

A Pathway to End Violence Against Migrant Sex Workers:

Access, Safety, Dignity and Justice

2020



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Purpose of this guide

This guide offers practical information for service providers working with migrant sex workers who have experienced, or may experience violence, discrimination or other forms of abuse. Many service providers have expressed that they do not feel equipped or able to support migrant sex workers when they experience violence or forms of exploitation. As a result, many service providers automatically contact law enforcement, or encourage migrant sex workers to contact law enforcement, as they see this response as their only option. Migrant sex workers explain, however, that these limited law-enforcement based responses can actually create more harms, rather than solutions.

This guide aims to improve service providers' understanding of the complexity of migrant sex workers' situations and their capacity to offer relevant and adequate supports and services. It does this by providing information on the realities of racialized migrant sex workers in Canada and the many issues affecting them. By centering migrant sex workers' lived experiences, service providers are encouraged to develop responses that may include both legal and non-legal practical strategies to support people who may experience abuse and to advocate for the realization of migrant sex workers' rights.

This document was written and produced with the direct and meaningful participation of migrant sex workers and reflects the community's knowledge and expertise in developing creative and sustainable responses to their realities and the injustices they face. We hope this guide helps service providers provide relevant supports and services, encourages service providers to listen and learn from migrant sex workers themselves, and encourages service providers to engage in ongoing reflective practices as part of their work.

Who is the guide for?

Service providers across all sectors (e.g. shelters, settlement services, sex worker organizations, community health centers, legal clinics, refugee support centers, crisis support centers, violence against women organizations, anti-trafficking organizations) who wish to develop their capacity to work with migrant sex workers, particularly providers who work with sex workers, people who experience violence and people with precarious immigration status.

Directors, board members and staff members (e.g. case workers, community workers and other frontline workers) responsible for program and funding development that intends to support migrant sex workers.

Policymakers and academics interested in better understanding the lived realities of migrant sex workers and alternatives to law enforcement-based approaches to accessing safety, dignity and justice for migrant sex workers.

Upholding and promoting human rights, justice and access for migrant sex workers

This guide builds on the legal information the authors previously developed in the series Upholding and promoting human rights, justice and access for migrant sex workers: resources for service providers, 2017.



www.butterflysw.org/legal-information-for-services-prov

To note...

This document has been created for service providers, which may include sex workers working with, by and for ("peer-led") sex worker organizations. Some language and terms used in this document may not capture some nuances used within sex-working communities and peer-led interventions, however, we hope the information is useful for both peer and non-peer led organizations.

Migrant sex workers' realities

“To sex work, was my decision just as that moment when I decided to be free and fight against gender oppression, transphobia, exclusion, discrimination...” (Betty, 2015) [1]

“If you want to make more money, you don't want to work in a factory. You will feel free when you do massage job. You don't have to work 8 hours straight like working in a factory, you can take a break if there's no customer. When I worked in the factory, the chicken piled up if your speed is not fast enough...” [8]

Who are migrant sex workers?

The term "migrant sex worker" includes anyone who moves from one place to another (both within or across borders) and who exchanges sexual services for money, food, accommodation, status or other compensation. Migrant sex workers may have different types of immigration status (e.g. permanent residency, temporary residency including as an international student, refugee/asylum claimant, temporary worker, or undocumented/non-status). Like in other forms of work, people make decisions about their career, work and life according to their circumstances and social locations, such as racial identity, economic and social conditions, gender and immigration status.

Complexity and diversity of migrant sex workers.

Migrant sex workers' realities are unique and diverse. Some migrant sex workers make the decision to be involved in sex work to provide for their basic needs, for economic security and/or to move away from other kinds of oppression (e.g. labour exploitation or domestic violence). Some make the decision to do sex work to access a better income, for self-actualization, or to pursue their dreams. It is important not to essentialize their experiences and to respect workers' agency.

For many migrant sex workers, sex work is a form of resistance, not a form of oppression.

Migrant sex workers may be oppressed and marginalized by many forces such as racism, poverty, stigma, gendered and targeted violence, and profiling and harassment by law enforcement. It is important to understand that many migrant sex workers do not perceive sex work itself as a form of oppression or exploitation. Rather, many migrant sex workers use sex work as a means to access the resources they need individually and collectively to improve their living and working conditions, and to actively resist ongoing forces of violence and exploitation. Sex work can provide direct resources as well as supportive relationships: including relationships with clients who assist migrant sex workers financially as well as with mobility and access to information and other support.



Migrant sex workers are not trafficked victims

Racist and sexist stereotypes about migrant and racialized women who sell sexual services are used to reinforce anti-sex work values and policies. Currently, many anti-sex work campaigns, policies and law enforcement practices are presented as anti-human trafficking initiatives. These initiatives present sex workers as victims of human trafficking, particularly migrant, Asian and Indigenous people who sell or exchange sexual services.

People do sex work in various contexts and working conditions. Because of the numerous inequalities and discrimination that migrant sex workers face, they may work in difficult and unsafe environments and have poor working conditions. Improving working conditions and accessing resources and supports to prevent and address inequitable and precarious conditions is important for all workers, particularly for migrant sex workers who may experience legal and social risks associated with both precarious immigration status and the stigmatization and criminalization of their work.

As with other types of labour, **sex work must be recognized as work** if migrant sex workers are to improve their working conditions and resist labour exploitation. When poor working conditions and labour exploitation occurs in other types of work, the work itself is not defined as inherently exploitative and the workers are not assumed to be offering the service against their will. Instead, efforts are made to improve working conditions, workers' rights, and collective bargaining power. It is recognized that although people may protest certain labour conditions, they have consented (perhaps in the context of limited options within a particular capitalist environment) to providing the service. This is not the case with sex work. Instead, there is often a presumption that all sex work is inherently exploitative and the workers are thus incapable of consenting to the work. This idea falsely equates all sex work with exploitation and human trafficking and creates increased risk of harm and stigmatization for migrant sex workers.

Although people from all labour sectors can potentially be victims of human trafficking, it is harmful and incorrect to assume all sex workers or people who work under economic coercion are trafficked victims. Although income generation in the context of a capitalist economy is usually exploitative – particularly for marginalized women and people with precarious immigration status – this is not limited to the sale or exchange of any particular service or labour sector. Merely assuming that Asian and migrant sex workers are victims of human trafficking ignores and violates sex workers' agency and invalidates their right to consent to sex when exchanging sexual services for money, contributing to the various forms of oppression and victimization that they experience. This racist and sexist myth is extremely harmful as migrant sex workers already experience numerous other forms of human rights violations and inequalities.

When sex work itself is seen as an act of violence or human trafficking, it trivializes actual incidents of violence against sex workers and denies their right to access protection and redress for incidents of violence. Dismissing sex workers' labour and conflating poor and precarious working conditions with human trafficking creates numerous risks for migrant sex workers as it maintains the criminalization of their work and increases the threat of unwanted and unsolicited law enforcement in their lives and workplaces. These racist and oppressive views underpin current anti-sex work and anti-trafficking initiatives and policies, which function as racial profiling tools used to harass, monitor, detain, arrest, deport and otherwise exclude migrant and racialized individuals and communities.

People who assume all migrant and racialized sex workers are victims, also often assume that their communities are organized crime rings. Instead of challenging the structural factors – such as criminal and immigration prohibitions and law enforcement practices – that violate migrant sex workers' agency and human rights and put their physical and economic security at risk, such views demonize migrant communities and communities of colour. In reality, the people who live and work with migrant sex workers often function as the community support networks that migrant sex workers rely on the most to access resources, decrease their isolation, and generally improve their quality of life. Instead of using a victim-based approach – which often limits or disconnects the person from their network and from the knowledge or resources of other migrant sex workers – we should adopt a strengths-based approach that supports and develops the person's resources and affirms migrant sex workers as members of the community.

Basic principles for service providers assisting migrant sex workers

“I can rely on myself. I have a job and I take care of my family, I contribute to the economy. It’s a blessing. It doesn’t matter what industry I work in, I don’t embarrass myself or others.” (Anonymous) [1]

“I broke my leg when I worked in the restaurant. I have no other choices, so I had to work in this field [sex work] ... I thought about going back to restaurants, but I couldn’t.” [6]

“I feel I am happy, and enjoy the job... I don’t let them feel I really enjoy the sex though... Sometimes if I don’t have the mood, I won’t provide a good service. I will watch TV and have sex with the customer...or I will kick him out in less than 10 mins.” [6]

“I don’t know English and have no education. I don’t have any qualifications. Where can I find another job and who will hire me? What else can I do besides doing this? Survival is the most important!” (Ding Ding) [2]

Migrant sex workers are members of the community.

- › Like other community members, they may sometimes need information and/or support.
- › If someone discloses that they do sex work: do not make assumptions about what this involves and do not assume that this requires intervention.

Understand how racism and anti-sex work values affect sex workers within the context of your services

- › Migrant sex workers regularly deal with criminalization, stigmatization, sexism and racist law enforcement practices and policies that lead to their over-policing, over-surveillance, investigation, detention, arrest and deportation.
- › Racist, sexist and anti-sex work views are also promoted by many legal, social, health and other service providers, as well as other members of the general public. Reflect on your own comments and practices to ensure you are not contributing to this harm.
- › Increasingly, programs, project goals and organizational approaches and objectives are becoming anti-sex work and racist at their core (e.g. anti-trafficking programs aimed to remove and displace sex workers from their community and their work or approaches that ignore or dismiss racialized women's agency). Reflect on your own organizational mission, programs and approaches to ensure you are not contributing to these harms. Investigate whether other groups and coalitions contribute to these harms before deciding on whether to collaborate or otherwise support them.
- › Ensure that your contributions widen—rather than limit or disconnect—the person's access to knowledge, resources and networks.

Focus on the reasons they came to see you and do not impose your values onto the person

- › When someone discloses that they do sex work, service providers often react based on their subjective and cultural values and assumptions. This often results in judging or pathologizing the person and not focusing on the underlying reasons that they came for support. This is offensive and ultimately harmful to the person as it prevents them from accessing the supports and services they need.
- › Be mindful to have non-violent communication: Ensure your comments and body language are not judgmental, reprimanding, patronizing or victimizing.
- › Be mindful that your own values or the mission of your organization does not lead you to fixate on the person's job and prevent you from focusing on the goals that the person wants to work towards.

Respect the person's agency, even if they are in a difficult or violent situation

- › Respect and support their decisions, even if you "don't agree" or think they should make another decision instead. Be aware of the power dynamics and structure that exists within service provider relationships. Ensure the person knows you are presenting information and options, and are not pressuring them to make any particular decision.
- › Women who experience violence are often stigmatized and victimized not only by their abuser, but also by the people and institutions they contact for support. Don't make assumptions about the source of violence and what assistance they may want; listen and ask clarifying questions to ensure you have a clear understanding of their situation and what supports and outcomes they want.
- › Focus not only on the person's problem and potential solutions, but also on how you engage; listen and respect the person's agency.

Adopt and use approaches that support the person in defining their own experience and identifying their own needs

- > Service providers should use approaches which encourage the person to define their own experiences and perspectives and recognize the person as the expert of their own life (e.g. trauma-informed, harm reduction, anti-oppression, human rights-based). These approaches allow service providers to support people rather than disempower them.
- > Ensure you do not impose your own narrative, values and discourse (e.g. language, framework, labels, naming) on the person's experiences and the issues or problems they are facing. This may distort their experience and prevent them from continuing to disclose important information and accessing supports and services in the future. Be open and attentive to the terms and language they use, adopt their language, and — when appropriate — educate yourself about the terms and language they use.
- > Understand how victim-based and rescue-based approaches harm migrant sex workers by framing migrant sex workers as helpless and ignorant victims that need to be saved, rather than recognizing their resiliency, strength and agency.
- > Remember that not everyone shares your personal values and perspectives: what may seem like exploitation in your eyes may be a form of resistance for someone else. Let migrant sex workers describe their experiences on their own terms and in their own language.

Challenge the hierarchical relationship between service providers and people who access services, and focus on building relationships of trust

- > When working with marginalized people, service providers and other professionals often assume they are more knowledgeable and valuable than the person they are serving. However, just as service providers may have a wealth of knowledge and expertise, the person you are serving also embodies a wealth of knowledge and expertise, particularly about their own circumstances and the challenges for which they want your assistance.
- > Barriers to developing trust are not only reflected in service providers' patronizing comments and behaviours, but also in the framework of programs or organizations themselves (e.g. "exiting" programs, rather than rights-based programs that support the person's self-identified goals).

No matter how limited or broad a person's range of options may be, every person has the right to autonomy, agency and self-determination, and every service provider has an obligation to respect this right.

CRITICAL REFLECTION

Do aspects of your organization or service delivery exploit and oppress sex workers for the organization's own interests?
For example:

- > Do you frame sex workers as trafficking victims in order to access funding?
- > Do you develop limited programs that impose specific goals onto sex workers (e.g. "exiting") or exclude sex workers who need support but do not ascribe to these specific goals?
- > Does your service delivery revolve around your personal career development or recognition?
- > Do your personal values, morals or beliefs guide your work?
- > Is "saving", "rescuing" or "fixing" other people connected to your own self-worth?
- > How much openness do you have to sex workers' own experiences and perspectives?

Legal issues relevant to migrant sex workers

“11 massage workers face deportation: (...) While (the investigation) was run by the Human Trafficking Section, no human trafficking was found. Instead, they inspected 20 places and laid 11 bylaw fines.” (Ottawa Sun, May 11, 2015)

Criminalizing clients

Since December 2014, it has been illegal in Canada to purchase, or attempt to purchase, sexual services. Prohibitionists claim this form of criminalization does not criminalize or harm sex workers, and people who do not necessarily have an anti-sex work agenda may also promote this view due to inaccurate legal information. In fact, criminal offences related to the purchase and sale of sexual services make sex work itself a criminal activity under the law, and as such, sex workers' labour is criminalized and their workspaces are framed as sites of criminal activity. As noted, this leads to numerous harmful consequences for sex workers.

Framing clients as violent and exploitative is a primary strategy used to criminalize sex work and to exclude and stigmatize sex-working communities. In reality, clients are often a main source of support for migrant sex workers facing difficulties, including state violence (e.g. detention). Clients often provide the important resources and supports that assist migrant sex workers to actively resist ongoing forces of violence and exploitation through financial support, transportation, help with navigating systems and accessing information, and otherwise providing relationships of respect and support.

Migrant sex workers face many legal conflicts that may lead to loss of immigration status, detention and deportation due to the many laws that prohibit sex work and discriminate against sex workers.

These laws include immigration regulations, criminal offences, and municipal by-laws that prohibit sex work and place migrant sex workers in conflict with the law and with law enforcement. Criminal and municipal investigations arising from these laws may lead to immigration consequences for migrant sex workers, even when they are not charged with a criminal or municipal offence.

For further information about the laws that impact migrant sex workers, see: [Upholding and promoting human rights, justice and access for migrant sex workers: Part 2 - Laws affecting migrant sex workers](#)

Laws used to target migrant sex workers

Criminal law

Sex work-specific AND anti-human trafficking criminal offences and initiatives are used to target sex work and negatively impact migrant sex workers.

Current sex work-related criminal offences make the following activities illegal in Canada:

- › Communicating in a variety of public spaces for the purpose of providing sexual services;
- › Purchasing, or attempting to purchase, sexual services;
- › Advertising sex workers' services, receiving any profit ("material benefit") from their services, and facilitating their work in any way ("procuring"). As discussed below, these offences criminalize all third parties that offer useful and work-related protections, supports and services.

None of these criminal offences require any element of exploitation. This means that clients and third parties assisting sex workers are criminalized even if they have supportive or useful relationships. Sex workers may also be at risk of being charged and prosecuted for these offences if they provide services or assistance to other sex workers.

These so-called "end demand" models are often described as "decriminalizing sex workers and criminalizing clients." In reality the criminalization of clients makes all sex work transactions illegal. This directly causes numerous harms to sex workers, such as: eviction from safer workplaces, displacement and isolation, deterring clear and prior screening and communication with clients, detention and interrogation by law enforcement, avoiding law enforcement and creating barriers to reporting violence or other human rights abuses.

Although human trafficking criminal offences are meant to target forced labour, they are currently used to target, monitor, investigate and detain migrant sex workers who work together, particularly if they do not identify as victims of sex work.

Currently, governments and law enforcement frame sex workers as victims in need of rescue and claim to be protecting – and no longer arresting – sex workers in Canada. However, many migrant, racialized or trans sex workers continue to be treated as criminals and with hostility from law enforcement. In particular, Asian, Black and Indigenous people who sell or trade sex continue to be arrested and detained by police and/or immigration authorities.

Immigration law

Racist and sexist immigration laws and policies prohibit migrants from legally working in sex-work related industries in Canada, which disproportionately impacts racialized women, trans and poor migrants.

