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*A reflection on...*

# Sex Work and Harm Reduction Discourse



By T. Santini, A. Klein, Stella, l'amie de Maimie,  
and Butterfly Asian and Migrant Sex Worker Support Network

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# 1. Introduction

## Purpose of this document

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This document was created to contribute to sex worker organizations' reflections about, and their capacity to evaluate and use, the language of harm reduction as it relates to sex work, particularly when interfacing with policy makers, funders, media, researchers and other actors. Currently, harm reduction language is used more and more frequently by people outside of criminalized and affected communities (e.g. politicians, lawyers/judges, academics, service providers, prohibitionists, etc.). As a result, narrow and problematic representations of harm reduction are getting more air time and visibility.

Using the word “harm” in discussions around sex work may suggest that sex work itself is harmful. As a result, people who seek to eradicate sex work and sex workers may try to co-opt the language of harm reduction. Also, these days, public conversations around criminalized activity, such as drug use or sex work, often suggest that policy options are limited to either prohibition through criminal law enforcement or harm reduction. Oversimplifying responses to sex work in this way excludes other frameworks like labour rights and other human rights from policy discussions. At the same time, harm reduction has been a rallying point across many criminalized communities, particularly around responses to the overdose crisis.

It is important to use harm reduction language in the context of sex work in a way that is nuanced, clear and remains in solidarity with broader communities of people who use drugs. This document:

- summarizes basic features of harm reduction – as identified and articulated by Stella and Butterfly;
- describes how these basic features can be erased, distorted or overshadowed when public harm reduction conversations extend outside of criminalized or marginalized communities and to new issues, highlighting how sex workers' rights are ignored and violated because of flawed understandings of harm reduction;
- serves as a guide for identifying discourse, programs and policies that use harm reduction language yet run counter to basic harm reduction principles, and for responding to such discourse, programs and policies; and
- compiles research on existing harm reduction discourse, particularly as it relates to sex work (e.g. government sources, NGOs, academic, media).



# Who is this document for?

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## Sex worker organizations who want to:

- educate their community and reflect on harm reduction language (discourse), principles and practices;
- educate policy makers, funders, service providers, academics, allies, other organizations, the general public, and others about, for example:
  - harm reduction
  - criminalization, prohibitions and other coercive and punitive measures
  - decriminalization and other means of removing or reducing state harm
  - other policies, funding streams, research, services and programs related to or impacting sex workers
- develop, implement and evaluate harm reduction projects within their own organization or with community partners;
- resist and respond to policies, funding, programs, law enforcement initiatives, etc., that use harm reduction language to advance policies and practices that run counter to harm reduction's fundamental features and the protection of sex workers' rights.

Harm reduction organizations and activists who want to better understand how sex worker organizations position themselves in relation to, and engage with, harm reduction concepts and practices.

## About the authors, collaboration and content

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### How this document was produced

This document is a product of a community-based participatory action research project funded through the Social Sciences and Humanities Research Council of Canada.

Community-based participatory action research is a framework that aims to address a community's concerns and create change in the world through a collaborative approach that involves community leadership throughout the research process, from establishing the research question, to developing data collection tools, to analysis and dissemination of findings.

For this project, members of Stella and Butterfly met between summer 2018 to spring 2020 with researchers Tara Santini and Alana Klein to discuss how the language and frameworks of harm reduction relate to the organizations' public policy advocacy. The organizations considered it important to participate in and document the product of these discussions because of the growing prominence of the use of harm reduction language and discourse in relation to a number of policy areas, including sex work, by government actors, international

organizations, NGOs, and community organizations. They also wanted to develop strategies to ensure that harm reduction frameworks are used in ways that help improve sex workers' working, living and social conditions, gain recognition for their concerns, and promote their points of view.

Participant organizations and co-researchers met to discuss a set of focus questions that they had produced together. Unless explicitly indicated, all of the content contained within this document emerged from those discussions and represents the knowledge, experiences, practices, principles and positions of the participant organizations. To increase accessibility to various audiences, the products of these discussions are presented throughout the text using a diversity of formats and styles (e.g. in the form of statements and recommendations, as questions and answers).

## Co-authors

### Partner organizations

Stella, l'amie de Maimie, created in 1995, is an organization run by sex workers for sex workers that works with and provides services for sex workers in Montreal and across Québec. Stella is both a direct-service and advocacy organization, making several thousand contacts every year with sex workers in all areas of the industry to provide materials, referrals, support and accompaniments while also defending the rights of sex workers through education and various types of advocacy.

Butterfly was formed by sex workers, social workers, and legal and health professionals. It provides support to, and advocates for, the rights of Asian and migrant sex workers. The organization is founded upon the belief that sex workers are entitled to respect and basic human rights. Butterfly asserts that, regardless of their immigration status, Asian and migrant sex workers should be treated like all other workers.

### Researchers

Tara Santini is a Montreal-based lawyer, consultant and educator. Her practice is focused on centering the leadership and knowledge of communities targeted by law, policy and enforcement within numerous legal systems (e.g. criminal, immigration, municipal, housing, labour). She works directly with communities to build meaningful participation and leadership in program and knowledge development, litigation, and law and policy reform specific to matters directly affecting their lives.

Alana Klein is an Associate Professor at the Faculty of Law at McGill University, where she teaches and conducts research in the areas of criminal law, health law, constitutional law, and human rights.



## 2. Fundamental features and principles of harm reduction

There is no universally agreed-upon definition of harm reduction.<sup>i</sup> The term harm reduction became known to the broader public in the 1980s through activists, agency workers, doctors, and policy-makers who were opposed to the dominant criminal and medical models for addressing drug use.<sup>ii</sup> It referred to policies, programmes and practices that aim to minimize negative impacts associated with drug use, drug policies and drug laws without setting out to interfere with or stop drug consumption.<sup>iii</sup> Harm reduction has since been taken up by a growing number of actors including grassroots community activists and organizations, international organizations, public health professionals and policymakers.<sup>iv</sup> Different actors have developed and used different understandings of the term. Yet commonly shared fundamental features or principles have emerged.<sup>v</sup>

The term harm reduction has also been used specifically in relation to sex work in academic literature by agencies, NGOs and funders, and in some communities.<sup>vi</sup> At the same time, for various reasons, some sex worker groups do not use the term harm reduction beyond the realm of drug use. Sex worker advocates may nonetheless use the language of harm reduction alongside other frameworks if it helps others – such as funders or policy makers – understand their needs and what effective responses are required.

In the focus groups for this project, both Stella and Butterfly highlighted the following principles as fundamental to harm reduction. They explain that these principles, together, create a framework that defines harm reduction as a unique approach to policy, programming and, practice.

### **Fundamental and interdependent principles of harm reduction —as identified and articulated by Stella and Butterfly, and grounded in international literature—include:**

- i. a fundamental rejection of criminalization, prohibition and other coercive and punitive measures;<sup>vii</sup>
- ii. centering the voices, needs, perspectives and experiences of people who are directly affected in defining the harms they face and identifying the interventions that will reduce those harms in a way that works for them;<sup>viii</sup>
- iii. a rejection of policies and practices based on judgment, stigma, and stereotype<sup>ix</sup> in favour of evidence-based policies and practices grounded in lived experience and driven by meaningful participation of affected communities.<sup>x</sup>
- iv. a commitment to humanistic values and human rights, including respect for all persons' dignity and agency (understood as recognition of and respect for every individual's right and capacity to make decisions about their lives)<sup>xi</sup>; and
- v. a commitment to understanding and addressing social, economic, racial and political inequality and the intersecting forms of structural oppression in institutions and society, and understanding that they affect people differently depending on their physical, social and economic situation.<sup>xii</sup>



## Harm reduction means more than simply supporting decriminalization.

Supporting decriminalization solely because it is cost-effective or because it prevents death may lead to outcomes or consequences that are contrary to fundamental commitments of harm reduction. This is because one can theoretically support decriminalizing certain activities or individuals (by changing the law so that a particular activity is no longer a crime), but still maintain other coercive, harmful or discriminatory ideas, programs and practices related to the activity. For example, an institution, policy or discourse that claims to support decriminalization may accept mandatory participation in drug rehabilitation programs and other forms of criminal law enforcement. Such organizations might also support exiting-based programs, or maintain the objective of eliminating sex work based on the idea that it is harmful for everyone.

**All of these principles must be central in any discourse, approach, practice, or policy development called “harm reduction.”** This “hard line” is necessary as harm reduction becomes increasingly co-opted and used to promote programs and policies (related to sex work and drug use) that run counter to its fundamental principles. For example, programmes aimed at helping sex workers “exit” the industry are commonly included under the banner of harm reduction, even when these programs are coercive, ignore the voices of sex workers, and deny or undermine sex workers’ agency.<sup>xiii</sup>

When actors use harm reduction in ways that fail to reflect nuanced understandings of these fundamental principles – for instance, respect for sex worker agency – there is a greater risk that harm reduction language will be co-opted, distorted and used to promote ideologies, programs and policies that run counter to them.<sup>xiv</sup>

In addition, as discussed in section 4, we must think critically about what is perceived as **harm** as we pay careful attention to whether these principles are adequately reflected in any discourse, approach, practice, or policy called “harm reduction.”

While there may not be an agreed-upon definition of harm reduction, harm reduction is firmly grounded in fundamental principles and commitments that mark it as a distinctive approach to harms arising in the context of criminalization and marginalization.<sup>xv</sup> Leading international NGO Harm Reduction International, on its website, “lays out [its] position” on the meaning of harm reduction by identifying key principles and goals, based on its “years of work on drug use, public health and human rights, and incorporates views shared by partner organizations.”<sup>xvi</sup> We do the same here.



