

**Submission on Bill 251, *Combating Human Trafficking Act*,
2021**

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**Collective of Frontline Workers, Youth Workers
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STATEMENT

We are a collective of front line workers, youth workers, and community art workers who live and work in Ontario. We put forward this submission with grave concerns of how Bill 251 will impact youth and sex workers, especially from BIPOC communities. We join with Butterfly, HIV/AIDS Legal Network and No Pride in Policing in calling for Bill 251 to be immediately withdrawn.

SUMMARY

Bill 251 purports to protect youth from human trafficking, yet the bill's narrow focus on sex trafficking and conflating this with sex work is disingenuous and will result in disproportionately harming sex workers, migrant workers, as well as queer, trans and 2-Spirit youth. Youth exploitation requires holistic, grounded solutions to tackle the complicated realities of youth who sell/trade sex. Law enforcement measures that fixate on rescuing youth as 'victims' of sex trafficking reflect moralistic agendas which are anti-sex work and do not serve the best interests of youth. We know that fear of incarceration and contact with law enforcement will drive youth further underground and prevent individuals from seeking essential services. Another troubling aspect of the new bill are the broad powers granted to inspectors and how this will likely be used to target racialised, migrant sex workers. We urge the government to address the matter of human trafficking from a human rights framework, and redirect funding back into the community, education, and programs empowering youth and BIPOC communities.

OVERVIEW

On February 22, 2021, Doug Ford introduced new 'combatting human trafficking' legislation, Bill 251, as part of a five year \$307 million dollar expansion of police funding, and protection services. This new bill poses serious harm to youth and individuals who sell/trade sex, because of the conflation of sex work with sexual exploitation. There is major potential for more youth to be caught up in protection and carceral systems under false narratives along with intensified profiling of BIPOC communities.

By not differentiating human trafficking from sex trafficking, this bill steers attention away from the global racial capitalist context which gives rise to exploitative labour conditions. The focus on 'sex trafficking' deflects from the root causes that keep individuals vulnerable to exploitation, such as systemic racism, transphobia, lack of affordable safe housing, poverty, barriers to accessing health care, the over-criminalization of BIPOC communities, and precarious immigration status to name a few. We fear that 'anti-trafficking' initiatives like Bill 251 will continue to be misused to further racial profiling, detention, deportation and harassment of racialised, queer, trans and 2-Spirit youth.

IMPACT ON YOUTH

In particular, we are troubled by the expansion of police powers and the closer enmeshment with youth protection services extending the surveillance of Black, Indigenous and racialised youth. Bill 251 will increase cooperation of human services and law enforcement, in which discretionary powers granted to these officers will allow them to detain and remove 16 and 17 year old youth.

Mandatory service provision and reporting requirements will create further barriers for youth and workers to build trust and meaningful relationships. As frontline workers we see the psychological damage youth experience when they have been in contact with police. In our experience, the intrusive measures taken by law enforcement have directly contributed to the ongoing trauma in the lives of youth who sell/trade sexual services. It is not uncommon to hear accounts of harassment and targeting of racialised youth, queer, trans and 2-Spirit youth by police officers. We know that many young people, already isolated, will be driven underground for fear of being caught up with law enforcement. Accessing life saving measures, like harm reduction supports will become more prohibitive.

The new bill claims to protect youth from human trafficking, yet there is a serious lack of consideration for youth's agency, their rights and unique circumstances. Youth who are involved in selling sexual services deserve support with dignity, to be engaged with their individual situations, not forcibly detained and then offered 'voluntary' services. We know that anti-trafficking measures which heavily rely on law enforcement do not address the root causes of human trafficking of youth and adults, but divert resources away from communities to police budgets and do more harm than good.

We urge the government to take a harm reduction approach with a commitment to address the root causes of systemic and broader social conditions which shape the experiences of marginalised youth. We stand in solidarity with Sex Worker organisations and many groups calling for the defunding of police services and to redirect these resources back into the community.

RECOMMENDATIONS

- We call for the complete withdrawal of Bill 251 and for the funding to be put back into initiatives which empower youth and BIPOC communities, such as peer led community programming, sexual health, education and employment opportunities.
- We strongly recommend that any social service offered to youth who sell or trade sexual services be independent from enforcement measures. This includes services offered through community health centres, trauma counselling services, harm reductions services, housing supports.

- We urge the government to take a holistic, harm reduction approach using the least intrusive measures. This approach recognises that detainment and displacement of youth has often traumatic implications.
- We demand that the government consult and centre the voices of youth, youth workers, coalitions, and other advocates of the issue to understand the underlying issues that intersect with sex work, especially in the lives of queer, trans, 2-Spirit, BIPOC youth.