

MAD BUTTERFLY

SEX WORKERS RIGHTS GROUP SAYS HUMAN TRAFFICKING RESCUE INDUSTRY IS MAKING LIFE DANGEROUS FOR MIGRANT WOMEN IN THE TRADE

By FLEUR DE LIT and ELENE LAM

On January 31, Butterfly (Asian and Migrant Sex Workers Network) was mourning yet another death of an Asian sex worker.

Tammy Le was found strangled at a hotel in Hamilton in the early morning January 23. As Butterfly noted in a statement, she is the third Asian sex worker murdered in the past two years in the Hamilton and Mississauga areas.

Jiali Zhang was living in Toronto and working as an escort when she was found dead in an east Hamilton apart-

“Sex worker abolitionists need us in the same way they accuse pimps of needing us.”

ment. Evelyn Bumatay Castillo, originally from the Philippines, was discovered after a fire in a room at a Mississauga Quality Inn. Murder charges have been laid in both deaths.

Like many sex workers, the women from Butterfly believe that violence against them is a direct result of new anti-prostitution laws and anti-trafficking campaigns targeting Asian sex workers.

Since December 2015, six sex workers, also members of Butterfly, have been arrested, detained or deported. Sex workers with legal immigration status have been charged and harassed arbitrarily by police.

“This creates a climate of fear for sex workers [and] they choose to work in locations that are less visible and with fewer safety protections,” says Butterfly.

In this they are not alone: all sex workers want to avoid contact with law enforcement. We are never the good guys in this Manichean allegory. We are always in need of rehabilitation or on the side of an equation that requires our mandatory delinquency to exist.

Sex work abolitionists need us in the very same way they accuse pimps of

CONTINUED ON PAGE 15



MICHELLE DA SILVA

No One Is Illegal protests outside police headquarters December 2015.

COPS SELL OUT SANCTUARY

Access to Information request reveals Toronto police conducting thousands of “status checks” on undocumented immigrants, despite “don’t ask” policy By MICHELLE DA SILVA

Toronto police are being accused of doing the Canada Border Services Agency’s (CBSA) immigration dirty work – and violating not only council’s “sanctuary city” policy but the force’s own “don’t ask” policy as well.

According to documents released under the Access To Information Act to migrant justice group No One Is Illegal (NOII) in December, Toronto police called CBSA 4,254 times between November 2014 and October 2015 asking for immigration “status checks” on individuals.

Toronto police placed another 214 calls dealing with immigration warrants, and 103 about previously deported persons. The Access To Information documents also reveal Toronto police made 152 general database information requests and 47 requests for photos of people with immigration warrants out for them or who may have been previously deported.

“They’re reporting 100 people a week, which is about 14 people a day,” says NOII member Karl Gardner, who co-authored a report on the data, *Often Asking, Always Telling: The Toronto Police Service And The Sanctuary City Policy*, which the org submitted to the Police Services Board in January. It’s expected to be tabled at the board’s regularly scheduled meeting later this month, although the matter has already been put off once.

Most worrying for NOII: only 7 per cent of the calls Toronto police made to CBSA turned out to be about persons with outstanding immigration warrants, “suggesting that TPS officers racially profiled the individuals, and chose to contact CBSA without cause,” says NOII’s report.

Gardner says that data is backed by testimony the group hears “on a regular basis” about immigrants being harassed by police.

Jared, the victim of a TPS status check who’s referred to by first name only in NOII’s report, recounted one such tale. He went to police as a witness to a crime, and while he was giving TPS his account, they ran his name by the CBSA and discovered an irregularity in his family sponsorship paperwork. Police handed him over to CBSA, and he spent three months at the Immigration Holding Centre before being released, says Gardner.

Jared was comparatively lucky. He managed to obtain legal counsel. Others, because of overcrowding at the Holding Centre, are often moved to maximum-security provincial institutions or swiftly deported.

NOII says Jared’s case isn’t unusual. Tings Chak, a member of the Migrant Sex Worker Project, says police routinely enter massage parlours and people’s homes on the pretext of enforcing human trafficking laws or city

bylaws, but what they’re really looking for are migrant sex workers.

Chak was among about 50 people who rallied outside police headquarters in mid-December calling for the elimination of police status checks.

Nigel Barriffe, president of the Urban Alliance on Race Relations, likens the practice to carding – the police policy of random spot checks.

He says, “Reporting residents to immigration enforcement based on arbitrary checks and racial profiling is an expression of systemic discrimination and racism, targeting people of colour and immigrants.”

But CBSA spokesperson Antonella DiGirolamo says Toronto police are doing nothing wrong.

Border officials work closely with police across the country seeking people in violation of the Immigration And Refugee Protection Act, she says. If TPS finds someone with an outstanding immigration warrant, “they are authorized as peace officers to arrest the individual without a warrant.”

But Toronto police under former chief Bill Blair implemented a “don’t ask” policy in 2007. It stipulates that “victims and witnesses of crime will not be asked their immigration status unless there are bona fide law enforcement reasons to do so.”