## Evidence-based

Harm reduction is known for being “evidence-based” in the sense that we know from real-world experience, including scientific research, that harm reduction initiatives like the distribution of sterile drug equipment, safe consumption sites, and condom distribution are effective at preventing the transmission of infection or overdose. Furthermore, harm reduction focuses on real and tangible harms. For example, the harm that criminalization causes to sex workers’ safety is established by methodologically rigorous evidence. In contrast, the idea that all sex workers are at risk of violence because sex work is itself violence is based in ideology.

Grassroots organizations have been harm reduction leaders because they are experts in what works for their communities on the ground. They know that what people learn through on-the-ground experience is a valid knowledge-base for policies, and they have worked to ensure that public health actors recognize and understand this knowledge. This form of evidence should be recognized as legitimate without further validation from formal scientific or academic research.

Some immediate sources of harm may be more obvious to certain actors, or may be easier to study. Yet harm reduction addresses all sources of harm. It acknowledges that different forms evidence are available – or can be made available – in relation to these many sources of harm. Many prefer to use the term “evidence-informed policy” over “evidence-based policy” because the evidence collected may not, in practice, uncover all sources of harm in the same ways, and because standards for medical intervention are not necessarily appropriate to the context of public policymaking. The phrase “evidence-informed policy” also recognizes that values like autonomy and human dignity are relevant to policymaking.




## Harm reduction should be:

Removal of punitive responses/measures


Acknowledging structural forms of oppression (e.g. anti-black racism, historical and ongoing colonialism, anti-migrant values, transphobia) and addressing structural inequalities and providing supports (e.g. housing, law and policy reform)<sup>xvii</sup>

Non-judgemental and non-ideological

Informed by evidence, with an emphasis on lived experience of and meaningful participation by currently affected communities and individuals 

Respecting people’s agency, perspective/narrative and decisions

Centering the needs and the human rights of the people directly affected

Focussing pragmatically on what works in the here and now 

Preventing death and illness in addition to other human rights violations, and removing barriers to protection and fulfillment of basic rights<sup>xix</sup>

Creating inclusive communities and fostering capacity for diversity and respectful co-habitation

Supporting marginalized people in creating spaces to increase power, knowledge, and whatever else they define as central to them

Supporting the decisions that sex workers make and the goals they set for themselves

Providing supports to improve living and working conditions, according to what the person identifies

Supporting and reinforcing human rights



## Harm reduction should not be:

Prohibition, or any policy or program that directly or indirectly depends on or promotes abstinence or “exit”

“Simply” decriminalization, in a way that fails to recognize other existing factors that cause marginalization and oppression, or denies people access to basic needs

Maintaining stigma/discrimination/constructing people and activities as “deviant” or as “victims”

“Simply” based on science/evidence,<sup>xviii</sup> in a way that inappropriately privileges scientific research to the exclusion of reliable real-world knowledge from the most affected communities.

A tool for social workers and other service providers to make decisions for other people, pressure them to change their behaviour, or judge their decisions (social control)

Negotiating (“balancing”) diverging “moral needs” of the dominant community with the actual/physical needs and human rights of the affected community

Services, policies, etc. geared toward bringing about an imagined ideal world (e.g. “a drug-free society”)

“Simply” preventing death, infection and disease (e.g. limited to handing out condoms, lube, sterile drug equipment)


Nuisance-control;<sup>xx</sup> a mechanism for invisibilization, assimilation, tokenism, exclusion, state repression

Managing and regulating marginalized people

Saving/rescuing sex workers: imposing pre-determined goals; contingent/conditional support

Requiring people to change their living and working activities/“lifestyle”

An excuse to pursue public objectives at the expense of individual human rights



Sometimes, however, effective initiatives like broadening distribution of opioid antagonist naloxone, expanding safe injection sites, or introducing sterile drug equipment or condom distribution in particular contexts are denied on the pretext that there is insufficient scientific research. State and public health actors often cloak ideological opposition to drug use or to certain people having sex in circumstances they don't approve of by demanding research that adheres to scientific standards (like randomized controlled trials) that are inappropriate or impossible to obtain for many kinds of health and social policy, even though there are many other sources of reliable evidence.

## \* Pragmatic

Harm reduction is known for being pragmatic: it focuses on “what works” for people's health and well-being in the here and now, unlike prohibition or abstinence-oriented policies that are often rooted in moral judgment or ideologies about which behaviours should or should not exist in the world. Sources of harm in the here and now may be immediate (like non-sterile injection equipment) or structural and systemic (such as criminalization leading to rushed injection, and stigma leading to inadequate health care).

# 3. Sex work, harm reduction discourse, and less limited frameworks

What value, if any, does harm reduction bring to our work?

## It builds solidarity.

Harm reduction provides some shared language that can help people make sense of sex workers and what we're about, what we need, what we want, and what approaches we use. Principles and practices specific to by-and-for communities and to harm reduction are useful tools for fostering solidarity with other people and collectives, particularly movements by and for people who use drugs (who are also a large part of our community). Grounded in these principles and practices, we can also engage with other theoretical approaches (such as feminist theories) while ensuring that our conversations and actions are always rooted in the concrete and current needs of sex workers. Harm reduction can be a tool for talking about what we do and showing how our work and our advocacy are similar to or different from those of other related movements. For example, just as harm reduction for drug use seeks to ensure that people who use drugs can do so safely, with dignity and free from targeted violence from law enforcement and others, so too should sex workers be able to work safely, with dignity, and free from violence from law enforcement and others.

## To tell decision-makers or people in power that something (e.g. a policy or state practice) is not okay.

If we tell decision-makers that any given policy does not fit within principles of harm reduction, many will be forced to rethink the policy. They may be comfortable opposing decriminalization or violating people's human rights, but, for some reason, they don't want to be against harm reduction. Being against harm reduction suggests to others that they don't want to save lives, because there is a general public understanding that harm reduction saves lives. Harm reduction can therefore be a good starting point to educate people about our needs. If a decision-maker has previously endorsed the notion of harm reduction, we can hold them accountable by explaining to them how their policies are not in line with harm reduction principles.

## It keeps people's attention.

Some conversations rooted in harm reduction can help the listener get past what they perceive as a complex and theoretical discussion about human rights and ground them in the reality of the situation. This reality includes the fact that people die as a result of prohibition and other problematic policies. We often risk losing our audience's attention if we insist on bringing multiple social and political frameworks into our arguments. While harm reduction isn't necessarily inherently simpler than other perspectives, some people perceive it as such.

## To focus on certain needs and effective solutions.

Harm reduction as a framework may invite discussion about whether sex work is inherently harmful in a way that other frameworks do not (even though sex work is not harmful to sex workers or to the broader public/community). If used correctly, however, a harm reduction framework can also instruct people to put aside their ideas about what they think is harmful for other people in the abstract and focus on the current context and effective approaches to support people who need it now. A harm reduction framework can bring the audience back to real-life solutions when they are used to talking about sex work, or even human rights, in more abstract terms. If using human rights to talk about our health gets us nowhere or leads to discussions that are removed from our lives, a harm reduction approach can bring the question back to “what can we do now to improve our quality of life?”

## What features of harm reduction and what aspects of sex workers’ lives are often erased when harm reduction discourse is used outside of criminalized communities?

We want to talk about human rights and workers’ rights, but people don’t understand or want to listen. When the focus is on violence or transmissible infection and disease, as is common in conversations around harm reduction, then people start to listen.

However, focusing on violence and transmissible infection and disease often allows people to ignore the numerous other human rights violations that sex workers experience on a daily basis (e.g. extortion, labour rights violations, eviction, detention, abuse by law enforcement).

The emphasis on violence and disease as immediate sources of harm may also encourage and maintain the belief that sex work itself,<sup>xxi</sup> rather than the structural circumstances that surround it, endangers sex workers’ safety, endangers people’s lives, and makes people vulnerable. It may also encourage the mistaken belief that sex work itself endangers broader communities.

Recently, people outside of criminalized and affected communities have co-opted harm reduction and have applied it to other situations of damage control or risk reduction (e.g. sports, environment).<sup>xxii</sup>

**Using harm reduction outside of contexts of marginalization erases the basis of the framework: harm reduction was developed to respond to human rights violations resulting from criminalization, stigma, and other state and non-state forms of repression.** Furthermore, actors who use harm reduction outside of contexts of criminalization and marginalization often reduce it to simplistic cost-benefit calculations. As a result, fundamental harm reduction commitments like non-judgmentalism, humanism, and respecting the agency of marginalized people are erased.

## Is the lens of harm reduction inherently narrowing and limiting?

The term harm reduction is inherently limiting because it does not allow our imagination and understandings of sex work to expand, nor does it leave space to acknowledge the value of our work. It does not truly challenge the idea that many people take as their starting point – that sex work is inherently harmful – even when we explicitly state/explain that the harms result from structural factors (e.g., criminalization, poverty, racism, colonialism, transphobia, stigma).

In practice, however, the public is not willing to hear that our objectives can be accessed through sex work. When we assert this, others frame our experiences and perspectives as privileged and non-representative, even when these claims come from the most marginalized members of the community. Discussions of sex work as valuable aren't digestible to the public, and harm reduction's potential to erase or ignore these features of our experiences makes it easier for others to misrepresent sex work as harmful, and to misrepresent sex workers as helpless victims.

