



RIGHTS OF NON-STATUS WOMEN'S NETWORK (RNSWN)

STATEMENT ON BILL 251

MAY 13, 2021

The Rights of Non-Status Women Network (RNSWN) is an organized, grassroots collective of service providers, scholars, and individual community members in Toronto, Ontario. Our mandate is to address barriers to services and resources faced by non-status women through coordinated public education, knowledge exchange, and advocacy for the purpose of systemic change. We believe that all people—whether they are migrants or not and whether they have status or not—deserve to have their essential needs met and their human rights upheld so that they can live safe and dignified lives.

As a network, we have condemned the emergency order expanding police powers announced by Premier Ford on April 16, 2021. Public backlash forced the Ontario government to rescind parts of this order. Still, police maintain the power to surveil, harass, card, and arrest people with impunity, exacerbating the existing police violence against working class, Black, Indigenous and racialized people in this province. People with no immigration status are also at an acute risk of being stopped and arrested, which could lead to deportation. This assault on vulnerable groups continues as Premier Ford finds new ways to give police more powers.

Ontario's Bill 251, the Combating Human Trafficking Act is based on fiction and stereotypes, and not facts. This bill reflects the disregard for well-documented risk factors identified by the affected Asian sex worker population. It in turn relies on racial and gender stereotypes to deem Asian women and gender queer folks vulnerable to trafficking. Given Canadian political leaders' condemnation of recent anti-Asian hate crimes in Georgia, it is now time for our leaders to act on their words and stand up to racist practices. Protection from human trafficking is only possible via development of policies that protect human rights. 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 creates special “inspectors” and legislates sweeping surveillance with no oversight. This will put more Black, Indigenous and racialized communities, especially people with no immigration status, 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. The Supreme Court of Canada agreed that sex work is work and nobody should be harassed at work. We are speaking out against the harms of criminalization and demand the decriminalization of sex work. This Bill is a step in the wrong direction and allows police, inspectors and social workers to target, surveil and forcibly detain sex workers under the guise of claiming to “protect” and “rescue” them.

As such, we share the same concerns and adopt the positions taken by organizations such as Butterfly, the HIV Legal Network and the No pride in Policing Coalition. As such, 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 community services, services to tackle gender-based violence, legal aid, sexual assault and rape crisis centres, all of which were previously defunded.

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.

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