



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on the Status of Women

EVIDENCE

NUMBER 060

PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, April 20, 2023

Chair: Mrs. Karen Vecchio



Standing Committee on the Status of Women

Thursday, April 20, 2023

• (1530)

[English]

The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)): I call this meeting to order.

Welcome to meeting number 60 of the House of Commons Standing Committee on the Status of Women.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of June 23, 2022. Members are attending in person in the room and remotely using the Zoom application. I would like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference.... I'm looking to see what faces I see here. It looks like we have no amateurs.

Ms. Lam, we're going to make sure you know what's going on there. It's nice to see you online, Ms. Lam.

If you're in the room, make sure there's interpretation. You have your headpiece, so English, French and the floor are available. On Zoom, you have your choice of English, French or the floor for interpretation as well. If you wish to speak, please just raise your hand. On Zoom, please use the "raise hand" function. In accordance with the committee's routine motion concerning connection tests for witnesses, I am informing the committee that all witnesses appearing virtually have completed the required tests.

Pursuant to Standing Order 108(2) and the motion adopted on Tuesday, February 1, 2022, the committee will resume its study of the human trafficking of women, girls and gender-diverse people.

Before we welcome our witnesses, I would like to provide this trigger warning. I know we have some different people in the room today, so you guys are really going to find out what we really do here. All the hard stuff is done here in this room. We will be discussing experiences related to abuse. This may be triggering to viewers, members or staff with similar experiences. If you feel distressed or if you need help, please advise the clerk or just alert us to what's going on.

Now I would like to welcome our panellists for today.

From Butterfly: Asian and Migrant Sex Workers Support Network, we have Elene Lam, who is online there. From the Sex Workers of Winnipeg Action Coalition, welcome to Kate Sinclair. From Stella, l'amie de Maimie, we have Sandra Wesley, who is the executive director.

I would like to welcome you by giving you each five minutes to start. I will be passing the first five minutes over to Elene, online.

Elene, you have the floor for five minutes.

Ms. Elene Lam (Executive Director, Butterfly: Asian and Migrant Sex Workers Support Network): Thank you.

Good afternoon. My name is Elene Lam. I am the executive director of Butterfly, which is an Asian and migrant sex workers support network.

We are the community-led organization that organizes and provides support for over 5,000 Asian and migrant sex workers across Canada. I have been working on human rights and anti-trafficking issues for over 20 years internationally and 10 years in Canada.

Today, we would like to share the voices of Asian and migrant sex workers and let you know how the current anti-trafficking policies do not help trafficked victims but victimize and traumatize sex workers, migrants, and racialized and gender-diverse people.

I would like to give you an example of the experience of a worker.

A member of Butterfly had been living in Canada for 15 years. She came as a caregiver, but she was not able to get her PR because her abusive boss rejected to do her immigration papers with her. She became undocumented after her spouse sponsorship was rejected. She started working in the sex industry.

One day, a few police officers broke her door to her apartment. She was handcuffed and forced to stand at the corner of the wall. She was treated like a murderer. She was asked if she was being controlled or whether anyone helped her. Confusingly, the police told her that they had come to protect her. She was asked if she was safe. She told the police that she was safe before they came. The police called CBSA and arrested her. Police seized her phones and \$10,000, which was all the money that she had earned and saved in Canada. She was working in the sex industry not only because she was in poverty, but because it was also the way she resisted and fought against poverty.

During the interview by the law enforcement, she told them about her experience of being robbed, assaulted and almost killed. However, they did not care. Her friend was also arrested because they were suspected of working together as organized crime. Both of them were deported.

This is only one of the stories of what has happened to a Butterfly member.

Over 300 members of Butterfly have reported experiencing harassment, charges, arrests, imprisonment and deportation. Even if a migrant has a work permit, they will lose their immigration status when they work in the sex industry. Many workers and their families are framed as traffickers and are being arrested when they help other workers to communicate or work safely. Hundreds of Asian massage parlours were shut down because of the anti-trafficking campaign. The Asian women lost their work, their way of living and their dignity.

This is obviously not the solution to the problem. The rescue approach has been adopted by Canada and many countries, but this is not working. The current system, which is aimed at ending sex work, is not working. It has, particularly, pushed migrant and racialized sex workers underground, promoted discrimination and hate against sex workers and increased their vulnerability to violence and exploitation. They are not able to seek help. Instead of protection, this is harming the people. More of the same is not useful.

That's why we need a new way to address the issue. That's why we are here today. For many marginalized, Black, indigenous, migrant and sex workers, police are the major sources of violence and a pipeline to prisons and deportation. Instead of asking people to trust the police, we should develop an alternative so that people can access support and help from the people they already trust.

The "rights not rescue" approach must be adopted to respect the agency of the people. Empower people to protect themselves and their community so that they can access safety and leave an exploitative situation.

Here are the solutions: Remove all of the laws against sex workers and migrants so they can protect themselves without fear or criminalization, and remove the immigration ban from people working in the sex industry. We do not need trafficking-specific funding. Support people's access to housing, income, labour rights and status so they can leave the violent situations. Support communities to build safety measures and power so that they can support themselves in their communities.

I want to emphasize that the root cause of migrant exploitation is the lack of permanent residency. This is why we continue to fight, with many migrant organizations, for the regularization of all undocumented people and permanent resident status for all migrants, students, refugees and families. We are disappointed that migrant worker-led organizations like Migrant Workers Alliance for Change are still not invited to speak.

- (1535)

Butterfly has done a lot of research, and many scholars have done a lot of research about the harm of anti-trafficking. I'd be hap-

py to answer more questions and provide more information on how this system is not working and what the alternatives could be to make people safe and protect them in difficult situations.

Thank you.

