



**Brief submitted to the Standing Committee on the Status of Women For the study on:
Human Trafficking of Women, Girls, and Gender Diverse People
May 5, 2023**

Submitted by: Maggie's Toronto Sex Worker Action Project

Introduction

Maggie's Toronto Sex Worker Action Project ("Maggie's") is one of Canada's oldest funded sex worker justice organizations. For more than 35 years we've supported sex workers in Toronto's downtown east end through street outreach, drop-in programming, harm reduction supplies and services, legal and mental health supports, food security efforts and peer support groups. The majority of sex workers we serve are from poor, working-class, racialized and Indigenous communities, members of the LGBTQ2S+ community, and street-based sex workers. Much of the work we do is in direct response to the barriers sex workers face as a result of problematic anti-trafficking policies, which cause significant harm to our communities and threaten our basic human dignity. We have worked alongside researchers, public health professionals, harm reduction agencies, churches and victim services to examine the harms of anti-trafficking initiatives, but most importantly through our programs, services and emergency support work, we have directly witnessed and experienced these harms first-hand.

Harms of Anti-trafficking Policies and Practices on Sex Workers

The conflation of sex work with human trafficking is often the cause of exploitation, poor working conditions, vulnerability to violence, isolation and marginalization of sex workers. Many anti-trafficking initiatives result in increased police presence in our workplaces, surveillance, interrogation, harassment, detention and deportation. Under the guise of "protection" anti-trafficking policies often further criminalize our communities, endanger our lives, impose deadly working conditions, strip us of our agency, perpetuate systemic violence and harmful stereotypes onto the most marginalized of sex workers that have real-world implications for our communities. Sex work is a highly stigmatized form of labour, and the already existing prejudices state authorities such as the police, child welfare agencies, courts, social assistance departments, medical practitioners, and immigration officers, hold on systemic and individual levels are further compounded by the overrepresentation of marginalized communities within sex work. As a result, sex workers experience constant fear, stress and isolation in their daily lives and are placed in conflict with the law and law enforcement. They face barriers to their ability to maintain basic economic and social security, such as having their bank accounts frozen without access to their funds for basic necessities like food and housing. There are rarely meaningful forms of recourse for those victimized by these prejudices, however it is undeniable that they exist when we feel the recurring trends in our communities. Sex workers are prevented from protecting their human rights, accessing labour and employment protections, and ensuring their personal safety because of the criminalization of their work. Enforcement agencies that



claim to fight human trafficking are simply a quick-fix attempt to sweep away the “problem” while tone deaf to the realities of sex workers’ actual needs.

Anti-trafficking policies that purport to seek out trafficking victims in fact target all sex workers and inevitably result in a disproportionate detrimental impact on marginalized communities through forms of policing and surveillance that have been downloaded onto multiple industries - hospitality workers, healthcare and education workers - through “training” that encourages workers to racially profile when “identifying” potential trafficking in businesses, healthcare facilities, hotels, airlines and schools. They are informed by stereotypes and discriminatory assumptions, rather than acknowledging sex workers as labourers whose rights and safety deserve respect and protection. These oppressive anti-trafficking policies use “detection” tools that conflate signs of trafficking with signs of stigmatization, illegalized immigration status and sex work in a criminalized context. Recent trends in increased Artificial Intelligence use further proliferate existing discrimination against marginalized communities. This use of technology to validate heightened surveillance by state authorities like the Canada Border Services Agency (CBSA) has dire consequences, such as deportation or lifetime bans, for sex workers, based on collection of information without oversight or scrutiny sensitive to these vulnerabilities. This leads to sex workers isolating themselves from health and social services to avoid invasive and harmful interactions and disclosures.

Impacts of Anti-trafficking Policies and Practices on Marginalized Sex Workers

Maggie’s works closely with Indigenous, Black, and racialized sex workers who face compounded forms of violence, including through our culturally specific services and supports such as an Indigenous-led program for local sex workers and emergency support for Black sex workers. Indigenous women who live and work in public spaces are assumed to be trafficked, but many do this work as a means of generating money or resources in a context of poverty. Negating the agency of Indigenous women who sell sexual services and labeling them as victims deflects from recognizing the numerous ways a colonial state reproduces violence, injustices and other harms - including displacement, homelessness, poverty, racism, inequality, and barriers to reporting and accessing services, supports and resources.

Migrant sex workers are particularly vulnerable due to their precarious immigration status. Increased law enforcement has driven many members of our community into precarious working conditions, increasing their vulnerability to exploitation and violence, and migrant workers face additional barriers such as language, threats of border-crossing bans, arbitrary detention and deportation. Moreover, if they do experience exploitation and violence, they are deterred from seeking supports and services, including state protection, vital health and social supports. Anti-trafficking initiatives targeting racialized communities, such as Asian massage parlour workers, are underpinned by racist and anti-migrant ideology that paternalistically insist on the victimization of labourers, rather than supporting their autonomy and ability to provide for their families. We have witnessed and experienced how criminalization of any aspect of sex



work, from legislation to municipal bylaws, has resulted in increased state surveillance and penalty against this vulnerable sector, such as targeted raids in places of work, discriminatory licensing requirements and exorbitant fines, while also failing to actually protect our communities from harm.

Conclusions

Maggie's supports decriminalization of sex work in all forms in favour of providing our community with access to already existing labour and enforcement protections. Anti-trafficking initiatives are an integral part of the criminalization of sex work and major source of creating and perpetuating harm. For these reasons, we request that the Standing Committee on the Status of Women consider the follow recommendations:

1. Take any and all steps possible to remove criminal, immigration and municipal laws and regulations that criminalize sex work;
2. Immediately ensure full and permanent immigration status for all in Canada, without exception; and provide everyone with access to services without fear or discrimination;
3. Reframe funding initiatives so that they are not dependent on "human trafficking" frameworks;
4. Recognizing sex work as work, not trafficking; and
5. Investing funding in sex worker-led community initiatives, especially in support of Indigenous, Black and migrant sex worker led groups.