” Contessa also highlighted how “that was actually something that was brought up as a huge concern brought up by the owners: don't have condoms in your (personal) bag, because then the idea was that the cop would assume that you were providing sexual services at work.” This led sex workers at her massage parlour to hide condoms, and as Contessa elaborated, she was also vigilant about telling other sex workers not to “leave any condoms in the waste paper basket, or wrappers, so all that. The condoms are hidden in the office.”

Beyond the discovery of condoms during workplace inspections, law enforcement who pose as clients also impede sex workers' ability to discuss safer sex practices upfront. As Elene Lam of Butterfly summed up: “I think law enforcement use evidence of condoms against the sex worker. ... Sex workers are not able to negotiate before providing the service because they don't know if [the person is] law enforcement, right? ... [Sex workers cannot discuss] what they don't want to do, what they want to charge. They may agree to do one thing but may not agree to do another, but they cannot negotiate before, so it leads to more conflict, and makes the women sometimes not get the money or do something that they don't want. So it really decreases their bargaining power, and that bargaining power affects their working condition, both with their owner or with the client.”



REPORTING ABUSE BY AND TO LAW ENFORCEMENT

WHEN SEX WORKERS EXPERIENCE LAW ENFORCEMENT ABUSE: PERCEPTION OF BEING ABLE TO MAKE A COMPLAINT

The majority of sex workers interviewed for the project stressed that they would not report abuse from law enforcement to police, especially if this abuse occurred in the context of their sex work. In some cases, this was based on their firsthand experiences of retaliation or a failure to adequately respond. May, for example, experienced relentless inspections, which she interpreted as retribution, after she complained to police following a campaign of harassment by bylaw enforcement and police officers at her massage parlour: “When I spoke to the police manager, they did not say anything. Instead, they returned to retaliate for making a complaint. I don’t believe police anymore. I have never experienced violence in my work, but I don’t trust police and law enforcement anymore.” When Monica Forrester of Maggie’s made a report to the police about a man who was physically threatening sex workers, the police did not follow up with her, claimed to have their hands tied and closed the case, after which Monica filed a complaint: “I wanted an investigation of why I wasn’t notified, there was no follow-up ... the internal investigation went on for about a month, and they did find the officer in charge ... But at the end of day, it did nothing. I was really disappointed. And I was more disappointed because this person is still probably living in that building. This person still hasn’t been caught, and is he going to reoffend? And how is this circumstance going to happen to other sex workers?”

Notably, two sex workers indicated that they might file a police complaint if they had more information about the process. After a severe beating by police officers while she was on her way to meet a client, Brandy did not file a complaint, though she believes she would have had she more information at the time. As she explained, “I would have then, if I would have known how, or that I could. Because I’m always trying to save myself. I’ve always got my guard up, and my walls up. I’ve seen so many girls around me get pinched and everything. It’s a scary feeling not understanding the whole outcome of what my rights are.” Following a series of negative experiences with the police, Kelly (Toronto) also expressed an interest in complaining about police behaviour, but indicated that she needed more information on how to do this. Sex workers with support networks were also motivated to complain about law enforcement abuse. As Paige shared: “I hold a lot of power through Maggie’s [Toronto sex work organization] and other organizations ... I’m going against the law, and it’s something that they’ve always wanted to do, so I get a lot of support letters from different organizations ... I’m going to go against them, whatever I have to do. If it’s going to take ten years, then I’ll do that. They’re going to be made accountable for what they’ve done. There’s got to be a strong voice in the community.” Despite taking this position, Paige also acknowledged why other sex workers would be reluctant to complain about police abuse: “There’s stigma, they’re sex workers, they’re people of colour, they’re marginalized, they’re Indigenous. These are all aspects that will go against them in court. A lot of them are scared. They’ve been assaulted already and have to go in front of more people in uniform after that.”



This sentiment was shared by many of the sex workers interviewed. Some sex workers felt they had little credibility in the eyes of the law, especially if they alleged harm perpetrated by law enforcement in the context of their work. As Leigh described,

“I know that it would be a fight that I would probably lose, because of who I am and what my background is and my record. I just won’t want to go up against that. And other times I’ve been not guilty, when it comes to communicate, but I still said I was guilty because I can’t fight against them. It’s my word against theirs. ... [N]obody’s going to believe me, they’ll believe the cops.”

As Patti summed up: “There’s no sense fighting or trying to take it to court or complaining or going to someone above their head because it’s not going to do anything. ... We’re prostitutes. We’re just another stat, we’re worthless ... even if I did make a formal complaint.”

A number of sex workers and key informants also described the prospect of unwanted consequences for complaining. For example, Kelly (London) believed that complaining would merely lead to revenge: “I was scared that if I complained I would have made it worse, so I just let it go. Usually people that complain are the people that get ... [bad] consequences. ... Like more cop involvement or making your whole life hell or you know, disrupting family life. Or letting it slip to a family member, ‘Oh, this is what your son/daughter does’ ... It’s wrong.” According to Julie Baumann of SafeSpace: “[I]t’s not safe. There’s obviously a camaraderie among the police and they’re in incredible positions of power. As a woman who just experienced an abuse, there’s a fear if they report it there might be more retaliation or there would be no support for you.” Similarly, as Tracy Gregory of SWANS described, “[W]omen who I know who have had verbal harassment where police have been driving up and down the street honking their horn at her, ‘Get off the street!’ and that kind of shit, they will not file a complaint because of the potential implications that she sees for herself and her own life with police, moving forward. Just trying to remain as off the radar of police as possible. ‘If I lay a complaint, it will just put a spotlight on me when I try to work.’”

IN PARTICULAR, COMPLAINING ABOUT LAW ENFORCEMENT ABUSE WAS DESCRIBED BY MIGRANT SEX WORKERS AS UNHELPFUL BECAUSE OF THE LIKELIHOOD THAT POLICE MAY THEN INVESTIGATE THE PEOPLE IN THEIR LIVES FOR HUMAN TRAFFICKING OR IMMIGRATION AUTHORITIES MAY DETAIN AND DEPORT THEM FOR WORKING IN THE SEX INDUSTRY.