Sections of the ***Immigration and Refugee Protection Act (IRPA) and its Regulations (IRPR) prohibit migrants' involvement in sex work***, even where individuals are otherwise legally authorized to work in Canada and autonomously decide to do sex work. **Everyone who does not have Canadian citizenship or permanent residence status (i.e., "temporary residents" or "foreign nationals") is prohibited from doing sex work or working in sex work-related industries.**

- > The *IRPR* prohibits all temporary residents from legally working for employers offering striptease, erotic dance, escort services or erotic massages.
- > All work permits contain the following condition: "[n]ot valid for employment in businesses related to the sex trade such as strip clubs, massage parlours or escort services." At the same time, related Ministerial Instructions provide, "[t]his condition informs the work permit holder that employment, self-employment, or contract services in this sector are not permissible."

Municipal bylaws

Municipal bylaws regulate businesses and have many negative impacts for migrant sex workers who work together in indoor commercial workplaces.

These regulations and enforcement practices are used as tools to oppress and punish sex workers who work together, including in legally licenced businesses that pay government fees to operate. Businesses that may offer erotic or sexual services (e.g. massage parlours, body rub parlours and strip clubs) are often targeted and over-regulated. People working in these businesses are increasingly under investigation by anti-trafficking initiatives, and as a result, the businesses are often forced to shut down. **As a result, migrant sex workers are driven to work in more precarious and less protective work environments, placing their physical and economic security at risk.**

- > Indoor workplaces increase migrant sex workers' capacity to control their environment, to implement health and safety practices, and to protect their human rights. Yet, because sex work is criminalized, it is almost always illegal to openly sell sexual or erotic services.
- > **Municipal bylaws can prohibit conduct such as exposing or touching certain body parts (e.g. breasts, genitals), wearing certain clothing or being undressed in the workplace, locking doors to rooms where services are performed, and opening massage parlours or body rub parlours to the public at certain hours.**
- > These prohibitions may cause workers to avoid law enforcement, conceal the services they offer, inhibit their communication with clients and colleagues, and work in greater secrecy.

Additional municipal and provincial regulations are used to control and displace sex workers who occupy public spaces. These regulations are often used as a means of racial and social profiling, and are often arbitrarily and excessively applied by law enforcement to target and displace marginalized people. The enforcement of these regulations often violates individuals' fundamental rights, and associated fines may lead to debt, as well as imprisonment in some cities.

Sanctuary cities and 'Access Without Fear' policies

Some cities are officially designated 'sanctuary cities' (e.g. Toronto, Hamilton, Vancouver). This means that the municipal government has adopted an 'Access Without Fear' policy, which is meant to apply to all city officials to ensure that all residents can access all city and city-administered services (e.g. shelters) without fear, regardless of their immigration status.

These policies direct city officials not to:

- inquire about an individual's immigration status;
- deny non-status residents access to services; or
- share personal or identifying information with immigration authorities (such as the Canada Border Services Agency) unless they are required to do so by law.

In practice, police forces have not consistently applied these policies and even in 'sanctuary cities' these forms of inquiry and information sharing between departments may still take place. **Because the policy is not applied consistently in many cities, migrant sex workers may want someone who has legal status and who they can trust to inquire about specific municipal services before they attempt to access a service.**

"I had 10 tickets before... I paid \$4,000 for the first time and paid for \$2,000 [for a lawyer] for the second time... It's not easy to make the money... but they still come every day... fuck... We are all afraid of license officers." [6]

Impacts of the laws used to target migrant sex workers

The term "third parties" refers to diverse groups of individuals that may facilitate sex workers' labour (e.g. managers, receptionists, owners, bosses and other people who communicate with clients and organize appointments, provide or maintain a work space, security, transportation or other services). Third parties in the context of sex work are often assumed to be violent and exploitative. As in all informal or criminalized labour markets, some third parties do create or contribute to poor or inequitable working conditions. On the other hand, many third parties are key contributors to the protection of migrant sex workers' rights. They may help implement safety measures or otherwise increase sex workers' capacity to work, which helps sex workers provide for themselves and improve their quality of life. For this reason, the criminalization of all third parties is misguided and harmful to migrant sex workers.

"It was very clear that [the police] were only looking for us as non-white workers. There were other women working in the same hotel who were white, and the police didn't bother them or even talk to them at all." (Fanny, an Asian migrant sex worker who was arrested and deported.) [4]

"Some of the sisters did not dare to call the police when robbed because the police did not solve any problems. To add salt to injury, immigration bureau staff were brought in and they detained or even deported those victims. I have a sister who called police for being robbed. The police did not do the investigation. Instead, she was arrested and handed it over to the Immigration authority." (Ding Ding) [2]

These criminal, immigration and municipal offences prevent sex workers from taking critical steps to protect their human rights and ensure their personal safety, including:

- > communicating with clients and consenting to the conditions of engaging in sexual activity;
- > screening clients and communicating with clients remotely;
- > communicating and working with other people – including third parties – rather than in isolation; and
- > working in organized indoor locations where workers can implement safety measures and have greater capacity to control their environment.

These safety measures are especially important for migrant sex workers, as their vulnerability to violence, stigma and discrimination is amplified by precarious immigration status, and their ability to work autonomously is hindered by language barriers and unfamiliarity with laws and regulations.

Not only do these prohibitions fail to address or prevent exploitation, they may lead to harmful outcomes for migrant sex workers as they:

- > equip law enforcement with the legal powers to profile, raid and invade migrant sex workers' workplaces, which often leads to unwanted contact with law enforcement, detention, interrogation, surveillance, arrest and deportation, as well as harassment and other rights violations;
- > drive sex workers into precarious working conditions by displacing them and preventing them from working with other people, reporting poor working conditions, and accessing labour and employment protections;
- > limit sex workers' access to support from peers, third parties (e.g. boss, manager or agent), and clients, who play an important role in offering help and support when sex workers experience violence or exploitation;
- > contribute to violence, stigma, discrimination and other harmful consequences for sex workers (e.g. targeted violence by law enforcement and non-state actors, extortion, eviction, loss of other employment);
- > encourage surveillance from non-state actors (e.g. service providers, neighbours or other community members), forcing sex workers to isolate themselves and hide from public view. This negatively affects their safety, working conditions and general quality of life, and denies them the right to live as valuable and equal members of the community; and
- > create barriers to supports and services such as health, legal and social supports, as well as police services if they wish to report abuse. This is particularly true for migrant sex workers who risk discrimination and racial profiling from law enforcement when reporting abuse, and may also risk being charged as human traffickers if they do not themselves identify as victims of sex work.

For more on the impacts of current sex work prohibitions and law enforcement initiatives, see:

- > Canadian Alliance for Sex Work Law Reform (2017) [*Safety, Dignity, Equality: Recommendations for Sex Work Law Reform in Canada*](#)
- > Canadian Alliance for Sex Work Law Reform (2019) [*Moving backwards in fight against human trafficking in Canada*](#)
- > Canadian HIV/AIDS Legal Network (2019) [*The Perils of Protection, Sex Workers' Experiences of Law Enforcement in Ontario*](#)
- > Butterfly, Asian and Migrant Sex Workers Support Network (2018) [*Behind the rescue: How anti-trafficking investigations and polices harm migrant sex workers*](#)



CASE STUDY

Mona moved to Canada 10 years ago. She lost her immigration status eight years ago because she ran away from her partner, who was her sponsor. Mona and her co-worker, Lucy, were robbed and assaulted at an in-call workplace by perpetrators who are known to often target sex workers. Their neighbour had heard someone screaming and called the police. When the police came, Mona and Lucy reported that they had been robbed and assaulted.

Instead of investigating the robbery and assault, the police investigated Mona, which led to her detention by the Canada Border Services Agency (CBSA) for three months, after which she was deported.

Lucy, who has permanent residency status, was taken to the police station after the assault. A police officer asked Lucy to call her husband to pick her up. When her husband Tom arrived, an officer disclosed to him that Lucy is a sex worker. The officers assumed that Lucy's husband was a trafficker because Lucy could not speak English and Tom does not have a job. After being released, Lucy and Tom remained worried and stressed as they did not know whether they would be charged with a criminal offence.

After learning that Lucy was working in sex industry, Tom decided to divorce her and fight for custody of their child.

After the police and the neighbour informed the management of the building that Lucy was doing sex work at the apartment, Lucy was evicted. Not only could she no longer work there, but management would not allow Lucy or any of her guests to enter the building. Further, management demanded that Lucy pay compensation for the remaining six months on the lease because she was legally responsible for ending the lease as she used the apartment for "criminal activity" (sex work).

This case highlights different sources of harm to Mona and Lucy, including those produced by:

- > the systemic racism and sexism that underpins stigma, racial profiling and other forms of discrimination, and harmful assumptions about migrant communities and migrant sex workers' relationships;
- > the neighbour who decided to contact law enforcement immediately, before first attempting to speak with the person concerned to ask what they need and to acquire their consent – or at the very least attempt to assess the level of danger – before taking action on their behalf;
- > the officers who opened an investigation on Mona rather than directing their resources towards investigating the violence committed against two members of the public or otherwise offering their supports and services to these members of the community;
- > the harmful laws and policies and underlying ideologies that encourage and sanctioned the detention and deportation of Mona;
- > the officers who "outed" Lucy's status as a sex worker, harming her family life, impacting child custody, and generally increasing the stigma and discrimination she will face within her community;
- > the criminal laws that prohibit sex work and cause and maintain precarious and inequitable living and working conditions (eviction, barriers to safe and legal housing and work spaces); and
- > the targeting of sex workers and their communities by the legal and ideological conflation between sex work and human trafficking.

Migrant sex workers suffer the numerous harmful impacts of intersecting criminal and immigration prohibitions related to both sex work and human trafficking (e.g. eviction, deportation, detention, loss of custody, stigma, violence). These prohibitions, law enforcement practices and underlying dominant social views directly punish migrant sex workers. They frame migrant sex workers as either "victims" or "criminals" and prevent them from reporting abuse, as law enforcement is positioned as a threat and danger rather than possible protection.



CASE STUDY

Luna was assaulted by her partner who she lived with. After being assaulted, she left and went to live in a shelter. While at the shelter, she met Dorothy, who works as a sex worker. Together, they developed a trusting relationship; as a result, Dorothy shared with Luna how she earned a living. Luna wanted to know more about this economic opportunity and asked to meet some of Dorothy's clients. Dorothy introduced some of her clients to Luna and helped her find work by teaching her how to post an advertisement online.

The shelter is involved in an anti-trafficking initiative and certain shelter workers collaborate with police, particularly by sharing confidential information with police about the women who stay at the shelter when they think women are being "lured into" the sex industry. When service providers at the shelter found out that Dorothy had helped Luna do sex work, Dorothy was evicted from the shelter by staff who perceived her as a "trafficker" who "groomed" other women into the sex industry.

Staff also reported these claims to the police, who then investigated Dorothy for human trafficking. Further, staff gave confidential information about Dorothy and Luna's workplace (at a nearby hotel) to police. Two months later, the police organized a raid at this hotel, and Dorothy was arrested for advertising sexual services and for procuring (criminal offences related to sex work) as she had helped other women advertise and rented the hotel room in her name. The police also worked with the hotel management, who committed to calling police if they discover someone may be selling sexual services at the hotel.

This case highlights different sources of harm to Dorothy and Luna, including those produced by:

Service providers' judgement and actions AND formal and informal collaboration between law enforcement and service providers that:

- > negate and dismiss the agency of the women using the shelter;
- > violate confidentiality by disclosing information about clients without the person's prior and informed consent;
- > collaborate with law enforcement on punitive initiatives that put the women using the shelter at increased risk, including the risk of detention, arrest and other forms of state violence;
- > punish (evict) women who support and assist other women in doing sex work;
- > maintain the harmful assumption that all third parties are exploitative and traffickers rather than understanding the actual nature and function of the relationship;
- > promote anti-sex work ideologies under the guise of protecting women, including framing mutually supportive relationships within sex workers' communities as organized crime; and
- > target sex workers and their communities and encourage the legal and ideological conflation between sex work and human trafficking.

Dominant anti-sex work values are currently promoted by the general public, law enforcement, government policies and campaigns, and many feminist, social, legal and health professionals and other service providers. Individual and collective actions and initiatives based on these values deny migrant sex workers existing forms of support and increase harm to migrant sex workers. Anti-sex work programs that function under the guise of anti-human trafficking initiatives are increasingly common, including among shelters, hotels and taxi drivers. As a result, service providers are increasingly encouraged to actively participate in contributing to these harms without recognizing the consequences of their actions.

For many reasons (e.g. funding requirements, personal values, organizational pressure, ignorance), when engaging with sex workers, service providers often ignore the fundamental principles that otherwise guide their interventions and services. Principles such as:

- > respecting and protecting confidential information;
- > requiring the client's prior and informed consent before contacting a person, institution or law enforcement agency on their behalf;
- > respecting the client's agency and decisions and providing non-judgmental supports and services;
- > supporting the client's decisions and steps towards developing opportunities and supports;
- > supporting the client's self-determined goals and aspirations;
- > developing supports and resources rather than punitive measures; and
- > ensuring their actions never place the client at increased risk of harm or contribute to the victimization of the client.

Protecting migrant sex workers' confidential information

“...so I will not tell anyone what I am doing. I don't wanna tell the lie but... because it's like, I don't want to tell people what I am really doing in my work. Don't want misunderstanding.” [6]

For many reasons, such as criminalization, discriminatory immigration regulations, racial profiling, stigma, anti-sex work and anti-migrant ideologies, migrant sex workers are very hesitant to seek support and services and to disclose any personal or work-related information. Further, for these same reasons, service providers are increasingly encouraged to violate sex workers' confidentiality, and often do so without awareness and consideration of the numerous harmful consequences.

Disclosing information without the person's informed and explicit consent may lead to harmful consequences, such as:

- > involuntary involvement with law enforcement and legal systems;
- > criminal and immigration investigations, detention, arrest and deportation;
- > potentially breaking your own organization's policies and/or privacy related laws; and
- > destroying the possibility of trust with service providers and pushing migrant sex workers away from supports and services, further isolating them and deterring them from contacting service providers in the future.

Service providers should not contact or disclose information to law enforcement or other service providers without the explicit and informed consent of the individual concerned. Informed consent requires that you discuss—in advance—all possible negative consequences with the individual concerned.

This applies to everyone who accesses your services, including any person who:

- > is or may be a victim of violence and/or human trafficking
- > is or may be undocumented or have precarious immigration status
- > is a young person (is or may be a minor)
- > may be particularly vulnerable due to gender expression/identity, sexuality, mental health issues and/or disability

Remember not to disclose and to protect ALL of the information contained in the person's file, not only the person's name or other information that is identifiable to the person accessing your services. Service providers often disclose confidential and identifiable information without realizing it, as they may not understand how confidential information impacts criminalized communities that are monitored and harassed by law enforcement.

E.g. information that identifies workplaces, geographic areas or sex-industry related businesses, colleagues, family and community members, etc. must not be disclosed as it can lead to increased surveillance, harassment, detention, arrest and deportation of community members.

E.g. information provided to anti-trafficking hotlines or other government services may lead to raids or other law enforcement initiatives that harm the people the service claims to protect.

E.g. sharing of information may also lead to an abuser being able to locate an individual.

Ensure your organization/agency has privacy policies in place, and ensure staff is adequately trained to implement these policies and procedures and ensure information is protected.

This does not mean that you cannot support and intervene in a crisis situation.

- > It does mean that as a service provider you have an ethical obligation to focus on your client's self-determined interests, to respect their agency and decisions, and to obtain their informed consent in order to take action or disclose any information.
- > Refer clients to supports within the community that provide services to sex workers and to migrant communities, such as Butterfly. Having access to these supports will help a person make an informed decision about their situation.
- > If you know or recognize someone because you met them somewhere else (e.g. through your work at another organization, seeing them in the community, etc.), do not use or disclose any information that you may have about them. Also, if you see a client in the community, do not assume that they want to be approached.

Explain to clients that consent to disclosure of information is context-specific.

- > Make sure clients are informed about the limits of consent and that service providers share information with their coordinators and managers.
- > Ensure people know they can revoke consent at any time, and they can consent for you to discuss some things and not others.
- > The consent form may specify the limits of the information for which it authorizes disclosure. The client may authorize a service provider to disclose certain information relevant to their file, while not authorizing them to disclose certain other information that they shared (e.g. certain information about their family life, or their sex work).
- > When communicating with others outside of the organization, ensure that the consent form people sign has a specified length of time. This means that the consent form only authorizes disclosure up to that date. Check in with clients after a certain period of time to see if the form needs to be updated or if they still want it in their file.

Practice discretion in documentation.