The Chair: Thank you so much. I don't know if you timed yourself at home, but somehow you were almost right on the dot. Way to go.

I'm now going to pass the floor over to Kate Sinclair.

Kate, you have the floor for five minutes.

Ms. Kate Sinclair (Member, Sex Workers of Winnipeg Action Coalition): Thank you.

My name is Kate Sinclair. I'm currently studying law here in Ottawa, and I'm a member of the Sex Workers of Winnipeg Action Coalition. We're a group of sex workers, activists, allies and researchers back in my home of Winnipeg, Manitoba, on Treaty 1 territory. We have a clear mission to fight exploitation, not sex workers.

We need you to understand that many groups that call themselves anti-trafficking organizations are centred on a goal of "eradicating" sex work—their word. To people among these groups, sex work is inherently dangerous and sex workers are making a conscious choice to do something dangerous, so if we experience violence while we work, we chose it, we asked for it and we even created it. This gets taught to our police, who then use that basis to interact with workers.

We can't keep trying to end abuse by criminalizing and surveilling sex workers. Laws and policies often place the blame for trafficking directly on the sex workers themselves, creating a simultaneous victim and abuser narrative that is impossible to navigate. It encourages law enforcement to drop in on sex workers with "wellness checks" and empowers raids, arrests, deportation and other forms of state violence.

A story that might help to illustrate this comes from my own life working in queer adult film. I was contacted out of the blue by a sex worker I'd never met. She was trying to double-check with me to make sure that she was auditioning with my company. This was the first I'd heard of it, because I don't hold auditions. As it turns out, someone was using my reputation and status as a filmmaker to lure sex workers to a rural address. He was stealing my name to get free sex, which is abuse.

He knew that the system that criminalizes sex workers and their clients actually supported him, and he was right. We realized that we couldn't come forward to report this man to police. The worker was rightfully, from experience, more concerned about being arrested herself, losing her income and losing her kids. That's because laws and attitudes cast the sex worker as both trafficker and trafficked, victim and abuser.

We had his address and we could not do anything, so we did what we could to keep people in the area safe. We posted warnings online and reached out to local sex worker groups. We tried our best to keep others from accepting his pitch, but keep in mind that policing the Internet and physical spaces to eradicate sex work from public view and away from community means that warnings and community initiatives can only go so far. That has only gotten worse in recent years with anti-trafficking legislation in digital spaces. It's getting harder for us to warn people.

If you want to address harm, you need to step back and look at the circumstances that Canada has put in place to put people there—an oppressive immigration system, criminalization of sex work, poverty, access to housing, a race to the bottom in worker rights and minimum wages, poor support for those living with disabilities and police surveillance of marginalized communities. Going forward, think of supports and not more criminalization in a system that is already hostile to women, girls and gender-diverse folks. Do not patronize “deportation and incarceration will save you” attitudes. This may surprise you, but people aren't excited to go to prison for reporting workplace violence.

Sex workers have been supporting our communities while criminalized for a long time. We're often the first to see when something is wrong, but if we get arrested, are exposed to further surveillance or are even just written off when we come forward, it will not work. Start with decriminalization of sex work, immigration status for migrant sex workers, affordable housing, a guaranteed basic livable income so that people can make choices about the work they do, and comprehensive and inclusive education systems that don't shame women's sexuality. We have the laws around trafficking. We have the laws. If they're not working or being used, we need to analyze why and not make new laws that will just uphold the status quo.

I'll wrap up with another story. This comes from an indigenous sex worker in the Prairies. These are their words: “When I was a youth, I was houseless and participated in survival street sex work. Having been a sex worker is something I've always been open about in my writing, activism and scholarship. I'm not ashamed because I am describing a common experience for Indigenous Prairie youth. Anti-sex work rhetoric is anti-Black, anti-Indigenous, whorephobic, transmisogynist, and classist, no matter how you try to dress it up in the aesthetics of resistance and decoloniality. To

circulate anti-sex-work rhetoric is to have Indigenous blood on your hands. The only place I found support to survive was in the streets. The violent force that 'pushed me into sex work' was Canada and Canadians.”

We as SWWAC remind you to fight exploitation, not sex workers. Together we can make a safer world for everyone, but not if you're trying to eradicate us.

Thank you very much. I do welcome any questions you may have.

• (1540)

The Chair: Thank you so much.

You guys are really timed out very well today. It's unbelievable.

We're going to invite Sandra.

You have five minutes.

Ms. Sandra Wesley (Executive Director, Stella, l'amie de Maimie): Hi. I'm Sandra Wesley. I'm the executive director of Stella, l'amie de Maimie. We're an organization by and for sex workers based in Montreal.

While we do advocacy, our primary mandate is to provide services to sex workers. We make on average 5,000 to 8,000 contacts with sex workers in every possible sphere of the sex industry in Montreal. We're also accountable to our sex-working community, which is large, diverse and complex.

We have a policy at Stella and in most sex workers' rights organizations that we don't tell personal stories. We can identify as sex workers, but we owe it our ourselves, to our self-respect and to our community to not give you our horror stories to be used against us, to not make you cry, to not focus on emotions. For one thing, those are always used against us, but we also have something called a charter, which promises us that we have rights regardless of public opinion. We shouldn't have to give you drama in order for you to listen to us, and you shouldn't take our more dry focus on human rights as somehow indicating that we're denying there is violence or that we're not giving you what you want to hear.

The first point I want to make is that trafficking as a concept is absolutely useless to address violence against women and violence against sex workers. It is an ideology. For most of the 20th century, the term commonly used was "white slavery", or in French *traite des Blanches*, and it was only when that became so obviously racist that the language started to change a little bit.

This is entirely about the racist notion of racialized men coming after pure, innocent, white women, and it hasn't changed since. Using the word "trafficking" is a deliberate strategy of a movement that aims to eradicate the entire sex industry, because in this day and age just saying we hate sex workers and we want to eradicate them doesn't work the same way.