Gardner says bona fide reasons extend to situations that involve officer safety or public safety, but that it’s often undocumented immigrants whose refugee claims have been denied and who are waiting for their temporary status to be renewed who get swept up by police.

Is a don’t ask, don’t tell policy feasible? New York City and San Francisco adopted similar policies in the 1980s. But TPS spokesperson Mark Pugash doesn’t think it can work here.

“The law in Canada is clear and does not al-

CONTINUED ON PAGE 15

COPS SELL OUT SANCTUARY

CONTINUED FROM PAGE 13

low police officers to look the other way, which is essentially what they want police to do.”

As for NOII’s report, Pugash says Chief Mark Saunders “is looking into it. He has concerns about its accuracy and quality. The evidence appears to be non-existent.”

Gardner didn’t expect the report to have much impact on TPS top dogs. That’s why he wrote to the Police Services Board and its chair, Andrew Pringle, in December to demand that cops stop doing federal Immigration’s work. A second letter signed by 30 members of Toronto’s Latin American community called on the TPS to end racially motivated status checks.

“We refuse to live in a city where we are constantly being racially profiled because our accent and the colour of our skin gives the TPS suspicion [that] a subject may not have legal status in Canada, resulting in arbitrary status checks,” the letter states. “We are urging you to not do the work of CBSA. Your duty and service is to the people of Toronto.”

More than a month later, Gardner suspects he’s being given the runaround.

Letters delivered to the TPSB are typically included on the agenda of

the next meeting. But at the board’s first meeting of the year on January 20, there was no mention of No One Is Illegal’s report. The board did not have time to deal with it because discussions around Uber and the taxi industry took up most of the time.

Board member Shelley Carroll, city councillor for Don Valley East, denies that the board doesn’t want to take action on the issue. She says Chris Brillinger, executive director of the city’s Social Development, Finance and Administration Division, and Deputy Chief Michael Federico have been assigned to fact-check NOII’s 48-page report.

“There are accusations that are difficult to track, but there are meetings working to get to the bottom of it,” Carroll offers.

“I’ve asked the chief for more clarification,” Pringle tells NOW. “We have a don’t ask policy, but if we find out something during the course of an investigation, we are required by law to pass it on. So that’s the conundrum. The real question is, are we asking? And as I understand it, the answer is no.”

Gardner insists that as long as Toronto police behave this way, undocumented residents “will continue to be afraid to walk down the street, take the subway or even contact the police in times of need because they fear being profiled.”

michelled@nowtoronto.com | @michdas

MAD BUTTERFLY

CONTINUED FROM PAGE 13

needing us, despite the fact that sex workers are not supposed to be criminalized. We are viewed and subsequently treated as choosing to remain in a space of wilful truancy for not leaving sex work.

The federal government has allocated millions of dollars to combat “human trafficking” while refusing to finance safety measures to protect women working in the sex industry.

As Butterfly notes, much government funding “has been allocated to police and law enforcement and used to conduct periodic investigations and raids on sex work establishments in the name of anti-trafficking.”

I have known women (god bless those plucky broads from Saguenay-Lac Saint-Jean) who have travelled overseas to do sex work, and yet somehow these women did not suffer the same strategic victimization by law enforcement and prohibitionist groups as Asian women do here. In Canada, abolitionists must marshal victim narratives because their revenue depends upon it.

Here, almost all sex workers are assumed to be exploited and are now inscribed in Canadian legal discourse as such. But please do not misread the government’s staged concern or the performance of care that is enacted in media and law.

What the public doesn’t see, besides

those who are arrested, detained and deported, are the clients, recorded in legal and abolitionist discourse as “rapists” and “abusers,” who helped fund sex workers’ travel back to Asia when they were all suddenly deprived of employment. Or the sex workers with legal immigration status who’ve been charged and harassed indiscriminately by police.

“These conditions,” Butterfly says, “encourage sex workers to work and live in isolation and to avoid mainstream services and protections. They encourage a targeting of migrant sex workers and create a climate of impunity for predators who are aware of the vulnerabilities they face because of... their risk of deportation.”

The impact of this calculated victimization is felt not just by Asian sex workers, but by those of us in the trade who scramble to renegotiate our already tenuous incomes to send money to colleagues caught up in raids, living hand to mouth or needing a microwave, rice cooker or whatever else a woman has to leave behind in the process of deportation.

Where are these prohibitionists during these scenes? Gleeefully updating their Twitter feeds and calling us “sex workers” in scare quotes and attending conferences where they forward the notion that our clients are

“buying their right not to know they are rapists.”

Butterfly is urging the public “to pay close attention to the ways that anti-trafficking measures and repressive legal policies impact sex workers.” They want to “encourage creative responses that provide sex workers an opportunity to create safe and secure measures for their work and their lives.”

We are all tired of lurid media photographs of already marginalized sex workers covering their faces as though they are ashamed of their work, who are actually deeply frightened by the repercussions of being forced to publicly identify in a way that stigmatizes them no matter what.