- > There are ways to frame information so that you are meeting your professional obligations and also protecting client information.
- > Service providers should be intentional about what they include in client files and how information is framed. What are the implicit narratives in your notes? Service providers should be aware that their notes may shape a person's future care.
- > Service providers should only document necessary information and use discretion.

Service providers may have a variety of obligations (e.g. legal and professional obligations, internal organizational policies) that at first glance may seem to be in potential conflict with the recommendation to never disclose information. Certain legal obligations may require a service provider to contact law enforcement or other agencies (e.g. Children Aid Society) when an individual is in serious and immediate danger or harm or where an abuse situation is identified. However, **stigma, ignorance and harmful myths associated with sex work can cloud service providers' capacity to reasonably and objectively identify a serious and immediate risk.** As a result, service providers often use their discretionary power to violate sex workers' confidentiality in contexts where there is no real risk or danger. In reality, service providers are reporting activities that pose a risk to their own subjective moral values, but not to any person involved in the situation they are reporting.



Due to fear and misinformation, many service providers erroneously believe they have a legal obligation to report migrant people, sex workers and minors to the government in various situations. **Whereas legally and ethically, service providers have an obligation NOT to disclose a person's confidential information:**

Immigration status and sex worker status

Almost all agencies either have a privacy policy or are governed by municipal, provincial or federal privacy laws depending on their funding, such as the Ontario Freedom of Information and Protection of Privacy Act and the Toronto Municipal Freedom of Information and Protection of Privacy Act. This also protects you as a service provider. Absent a court order, summons or subpoena, disclosing information can lead to liability. Sanctuary cities such as Toronto encourage "Access without fear policies" which prohibit service providers from inquiring about, or reporting, clients' immigration status. It is important to be aware of all potential risks a client may face as a result of any course of action and associated disclosure of information.

E.g. a client may want support accessing certain government services, but may not be aware of the risks associated with disclosing certain information to the government.

E.g. a case worker may write a support letter for a client's Humanitarian and Compassionate application and refer to her vulnerability in the sex industry as a reason to accept the application. However, this information may create the risk of notifying the government (Immigration, Refugees and Citizenship Canada) that the client has breached immigration regulations that prohibit migrant sex work.

Youth

Service providers' values and beliefs related to youth and sexuality often lead them to believe that a young person's involvement in sex work automatically constitutes a "serious and immediate risk." This prevents them from clearly and adequately analyzing all possible negative consequences for the youth, if law enforcement is contacted without first obtaining the youth's informed consent.

E.g. jeopardizing a young person's ability to live with their family or community (a potential risk with exposure to CAS) may pose a more severe and immediate risk to the youth's well-being, than their involvement with sex work.

E.g. disclosing confidential information without the youth's informed consent may destroy the relationship of trust and prevent youth from accessing support or disclosing information about themselves in the future.

E.g. disclosing confidential information without informed consent could lead to the youth's removal from Canada.

Discretionary power: evaluating "severe and immediate risk"

Some service providers assume all sex work is exploitation, particularly if youth are involved in selling or trading sexual services. Because of the perception that all youth involved in sex work are at "severe and immediate risk," some service providers may immediately contact a Children's Aid Society (CAS) or other law enforcement if a youth is involved in sex work, or if a youth is under the care of a sex worker, without considering what is in the best interests of the youth in question. However, disclosure to CAS may actually result in a more severe and immediate risk to the person's well-being than their involvement in sex work. When it comes to young people, many service providers assume that if there is a dependence on another individual for basic needs (i.e. shelter, food), that the relationship is inherently exploitative and that if not for dire circumstances, a young person would not choose to do this work. However, it is not up to service providers to define someone else's relationship to their work nor to claim victimhood on behalf of someone who does not consider themselves a victim.



KEY PRACTICES TO PROTECT INFORMATION

- > Ensure you have a clear understanding of your various legal and ethical obligations to defend and uphold your clients' rights – including your obligation NOT to disclose a person's confidential information.
- > Understand how disclosure may actually harm rather than assist migrant sex workers.
- > Develop clear and accessible policy in your agency around these issues to prevent confusion and problems among staff.
- > Understand how harmful myths and misinformation related to sex work and migration contribute to service providers' confusion and ignorance about their legal and ethical obligations related to disclosure, and their capacity to identify "severe and immediate risk."
- > Even in organizations that may not report directly to government, disclosing any information within the organization may still pose various risks if there are no established internal procedures and practices that ensure anonymity and personal safety.

If you cannot provide an anonymous and confidential service, and if you cannot guarantee that you will not disclose any information without their consent, ensure that you clearly explain the limits of the service you are providing. Explain what personal information is needed, for what purpose, who can access their file, and in what cases you will/may share information, before a migrant sex worker discloses any information.



Supporting migrant sex workers who may face violence or other abuses

“He tore off my clothes until I was almost naked, and then he tried to rape me. It took all my effort to get out and run outside. I ran to the convenience store next to the spa. Since I had nothing with me, I asked the store owner to help me call 911, but he was afraid of getting in trouble. He didn’t want his business to be affected, so he refused...When the police arrived... The female police officer who was on duty hinted to me in Chinese that I should give up and withdraw my case, as the odds were against me in the sense that the judge would not believe or sympathize with my words because I was a holistic practitioner. Later on, I heard that the man was released the next day. Additionally, I received a ticket for not being properly dressed in public.” [6]

Comments, policies and practices that assume migrant sex workers are victims or inherently vulnerable, or that sex work is inherently exploitative or dangerous, increase stigma and discrimination and create barriers to supports and services, including police and health, legal and social supports.

It is important to understand how migrant sex workers' rights are violated in order to provide support and information that is relevant, and to ensure that your comments and actions do not cause them greater harm. Being respectful and open to understanding their reality also contributes to building trust.

The complexity of individual and systemic human rights violations experienced by migrant sex workers are often misunderstood and misrepresented. As a result, discourse, practice and policy that claim to "address" violence and abuse against migrant sex workers often promote ideas that contribute to the harms that sex workers must mitigate.

Questions to ask yourself

Supporting the person's perspective and needs

- › Am I open to understanding how they are describing their experiences and what kind of support they are asking from me?
- › Am I responding directly to what the person is asking for? Do I need further clarification about their situation or how I can support them in realizing their goals?
- › Am I questioning whether the person knows what they really need or am I listening to what the person is asking for?
- › Am I ignoring, dismissing or invalidating the person's agency? How can I offer support that aligns with the person's agency? Am I respecting the person's agency, even if they are in a difficult situation?

Intervention

- › How might my intervention be disempowering, further victimizing or invalidating of the person's agency? How can I shift my intervention to better align with the person's stated goals/requests for support?
- › Am I respecting and supporting the person's decisions, even if I "don't agree" or think they should make another decision?
- › Am I responding as I would if the person worked in a restaurant, instead of doing sex work? Do I recognize how her work provides for her and is valuable (as I would if she was working in another labour sector or type of work)?
- › What are the person's strengths, resources and resiliencies (e.g. friends, family, clients, co-workers, other support networks)? How can they be valued and centred in supporting the person to reach their goals in this situation?

Reflect on underlying values

- › What are my own values about sex work? Where might my values about sex work, migration, gender and race be coming from?
- › Do my organization's politics and policies align or conflict with these values?
- › How might my values be influencing the way I am responding in this situation? How might my values be negatively impacting the person's agency? How can I ensure that my own values and judgements related to sex work do not influence the service and support that I am offering?
- › What are my organization's values, priorities and approach? Are the organization's approach and project goals aimed at ending trafficking, sex work or migration? How may this conflict with some clients' goals? How can I navigate this challenge?

What are the sources of human rights violations that migrant sex workers face and what are the harmful myths about sex work and sex workers that contribute to these violations?

These sources of oppression and human rights violations are interconnected.

Sex work prohibitions

This includes all criminal, immigration, municipal and other law and policies that prohibit and punish people involved in sex work, rather than protecting sex workers' rights and providing supports.

Myths reinforcing this source of oppression include:

- > Criminal prohibitions prevent exploitation and protect and rescue women who need saving.
- > It is possible to criminalize sex work without criminalizing sex workers.
- > Criminalizing clients and third parties protects sex workers.
- > Service providers have the responsibility to identify victims and report them to police, with or without the person's informed consent, as this will help the victim in addition to other women.

Law enforcement initiatives and surveillance by bylaw enforcement, police and CBSA

This includes all unwanted and unsolicited presence of law enforcement, which leads to surveillance, interrogation, detention and investigation of sex workers' lives and workplaces. These initiatives are frequently implemented under the guise of anti-human trafficking or anti-sexual exploitation objectives.

Myths reinforcing this source of oppression include:

- > Law enforcement prevents exploitation and protects and rescues women who need saving.
- > The presence of law enforcement is useful in protecting sex workers.
- > Unwanted and unsolicited "visits" and interrogations by police are necessary as women who need help cannot otherwise access protection (they do not know how or where to get support).
- > Monitoring and interrogating clients and third parties helps keep sex workers safe.

Service providers who promote prohibitionist (anti-sex) work ideology

Repressive values and judgments are not only promoted by prohibitionist laws and law enforcement. They are also promoted by many service providers (e.g. social workers, feminists, healthcare providers, legal workers) who deny sex workers' agency and right to make decisions about their own lives, and expect or require sex workers to leave or be removed from their working environment and community (to "exit" sex work).

Myths reinforcing this source of oppression include:

- > Women with agency and who experience equality would never do sex work.
- > Most sex workers do not consent to this work.
- > If a sex worker is not being forced to do this work, they must be so traumatized that they don't know what they need and therefore need to be saved by others in order to save themselves.
- > Current anti-trafficking initiatives and campaigns help rescue sex workers.
- > Media and popular perceptions about human trafficking are based on rigorous evidence.

"The police... he came to check my shop every day. Our shop was not in his jurisdiction. I had a fight with him... I offended one of the cops, and he checks on me all the time. I knew he is a police when he came to my shop, he requested an extra, such as blow job. I refused. Then he got pissed off. So this guy began to check up on me all the time..." [6]

Stigma and discrimination

(related to both their immigration and sex worker status) from law enforcement, service providers, neighbours and other members of the general public.

Myths reinforcing this source of oppression include:

- > No one wants to be a sex worker, so they must not want to do this work or are not doing it voluntarily.
- > Sex work is stigmatized and criminalized so it must be very bad.
- > Some sex workers "choose" to do sex work, but immigrant women are trafficked and forced into prostitution.

Individual and structural inequalities and systems of oppression

(e.g. poverty, racism, racial profiling, colonial borders, discriminatory immigration policies and practices, sexism, misogyny and violence against women)

Myths reinforcing this source of oppression include:

- > Racialized and marginalized women with limited options do not have agency and cannot consent to selling or trading sexual services.
- > Only few privileged people "choose" to do sex work and they are not representative of most sex workers who are trafficked, addicted to drugs and have violent pimps who force them to work.

Inequitable and unsafe working conditions

(inability to legally implement health and safety measures, inability to effectively access labour and employment standards and protections)

Myths reinforcing this source of oppression include:

- > The sex industry is inherently a dangerous and risky activity.
- > The sex industry attracts very bad people. No one wants to work there and no one wants to improve their working conditions; they just want to get out and we must help them exit.
- > Prostitution is not work but a form of exploitation and violence against women, and there are no measures that can make it non-violent or safer.
- > Even if sex work was not criminalized, it would not be possible to apply labour standards or protections to sex work or sex workers.
- > Labour law cannot protect sex workers, only criminal law can.

"...He locked the store from inside, and he went through my purse and took my phone and all my money. Just at that moment, there was another customer who rang the doorbell. He covered my mouth right away, and he used a knife to threaten me to keep quiet..." [2]



TYPES OF VIOLENCE AND OTHER ABUSES FACED BY MIGRANT SEX WORKERS

Workplace violence: Violence from managers, clients, co-workers, etc. (e.g. physical violence, sexual harassment, human trafficking, theft, extortion)

Labour exploitation: Unfair or unsafe working conditions created or maintained by employers, managers, etc. (e.g. poor wages, refused payment, unsafe working conditions, lack of adequate break time or time off)

Violence from intimate partners and family members: Partners or family may exploit stigma associated with sex work to abuse sex workers (e.g. manipulate, extort, control). It may be difficult for sex workers to leave an abusive family relationship when threatened with harm, including being reported to law enforcement or being denied access to their children or property.

Violence by perpetrators: Violence from neighbours, clients, landlords and other people who know sex workers are fearful to contact police and report abuse, and that police are less likely to investigate violence against sex workers (e.g. harassment, physical violence, robbery, sexual assault, extortion, murder)

State violence:

- > Violence from law enforcement officers, including immigration, bylaw and police officers, prison guards (e.g. harassment, profiling, arbitrary detention, invasive body searches, sexual assault)
- > Laws and policies, including punitive criminal laws and immigration regulations that prohibit sex work increase workers' vulnerability to violence and other abuses (e.g. criminalizing supportive and protective work relationships and services, authorizing eviction, detention and deportation, perpetuating stigma associated with sex work and sex workers)

Violence by government and non-governmental service providers: Legal, social and health systems, services and funding streams that promote anti-sex work and anti-migrant values and agendas are a source of violence and oppression (e.g. surveillance, disclosure of confidential information, requiring sex workers to stop sex working or to "exit" in order to access supports, outing, threats or actual loss of child custody, imposing moral, colonial or religious agenda)

Violence by other members of the public: Discrimination against sex workers, racialized communities and migrants, whorephobia, racism, sexism, racial profiling, surveillance, exclusion, verbal abuse, confinement with or isolation from family or friends.





CASE STUDY

Many anti-trafficking organizations are concerned about human trafficking in massage parlours. These organizations wrote to the city demanding that the businesses be shut down and that law enforcement increase criminal investigations at these locations to protect and rescue the women they said were being trafficked.

Amenda has a student visa. She used to work in several massage parlours throughout the city, preferring the increased control she had over the kinds of services she offered (e.g. massage, hand job, full sexual service) when working at the parlours. However, due to the dramatic increase of investigations and raids on sex work-related businesses under the guise of anti-trafficking investigations, Amenda received more than \$2000 in fines over a period of two months (for municipal offences such as tickets for "inappropriate" clothing, locking the door, etc.). When she received these tickets, her personal information was recorded with the police and the court, documenting the fact that she worked at massage parlours.

Amenda was worried that the documented information related to bylaw infringements would be shared with immigration enforcement (CBSA) and used to revoke her immigration status. Because of this threat, Amenda decided she could no longer safely work with others in massage parlours, and instead began working alone in an apartment, offering full sexual services (oral and vaginal).

Since working alone, Amenda has been the victim of many violent assaults and robbery. A group of violent criminals robbed her four times within a one-week period and continue to come regularly to extort her and take a "protection fee." They threaten to report her to police and CBSA if she does not pay. Amenda feels that she cannot do anything about it because she cannot report the crimes to law enforcement and safely access other services.

This case highlights different sources of harm to Amenda, including those produced by:

- > the organizations supporting this anti-trafficking initiative and targeting migrant sex workers and their workplaces under the guise of rescuing victims of trafficking;
- > the unwanted and unsolicited presence of law enforcement in sex workers' workplaces which reduces migrant sex workers' options for work and ability to determine their working conditions and drives them to work in more precarious and less protective work environments, placing their physical and economic security at risk;
- > racial and social profiling by law enforcement officers, and the systemic racism and sexism underlying harmful assumptions about migrant communities and migrant sex workers' relationships that maintain these practices;
- > the municipal regulation of migrant sex workers' workplaces that increases the presence of law enforcement and, along with anti-sex work immigration regulations and criminal offences, permits law enforcement to conduct unwarranted criminal and immigration investigations under the guise of municipal regulation;
- > targeted violence resulting from criminalization and immigration systems that situate migrant sex workers as "ideal" and strategic victims of abuse for perpetrators who know that sex workers without status fear law enforcement and will likely not report abuse to law enforcement; and
- > barriers created by criminalization, discriminatory immigration regulations, racial profiling, stigma, and anti-sex work and anti-migrant ideologies, which discourage migrant sex workers from seeking supports and services and from disclosing any personal or work-related information.

Law enforcement surveillance and investigation into sex workers' lives and workplaces are regularly conducted under the guise of anti-human trafficking or anti-sexual exploitation objectives. In reality, these anti-sex work policies and initiatives:

- > increase migrant sex workers' vulnerability to violence while offering no form of protection;
- > decrease their ability to improve their safety, bargaining power and overall working conditions; and
- > decrease their ability to report and seek supports and recourses.