You don't necessarily have to take my word for it. I invite you to refer to the Standing Committee on Justice and Human Rights report on trafficking from a few years ago—I believe in 2018 or maybe 2019. Chapter 2 of that report very clearly lays out that there are two types of witnesses. They heard from people who believed that all sex work is trafficking and they heard from sex workers who had a more nuanced perspective. Obviously, your colleagues at the time chose to ignore sex workers and just take wholesale everything that was said by people who aim to eradicate sex work.

It's your job to look at the evidence, to reject witnesses who have an ideology that is explicitly stated and to question what you're hearing.

I heard in previous meetings of this committee absolutely outrageous things being said, including that having 12-year-olds is somehow common in the sex industry. There is no evidence to support that. If you look at every single sex work location in this country that is raided over and over, 12-year-old girls are not commonly found in the sex industry. That is absolutely false. The average age of entry into sex work is not 14. That is absurd. If you have fourth grade math you should be able to understand that. We are tired of constantly having to fight against absolutely absurd things when what we say is not heard.

The reality is that there has been a massive theory on trafficking for many years in this country. There have been hundreds of millions of dollars poured into it, and the evidence does not support it. It's not because it's so hidden. It's not because the victims are so afraid. We are the victims you claim to be concerned about, and we are here to tell you that this approach is not working. This ideology does not respond to our needs.

There are not two separate groups. We don't have sex workers on one side and victims of trafficking on the other side. Just because

we don't choose to use that ideological language to identify does not mean that we are not specifically the women who anti-trafficking experts come to talk to you about. Most of us would be identified as victims of trafficking based on the definitions of anti-sex work advocates.

Parliament decided in 2014 through the Protection of Communities and Exploited Persons Act to set as the objective the eradication of sex workers. That is incompatible with any objective to make sure that we are protected, that our human rights are respected or that we have good working conditions. Ultimately, trafficking is about bad working conditions. It's about forced labour or labour conditions that are so horrible that they meet this definition of trafficking.

When we as a group do not have access to basic labour standards, when we don't have minimum wage, when we don't have any maximum working hours, when we don't have sick pay, vacation pay, maternity leave or access to occupational health and safety, it is impossible to even start to talk about what trafficking could possibly look like in such an industry. Trafficking is a concept that is useful when we are talking about workers who have rights and things that go outside of the norm.

• (1545)

Focusing on trafficking hides the violence that we actually experience. We are telling you there are serial killers who are murdering us and that's not interesting. If we don't phrase it as trafficking, no one cares. We're telling you we are being sexually assaulted and that we are....

Yes, I see that my time is up, but I will finish talking about the violence we're experiencing. Thank you.

We are telling you we are being robbed. We are being—

The Chair: Excuse me. I'm sorry.

Sandra, with all due respect, I am listening to you. We are all listening to you. The reason we have times is so that all of us can ask these really important questions. Things that you're saying like "no one's listening", this is so that we can actually ask these questions.

Although I do support that, as chair I will now be moving over to the MPs. We have to respect this. I will respect you, you will respect me, and we'll all get along just perfectly.

Do you have a few more seconds or minutes, may I ask?

Ms. Sandra Wesley: I can finish in 30 seconds, if you want.

The Chair: Finish in 30 seconds, please.

Ms. Sandra Wesley: As I was saying, we have been screaming for years that our employers can rob us with impunity, that our clients can assault and threaten us, and that our landlords can evict us. We are talking about absolutely horrific working conditions. Unless we're willing to phrase it as trafficking and agree that the solution is for us to lose our employment and do something else with our lives, no one actually cares.

The solution is that, if you're concerned about violence against sex workers, don't call it trafficking. Say you're concerned about violence against sex workers, and then you will come to the conclusion that decriminalization is the absolute essential first step that we need.

The Chair: Sandra, thank you so much.

We're now going to go to our round of questioning. In each round, each party will have an opportunity.

For the first six minutes, we'll start with Michelle Ferreri.

Ms. Michelle Ferreri (Peterborough—Kawartha, CPC): Thank you so much, Madam Chair.

I really want to thank our witnesses for being here at the status of women committee as we talk about and undertake a study on human trafficking. It's been interesting. Thank you very much for each of your testimonies.

I would like to begin with Ms. Lam.

Ms. Lam, I think there's still a lot of confusion. It's perhaps out of the good intention to try to protect women, but there's still a lot of confusion between sex work and sex trafficking.

I would ask you to help educate people who are watching at home. What is the difference? How do we ensure that our loved ones, family and friends are protected if there is a choice involved in this? What is the difference?

• (1550)

Ms. Elene Lam: It's just like Sandra described. The terms "human trafficking" or "sex trafficking" are useless and confusing. We hear many anti-sex work organizations call any sex work activity human trafficking.

If we can take out this ideology about how sex work is bad and people should not do sex work, so then we can go and do other kinds of work.... People may have different life conditions, and they need to do sex work. People have different life conditions, so they may want to be a chef in a kitchen. When you ask caregivers whether they want to fly away from their families to take care of the children of others, they will not tell you that this is their ideal work. That doesn't mean we need to criminalize this kind of work.

I think that's why this committee keeps having so much trouble. It's because the definition of human trafficking is so often being used to convey sex work. The purpose of using this term is to eradicate sex workers. It makes people think that sex work is evil. That's why I think—

Ms. Michelle Ferreri: Thank you. I'm sorry if I have to interrupt you. It's just the time. We only have a certain amount of time.

I'm confused. Are you saying there isn't a difference between sex trafficking and sex work, or that you don't want to use that terminology?

