

**THE SOCIAL AND STRUCTURAL PRODUCTION OF
VIOLENCE, SAFETY AND SEXUAL RISK REDUCTION AMONG
STREET-BASED SEX WORKERS**

by

Andrea Krüsi Penney

BSc (Psychology) Kingston University, London, UK 2005
MSc (Population and Public Health) Simon Fraser University 2008

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ABSTRACT

Background: Globally, sex work is highly stigmatized, and the dominant policy approach has been criminalization and police enforcement. Despite a growing body of research on the social and structural determinants of violence, and sexual risk among sex workers, less is known about the specific features of these environments and the dynamic interplay that shape the negotiation of safety and sexual risk in sex transactions. Therefore, the objective of this dissertation is to examine how social and structural factors such as stigma, evolving sex work legislation and policing practices intersect to shape the working conditions of primarily street-based sex workers in Vancouver.

Methods: This dissertation is based on in-depth qualitative interviews, focus groups and ethnographic fieldwork with street-based sex workers in Vancouver. Drawing on concepts of structural vulnerability and structural stigma, data analysis sought to characterize how evolving social and structural environments shape working conditions, health and safety among street-based sex workers.

Results: The findings of this dissertation suggest that intersecting regimes of criminalization and stigmatization serve to perpetuate labour conditions that render sex workers at increased risk for violence and poor health, and further deny sex workers their citizenship rights to police protection and legal recourse.

Despite police rhetoric of prioritizing the safety of sex workers, criminalization and policing strategies that target clients reproduce the harms created by the criminalization of sex workers, in particular, risks for violence and abuse. Despite the lack of formal legal and policy support for brothels in Canada, the environmental-structural supports afforded by unsanctioned, safer indoor sex work environments, in the context of supportive housing programs for women, promoted increased control over negotiating sex work transactions, including the capacity to refuse unwanted services, negotiate condom use, and avoid violent perpetrators.

Conclusion: The collective work presented in this dissertation highlights the complex ways in which sex work related stigma, evolving sex work legislation, policing practices and sex work environments intersect to shape the working conditions of street-based sex workers, including citizenship and labour rights, violence, and ill health. The findings of this dissertation lend further support to calls for the full decriminalization of sex work.

PREFACE

This statement certifies that the work contained in this dissertation was conceived, conducted, and written by Andrea Krüsi (AK). All empirical research undertaken for the completion of this dissertation was approved by the University of British Columbia/Providence Health Care Research Ethics Board (H09-02408, H12-01558). The co-authors of the manuscripts include: Dr. Kate Shannon (KS), Dr. Thomas Kerr (TK), Dr. Tim Rhodes (TR), Dr. Julio Montaner (JM), Dr. Stephanie Strathdee (SS), Dr. Darcie Bennett (DB), Katrina Pacey (KP), Jill Chettiar (JC), Christina Taylor (CT), Sarah Allan (SA), Lorna Bird (LB), Amelia Ridgeway (AR), Janice Abbot (JA). These individuals made contributions only as is commensurate with supervisory committee, collegial, or co-investigator duties and include sex workers as well as community partners and members of the Gender and Sexual Health Initiative (GSHI) community advisory board. The specific contributions of the authors are outlined below.

Chapter 1 and 5 are original, unpublished intellectual products of the author, with substantive guidance and input from co-supervisors (KS and TK) and members of the supervisory committee (VS and TR).

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LIST OF ABBREVIATIONS

AESHA	An Evaluation of Sex Workers' Health Access
GSHI	Gender and Sexual Health Initiative
HIV	Human immunodeficiency virus
STI	Sexually Transmitted Infections
UNAIDS	Joint United Nations Program on HIV/AIDS
UNFPA	United Nations Population Fund
UNDP	United Nations Development Program
VPD	Vancouver Police Department
WHO	World Health Organization

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DEDICATION

To the women who so generously shared their time and experiences.

To Scott and Frieda who support me in all things that matter.

And to my parents who never held me back.

Chapter 1: INTRODUCTION

1.1 Positioning Violence in Sex Work

The links between sex work and violence have long been established. A recent review estimated the lifetime prevalence of sex work related physical and sexual violence between 45% and 75% (Deering et al., 2014). Physical and sexual violence against sex workers is linked to the transmission of sexually transmitted infections (STIs) and HIV through coercive unprotected sex and reduced capacity to negotiate sexual risk reduction with clients (Shannon et al., 2009). Debates on sex work are critically informed by their engagements with the issue of violence. The physical and symbolic practices of violence experienced by women selling sex are one of the main points of contention between advocates for the labour and human rights of sex workers and prostitution abolitionists (Shah, 2004). For prostitution abolitionists, which include radical feminists as well as political Conservatives and some religious groups, sex work is intrinsically violent and the only way to remedy the violence that may ensue in the context of sex work is the abolition of sex work through prohibition and criminalization (van der Meulen, Dursin & Love, 2013).

However, an ever growing body of social science and epidemiological research suggests that much of what has been identified as harmful in

prostitution is a product, not of the inherent dangerous or violent character of sex work per se, but rather of the social and structural factors that shape the working conditions of sex workers, such as prohibitive sex work legislation and punitive policing, stigma, work environments, poverty and gender inequality (Bruckert & Hannem, 2013; Gruskin, Williams Pierce, & Ferguson, 2013; Zatz, 1997). The concepts of structural violence or vulnerability and everyday violence have previously been useful in framing the violence and poor health experienced by street-based sex workers (Argento et al., 2011; Katsulis, 2008; Shannon, Kerr, et al., 2008; Simić & Rhodes, 2009). This more expansive definition of violence includes consideration of how social and structural forces embedded in the organization of society, such as for example, laws, policing, welfare policies and stigma, render particular groups of people such as sex workers, and in particular those living in poverty and working on the street, disproportionately vulnerable to violence and harm (Quesada, Hart, & Bourgois, 2011).

Drawing on the concept of structural violence and structural vulnerability, this dissertation seeks to examine how social and structural factors such as stigma, evolving sex work legislation, and punitive policing strategies intersect to shape the experiences of violence and HIV risks of primarily street-based sex workers in Vancouver, Canada. To date, few investigations have examined the nuanced and intersecting influence of evolving policy, social and physical

features of the work environment in shaping violence and HIV risk among sex workers. In addressing this research gap, this dissertation aims to contribute to a better understanding of the lived-experiences of primarily street-based sex workers in the context of evolving sex work policies and policing strategies. The objective is to provide critical insights into what types of sex work environments can contribute to the wellbeing, health and safety of this group of women. Below, I will review the growing body of social science and epidemiological research on the social and structural factors that have been found to shape sex workers' risk of violence and HIV.

1.2 Literature Review of Social and Structural Determinants of Violence and HIV among Sex Workers

1.2.1 Criminalization of sex work and policing

Globally, the dominant policy approach to sex work has been criminalization and police enforcement. Enforcement-based approaches and policing within criminalized frameworks have consistently been linked to elevated risks for violence, and reduced ability to negotiate safer sex transactions, including prevention of HIV and other sexually transmitted infections (STIs) (Decker, et al., 2014; Rhodes, Simic, Baros, Platt, & Zikic, 2008; Shannon & Csete, 2010; Shannon & Montaner, 2012; Simić & Rhodes, 2009; WHO, 2011). Previous

work in this setting, as well as internationally, has documented that interactions between sex workers and police are frequent and can be violent (Odinokova, Rusakova, Urada, Silverman, & Raj, 2014; Rekart, 2006; Rhodes, et al., 2008; Sanders, 2004; Shannon, Kerr, et al., 2008). Prohibitive sex work legislation and restrictive policing strategies reduce the ability of sex workers to screen clients and displace sex workers to outlying industrial areas where there is little chance for escape or help in case of violence and a higher likelihood to be pressured into unprotected sex by clients (Krüsi et al., 2014; Shannon, Strathdee, et al., 2009). Indeed, it has been estimated that the decriminalization of sex work in Canada could reduce 39% of new HIV infections among female sex workers and their clients over the next decade (Shannon et al., 2014).

In Vancouver, experience of police violence, confiscation of drug paraphernalia by police, and enforced police displacement away from main sex work areas were independently associated with experiencing client violence (Shannon, et al., 2009). Evidence from Britain and India indicates that sex workers who had ever been arrested or imprisoned were more likely to have experienced violence (Deering et al., 2013; Platt et al., 2011). In India, multiple measures of police violence and coercion, including coercive sexual activity with police, police confiscating condoms, police raiding workplaces, and police arrest, were associated with increased physical or sexual violence by clients (Erausquin,

Reed, & Blankenship, 2011). Among sex workers who experienced sexual violence in the past year in India, 6.6% reported that the main perpetrators were the police (Beattie et al., 2010). Similarly, in Russia, a study documented the substantial role police sexual violence plays in the lives of sex workers and highlighted that particularly sex workers who work independently and those with a history of substance use are at increased risk for police violence (Odinokova et al., 2014). A qualitative study from Serbia identified that sex workers perceived police violence as a more serious threat than client perpetrated physical violence, as they felt more able to manage their clients' behaviours (Simić & Rhodes, 2009). Sex workers of ethnic minorities were found to experience the most brutal and relentless police violence (Rhodes, et al., 2008). These findings highlight that policing practices can reproduce broader societal inequities, including regarding gender, race, sexuality and drug use (Rhodes, Wagner, Strathdee, Shannon, Davidson, Bourgois, 2012; Simić & Rhodes, 2009).

1.2.2 Poverty, residential instability, substance use

The negative effects of criminalization of sex work are amplified for sex workers who live in poverty and for those who use illicit substances (Katsulis, 2008). Sex workers who live in poverty are more visible, as they are more likely to work in street-based settings and are, therefore, more likely to be subjected to

police intervention (Lazarus, Chettiar, Deering, Nabess, & Shannon, 2011; Sanders, 2004). Poverty is an important catalyst of structural violence, and the link between poverty and poor health outcomes and HIV is well established (Marmot, 2005). Poverty is rarely considered in policy discussions as a factor that gives sex work its particular public character and shapes important health consequences (Culhane, 2003). Previous work has highlighted the connection between risky sex work transactions and economic necessity (Shannon, Kerr, et al., 2008; Simić & Rhodes, 2009). For example, being offered more money by clients for unprotected sex has been linked to inconsistent condom use (Shannon, Kerr, et al., 2008). Similarly, the risks of violence and degree of control over sex work transactions differ across various sex work locales where higher track sex workers (i.e. escorts) have the economic resources to afford security measures, such as drivers and security cameras etc. (Sanders, 2004). Internationally, in China for example, increased economic pressure on migrant sex workers was linked to more frequent experiences of client violence (Choi, 2011). In India, sex workers who were in debt were found to experience increased levels of sex work related violence (Reed, Gupta, Biradavolu, Devireddy, & Blankenship, 2010).

Marginal housing and homelessness have been identified as further compounding the health and safety risks sex workers face (Lazarus, et al., 2011). For example, homelessness and marginal housing are known to increase sexual

risk among sex workers through higher levels of unprotected sex and a greater number of clients refusing to wear condoms (Surratt & Inciardi, 2010). Additionally, homelessness is associated with increased risk for client violence (Shannon, et al., 2009) and sexual violence by primary non-commercial partners (Argento et al., 2014). Previous qualitative work in Vancouver has identified privately owned single room occupancy hotels (the main housing options available to women living in poverty in Vancouver) as predominantly male-centered housing options, marked by fear of violence and sexual abuse (Lazarus, et al., 2011). Curfews and restrictive guest policies were found to negatively impact women's lives by alienating women from their support networks and impeding their income generation activities by restricting sex workers from bringing clients into their rooms. These policies force sex workers to service clients in outdoor public spaces, previously associated with elevated violence (Shannon, S. Strathdee, et al., 2009) and reduced control over condom negotiation with clients (Shannon, Kerr, et al., 2008).

Many of the women working in the lowest paying street sex work tracks have a history of illicit substance use and thus, are not only criminalized due to their income generation activities, but also due to their drug use. A high concentration of harms, including increased risk of violence and HIV, have consistently been documented in settings where street-based sex work and drug

markets coexist (Cusick, 2006; Deering et al., 2011; Harcourt, Beek, Heslop, McMahon, & Donovan, 2001; Harcourt & Donovan, 2005; Lowman, 2000; Rekart, 2006; Shannon, Kerr, et al., 2008). A dependence on income from sex work to support illicit substance use has been found to undermine sex worker's ability to negotiate sex work transactions (Aral & Lawrence, 2002; Shannon et al., 2007; Shannon, Kerr, et al., 2008). Specifically, qualitative and ethnographic work has linked the need to alleviate withdrawal symptoms, intense intoxication and exchanging sex for drugs to reduced control over sex work transactions including the negotiation of type of service provided and safer sex practices (Aral & Lawrence, 2002; Shannon, Kerr, et al., 2008). Similarly, recent work from Russia has identified binge substance use as increasing the risk of sexual violence by clients and police (Odinokova, et al., 2014).

In many North American settings, the introduction of inexpensive and widely available crack cocaine has been linked to being paid less per sexual transaction in the lowest paying sex work tracks, thereby increasing some sex workers' economic vulnerability (Maher, 2010; Shannon, Kerr, et al., 2008). Also, drug-sharing practices in the context of sex work transactions have been identified to increase the likelihood of clients offering and workers accepting more money for unprotected sex, thereby increasing sex workers risk for HIV and STIs (Kate Shannon, Thomas Kerr, et al., 2008). These findings highlight the

interconnectedness between poverty, residential instability, illicit substance use and the risk of violence and poor health associated with sex work.

1.2.3 Sex work related stigma

Sex work related stigma is a cross-cutting macro-level force that acts dynamically and iteratively and is invoked in sex work policy and enforcement as much as in micro level interactions and sex workers subjectivities (Bruckert, 2012; Bruckert & Hannem, 2013; Simić & Rhodes, 2009). While sex work related stigma is imbued in sex work policy and enforcement it is constructed as a personal attribute of sex workers and extends beyond the sphere of work and also reaches beyond sex workers themselves to afflict sex workers' families and intimate partners (Bruckert, 2012). However, how sex workers experience, negotiate and resist stigma is highly variable and influenced by material, social, and interpersonal factors. For example, sex workers who work in indoor environments are better able to conceal their labour identity compared to primarily street based sex workers due to the public nature of their work. Additionally, many street based sex workers are highly marginalized and the sex work related stigma intersects with multiple layers of stigma due to poverty, race, HIV and substance use (Bruckert, 2012).

The criminalization of sex work has been linked to sex work stigma, which in turn trickles down to the community-organization level and can constitute a considerable barrier for sex workers in organizing and advocating for their rights (Blankenship, Burroway, & Reed, 2010; Kerrigan et al., 2014; Murray, Lippman, Donini, & Kerrigan, 2010). As well, sex work stigma has been linked to reduced access to health care services (Lazarus et al., 2012; Scambler & Paoli, 2008; Scorgie et al., 2013) and HIV prevention, including access to condoms (Scorgie, et al., 2013; Shannon & Montaner, 2012) and increased experiences of physical violence (Blanchard et al., 2005).

1.2.4 Racism and colonialism

It has been suggested that the overrepresentation of Aboriginal women in street-based sex work, HIV and prison statistics should be understood in the context of the cumulative effects of colonization, including displacement, dispossession, poverty and intergenerational traumas (Browne, Smye, & Varcoe, 2005; Varcoe & Dick, 2008). Colonization has resulted in a legacy of subordination of many Aboriginal people, including sex workers, who face a multilayered reality of racism and discrimination (Bourassa, McKay-McNabb, & Hampton, 2004; Culhane, 2003).

In Vancouver, Canada, more than 60 women have disappeared from the local sex work and drug scene since the 1980's, approximately 33% of whom were of Aboriginal ancestry (Amnesty International, 2009). Similar dynamics have been observed elsewhere in Canada (Strapagiel, 2012). Very few studies specifically consider the synergistic effects of colonialism including displacement, dispossession, poverty and intergenerational traumas and Aboriginal sex workers' risk for violence and HIV (Bingham, Leo, Zhang, Montaner, & Shannon, 2014). Globally, indigenous populations face immense economic, social and health disadvantages (Gracey & King, 2009). Aboriginal women in Canada experience rates of violence 3.5 times higher than non-Aboriginal women. In particular, women involved in sex work are at heightened risk of violence (Amnesty International, 2009; Shannon, et al., 2009).

The global HIV epidemic disproportionately impacts marginalized groups, including racial and ethnic minorities. Aboriginal women continue to bear the disproportionate burden of ill health and account for almost three times more AIDS cases than their non-Aboriginal counterparts across Canada (Barlow, 2003). Between 1998 and 2008, Aboriginal women represented 49% of positive HIV tests (Public Health Agency of Canada, 2010). Also, among primarily street-based sex workers, HIV rates are elevated among women of Aboriginal ancestry (Shannon, Bright, Gibson, & Tyndall, 2007).

Women of Aboriginal ancestry are also highly criminalized. While Aboriginal women make up 1 to 2% of the general Canadian population, they represent 31.9% of all incarcerated women in Canada (Public Safety Canada, 2011). A direct link has been drawn between the challenges that Aboriginal women face and the historical impact of colonization (Anderson & McCann, 2002; Browne, et al., 2005; Bingham, et al., 2014; Duff et al., 2014; McCall, Browne, & Reimer-Kirkham, 2009; Varcoe & Dick, 2008).

1.3 Work Environments and Sex Work Related Violence and HIV

Macro-level factors, including sex work legislation, policing and economic constraints, both shape and interact with the social, policy, physical and economic features of sex workers' work environments. The work environment consists of intersecting social, policy, physical and economic features of places where sex workers service clients, such as the street and public places, residences, cars, massage parlours, private apartments, etc. There are a growing number of studies, which examine the impact of sex work venue-type on sexual health and violence (Chen et al., 2012; Gaines et al., 2013; Jain & Saggurti, 2012; Safika, Johnson, & Levy, 2011). However, given the clandestine nature of indoor sex work, evidence of the role of formal and informal indoor work venues on risk of violence and HIV, particularly in the North American context, remain poorly

understood (Benoit, Jansson, Millar, & Phillips, 2005). Local estimates suggest differential rates of HIV infection by work environment. In Vancouver, HIV prevalence was found to be 20% among women sex workers in informal indoor venues, 11% among street-based sex workers, and 4% among sex workers who service clients in formal sex work establishments (e.g. massage parlours) (Shannon, et al., 2014). Sex workers who serviced clients in cars or public places compared to indoor settings were found to be more likely to experience client violence (Shannon, et al., 2009). Similarly, in the United Kingdom, sex workers who worked outdoors versus indoors had more than six times higher odds of experiencing client violence (Church, Henderson, Barnard, & Hart, 2001). In Russia, sex workers in street-based settings were more likely to experience sexual violence by police (Odinokova, et al., 2014). In India, sex workers who worked in their homes, rather than brothels, lodges, or public places, were less likely to experience sexual violence by clients (Blanchard, et al., 2005).

