

**Brief submitted to the Standing Committee on the Status of Women
For the study on: Human Trafficking of Women, Girls, and Gender Diverse People
Submitted by Butterfly (Asian and Migrant Sex Workers Support Network) May 2023**

Who are we ?

Butterfly: Asian and Migrant Sex Workers Support Network (“Butterfly”) is a group of sex workers, social workers, and legal and health professionals who support and advocate for the rights of Asian and migrant sex workers. Butterfly has connected with more than 5,000 sex workers in Ontario and beyond. Few Butterfly participants have citizenship status, some have permanent resident status, but most are in precarious situations, e.g. no status, students, and refugees.

Sex work is work. Sex work is a form of resistance for many Asian migrant sex workers.

Many Butterfly participants find sex work empowering and rewarding. Not only does it provide them with better income, but it also permits them to have more flexible working hours. Butterfly participants have reported that they prefer sex work over jobs they had in other industries, such as factories and restaurants. In addition, some Butterfly participants have reported that they have been able to escape abusive relationships by entering the sex industry, as it provided them with greater financial independence. Other positive aspects of sex work reported include: the ability to help others; working with colleagues who speak their own languages; happiness and satisfaction, the ability to integrate into Canadian society ; and the ability to expand social networks.

“Some people say that they want the body rub parlors shut down because workers are being sexually assaulted, abused, and trafficked there. Similar to other industries, some of us may face bad bosses or experience violence at our workplaces. Human trafficking and sexual violence happen to many workers, e.g. caregivers, farm workers, restaurant workers. Violence can also occur in universities, churches, or marital relationships; however, we do not call for shutting them down or criminalizing them.

Sex work is work Sex work is not human trafficking

Sex work is a way for many to resist oppression, access income, gain social resources, Avoid exploitation in other workplaces and escape from abusive relationships. When sex work is labelled as violence and trafficking, it is unable to recognize real violence against sex workers. The conflation of sex work with human trafficking results in the criminalization of sex work, and law enforcement initiatives that target the sex industry. Instead of ending human trafficking, the anti-trafficking efforts are often aimed towards ending sex industry by promoting the idea that sexual services are inherently sinful, immoral, and a form of sexual exploitation despite it violating the rights of and endangering sex workers. Some of the most prominent and active anti-trafficking organizations are anti-sex work and tied to fundamentalist Christian groups or law enforcement which are rooted in racism, xenophobic, white saviour ideals. They weaponize harmful anti-trafficking rhetoric to conceal their distinctly anti-migrant, anti-Asian, and anti-sex work agendas.

Harm caused by anti-trafficking policies

Sex workers, particularly youth, racialized (e.g. Asian), and migrant sex workers, are silenced. Their narrative is denied through the imposition of a “trafficked victim” being lured into the sex industry.. These sex workers are described as fearful, ignorant, brain washed and not able to consent to their need to be rescued. Anti-human trafficking policies contextualize complex experiences of economic and social vulnerability caused by intersecting systematic oppressions (e.g. ableism, racism, classism, sexism) and problematic policies (e.g. land dispossession and displacement. housing and income insecurity, over-incarceration, a discriminatory immigration system) as ‘human trafficking’.

Remove criminal, immigration, and municipal laws and regulations that target sex work and sex workers

Instead of protection, the criminalization of sex work and the immigration prohibition of working in sex work related industry, including Immigration and Refugee Protection Regulations (IRPR) 183(1)(b.1), 196.1(a), 200(3)(g.1) and 203(2)(a) further marginalized migrant sex worker , increase their vulnerability to exploitation and violence. All the criminal, immigration, and municipal laws and regulations that target sex work and sex workers should be removed.