In Julie’s case, not only did she describe a futility in complaining about law enforcement abuse, but she stressed the need to cooperate in case of retaliation. As she noted, colleagues told her that in the eyes of law enforcement, sex workers could not do “anything worse” and therefore needed to “behave nicely” when confronted by law enforcement. According to Julie, “If I fight back, I will get worse results and I can never win.”

In particular, complaining about law enforcement abuse was described by migrant sex workers as unhelpful because of the likelihood that police may then investigate the people in their lives for human trafficking or immigration authorities may detain and deport them for working in the sex industry. As Elene Lam of Butterfly described: “I think it’s very clear there is no trust with law enforcement, so that the majority of the sex workers will not report the crime to the law enforcement. Even [abuse] from other people but, of course, law enforcement abuse. In our experience, it’s very few people, they try to complain but what happens is [law enforcement] actually try to get revenge. So instead of carrying out the investigation to stop abuse, level of abuse has increased.”



WHEN SEX WORKERS EXPERIENCE NON-STATE ACTOR ABUSE: PERCEPTION OF BEING ABLE TO GO TO POLICE FOR ASSISTANCE

In addition to the predominant perception that sex workers could not complain about law enforcement abuse, the majority of sex workers interviewed for the project indicated that they would not go to police for assistance in the context of non-state actor abuse, especially if the abuse happened in the context of their sex work (Contessa; Julie; Josie Lee; Leigh; Ella; April; Andrea; Paige; Chelsea; KI Tracy Gregory; KI Amanda Jabbour). A number of the sex workers interviewed had extremely negative experiences during previous encounters with law enforcement in the context of their sex work, including victim-blaming. After Patty suffered serious injuries from an attack by an unknown assailant, for example, the police questioning her asked: “What were you doing out in that area at that time of night? And why were you wearing those kinds of clothes?” It made me feel like the predator.” During her assailant’s trial, Patty felt further shamed by the prosecutor: “I saw it in their eyes. I saw it in the way they were carrying themselves. I know from past experiences that they were making me look like I was the predator. Like I did something wrong.” Similarly, after Guisella contacted the police following a violent assault:

““ The next day I got a call from one of the prosecutors working on the case. He got the story from me; what had happened, other than what he had in police notes. He said he would keep me informed on how things were moving along and that I may need to show up and testify. I said that’s fine. Two days later, I got a call back saying that [my assailant] had been released and that it didn’t look like they were going to move any further on anything. So that was that. I was upset ... They just said that they weren’t going to move forward and that they were sorry. ... I was shocked, ‘Oh, well, I guess you can just do that?’ I don’t know if it was just because they probably figured I was a working girl or whatever it was. It’s the same situation over and over. **‘Well, you did put yourself into this type of situation, so to avoid these types of situations you shouldn’t be doing what you’re doing.’ ... They wouldn’t come out**

and say that, but you can read between the lines when it comes to all of that. That’s how you always get treated, in any type of sex work. ””

In addition to blaming sex workers for abuse they experience, some sex workers — and particularly racialized sex workers interviewed for this project— were criminally charged when they contacted law enforcement for assistance. Monica Forrester of Maggie’s described a situation involving a Black trans sex worker who was charged with manslaughter after she had defended herself from physical assault. As Monica explained, “She was the one who looked like the predator or the one that was criminalized, and now she is fighting for her life in jail.” Monica further elaborated, “[S]ometimes they’re being arrested when they’re reporting the violence ... a john maybe has ripped them off or a john assaulted them, and they’re the ones being criminalized for it. [Law enforcement] are questioning the johns, and they’re believing the johns over the sex workers. ... They say, ‘Yes, you can report to us.’ But reporting to them puts them in situations where they’re being criminalized.” Kelly (Toronto), a young Black sex worker, was also criminally charged after she defended herself against an aggressor:

““ It still affects me to this day because ... **even if I did call them, I’ll probably still end up getting arrested, some way, somehow, they’ll find something.** They just don’t care. ... I’d probably call somebody else, because when the cops come, they probably won’t do anything ... **You know what they’ll tell you? ‘You have to expect this because of your job.’** So they might even be like, ‘Oh, why weren’t you expecting this?’ Because one time, someone attempted to rob me, and this cop-lady, she’s such a ‘b’, she’s like, ‘He’s paying you that much an hour? What did you expect?’ ””



Even if sex workers had not previously reported abuse to law enforcement, sex workers articulated how they felt police would not provide sex workers with meaningful assistance if this abuse occurred in the context of sex work. As Andrea shared: “If somebody hurt me, I’d call somebody else to fix that for me before I’d call the cops. Because then something would get solved. It sounds horrible to say that I’d rather do that than call them ever. To go through a case for how many years in court, and then I’m looked at like a horrible person because I’m a dancer?” Some sex workers believed police would merely blame them for any abuse they suffered. According to Ella, “[T]hey’d probably just come and say, ‘You’re just a ho — brought it on yourself!’ I figure that’s what they would do. It’s the fact that they’re trying to fuck with us all the time anyway. They’re not doing anything to help us. Police have never helped me before, so why would they help me then?” Taya also explained:

“The stupid thing is they have different laws for sex workers other than just a woman being sexually assaulted or abused in that way. It’s always underneath, the connotation that they were doing sex work; it’s always a big part of it, rather than just — you know, there are two adult parties and there wasn’t consent, whether I was being paid for it, you know what I mean? I just don’t think that it’s worthwhile going through that added judgment, especially if you’re in trauma — I don’t think women should have to explain their reasoning, or why they’re working, or what their situation is, when something like that happens.”