A number of studies have highlighted how macro-level factors, such as sex work laws and policies and their enforcement, shape sex work venues and intersect with interpersonal and individual-level factors to impact sex workers' experiences of violence (Anderson, et al., in press) and access to health care services (Shannon, Rusch, et al., 2008). Evidence from massage parlours in Vancouver suggests that enforcement of restrictive sex work laws in these

venues can constrain sex workers' ability to negotiate their health and safety. For example, migrant indoor sex workers revealed that the threat of police raids and inspections deter condom availability onsite due to fear that condoms may be used as evidence to confirm that sex work takes place in a particular venue (Handlovsky, Bungay, & Kolar, 2012). The physical absence of condoms onsite, sex workers' immigration status (e.g., fear of arrest or deportation) limited English proficiency, gendered power imbalance, and poverty, have been found to interact to reduce women's ability to negotiate and use condoms in massage parlours (Bungay, Halpin, Atchison, & Johnston, 2011; Handlovsky et al., 2012). Conversely, work environments that allow access to condoms and other health services have been shown to reduce HIV risk among sex workers in diverse settings globally (Harcourt et al., 2010; Kerrigan et al., 2003; Mainkar et al., 2011; Munoz et al., 2010; Thilakavathi et al., 2011). Together, these studies showcase the important influence of workplace environments in shaping sex workers' working conditions, risk of violence and HIV. However, there is a need to better understand the interplay of various features of the work environment (i.e., social, policy, physical and economic) on experiences of violence and poor health among sex workers.

1.4 Study Setting

1.4.1 The socio-political context of sex work in Vancouver

Vancouver has a long history of repressive sex work policies and of displacing sex workers around different areas of the city in response to legislative changes, shifting societal perceptions of morality and urban development (Francis, 2006; Oppal, 2012). Some of the first accounts of sex work in Vancouver date back to the late 19th century. In the 1870's, Vancouver had a flourishing brothel-style red light district to service the demands of local men, and those who arrived for stretches of time from seasonal logging camps and mines, as well as from ships docked in the harbor (Ross, 2010). While sex work was initially tolerated in the newly founded city of Vancouver, later the approach to sex work fluctuated between controlled toleration and occasional police crackdowns (Francis, 2006; Ross, 2010). In 1975, the introduction of the 'bawdy house' laws, which criminalized indoor sex work, resulted in a decentralized outdoor sex work market and dramatically increased the presence of street-based sex workers on the streets of Vancouver. The tightened enforcement of sex work laws continued into the 1980's and contributed to the displacement of sex workers into Vancouver's Downtown Eastside. The Downtown Eastside is a low-income area in the downtown core of Vancouver

that borders onto an industrial port area, where, to this day, street-based sex work takes place and sex workers are continuously pushed towards an adjacent industrial area. The displacement of sex workers was accompanied by a wave of violence against sex workers (Francis, 2006). As noted above, over 60 women from the Downtown Eastside have disappeared since the 1980s. Most of the missing women had been engaged in sex work at one point in their lives (Amnesty International, 2009; Oppal, 2012). One man (Robert Pickton) was charged with the murder of 26 women. In December of 2007 he was sentenced to life in prison.

In response to significant public scrutiny for the botched police investigation into the disappearance of over 60 women from the Downtown Eastside, a public inquiry was launched by the British Columbia government in 2010 to inquire into the investigation and events leading up to the arrest and conviction of Robert Pickton and to examine the manner in which cases involving missing women are investigated more broadly by local police (Oppal, 2012). While fraught with controversy¹ the 'missing women inquiry' highlighted the shortcomings of police in handling the missing women's cases and a systemic bias in the police response to the women who went missing from the Downtown

¹ The missing women inquiry has been subject to controversy. Many key Aboriginal and Downtown Eastside advocacy groups boycotted the process after the British Columbia government announced they would not fund legal representation for advocacy groups at the inquiry, while the police was represented by a substantial legal team (Cole, 2012).

Eastside, which in turn contributed to a failure to prioritize and effectively investigate the cases (Cole, 2012). The report outlines 63 official recommendations, including calls for the provincial government to fund additional full-time sex trade liaison officers, to create and fund two community-based liaison positions for individuals who have experience in sex work, and to establish a position of aboriginal liaison officer (Oppal, 2012).

In part in response to the missing women's inquiry report and as a result of strong pressure from sex work and other community organizations, legal experts, and academic researchers calling for reforms to local policing practices, in January 2013, the Vancouver Police Department (VPD) officially adopted new sex work enforcement guidelines. The VPD acknowledged that, even in the context of prohibitive sex work legislation, police have "considerable discretion" in deciding how and when to enforce the law (VPD, 2013a). The new sex work policing guidelines set out a strategy of 'open communication' with sex workers, balance the needs of the community with sex workers' safety and focus on the prevention of violence against sex workers through prioritizing their safety over enforcement measures such as arrest (VPD, 2013a). However, the new policing guidelines did not address changes in enforcement of clients. The result is that, as of January 2013, Vancouver has been a de facto 'demand criminalization' environment. The interview narratives presented in Chapters two and three of

this dissertation were collected after the implementation of the new sex work enforcement guidelines, while the interview narratives presented in Chapter four were collected prior to the implementation of the new sex work enforcement guidelines.

1.4.2 The changing legal landscape of sex work in Canada

Canada is at a critical time in the evolution of its legal response to sex work. During the period of data collection for this dissertation, sex workers in Vancouver operated within a context of prohibitive sex work legislation. While the buying and selling of sex itself is legal, the Criminal Code of Canada prohibits the operation of a 'bawdy house', 'living off the avails of prostitution', and the 'communication' for the purposes of selling sex (Goodyear & Cusick, 2007; Shannon, Strathdee, et al., 2009). In December 2013, Canada's highest court, the Supreme Court of Canada, unanimously struck down Canada's core prostitution laws, deeming them unconstitutional for violating sex workers' constitutional rights, including the ability to protect themselves from violence, abuse and HIV/STI infection (*Canada Attorney General v. Bedford*, 2013). Similar to the United Kingdom and other commonwealth countries, the Canadian Criminal Code has never criminalized the buying or selling of sex *per se*, however; the laws prohibit virtually every other aspect of sex work, making it effectively impossible

to engage in sex work legally. The hypocrisy of the criminalized prostitution laws and the unintended harms on sex workers' safety, health, and human rights were a critical reason for the Supreme Court of Canada decision (*Canada Attorney General v. Bedford*, 2013). The Court suspended the decision for one year (until December 2014) to provide the Canadian government time to respond; by either removing the struck down laws from the Criminal Code and thus decriminalize sex work; or bringing the laws governing prostitution in line with the decision.

In June 2014, the Canadian government tabled new legislation, termed the 'Protection of Communities and Exploited Persons Act' (Bill C-36). The proposed legislation sets out to criminalize the purchase of sexual services, along with benefiting from the proceeds of sex work from another person commercially (Protection of Communities and Exploited Persons Act, 2014). This impairs the ability of sex workers to effectively work in indoor settings and will prevent sex workers from working with managers or drivers who can provide sex workers with protection from violent clients (Scoular, 2004). Finally, the proposed new legislation also sets out to prohibit communicating for the purpose of selling sexual services near schools, daycare centers and playgrounds. This represents a slightly narrower version of the previous Criminal Code provision that prohibited the communication for the purpose of prostitution in any public space and was struck down by the Supreme Court of Canada as violating the Charter

rights and freedoms of sex workers. The tabled legislation is expected to recreate the harms seen in the previously struck-down sex work laws, and will likely create additional challenges for sex workers. Currently, the proposed sex work legislation is undergoing Parliamentary review; therefore, there still remains a window of opportunity to modify the proposed legislation to better protect sex workers' working conditions and citizenship rights. Despite the ongoing Supreme Court of Canada challenge during the study period the Criminal Code Provisions prohibiting 'communication for the purposes of selling sex', the operation of a 'bawdy house', and 'living off the avails of prostitution' remained in place over the course of the entire study period.

1.5 Study Justification

Given that Canada is at a critical time in the evolution of its legal response to sex work, this dissertation aims to provide critical evidence regarding the lived-experiences of street-based sex workers in the context of evolving legal, policy and social responses to sex work. There is a critical need for including the narratives of the 'lived-experiences' of sex workers in evidence-based policy making (Dewey & Kelly, 2011). Decades of failures of prostitution laws in Canada stemmed from failure of consecutive governments to take seriously strong evidence by sex workers, academics and human rights advocates that

existing laws were creating and exacerbating devastating harms to sex workers' safety, health and human rights, including violence and poor health.

Given the VPD's sex work enforcement guidelines, that resulted in a de facto 'demand criminalization' environment and the implementation of unique, low-barrier housing programs for women that are functioning as unsanctioned quasi-brothels under special needs housing regulations, Vancouver provides a unique window into the possible impacts of legislative change to sex work laws. This dissertation provides critical evidence of how structural change and interventions can shape the working conditions of marginalized street-based sex workers.

Despite a growing body of research on the social and structural determinants of violence, safety and sexual risk among sex workers, we know less about the specific features of these environments and the dynamic interplay that shape the negotiation of safety and sexual risk in sex work transactions. To date, few investigations, have examined the nuanced and intersecting influence of evolving policy, social and physical features of the work environment in shaping violence and HIV risk among sex workers.

1.6 Study Objectives

Therefore, the overall aim of this dissertation is to examine how social and structural factors such as stigma, evolving sex work legislation and policing practices intersect to shape the working conditions of primarily street-based sex workers in Vancouver. The specific objectives of this dissertation are:

- 1) **To examine how evolving laws and policies that target sex buyers rather than sex workers shape sex workers' working conditions and sexual transactions, including risk of violence and HIV/STI infections.** Chapter two explores how a new local enforcement strategy that targets clients, but not sex workers, shapes sex workers' interactions with police and negotiation of their working conditions and sexual transactions with clients, with a particular focus on protections from violence and HIV/STI infections.
- 2) **To explore how intersecting regimes of criminalization and stigmatization shape sex workers' civic rights and experiences of violence and poor health.** Chapter three explores the complex ways in which coexisting stigmatizing assumptions of sex workers as 'risky' to their communities and themselves and 'at risk' of harm intersect with evolving sex work policing strategies to shape street-based sex workers'

citizenship rights and structural vulnerability. Chapter three outlines some of the specific ways in which sex work related stigma influences the risk of violence and poor health by normalizing the violence experienced by sex workers and continuously displacing them from the neoliberal urban landscape, not merely by police force, but also by neighbourhood watch groups, private security and other mechanisms of urban gentrification.

- 3) **To explore how unsanctioned indoor sex work environments with supportive management policies shape sex work transactions.** Chapter four examines how unique, low-barrier housing programs for women that are functioning as unsanctioned quasi-brothels under special needs housing regulations influence risk negotiation with clients in sex work transactions. Chapter four highlights how intersecting physical, social and policy features of a specific sex work environment interact to shape the negotiation of safety and sexual risk in sex work transactions. This chapter considers the potential role of safer indoor sex work environments as venues for public health and violence prevention interventions and points to the critical importance of removing the socio-legal barriers preventing the formal implementation of such programs.

1.7 Conceptual Framework

1.7.1 Sex work as labour

In this dissertation, I understand sex work as both a form of labour and an income generation strategy (van der Meulen, Dursin & Love, 2013). Although 'prostitution' and 'sex work' both refer to the sale or trade of sexual services, the term 'sex work' in particular represents a specific position on the ways in which women are cast in the analysis. The term sex worker was coined in the 1980's and emphasizes the labour aspect of paid sex, and is thus linked to the call for better working conditions for sex workers. The use of the term 'sex work' signifies the recasting of people who sell sex as workers organizing for the rights and protections afforded to workers in any other context, including the right to be free from violence and bodily harm in the workplace (Shah, 2004). This language is also used by sex workers' rights organizations and is now commonly used in research and theory on sex workers (Koken, 2010). For the purpose of this dissertation, the term 'sex worker' will be used to refer specifically to persons who engage in direct paid sexual contact with clients. The term 'prostitute' or 'prostitution' will be used in reference to writings by feminists who reject the phrase sex work, and also when referring to specific sections of the Canadian Criminal Code.

1.7.2 Socio-ecological framework

Conceptualizing sex work as a form of labour creates space for discussing the complex and varied experiences of people in sex work and allows space for conceptualizing how sexual labour is organized within a broader social and structural context, including its gendered, class and racial dimensions. (van der Meulen, Dursin & Love, 2013). My approach to the health and safety of sex workers in this dissertation has been primarily shaped by critical social science scholarship, particularly by those approaches that emphasize the impact of political economy, structural violence or vulnerability, social geography, and gender (Bourgois, 2009; Collins, 2000; Farmer, 2005; Harvery, 1990; Parker & Aggleton, 2003; Rhodes, Wagner, Strathdee, Shannon, Davidson, Bourgois, 2012). ‘Critical’ here refers to the shared position within all critical perspectives that relations of power influence the processes by which “...groups of people are differently placed in specific political, social, and historic contexts characterized by injustice” (Collins, 2000).

Socio-ecological frameworks for conceptualizing health and wellbeing emphasize that health is an outcome of social and structural conditions and, in particular, sociocultural, economic and political inequalities, including the exercise of power (Farmer, 1999). These approaches highlight the

interconnectedness of the biological with social, political, legal and economic forces, to move beyond individually focused and behavioural approaches to understanding health and wellbeing that has dominated much of public health research on sex work. I draw on concepts of ‘structural’ and ‘everyday’ violence to further situate the sex work related violence and risks to health in relation to theoretical debates on social suffering (Bourgois, Prince, & Moss, 2004; Shannon, Kerr, et al., 2008; Simić & Rhodes, 2009). Structural violence is distinct from personal or direct violence, which has been the focus of much research on sex work, in that it is embedded in social structures and draws attention to how “unequal power” shapes “unequal life chances” (Galtung, 1990).

Structural violence has been conceptualized as the product of social arrangements embedded in the organization of society that inflict injury upon vulnerable populations (Farmer, 2005). These social arrangements are determined by large-scale forces (e.g., criminalization of sex work, poverty) that are rooted in historical and economic processes (e.g., colonialism, globalization). Importantly, the institutionalization and everyday internalization of structural violence through, for example, policing practices and stigmatization can render it invisible (Bourgois, et al., 2004; Scheper-Hughes, 2004), a process Scheper-Hughes (2004) refers to as ‘everyday violence. More recent iterations of structural violence have adopted the term ‘structural vulnerability’ to conceptualize social

suffering and emphasize the role of ‘positionality’ (Quesada, et al., 2011). Structural positionings frame choices, influence decision-making and may limit opportunities. Vulnerability is produced as the outcome of position in a hierarchical social order and a network of power relationships that constrain agency (Quesada, et al., 2011).

This dissertation is also informed by recent work on structural stigma (Biradavolu, Blankenship, Jena, & Dhungana, 2012; Hansen, Bourgois, & Drucker, 2014; Hatzenbuehler & Link, 2014). The concept of structural stigma brings into focus how broader macro-level forms of stigma, including societal-level conditions, cultural norms, and institutional policies constrain the opportunities, resources, and wellbeing of individuals and groups who are stigmatized (Biradavolu, et al., 2012; Hansen, et al., 2014; Hatzenbuehler & Link, 2014). As suggested by Parker and Aggleton (2003), I will conceptualize sex work related stigma in relation to broader notions of *power* and *domination*. Stigma, then, is not simply an expression of individual attitudes or of cultural values but is central to the constitution of the social order (Parker & Aggleton, 2003). In relation to sex work, structural stigma is evident in the way sex work specific laws govern the buying and selling of sex (Bruckert & Hannem, 2013) and in the spatial practices that mark out who can legitimately and safely use the urban landscape. Stigmatized groups, such as sex workers, who are outside the

mainstream are continually pushed to the sidelines, through policing but also through mechanisms of urban renewal, gentrification and neighbourhood protesters (Hubbard & Sanders, 2003; Sanders, 2004).

1.7.3 Intersectionality

The intersectionality paradigm is also a significant underlying framework for this dissertation. Intersectionality has roots in feminist thought and refers to the perspective that systems of race, class, gender, and sexuality form mutually constructing features of social organization (Collins, 2000). The theory of intersectionality works to highlight the multiple, dynamic and interconnected ways in which subordination affects lived-experiences and ability to negotiate risks (Hankivsky et al., 2010; Katsulis, 2008). In a move away from hegemonic feminism that essentializes women's experiences of gendered subordination, the intersectionality paradigm brings into focus the complex interrelationships between multiple social positionings such as gendered subordination, racial discrimination and economic deprivation (van der Meulen, Dursin & Love, 2013). Thus, intersectionality draws attention to the multidimensional and relational nature of social locations and places lived experiences, social forces, and overlapping systems of discrimination and subordination at the center of analysis (Hankivsky, et al., 2010).

An intersectional understanding of multiple forms of subordination sets the foundation for understanding the dynamic, multidimensional factors that shape sex workers differential exposure to occupational risk, and the capacity to successfully manage those risks. For example, indigenous scholars have drawn attention to the centrality of race in the organization of labour in the sex industry, with non-racialized workers often occupying better paying jobs in safer working conditions, and indigenous and racialized sex workers more vulnerable to violence by police and clients (van der Meulen, Dursin & Love, 2013).

1.8 Study Population

Questions of generalizability and sample representativeness of the larger population of sex workers pose a challenge for all research on sex work (Weitzer, 2005). Sex workers globally represent a highly diverse group, including cisgender women and men, transgender individuals, those who assume other positions on the gender and sexuality continuums, those who solicit and service clients in a variety of settings, including through the internet, at escort agencies, in brothels, bars, massage parlours, or on the street. This dissertation aims to examine the experiences of poor, street-involved sex workers (cis- and transgender women) who have a history of soliciting and/or servicing clients on the street, given substantial data that stigma, criminalization and enforcement

disproportionately target this segment of the sex industry due to increased public visibility and reduced cultural, social and economic capital (Bruckert, 2012; Lowman, 2000; Sanders & Campbell, 2007; Shannon, Kerr, et al., 2008).

At the core of much debate about sex work and sex work legislation is the question of whether or not sex work can ever be a rational choice of income generation, or whether it is an inherent form of domination and violence against women, especially for street-involved women living in poverty. In essence, the debate centers on the question of whether sex work constitutes a form of voluntary income generation or involuntary sexual objectification (Scoular, 2004). Conceptualizing sex work as a form of labour allows for conceptualizing “how sexual labour is organized within the broader capitalist context, including its class and racial dimensions.” (van der Meulen, Dursin & Love, 2013, p.17). Therefore, in line with socio-ecological frameworks, in this dissertation poor women’s involvement in sex work is understood in the context of the broader social, structural and economic context, where human agency is defined in line with Bourdieu & Wacquant (1992), who use the term ‘human agency’ to describe an individuals’ power to make choices regarding his or her actions in the context of a given set of circumstances (Bourdieu & Wacquant, 1992). From this vantage point, street-involved sex workers’ participation in the sex industry is conceptualized in the context of the very limited income generation options

available to women in the lowest sectors of the economic ladder. Deciding between exclusive dependence on welfare payments, informal income generation opportunities, such as domestic labour, and higher-paying sex work may constitute a rational choice, but it is one that is clearly a constraint (Koken, 2010). However, even sex work in the lowest paying tracks involves skilled sexual labour, as well as emotional labour, where friendships between sex worker and clients can develop and where sex workers not only attend to serve the sexual desires of clients, but also connect on an emotional level and may provide companionship and social support (van der Meulen, Dursin & Love, 2013).