**What can we do to
increase migrant sex
workers' access
to supports and services
and ensure we do not
contribute to the harm
they face?**

Barriers preventing migrant sex workers from seeking and accessing supports and services

Service providers often want to know what to do when a migrant sex worker comes to them for support. But it is equally important to understand *what not to do*. **Meaning: what are the things you or your colleagues may communicate or do that can create barriers for migrant sex workers' access to your services, and may even cause harm to the person.** As a service provider, it is important to understand how your role and behaviours can be oppressive, rather than helpful.

Oppression may come from numerous sources such as:

- > governments, e.g. repressive laws, anti-sex work discourse used by politicians
- > law enforcement, e.g. discrimination, profiling, harassment, theft and other abuses
- > people in the community, e.g. disrespectful, hostile and racist attitudes and treatment
- > service providers, e.g. not recognizing the person's agency, breaching confidentiality and sharing information with police or other official institutions, advocating for surveillance of marginalized communities, advocating for criminal prohibitions and other oppressive policies, imposing values and goals onto a person attempting to access services and supports.

It is important to understand the larger context in which migrant sex workers receive your comments, behaviours and services. Every day, migrant sex workers may face individual and systemic racism, sexism and other forms of discrimination, and may be at risk of eviction, detention, arrest and deportation. This does not mean that they do not have power and agency in their own lives. On the contrary, this speaks to their level of resilience, strength and creativity.

Principles and practices for service providers to reduce barriers, develop accessible services and ensure their actions are not harmful to migrant sex workers

This work needs to happen on an individual and organizational level – both are interconnected. Although community members, volunteers, staff, directors, board members, etc. have very different levels and types of power at an organization, all service providers have some power and privilege in delivering services and can have a (positive or negative) effect on the people the organization aims to serve.



What can I DO – and NOT DO – to increase migrant sex workers' access to supports and services and ensure I do not contribute to the harm they face?

What can I do?	What NOT to do:
<p>Recognize and respect the person's agency</p> <ul style="list-style-type: none"> > Ensure you have a clear idea of their overall goals, how they want support, how you can offer support and then collaborate to develop options that respect their self-determination. > Don't assume what the source of the problem is and don't impose what you think should be their desired outcome. > Focus not only on the problem they have identified, but also on being respectful in your interactions. > Approach your client as a whole person: Value their individual strengths and resources and understand what supports and sustains them as individuals. > Be transparent about your role: Ensure you have informed consent from the client before they disclose any information or you take any course of action. <p>Consider how you can help the person</p> <ul style="list-style-type: none"> > Be inclusive and flexible when interpreting your mission and mandate. > Think broadly and brainstorm to find ways to offer (rather than refuse) information, supports and services. > Use your individual and organizational power and privilege to think of ways to increase their access to information, services and support. > Engage in ongoing reflective practice. <p>Help them make a safety plan that focuses on their actual and identified needs, risk and goals.</p> <ul style="list-style-type: none"> > Allow the person to define their situation, their experiences and how they want help. > Help your client identify and centre their strengths, resources and resilience, brainstorm solutions and move forward with the plan they decide. > See page 26-29 for developing a safety plan. 	<p>Never disclose any information without the person's informed and explicit consent.</p> <ul style="list-style-type: none"> > Migrant sex workers tell us that it is essential that service providers do not contact anyone, or disclose any information concerning an individual, without the explicit and informed consent of the person affected. > This applies to anyone, including a person that you think may be a victim of violence and/or human trafficking. Informed consent requires that you discuss — in advance — all possible negative consequences of the course of action with the individual concerned. > Explain that consent is context-specific: ensure clients know they can revoke consent at any time, and they can consent for you to discuss some things and not others. When communicating with others outside of the organization ensure that the consent form clients sign has a specified length of time. <p>This means that service providers should not contact the police, other law enforcement agencies, or any other service provider or social service institution without the explicit and informed consent of the individual concerned.</p> <ul style="list-style-type: none"> > This includes any information about the identity of the person, their colleagues, their family or friends; their workplace or other locations; or any other information. > Ensure clients are informed about the limits of consent and that service providers share information with their coordinators and managers. > Many service providers are unclear about their obligations not to disclose information. See page 10-14 for more on the duty to NOT disclose.

What can I do?	What NOT to do:
<p>Recognize that people who experience violence are often stigmatized and victimized by the people and institutions they speak to for support.</p> <ul style="list-style-type: none"> > Treat the person with respect and dignity. > Support their agency and their decisions, including if they are not ready to leave the person who is abusive or have returned to them. > Ensure your comments and your body language are not judgmental, reprimanding, patronizing or victimizing. <p>Remind the person that it is <i>their</i> file</p> <ul style="list-style-type: none"> > Clients have the right to see all information and documentation kept in their file, to receive a copy, or to withdraw their file at any time. > Use discretion: be intentional about what you include in clients' files and how information is framed. Only document necessary information. > Recognize every person as the expert of their own life. > Ensure you do not impose your own narrative and discourse (e.g. language, framework, labels, naming) on the person's experiences and the issues or problems they are facing. 	<p>Do NOT assume the reasons why the person came to see you or what their problem is.</p> <ul style="list-style-type: none"> > When sex workers try to access services for supports such as housing or clothing, service providers often ask invasive questions about their work when it is unrelated to the reason the person came for assistance. > When a sex worker wants help with her working conditions, many service providers erroneously assume they want "help exiting sex work," instead of what the person asked for (to improve the conditions in which they work). > When sex workers try to access services for supports such as housing or clothing, service providers often ask invasive questions about their work when it is unrelated to the reason the person came for assistance. > When a sex worker wants help with her working conditions, many service providers erroneously assume they want "help exiting sex work," instead of what the person asked for (to improve the conditions in which they work).

CONSENT-BASED PRACTICE

- > Explain clearly to the person if your services are only confidential, or if there is the possibility of offering an anonymous service (and the difference between the two).
- > Explain clearly to the person who could have access to their file and under what circumstances it could be accessed.
- > Before the person discloses any personal information, explain precisely what questions you will ask: what information is needed—and why—and what impact this information may have on their file.
- > When possible, remind the person that if they don't feel comfortable answering certain questions that they do not have to, or that they can discuss it later.
- > Clearly ask if you would be permitted to disclose the information obtained before the person reveals any personal information (do you have an obligation or a tendency to disclose certain information?)
- > If you take notes while the person is speaking: ask them if they are comfortable with you taking notes, or if they would prefer that you first explain what information you wish to note and will ask for their consent before doing so.

As an ORGANIZATION:

What can we DO – and NOT DO – to increase migrant sex workers' access to supports and services and ensure we do not contribute to the harm they face?

What can I do?	What NOT to do:
<p>Try to provide some anonymous services (e.g. initial information and support without having to identify themselves).</p> <p>Provide support and services without requiring individuals to disclose their sex work or immigration status.</p> <ul style="list-style-type: none"> > Many migrant sex workers will not meet with a service provider unless they can do so anonymously and confidentially. > If you cannot provide anonymity, ensure staff clearly explain the limits of the confidentiality provided. > Take the time to clearly explain what personal information is needed, for what purpose, how this information will be used, who can access their file, and in what cases the information will/ may be shared before the person discloses any information. 	<p>Never disclose any information without the person's informed and explicit consent.</p> <ul style="list-style-type: none"> > In addition to questions about one's immigration and sex work status, asking questions related to "occupation" and "income" before a relationship of trust is built may isolate sex workers from your services. > Analyze your intake questions and question what is necessary to the service – or at least the initial information – the person is seeking at that moment.
<p>Develop and offer services and programs that focus on providing support from a rights-based approach, which does not require the person to identify or "fit" themselves, their experiences or their goals within a particular narrative/ideology.</p> <p>This means that:</p> <ul style="list-style-type: none"> > people should not have to identify as "victims" in order to access services. > people should not have to identify/categorize the violence or rights abuse they may experience within any particular narrative or framework (e.g. "human trafficking," "sexual exploitation"). > funding and services should not require or expect the person receiving services to make certain decisions or to work towards predetermined outcome(s) (e.g. to stop doing sex work "exiting" or to leave a certain relationship or community). 	<p>Do NOT develop programs and services that expect or demand certain outcomes from the person receiving the service.</p> <p>This means your organization does NOT:</p> <ul style="list-style-type: none"> > develop programs that require the person to identify as a victim. > expect or require a person to identify their experience within a certain framework or ideology in order to access ALL information, supports and services otherwise provided. > allow staff to tell the person how they should experience or understand their own situation.

What can I do?	What NOT to do:
<p>Develop an organizational position on sex work and make this position public and visible.</p> <ul style="list-style-type: none"> > Advocate for sex workers' rights and support the full decriminalization of sex work (all activities and relationships between sex workers, their clients and third parties). > This allows migrant sex workers to know that your organization and service delivery approach will respect and protect their rights. This will show migrant sex workers that you support them and that your organization is safe for them to access. > It is also a very valuable way to use your power and privilege as an ally to concretely advance sex workers' rights. <p>Develop an "Access without fear" policy at your organization.</p> <ul style="list-style-type: none"> > Demonstrate that you understand your professional and ethical obligations not to disclose information about your clients to law enforcement. 	<p>Do NOT exploit sex workers to get funding or other forms of recognition.</p> <p>Do NOT promote stigma, discrimination and criminalization related to sex work.</p> <p>Do NOT support anti-sex work/er or anti-migrant campaigns, policies and initiatives, organizations or institutions.</p> <ul style="list-style-type: none"> > As racism and prejudice against sex workers are so common and pervasive, it may be impossible not to work with any entities that promote these oppressive views (e.g. if they control your access to women who are in detention, if they provide the resources your organization needs to outreach to the community). > However, your organization can publicly denounce the racist and anti-sex work/er practices and positions of the groups with whom you work. And as a human rights organization, you arguably have an obligation to do so. <p>Never pressure employees or volunteers to disclose information about participants' immigration or sex work status.</p>
<p>Implement practices that allow workers to develop their capacity to support migrant sex workers.</p> <ul style="list-style-type: none"> > Create space for workers to engage in activism. > Create space for workers to engage in reflective practice. > Provide training developed and provided by migrant sex workers. > Engage migrant sex workers as stakeholders to develop programs and services 	

Developing legal and non-legal practical strategies to support migrant sex workers

HOW CAN I PROVIDE SUPPORT TO MIGRANT SEX WORKERS WHO HAVE EXPERIENCED OR MAY EXPERIENCE VIOLENCE?

REMEMBER

- > Recognize and respect the person's agency – particularly if they are experiencing violence or other human rights abuses. Support their decisions even if you think they are not making a "good" decision or you think you would decide otherwise.
- > Allow the person to define their situation, their experience and the problem or reason they came to see you.
- > Don't assume what solution or outcome they should want, and don't expect or pressure them to make the decision that you want them to make.
- > Ensure your services and your approach focus on the reason the person came to see you, not arbitrary project mandates or deliverables.
- > Do NOT disclose information or contact law enforcement without the person's prior and informed consent.
- > Be mindful of your personal, cultural and moral values, including assumptions about sex and sex work.

Think beyond the confines of criminal law and law enforcement and consider the labour context, while always being mindful of the context of criminalization and repressive immigration policies.

- > If a migrant sex worker talks to you about their work, it is important to consider the labour framework. BUT always consider the risks related to the criminalization of sex work and impacts to their immigration status, including deportation!
- > Due to the over-surveillance of sex workers related to anti-trafficking and other repressive initiatives related to sex work, labour-related complaints in the context of sex work risk being reported to police or other law enforcement. As a result, sex workers and their colleagues, friends and family might be subject to criminal, immigration, and human trafficking investigation.
- > However, labour rights and remedies may open the door to informal negotiation strategies, and increase bargaining power.
- > Many labour and employment rights and protections apply to everyone working in Ontario (even if they do not have legal permission to work in Canada). In practice however, migrant sex workers face significant barriers preventing them from accessing these rights due to the risks associated with the criminalization of sex work, the conflation between sex work and trafficking, and precarious immigration status.
- > For more information on migrant sex workers' labour and employment rights and the numerous barriers to the protection and realization of these rights, see *Upholding and promoting human rights, justice and access for migrant sex workers: Migrant Sex Workers' Labour and Employment Rights*.

Think beyond legal remedies: most forms of support for migrant sex workers are community-based.

- > Community supports and responses are vital parts of migrant sex workers' safety plans for protection from the people who pose a threat (e.g. law enforcement, aggressors, abusers).
- > Community support and allies are vital for negotiating with state and non-state actors (e.g. negotiating with an exploitative boss, protection from a blackmailer, mobilizing a bondsperson).
- > These community responses provide support while law enforcement interventions and legal recourses often create additional problems for migrant sex workers due to the criminalization of their work and communities.

Provide a diversity of referrals to appropriate resources

- > Make efforts to build a referral network of trusted people who can help undocumented workers.
- > Share information with other service providers about which resources are effective, accessible, safe and trustworthy.
- > Think broadly and creatively about the types of resources and supports that may be useful, while ensuring they are relevant.

Help migrant sex workers create a safety plan in response to the situation or person posing risks to their safety and well-being.

How can I help migrant sex workers create a safety plan or release plan?

When people who are in difficult or violent situations speak of their experience, often people's reaction is to simply suggest that they leave the situation or relationship. Reality is usually not that simple, particularly for women with limited resources and access. Many marginalized women do not have access to the resources and supports required to change their existing situation. It is not simply a question of leaving their current circumstance, but how to adequately and sustainably create and access new circumstances. In addition to limited resources and access, leaving an abusive situation or individual without having adequate supportive measures in place can actually place the person in even greater harm.

For this reason, it is essential to have a clear understanding of what the person wants to do, and what supportive and sustainable measures they want in place before taking action. In order to accurately understand what they need and want to do, remember not to make assumptions about what the person is experiencing or identifying as the problem or the source of the violence they want to address.

Migrant sex workers may need one or several safety plans, depending on what risks and problems they are currently facing. For example, they may need a safety plan that helps them prepare things in advance if they leave an abusive partner, or are at risk of detention by immigration, or want to leave a problematic workplace.

“I was locked by chains and weights, on my wrists and legs... I felt like I was being treated as a murder suspect. They did not allow me to make a phone call or contact other people.” — Mimi, who was detained for three months in an anti-trafficking investigation as a suspected victim, then deported.



Creating a safety plan for risk of violence or abuse

The following questions may be useful for service providers to discuss with clients as they help them develop their safety plan:

Safety Plan:

- Plan to leave
- Supports and resources
- Finances
- ID, documents and bank information

Plan to leave

- > Assess the risk of retaliation or violence that may occur if you leave.
- > Where do you plan to go if you leave? Do you have the address or contact information for places you may go (emergency shelters, friends/community, motels)? If you live with the person who is violent towards you, or if they can access your belongings (e.g. in the workplace), keep this information in a hidden place.
- > How will you get to this destination?
- > Are you planning to leave in the near future, or are you creating a plan in case you have to leave quickly and unexpectedly?
- > Can you keep some essential items in your purse/bag (e.g. medication, change of clothes, \$20 hidden in a lipstick container) in case you need to leave unexpectedly? You may not want to keep too many items as it may create suspicion.
- > Do you need to make plans for your children, other people you care for or your pets?

Supports and resources

- > Do you know community organizations, co-workers, friends, clients or family who can help you access information about possible resources, and contact those resources to know more about their services and supports (e.g. shelters, violence against women programs, legal supports and food banks)?
- > What other supports and resources do you need in place? What service providers or personal networks can provide emotional or other support (e.g. transportation)? What are your priorities?
- > Identify and centre your strengths, resources and resilience: How have you stayed safe/survived in the past? What are some things you are doing right now?
- > If you do want to speak with law enforcement, talk to a lawyer before going to the police or immigration about the abuse you have survived. Going to law enforcement may be a good idea, but may also lead to more abuse and may (in the immigration context) result in your removal. However, with legal help, it may also help you to stay in Canada.

Finances

- > Can you save up and hide some money? Enough to access transportation to travel somewhere safe? Enough to rent a room somewhere if you cannot or do not want to stay in a shelter?
- > Do you have a bank account to which only you have access? Are you able to get one? (If you open one up, make sure the bank does not send documents to an address where your abuser may receive it).

ID, documents and bank information

- > Do you have your important documents (ID, documents related to your children, etc.) organized in one place so that you can quickly take all of them with you if you must leave suddenly?
- > For case managers who work regularly with clients: Ask your organization if they are willing to keep a small amount of a client's file, in case they need to leave an abusive situation quickly.
- > Document everything: every conversation you have with your abuser, every text they send you, every interaction you have with them (include dates, times, locations). Try to ensure the abuser does not have access to your cell phone or personal records.
- > This is all very hard: rely on trusted friends and advocates in the community when you can. If you are really sure you can trust them, keep copies of records with them. If this isn't possible, it can be helpful to have an email account that others/abusers don't know about: where you only sign in at community organizations or public libraries – as a place to store scanned copies of documentation and notes about the situation (conversations, events, times and dates, etc.) that you email to yourself and others.

