

Training for service providers and front-line workers



webinar:

*Pathway to End
Violence Against
Migrant Sex Workers*

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Date: Friday, January 31, 2020
Time: 12:00pm - 1:15pm



Funded by



Butterflies' voices



- “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)
- “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)

Mona's story

- Mona moved to Canada 10 years ago. She lost her immigration status eight years ago because she left her abusive partner.
- She has been working in the sex industry to support herself and to pay for her living costs and lawyer fees.
- Mona was robbed and assaulted at her in-call workplace. Her neighbour had heard someone screaming and called the police. When the police came, Mona reported that she 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.

Land acknowledgment : Where we are

We are gathered and organizing on the traditional territories of the Anishinaabe Nation and the Haudenosaunee Confederacy, the Senecas, the Huron-Wendat, the Petun, and the present-day Treaty Lands and Territory of the Mississaugas of the Credit who carry on stewardship of this land.



Trainers & Authors



Tara Santini, BCL., LLB, Lawyer

Expert on sex workers' Charter rights and sex work prohibitions, she works directly with sex working communities to build capacity in litigation and law reform. Provides legal and rights workshops for criminalized individuals and communities facing intersecting realities and legal systems, and to health, legal and social service providers serving criminalized communities.

Elene Lam, LLM, LLB, MSW, BSW, PhD Candidate of McMaster University

Executive Director at Butterfly. She 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.

Welcome : Instructions

- Please send your **comments** via the **CHAT** box
- Please send your **questions** via the **Q&A** box
 - We also provide reflection questions during the seminar
- Please complete and **send back the short feedback survey**
 - Link to survey at the end of the webinar
- We are **not able to help troubleshoot** technical issues

Thank you for supporting Migrant Sex Workers' Justice!

Purpose of training



- Develop understanding of :
 - Complexities of migrant sex workers realities/needs
 - Types of violence and human rights abuses (systemic/interpersonal)
 - Sources that create and maintain risks, barriers, harms
- **Practices/principles to develop responses/strategies to support migrant sex workers**
- Resources to continue learning - develop reflective practice:

*** 2017 series: Upholding and promoting human rights, justice and access for migrant sex workers*

*** Presentation of new 2020 Guide: Pathway to end violence against migrant sex workers*

<https://www.butterflysw.org/legal-information-for-services-prov>

Principles

- Respect the agency of all sex workers
 - *Includes when someone is in a difficult or violent situation
- Recognize systemic oppressions and barriers migrant sex workers face
- Do not impose your own values (e.g. moral, cultural, religious)
- **DO NO HARM** : Recognize how your values, practices and policies can harm migrant sex workers

Realities of Migrant Sex Workers



Decision making: Resistance vs Oppression

Identity and circumstance (e.g. class, racial identity, gender, immigration status) affect access to power, supports and resources; working conditions; and vulnerability to oppression and violence.

Sex work : For economic advancement, self-actualization, pursuit of their dreams; may be the only option or the best option!

“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.” (A migrant sex worker, Toronto)

Recognize and respect
migrant sex workers' agency

Question:

What do you think is the most important principle
needed to support migrant sex workers?

Sex work

To decide to sell or exchange a sexual/erotic service

- exchange for compensation (money, good, service, status)

Deciding to sell/exchange a sexual service does NOT take away one's right (dismiss one's decision) to consent to (or refuse) sex

- consent to sell sex is not consent to violence, coercion, exploitation
- Harmful myths: sex workers cannot consent, or consent to everything

Sex Work Offences

- **Criminal law (*Criminal Code*)**
 - S. 213 CC: Communicating in public view to sell sexual services
 - S. 286.1 CC: Purchasing sexual services
 - S. 286.2 CC: Receiving a material benefit (profit) from sex work
 - S. 286.3 CC: Providing services/supports to facilitate another person's sex work
 - S. 286.4 CC: Advertising sexual services
 - **Immigration law**
 - *Immigration and Refugee Protection regulations* (Ss. 183 (1)(b.1), 196.1(a) IRPR) prohibits all temporary residents from legally working for employers offering striptease, erotic dance, escort services or erotic massages
 - **Municipal bylaws:** target and punish migrant sex workers in collective workspaces
- **Human trafficking offences also used to target sex work (s. 279.01-04 CC)

