

# **IM/Migrant Sex Work: Exploring Experience, Policy & Partnership**

**Commentary on the Pre-Conference event at the Law and Society Association Annual Meeting in Toronto 2018**

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**With assistance from Sarah Moorhouse**

As a pre-conference event associated with the 2018 Law and Society annual meeting in Toronto, members of the Sex, Work, Law and Society Collaborative Research Network<sup>1</sup> (CRN#6) came together to engage in a day of learning with local community groups. The purpose of the pre-conference event was two-fold: first, organizers wished to ensure that the academic work undertaken by members of CRN#6 remains grounded in community engagement; second, the day of learning allowed for an opportunity to discuss in depth a pressing issue affecting much of the related scholarship and local sex workers: anti-trafficking discourse and law. The day was organized in collaboration with two Canadian non-profit organizations: Butterfly (Asian and Migrant Sex Workers Network) and SWAN (Supporting Women's Alternatives Network) Vancouver Society.<sup>2</sup> Twenty-one members from various parts of the world attended the day of learning, sharing their own expertise and working together to discuss some core concerns raised by SWAN and Butterfly. The day centered on themes relating to: 1) collaborative knowledge production and allyship; 2) misrepresentation (or under-representation) and the 'sex worker' identity; and 3) the effects of anti-trafficking discourse on laws and policies.

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<sup>1</sup> More information about CRN 6 is available at <https://www.lawandsociety.org/crn.html#6> and

<sup>2</sup> More information about Butterfly is available at: <https://www.butterflysw.org/> and more information about SWAN is available at: <http://swanvancouver.ca/>

This report outlines the content related to each of the key themes and highlights collaboratively-created commitments to action emerging from the sessions. Throughout the event, participants provided written commentary or artistic representations on poster paper located on tables and walls. CRN #6 organizers, along with representatives from SWAN and Butterfly, and volunteers, recorded comments made by participants, too. This document reflects the anonymized comments provided by the participants. We collected all statements and used NVIVO to produce the following thematic report.

### **Collaborative Knowledge Production & Allyship**

Allyship requires a bi-directional relationship comprised of understanding, compassion, support, and respect.<sup>3</sup> The two groups that focussed on discovering what it takes to be an ally started with a discussion regarding Dr. Sarah Hunt's comments on [consensual allyship](#), followed by a conversation about what the term means in knowledge production and sex workers' rights organizing. They pondered who ought to speak on whose behalf, noting that activism is "a luxury space," for some, and one that requires humility and recognition of differential power dynamics. Recurring words associated with allies included diverse, communities, space, outsider, responsibility, and privilege. Participants focussed on the challenges of seeking balance between their roles as educators, their need to listen without defensiveness and without feeling the need to explain oneself, and the importance of checking assumptions and internalized prejudices throughout all interactions. Prospective allies must keep these commitments in mind and dedicate themselves to active service regardless of achieving the title of 'ally.' Participants discussed the

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<sup>3</sup> Participants were asked to read a few key resources on consent prior to the event. These resources included Hunt, S. (2013) *Speaking For, Speaking Beside: thoughts about consensual allyship* (available at: <https://becomingcollective.wordpress.com/2013/07/12/speaking-for-speaking-beside-thoughts-about-consensual-allyship/>) and Lamont, A. (n.d.) *Guide to Allyship* (available at: <http://www.guidetoallyship.com/>) .

inappropriate self-identification of ‘ally:’ not only is such a word more a verb than a noun, it is also something that is time, place, and context specific. To stand in solidarity with sex workers more accurately reflects the active and ongoing requirements necessary to support the agency of sex workers.

