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(Hansard)**

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**Standing Committee on
Justice Policy**

Combating Human Trafficking
Act, 2021

1st Session
42nd Parliament

Wednesday 12 May 2021

**Comité permanent
de la justice**

Loi de 2021 sur la lutte
contre la traite des personnes

1^{re} session
42^e législature

Mercredi 12 mai 2021

Chair: Daryl Kramp
Clerk: Thushitha Kobikrishna

Président : Daryl Kramp
Greffière : Thushitha Kobikrishna

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CONTENTS

Wednesday 12 May 2021

| | |
|---|--------|
| Combating Human Trafficking Act, 2021, Bill 251, Ms. Jones / Loi de 2021 sur la lutte contre la traite des personnes, projet de loi 251, Mme Jones..... | JP-735 |
| Ministry of Children, Community and Social Services; Ministry of the Solicitor General..... | JP-735 |
| Hon. Jill Dunlop | |
| Hon. Sylvia Jones | |
| Ms. Ann De Shalit and Dr. Emily van der Meulen; Butterfly: Asian and Migrant Sex Workers Support Network | JP-744 |
| Ms. Elene Lam | |
| HIV Legal Network; Ms. Robyn Maynard | JP-753 |
| Ms. Sandra Ka Hon Chu | |
| Dr. Katrin Roots; Dr. Kamala Kempadoo..... | JP-762 |
| Association for Reformed Political Action Canada; Ms. Jamie Liew; Women and HIV/AIDS Initiative | JP-769 |
| Mr. Daniel Zekveld | |
| Ms. Molly Bannerman | |
| Durham Community Legal Clinic; Project Recover; Justice for Children and Youth..... | JP-778 |
| Mr. Omar Ha-Redeye | |
| Ms. Samantha Iantomasi | |
| Mr. Richard Dunwoody | |
| Ms. Mary Birdsell | |
| Ms. Jane Stewart | |

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Wednesday 12 May 2021

**COMITÉ PERMANENT
DE LA JUSTICE**

Mercredi 12 mai 2021

The committee met at 0900 in committee room 1 and by video conference.

**COMBATING HUMAN TRAFFICKING
ACT, 2021**

**LOI DE 2021 SUR LA LUTTE
CONTRE LA TRAITE DES PERSONNES**

Consideration of the following bill:

Bill 251, An Act to enact, amend and repeal various Acts in respect of human trafficking matters / Projet de loi 251, Loi édictant, modifiant et abrogeant diverses lois en ce qui concerne les questions de traite des personnes.

The Chair (Mr. Daryl Kramp): Well, good morning, everyone. Welcome to the Standing Committee on Justice Policy. We will now come to order. We are here for public hearings on Bill 251, An Act to enact, amend and repeal various Acts in respect of human trafficking matters.

As a reminder, the deadline for written submissions is 7 p.m. on Thursday, May 13, 2021. As well, the deadline for filing amendments to this bill is 7 p.m. on Thursday, May 13, 2021.

We have the following members in the room here: I have Christine Hogarth—oh, excuse me; I have only Minister Dunlop in the room. The following members are participating remotely: Lucille Collard, Parm Gill, Gurratan Singh, Nina Tangri, Christine Hogarth, Sam Oosterhoff. That is who we have here at this point. No other additions yet?

Interjection.

The Chair (Mr. Daryl Kramp): Okay. We now have MPP Lindsey Park. Can you confirm you are here in Ontario?

Ms. Lindsey Park: It's MPP Lindsey Park, and I am in Oshawa.

The Chair (Mr. Daryl Kramp): Thank you very kindly.

I have Suze Morrison, please.

Ms. Suze Morrison: It's Suze. I'm here in Toronto.

The Chair (Mr. Daryl Kramp): Thanks very much.

Should we have anybody else call in, please identify who you are so that we have notice for the Clerk.

I also see we have the Solicitor General today. Welcome, Solicitor General.

We're also joined, of course, by staff from legislative research, Hansard, interpretation, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all members please speak slowly and clearly. Please wait until I recognize you before starting to speak.

I see we now have Natalia Kusendova. Natalia, can you confirm you're here in Ontario?

Ms. Natalia Kusendova: This is MPP Kusendova, and I am indeed in Ontario this morning.

The Chair (Mr. Daryl Kramp): Thank you very, very kindly.

Are there any questions before we begin? Did I see a question from Christine Hogarth? None?

We have a person on the phone; we just don't know who it is. Can you please confirm who it is, please, on the phone to our recorder?

Mr. Kevin Yarde: Hi. MPP Kevin Yarde.

The Chair (Mr. Daryl Kramp): Kevin, can you please confirm that you are here in Ontario?

Mr. Kevin Yarde: Yes, I'm at Queen's Park, and I have no WiFi. That's why I'm using a phone.

The Chair (Mr. Daryl Kramp): Okay.

Mr. Kevin Yarde: I'm trying to get the tech department to fix it.

The Chair (Mr. Daryl Kramp): Maybe we better get some WiFi here.

Thanks very kindly, Kevin.

MINISTRY OF CHILDREN,
COMMUNITY AND SOCIAL SERVICES
MINISTRY OF THE SOLICITOR GENERAL

The Chair (Mr. Daryl Kramp): We'll now call on our presenters today: the Honourable Sylvia Jones, the Solicitor General, and the Honourable Jill Dunlop, the Associate Minister of Children and Women's Issues.

You will have 20 minutes for your presentation, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition, and two rounds of five minutes for the independent member. I will give reminders of the time remaining during the presentation and the questions; I'll try to do it right around the one-minute mark.

Ministers, the floor is yours.

Hon. Jill Dunlop: Thank you, Chair. I'm happy to be here this morning, joined by colleague and co-lead, the

Solicitor General, Minister Jones, to once again reiterate our government's commitment to combatting human trafficking and child sexual exploitation and our determination to work together to end this horrible crime and support survivors.

I also want to acknowledge all the members who are on this committee meeting over the next few days. Thank you for the work that you are doing for this committee. In the spirit of collaboration and making a good bill even better, our government will carefully consider everything that is said here.

Human trafficking is a horrific crime that poses a real and serious danger. It steals the safety, health and livelihood of those who are being exploited and abused, often resulting in long-term trauma. This trauma can be emotional, physical and mental.

Human trafficking violates human rights. It is an affront to the humanity of every individual and family caught in its nightmare existence. It upends families. It weakens communities. It shatters lives. It should never be tolerated or coexisted. The outcomes are injurious and harmful.

Unfortunately, Ontario is a hub for human trafficking, with the most police-reported incidents of human trafficking in the country occurring within the province in 2019. However, due to the fact that instances of human trafficking are regularly underreported, these numbers only capture the tip of the iceberg and are likely much higher.

Anyone can be a victim, but young women and girls are particularly at risk of being trafficked, especially those from Indigenous communities and other racialized groups, and youth in care. It is a crime that disproportionately impacts vulnerable populations and individuals, as traffickers assess and manipulate vulnerability to their own benefit, to target, lure and groom their victims. Others who may be at increased risk of being targeted by traffickers include people who identify as 2SLGBTQ+, newcomers, migrant workers, persons with disabilities, and people who may otherwise be marginalized, such as persons experiencing mental illness or addictions challenges, poverty, homelessness or bullying.

We are committed to combatting human trafficking wherever it is found, to show our determination and will at every opportunity so that perpetrators realize they will always be hearing our footsteps. This is why we continue to step up our fight against human trafficking and child sexual exploitation, even amidst the pandemic.

Bill 251 is a key part of our response to this grave societal challenge. Its proposed changes, if passed, would better protect victims of human trafficking, support survivors, and increase tools to hold offenders accountable.

Bill 251 builds upon a strong foundation of Ontarians and community service partners working together to fight human trafficking and support survivors. That collaboration helped inform and support our five-year, \$307-million strategy to combat human trafficking and child sexual exploitation, announced last year, with key efforts well under way.

Over the last 14 months, as the world faced a global pandemic, human trafficking didn't stop or take any breaks, but neither did we. Working together across government and with multiple sectors across the province, we achieved milestones and laid down markers. We raised awareness and took strong action to fight this horrible crime and better support victims and survivors.

For example, as part of our anti-human trafficking strategy, we are investing up to \$96 million over five years in community-based and Indigenous-specific services across the province to provide more supports for victims and survivors. These community programs do incredible work to support victims and survivors, especially our children and youth who are often the target of traffickers.

We are also expanding the Youth-in-Transition Worker Program to provide human trafficking supports to youth in care and leaving the care of children's aid societies, including workers to support specific populations such as Indigenous children and youth. We enhanced access to and supports for victims of human trafficking in the justice sector by expanding the Victim Quick Response Program, or VQRP+, and the Vulnerable Victims and Family Fund, and increased funding for the Victim Crisis Assistance Ontario program to support delivery of specialized community-based supports for victims of human trafficking.

Protecting children and youth and supporting survivors are also at the core of our proposed new legislation, Bill 251. As part of this bill, the proposed Anti-Human Trafficking Strategy Act, if passed, would require the province to maintain an anti-human trafficking strategy and support a sustained long-term response to combat human trafficking. We are very proud of this proposal. This requirement would be the first of its kind in Canada and would position Ontario as a leader in anti-human trafficking efforts in the country. It would mean that any government, regardless of political stripe, would be required to continue working towards eliminating human trafficking in this province and supporting victims and survivors.

These issues require us to work together in a non-partisan manner. Support is not limited to one ministry, one person, one political party or one government. It requires all of us working together. Given the complexity and pervasiveness of human trafficking, it requires not only a cross-government approach but work across jurisdictions and within various sectors.

0910

This proposed legislation would also increase public education about trafficking through an enabling authority. This includes posting information about human trafficking, training staff on the signs of trafficking and how to respond if they think it is occurring. These provisions would support the strategy's efforts to raise awareness of human trafficking in targeted sectors, contributing to better identification, attitudes and behaviours toward human trafficking. This includes enhancing the ability to appropriately respond to suspected instances and connect survivors to support services. These two pieces are key.

Many people don't know the signs of trafficking or don't know where to go if they suspect it.

Education is vital in stopping this crime and supporting victims through early intervention. We recognize that a range of organizations have applied anti-human trafficking efforts within their sectors and that appropriate responses may potentially differ. The proposed legislation seeks to build upon this work and encourage more organizations to prioritize anti-human trafficking efforts across Ontario. If passed, this would send a message that all persons have a responsibility to help combat human trafficking, while affording flexibility to compel, for example, sectors or businesses to prioritize anti-human trafficking efforts, if required.

Bill 251, through the proposed amendments to the Child, Youth and Family Services Act, would also provide significant tools to better protect children and youth from this crime.

Taken together, the proposed amendments to this act are important new measures that would strengthen the authority of children's aid societies and law enforcement to intervene in child sex trafficking cases, discourage traffickers from interfering with children in the care of a children's aid society, and promote consistent responses across the province.

Chair, great collaboration brings great momentum, and that is where I think we all are on this file. We should all be proud of our efforts and the actions we have taken to date.

We want to thank those who have taken this journey with us: those who have provided invaluable feedback to inform this bill and those who continue to drive anti-human trafficking efforts across the province.

But there is more to be done. If passed, Bill 251 would provide important new tools to further our work in fighting this crime.

I look forward to the submissions coming—and repeat our government's total determination to end human trafficking, strengthen our ability to support victims and survivors, and better protect children and youth from this horrible crime.

Thank you. I will now pass it over to the Solicitor General.

Hon. Sylvia Jones: Thank you, Minister Dunlop.

Good morning, Chair Kramp and committee members. Thank you for your consideration of this critically important topic.

As Minister Dunlop so eloquently outlined, I want to begin by reiterating just how vicious and violent a crime human trafficking is. It preys on the young and the vulnerable and can leave its victims feeling broken and forgotten.

I want committee members to keep this single fact in mind as we listen to every single submission and as you review and make your judgments on ways we can improve it: The average age of those who are recruited into human trafficking is 13 years old.

Sadly, while COVID-19 has forced us to put our normal lives on hold, human traffickers are expanding their efforts

to exploit those at greatest risk, including schoolchildren who are isolated from supports and more involved than ever before in social media.

Just this last week, the Toronto police announced the arrest of two individuals connected with trafficking a girl under the age of 18. Police believe there are more victims and more witnesses out there.

Each arrest, each charge and each conviction of these offenders is an important reminder of why Ontario must be equipped to fight this crime and support victims and survivors with every tool at our disposal.

The proposed Combating Human Trafficking Act, 2021, will, if passed, open new avenues in Ontario's relentless fight against human trafficking.

As members know, human trafficking is one of the fastest-growing crimes worldwide. It disproportionately impacts children and youth, Indigenous women and girls, racialized groups, LGBTQ youth, those with mental health and addiction challenges, and marginalized youth such as runaways and victims of abuse.

We also know that human trafficking crimes are hidden in nature and that for many reasons, including threats and fear of retribution, it is particularly difficult for victims and survivors to come forward. Calls to the Canadian Human Trafficking Hotline suggest that only a fraction of incidents are ever reported to the police. As a government and as legislators, we need to change that to help create an environment where more victims are able to break their silence safely. Measures we are proposing will help more victims as well as family members and loved ones to come forward.

Last year, Ontario launched a new anti-human trafficking strategy, with an investment of \$307 million over five years. This strategy takes a proactive approach to combatting human trafficking while ensuring the necessary supports are in place to help the survivors deal with their trauma.

The proposed Combating Human Trafficking Act, 2021, drives this strategy forward by reinforcing Ontario's commitment to support the survivors of trafficking and hold offenders accountable. Under the proposed new act, we introduced the Anti-Human Trafficking Strategy Act, 2021, and the Accommodation Sector Registration of Guests Act, 2021, which would repeal and replace the Hotel Registration of Guests Act. We are also proposing amendments to the Child, Youth and Family Services Act, 2017, and the Prevention of and Remedies for Human Trafficking Act, 2017.

Together, the proposed new legislation and amendments to existing legislation would support the government's response to human trafficking by: providing a long-term provincial response to human trafficking and emphasizing that all Ontarians have a role to play in combatting human trafficking; assisting more survivors and the people who support them in obtaining restraining orders against traffickers, with specific consideration for Indigenous survivors; providing law enforcement with more tools to locate victims and charge traffickers.

The proposed Anti-Human Trafficking Strategy Act, 2021, would be the first of its kind in Canada. If passed,

the legislation would support raising awareness of human trafficking, and it would provide a sustained, long-term and comprehensive response to human trafficking. This will be achieved by mandating that Ontario maintain an anti-human trafficking strategy that is reviewed regularly to help the province stay ahead of traffickers. It would also emphasize the role that Ontarians have to play in combatting human trafficking, by training certain individuals and organizations on how to identify and appropriately respond to suspected incidents of human trafficking.

The new Accommodation Sector Registration of Guests Act, 2021, would specify how and when police services can access hotel guest registry information without a court order in certain emergency situations when an order cannot be obtained, such as when there is a threat of bodily harm to a victim, or the risk of destruction of evidence. It would also provide regulation-making authority to expand guest-registry requirements to other types of accommodation providers such as short-term rental companies.

We consulted with law enforcement, persons with lived experience, sex workers' rights advocates, the tourism sector and others. We know there's a range of views out there in terms of what government action would most effectively hold offenders accountable and support victims. Consultations are ongoing and will continue should the bill pass and we enter the regulation development process.

The new proposed Accommodation Sector Registration of Guests Act, 2021, will help deter human trafficking in hotels, motels and resorts by enhancing awareness of human trafficking and supporting police investigations and enforcement. The proposed new act will, through enabling regulation, allow the enhancement of information collected in guest registries, establish a length of time registers must be maintained, and apply the act to other types of accommodation providers, such as short-term rentals. The act also specifies the circumstances under which information from guest registries would be made available to police.

0920

Additionally, the Combating Human Trafficking Act includes a provision requiring companies that advertise sexual services in Ontario to have a contact, such as an email address or phone number, for law enforcement or other relevant entities, such as child welfare agencies, to use to request information to support investigations into suspected human trafficking. The legislation would mandate that companies make the contact available in a prescribed manner and respond within a prescribed period of time or face compliance penalties. Finally, it would ensure investigation co-operation by mandating an obligation to reply, which would address non-compliance from current bad actors.

I do want to be unequivocal on this point: These provisions are in place specifically to reduce the barriers faced by human trafficking investigators that can result in offenders evading justice, often for years. This is about getting vulnerable youth—again, with an average age of 13 years old—out of these horrible situations and into safety, and bringing the heinous criminals who engage in trafficking to justice.

We know that human trafficking feeds off the vulnerable and destroys the lives of the innocent. It also fuels other criminal activities, such as gun smuggling and gang violence.

No part of this province is immune to human trafficking as a point of origin, place of transit or destination for the victims.

For those who find a way out, the physical and emotional trauma that trafficking causes makes it very difficult to recover and live a safe and healthy life. Multi-faceted and targeted supports, like the ones this government has invested in, as outlined by Minister Dunlop, can make a huge difference.

Ontario must take the lead in the fight against human trafficking and the sexual exploitation of children and other vulnerable people.

Our government voiced its commitment to tackling human trafficking early on in our mandate. We have worked with a wide spectrum of stakeholders to establish the comprehensive \$307-million anti-human trafficking strategy. These legislative changes, if passed, would reinforce the strategy's key objectives of raising awareness of the issue, protecting victims and intervening early, supporting survivors, and holding offenders accountable—

The Chair (Mr. Daryl Kramp): One minute.

Hon. Sylvia Jones: —and would also support law enforcement to dismantle criminal networks and help deter human trafficking.

Thank you. I will turn it back over to the Chair for any questions.

The Chair (Mr. Daryl Kramp): Well, thank you very much, Minister.

I neglected to go over a few of the participation guidelines prior to, but they are consistent with every meeting that we've had under the new processes.

For Zoom participants, recognize that broadcast will be controlling your microphones. If you do get disconnected, please just rejoin, and if you have technical problems, get a hold of Andrew Kleiman from technical services: 416-804-6536.

The voting process, of course, will be from a show of hands, and that will just be the way we've already done it now.

We'll start with a round of questioning, and the rounds of questions will start with the official opposition, then go to the independent member, and then go to the government.

Seven and a half minutes to the official opposition. Gurratan?

Mr. Gurratan Singh: I'm going to be switching between my laptop and my desktop. Just bear with me as I quickly do that.

The Chair (Mr. Daryl Kramp): Yes. We have you. We don't have you now—there. We have you again.

Suze, did you have a question?

Ms. Suze Morrison: Yes. Maybe I can just take over while my colleague figures out his technology, and then I'll happily yield back to him.

I want to thank both of the ministers for coming today.

I certainly appreciate that this is a sensitive and emotional issue, particularly for survivors of violence in the province who may be watching our committee meeting today.

My only real, larger-picture flag that I would like to put before both of the ministers is my concern about how survivors of violence and survivors of human trafficking are expected to trust this particular government of the day to undertake this substantial work in the trauma-informed way that it needs to be done, considering the government before us is one that, immediately upon coming into government, cut funding for sexual assault centres by 33%, cut legal aid by 30%, axed the round table on ending violence against women, and whose leader frequently makes sexist, disparaging, dog-whistle remarks in the Legislature—most recently when he referred to the leader of the official opposition as her voice being nails on a chalkboard. I want to understand how the people of Ontario are supposed to trust this specific government of the day—your best intentions as you may have—with undertaking this work to end human trafficking in a way that is culturally safe, in a way that is trauma-informed, and that's actually going to respond to the needs of survivors. I have serious concerns about your government's ability to do that considering your track record of cuts, specifically to programs and services that fund victims and fund survivors in this province.

Hon. Jill Dunlop: I can start taking that one.

The Chair (Mr. Daryl Kramp): Okay. Minister Dunlop, please.

Hon. Jill Dunlop: I'll take part of that and pass it over to Solicitor General Jones, as well.

Thank you for the question, committee member. I think it's an important one.

I would like to start off by saying that when I was appointed to this position, the first thing I started doing was working at travelling across the province. I did 13 round tables—I know many members on the committee have hosted round tables, as well—and hearing from victims, survivors, those working on the front lines, and those from our emergency services, coming together. We heard first-hand from those people, especially from the survivors.

I would like to thank each and every one of those people who came to us and told their story, really working from the ground up, to build this strategy. I'm very proud to be a co-lead of the strategy. I think that just goes to show that this strategy is not only about holding offenders accountable, but also providing the supports to those victims and survivors of human trafficking.

The fact that this government has a strategy in place, an investment of \$307 million over five years, shows our true commitment. The fact that we're bringing this bill forward and we're the only province in Canada that's doing this—we are a true leader. We recognize that Ontario is a hub for human trafficking. It's not a title that we want to have. We need to do more to ensure that we are supporting victims and survivors. This government is standing behind that with our \$307-million strategy.

This bill will ensure that there is always a strategy in place regardless of the government of the day. Victims and survivors will be supported.

I'll pass it over to the Solicitor General.

Hon. Sylvia Jones: Thank you. I want to bring this back to Bill 251 and, frankly, the history that many members of our caucus have had with learning about and learning from human trafficking survivors.

Minister Scott and I, along with some of your members, sat on a select committee on workplace violence. That was where our eyes were opened to how prevalent human trafficking was. Again, at the risk of repeating myself, at that point, the average of recruitment was 14.

You have my absolute assurance that we want to make it better in the province of Ontario for survivors—but more importantly, to deal with the prevention, so that we don't have the long-term effects.

When Premier Ford tasked Minister Dunlop and I with this critical work, one thing that happened very quickly was how much and how engaged other ministers and other colleagues were on this file. We have been working directly with the Minister of Education. We've been working directly with the Minister of Labour. We have been working directly with transportation. There are so many pieces of government—and society, frankly—where we can do a better job of prevention and education. The fact that we have already made those connections and are working collectively speaks to how well, I think—and how committed we are to this work.

0930

When the Premier met with the round table and listened to survivor-led organizations and survivors working in the field to assist others, his resolve was strong and immediate.

We will continue that work. Judge us on the results that you see. Judge us on the work that we're doing.

The Chair (Mr. Daryl Kramp): There's a minute and a half left. Go ahead, Suze.

Ms. Suze Morrison: As much as the Premier may have had resolve on meeting with that group, I wish he had had that same resolve and commitment when he cut rape crisis centres by 33% two years ago.

Just in follow-up to the minister: \$307 million for a prevention strategy isn't going to address the root causes that create vulnerabilities for the young women and girls who are being trafficked. We talked about this in debate, in the second reading in the House—about needing to address the root causes of violence that are upstream in poverty prevention. And \$307 million isn't going to fix clean drinking water on First Nations. It's not going to raise the rates of Ontario Works and ODSP. It is not going to create economic opportunities and stabilization for young women and girls. It is not going to address the housing crisis that many young women are facing. They can't get stable housing to create a foundation for a good life, and they are at risk as a result. So \$307 million in a prevention strategy isn't going to do any of that work.

Can you please comment on what commitments your government is willing to make to support this \$307 million

in policing and back that up with actual societal investments to protect women and girls in our communities before they ever fall victim to human trafficking?

The Chair (Mr. Daryl Kramp): The time has expired.

We will now go to the independent member for two and a half minutes. Ms. Collard.

M^{me} Lucille Collard: There's no doubt that this is a very important piece of legislation.

I have three daughters of the age of the most common victims, and it is a problem in my riding as well, so I'm very concerned about this issue. It's a very serious problem that has devastating impacts and effects on the victims, but also their families and our communities, frankly.

I'm glad you said that you want to consider everything that will be brought before this committee to make sure that we're having the best legislation possible. So I want to bring up some of the concerns that I've heard.

Somebody reached out to me, and you'll hear from them later on today—

The Chair (Mr. Daryl Kramp): Ms. Collard, I'm just going to interrupt you for one second.

M^{me} Lucille Collard: Survivors of human trafficking have been notified that their tax—

The Chair (Mr. Daryl Kramp): Ms. Collard, I'm just going to interrupt you, please. The Chair made an error in the allocation of your time. You don't have two and a half minutes; you have five minutes. My apologies.

Please carry on.

M^{me} Lucille Collard: I don't know at which point I was cut off, so I'm just going to raise a concern that I've heard from somebody we're going to hear from today as well.

Survivors of human trafficking have been notified that their tax returns would be seized to pay for their student loans. Also, it appears that in order to be able to qualify for a new loan to go back to school, those survivors have to pay for the interest on previous loans. I'm just wondering if you're aware of this. Somebody who has survived, who wants to go back to school, needs the government to have their back and not be prevented from going back to school because they have to pay some interest amount that they can't afford.

What is the government doing for these survivors, as victims of crime, to help them financially so that they can get back to their lives, go back to school and plan for a better future for themselves?

Hon. Sylvia Jones: I'm really glad that this issue has been raised. I believe it was another one of your colleagues who raised it initially in the chamber. Thank you.

It is obviously really important for us to be able to offer the supports and ensure that survivors who want to continue with their education can do so. The piece that we need to be really careful about with this, in particular, is coercion that could in fact happen with the person who is being trafficked—coerced into taking out a student loan or another type of loan and then, once again, being victimized and having that removed. Absolutely, we want to deal with it. We just need to make sure that we understand all the

nuances of how best to approach it. I think it's a really important point to raise and for us to get further clarity and input on. It's not cut and dried, because there is a coercion piece that we have to be aware of—and make sure that they're not being revictimized by being forced to take out loans and then having that money stolen from them as well. But absolutely, it is on our radar, and I would love to hear any advice or assistance or potential amendments you have, because it is an important piece.

When you talk about the youth and how young these survivors can be—they have lost some education opportunities that we want to make sure we can offer them, as part of their rehabilitation and reintegration into society.

The Chair (Mr. Daryl Kramp): A little over a minute yet.

Hon. Jill Dunlop: I want to follow up on Minister Jones's comment, as well.

I have heard this from survivors, and I also met with the organization that is helping to support survivors in this area. We have taken these concerns to the Ministry of Colleges and Universities and started these discussions. I think it is a very important one and one that we have heard at the round tables—the need or the opportunity for supports into the future, and looking at education and training opportunities to get women back on their feet and into society. It is all part of the supports that we are looking at.

The Chair (Mr. Daryl Kramp): Thirty seconds left.

M^{me} Lucille Collard: Do I have a next round of questions?

The Chair (Mr. Daryl Kramp): You have 20 seconds left.

M^{me} Lucille Collard: Okay. I won't have time to ask my question. I'll get back at the second round.

The Chair (Mr. Daryl Kramp): We will now go to the government for seven and a half minutes, please. Parm Gill, please.

Mr. Parm Gill: I also want to thank both Minister Dunlop and Minister Jones for your hard work on this and appearing before the committee. This is obviously an important part of the process.

My question is for Minister Dunlop.

Minister, we know that children and youth are often preyed upon and targeted by traffickers for many reasons. We want to ensure that youth aged 16 and 17 who are suspected of being sex-trafficked will receive the protection and support they deserve.

Can you explain what amendments are being made to the current Child, Youth and Family Services Act that would support protecting our children and youth in our province?

Hon. Jill Dunlop: Thank you so much, MPP Gill, for that important question.

We do know that children who are in the care of the child welfare system are particularly vulnerable to being trafficked.

The following legislative amendments to the CYFSA are being proposed:

—providing grounds for protection that explicitly include child sex trafficking in a manner that is not tied to the person having charge of the child;

—also providing authority for child protection workers and peace officers to remove 16- and 17-year-old victims of sexual exploitation resulting from sex trafficking; and

—strengthening offence provisions and corresponding penalties to be used in situations where an individual interferes with or harbours a child in the care of a society for the purposes of child sex trafficking.

When we look at the average age of recruitment being just 13 years old—and that means that there are younger victims, as well—it’s happening at such a young, early age that these young people don’t realize most times what is actually happening, that they’re being trafficked. In a lot of cases, it’s a young woman who thinks that this perpetrator is actually a boyfriend; he’s providing gifts for her.

This allows the children’s aid societies as well as police officers, working together, to temporarily remove 16- and 17-year-olds from these situations, and it will give them the opportunity to realize that there are supports in the community, things that typically an 11-, 12- or 13-year-old are not going to realize are in the community. So if it, even for a short amount of time, allows them to see the supports that are out there and what is actually happening to them—this is the intent of this bill and the amendments that are being made.

0940

Mr. Parm Gill: I’m glad, obviously, our government recognizes that human trafficking is a rapidly growing crime in Ontario.

Bill 251 would require all future governments to have anti-human trafficking legislation in order to better protect our families, neighbourhoods and community members.

Can you explain how the act being viewed will help combat human trafficking and better serve victims and survivors?

Hon. Jill Dunlop: As I mentioned earlier, this will be the first of its kind in Canada, so I’m very proud of the work our government is doing.

I can tell you, I meet with my federal, provincial and territorial colleagues across Canada and we have these conversations, and many times they’re saying that it’s not happening in their province. We know it happens here—we’re the highest in Canada. And we know that victims are trafficked across this country. There are no borders between our provinces.

