

**Submission from 32 academics on the proposed
Bill 251, Combating Human Trafficking Act (2021)**

We write this submission as a group of 32 academics from across Canada who engage in research on sex work, human trafficking, and/or policing. Some of us presented our serious concerns regarding Bill 251 directly to the Legislative Assembly of Ontario as deputants during the Committee debates, others are signing this submission to express a brief summary of our concerns in writing. If the Government of Ontario's aim is to combat human trafficking and provide support for survivors, in particular youth, Bill 251 will be ineffective at best. Instead, there is significant potential for harmful outcomes and human rights violations.

The proposed new law demonstrates a reliance on a particular set of anti-trafficking logics that have been circulating in Ontario for years. In the debates on the 2017 *Anti-Human Trafficking Act*, we saw Members of Provincial Parliament united in their fight against trafficking on moralistic and punitive grounds. Ontario was consistently dubbed a "hub" of trafficking, while young girls were invoked as the main victims. These claims, which have been debunked in the academic literature, are largely based in conceptualizations of sex work as inherently exploitative and abusive. While 13-year-olds have been presented as the motivation for various anti-trafficking measures in the 2017 Act and with Bill 251, the resulting anti-trafficking legislation and policing efforts directly affect sex workers of all ages, with especially problematic consequences for those who are migrant, racialized, and/or Indigenous. Marginalized people who experience exploitation and abuse in the sex trade (again, of all ages) are already heavily policed and surveilled. They are charged and incarcerated at disproportionate rates, and, in the case of migrants, face the threat of deportation. Bill 251 will not address or reduce these circumstances.

By providing increased powers to police and anti-trafficking "inspectors," Bill 251 will effectively push precarious and vulnerable youth and adults further underground and away from the supports and services that could best address their complex needs. In searching for and investigating instances of purported trafficking in sex industry establishments and hotels, sex workers and others targeted will be left fearful, traumatized, and harassed, and their privacy and security will be violated. Sex workers will thus be considerably less likely to call police if they are in a future situation of violence, or if they see others in the same. This kind of policing tactic and enforcement approach will further sever the existing precarious relationship that many marginalized people have with police.

Current anti-trafficking enforcement activities already include harmful "raid-and-rescue" operations, rooted in anti-sex work and white saviour sentiments. These rarely lead to youth or other victims being rescued, but often do result in a number of harmful impacts, such as: migrant sex workers being criminalized and deported; entrapment of sex workers who are not engaged in illegal activities; pressuring of sex workers to identify as victims under threats of criminal charges and other consequences (eg: threats of having their child taken away); falsification of evidence (eg: *R. v. Courtney Salmon* 2011); and other problematic investigation tactics. Many of the people affected are Black, Indigenous, racialized, and migrants. The passage of Bill 251 will reinforce these troubling practices, giving police and "inspectors" even more power to surveil and criminalize these groups.

It is thus our strong and unanimous recommendation that you reject Bill 251 in its entirety.

Instead, as per Section 4(4) of Schedule 2 of the Bill, the government of Ontario should engage directly with sex worker-led organizations to develop a new approach that both addresses the root causes of exploitation and reduces possible vulnerabilities or abuse for those currently in the sex trade. Provincial organizations like Butterfly (Asian and Migrant Sex Workers Support Network), Maggie's: Toronto Sex Workers Action Project, POWER (Prostitutes of Ottawa-Gatineau Work, Educate, and Resist), Work Safe Twerk Safe, the Migrant Sex Workers Project, and many others in addition to national groups like the Canadian Alliance for Sex Work Law Reform, the Sex Professionals of Canada, and the Canadian chapter of the Global Alliance against Trafficking in Women, are best positioned to help the province move forward in its fight against trafficking and exploitation.

Signed:

Chris Bruckert, PhD
Professor, Department of Criminology, University of Ottawa

Victoria Bungay, PhD, RN FCAN
Canada Research Chair in Gender, Equity & Community Engagement; Professor, School of Nursing, University of British Columbia

Ann De Shalit, MSW
Doctoral Candidate (ABD), Policy Studies Program, Ryerson University

Christopher J. Doran, PhD
Professor, Department of Social Science, University of New Brunswick - Saint John

Ellen Faulkner, PhD
Lecturer, Institute of Criminology and Criminal Justice, Carleton University

Shira Goldenberg, PhD
Assistant Professor, Faculty of Health Sciences, Simon Fraser University; Director of Research Education, Centre for Gender & Sexual Health Equity

Adrian Guta, PhD
Assistant Professor, School of Social Work, University of Windsor

Stacey Hannem, PhD
Associate Professor, Department of Criminology, Wilfrid Laurier University

Robert Heynen, PhD
Associate Professor, Department of Communication & Media Studies, York University

Leslie Ann Jeffrey, PhD
Professor, Department of History and Politics, University of New Brunswick - Saint John

Lara Karaian, PhD
Associate Professor, Institute of Criminology and Criminal Justice, Carleton University

Julie Kaye, PhD
Assistant Professor, Department of Sociology, University of Saskatchewan

Lisa M. Kelly, SJD
Assistant Professor, Faculty of Law, Queen's University

Kamala Kempadoo, PhD
Professor, Department of Social Science, York University

Ummni Khan, PhD
Associate Professor, Law and Legal Studies, Carleton University

Andrea Krüsi, PhD
Assistant Professor, Division of Social Medicine, Department of Medicine, University of British Columbia

Tuulia Law, PhD

Assistant Professor, Department of Social Science, York University

Gayle MacDonald, PhD

Professor, Department of Women's Studies, Mount Saint Vincent University

Heidi Matthews, SJD

Assistant Professor, Osgoode Hall Law School, York University; Co-Director, Nathanson Centre on Transnational Human Rights, Crime and Security

Alexander McClelland, PhD

Assistant Professor, Institute of Criminology and Criminal Justice, Carleton University

Sara Jodi McDavid, PhD

Instructor, Gender and Women's Studies, Cape Breton University; Executive Director, Cape Breton Transition House; Chair, Cape Breton Centre for Sexual Health

Hayli A. Millar, PhD

Associate Professor, School of Criminology and Criminal Justice, University of the Fraser Valley

Jeffrey Monaghan, PhD

Associate Professor, Institute of Criminology and Criminal Justice, Carleton University

Tamara O'Doherty, PhD

Lecturer, School of Criminology, Simon Fraser University

Shiri Pasternak, PhD

Assistant Professor, Department of Criminology, Ryerson University

Meredith Ralston, PhD

Professor, Department of Women's Studies, Mount Saint Vincent University

Katrin Roots, PhD

Assistant Professor, Department of Sociology and Criminology, University of Manitoba

Frances M. Shaver, PhD

Professor Emeritus, Department of Sociology and Anthropology, Concordia University

Mariana Valverde, PhD, FRSC

Professor Emerita, Centre for Criminology and Socio-Legal Studies, University of Toronto

Emily van der Meulen, PhD

Professor, Department of Criminology, Ryerson University

Laura Winters, PhD

Adjunct Professor, Department of Gender Studies, Memorial University of Newfoundland; Executive Director, St. John's Status of Women Council/Women's Centre

Cynthia Wright, PhD

Associate Professor, School of Gender, Sexuality and Women's Studies, York University