Ms. Elene Lam: We don't need to waste so much energy and time to identify who is being trafficked and who is not. What is human trafficking? We hear stories. It maybe related to domestic violence.

Many in our community.... If I'm a sex worker and take money, I'm seen as human trafficking. That's why, if we take away the term "human trafficking", we can focus on how women can get the power and have agency to define themselves.

Ms. Michelle Ferreri: I'm sorry, Ms. Lam. I'm just trying to be succinct here.

What we were studying is that there is a significant difference between someone who chooses.... The Pornhub documentary—I don't know if you've watched it—*Money Shot: The Pornhub Story* did a really great job. I don't know if you agree or disagree with that. I thought it did a really good job of creating....

We're talking about two very different things. I don't think around this table anyone has any judgment on anyone who chooses to have a healthy choice in escorting, sex work or whatever you want to call it. We're trying to dissect here how to tell the public.... If you have an escort business opening up, that is sex work, as opposed to a child who is online, has been lured and has a pimp who's a guerrilla pimp or a romance pimp, who is manipulating her, using her and taking control of her life. We're trying to dissect the difference. We want to support choice for women who are in a position to do that.

I think what you're saying is a bit confusing for the committee. You're saying there's no such thing as human trafficking.

Ms. Elene Lam: I'll just say, for example, that when sex work is still criminalized, when sex work is being seen as human trafficking and when sex work is being seen as exploitation, we cannot differentiate the violence. We know very well much gender-based violence is—

Ms. Michelle Ferreri: I have trouble with a bit of that, because I went out on a ride-along with—

I'm sorry, Ms. Lam—

The Chair: I have to—

Ms. Michelle Ferreri: Are we out of time, Chair?

The Chair: I have to interrupt for just a second. No, we are not out of time.

I know that it's sometimes very difficult virtually, but questioners do have the time. We try to do it as equally as possible, but when the person who is asking the questions interrupts.... Let's try to get back on track. Thanks so much.

Ms. Michelle Ferreri: I want to point out that I went out on a ride-along with one of our human trafficking divisions in my riding of Peterborough—Kawartha.

The police officers were very in tune with who were escorts or sex workers, and they really left them alone. They had a great relationship with them. They knew that they weren't part of a group of vulnerable women who were being used. They knew that there were women who were choosing to do this lifestyle. They were independent. They were entrepreneurs, for a lack of a better term. They weren't being controlled by anyone.

I definitely saw that within the police that I dealt with, as well as when we went to Halifax. I don't know of any police officers who are arresting legitimate entrepreneurs. Again, I'm not understanding what you're saying.

• (1555)

Ms. Elene Lam: In the current legal system, other third parties, such as those who help other sex workers do advertisements, for example, or who help other people find a workplace, have all become illegal. In that narrative, in that story, and also in the law, they are often framed as human traffickers. That's why I keep saying that we are not able to see the agency of the people, and we are not able to see the actual situations of the people when we call sex work “human trafficking” or when we see sex work as exploitative. That's why we see so many police who keep harassing the sex workers—

The Chair: Thank you so much, Elene.

We're going pass it over to Emmanuella Lambropoulos, who is also online.

Let's just make sure that both of you get an equal opportunity to speak.

Emmanuella, you have six minutes.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you, Madam Chair.

I'd like to begin by thanking all of our witnesses for being here to shine some light on this study.

First, I would like to give the opportunity to Sandra to continue what she was saying in her opening remarks. I know that we are on a time limit, and I understand Madam Chair's decision, but I know that you were beginning to speak about the abuse that sex workers do encounter. You can continue with that, and then I'll go ahead and ask my questions.

Ms. Sandra Wesley: Thank you very much.

The point I was trying to make earlier is that, while I'm sure a lot of other witnesses have told you about this conflation of sex work

and trafficking, there's also a conflation of all kinds of violence against sex workers and trafficking.

Trafficking should have a very narrow definition that involves forced labour and very specific things. What is happening now is that any kind of violence against sex workers and any kinds of bad working conditions now get put under this umbrella of “trafficking”.

We're not saying that violence doesn't exist. Actually, we are desperate for help to end that violence. We know that in every other industry when we have bad working conditions, we unionize. We see outside here in Ottawa the government workers who are unionized and who are fighting for their rights. As sex workers, we should have the same rights. If we don't have those basic rights as workers, then it just doesn't make any sense to start talking about when we might be trafficked or not trafficked, because we don't even have the legitimacy to work and to create good working conditions for ourselves.

What I'm interested in—and what I think a lot of people on this committee are interested in—is figuring out how to avoid more serial killers going after sex workers and how we avoid exploiters and abusers hearing the message that the government is sending them, and that is to say, “Sex workers are a good victim for you because you will not be caught, and you can be violent against sex workers because we also want to eradicate them. If you want to exploit someone's labour, you had better do it in the sex industry, because they don't have rights and they will be more afraid of the police than they are afraid of you.”

It's really important to stop conflating sex work and trafficking. It's also very important to stop conflating violence against sex workers and violence against women in general and trafficking.

Ms. Emmanuella Lambropoulos: Thank you very much for clarifying that.

I heard you say in the last couple of minutes that trafficking should include forced labour in its definition. Of course, before coming into the study, that's what I believed trafficking was. If we were to change the definition and create legislation, or remove or fix the legislation that currently exists around trafficking, what are some specific recommendations you would make in terms of the actual definition that you would use? Then we'll get into the rights of sex workers in my next question.

Ms. Sandra Wesley: The first thing, obviously, would be to repeal immigration provisions that cause migrant sex workers, regardless of their type of work, to be deported. That's the very first and immediate thing that can be done. The other thing is really more than changing trafficking laws. It's removing sex work laws that are almost word for word the same laws that already position all sex work as de facto trafficking. That's what we need first, so we can have an intelligent conversation about trafficking.