Having this bill in place will be so important in moving forward. As we said, this bill will ensure that there is always a strategy in place to support victims and survivors, regardless of the government of the day.

I’m proud of the work that our government has done to introduce this strategy, co-led by myself and Minister Jones, and the commitment of \$307 million over five years, and really bringing together a multi-ministerial approach across government to ensure that victims and survivors are supported, that we’re doing work in prevention and also holding offenders accountable.

The Chair (Mr. Daryl Kramp): I see we have a question from Ms. Hogarth.

Ms. Hogarth, I didn’t get you registered when you first came in. Could you confirm that you are Christine Hogarth and that you are in Ontario?

Ms. Christine Hogarth: My name is Christine Hogarth, and I am in Etobicoke.

The Chair (Mr. Daryl Kramp): Great. You have a little over three minutes.

Ms. Christine Hogarth: I want to thank both the ministers for being here today and for discussing this very important topic.

I was looking at the list of deputants who are coming forward today. I do believe that we’re going to hear from some deputants about legal sex work in the context of this bill. I know, Solicitor General, you addressed this earlier in your opening remarks, but I wanted to ask you whether you wished to expand on the importance to address this, when it comes to the age of the people we are talking about in this legislation and concerns that you have, the reasons why this legislation is so important. What is your message to those who may come to this committee this afternoon—and any concerns that you have of encroachments into this bill?

Hon. Sylvia Jones: When the select committee on workplace harassment and sexual violence was struck many, many years ago while I was in opposition, there were similar concerns raised from sex workers.

It’s really important to remind and reinforce that these are young people who, first, are recruited, as opposed to choosing; and second, do not keep and do not have any influence on the work that they do—i.e., how much work they do, where they work.

I really hope that we keep the survivors central to our discussions and our deliberations.

When a young person is trafficked and removed from their community and taken to a town or a hotel or a short-term rental in a community along the 401 corridor, and they don’t even know where they are, and then they’re forced to provide sex work—unpaid, uninitiated, unasked—that is human slavery. That is not a choice. I really hope committee members can keep that in their mind when they deliberate on how we can improve this legislation. This is not about individuals who choose sex work as a profession. This is about young people who are coerced, who are forced and, ultimately, driven into human trafficking.

The Chair (Mr. Daryl Kramp): We will go now to the official opposition. Mr. Yarde, you have the floor, sir, for seven and a half minutes.

Mr. Kevin Yarde: I want to thank the committee and all the members discussing this very important topic.

I agree with what the Solicitor General just said.

We have spoken to different stakeholders, and one of their concerns with this bill is that it will expand the police powers to racially profile and detain community members. This obviously is a big concern that poses a significant threat to the health and safety and livelihood of sex workers everywhere.

I just wanted the Solicitor General—I assume you're probably going to take this question—to comment on some of those concerns and perhaps alleviate some of the concerns of these stakeholders.

Hon. Sylvia Jones: Thank you, MPP Yarde, for raising this.

As Minister Dunlop has said, yes, absolutely, marginalized and more vulnerable young people are at higher risk. We know from the statistics that, unfortunately, our Indigenous youth in Ontario are one of the higher-risk categories; youth in care are one of the higher-risk categories. So there needs to be absolute prevention and focus on that.

We also need to appreciate and understand that there are groups within society that are targeted for sex work by traffickers. Acknowledging that and being educated and aware of that, whether that comes from informing family members, whether that's informing hotel workers—a lot of that education is ongoing right now. We can keep our eyes wide open, educate people on what the signs are and ultimately assist individuals who are at risk or, unfortunately, have already been trafficked.

It's a really important issue, and I'm glad you raised it, because we see from the statistics that there are groups and members in our society who are more at risk. We have to acknowledge that and offer more assistance, and that's what we have been doing with some of the investments that Minister Dunlop and I have already announced.

There is a program down in Niagara that is specifically for Indigenous youth, and they were very appreciative of the added investment that our government has made. They can assist and target the youth who are most at risk in those communities.

The Chair (Mr. Daryl Kramp): Go ahead, Mr. Yarde. You have four and a half minutes left yet.

Mr. Kevin Yarde: Okay. We have seen and there have been stories—I know some of the MPPs from the government side, I'm not sure which ones, have done ride-alongs with the police, in terms of seeing what happens out there in real life. Again, there's another concern that human trafficking initiatives, such as these, have been conflated with sex work and justify the intrusion of law enforcement in sex workers' workplaces and broaden police powers. So there are the two dynamics that stakeholders are concerned about in that the two are put together, and they shouldn't be put together. What's happening now is that it is broadening the police powers.

I assume the Solicitor General will probably answer that, as well. I'll just repeat it, because I know it's a little convoluted: Human trafficking initiatives have been conflated with sex work, and the concern is that that justifies the intrusion of law enforcement in sex workers' workplaces and it broadens the police powers. Can you comment on that?

Hon. Sylvia Jones: Yes, I will comment on that.

First of all, every single recruit who goes through the Ontario Police College now is educated and informed on the signs of what human trafficking is in the province of

Ontario, what it looks like, and how to assist or offer assistance.

If we look at Bill 251, so much of it has covered multi-ministries. The initiatives that Minister Dunlop has brought forward to give more assistance to those 16- and 17-year-olds speak to where our focus is as a government, which is that very young average age of recruitment of 13. That's the one piece.

0950

Embedding information into our Ministry of Health and sexual education piece in our schools—again, a critically important piece. We have already seen some initiatives that have been very well received from the Ministry of Education. They now have some online video tutorials that individuals and young people can walk through and answer questions to see if, in fact, that boyfriend is really just recruiting them into human trafficking. Those have been very well received.

When we have community engagements where survivors share their experience and explain what it actually means to be trafficked, we have communities coming together of 600 people—parents, guardians, educators, young people—learning about what are the signs, because unfortunately there are still far too many of us who don't understand what human trafficking is.

So those prevention pieces are very important, and you'll notice they are at the forefront of Bill 251.

I'm all for improving and accepting suggestions that will make this better—

The Chair (Mr. Daryl Kramp): One minute.

Hon. Sylvia Jones: —because I think all of us, as legislators, understand, we want to do what's right for the kids. It's exactly why, embedded in the legislation, we have the reviews—because we know that if there's one thing that human traffickers and criminals understand, it's how to change and operate under the radar when we start to put a stronger lens or focus on a particular area. So it's really important for us as government to be very nimble and make sure that we're covering all of those important pieces.

But at the core, the focus is, first and foremost, education and prevention.

The Chair (Mr. Daryl Kramp): Just 15 seconds, Mr. Yarde.

Mr. Kevin Yarde: Okay. Well, I wouldn't have enough time for my next question.

The Chair (Mr. Daryl Kramp): We'll get you in the next round. Thank you very, very kindly.

We'll now go to the independent member, please, for five minutes. Ms. Collard.

Mme Lucille Collard: I appreciated the question that MPP Yarde just posed in a couple of different ways to the Solicitor General. I've heard the same concerns, and I think we're going to hear it through the hearings today and tomorrow.

I do understand that the education piece is absolutely important. Prevention and early intervention is important.

I'm just trying to think, because even if I wanted to suggest something, an amendment to make this bill better,

to protect the legal sex workers, I wouldn't know where to start.

I'm just wondering, as Solicitor General, with all the expertise that you've got and all the consultation that you've made, apart from the police training to recognize the signs of human trafficking, are there any other safeguards that could be considered to protect the rights of those sex workers so that they're not targeted unnecessarily through human trafficking operations and inspections by the police and others?

Hon. Sylvia Jones: Good point. We are constantly updating the education piece that starts at the Ontario Police College and in an overall way, so that informed piece will continue to evolve as we learn what the traffickers are doing in terms of recruitment.

I think that for many of us, so much of the recruitment happens online, through social media, through one-on-one interactions—so it's not so much law enforcement officers having their eyes on the ground as much as friends and family, peers, co-workers and teachers understanding, "How has my son's or daughter's behaviour changed in recent years? How has that student's behaviour changed in recent months? And what is happening there that we need to offer advice, offer supports, offer pathways for them to learn more?"

A lot of this—and this is why it is a co-lead between Minister Dunlop and myself—is not about enforcement exclusively; it's actually very little about enforcement. It's about making sure that people know what the signs are, so that's where we are focusing a lot of our work. That's why we are investing in survivor-led programs and investing in those organizations that are, frankly, already doing the work in the communities, but we need to be able to spread it out and offer it to more people.

Minister Dunlop could speak to it, but we just completed a series of round tables specifically related to educators and how educators can be part of the solution and assistance. That round table included survivor-led organizations, included board of education directors—and it was amazing feedback, to hear board of education directors saying, "We want to protect our students. What resources, what advice, what information can you provide that we can offer in a safe environment that allows people to explore what their options are?" That's just one very small example of a Ministry of Education initiative that Minister Dunlop and I, as well as PA Oosterhoff, literally just completed in the last month.

The Chair (Mr. Daryl Kramp): One minute.

Hon. Jill Dunlop: I'm just going to add to that as well, Minister Jones, the impact of the education system.

I was actually on a virtual town hall one evening with the Catholic school board from your area. They had over 500 families on that phone call. How amazing to have that many people now go out into the community, tell their friends and family what they just learned first-hand from front-line workers, educating people, and being able to recognize the signs and symptoms of this happening to their own children, to family members as well.

I think education across the communities is so important and would be the number one thing that we can do to combat human trafficking in this province.

The Chair (Mr. Daryl Kramp): The time is pretty well expired now.

We will now go to the government side. Mr. Oosterhoff, seven and a half minutes, please.

Mr. Sam Oosterhoff: My thanks to both Minister Dunlop and Minister Jones. We had the chance to host you both here in Niagara, at the Kristen French centre, when \$307 million was announced with the Premier to combat human trafficking, and the commitment our government made there.

As well, of course, Minister Dunlop, we were able to host you and a large variety of different community organizations, including firefighters and many other groups—survivor-led organizations, as well—during your consultations a couple of years ago now, and more recently with the Niagara native women centre, and being able to speak about some of the Indigenous-led efforts that are being made. Obviously, Niagara has been impacted by human trafficking a great deal.

It has also been very good to be able to work with the Ministry of Education on the initiatives that you just referenced, and we'll have more information coming out from the Ministry of Education about how we can tie in with this work, as well.

I want to ask about that inter-ministerial approach. We had Minister MacLeod down as well, announcing supports for interventions in the tourism sector. Obviously, just even in this conversation, we've talked about four or five different ministries that are tied in—the Attorney General, of course, providing legal services and supports, and your ministries.

Can you speak a little bit about how this legislation reflects a cross-ministerial approach, recognizing that we can't just have one ministry on this? We really need to make sure we're also working with our community partners. Could you speak a little bit about those community partnerships? You touched on education, but there's a large variety of different organizations that are going to be impacted in a way that they can step forward, and I'm wondering if you could elaborate on that.

Hon. Sylvia Jones: Thanks for the question.

Frankly, some of it is organic. Some of it is community-driven.

I'll give a very specific example. The Ontario Trucking Association realized, actually, because of a very personal example, where they saw a young woman being trafficked along the 401 corridor through the ONroute system—they educated their members on, again, what the signs are, what to look for, not to intervene but to reach out to either the local children's protection organizations or the police to say, "Hey, I've seen something that looks disturbing."

1000

Another example is the hotel and motel association. Once they started to learn about how many of these activities were actually taking place in their hotels and motels, again, they educated their staff. They educated the

people not just on the front desk, but everyone who worked within the hotels and motels. They said, “These are the signs. If you see something, don’t intervene, but reach out to see if they need help. And make that phone call to the local children’s aid, make that phone call to the local police, to make sure that someone, if they are in danger, has an opportunity to be rescued and released.”

What Minister Dunlop and I are doing is pulling all of those very good resources together, making sure that they are appropriate and accurate, and then ensuring that other organizations and other communities have the benefit of all of that work that was previously done.

As the parliamentary assistant for education, of course, you know that there are some school boards that have been doing an incredible job on this, and there are some that are struggling because perhaps they haven’t seen the focus in their community or they’re not aware of what human trafficking looks like. So being able to share those different resources between school boards and between principals really is allowing us to speed up the education and prevention piece.

Mr. Sam Oosterhoff: I believe MPP Tangri also has a question.

The Chair (Mr. Daryl Kramp): Go ahead, MPP Tangri.

Mrs. Nina Tangri: I’d like to thank the presenters this morning. We’re talking about a very, very serious issue that we know is very real.

During the second reading debate, we heard that training to recognize the signs of trafficking is really important, which is why these requirements are included in the bill. But for certain individuals whose role in stopping trafficking is more direct, including, for example, our police officers—they’re investigating these crimes, and they’re bringing victims out of trafficking environments—they really do need much more extensive training.

Could the Solicitor General outline for us today the level of training that police will receive when it comes to anti-trafficking?

Hon. Sylvia Jones: As I’ve mentioned, cadets, who all go through the Ontario Police College, get some education and information on human trafficking, but then many of the larger police services have additional training, because they end up being in specialized units. That’s where you really get into some amazing programs, where they actually work on a team with a human trafficking survivor. I would highlight Karly Church, who has been very, very active with her local police department. It has been an incredibly successful model. We have to remember, depending on how long these young people have been trafficked, they’re very, very scared of any kind of intervention outside of the back-and-forth that they get with their trafficker. So having the ability to reach out and talk to someone who is a survivor, who is thriving, is a really important piece that has been a successful model.

The Chair (Mr. Daryl Kramp): One minute.

Hon. Sylvia Jones: From everything that we see, unfortunately, there is a lot more activity and increase on this file, which is why we’ve invested more in the OPP

headquarters to make sure that their child exploitation unit has additional resources, because it was taking too long to do some of those investigations, to find out whether there was more that needed to be done. The piece that I really like about it is, it allows us to leverage across Ontario. You’ll recall that MPP Dunlop made a very accurate statement: that human traffickers do not respect borders. They don’t respect provincial borders, and they certainly don’t respect municipal borders. So having this information centrally reviewed and collected, and investigations being offered jointly, has really made a difference in terms of—as people move those victims from community to community, we can better track, through the joint investigations, where they are and ultimately get them away safely.

I hope that answers your question.

The Chair (Mr. Daryl Kramp): Thank you, Minister. Time is up now.

I thank both of our ministers for being here and all the committee members for your engagement today.

At this time, we will suspend until this afternoon at 1 o’clock, at which time we will hear witnesses and go from there.

The committee recessed from 1005 to 1300.

The Chair (Mr. Daryl Kramp): Good afternoon, colleagues. We will resume the public hearings on Bill 251.

I would just like to confirm the addition of Will Bouma—who you are, sir, and if you are in Ontario.

Mr. Will Bouma: I am indeed Will Bouma, and I’m in my home office in St. George, Ontario.

The Chair (Mr. Daryl Kramp): Thank you very, very kindly.

Obviously, we’re dealing with An Act to enact, amend and repeal various Acts in respect of human trafficking matters.

The remainder of our presenters today have been scheduled in groups of three for each one-hour time slot. Each presenter will have seven minutes for their presentation, and after we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. This time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition, and two rounds of 4.5 minutes for the independent member.

Do I have any questions from any of the members? Seeing none, I will now call on our first group of presenters.

MS. ANN DE SHALIT
AND DR. EMILY VAN DER MEULEN
BUTTERFLY: ASIAN AND MIGRANT
SEX WORKERS SUPPORT NETWORK

The Chair (Mr. Daryl Kramp): I have here today Ann De Shalit, I have Emily van der Meulen, and from Butterfly: Asian and Migrant Sex Workers Support Network, I have Elene Lam. Do we have everybody here? Great. Thank you very, very kindly.

We will just go ahead and start off with the first presentation: the combination of Ann De Shalit and Emily van der Meulen. You have seven minutes for your presentation. Please state your name for the Hansard, and then you may begin.

Ms. Ann De Shalit: My name is Ann De Shalit. I'm a PhD candidate in the policy studies program at Ryerson University. My doctoral dissertation, which I will be defending in about 10 days, is an in-depth examination of anti-trafficking policy and programming in Ontario.

I will be splitting my time with Dr. Emily van der Meulen, a professor of criminology at Ryerson University. Both of us have been conducting empirical and secondary research on sex work and human trafficking for well over a decade, and we have widely published in Canadian and international journals on this topic.

I'd like to begin by sharing some insights from my research on anti-trafficking policies and programming and their unintended consequences.

I interviewed over 20 organizations that were funded by the provincial government to develop anti-trafficking programs under the 2016 strategy to end human trafficking. Over 80% of the organizations I interviewed focused solely on sex trafficking, which they often understood as an extension of sexual assault, and they offered almost no supports to migrant workers and other labourers experiencing exploitation and abuse in other sectors. A number of the organizations also took a prohibitionist stance and condemned all forms of sex work, at times refusing services to people who continued to be involved in the sex trade or who used drugs.

In many cases, these organizations relabelled their existing health, housing or anti-violence programs as trafficking services; so they continued to offer their existing programs, but started to call them anti-trafficking programs in order to meet the funding criteria. They did the same with their service users as well, so sex workers and others who were already accessing services were newly labelled as the victims of trafficking. In this way, organizations that are funded by the government of Ontario under the strategy are simply redefining their current activities and changing the definition of "trafficking" to suit their needs, which in turn leads to highly misleading statistics on the scale and scope of the problem in Ontario.

Let me provide you with a couple of quotes from my interviews to illustrate. As one organization noted, "We recognize that Indigenous women are at high risk, and homeless women are at risk. So every homeless Indigenous woman who comes to our shelter, we perceive her as being at risk of human trafficking or of sexual exploitation.... So for us, that's the definition [of trafficking] that fits our needs."

Another organization explained, "We don't request that women identify as being trafficked.... We will support every woman with the premise that she is at risk of being trafficked if she hasn't been already."

One service user even suggested, "Any young girl is at risk nowadays. Any woman is at risk because we're vulnerable to wanting to be loved and cared for."

To be clear, my research shows that most organizations won't deny services to people who don't self-identify as victims of trafficking, but they will often label them as such in their funding reports and for other purposes such as educational and promotional materials. These numbers are then presented as fact and used to inform governmental actors like yourselves when developing new policies on the topic.

Dr. Emily van der Meulen: As you know, of course, over the past number of years, we're seeing quite a wide range of anti-trafficking measures and policies introduced by municipal, provincial and federal governments. Most of these policies, like the proposed Bill 251, are driven by a deep desire to save people from trafficking or from being coerced into sex work, especially youth or girls. While this may be quite a laudable goal, empirical research has routinely and consistently found that anti-trafficking laws almost always actually do more harm than good for both adults and youth. While Bill 251 may be primarily focused on youth, in practice, it's going to directly affect people of all ages who trade or sell sex, and it will be most harmful for marginalized communities who are already disproportionately policed and surveilled, including, of course, migrant, Black, Indigenous and racialized people.

What this bill does is ignore the larger systemic issues that actively drive exploitation and abuse in the first place—issues like poverty, racism, sexism, xenophobia, transphobia, lack of access to education and affordable housing, limited supports for women who are trying to leave situations of violence, precarious immigration status, the criminalization of drugs, inadequate social assistance, the defunding of Legal Aid Ontario itself. These are the social issues that need to be addressed, and by addressing these, you will also be tackling issues and context that actively limit marginalized people's career and life opportunities and that can foster exploitation in sex work as well as in other areas of precarious employment.

Ann and I are here to strongly urge you to reject Bill 251 and for Ontario to stop the expansion of anti-trafficking policing. Instead, focus on the factors that we know contribute to exploitation. Increasing powers of police and inspectors and mandating hotels to keep extra information about their guests are not going to change the underlying conditions, and instead they're just going to push trafficking further underground. This proposed law, the way that it's currently drafted, is surely going to lead to more harm to already vulnerable communities.

Over the course of your discussions on the bill, you will undoubtedly hear that Ontario is a major hub for trafficking. Some will say that they're shocked to learn that trafficking is happening in their communities. People will make references to daughters and sisters and to the girl next door. These narratives have been widely circulating in Ontario and Canada for many years, and we've done analyses of these. But so far, what they've only led to are more police powers and increased punitive measures against migrant, racialized, Indigenous, Black and other sex workers.

To actually stop exploitation and to support marginalized people who may be experiencing trafficking-like conditions—and that includes both youth and adults—the government has to listen to sex work organizations and sex workers themselves. People who are currently and actively working in the sex trade know first-hand the kinds of legislation that will be beneficial for combatting exploitation and also what would be detrimental.

Ann and I are, again, very pleased to be here today, presenting alongside Butterfly, which has done incredibly important work in supporting migrant sex workers and drawing attention to the unintended and harmful consequences of anti-trafficking law. Thank you.

The Chair (Mr. Daryl Kramp): Thank you very, very kindly. We appreciate your presentation.

We will now go to an opening round of questions—
Interjection.

The Chair (Mr. Daryl Kramp): Oh, I have the Butterfly network here. My apologies. Before we go to questioning, we will go on down, then, to the next presenter: from Butterfly, Elene Lam, please. Please go ahead and start, for seven minutes.

Ms. Elene Lam: Hi there, committee members. I know it's very hard to have a Zoom meeting, but it's really great that we can come to tell you what is the problem with this law.

I'm Elene Lam from Butterfly, which is an Asian and migrant sex workers support network. I have been working on human rights issues and also anti-trafficking policy for over 20 years. Butterfly is organizing over 5,000 Asian and migrant sex workers in Ontario.

As a sex workers' rights organization, we're the same as you: We care about the youth. We care about the people. We care about trafficking and exploitation, of course. A sex worker organization is the greatest defender to stop any violence against the community—to stop any kind of violence, exploitation, including police violence, including trafficking in the community.

1310

However, we really see this bill as not helpful for any trafficking victims. This is not a bill about protecting trafficking victims; this is a bill about the increase of policing, the increase of police power. Because it's called an anti-trafficking act, people do not know how this bill is so harmful. I would like to highlight some of the problematic policies in this bill.

One of the policies is, there is the power for appointing a professional inspector who can enter and inspect any space, any time, without a warrant. The inspector even can examine, demand, remove or copy anything they think is relevant. The people are being forced to talk to the inspector. If they do not comply, they will give a \$50,000 to \$100,000 fine.

When I see this bill, I can't believe this is a bill in Canada. How can you have the bill violate privacy and violate human rights?

In addition, the hotels are required to record the information from all the guests and share it with the police, without a warrant.

The bill also expands the power to detain youth. They don't call it "detention"—they say "remove the youth for 12 hours," but actually, it's detention, because they don't have the right to leave, including if they are 16 and 17 years old.

Yesterday, the government said, "Oh, this is a bill about protecting the youth," but this is not true. We have clearly heard from the youth organizations, social work professors, violence-against-women organizations, the Barbra Schlifer clinic, Justice for Children and Youth, and many youth workers that this bill does not help youth.

Detention and policing cannot make youth safe. You cannot help to remove them from exploitative situations or trafficking situations. What you're doing in the bill just pushes them to be underground.

Even the international sex worker and international anti-human trafficking organizations, the global alliance against human trafficking, and Freedom United are opposing this bill. They are the experts on human trafficking. They say this bill cannot protect youth and may become harmful to youth.

Nearly 70 organizations in Ontario, like Black Lives Matter and many legal clinics, have released a joint statement to call on the province to reject the bill because this Ontario bill expands the police power.

Instead of giving more resources to policing, we should give the resources to support the marginalized communities.

The bill actually prevents youth sex workers, Asian and Black communities from accessing safety and support.

This bill is extremely harmful. Sex work is being conflated with human trafficking, and the bill is treating sex work as trafficking, which means sex workers cannot work safely. Many people are concerned about human trafficking, but when you ask sex workers, this is not the greatest concern; the concern is the everyday abuse from law enforcement. Police and law enforcement is the greatest violence faced by the sex worker community. They are worried about robbery, sexual assault and murder.

Eight women in a massage parlour in the US have been murdered. But this is not only happening in the US. What I do most, other than go to government meetings, is organize funerals. So many sex workers are also being murdered. They end up being murdered—and it's not only because of the perpetrator; it's because of the criminalization, because of the policing, including this harmful anti-trafficking policy.

Yesterday, the government also said, "Oh, no, our policy is not targeting sex workers." It's not true. I have a list of examples to tell you how many sex workers are actually harmed by anti-trafficking policy. Butterfly has at least 200 members who have been ticketed, arrested, detained and deported as a result of anti-trafficking investigations. In Ontario, many police, including in London, Hamilton, Toronto, York region, Ottawa, have said that how they find trafficking victims is they go to the websites and see Asian women doing advertisements—they think they are trafficking victims, and they have a raid. This is racial profiling. This is not anti-trafficking. After they

arrive, what happens is, they will be asked to provide their passport, and they will be charged.

This is a call from a worker: “I’m not a trafficking victim. I just want to work. I’m using my hands and my body to earn a living to support myself and my family. When they arrested me, they searched all my stuff and took my money. That \$7,000 that’s been taken by the police was what I earned in the last two months. Why did they arrest me and take my money when the police said they’re protecting?”

The sex workers—even helping other people to answer the phone is being criminally charged. The people who work in massage parlours receive hundreds and hundreds of tickets. This is all as a result of anti-trafficking policies. Now the police already have expansive power to hound the community. We do not want to see more power to make more sex workers more vulnerable, to make more workers suffer from the violence.

This bill will not only harm the sex workers; this bill also promotes anti-Asian, anti-Black racism because of the surveillance—mainly, those who are being targeted by the police are racialized people.

We really hope that all of you will make the decision—so many people’s lives are in your hands. If you really care about the people, please vote against this bill.

The Chair (Mr. Daryl Kramp): Thank you very much, Ms. Lam, for your presentation.

We will now go to the rounds of questioning. We will start off with seven and a half minutes for the opposition, four and a half minutes for the independent, and then seven and a half minutes for the government.

We will start off, first of all, with the official opposition: two rounds of seven and a half minutes. Please go ahead, sir.

Mr. Kevin Yarde: I want to thank the members for joining us today.

I want to thank Elene and Ann for your submissions. I think all of us believe that sex trafficking is bad and is wrong and should be dealt with. We all agree with that. However, Bill 251 does have quite a few problems in it.

My question to you, and you sort of alluded to it, Elene, near the end of your submission—this bill will be harmful to sex workers who are racialized and racialized communities, like Black, Indigenous, Asian communities, as well as queer and trans communities in the city, which we didn’t mention. What would you say the government should do to eliminate that in the bill to improve it? Is there any type of amendment that should be made to make sure that these harmful effects to racialized communities will not exist?

Ms. Elene Lam: I think it is very clear that we do not see policing, actually, as helpful for marginalized communities, as you mentioned. This is not only harmful for sex workers; it also prevents other people who are not sex workers—they may also feel and experience racial profiling by this bill.

I think the best approach is to remove this bill and then develop the community support approach and human rights approach, having the resources to the community

organizations to support the youth and also the sex workers and racialized people, so that they can—as Ann and the academic said, the research showed that there are a lot factors to make people more vulnerable. That is the real thing we need to address when you’re concerned about human trafficking.

At the same time, we see so many people get murdered based on the policing. I think this is a very strong position for us. We really want this bill to be removed. I know that there was lots of—that the MPPs also heard that this bill is really, really horrible and will really make people kill people, and we really don’t want to see more people being killed because of your bill. Yes, I think that we really have the strong position to remove the whole bill.

The Chair (Mr. Daryl Kramp): Go ahead, Mr. Yarde.

Mr. Kevin Yarde: Thank you, Ms. Lam, for that response.

I think the confusion here is that human trafficking has been conflated with sex work, and that has justified the intrusion of law enforcement in sex workers’ workplaces. You talked about how that will broaden police powers. How is that a negative as opposed to a positive? Where do you see the problems lying there?

Ms. Elene Lam: One of the examples is that—actually, we do a lot of training so that the sex workers can work independently. Some people may need to work with a third party because of a language barrier; some people prefer someone to make the arrangements for them. But some sex workers want to work independently. If they can book the hotel and they have someone to help them book the hotel, that’s just some of the empowerment and agency they have. But the police can access their information. If the [inaudible] actually is to increase the policing, they think that they increase the risk of being arrested.

1320

I think the most horrible part of this bill is not only police, but they give the inspectors—we don’t know who the inspectors are. We don’t know where is the place they inspect. They even can inspect social service organizations. They can go to see any client records, any time. The bill says very clearly they can go to any place, any time, to look at any document. This is horrible. So they can come to my office, look at my client file—that makes people unsafe. That is pushing and preventing people from getting supports. Is this something we want to see? No, right?

Instead, how we can help is with resources, make the people who are vulnerable—they can reach out to the social service that they need and want. And the social service should not be tied only to trafficking funding, because many people are vulnerable in many ways. That’s why I think having important things like social supports and legislation—there are lots of services that deal with vulnerable communities. That is the best way to prevent human trafficking. Many anti-trafficking organizations and youth organizations also have similar submissions. Police is not the solution.

We also need to look at how many sex workers are being abused. The HIV Legal Network have done their research documenting all the abuse from the police. More

powerful police is just more abuse. They have the gun in their hand, and this law is giving them the bullet so they can shoot the sex worker. But this is an invisible bullet without evidence, so that's why we need you to help to see that and stop that.

