

Joint Submission to call : Stop the Bill 251
Stopping Ford's Covert Expansion of Policing
Date: May 13, 2021
Submission to Justice Committee

**Over 80 organizations and 1000 individuals
have signed the statement as well as committed to stand in solidarity
and fight against Bill 251:**

Ontarians watched in disbelief and horror as Premier Doug Ford exploited the deadly third wave of COVID-19 to reinstate the racist and reprehensible practice of carding. Many have sprung into action to resist. But outside of public scrutiny, Premier Ford continues to expand policing powers in Ontario in other ways.

Ontario's Bill 251 is named the Combating Human Trafficking Act, but this law will do nothing to prevent human trafficking. Bill 251 will only expand police powers to racially profile all residents while targeting sex workers. Because the law is framed as being about "protection" and "combating human trafficking" Bill 251 has thus far escaped scrutiny despite its dangerous and far-reaching consequences.

Bill 251 gives unchecked power to police and a new cadre of "inspectors" — including the ability to conduct sweeping surveillance with no oversight. This will put more Black, Indigenous and racialized communities, especially migrants, youth, women and sex workers at risk. These powers include:

1. The power of the government to appoint provincial inspectors for the purposes of this law, who "may, without a warrant or notice, and at any time, enter and inspect any place" to determine compliance with the law and its regulations (regulations will be created once the law has passed).
2. Unfettered powers for these inspectors to examine, demand, remove or copy any "thing that is or may be relevant to the inspection".
3. The power to "question a person on any matter that is or may be relevant to the inspection, including questioning a person separate from others." Non-compliance is a punishable offence, subject to a fine of \$50,000 or \$100,000 for an individual or corporation, respectively, violating protections against self-incrimination.
4. Hotels and other rentals (including possibly AirBnBs) are required to record all guest information. This information must be shared with the police if demanded, potentially without any court order.
5. Expanded power for law enforcement and child protection workers to detain youth under the age of 18 (including 16-17 year olds) under this Act "for their protection" and force them to receive social services.

6. Sex workers are being targeted by law enforcement and making it more difficult to work safely.

These additional law enforcement powers reinforce the conflation of sex work and human trafficking, and in doing so allows police to further criminalize sex workers and surveil and harass communities associated with sex work. Our communities have spoken out against the harms of criminalization and demand the decriminalization of our work. In Ontario and across the country, people increasingly support the call to #DefundThePolice and #AbolishingPolice, yet this bill does exactly the opposite, expanding the budget as well as the scope of policing. This bill is a step in the wrong direction and allows police, inspectors and social workers to target, surveil and forcibly detain us under the guise of claiming to “protect” and “rescue” us.

Add your name to this statement:

“We call on all Ontario provincial political parties and Members of Provincial Parliament to reject Bill 251. We call on Ontario to stop the expansion of policing, defund police services, and redirect resources towards marginalized communities. We further call on Ontario to adopt a human rights-based approach to human trafficking that centers labour rights, migrant rights, and sex workers’ rights and addresses the numerous structural barriers including poverty, precarious immigration status, and lack of access to affordable housing, health and social services that contribute to the risks of human trafficking.”

For more information:

Joint submission from HIV Legal Network & Butterfly

<http://www.hivlegallnetwork.ca/site/joint-submission-on-bill-251-combating-human-trafficking-act-2021/?lang=en>

No Pride in Policing Coalition (NPPC) Statement on Bill 251

<https://noprideinpolicing.ca/bill251/>

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ANSWERS

Action Canada for Sexual Health and Rights

African Sex Workers Alliance

AQUA (Asian Queer Alliance)

Asociación Civil Cambio y Acción

Asociación de mujeres ts liquidambar

BAYSWAN

Butterfly (Asian and Migrant Sex Workers Support Network)