Prohibitions (punitive laws) regulating migrant sex work

- **Sex work-specific offences** (criminal, immigration, municipal) target sex workers
 - **NONE require element of exploitation** - myths about "end demand model"
 - Increase powers/presence of **law enforcement (source of danger not protection)**
 - **Anti-human trafficking policies = anti-sex work policy**
 - **Laws of general application** (e.g. assault, theft, coercion, harassment, etc.)
- *Upholding and promoting human rights, justice and access of migrant sex workers, 2017* <https://www.butterflysw.org/legal-information-for-services-prov>

Types of violence migrant sex workers face

- Workplace violence
- Labour exploitation
- Violence from intimate partners and family members
- Violence by perpetrators
- **State violence:**
 - **Violence from law enforcement officers**
 - punitive criminal laws and immigration regulations, surveillance, arrest, detention and deportation
- Violence by government and non-governmental service providers
 - **shutdown workplace, repressive policy, etc.**
- Violence by other members of the public

Question:

What is the most frequent source of violence
against migrant sex workers ?

Majority of violence migrant sex workers experience comes from law enforcement

- 60 % reported that they have experienced a form of violence from law enforcement officers
- Detained/arrested when reporting violence against them (e.g. assault, robbery) - Violation of Access Without Fear Policy

When sex work is seen as violence, actual violence experienced by sex workers cannot be recognized or addressed.



Harms/risks produced by anti-sex work and anti-trafficking laws and by law enforcement presence and intervention

- **Majority of violence migrant sex workers experience comes from law enforcement**
- Risk of surveillance, detention, fines, investigation, arrest, deportation, etc.
- Racial profiling, abuse, sexism, discrimination, stigma
- loss of custody, loss of work, eviction, mental health impacts
- Barriers to access and support; forced to “exit” (leave) work and community

Shut down of workplace: Voices from the 300 workers

300 sex workers and holistic workers went to city hall (Toronto, 2019)

“I am not trafficked.”

“I have the right to work!”

“Don’t shut down my business!”

“Respect our rights as workers, respect our human rights, and listen to us.”

“I just want to work at the holistic centre until I retire. I can't bear the law enforcement abuse and lose my job.”





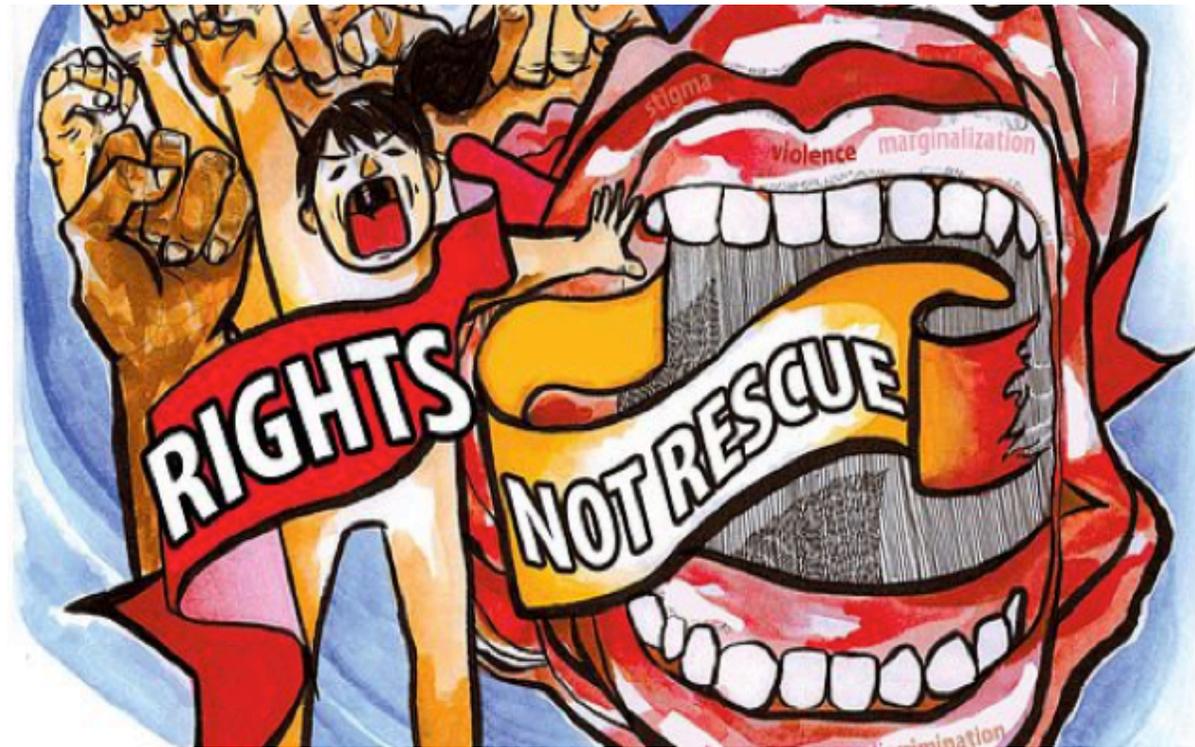
For many sex workers
“rescue” approaches used
by law enforcement and NGOs
are a form of violence!