The Chair (Mr. Daryl Kramp): A little over two minutes, Mr. Yarde. Go ahead.

Mr. Kevin Yarde: Okay. This could be answered either by Ms. De Shalit or Ms. Lam.

In the bill, there's talk about increasing policing at hotels and motels. The government believes this is a positive thing—to rescue young women who are being abused and who are being trafficked.

What do you see as the problem with this part of the bill increasing powers at hotels and motels?

Ms. Elene Lam: I think the surveillance of the police, even during COVID-19—in COVID-19, police were given the power to search for COVID-19-positive people's records, and I think CCAC has just done research to see how they abuse those systems. So it's not about COVID-19; it's about how they abuse those things. And now, actually, they already have a procedure. If they want to get that document, there is a procedure. They can go to the court to apply for an order. Why do we need the courts? Because we need the courts to have justice, to make sure that police are accountable.

The Chair (Mr. Daryl Kramp): One minute.

Ms. Elene Lam: This is important in the justice system in Canada. We should not remove it. Even in emergency situations, the police still can get that power through the court to get that information, and so they do not need this extra unchecked power—we call it “unchecked power”—so that they can do whatever they want. That is something we don't want to see. So we just want to mention that if they really suspect some criminal activity is going on, they can go to the court and get their order and access that information.

And, of course, as [*inaudible*] respect privacy, we also strongly oppose hotels needing to get too much information from the guests. We only see this in dictatorship governments, so I don't know why it is happening in Canada, honestly.

The Chair (Mr. Daryl Kramp): Thank you very much, but we're down to five seconds, Mr. Yarde, so we'll have to catch you in the next round.

I would just note that we have Ms. Kusendova present in the room here now.

We'll now go to the independent for four and a half minutes. Ms. Collard.

M^{me} Lucille Collard: I want to thank the presenters for bringing this perspective to the discussion, and also for your passion on this obviously very sensitive subject and the big issues and problems that it raises.

I'm curious: In the work that you do and the support that you provide to sex workers, do you see any kind of opportunities on the ground or in other ways that you could actually collaborate with the police to help save some of those victims of human trafficking, or is that something you don't believe is possible?

Ms. Elene Lam: Actually, some of the most important work of Butterfly is outreach. We go to the workplace of the worker and build a relationship and trust with the worker, and the worker also refers other workers. So this trustful relationship can make us know what they have happen, and they can connect. Some people are struggling and they have very bad working conditions, so we can connect them with the workers' rights organizations. Some people are struggling with immigration issues, who we connect with legal clinics. If people suffer violence, we can connect them to different resources. I think this is the community outreach approach that is the best approach—to build a relationship, without judgment.

Having outreach report is never a success, because the law already makes the risk [*inaudible*] the sex worker, even youth, in the opposite position. We see Operation Northern Spotlight—they claim it's anti-trafficking, but we see so many people being arrested because they have the [*inaudible*], the people being charged because they have drugs. There are so many things already where maybe the police is not the best solution.

We've always had this slogan: “Rights Not Rescue.” What is the best way to address trafficking vulnerability? It's to help the people access their rights. Rescue is not something—globally, it's already confirmed that this is not the effective approach to help the trafficked victim, but how actually having the organization or a community they can trust, they can share their issues, they can share their problems.

Just like victims of domestic violence—you will not knock on the door and jump in and have the power to open the door to see whether the wife is being abused, right? We have so many violence-against-women organizations that do the promotion and different programs. Make the women know, or the LGBT community know, that they have rights: “You should not be abused. You can get support, and this is your decision—to make a safety plan to leave the conditions.” If you work in violence-against-women organizations, this is very dangerous—if you just remove someone from what you think is a violent situation. So why we don't do the same approach is because we don't want the power to have the inspector go to your bedroom to check whether your husband is abusing you, right? We don't need that. We need a program, if people know that their husband is abusive. We need a program, if they know someone is abusive in the workplace, whether in sex work or other industries—they know someone they can go to and feel safe. They will not share the information with law enforcement. Why the people are vulnerable—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Elene Lam: —is mostly because of their immigration status or because of their sex work status.

So that is important—how we empower the people.

M^{me} Lucille Collard: Do I have any more time, Chair?

The Chair (Mr. Daryl Kramp): You have 45 seconds.

M^{me} Lucille Collard: Okay, then I'll just frame the question, because there may not be time in this round to answer it—but for the next round, maybe.

Ann, I would like to give you more time to talk about your paper and your main conclusion, your main findings, how you're going to be—you said you were going to be defending that in a few days. So I'd like to learn more about what you've learned during this process and what your main arguments are going to be. We'll do that next round for your answer, because I understand I'll be out of time now.

The Chair (Mr. Daryl Kramp): Thank you very much, Ms. Collard. I appreciate your courtesy on that.

We will now go to the government for seven and a half minutes. Ms. Kusendova, please.

Ms. Natalia Kusendova: I'd like to thank all of the presenters today for sharing your valuable insights with us.

First, I'd like to state a few things on the record, and I hope that you all agree.

There is no such thing as a 13-year-old legal sex worker—or a 16-year-old or a 17-year-old one, for that fact. I would like to ask all of you to please let me know whether you agree with that statement, that there is no such thing as a 13-year-old legal sex worker. Do you agree?

Dr. Emily van der Meulen: According to the way that the laws have been set up, yes, I do agree.

Ms. Natalia Kusendova: Thank you. I just wanted to give you a little bit of context for why our government brought forward this legislation.

When we were elected in 2018, we decided right away that this would be one of our government's priorities. We have led extensive consultations. We've spoken to hundreds of stakeholders, including survivors, including victim support services, police enforcement, of course, and our community partners. So this is a three-year effort that our government has put forth to bring forward this legislation. This legislation is survivor-informed, it is trauma-informed, and it is a result of what victims and survivors themselves have been asking us to do.

1330

In my consultations, I came across the topic of conflation. It is a valid topic. For the benefit of this committee, I'd like to shed a little bit of light on the difference between what sex work is and what human trafficking is, just so we are all on the same page.

A sex worker has autonomy over themselves and their body. They can choose to use protection. They choose which clients they take. They decide what kind of sexual act they can engage in. They decide the location, which often happens to be their own home. They decide the time of the act. They decide the amount of compensation, and they get to keep the compensation. That is the definition of a legal sex worker.

A human trafficking victim—or a sex slave, as some of them call themselves—has zero autonomy over their body, is often coerced into these acts. There is often substance abuse and dependency happening. They are often minors. As we know, the average age of entry is 13 years old. The victim has absolutely no say in the use of protection, the type of clients, how many clients at the same time, the type of sexual act, the duration of the act, and where this act is happening. Often, it's happening in hotels, motels,

Airbnbs. Most importantly, the victim gets absolutely no compensation. The money is given to their trafficker—we don't like to use the word "pimp" because we don't like to glorify.

I think we can all agree in this room that modern slavery, such as human trafficking, is wrong. Can I just please get everyone to agree that it should not be occurring in the province of Ontario?

The Chair (Mr. Daryl Kramp): Any response? Ms. Lam, go ahead.

Ms. Elene Lam: You have many, many messages.

Of course, as we said, sex workers are against human trafficking, but I think now the problem is how to define trafficking. Just like some of the examples—someone taking money is already human trafficking. In any kind of industry, women need someone to help them to do some management jobs. So that all is being defined in human trafficking. That's why we keep saying that sex work is being conflated with human trafficking.

Even the Canadian Women's Foundation—they had a report on their website. So many of the anti-trafficking—that trafficking victim definition is problematic. One of the things they mentioned is, many statistics mention that people are being trafficked at a very young age. When we look at the history, they have, at 13 years old—the first sexual assault is at home, or the first sexual assault is with their boyfriend. That is very different from the age they work in the sex industry.

No matter how we see human trafficking, what we want to discuss here is what is the solution, meaning—

Ms. Natalia Kusendova: Yes, and this is why the government has put forward—

Ms. Elene Lam: —but the police is not the solution, when you consult the youth.

Ms. Natalia Kusendova: What I think is important to note here, as our Solicitor General has said this morning, is that enforcement is just part of what this legislation is proposing.

This legislation is coupled with our \$307-million anti-human trafficking strategy, which is supporting victims where they are. This is a result of consultations that—survivors themselves, this is what they're asking for.

I want to read a quote into the record from Cassandra Diamond, a survivor who is actually leading the charge in this legislation and other efforts of this government, including in the Ministry of Education, to develop protocols to be implemented across school boards to help victims at a young age exit this. Cassandra Diamond said, "Voices of survivors and those with lived experiences are being heard. For years, we have been asking to have peer-led services, and today, because of our government's strong and wise leadership, it is a reality."

Respectfully, do you not agree that the government should use every tool at their disposal to once and for all end the heinous crime of selling human beings for profit?

Ms. Elene Lam: I just want to say the consultation during the summer—we have a different list of organizations and also survivors for the government, but none of the organizations are being contacted. The consultation is very biased.

We also need to know who are the anti-trafficking organizations being consulted. Most of them, it's very clear, are religious organizations. They have a strong mission in their mission statement that sex work is equal to human trafficking. They are ending sex work. Even in their message to you, they only say "ending human trafficking," but this is a very strong mission.

We see so much bias—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Elene Lam: —in the government's consultation. Even some of the sex workers' groups being consulted find that so many other violence-against-women organizations are excluded. So many people, they are—

Ms. Natalia Kusendova: I'd like to correct the record. Just to inform you—maybe you are not aware—we led extensive consultations in 2018 and 2019. We have conducted 12 round tables across the region, which were led by myself and other members of this government, including by Minister Dunlop, Minister MacLeod at the time, other ministers and the Solicitor General. So we have consulted widely with victim support services, with violence-against-women organizations, with victims themselves; and this is the result of these consultations. We can provide you with a full and wholesome list. These consultations were done regionally, with support from victims—and it's a direct result of this collaborative work and effort. So to say that the government is not being transparent as to who was consulted is simply incorrect.

The Chair (Mr. Daryl Kramp): We will go to our next round. We will go now to the official opposition for seven and a half minutes, please. Ms. Morrison.

Ms. Suze Morrison: Thank you so much for being here.

I just want to say I'm a little disappointed by the previous round of questions from the government. As community stakeholders with expertise in this area, you are coming to this committee and bringing a wealth of knowledge and information to raise significant concerns with this bill. I would like to apologize for you. I feel like that last round was a little bit combative, unnecessarily. You're not on the witness stand here—

Ms. Natalia Kusendova: Point of order.

The Chair (Mr. Daryl Kramp): Point of order. Ms. Kusendova?

Ms. Natalia Kusendova: I'd just like to respectfully ask my colleague not to speak on my behalf or apologize on my behalf. Thank you very much.

The Chair (Mr. Daryl Kramp): Point registered.

Please go ahead and speak from your own thoughts and perspectives, Ms. Morrison.

Ms. Suze Morrison: Thank you so much.

To the community members: I think you've raised some interesting points, and certainly some pieces that I also echoed in the House when the bill was at second reading, around how we can't police our way out of a human trafficking crisis any more than we can police our way out of a pandemic. It seems to be a pattern of behaviour with this government that they want to go to policing and

enforcement first rather than addressing the root upstream causes.

I know you identified some of those root causes that put women at risk of being targeted in the first place: poverty, access to housing, racism, racial discrimination.

As much as the government members want to lecture you about their \$307-million investment attached to this plan—in your perspective, how far do you think \$307 million is going to go towards fixing clean drinking water on-reserve, ensuring that every woman in this province has access to safe housing and safe health care, and that we're tackling anti-racism in our community?

The Chair (Mr. Daryl Kramp): Yes, please go ahead.

Ms. Ann De Shalit: I just want to thank you for that.

I want to speak quickly to the budgeting. In my research, where I interviewed multiple organizations coming from different perspectives on trafficking, most of them very much in high support of what we have here, this anti-trafficking agenda—they received funding for their work, which this government is also suggesting to do with organizations, and 100% of them said that they did not receive enough funding to do any of the work that they do. Most of them grasped onto anti-trafficking funding because they couldn't continue to do (1) the work that they were doing before and (2) the work that they were now expected to do as they applied for this funding.

If we're talking about how some of this plan is going towards organizations that are working with youth and people who have experienced trafficking—the majority of it, unfortunately, is not ending up there. I don't know where it's ending up. It's clearly ending up in more policing. Those organizations consistently said their biggest issue was funding—not to say that they needed to be funded more, because a lot of them did have clear anti-prostitution, anti-sex work positions, but those pieces were missing.

1340

Ms. Suze Morrison: Thank you so much for sharing that.

One of the things that I find a little bit difficult is taking this bill into consideration with the pattern of cuts that we've seen come down from this government. I know that about two years ago, we saw an across-the-board cut of 33% of a planned increase that was supposed to go to rape crisis centres across the province, and that was the first substantial funding increase that the rape crisis centres would have gotten in more than a decade.

To any of the panellists: Can you speak a little bit to the effect that these cuts on women's organizations and specifically the rape crisis centres have had on the lives of survivors of sexual violence, sex workers and survivors of human trafficking?

Dr. Emily van der Meulen: Yes, sure, I'm happy to. I think Ann can also speak to that more directly because of the interviews that she has been conducting with exactly the types of services and organizations that have had their funding cut and now have to apply for anti-trafficking funding so that they can continue to do their work.

Certainly, when you look at the systemic issues that are actually driving exploitation within the sex industry and in other precarious industries, it's important to recognize that exploitation and abuse is not inherent or endemic to the sex industry; that it exists in a range of industries where there are precarious workers who don't have access to the basic supports they may need. So defunding these important services, like rape crisis centres, like Legal Aid Ontario, who can actually provide support in the court system for people to then be able to go and try to challenge the exploitation that they might be facing within these various work centres, is the key and fundamental problem—to actually increasing the amount of trafficking and exploitation that we might see.

By having healthy and strong welfare social services and other types of support systems, we'll see reductions in human trafficking. Adding money to policing does not help. It further pushes marginalized people underground, into places where they then cannot access those social services, in part because those services are underfunded and no longer exist.

Ms. Suze Morrison: I have one more question, for Elene.

I know in some of Butterfly's communications, you've also highlighted the issue of the rise in anti-Asian racism, particularly for Asian sex workers and particularly in light of the awful attack on Asian sex workers down in the States.

I'm wondering if you could speak a little bit more about what actions you'd like to see this government take to tackle anti-Asian racism.

Ms. Elene Lam: The law has been used as a tool to impose that racism. Just like the example I said—we have come across so many government records and police records that are very clear that how they fight human trafficking is to just identify the websites where people are Asian, and then they target them and arrest them.

The other big piece is many city and provincial efforts—the city is working with RCMP police on different methods and different ways of shutting down massage parlours—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Elene Lam: And what type of massage parlours are being shut down? It's the Asian-run massage parlours.

I think that promoting anti-Asian hate and, particularly, assuming that Asian women are vulnerable, assuming Asian women do not have the brains to make decisions, is also strong racism. I have to say, there aren't any anti-trafficking organizations that also put this label to Asian women—to justify their funding and justify their promotion of the harmful policing of the Asian workers.

Also, Asian workers, when they work together, are immediately seen as an organized crime ring. Many people get charged, money is taken away, they get arrested and deported. We still have many people get charged. Even the Ontario courts have just said the sex work law is unconstitutional, but people are still heavily charged because of that—

The Chair (Mr. Daryl Kramp): Thank you very much. The time has expired now.

We will now go to the independent member for four and a half minutes, please. Ms. Collard.

M^{me} Lucille Collard: Ann, if you want to share a little bit more insight on the work that you've been doing and the conclusions that you've reached, I would very much appreciate it.

Ms. Ann De Shalit: There were a number of conclusions. I conducted interviews, but I also looked at parliamentary debates on the 2017 anti-trafficking act. I looked at the submissions that were presented to the government before it released its 2016 strategy to end human trafficking. I looked at a number of elements that I believe will still have great effect and continue to have great effect in the current government's approach.

We can talk about all of these moralistic ideas about 13-year-olds and the children who need saving—those are very important things. Nobody here has ever thought that 13-year-olds should be abused and assaulted.

What we're trying to say is that the way we approach trafficking or what we say about trafficking tells us what we need to understand about it. Especially in this current government, but also in the previous version, what we're seeing is that trafficking is solely sex-work-related. Even though this bill is called the human trafficking bill, not a sex trafficking bill, we are completely erasing any type of intersection of exploitation and abuse that takes place in other places of work where systemic issues contribute to those experiences.

Likewise, in experiences of sex trafficking or sex work, there are multiple factors that could potentially create experiences of abuse and exploitation. That is the main issue here.

Unfortunately, I think the main issue, from what I witnessed in my research, was sex work in and of itself, and most of the rhetoric that was used to motivate this urge to act—which was the mode of appeal to young children—was very easily transferred to adult sex workers, to all sex work, to third parties, to people who sex workers rely on for safety.

Most of the responses that I came across were very much tied to law enforcement, while organizations themselves who typically work with police acknowledged very readily that there are issues of trust with police. There are issues with misconduct of police. A lot of those organizations were reaching out to police to train them, but we see instances where police just are not reactive. Police, on one hand, are saying that they need to train organizations; organizations, on the other hand, are saying they need to train police. Police are conducting their own thing; organizations are conducting their own thing. So even though they're trying to improve these relationships—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Ann De Shalit: —there's a huge disconnect. I think in a lot of cases maybe they would have said they would like to improve relationships with police, but I think that is very much tied to their anti-trafficking funding,

because they can't get funding if they criticize that working relationship.

So those are some take-aways.

The Chair (Mr. Daryl Kramp): Thirty seconds.

M^{me} Lucille Collard: I'm okay for now. Thank you, Chair.

The Chair (Mr. Daryl Kramp): We will now go to the government for seven and a half minutes. Ms. Park, please.

Ms. Lindsey Park: Thank you to all the panellists who have taken the time to join us at committee this afternoon, taking time out of their schedules to do so.

I have a few questions to provide clarification on some of the things we've heard this hour.

I just want to make sure I heard correctly; I think I heard—the answer was a bit unclear to the question around whether involvement by a 13-year-old in sex work is appropriate. So I just wanted to get an answer. I think, Emily, you were mentioning something like how the caveat is that under the current law, that wouldn't be legal. But I just wanted to get your view, whether it was legal or not, on whether you thought it was appropriate for a 13-year-old to be involved in sex work.

Dr. Emily van der Meulen: I think you're asking the wrong question right now, to be honest. I think part of what's going on here is that there is an intentional way of trying to undermine the legitimate and serious concerns that people are expressing to you around how this anti-trafficking legislation has been developed. It is going to be harmful to precisely the people you are saying you're trying to support, as well as all sorts of other communities who are already marginalized, who are already criminalized; for example, migrants, racialized people, and so on and so forth.

1350

I think the question that you need to be asking instead is, "What can we as a government actually do to support marginalized people who may be experiencing exploitation, violence, coercion, any other problematic labour or trafficking-type situations, and how can we help them in these types of contexts?" The best way to do so, again, is to listen and to talk to the people who are currently actively working in the sex industry, because they are the ones who have the knowledge to know what types of legislation will be most beneficial.

In all honesty, I think it's naive, it's unrealistic and it's disingenuous to think that trafficking legislation that increases police powers to supposedly support youth are only going to be looking at youth experiences—

Ms. Lindsey Park: Chair, I do want to interrupt, just in the interest of time.

I apologize, Emily; we do have limited time, and I did want to get to each witness.

I didn't hear the answer to the question. Do you think that 13-year-olds being involved in sex work is appropriate?

Dr. Emily van der Meulen: I'm saying that that's not the question that needs to be asked in this moment about this legislation.

Ms. Lindsey Park: But that's the question I'm asking.

Dr. Emily van der Meulen: And I'm saying that that's not the right question. So why answer the question if you're going to—

Ms. Lindsey Park: So you don't want to answer our questions? Okay.

For the record, she doesn't want to answer that question.

Ann, I just wanted to ask you the same question.

Ms. Ann De Shalit: I think you and your colleagues have positioned a person, a child who is 13 years old, engaged in sex work, as sexual abuse and slavery, so we have to—

Ms. Lindsey Park: Sorry, I just want to interrupt. That wasn't my question.

My question is, is it appropriate for a 13-year-old to be involved in sex work?

Ms. Ann De Shalit: I think that—

Ms. Lindsey Park: Yes or no? It's a yes-or-no question.

Ms. Ann De Shalit: I think your problem is with sex work, rather than the age of the person who's engaging in it. We can see in multiple cases across the globe where kids or people who are under the age of 18 are engaged in labour, and those circumstances—

Ms. Lindsey Park: Chair, sorry; can I interrupt? I'm not getting an answer to my question here.

The Chair (Mr. Daryl Kramp): Go ahead. You have the floor.

Ms. Ann De Shalit: If you think that this legislation is based on 13-year-olds, you need to check your statistics. That statistic is completely outdated now. Researchers who have been conducting work with people who've engaged in sex work—their average age of entry is 24. The organizations that I interviewed did not work almost at all with kids who were 13 years old. They were 16, 17, 18, 19 years old. But still, they would refer to this 13-year-old data—

Ms. Lindsey Park: Okay. So, Ann, do you think that a 16-year-old being involved in sex work is appropriate?

Ms. Ann De Shalit: Yes, I do. I think it's—

Ms. Lindsey Park: Okay. Thank you.

Chair, I have one more question to ask Elene.

The Chair (Mr. Daryl Kramp): Go ahead. Ask the question, please.

Ms. Lindsey Park: Elene, I want to ask you the same question. Do you think it's appropriate for a 13-year-old to be involved in sex work?

Ms. Elene Lam: From a child labour perspective, I don't want to see 13-year-olds working on construction sites, and I don't want to see 13-year-olds working in restaurants. It doesn't mean I need to criminalize construction sites and restaurants—that they should not work when they are so young doesn't mean that this industry needs to be criminalized. So I think this is—

Ms. Lindsey Park: Yes, I take your point, Elene. Thank you for that clarification.

So you would say you don't think it's appropriate for 13-year-olds to be involved in sex work?

Ms. Elene Lam: I think it's very important, as you just said, that what we do with these people—

Ms. Lindsey Park: No, I agree. I understand. That's not my question.

My question was very narrow: Do you think it's appropriate for 13-year-olds to be involved in sex work? I heard that you didn't think 13-year-olds should be on construction sites. But what I didn't hear from you is if should they be involved in sex work.

Ms. Elene Lam: My message is very clear. Why we came here is not to debate whether 13-year-olds should work in the sex industry. Our debate is on whether this bill is helpful or harmful to the people trafficked; whether this bill will make the adults voluntarily in the sex industry also be harmed; whether this bill will make more sex workers be killed. I've organized so many funerals. I really want to invite you to my next one. Six more—

Ms. Lindsey Park: Well, you're welcome to invite me.

I am still waiting for an answer to my question, which is, do you think 13-year-olds—

Ms. Elene Lam: I have answered. I think—

Ms. Lindsey Park: We're not getting answers to the questions, so we'll end this round of questioning. Thank you.

The Chair (Mr. Daryl Kramp): No, let's just move on to the next question, please. You have one minute left.

Ms. Lindsey Park: Well, we'll end the round of questioning, because they don't want to answer our questions.

The Chair (Mr. Daryl Kramp): Okay, we'll end at that.

Thank you very, very kindly to all of the folks here who came today to offer your input, your thoughts, your perspectives. It's much appreciated—to come before this committee and participate in the process.

We will recess until the next group of witnesses arrives. Thank you.

The committee recessed from 1356 to 1359.

HIV LEGAL NETWORK

MS. ROBYN MAYNARD

The Chair (Mr. Daryl Kramp): Good afternoon again, colleagues. We will now reconvene our session on the Standing Committee on Justice Policy.

We have two presenters for our 2 o'clock meeting. We have, from the HIV Legal Network, Sandra Ka Hon Chu, director of research and advocacy, and we have Robyn Maynard.

Each presenter will have up to seven minutes for their presentation, and then there will be questions after that will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the opposition, and two rounds of four and a half minutes for the independent member.

We will go ahead and start off with the HIV Legal Network. Sandra Ka Hon Chu, please, you have the floor. You have up to seven minutes.

Ms. Sandra Ka Hon Chu: Thank you to the justice committee for allowing us to make this deputation today.

As you mentioned, I'm with the HIV Legal Network. For almost three decades, we have worked to promote the human rights of people living with and affected by HIV in Canada and internationally. We're a human rights organization. We have a strong commitment to addressing gender-based violence, abuse and exploitation experienced by people who sell or trade sex, and we have worked alongside sex workers since our inception to advocate for laws and policies that uphold their human rights.

While the stated purpose of Bill 251 is to combat human trafficking, I'm here to tell you that the bill will completely undermine any efforts by adopting a law enforcement model that increases surveillance powers for police and a whole new category of inspectors, and by reinforcing the conflation of trafficking with sex work, resulting in grave harm to sex workers.

In Ontario over the last few years, human trafficking investigations have manifested in high-profile campaigns, such as Operation Northern Spotlight, a yearly initiative undertaken by the RCMP, OPP and other police forces that has involved police posing as clients and targeting sex workers in their workplaces, or Project Orchid, a project led by the Hamilton police human trafficking unit. They claim to be protecting the safety and security of potentially vulnerable women, but instead, it resulted in the arrests of individuals for immigration offences and the laying of numerous bylaw infraction charges.

Similarly, Project Crediton, which was carried out by the OPP anti-human trafficking team last year, did not result in a single human trafficking charge being laid but led to multiple sex work charges being laid, illustrating how human trafficking initiatives have been conflated with sex work and justified the escalation of law enforcement intrusions in sex workers' workplaces.

Two years ago, I co-authored a study of sex workers throughout Ontario, and what we found was that these initiatives have been put forward as a pretext to invade sex workers' workplaces or just to discourage them from working. This was especially so for younger white women, who law enforcement seemingly sought to rescue. In contrast, Asian women were racially profiled by law enforcement for the purpose of issuing tickets or identifying immigration infractions, and Indigenous and Black workers were themselves accused of human trafficking.

As one participant from Sudbury shared, "They did the Northern Spotlight here, phishing on Craigslist and setting up these ads as clients and then as sex workers. Women were going to these calls thinking that they were going to see a client and then they're being traumatized by the fact that they're walking in on cops or social workers."

Racialized and migrant trans women, in particular, have faced intense police profiling, including presumption of involvement in sex work.

One sweeping commonality was all sex workers' experience of law enforcement as a source of repression, not protection.

By granting additional powers to police and inspectors, Bill 251 will make it more difficult for sex workers to

work safely. Sex workers are best positioned to observe situations of violence exploitation, but the criminalization of sex work and the traumatizing experiences of human trafficking investigations only serve to further marginalize sex workers from social supports in times of actual need.

At the same time, Bill 251 delegates powers to the minister to make regulations requiring a potentially limitless category of persons to report instances of suspected human trafficking and imposing requirements on advertisers of sexual services, again reinforcing the conflation of human trafficking and sex work. This sweeping surveillance will lead to major and unwarranted intrusions on privacy and contribute to further racial profiling of Black, Indigenous and Asian sex workers, driving them into more isolated places.

Bill 251 also authorizes the minister to appoint inspectors for the purposes of this law who may, without a warrant or notice, and at any time, enter and inspect any place to determine compliance with the minister's regulations. These inspectors are also granted unfettered powers to examine, demand, remove or copy anything that is or may be relevant to the inspection and to question a person on any matter that is or may be relevant to the inspection. Non-compliance is a punishable offence subject to a fine of \$50,000 or \$100,000 for an individual or corporation, respectively.

The broader investigative powers granted to inspectors give them wide latitude based on their sole discretion in determining what is or may be relevant to an inspection. These unchecked discretionary powers are arguably broader than the search-and-seizure powers that police already have under emergency circumstances.

Troubling: An individual is not permitted to refuse to answer questions on any matter that is or may be relevant to the inspection, potentially requiring sex workers—who already face an array of negative consequences for engaging in criminalized labour, including stigma, discrimination, the possibility of eviction, travel bans, criminal charges and loss of immigration status—to disclose details of their work with little knowledge as to whether or not an inspector's questions are relevant to a human trafficking investigation.

A person who is suspected of committing an offence is also compelled to answer questions in breach of their constitutionally protected right to silence. Sex workers face extraordinarily heavy-handed and excessive fines if they do not co-operate, a coercive approach that is compounded for migrant workers who may not understand or speak English. Not only do these provisions present serious human rights concerns, but they're also unlikely to withstand constitutional scrutiny.

Minister Jones has indicated that Bill 251 is about addressing youth who are recruited into human trafficking, but a law enforcement model deflects attention and resources away from real, sustainable solutions to address the conditions that may result in their vulnerability.

Family violence is also pervasive in this province, but no one suggests equipping police and inspectors with unchecked powers to indiscriminately enter homes to investigate potential child abuse.