Taya’s perspective that law enforcement do not care about sex workers’ safety and well-being was further confirmed to her after witnessing police turn a blind eye to abuses against sex workers. As she described: “I see especially street-level girls ... I’ve seen them getting thrown out of cars and they’ve been robbed or not paid for services, in broad daylight, and there are police that drive by and they really don’t give a shit; literally, a girl getting thrown from a car and the police don’t even stop because they know that girl is working girl.” In London, when sex workers reported being assaulted by a predator to the police, Julie Baumann of SafeSpace described how the police did not alert other sex workers, after which he murdered another sex worker. As she noted, “Had we had the heads up, I don’t want to think ‘What if?’ but we have a pretty tight community, so there’s a high chance [the sex worker who was murdered] would have seen or heard his name.” When Monica Forrester reported a man physically threatening her and other sex workers, the police closed the case three months later without appearing to have thoroughly investigated the incident. According to Monica, “once again it shows the lack of urgency when it comes to certain groups in our society, and I totally believe it’s the laws and the ideas that the police still hold within their division around certain groups within the policing they do.” As Tracy Gregory of SWANS shared,

“What I’m hearing now from the sex working community mostly is, in terms of interaction with the police, for the women that are recognized as sex workers, when they call police, they really recognize that they’re treated differently. They’re not a priority ... their past criminal activity is being brought up. The issues

EVEN IF SEX WORKERS HAD NOT PREVIOUSLY REPORTED ABUSE TO LAW ENFORCEMENT, SEX WORKERS ARTICULATED HOW THEY FELT POLICE WOULD NOT PROVIDE SEX WORKERS WITH MEANINGFUL ASSISTANCE IF THIS ABUSE OCCURRED IN THE CONTEXT OF SEX WORK.



that they're bringing to police at that time are not the main priority. The police services, however they've labeled this individual; that comes first — before the issue at hand, and they speak to that, and that's a concern. ... They're treated very differently, they lay a complaint, a crime against their person, the first thing that comes out is how they've been labelled in community. ””

Moreover, “When [sex workers] report, because they are already identified by police as criminal or whatever, the treatment is very different ... it's not a safe thing to report to police as a sex worker ... they're already known to police.” As a result, “sex workers don't report any type of crime — because the implications are worse than the crime itself.” Illustrating this point, Tracy shared an example of how reporting a crime in the context of sex work might negatively impact a sex worker:

“Where a sex worker is assaulted by a client, and then she'll tell the client to leave, so she'll steal his wallet or she'll do something else to get some type of recourse for herself because she knows that if she calls the police that she's not going to be the one that's going to be defended or supported in that moment. This is the kind of stuff we're trying to unpack right now and figure out ...

“In the court system, so a woman gets charged with something that she didn't do, and then she doesn't have anybody that's able to be her surety except potentially a controlling client or whatever, so she ends up taking the conviction, or pleading guilty so she doesn't have to sit in jail for months while she's waiting for a trial. She takes the guilty, do the whatever days she has to do and get out. She's now got that added to her record. The criminal system has not shown up in any way, positively, for sex workers. ””

Significantly, sex workers emphasized the fact that they would be far more reluctant to report abuse if they needed to disclose their sex work. O elaborated: “I think that I would be more likely to report a crime against me, if I felt like it was possible for me not to disclose that I am a sex worker, because then I could potentially be seen as deserving of a regular amount of sympathy and care.” Similarly, May said, “I would go to the police if something happened to me outside the context of my work at the spa. But I would not want to mention that I do massage. If anything happens in a massage parlour, I would not complain or seek help, because I don't want them to know that I do massage. I feel this discrimination so strongly.” For some sex workers, this fear was informed in part by the possibility that law enforcement might disclose (inadvertently or not) their sex work to others, resulting in additional, unwanted scrutiny. As Brandy explained, “Just because, law enforcement — it's a red flag for me. It would just give them that much more reason to get in my in business, get in my personal life. I don't know if my name could be thrown out there the wrong way.” In Jennifer's case, “I would call the police outside the context of sex work. I am less afraid now that I have permanent resident status. But even though I have documents, I worry about calling the police in case they arrest other girls. I still have a strong fear of law enforcement because I only have permanent resident status and I'm not a Canadian citizen, so I can lose my permanent resident status. So I still feel very anxious.” Monica Forrester further elaborated: “[T]hese things are always some of the issues that a lot of sex workers face when they want to report: are they going to be outed? Are they going to deal with more stigma around being a sex worker? Are they going to be believed for the violence that they're experiencing?”



In recent years, anti-human trafficking discourse has played a significant role in deterring sex workers from reporting abuse to law enforcement. As Monica Forrester explained,

“That is due to this whole trafficking initiative that is really putting sex workers in a place where they feel fear about reporting violence due to being maybe harassed or even targeted about their place of work. These are some of the things that a few sex workers have [faced] when they’re reporting violence. It’s always, ‘Well, who’s the one making you work? Who are you working with?’ So it kind of diminishes actually the real reason why sex workers are reporting violence, because [police] are on this whole trafficking initiative that actually erases the whole reason why police get involved in some of these situations. Which, in turn, a lot of sex workers are not reporting because of the fear of repercussion of the work they’re doing and being forced to say they’re being trafficked.”

For migrant sex workers, going to law enforcement is rarely an option because of the possibility that their support networks will be investigated for human trafficking, as well as the prohibitions against migrant sex work and the consequent inevitability of detention and deportation. According to Elene Lam of Butterfly, “Even if they experience violence from a perpetrator, the reports to law enforcement are very low; it’s also affected by immigration status and also affected by the type of their work. If people are less targeted by law enforcement, they are a little bit more willing to talk or contact law enforcement.

If they are often being targeted, or afraid of being targeted, those sex workers will not contact police. If they experience violence outside the workplace, they may call police. But if it is related to their workplace, think about negative impact they may get, like more investigations, or maybe arrest, or friends investigated, so most of them are not willing to report.” As immigration law advocate Macdonald Scott explained, “[W]orkers won’t approach police because they’re afraid of law enforcement, whether that’s deportation or criminal sanctions or their workplace getting raided by municipal officers ... They won’t approach law enforcement when they have a bad client and that’s when cases of abuse don’t get dealt with. ... where people are not able to be out in the light of day because they’re afraid that they’re going to be deported, so I think they’re more likely to put up with bad clients or bad employers ... all that stuff because they’re afraid of their own status being revoked.” Elene shared an account of an incident that exemplifies why it is so daunting for migrant sex workers to seek assistance from law enforcement:

“We have a woman, she had died two years ago but the police did not investigate why she died, but they investigated why she came to Canada. The friend contacted police, because they wanted to get more information. Then they themselves were being investigated by the police whether they are traffickers, whether they are exploiters — why they’re bringing this worker from other places. That is very problematic and makes them more marginalized. Because if they have any issue, they are worried about contacting law enforcement.”

