



Criminalization of Clients in Canada: Recreating the Same Harms to Sex Workers' Health and Safety

Background:

As Sweden, Norway and other countries move to criminalize clients (sex buyers), Vancouver, Canada provides a unique opportunity to evaluate the potential impact of legislation that criminalizes clients. In an effort to better protect sex workers, in January 2013, the Vancouver Police Department (VPD) officially adopted sex work enforcement guidelines that prioritize sex workers' safety over arrest, while continuing to focus enforcement and arrest on clients and third parties.

The Question:

How does a criminalization and enforcement model targeting clients impact sex workers' health and safety?

The Research:

Between January and November 2013, following implementation of new VPD guidelines, researchers from the Gender & Sexual Health Initiative (GSHI) of the BC Centre for Excellence in HIV/AIDS and the University of British Columbia conducted **ethnographic observation** and **31 in-depth qualitative interviews with street-based women sex workers**, together with an analysis of **rates of workplace sexual and physical violence** and **publically available police arrest statistics**. This study is a collaboration with Sex Workers United Against Violence (SWUAV) and Pivot Legal Society, and is part of an ongoing GSHI/ UBC research project evaluating the health and safety of sex workers. The project holds UBC ethical approval.

Key Findings:

- Police statistics show **arrest for sex work-related Criminal Code offences increased from 47 in 2012 to 71 in 2013**, post-implementation of guidelines.
- There was **no change in rates of work-related physical and sexual violence against sex workers** in the 8 months pre-policy (24% of 275 sex workers in 2012) as compared to post-policy (25% of 236 sex workers in 2013).

Empirical research of sex workers' narratives provides clear evidence that criminalization and policing of clients:

- **Has no impact on deterring the frequency of street-based sex work**
Instead, criminalization of clients pushes sex workers to more isolated spaces to avoid police scrutiny and means longer hours on the street.
- **Severely limits street-based sex workers' control over their health and safety due to:**
 - (1) **Inability to Screen Clients or Negotiate Terms of Transactions:** In order for sex workers to avoid police scrutiny where their clients remain the targets of enforcement, sex workers are forced to limit or forgo screening clients (e.g. checking 'bad date' reports, looking for intoxication and weapons) or negotiate the terms (e.g. fee, services, condom use, and location of date) before entering a vehicle; thereby placing sex workers at increased risk for violence, abuse, and HIV infection.
 - (2) **Displacement to Isolated Areas:** Sex workers report that many clients demand to move to unknown, secluded, industrial areas to avoid police scrutiny and arrest, increasing sex workers' risk of physical violence and rape, and reducing their ability to safely negotiate the terms of the transaction (e.g. insisting on client condom use).
 - (3) **Inability to Access Police Protection:** While most women welcomed the shift away from targeting sex workers, the targeting of clients continued to place sex workers in an adversarial relationship with police, including reluctance to report violence, for fear that the information about their clients, or where or how they work, would be used to target their clients.

'Harassing the clients is exactly the same as harassing the women. You harass the clients and you're in the exact same spot you were before. It's exactly the same thing. Exactly. I'm staying out on the streets. I'm in jeopardy of getting raped, hurt'
- Jasmine, Sex Worker

Legal and Policy Implications:

- This study provides clear empirical evidence from the lived experience of marginalized, street-based sex workers that criminalization of clients reproduces the same harms to sex workers' health and safety as the failed criminalized model in Canada, including increasing risks for violence, abuse, and HIV infection
- This research supports global policy guidelines, including WHO, UNAIDS, UNDP, UNFPA, calling for full decriminalisation of sex work as a necessary evidence-based approach to ensuring the health and safety of sex workers.

Krusi A, Pacey K, Bird L, Taylor C, Chettiar J, Allan S, Kerr T, Montaner JS, Shannon K. Criminalization of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada - A qualitative study. *BMJ Open* 2014; 4:e005191.