The way the focus on harm limits how we talk about and understand sex work reinforces another damaging trend in discussions about sex work in recent years. Those of us who have been in the sex worker rights movement for a long time observe that, previously, sex work was discussed through a broader range of lenses and within conversations about human rights, working conditions, bodily autonomy, individual agency, workers'/labour rights, liberation, creativity, and healing. In contrast, in the context which has developed over the last 15-20 years, sex work is often linked to violence against women and other notions of harm (including sexual exploitation, human trafficking and "sex trafficking"). These discussions reduce the complexity of sex workers' decision-making in their work and in their ability to generate income to a narrow question about whether they are "forced" or "not forced" to do sex work. Sex worker advocates asserting their agency can only argue that they are "not forced," and that sex work does not harm us. This dichotomy leaves little space for discussions about how, within the range of options available to each of us, our work and decisions serve our objectives. These objectives include advancement, achievement, exploration, finding community, surviving and thriving, all of which are relevant and useful for resisting sexual violence.

**We need to move beyond discussions about "reducing harm" to recognize the ways in which sex workers meet their needs through sex work.**

# Which frameworks offer more room to address a diversity of sex workers' needs?

A labour rights framework helps demystify and destigmatize the other people involved in sex work, specifically clients and third parties. Recognizing sex workers' working conditions and needs in the context of their work highlights the potentially valuable roles and services that third parties and clients may provide. Understanding sex work through a labour rights framework also highlights the difference between sex workers' personal and work-related relationships and interactions (e.g. by clarifying the difference between intimate partner violence and unfair working conditions). These distinctions need to be recognized within harm reduction discourse and practice in order to adequately understand and respond to sex workers' needs and realities.

Labour and human rights frameworks also offer better ways to accurately understand what decriminalization is and why it is needed. For example, many prohibitionists claim to support the decriminalization of sex workers while supporting the criminalization of sex work, clients, and third parties. These actors actually perpetuate criminalization by relying on paternalistic notions of "saving victims" through law enforcement, rather than decriminalizing and destigmatizing activities and communities. Similarly, many alleged drug user advocates claim to support the decriminalization of drug use/ers, while supporting – or remaining silent about – the criminalization of drug production and sale. Whether in the context of sex work or drug use, labour rights frameworks provide a deeper understating of why decriminalization of every aspect of the activity and of all parties is necessary to improve living and working conditions.

Harm reduction as a framework invites discussion about whether sex work is harmful in a way that other frameworks do not. In doing so, it can actually reinforce ideological views of sex work, rather than skipping over ideology as harm reduction in theory claims to do. Human rights frameworks more successfully skip over people's ideologies about the activity. Labour rights frameworks do so particularly effectively by focusing on the workers' rights, working conditions, protections and recourses.

Labour and human rights frameworks also shift the focus from voyeuristic and objectifying obsessions with individual sex workers' pasts to their current context, including their working and living conditions. No matter the context or chain of events that led to a person's current situation, everyone deserves to have their labour rights and other human rights protected.

Labour and human rights lenses offer more room to focus on the broad range of inequalities and injustices that sex workers face and on sex workers' current working and living conditions. These lenses also provide a useful framework for understanding and developing relevant mechanisms for improving those conditions. For sex workers, however, the labour framework is met with resistance where harm reduction may not be.

Finally, an intersectional approach considers multiple ways in which people are marginalized. While intersectionality is not necessarily incompatible with a harm reduction framework, this complexity is often not visible in harm reduction discourse.

## Why do sex workers' rights organizations prefer to use a diversity of approaches?

**The sex worker rights movement is tied to many other movements** (e.g., migrant, drug user, labour, 2SLGBTQ) **and we have such a wide variety of different frameworks/approaches that have developed separately to choose from** (e.g., harm reduction, social justice, anti-oppression, human rights, intersectional feminism).

Although different movements use different approaches, most of the movements we engage with include the general notion of respecting people and making sure that no one is being harmed by other people's actions.

The differences between these frameworks is not necessarily clear or relevant when you're out there just doing the work of supporting the people in your community.

These movements may also be mutually reinforcing, but emphasize different things. For example, anti-oppression and human rights approaches both reinforce the need to address current and historical rights violations and forms of oppression (such as anti-black racism and colonialism). However, they may operate in very different spaces and practices (e.g. formal legal venues, community spaces), and they may provide different reasoning and bases for why certain violations/oppressions need to be addressed and for which responses are appropriate.

**Using a diversity of approaches is distinctly characteristic of the sex worker rights movement and sex workers themselves: part of being a sex worker is to be able to navigate many spheres of society and adapt to various language and contexts.**

While the sex worker rights movement has evolved alongside the harm reduction movement, we're not fully situated within that movement, just like we're not fully in any other movement or framework.

A framework is one of the tools that the sex workers' rights movement can use to articulate our needs; it's not the movement itself. We are open to a diversity of approaches to make our claims. We are able to use all of these different frameworks in moments when they are useful to us. We are more focused on people's needs and the concrete work that people are doing than we are with the discourse (theory and language) that people are using.

We're a bit more flexible and less ideological than other movements. There's something very practical about the sex worker movement, because we bring together people who have such diverse needs and experiences and who wouldn't necessarily form a movement if it weren't for some shared goals. Since sex work is an activity to generate income, people who work in the sector are socially and politically diverse and may have less in common than members of some other social movements.

# 4. Building capacity for critical harm reduction discourse

## \* Guidelines for sex workers' rights advocates

Participants noted that sex workers' rights advocates need to:

- reflect on when and how to use the language of harm reduction;
- develop and use better informed and contextualized ideas of harm reduction;
- ensure that harm reduction does not crowd out other conversations, or even guide conversations about sex work; and
- be clearer about what we are **not** talking about when using the language of harm reduction.

To do this, participants noted the need to be able to critically analyse and speak to the following, from the perspective and experience of the affected criminalized community:

- i. Sex work is not inherently harmful to sex workers or to the broader public/community
- ii. Sources of harm to sex workers
- iii. The criminal law and its consequences as a primary source of harm
- iv. Punitive or coercive law and policy beyond the criminal law
- v. The erasure of sex workers' agency and human rights
- vi. Centering the experiences of sex workers living and working in difficult conditions
- vii. What is sex work? Why do people do sex work?
- viii. We're more than just sex workers and not everything in our lives is about sex work

## i. Sex work is not inherently harmful to sex workers or to the broader public/community

**Vague or limited harm reduction discourse** has the potential to bring people with differing "opinions" of sex work together in some ways, as *it may allow people to avoid explicitly identifying the locus of harm to the affected community*. However, as the term itself is focused on harm, its use in association with sex work **may reinforce the mistaken belief that sex work itself is harmful**.

Participants noted that many people outside of sex working communities misrepresent sex work as inherently harmful, exploitative, or violent. These misrepresentations result from a lack of knowledge or careful consideration, misinformation and misunderstanding, and moral, religious and political ideologies.

This distortion suggests that the harm in sex workers' lives begins when we start doing sex work, whereas participants consider sex work as an activity to increase resources and opportunities, and as a potential way to change one's situation/conditions and to protect oneself.

When focusing solely on minimizing harms, the term "harm reduction" conceals the numerous ways in which sex work is valuable – as a means of personal and economic advancement, resisting exploitation, finding and building community, exploration and travel, body affirmation, survival and of building the capacity to thrive. This erasure of our experiences makes it easier for others to misrepresent sex work as harmful.

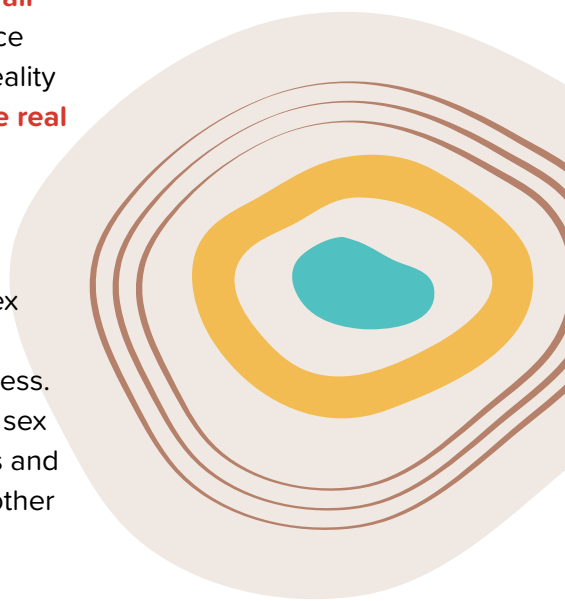
**Perceiving sex work as inherently or exceptionally harmful is harmful to all sex workers**, and it is particularly harmful to sex workers who do experience violence, exploitation or other difficult situations. This misinterprets their reality – and even uses their experiences against them – **and fails to address the real causes of harm.**

➤ Equating sex work with harm obscures the real harms that sex workers experience and express. When all sex work is considered harmful, people cannot differentiate between the harm that they perceive as inherent to sex work and the harms that sex workers identify. Thus, people cannot clearly understand what sex workers express as a problem that they want to address. As a result, organisations and services grounded in the perception that all sex work is harmful cannot respond to sex workers' actual and asserted needs and requests for support. Someone who does not clearly understand what another person identifies as a problem cannot help identify and develop adequate solutions to that problem.

