

**Submission to the House of Commons Committee on the Status of Women (FEWO)  
Study on Human Trafficking**

**May 5, 2023**

As a group of thirteen academics from twelve different Canadian universities who study human trafficking, sex work, and migration, we offer you our collective insights into the impacts of Canada’s anti-trafficking policing measures. Based on our combined numerous decades of research, we assert that anti-trafficking laws and policing are causing harm rather than providing assistance, especially to marginalized, racialized, and low-income communities.

Extensive scholarly and empirical research has demonstrated that trafficking is frequently and inappropriately conflated with sex work (De Shalit, 2021; Durisin et al., 2018; Durisin & van der Meulen, 2021; Kaye, 2017; Kempadoo, 2005; Millar & O’Doherty, 2020; Roots, 2022). The conflation takes place through prohibitionist and anti-prostitution claims that sex work cannot entail consent and is inherently exploitative, abusive, and violent. With these underlying assumptions, the sex trade is positioned as the locus of blame and the criminalization of those involved is deemed necessary. The widely acknowledged harms of criminalization include sex workers being pushed to work in isolation; having reduced ability to ensure their own safety, protections, and wellbeing; fearing arrest, incarceration, and abuse from police; not being believed when violence or exploitation take place; being turned away from social services; not having access to financial and other social safety nets; and so on. Anti-trafficking law and policing directly contribute to these harms. In practice, anti-trafficking initiatives on the federal, provincial, and municipal levels have failed to meet the needs of people who identify (or are identified) as victims of trafficking as they prioritize law enforcement over rights and sustainable, long term supports.

One of the main ways in which police engage in anti-trafficking activities is through “raid and rescue” operations – collaborative initiatives aimed at “rescuing” purported victims of trafficking by posing as clients and arranging meetings with sex workers at hotels or other locations. Sex workers caught up in these operations report feeling traumatized and harassed by the intimidating spectacle of police forcing their way into their workspaces (Canadian Alliance for Sex Work Law Reform, 2018; Lam & Lepp, 2019; SWAN, 2018). This further reduces trust in police services when or if their support is necessary. Importantly, research by academics and sex worker rights organizations finds that the majority of these raids fail to uncover any trafficking activity (Ditmore & Thukral, 2012; Shih, 2021). Instead, police target the purchasers of sexual services, sex workers, and non-exploitative third parties, only pushing the sex trade further underground (Butterfly, 2018; Hill, 2016; Millar & O’Doherty, 2020)

Police raids also take place in both illicit and municipally regulated sex work businesses. They enter holistic health, massage, and body rub establishments unannounced, often with bylaw enforcement officers in tow. In addition to experiencing harassment and abuse of authority, as noted above, sex workers in these instances can also receive expensive fines for minor infractions, as well as possible arrest and even deportation in the case of non-status migrants (Lam, 2018). Raids against illicit and licensed establishments have increased in recent years, largely in response to growing government and public attention on trafficking. The unconfirmed assumption that

Asian migrant women who disproportionately work at these establishments are victims of trafficking is used to justify police intervention and surveillance (Butterfly, 2018; Lam, 2023; Lam et al., 2021). When law enforcement officers enter massage and holistic parlours and unsuccessfully attempt to locate trafficking victims, migrant and non-migrant sex workers are left with persistent levels of stress and fear, which can *de facto* encourage them to transition their work into more clandestine and thus more dangerous spaces. In short, the issue has already been studied (for decades) and the results of the studies are clear: anti-trafficking legislation, programs, and advocacy harm those they claim to help.

Scholarly research points to a number of other key problems related to current anti-trafficking policing strategies:

- The majority of trafficking charges are stayed, withdrawn by Crown attorneys, or acquitted by judges (Millar & O’Doherty, 2020; Roots, 2022), suggesting unwarranted and overzealous charging practices by police;
- Trafficking charges are overwhelmingly laid against racialized people and especially young, low-income Black men, contributing to the criminalization of race and poverty (Millar & O’Doherty, 2020; Roots, 2022; Williamson & Marcus, 2017);
- Anti-trafficking policing has resulted in increased surveillance of the sex industry writ large, and the criminalization and harassment of migrant, Indigenous, racialized, and low-income sex workers in particular (Kaye, 2023; Raguparan, 2023);
- Sex workers suspected by police of being victims of trafficking are pressured through various methods, including use of previous or existing criminal charges and threats of involvement by child services, to self-identify as victims of trafficking (Roots, 2022);
- Excessive policing has deterred the reporting of actual violence by those who do not identify as trafficking victims, with studies indicating that sex workers, and especially migrant sex workers, do not turn to police for support or would not do so again (Ham, 2015; McBride et al., 2019; Lam, 2018);
- And lastly, anti-trafficking policing leads to the criminalization of those who provide assistance to sex workers, even if these dynamics are not exploitative. While unfounded and racist imagery conveys a predatory male exploiter, empirical research shows that third party managers can play a range of supportive and versatile roles (Bruckert, 2018a, 2018b; Bruckert & Hannem, 2013; Bruckert & Law, 2013; Horning & Marcus, 2017; Jeffrey & MacDonald, 2006; Mensah, 2018; van der Meulen, 2011; Zheng, 2010).