The other thing is to stop trying to pass all of these new bills that try to make it so that you don't need a victim. The victim can be screaming in court, and there are cases like this that you can go read. You can read decisions on trafficking cases where the victim is crying and screaming in court, "I'm not trafficked. Leave me alone. I don't want to be here", yet she's still forced to testify for days and days in very traumatic conditions. We need to give up this idea that we're so traumatized we need to be forced to be identified as victims. That's really the first step. Once we have a coherent definition of sex work as work, then I think the concept of trafficking becomes much more evident.

Finally, we need to stop giving a different standard to sex workers. Most workers work because we live under capitalism and you need to make money to pay your bills. No one is going into fast food restaurants asking employees if they really feel empowered, if it's a choice, if they're forced to go to work today. We assume that people have to work. We even have unemployment that says you have to take any decent work that you can find with no questions asked. We need to have the same standard for sex workers. We're not trafficked just because we hate our job. We can hate our job and still decide to go do it, because that's how we pay our bills, and there's a lot more nuance to that. Bringing it to the same rational conversation as other forms of work is really where solutions start to emerge and where a conversation on trafficking....

A final little point is that human trafficking is not the same thing as sex trafficking. Human trafficking is this concept of selling humans. Sex trafficking is selling sex, just like drug trafficking is selling drugs and gun trafficking is selling guns. Conflating those two terms and mixing them is one of the ways by which people conflate sex work and trafficking and create other language that is new and very concerning.

• (1600)

The Chair: You have 45 seconds left, Emmanuella.

Ms. Emmanuella Lambropoulos: Thank you, guys.

Thank you very much, Sandra.

The Chair: You have 45 seconds left.

Ms. Emmanuella Lambropoulos: I thought you said five.

The Chair: No, I said 45 seconds. Go for it.

Ms. Emmanuella Lambropoulos: I have a follow-up question, Sandra. You mentioned earlier that a big part of why we're doing the study is that women who are in sex work are often not treated well by people who are employing them, for example, and it's because there are no rights because it's not a recognized form of work by the government. I'm wondering if you have any specific recommendations on some of the basic things that should be included if ever there were to be a definition of sex work and what would be allowed.

The Chair: Emmanuella, you took 40 seconds to ask the question. I have about maybe 10 seconds, and then we can do some writing on that one as well.

Ms. Sandra Wesley: At sexworklawreform.com, we have 80 pages of law reform recommendations about sex work that go into great detail. We are currently in a constitutional challenge against the Government of Canada. All of that is available, and also our ar-

guments and the government's arguments, which I encourage you to read to understand the violence of what it is to defend sex work criminalization.

The Chair: Thank you so much.

We're now going to move it over to Louise Chabot.

Louise, you have six minutes.

[*Translation*]

Ms. Louise Chabot (Thérèse-De Blainville, BQ): Thank you very much, Madam Chair.

I'd like to thank the witnesses for their testimony.

Ms. Wesley, Stella has been a recognized organization for over 25 years now, I believe. I think the rights of sex workers are now acknowledged, as well as the fact that they need to be protected.

Correct me if I'm wrong, but on the trafficking of women, you were saying earlier that there are no young girls among sex workers.

That may be, but the International Labour Organization is increasingly looking at the issue of child victims of trafficking. A reported 34% of victims are children. When we talk about trafficking, we're not talking about children who have chosen to be sex workers. We're talking about trafficking. By the way, migrant children are very vulnerable to human trafficking or types of exploitation that can be sexual, labour or panhandling, as well as organ harvesting or being exploited to serve as soldiers.

Human trafficking is a reality. I understand there's a distinction between the sex trade and human trafficking, but do you acknowledge the existence of the things I've raised?

• (1605)

Ms. Sandra Wesley: Obviously, we're not saying that there isn't abusive behaviour that falls under some of the much narrower definitions of human trafficking. There are situations of extreme abuse that meet those definitions. These situations are very marginal and much rarer than the numbers often show. Moreover, it is quite difficult to trust the numbers, because the definitions are unclear. That includes data from sources that are not reliable.

On the other hand, what we do know, especially if you go back to the human trafficking situation, particularly in Canada, is that underage people are trading sexual services, and they're mostly doing so under very poor conditions. In our communities, we often see LGBT youth who've been expelled from their families, particularly young gay men who find themselves on the street and who have no choice, in order to survive, but to find someone who will pay the rent, someone with whom they will have sex. For many of these young people, the central problem in their lives is not the exchange of sexual services. They will be very vulnerable to abusers who will take advantage of the situation. Ultimately, it's because they don't have a place in society. They have nowhere to live. They don't trust the child welfare system. They have to hide from the police. That's where most of this violence comes from.

Most of the young girls who also end up in these situations come out of the youth centres or end up on the street in difficult situations. Young indigenous girls find themselves in the city without any support.

The exchange of sexual services is rarely the issue for these people. When we talk to them, they tell us that they want to be safe and survive and that the violence they've experienced is a problem. For them, the exchange of sexual services is a solution. They say it's no worse than going out and stealing a bike to survive or begging for money on the street corner than doing anything else when you're truly in trouble.

In my opinion, if you focus on these issues, that's where you'll find solutions as well. The police crackdown on the sex industry, including this endless search for minors, often ends up placing these young people in greater danger and can drive them into deeper hiding. This gives abusers a lot of leeway to target them with impunity.

The issue is not whether or not to deny violence or violence resulting from human trafficking. There are indeed young people who exchange sex in very bad conditions. Rather, it is about examining their reality and asking them what they need.

Police enforcement is not the answer.

Ms. Louise Chabot: I understand that phenomenon. I was trying to say that human trafficking does indeed exist. I don't know the extent of it in Canada. It would be good to know and to understand the conditions.