1.9 Study Approach

The individual empirical studies that comprise this dissertation were undertaken within the context of the Gender and Sexual Health Initiative (GSHI) of the British Columbia Centre for Excellence in HIV/AIDS. Ethnographic data collection was linked with a cohort of over 800 on and off street sex workers, known as AESHA (An Evaluation of Sex Workers Health Access) (Shannon, et al., 2007). The AESHA cohort is a community-based longitudinal study with bi-annual follow-up, focused on evaluating the physical, social and policy environments shaping sexual health, violence, HIV vulnerability and access to care among sex workers (Shannon, et al., 2007). The research builds on ongoing

community partnerships developed since 2004 with a Community Advisory Board comprised of sex worker, community and health support agencies.

The studies included in this dissertation employed diverse ethnographic methods, including participant-observation, in-depth interviews and focus groups, to examine how social and structural factors, such as stigma, punitive sex work legislation and policing, intersect to shape the working conditions of primarily street-based sex workers in Vancouver. The research methods of each individual study are outlined in detail in the individual chapters that follow. In brief:

Chapters 2 & 3: Chapters two and three draw on 31 semi-structured qualitative interviews with street-involved sex workers about their working conditions, interactions with police, and negotiations of health and safety with clients, in the City of Vancouver, Canada. These interviews were conducted over 11 months (January-November 2013) following the implementation of the new safety focused sex work enforcement policy by the Vancouver Police Department (VPD) in January 2013 (Krüsi, et al., 2014); and following the release of the Missing Women's Commission Inquiry report regarding the botched police investigation into the disappearance and murder of over 60 street-based sex workers in Vancouver since the 1980's (Oppal, 2012).

In addition to 31 semi-structured interviews with street-involved sex workers about their working conditions, interactions with police, and negotiations of health and safety with clients, Chapter two draws on over 40 hours of ethnographic field work of street sex work scenes in the City of Vancouver that focused on assessing levels of police presence; shifts in sex work areas; and police, sex worker and client interactions. Qualitative and ethnographic data were triangulated with sex work-related violence prevalence data from the AESHA cohort pre and post policy implementation and publicly available police statistics that report on prostitution related criminal code offences in the City of Vancouver (VPD, 2013b). These data were used to explore how criminalization and policing of sex buyers, rather than sex workers, shapes sex workers' working conditions and sexual transactions, including the risk of violence and poor health.

Chapter 4: Chapter four draws from 39 in-depth qualitative interviews and 6 focus groups conducted with women who live in low-barrier, supportive housing for marginalized sex workers and focused on participants' experiences of living and working in these housing programs. Chapter four examines how unique, low-barrier housing programs for women that are functioning as unsanctioned indoor sex work environments under special needs housing

regulations shape safety and sexual risk negotiation among marginalized sex workers.

1.10 Outline of the Dissertation

In summary, this dissertation consists of five chapters. Chapter one, the introduction, situates the concept of ‘violence’ in debates about sex work and summarizes the current evidence regarding the social and structural determinants of violence and HIV among sex workers and points out potential shortcomings of the existing evidence base. Chapter one then summarizes the socio-legal context of sex work in Vancouver and the research objectives of this dissertation. Chapter one also provides a detailed outline of the conceptual framework and study approach that inform all aspects of this dissertation. Chapter two examines how the implementation of a novel policing strategy in Vancouver, that targets clients rather than sex workers, shapes sex work transactions. Chapter three, drawing on the concepts of structural violence and stigma, explores the complex ways in which sex work related stigma intersects with evolving sex work policing strategies to shape street-based sex workers’ civic rights and experiences of violence and poor health. Chapter four examines how unique, low-barrier housing programs for women, that are functioning as unsanctioned quasi-brothels under special needs housing regulations, shape

safety and sexual risk negotiation among marginalized sex workers. Finally, Chapter five reviews the key findings of the empirical chapters that comprise this dissertation and elaborates on the implications of the current research for policy and programming debates, and outlines areas for further investigation.

Chapter 2: CRIMINALIZATION OF CLIENTS: REPRODUCING VULNERABILITIES FOR VIOLENCE AND POOR HEALTH AMONG STREET-BASED SEX WORKERS IN CANADA

2.1 Introduction

Harassing the clients is exactly the same as harassing the women. You harass the clients and you are in exactly the same spot you were before. I'm staying on the streets. I'm in jeopardy of getting raped, hurt. - Jasmine, Cisgender Woman

As outlined in the previous Chapter, there is now a well-established body of epidemiological and social science research globally pointing to the negative impact of legislation and policies that criminalize sex work on violence and other health risks including HIV/STI infection among sex workers (Gruskin, et al., 2013; Platt et al., 2013; Platt et al., 2007; Rhodes, et al., 2008; Shannon & Csete, 2010; Simić & Rhodes, 2009; WHO, 2011). However, the criminalization of some or all aspects of prostitution remains the dominant legal approach globally (Gruskin, et al., 2013; WHO, 2011), despite growing empirical evidence and clear international guidelines by the World Health Organization, UNAIDS, UNDP, and UNFPA calling for full decriminalization of sex work as necessary to promoting the health and human rights of sex workers.

Enforcement-based approaches and policing within criminalized frameworks have consistently been linked to elevated risks for violence, and reduced ability to negotiate safer sex transactions, including prevention of HIV and other sexually

transmitted infections (STIs) (Rhodes, et al., 2008; Shannon & Csete, 2010; Shannon & Montaner, 2012; Simić & Rhodes, 2009; WHO, 2011). Previous research indicates that in criminalized settings, policing strategies can range from surveillance and crackdowns to arrests or threats of arrest, intimidation by police, and police violence can be frequent and go largely unreported (Okal et al., 2011; Rekart, 2006; Tim Rhodes, et al., 2008; Sanders, 2004; Shannon, Kerr, et al., 2008). These risks are amplified for the most marginalized and visible sex workers, those living in poverty and working on the street (Lowman, 2000; Sanders & Campbell, 2007; Shannon, Kerr, et al., 2008). In an effort to avoid police, sex workers often move to outlying secluded areas to meet and service clients where there are few to no protections from violence and abuse, and reduced ability to refuse unwanted clients or services, including client demands for sex without a condom (Krüsi et al., 2012; Maher et al., 2011; Okal, et al., 2011; Shannon, Kerr, et al., 2008; Shannon, Strathdee, et al., 2009). Criminalization and policing force sex workers to rush or forgo screening prospective clients or negotiating the terms of sexual transactions before entering a vehicle, placing sex workers at increased risk of physical violence, rape and HIV/STI infection (Deering et al., 2013; Okal, et al., 2011; Shannon, et al., 2009).

The criminalization of sex work has been found to prevent sex workers from reporting violent perpetrators and seeking legal recourse after physical or sexual assault (Okal, et al., 2011; Richter et al., 2010). There is also growing evidence that

legislation criminalizing sex work constitutes a significant barrier to accessing health care services, including primary care, HIV treatment and prevention, and sexual health services (Boynton & Cusick, 2006; Lazarus, et al., 2012; Maher, et al., 2011). Additionally, stigma and discrimination against sex workers are significantly amplified in settings where sex work is criminalized, and further reduce sex workers ability to access police protections or health and social support services (Lazarus, et al., 2012; Scorgie, et al., 2013).

2.1.1 'Demand criminalization'

Over the past decade there has been increased interest by a number of higher income countries to attempt to eradicate prostitution through 'demand criminalization', which criminalizes the purchase, but not the selling, of sexual services. Sweden, Norway, Iceland, and most recently France, opted for 'demand criminalization', despite the lack of evidence supporting this legal framework. Similarly, the European Union has also recently voted in favour of implementing this approach (Oppenheim, 2014). 'Demand criminalization' was first implemented in Sweden in 1999. The primary objective of the law is to eradicate prostitution by eliminating demand. However, evidence from Sweden, indicates that the law has been unsuccessful in meeting this objective (Goodyear & Weitzer, 2011). Instead, a number of unintended consequences have been reported – namely, that it drives sex

workers and clients underground to more clandestine locales, and is difficult to enforce due to the unwillingness of sex workers to testify against their clients (Global Commission on HIV & the Law, 2012; Scoular, 2004).

As outlined in detail in Chapter one, following the December 2013 Supreme Court of Canada decision, which deemed Canada's core prostitution laws unconstitutional, the Conservative government has moved swiftly towards the criminalization of the purchase of sex (Crawford, 2014). In June 2014, the Canadian government tabled new legislation, termed the 'Protection of Communities and Exploited Persons Act' (Bill C-36). A key feature of the new legislation, which is currently under parliamentary review, sets out to criminalize the purchase of sexual services. The government proposed the new legislation, despite a lack of evidence that this change would address the harms associated with criminalized and quasi-criminalized approaches of regulating prostitution.

2.1.2 New sex work enforcement policy in Vancouver, Canada

In this context of shifting sex work legislation, Vancouver, provides a unique opportunity to evaluate the potential impact of laws and policies that criminalize sex buyers (clients). As described in Chapter one, in January 2013, the Vancouver Police Department (VPD) officially adopted new sex work enforcement guidelines that shifted the focus in policing sex work away from arresting or pressing charges

against sex workers. The sex work policing guidelines set out a strategy to ‘open communication’ with sex workers and prevent violence against sex workers through prioritizing their safety over enforcement measures such as arrest (VPD, 2013a). However, the policing guidelines did not address changes in enforcement of clients. In fact, on their website the VPD confirms that they continue to “target both pimps and customers, in locations where the impact of the sex trade has become unacceptable” (VPD, 2013c). The result is that as of January 2013, Vancouver has been a de facto ‘demand criminalization’ environment.

Therefore, the objectives of this study are to evaluate how a new local enforcement strategy that targets clients, but not sex workers, shapes sex workers’ interactions with police and negotiation of their working conditions and sexual transactions with clients, with a particular focus on protections from violence and HIV/STI infections.

2.2 Methods

This study is situated within a larger NIH-funded longitudinal qualitative and ethnographic research project investigating the structural and physical, social and policy features of work environments shaping sex workers’ sexual health, violence, and access to care in Vancouver, Canada. The research builds on longstanding partnerships and a community advisory board with sex worker,

community, policy and health stakeholders since 2004, and runs alongside a sister project known as AESHA (An Evaluation of Sex Workers' Health Access). The AESHA cohort is a community-based longitudinal study of over 800 sex workers with bi-annual follow-up, focused on evaluating the physical, social and policy environments shaping sexual health, violence, HIV vulnerability and access to care among sex workers.(Shannon, et al., 2007) The research and outreach team include both experiential and non-experiential staff.

This study draws on ethnographic field work of street-based sex work scenes and qualitative semi-structured interviews with street-involved sex workers about their working conditions, interactions with police, and negotiations of health and safety with clients, in the City of Vancouver, Canada over 11 months (January-November 2013), following the implementation of the new sex work enforcement guidelines by the Vancouver Police Department (VPD) in January 2013. Qualitative and ethnographic data were triangulated with sex work-related violence prevalence data from the AESHA cohort pre and post policy implementation and publicly available police statistics that report on prostitution related criminal code offences in the City of Vancouver (VPD, 2013b).

The lead author (AK) and co-author (JC) conducted more than 40 hours of ethnographic observation within known street-based sex work strolls in the City of

Vancouver to assess level of police presence; shifts in working areas; and police, sex worker and client interactions. All ethnographic observations were conducted within the context of regular weekly AESHA outreach shifts, which included provision of harm reduction supplies, food and referrals to social and health supports. Observation sessions lasted three to five hours and took place during peak hours of sex work activity between 10pm and 3am. AK and JC recorded brief fieldnotes in a research log during the observation sessions and elaborated on them after each observation outing.

Interview participants were recruited through purposive sampling from the longitudinal cohort (AESHA), and aimed to reflect variation in demographics (e.g., age, ethnicity, gender) and work environments (e.g., geographic neighbourhoods; variation in street and off-street solicitation and transaction spaces). Eligibility criteria for the in-depth interviews included: 1) current sex work defined as exchanged sex for money in the last 30 days in City of Vancouver; 2) identifying as cis- or transgender woman and 3) aged 18 years or older. While the larger qualitative and ethnographic research and AESHA projects focus on a diversity of street and off-street (e.g., indoor, online) sex work environments, this specific study aimed to examine the experiences of street-involved sex workers (i.e., those soliciting and/or servicing on the street) given substantial data that criminalization and enforcement disproportionately target this segment of the sex industry

(Lowman, 2000; Sanders & Campbell, 2007; Shannon, Kerr, et al., 2008). It should be noted that even within this context, many street-involved sex workers worked in both street and off-street venues, including online and indoor informal and formal venues (see results).

The 31 semi-structured interviews were facilitated by an interview guide encouraging broad discussions of working conditions, police presence and interactions, and negotiation of health and safety in transactions with clients, post-VPD policy implementation (January 2013). The interview guide was developed based on existing knowledge of the research team and in collaboration with our sex worker, community and policy partners. We conducted all interviews at one of two field offices in the City of Vancouver. Interviews lasted between 45 and 90 minutes, were audio-recorded, transcribed verbatim and checked for accuracy. All participants provided informed consent and were remunerated with a CAD \$30 honorarium for their time, expertise and travel. The study holds ethical approval by the Providence Healthcare/University of British of Colombia Research Ethics Board.

Interview transcripts and ethnographic data were analyzed using thematic analyses to examine sex worker's interactions with police and negotiation of their working conditions and sexual transactions with clients, including protections from violence, abuse, and HIV/STI infections, post-policy implementation. All textual

data were analyzed using an inductive and iterative process facilitated by the qualitative analysis software ATLAS.TI V7. The initial coding framework was based on key themes reflected in the interview guide, participants' accounts and fieldnotes. More conceptually-driven substantive codes (e.g., trust, stigma, control over sex work transactions) were then applied. Verbatim narratives are reported using pseudonyms assumed by sex workers to ensure anonymity. Longitudinal quantitative data on prevalence of workplace physical and sexual violence among sex workers from the AESHA cohort were analyzed by two 8month time-periods (pre-policy, May 1- December 31, 2012; vs. post-policy implementation, January 1- August 31, 2013). Analysis was conducted using SAS statistical software version 9.2 and restricted to sex workers in AESHA who solicited and/or serviced clients on the street. Descriptive frequencies and bivariate analyses were analyzed to test for statistical significance by time period of VPD policy implementation (pre vs. post) and reported using odds ratios (OR), 95% confidence intervals (CIs) and p-values.

2.3 Results

2.3.1 Sample characteristics

The sample for semi-structured interviews is representative of the broader community of street-based sex workers in Vancouver and included 26 cisgender and 5 transgender women sex workers (total n=31). The mean age of participants was 38

years (range: 24-53). Overall, 21 identified as Caucasian, 8 were of Aboriginal ancestry and 2 participants were of other visible minorities. All participants had experience with street solicitation. The majority (77%, n= 24) reported street solicitation as their primary way of connecting with clients, while others (23%, n= 7) primarily used phone/text solicitation to connect with clients. Just over half (55%, n= 17) primarily serviced clients in vehicles or outdoor public spaces, while 45% (n= 14) primary serviced clients in informal indoor venues (e.g., hotels, client's place, or their home).

2.3.2 Sex workers' experiences with new sex work enforcement guidelines

Sex workers' narratives and ethnographic observations indicated that while police sustained a high level of visibility they eased charging or arresting sex workers and showed increased concern for their safety. Most sex workers experienced a gradual change in policing over a number of years rather than an abrupt change in policing with the publication of new sex work enforcement policy in January 2013. Some women felt that they were interacting less with police as long as they solicit clients in two separate areas of the city that function as de facto sex work tolerance zones.

There's more [police] presence. There's not very many more interactions. Before the interactions were always there. They'd come and pull you right outta car and, like push you over. They'd get away with it back then. You know. But now it's like they don't, interact. - Anna, Transgender woman

The vast majority of participants, regardless of gender, ethnicity and primary place of solicitation, reported that their interactions with police when soliciting sex work clients are more positive and generally focus on their safety.

Every time they pull you over it's strictly to ask you how you're doing, how things are. If there's any bad dates you want to report. Fiona, Cisgender woman

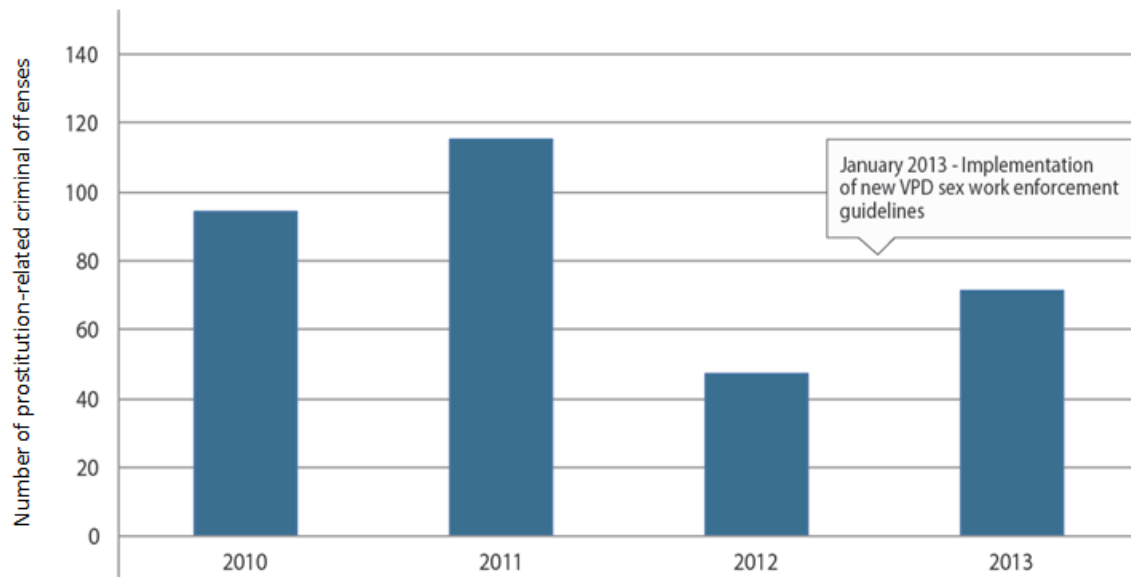
While participants in this study viewed this change as positive, the continued police enforcement of clients severely limited any positive impact of this change on their overall working conditions, risks for violence, abuse, or negotiation of sexual risk reduction with clients.

2.3.3 Continued police enforcement of sex buyers (clients)

Sex workers' narratives indicated that while police tolerated sex work related activities in two separate de facto sex work zones, clients continued to be at risk of police scrutiny. Indeed, according to official police statistics sex work-related Criminal Code offences rose from an all time low of 47 in 2012 to 71 in 2013 (see Figure1) (VPD, 2013b). This represents a 51 percent increase in prostitution-related offences since the announcement of the VPD sex work enforcement guidelines in

January 2013.

Figure 1: Prostitution-Related Criminal Code Offenses Vancouver 2010-2013 (VPD, 2013b)



Unfortunately, no statistics are available regarding the proportion of sex workers versus clients who were charged. However, participants' accounts indicate that the 51 percent rise in prostitution related offences likely reflects an increase of enforcement efforts targeting clients, as the majority of sex workers felt that their clients were currently the main targets of police (consistent with messaging on the VPD website) (VPD, 2013c).

