



Condoms as Evidence: The Impact of Criminalization of Managers & Business Owners on HIV/STI Prevention & 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 despite the quasi-criminalized nature of sex work. 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 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 ethnographic and qualitative 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; they:

- Impose limits on condoms, with rules about storing and disposing of condoms;
- Prohibit delivery of free condoms and other sexual health outreach (e.g. HIV/STI testing)
- Face considerable legal risks if they provide work safety supplies like condoms.

Migrant sex workers are particularly impacted due to:

- Concerns about immigration status;
- Fear of arrest and/or deportation;
- Language barriers.

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.

The Policy Implications

- The study supports a growing body of research of the **evidence-based need for a decriminalized model of sex work, including the removal of criminal sanctions targeting third parties and in-call venues**, to allow managers and business owners to provide, and sex workers to receive, the same occupational health and safety protections, and avenues for recourse, available to others.
- This study therefore 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.

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.

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