FOR MIGRANT SEX WORKERS, GOING TO LAW ENFORCEMENT IS RARELY AN OPTION BECAUSE OF THE POSSIBILITY THAT THEIR SUPPORT NETWORKS WILL BE INVESTIGATED FOR HUMAN TRAFFICKING, AS WELL AS THE PROHIBITIONS AGAINST MIGRANT SEX WORK AND THE CONSEQUENT INEVITABILITY OF DETENTION AND DEPORTATION.



THE INABILITY OF MIGRANT SEX WORKERS TO SEEK LAW ENFORCEMENT ASSISTANCE EXPOSES THEM TO GREATER RISKS OF ABUSE AND VIOLENCE.

Elene also shared an incident depicting the inadvertent consequences of reporting abuse to law enforcement:

“A woman, she was blackmailed and robbed by many gangsters, so she tried to call the police to stop the violence against her. Herself, she had documents, but the police came in and the officer did not investigate the blackmail, he did not investigate the robbery, but the police gave them a warning that they needed to move out immediately otherwise they would call the [Canada Border Services Agency] to arrest them. This happened actually after the call reporting robbery ... so police did not ask, ‘What did the robber look like?’ but they asked, ‘Who rented the place to you? Who introduced you to work here? Who helped you do the advertisement?’”

The inability of migrant sex workers to seek law enforcement assistance exposes them to greater risks of abuse and violence. As Elene has observed firsthand: “We see people in other cities who target sex workers, especially migrant sex workers, because they know that they will not report to the police, and then they are organizing to get money, or rob or rape. Some sex workers were robbed four times a week by a group of people ... Actually, it’s a group of perpetrators who know about this and they take advantage of this. And law enforcement, instead of protecting them from perpetrators, they are even involved in abuse, and this endangers their safety. The coming of law enforcement [to their workplace] actually increases their danger instead of protecting them.”

SUPPORTIVE LAW ENFORCEMENT RESPONSES TO ABUSE

Despite the fact that sex workers found law enforcement surveillance negatively affected all aspects of their lives, some sex workers recalled instances when they appreciated not being treated as criminals or victims, but rather as members of the public deserving of respect and police assistance if required. This is significant because sex workers are not saying that they never want police in their lives, but that they want to be able to choose the moments when police are in their lives. Paige, for example, commended a police officer who observed her with a client in a public space and “didn’t do anything. I just had a date and you guys didn’t even blink an eye. ‘I’m not here to arrest people; I’m just here to make sure you guys are safe.’ So there’s still a few cops out there that do care.” Similarly, Andrea described a police officer she had seen “sitting outside, but he was so nice. I went and sat with him before I got in my car. He was an older gentleman: ‘I’m just checking to make sure all the girls are okay.’” In Taya’s experience:

“There is one particular officer who doesn’t seem to necessarily agree, but he seems to get the difference at least. ... So when he has encountered working women who are doing work and he had actually contacted me regarding a working girl who was sexually assaulted and said ‘I told her about your space, and I just wanted to confirm your hours. Can you let me know about some of the stuff you do, so that I can refer her to you guys so she’ll feel more comfortable; she’s not talking much or wanting to press charges, but I want to help her find some community spaces that are safe.’ I said ‘That’s great’ and I gave him the information. So that is one officer out of many.”



Some sex workers and key informants also described supportive policing practice in response to abuse (either reported by sex workers themselves or by others) and singled out individual police officers who they felt seemed to care about sex workers' safety (Paige; Chrissy) — some of whom were police officers specifically tasked with working with sex workers (Veronica; KI Julie Baumann and sex work police liaison). In some cases, police officers supported sex workers, all of whom identified or could be perceived as white, after they had experienced violence. Chrissy, for example, who had a long history of police involvement that included police documentation of her mental health history, recalled how a police officer asking her how she was doing after a violent altercation with her ex-partner showed her that somebody actually cared about her well-being. As she recounted: "The last time he hit me ... he split the inside of my lip open, so I ended up getting stitches. A couple of days later, I'm just off Selkirk St. here in Ottawa, and a cop rolls up behind me and goes, 'How's your lip?' I turn around, 'Oh, hey, officer.' He said, 'You know, you've got to get away from him or he'll kill you.' ... For me, it showed in a way, somebody actually cared." After April was raped, she felt the responding police officers were respectful: "That's the only time I could actually say that a cop was half decent. They didn't talk down to me, because I was raped." According to Patty, "When there was a sex worker raped or sexually assaulted or beat up or robbed or whatever, [a specific police officer] was the first one on the scene. She was right there for the girls." And after Veronica was assaulted, one particular police officer who investigated the assault was "amazing ... She's a really nice lady — an older woman you would never know that you would be talking about these things with her but she was extremely nice I had such a bad past before, [the police] always looked at me in some sort of way — I had a few nice police officers for the simple fact that my ex popped up."

Notably, the sex workers interviewed for this project described supportive police responses to violence largely related to intimate partner violence (e.g. Chrissy, Veronica, Leigh) rather than violence encountered in the context of sex work, when many sex workers felt shamed or blamed for the abuse they endured. **Moreover, sex workers and key informants noted a significant difference between sex workers being able to approach law enforcement for assistance when required (which the project participants indicate is often not the case) and the predominant practice of law enforcement surveillance of sex workers — which is primarily experienced by sex workers as profoundly harmful.** As Veronica elaborated, "While I was working under the control of a pimp, when I was ready to leave him, I did go and request help, I packed, I went to the person who had the condom truck, I went to them and asked them for help, and they showed me how to get to shelter, when I was ready to get help I went to them, and I knew there were places to get help through. I know tons of girls, girls on drugs, not on drugs, and they all know where to get their help from, too. They don't need the police, which are the last persons in world you want to see because you already know what you're doing is at one point illegal."