As Freedom United, an international anti-trafficking organization, has noted, "These regulations are not framed around evidence of human trafficking, but rather evidence of sexual services.... Accordingly, this bill presents an overreach in that it will impose heightened surveillance on ... sex workers under the umbrella of anti-trafficking regulation and prosecution, which goes against international best practice."

I urge you to reject this bill. If you're truly concerned about human trafficking, Bill 251 is a short-sighted response to a social issue that demands investments to address the structural barriers that contribute to the risks of human trafficking, such as poverty, precarious immigration status, and lack of access to affordable housing and health and social services. We urge the government to halt this process, reject this bill and adopt a human rights-based approach to trafficking that centres labour rights, migrant rights and sex workers' rights.

Thank you.

The Chair (Mr. Daryl Kramp): Thank you very much. If I may, for Hansard, could you please state your name in case I mispronounced it?

Ms. Sandra Ka Hon Chu: It's Sandra Ka Hon Chu.

The Chair (Mr. Daryl Kramp): Thank you very, very kindly.

Now we will call on, for seven minutes, Robyn Maynard. Please state your name, as well, for Hansard.

Ms. Robyn Maynard: My name is Robyn Maynard. I am here as an award-winning researcher, SSHRC Talent Award winner, Vanier scholar and PhD candidate at the University of Toronto.

I've researched and written extensively about the criminalization of sex workers, about anti-Black racism and criminalization, and the criminalization of migrant communities, including in a scholarly monograph, *Policing Black Lives*. I also have extensive experience doing front-line work at by-and-for-sex-workers organizations, including street-based outreach and supporting women, in particular, involved in selling or trading sex, in supporting them around gendered violence and police violence.

I am standing here in opposition to this bill because I care about ending violence, gendered violence and labour exploitation experienced by people who sell or trade sex and by Black and Indigenous and Asian migrant workers, and domestic abuse, all of which currently fall under the over-broad classification of trafficking as it stands in Canadian law at this time. Bill 251 does not facilitate ending violence against our communities. It facilitates, instead, surveillance, criminalization and violence. While there are many kinds of harm that I could speak to today, I'll be speaking largely, due to its scope, to the impacts on Black communities. But I want to be clear that it extends into Indigenous and predominantly Asian and other migrant sex-working communities as well.

My own research shows that Black women's experiences of policing mean that policing has not served and cannot serve as a solution to gendered violence. We can see documentation across decades in Canada and the United States that Black women are often assumed to be

involved in sex work merely for walking around outside due to sexualized stereotypes around Black women, who are always assumed to be hypersexual. We've also seen that Black women involved in sex work experience police profiling, targeting and arrest disproportionately.

We know that policing has not been a source of safety or support for Black women even when they need support—including the recent death of Regis Korchinski-Paquet, who ended up dying in the context of a police encounter, when the police had been called for mental distress.

We know that for Black women who are involved in sex work, policing has not provided a role of support—if we look, for example, to the recent case of Moka Dawkins, a Black trans sex worker who was herself criminalized and incarcerated for protecting herself from violence. We've also seen the overlooking of the disappearance of Alloura Wells, a racialized, homeless transgender woman who was believed to be involved in sex work.

This fits broader patterns documented in the United States by sociologist Beth Richie—that when criminal laws are brought in to protect women, it is Black women who disproportionately and predominantly end up criminalized.

Given the routine criminalization of Black women, the increased and unfettered access to sex workers' workplaces by inspectors facilitated in this bill facilitates further surveillance, abuse and possibly violence for Black women working in their homes and workplaces. This is dangerous given the realities documented across Canadian studies and American studies of the police profiling of Black communities.

Introducing more policing, largely unchecked, into our communities, in a context when the government has nominally committed to addressing systemic anti-Black racism, will only exacerbate the crisis of the policing over Black people's lives, an extension of powers and the deputization of inspectors and coercing co-operation with law enforcement, particularly given that non-compliance is a punishable offence of up to \$50,000 to \$100,000.

1410

The extension of police powers, including warrantless power to be involved in sex workers' workplaces and hotels, also facilitates the racial profiling of Black men. A recent study that was published by Hayli Millar and Tamara O'Doherty in the Canadian Journal of Law and Society found that after the passage of a federal law in 2014, Canadian law enforcement has continued to treat sex work and trafficking interchangeably. Black communities, in particular, have been associated with sex work, particularly vis-à-vis the stereotype of Black men as pimps and targeted as such. The same study found that anti-trafficking legislation has steadily increased and, in the place of Criminal Code prostitution-related offences, Black and Caribbean men made up at least 40% of primary or co-accused in over 87 trafficking cases prosecuted between 2006 and 2017. They also found that media coverage was saturated with images of accused Black men in a manner that was not seen when the accused was white.

Another study by Katrin Roots that analyzed 123 court information and indictments from the province of Ontario found that the primary target in Canada has become the prototypical Black pimp, a figure easily resurrected and redeployed as part of Canada's anti-trafficking efforts. This was made possible, she goes on, by the combined efforts of Canada's trafficking laws, which focus the definition of trafficking on the term "exploitation," thus enabling its conflation with the offence of procuring.

Another study in the United States by Williamson and Marcus in 2017 described that in the United States, the enforcement of anti-traffic laws has been used as a form of what they describe as Black criminalization, finding that 62% of national sex trafficking prosecutions were Black and describing this as a serious and systemic human rights violation.

Given the broad swath of realities covered by the over-broad definition of trafficking at this time, the unchecked police inspector powers to demand access, surveillance and co-operation—to be subject to questioning and access to workplaces—fit into a broader pattern of enabling the profiling and policing of Black communities more broadly, falling into broader patterns of what we already see in terms of disproportionate arrests for cannabis and for other forms of drug use, carding and the broader criminalization of Black people, which as a society we need to be moving away from.

We've seen an unprecedented wave of support across North America to actually divest from and move away from the scope and powers of policing for our communities; to invest funds differently; to move policing out of mental health response, out of overdose response; and to decriminalize sex work, because for Black communities, as well as Indigenous communities and others—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Robyn Maynard: —policing stands as a kind of violence, and not as safety.

I will just conclude by saying that this bill endangers Black communities and that our organization, which works with and alongside Black women experiencing violence—there are organizations like Maggie's and Butterfly doing anti-violence work with sex workers—that money and power should be shifted into communities, to do anti-violence work in a way that does not expand the scope of policing into everyday lives of Black peoples.

The Chair (Mr. Daryl Kramp): Thank you very, very kindly. We will now go to the rounds of questioning.

We will lead off with the opposition for seven and a half minutes. Mr. Singh, please.

Mr. Guratan Singh: I want to thank you all for the evidence that you've been providing today in the testimony.

I want to start with Robyn. Can you dive in a little bit more about how these extra police powers can result in further marginalization of racialized and already marginalized communities?

Ms. Robyn Maynard: Absolutely. If we look to the deputization of inspectors—who, again, will be acting on rules that have not yet been forwarded and have not yet been made public—to have this access to sex workers'

workplaces, this is something where obviously, clearly, when we already have the context of access, given the way that anti-trafficking and sex work are conflated, then we see that it inherently does expand the policing powers. If we look, for example, to documentation by Butterfly over the recent years, we've seen that these kinds of anti-trafficking raids—which, of course, are further facilitated by the passage of Bill 251—again resulted, as Sandra had pointed out as well, in the deportation of migrant women.

It's about expanding policing. Given that trafficking is understood so loosely as to often involve anything that involves sex work in any manner, what it does is expand policing of sex work more broadly and, therefore, the surveillance of sex workers' workplaces. As well, if you look at the expansion into hotels, the unfettered access and surveillance without warrants of who is accessing Airbnbs and hotels—this is another manner of warrantless police [*inaudible*] in our communities, which is similar if you look to, again, the broad expansion of carding, what was facilitated with the questioning and identifications that were taken by Black communities who are in public space in Toronto and added to these large databases from which we could no longer—we still have not seen an end to what has happened because of that expanded web of profiling. We have no promises that here that would not be the same case.

Mr. Gurratan Singh: Sandra, the issue here, I believe, is the criminalization of vulnerable people and how that actually doesn't advance even helping those who are in precarious positions—but how the point of contention is around the criminalization of people who could be exploited, and then that criminalization actually doesn't take them on a path of being empowered; it actually further marginalizes them.

Ms. Sandra Ka Hon Chu: Yes, absolutely, criminalization actually drives people away from social supports when they need them, if they actually want to contact law enforcement.

In the context of the research I mentioned earlier in my deputation, I've spoken to numerous sex workers who, when they face violence and they want to seek police—not all of them necessarily want law enforcement supports, but if they want to—they are concerned about criminalizing themselves or their loved ones.

I've been at tables with members of the OPP where, even despite numerous conversations about the distinction between sex work and human trafficking, any third party—meaning, somebody who supports them; it might be an interpreter; it might be somebody who helps with advertising—is construed as a human trafficker. That web is just expanded.

I have no faith that this Bill 251, which actually imprints the idea of sexual services being human trafficking in the regulations, when the minister can make regulations about any advertiser of sexual services—this is not something related to human trafficking; it's purely sex work. That conflation will just persist with this new bill.

So yes, the criminalization leads to greater vulnerability, and the particular enforcement of human trafficking laws does that as well.

Mr. Gurratan Singh: Robyn, can you comment on this distinction within—I put this forward because I believe that you'll hear a lot of this from the government's line of questioning. It's important to make that distinction between your concerns around criminalization and that distinction—and how criminalization makes people who are in precarious positions further put into precarious situations and actually doesn't help those who need help.

Ms. Robyn Maynard: Absolutely. We can look at government studies, including the Fraser report and others, since the 1980s that have shown that criminalization, for example, of street-based prostitution—and this was a major part of the Himel case that led to decriminalization before the new legislation was written—that criminalization of sex work, including the procurement of sex, which is still criminalized under federal law today, pushes sex workers from working in safe indoor locations, if they want to avoid the detection of police for any reason, onto the street, if that is not where they choose to work.

What it further does is also make it much more difficult for sex workers to work together or in groups, again, because the actual work that they are doing is criminalized and subject to surveillance, which forces people to work separately and be unable to even create safe networks of support and caring for one another. This is something that, as street-based outreach workers, as we saw criminalization increasing, was very difficult for us, who were doing work with sex workers, giving access to condoms, for example—to the Bad Date List, which listed people who were particularly dangerous, aggressors who were posing as clients. It makes it more difficult to do outreach and access and work with sex workers who do actually need supports.

Also, the criminalization of advertising means that it's much more difficult for people to work independently and actually often further exacerbates situations where people are working with third parties, because it takes away from a certain ability to work independently. We saw this, for example, after the new legislation around advertising was passed, where many people who had been independently—I spoke with many women who were working independently and had been posting their own advertisements to work but then had suddenly been kicked off all the sites and ended up working in street-based work or going to work for somebody else when they would actually prefer to be doing that, again exacerbating vulnerability in this way.

So I think we need to understand that what sex workers do to keep themselves safe is something that is much more difficult to do under a criminalization model—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Robyn Maynard: —which, of course, again, is exacerbated by the bill that we are contesting here today.

1420

Mr. Gurratan Singh: Sandra, we know that there is an issue with human trafficking, but how could the government have done this better—in a way of addressing human trafficking, but then not also criminalizing vulnerable people?

Ms. Sandra Ka Hon Chu: I think they could have consulted with community-based groups more thoroughly. They could have asked sex worker groups, who are the closest to this issue—sex workers are in daily contact with people who might experience exploitation and abuse—what their solutions are. When we talk with sex worker groups, their solutions are based in community: community-based supports, access to housing—I mentioned this in my deputation—issues that address poverty, precarious immigration status. All those things are much more meaningful and effective than imposing criminalization on people who are already vulnerable. As a process step, it would have been very important and essential to consult with community-based groups and sex worker groups and migrant groups.

The Chair (Mr. Daryl Kramp): Your time is up.

We will now go to our independent member for four and a half minutes, please. Go ahead, Ms. Collard.

M^{me} Lucille Collard: Thank you to the presenters for the perspectives you bring, and the passion, obviously, on matters that are dear to you.

The controversy about this bill seems to be whether we need to protect sex workers or whether we need to address victims of sex trafficking. Given that we can't really do away with police and enforcement entirely, because we're governed by laws and someone needs to be there to make sure that those laws are enforced—and ultimately, the role of the police is to protect citizens. I know we don't want the unwanted impact on racialized people, and more enforcement seems to do that.

I'd like to hear from you about how the role or the work of the police could be changed or modified to better do that job of protecting the citizens, including the sex workers. Sandra?

Ms. Sandra Ka Hon Chu: One of the key things, I think, is, when sex workers or youth or anybody who has been under threat of violence, exploitation or abuse needs the support of law enforcement—that they actually enforce the laws in a fair and equitable way and without stigma. I hear so often from sex workers who've actually approached law enforcement that their concerns are not taken seriously; that when they experience physical assault or sexual assault their concerns are dismissed, as if they're somehow less deserving of accountability. So if sex workers actually want to seek law enforcement assistance, that would be one way that would address some of the harms that people face.

Right now, there's such an antagonistic relationship between the police and many marginalized communities because of the criminal law.

Ms. Robyn Maynard: I'd echo that—

M^{me} Lucille Collard: Yes, go ahead.

Ms. Robyn Maynard: As long as we have the police—because of the way that the law is crafted right now, they are inherently, as Sandra pointed out, in an antagonistic role, because at this time what is “protecting the public” is enforcing legislation that puts their lives at risk. That makes it more difficult for them to work safely. That means that they are instead trying to hide and, in many

ways, evade policing, which makes it impossible to conceive of policing as a site of safety. There's no way to conceive of law enforcement, again, as something that will protect you when a large amount of—you being able to work and to make money and to feed your family is something that is inherently criminalized.

So moving away from the antagonism of enforcing that criminal legislation, of having these sometimes very traumatizing raids, of having this excessive surveillance of people working—particularly when they're trying to work in groups, particularly when they're trying to work indoors, which again we know is far more safe for people who are working in the sex industry, who are selling or trading sex.

What we're doing right now is making people have to fear police and policing in their everyday lives and work. That is why this entire law project is counter to what sex workers actually need in order to be safe, and also making it impossible for police to be understood as the solution and not the cause of harm and violence in this case—particularly as they still have the unchecked and quite egregious racial profiling of Black communities, which, again, is what I'm here particularly speaking with my expertise to, given the fact that people who are driving, people who are walking through the streets are also being surveilled, are also being stopped, are also being harassed. This creates just another form of enabling that criminalization. It doesn't change the perception, because the perception is real at this time. Do you see what I mean?

M^{me} Lucille Collard: Yes.

How much time do I have, Chair?

The Chair (Mr. Daryl Kramp): Twenty seconds.

M^{me} Lucille Collard: Okay. I will save my questions for the next round. Thank you very much.

The Chair (Mr. Daryl Kramp): Okay. We will now go to the government for seven and a half minutes, please.

Ms. Christine Hogarth: Thank you, ladies, for being here today.

There's so much to unpack in the conversations that have been happening today. It certainly is an emotional conversation for many of us, especially some of us who have young children. I'm a stepmom of two teenage daughters, so when we talk about these issues, it really hits home. It hits my heart, especially as an aunt of other young kids.

This legislation doesn't just fall under the Solicitor General; it's also part of children's and women's issues—because we talk about children of 13 years of age. I always say that at 13 you should be playing with dolls or toys or whatever you wish to play with.

We all can agree that human trafficking is a vicious and a violent crime. It robs our victims—and they are victims—of their health, their safety and their well-being. And remember, the average age is only 13 years of age. Can we all agree that 13 years of age is a very young age to be human-trafficked?

This legislation proposes to deter human trafficking. We want to support investigations into suspected human

trafficking and help identify and locate victims of human trafficking. This legislation does not target sex workers.

One of our deputants here mentioned the Criminal Code. That's not actually under our jurisdiction. That's a federal jurisdiction. So when you talk about the definition of human trafficking in the Criminal Code, that's not part of this bill. That's another level of government altogether, so that's not part of this bill. That's not what we're looking at. We're looking at these children. That is federal. So I just want to make sure that you are aware that that's federal legislation, and that includes the Protection of Communities and Exploited Persons Act. This has previously been enacted to help protect those who sell their own sexual services. So that's not part of this bill. That's federal.

Can we all agree that the age of 13 is a young age to be human-trafficked? I would actually like to have an answer from both of you.

Ms. Sandra Ka Hon Chu: I'm also a mother of six-year-old girls. I would tell you that if my children were under exploitation, I would want a solution that actually meaningfully addresses the harms and exploitation they're facing, and policing is not that solution.

I am fully aware that the Criminal Code is a federal law. We actually have a constitutional challenge of those laws, and two courts have found them unconstitutional.

I understand that the human trafficking initiatives have been conflated with sex work, and that is the harm that we're talking about today.

Ms. Christine Hogarth: Robyn, do you agree that 13 is a young age to be human-trafficked?

Ms. Robyn Maynard: I would say that of course I am against the forced sexual labour of children, but what is actually encompassed in this bill goes well, well, well beyond that. The conflation of sexual exploitation with sex work, with human trafficking, again, expands the scope of the bill well, well, well beyond that.

That's why, if we look even to the way that human trafficking has been applied in this province, we see that it still does result in things like deportations of migrant sex workers. When police are present in workplaces, they're not only going to follow one specific aspect. Once police have unfettered access to sex workers' workplaces, there are all kinds of other ways in which harm and discrimination and arrests and even deportations can occur, and we need to take this into account. We're using a very, very, very broad understanding of trafficking that goes well beyond what you're speaking of, I think—the forced sexual labour of 13-year-olds. There's much more than that encompassed in the way that trafficking is currently enforced.

Ms. Christine Hogarth: Do you know that two thirds of human trafficking cases in Canada take place in Ontario, and that trafficking is on the rise in Canada?

1430

Ms. Sandra Ka Hon Chu: I would say there's a lot of money being pumped into human trafficking investigations that incentivizes law enforcement to find cases of human trafficking. I've spoken to many sex worker groups

who talk with sex workers who are labelled human trafficking victims when they themselves do not identify as human trafficking victims. There are middle-aged women in Ontario who are being labelled as human trafficking victims by the Ontario Provincial Police, and they do not identify as human trafficking victims.

Ms. Christine Hogarth: Robyn, do you have comments on that? I want to talk about some other resources that they need. Do you know that two thirds of human trafficking cases in Canada take place in Ontario?

Ms. Robyn Maynard: Actually, one of the studies that I was referring to was looking explicitly at the ways that trafficking legislation had been enforced in Ontario. That was the same study that found a vast disproportion of Caribbean men and also made very clear that sex trafficking, in the enforcement of the law, was being conflated with sex work. So I think, again, when you're talking about trafficking, you need to understand that it is this conflation—because of the way that the law is enforced at this point in time.

Ms. Christine Hogarth: So we can agree that there's more human trafficking than we wish to see.

Do you not agree that it's important to invest more resources and provide more tools to bring offenders to justice?

Ms. Robyn Maynard: Absolutely, and I think that the resources, in terms of ending human trafficking, have been proposed by sex workers' groups for decades.

One of those resources is actually pushing towards decriminalization of sex workers. Another is pushing for migrants to have access to citizenship so that they're not able to be in vulnerable positions where they could be exploited in the sex industry or in any other kind of industry; in agriculture and other places where, of course, human trafficking—that is, forced labour—also takes place. We know that regularization of immigration status, the decriminalization of sex work—these are things that work towards ending the kind of labour abuses that you're speaking to.

Ms. Christine Hogarth: You mentioned putting in some more resources, and that's financial resources. I just want to be clear that this government has dedicated \$307 million, which is the largest strategy in history in all of Canada, from all levels of government. Then you talked about how some of the money should go to local community groups.

Are you aware that \$96 million went straight to community organizations? That's more than we've ever seen across Canada. Are you aware of the \$96 million that this government has invested in our victims?

The Chair (Mr. Daryl Kramp): Forty seconds.

Ms. Christine Hogarth: Are either of you aware of that?

Interjection.

Ms. Christine Hogarth: To community groups.

Ms. Robyn Maynard: Sandra, did you want to add anything? No?

Ms. Christine Hogarth: Well, I just hope that you can reach out to some of these community partners, because

we are working at making sure that we are helping people at the bottom level. That's part of this legislation, that's part of the work we're doing to ensure that we protect these women, we're looking after these women—and boys and children. I just want to make sure that you are aware of that. That's \$96 million direct to community groups.

The Chair (Mr. Daryl Kramp): Thank you, Ms. Hogarth.

Ms. Robyn Maynard: I do think that it is really important—

The Chair (Mr. Daryl Kramp): Excuse me; I'm sorry. The time is up on that.

My apologies. I did not have Ms. Hogarth identify herself as a government member. Hansard will please have that on the record.

We will now go back to the official opposition for seven and a half minutes. Mr. Yarde, please.

Mr. Kevin Yarde: I want to thank Ms. Maynard as well as Ms. Chu for their deputations.

I want to touch on what MPP Hogarth mentioned regarding the \$96 million.

Would you say that this government's funding cuts to women's organizations like rape crisis centres, funding cuts to legal aid have affected the fight against trafficking and exploitation, versus adding money to policing?

Ms. Sandra Ka Hon Chu: One hundred per cent yes. I think that those cuts very negatively affected the fight against human trafficking, because when people don't have access to supports, then they are made more vulnerable. I think the allocation of the funds towards law enforcement—if there's \$96 million invested out of the \$307 million, I'm imagining the other portions are law enforcement-directed. So a reinvestment of those into these other social services would have a huge impact.

Mr. Kevin Yarde: My second question is for Ms. Maynard or Ms. Chu.

You mentioned that Bill 251 racially profiles members of the community.

I myself have been carded not once, but twice, so I know the feeling of what it's like to be just driving down the road, getting stopped and being asked questions when I wasn't doing anything. But we'll get into that another time.

Would you say that this bill would be harmful in terms of sex workers and racialized sex workers in communities like the Black community, the Indigenous community as well as the queer and trans communities—in particular, with what this bill is going to do with regard to the policing powers?

Ms. Robyn Maynard: Absolutely. If we look to the numbers, for example, that came out more recently by the Ontario Human Rights Commission, we know that Black people are already, as you pointed out, being disproportionately stopped. We also know that that corresponds to Black people being disproportionately charged for a wide assortment of issues. So if, again, we have a legislative framework that combines things like sex work and trafficking—where we know that, historically, Black men have been profiled as pimps, where we know that Black

women, even Black women just walking to the store, have been profiled as sex workers, then what we have is something that facilitates and enables a further profiling of Black communities very clearly within this bill.

We have a time right now when we're seeing a commitment across all levels of government to actually end endemic anti-Black racism, then, at this time, committing a bill which is increasing and not minimizing, again, Black people's contacts with police—and we know that is something that is inevitably going to expand the net of Black criminalization and not reduce it, which is what we need to be aiming toward in a post-2020 racial reckoning era in which we find ourselves.

Mr. Kevin Yarde: With Bill 251, with these surveillance powers—it's a two-part question: What will this do, especially without a warrant? And how does it compare to search and seizure?

Ms. Robyn Maynard: One of the major points that I think we need to focus—the power of the government to appoint provincial inspectors who may, with or without notice, at any time, enter and inspect any place to determine compliance with the law and its regulations, again, is something that allows for an unfettered access to workplaces in a context when sex work and trafficking are often understood to be one and the same. That means that people who are working in a wide assortment of sex work workplaces are subject to this unwanted surveillance. And because of the power to question any person on any matter that may be relevant to the inspection—including questioning a person separate from others—with non-compliance being punishable by \$50,000 to \$100,000, we again see a situation in which people are being forced to interact in manners that could have possible negative criminalizing effects on their co-workers, friends and community more broadly, especially in a context when we've seen so many abuses around this.

I know from my work doing street-based outreach with sex workers that sometimes police would ask women, for example, if they're on welfare, and if they find out that they're on welfare, for example—reporting, or threatening to report them, or using the threat of reporting them, having this additional income, to further violence against them.

So we need to understand what actually happens when you grant police unfettered access to women's private homes and to women's workplaces.

Mr. Kevin Yarde: Go ahead.

Ms. Sandra Ka Hon Chu: I just want to also underscore the very uneven power relationships between law enforcement and many sex workers, especially migrant sex workers, racialized sex workers. Even if police feel there are no exigent circumstances, sex workers—there is such an uneven power relationship that they will feel compelled to let people into their residences, their homes, their workplaces, even when there is not necessarily a reasonable cause of suspicion.

The other point that I raised in my deputation is the charter right to remain silent. That is removed in this bill. You need to respond to these inspectors on a very broad

notion of human trafficking, and if you don't, then you're facing a fine and an offence. I think that could probably be subject to constitutional scrutiny.

Mr. Kevin Yarde: I'm not sure how much time I have left, but I have one more question for the two of you.

Chair, how much time do I have left?

The Chair (Mr. Daryl Kramp): You have a minute and 40.

Mr. Kevin Yarde: There's concern in this bill with increasing police powers at hotels and Airbnb. The purpose of this bill, so the government says, is to eliminate sex trafficking. With this addition, do you think it will eliminate sex trafficking, or do you think it will just make it go underground and make things worse?

1440

Ms. Robyn Maynard: I think that this bill is likely to make things more dangerous for people who are sex workers, as well as for people—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Robyn Maynard: —who may be experiencing any kind of forced labour because of the ways in which it actually further criminalizes people's ability and makes it more difficult for people to work safely, to work in groups, to advertise, to do all the things that, again, sex workers often do to protect themselves. I think it makes people more vulnerable.

I want to leave time for Sandra.

Ms. Sandra Ka Hon Chu: I would just say, people will still work; they will just work in different spaces that are unregulated. And if they think there is a problem that will not go away—people will continue to work, because people need money to support themselves. They need access to places to live. They need economic security. That does not resolve the problem at all.

The Chair (Mr. Daryl Kramp): Fifteen seconds.

Mr. Kevin Yarde: Thank you, Ms. Maynard and Ms. Chu, for your advocacy and your deputations.

The Chair (Mr. Daryl Kramp): We will now go to the independent member for four and a half minutes, please. Ms. Collard.

M^{me} Lucille Collard: I have a question that is simple enough—but I'd like to hear you on that.

I agree that more enforcement is not necessarily the best way to address the issue, given the collateral negative impact on racialized people already. I'd like to see more collaboration in the community between the police and other entities.

It doesn't matter how many people are being trafficked; one is too many. We need to address that because it's such a horrible crime. Of course, I have three young daughters as well, and we're all very touched by that.

Given the networks of sex workers who are on the ground, who are most likely to encounter people being trafficked against their will—do you see a potential for help for the victims of trafficking on the ground from the networks of sex workers?

Ms. Sandra Ka Hon Chu: I certainly do. In the many sex-working communities that I work with, the organizations provide supports directly to people who might be in

situations of vulnerability. They are the ones who are best positioned to observe and figure out the best solutions, together with the person who might be vulnerable. It might not be that they want immediate support right away; they might need to map out a safety plan with an organization. But I think, universally, law enforcement response is not the preferred approach.

M^{me} Lucille Collard: Robyn?

Ms. Robyn Maynard: I do think that, yes, something that is so crucial to highlight is that sex-worker-run organizations like Maggie's and like Butterfly, for example, do incredibly powerful work doing outreach with sex workers, including supporting people who do want to leave violent situations, who do want to leave coercive situations.

Anybody who has done work with women, especially transgender women, who are experiencing gendered violence—which is often what is being discussed whenever we're talking about trafficking. We're talking about violent relationships. We know that what this actually takes in real life is having long-term connections and having supports—it's not the threat of arrest or even of having that person arrested, but it's building these relationships and finding ways to slowly build empowerment. This can also mean things like access to housing. This can also mean things like, again, access to securing citizenship, if somebody does not have access to citizenship. Again, this is why decriminalization, why pushing for status for migrants—it's something that is actually taking away what facilitates that.

Also, just that real connection that we see sex work organizations providing—actually working with people to facilitate ending violent relationships if they want to, but also not forcing them to exit if that's not something they choose. Some people want to, for example, leave a violent partner but still want to go work somewhere else.

So it's just about understanding and having an individual-based response to what a person needs, and policing is not that. That's not what policing provides. It's not what it's equipped for, and it's not what it does in real life.

The Chair (Mr. Daryl Kramp): A minute and a half.

M^{me} Lucille Collard: I don't have any more questions.

I just want to thank Sandra and Robyn for making the time and for your advocacy. I think you bring really important issues that are worth considering.

The Chair (Mr. Daryl Kramp): We will now go to the government for seven and a half minutes. Ms. Kusendova, please.

Ms. Natalia Kusendova: Thank you so much to Sandra and Robyn for bringing your insightful presentations to us today.

I want to address my comments on three topics that came out. One issue is the conflation of sex work and human trafficking, the second issue is systemic racism and policing, and the last issue is consultations.

I will start with consultations first, to give our presenters some context on how much the government has consulted before putting forward this bill.