Canadian Alliance for Sex Work Law Reform

CAYR Community Connections

Centre for Gender and Sexual Health Equity

Chinese Canadian Collective
Chinese Canadian National Council Toronto Chapter
Communities Against Criminalization
Community Justice Collective
CSSP Legal Clinic
Decent Work and Health Network
Decriminalize Sex Work
Doctors for Defunding Police
Empower Foundation
Families of Sisters in Spirit (FSIS)
FCJ REFUGEE CENTRE
Filipinas of HamOnt
Freedom United
Friends of Chinatown Toronto
Gay Men's Sexual Health Alliance
Global Alliance Against Trafficking in Women Canada
Good For Her
Hamilton Asian Alliance
Harm Reduction Hawaii
Harmony House
Health Providers Against Poverty
HIV & AIDS Legal Clinic Ontario
HIV Legal Network
Hollaback! Ottawa
Justice for Migrant Workers
Kensington market tenant network
LAEN- The Latinx, Afro-Latin-America, Abya Yala Education Network
Latinx, Afro-Latin-America, Abya Yala Education Network
Le PlaMP
LEFÖ - Beratung, Bildung und Begleitung für Migrantinnen
Migrante Ontario
New Harlem Productions
No One Is Illegal
Ontario Coalition Against Poverty
No Pride in Policing Coalition
North York Women's Shelter
OHIP for All
Ottawa Coalition to End Violence Against Women
Parkdale Community Legal Services
Poverty Kills 2020
POWER (Prostitutes of Ottawa-Gatineau Work Educate Resist)
Queer Ontario
Queer Sex Workers Initiative for Refugees
Queerit
Rittenhouse: A New Vision
SAFETY Ottawa

Sanctuary Students Solidarity & Support Collective
Sex Professionals of Canada (SPOC)
Sex Workers' Action Network of Waterloo Region
Sistering
South Asian Legal Clinic of Ontario
South Riverdale Community Health Centre
St James Infirmary
Stella, l'amie de Maimie
Sudbury Workers Education and Advocacy Centre
SURK Toronto
SWAN Waterloo
SWAP Hamilton
SWOP BEHIND BARS
Talk Future Canada
Tea Base
The Bike Brigade
The Biking Lawyer LLP
The Leap
The People's Pantry
Toronto Prisoners Rights Project
Toronto Street Nurses Network
Trans Pride Toronto
University of Toronto Law Union
Utsopi, Belgium
WomanACT

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Bill 251 will Increase Discrimination, Violence, & Anti-Black and Anti-Asian Racism
Stop Bill 251
Butterfly (Asian and Migrant Sex Workers Support Network)
Elene Lam (Executive Director)
May 12, 2021

Dear committee members,

My name is Elene Lam. I am the Executive Director of Butterfly, an Asian and migrant sex workers support network. I have been working on human rights and anti-trafficking policies for over 20 years. Butterfly works with over 5000 Asian workers in massage parlours and the sex industry in Ontario.

As a sex workers rights organization, we are the greatest defender for the rights of sex workers. We all come together to protect each other from hurt and harm. We are concerned about the rights and safety of our community members, and we are fighting against any kind of violence in the community, including police abuse, exploitation, and trafficking.

Today, we come to the committee because we have to share the voices of the sex workers to tell you how Bill 251 does not help the trafficked victims, but how it would actually be harmful to sex workers, people of colour, including those in the Black and Asian communities, and youth.

This law does nothing to protect trafficked victims. This new anti-trafficking law is being used to cover up the government's real purpose, which is expanding the power of police and law enforcement, and increasing surveillance, discrimination, violence, and anti-Black and Anti-Asian racism.

The new bill is giving more power to the law enforcement to do more harm. Here are some examples:

- The bill gives the power to appoint provincial inspectors, “who can enter and inspect any place at any time without warrant. The inspector even can examine, demand, remove, or copy any things they think are relevant . The people must speak to the inspector”. If they do not comply, they have the to pay a \$50,000 and \$100,000 fine.
- In addition, hotels are also required to record information of all guests and share this with the police, even without a court order.
- The unchecked power of police and law enforcement violates human rights, particular the right of privacy .
- The bill also expands the power to detain youth under age 18 (including 16-17 years old) for their protection and force them to receive social services.

The government yesterday issued the statement which said that this bill protects youth. It is not the truth .

Youth justice organizations, the social work profession , and women violence organizations (e.g. Barbra Schlifer Commemorative Clinic, Justice for Children and Youth), along with many youth

workers, have said that this bill does not help youth. Detaining and policing cannot make youth safe but may make them go further underground, putting them in more danger.

