

# Sex Trafficking vs. Prostitution: The Need for Evidence-Based Laws and Policies



**CECILIA BENOIT**

**ELDER ACADEMY SERIES:  
*SEX, DRUGS AND ALCOHOL: USE AND OVERUSE***

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**University  
of Victoria**

Canadian Institute  
for Substance  
Use Research

Institut canadien  
de recherche sur  
l'usage de substances

# What is CISUR?



- Canadian Institute for Substance Use Research
- Formerly the Centre for Addictions Research of BC founded in 2003
- One of 16 research centres at UVic
- A network of researchers based locally, nationally and globally dedicated to providing all people in BC and beyond with access to happier, healthier lives, whether using substances or not.

# CISUR's guiding principles



- Collaborative relationships
- Independent research
- Ethics, social equity and justice
- Reducing risk and increasing protections
- Harm reduction
- Informed public debate
- Effective policies and programs for marginalized groups

# Policy debates across my career



- Whether midwives should have legal status and their services fund through the public purse?
- Whether Indigenous knowledge has a place in midwives' training?
- Whether care work should be equally valued – socially and economically?
- Whether disadvantaged groups deserve specialized community services?
- Whether adults who sell sexual services deserve dignity and social rights?
- **How effective are Canada's prostitution laws in improving sex workers' health, safety & rights?**

# International protocol against human trafficking



## ACT

Recruits

Transports

Transfers

Receives

Holds

Conceals

Harbours

Exercises control,  
direction or influence over  
the movements  
of a person

## MEANS

Use of force

Threat of force

Coercion

Deception

Abuse of a position  
of trust, power  
or authority

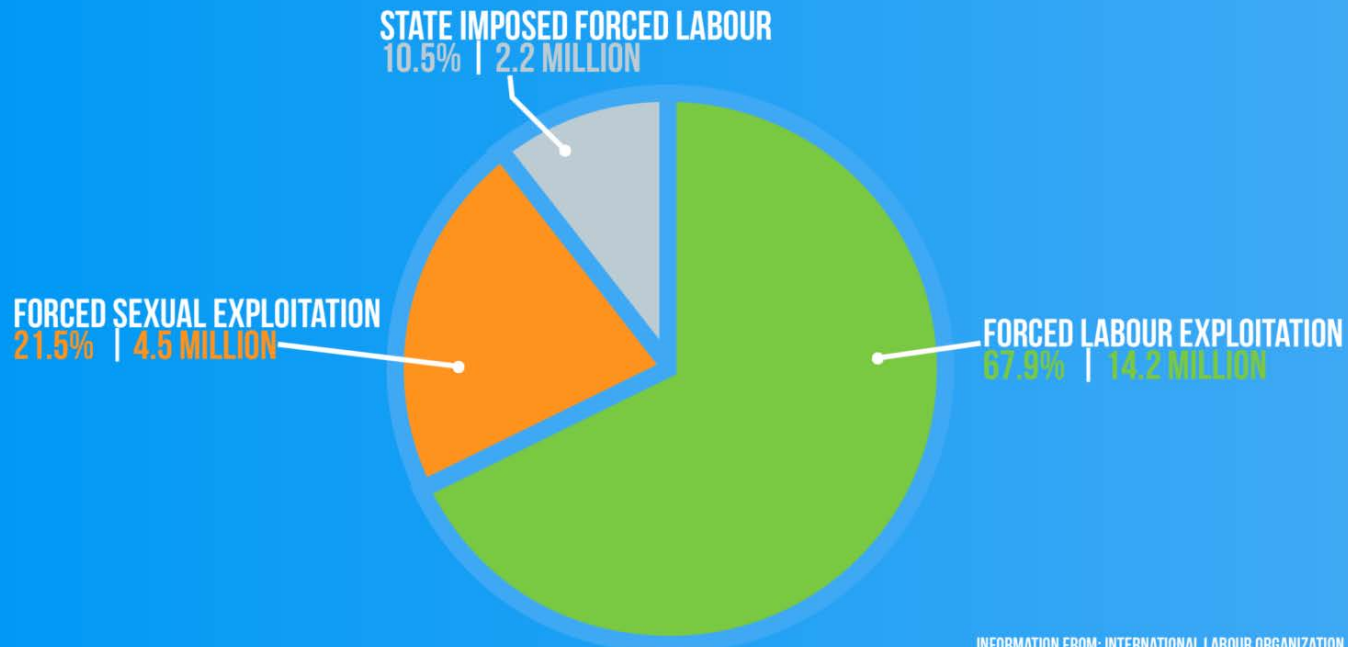
## PURPOSE

Exploitation:

Exploitation means causing a person to provide their labour or service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause that person to believe their safety, or the safety of someone they know, would be threatened if they failed to provide their labour or services