In terms of producing knowledge, participants discussed the many challenges that exist in working ethically and collaboratively. The groups focused on three primary issues: obtaining consent, seeking diversity, and using privilege to benefit sex working communities, recognizing that this topic alone could have filled the entire conference schedule. Academics have a tendency, and indeed a requirement, to employ such things as consent forms. However, these forms are Western colonial contracts that may be inappropriate in some contexts and can even increase risk to participants. Participants affirmed that consent must be ongoing, fully informed, and unequivocal. Regarding seeking diversity, not only was this in relation to the academic tendency to polarize samples by gender, type of work, geographic location, etc., the topic was also discussed in terms of group concern over the risks raised by the “danger of a single story.”<sup>4</sup> Participants emphasized that academics must resist generalizations and the urge to present their work in a simplistic and reductive manner, in spite of political and public pressure to package work in such easily digestible terms. Finally, participants discussed the fact that sex workers often feel silenced due to stigma, shame, or differential power and access to participate in the first place. Researchers must develop mechanisms to involve sex workers in all stages of work and should avoid speaking on behalf of those with lived experiences whenever possible. Participants noted that the “nothing about us

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<sup>4</sup> See Chimamanda Ngozi Adichie’s TED talk, available at:  
[https://www.ted.com/talks/chimamanda\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story?language=en](https://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story?language=en)

without us” motto is extremely important and must remain central in collaborative action. The participants expressed commitment to recognizing their privilege and working to use their privilege to make space for under-represented groups and individuals in academic discourse and policy-related discourse.

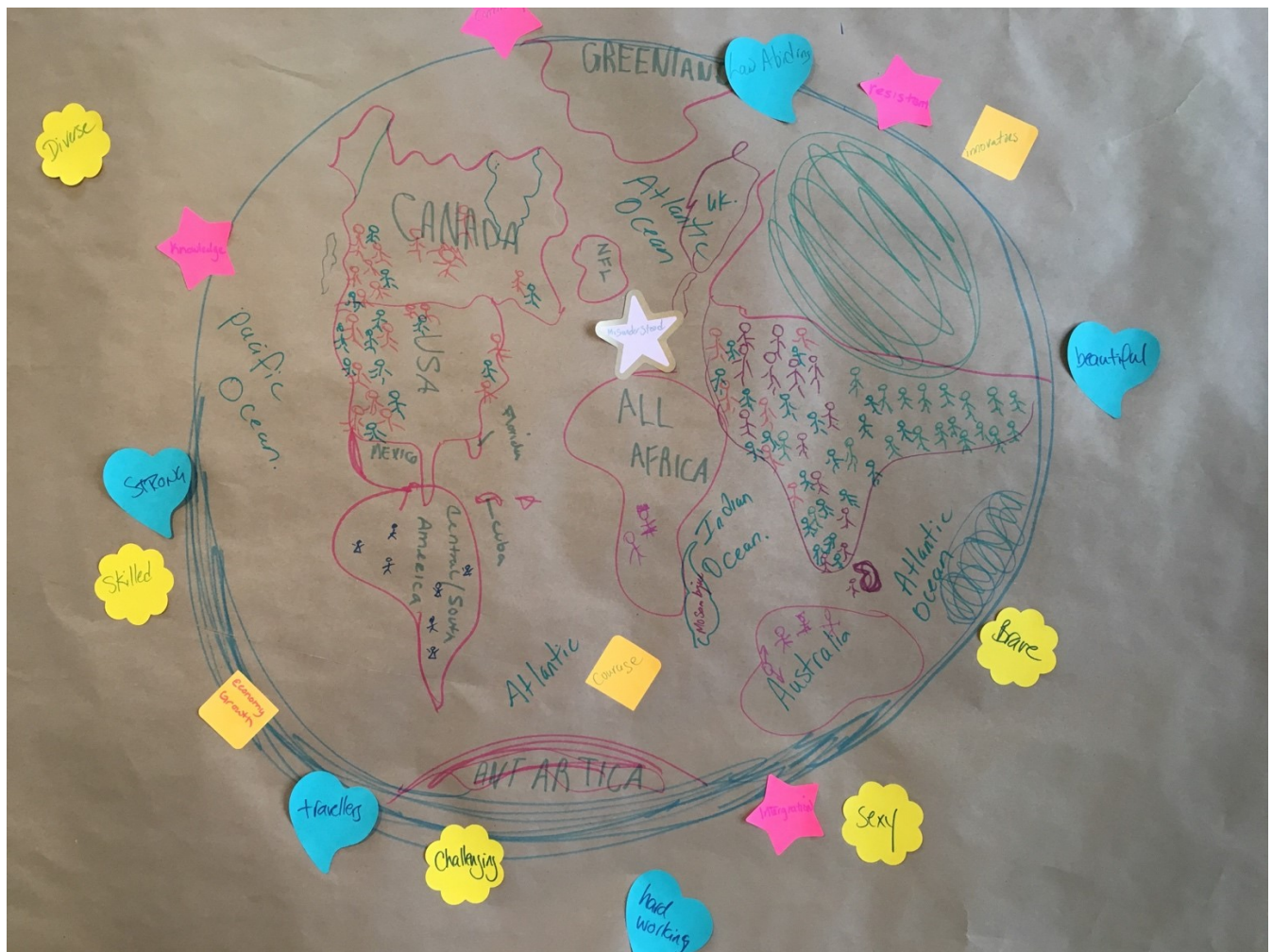
### **Misrepresentation of the ‘sex worker’ identity**