Creating a release plan for risk of detention by law enforcement:

The following aspects may be useful for service providers to discuss with clients as they help them develop their release plan:

Build a support network and access information about your rights

- > It may be very useful to make contact with community legal clinics and an immigration, criminal or/and family law lawyer.
- > They may be able to provide important information to help you protect yourself, know your rights and minimize your risk of detention.
- > It may be very useful to make contact with community support workers as they may be able to provide holistic support and also help you contact other specific supports (e.g. lawyers).
- > If you are ever detained, having made these connections in advance and having a support network (partner or person you really trust) to advocate on your behalf is often really useful.

Increase your chance of being released on detention review

Planning ahead and speaking to someone you trust beforehand is very helpful, because once you are detained your personal belongings will be taken from you and you will have very few opportunities to speak to people.

Make a release plan: A person or people who can post your bond (i.e. your immigration bail) is essential, as are community organizations that can advocate for your release or provide support if you are released.



Things to plan in advance:

- > If there are people you could call, do you know their phone numbers by heart (your phone may be taken away from you)?
- > Make sure someone can take care of your kids or pets if you are detained.
- > Is there someone with a key to your apartment who would be able to get your clothes, money, important documents, medications, etc.?
- > Is there someone who could be your Bond Person? Someone who could bring you money ("financial guarantee" or "bail") to the detention centre, court or tribunal, or/and someone who would come to the court/tribunal and testify on your behalf at a "bail hearing" or "detention review hearing"?
- > You will need to provide the address where you will stay if you are released. Staying in a shelter is not as convincing as staying with a bondsperson but may still be accepted by the court. Build a relationship with the person or shelter whose address you will provide before you are detained, as reaching out once detained is difficult.
- > Build a relationship with a trusted immigration lawyer before you run into issues with immigration. Do you have someone who could contact an immigration lawyer or a criminal lawyer on your behalf?
- > Build a relationship with a trusted service provider that can connect with a friend or family member when you are detained. Consider and discuss what you would like them to communicate on your behalf.

RELATED RESOURCES FOR MIGRANT SEX WORKERS

- > [Who is Who: Identifying Law Enforcers, Butterfly, 2017](#)
- > [Immigration status and Sex Work, Stella and Butterfly, 2015](#)
- > [Working in Canada Without Canadian Citizenship, Stella and Butterfly, 2015](#)
- > [Upholding and promoting human rights, justice and access for migrant sex workers: Part 3- Legal Information for Migrant Sex workers](#)
- > [Migrants Know Your Rights! Immigration Legal Committee, No One Is Illegal-Toronto](#)

Useful approaches for supporting migrant sex workers

There are several approaches that people use to work towards social, racial, economic and other forms of justice. The approaches listed below are all complex and unique, yet also integrate some similar core principles, such as:

- > honouring a person's version of their own story,
- > recognizing the structural harms, inequalities and systemic oppressions they face,
- > considering the potential impact of historical experiences of harm and oppression in relation to their present encounters with social support organizations,
- > defending and upholding their rights, and
- > supporting their agency and self-determination.

Sex workers are experts at adapting to situations, languages and contexts. In this way, sex workers may also use different approaches to support their peers. **The sex workers' rights movement is not focused on theory or ideology, but on the people in their communities. No matter what approach we use, the priority is to protect and uphold sex workers' rights in order to improve their living and working conditions.**

Communities like migrant sex workers work together to use their collective power to resist violence and other abuses, to share their resources and strengths to support each other, and to develop strategies for dealing with and mitigating the harms they face. In addition to creating strategies for dealing with abuse and human rights violations committed against them, communities that are targeted by law enforcement, including Black, Indigenous and migrant communities, also work together to develop restorative and transformative systems and processes of justice, rather than criminal and carceral systems.

Human rights-based approach



A human rights-based approach requires service providers to recognize and support the interconnected rights of the person they are serving, and to support the person's capacity to know their rights and develop opportunities to defend and uphold them. Many people do not have access to their rights or the measures to protect and realize those rights, and service providers have an obligation to help mitigate this injustice. This includes ensuring all forms of discrimination are prohibited in organizational programs, services, policies and positions. It requires organizations to protect all human rights (e.g. right to equality, autonomy, self-determination, safety) in every individual and organizational context (e.g. people with limited options, organizations with limited resources or restrictive policies).

Service provision includes advocacy when helping clients access and develop strategies to protect their rights; this can include formal accountability mechanisms (e.g. formal complaint processes, courts and tribunals) and informal mechanisms and support (e.g. informal complaints, negotiations, social media). Human rights principles should also be integrated in the design, implementation and evaluation of organizations' services, programs, policies and public positions, and individuals and communities should be fully supported to participate in the development of policy and practices which affect their lives and rights. Further, a human rights-based approach requires organizations to push for accountability from individuals and institutions that are responsible for respecting, protecting and fulfilling human rights, regardless of the limits of the organization's mandate.

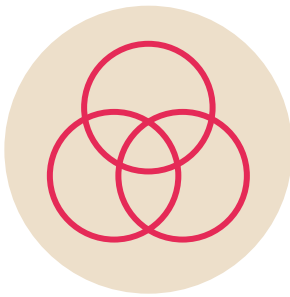
Trauma-informed approach



A trauma-informed approach to practice recognizes that services and supports must be developed with an understanding of the potential impacts of present and historical experiences of trauma on individuals, families and communities, and with a commitment to avoid re-traumatizing a client. Trauma is understood in relation to the many physical, emotional, spiritual, relational and intergenerational effects of harm, while respecting the person's understanding and narrative of their own experience. Harm is recognized within interpersonal relationships, families and communities, as well as occurring as a result of systemic, societal and institutional forces. A trauma-informed approach to practice centres the person's strengths and resources in addressing their goals.

Trauma-informed practice is closely related to anti-oppressive practice in that an intersectional perspective is necessary to recognize the relationship between trauma and structural oppression, such as colonization, racism, sexism, classism, ableism, homophobia and transphobia. By centring an understanding of trauma in all levels of an organization — from policy and governance, program and planning, to practices and perspectives — organizations can reduce the likelihood of re-traumatization. Health and social support can play a critical role in supporting individual care and wellness by prioritizing trauma-informed values of safety, trust, control, collaboration and empowerment.

Anti-oppression approach



Anti-oppression approach: Anti-oppressive practice centres an intersectional understanding of power in developing and implementing policies, programs and practices. This approach seeks to identify and disrupt power imbalances that result in individual and systemic forms of oppression and inequality, including the ways in which services and supports are impacted by dominant ideas and power imbalances related to race, gender, sexuality and sexual activities, immigration status, criminalization, class, disability, etc.


Anti-oppression practice requires members within communities and organizations to recognize and challenge the way different people within groups experience different and intersecting levels of oppression, inequality, marginalization and privilege. A critical aspect of this work is engagement in ongoing reflection regarding the ways in which personal experiences, histories and identities are at play within helping relationships and inform professional practice. Anti-oppressive practice requires that organizations, as well as individual professionals, destabilize and unlearn our assumptions (things we think we know and take for granted), privileged perspectives and internalized oppressions.

Harm reduction approach



Harm reduction approach: Fundamental and interdependent features of a harm reduction approach include the rejection of criminalization, prohibition and other punitive measures, and a commitment to address other structural issues and inequalities (e.g. inaccessibility of health care including mental health support, inaccessibility of sterile drug equipment and a safe supply of drugs, poverty, detention and incarceration). Further, it requires centring the voices, needs and experiences of people that are directly affected and truly respecting all persons' agency without judgment or stigma, which means to recognize and respect all persons' right and capacity to make decisions about their lives.

Some sex worker organizations use a harm reduction approach in solidarity with sex workers who use drugs or substances. However, sex workers caution for the need to provide more informed and contextualized ideas of harm reduction to ensure that harm reduction does not overshadow other conversations, or even guide conversations about sex work. For example, harm reduction frameworks generally do not make space for the inclusion of the numerous ways sex work is valuable: as a means of personal and economic advancement, of resisting exploitation, of finding and building community, of exploration and travel, of both survival and the capacity to thrive. Frameworks that erase or ignore sex workers' valuable experiences facilitate the misrepresentation of sex work as inherently harmful. When using the language of harm reduction in the context of sex work it is important to specify the sources of harm to sex workers – harms that are not inherent to sex or sex work – in order to ensure harm reduction discourse does not promote the idea that sex work is harmful. Such ideologies that suggest violence and abuse are inevitable are harmful to sex workers.



Principles for support at a glance:

1. Listening → understanding
2. No discrimination
3. Confidentiality
4. Be sensitive
5. Sex work is work

Case studies

Migrant sex workers face multiple and intersecting challenges

They may want help with several issues or may want to focus on one thing.

Their priorities may shift over time. Ensure you ask and continue to check in over time to make sure you understand what they have identified as their priority.

Someone who comes to your organization may want to simply know what their options are and what services and information you and your organization can provide. Sometimes, simply knowing what types of support exist and what one's options are is valuable information, and providing this information in a clear, accessible and adapted manner is a valuable intervention. However, it may be more helpful if you can share information or experiences of how the services are delivered.

Migrant sex workers may seek legal or/and non-legal information, supports, strategies and solutions to respond to the complex social, economic and legal issues they face.

The information provided in the cases represent the content that a person shares with the service provider upon meeting. Some relevant information has not yet been shared, and some of the information already provided may be unclear. The purpose is not to provide the reader with a complete statement of facts but to encourage the reader to reflect on how they may go about engaging with the person at first contact.

The following sections provide some examples of lived experiences and situations that migrant sex workers face. The purpose is to provide service providers with information about migrant sex workers' complex realities and needs, and strategies for ways to think about providing support.

Remember that every situation and every person is unique, and every intervention and service delivery must be tailored to the individual. These examples do NOT aim to provide "one-size-fits-all" perspectives or solutions. What options may be relevant and helpful depends on each person and situation. A strategy or remedy that may be useful for one person could be harmful for someone else. Remember that migrant sex workers are incredibly diverse: their goals, aspirations and desired outcomes may vary.

Providing information about protective legal procedures may equip clients with necessary information to navigate and use systems that may otherwise be inaccessible. Some clients may be interested in following through with available legal procedures, while others may not. Remember the law is a tool available to some people, yet not everyone who is eligible for certain protection will want to engage with legal procedures or institutions. **Even for people who decide not to go through with legal processes, this information may still be useful** for the person to be more informed about their rights, to inform their strategies, and to know that there are available supportive services and people who respect them and strive to defend their rights.

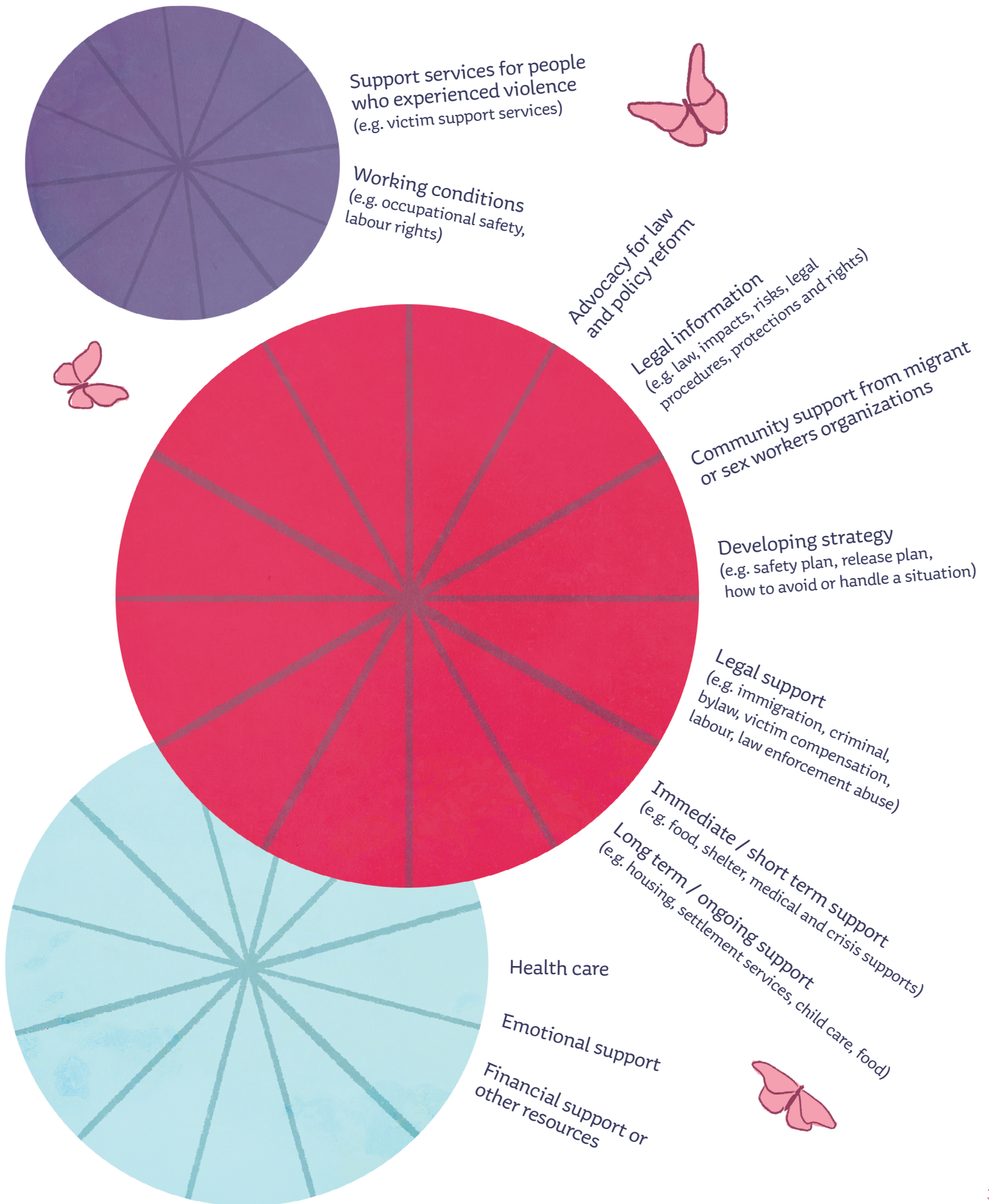
To provide services that truly respond to migrant sex workers' needs and realities:

- › Focus on the person's perspective and situate yourself and your role as a service provider within this context (not the other way around).
- › Remember not to assume what the source of the problem is or what the person wants, and not to impose what you think should be their desired outcome.
- › Inform individuals that they do not have to answer questions that they don't feel comfortable discussing. Go slow, be compassionate and attentive to verbal and non-verbal signs of comfort.
- › Understand that discussing violence, trauma and oppression can easily overwhelm, trigger or re-traumatize. Be clear on why you are asking certain questions to ensure that they are directly related to their care and will support their specified goals.
- › Unless providing trauma-specific therapy, do not ask for explicit recall of traumatic experiences as this often stirs up emotionally loaded memories that can easily overwhelm and re-traumatize.
- › In the earliest stages of assessment, asking for specific details is destabilizing and, sometimes just a bit of information about the experience is enough. Focusing questions on the impacts that affect the person in the present can be more fruitful than asking for a detailed account of the traumatic event.
- › Explore strengths-based approaches to discussing trauma that do not contribute to a sense of helplessness but make visible the person's resiliencies and strengths.

Migrant sex workers may not want to disclose certain information to you to protect themselves from discrimination and other risks. Keep reflecting on what barriers may prevent them from disclosing information to you.

Sex workers may disclose their work to you, but they may not wish to disclose this information at another time, to another person, or in another context. Remember it is always up to the client to decide when and whether to disclose information about their sex work or immigration status.

Legal and non-legal supports and strategies



CASE #1

Lina is a Black trans sex worker and is undocumented (has no legal immigration status in Canada) since her refugee claim was refused. It had been very difficult for Lina to find formal work due to many barriers and discrimination related to her gender, racial identity and immigration status. In addition to daily living costs, she also needs money to pay for her hormone replacement therapy and for legal fees. She has no medical coverage due to her status.

Lina previously saw clients from a hotel where she was able to make a decent income. However, the hotel staff called the police and reported Lina's friend (who was also seeing clients at the hotel). Her friend was arrested and, as a result, hotel staff have also banned Lina from the hotel.

Lina now works at an apartment with her friend, Joanna, who has Canadian citizenship. Joanna provides the workplace and helps Lina with advertising. Recently it has been very difficult for them to meet and screen clients, as several major advertising websites have been shut down as a result of anti-sex work campaigns, policies and law enforcement initiatives.