CONCLUSIONS

While some members of the public, policy-makers and law enforcement assert that the continuing criminalization and additional surveillance of sex work is protective of sex workers, the majority of sex workers and key informants interviewed for this project shared their experiences of law enforcement as not only representing a barrier to sex workers' safety, but in many scenarios posing both an immediate and systemic danger. This perception was informed not only by their encounters with law enforcement in the context of their work after 2014 (i.e. after the passage of the PCEPA), but also by their experiences prior to 2014 — shaping sex workers' subsequent engagement with law enforcement. On the whole, sex workers and key informants described the harms of living and working in a pervasive context of criminality and the powers that criminal, immigration, human trafficking, municipal, child protection and drug-related laws and policies confer on law enforcement to antagonize, monitor, detain, interrogate, investigate, arrest, charge and deport sex workers. In the vast majority of cases, such law enforcement interventions were unwanted, threatened many facets of sex workers' lives and violated their rights to work; privacy; equality and non-discrimination; life, liberty and security of the person; health; working conditions that are just, favourable, safe and healthy; freedom of expression; freedom of peaceful assembly; freedom of association; freedom from unreasonable search and seizure; freedom from arbitrary detention and imprisonment; and freedom from torture and cruel, inhumane and degrading treatment. **These law enforcement interventions did not merely represent a case of a few “bad apples” but reflect a system that provides law enforcement with extraordinary control over sex workers' lives.** And contrary to public belief, these experiences did not recede upon the passage of the PCEPA in 2014. Rather, as Amanda Jabbour of Sault Ste. Marie Sex Workers' Rights observed,

“The treatment is still the same, they're just not charging us for prostitution. They still monitor. They still make our income to be less than what it could be if they weren't around. You know, kind of monitoring our bodies, right?”

Similarly, as Julie Baumann of SafeSpace said about sex workers working in public spaces, “I think that it has been less directly violent in that it's not like criminalizing the woman herself, or so much of the aggressive harassment, but now it's more like, ‘Checking in, checking in,’ that kind of thing, even though it's unwanted, not asked for.”

For migrant sex workers, immigration regulations prohibiting migrant sex work and aggressive anti-human trafficking initiatives have actually exacerbated an already dire situation. According to Elene Lam of Butterfly, “One of the major changes is how the sex worker is being re-criminalized ... by bringing in a trafficking and criminalization lens of the sex worker: the whole idea of sex workers as a problem of society and all the discrimination along with law enforcement, I think that is the change we have now. And we can see the number of people being arrested and investigations increased, and the number of people being deported.”



And despite recent rhetorical shifts characterizing and codifying sex workers as victims requiring state surveillance and protection, sex workers do not perceive themselves or their work in this way, yet some now feel pressure to conform to this stereotype in order to minimize the potential harms perpetuated by law enforcement and to be deemed worthy of assistance. As Julie Baumann elaborated, “The current thing is that if you are a cop and you’re interacting with someone who is in sex work, I think the safest thing [for a sex worker] to do is present as a victim, and the police have been trained or told to assume that everyone’s a victim.” Conversely, as Elene Lam of Butterfly shared, sex workers who do not identify as victims are subject to greater stigma and scrutiny: “It’s not uncommon that we hear when people don’t identify as a trafficking victim, some of the service providers may say, ‘You are too victimized; you don’t know that you are a victim.’ Even when [sex workers] share their story, they are not believed and they are not trusted. [Service providers] may either think you are lying or they may think that you don’t know about yourself, so this is a very discriminating and disempowering process.” As Taya suggested, “there needs to be a shift in the way women are being viewed in this sector, and if they would stop victimizing us they could see us as an actual good part, and there is an ability that we have, because we are street savvy and in-the-field savvy.”

Sex workers and key informants underscored that if law enforcement is to have a constructive relationship with sex workers, they cannot also be the ones who threaten their existence and their livelihood in a plethora of ways, as outlined in the interviews, and that this understanding can only come about if law enforcement centre the perspectives of people who are directly affected by law enforcement actions (i.e. sex workers). According to O, “There’s a spectrum of choice as with any industry, but if he, as a police officer, had actually spoken to sex workers, or as a police officer in his organization, he had interactions with organizations that represented sex workers, maybe he would have asked that question in a different way that would have been a lot more productive. I think about that a lot. You would know the type of question to ask, or how to ask it, or how to behave if you were actually asking sex workers what they needed.” Taya also shared:

“I told [police officers], if you work with sex workers and you gain their trust and you treat them appropriately, if you’re so worried about women being trafficked, we’re the ones that are right there, in the hotels ... and we can tell the difference way better than you ever could, who

wants to be there, and it kind of falls on deaf ears. They just want to keep that rescue mission going. ”

This was a point that Amanda Jabbour also emphasized: “I think it’s really, super important that a sex worker voice is heard. Sex workers’ voices need to be heard, right? ... [L]aws need to change, legislation needs to change. Sex workers need to be involved in those conversations for good, positive change to happen. Because that’s our lives, right? That’s our lives. Who better to speak upon that, than someone who’s a sex worker?”

The effects that centering sex workers’ experiences can have on law enforcement can be palpable. After SWANS held a meeting and subsequent sit-in with local police in Sudbury about the implications of human trafficking discourse, SWANS executive director Tracy Gregory described a police officer who “spoke in a language that I had not heard come from police before about [how] women in sex work who are working outdoors have the right to work outdoors and that they’re community members and that we need to find a better way to support our community members, all community members. He had been to the conference and he heard from everybody that spoke at the conference, and he was there the next day at that meeting with police and sex workers.” Tracy further elaborated, “One of the things that was really powerful for me was at our forum, the day when all of these sex workers from other communities came to Sudbury and sat with us in a space, and we were the majority in a space and the police were the minority, and they had to sit ... and just listen to what we were saying about our experiences with police. That was super powerful for us and I think it was impactful for police, and victim services was there also, so I’m hoping that it was impactful for them, too.”