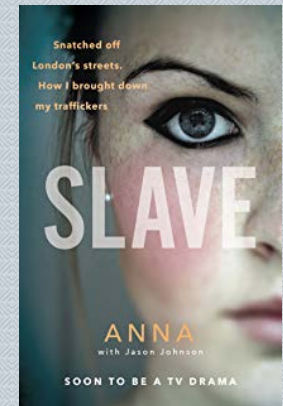
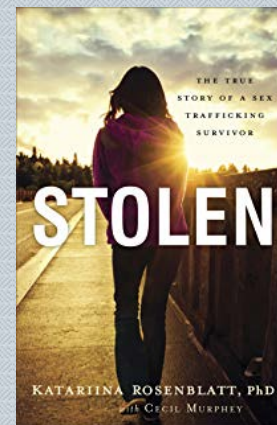
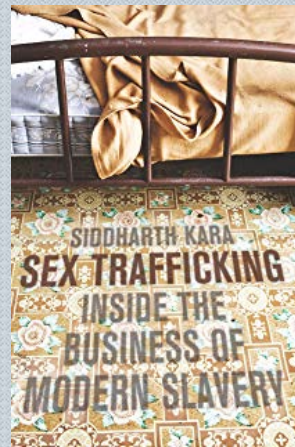
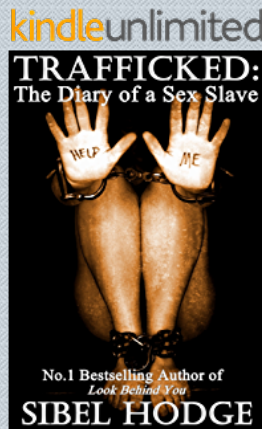
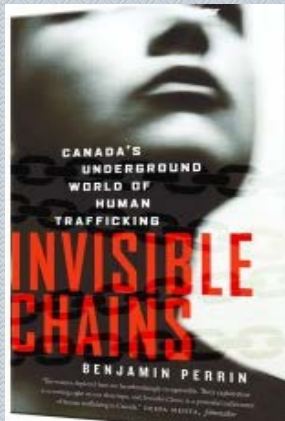
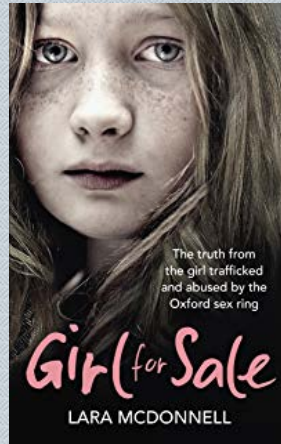
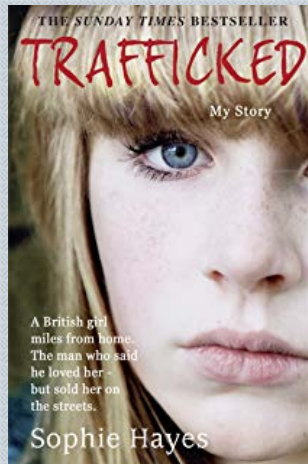
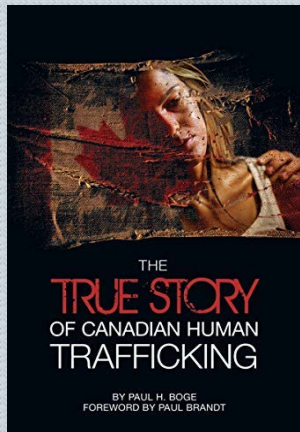
# International Labour Organization data

## TYPES OF HUMAN TRAFFICKING.



INFORMATION FROM: INTERNATIONAL LABOUR ORGANIZATION  
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# Current approach to the problem



# Canada's prostitution laws violates Section 7 of Charter



- 2010: Ontario Superior Court of Justice
- 2012: upheld by Court of Appeal for Ontario
- 2013: upheld by Supreme Court of Canada





# Canada's 2014 prostitution law



- **Bill C-36: Protection of Communities and Exploited Persons Act**
- **Criminalizes communication in a public place where children could be found, any sex purchasing and most advertising for the sale of sexual services**



# LEGO stop motion explains Canada's prostitution laws



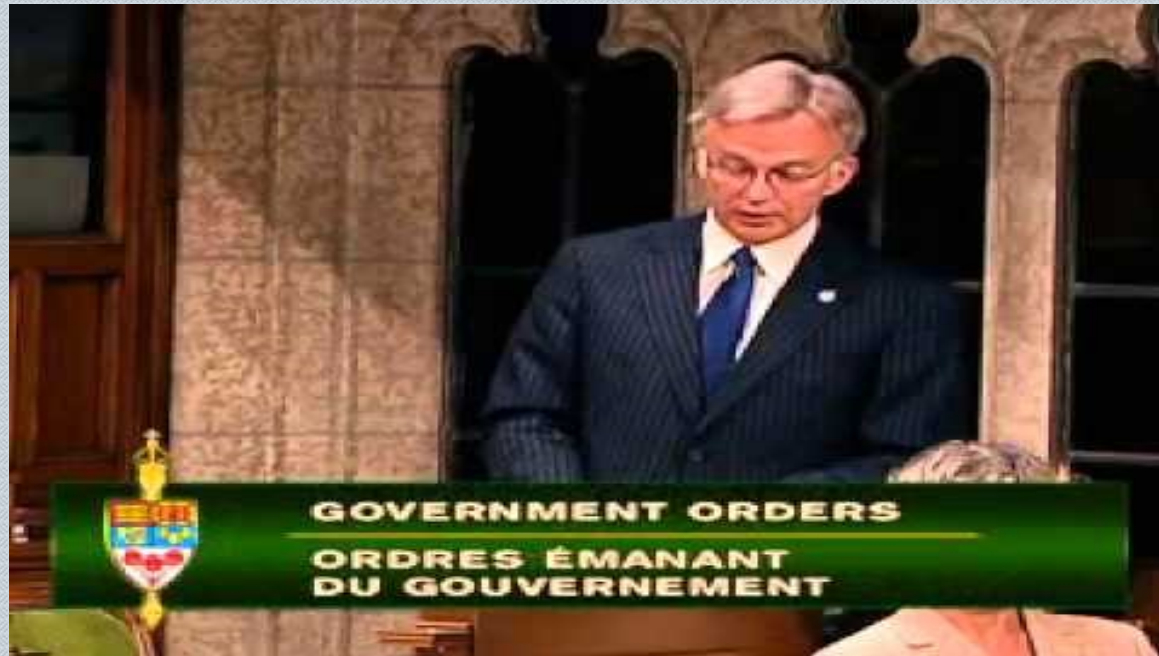
# Former Justice Minister MacKay



- Most Canadians view prostitution “as a dehumanizing phenomenon... an inherently exploitative form of discrimination against women and children.”