Some would say that pandemic-related factors greatly influenced the situation, probably due to poverty among other things. Some of those involved in human trafficking are not sex workers to begin with. They are exploited for all kinds of purposes, including sexual violence during which they are victimized in that sense. It's not the person's choice to begin with. A person is trafficked for a specific purpose. That person ends up being a victim of trafficking.

Ms. Sandra Wesley: The reason it's possible for people to exploit other people in the sex industry is because the industry is criminalized. It has the same violent dynamics as many other types of violence, but it goes even further because the industry is criminalized.

I often give the example of a nurse who works in a hospital. She may be under the control of someone abusive who might take her

entire paycheck, who beats her, who forces her to work overtime. Fairly quickly, she may turn to her co-workers and ask for help because she is in a difficult situation. This situation will usually stop. She will go to the police and she will be taken seriously.

When you're in a criminalized industry, where everyone has to protect themselves from the police, where the driver, the receptionist, the client can all go to jail, it gives abusers the opportunity to be violent or take advantage of people. That's why it's impossible to separate human trafficking concerns from the decriminalization of sex work. Once decriminalization occurs, then there are levers to stop these types of exploitation.

[English]

The Chair: Awesome. Thank you so much.

We're now going to pass it over to Leah Gazan.

Leah, you have the floor for six minutes.

Ms. Leah Gazan (Winnipeg Centre, NDP): Thank you so much, Chair.

I'm sorry for my laughter and cackle. I just thought that was funny. I actually don't know many people who go to a fast food restaurant and say that they just love their job flipping a burger at two in the morning, but anyway, I apologize for my cackle.

To start off, I want to go back to Madam Lam.

You spoke about needing an alternative to police. I'm actually trying to put forward an initiative for murdered and missing indigenous women and girls, which is a red dress alert. I'm saying that the oversight needs to be separate from police.

Here's why: We were just in Halifax. I wasn't shocked, but I think it was broader than I thought. They talked about customers. In terms of sex work customers, they found, in a study of sex work, that 50% were law enforcement and 38.9% were professionals such as doctors and lawyers, so that's part of the judiciary. Landlords and employers were 38.9%, which wasn't surprising. Political, spiritual and cultural leaders—so I'd say political is part of that—were 27.8% in terms of consumers.

That makes sense to me in that you can't have people overseeing your protection objectively if they're your customers. Is that one of the reasons why?

● (1610)

Ms. Elene Lam: I think we need to differentiate clients who are giving money and are actually an important support system for sex workers from the perpetrators. They pretend to be clients to harm the community.

Because sex work is criminalized, we see lots of law enforcement, including police bylaw enforcement officers, will put themselves in the position of a client to take advantage of the sex worker by not paying or threatening to arrest them if they don't co-operate. I don't know the studies, but it's very clear that this is the experience. Clients can be anyone, but if we see all the clients as bad clients, we cannot differentiate the clients.

That's why, in the sex worker law reform, we also recommend decriminalizing sex work, so we can differentiate who the sex workers are, give income and support to the sex workers, but also see how those people are harming our sex workers. Then law enforcement actually—

Ms. Leah Gazan: I'm sorry. I have limited time here.

I appreciate that. Certainly I hear, in the city of Winnipeg, about threats from people in positions of authority. People in power threaten that either you do this or they'll arrest you or whatever it is.

That brings me to another point. I want to move over to Madam Sinclair.

My whole theory is that, when you make people illegal—any person, but today we're talking about sex workers—you place them at risk. I think we've heard lots of examples about how when something illegal happens, there's nowhere for them to go because they're illegal.

Do you agree with that? Can you expand on that a little bit?

Ms. Kate Sinclair: Yes, very much. Going to the stories that I spoke about earlier even, there are spaces where people who aren't experiencing criminalization would be able to seek some kind of help, whereas in these situations....

I tell stories to get my points across. For me, there was an experience of stalking that I experienced because of anti-trafficking laws that make me have to publish my address where I keep my records. That's available to the public, so of course people have shown up trying to find my office and that sort of thing. I reached out to the police at one point when it got really spooky and they replied to me months later. They said that of course this guy was interested. They said, "What did you expect? You work in a dangerous field". There was no follow-up. There was nothing else.

It really limits our ability to seek help.

With wellness checks, we've had members of SWWAC share their stories with us about having police check in. I understand that in Halifax and with ride-alongs, the red carpet is rolled out for you, but realistically, these wellness checks have ended up with sex workers finding out via information and privacy act requests that they have had notes of prostitution written on their records. Now they can't go to the states. They can't travel. They have committed no crime, but this is somehow on their record permanently.

Ms. Leah Gazan: Adding on to that.... I know that you're from Winnipeg and that you're familiar with some of the issues we're dealing with there.

We had the National Inquiry into Missing and Murdered Indigenous Women and Girls that came out. We know that the child welfare system—and I think we heard an example today from Madam

Wesley—is a pipeline to becoming murdered or missing. There were also very clear calls for justice in the national inquiry related to sex work.

One of the things I've been pushing—please, agree or disagree with me—is that there's a very clear difference between child sexual exploitation.... We've normalized sexual exploitation in this country when we call an 11-year-old a sex worker. They're not. They're a sexually exploited child.

Would you agree...? I've run out of time.

• (1615)

The Chair: We've gone quite a bit over time.

What I will do is add a bit, because she.... Hold that in your thoughts in our next round. We'll come back to Leah, and then we'll be able to ask that, because we have gone quite a bit over. I'll make sure that the time works out.

Dominique, you're back. We're doing five minutes, with two lots of two and a half minutes.

[*Translation*]

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Thank you, Chair.

Thank you to the witnesses for being here today.

I'll start with you, Ms. Elene Lam. You said that the police were one of the main sources of problems related to the topic this committee is studying. In the same breath, you said that we should find an alternative.