I, myself, have led many round tables across the province. I will give you an example of one from the region of Peel, which is my region—I'm very proud to represent Mississauga—and what kind of stakeholders were involved in these round tables. From the region of Peel, we had the associate medical officer of health. From the region of Peel, we also had someone representing human services. We had the Canadian Centre to End Human Trafficking. We had the chief of the Mississaugas of the Credit First Nation, Stacey Laforme, attend. We had a representative from Hope 24/7, which is our local sexual assault centre, doing incredible work in our region. We had two representatives from Interim Place, which is a local shelter for women fleeing domestic violence and others. We had Armagh house, another shelter for women. We had a representative from Peel Regional Police, Constable Joy Brown, a Black, female constable who is actually leading transformational work in our region of Peel to help educate our officers and address some of the issues that we talked about on conflation of sex work versus human trafficking. I'm very proud of this work that is happening in my region of Peel. We also had a clinician at sexual assault and domestic violence services from our local hospital, Trillium Health Partners. We had Victim Services of Peel and a doctor present from region of Peel family services. This is just one of, I believe, 12 round tables that were held across the province.

We also had a survivor-led-and-informed round table that the ministers participated in.

So that's on the issue of consultation.

On the issue of conflation, we do understand, and you are bringing forward valid concerns. But unlike consensual sex work, human trafficking involves the use of threat, of manipulation, coercion, psychological and/or physical violence to control and exploit victims. No one can consent to being trafficked, and children and youth under the age of 18 cannot consent to engage in sex work. Understanding the differences between human trafficking and consensual sex work is critical.

I think it's very important that we raise awareness of this issue, especially when it comes to our police enforcement. Our cadets are being trained on human trafficking in the Ontario college of policing.

Can you give us some suggestions on how we can strengthen the curricula and local police enforcement? What kind of content should be included in the curricula to help our police officers who are on the front lines engaging with victims and with sex workers understand the difference? That's open to either one of you.

Ms. Sandra Ka Hon Chu: It's hard for me to say what the curriculum would be for the police. I don't think it's my role to do that or our role to necessarily dictate what police curriculum is. But I can say with confidence that the way that police have been trained thus far has resulted in the conflation of sex workers and human trafficking. I mentioned a few examples earlier in my deputation, where sex workers in some cases were actually detained and deported under the guise of a human trafficking investigation. In another case that just happened last year, it was

described as a human trafficking bust, but not a single person was charged with human trafficking; they were all sex work offences.

So it's hard for me to say what the curriculum would involve. But it certainly isn't working. And I have no faith that Bill 251 and the increasing powers of law enforcement will result in anything that is different. It will actually increase the scope of law enforcement and that conflation.

Ms. Natalia Kusendova: Robyn, did you have any suggestions?

Ms. Robyn Maynard: I would just, unfortunately, have to agree with Sandra. When we expand unfettered powers to police and policing, I think we need to assume, as empirical evidence shows us we can, that those powers will be used. If at this point under the legislation sexual exploitation can include things like sex work itself, then all the trainings in the world aren't going stop the power of police to surveil, to even criminalize and deport people who are involved in this work.

What we need to focus on is better laws, not better training.

Ms. Natalia Kusendova: I think it's important to also not conflate the issue of systemic racism and policing with the issue of human trafficking.

There is a focus on enforcement in this legislation, but it is also balanced with addressing the needs of victims and survivors. We have heard from victims themselves, and they asked us to introduce these changes. This is a survivor-informed and trauma-informed approach.

When it comes to systemic racism, again, I'm very proud of my region of Peel, because Peel police are actually taking action against systemic racism in policing. They signed a memorandum to develop legally binding remedies to end racial discrimination. Working together with the Ontario Human Rights Commission, they have signed this memorandum to promote transparency and accountability. So I hope that our regional police force can serve as an example for others.

I don't think right now we should be conflating systemic racism in policing and our strong need to combat human trafficking in Ontario, especially when it comes to the exploitation of minors and children.

Wouldn't you agree that we need to do everything and use all tools at our disposal to end sexual exploitation of children in Ontario?

The Chair (Mr. Daryl Kramp): Either Sandra or Robyn, if you're comfortable to respond?

Ms. Sandra Ka Hon Chu: I think there's a diversity of perspectives on the response to human trafficking, including from the survivors of human trafficking.

The Chair (Mr. Daryl Kramp): One minute.

Ms. Sandra Ka Hon Chu: I don't think you can say universally that survivors are demanding more law-enforcement approaches. I think that perhaps the consultations you conducted reflected a certain segment of survivors who felt like law enforcement would be an appropriate response, but I certainly know from other communities that that is not the response they want.

The Chair (Mr. Daryl Kramp): Thirty seconds.

Ms. Robyn Maynard: Just to build from that: In the 1990s, particularly in the United States, but in Canada as well, there was “survivor-informed” legislation that was passed around the criminalization of domestic abuse, under a similar guise of, of course, making women safer from domestic abuse. But what we saw was that that particular segment of, again, survivors that was used to facilitate this law did not take into account what ended up precipitating—which of course was the criminalization of Black women, including those who had actually called the police to protect themselves.

I think we need to—

The Chair (Mr. Daryl Kramp): Thank you very much. Our time is up now.

I’d certainly like to thank our presenters. Sandra and Robyn, thank you very kindly for being here today. Have yourselves a great day.

Thank you to all of our committee members for participating. We will suspend until the next delegation.

The committee recessed from 1452 to 1459.

DR. KATRIN ROOTS

DR. KAMALA KEMPADOO

The Chair (Mr. Daryl Kramp): Good afternoon, everyone. We are resuming public hearings on Bill 251. We have witnesses for presentation before us today: Katrin Roots and Kamala Kempadoo.

To each of you: You will have seven minutes for your presentations. Please state your name for Hansard, and then you may begin.

Katrin, go ahead, please.

Dr. Katrin Roots: Good afternoon. My name is Katrin Roots. I’m an assistant professor in the department of sociology and criminology at the University of Manitoba. I’ve been studying Canada’s legal approach to human trafficking since 2010.

I’m going to start by briefly speaking on the definitional concerns plaguing the issue of human trafficking. Trafficking as defined by the UN protocol involves cross-border transportation, organized crime and the combined process of recruitment, transportation and exploitation. Unfortunately, what has happened over the last two decades is that in Canada the definition that was laid out by the UN has not been applied appropriately. In fact, as research shows, the definition of trafficking has been conflated with sex work. Conflating the two issues, it should be noted, is highly problematic.

Despite this conflation of sex work and trafficking, the penalties that are associated with human trafficking are significantly higher than those previously applied to the same offences, and, as noted by the Department of Justice Canada, they are at the very high end of penalties prescribed by Canadian law.

In addition to the criminal justice penalties, non-citizens of Canada who are suspected of being involved in human trafficking, which we know are sex-work-related offences, can also be subject to a mandatory deportation

under section 37(1) of the Immigration and Refugee Protection Act. This is so, even if they are not charged or convinced of trafficking but are simply suspected of being involved.

Furthermore, Canada has also been pressured by the US Department of State to take a more proactive policing stance on this issue. This has led to significant funds being allocated to anti-trafficking policing from federal and provincial governments and expanded powers and resources of police forces across the country. These funds would be better suited going towards approaches that promote safety, protection and social security for workers who are vulnerable to exploitation, including migrant and sex workers.

The expanded police power and resources have unfortunately been directed at surveilling, harassing and criminalizing members of the sex trade industry and racialized and migrant communities. Policing activities include the targeting of massage parlours through raid-and-rescue operations across Canada. These raids don’t save victims, and on the contrary, they end up getting the very people the police are claiming to save deported and/or criminalized. This approach does not work. Police also engage in the entrapment of sex workers, client and third-party actors under the guise of finding and saving victims of trafficking, which, as I outlined above, can have very serious consequences for all involved, but especially non-citizens of Canada—those who can be deported just based on suspicion of their involvement.

Research also shows that police pressure sex workers to take on the victim label under threats of criminalization and other consequences, including threats of having their children taken away. It’s well documented that police harass and intimidate sex workers, which at times leads to them being pressured to provide information that was either not true or that they were not comfortable sharing in the first place. There have also been trafficking cases where police have engaged in the falsification of evidence and the participation in other questionable investigation tactics.

The passing of Bill 251 will only amplify the problems and reinforce these troubling practices, giving the police even more power to surveil the sex trade, migrants and racialized communities, which would make it more difficult for sex workers to do their work safely, and continue to criminalize racialized and migrant communities.

Importantly, as my PhD research on human trafficking cases in the province of Ontario showed, anti-trafficking policing and prosecution efforts also target racialized people and particularly Black men, who become labelled as human traffickers. In my study, I looked at 123 individual cases of people charged with human trafficking from 2005 to 2015 in Ontario, and I found that 63% of those people were racialized and often Black men. These findings are also supported by research of Drs. Hayli Millar and Tamara O’Doherty and in the context of the US by Dr. Elizabeth Bernstein.

As Robyn Maynard notes, Canada is in the midst of an explosion of Black incarceration, and anti-trafficking

efforts, which target racialized young men and especially Black men, are contributing to this explosion. These racialized policing strategies are not new and were similarly employed during the historical white slavery campaigns as well as during the 1980s and 1990s moral panics around juvenile prostitution in Nova Scotia. These racist stereotypes are now being redeployed in the enforcement of human trafficking laws in Canada.

Furthermore, most of the people deported for trafficking convictions or suspicions of engaging in it under section 37(1) of IRPA are racialized men, many of whom who have never lived in the country where they are going to be deported to and came to Canada as children.

Robyn Maynard further writes that a large number of Black people have been deported from Canada for relatively minor crimes which have been re-inscribed as national security threats, a process which is currently taking place through the conflation of sex work and trafficking.

Anti-trafficking regimes, then, provide yet another avenue through which racialized men become constructed as threats to Canada's national security.

As such, we see anti-trafficking efforts having significant harmful effects on racialized, migrant and sex worker communities. Giving police more power and resources to surveil and criminalize these communities would intensify these harms and do nothing to combat exploitation and abuse.

What we need instead is for police to stop using highly problematic tactics to bring about charges; to stop the harassment of sex worker communities and targeting of racialized and migrant communities as perpetrators of trafficking under the guise of protection; to significantly curb police powers; and to redistribute the substantial funds currently allocated to policing of trafficking to communities to assist with issues of economic marginalization, gender-based violence, education, and those with precarious immigration status.

I urge the government not to pass this legislation as it will have the opposite of the intended effect. It will be costly both economically and socially, and also ineffective. Thank you.

The Chair (Mr. Daryl Kramp): Thank you very much for your presentation.

We will now go for seven minutes to Kamala Kempadoo, please. For the record, state your name for Hansard.

Dr. Kamala Kempadoo: Kamala Kempadoo. I'm a full professor at York University. I'm a sociologist, and my home department is the department of social science. I have been researching, teaching and writing about anti-trafficking programs, policies and laws since the early 1990s, so almost 30 years. I've been in Canada for the past 18 years, and some of my work has been located here as well.

I don't want to repeat what Dr. Roots has just laid out because that was a very clear example of the ways in which racism is operating within the Canadian anti-trafficking system. Globally, I think we've seen that anti-

trafficking has been demonstrated, through vigorous studies and research, such as those by Dr. Roots and Robyn Maynard, to be systematically racist and colonial—to conflate trafficking with sex work or prostitution, to be anti-migrant worker, and to be unsupportive of youth and child rights.

Anti-trafficking interventions especially target and harm Black women and men, as we just heard; Asian and Indigenous women; and migrant workers and youth. Indeed, any minor under the age of 18, usually, involved in sexual transactions is almost automatically defined as trafficked in most countries.

Anti-trafficking laws, as we've heard, rely on surveillance, policing and immigration controls rather than support for empowerment, rights and justice.

This bill, I am convinced, will only further those trends. In general, it will increase the level of policing in people's everyday lives and raise the level of distrust of the police amongst the communities we're concerned about. It will be, I feel, completely counterproductive if the real concern is to assist and support the vulnerable and the marginalized.

Campaigns—and this is one of my concerns. The campaigns that flow from anti-trafficking laws and policies, which are designed to so-called “save the children,” or save the so-called “Third World” or the native or Indigenous women, or save women from prostitution, do not work—not in Canada, not anywhere globally. This has been well documented around the world. Such rescue campaigns—often what we refer to as the white saviour complex—are usually feel-good projects of privileged white people, predominantly in and of the global north, that uphold paternalism, racism and colonialism and are inherently anti-sex work. They are very moralistic, often religiously inspired, and they do not respect the decisions that queer women and trans people, migrant workers and minors make about their lives, especially if they're racialized or Indigenous.

As a recent issue devoted to the subject of trafficking in minors of the Anti-Trafficking Review, an academic journal that comes out globally, reminds us, “If there is one topic in the trafficking discourse that evokes particularly emotional outrage and a passionate, oftentimes moralistic ‘call to arms,’ it is child trafficking.”

1510

A recent example of the child trafficking rescue mission comes out of the US—Operation Underground Railroad, it's called—where an American woman who participated in an operation in the Dominican Republic describes it as a complete failure. What she describes in her work is replicated around the world. She says it resulted not in the children being any safer—they were returned home with little attention to the circumstances in which they lived or how they were enticed into going with adults for some fun—but the majority of the attention was for fundraising, a reality show and a Hollywood film about the rescuers. This kind of scenario is typical of where our horror about the idea of child trafficking lands us—in media spectacles and glamour for the saviours and lots of fundraising to pay,

predominantly, salaries and wages for those involved in carrying out anti-trafficking work.

Other researchers point out that the issue of child trafficking leads to quick-fix and repressive solutions, which is what seems to be happening through this bill in Ontario. We are being led to believe that passing more policing laws and regulations will save the children, or the “girl next door,” as it is framed in Canada today, without any real data about the minors or any interest in improving the socio-economic and political and structural causes of inequality for children and youth. There are quite a few studies that I could refer you to that talk about this and show this in more detail. I feel that this is truly a very sad and inhumane state of affairs.

What is needed is a bill that puts funding not into surveillance, policing and criminal law, or a moral appeal to save the children, but into education, empowerment and community services that strengthen sex workers, migrants and queer and young people’s rights—

The Chair (Mr. Daryl Kramp): One minute.

Dr. Kamala Kempadoo: —and rests on ideas of gender, racial, social and economic justice. Thank you.

The Chair (Mr. Daryl Kramp): Thank you very much. Are you done there now, Kamala? You have about 40 seconds left.

Dr. Kamala Kempadoo: Yes.

The Chair (Mr. Daryl Kramp): Thank you very much. We will now go to the round of questioning.

We will start off the first round with the opposition for seven and a half minutes, please. Mr. Singh.

Mr. Gurratan Singh: I want to have my first question directed to Kamala.

My question to you is around the criminalization of sex workers and how that can result in people being further marginalized, and the fears and dangers around that.

Dr. Kamala Kempadoo: The bill is proposing to register everybody who’s going into hotels, and the police have access to that kind of information. That is seriously going to scare people away from actually using hotels as safe spaces for their work—sex workers, I’m talking about here—and probably push them into unsafe spaces, where they will not have to be recording their names and data and give their data to anybody at the front desk. That is just one aspect, I think, of the way in which this is going to harm sex workers.

Mr. Gurratan Singh: I posed this question earlier to people who provided testimony today: If we recognize there is an issue with human trafficking, but what is being proposed by the government can actually further marginalize victims of human trafficking—how could the government have done this better? How can you reconcile these two points?

Dr. Kamala Kempadoo: Human trafficking is a strange thing. Invariably, people use it to talk about sex work. They usually use it to talk about being forced into sex work.

Forced labour is illegal, and we have laws in place to deal with that. Forced child labour or child labour is illegal. We have laws to deal with that. We actually don’t

need to use the idea of trafficking to work on those issues. Issues of migration into a country where people have undocumented status—we have ways to deal with that. We don’t need to classify them as “trafficked” or “smuggled” or anything like that. You can deal with people in humane ways.

The label “human trafficking” actually does a disservice to a lot of people in the ways in which it makes it a spectacle rather than really dealing with the kinds of issues that people are having to deal with: Why are they coming here as undocumented migrants? Why are they working in the sex trade at all in the first place? Those kinds of structural issues are not being addressed by this idea of human trafficking. But what it is doing is creating a whole police apparatus that is actually surveilling and policing people’s lives on a day-to-day basis.

Mr. Gurratan Singh: Throughout today, we have heard the Conservative government often refer to the fact that these are vulnerable communities and vulnerable communities are at risk. We’ve heard advocates describe how criminalization doesn’t actually assist these vulnerable communities. I’ve heard questioning from the Conservative government really trying to create as a wedge between—a crude distinction between these vulnerable communities and the suggestion often put forward by the Conservative government that those who are advocating against this law are somehow enabling people who are being exploited.

How do you respond to that line of questioning or to that accusation?

Dr. Kamala Kempadoo: Migrants need to have status in the country which they come into to work. That would be important because it would move them out of an informal labour market or an underground labour market and give them the rights that they need to work safely—health and safety laws, as well.

Secondly, the decriminalization of prostitution in this country would go a long way to ensuring that people who are in the sex trade can also access regular labour and health and safety rights and laws, and so they would not be working underground or in the grey areas. Those kinds of laws are really important to make those communities less vulnerable.

Mr. Gurratan Singh: Is it fair to say that for those who have an ideological opposition to this line of work, even for those who make that argument—and I’m not making that argument, but I’m saying for those who do—that this kind of lockdown and criminalization of it actually opens up potentially a further exploitative environment for these individuals, and that some individuals who may want to transition out of this kind of work may find an inability to access resources to do so? Is that a fair argument to make?

Dr. Kamala Kempadoo: Yes, I would agree with that point.

Mr. Gurratan Singh: Katrin, could you add to that point?

Dr. Katrin Roots: Yes, I think that the further engagement of police with sex worker communities in every case produces more harm, and those sex workers who are in this

realm of work voluntarily and by their own admission would have to take other steps that they wouldn't normally take. It would criminalize their clients, and it would push their work further underground. Therefore, it would make these sex workers less safe if they were to, for instance, have to make split-second decisions on who their clients were going to be and didn't have the freedom to assess properly who they were going to take on as their clients.

In every case, this would harm the sex worker communities—all the way to things like police entrapping sex workers and their clients online in order to find these victims of human trafficking. That makes sex workers feel very unsafe and have to find alternate ways—

The Chair (Mr. Daryl Kramp): One minute.

Dr. Katrin Roots: —of engaging in the trade.

Mr. Gurratan Singh: The argument that has been put forward by members of the Conservative government is that they want to stop exploitation of people in this area of work.

What I'm hearing and I want to get clearly from you on this is that the solution to actually stopping this exploitation is not criminalization. Criminalization will actually further marginalize these communities, further limit their ability to access resources—those who want to leave the line of work may not be able to access the resources to do so, and it actually is counterintuitive to that position and that agenda. What are your thoughts on that?

1520

Dr. Katrin Roots: We absolutely—

The Chair (Mr. Daryl Kramp): I'm sorry, but your time is up. We only have 10 seconds, so we'll have to move on. You can certainly get that question in a little later.

We'll now go to our independent for four and a half minutes, please. Ms. Collard.

M^{me} Lucille Collard: I was actually looking forward to that answer—so maybe, Ms. Roots, if you want to answer the question that was asked by Mr. Singh for the benefit of us all.

Dr. Katrin Roots: Sure. Absolutely, criminalization would make it harder to move away from exploitation in every case. We know, and research has shown over and over, that sex workers do not feel safe going for help if they are being abused. If they are in an unsafe situation, they don't feel safe going to the authorities, going to the police, because of the very contentious relationship that sex workers have with the police at this point. So removing those barriers might make it a little bit easier for sex workers to seek help if they need to do so.

That's only one of the examples of the ways in which exploitation is enhanced by expanding criminalization, expanding police powers. As I stated, there's a lot of mistreatment of sex workers in marginalized communities by the police—falsification of evidence and pushing sex workers to take on this narrative of the victim in order to push these human trafficking cases through the courts. That was my research. So there is a very uncomfortable relationship currently between sex workers and the police.

M^{me} Lucille Collard: Ms. Kempadoo, you talked about forced labour in comparison to human trafficking, and I

think you related it to the fact that we may not need legislation to address human trafficking because we already have legislation against forced labour. It did strike a chord with me, just because forced labour, in my mind, might not be as bad as sex trafficking. I'm thinking of young ladies who are forced to do something that none of us would want to be compelled to do against our will under any circumstances.

If this bill—and I understand the part about the enforcement and the negative impact it could have or would have on sex workers and racialized people. I totally get that. But at the same time, I've had people reaching out to me who are rescuing survivors from the trafficking business, who are in need of help. To me, it seems that that's an issue that needs to be addressed. It's an urgent matter. It's an unspeakable crime.

I'm just wondering, if this bill doesn't accomplish what you would like to see because of the negative impact, what should we do for those young ladies who are being sex-trafficked?

The Chair (Mr. Daryl Kramp): Just a little over a minute.

Dr. Kamala Kempadoo: You seem to be suggesting that being involved in and forced into sex work is worse than, say, being forced into domestic labour, where you're captured and you're held against your will in a home and you have to clean toilets and serve the people 24/7 pretty much. In research that I've been aware of and that I've done, often young women in their teens will say that sex work is preferable over that kind of forced labour and domestic work—or in agricultural fields or in restaurants and bars. So I would not see forced sex work as necessarily worse than any other form of work. I do think that a law that condemns and looks at forced labour would address both, and it would get—

The Chair (Mr. Daryl Kramp): Thank you very kindly. Our time is up on that now.

Now we will go to the government side for seven and a half minutes. Ms. Tangri.

Mrs. Nina Tangri: I really want to thank both of our speakers for joining us this afternoon. It's a topic that we've been discussing since coming into government, where we heard many, many victims of this, what I call a heinous crime—they have come to us, and many people who have done many studies, similar to yourself.

You've talked significantly about sex work. I just want to come and talk about the crime of human trafficking. I'm not talking about sex work, where it's a choice; I'm talking about human trafficking, where so many victims there are 12, 13 years old.

I'll start with you, Katrin. Do you agree that we need stricter measures against human traffickers and that they should be implemented?

Dr. Katrin Roots: One of the issues I pointed out in my presentation was that the laws that we have currently in Canada now are way broader than what the United Nations had set out as human trafficking, which is the process of recruitment, transportation, exploitation. The laws that we have in Canada currently are so broad that

they focus almost exclusively on this concept of exploitation, and so that really captures a whole broad range of activities that we could call exploitative activities.

What has happened is that these human trafficking laws that we have in Canada are being applied to sex work cases. There are labour exploitation issues that we have here in Canada that these laws are not being applied to. Instead, there is almost an exclusive focus by the police on the sex trade industry. So we've narrowed, through application of these laws, the definition of trafficking here in Canada down to the sex trade, which is why a lot of what we're talking about here is the sex trade.

When I started my research, I looked at human trafficking. I wanted to look at all the exploitative cases that we have here in Canada, and I looked at court cases. What I found almost exclusively is that almost all of the cases that go through courts here are sex work-related cases. There is this disjuncture between what the UN has essentially set out as being human trafficking and what we here in Canada are treating as human trafficking, and that's the reason we are so focused on this issue of the conflation of sex work and trafficking.

Mrs. Nina Tangri: Kamala, if you could come in here—you spoke about how there's this feel-good nature about tackling human trafficking as opposed to going after sex workers who legitimately want to practise their trade, as opposed to what this legislation is dealing with: human trafficking, where we have very, very young people being brought across borders, sometimes in horrific circumstances, and are unaware sometimes of even where they are, across Canada or even around the world, and being forced to provide sex for people they don't know, and they have had absolutely no choice over the matter.

I actually had someone come to my constituency office who came here as what she thought was an international student. She paid to come. She was being enslaved in someone's home and forced to have sex with them. She was able to escape, so we were able to provide her with some help. That was really disturbing. And this is a young woman who was a wife and a mother as well, so I'm not talking about somebody who is extremely young here.

What we're trying to do is combat human trafficking. What I've been hearing a lot today is that sex work is a choice, legitimizing human trafficking. So I just wanted your feedback on what you think—where you would feel that human trafficking, where we need to take strict action, where that could be.

Dr. Kamala Kempadoo: First of all, I don't know what the data is on 13- and 14-year-olds being involved in the sex trade. I don't know what the figures are for Canada, and perhaps you could refer me to the study that shows a lot of it happening. One anecdote doesn't actually give us a good idea of what is actually going on. So I would ask you if you could send me some information about that data, because I don't actually have it. It's not common around the world that 13- and 14-year-olds are involved in the sex trade or being forced in that way.

Mrs. Nina Tangri: Kamala, if I can just come back to that, you're saying that you don't know—you've done

extensive studies, you're teaching at York University as well, and you're saying that you don't have that data. So are you suggesting that it doesn't happen to 12- and 13-year-olds? Are you suggesting that it's only adults? Do you even agree that human trafficking is happening at all?

Dr. Kamala Kempadoo: As I said, "human trafficking" is not a very helpful term to talk about what we're talking about. You are talking about young women being forced into prostitution. That is what you are talking about, and that is what you want to prevent. But you're calling it human trafficking; I'm not sure why, but anyhow, that's the discourse that most people are using today to talk about forced prostitution.

I know that young people are sometimes forced into prostitution, and I do not think that that's necessarily the right way to go, certainly, but I don't think a law against human trafficking actually deals with that. It does not actually address the reasons why the young people are being pulled into conditions against their will. It's not addressing their home situation that they're trying to get away from; the kind of violence that they might be experiencing.

The Chair (Mr. Daryl Kramp): One minute.

Dr. Kamala Kempadoo: The language of "human trafficking" doesn't do it. It doesn't tell us anything. Enforcing more and more and giving police more and more powers to actually try to find these young women doesn't solve the problem either. The problems we need to look at are structural. The problems are, why are young people seeking other ways to live, to be? Why are they wanting to get away from their communities, from their homes? Why are they tempted by material things? Why do they want big, flashy cars and cellphones? What is Hollywood doing to their minds about love and sex? All of those kinds of questions need to be asked and addressed, and human trafficking does not do it.

Mrs. Nina Tangri: Chair, how much time do I have?

The Chair (Mr. Daryl Kramp): I'm sorry, our time is up.

Thank you, certainly, to our witnesses for your passionate input today before this committee. It's very much appreciated. We will now suspend before we have our next delegation.

The committee recessed from 1533 to 1533.

The Chair (Mr. Daryl Kramp): My apologies. The Chair blew it. We have a second round of questioning, and I only went through the first. I'm very, very sorry. I got ahead of myself on that one.

We'll now go to our second round of questioning, and we'll go to the opposition for seven and a half minutes. Ms. Morrison, you have the floor.

Ms. Suze Morrison: I want to thank the presenters for coming in. I think, overwhelmingly, today we've heard from stakeholders that there are really significant concerns with this bill, yourselves included.

My first question off the bat is, is this bill amendable or has the mark been missed completely?

Dr. Katrin Roots: There are too many issues with this bill and, from my perspective, this bill should be rejected in its entirety.

Dr. Kamala Kempadoo: I concur with that.

Ms. Suze Morrison: Thank you so much.

I think we've really hit all these nails on the head over and over and over again this morning, but you, as well as the other stakeholders who have come through, have said consistently the mistake that the government is making here is conflating sex work with human trafficking and, once again, leaving sex workers behind and vulnerable, as well as ignoring issues of over-relying on policing our way out of a human trafficking crisis and not actually adequately supporting women with things like affordable housing, poverty reduction strategies, and clean drinking water on-reserve.

Again and again, we see the government members come back and want to pat themselves on the back for this \$307 million attached to this strategy over five years. Well, when you break that up over five years, it's about \$61 million a year. Do you think that \$61 million a year is even a drop in the bucket to provide the supports and services that women need that are going to truly protect them from being vulnerable in the first place, in terms of anti-poverty initiatives, access to health care, access to housing, access to clean drinking water—all of these pieces that are going to protect women from being vulnerable? And what sort of investments would you like to see the government make instead?

Dr. Kamala Kempadoo: Universal basic income for all would be one. The health care system in Canada is pretty good, so that also needs to be made accessible to all migrants. Status for all for migrants—permanent residency for those migrant workers who are coming in. That's important.

That \$61 million can go a long way, but of course it's not going to be enough. There are other pieces of legislation that need to be put in place, I believe, and these could be done quite simply. They don't all have to rest on the \$61 million.

Community-supporting supports: Community services are really important in poorer communities. Counselling as well as education, schools—you need more teachers, more supplies. The very basic things in life we need, and I think a universal basic income is really just one of those—an important one.

Ms. Suze Morrison: Katrin, do you have anything to add to that?

Dr. Katrin Roots: I agree with all of that. Maybe I'm repeating, but also supports for gender-based violence—supporting of community organizations that work with people who are experiencing gender-based violence; labour protections for migrants and for sex workers; also, of course, status for non-citizens of Canada, for migrants. I agree with everything Kamala said.

Ms. Suze Morrison: One of the other things I did want to get on the record from you both is your perspective and take on the history of cuts that we've seen come down from this Conservative government over the last two, three years now. Right off the top of my head: slashing funding for rape crisis centres by 30%; slashing legal aid by 30%. They're in the midst of downloading Ontario Works and ODSP down to the municipalities as service managers.