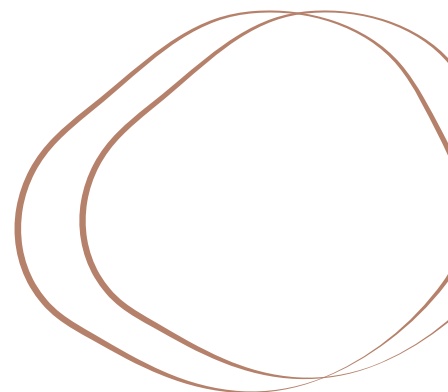
➤ The idea that sex work is inherently harmful normalizes and even encourages violence against sex workers. If sex work "is," "attracts" or "encourages" violence – particularly violence against women – then we should all assume and expect that sex workers will and do experience abuse in the context of their work.

➤ Positioning sex work as inherently exploitative or violent isolates sex work from other forms of employment and sexual experiences. This frames harms experienced in the context of sex work as being unique to sex work and caused by sex work, rather than as harms and inequalities related to unsafe and inequitable living and working conditions, labour exploitation, precarious immigration status, sexual assault and other forms of violence against women. In these ways, viewing sex work as inherently harmful erases the nuances of lived experiences and prevents actors from offering practical solutions.

**For these reasons, although harm reduction can be a point of agreement among various actors, participants caution that unnuanced harm reduction discourse related to sex work can actually reinforce harmful views of sex work and consequently cause harm to sex workers. Sex worker advocates engaging in harm reduction discourse must articulate and clarify that sex work is not harmful to sex workers, nor to society. Otherwise, resulting**



*“Equating sex work with harm obscures the real harms that sex workers experience and express.”*





**discourse and policy may promote stigma, prohibition, punitive measures and other violations to – rather than advancement of – sex workers' rights.**

## ii. Sources of harm to sex workers

The way people are affected by events in their lives is dependent on their social location (e.g. poverty, network and access, self-identified or perceived racial identity, immigration status). How we are situated in relation to structural factors and forms of oppression (e.g., criminalization, colonization, transphobia) determines which structural sources of harm we must mitigate in our lives and at work.

When harm reduction frameworks fail to identify and carefully consider structural and individual sources of harm to sex workers, they do not adequately educate and transform harmful misconceptions about sex work and sex workers.

Harm reduction discourse may have so much success in rallying public health officials, policy makers and other actors precisely because it is often unclear what sources of harm lie at the root of the conversation.

This ambiguity, however, allows for manipulation and may allow space to maintain the idea that the harm to the person is – or is inherently connected to – sex work itself. While allowing this ambiguity to persist can sometimes be strategic, any policies implemented based on the incorrect understanding that harm reduction is compatible with a view that sex work is inherently harmful will have negative consequences for sex workers.

**To counter the myth that sex work itself is a harmful activity – or must inevitably be connected to harm – sex worker advocates need to adequately identify and articulate both the structural and individual/interpersonal sources of harm that sex workers face. These do not include sex work itself.**

### Structural and individual/interpersonal sources of harm

- anti-sex work ideologies
- sex work prohibitions (e.g. criminal, immigration, municipal)
- law enforcement initiatives and surveillance (by police, Canadian Border Services Agency, city inspectors)
- violence, discrimination, profiling and other human rights violations committed by law enforcement officers (e.g. harassment, unlawful and unwarranted search and seizure, assault)
- workplace violence and abuse from managers, clients or co-workers
- labour exploitation (e.g. poor wages, withheld pay, unsafe working conditions)
- violence and other abuses by perpetrators (e.g. aggressors, neighbours, landlords) who know that the general public expects and accepts violence against sex workers and that sex workers are not likely to report abuse
- violence, stigma and discrimination from intimate partners and family members, service providers and other institutions, and other members of the public
- structural inequalities and systems of oppression (e.g. poverty, racism, racial profiling, colonial borders, displacement, discriminatory immigration policies and practices, sexism, misogyny and violence against women)

### iii. The criminal law and its consequences as a primary source of harm

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#### Sex work-specific criminal offences and consequences of being involved in criminalized activity

To explain the harmful consequences of the criminalization of sex work itself, we must be able to:

- deconstruct legal and social myths related to sex work-specific criminal offences (*Protection of Communities and Exploited Persons Act*),<sup>xviii</sup> specifically countering the myths that sex workers are no longer criminalized, that the sale of sexual services is legal, and that sex workers cannot be arrested or prosecuted for sex work offences;
- explain the direct punitive consequences of the criminalization of sex work that include – but also extend far beyond – arrest, prosecution and conviction of sex work-specific criminal offences (e.g. eviction from indoor work spaces, search and seizure, surveillance, interrogation, inability to work legally with other sex workers or third parties);
- explain the harmful impacts of criminalization that extend beyond legal procedures (e.g. barrier to access services and supports, perpetuation of stigma and discrimination);
- in the context of harm reduction discussions, explain how prohibition (criminalization) causes the same harms as “abstinence-only” programs and policies, as governments tend to understand a bit more how abstinence-based approaches are problematic; and
- be able to clearly explain what decriminalization means, including:
  - how and why it requires the complete removal of *all* sex work-specific criminal offences from the law (e.g. specific to any sex work-related activity whether involving clients, third parties and/or sex workers);
  - how and why decriminalization requires not only the removal of related criminal offences, but the rejection of all sex-work related punitive and coercive policy (e.g. within municipal, immigration, housing/shelter policies); and
  - how and why decriminalization is one element of a broader set of responses needed to recognize, respect, promote and fulfill sex workers’ human rights (e.g. it must be accompanied by adequate and non-coercive supports, services and opportunities, and other forms of law and policy reform).



We understand and experience criminalization as the existence of laws that prohibit and punish, as well as accompanying law enforcement initiatives and practices. This definition includes laws that formally criminalize sex work (sex work-specific offences related to the provision, purchase or facilitation of sex work) or other activities (e.g. drug use, sale and production), but also includes other coercive or punitive laws and policies used to target sex workers, including municipal, immigration, human trafficking, and public health laws.

#### Other criminal laws: intersecting forms of criminalization

We must also be able to explain the harmful consequences of other intersecting forms of criminalization that differentially affect sex workers and their communities.

This includes criminalization specific to:

- sex workers who use or sell drugs
- sex workers living with HIV
- sex workers occupying public space
- sex workers who are subjected to racial and social profiling
- sex workers without citizenship
- youth who sell or exchange sex
- sex workers who are parents of young children
- sex workers known to police, youth protection, or other relevant state authorities

The harms of the criminalization of sex work are also directly related to these forms of criminalization. For example, the criminalization of sex work may equip police with the power to enter a workspace, which may lead to a lawful search that may lead to a criminal charge for drug possession or sale. Also, harm reduction advocacy often takes place in contexts directly related to these sites of criminalization (e.g. drug use/sale, youth, homelessness).

## iv. Punitive or coercive law and policy beyond the criminal law

We must be able to advocate for the removal of all sex work-specific punitive and coercive policy and law enforcement powers that extend beyond the scope of criminal law. For example:

- i. Immigration regulations specify that all temporary residents can lose their immigration status and be deported if they are involved in sex work.
- ii. Municipal bylaws and law enforcement are used to repress sex workers in public space and sex workers working in indoor commercial establishments.
- iii. Certain youth protection laws allow youth who are suspected of selling or exchanging sexual services to be forcibly detained.

Harm reduction and decriminalization require the removal of all of these punitive policies and an end to associated harmful law enforcement practices. For example:

### *In the context of drug de/criminalization*

- Although many, including people from the community, refer to Portugal's drug policy as a decriminalization model and promote it as "good policy," Portugal did not remove numerous criminal offences involving drug possession/exchange/sale/production, and also created new punitive administrative offences related to personal use.
- Similarly, many refer to Canada's cannabis policy as a legalization model. However, the policy relies on heavy punishment for any activity outside the narrow scope of legalized activity (e.g. production, purchase and sale outside authorized outlets, sale to minors, possession above the limit).

### *In the context of sex work de/criminalization*

- Although New Zealand has arguably had the greatest success in terms of sex work law reform and decriminalization, and many sex workers understand it as an "ideal model," it prohibits migrant sex work and penalizes migrant sex workers.

## v. The erasure of sex workers' agency and human rights

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Sex workers are entitled to the following human rights, which are systematically violated:

- The rights to work, privacy, equality and non-discrimination, life, liberty and security of the person, health, working conditions that are just, favourable, safe and healthy, freedom of expression, freedom of peaceful assembly, freedom of association, freedom from unreasonable search and seizure, freedom from arbitrary detention and imprisonment, and freedom from torture and cruel, inhumane and degrading treatment.
- Sex workers' rights to bodily integrity, autonomy, and self-determination are also recognized within some of these rights.

Sex workers refer to their *right to agency* to as their right and capacity to make decisions about their bodies and their lives.

This includes: the conditions under which they consent to (or refuse) sex, when they consent to (or refuse) medical treatment or procedures, where and with whom they live, work, associate, travel, form relationships and community, how they manage difficult situations, and how and when they exchange their services for access to resources.

**Every person has the right to make their own decisions and to have their decisions respected, regardless of the context in which they take these decisions.**

Sex workers are incredibly diverse, as are their contexts and decisions. Sex workers exercise their agency within their unique contexts and through their own decision-making processes.

- Sex workers make diverse decisions based on the range of available options, their individual and structural realities and their self-determined goals. The range of options differs among individuals and communities depending on our level of privilege and access.
- Sex workers may experience many intersecting difficulties. Our options and decisions may be limited by our gender, age, racial or cultural identity, mobility, immigration or health status, and other social, legal, economic, and structural positions. We may experience difficulties related to many issues and systems of oppression such as language barriers, colonialism, poverty, criminalization and other conflicts with the law, racial and social profiling, poor and unsafe working conditions, family issues, etc. These different forms of marginalization and oppression are linked.