International Day to End Violence
Against Sex Workers
December 17



What are the problems and potential harms of “rescue”?

How does law enforcement harm migrant sex workers?



Harms produced by law enforcement

For more see:

→ Lam, E. (2018)

[Survey on Toronto Holistic practitioners with bylaw enforcement and police](#), Butterfly

→ [Lam, E.\(2018\) Behind the rescue: How anti-trafficking investigations harm migrant sex workers](#), Butterfly

→ Canadian HIV/AIDS Legal Network (2019)

[The Perils of Protection, Sex Workers' Experiences of Law Enforcement in Ontario](#)



Principles and practices for supporting migrant sex workers

→ *Protecting confidential information: see pages 10-13*

→ *Practices to support - not harm – for indivs and orgs: see pages 3-4 and 20-29*

DO	DO NOT
Recognize and respect the person's agency; Believe they know best about their own lives	Assume you know their needs and experience better than they do (e.g. MSW are not able to consent, they do not know they are trafficked) ** NGOs and Police are not their saviours
Focus on the person's perspective; Focus on their actual and self-identified needs, risk and goals	Impose your own narrative, labels, values, expectations when identifying the problem or desired outcome (e.g. "exiting" sex work; leaving their partner or community; third parties are exploitative)
Understand barriers and risks re accessing support (e.g. legal risks)	Assume law enforcement is always desired, helpful or a solution
Make a safety plan/release plan; develop strategies to handle the situations they face	Contact or share information with law enforcement without the person's prior explicit and informed consent
Increase their available resources and supports; Develop additional options	Remove/reduce their options (e.g. shut down their workplace, expect they leave their community)

Developing legal/non-legal strategies and supports

Provide legal information about their rights and recourses within context

- Whether or not they want to use legal systems - info may still inform strategy
- Think beyond confines of criminal law/enforcement
- Consider the labour context – within context/impacts of criminalization, immigration policies
- Provide clear/complete info about every step of each process; possible risks/consequences

Think beyond legal remedies

- Be creative -- develop options, resources and alternatives
- Most forms of support for migrant sex workers are community-based
- Diversity of referrals to appropriate resources (safe/accessible for sex workers, trans people, migrants?)
- Help migrant sex workers create a safety plan and/or release plan!

Provide some anonymous support and services

- initial info/support without having to identify themselves, disclose immigration/sex work status

Case study: Li Li

Li Li has been married to David for 18 months. 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 and David.

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, and is physically violent towards Li Li when she does not give him money.

He was very angry after learning that she provides sexual services to clients. He called her a whore, told she should work at his friend's brothel and that he was going to cancel the sponsorship. Li Li is very afraid and comes to you for help.

Question: How can you support Li Li ?

Approach to support migrant sex workers

- Focus on the person's perspective; situate yourself/role as a service
- Do not to assume what the source of the problem is or what they want
- Do not to impose what you think should be their desired outcome
- Offer supports that do not require the person to identify with a particular narrative

- May face multiple and intersecting challenges
 - May want help with several issues; to focus on one thing
 - Priorities may shift over time; ask and continue to check in
 - May seek legal or/and non-legal information, supports, strategies and solutions to respond to the complex social, economic and legal issues they face

Safety Plan - Liberation and empowering

- Support all of the persons rights (e.g. equality, safety, self-determination)
- Meaningful participation of sex workers

- Action plans: stay/ leave, release from detention
- Informed consent
- Plan and develop with the person
- Intervention grounded in their resilience

- Respect their agency
- Prevent undesirable consequences
- Increased control of one's life
- Focus on developing options, increase access to supports, resources

Rescue Approach - Perpetuating oppression

- MSW framed as victims/illegal/criminal
- increasing sense of powerlessness

- Unwanted contact of law enforcement
- Goals/options pre-determined by NGO/Police
- Pre-determined narratives, requirements and expectations (e.g. forced "exiting", human trafficking framework; removal from workplace)

- Ignore/deny their agency; Violate their rights
- Risks arrest, detention, deportation, eviction, workplace shut down, interrogation
- Increase their vulnerability and reduce their access to resources and support (e.g. loss of income, livelihood, housing, work places)

Case study: You are a community worker who is working for a violence against women victim support program: What can you do to support Li Li?