I think the Johns or clients that I have probably worry the most about police. - Melissa, Cisgender woman

[Clients] do get stopped. A couple of my regulars they've been chased off the street, they're not allowed to come downtown anymore. Down here they're bad for that. I guess, it's more so not the girls they go after - it's the guys. - Maria, Cisgender woman

Most sex workers reported that clients are at risk of being pulled over by police even before actually negotiating a sex work transaction by circling around known sex work areas. However, sex workers' narratives indicated that the riskiest time for attracting police attention was the moment when women entered the vehicle of a prospective client. In some cases, police used non-prostitution related charges (e.g. traffic violations) as a means to pull over the vehicle and target clients. Women expressed that while they used to be the main target of police, the more recent experiences generally ended with the police allowing sex workers to leave, often without checking for outstanding warrants. Clients were being detained by police, and issued either a warning or a fine.

Right now when they [police] pull you over they let you, the girl go, keep the guy. Before they would separate you and then make a big investigation. Try to catch you in lies or intimidate you and make you nervous and try to say you can get more charges. – Ruth, Transgender woman

One of my regulars, they gave him a five-hundred dollar disturbing the peace ticket. And they didn't run my name through. They just come out of nowhere, right? [Yeah, was it just for you getting in the car?] Yeah, I guess that was just the punishment, you know what I mean? So, I saw the guy a few times afterwards and he was saying he was going to fight and wanted me to be a witness and then I guess he thought afterwards, geez no. He told me he paid it online, I guess he has a family and that and he just wanted it to go away. - Jessica, Cisgender woman

2.3.4 Criminalization of clients: limited effect on deterrence of sex work

Sex workers reported that when police target clients, some clients are deterred from purchasing sex on the street.

No one will pull over if there's a car, a police car near you. It's, like, if they see the lights they'll disappear. You can see the difference in traffic. They're just gone. – Selina, Transgender woman

Some sex workers, however, felt that rather than preventing clients from purchasing sex, police presence resulted in potential clients seeking out sex workers in a different area of the city.

Once the guy that's looking for a woman sees a cop, in the neighbourhood, he's scared. So he'll go to another neighbourhood and find another woman somewhere. – Rebecca, Cisgender woman

For participants in this study, the reality of living in poverty, and marginalization often combined with illicit substance use, meant that even

when police target clients, sex workers report that they continue to work for the obvious reason of earning an income. Ethnographic observation and sex worker narratives indicated that police enforcement of clients had no effect on deterring women from engaging in street-based sex work. Indeed, for many participants the enforcement of clients forced them to spend longer hours on the street to earn an income. Thus contrary to the objectives of criminalising clients, impeding sex workers ability to engage with potential clients did not result in less street-based sex work for these women. Instead, having access to fewer clients meant it was harder to earn an income and forced sex workers to accept clients or services (e.g. sex without a condom) that they would otherwise reject due to safety concerns, this directly increased risks for physical and sexual violence and poor health, including HIV/STI infection.

While they're going around chasing johns away from pulling up beside you, I have to stay out for longer [...] Whereas if we weren't harassed we would be able to be more choosy as to where we get in, who we get in with you know what I mean? Because of being so cold and being harassed I got into a car where I normally wouldn't have. The guy didn't look at my face right away. And I just hopped in cause I was cold and tired of standing out there. And you know, he put something to my throat. And I had to do it for nothing. Whereas I woulda made sure he looked at me, if I hadn't been waiting out there so long. – Violet, Cisgender woman

It pisses me off that they [the police] are there because basically what it comes down to is the shortest time that I'm out there, the shorter I'm on the street and the better I'm paid. But you [police] stand out there and you fuck up my business and scare away my dates. The longer I'm out there my chances of getting sick, raped, robbed, beat up whatever are greater so. - Lisa, Cisgender woman

Of course, 'cause no one's [clients] going to stop with them there. I'm not going to go home. So they're [police] not really doing anything, they're just keeping me out there longer. Really, if they would just leave me alone, I'd get a date and go home and they wouldn't see me. But that way I end up staying out there for hours 'cause I'm not going home empty-handed so I don't know what they think they're really achieving. Charlene, Cisgender woman

2.3.5 Criminalization of clients: severely limits sex workers' safety strategies

Our findings indicate that criminalization and policing strategies that target clients reproduce the harms, created by the broader criminalization of sex work. Analyses of prevalence of workplace physical and sexual violence against street-based sex workers in Vancouver indicated no statistically significant change in violence rates following policy implementation (OR=1.05, 95%CI:0.70-1.58; p=0.804). Specifically, in the 8-month period post-policy implementation, 24.6% (58/236) of sex workers experienced work-related physical and sexual violence (as compared to 23.7% (65/275) interviewed in the 8months pre-policy in 2012), of whom 22.0%

reported physical abuse and 14.0% had been raped post-policy implementation (compared with 19.3% and 15.6% pre-policy, respectively).

Qualitative analysis of the sex workers' narratives, reveal three key mechanisms by which criminalization and police targeting of clients continued to severely impacts sex workers' ability to negotiate their working conditions and transactions with clients, including protections from violence and HIV/STI infections.

A) Inability to Screen Clients and Negotiate Terms of Sexual Transactions

Sex workers' narratives emphasized that, in the context where clients continue to be police targets, it remains in both the clients' and sex workers' interest not to get pulled over by police. Therefore, sex workers continue to be forced to severely limit or forego screening of prospective clients or negotiating the terms of sex work transactions (e.g. fee, sexual services, condom use) before getting into a vehicle.

Well, usually I try to hop in the car right away, right? 'Cause I don't want to get seen talking, in case a cop drives by or something. [...] I'll hop in and then we can like negotiate and talk, you know? First I like to make sure that nobody's around or following or anything. – Maria, Cisgender woman

In addition to entering a prospective client's car swiftly, participants reported that in order to reduce the risk of attracting police attention, potential clients point them

to an alleyway away from the main street with limited lighting to allow them to enter the vehicle undetected by police.

To avoid police they [clients] drive by couple times and they point. They point at like a place where nobody's driving by. So they point and that means to go follow them with the vehicle and then they'll stop [...] They go somewhere different in an alley or something. They just leave like the window open and then you just, get in. [But would you talk to them first?] Um no well when they're trying to avoid police like that you just get into the vehicle, right. – Jane, Transgender woman

Sometimes the guy will drive up and just sort of wave or point to go down the alley or something like that somewhere else were he can pick me up. [How does that affect your safety?] You never know who it is right? And you can't really see his face, can't really see anything they could have a gun in their hand or. You know what I mean they could be a little bit drunk or something if you can't really see them very clearly, you know? And you don't you can't say hi or whatever before you get in. You have to just hurry up before the cops come. – Laura, Cisgender woman

Policing of clients thus directly undermines sex workers ability to *screen potential clients* including, checking “bad date” sheets for past violent perpetrators, detecting possible weapons, or intoxication; and *negotiating the terms of the sexual transactions*, including where the date will take place, the fee and types of sexual services, and use of condoms, before entering a vehicle. These practices of screening and negotiating the terms of transactions have both been well documented as critical to sex workers’ ability to control their health and safety, including protections from violence, abuse and HIV/STI infection. (Krüsi, et al., 2012; Shannon et al., 2009).

Prior to the VPD policy, police frequently engaged in undercover operations in order to target sex workers and their clients. This practice continues to shape sex work transactions and, in the context of sustained criminalization of clients, undercover operations negatively affect the ability of sex workers to screen their clients or negotiate the terms of sexual transactions. Participants' accounts indicated that, rather than trying to assess the safety of entering a vehicle of a prospective client and negotiating the terms of the transaction, the initial interaction with a client is dictated by determining whether the sex worker is an undercover police officer. This usually involves both the client and sex worker touching each other, due to the belief that undercover police officers are not allowed to engage in bodily contact without identifying themselves as police.

Normally when you get picked up, you go: Are you a cop? No, are you? Nope. Prove it. And you, touch each other just to make sure, right? 'Cause cops can't do that. So that's the rule, if you're undercover you can't touch someone. Normally, a guy'll touch my boob, I'll touch his crotch. Or he'll touch my crotch, I'll touch his, right? That's just to verify okay, you're not a cop, right? Martha, Cisgender woman

B) Displacement to Isolated Areas

Sex workers' accounts further indicated that, in the context of continued criminalization of clients, many clients demand on engaging in sex work transactions away from known sex work areas where there is heightened

police presence. Participants reported that being alone with clients in often unknown, secluded, industrial areas where there is little chance for help puts women at increased risk of violence and rape and reduces their ability to negotiate the transaction on their terms, elevating their risks for client condom refusal and thus HIV/STI infection.

Clients worry [about police]. Like for me I don't like going outside the neighborhood, right. Cause, you know what about if the guy turns out to be an asshole. [...] That's how I do loose dates by not going where I'm supposed to cause they're afraid of cops. [So do you turn dates down sometimes?] Yeah sometimes but not all the time cause when I'm I'm really in need of money I will maybe try and go. But then I just try and get a good feel of them first. - Jane, Transgender woman

Clients are worried about police. To avoid police they wanna move to a different area. I don't want to go out of my zone right. [...] Once you get out there, like you know their turf so it's harder for me cause it's their comfort zone or, so hey act differently, you know what I mean. Yeah it never ends up good. - Sandra, Cisgender woman

We try to get away from the area as quick as possible. You know. So that we're not in the area. Right. The farther away you get from [name of sex work stroll], the better it is. You're not gonna get pulled over right? I'm just a little nervous as it's so quiet down there by [industrial area]. - Violet, Cisgender woman

C) Inability to Access Police Protections

The main objective of the police enforcement guidelines is to foster more trusting relationships between sex workers and police and prioritize the safety of sex workers in any police interactions. A striking feature of many sex workers'

accounts was that police inquiring about their safety was perceived as a nuisance at best, and a form of police harassment, at worst. In a context where clients continue to be police enforcement targets, sex workers' narratives indicated it is difficult for police to fulfill their stated objective of prioritizing the safety of sex workers. Even conversations between sex workers and police can have a destabilizing effect, as any police interactions may scare away clients and have the potential to raise suspicion that a sex worker might be an undercover police officer.

It's a drag, you know? I'm out there to make money, not waste twenty minutes talking to them [police]. And then I'm talking to them and half the dates that see me talking to them now think maybe I'm a cop, so they don't wanna stop, now they know the cops are around, they don't wanna stop, or they wonder what I've done to attract the cops so they don't wanna stop, like, it's just a hassle, you know? – Charlene, Cisgender woman

If the clients see you talking to the cops then they don't pick you up. [When police talk to me] they're respectful but they know that they're wasting my time so. They can do whatever they want. They're fucking up everything. – Selina, Transgender woman

Similarly, an important aspect of sex workers' safety is the ability to report theft, violence and sexual harassment to police. Currently however, the majority of sex workers voiced reservations about reporting such incidents to police. Many sex workers, drawing on historic discrimination and maltreatment by police, doubted that police would take their complaints seriously and voiced that the continued

criminalization of clients constituted a significant barrier to reporting violence to police as any information about where they work could be used to refine enforcement strategies targeting clients.

No I would never go to the cops [to report violence]. Because it makes it look like, we shouldn't be out there like we can't take care of ourselves. I feel like if I went and reported some of these things that it might do more harm to the working profession than do good. So I don't do that. Basically we have to fend for ourselves. They don't really like us to begin with. – Rose, Cisgender woman

I've needed the police's help with bad dates and they've done absolutely nothing. The fact that it's not legalized you kinda can't do it, you know. – Charlene, Cisgender woman

2.4 Discussion

These findings suggest that criminalization and policing strategies that target clients reproduce the harms, created by the criminalization of sex workers, in particular, risks for violence and abuse. Contrary to the goal of criminalizing clients, our findings suggest that this approach has limited to no effect on preventing street-based sex work and did not reduce the prevalence of sex work related violence. Our analysis provides strong empirical evidence of the lived experience of sex workers indicating that the continued criminalization and policing of clients, even when sex workers are no longer police targets, profoundly impacted sex workers ability to negotiate their working conditions and health and safety. Collectively, this research

suggests that displacement to isolated areas and inability to screen clients or negotiate the terms of sexual transactions directly reduced sex workers' ability to refuse unwanted clients or services (e.g. sex without a condom), thereby increasing risks for physical and sexual violence and HIV/STI infection. In addition, despite improved relations between sex workers and police, continued police targeting of clients created mistrust of police and severely limited sex workers ability to access police protections.

In a legal environment where clients remain the target of enforcement, our findings indicate a shared interest of sex workers and clients to remain undetected by police, forcing sex workers to rush or completely forgo client screening, and pushing sex workers to work in secluded areas away from street lighting and other passers by. These findings reflect earlier epidemiological and social science research that have consistently demonstrated a direct correlation between criminalization and policing of street-based sex work and elevated odds of physical violence and rape, as well as HIV/STI infection through client condom refusal (Deering, et al., 2013; Platt, et al., 2013; Rekart, 2006; Shannon & Csete, 2010; Shannon, Kerr, et al., 2008; Shannon, Strathdee, et al., 2009). This work has identified screening of prospective clients as essential to allowing sex workers to take safety precautions, including agreement on where the transaction will take place, checking 'bad date' reports describing the personal characteristics and/or vehicle of known violent

perpetrators, and checking for the presence of weapons and intoxication (Sanders, 2004).

In addition to screening, negotiating the terms of sexual transactions with clients before entering the vehicle, including the fee, and types of sexual services, remains critical for sex workers to negotiate the terms of their work, and avoid risky sexual encounters (e.g. unprotected sex). Without the opportunity to screen clients or safely negotiate the terms of sexual services, research has shown that sex workers face increased risks of violence, abuse and HIV/STI infection (Decker, et al., 2010; Decker, et al., 2012; Deering, et al., 2013; Krüsi et al., 2012; Shannon, Strathdee, et al., 2009). Our findings resonate with evaluations from Sweden that reported, since the implementation of the law that criminalizes clients, there had been an increase in violence experienced by sex workers, which was linked to greater risk taking in client selection due to the necessity of rushed negotiation with potential clients (Global Commission on HIV & the Law, 2012; Scoular, 2004)

Police undercover operations further reduce the safety of sex workers as initial interactions with clients focus on determining that sex workers are not undercover police officers, rather than allowing time to negotiate the details of the transaction, including condom use, type of service and price. The negative impact of undercover police operations on the safety and health of sex workers is of note as it is one of the main enforcement strategies available to police in a context where

clients are criminalized. Sex workers also described how police used other non-prostitution related offenses (e.g. administrative laws such as traffic violations, public nuisance) to target sex workers and clients.

The results of this study further highlight that in a context where sex buyers are criminalized, sex workers continue to be displaced, as many clients insist on engaging in sex work transactions away from police scrutiny. Being displaced to unknown, secluded, industrial areas where there is little chance of receiving help when needed is linked to increased risk of violence and rape and reduces sex workers' ability to negotiate the transaction on their terms, including condom use (Decker, et al., 2010; Decker, et al., 2012; Krüsi, et al., 2012; Shannon, Strathdee, et al., 2009).

Evidence both in Canada and globally has consistently shown that criminalization of sex workers prevents sex workers from accessing police protection, whereby police become adversaries as opposed to safety mechanisms (Global Commission on HIV & the Law, 2012; Okal, et al., 2011; Richter, et al., 2010; Shannon & Csete, 2010; Shannon, Kerr, et al., 2008). A clear example is the case of the detrimentally flawed police investigation of the serial murder of the Missing Women in Vancouver, Canada; where criminalization, and historic discrimination by police were found to be key factors in putting police in an adversarial relationship with sex workers (Oppal, 2012). In addition to the deeply engrained

stigma of sex work and the historic police discrimination of sex workers, our findings indicate that when sex work clients are police enforcement targets, many sex workers remain reluctant to seek police protection. Sex workers worry about disclosing details of how they operate and where they work for fear police may use this information to refine their enforcement strategies that target sex work clients.

This study also identified that in a context of continued police enforcement of sex work clients, even conversations with police about safety can have a destabilizing effect, as any police interactions scare away clients and have the potential to rise suspicion a sex worker might be an undercover police officer or a police informant. This policing practice deters women from interacting with police and undermines the main objective of the VPD policing guidelines, which is to prioritize the safety of sex workers. In addition to scaring away potential clients, and thus potentially reducing the income women rely upon, being labelled as a police informant can place a woman at the bottom of street hierarchy and may place her at severe risk for violence.

While rhetorically powerful and politically appealing, there is a fundamental conceptual inconsistency in policies that criminalize clients and purport to prioritize the safety of sex workers. In its original incarnation, the model of criminalizing clients in Sweden was not designed to increase the safety of women *in* sex work; rather its goal was to eradicate prostitution and increase the safety of women who

exit sex work. Indeed, in Sweden, the government explicitly condoned the increased risks that marginalized sex workers were exposed to by arguing that any adverse effects on women who remain in sex work were outweighed by the message of the law that prostitution is not tolerated (Scoular, 2004). Our findings indicate that policies that criminalize clients are, in practice, not reconciled with policies that aim to prioritize the safety of sex workers, such as outlined in VPD sex work enforcement guidelines. Indeed, the findings of our study indicate that despite police efforts to prioritize the safety of sex workers, when clients remain enforcement targets, sex workers continue to be at increased risk for physical and sexual violence and perceive police concern for their safety as a form of nuisance and harassment.

Street-involved sex workers, those living in poverty, Aboriginal sex workers and transgender sex workers have historically been exposed most directly to the negative effects of restrictive policing and criminalized sex work laws (Sanders & Campbell, 2007; Scoular, 2004; Shannon, Strathdee, et al., 2009). Evidence from Sweden indicates that criminalizing clients negatively affected the working conditions and safety of all segments of sex workers by further pushing them underground. However, marginalized sex workers who solicit and/or service on the street were most negatively impacted by the criminalization of clients, as they may not have the resources to reduce police scrutiny by advertising online, or be

contacted by phone (Scoular, 2004). Due to a less developed welfare system in Canada, and the larger population of street-based sex workers compared to Sweden, the negative impact of demand criminalization on sex workers health and safety will likely be even more pronounced in the Canadian context.

This study has limitations. The lived experiences of participants represented in this study reflect street-involved sex workers living in poverty and may not be representative of the experiences of sex workers in other segments of the industry. However, given that evidence has consistently shown that criminalization and policing disproportionately target street-based sex workers, we feel these narratives provide critical evidence of the health and safety harms of such a policy.

In summary, this study suggests that enforcement strategies that target sex work clients reproduce the harms related to criminalized and quasi-criminalized approaches to the regulation of sex work. This empirical research clearly demonstrates that continued criminalization and policing of clients, even in a context where sex workers no longer represent police targets, did not reduce the prevalence of sex work related violence and profoundly impacted sex workers' ability to negotiate their working conditions, health and safety, including protections from violence, abuse and HIV/STI infection. Sex workers were displaced to isolated areas with few protections from violence and abuse; were forced to rush or forgo screening clients and negotiating the terms of transactions (e.g. fee, condom

use) and agree to clients or sexual services they would otherwise refuse; and were unable to access police protections. In sum, this study raises serious questions about legislative approaches, such as the proposed 'Protections of Communities and Exploited Persons Act' that criminalize clients and suggests that 'demand criminalization' risks reproducing the devastating harms to health safety and human rights created by the criminalization of sex workers.