In conclusion, anti-trafficking strategies in Canada rely heavily on policing, which has had detrimental and unwarranted consequences for sex workers and has not proven to adequately support those who identify as trafficking victims. In many cases, police actions have invited more harm into sex workers’ lives and diminished opportunities for safety and protection. Our recommendations below reflect efforts to protect the rights of those who provide a diverse range of sexual services and to meet their demands for safety, justice, and human rights.

## **Recommendations**

1. Repeal the anti-sex work provisions in the Criminal Code that were introduced in 2014 with the *Protection of Communities and Exploited Person's Act* (PCEPA);
2. Expunge sex workers' and others' criminal records for sex work-related convictions under PCEPA as well as the previous anti-prostitution laws prior to 2014;
3. Repeal municipal by-laws for sex work-related establishments that increase sex workers' vulnerability to harassment and abuse from police and by-law enforcement officers;
4. Reconsider the necessity of anti-trafficking-specific laws, which have been ineffective at best, harmful at worst, and instead utilize other Criminal Code provisions when actual instances of extortion, kidnapping, violence, and/or assault occur;
5. Cease all harmful and inappropriately termed "raid and rescue" policing operations that occur at the municipal, provincial, and federal levels; and
6. Redirect resources from the policing of sex work and human trafficking to sex worker-led and migrant justice community initiatives.

## **Signed:**

Lyndsey P. Beutin, PhD (Assistant Professor, Communication Studies & Media Arts, McMaster University)

Chris Bruckert, PhD (Professor, Criminology, University of Ottawa)

Ann De Shalit, PhD (Assistant Professor, Gender and Social Justice, Trent University)

Stacey Hannem, PhD (Professor, Criminology, Wilfrid Laurier University)

Rob Heynen, PhD (Associate Professor, Communication & Media Studies, York University)

Leslie Ann Jeffrey, PhD (Professor, Comparative Politics and International Relations, University of New Brunswick)

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

Gayle MacDonald, PhD (Professor, Women's Studies, Mount Saint Vincent University)

Maria Nengeh Mensah, PhD (Professor, School of Social Work, Université du Québec à Montréal)

Katrin Roots, PhD (Assistant Professor, Criminology, Wilfrid Laurier University)

Frances Shaver, PhD (Professor Emeritus, Sociology, Concordia University)

Mariana Valverde, PhD (Professor Emeritus, Center for Criminology and Socio-Legal Studies, University of Toronto)

Emily van der Meulen, PhD (Professor, Criminology, Toronto Metropolitan University)

## References

Bruckert, C. (2018a). Who are third parties? Pathways in and out of third-party work. In C. Bruckert, & C. Parent (Eds.), *Getting past the “pimp”*: Management in the sex industry (pp. 36-55). University of Toronto Press.

Bruckert, C. (2018b). Introduction: Revisioning third parties in the sex industry. In C. Bruckert, & C. Parent (Eds.), *Getting past the ‘pimp’*: Management in the sex industry (pp. 3-18). University of Toronto Press.

Bruckert, C., & Hannem, S. (2013). Rethinking the prostitution debates: Transcending structural stigma in systemic responses to sex work. *Canadian Journal of Law and Society*, 28(1), 43-63.

Bruckert, C., & Law, T. (2013). Beyond pimps, procurers and parasites: Mapping third parties in the in call/out call sex industry. *Rethinking Management in the Adult Sex Industry Project*, [https://www.nswp.org/sites/nswp.org/files/ManagementResearch%20\(4\).pdf](https://www.nswp.org/sites/nswp.org/files/ManagementResearch%20(4).pdf)

Butterfly (Asian and Migrant Sex Workers Support Network). (2018). *Behind the rescue: How anti-trafficking investigations and policies harm migrant sex workers*. [https://www.nswp.org/sites/default/files/behind\\_the\\_rescue\\_june\\_2\\_butterfly.pdf](https://www.nswp.org/sites/default/files/behind_the_rescue_june_2_butterfly.pdf)

Canadian Alliance for Sex Work Law Reform. (2018, October 9). Sex worker human rights groups oppose police operation Northern Spotlight. <https://sexworklawreform.com/press-release-operation-northern-spotlight-october-2018/>

De Shalit, A. (2021). *Neoliberal paternalism and displaced culpability: Examining the governing relations of the human trafficking problem*. PhD Dissertation. Toronto Metropolitan University.

Ditmore, M., & Thukral, J. (2012). Accountability and the use of raids to fight trafficking. *Anti-Trafficking Review*, 1, 134-148.

Durisin, E. M., & van der Meulen, E. (2021). The perfect victim: “Young girls”, domestic trafficking, and anti-prostitution politics in Canada. *Anti-Trafficking Review*, 6, 145-149.