1. What may be **Li Li's needs/concerns/wants**?
2. What **resources may Li Li have**?
3. What **issues, risks, structural factors** may Li Li be facing?
- legal and non-legal risks and obstacles.
4. What legal and non-legal **services, supports, resources, remedies and strategies may be useful** (to offer or refer)?
5. What are the **barriers or challenges** related to accessing the services and support she needs? What can you do **to help her overcome** them?

*See pages 40-44 : *Pathway to end violence against migrant sex workers*
<https://www.butterflysw.org/legal-information-for-services-prov>

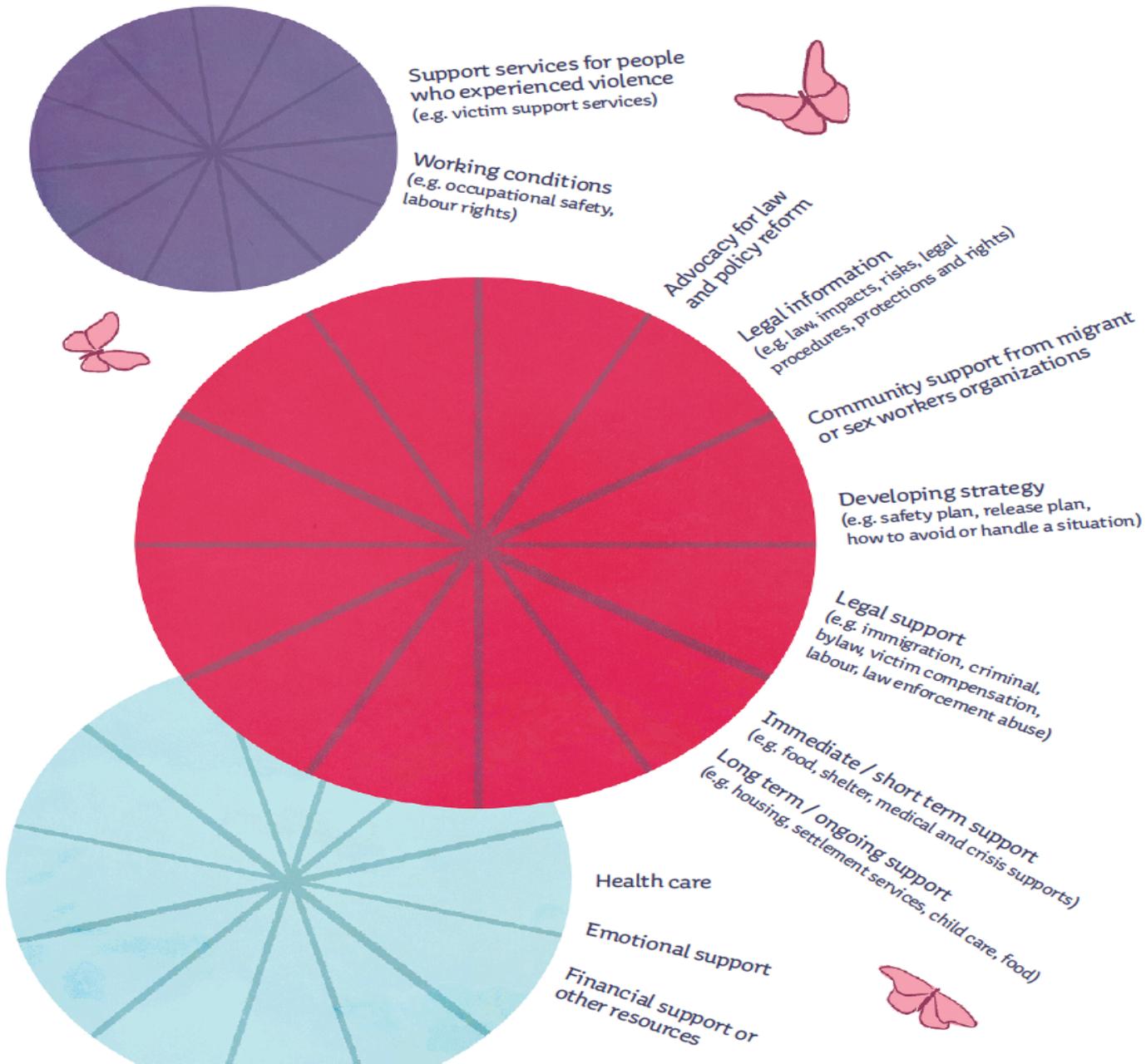
Legal and non-legal supports and strategies