Law enforcement and rescue strategies make people less safe

Essential support systems for migrant sex workers include friends, family, third parties and clients –these supports are framed as traffickers implicated in organized crime. Over 300 members of Butterfly have reported experiencing harassment, fines, charges, arrests, detainment, imprisonment and deportation. Raid and rescue” is being used to “identify” and “rescue” victims and push workers underground into unsafe, isolated situations. Since sex work is conflated with trafficking, anti-trafficking raids become anti-sex work raids. Although intended to identify trafficked victims, these checks effectively turn into racial profiling and targeted harassment and humiliation. The rights and privacy

of workers are typically infringed upon during these visits, forcing them to disclose personal information. These supposed 'welfare checks' lead police to incorrectly claim, harass and intimidate honest businesses relegating them as running sites of human trafficking or money laundering. Not only do low-income workers lose their jobs, police raids result in workers' money and personal property being seized, eviction notices, and the loss of their immigration status. (see Behind the Rescue Report). These interventions reduce sex workers, particularly migrants and racialized workers' ability to support themselves and negotiate terms with clients but also limits access to safety precautions.

For example, Mimi was being identified as a trafficked victim , "I was locked by chains and weights, on my wrists and legs... I felt like I was being treated as a murder suspect. They did not allow me to make a phone call or contact other people." She was deported after the RCMP seized \$10,000 CAD from her.

Yu was sleeping when a few police officers broke [her] door. She said "I was handcuffed and not allowed to wear my clothes until I answered their question. They asked me if I was safe and if I was [being] controlled. I told them that "I was safe before you came." Then they took all my money and phones. A social worker told me that she was not [with the] police and tried to help me. She gave me a very shitty phone and little money. I lost my place to live and work,

Racist attacks against Asian massage parlors and sex worker in the name of human trafficking

Some harmful anti-trafficking organizations are now lobbying for repressive bylaws, more prosecutions, and to "clean up" and "shut down" massage parlors, particularly those run by Asian women. They said that the Asian women who do not speak English are ignorant and not able to consent. For example they called for shut down holistic centers in Toronto that over 2000 Asian immigrant women would lose their job. In order to protect predominantly white owned massage businesses, these organizations are also advocating for changes to requirements around professional training and credentials so as to exclude non-English speaking, Asian and migrant workers from being licensed or working. This undoubtedly has had huge economic impacts on Asian massage workers. The Town of Newmarket passed the bylaw in 2021 resulting in all the Asian massage parlors being shut down. The massage workers are charged and are facing a \$50,000 fine.

"I am not trafficked victim. I use my hand to support myself and my family. Please stop shutting down our business and bringing more policing into our lives. Please stop imposing your moralistic, colonial, and religious ideas on me." Ching Li

"This is extremely racist when you said we are trafficked victim when we speak little English" Lili

'Exit' programs perpetuate surveillance and isolation: A Violation of Self-Determination:

Funding for anti-trafficking 'exit' programs is dependent on identifying supposedly trafficked victims and forcing them to exit sex work. These programs replace care with surveillance, shame, coercion, and fear, creating an environment of distrust and discomfort that discourages and prevents sex workers from accessing necessary services. Someone who reaches out to a social service or violence against women organization in need of housing, income support, or healthcare is instead met with attempts to 'rescue' them and steer them out of the industry. Sex workers are misidentified or pressured to self-identify as trafficking victims as funding and services — including shelter beds — often require it. The screening process service providers use to identify trafficking victims is incredibly flawed, filled with racist and classist 'indicators' or 'red flags' like not speaking English, avoiding eye contact, avoiding police, working with third parties like managers, and having online sex work ads. This delegitimizes the regular experiences and practices of migrant, poor people and the standard business practices of sex workers as signs of trafficking and victimhood.

In my experience, exiting programs caused me more harm than help. I was a sex worker looking for a different way of making a living. Most counselors and social workers assumed my victimization and treated me as if I was recovering from trafficking or the harms of the sex industry. It was not helpful to push me towards trauma focused therapy and "healing" when what I was seeking was financial support and stability. Being repeatedly told I was traumatized by people without experience in my industry slowly chipped away at my self- esteem and now I feel more unstable both emotionally and financially. I wish instead I had the support of non judgemental peers who had transitioned successfully into other work and could both empathize and help trouble shoot the many practical challenges of leaving sex work. - Ali Song

Precarious immigration cause exploitation

The root cause of migrant exploitation is lack of permanent resident status. Without permanent resident status, migrants are on restrictive work or study permits that often deny them the ability to change jobs or educational institutions, access healthcare and they are separated from their families. Those who are undocumented face even greater exploitation including low-wages and abuse. Migrants face massive reprisals when speaking about mistreatment as a result of immigration rules that give enormous power to employers. The only way to have a fair society is to ensure equal rights for

all, and equal rights are only possible if each and everyone has the same immigration status. That is why we continue to call for regularization of all undocumented people and permanent resident status for all migrant workers, students, refugees and families.