# Rachel's letter about Bill C-36



# 2020 – PCEPA must be reviewed by Parliament



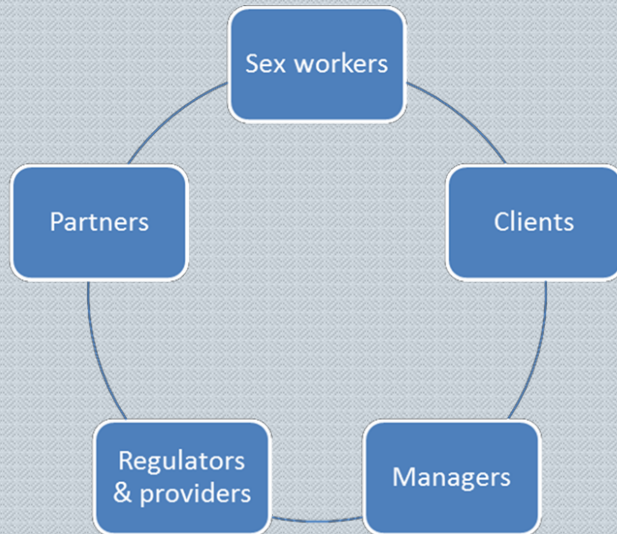
- Working closely with community partners, we have:
  - Added evidence to Public Safety Canada’s “Prostitution Info Sheet”
  - Conducted more research with sex workers post-PCEPA
  - Participated in Justice Canada’s Roundtables on the PCEPA
  - Most recently, given testimony at Parliamentary study on human trafficking in Canada

# Human trafficking is *not* widespread in prostitution



# Research questions of our recent study

- ✓ What are the key factors linked to violence and victimization in the Canadian sex industry?
- ✓ What policies and practices promote safety, health & healthcare for sex workers & those they interact with?



# Unique team grant features



- ✓ **Clear operational definitions** (e.g., sex worker, client, intimate partner/spouse, etc.)
- ✓ **Standardized questions** allowing comparison to other populations
- ✓ **360 degree look** using common variables and questions allowing intra-industry comparisons
- ✓ **Multi-city** research sites allowing contextual comparisons
- ✓ **Diverse research team** of KUs, collaborators, academic partners & trainees engaged throughout



# Who participated in the study?



**Sex work:** Exchange of sexual services for money which necessarily, but not exclusively, includes *direct physical sexual contact*

**Inclusion criteria:** 19 years or older, be legally able to work in Canada, and have received money in exchange for sexual services on at least 15 different occasions in the previous 12 months

**Data:**

- 218 sex workers interviewed
- Recently completed 60 follow-up interviews post 2014 prostitution law

# Significant results



- ✓ **Diversity** – backgrounds & circumstances
- ✓ **Marginalization** on most social determinants of health
- ✓ **Higher personal income** than comparable populations
- ✓ **Work context matters** – greater power in negotiations with clients (e.g., services, condom use) = increased safety
- ✓ **Municipal context matters** – confidence in police varied
- ✓ Participants across all groups reported high levels of **stigma**

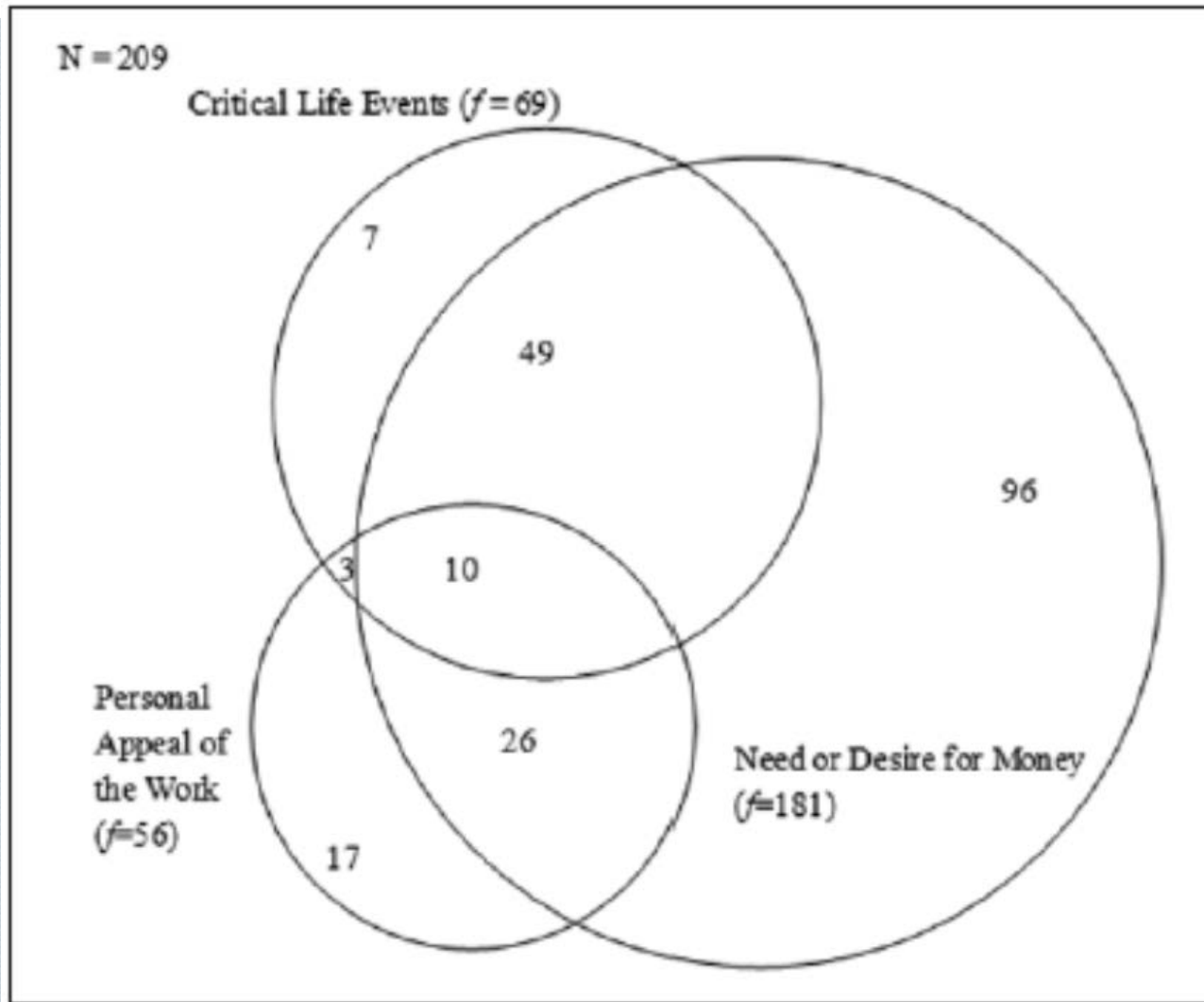
# Sex workers compared to Canadian population