What exactly did you mean by that?

[*English*]

Ms. Elene Lam: At Butterfly, over 60% of our members have reported that they have experienced different kinds of violence from police and law enforcement. Because the police system is designed to end sex work and it is designed to police many racialized and migrant people, if you give them the mission to help other workers, particularly migrant sex workers, it doesn't work.

That's why I think, in this committee and on many occasions, we hear people say the victim is too afraid to speak and too afraid to report, but it's not true. The victim keeps telling you that the police are not someone they trust. The police are not someone they want to go to, so that's why—

[Translation]

Mrs. Dominique Vien: Excuse me for interrupting you, Ms. Lam. What should be implemented to replace the police, then?

[English]

Ms. Elene Lam: In many instances, for example, in mental health, there are now more initiatives to provide community support, because sex workers are the best defenders of the rights and safety of other sex workers. When sex workers are not criminalized, they can protect each other and monitor the safety measures to see if anyone is taking power from other sex workers and if people are working safely.

There are a lot of initiatives that can provide results to their communities, particularly the sex worker community, to develop support for each other—

[Translation]

Mrs. Dominique Vien: Thank you very much, Ms. Lam.

Ms. Wesley, welcome back.

You mentioned labour standards. How would putting labour standards in place, especially for sex workers, keep trafficking away?

Ms. Sandra Wesley: To be clear, we are not necessarily asking for specific standards. Decriminalization would provide us with access to the same standards as other workers.

If you work in a community organization or for government, for example, and you don't get paid, you are protected by labour standards, you can file a complaint and there is a process. When you're in a criminal environment, the only option you have is the police, who will shut down your workplace and seize the money you're owed anyway. That's when the violence can escalate. That's why there's violence in any criminalized industry. People have to brace themselves and be wary of everyone around them.

So, labour standards and other related programs, such as employment insurance, would ensure our ability to use administrative levers rather than repressive ones.

Mrs. Dominique Vien: Do you really think this would eradicate the problem?

Ms. Sandra Wesley: Talking about eradicating violence in that environment is like talking about eradicating sexual or spousal violence. It's hard to believe something so extreme, because it has much deeper roots, and violence against women is everywhere in society.

However, labour standards would completely alter the situation, in the same way that they have reduced the use of children in mining and all sorts of other abuses. For us, as a women's movement, this is the way forward. In New Zealand, there are very concrete examples of what that entails.

Mrs. Dominique Vien: Thank you, Ms. Wesley.

Ms. Sinclair, thank you for being here today. Do you speak French?

• (1620)

Ms. Kate Sinclair: I don't speak it enough.

Mrs. Dominique Vien: Ms. Sinclair, what would you like to see in our report? As parliamentarians, what could we put in a report that would make a difference? You know the industry well, you are a law student, you are a thinker, and obviously you have a broad view of this industry.

Madam Chair, I don't know if she has enough time to respond.

[English]

The Chair: You have 30 seconds, actually, to respond.

Ms. Kate Sinclair: I would make a big recommendation not to follow other countries that are making sex trafficking or anti-trafficking laws, specifically the United States, which has a digital initiative through two pieces of law called FOSTA/SESTA, aimed at the digital spheres. These have made incredible differences in the lives of sex workers in a negative way.

They have taken down access to safe ways to communicate on the Internet. When those services launched in each city, you saw drops in murders of sex workers. Now that it has been repealed—it's been five years—the legislation has been used once to prove trafficking yet it has caused people to actually be murdered.

The Chair: Thanks so much, Kate.

We'll now move to Anita Vandenbeld.

Anita, you have five minutes.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you, Madam Chair.

I have only five minutes and I have a question for each of you, so I'll ask you to keep your answers short.

I'd like to start with you, Ms. Lam, particularly on the prohibition on foreign nationals to engage in consensual sex work. This is something many of us didn't even know existed until this study.

Could you give us your recommendation about what we can do about that? Is it to just completely eliminate that from our immigration law?

Ms. Elene Lam: Yes, remove any immigration law that prohibits people from working in sex work and related industries. Also, do not put the immigration prohibition on people's work permits. This is very important. We just want you guys to support and eliminate it as soon as possible.

The other thing we know as a generalization is that different people say that it is also very important to protect migrants from exploitation and violence.

Ms. Anita Vandenbeld: Thank you, and thank you for making it short.

Ms. Wesley, you alluded very quickly to a very long...sexwork-lawreform.com and a constitutional challenge and decriminalization.

Could you, in one minute, give us the key recommendation? What is it that we need to do, as legislators?

Ms. Sandra Wesley: It is the full removal of any mention of sex work from the Criminal Code, so full decriminalization—not legalization but full decriminalization—and the removal of the immigration policies.

We have a few recommendations for other things, like unemployment and not forcing people to do sex work. That's basic stuff that we will need to think about.

Then we have recommendations for provincial realms of law and how that would then happen.

In our constitutional challenge, we need the government to stop defending these laws in court and not force us to go all the way to the Supreme Court. Also stop sending representatives of the federal government to say that identifying 34 murdered sex workers over a period of four years is a reasonable number of sex workers to be murdered under this legislation. This is the actual argument that your government is making in court right now.

Ms. Anita Vandenberg: Okay. We'll take a look, as a committee, at some of those other recommendations as well. Thank you for that.

Ms. Sinclair, first of all, thank you for coming back. I know you were interrupted before.

I'm mortified by the story you told when you first started about a predator and not being able to even get any recourse to report this predator.

Other than decriminalization, other than making sure that consensual sex work is legal, are there other things the government can do to protect people who are in this industry?