Chapter 3: 'THEY WON'T CHANGE IT BACK IN THEIR HEADS THAT WE'RE TRASH' THE INTERSECTION OF SEX WORK RELATED STIGMA AND EVOLVING POLICING STRATEGIES

3.1 Introduction

The criminalization of sex work is rooted in, and expressive of, a broader social and structural context where sex workers are highly stigmatized (Bruckert & Hannem, 2013; Hallgrimsdottir, Phillips, Benoit, & Walby, 2008; Simić & Rhodes, 2009). Goffman (1963) conceptualized stigmas as 'discrediting' and 'undesirable' social labels that profoundly impact the social status of an individual. Goffman's work on stigma, as well as much of the subsequent work in the area, was primarily focused on the individual level effects of stigmatization on those characterized with undesirable social labels (Goffman, 1963). More recent work has focused on how broader macro-level forms of stigma, including societal-level conditions, cultural norms, and institutional policies constrain the opportunities, resources, and wellbeing of individuals and groups who are stigmatized (Biradavolu, et al., 2012; Hansen, et al., 2014; Hatzenbuehler & Link, 2014). Structural stigma is also enacted in spatial practices that mark out who can legitimately and safely use the urban landscape, stigmatized groups, such as sex workers, who are outside the mainstream are continually pushed to the sidelines, through policing but also through mechanisms of urban renewal, gentrification and neighbourhood protesters (Hubbard & Sanders, 2003; Sanders, 2004).

Parker and Aggleton (2003), drawing on Foucault and Bourdieu's writings, conceptualize stigmatization and discrimination in relation to broader notions of *power* and *domination*. Stigma then is not simply an expression of individual attitudes or of cultural values but is central to the constitution of the social order and takes shape in specific historical contexts of culture and power (Parker & Aggleton, 2003). Structural stigmas are produced and reproduced in reciprocal relationships between individuals and their environments where stigmatized individuals are often complicit in reproducing stigmatizing social categories (Bourdieu, 1977). As well, stigmatizing assumptions are often institutionalized and due to their everyday occurrence normalized and rendered invisible (Scheper-Hughes, 2004). Therefore, responding to stigma is not merely about individuals' coping or resisting structural stigma but also about shifting social relationships through structural change such as legislative change and change to societal norms.

Historically, the stigma related to sex work is rooted in women transgressing the norms of acceptable femininity which includes immoral sexual behaviours, charging a fee for sex, being viewed as vectors of diseases, and as a source of transmission of sexually transmitted infections into mainstream society (Pheterson, 1993; Scambler, 2007). Sex workers are believed to be a risk to society by threatening family values and are viewed as a disruptive and dangerous presence in urban landscapes (Hubbard & Sanders, 2003; Sanders, 2004). As a result spatial

displacement through law enforcement or community protesters from the urban landscape has been the most typical 'geopolitical' strategy in the repression of sex work (Hubbard, 1998). Sex work related stigma has also been linked to reduced access to health care services (Lazarus, et al., 2012; Scambler & Paoli, 2008; Scorgie, et al., 2013) and HIV prevention, including access to condoms (Scorgie, et al., 2013; Shannon & Montaner, 2012) and increased experiences of physical violence (Blanchard, et al., 2005; Rhodes, et al., 2008). How sex workers experience, negotiate and resist stigma is highly variable and influenced by material, social, and interpersonal factors. For example, sex workers who work in indoor environments maybe better able to conceal their labour identity compared to primarily street based sex workers due to the public nature of their work (Bruckert, 2012).

Increasingly, stereotypes also position sex workers as victims at perpetual risk of violence by their clients, pimps and by traffickers and in need of rescue (Bruckert & Hannem, 2013; Cook, 2014; Sanders, 2009a). This stance is influenced by radical feminist conceptualizations of prostitution as an inherent form of violence against women, and links are often made between human trafficking and sex work by such groups (e.g. (Farley, 2004). Ever more, in discourses of sex work, a distinction is made between forced and chosen prostitution. Women who are forced into prostitution are seen as victims in need for protection, while those who are unwilling or, due to various structural impediments, unable to exit prostitution are

denied their social and civic rights (Bruckert & Hannem, 2013; Koken, 2010). The construction of sex workers universally as victims, undermines sex workers' sexual and economic agency, precludes understanding sexual labour as a rational choice of income generation (albeit in the case of many street-based sex workers a constraint one), precludes the institution of a labour rights approach to sex work and importantly conceals examination of how sexual labour is organized within a broader social and structural context, including its gendered, class and racial dimensions. (van der Meulen, Dursin & Love, 2013). The deeply embedded stigmatizing assumptions of sex workers as 'risky' and 'at risk', at once victimizer and victim, exist in tension and are reproduced widely, including in sex work legislation, law enforcement strategies, by municipal governments, neighbourhood associations and in media discourses (Bruckert & Hannem, 2013).

Regulatory approaches to sex work based on coexisting stigmatizing assumptions of sex workers as 'risky' and 'at risk' have proven politically and rhetorically appealing in a growing number of settings. For example, recent changes to the UK law (most noticeably in the Policing and Crime Act 2009) have included forced court-appointed classes to plan exiting from prostitution among sex workers who have been charged with solicitation (Sanders, 2012). The emphasis, in line with the contradictory discourse of sex workers as victims and deviants, is on the forced savior of sex workers from themselves (Cook, 2014; Sanders, 2009a). As such, what

are hailed to be protective and inclusionary mechanisms for vulnerable women have been identified as punitive and controlling mechanisms that provide little opportunity for support, change, or individual choice or determination (Sanders, 2009a). Similarly, in line with conceptualizing sex workers as victims in need of saving from themselves and others, evolving regulatory responses to sex work in the global West have shifted to the rapid adoption of 'demand criminalization' approaches, which criminalize the purchase of sexual services and conceive of sex workers as victims of sexual violence.

As outlined in Chapter two, to date, Sweden, Norway, and Iceland, opted for 'demand criminalization'. More recently, the European Union has voted in favour of implementing this approach and the Canadian government in June 2014 has also proposed legislative change toward the criminalization of sex buyers. Canada's proposed prostitution bill, is tellingly termed 'Protection of Communities and Exploited Persons Act' – this name neatly summarizes the government's conceptualization of sex workers as 'risky' to their communities and themselves and, at the same time, as 'at risk' of exploitation. In line with conceptualizing sex workers as 'at risk', the proposed new legislation sets out to criminalize the purchase of sexual services, along with benefiting from the proceeds of sex work from another person commercially. To counteract the risks sex workers' are believed to pose to the community and, in particular, to children the proposed legislation also

sets out to criminalize communicating for the purpose of selling sexual services near schools, daycare centers and playgrounds.

As discussed in Chapters one and two, in Vancouver, over the last number of years, there has been a continuous shift in the policing of sex work away from arresting and charging sex workers that, in January 2013, led to the implementation of a policing strategy, which explicitly prioritized the safety of sex workers and focused enforcement efforts on sex buyers (VPD, 2013a; Krüsi, et al., 2014). The novel sex work policing strategy explicitly addresses the tensions between prioritizing the safety of sex workers and concerns by residents and businesses in locales where street-based sex work takes place. The Vancouver Police Department (VPD) sex work enforcement policy states "... we will focus on balancing the needs of the community and the safety of the sex workers. The VPD does not seek to increase the inherent dangers faced by sex workers, especially survival sex workers. Therefore, where there are nuisance complaints against survival sex workers, alternative measures and assistance must be considered with enforcement as the last resort." (VPD, 2013a, p.3).

Drawing on the concepts of structural vulnerability and structural stigma, we undertook the present study to explore the complex ways in which coexisting stigmatizing assumptions of sex workers as 'risky' and 'at risk' intersect with

evolving sex work policing strategies to shape street-based sex workers' civic rights and experiences of violence and poor health. We will outline some of the specific ways in which sex work related stigma influences the risk of violence and poor health by normalizing the violence experienced by sex workers and continuously displacing them from the neoliberal urban landscape, not merely by police force, but also by neighbourhood watch groups, private security and other mechanisms of urban gentrification.

3.2 Methods

This study is situated within a larger NIH-funded longitudinal qualitative and ethnographic study investigating the features of the physical, social and policy environments shaping working conditions, sexual health, violence, HIV/STI risks and access to care for sex workers in Vancouver, Canada and runs alongside a sister epidemiological cohort of over 800 street and off-street sex workers, known as AESHA (An Evaluation of Sex Workers Health Access) (Shannon, et al., 2007).

This study draws on qualitative semi-structured interviews with street-involved sex workers about their working conditions, interactions with police, and negotiations of health and safety with clients, in the City of Vancouver, Canada. These interviews were conducted over 11 months (January-November 2013), following the implementation of the new safety focused sex work enforcement

policy by the Vancouver Police Department (VPD) in January 2013 (Krüsi, et al., 2014); and following the release of the Missing Women's Commission Inquiry report regarding the botched police investigation into the disappearance and murder of over 60 street-based sex workers in Vancouver in the late 1990's and early 2000's (Oppal, 2012). While we have previously examined the impact of the new policing efforts on sex workers' negotiation of health and safety (Krüsi et al. 2014), for the current analyses we draw on concepts of structural vulnerability and stigma to gain a better understanding of how evolving policing strategies and policy approaches intersect with stigmatizing assumptions about sex workers as at once 'risky' and 'at risk'.

The concepts of structural vulnerability and everyday violence have previously been used to frame the violence and poor health experienced by street-based sex workers (Shannon, Kerr, et al., 2008; Simić & Rhodes, 2009). Structural vulnerability refers to how social arrangements embedded in the organization of society, such as laws, institutional and regulatory practices and social norms, render particular groups of people disproportionately vulnerable to harm (Quesada, et al., 2011). The concept of everyday violence refers to the normalization of institutionalized brutalities that are rendered invisible (Scheper-Hughes, 2004). Together, these concepts give focus to how various social and structural forces, such

as the criminalization of sex work and sex work related stigma, intersect to shape experiences of violence and poor health among sex workers.

Interview participants were recruited through purposive sampling from the longitudinal cohort (AESHA), and aimed to reflect variation in demographics (e.g., age, ethnicity, gender) and work environments (e.g., geographic neighbourhoods and transaction locales). Eligibility criteria for the in-depth interviews included: 1) current sex work defined as exchanged sex for money in the previous month in the City of Vancouver; 2) identifying as a cis- or transgender woman and 3) aged 18 years or older. While the larger qualitative and ethnographic research and AESHA projects focus on a diversity of street and off-street (e.g., indoor, online) sex work environments, this specific study aimed to examine the experiences of street-involved sex workers (i.e., those soliciting and/or servicing on the street) given substantial evidence that stigma, criminalization and enforcement disproportionately affect this segment of the sex industry (Lowman, 2000; Sanders & Campbell, 2007; Shannon, Kerr, et al., 2008). It should be noted that even within this context, many street-involved sex workers worked in both street and off-street venues, including online and indoor informal and formal venues.

Our sample of participants is representative of the broader community of street-based sex workers in Vancouver. Interview participants included 26 cisgender

and 5 transgender women sex workers (total n=31). The mean age of participants was 38 years (range: 24-53). Overall, 21 identified as Caucasian, 8 were of Aboriginal ancestry and 2 participants were of other visible minorities. All participants had experience with street solicitation. The majority (77%, n= 24) reported street solicitation as their primary way of connecting with clients, while others (23%, n= 7) primarily used phone/text solicitation to connect with clients. Just over half (55%, n= 17) primarily serviced clients in vehicles or outdoor public spaces, while 45% (n= 14) primary serviced clients in informal indoor venues (e.g., hotels, client's place, or their home).

The 31 semi-structured interviews were facilitated by an interview guide encouraging broad discussions of working conditions, police presence and interactions, and negotiation of sex work transactions with clients, post-VPD policy implementation (January 2013). The interview guide was developed based on existing knowledge of the research team and in collaboration with our community partners. We conducted all interviews at one of two field offices in the City of Vancouver. Interviews lasted between 45 and 90 minutes, were audio-recorded, transcribed verbatim and checked for accuracy. All participants provided informed consent and were remunerated with a CAD \$30 honorarium. The study holds ethical approval by the Providence Healthcare/University of British of Colombia Research Ethics Boards.

Data collection and analysis occurred concurrently. All textual data were analyzed using an inductive and iterative process facilitated by the qualitative analysis software ATLAS.TI V7. The research team discussed the content of interviews, emerging themes and coding framework throughout the data collection and analytic processes. The initial coding framework was based on key themes reflected in the interview guide, participants' accounts and fieldnotes. To advance beyond thematic description, we drew on concepts of structural vulnerability, structural stigma and everyday violence to interpret the emerging themes and give focus to how the criminalization of sex work and sex work related stigma, intersect to render sex workers' disproportionately vulnerable to harm. Verbatim narratives are reported using pseudonyms assumed by sex workers to ensure anonymity.

3.3 Results

Our results indicated that stigmatizing assumptions of sex workers as 'at risk' and 'risky', both victims and victimizers, coexisted and profoundly shaped sex workers' experiences of evolving policing and policy efforts. Regardless of gender, ethnicity and primary place of solicitation, participants reported that their interactions with police when soliciting sex work clients have become more positive over the years and generally focus on their safety. Women who had been supporting themselves through sex work for many years cited the detrimentally

flawed police investigations into the disappearance of 60 women in street level sex work in Vancouver and the, at the time of data collection, ongoing constitutional challenge on sex work laws in Canada as important drivers for change in the policing of sex work over the years.

Women's narratives articulated a clear shift in police interactions over the years that is in line with an increased conceptualization of sex workers as victims rather than deviants. While police used to threaten sex workers with arrest, order them off the street and follow them, current police interactions focused on inquiring about violent costumers and reminding women to stay safe.

I've seen a huge change [in policing]. Like before they would come up and they'd say if we see you on the street again we're gonna arrest you. Straight up. You go home cause if we see you again on the street we're gonna arrest you. That's what it used to be. Now it's like just be safe. Make sure that you report any bad dates. - Charlotte, Cisgender woman, Caucasian

I see a big change. Some cops are different from others but a lot of them I noticed just come and see how you're doing and how your night is, they're not rude to you anymore, you know? I found that they used to be really rude and ignorant to you. They would run your name and or just uh, you know, just stop you for nothing like if you're, even if you're walking, just walking, you know? Um, just run your name or park, on the same block, watching me so I had to move. - Maria, Cisgender woman, Aboriginal

However, while sex workers welcomed the more positive police interactions and that police no longer threaten them with arrest, some participants were critical of the

newfound concern for their safety and expressed that underlying stigmatizing assumptions of sex workers as deviants and 'whores' continued to coexist with the more recent police focus on sex workers' safety.

It comes out in their [police] expressions that they don't really like you. [...] But generally they haven't really been harassing as much lately, but that attitude is still there. I don't think they'll change it back in their heads that we're trash. - Violet, Transgender woman, Caucasian

Similarly, some participants like Moira questioned police' motive for the increased concern on sex worker' safety by drawing on historic discrimination and maltreatment of sex workers by police in the local context. In Moira's view, police focus on sex workers' safety is rooted less in a genuine concern for their safety but is rather a way of increased surveillance of sex workers - albeit in the name of safety.

After the Pickton [local serial murderer] thing there was a bunch of cops came out, every time every night and were talking to every girl, pretending like they wanted to be our friends. Now, it's like come on. What the fuck is this? Now you're trying to fucking do a 180 because you're now all of a sudden you're under scrutiny? Because you fucked up and you didn't take our - When we told you what was going on, you wouldn't listen to us? Cause we're a bunch drug addict ho's? You know that's what - That's the way they see us. You know. And uh, now they care. They care about us working girls now. They have to keep a count of us. They wanna make - You know they gotta know who we are, uh have you seen so and so we haven't seen her for a while. Have you seen her? Do you know if she's still around? Blah blah blah. Or we're looking for this girl or do you know if she's okay and blah blah blah, right. - Moira, Cisgender woman, Aboriginal

3.3.1 The everyday violence of reporting sex work related violence to police – 'you're not a beat up worker'

Despite more positive police interactions and increased concern for sex workers' safety the vast majority of participants expressed that they continued to be reluctant to report theft, fraud or violence that might occur in the context of sex work to police. *"There is not a chance in hell I'm gonna call 911", "No I wouldn't call the cops again. For anything." "I just don't call the cops. I don't trust them"*. While there was a uniform reluctance among participants to seek police protection when they needed it, particularly participants of Aboriginal ancestry recounted negative experiences in the context of reporting sex work related violence to police. As highlighted by excerpts from Sonia and Erica, both Aboriginal participants, many sex workers

experienced seeking police protection as a form of everyday violence, in that the police response normalized their experiences of violence as an inherent part of selling sex. Participants were denied their citizenship rights for police protection and legal recourse by virtue of their 'risky' occupation, and were effectively blamed for the violence they experienced.

My views on the police, especially the VPD changed dramatically when I had a cop, sergeant with the VPD tell me that I cannot charge my date [client] for sexual assault because I was a hooker. [...] I was supposed to write a complaint against it, which I still haven't done. Um, I want to but I fear repercussion [...] I won't go to cops [in case of violence], not after that sergeant. There's just no point, not if I'm gonna get shot down and belittled. I'm not going to waste my precious breath on somebody who doesn't give a rat's ass. - Sonia, Cisgender woman, Aboriginal

Police say oh if you're in the trade you take risks and you know what's gonna happen. You're gonna get hurt. There's nothing we can do about it. [...] Where does it say if you're a hooker you're gonna get hurt? You don't get paid to get beat up. You're not a beat up worker, you know? - Erica, Transgender woman, Aboriginal

Participants' narratives bring to bare how in a context where sex work is conceptualized as inherently dangerous and sex workers are increasingly understood as victims in need for saving, blame for sex work related violence continues to be shifted to sex workers' themselves for continuing to engage in this dangerous practice. Thus, the deeply embedded stigmatizing assumptions of sex work as inherently dangerous can function to alleviate some of the police'

responsibility in protecting the social and civic rights of sex workers. This increases sex workers' structural vulnerability to violence because if they do engage in sex work they have to operate outside the societal protections other citizens can take for granted.

3.3.2 Neighbourhood stigma

Neighbourhood nuisance concerns and neighbourhood renewal also profoundly shaped sex workers' working conditions and are closely linked to sex work related stigma and policing. Our results indicated that stigmatizing assumptions of sex workers as 'at risk' and 'risky', both victims and victimizers coexisted after the implementation of the safety focused VPD sex work policy and profoundly shaped the geography of where women can engage in sex work. Most participants recounted interactions with residents, neighbourhood watch groups and security guards. Women's narratives indicated that these interactions were shaped by a discourse of sex workers as a risky presence in neighbourhoods threatening the social and moral order, rather than by conceptualizations of sex workers as victims in need for safety as delineated in the sex work enforcement policy. Harassment by residents and community groups often took the form of verbal degradation, pursuing sex workers on foot until they leave the neighbourhood and noting down license plates of clients presumably to pass on to

police.

Residents will drive by, stop and tell us where to go in not such nice words. I had a guy come after me and two of my girlfriends with a rake. He literally chased us off the corner with a rake. He came at us. I'll never forget it. - Julia, Cisgender woman, Caucasian

Neighbourhood watch they suck. They are annoying. They'll follow you from the ends of the world, holy cow! Yeah they're terrible. It's basically almost like they're stalking you. You can't work. It is like they're harassing you. I swear one night I walked a mile and a half and they were still behind me following me. That's total harassment you can't do that to someone. - Joy, Cisgender woman, Caucasian

In addition to neighbourhood watch groups and residents - private security guards also profoundly shaped sex workers working conditions. Participants experienced these interactions as more overtly disruptive than current policing practices, as security guards are not bound by the safety focused sex work enforcement policy and draw on discourses of sex workers as deviants who need to be evicted from their area of surveillance.