Table 1: Socio-demographic comparison of sex workers and general Canadian population

	Sex Workers (n=218)	GSS (n=19,422)
Indigenous	19%	3%
Women	76%*	55%
Married/common law	28%	57%
Completed high school	70%	73%
Annual household income (median)	\$54,636	\$60-79,999
Not very much/no confidence in the police	63%	15%

\*Cis-gender women

# How they got into sex work



# How does sex work compare to other jobs you have done/are doing?

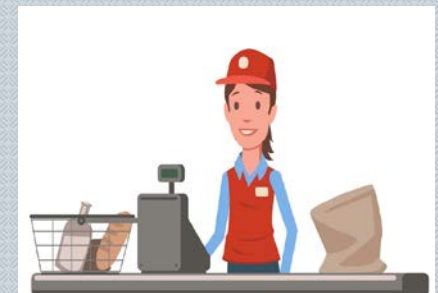


- What keeps you in sex work?
- What are the things about sex work that you find good compared to other jobs you have had?
- What are the bad things compared to other jobs you have had?

# Others jobs of participants



- Serving (45%)
- Preparing food (41%)
- Cashier (33%)
- Retail salesperson (28%)
- Light-duty cleaner (23%)
- Reception (18%)
- Home childcare (16%)



# Pros & cons of engaging in sex work

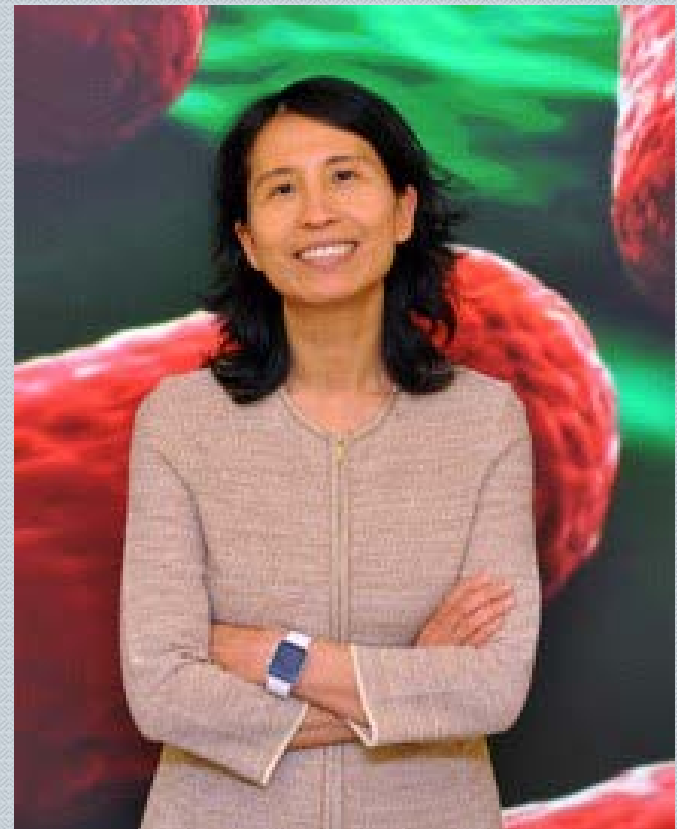
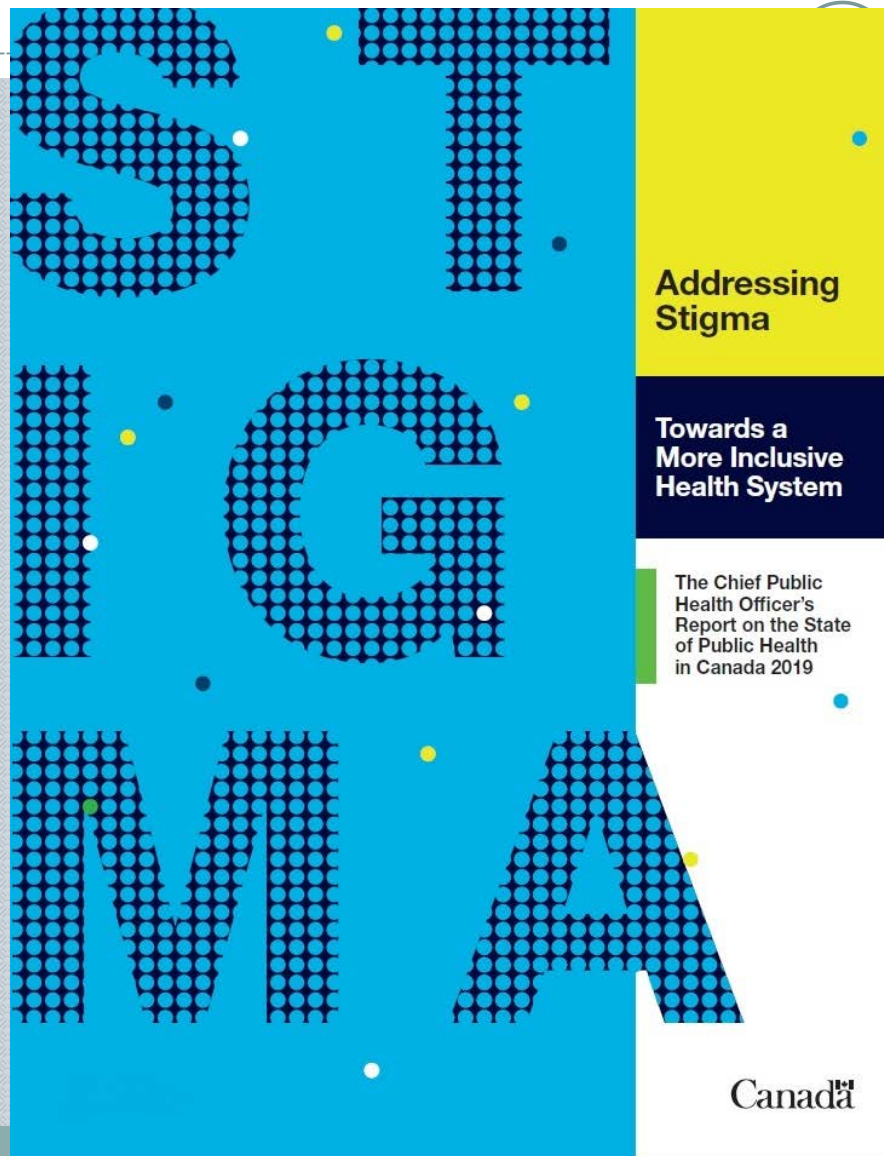


## Themes reported by participants.

	N = 218*	%
Job satisfaction	164	79%
Money	139	67%
Work control	102	49%
Stigma	71	34%

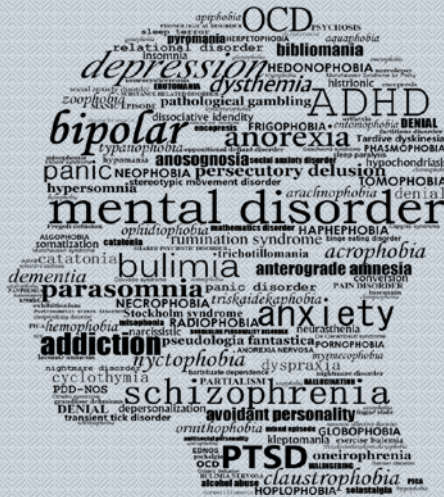
\*Total of each theme does not equal total N as participants could be coded under more than one theme.

