



Yukon Status of Women Council Brief to the Standing Committee on the Status of Women Human Trafficking of Women, Girls and Gender Diverse People

May 2023

Background

Yukon Status of Women Council (YSWC) is a territorial non-profit organization based in Whitehorse, Yukon. As an intersectional, decolonial feminist research organization, we occupy a unique position within the gender justice community because we are the only non-governmental organization that has the mandate to work on gender justice issues with all levels of government, conduct research, develop and follow-through with actionable recommendations, and provide a platform for amplifying Yukon women's voices. A participatory approach grounded in the issues and concerns of Yukon women is then translated into systemic and structural change, centring the community's concerns and salient, emergent issues.

As a project-based organization, we facilitate the Supporting Worker's Autonomy Project Yukon (SWAPY). This project is built to increase options for the wellbeing and safety for people who trade sex in the Yukon, as well as supporting people who have experienced sexualized exploitation and trafficking. Though our project works to serve both sex workers and survivors of trafficking, it is critical to not conflate these two terms. A large portion of our project's work involves countering damaging narratives about sex work and the harms that are a direct result of conflating sex work and trafficking in policy and law. SWAPY works with a diverse range of community partners to reduce sex work stigmatization and misinformation through conducting research on promising practices; engaging in an iterative process with partners to support increasing their accessibility to sex workers through policy analysis, recommendation, implementation; public education and training; and advocating for decriminalization with all levels of Canadian and territorial governments.

Anti-Trafficking Policies and Procedures

Anti-trafficking policies and procedures actively harm sex workers by placing them in conflict with law enforcement and allowing an increasing amount of surveillance, harassment, detention, deportation and interrogation of workers engaged in consensual labour. These discriminatory practices increase stigmatization and criminalization of sex workers, which contributes to greater risk of vulnerability, as workers must continue to work in isolation, while simultaneously reducing access to safety, support, and protections guaranteed to workers in all other industries.

As these policies and practices are underpinned by racist, anti-immigrant ideologies, they have a disproportionate impact on the most marginalized sex workers - Indigenous, im/migrant and racialized workers. As racialized workers bear the brunt of this over-surveillance and targeting, it pushes them further underground to avoid police detection and harassment, and increases their vulnerability to exploitative working conditions and violence.

Conflating Sex Work and Sexualized Human Trafficking

Sex work and sexualized human trafficking are often conflated, which has far-reaching negative impacts on both people who do sex work and those who have experienced sexualized human trafficking, without addressing root causes of trafficking itself. People must be able to identify their own experiences, and not leave this to the subjectivity of institutions that conflate sex work with human trafficking. This amalgamation not only clouds the realities of sexualized human trafficking, but enables the over-surveillance and over criminalization of sex workers, and attempts to justify stings, raids and other harmful practices used by law enforcement to identify sexualized human trafficking through targeting the sex industry.

Conflating sex work and trafficking is counter-productive, as human trafficking detection efforts often push sex workers into isolated areas, where exploitation can thrive more easily away from public view and police detection. Over-surveilling workers who are engaging in legal, consensual work is ineffective in addressing root causes of trafficking. Instead, a focus must be placed on acknowledging and addressing the impacts of ineffective and misinformed law and policy, putting efforts into reducing other systemic factors that create vulnerability to exploitation.

People who sell and purchase sex are best positioned to spot human trafficking and exploitation, yet are criminalized and therefore unlikely to report it. To remove fear and hesitation around reporting, sex work must be decriminalized.

Anti-trafficking policies' disproportionate impact on Indigenous, BIPOC, im/migrant women

Anti-trafficking initiatives have a disproportionately harmful impact on Indigenous, Black and im/migrant women. These initiatives exist as a vehicle for harmful, racist ideologies that are rooted in white supremacy, colonization and xenophobia, and do nothing to actually address or mitigate the compounding systemic violence and oppression faced by marginalized sex workers. These initiatives are not only racist, patronizing and infantilizing, they perpetuate stereotypes about racialized workers that attempt to ignore and minimize autonomy and agency of workers, actively working to remove workers' ability to be recognized as the experts of their own personal experiences.

As workers in the sex industry are not provided the same protections as workers in other industries, there are no accessible or safe mechanisms in place for workers to find recourse, with institutions such as the police/RCMP being historically unsafe to access. Anti-trafficking policies enable over-surveillance of sex workers, especially racialized or otherwise marginalized workers, and push sex workers further underground, where exploitative conditions can thrive more easily. Building on the harm of these policies, immigration policies create further vulnerability to exploitation by criminalizing im/migrant workers for engaging in sex work, making it impossible for workers to report their experiences of violence without risking deportation. Further harm is experienced by Indigenous sex workers, when they are mislabeled as trafficking victims, as it not only disregards their autonomy, but also reinforces racist and colonial narratives, without addressing or acknowledging the impacts of colonization. Essentially, in the place of addressing root causes of trafficking,

anti-trafficking policies create better conditions for exploitation to grow - and do nothing to support people who have experienced trafficking or exploitation.

Recommendations

- 1. Repeal the Protection of Communities and Exploited Persons Act, Immigration and Refugee Protection Regulations prohibitions on migrant sex work, all Municipal Bylaws that target the sex industry and expunge sex worker's records**
Sex work must be fully decriminalized, for all, at all levels of government. Over-surveillance, raids, detention, deportation and other forms of sex worker criminalization must end immediately to ensure the safety, autonomy, privacy and livelihoods of all sex workers, and to increase the likelihood that people will access support services if needed. With the decriminalization of sex work, exploitation, trafficking and violence would remain illegal under existing legislation, and provide more clarity to law enforcement and law makers between legal, consensual work and illegal exploitation, trafficking and violence.
- 2. Immediately rectify immigration policy to ensure full and permanent immigration status to all im/migrating to Canada**
Without fear or threat of detention and deportation, and with access to existing labour rights and support services available to workers in all other industries, im/migrant sex workers would have increased access to legal recourse, support services and protections if needed.
- 3. Reconstruct funding initiatives to no longer rely on and perpetuate anti-trafficking frameworks**
Funding initiatives that rely on anti-trafficking frameworks are inaccessible to workers, often requiring workers to identify as victims of trafficking in order to receive support services. This falsely inflates trafficking numbers, further sustaining the anti-trafficking narrative that trafficking is a quickly growing social issue - when in fact, most statistics are unreliable and not informed by evidence. Without sex worker autonomy and recognizing sex work as work, data collected through support services will not accurately represent the needs of sex workers, and therefore be unsuccessful in supporting them. In order to have effective programs that recognize autonomy, build trust and provide support, a shift away from anti-trafficking frameworks is necessary.
- 4. Prioritize investment into sex worker-led community programming and initiatives, especially those led by Indigenous, Black, im/migrant and racialized workers**
By investing in programs and initiatives that are sex worker-led, in particular those led by Indigenous, im/migrant and racialized workers, programs will be informed, developed and sustained by those they seek to serve, therefore becoming more accessible to workers, increasing effectiveness. This must also be paired with a move away from anti-trafficking funding initiatives, and requirements that workers must identify as victims of trafficking in order to receive support. This funding can be reallocated from a de-investment of funding to anti-trafficking initiatives and policing, to decrease violence against workers, and the stigmatization and criminalization of sex workers.