[Security guards] they're horrible, they're worse than the cops. Like they'll get out and they'll fight. Like not physical yet as far as I know, but they just say 'you fucking whore'. They're not professional from what I can tell right. They'll go and park so you have to keep moving and then if they decide to get a hard on for you they'll follow you around everywhere. So wherever you try to work they'll be in an area where the dates will see, you know it's, like they're worse than the cops. [...] It fucks it up obviously cause then the dates [clients] can't tell the difference right or they just think if anybody's watching then they're nervous right. - Gloria, Transgender woman, Caucasian

The safety focused sex work enforcement policy explicitly outlines that, in the case of sex work related nuisance complaints, police are to respect the rights and safety of sex workers. However, participants' described that, in the case of community complaints, police without exception ordered sex workers to leave. In effect, sex workers continued to be displaced; however in contrast to the past, police prefaced their order with a reference to neighbourhood complaints. This practice highlights how discourses of sex workers as deviants who threaten the moral and social order co-existed and intersected with police enforcement that purports to prioritize the safety of sex workers and profoundly shaped the working condition of street-based sex workers. Given the criminalized status of sex work and the power imbalance between police and sex workers, participants had limited options in managing community complaints.

If they [police] get complaints than they'll tell us to move so yeah. It's just like in certain areas. You know like the residents will call and, you know. So they [police] will be like OK we got complaints. You gotta walk. - Amber, Cisgender woman, Aboriginal

It might go for a couple weeks where, they [police] will just keep driving by but if neighbours are phoning in then that's when they come for the complaints. They say, the neighbours called in that's why we're here. They are polite, they're not rude or mean. They're nice to me, right? They don't search me, they don't really say move, you can't stand on the corner, but they say, we just have complaints from neighbors, so can you find it in your courtesy to kinda like, not be around for a long time, they just put it like that, right? [Okay, so not like, get out of here?] No, they don't say it in those words, but basically that's what they mean. - Ruby, Cisgender woman, Caucasian

R *When community watch groups call, then the cops come and they say you have to move, carry on and move. Go home basically for the night. But I mean if I'm not in your yard and if I'm not soliciting and doing something to your family, your property, your housing - mind your own business. I'm not around schools, I'm not around, you know your back yard so beat it. What is it any of your business what I'm doing? You know what I mean? I'm not harming anybody, I'm not stealing off you people. So.*

I *Would you ever feel comfortable calling the cops on them, on the community watch people?*

R *Yeah I would feel comfortable sure, but I mean I don't think they would do anything about it because it's community watch, you know. I would look like the idiot right so. - Joy, Cisgender woman, Caucasian*

These narratives of police readily assisting residents in known sex work areas by removing sex workers stands in stark contrast to sex workers' narratives about the

everyday violence they experience in seeking police protection. In contrast to the inaction of police regarding sex work related violence, participants witnessed police taking swift action to address neighbourhood nuisance complaints. It is in these discrepancies in policing where the power imbalance between sex workers and neighbourhood residents materialize to shape the working conditions and curtail the civic rights of street-based sex workers through displacement from the urban landscape and the denial of police protection and legal recourse in case of violence.

3.3.3 Neighbourhood renewal – ‘god forbid there’s a hooker on the condo street’

Neighbourhood renewal and gentrification also profoundly shape the work environment of sex workers and are intimately connected to the stigma and policing of sex work. Participants’ narratives outline how neighbourhood renewal is directly linked to increased presence of security guards and police. The continued criminalization of clients exacerbates the effects of gentrification as it gives police the power to continue to govern where sex work can take place and thus allows for removing sex workers from areas of urban renewal. As outlined by Parker and Aggleton (2003) stigma and discrimination are central to the constitution of the social order and deployed by concrete and identifiable social actors seeking to legitimize their own dominant status within existing structures of social inequity. Participants’ narratives here outline how policing strategies intersect with sex work

related stigma in an attempt to increase the value of newly gentrified inner-city neighbourhoods.

The minute that they're bringing the new condos next thing you know there's security cars, there's cop cars, god forbid there's a hooker on the condo street. The minute someone buys the building, puts in a condo, it's a whole new set of fucking rules. It's totally changed, I don't even recognize it, and you don't see any girls up there, where I used to work up on the corner of X and Y street. See the cops shift girls to certain areas, and if they deny it, they're lying. - Ruby, Cisgender woman, Caucasian

Like I said, when the condos started popping up on uh, on X street, they did have security, you know, to watch for thieves, which I can understand, but, you know, what's he doing parked right by me, going around the corner. So yeah, they were told to mess with the working girls. - Claudia, Cisgender woman, Caucasian

References to urban renewal and displacement of sex work strolls were particularly prominent in transgender participants' accounts, who were displaced not just because of their status of sex workers but also based on their marginal gender identity. Transgender sex workers in the local context tend to work in rather well defined geographical areas, where regular and new clients can find them with relative ease. Transgender participants in this study recounted several instances of displacement due to urban renewal in recent years.

I used to work at the corner of Street A and B, well there is no corner of Street A and B anymore, it's a park. They turned it into a park where the transsexuals worked. But there's still high track where the girls worked but there's no transsexual stroll. They closed it down. - Violet, Transgender woman, Caucasian

Because the people who live in condo's there don't want us down there anymore. Yeah cause the transsexuals used to work down there, remember? They just wanted us outta there yeah. If I go to try to work there the uh the cops pulled my name up I'd be red zoned and then they can arrest me yeah. Yeah, even the boy's [male sex workers] are gone from there yeah. They made it completely illegal to work on that street. And now we're going to be pushed out of this street right away too. Yeah cause there's condo's going up there too. On X street and whatcha ma callit. They're tearing down those buildings and building condo's there. - Liz, Transgender woman, Caucasian

3.4 Discussion

This study sheds light on how the intersecting regimes of criminalization and stigmatization serve to marginalize sex workers and increase their structural vulnerability to violence and poor health. Our findings demonstrate how mechanisms of responsabilization are applied to sex workers through contradictory discourses of sex workers as 'at risk' and 'risky' to themselves and others through the everyday violence of normalizing sex work related violence. Sex workers who cannot or will not choose the prescribed responsible route out of sex work are denied citizenship rights including legal protections, labour rights and safe working conditions. Despite police rhetoric of prioritizing sex workers' safety, our results

indicated that sex workers' interactions with neighbourhood residents were predominantly shaped by a discourse of sex workers as a 'risky' presence in the urban landscape and police took swift action in removing sex workers in instances when complaints were made. This stands in stark contrast to the police inaction in response to sex work related violence and brings to bear the power imbalance between sex workers and neighbourhood residents, which profoundly shaped sex workers' civic rights.

Evidence both in Canada and globally has consistently highlighted the barriers sex workers face in accessing police protection (Global Commission on HIV & the Law, 2012; Okal, et al., 2011; Richter, et al., 2010; Shannon & Csete, 2010; Shannon, Kerr, et al., 2008). Our findings illustrate that sex workers continued to be highly reluctant to report sex work related violence to police, despite the official police focus on safety. Particularly, women of Aboriginal ancestry recounted negative experiences of reporting sex work related violence to police and were highly reluctant to seek police protection in case of violence. In Canada, Aboriginal women are not only over represented in street-based sex work (Bingham, et al., 2014; Culhane, 2003; Shannon, et al., 2007) they also represent 31.9% of all incarcerated women despite the fact that Aboriginal women only make up 1 to 2% of the general Canadian population (Public Safety Canada, 2011). These numbers highlight the disproportionate criminalization women of Aboriginal ancestry face

and draw attention to the historical trauma and their multilayered reality of stigma and racism (Bingham, et al., 2014; Bourassa, et al., 2004; Culhane, 2003).

Sex workers experienced seeking police protection as a form of everyday violence, in that the police response normalized their experiences of violence as an inherent part of selling sex, thus justifying their inaction. Participants were denied their citizenship rights for police protection and legal recourse by virtue of their 'risky' occupation. Our findings bring to bear that, in a context where sex work is viewed as inherently dangerous and sex workers are increasingly understood as victims in need for saving, blame for sex work related violence continues to be shifted to sex workers' themselves for their ongoing engagement in this dangerous practice. At the same time, by invoking the inherent dangers of sex work, police absolved themselves from the duty of safeguarding the legal protections of sex workers who continue to engage in sex work.

As such, mechanisms of responsabilization are applied to sex workers through contradictory discourses of sex workers as 'at risk' and 'risky' to themselves and others. Responsibilization, Scoular and O'Neill (2007) argue, is presented as protecting vulnerable victims from risk and thus allows for dividing between responsible sex workers who exit and those 'risky' subjects who continue to put themselves at risk by selling sex (Scoular & O'Neill, 2007). Those sex workers who

cannot or will not choose the prescribed responsible route out of sex work are stigmatized and denied citizenship rights including safe working conditions, labour rights and legal protections. Neoliberal ideology is implicated in rewarding those women who exit prostitution and take on a victim subjectivity and denying the most basic citizenship rights to those who do not.

Conceptualizing sex workers universally as victims in need for safety thus precludes conferring citizenship rights including legal recourse and labour rights to those sex workers who continue to sell sex. Rather than providing structural supports such as 'living' welfare rates and real alternatives for those women who want to exit sex work, the focus remains on individual women's risky behaviours. This increases sex workers' structural vulnerability as they have to operate outside the societal protections other citizens can take for granted, such as labour rights, police protection in case of violence and the opportunity for legal recourse. As such, our findings highlight that the police rhetoric of safety for sex workers does not include the bestowing of citizenship rights to sex workers; rather sex workers' safety is more narrowly defined as individual focused safety strategies with the ultimate state of safety being attained when exiting sex work.

In line with previous work, neighbourhood nuisance concerns and neighbourhood renewal also profoundly shaped sex workers' working conditions

and were closely linked to sex work related stigma and policing (Hubbard, 1998; Teela Sanders, 2004). Our results indicate that interactions between sex workers and neighbourhood residents and security guards were predominantly shaped by a discourse of sex workers as a risky presence in neighbourhoods threatening the social and moral order, as well as property values, rather than by conceptualizations of sex workers as victims in need for safety as delineated in the police' safety focused sex work enforcement policy.

The safety focused sex work enforcement policy explicitly outlines that, in the case of neighbourhood complaints, police are to respect the rights and safety of sex workers. However, our findings indicated that, in cases of community complaints, police ordered sex workers to leave the area. In effect, sex workers continued to be displaced to industrial areas where there is little chance for escape or support in case a client oversteps a service agreement or uses violence. However, in contrast to the past, police prefaced their order with a reference to neighbourhood complaints. As such, the ongoing neighbourhood stigma of sex workers as polluting the moral and social order coupled with the continued criminalization of sex buyers resulted in the displacement of sex workers to isolated areas, despite police rhetoric of prioritizing sex workers' safety.

The current results build on previous work that has identified that the way police and community protesters control the sites of street prostitution has significant implications for the safety of sex workers workers (Hubbard, 1998; Hubbard & Sanders, 2003; Sanders, 2004), and highlight the role of stigma in governing sex work. The negative effects of displacement to isolated industrial areas on the health and safety of sex workers have been well documented. Displacement to unknown, secluded, industrial areas, where there is little chance of receiving help when needed, is linked to increased risk of violence and rape and reduces sex workers' ability to negotiate the transaction on their terms, including condom use (Decker et al., 2010; Decker, et al., 2012; Krüsi, et al., 2012; Shannon, Strathdee, et al., 2009).

Our findings indicate that references to displacement and urban renewal were particularly prominent among transgender participants, who were displaced not just because of their status as sex workers but also based on their marginal gender identity. Transgender sex workers, in the local context, tend to work in quite well defined geographical areas, where regular and new clients can seek out their services with relative ease. The geographical displacement of the transgender stroll may increase the risk of violence for transgender sex workers as disclosure of their gender identity in the broader context of trans- and homophobia can place them at

increased risk for potential violence (Infante, Sosa-Rubi, & Cuadra, 2009; Poteat et al., 2014).

Hubbard (1998) describes the policing of prostitution a spatial process that perpetuates the marginal status of those involved. In the urban landscape, territory is marked out for those who can legitimately and safely use it, while groups who are outside the mainstream are continuously pushed to the margins, away from view. Social boundaries are constructed and maintained through geographical ones that signify distinct ways of life (Pratt & Hanson, 1994). Thus, the geographies of sex work are the outcome of a complex continuous struggle between different social actors, including sex workers, neighbours and businesses, private security and police (Hubbard & Sanders, 2003; Sanders, 2004). Our findings indicate that this struggle is marked by a significant power imbalance where neighbourhood complaints, rooted in stigmatizing assumptions about sex workers as a threat to the moral order, in practice, outweigh the need for protecting the working conditions of street-based sex workers.

For Parker and Aggleton (2003), stigmatizing assumptions are not simply an expression of individual attitudes or of cultural values. Rather they function at the point of intersection between *culture*, *power* and *difference*, and are central to the constitution of the social and moral order. Stigmatizing assumptions of sex workers

coupled with the power imbalance between sex workers and other community residents allowed for the displacement of sex workers from urban space, despite police rhetoric of increasing sex workers' safety. Echoing previous work (Hubbard, 1998), our findings further indicate that neighbourhood renewal was directly linked to increased presence of security guards and police. The intersection between sex work related stigma and the criminalization of clients, despite police rhetoric about prioritizing the safety of sex workers, allowed for the continued governance of where sex work can take place. Our findings highlight that despite the different tone of the novel sex work enforcement policy, the power to displace sex workers from the urban landscape remained ultimately with police. This allowed for the continued policing of the social and moral order in neighbourhoods where street-based sex work took place and the protection of property values in newly gentrified urban areas. In effect, the status quo, which renders sex workers susceptible to displacement from the urban landscape towards secluded, industrial areas, was maintained, thus perpetuating sex workers structural vulnerability to violence and HIV/STI infection (Deering, et al., 2013; Okal, et al., 2011; Shannon, et al., 2009).

In a policy framework that does not allow for full citizenship entitlement among sex workers, police and neighbourhood interactions reify the stigmatizing and othering discourses of sex workers and continue to contribute to unsafe working conditions. Building on Bruckert & Hannem's work (2013), our findings

indicate that coexisting stigmatizing assumptions of sex workers as ‘risky’ and ‘at risk’ are not only an impediment to sex workers’ civic rights; they are the very foundation of regulatory approaches that criminalize sex buyers and allow for the continued marginalization of sex workers. The very existence of specific laws to regulate sex work speaks to the stigma associated with sex work and the link between sex work legislation and morality (Bruckert & Hannem, 2013). In Canada, as in most settings globally, there are already laws in place for targeting various forms of exploitation and nuisance that may arise in the context of sex work, such as public disturbance, indecent exhibition, coercion, sexual assault, trafficking persons, extortion, and kidnapping. As such, given the negative impact of criminalized sex work laws and enforcement practices, our findings lend further support to calls for the full decriminalization of sex work in Canada, consistent with international guidelines by global policy bodies (Global Commission on HIV & the Law, 2012; WHO, 2011).

Given the intersection between regulatory approaches and sex work related stigma, there is an urgent need for sustained efforts to broaden the public representations of sex workers to work towards unmasking and redressing the stigmatizing assumptions of sex workers as victims and deviants.

This study has limitations. The experiences of stigma and criminalization experienced by participants of this study may not be restricted to sex work and may,

therefore, be influenced by the wider stigmatization of women who are marginalized by other forms of social and structural inequity such as poverty and racism. The lived experiences of participants represented in this study reflect street-involved sex workers and may not be representative of the experiences of sex workers in other segments of the industry.

In sum, intersecting regimes of criminalization and stigmatization serve to increase the structural vulnerability of street-based sex workers, including the ability to access police protection in case of violence and continued displacement from the urban landscape. Our findings highlight that the criminalization of sex work and the co-existing stigmatizing assumptions of sex workers as 'at risk' and 'risky', both victims and victimizers, deny sex workers the opportunity to engage as citizens, facilitate the removal of sex workers from public space and perpetuate labour conditions that render sex workers at increased risk for violence and poor health.

Chapter 4: NEGOTIATING SAFETY AND SEXUAL RISK REDUCTION WITH CLIENTS IN UNSANCTIONED SAFER INDOOR SEX WORK ENVIRONMENTS

4.1 Introduction

Macro-level factors, including sex work legislation, policing and economic constraints, both shape and interact with the social, policy, and physical features of particular sex work environments. Increasing research calls for environmental-structural interventions to promote HIV and STI reduction and prevent violence against sex workers (Blankenship, Friedman, Dworkin, & Mantell, 2006; Parker, Easton, & Klein, 2000). Environmental-structural interventions move beyond a sole focus on individual-level risks associated with sex work to understanding risk as embedded in contextual factors, gendered power dynamics and access to resources (Blankenship, et al., 2006; Farmer, Connors, Simmons, 2005; Parker et al., 2000; Zierler & Krieger, 1997). Therefore, environmental-structural interventions seek to create ‘enabling environments’ that are conducive to reducing violence and sexual risks in the context of sex work (Kerrigan et al., 2003; Moore & Dietze, 2005; T. Rhodes, 2002, 2009).

Previous work in the Dominican Republic indicated that brothels with environmental-structural support, including supportive management policies, security measures and access to HIV/STI prevention resources, were associated

with sexual risk reduction, including consistent condom use (Kerrigan et al., 2003; Kerrigan, et al., 2006). Similarly, legalized brothels in the US state of Nevada were found to reduce the risk of physical and sexual violence experienced by sex workers (Brents & Hausbeck, 2005).

However, to date, the adaptation of environmental-structural HIV and violence prevention interventions for street-involved sex workers to developed country settings have been scarce and their formal implementation continues to be hampered by prohibitive sex work laws in many settings. While the buying and selling of sex itself is legal in Canada, the Criminal Code of Canada prohibits ‘communication for the purposes of selling sex’, the operation of a ‘bawdy house’, and ‘living off the avails of prostitution’ (Goodyear & Cusick, 2007; Shannon, Strathdee, et al., 2009). This makes it effectively impossible to engage in sex work legally².

Despite a prohibitive legal environment, various unsanctioned indoor sex work environments have long existed across Canadian cities in the form of licensed body rub or massage parlours (Anderson, et al., in press, Handlovskey,

² Data for this study was collected in the context of an ongoing Constitutional challenge of Canada’s sex work laws but prior to the official implementation of the VPD sex work enforcement policy that was described in detail in the previous Chapters. However, Canada’s sex work laws remained in place unchanged during the course of this study.

et al., 2012). More recently, an innovative indoor sex work environment model has emerged within the context of low-barrier, supportive housing programs for women in the Province of British Columbia (see Table 1 for a description of the programs). Herein, we report on the findings of a qualitative interview study, examining the experiences of sex workers living and working in these unsanctioned indoor sex work environments. We focus on how these unsanctioned indoor sex work environments influence safety and risk negotiation with clients during sex work transactions.

Table 1: Unsanctioned Safer Sex Work Environment Model

The housing programs offer a minimal barrier, high tolerance environment and follow a women-centered empowerment and harm reduction/health promotion philosophy.

Residents represent the most marginalized, chronically homeless women in the community who live with trauma, substance use issues and support themselves through sex work.