Even the international anti-trafficking organizations, Global Alliance Against Human Trafficking and Freedom United, are opposing this bill as it cannot protect trafficked victims, including youth.

Nearly 70 organizations including the organization , Black Lives Matter, and many legal clinics are releasing a joint statement calling on all political parties to “to reject Bill 251 and for Ontario to stop the expansion of policing, defund police services, and redirect resources towards marginalized communities.”

This bill is extremely harmful as it prevents youth, sex workers, and Asian and Black community members from accessing safety and support . Sex work is being conflated with human trafficking. Bill 251 aims to treat all sex work as if it is human trafficking, making it harder for sex workers to work safely.

There is a lot of concern with human trafficking of sex workers. However, if you ask most of the workers, what they experience and are concerned about is not human trafficking,

They are concerned about the abuse and investigation from police, and they are concerned about the violence they face: robbery, sexual assault, and murder. Instead of providing protection, the police and law enforcement are the major sources of violence for sex workers.

For sex workers, it is very important that they are working together to support each other, such as in finding places to work, advertising, communicating with clients, and protecting their safety. They are being seen as trafficking and organized crime. Despite the Ontario court having judged that the sex work related law is unconstitutional, sex workers are still being targeted and arrested.

The government said that, the anti-trafficking policy is not targeting sex workers. This is not the truth.

During the anti-trafficking investigations, even if they cannot charge the person with human trafficking, they can use whatever way to punish and charge the sex workers, such as with immigration laws or bylaws.

We have over 200 workers who have been ticketed, charged, arrested, detained, or deported as the result of anti-trafficking investigations within the last 5 years.

The anti-trafficking investigation is not about protecting the women but is being used as racial profiling to carry out their racist investigation.

- In last few years. Migrant sex worker are being arrested in the anti-trafficking Operation Spot Light, Project Crediton and Project Orchid.
- The police in London , Hamilton, Toronto , York Region and Ottawa admitted that they are going to the internet to search for the advertisement of Asian sex workers.
- They will carry out the investigation against them just because they are Asian and they are sex workers. They claim to try to protect the vulnerable Asian victims.
- This is not protection; this is racism and racial profiling.
- In the investigation, their belongings and money are being seized, and they are having surveillance on them, along with being arrested and deported.

Instead of protecting them, their investigation is harming them.

“I am not a trafficked victim. I just want to work. I am using my own hand and my own body to earn a living to support myself and my family. When they arrested me, they searched all my stuff and took my money. The \$7,000 the police took was the income I earned from two months. **Why did they arrest me and take my money when the police said they are protecting me?**”

- Lin Chan

The new laws will further increase the power of law enforcement, which allows them to enter a place at any time and review and copy all of their records, including documents holding personal information. Individuals will have no privacy at all.

As a sex workers support organization, we would never know if law enforcement will come into our office or other social services organizations and review the records , forcing us to talk to them to provide this information.

“I can’t believe Canada has a law which allows law enforcement officers (inspectors) to enter and inspect any place, and review your record at any time. You are also not allowed to refuse to answer any questions that they ask. You get a \$50,000 fine if you do not cooperate. Bill 251 does not only harm sex workers, migrants, Indigenous, Black, Asian, and other people of colour; it affects everyone. If you do not want law enforcement to enter your place at any time, please say no to Bill 251.” - Elene Lam

I also want to use this opportunity to tell the anti-sex workers organizations to stop the racist attacks against the Asian and migrant sex workers who work in massage parlours and the sex industry. Stop saying that they are trafficked victims because they do not speak the language. Please stop asking for more policing and further criminalization of the life of Asian migrant sex workers.

Less than two months after the horrific 2021 attack in Atlanta, including on Asian sex workers are being murdered, the Ontario government is set to debate a new law that will further criminalize sex workers and increase the policing and violence of the black and Asian community .

Sex workers are being killed because of the criminalization. Sex workers are being killed by policing. Sex workers are being killed by this harmful anti-trafficking policy. Bill 251 does not help trafficked victims but just further expands policing against the Asian and Black communities, migrants, and sex workers.

We call for the government to remove the bill. Because this bill is racist , anti-sex, and anti-sex workers.

Elene Lam

Executive Director (Butterfly, Asian and Migrant Sex Workers Support Network)

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