How do all of these cuts create a culture that actually further victimizes women and sex workers, and particularly women of colour, and creates the vulnerabilities that put them at risk of being human-trafficked in the first place?

Dr. Kamala Kempadoo: The cuts are affecting poor people with less income, so they're losing out on the supports, as I said—I talked about education, but also the health services that are needed and so forth. So it does create a greater vulnerability, and it pushes people into looking for alternative forms of income, other ways of making a living, adding to your 9-to-5 job or your cleaning of the hospital or something like that you might be doing during the day to actually be able to feed your children and to pay for your rent. It's pushing people to look for additional forms of income—these kinds of cuts in social services and in education and so forth. People need to survive, and sex work or other forms of employment that are underground will often give them that ability to survive.

The Chair (Mr. Daryl Kramp): One minute.

Dr. Kamala Kempadoo: It's not a good climate for—the climate is just making people more and more vulnerable.

1540

Ms. Suze Morrison: Katrin, did you have anything to add?

Dr. Katrin Roots: Yes, taking away the structural supports is obviously going to make marginalized communities even more vulnerable. I talked about gender-based violence and taking away funding from rape crisis centres. We know that people who have experienced gender-based violence often don't feel comfortable going to the authorities, going to the police, going through the court system, so funding for these rape crisis centres is particularly important, and taking away those supports from individuals who have experienced gender-based violence is obviously going to make things a lot more difficult for them.

I also talked about racialized people becoming the targets of these anti-trafficking measures. Particularly, we know racialized men have been the targets of these anti-trafficking measures, and a lot of them are from marginalized socio-economic backgrounds, so taking away the legal aid that they require to have adequate—

The Chair (Mr. Daryl Kramp): Thank you very much. We have surpassed our time on that.

We will now go to the independent member for four and a half minutes, please. Ms. Collard.

M^{me} Lucille Collard: I just want to thank the presenters. I do appreciate the information that was shared today. I don't have any further questions for the moment.

The Chair (Mr. Daryl Kramp): Thanks very much. Then we will go to the government member now for seven and a half minutes. Mr. Bouma, please.

Mr. Will Bouma: It has been a very interesting experience listening to all the testimony this afternoon. I feel wholly inadequate to even ask questions regarding any of these issues.

I was intrigued when Kamala talked about a saviour complex. That made me chuckle, because in a certain

sense—and I mean that completely positively, because all 124 MPPs, I believe, suffer a little bit from a saviour complex. That’s why we sign up to get involved in this crazy job—because we want to make things better. So, looking at all the faces in front of me, I think we all suffer a little bit from a saviour complex, and I hear that. That’s why we bring legislation forward.

There has been a lot of conversation this afternoon about criminalization. It seems to me that that is out of our hands, as a provincial government. These are federal issues. I was wondering if you could just offer me commentary—both of you or one of you, if you would like—on how you feel this legislation would impact criminalization, because it doesn’t criminalize anything. What we’re trying to do is work with the federal legislation.

Dr. Katrin Roots: Thank you for that question.

I think a couple of ways that it directly does that is giving police access to hotel records—being able to look at hotel records without having a warrant to do that. As I said before, that opens up their ability to investigate situations that they wouldn’t otherwise have the opportunity to do.

As I said before, under section 37(1) of IRPA, those individuals who are non-citizens of Canada can be deported just based on suspicion of being involved in human trafficking. That does not need to be proven in criminal court and so the level of evidence that’s required is far, far less; the threshold is far, far less. Even when the police start to suspect a person and don’t have sufficient evidence to lay charges, now this person is tagged by the CBSA and can be subject to deportation. That is the intersection of the immigration and the criminal justice system coming into play here.

Mr. Will Bouma: But that’s not under—those are issues you should be making to the federal government, about that. That really has nothing to do with this legislation. And the information that will be available to police officers is somewhat depersonalized, so it doesn’t have the kind of information that you’re saying could lead to these—that’s not part of this. So I’m just curious how you’re making that link.

Dr. Katrin Roots: Well, you are giving the police broad access to this information to look at where people stay in hotels and when and who booked it and all this information—

Mr. Will Bouma: So what would be the alternative means of doing that?

I think we’ve all agreed that human trafficking does happen in Ontario, whatever the means of that human trafficking is. It has also been established that a lot of times, human trafficking uses hotel, Airbnbs and things like that.

So if we want to tackle human trafficking, whether it’s sexual or forced labour or whatever it happens to be, what would be an alternative way of trying to get information out of that system so we can get our fingers on exactly what’s going on, if not a solution like this?

Dr. Katrin Roots: One of the things that I’ve been talking about is the fact that giving the police these broad, sweeping powers doesn’t actually minimize exploitation—

Mr. Will Bouma: We’ve heard that. Trust me, I’ve heard that many times this afternoon.

I’m curious: What would your alternative solution be to try to get the pulse of how much human trafficking is going through the well-documented channels of Airbnbs and hotels, if not allowing the police to collect depersonalized information? What would be a good way of doing that?

Dr. Katrin Roots: The best way is not to give more power to the police—putting funding towards community organizations that would support people who are being exploited or are vulnerable to exploitation.

My argument is that this issue can’t be solved by giving the police more power and giving them more funds, because of the very fact that the police are making this definition of human trafficking at the ground level.

Mr. Will Bouma: We’ve heard testimony earlier this afternoon that many of the organizations involved with supporting victims of human trafficking are actually—the accusation was made that they’re falsifying that information and making the numbers bigger than they actually are in order to get funding. So we’ve been told this afternoon that we can’t even trust the information we’re getting, and that, in fact, human trafficking is a much smaller issue than what we’ve been led to believe by victims’ stories, because of this trail back to the funding envelope.

If that’s the case, how would you justify giving more funding to community organizations, when we are told by people—

The Chair (Mr. Daryl Kramp): One minute.

Mr. Will Bouma: Okay. Anyway, I don’t think there’s a solution before us.

I would just like to finish by saying that I was very proud that this legislation passed on a voice vote on second reading in the House, which tells me that all four of the parties in the House were very supportive of this legislation. I would just like to say that on the record.

I do appreciate you coming forward. It has been extremely thought-provoking listening to all the testimony this afternoon. Thank you for coming.

Dr. Kamala Kempadoo: I’d like to respond very quickly.

The Chair (Mr. Daryl Kramp): You have 12 seconds.

Dr. Kamala Kempadoo: I don’t quite understand why hotels and Airbnbs are actually being the targets for trafficking. If you’re looking for trafficking, then we have to look in the agricultural sector—we have to look far broader, and not just at the hotels. If you’re looking at hotels and Airbnbs—

The Chair (Mr. Daryl Kramp): The time has expired. Thank you very, very much to our witnesses today. Thank you for your presentations.

Thank you to my colleagues, as well, for the questions. We will now suspend until the next delegation.

The committee recessed from 1549 to 1558.

ASSOCIATION FOR REFORMED
POLITICAL ACTION CANADA

MS. JAMIE LIEW

WOMEN AND HIV/AIDS INITIATIVE

The Chair (Mr. Daryl Kramp): Okay, colleagues, we are resuming public hearings on Bill 251, An Act to enact, amend and repeal various Acts in respect of human trafficking matters.

Thank you to our presenters who are here today. We have three groups. We have the Association for Reformed Political Action Canada: Daniel Zekveld, policy analyst. We have Jamie Liew. And we have Women and HIV/AIDS Initiative: Molly Bannerman, provincial director.

Each of you will have up to seven minutes for a presentation, and then after that we will go to rounds of questioning from the opposition, independent and government members.

We will start off in order, then, please. Mr. Zekveld, please state your name for Hansard and proceed.

Mr. Daniel Zekveld: Good afternoon. My name is Daniel Zekveld. I'm a policy analyst for the Association for Reformed Political Action, or ARPA, Canada. ARPA Canada is a Christian political advocacy organization which represents many constituents within Ontario who seek to respect human dignity and care for vulnerable individuals. I appreciate the opportunity to speak about Bill 251 this afternoon.

Recognizing that human trafficking includes both labour trafficking and sex trafficking, we also know that human trafficking in Ontario is most often done for purposes of sexual exploitation, preying on vulnerable populations. Between 2009 and 2018, 68% of police-reported human trafficking incidents in Canada took place in Ontario, and 43% of individuals trafficked were between the ages of 18 and 24, many of them being even younger. Despite difficulties in measuring human trafficking, there were 0.9 incidents of human trafficking recorded per 100,000 people in Ontario during that same time period. That's nearly double the Canadian average of 0.5 incidents per 100,000 population.

I'm sure we all know these horrifying statistics, and I'm thankful that the government is seeking to address the high rate of human trafficking incidents through Bill 251. Whether it's the 16-year-old Indigenous girl who is lured from her home and trafficked or the young unemployed woman who is offered a job and then becomes trafficked or countless other examples of human trafficking, this issue matters to Ontarians.

I want to make a few brief points as background to ARPA Canada's stance on human trafficking and why the legislation being discussed today is so important. First, we believe in the dignity of all human beings. Next, we can look at the connection between prostitution and human trafficking. Finally, we can see the demand for prostitution fuelling sex trafficking to increase supply.

First, we care about the issue of human trafficking because it violates human dignity and harms vulnerable

people. We believe that all people are made in the image of God and possess inherent dignity regardless of age, ability, sex, race or any other characteristic. As a result, we must seek to help those who have been reduced to commercial objects through human trafficking and instead see them as human beings with dignity. Exploitation and abuse in human trafficking denies the humanity of vulnerable people.

Second, I want to discuss the close connection between prostitution and human trafficking. Increased acceptance of prostitution in society has historically led to an increased number of women and children being trafficked into the commercial sex trade. For example, one study tested the theory that legalized prostitution could reduce trafficking and make it a safer industry. However, it found that countries that legalize prostitution experience higher inflows of trafficking. A study from the Netherlands reported that in the first five years of legalizing prostitution, the number of child prostitutes in the country increased 300%, from 4,000 to 15,000. I understand we're not speaking of the question of legality today, but this is simply to show that increased prostitution also tends to cause an increase in human trafficking.

Third, and connected to my previous point, sex trafficking exists because of the demand for prostitution. When people want to purchase sex, traffickers step in to provide the supply further to what already exists. This causes individuals, especially women and girls, often from vulnerable communities, to be treated like commodities that are subject to changes in supply and demand. A compassionate society should be ready to support those who want to leave the sex trade through counselling, employment, housing supports or other assistance they might need.

Individual provinces play a huge role in educating the population about human trafficking, supporting victims and establishing appropriate enforcement methods. Bill 251 properly addresses these goals.

Schedule 1 of Bill 251 is an important means to prevent the use of hotels in trafficking. Traffickers often use hotel rooms to set up encounters between victims and buyers of sex. Providing more tools to law enforcement in this sector will help rescue those who are exploited in this way. However, businesses such as Airbnb and other short-term rentals have also recognized the need to address the issue in their rentals. The government should seek to work with smaller rental businesses to combat human trafficking, in addition to working with hotels. There has been much research done into the use of Airbnb and other accommodation rentals for sex trafficking. Many of these would not be captured under the current definition of a hotel if they have five bedrooms or less. The definition of a hotel should be changed to address this reality in Bill 251.

Next, we commend the requirement to maintain an anti-human trafficking strategy in schedule 2, as well as the provision to make regulations around information, training and reporting on human trafficking. This is a critical part of educating the population as well as increasing knowledge of the links between human trafficking and other existing sexual services. Of particular note, the ability to create regulations around advertisements for

sexual services and entities will help focus on advertised human trafficking and sex trafficking which takes place alongside of other sexual services.

The Chair (Mr. Daryl Kramp): You have one minute left.

Mr. Daniel Zekveld: Finally, schedules 3 and 4 of the bill are important for creating greater protection for victims of human trafficking through screening orders and child protection.

The new section 77.1 of the Child, Youth and Family Services Act addresses a current gap and will help protect children aged 16 or 17. We would recommend that this protection option be extended to those between the ages of 18 and 21 as well. Many victims of trafficking fall into this age range, and they too need the option for protection and supports.

We will also be sending a written submission to this committee to supplement the information provided above.

Again, Bill 251 addresses multiple important issues to increase awareness and education, provide effective enforcement methods and protect victims.

Thank you for your attention.

We look forward to seeing Bill 251 become law.

The Chair (Mr. Daryl Kramp): Thank you very much, sir.

We will now go on to our next witness. We have Jamie Liew. Please state your name for Hansard.

Ms. Jamie Liew: Jamie Liew.

The Chair (Mr. Daryl Kramp): Please carry on.

Ms. Jamie Liew: Good afternoon, members of the Standing Committee on Justice Policy. Thank you for your invitation to appear today. As I stated, my name is Jamie Liew. I am an immigration lawyer and associate professor at the faculty of law, University of Ottawa.

My work representing immigrant and migrant women and my research on migrant sex workers over the last 15 years informs my opinion that Bill 251 should not pass. My presentation to you today focuses on the impact this bill has on racialized immigrant and migrant women. I've included my research as a hyperlink in my presentation that I've submitted to the committee already. In particular, I invite the members of this committee to consider how this bill will operate in conjunction with federal legislation and in particular, the Immigration and Refugee Protection Act, and how the interaction of this bill with this act creates harm that may violate the charter rights of racialized, immigrant and migrant women.

Bill 251's stated aim is to provide "a survivor-centred, comprehensive and collaborative approach ... to protect those most vulnerable, to support survivors and to end human trafficking in Ontario." Bill 251 however, in my opinion, is not a collaborative response and does not protect persons, but has the potential to inflict specific harm on racialized women. The constitutionality of this bill is in question and, if passed, I have no doubt it will be challenged.

Before I talk about the harm this bill brings to racialized and migrant women, I want to echo submissions made by the HIV Legal Network and Butterfly in that "sex work" is often conflated with "trafficking" and that this bill fuels

and encourages this blurred mixing of the two terms. The conflation means that any migrant, racialized sex worker may be perceived as a victim of trafficking, and so any conduct that gives the police or an inspector the impression that sex work is occurring invites police action under this bill. There is no obligation on the part of the police or inspector to distinguish those who have been coerced into sex work from those who are working in the sex industry as economic migrants.

This bill allows the surveillance, monitoring and policing of people who frequent hotels and similar businesses on the basis of a mere suspicion that trafficking is or has occurred. Private information collected in these settings could be used to conduct raids, investigation and could lead to arrests and deportation. Raids and investigations have in the past been done alongside Canada Border Services Agency officers.

The immense power given to police in this bill affects migrant, immigrant and racialized women, therefore, in a very specific way. This group of women may have no status or either temporary or permanent resident status in Canada, and any interaction with police could trigger two things: first, the perception that women are engaging in criminal activity, and second, the involvement of Canada Border Services Agency, or CBSA. These two triggers may prompt immigration officials to find a person inadmissible to Canada. The Immigration and Refugee Protection Act provides this legal mechanism of inadmissibility to deny and withdraw immigration status from a person for various reasons, including criminality. Once a person is found inadmissible, they are either denied entry or removed from Canada. A finding of inadmissibility can last for years and may impact future immigration applications and efforts to come back to Canada. For women who are the primary earners in their families, who have children in Canada and who have left their countries of origins for a variety of reasons that may have made them vulnerable, this can be long-lasting and devastating.

Sex work is also work that is not recognized as allowable work under a work permit under the Immigration and Refugee Protection Act, thus women who may be engaging in or perceived to be engaging in sex work may also be deemed to be acting contrary to the conditions of the work permit. This could be reason enough to find a woman inadmissible and result in the stripping of immigration status.

It is important for this committee to recognize that the threshold to find someone inadmissible to Canada on criminal grounds is extremely low. You don't need to show a criminal conviction. You don't even need to show that criminal charges have been imposed. You simply need to have reasonable grounds to believe that someone was involved in criminal activity. Thus, the simple act of being in a hotel and perceived to be involved in sex work may be enough. Inadmissibility could lead to the stripping of either temporary or permanent resident status and trigger deportation proceedings.

1610

Given that the police or an inspector only need reasonable grounds to believe there is "trafficking" under this

bill, the fact that sex work is taking place may be enough for police to investigate the activities in a particular business. There is wide discretion built into this bill.

For those with precarious or no immigration status, police raids increase risks that persons may be identified by CBSA and may trigger immigration detention and eventual deportation. This bill would mean that the threat of having one's identity and other information shared with the police and CBSA may push migrant sex workers to work in places where the information may not be collected. These places may be less safe for sex workers.

As recognized by the Supreme Court of Canada in the case of Bedford, legislative measures that create a risk of harm in workplaces for sex workers could be deemed unconstitutional. I'd refer to other submissions by sex worker organizations on the range of harms that can arise. But with regard to migrant and racialized women, the severe impact of losing immigration status and being deported cannot be understated. The threat of losing such status as a result of being criminalized through this bill will deprive migrant and racialized sex workers the right to security of the person because this bill makes it less likely for these women to work in safe and secure workplaces, but also, it could deprive them of status to remain in Canada.

The Chair (Mr. Daryl Kramp): You have one more minute.

Ms. Jamie Liew: This therefore affects the charter rights of migrant and racialized sex workers, since the bill exposes them to an increased risk of physical and psychological harm and imposes state interference on their right to make informed personal choices on their sexual autonomy and bodily integrity.

At the extreme level, this bill could also deprive women of the right to life, since it may affect choices of where sex workers work and limit their abilities to institute steps to avoid violence, including that which could result in the loss of life.

Further, the legal framework of Bill 251 encourages hotels and similar businesses to also monitor, survey and deny service to racialized immigrant and migrant women on the basis that their presence could subject them to police scrutiny. Given the rise of anti-Asian hate and other racist conduct on Black and Indigenous women, it is all the more important to recognize the impact this bill may have on the public's perception on permissible treatment towards racialized women.

I urge this committee to reject the legislative changes Bill 251 proposes. It does not address its objective of protecting vulnerable—

The Chair (Mr. Daryl Kramp): Thank you very much. Your presentation time is over.

We will now go to our final presenter, the Women and HIV/AIDS Initiative. Molly Bannerman, provincial director, please state your name for Hansard. You have seven minutes.

Ms. Molly Bannerman: Molly Bannerman. Hi, everyone. Thank you so much for having me. As stated, my name is Molly Bannerman. I work as the provincial

director of the Women and HIV/AIDS Initiative. With gratitude, I acknowledge that I'm joining from the Huron-Wendat and Petun First Nations, Seneca, Haudenosaunee and Mississaugas of the Credit First Nation.

Today I'll speak to you about some of my concerns regarding Bill 251, but first, I want to tell you a bit about my experience so you know where my concerns are rooted. I have a master's degree in social work, focusing on community development and policy, and I've done work at Grand Valley federal prison for women. I've done grassroots harm reduction work and overdose prevention work. I've coordinated a harm reduction program for many years for street-involved sex-working women and drug-using women, many of whom were racialized and/or Indigenous, and I also have worked as a counsellor with homeless women and those who are at risk of homelessness. Currently, I work as the director of the Women and HIV/AIDS Initiative of Ontario, which works with coordinators in 17 regions across Ontario, from Peel to Thunder Bay, on issues of structural risk for HIV.

I have witnessed the impact of fear around systemic interventions, including policing. These types of interventions mean that women who are facing the greatest risk of violence, physical and mental health complications, homelessness and poverty avoid services for fear of police and surveillance, because these can and often do mean violence—from police in many cases or others in the community—on top of many experiences of stigma and discrimination women are already facing.

I've learned time and again that low-barrier welcoming services informed by community experience are critical to keeping women connected, to reducing risks of violence, reducing risk of HIV and other health complications, and providing support where it's needed. This approach is not just good for women, but really, it's good for communities as a whole.

There are three main points I want to make today of concern. The first is that Bill 251 is founded on the assumption that sex trafficking is a critical issue in our communities today. In all of my work, including my work today as the director of a provincial initiative that works specifically with marginalized women, this is not what I have observed. Firstly, if anything, I may have concerns about labour trafficking in agriculture, but I'm not an expert on this. We have definitely seen concerns in my work over the past year and more, with significant problems being reported amongst migrant workers in terms of health and safety, housing, financial supports and pay and equity. Bill 251 specifically is disproportionately rooted in concerns about sex trafficking and women but not this broader reality. It does not offer protection or safety or even intervention for these folks. Instead, it is rooted in the sexualization and oversight of women and women's bodies.

In my earlier career, I was on a few committees and research teams to explore interventions and substantiate realities of human trafficking, and both then and now, I failed to see a significant body of evidence suggesting that we need this type of overarching bill in response.

However, I have seen significant rise in public information about trafficking. Of course, children and teenagers in sex work is highly concerning and unacceptable. Similarly, that idea of kidnapped women being forced into sex work is highly concerning. I would propose that our law has existing mechanisms to address these horrible realities.

What I've seen, with the influx of concern around human trafficking and funding for anti-human trafficking initiatives, is women who are forced to identify as trafficked so that they can access services. These numbers are then used to substantiate programming for trafficked women and increase funding and the reach of the law. In many ways, this shifts social services into the realm of policing and police interventions in a very problematic way. Again, I'm concerned that this bill's foundation on human trafficking is without the consideration of these broader realities.

My second concern is that Bill 251 will have disproportionately negative impacts on those women I've named before. We've already seen programming that has previously been founded on sex worker rights or responded to the identified needs of sex workers diverted into anti-human trafficking initiatives. Examples include numerous shelters that previously had beds for women who did sex work at night so that they could sleep in the day and be safe and access services. These services are now available for women who are being rescued from trafficking, and unless you identify as such, you can't access them.

Similarly, we used to have a small group of Toronto police officers who responded to violence against sex workers. They spent a lot of time building trust with women, and that police funding was then diverted into anti-human trafficking police initiatives. Those women who were sex-working on the streets were left with no recourse to address violence, rape, assault and many other realities.

The embedded and far-reaching surveillance of police and others, like hotel staff, in Bill 251 will most likely push these same women into hiding, meaning that they will work in unsafe circumstances where they can't negotiate safety. This inevitably increases the risk of violence. We know this from research time and again, including much [*inaudible*] literature coming out of Brampton, Toronto, London, Oshawa and more. Rates of violence are enormous. We know that, without a doubt, this approach will not prevent gender-based violence; if anything, it will increase it.

It also increases the risk of HIV and other STBBIs, costly realities for our already currently struggling health care system. It will also mean that women will face increased barriers accessing support and services, including health care, HIV testing or housing supports.

It is also a significant invasion of women's human rights and privacy, especially for women who have little access to navigating those independently.

Again, this bill will have a disproportionately negative impact on many of these women.

Finally, Bill 251 will have the most severe impact for marginalized women—

The Chair (Mr. Daryl Kramp): One minute.

Ms. Molly Bannerman: —including Black, Indigenous, Asian and brown women, migrant women, drug-using women and homeless women. These are the women we need to do most for and ensure that there are low-barrier, accessible and welcoming services informed by their experiences and upholding their human rights. However, Bill 251 will do the opposite.

We are already seeing increased funding, training and organizing that means that street outreach workers, harm reduction workers, health care workers and more are being trained on screening protocols, which increase surveillance and, as such, create barriers to service, with little or no critical thinking about how this is done and the impact on marginalized women.

Again, I urge you to think about who we prioritize in our policy directions and how, as a province, we can reduce the harms against Black, brown, Asian, Indigenous, migrant and marginalized women.

1620

Finally, I urge you to reject this bill and seek policy that is embedded in human rights and, in particular, the human rights of those who face the most risk and barriers in our communities. I also urge you to seek policy based on—

The Chair (Mr. Daryl Kramp): Thank you very much. Your time has expired.

We will now go to two rounds of questioning: seven and a half minutes for the opposition, four and a half for the independent, and seven and a half for the government. We will start off with seven and a half for the opposition. Mr. Yarde.

Mr. Kevin Yarde: I want to thank the members coming in today with their deputations.

Daniel, you already mentioned that you're in favour of Bill 251.

Throughout the day and throughout the afternoon, we've heard countless stories from different stakeholders and some of their concerns.

Molly brought it up just recently, so I want to get your opinion on what Molly talked about in terms of the bill being one of racial profiling.

I personally have been carded twice within the last 10 years, so I know what it's like to be racially profiled as a Black man.

My question to you, Daniel, is, do you believe this bill will further criminalize racialized sex-working communities, such as the Black community, the Asian community, the Indigenous community, trans and queer communities? By the nature of the bill itself, do you think it will further criminalize racialized communities?

Mr. Daniel Zekveld: Thank you for the question.

I think the focus of the bill is to focus on those who are vulnerable and specifically regarding people who are trafficked. We know that many people from those communities are trafficked, as well. If the law needs to bend one way or the other, it should be bending in favour of protecting vulnerable people who are trafficked against their will.

Mr. Kevin Yarde: So you don't think it's going to further marginalize them or harm them with regard to the

actions of the bill itself? For instance, we talked about hotels and Airbnbs where now the police or even Indigenous police can go into a hotel or motel and ask for the registry and on there, they can get the names, they can get the addresses of the individuals who are there. Do you think it is something that will actually protect workers, or do you think it will just drive them underground?

Mr. Daniel Zekveld: Yes, I do think it will protect those who are trafficked. Again, the focus is on protecting the vulnerable, and we know that—

Mr. Kevin Yarde: I'm sorry for interrupting. How will it protect them? I don't think I understand.

Mr. Daniel Zekveld: We know that there is trafficking that takes place using hotels. In the statistics I shared, there are high rates of trafficking in the province—police-reported trafficking, and then there's hidden trafficking as well. So I think the focus of this bill is to address that and to discover where areas of trafficking are and to address those who are doing the trafficking, to enforce legislation that is in place against those who are doing the trafficking.

Mr. Kevin Yarde: So you don't think it will give undue influence to the police being able to access this information without a warrant, just on basically their fear or their concern that someone is being trafficked, say, in a hotel or in an Airbnb?

Mr. Daniel Zekveld: No, we believe that it will give the police the tools they need to be able to address trafficking.

Mr. Kevin Yarde: So you don't see any concern of overarching police powers?

Mr. Daniel Zekveld: No. It's giving them the tools they need.

Mr. Kevin Yarde: Jamie, if I can get you to perhaps answer my questions—with Bill 251, obviously there are concerns. There are two points I talked about. I talked about the hotels—maybe we'll start with that one, first of all—and Airbnbs. A police officer or an Indigenous officer can go into that hotel, speak to the representative at the counter and say, "I need to see our registry," and then they can see the names, they can see the addresses. Is this going to reduce human trafficking, or do you think it will result in a different effect?

Ms. Jamie Liew: Just the simple idea that this can happen will drive sex workers to work in places that are characterized as underground, in places where it is unsafe, in places where they may be at risk of greater harm, where they can't institute safety measures or other mechanisms to keep themselves safe. Even theoretically, if the police are not even walking through the doors to ask for this information, the idea or the threat of this happening will drive sex workers towards places where their safety is in question.

Having said that, even when we start to think about scenarios where the police are going in and asking for this information, the bill has nothing in terms of a threshold for where the police are limited in their reason to ask. Just a mere suspicion is enough for them to ask for this information.

We know there has been a lot of research and a lot of discussion in the last couple years about how the police have been racially profiling different communities and how these communities are susceptible to more conflict with the police, and so we can imagine conflict to be arising in these situations, even where sex workers choose to continue to work in these settings.

Mr. Kevin Yarde: We've seen lots of funding cuts with this government over the years in social services and women's organizations. For instance, we've seen a cut of 30% in the rape crisis centres. We've seen a 30% cut in legal aid.

This question will be for Molly, and then I'll probably ask Daniel to answer it as well: How has this funding cut affected the fight against trafficking? Has it led to more exploitation, or do you think that adding money to the policing is a better way of going?

The Chair (Mr. Daryl Kramp): One minute left.

Ms. Molly Bannerman: I really think that adding money to policing creates increased barriers for both trafficked women and sex-working women who haven't been trafficked. We've seen that the approach around surveillance, around screening has increased surveillance and increased barriers to services. Women don't want to access services when they're being asked a thousand questions when they're coming in. Definitely, I think that it creates more barriers.

We also know that women have substantial fear of police, so these types of mechanisms of intervention will go far beyond the actual intervention. The fear that women experience and the oversteps that women have experienced or seen other women experience—particularly racialized women—is notable and significant and will cause harm and additional barriers.

The Chair (Mr. Daryl Kramp): Thank you very much. We have 10 seconds left.

Mr. Kevin Yarde: Well, I did have one question, but I'll save it for later.

The Chair (Mr. Daryl Kramp): Thank you very much, Mr. Yarde.

We will now go to the independent for four and a half minutes. Ms. Collard, please.

Mme Lucille Collard: Thank you to the presenters for bringing your perspective today. It's very important for the committee members to understand all the angles.

I have a first question for you, Daniel. There is a controversy around this bill, which is really between the protection of sex workers and saving victims from human trafficking. I'd like to know if you believe that sex workers should be protected from the potential negative impact of some of the measures contained in the bill; notably, more policing and more enforcement measures.