Resident guest policies reflect the needs of women who are working in the street level sex trade and thus allow women to bring clients to their rooms for transactional sex encounters.

Environmental-structural policy supports include:

1. Building/ management policies:

- Women only buildings (including residents, staff and management)
- Women are allowed to bring clients (sex buyers) into their rooms during the facilities guest hours (which are depending on the program between 8am-2am or 10am to 11pm)
- Clients are required to register at the front desk (one program requires photo ID)
- Women are not allowed to have more than one guest at a time

2. Environmental Cues/ Security measures

- 'Bad date' reports (descriptions of recent client violence) are posted at the building entrance
- A camera system is in place throughout the hallways of the buildings to allow staff/residents to detect incidents of violence
- In case of altercations residents or staff will ask visitors to leave or call police to remove violent clients

3. Access to Health, Prevention and Harm Reduction Resources

- Condoms, syringes and other harm reduction paraphernalia are available onsite
- Medication dispensation onsite (including methadone and antiretroviral therapy)
- GPs, nurses, and mental health workers regularly visit the buildings

4.2 Methods

We drew upon data from 39 in-depth qualitative interviews and 6 focus groups conducted with residents of the two housing programs (described in Table 1) from July 2009 to March 2010. All residents of the housing programs, who were willing to participate and met the minimum criterion of having engaged in sex work in the previous month, were interviewed. Interviews and focus groups were conducted by two experienced interviewers at the study office and all focus group discussions were co-facilitated by a sex worker trained in co-facilitating peer focus groups. The number of participants in the 6 focus groups ranged from 3 to 6 participants. The focus groups were conducted prior to the interview phase of the project to gain a preliminary understanding of women's experiences with the housing programs. Focus groups and interviews were facilitated using a topic guide encouraging broad discussion related to women's experiences of living and working in these low-barrier, supportive housing programs and included areas such as rules & regulations, police & staff relations, and safety & negotiation. The interviews and focus groups lasted between 20 and 60 minutes, were tape-recorded, transcribed verbatim, and checked for accuracy. All participants provided informed consent, and the study was undertaken with ethical approval granted by the Providence Healthcare/University of British Columbia Research Ethics Board. Participants were remunerated with a twenty-

five Canadian dollar stipend.

The textual data was coded in two stages guided by a content analysis approach. Initial codes were based on key themes reflected in the interview guide and in participants' accounts (e.g. safety strategies in different sex work locales). More conceptually driven substantive codes (e.g. control, social cohesion and solidarity) were then applied to the initial categories/themes. Three members of the research team discussed the content of the interviews throughout the data collection and analysis processes, thus informing the focus and direction of subsequent interviews (e.g., through the addition of new questions and probes), as well as developing and refining the coding scheme. Verbatim narratives are reported using pseudonyms assumed by sex workers to ensure anonymity.

4.3 Results

Our sample of participants is representative of the broader community of sex workers who live in the two supportive housing programs and consisted of 38 cisgender and one transgender women. The mean age of participants was 35, ranging from 22 to 58 years. The mean number of years involved in sex work was 19, ranging from 6 to 45 years. All participants reported a history of illicit substance use. Ninety percent of the women reported current crack-cocaine use and 39% reported current heroin injection. Thirty participants were of

Aboriginal ancestry, 7 participants were Caucasian, 1 participant was African-Canadian, and 1 participant was of another visible minority.

All participants reported the risk of violence and rape as a ubiquitous feature of the street-level sex work environment. Safety from violence and increased control over negotiating sexual risk reduction with clients were the most prominent themes in participants' accounts of living and working in these unsanctioned indoor sex work environments.

4.3.1 Environmental-structural safety mechanisms

Women's accounts of safety emphasized the role of environmental-structural supports these low-barrier supportive housing programs offer, such as 'bad date' reports (descriptions of recent violent incidents with clients including descriptions of the offender, their car etc. published by a local non-profit organization), access to condoms and other harm reduction supplies, surveillance cameras and support from staff or police in removing violent clients (see Table 2). Many sex workers contrasted the level of safety in their rooms with their limited options of self-defense in other sex work environments, such as cars, back alleys and clients' houses. The residents cited the availability of up-to-date information regarding violent clients in the form of bad date reports, which are distributed to residents and posted by the entrance of the buildings as

contributing to an increased sense of safety. This information was said to help sex workers screen their clients and was reported to have led to a number of arrests of wanted offenders who were recognized by staff upon entry into the buildings. While bad date reports are also integrated with other harm reduction services, a majority of women noted that staff support in recognizing and calling police on wanted offenders enhanced their sense of safety.

A striking feature of many sex workers' accounts of the safety provided by these unsanctioned indoor sex work environments was a concern with eliminating some of the anonymity that marks street-level sex transactions. Sex workers viewed the surveillance cameras that are installed at the entrance and in the hallways of the buildings as important environmental safety mechanisms that facilitated the identification and removal of violent clients. One of the buildings also required picture ID from all visitors entering the building. While many residents welcomed this practice, a minority of women pointed out that overly stringent rules can become a barrier to bringing clients to their rooms as clients may not hold picture ID or may be unwilling to disclose their identity to building staff for fear of being identified to police or found out by their partners and families.

Most residents referred to being able to count on staff and police for support in removing violent clients as an important structural safety feature that is not available in other street-level sex work environments, such as in cars and back alleys. Although a few exceptions were reported, most women welcomed the support of police in removing violent clients. Generally, participants reported that they had the impression that neighbourhood police welcomed them being able to conduct 'dates' indoors under safer working conditions:

I think that they [police] are kind of happy that the place is there because it keeps a lot of the girls off the streets. – Densie, Caucasian

I'm sure they [police] know about it. But I think that they like it because it keeps the girls safer and they don't have to come over so much. I think they think it's a good thing 'cause a lot of girls are a lot safer than they would've been. – Kitty, Caucasian

Accordingly, a large proportion of residents reported improved relations with neighbourhood police, and noted that police tended to show increased concern with their safety.

Police just stop me and then sometimes they ask if I'm okay or if I've had dates with assholes or jerks lately. They used to hassle us a long time ago; it's changed. – Penny, Aboriginal

On the corner, doing it in the car, I used to be scared all the time, paranoid about cops, scared about getting charged... It's a lot easier now. I can come and go and cops actually say hi to me, it's different. – Kristen, Caucasian

*Now, they just check me out and help me be safe. – Tonia,
Aboriginal*

However, more traditional policing practices, such as patrolling and parking close to well known street-level sex work areas, were said to continue to be prevalent and negatively affected many women by displacing them to outlying industrial areas, where there is little chance for help or escape in case of violence. These practices impacted women particularly negatively during the hours that they were not allowed to bring guests into their place of residence.

Just last night, police were driving by every 3-5 minutes. I kept on walking from corner to corner. I was trying to find a good place for the dates to pull over - they are already freaked out as it is. I'm not comfortable working on the corners, where police presence was worst. I just like to work on the main drag; I don't like to be anywhere secluded and dark either, it's too scary. – Marla, Aboriginal

*I don't know what's going on in their head [police], but when I do see them and when they do park somewhere, where I am trying to work, it makes me uncomfortable and annoyed. Guys won't approach me with the cops just parked not too far. It makes it harder. – Veronica,
Aboriginal*

Table 2: Environmental-structural Supports of Safer Indoor Sex Work Environment Model – Sex Worker Voices

Bad-date reports

“They [staff] really pay attention we get all the lists of all the offenders and stuff and they’re put up [by the door] and staff study them. One of the staff caught one [a violent client]. He was a visitor in the house and he came in as a date and they called the police and he got arrested.” – Kitty, Caucasian

Camera Surveillance

“I prefer the date in my place for safety reasons, you know. ‘Cause there’s cameras on each floor, they’re not allowed in unless they have ID, their name is written down, and, people have seen you with the guy, so he knows that he can’t go and try to do something to me and get away with it.” – Veronica, Aboriginal

“In the back alley or out in the industrial area, the guy could slice my throat open or something and just leave me there for dead. Nobody would ever know, but at [my place of residence] they have surveillance cameras, right? So if anything ever did happen to me that bad, god forbid, then they could look on the camera and say, “Hey, that’s the guy that murdered S., or the guy that beat the shit out of her” and then they could print it out and warn other girls too, right?” – Nancy, Aboriginal

Call staff or police

“It’s safer. I can just yell for help and you know, in the alley you can’t really yell, you know? It’s hard to run away, and... you don’t know whether they’re going to get violent or something. There’s a lot more chance of that outside than at my place. [If it happened in my room] I’d run for the door. It’s happened before, and the staff have come and they’ve told him to leave or they even got the police to get him to leave. They do that right away. It took four cops to get this guy to leave. Then they barred him [from the place]” – Jane, Aboriginal

“So I told the staff that he’s yelling and cursing and I haven’t got the money yet and he’s kind of a bastard. And, I didn’t know what to do. They told him that he has to go and he wouldn’t go until the police got there. Oh my god, he could have beat me up and everything... So when police came they asked him some questions and it turned out that he had a warrant out for his arrest. So I’m like, ‘oh my god’.” – Faith, Aboriginal

4.3.2 Informal safety mechanisms

Women's accounts indicated that the above outlined environmental-structural supports facilitated the institution of informal safety strategies, including sharing of information about violent clients, calling for help from other residents, and enhanced opportunity for self-defence in case of violence or refused payment by clients (see Table 3). The majority of residents' accounts indicated that a supportive indoor environment, where women can conduct 'dates', can create a space more conducive of sex workers standing together and looking out for each other's safety. Although most women reported frequent conflicts, predominantly revolving around everyday matters of living in close proximity to each other, the vast majority of women emphasized that when it comes to protecting fellow residents from clients who are violent or unwilling to pay for their services, the residents will look out for each other. Many sex workers described how their attempts to institute informal safety strategies when working on the street had been thwarted due to the pressures of the street sex and drug scenes.

In the back alley nobody cares, really. We just mind our own business then right? – Edna, Aboriginal

It's more about the drugs and stuff down here [on the streets], like, nobody really helps anybody down here unless you have dope, right? – Rhonda, Aboriginal

It's not cultivated, they don't look out, some of them won't trust each other. It's because a lot of things can happen out there, you know. A lot of things can influence you out there so you got to be really cautious. – Tasha, Aboriginal

Table 3: Informal Safety Mechanisms Safer Indoor Sex Work Environment Model – Sex Worker Voices

Sharing information about violent clients

“We share advice on not to let every guy in the room. If someone already had them there, then they let the other girls know that it’s not safe for that guy to be in that room.” – Kim, Aboriginal

“I tell all the girls don’t go with that idiot in that Civic right there. That idiot took advantage of me, tried to kill me, murder me...” Tanisha, Caucasian

Calling for help from other residents

“All I have to do is yell and every girl in my building will be there, right? The guy gets scared and leaves. Sixteen girls show up at your door, banging on your door. He’s gonna go, right? People are remembered there too, right?” – Edna, Aboriginal

“I could scream and yell for help, and I’d have help there within seconds. My neighbours, you know? It makes a big difference! Oh yeah, all I have to do is like, “HELP!” Boy oh boy, there’d be help right there. In a second! Oh yeah, when it comes to that, it doesn’t even matter if you’re arguing, or whatever, when it comes to getting help...doesn’t matter. It’s right there. “ – May, Caucasian

Self-defence strategies

“I’ve taken a crowbar after somebody already. He wasn’t giving me fuck all for cash. He started getting rough with me. And I said, ‘this is my fucking house, man. I pay the rent here. You’re not gonna do this to me.’ So I went around my side of my bed and I’m pulling out the crowbar. And I said, ‘now you put some money on that fucking table, if you don’t have the kind of cash then get the fuck out, but you’re gonna leave with a fucking beating.’ You know, we have to have a safe environment. Now I do.” Tasha, Aboriginal

“I just tell them to leave, ‘cause I’m a big girl. I pull the old psychotic act, and then they get scared and run out my door. I pull the old knife out and they’re like, ‘holy shit she’s got a knife out’. I’d never use it on them, it’s just you know, I like having it there.” – Ashlee, Aboriginal

4.3.3 Control over negotiating risk reduction in sex work transactions

Women's accounts indicated that both the structural-environmental, as well as the informal safety mechanisms facilitated by the indoor sex work environment, greatly increase women's control over negotiating risk in sex work transactions (see Table 4). Women's narratives suggested that these models can promote increased control among sex workers over negotiating transactions with clients on their own terms, including types of services provided, amount charged and overall health and safety. Many described how the control afforded by an enhanced sense of safety allowed them to refuse unwanted risky services that they would have to give in to in other environments where support from staff, other sex workers or police, is not easily available in case clients used violence to force unwanted services such as, for example, unprotected sex.

I like to do it [a sex work transaction] on my territory. You know that you've got people around you that you can count on. You can stop when you want to... Out there you're like a hostage almost. You feel almost that bad if you were out there. You're going to settle or you're going to put yourself in a bad position maybe. If it's not going good you're stuck and that's not a good feeling. You don't want to be isolated then you might be willing to hurt yourself in order to maybe get home. You maybe have to do extra things just so that you can get home and that's not cool. – Ashlee, Aboriginal

It doesn't usually happen [that I go to a guy's place] cause I'm at his disposal. I'm in his domain. Once the door closes it's just that. He's got me cornered. That's it. When I am in my room, it's my house. I ask him how much. He tells you or you tell him. I usually tell him, right. And then we go to our house. Do the date. He pays. Kick him out. [In the] back alley? Same thing. Do the date. Sometimes it doesn't always work out though. Like I said, 'cause you're vulnerable right? It can become very dangerous very, very quickly. – Edna, Aboriginal

Once you get into a guy's house they can just... That's it, you know. You don't know where you're gonna go. At a guy's place it's more or less like, what he says you have to do, you know. Um. I guess you just go with uh, risk. – Tamara, Caucasian

Having a safer indoor place to live and work also contributed to women feeling more dignified. Many women felt that being able to bring clients to their own place facilitated negotiating the terms of their sex work transactions, including condom negotiation, as they felt clients viewed them with more respect.

Having a self-respect looking place, a respectful environment, gives you a chance at having a better chance at him, treating you better or maybe wear a condom 'cause he thinks you respect yourself. – Melinda, Aboriginal

Control over sex work transactions was also linked to the prices women can charge for sexual services. A common concern among participants was clients who were unwilling to pay for the services they received.

*Some of them don't pay. They're like, 'I'll pay you after.'
And then they just fuck me over. They just leave you with
nothing after they've wasted your time and do shit that
makes you feel little about yourself. – Keri, Aboriginal*

*They gave me two hundred and they took it back. That's
just rape done up fancy. – Melinda, Aboriginal*

Having control over price negotiations was facilitated in the indoor environment as women could count on the support of other residents in case clients are unwilling to pay.

*If a guy is unwilling to pay, girls will be opening the door
and coming to check it out, and then that date's cornered in
that room until he pays. The girls take that very serious
that they get paid for their work. – Tracy, Aboriginal*

However, a few residents' narratives also revealed how a lack of formal sex industry regulations (e.g. the ability of sex workers to self-organize in unions) can result in undercutting and competition for dates.

*A working girl couldn't ask for a better place to be, you
know. And it's safe, except for a lot of the girls there charge
so little money. A lot of the girls are charging ten dollars
and I'm starting-I'm trying to keep my hundred dollars and
up going, you know, and it's hard when the other girls are
undercutting you so badly. It becomes very frustrating. –
Denise, Caucasian*

4.4 Discussion

Within a criminalized sex work environment, residents' accounts describe how low-barrier supportive housing programs for women can provide a unique opportunity to conduct sex work in safer, informally managed, indoor spaces. This chapter demonstrates that, despite the lack of formal legal support for brothels in Canada, the environmental-structural supports afforded by these unsanctioned indoor sex work environments, including surveillance cameras, direct access to 'bad date' reports and support from staff or police in removing violent clients, were linked to improved police relations, facilitated the institution of informal peer-safety mechanisms and ultimately, increased sex workers' control over sex work transactions. Thus the findings of this chapter highlight how intersecting physical, social and policy features of a specific sex work environment interact to shape the negotiation of safety and sexual risk in sex work transactions.

The structural-environmental and informal safety mechanisms afforded by the indoor sex work spaces were linked to increased control among sex workers over negotiating the types of services provided, negotiating condom use and avoiding violent perpetrators. Many sex workers stated that the control facilitated by the enhanced safety allowed them to refuse unwanted extra

services. The significance of control over transactional sex encounters is consistent with previous work that identified control over client encounters as critical for sex workers to achieve compliance by clients, including condom use (Barnard, 1993; Sanders, 2004).

Our findings are consistent with international reports pointing to the benefits of safer sex work environment interventions (Kerrigan, et al., 2003; Kerrigan, et al., 2006; Lippman, et al., 2010; Lippman, et al., 2012) including the Songachi Project in India (Jana, Basu, Rotheram-Borus, & Newman, 2004) and managed sex work zones in Germany and the Netherlands (Sanders & Campbell, 2007; Van Doorninck, 2006). Our study documents that being able to conduct sex work transactions in safer indoor environments bolstered solidarity and social cohesion among sex workers and allowed for informal peer support mechanisms. Previous work in developing setting has found a strong link between social cohesion among sex workers with consistent condom use thus linking increased solidarity and social cohesion among sex workers to reduced risk for HIV/STIs (Kerrigan, Telles, Torres, Overs, & Castle, 2008; Lippman et al., 2010).

Social cohesion and solidarity among sex workers are more difficult to advance in heavily policed and stigmatized street-level sex and drug markets

(Jana, et al., 2004; Wojcicki & Malala, 2001), therefore, safer indoor sex work environments have the potential to empower women to stand together and enforce safer working conditions for themselves and their colleagues (Kerrigan et al., 2014). Building on this strength would include the implementation of formal sex industry regulations, developed in collaboration with sex workers, to counteract undercutting and competition. (Jana, et al., 2004). The striking overrepresentation of women of Aboriginal ancestry among those engaged in street-level sex work in Canada highlights the need for involvement of Aboriginal women in the development of sex work regulations and 'culturally safe' programs and services for sex workers of Aboriginal ancestry (Anderson et al., 2003; Culhane, 2003).

Previous work in this setting, as well as internationally, has documented that interactions between sex workers and police are frequent and can be violent (Odinokova, et al., 2014; Rekart, 2006; Rhodes, et al., 2008; Sanders, 2004; Shannon, Kerr, et al., 2008). Police contact can displace sex workers to isolated industrial areas, where their ability to escape violence and HIV risk was severely compromised (Shannon, Kerr, et al., 2008; Shannon, Kerr, et al., 2009; Shannon, Rusch, et al., 2008). Our findings suggest that police relations and trust can be improved through the establishment of supportive indoor sex work environments, where there is a potential for sex workers to see police as a

genuine ally in protecting their safety, rather than as a repressive and violent force that targets both clients and sex workers and hampers the income generation activities of sex workers.

This study has limitations. There is a possibility that the views represented in our sample are not entirely representative of all residents. This study focused exclusively on the experiences of residents who have been active sex workers in the past month. Therefore, the views of residents who are not currently supporting themselves with sex work are not represented. Likewise, some residents with deviating views may have chosen not to participate. Finally, the influence of substance use with clients during sex work transactions on sexual risk behaviors was not assessed. Future research is needed to further explore the potential of regulated indoor sex work environments in re-shaping client social norms and attitudes.

