



# Condoms as Evidence: The Impact of Criminalization on HIV/STI Prevention and Safety of Migrant & Immigrant Sex Workers

## Background

Licensed in-call sex work establishments, such as massage and body rub parlours, have long existed in Canada. To date, there is little research on the impact of criminalization and policing of managers and in-call establishments on HIV/STI prevention among sex workers, and even less so among migrant sex workers.

## The Question

How does the criminalization of managers and business owners of licensed indoor sex work establishments' impact HIV/STI prevention and the safety of migrant and immigrant sex workers?

## The Study

Between 2011 and 2012, the Gender & Sexual Health Initiative (GSHI) research team conducted **46 in-depth interviews with migrant sex workers, managers and business owners of in-call sex work venues**. This project is part of an ongoing study on working conditions, health and safety in the sex industry led by GSHI/BCCfE and UBC, in collaboration with a range of community partners. The project serves as a qualitative arm of AESHA (An Evaluation of Sex Workers Health Access) that has ongoing outreach to street and indoor sex work venues (by both experiential and non-experiential team). Interviews were conducted in Mandarin and English and were transcribed verbatim.

## The Results

Criminalization of in-call sex work venues and police use of condoms as evidence of sex work **infringes sex workers access to health care and protections.**

Managers/owners often restrict access to condoms by:

- Imposing limits on condoms, with rules about storing and disposing of condoms;
- Prohibiting delivery of free condoms and other sexual health outreach (e.g. HIV/STI testing)

This is because managers/owners face considerable legal risks if they provide work safety supplies like condoms.

**Managers/owners often take a 'hands-off' approach to sexual health issues** to avoid legal consequences. They refrained from providing sexual health training, education or information in the workplace.

Migrant sex workers are particularly impacted due to:

Concerns about **immigration status**

Fear of **arrest and/or deportation**

**Language barriers**

## The Policy Implications

- This study supports the repeal of current sex work laws (PCEPA) and the development of policies that address the barriers to health care and safety that sex workers experience due to criminalization.
  - Reforms to regulations and licensing policies need to allow safe, confidential and language-appropriate access to condoms, sexual health education, including voluntary and confidential HIV/STI testing, with no negative consequences to managers and business owners.
  - Such efforts would allow managers/owners to provide, and sex workers to receive, the same occupational health and safety protections that are available to others

Anderson S, Shannon K, Li J, Lee Y, Chettiar J, Goldenberg S, Krüsi A. Condoms and Sexual Health Education as Evidence: Impact of Criminalization of In-Call Venues and Managers on Migrant Sex Workers Access to HIV/STI Prevention in a Canadian Setting. *BMC International Health and Human Rights*, 2016.