# Chief Public Health Officer of Canada

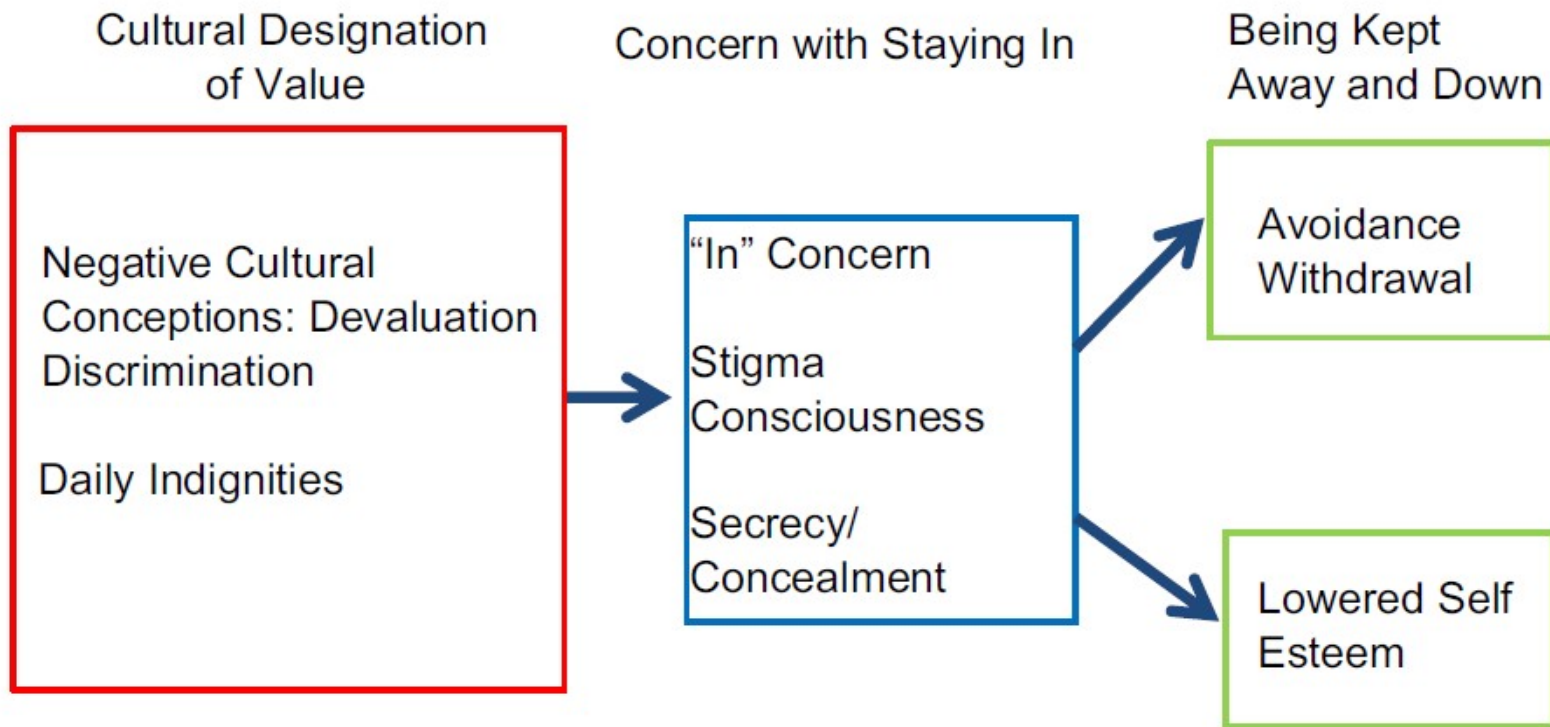




# Less powerful people are most likely to be stigmatized



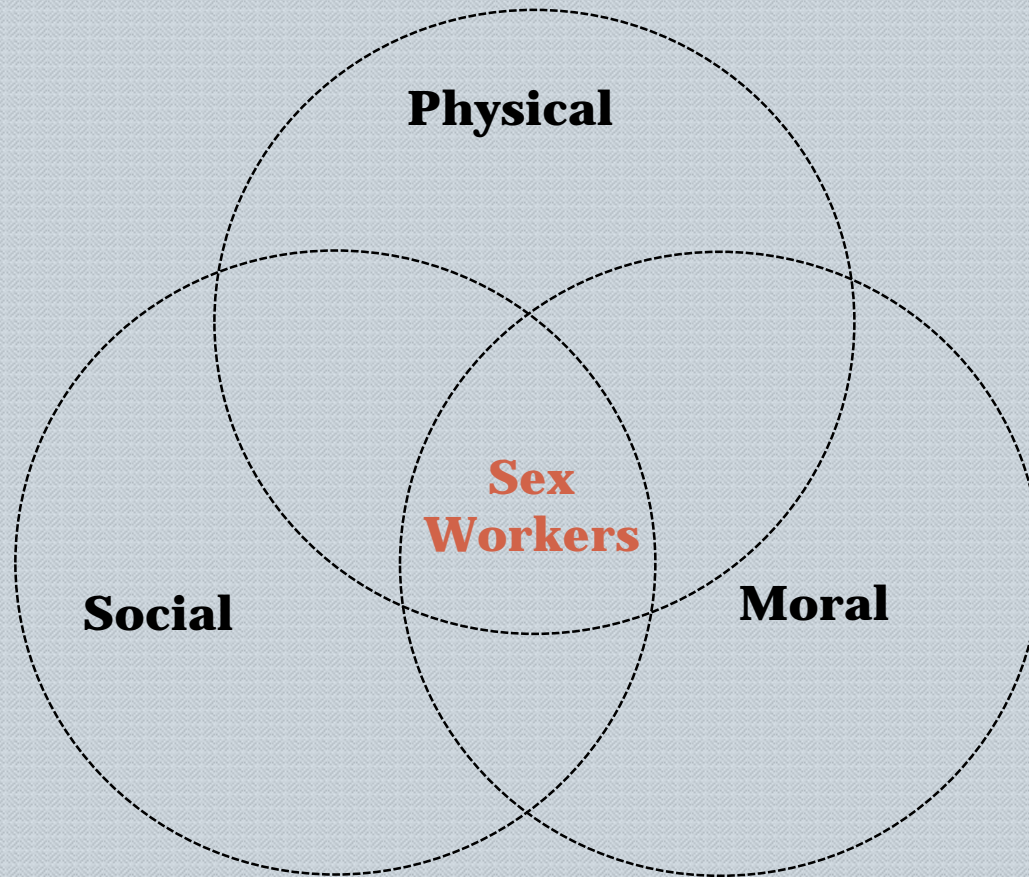
# How stigma operates in everyday life



**Fig. 1.** The stigma-power process – concepts and operationalizations.

(Link & Phelan, 2014)