Mr. Daniel Zekveld: Thank you for the question.

We're definitely not saying that all people in the sex industry are those who are trafficked. But the focus, again, of this bill is to help those who are trafficked. So we don't see it as being a negative impact on—it might have some negative impacts on others in the industry. But again, if the law needs to bend in favour of one direction or the other,

we do believe that it should bend in favour of those who are vulnerable, because there are so many people who are trafficked, and that needs to be addressed.

M^{me} Lucille Collard: My next question is for both Jamie and Molly. You may answer in that order.

I just want to understand if you believe that human trafficking—or sex trafficking, because that’s really the focus that we have here—is a real problem that needs to be addressed, and if not through this bill, through what measures?

Molly, I guess that would give you the opportunity to finish your thoughts about alternative policies that should be pushed forward.

So, if you want to start, Jamie, with the answer.

1630

Ms. Jamie Liew: I think there are, as Molly said, a lot of mechanisms and legislative measures already in place that address trafficking. I do recognize that not everybody in the sex industry is there with the same experience, but there are Criminal Code provisions and other measures already in place that are sufficient to deal with these kinds of situations.

I certainly defer to Molly to speak more about that.

Ms. Molly Bannerman: Thank you for your question.

In terms of measures—I’ll start there—I think the experiences of migrant women, Black, brown, racialized folks and sex workers and women who are street-involved would be really helpful to inform and drive the policy interventions here and substantiate their rights, and their human rights in particular.

In terms of whether I think there is a substantial problem, I have to say that when I delved into data that I’ve seen, largely the data is focused on johns or other folks; and when I looked at programming data, often women are coerced into identifying as trafficked so that they can access programming.

I don’t want to say that trafficking doesn’t exist. I think trafficking is often very hidden and hard to substantiate. But when I’ve looked across the province and locally, I really see that a large number of the research and data are constructed and based not on women identifying as trafficked, actually.

M^{me} Lucille Collard: How much time do I have left, Chair?

The Chair (Mr. Daryl Kramp): You have one minute left.

M^{me} Lucille Collard: Thank you.

I’ll read out my question and maybe you can answer in the next round. There will be another round.

On what you said about the data: There was one organization that reached out to me—and I haven’t been involved in the subject for a long time, so I’m not pretending that I have any kind of expertise. I’m really trying to understand the extent of the problem and what needs to be done to address it. One organization that is helping survivors wrote to me and said that he’s only got, like, “167 other survivors I am working with that have actually advised me of this situation.” That’s one organization talking about 167 survivors. Some of the

stories are just horrible. One who managed to get away from her trafficker had her mom shot and killed by her trafficker. Another was able to escape from her trafficker after being beaten so bad, she was in a coma for a month and—

The Chair (Mr. Daryl Kramp): Thank you very much. The time has expired. We will certainly let you finish that line of questioning on the next round.

We will now go to the government for seven and a half minutes. Ms. Park.

Ms. Lindsey Park: I’ll start with Daniel. I’ll try to get to everyone.

Daniel, first, to ask if you’ve had a chance to read the bill and if you have any thoughts on—is there any way that the bill should be improved? Part of the purpose of the committee process is to hear from witnesses on where something that’s already strong can be made stronger. So I wanted to get your perspective on that.

Mr. Daniel Zekveld: Thank you for that question.

Yes, I did read through the bill fairly closely. Really, the two main suggestions for improvement are the ones that I mentioned in my presentation, the first one being including rental accommodations that have fewer than six bedrooms or suites, because there is evidence of trafficking happening in those kinds of units; then the second being section 77.1 of the Child, Youth and Family Services Act, to protect not only people of the ages of 16 or 17, but also to increase it to the age of 21, because there’s still a significant number of people who are trafficked in that age range—and to be able to offer them those services, as well. Just because someone turns 18 doesn’t mean they shouldn’t receive those services anymore.

Ms. Lindsey Park: Daniel, we’ve had some previous witnesses today who seemed to have trouble answering this question, and I’ve found it, to be honest, a bit perplexing, because anyone I speak to in my constituency would have an easy answer to this question. Can you give perspective on whether it’s appropriate for someone who’s the age of 13 years old to be participating in sex work at all? Is there any circumstance where that’s appropriate?

Mr. Daniel Zekveld: That’s a good question. I would tend to say no. Typically, I believe that would be a case of them being coerced into doing so. Maybe I’m wrong, but I haven’t heard of a situation where a 13-year-old would choose that, and I don’t think that would be the case.

Ms. Lindsey Park: I’ll jump over to Jamie now, just in the interest of time.

Jamie, I want to ask you the same question I asked Daniel. Is there any way you’d like to see this bill improved?

Ms. Jamie Liew: To be frank, I think this bill shouldn’t pass. I think there is nothing in this bill that is worth pursuing, given the concerns I have in terms of how it increases harm to migrant and racialized women in particular, in my view. To be honest, I think there’s nothing to be saved, and I would recommend to the committee to strongly reject the legislative changes proposed.

Ms. Lindsey Park: Just so I'm clear on your evidence—you're saying you think there are specific measures in the bill that cause harm. Can you identify what those specific measures are that you believe will increase harm?

Ms. Jamie Liew: The very immense power that is given to police to obtain information and use that information to conduct raids or investigate migrant and immigrant and racialized sex workers will drive these workers to unsafe working places. The very threat that they may be identified to CBSA for the purposes of rendering them inadmissible and triggering deportation proceedings—is the impetus for how the harm will manifest through this bill. The very structure and the very idea of using an immense police power in this way is very problematic and I think poses questions as to whether or not it can withstand constitutional scrutiny.

Ms. Lindsey Park: Again, I want to make sure I hear your evidence right—it's not to criticize it, but I just want to understand. Are you saying that any enforcement of this crime of sex trafficking is inappropriate?

Ms. Jamie Liew: I think that measures to address violence against women—policing has not necessarily been the best way to address these issues. I certainly would recommend the committee to talk to communities at the heart of this, community organizations that address these issues, organizations that service and are run by women who are involved in this kind of work and in these experiences, to highlight what in their experience has been best at reaching communities that are vulnerable and addressing workplace safety and other harms that could result in these kinds of environments.

Ms. Lindsey Park: I've visited in my own community shelters for women who have experienced domestic violence and have chosen to leave that situation. Those I speak to, while they may be concerned and frightened, in fact, to show up as a witness at court—and there's a Victim/Witness Assistance Program in the province of Ontario to provide that support to them—I don't want to say it's unanimous, but I often hear them wanting to see their abuser held accountable. Are you saying that they should not be held accountable?

The Chair (Mr. Daryl Kramp): One minute left.

Ms. Jamie Liew: What I'm saying is that I don't think this is the bill that keeps people accountable. There are other mechanisms in the Criminal Code that address abuse, that address assault, that address violence against women. We don't need this overbroad and harsh tactic and to give immense power to the police where it is not necessary. The police have power already to investigate violence against women, and there are offences on the Criminal Code book to address the harms that this act purports to address.

1640

I think it's beating an issue with a humongous hammer, is overbroad and will create more harm in the long run.

Ms. Lindsey Park: Chair, how much time do I have?

The Chair (Mr. Daryl Kramp): Fifteen seconds.

Ms. Lindsey Park: Okay. Well, I'll just say, with all due respect, the Criminal Code is a federal bill, and it's the

role of police services to enforce those rules. That's the role. If you're saying that they shouldn't be enforcing—

The Chair (Mr. Daryl Kramp): Thank you very much. The time has expired.

We will now go to the official opposition for the second round, seven and a half minutes, please. Mr. Singh.

Mr. Gurratan Singh: Jamie, just to continue with that line of questioning, I think what you're putting forward—to clarify, this is my understanding of what you're saying—is that the legislation being put forward right now will actually put the supposedly intended—the bill is supposed to help people, but effectively this bill is going to further marginalize the people it's intending to help. Is that fair to say?

Ms. Jamie Liew: Yes, exactly.

Mr. Gurratan Singh: Just to clarify: If the government wants to protect people who are vulnerable—and just like in any workplace, there are going to be people who are vulnerable. Is that fair to say?

Ms. Jamie Liew: Certainly.

Mr. Gurratan Singh: And if this government is trying to protect people who tend to be exploited in a sex work capacity, they actually run the risk of doing the opposite with the passage of this bill. Is that what you're saying?

Ms. Jamie Liew: Yes.

Mr. Gurratan Singh: How would that happen?

Ms. Jamie Liew: The very power that the police have in this bill will create a threat in the mind of any migrant—or any sex worker, for that matter—that they could be subject to criminalization. It will create incentives for women to work in places where they can't be identified by police, where they will minimize their interaction with police. That means that they won't be working in places that have been more safe, and it will mean that they will have to look for places where they are outside the jurisdiction of this bill.

Mr. Gurratan Singh: The government members have often been saying, "Shouldn't they be brought to justice?" I believe what you're suggesting is that the people who will be criminalized are the very people who could potentially be in an exploitative position to begin with.

Ms. Jamie Liew: Exactly.

Mr. Gurratan Singh: So they're going to be criminalizing potentially marginalized communities who are in sex work.

Ms. Jamie Liew: That's right.

Mr. Gurratan Singh: And that does not square with a bill that's intended to stop human trafficking. It actually will further marginalize people who need support, who need help.

Ms. Jamie Liew: Exactly.

Mr. Gurratan Singh: The help that they need are things like access to resources. I've asked this question beforehand. For those who take the position that they want to reduce people in this line of work—I'm not of that position—they actually potentially could run into the opposite of that, because by further marginalizing people, people who may want to exit this area of work may not be able to access the resources they need to do so.

Ms. Jamie Liew: That's right.

Mr. Gurratan Singh: Daniel, I'm going to turn to you. What are your views on sex work?

Mr. Daniel Zekveld: Thank you for the question.

We don't have any stance regarding this bill about people who choose to be in the industry. We believe the focus is on those who do not choose to be there, helping them get out of it and helping them get away from those who are trafficking them.

Mr. Gurratan Singh: Do you believe that criminalizing people who are trying to get out of a line of work will assist them in exiting this line of work, or do you think it's better to give them access to resources and supports to exit them out of this line of work?

Mr. Daniel Zekveld: I don't believe that this bill criminalizes them.

Mr. Gurratan Singh: Jamie, how would you respond to that?

Ms. Jamie Liew: The bill puts an impetus on bringing the police right to the face of a sex worker, and it invites the police to investigate whether any criminal activity has occurred with regard to the activity that the women are involved in. As I've said—

Mr. Gurratan Singh: I don't mean to be short, Jamie; it's just because I know I have limited time.

Specifically, how would a sex worker, a person who identifies as female, or a sex worker in general—let me just say that—who is marginalized and from a racialized background be criminalized by this piece of legislation?

Ms. Jamie Liew: Well, the scenario I gave in my presentation was that a migrant worker could be identified as being involved in sex work, could then be tagged by CBSA and identified for the purposes of finding them inadmissible on the mere suspicion that they engaged in potential criminal activity, found to be inadmissible, their status taken away and eventually deported. The mere interaction could render the processing of a person as a criminal, and there are consequences when these processes are under way. The federal legislation doesn't care whether charges have been laid or a conviction has been laid. These are severe consequences that migrant sex workers fear.

Mr. Gurratan Singh: Effectively, if a migrant sex worker wanted to leave that area of work, the better way would be to get them access to housing and to education and to resources to exit them out. The criminalization of them would result in their deportation and likely to go back to whatever their country of origin was and still be in a precarious situation. Is that fair to say?

Ms. Jamie Liew: Yes.

The Chair (Mr. Daryl Kramp): Go ahead, Mr. Singh. You have a minute and a half.

Mr. Gurratan Singh: Daniel, what do you say to that?

Mr. Daniel Zekveld: I definitely can't speak to immigration law.

Mr. Gurratan Singh: No, not to immigration law.

This is the question being put forward to you. A migrant sex worker is put into a position where they are being exploited, they are in a tough position. They potentially want

to exit their line of work, but the interaction with the police results in them being deported, as opposed to being helped. Is that a good thing or a bad thing, in your opinion?

Mr. Daniel Zekveld: Again, I believe that interactions with police are—the police are there, and they have the tools to investigate the situation in order to help them out. So I do believe that the police will be able to—

Mr. Gurratan Singh: An individual is non-status. They don't have a status here in the country; they're involved in sex work; they are then engaged with the police, and that results in their deportation. Does that help them getting out of a potentially exploitative situation of sex work, or does that further them in a precarious or dangerous situation?

The Chair (Mr. Daryl Kramp): Thirty seconds.

Mr. Daniel Zekveld: Again, I can't speak to the immigration aspects and the deportation. I'm just not aware of how that situation would work exactly, because sex work—

Mr. Gurratan Singh: Do you deny that any form of sex work would result in deportation?

Mr. Daniel Zekveld: I'm saying I can't speak to that, because I'm not aware of immigration law.

Sex work is not a criminal activity, so that's the way I would see it, and then the police—

The Chair (Mr. Daryl Kramp): Thank you very much. The time is expired now.

We will now go to our independent member. Ms. Collard, please, for four and a half minutes.

M^{me} Lucille Collard: I was giving the premise of my question in the other round. I guess you understand that there are a lot of emotions attached to human trafficking, and sex trafficking in particular. I've heard an allusion that maybe it's the same as other kinds of forced labour and we don't need a particular bill to address it because there's already criminality that's being handled by the Criminal Code and whatnot. But I'm thinking, sex trafficking is very insidious. It's a hidden crime. I'd just like to know if you don't think that we should give ourselves more tools to be able to help the victims, given the nature of it, because it preys on vulnerable people. If not through this bill, how? Maybe Jamie or Molly, if you want to answer that.

ly Bannerman: It's a great question. I think supporting community-based initiatives, access to services, access to health care, low-barrier services is really the way to go. I think consulting with sex workers, consulting with women who have been trafficked and other marginalized women would provide insight into how best to structure these programs in a way that does little harm and allows access to supports, resources and programming that could help women to exit trafficking.

1650

M^{me} Lucille Collard: Jamie, do you compare forced sex labour to just generally forced labour in any area?

Ms. Jamie Liew: I think one of the common threads that we can see in terms of the situation of migrant workers in Canada—a lot of people are seeing issues arising out of that, but I think a lot of things that are arising are out of your jurisdiction. Really, it speaks to the status for all

kinds of workers and ensuring that they have immigration status. That will lift people up into a position where they won't be abused or exploited as a result of who their employer is, for example.

In this context, I would just say again, as you had stated, that my point is that the Criminal Code is very equipped to deal with all kinds of violence, abuse, assault. There is power within the Criminal Code for the police to investigate these crimes. We don't need this kind of legislative framework in order to address any potential harms arising in situations where we can see activity that meets the legal definition of assault, for example. So to me, this bill is unnecessary. There are already mechanisms in place to deal with the harms that it purports to serve, and to recognize that by moving forward with this bill would actually create more harm than good.

M^{me} Lucille Collard: I understand your point.

The Chair (Mr. Daryl Kramp): You have one minute left.

M^{me} Lucille Collard: You mentioned the importance of consulting sex workers to help in developing policies. I'm just wondering if you believe, given the network of sex workers, that they could also be allied to the police in order to help victims, because they're probably roaming the same grounds, so to speak. Do you believe that there is potential for collaboration there?

Ms. Jamie Liew: I think that needs to be answered by the communities that know about the experiences of sex workers and that have already thought through a lot of the kinds of measures that are useful and are strategic and address the needs of that community. And so I would defer to the communities as to what they would like to see with regard to the measures that the province can support.

The Chair (Mr. Daryl Kramp): Thank you very much. Your time has basically expired.

We will now go, to close off with these witnesses, to the government for seven and a half minutes. Ms. Kusendova.

Ms. Natalia Kusendova: Thank you to our presenters today.

I just want to put a few things on the record. This bill has passed second reading on a voice vote and received support from all parties, including the official opposition, the NDP, and the Green Party. I think it's important to put that on the record.

In terms of consultations—I spoke to this earlier—I have myself led numerous consultations across the province of Ontario with survivor-led voices as well, including survivors, but also including sex workers, who actually gave us some great insight. They have told us that they actually don't want women to be trafficked—they don't want women who are not freely, of their own free will, participating in sex labour. They want to help us solve the problem of human trafficking, which, of course, involves manipulation, coercion, psychological and/or physical violence, control and exploitation of victims.

I want to just read one thing into the record, because many times it has been said that we should be consulting women's groups. One such group that we did consult is

the Ontario Native Women's Association. They told us, "The Ontario Native Women's Association ... clearly understands the necessity and the timely importance of the introduction of the Combating Human Trafficking Act as well as amendments to the Child, Youth and Family Services Act ... Indigenous women in Ontario have been telling us what they need for years to address human trafficking and this multi-pronged approach stands to provide meaningful change."

Another group, Project iRISE, which is a survivor-led organization for survivors, told us the following: "Ontario's Anti-Human Trafficking Strategy provides a comprehensive and multi-layered approach to eradicating human trafficking through prevention, prosecution and rehabilitation of survivors. In addition, the inclusion of survivors' voices throughout all stages of development and implementation of the strategy speaks to the government's commitment to creating survivor-informed anti-trafficking strategies to combat this heinous crime that targets the most vulnerable in our community." So, respectfully, to Jamie, I'd like to suggest that when you said that we don't need this legislation—well, at least this organization seems to disagree with you.

I want to thank Daniel and Molly for actually stating on the record that human trafficking is taking place in Ontario and it is taking place in hotels, because we've had certain presenters prior to you not answer that question on whether human trafficking is happening in Ontario.

Also, I believe it was Molly who stated that using minors to provide sexual services is a concern, and we do agree that it is a concern. We had other presenters today equating minors engaging in sex work to minors working like bartenders or in restaurants.

There were some suggestions that sexual work of minors is similar to other work of minors from previous presenters, and I found that extremely, extremely disturbing. It is no coincidence that traffickers target young people prior to the end of the development of the frontal cortex, which happens at age 25. The frontal cortex is responsible for judgment, critical thinking, social and emotional evaluation. So it is no coincidence that 90% of victims are less than 25 years old.

My question is on the one piece that was not discussed, which is the piece about the Ministry of the Attorney General. Do you agree that expanding restraining orders to protect victims, survivors and their entire families—perhaps this is one piece of this bill that we can all agree will be helpful to our victims and our survivors.

Can I please get a round of answers from our presenters?

Ms. Molly Bannerman: Sorry, can you repeat the question?

Ms. Natalia Kusendova: There was one piece in this legislation which is put forward by the Ministry of the Attorney General, and it is on expanding restraining orders to give more protections for victims who wish to have restraining orders imposed on their trafficker. As you know, traffickers often stalk their victims and they follow them around. Actually, it takes about 17 interventions, on

average—this is a statistic I heard—for someone to exit human trafficking.

Do you agree that this one particular portion of the bill would be helpful in preventing harm to the victims?

Ms. Molly Bannerman: No, I actually don't.

First, to correct, I didn't say that trafficking exists, and I also didn't say that minors are sex-working. I said that if those situations existed, then of course there are current legal interventions to deal with that.

Also, in my experience of restraining orders, quite honestly, many, many times police use those to not respond to women's concerns about safety and they horrendously fail at supporting women in their needs for safety. Actually, what are women going to do when someone breaks a restraining order? Are they going to call 911, when their lives are in danger? Time and again, I've seen that that as an intervention does not help or support women.

Ms. Natalia Kusendova: Sorry; I just want to understand, Molly. You're putting today, on the record, that you do not believe human trafficking is occurring in Ontario?

Ms. Molly Bannerman: I didn't say either way. What I did say is that if minors are sex-working, there should be interventions around that and that I have experienced many different—

Interjection.

The Chair (Mr. Daryl Kramp): Mr. Yarde, did you have a point of order?

Mr. Kevin Yarde: I've been timing this last session here, and they're over time. I'm not sure how many more questions you're going to give the government, but—

The Chair (Mr. Daryl Kramp): That's not a point of order.

We will go back, please, to the line of questioning.

Ms. Natalia Kusendova: I just want to understand, Molly. Can you please state on the record whether you believe there are any incidents of human trafficking happening right now in Ontario? Even one is too many. Also, please let me know if you believe that the sexual work of minors under the age of 18 is an issue in the province of Ontario or not.

1700

The Chair (Mr. Daryl Kramp): We have one minute left.

Ms. Molly Bannerman: I can't speak to the sexual work of minors. I do think that there are minors sex-working. There is existing legislation that allows intervention around that.

In terms of trafficking, whether it exists—much of the research and data that I've seen about that fails to substantiate it in a meaningful way, is usually biased and developed by police, and often falls under coercion of women to identify as trafficked so they can access services.

The Chair (Mr. Daryl Kramp): Thirty seconds left.

Ms. Natalia Kusendova: Daniel, do you have an opinion on these two questions that I asked?

Mr. Daniel Zekveld: Yes. I do believe that the expansion to the restraining orders is a good thing.

Sorry, the second question—can you remind me?

Ms. Natalia Kusendova: Whether human trafficking is occurring in the province of Ontario and whether it's an issue.

The Chair (Mr. Daryl Kramp): Ten seconds.

Mr. Daniel Zekveld: Absolutely. I believe it is occurring and it is a big issue.

The Chair (Mr. Daryl Kramp): That's all the time that we have.

Thank you to our witnesses for appearing here today before the committee. It's very much appreciated.

We will now suspend until we go to the next session. Of course, we will also, at the next session, welcome—

Interjection.

The Chair (Mr. Daryl Kramp): Okay, then we don't need to recess. We'll just excuse our witnesses. Thank you very kindly.

Okay, colleagues, we're ready to go.

I do see Mr. Glover. I'm assuming that you are in Ontario and you are indeed who you are.

Mr. Chris Glover: I am indeed who I am, and I am in Ontario. I'm Chris Glover, yes.

The Chair (Mr. Daryl Kramp): It's good to see you, Chris. Thank you very, very kindly.

DURHAM COMMUNITY LEGAL CLINIC PROJECT RECOVER

JUSTICE FOR CHILDREN AND YOUTH

The Chair (Mr. Daryl Kramp): We have three presentations. We have the Durham Community Legal Clinic: Omar Ha-Redeye, executive director, and Samantha Iantomasi, law student. We also have Project Recover: Richard Dunwoody, executive director. And we have Justice for Children and Youth: Mary Birdsell, executive director, and Jane Stewart, staff lawyer.

You will be allowed up to seven minutes for each presentation, and then questions will take place after that.

We will start immediately with the Durham Community Legal Clinic. You have seven minutes.

Mr. Omar Ha-Redeye: Good afternoon. My name is Omar Ha-Redeye. I'm a lawyer and the executive director of the Durham Community Legal Clinic. Our clinic focuses on advocacy, legal services, education and law reform on behalf of low-income, vulnerable and marginalized populations.

It's quite difficult to speak of a more vulnerable and marginalized population than those who are the victims of human trafficking, especially when these victims are children who are being sexually exploited. For this reason, we recognize and support the need for law enforcement to have the tools necessary to address this social ill.

The efforts behind this bill can be linked to the advocacy of many community-based organizations, going back to at least 2016, when the province launched the anti-human trafficking coordination office.

Our clinic is situated in Durham region, which is traversed by the 401 corridor, notorious for sex trafficking. We have seen how the Durham Regional Police Service

trafficking unit has effectively worked in our community in conjunction with social workers to provide empathetic, non-judgmental and compassionate interventions for the victims of sex trafficking. Not every police service in Ontario or every police officer in our region necessarily operates in this way, so it is important to contemplate also about how this bill might be implemented.

We are encouraged by many of the principles found in Bill 251, especially under section 5 of the Anti-Human Trafficking Strategy Act, 2021. It refers to ensuring that a human rights-based, survivor-centred, trauma-informed approach is used and recognizes our collective responsibility and intersectional and cultural responses. However, these principles also include a focus on prevention and basing decisions on survivors' experiences and evidence. We find that many of these principles potentially are in conflict with the possible implementation of the act.

Bill 251 presumes that human trafficking can be effectively addressed through an emphasis on law enforcement. We know that over 90% of human trafficking in Ontario is domestic in origin, but law enforcement is historically focused in a disproportionate manner on immigrants, newcomers and racialized minorities. This approach exacerbates the over-policing of marginalized communities and can perpetuate paternalistic approaches and stereotypes towards consensual sex work. The social stigma around consensual sex work is one of the greatest barriers to identifying and addressing patterns of exploitation that can be found within these communities.

Our clinic assisted many survivors of human trafficking, in particular through the Criminal Injuries Compensation Board, which was disbanded in 2019. Much of these funds were transitioned to law enforcement-related agencies and the expanded VQRP+ program.

What Ontario's Anti-Human Trafficking Strategy of 2020-25 effectively does is continue the successes of the 2016 strategy, but does not emphasize enough that the solutions to human trafficking are achieved through prioritization of funding of youth-in-transition workers, specialized human trafficking victim service workers and community-based programs. Without seeing how Bill 251 will allocate funding, it will be challenging for us to speculate whether these efforts will indeed be a success.

The solution to human trafficking is not through state surveillance and policing—but to focus on the root causes of human trafficking, which include poverty and trauma.

I will now share my time with Samantha Iantomasi, a Durham resident and volunteer with our clinic, who recently completed her first year at the University of Ottawa faculty of law.

The Chair (Mr. Daryl Kramp): You have three minutes.

Ms. Samantha Iantomasi: My name is Samantha Iantomasi. I would like to focus on the importance of ensuring that moralistic and stereotypical views of sex work do not motivate and animate the efforts behind Bill 251 in Ontario's Anti-Human Trafficking Strategy.

I am pleased to see that my local MPP Lindsey Park is here today to hear about this very important issue.

In 2013, the Supreme Court of Canada heard a case that this committee will be familiar with, *Canada v. Bedford*. Chief Justice McLachlin began the judgment in *Bedford* by emphasizing that it is not a crime in Canada to sell sex for money.

Justice Himel, who decided the Ontario Superior Court decision in *Bedford*, heard considerable expert evidence about the stereotypes and misperceptions of sex work in Canada. One of the main assumptions made by those without lived experiences or community-based expertise in these areas is that the sex worker is a victim who turns to this work in desperation. The experts in *Bedford* challenged these stereotypes by highlighting that sex work is often a better option than the other available opportunities, such as unskilled labour.

Consensual sex work is a function of poverty and the lack of appropriate funding towards community-based resources.

In itself, sex work should not be seen as a moral or personal failing; in doing so, it further alienates members of this community in a manner that obscures and prevents society from addressing the pernicious ill of human trafficking.

Thank you for this opportunity to provide these submissions. We will draw further on the experiences of our community in the responses to any questions.

The Chair (Mr. Daryl Kramp): Thank you very much, Samantha.

We will now go to our next delegation, Project Recover. Richard Dunwoody, you have seven minutes.

Mr. Richard Dunwoody: Thank you, Mr. Chair. My name is Richard Dunwoody. I'm the executive director of Project Recover. Project Recover is a not-for-profit, survivor-led initiative. Supported by a volunteer network of former and existing financial services industry executives, Project Recover neither charges fees, solicits donations nor accepts funding, so as to provide complete transparency to all stakeholders.

Members of this committee should note that, over the last year, I have supported a survivor of human trafficking in each of your ridings.

Survivors post-exploitation face forced repayment of fraudulent government debt arising from the schemes and control of their trafficker.

My ask today is to incorporate motion 131 tabled by MPP Chris Glover into Bill 251.

Allow me to paint a picture: Your daughter or granddaughter going to university or college has a new friend. They go shopping together. They cook. They share stories and personal challenges. At some point, your daughter or granddaughter meets their new friend's boyfriend. One evening, completely innocuous, your daughter or granddaughter accepts a ride home from her friend and new boyfriend. And there it is: Your daughter or granddaughter is now being trafficked. Her friend's name is not what it is, and her new boyfriend—they were together at the start of this scheme.

1710

Technology makes our lives simple. We can apply to attend a college or university online. Online, we can apply

for a student loan; in fact, anyone who has your information can do this for you. This is how traffickers are so easily able to obtain thousands of dollars through the Ontario student loan program using their victim's identity.

It's not just student loans. Trafficked by gang members—they're chauffeurs, driving their trafficker around. Why would the trafficker pay for insurance on the car? Pulled over by law enforcement, that victim now faces a \$4,000 fine.

There are too many other fines they face, so I won't explain all of them during this presentation.

They're trafficked for years, and the exploitation ends—survivors have their tax returns and government benefits seized for payment of these fraudulent debts. Wanting to move forward with their lives and complete their education, they are prevented from accessing student loans. Living on ODSP, Ontario Works, unable to just get by, every phone call for repayment of these fraudulent debts is revictimization of the survivor, the continuation of their exploitation.

Over the last year, I've had an opportunity to meet with a number of survivors and their local MPPs. In raising this issue, the following are comments survivors have directly heard from your colleagues: in one case, "I'm all for giving our youth a second chance. They shouldn't be held back from a mistake they made"; in response to not being able to access student loan funding to enter a new program they want, "Maybe you should consider doing something else with your life"; in posing a solution to access student loan funding, "All you have to do is pay back the delinquent portion of your debt to access funding"—let me rephrase that: "All you have to do is pay back a portion of fraudulent debt."