Throughout the day, participants discussed the various representations of the ‘sex worker’ identity and the harmful effects of misrepresentations on the workers, the work, and the associated regulations. We reflected on who sex workers are, the kinds of work they do, and the responses they receive from the general public, both as experienced first-hand by the workers, and as perceived by allies and supporters. Terms like work, ethics, respect, community, media support, learning, risks, and need for public action were widely acknowledged by everyone as key issues. Similarly, descriptors of the diverse people involved in the sex trade were not limited to biographical characteristics; instead, participants emphasized the skill, courage, strength, and resilience of sex workers.

The first specific question asked of everyone was: “Who are sex workers and who are migrant sex workers in particular?” There was a myriad of different answers, but the most notable answer not only to this question, but also as a recurring theme throughout the day, was that sex workers are labourers. Across the board, this term was mobilized in various contexts and forms as the most common characteristic of all sex workers. Other terms used to describe sex workers were diverse, activists, migrant, immigrant, Indigenous, Canadian, allies, students, mothers, expats, caregivers, female, male, non-binary, Asian, Australian, American, and enterprising professionals. Sex workers were also described as multi-faceted, courageous, and autonomous, misunderstood,

excluded, in danger, exploitable, and discriminated against. Participants noted that public and political discourse typically perceive of sex workers in limited and unidimensional ways, as victims, exploited, dangerous, and trafficked. The contrast between the descriptors of sex workers provided by participants and those perceived as dominant framings was striking, and denotes the work required in order to alter public and political perceptions of sex workers.

Participants discussed common stereotypes that exist around sex work in more detail. The perceived “victim” status, especially when coupled with trafficking, has particularly harmful effects on Indigenous and other racialized sex workers including im/migrant sex workers. Rather than presenting these individuals as inherently more vulnerable compared to others, participants concluded that academics ought to acknowledge nuanced differences in context, decision-making, constraints, agency, and other situational and structural factors and seek to present im/migrant sex workers as the resilient, courageous and enormously strong individuals they are. Participants asserted that academics can play significant roles in identifying the laws, enforcement practices, discourse, stigma, and other structural oppressions as sources of violence targeting specific groups and resulting in vulnerability. This theme was most apparent in the discussions of im/migrant sex workers being subjected to law enforcement ‘rescue’ raids and sting operations. These police tactics, often conducted in the name of ‘protection,’ victimize sex workers and foster mistrust. Combined with concern of youth sexual exploitation, infantilization of sex workers is another common stereotype that negatively impacts sex workers. While the harms of misrepresentations occupied considerable time, and are discussed in more detail below, the participants were also committed to giving space to a more accurate reflection of sex workers. In addition to the aforementioned descriptors, one group drew a graphic representation of the great diversity that makes up this industry and how empowering it can be when viewed on a global scale.