Dominant notions of agency and autonomy associated with notions of “free choice” or “free will” obscure, distort and misrepresent marginalized women’s agency.

*“Every person has the right to make their own decisions and to have their decisions respected, regardless of the context in which they take these decisions.”*

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- Most people do not live and make decisions in a context of free and unlimited choice. Our understanding of women’s agency and consent must extend beyond the binary notion that women are either free agents who choose or individuals without agency who are forced.<sup>xxiv</sup>
- Although sex workers’ circumstances may vary, everyone has agency--the capacity to make decisions—at all times, even in extreme situations. We use the language of decision-making rather than the notion of choice because “free choice” does not exist in a context of inequalities, including social, legal and institutional ones.

## **Recognizing sex workers’ agency means we must recognize and respect *all* sex workers’ decisions, regardless of their context.**

Invalidating, rejecting, invisibilizing or otherwise denying someone’s decisions because of the inequalities and oppressions they face contributes to violations of that person’s rights and dignity, rather than mitigating them. Recognizing sex workers’ agency – especially the agency of women who are most marginalized – means recognizing their personal power in a context where it is suppressed and negated by structural and institutional factors and powers.

**Recognizing and respecting sex workers’ agency and adopting a non-directive approach does not mean** accepting violence, refusing to help, imposing guilt or expectations, victim-blaming, judging women’s decisions, minimizing the need for or right to support, or legitimizing violence and other human rights violations. It means meeting the person where they are, following their lead, and providing them with available concrete support that responds to their situation and expressed needs. When offering services to sex workers, we do not have the immediate power to remedy systemic oppressions. Validating those realities creates a better path for solutions than treating the person as a helpless victim who must be rescued and whose decisions must be made by others.

## **Sex workers’ agency is constantly ignored and denied within discourse, policy and programs.**

Even people who may recognize sex workers’ rights to be free from violence, transmissible disease, or incarceration often misunderstand, ignore, deny or override sex workers’ agency based on racist, sexist and transphobic values and myths, such as:

- Sex workers – particularly women who are poor, homeless, use drugs, are Indigenous or racialized – are victims who do not have agency due to the individual and structural inequalities they face.
- Remunerated sex is itself a form of violence or exploitation that no one can or would consent to.

Ironically, many harm reduction proponents who advocate fiercely for the rights of drug users also maintain and reinforce victimizing and stigmatizing norms and practices in relation to sex work and sex workers. While they may remain focused on upholding and advocating for peoples’ rights and needs in the



context of drug use, they may slip into moral judgement, discrimination and stigma in the context of sex work.

**The failure to recognize sex worker agency leads to policies that are based on the idea that sex workers' agency, perspectives and demands can and should be ignored as they need others (the state, prohibitionists, etc.) to make decisions for them.**

## vi. Centering the experiences of sex workers living and working in difficult conditions

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Poorly understood concepts of harm reduction can harm sex workers, especially those of us who are already experiencing the most violence or living in the worst conditions.

Our movement, messaging, and policy and funding demands must center the experiences of sex workers who live and work in the worst conditions and experience the most severe human rights violations.

Our programs and practices must also recognize and center the person's experience, perspective, needs and objectives as understood and defined by the person accessing our services. Harm reduction services must be non-directive and flexible in order to be relevant, to respect the person's agency, and to adequately respond to the needs of the people accessing the service.

The current sex workers' rights movement in Canada recognizes and integrates the diversity of sex workers and centres the needs and realities of the most marginalized sex workers. However, some advocates avoid or have difficulties discussing the realities of the most marginalized workers, such as living and working in a context of poverty. Sometimes, for example, advocates may negate the experiences of sex workers living in poverty, who are using drugs, who are underage, experience complex trauma, etc. in order to create a more "positive" message about sex work. They may shy away from discussions about how targeted and police violence are products of anti-Black racism and racist colonial views of Black and Indigenous bodies as less worthy of protection and respect. However, it is essential to do the opposite; sex worker rights advocates must engage directly with these realities in our community by centering those experiences. Sex worker rights advocates must also strive to ensure that our advocacy is relevant to everyone and that the rights of some sex workers do not come at the expense of other sex workers.



*Our movement, messaging, and policy and funding demands must center the experiences of sex workers who live and work in the worst conditions and experience the most severe human rights violations.*

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Harm reduction can be a valuable frame for speaking about the most marginalized among us. First, the message of harm reduction is not “we deserve rights because we are respectable people.” Rather, it is “we deserve rights no matter what.” Second, it can allow interventions on concrete living and working conditions without dissecting the person’s life or making the intervention fit within a broader ideology or objective.

On the other hand, while harm reduction may be a way to centre the experiences of sex workers who are living in the most precarious and exploitative conditions, we need to be sure that these realities are not discussed solely through the lens of harm reduction. Instead, we should make available and apply other frameworks and discourse (e.g., human rights, agency, working conditions, decolonization, anti-racism) that allow for more nuanced and in-depth conversations.

## vii. What is sex work? Why do people do sex work?

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We use the term sex work to refer to the consensual exchange of a sexual service for money, goods or services (e.g. transportation, housing, drugs, status). Like other kinds of employment, people may do sex work for many different reasons. Although it is commonly understood that people work to make money to support themselves and their families and to fulfill other obligations and ambitions, people have a very difficult time recognizing that sex workers work to make money.

People decide to work in various sectors – both within and outside of the sex industry – based on their level of privilege and access, and based on the options available to them. Some people have the privilege and opportunity of working in the profession of their dreams, while many others decide to work within a context of limited options and difficult working conditions. Our gender, health, economic, and social status may impact our options and access, as do barriers and inequalities related to racism, restrictive immigration policies, transphobia, etc.

The stigma, marginalization and criminalization associated with sex work – and more broadly with women’s bodies and sexuality – has consistently led to negative and erroneous assumptions about why people do sex work, even among people involved in harm reduction work. Most people are taught to think of sex work through frameworks that cast it in negative and harmful ways: as crime, vice, gendered violence, human trafficking, sexual exploitation, and a product and driver of inequality. These perspectives and the assumptions that underlie them do not reflect the realities of many sex workers, yet are deeply ingrained in many people’s personal, moral, religious and political values.

Harm reduction principles require that we recognize, respect and support people’s agency, their understandings of their own experiences, reality and needs, and remain non-judgmental about the types of consensual activities that they engage in.

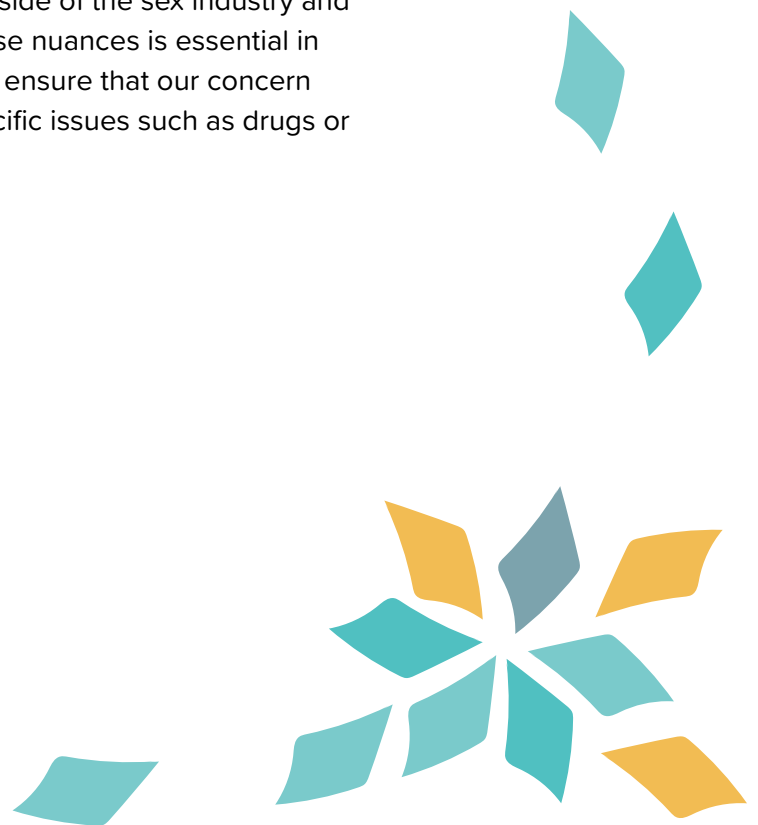
## viii. We're more than just sex workers and not everything in our lives is about sex work

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While we usually identify under the umbrella term “sex workers” for the purpose of collective organizing, our experiences are diverse and complex. Our experiences of marginalization can also be multilayered and not everything in our lives is necessarily related to sex work.

When discussing harm reduction as it relates to the lives of sex workers or policies around sex work, keep in mind that an individual’s life is multifaceted. Some people may be using drugs (perhaps in a way that intersects with sex work or in a completely unrelated setting), or may also be involved in other criminal activity (such as a sex worker involved in robbery, theft, fraud or selling drugs as part of the reality of living in poverty or in some other context).