# Conceptualizing sex work stigma: 3 types of taint



# Physical taint linked to public health



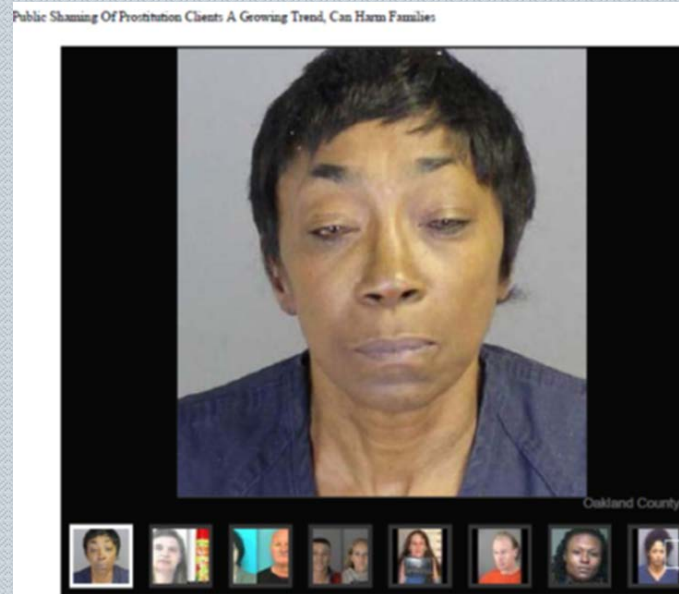
# Social taint from link with tainted others



# Moral taint linked to conservative values



- Canada's new prostitution law will go “after the perpetrators, the perverts, those who are consumers of this degrading practice.”



# What is your perception?



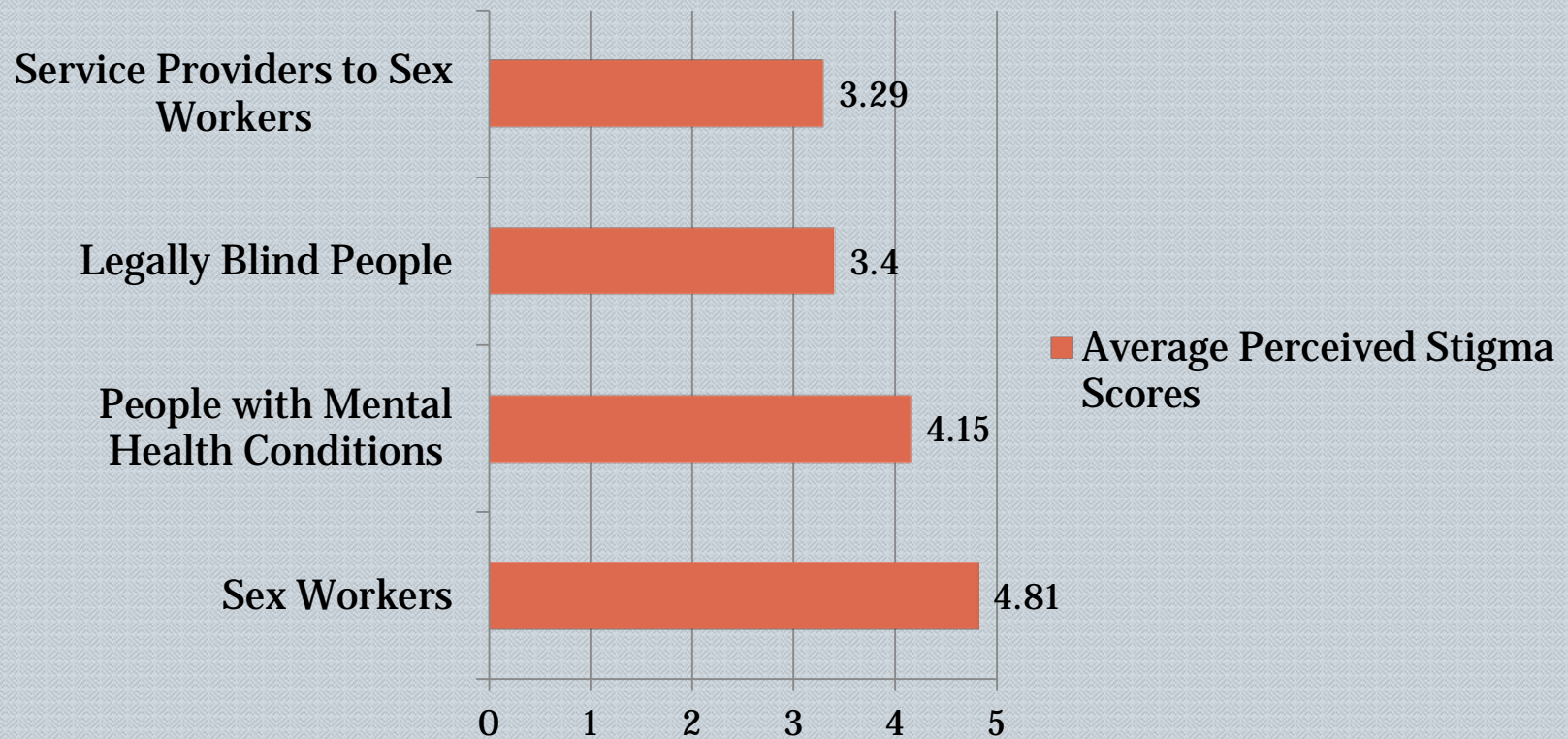
- **Perceived devaluation-discrimination scale**

	<b>Strongly disagree</b>	<b>Disagree</b>	<b>Tend to disagree</b>	<b>Tend to agree</b>	<b>Agree</b>	<b>Strongly agree</b>
➤ <b>Most people would accept a sex worker as a teacher of young children in a public school.</b>	1	2	3	4	5	6
➤ <b>Most people think less of a person who is working in the sex industry.</b>	1	2	3	4	5	6
➤ <b>Most people in my community would treat a sex worker just as they would treat anyone.</b>	1	2	3	4	5	6
➤ <b>Most young women or young men would be reluctant to date a person who works in the sex industry.</b>	1	2	3	4	5	6