THE EXTENSIVE POWERS THAT LAW ENFORCEMENT HAVE TO SURVEIL AND REPRESS SEX WORKERS ENGENDER ABUSE AND VIOLATIONS OF SEX WORKERS’ HUMAN RIGHTS.



Furthermore, the sex workers and key informants interviewed for this project made abundantly clear that **law enforcement need to be removed as the primary regulators of sex workers' lives**, and the experiences they shared highlighted the harmful impact of laws and policies that empower law enforcement to surveil, detain, criminalize and deport sex workers. In particular, those experiences implicated **sex work-specific criminal laws (i.e. those laws that criminalize sex workers, their clients, third parties and the places they work), immigration laws that prohibit migrant sex work, aggressive initiatives ostensibly targeting human trafficking, municipal bylaws regulating sex work-related businesses and public space that sex workers experienced as invasive and unnecessary, and laws criminalizing drug possession.** The extensive powers that law enforcement have to surveil and repress sex workers engender abuse and violations of sex workers' human rights. Patty put it succinctly: "[T]he police should leave the sex workers alone. Stop targeting them, stop discriminating against them." Even when law enforcement engage sex workers under the guise of "protection," sex workers experience this as harmful. As Tracy Gregory explained:

“You're not outreach workers, you're not social service providers. Pretending to be a client and infiltrating people's work places is not the effective way to develop trust and rapport in sex work community, for people to feel safe enough to be able to call if there's a crime against their person, or if they're going to report a crime. These are not the ways to set yourself up to be on the receiving end of those calls.”

Sex workers and other communities on the margins know firsthand that the numerous legal and regulatory tools that law enforcement have to police sex workers' behaviour is not a buffer against ill-treatment but a *source* of profound abuse. Sex work-specific criminal laws, human trafficking laws, immigration regulations and municipal bylaws, as well as child protection laws, drug prohibition laws and municipal laws regulating public space that apply to the general population but which law enforcement disproportionately deploy against sex workers authorize law enforcement to aggressively and often arbitrarily intervene in sex workers' lives. As Kelly (London) recommended:

“They just need to make it legal, legal. Not have grey areas, and just make it legal. ... Why do you have to come and destroy lives, and make people lose their houses and lose their kids? Why do you have to break families up? It's ridiculous ... If you mention sex and money in public, you could still get arrested. Why would I want to talk about that stuff behind closed doors, where I could get hurt? I'd rather talk about that before I get to my hotel room, than afterwards They need to put laws in place that allow us to have a little bit more freedom of how we choose to do it.”

The sex workers and key informants interviewed for this project consistently spoke of the need not only to remove sex work-specific criminal laws that they experienced as harmful (with other *Criminal Code* provisions available to address coercion, abuse and violence against sex workers), but to understand sex work as a labour issue and apply a labour (rather than criminal law) framework.

Notwithstanding heightened law enforcement surveillance of sex workers, sex workers who do request police intervention or other formal redress are denied such assistance; their experiences are often minimized or discounted, they are blamed for the harm they have suffered, law enforcement retaliate against them for complaining, or they are treated as criminals and in some cases, also charged after seeking police assistance. Going to the authorities is thus not a viable option for many sex workers. Sex workers and key informants stressed that **in order for police to provide meaningful assistance to sex workers, they must treat sex workers as deserving of respect and police assistance if requested.** The fact that the majority of project participants described this seemingly obvious fact as the exception rather than the rule is a reminder of how sex workers continue to be stigmatized, dismissed, discriminated against, and treated with contempt by actors in the criminal law system and other state actors. This has potentially tragic consequences, particularly when perpetrators exploit the strained relationship between sex workers and the police to prey on sex workers. In practice, Elene Lam of Butterfly offered concrete steps law enforcement could take to improve this relationship:



“When law enforcement contacts a sex worker, it’s always a threat and always a negative experience. How to support a sex worker, instead of regularly contacting them or having a proactive investigation? How can they make themselves available? How can they let a sex worker know about what kind of support they can offer? How can they guarantee negative consequences will not happen?”

“For example, [if there was an effective] ‘Access Without Fear policy’: when [sex workers] complain about criminal issues, they would not investigate immigration issues or they are very certain they would not enforce sex work–related laws. This will be more useful and powerful to help sex workers no matter if they are trafficked or no matter if they are facing exploitation or violence. **It’s much more effective and useful [for law enforcement] to make themselves available to be reached by sex workers instead of going to places very often or [other kinds of] surveillance.**”

Significantly, almost all of the sex workers interviewed for this project sought assistance and support from their own social networks as well as sex worker–led organizations; indeed, this was the primary way in which we connected with them for the project. All of the key informants who worked at sex worker–led organizations shared their views on the impact of their work. According to Julie Baumann of SafeSpace, “A lot of women who have been coming [to SafeSpace] for a long time, who are very open and loving and talk about how it has made a big difference for them; how it meant keeping their child, having that group of people who can back you up.” Similarly, Amanda Jabbour of Sault Ste. Marie Sex Workers’ Rights shared, “I think we’re definitely affecting the people that we do reach positively, and affecting sex workers extremely positively in being there for them. It’s hard for sex workers in this city because you feel very displaced and you feel ... like you’re not heard and like you’re not respected and you’re judged, so we create that space where we allow for people to feel no judgment, and feel like they belong and have a voice and respect.” Tracy Gregory of SWANS also described the significance of providing a means to build community for sex workers:

“And I think people are connecting with SWANS who haven’t really felt like they’ve been able to connect with any other type of organization, and I feel like those doors have been closed to them for different reasons and a lot related to the fact that they are people with lived experience in sex work, or currently working, and all the implications that come with that, so SWANS has been a space for people to come together and unpack some of that stuff. And I think that’s really impactful within the local sex work community. We’re starting to see more people coming and connecting with SWANS, which is really amazing and powerful.”