Durisin, E. M., van der Meulen, E., & Bruckert, C. (2018). *Red light labour: Sex work, regulation, agency, and resistance* (pp. 3-26). University of British Columbia Press.

Ham, J. (2015). *Chinese sex workers in Toronto and Vancouver*. Zi Teng and Supporting Women’s Alternatives Network (SWAN) Vancouver: <https://www.swanvancouver.ca/swan-publications>

Hill, A. (2016). How to stage a raid: Police, media and the master narrative of trafficking. *Anti-Trafficking Review*, 7, 39-55.

Horning, A. & Marcus, A. (2017). Introduction: In search of pimps and other varieties. In A. Horning, & A. Marcus (Eds.), *Third party sex work and pimps in the age of anti-trafficking* (pp. 1-13). Springer International Publishing.

Jeffrey, L. A., & MacDonald, G. (2006). *Sex workers in the Maritimes talk back*. University of British Columbia Press.

Kaye, J. (2017). *Responding to human trafficking: Dispossession, colonial violence, and resistance among indigenous and racialized women*. University of Toronto Press.

Kaye, J. (2023). Anti-trafficking and settler-colonial discourses of protection: The coloniality of racialized interventions. In K. Kempadoo, & E. Shih (Eds.), *White supremacy, racism and the coloniality of anti-trafficking* (pp. 119-135). Routledge.

Kempadoo, K. (2005). From moral panic to global justice: Changing perspectives on trafficking. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work and human rights* (pp. xvii-xxxiv). Paradigm Publishers.

Lam, E. (2018). *Survey on Toronto holistic practitioners’ experiences with bylaw enforcement and police*. Butterfly (Asian and Migrant Sex Workers Support Network). [https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754\\_029e6c6c4d0346c890cc55186e4eaf2a.pdf](https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_029e6c6c4d0346c890cc55186e4eaf2a.pdf)

Lam, E. (2023). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy*, 82, 22-57.

Lam, E., & Lepp, A. (2019). Butterfly: Resisting the harms of anti-trafficking policies and fostering peer-based organizing in Canada. *Anti-Trafficking Review*, 12(12), 91-107.

- Lam, E., Shih, E., Chin, K., & Zen, K. (2021). The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Social Sciences*, 10(5), 157.
- McBride, B., Shannon, K., Duff, P., Mo, M., Braschel, M., & Goldenberg, S. M. (2019). Harms of workplace inspections for im/migrant sex workers in in-call establishments: Enhanced barriers to health access in a Canadian setting. *Journal of Immigrant and Minority Health*, 6, 1290-1299.
- Mensah, M. N. (2018). The representation of the “pimp”: A barrier to understanding the work of third parties in the adult Canadian sex industry. In C. Bruckert, & C. Parent (Eds.), *Getting past the “pimp”: Management in the sex industry* (pp. 19-35). University of Toronto Press.
- Millar, H., & O’Doherty, T. (2020). *Canadian human trafficking prosecutions and principles of fundamental justice: A contradiction in terms?* <https://icclr.org/publications/canadian-human-trafficking-prosecutions-and-principles-of-fundamental-justice-a-contradiction-in-terms>
- Roots, K. (2022). *Domestication of human trafficking: Law, policing and prosecution in Canada*. University of Toronto Press.
- Raguparan, M. (2023). Is it because I’m not young and white with blue eyes?: Canadian police response to sex workers of colour’s experiences of exploitation and trafficking. In K. Kempadoo, & E. Shih (Eds.), *White supremacy, racism, and the coloniality of anti-trafficking* (pp. 170-186). Routledge.
- Shih, E. (2021). The trafficking deportation pipeline: Asian body work and the auxiliary policing of racialized poverty. *Feminist Formations*, 33(1), 56-73.
- Supporting Women’s Alternatives Network (SWAN), Vancouver. (2018). *Realities of the Anti-Trafficked: How Canada’s Human Trafficking Response Increases Vulnerability for Im/migrant Sex Workers*. Brief to the Standing Committee on Justice and Human Rights on Human Trafficking. Written by Alison Clancy. <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR9760992/br-external/SupportingWomensAlternativesNetworkSociety-e.pdf>
- van der Meulen, E. (2011). Illegal lives, loves, and work: How the criminalization of procuring affects sex workers in Canada. *Wagadu: A Journal of Transnational Women’s and Gender Studies*, 8, 217-240.
- Williamson, K., & Marcus, A. (2017). Black pimps matter: Racially selective identification and prosecution of sex trafficking in the United States. In A. Horning, & A. Marcus (Eds.), *Third party sex work and pimps in the age of anti-trafficking* (pp. 177-196). Springer International Publishing.
- Zheng, T. (2010). Anti-trafficking campaigns and the sex industry in urban China. In T. Zheng (Ed.), *Sex trafficking, human rights and social justice* (pp. 84-101). Routledge.