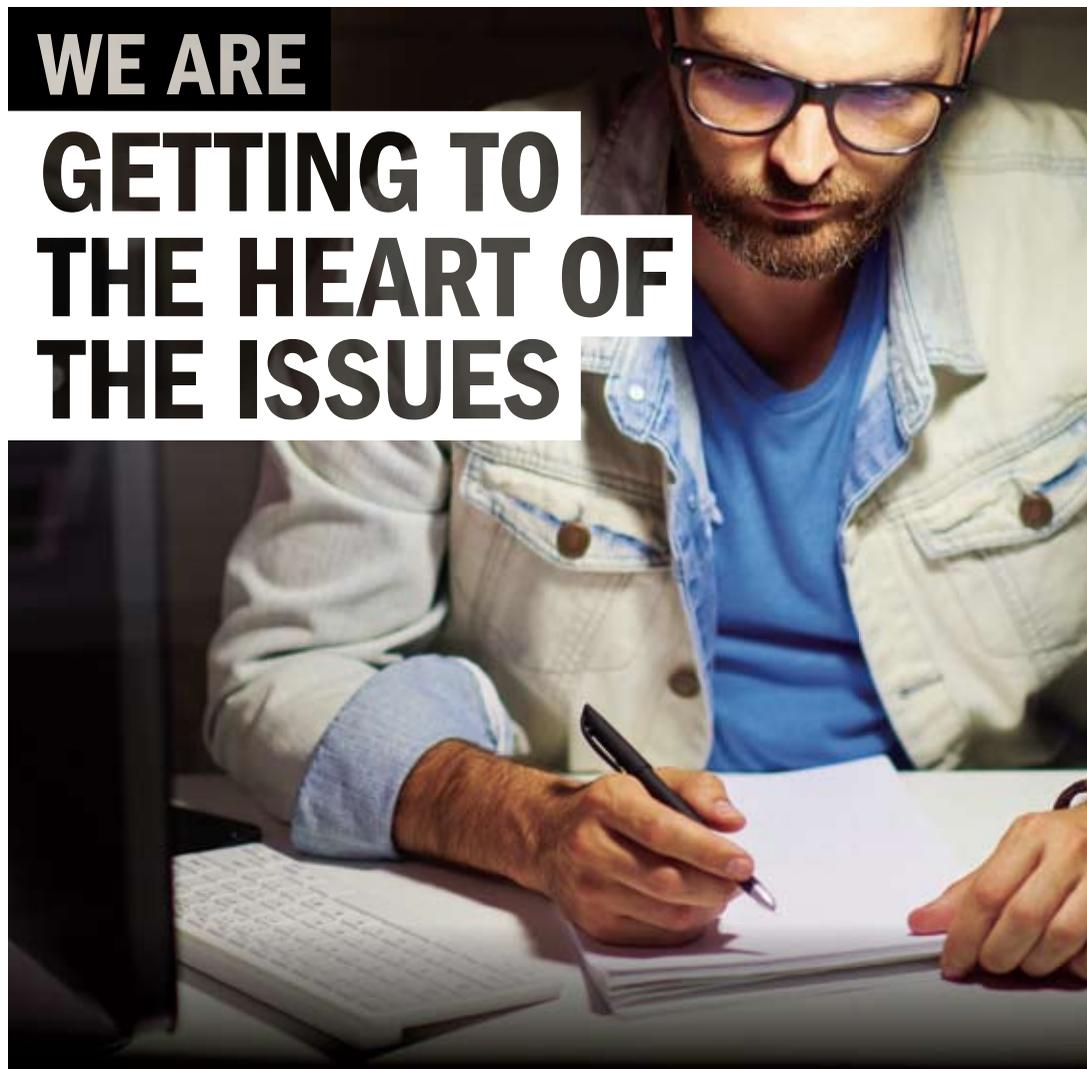
We are tired of the Organization for Prostitution Survivors telling us they will be there for us when we finally admit to ourselves we need rescuing and offering us nothing but government-funded support groups and yoga.

We believe women when they tell us they are not trafficked and we believe them when they say they are. And when others like us are targeted or deported, we will not be held as complicit in violence against women because we are sex workers and refuse to be framed as victims. We do not consent to this status.

Fleur de Lit is a pseudonym. Elene Lam is the founder of Butterfly (Asian and Migrant Sex Workers Network).

news@nowtoronto.com | @nowtoronto

WE ARE GETTING TO THE HEART OF THE ISSUES



BACHELOR OF BEHAVIOURAL SCIENCE

4-Year Degree Program

Humber’s degree program in Behavioural Science

focuses on individuals and their behaviour along with that of societies, groups, and cultures, as well as the processes that can contribute to specific behaviours.

This program emphasizes critical thinking, analytical skills, interprofessional practice and leadership. Graduates will be prepared for careers as behaviour therapists, educational assistants, autism instructor therapists and/or use their skills to enhance their employment as workers in a variety of social service settings with vulnerable populations such as mental health, addictions, seniors and youth.

communityservices.humber.ca



HUMBER

School of Social &
Community Services

WE ARE
CHANGING LIVES