In conclusion, this study highlights the urgent need to further evaluate safer indoor sex work environments as public health and violence prevention intervention, and points to the critical importance of removing the socio-legal barriers preventing the formal implementation of such programs, such as the ability to develop occupational health and safety standards. Our findings support the urgent need for scaling up structural and environmental

interventions that facilitate sex workers' capacity to negotiate safety and risk reduction with clients in sex work transactions within safer sex work settings.

Chapter 5: CONCLUSION

5.1 Summary of Findings

This dissertation examined the intersecting influence of evolving policy, social and physical features of the work environment in shaping violence and HIV risk among street-based sex workers in Vancouver, Canada. Chapter one presents a review of the epidemiological and social science literature on social and structural determinants of violence and HIV among sex workers and lays out the socio-ecological, labour rights focused, conceptual framework guiding this dissertation, and identifies key gaps in the existing literature that are addressed within this dissertation.

Chapter two explored how a new local enforcement strategy that targets clients, but not sex workers, shaped sex workers' interactions with police, negotiation of their working conditions and sexual transactions with clients. These findings suggest that criminalization and policing strategies that target clients reproduce the harms created by the criminalization of sex workers, in particular, risks for violence and abuse. Contrary to the goal of criminalizing clients, the findings of Chapter two, suggest that the criminalization of sex buyers had limited to no effect on preventing street-based sex work and did not reduce the prevalence of sex work related violence. This chapter highlights that, in a policy environment

where clients remain a target of enforcement, it continues to be in the shared interest of sex workers and clients to remain undetected by police, forcing sex workers to rush or completely forgo client screening, and pushing sex workers to work in secluded areas, which directly reduced sex workers' ability to refuse unwanted clients or services (e.g. sex without a condom), and thereby increased their risks for violence and HIV/STI infection.

Drawing on the concepts of structural vulnerability and structural stigma, Chapter three explored the complex ways in which coexisting stigmatizing assumptions of sex workers as both 'risky' and 'at risk' intersect with evolving sex work policing strategies to shape street-based sex workers' citizenship rights and experiences of violence and poor health. The findings presented in Chapter three indicated that, despite police rhetoric of prioritizing the safety of sex workers, sex workers were denied their citizenship right for police protection by virtue of their 'risky' occupation. The findings in Chapter three further suggest that sex workers' interactions with neighbourhood residents were predominantly shaped by a discourse of sex workers as a 'risky' presence in the urban landscape and police took swift action in removing sex workers in case of complaints. These findings brought to bear the power imbalance between sex workers, police and neighbourhood residents that profoundly shaped sex workers' citizenship rights, despite police rhetoric of prioritizing the safety of sex workers.

Chapter four examined the influence of an unsanctioned environmental intervention in the context of low-barrier housing for marginalized women on sex work transactions. Specifically, Chapter four investigated how unique, low-barrier housing programs for women, that are functioning as unsanctioned quasi-brothels under special needs housing regulations, influence risk negotiation with clients in sex work transactions. Chapter four highlighted how intersecting physical, social and policy features of a specific sex work environment interact to shape the negotiation of safety and sexual risk in sex work transactions. This chapter demonstrates that, despite the lack of formal legal and policy support for brothels in Canada, the environmental-structural supports afforded by these unsanctioned, quasi-brothels, including surveillance cameras and support from staff or police in removing violent clients, were linked to improved police relations and facilitated the institution of informal peer-safety mechanisms.

Collectively, the findings of this dissertation highlight the complex ways in which social and structural factors such as stigma, evolving sex work legislation, policing practices, and sex work environments intersect to profoundly shape the working conditions of street-based sex workers, including citizenship and labour rights, violence and ill health.

5.2 Unique Contributions

5.2.1 Unique contributions to social science research on sex work

The studies that comprise this dissertation make several unique contributions to the growing body of research on how features of the social and structural sex work environment condition the health and safety of sex workers. Collectively, the empirical research presented in this dissertation highlights the dynamic and interconnected influence of societal perceptions of sex work, sex work legislation, and policing strategies on street-based sex workers' working conditions and brings into focus how multiple interacting social and structural factors can create a context of vulnerability to violence and HIV/STI risks among street-based sex workers. A socio-ecological conceptualization of violence and ill health among sex workers moves beyond solely individually focused and behavioural approaches that have dominated much of public health research on sex work and facilitates a better understanding of the interconnectedness of the biological with social, political, legal and economic forces.

This dissertation underscores that, even among street-based sex workers, there is heterogeneity in how structural factors shape the working conditions for differently positioned groups of sex workers. For example, Aboriginal sex workers, due to their racialized status and history of colonization (Bingham, et al., 2014; Bourassa, et al.,

2004; Culhane, 2003) experienced increased barriers to reporting sex work related violence to police, while transgender sex workers based on their marginal gender identity (Infante, et al., 2009; Poteat, et al., 2014), were disproportionately displaced from the urban landscape through forces of urban renewal, gentrification and law enforcement. These findings underscore the value of intersectional approaches to sex work research that consider the multiple, dynamic and interconnected ways in which subordination affects sex workers' lived-experiences and ability to negotiate risks (Hankivsky, et al., 2010; Katsulis, 2008). In designing structural interventions and reforming sex work laws, it is essential that the impacts of interventions on specific subgroups of sex workers are carefully considered.

While there is a substantial body of social science and epidemiological research globally pointing to the negative impact of legislation and policies that criminalize sex work on experience of violence and poor health among sex workers (Decker et al., 2014; Gruskin, et al., 2013; Platt, et al., 2013; Platt, et al., 2007; Rhodes, et al., 2008; Shannon & Csete, 2010; Simić & Rhodes, 2009; WHO, 2011), the findings presented in Chapter two extend this literature by documenting how criminalization and policing of sex buyers shapes sex workers' risks for violence and poor health and reproduces the same harms of policies that criminalize sex workers. This is the first empirical study of how criminalization and policing of sex buyers shapes sex workers' risks for violence and poor health, outside of a small body of research in

Scandinavia (Levy, 2011; Scoular, 2004). Chapter two brings to bear how policies that criminalize clients are, in practice, not reconciled with policies that aim to prioritize the safety of sex workers. Indeed, Chapter two underscored that despite police efforts to prioritize the safety of sex workers, when clients remain enforcement targets, sex workers continue to be at increased risk for physical and sexual violence and perceive police concern for their safety as a form of nuisance and harassment.

Chapter three extends the current social science literature on sex work by underscoring the pivotal role of structural stigma in shaping sex workers structural vulnerability to violence and poor health. Chapter three illustrated how mechanisms of responsabilization are applied to sex workers through stigmatizing discourses of sex workers as 'at risk' and 'risky' to themselves and others through the 'everyday violence' of normalizing sex work related violence. The results of Chapter three, build on Parker and Aggleton (2004) and Bruckert and Hanem (2013) to outline how sex work related stigma is not simply an expression of individual attitudes or cultural values but is imbued in legal, policy and neighbourhood responses to sex work and takes shape in specific historical contexts of power and social control. This work, highlights that in a policy framework, that purports to prioritize the safety of sex workers but does not allow for full citizenship entitlement among sex workers,

police and neighbourhood interactions reify the stigmatizing and othering discourses of sex workers and continue to contribute to unsafe working conditions.

Previous work in developing settings indicated that safer sex work environment interventions were linked to consistent condom use (Jana, et al., 2004; Kerrigan, et al., 2003; Kerrigan, et al., 2006; Lippman, et al., 2010; Lippman, et al., 2012). However, the adaptation of environmental-structural HIV and violence prevention interventions for street-involved sex workers to developed country settings have been scarce and their formal implementation continues to be hampered by restrictive sex work laws. The findings presented in Chapter four highlight that access to indoor sex work spaces with supportive management policies can create safer working conditions for street-based sex workers in Canada by increasing their control over sex work transactions through the institution of safety mechanisms such as security cameras, and staff support in removing clients who do not adhere to the terms of transaction. Building on previous work from developing settings (Kerrigan, Telles, Torres, Overs, & Castle, 2008; Kerrigan, et al., 2014; Lippman et al., 2010), the findings of Chapter four also underscores the role of social cohesion in HIV/STI prevention among sex workers in Canada. Chapter four highlights that safer indoor workspaces facilitated the institution of informal peer-safety mechanisms, including sharing of information about violent clients, calling

for help from other residents, and enhanced opportunity for self-defence in case of violence or refused payment by clients.

5.2.2 Unique contributions of qualitative research to policy debates on sex work legislation in Canada

This dissertation also underscored the relevance and merit of policy focused, community engaged, applied qualitative research, documenting the lived-experiences of street-based sex workers and draws attention to the value of evaluating ‘natural experiments’, such as the implementation of a novel policing strategy or unsanctioned safer sex work environments (Beyrer, et al., 2014). Qualitative and ethnographic research’s greatest potential contribution to sex work policy lies in its representation of the everyday realities of sex workers, which is often ignored in sex work policy discussions (Dewey & Kelly, 2011). Indeed, Chapters two and three (Krüsi, et al., 2012; Krüsi, et al., 2014) of this dissertation have garnered significant attention from policy makers and local and national media outlets (including the Canadian Broadcasting Corporation, The Globe and Mail, The National Post, CTV). To disseminate the findings of Chapter two (Krüsi, et al., 2014) the Gender and Sexual Health Initiative (GSHI) held a press conference on June 3, 2014, together with our community partners Sex Workers United against Violence (SWUAV) and Pivot Legal Society. Additionally, the findings of Chapter two (Krüsi,

et al., 2014), together with a constitutional analysis provided by Pivot Legal Society and SWUAV (Sex Workers United Against Violence, 2014), were sent to all Senators and Members of the Canadian Parliament to inform them about the potential impact of policy approaches that target sex workers' clients. The findings of this study were referred to repeatedly in the hearings of the Parliamentary Justice and the Senate committees regarding the proposed reform of the Canadian Prostitution laws (Bill C-36) that took place in the summer of 2014. Opposition MPs, Senators and expert witnesses referred to the findings of this work to call into question the impact of the proposed new legislation.

Similarly, the results presented in Chapter four have been featured in a high impact, first-authored *American Journal of Public Health* publication (Krüsi, et al., 2012). This work led to separate policy briefs to the BC Ministers of Housing and Health, the Chief of the Vancouver Police, and the Mayor of the City of Vancouver. This publication has been submitted to the Supreme Court of Canada as expert evidence, and was cited several times during the June 2013 Supreme Court of Canada hearing regarding the constitutionality of Canada's sex work laws. Finally, this work was also referred to numerous times in the hearings of the Parliamentary Justice committee and the Senate committee regarding the proposed reform of the Canadian Prostitution laws (Bill C-36). The research presented in this dissertation clearly demonstrates the policy relevance of qualitative research and underscores

the value of qualitative research in contributing to strategic litigation that documents human rights violations by the judiciary (Centre for Strategic Litigations, 2014).

5.3 Limitations

Although the limitations of the studies that comprise this dissertation were described in detail in each of the empirical chapters, several limitations spanning these studies should be highlighted. The lived experiences of participants represented in this study reflect street-involved sex workers living in poverty and are not representative of the experiences of sex workers in other segments of the industry. However, given that evidence has consistently shown that stigmatization, criminalization and policing disproportionately harm street-based sex workers, the narratives presented in this dissertation provide critical evidence regarding the intersecting influence of evolving policy, social and physical features of the work environment in shaping violence and HIV risk among street-based sex workers in Vancouver, Canada.

Also, the findings presented in this dissertation represent the experiences of cis- and transgender women sex workers. Further work is needed to examine how evolving sex work policies and societal perceptions shape the experiences of male identified sex workers and of those sex workers who occupy marginalized gender identities and sexualities including lesbian and gay sex workers.

This dissertation reflects the contextual forces operating within this specific socio-political sex work context, described in detail in the introductory Chapter of this thesis, and might not be fully transferable to other settings. Although similar social, structural and environmental factors may operate in some settings, the interactions among these historical and contextual forces unquestionably vary and pose unique opportunities and challenges for structural and legislative change.

Moreover, the influence of different types of client relationships e.g. with regular clients versus one time clients on experiences of violence were not considered. Also, this dissertation focuses on experiences of violence in the context of sex work transactions and did not take into consideration how gendered power imbalances in intimate relationships shape sex workers experiences of violence and poor health.

Finally, experiences of stigma and criminalization experienced by participants of the studies presented in this dissertation may not be restricted to sex work and may, therefore, be influenced by the wider stigmatization and criminalization of women who live in poverty. Also, despite careful attention to temporality in semi-structured interviews, some participants, especially those who had been involved in street-based sex work for many years, might have temporally conflated some experiences of stigma and policing.

5.4 Recommendations

The chapters that comprise this dissertation offer a number of concrete suggestions and recommendations to policy makers regarding how public policy governing sex work can improve the working conditions, health and safety of street-based sex workers. While specific recommendations have been outlined in each chapter, there are several important recommendations worth highlighting. First, the studies presented in this dissertation raise serious questions regarding the implementation of legislative approaches that criminalize sex workers' clients. The findings of this dissertation indicate that the criminalization of sex buyers risks reproducing the devastating harms to health, safety and human rights created by the criminalization of sex workers. Therefore, the findings of this dissertation caution against the implementation of laws that criminalize clients as suggested by the proposed 'Protection of Communities and Exploited Persons Act' (Bill C-36) that has been put forward by the Conservative Canadian Government in June 2014.

Second, this dissertation demonstrates that there is an urgent need to expand access to safer indoor sex work environments for marginalized, predominantly street-based, sex workers. The work presented in this dissertation points to the critical importance of removing the socio-legal barriers preventing the formal implementation of environmental interventions, such as the implementation of safer

indoor sex work environments with structural supports, to ameliorate the working conditions of street-based sex workers. Regretfully, the proposed sex work legislation in its current form is expected to limit sex workers' ability to work effectively in safer indoor spaces by preventing sex workers from working with others, such as receptionists and security guards. This is due to the proposed Criminal Code provision that criminalizes commercially benefiting from the proceeds of prostitution by a third party. Additionally, the proposed criminalization of clients further precludes the implementation of safer indoor sex work environments due to a predictable reluctance of potential clients to frequent locales where sex work is known to take place and where police could easily intercept them. This is likely to drive sex workers underground (Goodyear & Weitzer, 2011) which, as highlighted in the findings of this dissertation, perpetuates violence against sex workers and profoundly limits their ability to negotiate their health and safety.

Third, the work presented in this dissertation also highlights the need for enduring change in how sexual labour is conceptualized in public discourse. The findings of this dissertation highlight how stigmatizing assumptions of sex workers are at the core of legislative approaches that criminalize sex work and contribute to rights violations of sex workers and unsafe working conditions, including being unable to access police protections and being displaced from the urban landscape, by police, community protesters and other forces of urban gentrification. Therefore,

there is a need for sustained efforts to redressing the stigmatizing assumptions of sex workers towards an understanding of sex work in a labour context where sex work is a legitimate form of income generation and not a mark of stigma. This includes a move away from conceptualizing sex workers as victims and deviants, as is evident in Canada's proposed prostitution act, that is tellingly termed 'Protection of Communities and Exploited Persons Act' – a name, that neatly summarizes the government's conceptualization of sex workers as 'risky' to their communities and themselves and, at the same time, as 'at risk' of exploitation. The emphasis of the proposed legislation is on the forced savior of sex workers from themselves. The findings of this dissertation caution against such an approach and further validate the need to confer full citizenship rights to sex workers, including labour rights and protections, and unconditional access to police protections and legal recourse in order to facilitate the health and safety of sex workers.

In New Zealand where sex work has been decriminalized since 2003, workplace health and safety standards have been established in consultation with sex workers, and sex workers can bring employment complaints to governing bodies (Goodyear & Weitzer, 2011). The New Zealand Prostitution Reform Act treats sex workers as full citizens with rights and responsibilities. Sex work is regulated in the same manner as any other business, by regulating its commercial practice through standard employment Health and Safety regulations; regulating the

location of commercial sex establishments through zoning by-laws; and specifying the health and safety obligations of managers and workers. Regulating sex work as any other business in the service industry has significantly reduced the structural stigma of sex work in New Zealand (Bruckert & Hannem, 2013). Although decriminalization of sex work is by no means a panacea, there is significant evidence to suggest that, in New Zealand, where sex work has been decriminalized since 2003, it has created improved working conditions for sex workers of all segments of the industry, including increased ability to report violence to police (Abel, Fitzgerald, & Brunton, 2009).

Consistent with international guidelines by global policy bodies (Global Commission on HIV & the Law, 2012; WHO, 2011) and recommendations by public health experts and human rights advocates (Beyrer et al., 2014), the collective work presented in this dissertation points to the need to fully decriminalize sex work in Canada. This approach has the potential to counteract structural stigma and reduce the structural vulnerability of sex workers in Canada by conferring full citizenship rights and responsibilities to sex workers, including access to police protection, legal recourse and labour rights.

5.5 Future Research

Given that Canada is currently at the precipice of change regarding its legislative approach to sex work, there is a critical need for ongoing qualitative and quantitative documentation of the impact of legislative change on sex workers working conditions, health, safety and wellbeing. This research can provide the basis for evidence-based sex work policy or inform strategic litigation should another constitutional challenge of the reformed sex work legislation be necessary. The previous constitutional challenge on sex work laws has demonstrated the pivotal role of scientific research in strategic litigation. The presentation of epidemiological and social scientific research documenting the negative impacts of the previous sex work legislation, on the health and safety of sex workers has significantly contributed to the Supreme Court of Canada decision to strike down the laws and deem them unconstitutional (*Canada Attorney General v. Bedford*, 2013).

This dissertation has focused exclusively on the experiences of cis- and transgender women. There is an urgent need to better understand the experiences of male sex workers, as well as those who occupy other gender positions (Poteat, et al., 2014; Beyrer, et al., 2014) . Future research should focus on how legislative changes to sex work laws shape male sex workers working conditions, health and safety. Currently, the male and transgender sex workers have been conspicuously absent

from public deliberations of the novel sex work legislation that has been strategically centered on debates around how sex work cannot be tolerated in a society that values gender equality.

Additionally, there is a need to further evaluate the impact of evolving sex work policies on other sectors of the sex industry, including women working independently from their homes, in massage parlours, and through escort agencies. This research will aid a broader understanding of the impact of stigma and prohibitive sex work policies on sex workers and contribute to a more nuanced understanding of the heterogeneous group of people who engage in sexual labour.

Finally, future research should include the voices of sex buyers, who have also been largely absent from public debate regarding the regulation of sex work and, aside from a few notable exceptions, have been absent from the research agenda on sex work (Cook, 2014; Lowman & Atchison, 2006; Sanders, 2009b). A research focus on sex workers' clients will provide important insights on how stigma and evolving sex work policies shape sex buyers experiences and risks in the sex industry and will provide important insights into the social and relational dimension of negotiating sex work transactions, including condom use.

5.6 Conclusion

Collectively, the findings of this dissertation highlight the complex ways in which social and structural factors such as stigma, evolving sex work legislation, policing practices, and sex work environments, intersect to shape the citizenship rights and working conditions of street-based sex workers, including workplace violence, health and wellbeing. Taken together, the findings of this dissertation lend further support to calls for the full decriminalization of sex work to allow for safer working conditions and labour organizing among sex workers.

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