People do sex work for many different reasons. Various forms of marginalization (e.g. related to poverty and colonialism, or being Black, Indigenous, racialized, trans, migrant, or living with a disability) can contribute to sex work being an option for generating income. At times, sex work may be one of the only available options. In addition, although some people argue that sex workers do sex work because of complex trauma and oppression, they fail to recognize that our experiences of trauma are shared by people outside of the sex industry and may not be connected to our work. Recognizing these nuances is essential in order to avoid conflating different issues, but also to ensure that our concern and care for people’s wellbeing is not limited to specific issues such as drugs or sex work.





# 5. What is—and is not—a harm reduction project/program?

*Reflections for funders and organizations developing harm reduction projects*

## How to identify a harm reduction project?

Core elements of harm reduction projects/programs include:

- i. Centering the needs and human rights of the people directly affected
- ii. Providing supports identified, requested or accepted by a person to improve their living and working conditions
- iii. Addressing both structural and immediate sources of potential harm
- iv. Informed by evidence, with an emphasis on lived experience and meaningful participation of communities and individuals currently and directly affected
- v. Pragmatic focus on the here and now rather than an imagined ideal world
- vi. Non-judgemental and non-ideological objectives, approaches, and services
- vii. Supporting a person’s decisions and the goals they set for themselves
- viii. Supporting marginalized people in creating spaces to increase power, knowledge, and whatever else they define as central to them

Project/program approaches or requirements that are **incompatible** with harm reduction include:

- i. Programs that involve contacting or involving law enforcement without the individual’s prior, informed and explicit consent
- ii. Program requirements or goals that directly or indirectly depend on or promote abstinence or “exit”, or otherwise require or pressure people to change their living and working activities
- iii. Imposing any other pre-determined goals through contingent or conditional support or access
- iv. Maintaining stigma and discrimination towards marginalized people engaging in consensual, non-violent acts by constructing them as “victims” or their behaviour as “deviant”
- v. Saving/rescuing people; managing and regulating marginalized people
- vi. Encouraging social workers or other service providers to make decisions for, or judge the decisions of, people accessing supports and services
- vii. Negotiating (“balancing”) diverging “moral needs” of the dominant community with the actual/physical needs and human rights of the affected community
- viii. Any other program or approach that creates barriers instead of dismantling them.

Anti-sex work/er programs and initiatives may or may not be framed as harm reduction activities. They are often framed as initiatives to combat human trafficking, sex trafficking, sexual exploitation, youth exploitation, gendered violence and violence against women. Regardless of the claimed objective, framework or ideology, **any program that supports stigmatization or prohibition of sex work/ers or otherwise promotes a social project that contributes to the eradication of sex workers is harmful to sex workers' wellbeing and rights. Such a program is therefore in conflict with the principles of harm reduction.**

Anti-sex work politics and organizations have become increasingly misleading and manipulative. Due to more recent societal shifts (reflected, for example, in the Supreme Court of Canada's recognition of sex workers' right to not be murdered or assaulted<sup>xxv</sup>), anti-sex work organizations and governments claiming to promote gender equality and social and racial justice must now attempt to conceal the harmful consequences of their punitive and discriminatory anti-sex work discourse, policies and programs.

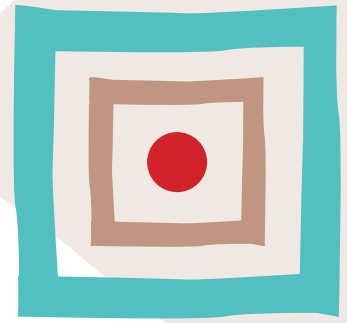
**Disdain and discrimination towards sex work/ers is often couched within claims of respect for their rights and autonomy.** While such discourse and ideology claim to support sex workers' rights, they maintain that only sex workers who identify as victims and in need of "rescuing" and assistance with "exiting sex work" are deserving of support, respect and dignity. Discourses that frame sex workers as victims and sex work as harmful continue to promote criminalization and other anti-sex work policies, campaigns and law enforcement initiatives that are directly harmful to sex workers.

In this context, funders and organizations must be increasingly vigilant when developing and evaluating programs and funding streams alleging to support sex workers. Claims to "support sex workers rights," "implement feminist and intersectional principles" or "support the decriminalization of sex workers" are no longer sufficient cues for determining whether or not a program or policy supports all sex workers' rights and is compatible with the principles of harm reduction. Thorough analysis in direct collaboration with sex worker-led organizations is required to ensure that the implicated actors, activities, practices and underlying values uphold and protect all sex workers' rights and wellbeing in practice.

## Harmful programs that run counter to harm reduction features and commitments

The following section provides examples of programs/initiatives that:

- frame sex work communities and activities as harmful and dangerous;
- frame punitive policy and law enforcement initiatives as necessary and/or useful responses to the alleged harm; and
- produce harmful consequences for sex workers.



## Example #1: Human trafficking programs/initiatives

Anti-human trafficking policies, funds and services predominantly frame sex work as harmful and as a form of human trafficking. Within the context of disinformation about human trafficking, labour exploitation, migrant and gendered labour, and sex work, a hotel chain decides to train their staff to monitor people frequenting their location with the specific objective of profiling for individuals who appear to be providing or purchasing sex work. The staff is trained to look for “indicators” such as “excessive requests for towels and linens, random people entering and exiting a hotel room, requests for an isolated room, and clothing that’s inappropriate to the weather.”

The program is labelled and promoted as an anti-human trafficking initiative designed to detect “traffickers” and “victims,” however, **criteria used to identify “potential victims”—along with the program’s general mandate—focus solely on sex work and the program is very clearly designed to detect and target sex workers.** Hotel staff who observe such behaviour are instructed to contact and report to police.

## “Human trafficking” programs and funding sources

Anti-sex work programs like the one in this example encourage and fund the surveillance and policing of sex workers and negatively impact sex workers in numerous ways (e.g., alienate and isolate sex workers from community, public view, supports and services; increase vulnerability to abuses and to state violence; decrease economic security and working conditions).

These types of programs are becoming rampant throughout North America within numerous private and public sectors, such as transportation and accommodations services (e.g. taxi services, airlines, hotels) and public health and social services – all services that are necessary and fundamental for sex workers to be able to live and work within safe and equitable conditions.



For more on harms created by anti-trafficking initiatives, polices and funding sources:

[Behind the Rescue: How Anti-Trafficking Investigations and Policies Harm Migrant Sex Workers](#), Butterfly - 2018

[An Analysis and response to the report of the Standing Committee on Justice and Human Rights](#), Canadian Alliance for Sex Work Law Reform, 2019

[Im/migrant Sex Workers, Myths and Misconceptions, Realities of the Anti-trafficked](#), 2nd edition, SWAN Vancouver Society, 2020

## Example #2: Exiting programs

Increasingly, anti-sex work organizations claim they do not support the criminalization of marginalized women and claim to use an intersectional, human rights-based empowerment approach to intervention. Most of these organizations simultaneously support the criminalization of sex work. Further, many funding opportunities and services that were previously designed to support women who experience violence are now limited to more narrow and ideological goals, using language of human trafficking and sexual exploitation, and promoting the goal of women “exiting” the sex industry.

Anti-sex work women’s organizations often claim to support the self-determination and autonomy of the women who access their services and **often claim to be grounded in principles that are in line with a harm reduction and a human rights approach. Yet these organizations pathologize and promote stigma towards sex work/ers** by claiming sex work itself is exploitation or violence and that sex work itself is unhealthy. **These program supports and services are often only available to women who subscribe to the pre-determined goal to abstain from sex work.**

## “Exiting” programs and funding sources

Limited and restrictive funding and programming – including those that directly or indirectly set “exiting” sex work (abstaining from doing sex work, leaving their job or their network) as a pre-determined goal, expectation, value or requirement – are harmful to sex workers collectively and individually and conflict with harm reduction principles. “Exiting” programs include those that:

- Directly or indirectly require the participant to abstain from sex work as a pre-requisite to accessing the program’s supports and services; or
- Directly or indirectly set abstinence from sex work as a goal to be achieved, framing sex work as a problem to overcome and framing future sex work as a “relapse” within this process.

Funding and programs that pre-determine sex workers’ goals and directly or indirectly require or encourage sex workers to abstain from sex work are harmful to sex workers in the following ways:

➤ **They do not allow organizations to provide supports and services to all sex workers as they may exclude sex workers who want certain support related to their wellbeing yet do not want to “exit” sex work.** Sex workers may have many complex needs which may or may not be related to their work. Also, when they do have work-related challenges, they may seek to improve their working conditions or change jobs within the sex industry.

➤ **They create additional barriers to supports and services for individuals who already face numerous barriers and risks when attempting to access support** due to the criminalization, stigma and discrimination associated with sex work. For many sex workers, these barriers are compounded by numerous other challenges and forms of systemic violence (e.g. racism, language barriers, transphobia, health concerns, colonization, anti-migrant values, anti-drug use values).

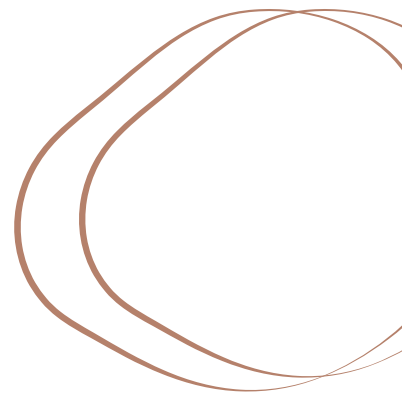
➤ **They perpetuate stigma, exclusion, disdain and discrimination towards sex work/ers** by promoting the harmful idea that sex work is the core problem in sex workers lives that they need to escape and change. In doing so, they obscure the fact that sex work is one the ways in which sex workers develop options and resources. Focusing supports for sex workers on exiting/abstaining from sex work also maintains the harmful idea that healthy and valuable members of society are not involved in sex work, and that sex workers are deserving of support only if they reject their sex work (abstain/repent) or have “no choice” but to do sex work. The idea that only sex workers who are seen to have no other options or agency are deserving of support is incompatible with a harm reduction approach that supports the rights and agency of all sex workers. It is also incompatible with harm reduction’s commitments to non-judgment and not requiring people to abstain.