For both Paige and Monica Forrester of Maggie’s, having the support and leverage of a sex work organization such as Maggie’s motivated them to complain about police abuse. As Monica also elaborated, in her role at Maggie’s, she is able to advocate on behalf of other sex workers: “I’ve been around for 30 years, and I think a lot of sex workers really are empowered from the work that I do and support me through it. [I]t allows them not to be targeted, through doing this informal kind of workshop within maybe culturally specific agencies or spaces... It allows me to bring those voices forward without making them visible to their process.” Elene Lam also described how Butterfly helps sex workers to work together to resolve pressing issues as well as to advocate for change:

“So, for example, they may have language barriers; they cannot access certain services so we need to help them to make a phone call or go to a medical appointment with them. Or some people may not feel comfortable to disclose their immigration status, so we can negotiate with the service provider so they need not require them to disclose their immigration status. Or when they go to court, we can escort them and help them understand the legal system and advocate for their rights and also connect to a lawyer when they are facing legal repression when people are arrested, detained, deported.



“I think this is very important because they are very isolated and because many sex workers themselves are seen as victim or criminal so their friends are also at risk when they deport them and they may not have enough resources.

So that’s why, especially when people are arrested or detained, they will call us and then we will go to the detention center to see what we can do for them. For example, represent them in court or connect them to family, or contact the lawyer or help them to pack for when they go back home, so personal support, counselling, resettlement. ... Very concrete, practical level. Support is very essential to the grassroots, especially marginalized sex workers, and also from that we can see what is the problem with policy and what is the problem in society, so that we can help them at the individual level, but that information is also helpful for us to advocate for change.”

Despite the vital support that sex worker-led organizations provide, many sex workers do not have the resources to formally organize and foster this community. According to Amanda Jabbour, “Pretty much every sex worker in Sault Ste. Marie would all agree that we’d love to have a place in Sault Ste. Marie designated for sex workers, in previous work or still in the sex trade ... Whether we want to organize something in the community or we want to just sit and talk, or we want to just sit and have a coffee. Somewhere to get a free coffee, or get condoms. Get condoms in a space where we feel safe, or get harm reduction tool kits, where we don’t have to go into a big agency ... Somewhere that is made right just for us. You’d be surprised how many people are actually involved in sex work and they live other lives as well, right? And sometimes you’d like to keep that separate, especially in Sault Ste. Marie where it’s so judgmental.” As Tracy Gregory underlined, “We need access to money to be able to do our work in community to support each other.” Sex workers and key informants emphasized the key role of sex worker-led organizations as a critical source of support for sex workers, suggesting that **policy-makers and funders need to invest in and sustainably fund such organizations**. As key informants stressed, such organizations should not require individuals to fit or self-identify in a specific framework (including as survivors of human trafficking or sexual exploitation) other than as a person who exchanges or

DESPITE THE VITAL SUPPORT THAT SEX WORKER-LED ORGANIZATIONS PROVIDE, MANY SEX WORKERS DO NOT HAVE THE RESOURCES TO FORMALLY ORGANIZE AND FOSTER THIS COMMUNITY.

has exchanged sexual services, in order to access a space or be eligible for support.

Over the past decade, the perception of sex workers has evolved in the eyes of policy-makers, law enforcement and the broader public from “criminals” to “victims” — but sex workers continue to be over-policed “for their own protection,” at considerable cost to their rights to work; safety; well-being; privacy; equality and non-discrimination; life, liberty and security of the person; health; working conditions that are just, favourable, safe and healthy; freedom of expression; freedom of peaceful assembly; freedom of association; freedom from unreasonable search and seizure; freedom from arbitrary detention and imprisonment; and freedom from torture and cruel, inhumane and degrading treatment. To live and work with safety and security, the sex workers and key informants interviewed for this project rarely rely on law enforcement, but turn to their networks for support, often at the risk of subjecting these networks to the threat of the criminal law. But there are opportunities for change and concrete steps that policy-makers and law enforcement could take to meaningfully uphold sex workers’ human rights, some of which are discussed above. As Julie envisioned,

“When sex work is not illegal anymore, they cannot use the excuse of sexual services to come [around] all the time and abuse and harass us. I really hope the government will change their mind and policies and create a better environment so marginalized people can have better lives.”