## Effects of anti-trafficking discourse & enforcement actions

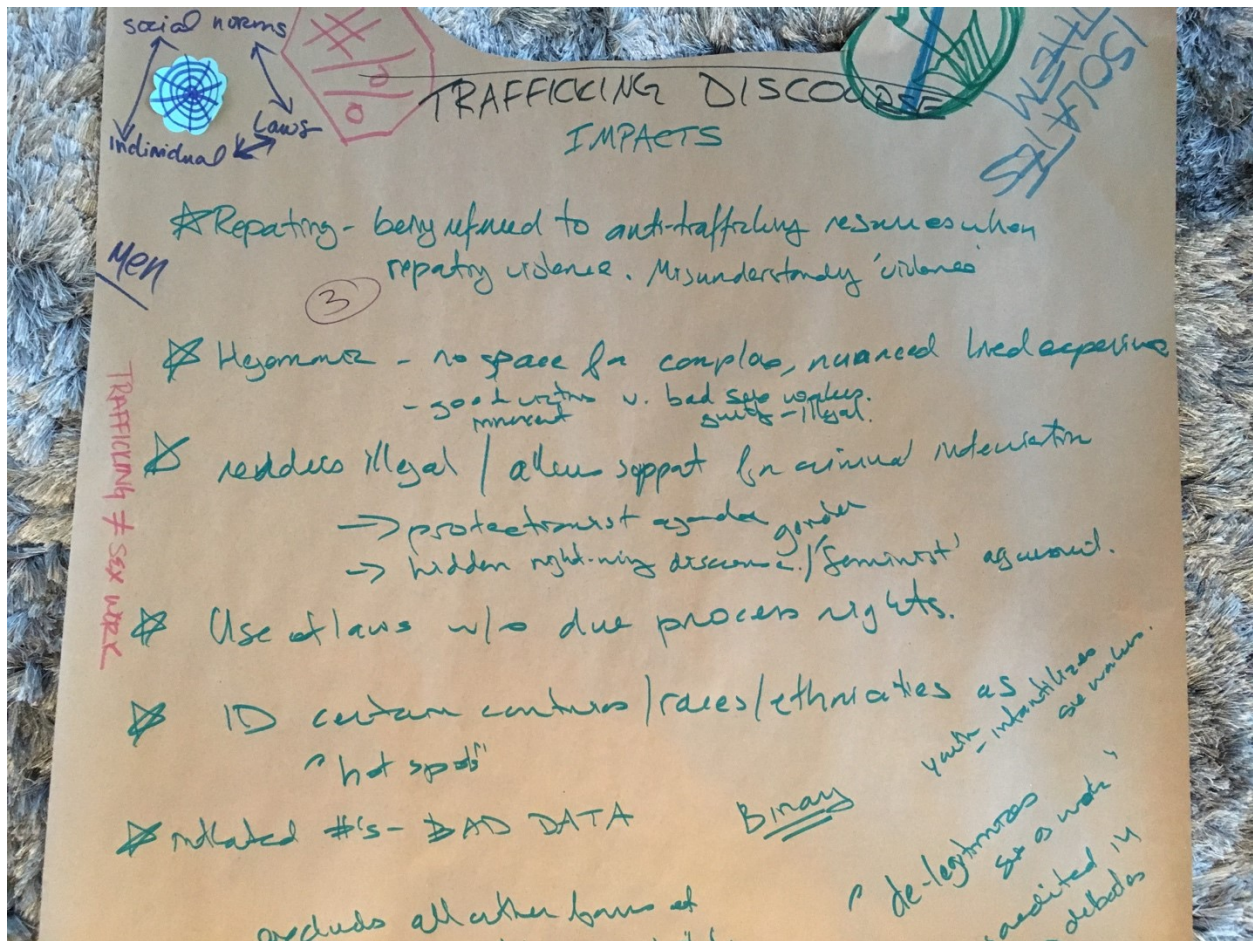
Both SWAN and Butterfly provided participants with information about the various ways that anti-trafficking legal efforts and discourse contribute to harms against migrant/immigrant sex workers.<sup>5</sup> SWAN and Butterfly highlighted the misunderstandings of the definitions of sex work, human trafficking, and violence, and emphasized that current dominant discourse leaves no space for the voices of people with lived experience. The representatives of these agencies expressed their frustration with research produced by some scholars, government agencies and non-profits which