Over the last two months, Joanna was assaulted and raped on three occasions by perpetrators. On the last occasion, Lina was injured by the perpetrator when she intervened to protect Joanna. The aggressor also stole Lina's handbag which contained her legal documents and \$2000. Joanna wanted to call the police to report the assault and robbery but she was afraid that she would be charged with a criminal offence and that Lina would be arrested by CBSA. They are also worried that they will be evicted from their working place if they call the police. Lina is also afraid to go to the hospital as she cannot afford medical costs and she is scared to expose her immigration status. She already went to a community health centre but left before receiving care because they asked her for a lot of information.

Reflection questions:

1. What are Lina's needs/wants? What resources does she have? How does she understand and experience what is happening?

Understand what she wants support with and **let her determine the goals** of the intervention.

What are her **immediate needs**? What are her major concerns? Clarify her short-term and long-term needs and goals.

Help Lina identify and **centre her strengths, resources and resilience**: Who are her current sources of support (e.g. clients, friends, family or service providers)? What are some of the ways she has managed to live and work free from arrest or detention?

How does Lina describe her relationship with Joanna: Does she see her as a friend, boss, intimate partner, etc.? Does she see the relationship as supportive, abusive, etc.? Does she trust Joanna?

Lina MAY express that she wants assistance with accessing information and supports related to:

- > Medical / health services related to her injury, access to trans-specific health care, hormones or other needs
- > Financial or other needs (e.g. housing)
- > Emotional support
- > Getting back her money and/or documents
- > Legal assistance and redress related to the assault and robbery
- > Legal assistance and/or community support for obtaining immigration status
- > Developing a Release Plan
- > Developing safety and protective measures at her workplace
- > Finding a new workplace or financial support if she wants to stop working
- > General information and resources from other migrant sex workers (e.g. information and resources related to working in the sex industry and support from other migrant sex workers)
- > Replacing her stolen documents, or accessing other documentation

2. Explore and identify with Lina the legal issues and other risks or structural factors she may be facing.

May Lina be at risk of **criminal and/or immigration offences, detention or deportation**? Is there a removal order issued against her?

What immigration or criminal offences do she and Joanna think they can be charged for?

What are other potential **consequences of contact with law enforcement** for Lina?

What are **existing legal remedies** related to the assault and robbery?

Her **injury** from the assault (e.g. infection, impacts on mobility)

What are the possible **risks related to accessing medical care**? How can she access health/medical services without placing herself at risk?

Does she know the person who assaulted and robbed her? Is she continuing to work at the location where she and Joanna were assaulted?

What **legal documents** were stolen? Are there possible legal consequences if Lina attempts to replace or obtain her documents? What are possible non-legal strategies for getting her documents back?

Since being robbed, is she able to provide for her **basic needs**?

Is she facing barriers to accessing **housing** or the **shelter** system?

3. Explore with Lina what services, supports, resources, remedies and strategies may be useful.

Legal conflicts and state violence

Does she have access to accurate and accessible information about potential legal conflicts she may be navigating? Does she want more information or resources on her rights and how to mitigate risks related to the law or law enforcement?

Does she have the information and resources she needs to protect herself from state violence (e.g. detention)? What might some of these resources be? Does she want to develop a Release Plan?

Legal support (immigration, criminal, victim compensation)

Can you refer Lina to counsel (immigration and/or criminal)? Does she want this? Do you know how your referrals relate to sex workers and trans people?

Is there a legal clinic that can provide immigration law support? Could she be eligible to make an application for permanent residence on Humanitarian and Compassionate grounds (H&C)? Can you help her compile the evidence she would need to make such an application?

Can she access a Temporary Resident Permit if she pursues criminal charges or other remedies?

Could she be eligible for financial compensation from the Victim Quick Response Program? (Note as of October 1, 2019, all applications made to the Criminal Injuries Compensation Board will be redirected to this Program.)

Is there an immigration expert who can help replace her documents who is knowledgeable of the risks and strategies for contacting IRCC (Immigration, Refugees and Citizenship Canada)?

Health care

As a non-status trans person, what medical resources can she access? Can she access them without placing herself at risk of detention or other forms of conflict?

Are anonymous medical services available? Are they sex-worker positive and trans-positive? If not, how can you and Lina make these interactions safer? Does she need more information or accompaniment to access such services?

Assault and robbery (reporting abuse, replacing documents)

Is she considering strategies for getting her money and/or documents back?

Is she considering reporting the assault and robbery to law enforcement? If so, why? What outcome(s) does she hope reporting may provide?

Does she know how to report perpetrators to a sex worker organization that will share this information with other workers?

Other information and supports

Does she need more information about her housing rights and how they intersect with criminal and immigration laws related to sex work?

Is she connected to other trans, migrant, Black and/or sex worker communities in the city? Does she want information about resources and supports more specific to her gender, racial identity, immigration status, sex work or something else?

Are there other non-legal resources that may be useful based on her expressed needs (e.g. food banks, shelters or housing-related supports, counselling/crisis support)?

Does she have other concerns?

4. What are the barriers or challenges Lina may face when trying to access the service and support she needs? What can you do to help her overcome these barriers?

Barriers and limitations based on assumptions and bias

Does Lina's gender influence or limit which options and strategies you are presenting? How can you ensure that preconceived notions of gender and gender appropriate recourses and supports do not limit your service provision?

Do your ideas about sex work affect the way you understand the violence that Lina experienced in the context of her work and the recourses available to her? Are you able to discuss the barriers and oppressions she may face without reinforcing or normalizing them?

Organizational barriers

Does your capacity to offer services or supports to Lina require her to identify herself in ways that are disconnected or harmful to her own personal narrative? For example, regarding her immigration status, sex work or gender, must she identify as a victim, as trafficked, or according to a legal identity which does not reflect her real name or gender?

What are the eligibility requirements and other obstacles at play? Where are the exceptions? Have you transparently communicated any organizational limits or barriers that might impact Lina's care or the supports you are able to provide?

Actions to overcome organizational barriers

How can you engage strategically with eligibility criteria to support a client in getting their needs met? How can you think creatively about the complexity of the situation or a client's multiple and intersecting identities (e.g. although the hospital may not provide care for undocumented migrants, they may provide care for people in situations of homelessness)?

What kind of knowledge and trainings do you and/or your organization need on a personal, organizational and institutional level to be able to provide services that are respectful, adequate and safe for various marginalized and racialized communities? E.g. migration within the context of global capitalism; identities and needs of people from queer/trans communities; state violence against Black

and Indigenous people; supports and practices developed by sex workers.

Does your organization explicitly communicate to Lina that your services are non-discriminatory, non-stigmatizing and respectful (e.g. trans, migrant and sex worker positive)? Are there things you can do in your interactions or include in your workspace to signal this to clients (e.g. posters or other tools created by the communities)?

Does Lina need translation or community support in another language?

Further support

Lina regularly faces numerous risks and forms of discrimination when attempting to access services: Does she want to be accompanied by a community member or worker (e.g. to legal or medical appointments)? Can your organization provide or refer someone who is adequately experienced and competent to provide such support? Can you discuss with Lina in advance how she would like you to advocate for her and in what instances?

After obtaining Lina's informed consent, is there a colleague that you can consult to brainstorm additional options and resources?

Important to understand

Targeted violence: Criminalization and the immigration systems construct and situate migrant sex workers as "ideal" and strategic victims of abuse for perpetrators ("targets"), as perpetrators know that sex workers without status fear law enforcement and will likely not report abuse to law enforcement, and that the general public often accepts and normalizes violence against sex workers. These systems of oppression increase the likelihood of, and vulnerability to, violence, and decrease ability to report abuse and to seek supports and recourses.

Abuse by law enforcement and legal systems:

Often law enforcement officers do not treat certain victims of abuse with respect or uphold their rights when reporting crimes. People from certain communities – particularly Black, Indigenous, trans and migrant communities – are often charged with unfounded or unwarranted criminal offences when reporting violence and other abuse committed against them.

Similarly, other people working within the legal systems (e.g. immigration officers, judges, lawyers) may create and contribute to these harms, and may withhold access to immigration applications and services based on their oppressive values, attitudes and practices.

Working collectively and building networks with other workers and third parties is vital for migrant sex workers' physical and economic security.

Third party relationships are often represented by people outside of the sex industry as exploitative, while these relationships and services (like those provided by Joanna) may increase sex workers' supports and options and help them mitigate and resist situations of exploitation.

Similarly, workers often develop and access their own supports and community (like Joanna) which can assist in a crisis. Including these people in a team approach can lead to better outcomes.

Working in isolation and in remote areas may increase workers' vulnerability to abuse (e.g. violence, theft) in many work sectors (e.g. domestic work, taxi drivers, sex workers). Sex workers' safety is enhanced when they are able to work in areas close to other members of the community (e.g. hotels, commercial locations). Anti-trafficking and other rescue-based initiatives that encourage non-state actors (e.g. hotel staff) to report and evict sex workers negatively impact sex workers on numerous levels while providing no actual benefit to sex workers or other members of the community.

Online advertising platforms are vital for sex workers to develop clientele and diversify their work environments in ways that improve their safety, bargaining power and overall working conditions. Current anti-trafficking policies and initiatives which target sex work and sex workers have led to the shutdown of important advertising platforms. These prohibitive and punitive measures provide no alternative options, resources or supports while negatively impacting sex workers' safety and working conditions. **Critically examine the impacts of the policies and campaigns that you are asked to support.**

CASE #2

Li Li has been married to David for 1.5 years. David is her immigration sponsor. David lost his job 6 months ago. Li Li currently works in-call (receives clients) at an apartment and financially supports herself, David and her 17-year-old daughter.

At first, David took good care of Li Li and her daughter and was very caring. He helped her a lot when she first arrived in Canada. More recently, David has become abusive, particularly when he gets drunk and is physically violent towards her when she does not give him money. He followed her to work and she later discovered that he secretly installed a recording device in her bag to record how she provides services to clients. He was very angry after learning that she provides sexual services to clients. He called her a whore, said that she should work at his friend's brothel, and threatened to post the images of her working online and to cancel the sponsorship. Li Li is very afraid and comes to you for help. Li Li also shares that she just found out two months ago that her daughter started working as an escort.

Reflection questions:

1. What are Li Li's needs/wants? What resources does she have? How does she understand and experience what is happening?

Understand what Li Li wants support with and **let her determine the goals** of the intervention.

What are her **immediate needs**? What are her major concerns? Clarify her short-term and long-term needs and goals.

Help Li Li identify and **centre her strengths, resources and resilience**: Who are her current sources of support and community? What are some of the ways she has managed to navigate her situation so far?

How does Li Li describe her relationship with David? What does Li Li think about the relationship (e.g. long term and short term)? What does she think about the future of the relationship (e.g. is she considering leaving her partner, ending the violence, staying in the relationship)?

Explore her relationship with her daughter (e.g. how does she feel about her daughter's involvement in sex work?)

Explore how she perceives her current work situation (e.g. how does she feel about engaging in sex work? What related experiences and values is she exposed to? What is influencing her feelings and understanding of her situation? What are the challenges and what does she gain from doing sex work?)

Li Li MAY express that she wants assistance with accessing information and supports related to:

- > Questions about risks to her sponsorship and immigration status
- > Strategies to prevent David from posting any images or videos of her online
- > General information and support from other migrant sex workers (e.g. information and resources related to working in the sex industry, changing jobs inside or outside of the sex industry, and supports from other migrant sex workers)
- > Developing a safety plan or/and a release plan
- > Resources and supports for her daughter
- > Housing and shelter

2. Explore and identify with Li Li the legal issues and other risks or structural factors she may be facing.

Based on Li Li's immigration status, may Li Li be at risk of **sex work-related (or other)** immigration offences? What about her daughter?

How might she **prevent David from posting images or videos** online? Are there any legal or non-legal strategies for this? What are the potential risks of the different strategies?

What are the potential risks and **consequences of contact with law enforcement** (e.g. police, immigration, Children's Aid societies)?

Does Li Li understand the legal requirements of her **current immigration status and sponsorship**, including exceptions that apply to spouses experiencing family violence?

Does she understand the risks of continuing the sponsorship?

Does she understand the risks of cancelling the sponsorship, despite the exceptions?

If she does want to leave David, does Li Li have the **evidence required** in order for her immigration status not to be jeopardized (e.g. emails or texts, a letter from yourself, a counsellor or other workers, police reports)?

If Li Li does not want to continue to live with David, are there other **risks associated with leaving the relationship** (e.g. navigating resources, housing, transportation, language differences)?

If she is being referred to a **shelter**, is it sex worker-positive? If not, how can she be supported in going there?

Is Li Li continuing to work? Is she still working at the same place since being filmed?

Does she have supports to **manage stigma, discrimination** and other structural factors that promote internalized shame and other impacts of injustice?

If she is no longer able to work, is she able to provide for her **basic needs**?

3. Explore with Li Li what services, supports, resources, remedies and strategies may be useful.

Legal and non-legal strategies

How can you help Li Li develop legal and non-legal strategies to prevent David from posting the images?

Does she want legal information about posting sexual/erotic images/activities without someone's consent (e.g. information which may convince David not to post)? Discuss how this information could inform her strategies even if she does not involve law enforcement.

If Li Li does not want to go to law enforcement, are there community supports that could help her protect her rights and prevent David from posting her image?

Legal conflicts and state violence

Does she want more information or resources about her rights and how to protect herself and mitigate risks associated with possible legal conflicts related to her work?

If Li Li wants to report to law enforcement, does she need more information to understand what that process involves and to evaluate the potential consequences?

Legal support – Immigration:

Can you refer her to legal clinics or community supports to help develop options regarding her sponsorship and immigration status?

Could she be eligible to apply for a Temporary Resident Permit (TRP)? Could she be eligible to make an application for Humanitarian and Compassionate Considerations (H&C)? Can you help her compile the evidence she would need to make such applications?

Can you refer her to legal supports that are sex worker-positive?

Can someone accompany her to appointments with the legal support if she wants this?

Safety Plan and support:

Does she want to develop a Safety Plan? Does she want referrals for counselling/ crisis support? Do you know of supports that are migrant- and sex work-positive?

Knowing what relevant information and supports to offer requires exploring with Li Li how she feels and what she wants: How does Li Li see her relationship? Does she want to continue to live with David or leave? Does she want to maintain or change her legal status to David?

Other information and supports

Does she want referrals to supports and resources provided by other migrant sex workers? Useful referrals may be formal or informal (e.g. social networks, housing and workplace options).

Does she want more information for her daughter, about her daughter's rights and referrals to youth organizations and supports that are safe and may be relevant to her daughter's needs? What kind of communication does she have with her daughter?

Are there other non-legal resources that would be useful based on her expressed needs (e.g. food banks, shelters or housing-related supports, medical/health care)?

Does she have other concerns?

4. What are the barriers or challenges Li Li may face when trying to access the service and support she needs? What can you do to help her overcome these barriers?

Barriers and limitations based on assumptions and bias

Respect Li Li's agency when providing support: Women who experience violence are often stigmatized and victimized not only by their aggressor, but also by the people and institutions they speak to for support.

Let Li Li identify and determine her own goals: Imposing a course of action may not respond to Li Li's actual needs, isolate her from accessing supports and services in the future, and contribute to a sense of disempowerment and victimization.

Organizational barriers

Does your capacity to offer services or supports to Li Li require her to identify herself in ways that are disconnected or harmful to her own personal narrative?

Does Li Li's gender influence or limit which options and strategies you are presenting? How can you ensure that preconceived notions of gender and gender appropriate recourses and supports do not limit your service provision?

What are the eligibility requirements and other obstacles at play? Where are the exceptions? Have you transparently communicated any organizational limits or barriers that might impact Li Li's care or the supports you are able to provide?

Actions to overcome organizational barriers

Are there additional legal and other supports and programs available to Li Li if she identifies as a victim of intimate partner violence? If she does not identify as

a victim of intimate partner violence, can you provide information about related programs and services while simultaneously respecting and supporting her agency and experience?

If Li Li identifies as a victim of intimate partner violence, how can your organization continue communication with her in a way that is not traceable or does not put her at further risk?

What kind of knowledge and trainings do you and/or your organization need on a personal, organizational and institutional level to be able to provide services that are respectful, adequate and safe for various marginalized and racialized communities? E.g. how to provide support while respecting the agency of women experiencing intimate partner violence, how to provide relevant support to youth who sell or trade sex without placing them at risk of human rights abuses or further marginalization, etc.

Does your organization explicitly communicate that your services are non-discriminatory and non-stigmatizing to migrant sex workers? Are there things you can do in your interactions or include in your workspace to signal to clients (e.g. posters or other tools created by the communities)?

Does Li Li need translation or community support in another language?

Further support

Help Li Li identify what supports she needs, which ones she has, and how these supports can be brought into a team approach.

After obtaining Li Li's informed consent, is there a colleague that you can consult to brainstorm additional options and resources?