Ms. Kate Sinclair: Because decriminalization is so central to the issue, this is the trouble. If we don't do decriminalization, then we're still going to experience the police enforcing the violence. We can say to talk to the police and get them to be gentle and understand, but the reality is.... I've heard some folks come to this committee and say, "No, it's only clients who are criminalized." We have lists of folks who have been charged under trafficking, as trafficking themselves and that sort of thing, so sex workers are charged with trafficking themselves.

These are the laws that people are advancing, because it's in the interest of eradicating sex workers. I think that decriminalization is really where we need to focus, but again, it's working to make sure that wellness checks stop. If police know that these people are working consensually and that sort thing, then let people work.

Also, I would note that sex work, in itself, is consensual. There are a number of ways folks might enter sex work, and people might think that they wouldn't make that decision themselves, but we have to remember that there are a lot of factors out in the world that make people make these choices, and we have to respect that for people's survival.

• (1625)

Ms. Anita Vandenberg: This one I'll just open up to anybody who has.... I think I have a minute left.

The Chair: You have 45 seconds.

Ms. Anita Vandenberg: I have 45 seconds.

Obviously, the illegal forcing and coercing of girls, women and gender-diverse people into sex work, which they themselves did not choose, is something that has to be illegal. Now it is under human trafficking. We have Criminal Code provisions.

What would you do about those provisions?

Ms. Sandra Wesley: That's why we have laws of general application. Forcing someone to have sex for money, or not money, is sexual assault—period. We need to enforce that, and then the list goes on.

In order to commit a trafficking offence, you need to commit a lot of other offences. Those are sufficient in most cases. It's actually quite insulting to a lot of victims when sometimes they've gone through extreme violence and the only charge is human trafficking, or the only charge is pimping, and not every act of violence. If we start prosecuting those, we'll start seeing the repression that we need against that type of violence.

The Chair: Awesome. Thank you so much.

We're now going to pass it over, for two and a half minutes, to Louise.

Louise, you have the floor.

[*Translation*]

Ms. Louise Chabot: Thank you.

Ms. Wesley, do many women seek support from your organization because they are victims? I use the word "victims" because they've been subjected to, not chosen, a form of violence like human trafficking. We know the situation in Montreal. Quebec does not really have an action plan regarding the trafficking of women or girls. Is your organization called upon to support these women and girls?

Ms. Sandra Wesley: Yes, absolutely. That's at the core of what we do, it's why we exist. We recognize that there is violence and we want to help women. There isn't necessarily a connection between how the person got into the sex trade and the violence they experience there. When a person is in an abusive situation, where someone is forcing them to do something or taking their money, they will usually come to us, and we will support them. Rarely does the person go to the police. Generally, they will seek other solutions to escape from the violent person and distance themselves. Often they will continue to work in the sex industry, but under different working conditions.

Of course, we work with many, many women who want to do something else, whether their experience in the industry is positive or negative. These women face great barriers. The stigma associated with sex work follows them throughout their lives, regardless of whether they identify as victims or sex workers. If they are known to have ever had sex for money, they lose their children, their spouse, their family. Those are the main areas we work on with people who are trying to get out of such situations. The repercussions of this stigma are often greater than the violence they've experienced.

Ms. Louise Chabot: Would you say that the number of people who did not make that choice initially is growing? Are you serving more of them than you used to?

Ms. Sandra Wesley: It's not necessarily growing. I would say, though, that since the legislative changes in 2014, we're finding that it's much more difficult for such individuals to get out of these situations. In Quebec, hundreds of millions of dollars are being invested in the fight against sexual exploitation. The result is that they've completely lost access to all kinds of services because they have to identify themselves as victims, which they don't want to do.

[English]

The Chair: Excellent. Thank you so much.

Leah, you have two and a half minutes.

Ms. Leah Gazan: Thank you so much, Chair.

Building on what you just said, Ms. Wesley—and I think it feeds into what I was saying—no means no. That's not consent. If there are sexual actions happening without consent, that's assault. When it's happening to a minor, that's child sexual exploitation. Then we have sex work, which is different. It's consensual.

Do you think by conflating it...? I feel it actually places kids at risk. Certainly, in Manitoba, where we have the highest number of kids in care, there are kids who are having sex, but it's not consensual. It's normalized child sexual exploitation. That's one thing I want you to answer.

The second thing is that I've been pushing for a guaranteed livable basic income. If we want to talk about people making good and bad choices, we have to give people real choices. I don't think

there is choice. However you end up in sex work for whatever reason, if we want people to choose otherwise, I don't know of many choices.

Do you think a guaranteed livable basic income would provide people with choices should they choose not to stay in the sex work industry?

I'll give that to Ms. Sinclair, because you're from my home province here.

• (1630)

Ms. Kate Sinclair: Yes. It's really important to note that, with kids in care, I think the whole care system is inherently flawed, and there's a lot of deflecting that happens. We just say, "Oh, it's trafficking; it's traffickers". There's a reason folks are ending up in bad situations.

As you said, if people are being failed by systems and ending up in bad situations, just saying, "Oh, well, we need to end all sex work, and we need to eradicate sex work" is completely missing the point of the issue. We're talking about a guaranteed basic livable income and that sort of thing. It helps to allow people to make choices that suit them so they don't actually have to worry about finding housing. We hear a lot of quotes about people wanting handbags and being lured in by that sort of thing, but people want a place to live. They want to be safe. They want food. They want a supporting community. If we're not allowing them to have that, then, yes, we're failing them.

The Chair: Thank you so much.

On behalf of the committee, I would really like to thank you for coming in today. We are going to suspend for just a few minutes because we have a lot of committee business to get through.

I'm going to remind you that we're going to go in camera. We can have one staff member per individual and one person from the party only, and I'd ask all others to leave.

We'll suspend for a maximum of two minutes. Thanks.

We're suspending.

[Proceedings continue in camera]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>