Asian and migrant sex workers speak out

Sex workers, particularly Asian sex workers are clearly speaking out: evicting them from their working and living spaces, depriving them of income and livelihood, and enacting laws and policies that punish them, pushes them underground and exposes them to police violence and to other aggressors as well as to physical and sexual violence, exploitation, and murder.

Even though I am a victim of domestic violence and think that the institution of heterosexual marriage is the most exploitative system to women in the world, I still do not have the right to advocate for the criminalization of your marriage. That's why we need to build our community to help each other, like Butterfly does, to protect our rights, improve our working conditions, and stop the exploitation and violence against us.- Asian Migrant Sex Workers

Stop exploiting sex workers to meet your anti-sex work agenda

Butterfly is calling for all the politicians, anti-sex workers organizations, and law enforcement to stop using the anti-trafficking issue to exploit sex workers and impose the moralistic agenda, increase their own funding and political gains. The pro-carceral anti-trafficking organizations must stop trying to shut down massage parlours and body rub parlours, and stop advocating for the further criminalization of sex work — increasing surveillance, policing, investigations, and racial profiling of sex workers. Any strategy to combat exploitation and trafficking must be one that centers human, labor, and migrant rights of workers, and addresses structural and systemic barriers. The justice and protections that marginalized people need lie in increased investments in community-based services, affordable and safe housing, access to anti-oppressive education, accessible health care, childcare, legal services and supports, labor rights, fair wages, status for all and more.

With the awareness that current policies do not address the systemic inequities that make sex workers vulnerable, we make the following recommendations:

Stop conflating sex work and human trafficking.

- Remove criminal, immigration, and municipal laws and regulations that criminalize and target sex workers and related businesses — this includes repealing PCEPA, IPRP, and bylaws targeting massage parlors and strip clubs.
- Repeal Immigration and Refugee Protection Regulations (IRPR) that prohibit working in sex work related business: Immigration, Refugee and Citizenship Canada (IRCC) to heed the recommendations of the [Report of the Standing Committee on Justice and Human Rights](#) and immediately repeal ss. 183(1)(b.1), 196.1(a), 200(3)(g.1) and 203(2)(a) of IRPR.
- Immediately ensure full and permanent immigration status for everyone in Canada without exception, and provide everyone with access to respectful health and social services.
- Stop the policing, surveillance, and racial profiling of sex workers and third parties.
- Restructure social service funding so it is not dependent on human trafficking frameworks and does not force people to identify as victims or reveal their immigration status. This includes re-allocating funding to *community-led* organizations to provide support and services.
- Defund police and reallocate resources to immigration settlement, health, legal, and housing services.
- Develop an alternative to the carceral criminal system
- Develop social policies that address systemic oppressions such as sexism, racism, xenophobia, transphobia, whorephobia, and classism.

Attachments

Lam, E. (2018a). Behind the Rescue: How anti-trafficking investigation and policies harm migrant sex workers. *Butterfly*. https://www.butterflysw.org/files/ugd/5bd754_bbd71c0235c740e3a7d444956d95236b.pdf

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Lam, E. (2019a). How to develop a social justice framework to support migrant sex workers and prevent the harm caused by anti-trafficking initiatives. *International Association of Schools of Social Work: Social Dialogue*. 20. 30–34.

Butterfly. (2021b). *Call to action: Stop racist attacks from harmful anti-trafficking organizations against Asian massage parlours and sex workers*. <https://www.butterflysw.org/stop-racist-attacks>

Butterfly & HIV Legal Network. (2021, April 8). *Joint submission on Bill 251, Combating Human Trafficking Act*. <https://www.hivlegalnetwork.ca/site/joint-submission-on-bill-251-combating-human-trafficking-act-2021/?lang=en>

Butterfly & Immigrant Legal Committee (2018) . Submission to Committee of Justice and Human Rights. Work Permit restriction on Employment in Business related to the sex trade. <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR10006331/br-external/ImmigrationLegalCommittee-e.pdf>

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