- ¹ In this report, “sex work” is defined as the consensual exchange of a sexual service for money, goods or services. All of the people interviewed for this project identified as engaging in this consensual exchange.
- ² *Protection of Communities and Exploited Persons Act* S.C. 2014, c. 25 (PCEPA).
- ³ *Ibid.*
- ⁴ *Canada (Attorney General) v. Bedford*, 2013 SCC 72.
- ⁵ See, for example, the preamble of the PCEPA: “Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it; Whereas the Parliament of Canada recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity; Whereas it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children...”
- ⁶ See, for example, the *National Action Plan to Combat Human Trafficking*, in which the federal government claims “prostitution victimizes the vulnerable” and the “demand for sexual services can be a contributing cause of human trafficking.” See Government of Canada, *National Action Plan to Combat Human Trafficking*, 2012. Available at www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf. See also *An Act to enact the Human Trafficking Awareness Day Act, 2017* and the *Prevention of and Remedies for Human Trafficking Act, 2017*. Available at www.ontario.ca/laws/statute/s17012 and *Ontario’s Strategy to End Human Trafficking: First Year Progress Report*, March 8, 2018. Available at www.mcscs.gov.on.ca/en/mcscs/programs/humantrafficking/firstYearProgress.aspx.
- ⁷ See, for example, the anthology of writing in *Red Light Labour: Sex Work, Regulation, Agency, and Resistance*, ed. E. Durisin, E. van der Meulen and C. Bruckert (UBC Press: 2018).
- ⁸ This posed challenges because some people did not have a personal telephone number to which we could return their call. In these instances, potential participants left the number of the organizations they were visiting and we attempted to return their calls at certain times (e.g. drop-in hours).
- ⁹ Two (of the 22) sex workers interviewed declined to be audio-recorded; in those cases, the interviewers documented the interview on their computers as it proceeded.
- ¹⁰ For a more detailed discussion of these laws, see Canadian Alliance for Sex Work Law Reform, *Sex Work and Changes to the Criminal Code After Bill C-36: What Does the Evidence Say?*, June 2015. Available at <http://sexworklawreform.com/infosheets-impacts-of-c-36/>.
- ¹¹ Canadian Alliance for Sex Work Law Reform, *Criminalizing Third Parties in the Sex Industry: Impacts and Consequences*, June 2015. Available at <http://sexworklawreform.com/infosheets-impacts-of-c-36/>.
- ¹² Section 279.01 of the *Criminal Code* prohibits “trafficking in persons,” Section 279.02 prohibits receiving a “financial or other material benefit” from trafficking and Section 279.03 prohibits “withholding or destroying documents to facilitate trafficking.”
- ¹³ Section 279.04 of the *Criminal Code*.
- ¹⁴ See, for example, Butterfly (Asian and Migrant Sex Workers Network), *Behind the Rescue: How Anti-Trafficking Investigations and Policies Harm Migrant Sex Workers*, June 2018.
- ¹⁵ *Supra* note 2.
- ¹⁶ *Immigration and Refugee Protection Regulations* (SOR/2002-227), sections 183(1)(b.1), 196.1(a), 200(3)(g.1), and 203(2)(a).
- ¹⁷ Government of Canada, *Temporary Foreign Worker Program and International Mobility Program: Protecting workers from abuse and exploitation*, September 16, 2014. Available at www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/protecting-workers-abuse-exploitation.html.
- ¹⁸ *Ibid.*
- ¹⁹ See section 125 of the *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, Sched. 1.
- ²⁰ See sections 4-7 of the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19)
- ²¹ Government of Canada, *National Action Plan to Combat Human Trafficking*, 2012. Available at www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf.
- ²² See *Immigration and Refugee Protection Regulations*, SOR/2002-227, sections 183(1)(b.1), 196.1(a), 200(3)(g.1) and 203(2)(a).
- ²³ See *Protection of Communities and Exploited Persons Act*, S.C. 2014, c. 25, which provides, “Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it.”
- ²⁴ See, for example, House of Commons Standing Committee on Justice and Human Rights, *Moving Forward in the Fight Against Human Trafficking in Canada*, December 3, 2018. Available at www.ourcommons.ca/Committees/en/JUST/StudyActivity?studyActivityId=9749514. See also Public Safety Canada, *National Consultations Discussion Paper: The Way Forward to End Human Trafficking*, Summer 2018 and Ontario Women’s Directorate, Expert meeting on human trafficking, 2016.
- ²⁵ See, for example, Ontario Ministry of Community and Social Services, Ontario Funding Specialized Services for Human Trafficking Survivors, September 28, 2017 and Public Safety Canada, *National Action Plan to Combat Human Trafficking*, 2012. Available at www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx.
- ²⁶ T. O’Doherty et al., “Misrepresentations, Inadequate Evidence, and Impediments to Justice: Human Rights Impacts of Canada’s Anti-Trafficking Efforts,” in *Red Light Labour: Sex Work, Regulation, Agency, and Resistance*, ed. E. Durisin, E. van der Meulen and C. Bruckert (UBC Press: 2018) at p. 105.
- ²⁷ H.R.1865 - *Allow States and Victims to Fight Online Sex Trafficking Act* of 2017. Accessible via www.congress.gov/bills/115th-congress/house-bill/1865/text.
- ²⁸ The performance of sexual acts, streamed online with a live, interactive webcam broadcast.
- ²⁹ E. Lam, *Survey on Toronto Holistic Practitioners’ Experiences with Bylaw Enforcement and Police*, Butterfly, May 2018, p. 13. Accessible at https://docs.wixstatic.com/ugd/5bd754_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf.
- ³⁰ See, for example, S. Hunt, “Decolonizing Sex Work: Developing an Intersectional Indigenous Approach,” in *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, ed. E. van der Meulen, E. Durisin and V. Love (UBC Press: 2013) at p. 88 and R. Maynard, “Do Black Sex Workers’ Lives Matter? Whitewashed Anti-Slavery, Racial Justice, and Abolition,” in *Red Light Labour: Sex Work, Regulation, Agency, and Resistance*, ed. E. Durisin, E. van der Meulen and C. Bruckert (UBC Press: 2018).
- ³¹ See, for example, R. Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present*, “Misogynoir in Canada: Punitive state practices and the devaluation of Black women and gender-oppressed people.” (Fernwood Publishing: 2017) and N. Butler Burke, “Double Punishment: Immigration Penalty and Migrant Trans Women Who Sell Sex,” in *Red Light Labour: Sex Work, Regulation, Agency, and Resistance*, ed. E. Durisin, E. van der Meulen and C. Bruckert (UBC Press: 2018) at p. 207.
- ³² See, for example, Department of Justice Canada, 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)*, 2014. Accessible at www.justice.gc.ca/Eng/Rp-Pr/Other-Autre/Protect/protect.pdf.
- ³³ See, for example, N. Butler Burke, “Double Punishment: Immigration Penalty and Migrant Trans Women Who Sell Sex,” in *Red Light Labour: Sex Work, Regulation, Agency, and Resistance*, ed. E. Durisin, E. van der Meulen and C. Bruckert (UBC Press: 2018) at p. 207.
- ³⁴ See, for example, sections 30(1)(1.2) and 30(1)(1.4) of the *Immigration and Refugee Protection Act*, which authorizes an immigration officer to “refuse to authorize the foreign national to work in Canada if, in the officer’s opinion, public policy considerations that are specified in the instructions given by the Minister justify such a refusal” and these “public policy considerations” must include those that “aim to protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, including sexual exploitation.”
- ³⁵ See, for example, A Krüsi et al., “Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study,” *BMJ Open* 2014;4:e005191. doi: 10.1136/bmjopen-2014-005191.
- ³⁶ A vulnerable sector screening is typically a criminal record check for individuals seeking employment or volunteer opportunities with “vulnerable persons,” (which usually encompasses children).



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juridique
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