# Perceived stigma of sex work compared to other stigmatizing identities?



## Average Perceived Stigma Scores





# Stigma & the police



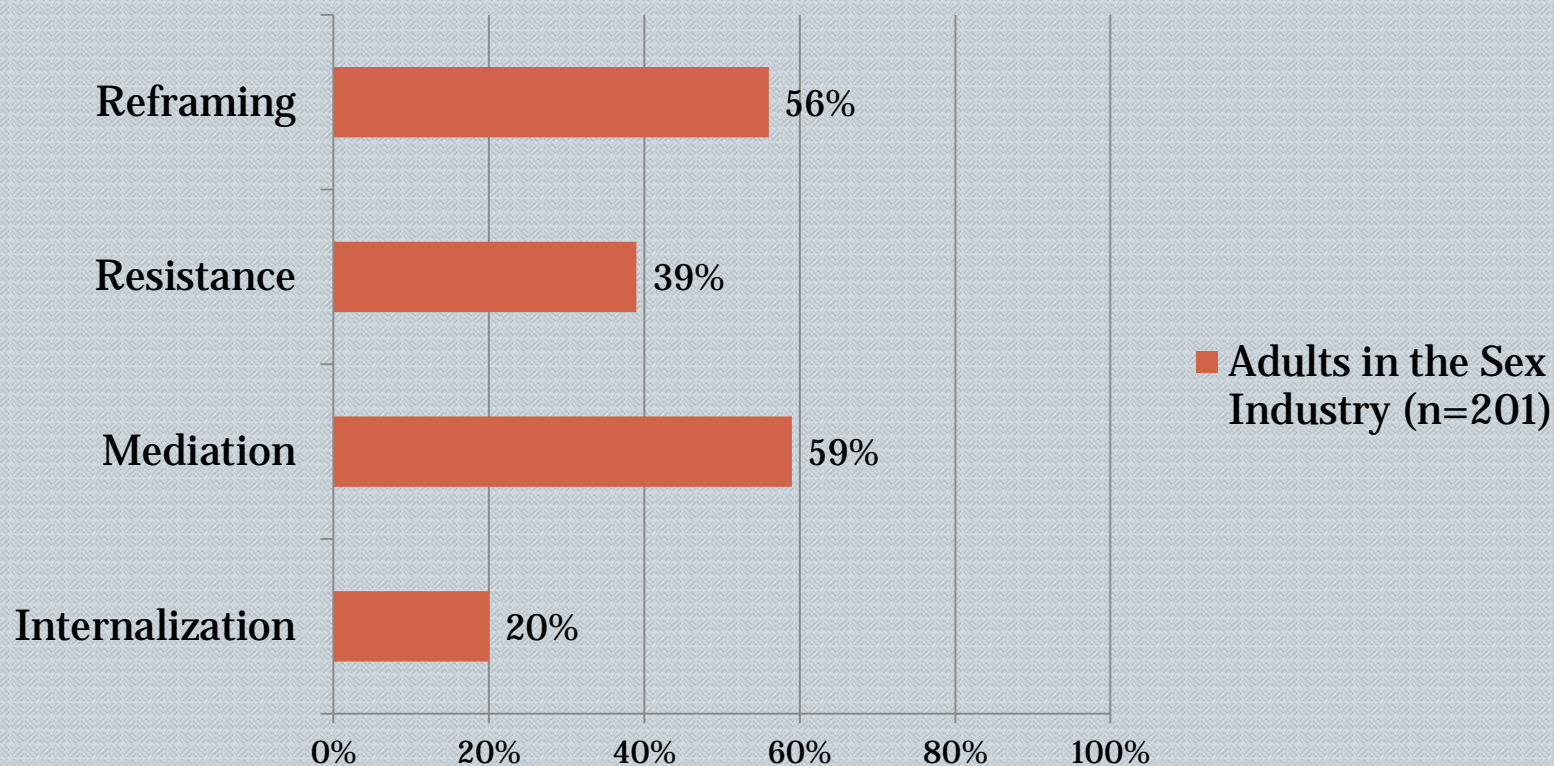
## Confidence in police: compared: Sex workers & other Canadians

	Sex Workers (n=134)	GSS (n=2,835)
Contact with the police during last 12 months:		
As victim of a crime	39%	12%
As witness to a crime	34%	11%
Reasons for not very much/no confidence in the police:		
Poor job enforcing the laws	25%	30%
Poor job promptly responding to calls	28%	30%
Poor job being approachable/easy to talk to	49%	23%

# Micro strategies: Agency, sex work and stigma



## Defensive Tactics Against Stigma



\*Participants could utilize more than one tactic

# Educating about the harms of stigma



- *First you have to recognize us as people, and you need to treat us with dignity and respect....*
- *We're human beings and that would be the first step*



# My Trudeau Foundation project



- Taking up the call, *“Beyond the ‘Missing Women Inquiry’: Empowering Sex Workers as Social Justice Advocates*
- A community empowerment project involving 7 sex worker organizations across Canada to educate sex workers around activism and to advocate for changes in the law, human rights, dignity and social inclusion in Canadian society



# Take away messages



- Human trafficking & prostitution are not the same
- Sex work has many parallels to other service jobs
- Prostitution stigma is mutable but tenacious, requiring change in our laws, policies & personal practices



**Thank  
you**