<sup>5</sup> The reports on which the presentations were based are available at: <https://www.youtube.com/watch?v=9PHfcSNjZVO> and <http://swanvancouver.ca/wp-content/uploads/2014/01/Realities-of-the-Anti-Trafficked.pdf>

employ inaccurate, inflated, and misleading statistics. The speakers highlighted the impacts of such data manipulation as resulting in discursive coupling of trafficking and sex work, which functions to de-legitimize sex work, maintain false stereotypes, and contribute to policies and laws that cause additional harm. Finally, the agencies expressed frustration at having to continually discredit and deconstruct the erroneous information in policy and public debates; the representatives dislike contributing in any capacity to a negative feedback loop of misinformation that consistently omits any accurate representations of immigrant and migrant sex workers.

The representatives of the agencies facilitated discussions with participants, who offered their expertise on the various ways that different forms of regulation are harmful or helpful, and how sex workers in other countries experience the anti-trafficking discourse and law enforcement. Participants agreed that key impacts, across all geographic boundaries where any form of criminalization of commercial sex exists and combines with immigration law include the creation and maintenance of barriers to due process rights, isolation and marginalization, and the denial of protective services and labour rights for sex workers. Participants concluded that anti-commercial laws indirectly criminalize selling sex and characterize workers as hapless victims or as deviants, thus making room for protectionism and increased criminalization. Further, participants notes that where sex workers refuse the trafficking victim label, the workers can then be subjected to immigration consequences (deportation, removal, exclusion) for working in the commercial sex sector and they can be refused support from government unless they agree to be labelled as ‘victims.’





Acknowledging that lack of protection and resources increases vulnerability and reduces safety in an already underground and marginalized work environment, participants discussed the severe consequences of isolating sex workers from support systems and legal recourse. Participants determined that ‘access without fear’ policies are necessary – for example, sanctuary cities, or immunity provisions can be extended to those who report violence. Fear was a major aspect noted by participants: not only do migrant and sex workers with precarious, or no, legal status fear reporting exploitation and violence, most sex workers lack trust in authorities and legal institutions. Specific to immigration and migration, participants agreed that, “by-law enforcement is the new border control,” and that police engage in profiling, on the basis of race, workplace venue, and role in commercial sex. These practices increase risk and sustain differential access to rights and



safer working conditions. Participants discussed how they could reframe and move beyond the limits of trafficking discourse; however, they expressed frustration at the global nature of trafficking discourse and law, the deep funding available to anti-trafficking advocates, and the lack of political will to advocate on behalf of sex workers.



An over-arching theme of the day was that structural inequities function in an intersectional manner to sustain power and inequality. Participants discussed the systemic racism faced by sex workers of colour, and immigrant and migrant sex workers, that is embedded in both law and society. It was clear that sex workers in general do not have access to the same labour rights, access to justice, and support mechanisms as other workers. A lack of residency and citizenship status functions in the same way as race/ethnicity to create additional barriers. In this regard, participants noted that an intersectional lens is the only appropriate lens through which commercial sex regulation and discourse ought to be developed; further, they noted that anti-racist education was

desperately lacking in government agencies like police and immigration services, but also within academia and non-profit sectors.