Important to understand

Many service providers may immediately assume that Li Li wants to leave David. However, ***assumptions may overshadow the complexities of the individuals and their relationship, and conflict with Li Li's understanding and narrative of their own experience.*** Providing support for Li Li involves listening to her perspective and her understanding of her experience, brainstorming available options and resources relevant to her self-determined goals, and supporting her decisions.

Think beyond the confines of criminal law and law enforcement. Be equipped to provide migrant sex workers with community supports and resources that do not involve contacting law enforcement. This involves providing legal information about her rights and context: Although Li Li may not contact law enforcement, legal information may still inform her strategies.

Consider the risk of abuse when reporting abuse to law enforcement: Often law enforcement officers do not treat certain victims of abuse with respect or uphold their rights when reporting crimes. People from certain communities – particularly Black, Indigenous, trans and migrant communities – are often charged with unfounded or unwarranted criminal offences when reporting violence and other abuses committed against them.

Think beyond the confines of immigration law. IRCC (Immigration, Refugees and Citizenship Canada) will prefer she file a police report, and may be intimidating and oppressive if they become aware of her sex work. As well, there can be consequences if she does not disclose her work and they find out. Explore creative ways she can deal with immigration if she does not want to report the abuse to police.

Ensure your organization and service provision does not place at risk or exclude youth who sell or trade sexual services. This requires providing services that widen – rather than limit or disconnect – the person's knowledge, resources and networks.

Rather than being a form of oppression, sex work may be the option that people use to escape abuse and to improve their living and working conditions. For many migrant sex workers, sex work is the tool they use to resist violence and exploitation and to build support and resources within their communities.

CASE #3

Bao is an international student. He worked at a massage parlour. He does not have many clients and his boss told him that he needs to start offering extras to bring in more clientele. His boss asked him to go into a room to show him how to serve clients. Bao's boss pressured Bao to have sex with him and told him that they can do it again in the coming week. Bao was angry and frustrated and did not know what to do. He quit the job and asked his boss to pay him his remaining salary, but his boss refused, claiming that Bao needed to give one-month notice.

He started to work by himself from home, and included his phone number in his advertisement (the phone number is registered to his legal name). One of his clients, who discovered his legal name, began to harass Bao by phone and went to his home and asked for sexual services without paying. The client reported Bao to CBSA when Bao began ignoring his calls and refusing to see him.

Immigration contacted Bao for an interview to ask about his work in the sex industry. When Bao went for his interview with Immigration Canada he was detained. You are a counsellor at the university where Bao studies. Bao has met with you a few times for support. He has called you from the detention center and does not know what to do. He also informed you at your last meeting that his bank account was frozen a week before his CBSA interview. He had received a message from the bank stating that his account was frozen due to suspicious transactions.

Reflection questions:

Detention: What are Bao's immediate needs and concerns? What resources does he have? How does he understand what is happening? What are the legal and other risks he is facing?

How can he access complete legal information about:

- > existing or possible immigration or criminal charges against him?
- > the reason CBSA has detained him in custody (e.g. flight risk)?
- > the immigration procedures and related impacts and risks he may be facing?
- > the evidence against him?

What are his **legal rights**? How can he access **legal support**? Does he need **translation**?

Does he need **medical care** or access to **medication**?

What are the strategies for him to be released from detention as soon as possible: Who can help him prepare his detention review hearing (e.g. housing/address, important documents)? Who can provide money for bail (Bond Person)? Who can testify on his behalf to demonstrate his connection and involvement in the community (e.g. support worker, community member)?

How can he access his finances (bank account is frozen)?

Has Bao authorized someone else to act as his **"power of attorney"** (written authorization to represent or act on Bao's behalf in his private affairs)? If not, can this be arranged?

As a university counsellor, what can you do to ensure Bao does not face additional challenges or problems with the university after he is released from detention? How can you help **minimize negative consequences with the university**, which would also negatively impact his immigration status (e.g. leave, suspension or expulsion from university that would require him to leave Canada)?

Are there other people (in Canada or in his country of origin), children, pets, etc., that he is caring for? Who can take care of them? Who has a key to his apartment? Does he have a child that needs immediate care? If he does have a child, should the issues of **potential Children's Aid Society intervention** be considered?

Accessing communication with someone in detention can be extremely difficult. Can you find other people or counsel who can help you find out how to get in contact with him? Is this communication confidential? If not, can you develop strategies to make sure confidential information is not involuntarily shared with third parties (i.e. police or immigration)?

Which friends, family, community supports, etc. should be contacted?

What are the risks or danger he may face?

What services or support can you provide or contact for Bao? What does he need for his release from detention? What are the barriers to overcome?

Access to legal support

What community supports and services can Bao contact for legal support and information (e.g. lawyer he may have already contacted, lawyer referred to by the community, community legal clinics, legal aid)?

Is Bao eligible for legal aid or support from a community legal clinic? If not, are there eligibility exceptions that may apply to him?

Is there a legal clinic located at the holding center or in the community that can visit him?

Possible legal remedies

What legal remedies may be available to Bao (e.g. Temporary Resident Permit, appealing an IRB or CBSA decision)?

What evidence would these remedies require? What arguments and narrative would Bao need to present to Immigration Canada? How can you provide information about related programs and services while simultaneously respecting and supporting his agency and experience?

Does Bao's gender influence or limit which options and strategies you are presenting? How can you ensure that preconceived notions of gender and gender appropriate recourses and supports do not limit your service provision?

Preparing his detention review hearing

What does he need for his detention review hearing (e.g. money, documents, people to testify)? How can you help Bao contact people and gather documents to prepare? What information should Bao share or not share at the hearing about his situation?

Does the massage parlour where he worked explicitly offer sexual or erotic services? Could he demonstrate that he had a job without being in violation of immigration regulations (e.g. working without a work permit, working in business offering sexual services)?

Further support

Who can help Bao explore the impacts of the different options? Would he be willing to stay in detention if it means he may be able to stay in Canada? For how long? Does he want to leave? Does he fear being deported and returning to his country of origin?

He may want to leave: it is important to follow his wishes in this regard, even if it does not seem to be the best option. Some people will prefer to be removed than continue in detention.

Who can you contact to help Bao access his finances (e.g. lawyer, community worker, etc.) by contacting his financial institution to find out how to unfreeze his bank account? What information or documents does the bank require? Who can prepare this?

Who can provide Bao with emotional and community support?

Who can advocate on Bao's behalf (e.g. with lawyers, legal aid, immigration board)?

Once released from detention - Other possible needs

Explore what support Bao wants and let him determine the goals of the intervention. This applies to all service providers (e.g. lawyer, health provider).

If he has counsel, make sure they have clearly explained all of his available options.

What are his immediate needs? What are his major concerns? Clarify his short-term and long-term needs and goals.

Help Bao identify and centre his strengths, resources and resilience: Who are his current sources of support? What are some of the ways he has managed to navigate challenges related to his work, studies or migration in the past? What are some of the skills and strengths he's applied as an independent worker?

Bao MAY express that he wants information and supports related to the following:

Abuses: safety, information, reporting, community support, dealing with abusers

The person who harassed, threatened and reported him to CBSA: Is this person still a source of harassment, threats, etc.? Does Bao know identifiable or contact information related to this person? Does he have any safety concerns about this person?

Legal and non-legal strategies that may help end this violence: What community supports may help him develop and implement these strategies?

The abuse he experienced with his boss: How did he experience and understand what happened? Does his boss know where he lives? Does he have any safety concerns?

Are there strategies to report or publicly denounce the abuse while minimizing the fear and risk of retaliation from law enforcement? What supports can help him explore and implement these strategies?

Does he know how to report bad bosses and/or aggressors to a sex worker organization that will share this information with other workers?

Rights, legal supports and risks

Does he want information and resources about his labour rights and possible recourse related to his unpaid salary? What are the legal and non-legal strategies for getting his salary? Does he want support from workers' rights organizations to advocate for his labour rights (e.g. Workers Action Centre)?

Does he want more information and resources about his rights, sexual assault or harassment and possible recourse?

Is he considering reporting the abuse to law enforcement or to the Ontario Labour Board? If so, what outcome(s) does he hope reporting may provide? What are the associated risks?

What are his legal obligations related to disclosing work-related information to immigration authorities? What are the potential consequences of disclosing – and not disclosing – current work-related information? What organizations or supports can help him weigh and prepare for these risks?

Explore how he perceives his current work situation (e.g. how he feels about engaging in sex work, what are the challenges and gains).

Does he want more information or resources about his rights and legal risks (e.g. immigration, housing, criminal) related to his work?

Does he want support and information from other migrant sex workers related to working in the sex industry, or changing jobs (inside or outside of the sex industry)?

Impacts on his studies

Does he need support communicating with the university and advocating on his behalf? Does the university have a specific program that provides options and support for students with precarious immigration status? How can you support Bao in navigating institutional barriers and policies (i.e. leave, suspension or expulsion from university) which may also be tied to his immigration status and ability to stay in Canada?

Other information and supports

Are there other non-legal resources that may be useful based on his expressed needs (e.g. food banks, shelters or housing-related supports, counselling/crisis support)?

Does he have other concerns?

OTHER QUESTIONS TO CONSIDER

- › What kind of knowledge and trainings do you and/or your organization need on a personal, organizational and institutional level to be able to provide services that are respectful, adequate and safe for various marginalized and racialized communities (e.g. how to support migrant sex workers' labour rights, how to help someone develop a Release Plan)?
- › Does your organization explicitly communicate that your services are non-discriminatory and non-stigmatizing to migrant sex workers? Are there things you can do in your interactions or include in your workspace to signal this to clients (e.g. posters or other tools created by the communities)?

Important to understand

State violence, precarious immigration status and poor working conditions increase migrant workers' vulnerability to extortion, sexual harassment and violence in the workplace. It is important to support and defend migrant sex workers' labour and human rights in ways that do not increase stigma associated with sex work and result in discrimination against workers.

Violence and other human rights violations are not inherent to sex or sex work. In fact, these violations against migrant workers occur frequently in other industries. It is important to denounce all abuses against sex workers in ways that do not normalize or essentialize violence against sex workers or labour exploitation within the industry.

It is important to value and consider the labour framework, even if migrant sex workers are not able to formally access labour protections. Filing a standard labour complaint comes with enormous risks for migrant sex workers who face stigma and discrimination along with possible surveillance, detention, arrest and deportation once disclosing their status as sex workers and/or precarious immigration status. Though the labour complaint is confidential, there are few mechanisms to ensure that the former employer does not report the worker to Immigration Canada. This is just one of the numerous ways criminalization harms rather than protects sex workers.

Challenge assumptions related to migrants and different immigration status (e.g. assumption that all international students are privileged and wealthy). In reality, migrants of many immigration categories may have precarious immigration status and require services and supports to navigate institutional barriers and policies that may lead to possible deportation.

Government funded anti-trafficking campaigns and initiatives are continuously targeting sex workers, and the harms of these initiatives are extending further and further into the lives of sex workers who are increasingly under surveillance. The Financial Transactions and Reports Analysis Centre of Canada [FINTRAC] targets sex workers by forcing financial institutions to report certain transactions under the guise of anti-trafficking efforts. The criteria used to identify suspicious transactions focus solely on sex work and are clearly designed to detect sex workers, not "traffickers". Their "methods" to detect "suspicious activity" violate sex workers' human rights, stigmatize people who earn their money through sex work, promote racial and social profiling, and make it harder for sex workers to use banks, which can drastically increase their vulnerability to abuse. For more see: [Canadian Alliance for Sex Work Law Reform \(2019\) Moving backwards in fight against human trafficking in Canada](#)

CASE #4

May Yi worked in a massage parlour. She and her colleagues feel very frustrated because police and bylaw enforcement officers come to the parlour very often. The officers are very disrespectful and have given them many tickets for unwarranted bylaw violations. For example, an officer asked May Yi to show him the underwear she was wearing, and then gave her a ticket for "unprofessional clothing" because he said her panties were sexy. Another officer asked her to open her robe and took a picture of her. Officers ordered May Yi and her colleagues to face the wall while they were searching the parlour, and they were not allowed to go to washroom. They have also received tickets for locking the door while they are waiting for clients. Their workplace has been searched without a warrant on several occasions. May Yi was charged for having alcohol on the premises, even though the alcohol is used for worship as part of her cultural and religious practices.

The last time May Yi was at the parlour, a bylaw officer said to her and another colleague that they had to leave and were not allowed to come back to work. Afterwards, May Yi contacted a police officer who had left his contact information at the parlour to try to find out what happened and why she was told she could not return to work. The police officer asked her to meet at a motel so that they could have a private discussion. At the motel, he told her that she would be okay if "she knows what to do." The police officer started to kiss her and have sex with her. May Yi worried that she would get into trouble if she did not do what the officer wanted. She is also very worried because she heard that more than 20 massage parlours were shut down and she doesn't know what to do. She wants to continue working in a massage parlour and does not want to work at an indoor residential location as she mainly provides hand jobs and massage services.

Reflection questions:

1. What are May Yi's needs/wants? What resources does she have? How does she understand and experience what is happening?

Explore what May Yi wants support with and let her determine the goals of the intervention.

What are her immediate needs? What are her major concerns? Clarify her short-term and long-term needs and goals.

Help May Yi identify and centre her strengths, resources and resilience: Who are her current sources of support? How has she survived harassment and abuse from law enforcement in the past? How are her colleagues navigating the situation?

May Yi MAY express that she wants assistance with accessing information and supports related to:

- > Community support and trauma-informed counselling services
- > Medical / health services
- > Her rights and recourses related to sexual assault, extortion and other abuse
- > Reporting violence and other human rights abuses committed by a law enforcement officer
- > Her rights and recourse related to racial profiling, municipal bylaws and massage parlour inspections
- > Obtaining or applying to change her immigration status
- > Dealing with her tickets and related debt
- > Her ability to return (or basis for the refusal to return) to her workplace
- > Developing a Safety Plan or a Release Plan (depending on her status)
- > Information and support from other migrant sex workers (information related to massage parlour shut downs, abuse from law enforcement officers, other support and resources from other migrant sex workers, etc.)

2. Explore and identify with May Yi the legal issues and other risks or structural factors she may be facing.

Depending on the service and support you are providing, you may need to understand May Yi's **immigration status**.

Could May Yi be at risk of sex work-related (or other) criminal, immigration and/or municipal (bylaw) **offences, detention or deportation**?

Where can she access safe supports and services related to her **physical and mental health** (e.g. physical and psychological effects from the sexual assault, other health concerns)?

Are there **risks related to accessing care**? If so, how can she access health/medical services without placing herself at risk?

Does she want to **report the abuse** from law enforcement (sexual assault at the motel, sexual assault and other abuses at the parlour)?

What are the **risks she may face** if she reports the abuse? What are the consequences of contact with law enforcement for May Yi, or for her co-workers?

Has the police officer contacted her since the sexual assault? Does she think she will encounter him again?

Does she have supports to manage the **stigma and discrimination** associated with her work?

Is May Yi still working? Is she able to provide for her **basic needs**?

3. Explore with May Yi what services, supports, resources, remedies and strategies may be useful.

Abuses: Safety, information, reporting

Is May Yi considering reporting the abuse to law enforcement (at the parlour or the motel)? If so, why? What outcome(s) does she hope reporting will provide?

Can you refer her to legal clinics or community supports to help her understand the processes related to reporting abuse by law enforcement officers, what each step of the process involves, and the associated risks for people working in sex industry-related businesses and with precarious immigration status?

What are strategies to report or publicly denounce the abuse while minimizing the fear and risk of retaliation from law enforcement (e.g. can these abuses be reported to law enforcement anonymously or as a collective, can information about the abuse be posted online)?

Does she know how to report aggressors to a sex worker organization that will share this information with other workers?

Health care and supports

Does she need medical care? If so, are there risks related to accessing care? Does she need more information about her rights, related immigration and criminal laws, what questions she will be asked and what information will be requested, and how she can access health/medical services while mitigating any risks?

Does she want to be accompanied? Does she want referrals to supports and resources provided by other migrant sex workers?

Can you refer her to Violence Against Women (VAW) resources and supports that do not stigmatize sex workers or pressure them to leave their work or their community? Does she want referrals to trauma-informed counselling services?

Rights, legal supports and risks

What resources and organizations can provide more information about her rights and recourse related to racial profiling, municipal bylaws and massage parlour inspections and shut downs?

Can you refer her to legal clinics or community supports to help her deal with her tickets? To help her understand where she can and cannot work legally, and the related risks?

Other information and supports

Are there other non-legal resources that would be useful based on her expressed needs (e.g. food banks, shelters or housing related supports)?

Does she have other concerns?

4. What are the barriers or challenges May Yi may face when trying to access the service and support she needs? What can you do to help her overcome these barriers?