## **Sex worker organizations accessing “exiting” and “human trafficking” funds**

“Exiting” and “human trafficking” programs have become increasingly popular as the dominant image imposed on sex workers is that of a vulnerable victim with “no choice” who is exploited through sex work, and the dominant narrative associated with sex work frames it as a form of human trafficking and sexual exploitation.

As government and foundation funding streams are increasingly situated within the frames of “trafficking” and “exploitation,” funds available for the work that sex worker organizations do are increasingly limited. This framing also invites other organizations that promote sex work eradication to provide “exiting” and “human trafficking victim support” services. In this way, such organizations crowd out by-and-for and other non-stigmatizing support and programming for sex workers.

It is increasingly difficult for sex worker organizations to access funds to provide our communities with vital supports and services. Some sex worker rights organizations that provide programs and services specific to “leaving sex work” or “human trafficking” may also do great work in supporting the rights and wellbeing of sex workers in their community. The harms produced by “exiting,” “human trafficking” and “sexual exploitation” discourses do not begin with organizations that struggle to support sex workers within limited and restrictive funding streams, but rather with the development of limited and restrictive funding sources. At the same time, we need to continue to thoroughly analyse and evaluate our decisions and their impacts when developing programs and pursuing funding streams.



# Best practices for harm reduction programs: What funding and programs do sex workers need?

Sex workers may experience many types of harms and human rights violations: harms caused and reinforced by stigma, discrimination, poverty, gender inequality, racism, colonialism, labour exploitation, repressive laws and enforcement practices that prohibit sex workers from working safely and collectively, as well as violence resulting from both state and non-state actors. In addition to preventing us from improving our living and working conditions, these systemic injustices prevent us from accessing vital supports and services, such as health services, housing, social supports, labour standards, and state protection. Adequate and flexible funding is required to respond to the numerous harms that sex workers face, and to counter the numerous barriers related to accessing adequate supports.

**Sex workers need supports and services to be provided through approaches that allow each and every individual sex worker to set their own goals and make their own decisions.**

**Flexible funding that supports sex worker-led organizations' full mandate allows for the provision of adequate and relevant supports and programs for sex workers, while also actively countering stigma and harmful views towards sex work/ers by recognizing and affirming that:**

- **Sex workers are deserving of rights and supports.** They must not need to erase their experience of sex work, their existence as sex workers, or to identify sex work as a problem for themselves or for the broader community in order to deserve support, services and human rights protection.
- **Sex workers are humans with numerous complex needs.** They may face numerous intersecting issues – which may or may not relate to their work – for which they may want support.
- **Sex work and sex workers are not immoral, unhealthy or otherwise problematic or harmful to the broader public.** It is the conditions within which sex workers operate that need to be addressed.
- **Sex workers are key stakeholders in combatting systemic injustice and harms to sex workers.** Sex workers know first-hand how systemic injustices prevent us from accessing the supports and rights required to resist the conditions that increase our vulnerability to violence and exploitation, and we know what we need to do to combat these injustices. Sex worker led organizations know how to directly provide services that are safe, relevant and accessible to other sex workers. Sex workers hold the knowledge and experience to best determine what services sex workers need, and how these services should be implemented.



## Supports and services for sex workers

This may include support related numerous intersecting issues related to housing, safety, health, income, immigration, working conditions, isolation, family, language barriers and stigma.

Sex workers may want support changing or entering jobs within or outside of the sex industry.

The following example of criteria for funding that allow for the provision of adequate and relevant supports and programs for sex workers is taken from the [Red Umbrella Fund](#):

***If you wish to apply, your organization must fulfill each of the following three criteria:***

1. Be led by sex workers for the benefit of sex workers.
2. Be committed to connect to and strengthen the sex workers' rights movement.
3. Agree with all the following values and operating principles:
  - **We recognise the self-determination of sex workers.**
  - **We believe that sex workers must be at the heart of the design, implementation, and evaluation of programmes.**
  - **We oppose the criminalization, legal oppression and all other forms of stigma and discrimination against sex work and recognise that sex work is work.**
  - We embrace the gender, sexuality, and all other types of diversity of sex workers.
  - We commit to learning and using what we learn to inform our interventions and demonstrate the value of working collaboratively.
  - **We commit to support actions that catalyse advocacy for rights-based policies, laws, and practices that are based on evidence of what works, as analysed from sex workers' perspectives.**
  - We commit to advocacy and funding processes that are transparent and accountable.

For more go to [www.redumbrellafund.org/about-us/mission-principles/](http://www.redumbrellafund.org/about-us/mission-principles/)



# 6. Workshop exercises: What is/not harm reduction policy?

## Core elements of harm reduction policy

- i. Removal of punitive responses/measures
- ii. Addressing structural issues and providing supports
- iii. Centering the needs and the human rights of the people directly affected
- iv. Preventing death and illness in addition to other human rights violations, and removing barriers to protection and fulfillment of basic rights
- v. Creating inclusive communities and fostering capacity for diversity and respectful co-habitation
- vi. Respecting people's agency and decisions

### Exercise #1

In 2014 the Canadian federal government created numerous sex-work-specific criminal offences under the *Protection of Communities and Exploited Persons Act (PCEPA)*. The ideological basis Parliament used to create the law is the idea that sex work is “harmful” to the broader Canadian community and therefore must be prohibited and eradicated.

Criminal offences include:

- Purchasing or attempting to purchase sexual services
- Advertising sexual services
- Receiving a benefit/profit from the purchase of sexual services
- Providing a good or service that facilitates the purchase of the sexual services of another person

**Q: Do the sex work-specific criminal offences reflect the principles of harm reduction? Why or why not?**

### Exercise #2

In 2014 the Canadian federal government created numerous sex-work-specific criminal offences under the *Protection of Communities and Exploited Persons Act (PCEPA)*.” This law produced punitive prohibitions that criminalize sex workers’ labour activities, relationships and resources. They are founded on the premise that sex work is inherently a harmful and exploitative activity and must be eradicated, and that sex workers are victims who must be saved by exiting the sex trade.

As part of the law the government developed a 20 million dollar-fund that was to be allocated to organizations and law enforcement initiatives that would help sex workers “exit” the sex trade.

**Q: Does this fund reflect the principles of harm reduction? Why or why not?**



## Exercise #3

A municipal government has worked closely with a local women's shelter to provide long-term housing to women in need of shelter. Women residing in the housing development are permitted on the premises 24 hours/day. There are numerous policies related to the housing development such as:

- Drug consumption is permitted on the premises yet only in supervised areas. The sale of drugs is prohibited and a resident can only have a certain quantity of drugs in her possession.
- Residents are permitted to bring one client (for sex work) onto the premises at a time, and only for a duration of up to four hours.