Given the general subject area of CRN#6, it should be no surprise that a significant portion of the discussion focussed on the effects of criminal prohibitions, bylaws, and immigration laws. Based on the quantity of the selected words, regulation and isolation were coupled as the two most frequently used words in terms of the current laws in Canada. Following closely behind as a frequent term was “fear:” the laws perpetuate a lack of trust, offer limited and conditional support, and serve to isolate workers. Once again, participants noted that efficient and unbiased training for law enforcement agents and other stakeholders was crucial to creating more supportive processes in which sex workers could seek legal recourse when they felt the need to do so. However, training alone will not suffice, and the content in any training is tremendously important. The participants noted that defining key terms could be seen as a political act, and there is a great deal of conflict over how to define sex work and trafficking. In the end, the participants noted that the sex workers ought to be central in creating definitions and regulations—a diverse cross-section of sex workers. Of course, in order for sex workers to be included at policy tables, safety must first be guaranteed. Sex workers should not have to take personal, professional, or economic risk to educate and advise. Participants concluded that, “the systemic and structural oppression within the law makes the law harder to change;” however, collective strategic action can be undertaken to create the groundwork for more fundamental change.

### **Commitments to Action**

A main goal of the Sex, Work and Society Collaborative Research Network is to function as a mechanism to bring scholars and activists together annually to learn from one another about the

most recent research being undertaken in various places, as well as to network and collaborate. In this regard, CRN#6 seeks to contribute to strategic and collective action. Our first day of learning demonstrated this to be an achievable goal. While acknowledging that there is much to be done in research and education, and that much is already occurring, the participants collaborated to create a number of commitments to immediate action. First, participants noted the importance of a collegial and respectful space in which to discuss research findings, to critique findings and methods, and to welcome critique and input by sex workers. Rather than allowing critique to “divide and conquer,” participants agreed to set aside egos and continually strive to ensure that their work remains grounded in the needs of, and accountable to, sex workers. Participants suggested that finding common ground with other groups might be a more effective strategy in seeking allies than trying to change the perspectives of those who are fixed to an ideological position. Further, as similar issues are experienced globally, international networking can decrease isolation and increase our collective impact. Participants noted that an accessible toolbox for speakers and educators would be effective in ensuring a more consistent message on key points, such as the need to build safe migration routes and focus on labour rights, the need to respect the consent of sex workers, and the need to debunk racialized and discriminatory language.

Social media can be a very useful platform for networking and for making safer spaces for contribution from and collaboration with sex workers. Knowledge exchanges, collaborative research styles, participatory and community-based research all give voice and representation to sex workers. However, participants reflected that knowledge dissemination is vital as well. Many researchers are sensitive to these issues and increasingly seek to disseminate their messages in ways that can be understood by the public, and that demonstrate carefully nuanced representations of sex workers in their findings. Many researchers are also open to receiving feedback and to

learning from historical exploitation and misrepresentation of sex workers. Participants in this knowledge exchange concluded that social media platforms carry opportunities for connection that could be transformative for sex working communities and their allies, as long as parties continue to operate from a place of respect for the experiential expertise of sex workers.

Priorities identified for action included: 1) debunking the conflation of trafficking and sex work; 2) broadening the discourse to include all sex workers, rejecting the perspective that sex work only involves women (including in the pedagogical activities of academics and activists); 3) striving to obtain a more equitable distribution of the benefits of the knowledge produced. In general, participants concluded that academics and allies must contribute where they can in order to give back to the communities and honour the expertise of the workers.

## **Conclusion**

The pre-conference day of learning offered important foundational work to ensure our academic work remains inclusive of and accountable to sex workers. The day of learning allowed us to come together from across geographic and epistemologically different perspectives, as well as to invite sex workers, researchers, activists, non-profit staff, and others to network and foster deeper alliances. We covered a range of topics in a day, but centered our attention on the truly core issues that affect all of the work done by members of CRN#6. The word map pictured here, created out of all of the words that were contributed on paper by participants over the course of the day, illustrates the key themes of the day of learning, as well as the key themes that we hope to carry throughout our work:



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**Author Contributions:** Tamara O’Doherty wrote this commentary based on raw documentations gathered at the event (workshop posters) with feedback, comments and revisions provided by Raven Bowen, Tuulia Law and Menaka Raguparan.

Your CRN Pre Conferencing Organizing Committee for 2018: Left to right Drs Raven Bowen, Tamara O’Doherty, Tuulia Law and Menaka Raguparan.