- Legal information (e.g. law, impacts, risks, legal procedures, protections and rights)
- Legal support (e.g. immigration, criminal, bylaw, victim compensation, labour, law enforcement abuse)
- Support services for people who experienced violence (e.g. victim support services)
- Developing strategy (e.g. safety plan, release plan, how to avoid or handle a situation)
- Working conditions (e.g. occupational safety, labour rights)
- Immediate / short term support: (e.g. food, shelter, medical and crisis supports)
- Long term / ongoing support (e.g. housing, settlement services, child care, food)
- Financial support or other resources
- Health Care
- Emotional support
- Community support from migrant or sex workers organizations
- Advocacy for law and policy reform

See pages 33-34 :
Pathway to end violence against migrant sex workers
[https://
www.butterflysw.org/
legal-information-for-
services-prov](https://www.butterflysw.org/legal-information-for-services-prov)

Legal and non-legal supports and strategies



See pages 33-34 :
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Sex work is work

Critical reflection on your own values (sex work, race, migration, gender, state power)!

Listening and learning from sex workers!

Support sex workers' rights !

Support decriminalization of sex work !

Repeal immigration prohibition of sex work!

Stop harmful anti-trafficking policies and practices!





**MIGRANT
SEX WORKERS'
JUSTICE**



Butterfly Meanings

symbol of migration, transference



A Pathway to End Violence Against Migrant Sex Workers:

Access, Safety, Dignity and Justice

2020



2020 Guide for Service Providers

- <https://www.butterflysw.org/legal-information-for-services-prov>
- Recognize migrant sex workers' agency
- Understand how law and law enforcement may be harmful (not helpful)
- Explore different legal and non-legal ways to support

Thank you for participating in the Webinar!

Please fill out this short feedback form
:<https://forms.gle/xq8cGpGB6VEziLjaA>

We need your support!

Please connect with us so we can advocate
for migrant sex workers together:
cswbutterfly@gmail.com

Butterfly(Asian and Migrant Support Network)
Butterflysw.org



**SAFETY,
DIGNITY,
JUSTICE!**

Support Migrant Sex Workers Rights.

Useful approaches for supporting migrant sex workers

Core principles of approaches to work towards social, racial, economic justice:

- honour a person's version of their own story
- recognize structural harms, inequalities, systemic oppressions they face
- consider potential impact of historical experiences of harm/oppression in relation to their present encounters with social support organizations
- defend and uphold their rights
- support the person's agency and self-determination
- Sex workers may also use different approaches to support their peers
- Collective power to resist violence/abuse, share resources and strengths to support each other, develop strategies for dealing with and mitigating harms



Understanding migrant sex workers' realities and needs

Developing strategies and ways to think about providing support

- Migrant sex workers are incredibly diverse
 - goals, aspirations, desired outcomes may vary
- Every situation/person is unique – tailor every intervention to the individual
 - No “one-size-fits-all” perspectives or solutions
 - What option may be relevant/helpful depends on every unique person/situation
 - Strategy/remedy that may be useful for one could be harmful for another

Remember:

- Inform the person they do not have to answer questions they don't feel comfortable discussing
- Be clear on why you ask certain questions to ensure they are directly related to their care and will support their specified goals
- Go slow, be compassionate and attentive to non/verbal signs of comfort
- Discussing violence, trauma and oppression can overwhelm, trigger or re-traumatize
- 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

Resources – migrant sex workers' stories

- 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:
- Butterfly (2017) Butterfly Voices, Collecting stories of migrant sex workers around the world
- Butterfly (2019) Stories of Butterflies
- Canadian HIV/AIDS Legal Network (2019) The Perils of Protection, Sex Workers' Experiences of Law Enforcement in Ontario
- Lam, E. (2018) Behind the rescue: How anti-trafficking investigations and polices harm migrant sex workers, Butterfly.
- Lam, E. (2018) Survey on Toronto Holistic practitioners with bylaw enforcement and police, Butterfly
- 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.

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**SAFETY,
DIGNITY,
JUSTICE!**

Support Migrant Sex Workers Rights.



Butterfly(Asian and Migrant
Support Network)

Butterflysw.org

Contact us :

cswbutterfly@gmail.com