**Q:** *Do these policies reflect the principles of harm reduction? Why or why not?*



## Endnotes

- i. Harm Reduction International, "What is harm reduction?" (last visited 14 May 2020), online: *Harm Reduction International* [www.hri.global/what-is-harm-reduction](http://www.hri.global/what-is-harm-reduction).
- ii. Gordon Roe, "Harm reduction as paradigm: Is better than bad good enough? The origins of harm reduction" (2005) 15:3 *Critical Public Health* 243.
- iii. Douglas J Beirness, *Harm reduction what's in a name?* (Ottawa, Ont.: Canadian Centre on Substance Abuse, 2008) at 3; John Kleinig, "The Ethics of Harm Reduction" (2008) 43:1 *Substance Use & Misuse* 1 at 7; Alex Wodak & Bill Saunders, "Harm reduction means what I choose it to mean" (1995) 14:3 *Drug & Alcohol Rev* 269 at 269.
- iv. Roe, *supra* note ii; Tuukka Tammi, "The harm-reduction school of thought: three fractions" (2004) 31 *Contemporary Drug Problems* 381.
- v. See, e.g., Diane Riley et al, "Harm Reduction: Concepts and Practice: A Policy Discussion Paper (1999) 34:1 *Substance Use & Misuse* 9 at 11-12; Simon Lenton & Eric Single, "The Definition of Harm Reduction" (1998) 17 *Drug & Alcohol Rev* 213 at 218.
- vi. Linda Cusick, "Widening the harm reduction agenda: From drug use to sex work" (2006) 17:1 *Intl J Drug Policy* 3; Michael L Rekart "Sex-work harm reduction" (2005) 366:9503 *The Lancet* 2123; Amnesty International, "Resolution on State Obligations to Protect and Fulfil the Human Rights of Sex Workers" (26 May 2016), online: *Amnesty International* [www.amnesty.org/en/documents/pol30/4062/2016/en/](http://www.amnesty.org/en/documents/pol30/4062/2016/en/); Penny Saunders, "Harm Reduction, Health and Human Rights, and Sex Work" (1 June 2006), online: Open Society Institute [www.opensocietyfoundations.org/publications/harm-reduction-health-and-human-rights-and-sex-work](http://www.opensocietyfoundations.org/publications/harm-reduction-health-and-human-rights-and-sex-work).
- vii. Kleinig, *supra* note iii at 3; Helen Keane "Critiques of harm reduction, morality and the promise of human rights" (2003) 14 *Intl J Drug Policy* 227 at 228; Alan Marlatt "Harm Reduction: Come as You Are" (1996) 21 *Addictive Behaviours* 779 at 785; Ronald Bayer "Introduction: The Great Drug Policy Debate: What Means this Thing Called Decriminalization?" (1991) 69 *Milbank Q* 341 at 355-356; Tuuka Tammi & Toivo Hurme "How the Harm Reduction Movement Contrasts itself against Punitive Prohibition" (2006) 18 *Intl J Drug Policy* 84 at 85-86.
- viii. Marlatt, *supra* note vii at 782; Christopher Smith, "Harm reduction as anarchist practice: a user's guide to capitalism and addiction in North America" (2012) 22 *Critical Public Health* 209 at 213.
- ix. This has been said to include a "value neutral" view of the underlying behaviour (historically drug use) as well as of the individual (historically the drug user): see Patricia G Erickson et al, eds, *Harm Reduction: A New Direction for Drug Policies and Programs* (Toronto: University of Toronto Press, 1997) at 8 (stating that "Harm reduction attaches no moral, legal or medical-reductionist strings to drug use. Just like the use of 'licit' drugs, and just like other lifestyle practices, the use of 'illicit' drugs is not intrinsically immoral, criminal or medically deviant. Drug use is one of many behaviours exhibited by individuals and populations that ranges from experimentation to problematic expressions.").
- x. Tammi & Hurme, *supra* note vii at 86.
- xi. Richard Elliott et al. "Harm reduction, HIV/AIDS, and the human rights challenge to global drug control policy" (2005) 8:2 *Health & Human Rights* 104 at 106; Tuuka Tammi "The Harm-Reduction School of Thought: Three Fractions" (2004) 31 *Contemporary Drug Problems* 381 at 384-385; Joanna Erdman "Access to Information on Safe Abortion: A Harm Reduction and Human Rights Approach" (2011) 34 *Harv JL & Gender* 413 at 424; Andrew Hathaway "Shortcomings of harm reduction: toward a morally invested drug reform strategy" (2001) 12 *Intl J Drug Policy* 125 at 128; Keane, *supra* note vii at 228; Kleinig, *supra* note iii at 6; Andrew Hathaway & Kirk Tousaw "Harm reduction headway and continuing resistance: Insights from safe injection in the city of Vancouver" (2008) 19 *Intl J Drug Policy* 11 at 13.
- xii. This feature of harm reduction is being increasingly emphasized in response to concerns that messaging about individual-level harm reduction strategies were obscuring systemic and structural sources of risk. See e.g. Lisa Lazarus et al., "Risky health environments: women sex workers' struggles to find safe, secure and non-exploitative housing in Canada's poorest postal code" (2011) 73:11 *Social Science & Medicine* 1600; Smith, *supra* note viii at 211; Roe, *supra* note ii at 244-245; Tim Rhodes, "The 'risk environment': a framework for understanding

- and reducing drug-related harm” (2002) 13:2 Intl J Drug Policy 85 at 88; Nadine Ezard, “Public health, human rights and the harm reduction paradigm: from risk reduction to vulnerability reduction” (2001) 12:3 Intl J Drug Policy 207 at 214.
- xiii. See e.g. Robin Grand, “Federal funding helps women at risk safely leave sex trade” (24 April 2019), online: *Penticton Western News* [www.pentictonwesternnews.com/news/federal-funding-helps-women-at-risk-safely-leave-sex-trade/](http://www.pentictonwesternnews.com/news/federal-funding-helps-women-at-risk-safely-leave-sex-trade/) (frames an exit program as part of a harm reduction approach); Sarah Rieger, “19 Calgary non-profits will get \$3M to tackle mental health and addiction” (30 January 2019), online: *CBC News* [www.cbc.ca/news/canada/calgary/calgary-mental-health-funding-1.4999921](http://www.cbc.ca/news/canada/calgary/calgary-mental-health-funding-1.4999921) (describes “support to help people leave sex work” as a harm reduction approach); Vanessa Blanch, “New Moncton centre for sex workers only one of its kind in New Brunswick” (12 February 2019), online: *CBC News* [www.cbc.ca/news/canada/new-brunswick/moncton-sex-workers-connection-centre-1.5009480](http://www.cbc.ca/news/canada/new-brunswick/moncton-sex-workers-connection-centre-1.5009480) (emphasizes giving sex workers the option to exit, while also mentioning a “harm reduction committee”).
- xiv. Hathaway, *supra* note xi, at 126 (describing how “the movement...now faces cooption by programs geared to enforced abstinence” and how, as a result, “the greatest challenge for harm reduction lies in promoting its underlying ideals”); Smith, *supra* note viii at 211 (noting how the focus on disease prevention in institutionalized harm reduction programmes has tended to hide the ways in which “risk” and “harm” are products of social, economic or racial inequality); Roe, *supra* note ii at 244-245 (discussing how harm reduction in the hands of social service providers can be used as a way of extending medical or social service control over people who use drugs).
- xv. See e.g., Patricia G Erickson et al, eds, *supra* note ix.
- xvi. Harm Reduction International, *supra* note i.
- xvii. See Ezard, *supra* note xii at 213-214.
- xviii. See Hathaway, *supra* note xi at 126 (arguing that when harm reduction poses solutions in ways that are too “strictly empirical” emerging from a “scientific public health” model, it risks “unduly overlooking the deeper morality of the movement with its basis in concern for human rights.”).
- xix. Elliott et al., *supra* note xi at 115-119.
- xx. In the drug context, some harm reduction programs have extended their focus beyond reducing direct physical harms to users to include, even if as a secondary purpose, the reduction of public order or nuisance problems. See Benedikt Fischer et al, “Drug Use, Risk, and Urban Order: Examining Supervised Injection Sites (SISs) as ‘Governmentality’” (2004) 15:5-6 Intl J Drug Policy 357 at 360.
- xxi. See Rachel Thomas, “Where’s the Harm in Sex Work?” (14 April 2011), online: *Open Society Foundations Voices* <https://www.opensocietyfoundations.org/voices/where-s-harm-sex-work> (summarizing a speech by Pye Jakobsson).
- xxii. See Mary Hawk et al, “Harm Reduction Principles for Healthcare Settings (2017) 14:70 Harm Reduction J 1 at 1-2 (describing the use of harm reduction frameworks in areas including sex work, eating disorders, domestic violence, and tobacco use); Joan Schmidt & Elena Williams “When All Else Fails, Try Harm Reduction” (1999) 99:10 American J Nursing 67 at 67-8. (describing the use of harm reduction frameworks in relation to dietary noncompliance for diabetic patients and tobacco use) See also Michael L Marlow, “The Perils of a Carbon Tax” (2018) 41:1 Regulation 28 (developing a “harm reduction strategy” to mitigate harm from climate change); Patricia L Farnese, “The Challenge of Regulating Prions: How the Regulation of Persistent Organic Pollutants Can Provide a Framework for Preventing the Spread of Chronic Wasting Disease” (2018) 81 Sask L Rev 187 at 188 (developing a “harm reduction strategy” to respond to responding to wildlife disease); Lise Milot, “Ignorance, Harm, and the Regulation of Performance-Enhancing Substances” (2014) 5:1 Harvard J Sports & Entertainment L 91; John R Hughes, “Applying harm reduction to smoking” (1995) 4:2 Tobacco Control S33
- xxiii. *Bill C-36, Protection of Communities and Exploited Persons Act*, 2nd Sess, 41st Parl, 2014.
- xxiv. See Kathryn Abrams, “From autonomy to agency: Feminist perspectives on self-direction” (1998) 40:3 Wm. & Mary L. Rev. 805.
- xxv. *Canada (Attorney General) v Bedford*, 2013 SCC 72.



## Co-authors

**Partner organization:** Stella, l'amie de Maimie, created in 1995, is an organization run by sex workers for sex workers that works with and provides services for sex workers in Montreal and across Québec. Stella is both a direct-service and advocacy organization, making several thousand contacts every year with sex workers in all areas of the industry to provide materials, referrals, support and accompaniments while also defending the rights of sex workers through education and various types of advocacy.



2065, rue Parthenais, bureau 404, Montréal (Québec) Canada H2K 3T1  
(514) 285 1599 | [info@chezstella.org](mailto:info@chezstella.org)

**Partner organization:** Butterfly was formed by sex workers, social workers, and legal and health professionals. It provides support to, and advocates for, the rights of Asian and migrant sex workers. The organization is founded upon the belief that sex workers are entitled to respect and basic human rights. Butterfly asserts that, regardless of their immigration status, Asian and migrant sex workers should be treated like all other workers.



(416) 906 3098 | [cswbutterfly@gmail.com](mailto:cswbutterfly@gmail.com)

**Researcher:** Tara Santini is a Montreal-based lawyer, consultant and educator. Her practice is focused on centering the leadership and knowledge of communities targeted by law, policy and enforcement within numerous legal systems (e.g. criminal, immigration, municipal, housing, labour). She works directly with communities to build meaningful participation and leadership in program and knowledge development, litigation, and law and policy reform specific to matters directly affecting their lives.

**Researcher:** Alana Klein is an Associate Professor at the Faculty of Law at McGill University, where she teaches and conducts research in the areas of criminal law, health law, constitutional law, and human rights.

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