Barriers and limitations based on assumptions and bias

Assumptions about massage parlours and the sex industry create barriers to understanding the complexity and diversity of services provided by migrant sex workers. This complicates workers' access to support and services, and requires time and patience to build a relationship that allows the person to disclose information.

Many migrants, sex workers and people from racialized communities do not report abuse from law enforcement because of the fear and risk of retaliation and racial profiling. Creative responses are required to provide support to individuals and to confront these injustices on a systemic level.

Service providers need to understand the power relationships at play and how resourced allies are necessary to hold people and systems accountable for human rights abuses and to make justice for migrant sex workers possible. This requires extreme caution regarding any information disclosed in this process.

Organizational barriers

Does your capacity to offer services or supports to May Yi require her to identify herself in ways that are disconnected or harmful to her own personal narrative?

Does May Yi's gender influence or limit which options and strategies you are presenting? How can you ensure that preconceived notions of gender and gender appropriate recourses and supports do not limit your service provision?

Actions to overcome organizational barriers

Does your organization have clear and consistent policy and procedure to ensure confidentiality and to protect all clients' information related to sex work, including youth involved in sex work?

What kind of knowledge and trainings do you and/or your organization need on a personal, organizational and institutional level to be able to provide services that are respectful, adequate and safe for various marginalized and racialized communities? E.g. providing services to migrants who are not ready to disclose their immigration status and defending the rights of sex workers who experience abuse at work, without suggesting they stop working and without encouraging stigma or normalizing abuses against sex workers.

Does your organization explicitly communicate to May Yi that your services are non-discriminatory and non-stigmatizing of migrant sex workers? Are there things you can do in your interactions or include in your workplace to signal this to clients (e.g. posters or other tools created by the communities)?

Does she need translation or community support in another language?

Important to understand

Violence against sex workers is often misunderstood as something that "bad people" and "criminals" do to sex workers, and as something that law enforcement wants to address and protect sex workers from. This does not reflect migrant sex workers' realities. ***Migrant sex workers report that often, the perpetrators of violence and abuse are law enforcement officers themselves.***

Although law enforcement is presented as a form of protection, sex workers state that law enforcement officers in their lives and workplaces present both a source of harm and an obstacle to protecting themselves from other harms.

Many people working in massage parlours and the sex industry face constant harassment and other human rights violations from law enforcement officers (e.g. municipal (bylaw) officers, police and immigration officers). Workers, colleagues and managers may not want to report for numerous reasons, including retaliation from law enforcement (e.g. being charged with criminal, municipal or immigration offences, increased profiling and future surveillance, searches and ticketing, other threats and forms of harassment). **For more see:**

- > Lam, E. (2018) [*Survey on Toronto Holistic practitioners with bylaw enforcement and police*](#), Butterfly
- > Canadian HIV/AIDS Legal Network (2019) [*The Perils of Protection, Sex Workers' Experiences of Law Enforcement in Ontario*](#)

The workers' stories in the case studies reflect the lived experiences of migrant sex workers with whom Butterfly has directly worked. The quotes are taken from the following Butterfly sources:

- > [1] Butterfly (2017) [*Butterfly Voices, Collecting stories of migrant sex workers around the world*](#)
- > [2] Butterfly (2019) [*Stories of Migrant Sex Workers*](#)
- > [3] Canadian HIV/AIDS Legal Network (2019) [*The Perils of Protection, Sex Workers' Experiences of Law Enforcement in Ontario*](#)
- > [4] Lam, E. (2018) [*Behind the rescue: How anti-trafficking investigations and polices harm migrant sex workers*](#), Butterfly.
- > [5] Lam, E. (2018) [*Survey on Toronto Holistic practitioners with bylaw enforcement and police*](#), Butterfly
- > [6] Malla, A., Lam, E., van der Meulen, E., Peng, J. (2019) [*Beyond Tales of Trafficking: A Needs Assessment of Asian Migrant Sex Workers in Toronto*](#), Butterfly, 2019.

Resources and Referrals

MIGRANT SEX WORKERS ORGANIZATION

Organization	Contact	Services
Butterfly (Asian and Migrant Sex Workers Support Network)	416-906-3098 www.butterflysw.org	Provides 24/7 hotline, outreach, training, health and legal information and support, crisis and emergency support (e.g. when migrant sex workers are arrested or detained) in Ontario and cities outside of Ontario

EMERGENCY AND VICTIMS SUPPORT SERVICES

Organization	Contact	Services
Assaulted Women's Helpline	Toll-free: 1-866-863-0511 / TTY: 1-866-863-7868 www.awhl.org	Provides 24/7 counselling, emotional support, information and referrals to all women who experience abuse (200 languages) in Ontario
Distress and Crisis Centres across Ontario	www.dcontario.org/centres.html	Provides emotional support for people experiencing emotional distress (including suicide) and information about Distress Centres/Crisis Lines in Ontario
Barbra Schlifer Commemorative Clinic	416-323-9149 ext. 234 (intake) / TTY: 416-323-1361 www.schliferclinic.com	Provides legal representation, professional counselling and multilingual interpretation to women who have experienced violence in Ontario
The Victim Quick Response Program	www.attorneygeneral.jus.gov.on.ca/english/ovss/vqrp.php	Offers support to help cover emergency and essential expenses, funerals and counselling costs to victims of crime in Ontario. Victims of sexual violence, family violence or human trafficking may report to community organizations; others need to report to police
Emergency	911	Emergency services (e.g. ambulance and police)

SHELTERS

Organization	Contact	Services
ShelterSafe.ca	www.sheltersafe.ca	Online resource for women and their children seeking safety from violence and abuse
Toronto Housing Shelter and Emergency Support Central Intake Line	416-338-4766 www.toronto.ca/housing	Offers connection to a shelter or information about availability in Toronto

HEALTH AND SOCIAL SERVICES

Organization	Contact	Services
211 Ontario	211 www.211ontario.ca	24-hour telephone referral service for all types of social services and online resource to locate community and social services across Ontario
Telehealth Ontario	www.ontario.ca/page/get-medical-advice-telehealth-ontario	Free medical and health advice from a registered nurse
Fem'aide	Toll-free: 1-877-336-2433 / TTY: 1-866-860-7082 www.femaide.ca	24-hour helpline for Francophone women in Ontario seeking support, referrals and information on woman abuse, including sexual assault
ConnexOntario	www.connexontario.ca	Provides free and confidential health services information for people experiencing problems with gambling, alcohol/drugs and mental health in Ontario
eMentalHealth.ca (CHEO)	1-866-531-2600 www.eMentalhealth.ca	Provides Mental Health Service Information and resources in Ontario (e.g. crisis line, e-counselling, emergency shelter and housing)
The Centre for Addiction and Mental Health (CAMH)	www.camh.ca/en/health-info/crisis-resources	Lists organizations and contact numbers of mental health crisis supports across Ontario
Central Health Line	www.centralhealthline.ca	Provides information on health care services and resources in Ontario
Community health centres	www.ontario.ca/page/community-health-centres	Provides primary care offered by doctors, nurse practitioners, social workers, dietitians and others for marginalized people (e.g. non-status, homeless etc.)

LEGAL INFORMATION AND SERVICES

Organization	Contact	Services
Legal Aid Ontario	416-977-8111 / 1-800-668-8258 www.legalaid.on.ca	Provides legal services for financially eligible, low-income Ontarians
Legal Aid Ontario, Refugee Law Office	416-977-8111 / 1-800-668-8258 www.legalaid.on.ca/services/help-with-immigration-or-refugee-problems	Provides legal support to refugee claimants in Toronto, Hamilton and Ottawa
Community Legal Education Ontario (CLEO)	416-408-4420 www.cleo.on.ca	Features legal resources and publications in a variety of languages and formats and a directory of community legal clinics in Ontario
Ontario Women's Justice Network	www.owjn.org	Provides legal information and referrals to women in Ontario experiencing violence
Family Law Offices	Kenora: 807-468-7790 / Toll-free: 1-888-295-4986 Ottawa: 613-569-7448 Thunder Bay: 807-346-2950 / Toll-free: 1-800-393-8140	Family lawyers at 3 Family Law Offices in Ontario can represent people who qualify for legal aid
LSUC Lawyer Referral Service	www.lsuc.on.ca/lsrc	Makes online referrals to lawyers and paralegals in Ontario, who provide free 30-minute consultations

COMMUNITY LEGAL CLINICS

Organization	Contact	Services
Community Legal Clinics	416-977-8111 / 1-800-668-8258 www.legalaid.on.ca/legal-clinics	Provides services to people with low income who live in their area, and sometimes to specific cultural or language groups
Chinese and Southeast Asian Legal Clinic	416-971-9674 / 1-844-971-9674 www.csalc.ca	Provides legal support to low income, non-English speaking people in Chinese, Vietnamese, Cambodian and Laotian communities across Ontario
Income Security Advocacy Centre	416-597-5820 / Toll-free: 1-866-245-4072 incomesecurity.org	Pursues test cases, Charter and appellate litigation to address systemic issues arising from federal and provincial (Ontario) income security programs, and from the political, economic and social causes of poverty
Parkdale Community Legal Services	416-531-2411 www.parkdalelegal.org	Provides legal support and information; deals primarily with social assistance, violence issues (assault and hate crimes), mental health, immigration and refugee issues, workers' rights, tenant issues
HIV & AIDS Legal Clinic (Ontario)	416-340-7790 / Toll-free: 1-888-705-8889 www.halco.org	Provides legal support and information to persons living with HIV in Ontario
Black Legal Action Centre	416-597-5831 / Toll-free: 1-877-736-9406 www.blacklegalactioncentre.ca	Provides legal services to low or no income Black residents of Ontario
South Asian Legal Clinic of Ontario	416-487-6371 salc.on.ca	Provides legal advice and services and public legal education to South Asians in Ontario and involved in community development and law reform initiatives in Ontario
ARCH Disability Law Centre	TTY: 416-482-1254; 1-866-482-2728 / Toll-free: 1-866-482-2724 www.archdisabilitylaw.ca	Provides supports and legal representation to people with disabilities in Ontario
Centre for Spanish-Speaking Peoples Legal Clinic	www.spanishservices.org/en	Provides legal supports to Spanish-speaking community across Ontario
Aboriginal Legal Services	416-408-3967 / Toll-free: 1-844-633-2886 www.aboriginallegal.ca	Provides legal support for Aboriginal people (status or non-status), Métis and Inuit in Ontario

LABOUR RIGHTS

Organization	Contact	Services
Workers Action Centre	416-531-0778 www.workersactioncentre.org	Provides workers' rights information and education and supports workers to advocate for their rights
Ministry of Labour	1-877-202-0008 www.labour.gov.on.ca	Administers and enforces the Employment Standards Act, 2000

SEX WORKERS' ORGANIZATIONS

Organization	Contact	Services
Maggie's (Toronto Sex Workers Action Project)	416-964-0150 www.maggiestoronto.ca	Provides services and support (sexual health, work safety, workshops, legal information, counselling and advocacy, social gathering and work tips) to sex workers in Toronto
Sex Workers' Action Program Hamilton (SWAP)	www.swaphamilton.com	Provides outreach support to street-involved sex workers, harm reduction support, and compassionate care
Safe Space London	www.safespaceLondon.ca	Provides harm reduction and first aid supplies, HIV and STI educational resources, cosmetics, clothing, hygiene products, food, coffee, tea, peer support and information
SWANS Sudbury	705-280-8005 www.swansudbury.com	Promotes safer personal and working conditions through education, advocacy, referral and peer support

IMMIGRANT, MIGRANT AND REFUGEE ORGANIZATIONS

Organization	Contact	Services
Ontario Council of Agencies Serving Immigrants (OCASI)	416-322-4950 www.ocasi.org	Acts as umbrella organization of community agencies that serve immigrants and refugees in Ontario
FCJ Refugee Centre	416-469-9745 www.fcjrefugeecentre.org	Provides refugee protection, settlement services and education for newcomers in Ontario, including shelter for women and their children
Access Alliance Multicultural Health and Community Services	416-324-8677 www.accessalliance.ca	Provides community and medical services to vulnerable populations, including newcomers, immigrants and refugees in Toronto
Migrant Worker Alliance for Change	1-855-567-4722 ext. 700 www.migrantworkersalliance.org	Advocates for the rights of migrant workers in Ontario and federally
Settlement.org	www.settlement.org	Provides settlement information for newcomers
No One is Illegal	www.nooneisillegal.org	Advocates for the freedom to move, return and stay in Canada and provides 'know your rights' training to service providers and undocumented people
OHIP for All	www.ohipforall.ca	Advocates for OHIP for all

OTHER COMMUNITY SERVICES

Organization	Contact	Services
St. Stephen's Community House	416-925-2103 www.sschto.ca	Provides refugee protection, settlement services and education, including shelter for women and their children in Toronto
519 community centre	416-392-6874 www.The519.org	Offers LGBTQ2 programming and groups, refugee support group, free short-term trauma-informed counselling, drop-in counselling, recreation and education in Toronto
Skylark Children, Youth and Families	416-482-0081 www.skylarkyouth.org	Provides counselling, educational and therapeutic learning experience and counselling to support children, youth and families struggling with complex mental health and developmental needs
PASAN	416-920-9567 www.pasan.org	Offers programs, education, harm reduction and case management for prisoners and ex-prisoners with HIV or AIDS
Pieces to Pathways	647-209-2043 www.breakawayaddictions.ca	Peer-led substance use support program for LGBTQQ2SIA youth (age 16-29) in Toronto that offers drop-ins, case management and group counselling

Authors

Tara Santini

Tara Santini is a Montreal-based lawyer, educator and legal trainer working to develop organizations' and individuals' capacity to provide relevant and accessible services for marginalized individuals and communities. She provides training to legal, social, health and other service providers, and legal and rights workshops for criminalized individuals and communities facing intersecting realities and legal systems (e.g. criminal, immigration, municipal, housing, labour). An expert on sex workers' Charter rights and sex work prohibitions, she works directly with sex working communities to build capacity for meaningful participation and leadership in litigation and law reform, and acts as consultant to individuals and counsel involved in litigation impacting sex workers' rights. Her work is inspired in large part by her extensive work with Butterfly (Asian and Migrant Sex Workers Support Network), the Canadian Alliance for Sex Work Law Reform and Stella, l'amie de Maimie.

Elene Lam

Elene Lam holds a Master of Social Work and a Master of Laws, with a specialization in Human Rights. She is currently a Ph.D. candidate at McMaster University where she is researching the harms associated with anti-human trafficking initiatives. Elene has been actively engaged in work related to human rights, labour rights, community organizing, violence against women, migration, gender and sex work justice for more than 20 years. She is also Part-Time Faculty and a lecturer at a number of colleges and universities. Elene is the Executive Director and a founder of Butterfly and Migrant Sex Workers Project.

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Partner Organizations



Chinese Canadian National Council

TORONTO CHAPTER

全加華人協進會(平權會)多倫多分會

Chinese Canadian National Council Toronto Chapter (CCNCTO)

Phone: 416-596-0833 **Web:** www.ccnctoronto.ca

CCNCTO is an organization of Chinese Canadians in Toronto that promotes equity, social justice, inclusive civic participation and respect for diversity.



Asian and Migrant Sex Workers Support Network

Butterfly (Asian and Migrant Sex Workers Support Network)

Phone: 416-906-3098 **Web:** www.butterflysw.org

Formed by sex workers, social workers, legal and health professionals and founded upon the belief that sex workers are entitled to respect and basic human rights. Butterfly believes that migrant sex workers should access justice, safety and dignity. It provides 24/7 hotline, outreach, trainings, leadership building, health and legal informational and support. It also provides crisis and emergency support, e.g. when migrant sex workers are arrested or detained.



CSALC

CHINESE AND SOUTHEAST ASIAN
LEGAL CLINIC

華越東寮法律援助中心

Trung Tâm Hướng Dẫn Luật Pháp Hoa-Việt-Khmer-Lào

ក្រុមការងារសម្រាប់សហគមន៍ចិន វៀតណាម ខ្មែរ និងលាវ

Chinese and Southeast Asian Legal Clinic (CSALC)

Phone: 416-971-9674, **Ontario toll-free:** 1844-971-9674 **Web:** www.csal.ca

CSALC is a community-based legal clinic funded by Legal Aid Ontario which provides free legal services to low income, non-English speaking clients from the Chinese, Vietnamese, Laotian and Cambodian communities in Ontario. CSALC empowers the communities it serves through public legal education. In addition, CSALC has been involved in litigating test cases, organizing grassroots campaigns and making numerous submissions to all levels of government and to international human rights bodies to advance the rights of its clients and broader communities of disadvantaged groups.





A Pathway to End Violence Against Migrant Sex Workers:

Access, Safety, Dignity and Justice