As to why the government cannot provide survivors relief, one MPP suggested, "It is not in our budget." The total cost of trafficking a victim annually is \$110,000. The HST of this is \$14,000, the amount the federal and provincial government earn for each year a victim is trafficked. Take a second to think, what do these young people have to do to earn that \$14,000? I'll tell you, it wasn't pouring soda drinks at a fast-food place.

While survivors face revictimization after their exploitation, what about traffickers? In one case I have knowledge of, the individual had to complete a diversion program and make a \$500 donation to a women's shelter, and the charges were dropped. In another, the trafficker received two months in jail. There is currently a warrant for his arrest on attempted murder.

In my advocacy, since November 2019, I've established a process with all major Canadian creditors, with the exception of two. I bring these cases of fraudulent debt involving survivors to them for relief and removal of their liability.

The very first survivor I worked with—

The Chair (Mr. Daryl Kramp): One minute left.

Mr. Richard Dunwoody: —was able to complete her education during the pandemic, with paid employment, and last month, qualified for a mortgage—25 years old. Since September 2020, I've been personally funding the

tuition costs of survivors. On Monday, one of them advised me that their last per-grade average was 94%. There are more that we need to get back in the classroom.

Bill 251, in many aspects, is yet another step forward. Additional funding from the government announced last year is commendable. But both fall short in providing direct support to survivors.

My request today: There are no funding requirements. Adopting motion 131 of Bill 251 only removes the liability for survivors for a debt they do not owe and that the government has no claim to, saving money—

The Chair (Mr. Daryl Kramp): Thank you, sir. Mr. Dunwoody, your time is now over.

We will now go to our third presenter, Justice for Children and Youth, Mary Birdsell and Jane Stewart. You have the floor. Seven minutes, please.

Ms. Mary Birdsell: Thank you very much. My name is Mary Birdsell. I'm the executive director and a lawyer at Justice for Children and Youth. I'm here with my colleague, who is also a lawyer, Jane Stewart, in our office. We've provided written submissions to the honourable committee, and I hope that you will have the opportunity to review them, as they provide more detailed analysis regarding our concerns. We deeply appreciate the opportunity to speak with you today.

Justice for Children and Youth is a specialty legal clinic and a child and youth rights organization. We provide legal services, public legal education, community development and engage in test case litigation on child and youth rights issues. We assist young people across Ontario on a wide range of legal issues. Our clients typically have multiple ways in which they are vulnerable and have complex personal, social and legal needs.

In the context of today, I want to let you know that most of our clients are involved with children's aid societies. Many of our clients are homeless, unstably housed or living independently and separate from a typical family situation.

We are here because we work on the front lines providing services to children, teenagers and young people. In particular, we routinely assist young people who experience sexual violence, sexual exploitation and sex trafficking. We provide trauma-informed, developmentally appropriate legal services. We provide service to the whole child. We provide service attending to their legal needs as a part of their individual social and legal context. As lawyers, with relationships that include legal privilege and significant confidentiality protections, we are often uniquely placed to hear about our clients' most private concerns, without any fear that we will be acting without their consent.

I want to turn to Bill 251 and let you know that we are particularly concerned with schedule 3 and the proposed changes to the Child, Youth and Family Services Act. We applaud this government for being concerned about sexual exploitation and for some of their investments in children's mental health. I think we can all deeply appreciate that sexual exploitation, and in particular sex trafficking, is a complex problem and it requires nuanced and complex

responses. We're very happy to see that the proposed amendments in section 1 of schedule 3 include sexual exploitation as a result of sex trafficking and the risk of that as a ground of protection under the CYFSA. We think this is a very important addition to the CYFSA, and we believe it will enhance the access to services for 16- and 17-year-olds in particular. It's an important recognition of the very complex vulnerability that 16- and 17-year-olds involved in sex trafficking may experience.

Having said that, moving on to section 2 of schedule 3, we implore you to reconsider the implementation of this section. It creates an unprecedented and extraordinary power to apprehend and detain victims of sex trafficking. We emphatically believe that enacting a provision that allows the apprehension and detention—the arrest, basically—of 16- and 17-year-olds for 12 hours will not help to alleviate the harms of sex trafficking, and we are in fact sure that it will put children at a greater risk of harm, as they will go further underground to avoid this intrusion.

Our written submissions articulate our concerns with respect to section 2 in some detail. I want to just outline three of those essential concerns for you today, and I hope that we'll have some time to answer any questions you might have.

The first reason is that we believe it's contrary to the charter and that it's vulnerable to being offside section 7 and section 15 of the charter with respect to 16- and 17-year-olds.

More importantly, possibly, it's inconsistent or not consistent with children's rights, as are required by the CYFSA. It's not human-rights-respecting; it's not consistent with the UN Convention on the Rights of the Child or the many articulations of how we should implement children's rights made by the United Nations Committee on the Rights of the Child, international experts who spend a tremendous amount of time and energy looking at appropriate, rights-respecting approaches to deal with not just small children, but also teenagers.

1720

Third, and perhaps most important, the people who this legislation seeks to help, 16- and 17-year-olds who are victims of sexual violence and sex trafficking, will experience the detention provided for by this section as an assault and a betrayal, and it may make them less willing, less able and less involved with the support services that might be available to them. Additionally, the 12-hour detention that's provided for in the proposed amendment purports to be for the purpose of allowing police and child welfare agencies to provide young people with access to services or information about services. In our submission, information about available services is not the root of the problem, and providing this information and promoting young people's connection to these kinds of supports and services does not require their detention.

To be very clear, daily we see the harms of sex trafficking on 16- and 17-year-olds. We know very well the vulnerabilities and the circumstances that put children at risk. And we are very aware that 16- and 17-year-olds are

not the youngest people who are harmed by sex trafficking; certainly, those younger are also at real risk.

Like you, we strive in earnest to make our homes, our streets and our communities safer for children and youth.

We know that teenagers are unique people. They are children with adult aspirations.

The Chair (Mr. Daryl Kramp): You have one minute left.

Ms. Mary Birdsell: Thank you.

But, in fact, teenagers are wise, they are knowledgeable and they are savvy, and they are dependent on adults at the same time to access supports, services and other things, including financial support and love. My reference to them being wise is really in the sense that they know what their own experiences are, and they know what they need to have more healthy, productive and safe lives. We need to go with their self-identified needs, to encourage them to build healthy and trusting relationships with those of us who are available to offer them services and supports, and a detention provision will only seek to undermine those possibilities.

Teenagers are very capable, and they are acutely aware of their own dignity and personal agency. As we all do, teenagers react negatively to affronts to their dignity and agency. We ask that—

The Chair (Mr. Daryl Kramp): Thank you very much. Your time is expired now.

We will now go to our rounds of questioning. We will start off for seven and a half minutes with the official opposition, please. Mr. Glover, you have seven and a half minutes, sir.

Mr. Chris Glover: I want to thank all of the presenters for being here, for your advocacy work, and for all of the support that you've provided to survivors of sex trafficking over the years.

I'm going to start with my questions for Richard. Richard, you've been talking about financial exploitation—usually, it's the sexual exploitation of people who have been trafficked, but you're talking about the financial exploitation. You're saying that even for survivors who manage to get out, the government continues to persecute survivors of trafficking—to pay for fraudulently incurred OSAP debts and government fines. Is that an accurate assessment of what you're saying?

Mr. Richard Dunwoody: Yes, that's an accurate assessment.

Let me quickly state that my background of 30 years is in the banking sector, and when I first got involved in this issue, I had no idea about the connection between the intersection of financial debt and human trafficking. I don't fault anybody, even those colleagues of mine who I've worked with, on their lack of knowledge of the connection to it.

Right now, with the debt that any survivor faces, the larger portion of debt is government debt, both in POA fines and student loans. I've managed to remove their debt from the credit and financial sector; I can't get their debt removed from the government.

Mr. Chris Glover: So it's the government that's being stubborn? The banks and the collection agencies have

been working with you to get rid of the debts that are incurred or that are owed by these survivors, but it's the government that hasn't been listening. Is that accurate?

Mr. Richard Dunwoody: Collection agencies are the biggest supporters of what I do. I reach out to them, and they immediately stop calling the survivor.

All of the banks have a process unique to each bank to bring these cases through, to provide evidence of the trafficking and fraudulent debt and have it removed.

Mr. Chris Glover: You've mentioned that there was one survivor who had an \$8,000 settlement from the victims of crime fund from the provincial government and that this was taken away by the government through the CRA. Can you talk about that situation?

Mr. Richard Dunwoody: When survivors are abducted out of university, the trafficker applies for the fraudulent loan. The minute that they cease going to school, that loan becomes due and payable and goes into default. They're trafficked for another three or four years thereafter, so that debt continues to accumulate.

When the criminal trial process was over, the trafficker was convicted, and she went through the victim compensation fund and was awarded \$8,000. That was seized by the CRA.

Mr. Chris Glover: I just want to be clear here: You're asking the government to accept an amendment to this legislation that would set up a system to forgive government fines and OSAP debts that are owed by survivors of trafficking. Is that accurate?

Mr. Richard Dunwoody: That is exactly what I'm seeking.

Mr. Chris Glover: The other thing that I would just like to emphasize here is that this is the opportunity to do it. The legislation is open through this bill on human trafficking, and if it's ever going to happen, now is the opportunity. If this opportunity is missed, then this persecution could continue for years.

Thank you so much for being here, Richard. Thank you for all your advocacy and your support of survivors of human trafficking.

I want to ask a question of Omar—and it can be Omar or Samantha who answers this question. You were talking about the intersection between poverty and human trafficking—which is one of the root causes. Can you expand on that a little bit?

Mr. Omar Ha-Redeye: Certainly. It's good to see you again, MPP Glover, as a former constituent of yours.

I think, as we alluded to, there are a lot of misconceptions about sex work and how people end up in that type of work. It is not necessarily out of desperation. It is because of the lack of alternate opportunities, and dozens of dozens of pages were presented to the court in the Bedford case in regard to that.

When we talk about, for example, increasing training for people who are looking for jobs, increasing Ontario Works and ODSP amounts, when we talk about the residential evictions that are happening en masse—all of these collectively lead to a culture of poverty and a lack of support for community members that often make them

say, "Well, it doesn't make sense to do what society said to do, get a degree, get a job, all that type of stuff, because there are alternatives that give me quicker money."

We recognize that there is an overlap between consensual sex work and the potential exploitation that occurs in this context.

We have obviously spoken to community members about this. They're reluctant to give their names, given the sensitivities around this. They pointed to Valerie Scott, who was one of the parties in Bedford. I spoke to her yesterday. I think it's important to have her words on the record as it relates to this. She said, "Sex workers are over-policed and underserved. This legislation will cause catastrophic harm. This legislation allows overt and constant surveillance." That's not going to encourage individuals who are in this lifestyle to, let's say, find other alternatives.

She continues—and the wording is strong, but it's her words: "This legislation will cause catastrophic harm to sex workers but it is profitable for the religious fundamentalists and carceral feminists."

If we are going back to the principles that are there in this legislation in talking about the experience of survivors—

The Chair (Mr. Daryl Kramp): One minute left.

Mr. Omar Ha-Redeye: —and using the evidence, the evidence does not substantiate using a law enforcement approach.

I am encouraged by MPP Lorne Coe's comments earlier today. He's one of our MPPs from Whitby. He said that there was ongoing consultation and that that consultation will continue through the implementation. I think that's what we're really going to look for.

It has been a difficult time in the pandemic. Many people have said this pandemic didn't necessarily create the vulnerabilities, but it perhaps highlighted those vulnerabilities that were already there in society. That's an opportunity for all of us, irrespective of whatever the political affiliation may be, to recognize that we need to invest in communities and build stronger social supports. That's going to be more important than ever after the pandemic.

1730

Mr. Chris Glover: Right, and if we're—

The Chair (Mr. Daryl Kramp): Thank you very much. Your time has expired. You can follow up in the next round.

We will now go to the independent member for four and a half minutes, please. Ms. Collard.

M^{me} Lucille Collard: Thank you to all the presenters. I'm glad you could make it to present before us today and share your perspectives and your insightful information. I do appreciate that.

I'm not an expert in this area. I'm just a mother of four children—three of them are girls in the ages of what we see being mostly the victims—and I'm really, really concerned about that issue. I think that human trafficking is real. I was a school board trustee and I heard about stories when I was trustee.

What we've heard today are some positions to the effect that we don't need this bill because the Criminal Code already covers the various offences that would occur under human trafficking, and that this bill—I do agree that more enforcement certainly has the potential of negative impacts on sex workers and already racialized people, I do get that. But what do you say to that argument that the bill is not needed, that the Criminal Code is already good enough?

Jane and Mary, if you want to pitch in, maybe, and anyone else after.

Ms. Jane Stewart: Well, I think the positive aspect of this bill is that it does draw attention to the need for recognition of sex trafficking and sexual exploitation as being independent grounds of concern and grounds of protection under the Child, Youth and Family Services Act. It certainly creates scope for child welfare agencies and service providers to recognize that and to take appropriate steps to provide services to young people who may be engaged in sexual exploitation.

The CYFSA does, in fact, like the Criminal Code, address provision of services to victims under the Child, Youth and Family Services Act. There are provisions for 16- and 17-year-olds to access services through child welfare agencies which are already in existence under the act. So the additional power to apprehend and to detain young people is really an unnecessary and, in fact, harmful addition to the bill. It creates a situation where young people may be forcibly removed from situations—and decisions made about them without consideration of their voice, their experience, their views and the services that would be most meaningful to them, and instead creates an atmosphere, potentially, of fear, coercion and trauma, all of which are going to be inimical to the ability of child welfare agencies to offer services to these vulnerable young people.

M^{me} Lucille Collard: Mary, did you want to add something?

Ms. Mary Birdsell: I think Jane has covered it. Our point, put in the most succinct, casual terms, is that it really blames the victim. Here you are, you're looking at a young person who is being victimized, and you arrest them for it instead of doing something that would be more supportive.

I think your question actually is broader than this as well, and perhaps others would like to—

The Chair (Mr. Daryl Kramp): One minute left.

M^{me} Lucille Collard: Yes, thank you.

Mr. Dunwoody, would you be able to speak to the reality you encounter on the ground? You're in the business of helping those victims. So how real is it? We've been told that maybe the numbers were inflated, that there's not that much human trafficking happening.

Mr. Richard Dunwoody: Let me give you the numbers in Ontario. I've been doing this since January 2020. I've probably worked with about 10 advocacy agencies. I have 167 cases that I've worked on. I've had more in the last three months of this year than I did all of last year. Certainly, it's concerning.

One of the provisions I think that I should stipulate in the numbers that I see is that some victims of trafficking

don't want to acknowledge they were trafficked, so they identify as a survivor of—

The Chair (Mr. Daryl Kramp): Thank you very much, Mr. Dunwoody. The time has expired now. We can certainly go back in the next round of questioning and have you follow up on the response on that.

We will now go to the government for seven and a half minutes, please. Ms. Hogarth.

Ms. Christine Hogarth: Mr. Dunwoody, did you want to finish your statement? It is an important comment to get on the record—about the amount of trafficking that's out there.

Mr. Richard Dunwoody: Thank you. Some survivors don't want to identify as being trafficked, so they identify as survivors of domestic violence. However, when I look at the transactional data set, which is what I do, all the credit card statements, cellphone records etc., I can identify that they were trafficked.

Ms. Christine Hogarth: Thank you very much.

First of all, I just would like to thank everybody for the work you do. Fighting human trafficking takes co-operation and collaboration across all sectors, so I want to thank you all for your work. Today has been quite an emotional day for all of us. Some of us are moms, stepmoms or aunts, and it's tough for us to be here all day and hear that. So I appreciate the work that you do to help victims and our survivors. I think that's what we need to do—focus on our survivors and how they move on from this heinous crime that they've been put into.

We've had some confusion today, talking about the difference between a sex worker and somebody who is human-trafficked—and there is a difference. I'm going to start with Omar and Sandra. Is there something in this bill that is missing, that is connecting the two? When we're talking about human trafficking, we're talking about young children; we're talking about people who are victims; we're talking about people who don't want to be in this, so they're not choosing this lifestyle. They are victims, and many are as young as 13 years of age. Is there something that you see missing in this bill that others may have caught that we can look at?

Mr. Omar Ha-Redeye: As we have stated before, there is an overlap between the two. In fact, this is part of the challenge that individuals, communities and governments around the world face. This is not a problem unique to Ontario.

One of the suggestions that came from Victim Services of Durham Region—we work very closely with them—is that there be a mandatory prevention curriculum in middle schools and high schools. That would be an example of a preventive measure. In the model that they provided to this committee earlier today, I believe—the Durham human trafficking model—there is a very strong emphasis on prevention, which we agree with. I think it really has to start with education and preventing things from happening before. For all that we like to do after the fact, the damage, in many ways, is done to those people, and we can never take that back. Where we have some challenges is with the focus in that model on prosecution. I think this is where

we have some difficulty. We know from many, many studies—if we're going to be talking about the evidence—that deterrence isn't a particularly effective strategy in terms of combatting crime, just generally. So we recognize that there needs to be a focus on that, an emphasis on that, but that shouldn't be the primary emphasis. Once again, I think this is important to do, especially in this context.

I want to provide the words of a survivor, a former sex worker who is now a lawyer. Her name is Naomi Sayers. Again, we discussed this in consultation with her. She said, "Law enforcement should not be at the centre of the solution. Instead, it should be education, supports and evidence-based systemic remedies that should be at the centre of the solution. And if police are going to be the ones responding, they must receive extensive training in differentiating between sex workers and human trafficking."

To your point, MPP Hogarth: I think this is exactly the issue that underlines here—that it is very, very challenging to do so, and if a heavy-handed approach is used towards those communities, they will, in fact, retreat further. The problems will get buried deeper underground and will actually perhaps exacerbate human trafficking even further. That is very much the concern.

1740

Ms. Christine Hogarth: Through some of our consultations, Ontario did update our elementary health and physical education curriculum so it now does include learning that helps protect students from human trafficking. So some of these issues we have recognized now as part of the curriculum so kids can understand this. This is not a one-time solution. We will continue to have these conversations. I think that even having these conversations today is so important. If you look maybe even five, six years ago, we weren't even talking about it.

I know that resources are extremely important. The government is investing \$307 million in anti-human trafficking, and \$96 million of that is going directly into the communities to help our communities and our community players get those supports to the victims and survivors.

You didn't talk a lot about social media—I'm not sure who to address this question to. One of the things our experts are telling us about human trafficking is that they're increasingly using social media to attract victims.

I was wondering if you could share your thoughts on the need to keep young people safe online and how young people can be protected. That's something that some of the funds through the Solicitor General's office are going to—to the police, to help look for these traffickers online. Mary?

Ms. Mary Birdsell: Well, I think that those are important concerns. In terms of providing police with funding—I think all of us, except for maybe young people themselves, are often struggling to keep up with the ways in which electronic data and information and material is out there. So I think perhaps there are some places where the police can do better investigations in terms of having more electronic resources at their disposal.

The Chair (Mr. Daryl Kramp): One minute.

Ms. Mary Birdsell: I know that sometimes investigations take a long time because they don't have the resources they need.

Having said that, in terms of protecting children and young people from potential harm and potential danger on the Internet—I don't think that's a policing issue at all. I think that if the government is going to invest resources in trying to protect children online, then the kind of education that starts very young is really important. Children are tech-savvy and media-savvy before we know it, and just having those constant and open conversations and ensuring that their communities are healthy and protective in much broader ways are, in my experience, the best ways of protecting children.

I think that young people who are exiting victimization—

The Chair (Mr. Daryl Kramp): I'm sorry, Mary; the time has expired.

Ms. Mary Birdsell: —by human trafficking and sex trafficking are really—

The Chair (Mr. Daryl Kramp): Excuse me. The time has expired. I'm very sorry. We must move on.

We will now go to the official opposition for seven and a half minutes, please. Mr. Glover.

Mr. Chris Glover: I'm only going to take part of the time because I want to pass this on to MPP Yarde. He has some questions, as well.

I want to ask a question of Mary and Jane. You were talking about the intersection of poverty—and I've got two questions, if we can get through very quickly. One is, what is the impact of the \$130-million cut to legal aid and to the victim compensation fund on the clients you serve?

Ms. Mary Birdsell: The impact of the cuts to legal aid is, in my view, extremely significant. Organizations like ours and Omar's are struggling under the weight of relentless requests for services and entirely inadequate resources to provide them. In particular, with respect to assistance to victims and people who are victimized or exploited in the sex trade, lawyers do provide some of those services and are accessed.

I think the Criminal Injuries Compensation Board is a perfect example of a system that wasn't perfect by any stretch, but was a mechanism whereby people actually could get access to meaningful services and self-identified needs. So we miss it tremendously, and the replacement is not the same. Obviously, there's still some hangover; there are still some matters going through there. We have seen people make successful Criminal Injuries Compensation Board claims in the context of sex trafficking, with fabulous results and people really able to access services that are very meaningful to them. So we miss that a lot.

Mr. Chris Glover: I'll pass it over to MPP Yarde now. Thank you, everybody, for being here.

The Chair (Mr. Daryl Kramp): Go ahead, Mr. Yarde.

Mr. Kevin Yarde: I want to thank all the individuals for coming on today with their deputations.

I just want to switch gears a little bit and talk about schedule 1 in Bill 251, which has to deal with hotels and

Airbnb. We've heard, throughout the day today, the government saying that it's not going to be problematic having police or Indigenous police going into a hotel, accessing the log and being able to get the individual's name, being able to get the individual's address.

I'm actually trying to figure out who I'm going to throw this out to, so I guess—Omar has his hand up.

In terms of dealing with human trafficking and putting a dent in it, would this be a positive thing—having the police overarching into hotels and Airbnbs—or would it drive these individuals, who are marginalized, underground?

Mr. Omar Ha-Redeye: Thank you for the question. I know MPP Glover has raised this issue in other discussions.

We're not sure whether or not this legislation will actually cover Airbnbs effectively. That's one of the phenomena that we're actually seeing in Durham region, at least, from some of the clients we've spoken to—that some of this activity has already started to move away from hotels and motels into Airbnbs or to more irregular types of arrangements.

As we said in our statement, we're not sure if this is going to be an effective strategy, but if law enforcement indicates that it is, then perhaps it may be. But judicial oversight is going to be essential. I think that is a power, regardless, that needs to be used very sparingly.

Mr. Kevin Yarde: Obviously, this government likes to use police powers wherever they can. During COVID-19, they wanted to have the police stopping people on the streets and in their vehicles, asking them where they were going, but of course, there was a bit of backlash—rightfully so—from the police associations right across the country.

In terms of racial profiling, which is a big concern—and a lot of people have been saying that throughout the day today. I personally have been carded, so I know what it's like to be racially profiled. With sex workers in racialized communities, Black communities, Asian communities, Indigenous communities, as well as the trans community, how will this bill continue to make marginalized communities and sex workers—continue to make it precarious? And how will it harm these communities—having the police involved in dealing with racial profiling? Omar?

Mr. Omar Ha-Redeye: MPP Yarde, it was probably in this committee, maybe three years ago, where we had a discussion about “carding”—I don't like to use that word, personally. But yes, I probably had higher-than-average police interactions.

I don't think that particular relationship between racialized communities and law enforcement is going to necessarily be helped if this legislation is used in a manner that is heavy-handed and does continue to disproportionately focus on those communities.

So it's reiterating our comments, which are—the solutions here are community-building; it's building trust, it's building bridges, and it's tying individuals to community resources and better opportunities, and not a focus on law enforcement.

What I will say is that despite that, perhaps, mishap about the police powers that recently happened, the positive side is that the government was responsive to the concerns and very quickly changed that position. I think that's also a story that's worth emphasizing. Good governance, in a democracy, is a dialogue, and this government has been responsive to some of those concerns.

Mr. Kevin Yarde: I'm not sure how much time I have left, Chair, but I have one more question.

The Chair (Mr. Daryl Kramp): One minute, Mr. Yarde.

Mr. Kevin Yarde: Okay.

Another one of the concerns that was brought forward throughout the day today is the sweeping surveillance and that police officers can enter a dwelling, if they feel that someone is at risk of being injured or being exploited, without a warrant. If the individual doesn't respond to the questions, they could face a \$50,000 fine; corporations could face a \$100,000 fine.

Refusal to answer inspectors—like I said, they don't need a warrant—what's your take on that? Who would want to answer that one?

1750

The Chair (Mr. Daryl Kramp): You have 20 seconds left.

Mr. Kevin Yarde: Omar, can you do that in 20?

Mr. Omar Ha-Redeye: Same response as before: All police powers should be reviewed by judicial scrutiny, and there will be a concern about how those powers are used in terms of whether or not it's going to be effective or whether it's going—

The Chair (Mr. Daryl Kramp): Thank you very kindly. The time is up now.

We will now go to the independent members for four and a half minutes. Mrs. Collard, please.

M^{me} Lucille Collard: I will just pose a question, and whoever wants to answer it, that's fine and you may. I'll chip in.

I do hear you on the lack of funding for more support services that are very essential for the victims and to prevent human trafficking from happening. I also hear you on the dangers surrounding more enforcement. Omar just alluded to judicial scrutiny, which is one suggestion,

My question is: How could this bill be improved? What is your suggestion to try to amend this bill, to make it acceptable and more effective? Mary or Jane?

Ms. Mary Birdsell: From our point of view, removing section 2 out of schedule 3 would be a very big improvement. I think the corollary to that would be to make sure that we adequately fund children's mental health services and children's aid societies in order to help them provide meaningful relationship-building services to young people who are victimized in this way.

Jane, do you want to add anything?

Ms. Jane Stewart: Yes, I would add to that the need to fund community-based services as well, so that young people are not faced with having to enter into a child welfare system or engage with law enforcement in order to access these types of services; so that they can do it in a

low-barrier, confidential, rights-respecting way that allows them to choose the services that are going to be most effective and most meaningful for them at the time that they are in a position to access them; as well as empowering children's aid societies and child welfare agencies to reach out to young people in order to inform them of the services that are available in a setting that is trust-building, in a setting that is not coercive and which appropriately takes account of their decision-making capacities and their ability for independent judgment.

M^{me} Lucille Collard: Mr. Dunwoody, did you want to propose—

Mr. Richard Dunwoody: Yes, I do. I'll just quickly echo a comment that Chris made, that this is the last opportunity for probably a long time.

I have 54 young ladies who want to get back into the classrooms in September. I can fund half of them; that's it. I am going to have to make the decision of which ones are not going to be funded. And yet, if we remove this fraud from their student loans, every one of them can get back into the classroom. These are brilliant minds. They are some of the most amazing people I've met. I've owned and operated businesses. I would hire these young people in a heartbeat.

That's where this bill is short.

M^{me} Lucille Collard: Any last advice from Omar, if there's time left?

Mr. Omar Ha-Redeye: Sure. I think I'll point to the CICB, which we referred to earlier, a flawed system—

The Chair (Mr. Daryl Kramp): A minute left.

Mr. Omar Ha-Redeye: —based on a 2007 Ontario Ombudsman report. But the strength of that system was the ability to provide cash in hand to many of these victims, who were transitioning from being sexually exploited into another type of lifestyle.

Although the VQRP+ program is improved in the sense that it gets resources to victims quicker and in a more focused manner, the non-pecuniary amounts there are not available, and so there is less financial support.

It doesn't mean that these problems are solved by money, but those resources at a very critical and crucial juncture of a victim's life can actually make a very, very significant difference.

So it's really going to be about the implementation of this act, in terms of whether or not it's going to be effective.

M^{me} Lucille Collard: I don't have any other questions. Thank you.

The Chair (Mr. Daryl Kramp): We will now go to the closing remarks from the government. Ms. Kusendova, please.

Ms. Natalia Kusendova: I'd like to thank all of our presenters today and my colleagues as well as our staff for what has been a very insightful conversation today. Some very difficult topics, controversial topics were discussed today. I'm very grateful for all of us working collaboratively on this very important issue to many, many Ontarians.

I want to start by congratulating Samantha, who is the first-year law student—from MPP Park. She's giving personal congratulations to you on completing your first year, and she says that you clearly have a very bright future. So way to go, Samantha.

I also want to say hello to Omar. You have come to present to many committees. Thank you for always being the voice of your clients and those who are vulnerable in our community. Thank you for always keeping your remarks very respectful and very insightful and for participating today.

I just want to put a few things on the record. Our anti-human trafficking strategy is a five-year strategy, and it's a result of many consultations, but it is also a result of a multi-ministerial approach.

Based on a lot of the interventions that have occurred today, I want to say that it sort of reinforces the point that we have a lot of work to do on raising awareness and educating the public, because even some of our presenters today, who are very highly educated individuals, seemed to have trouble stating on the record that human trafficking is in fact happening in Ontario. I think it speaks to the work that we have to do as a government to continue raising that awareness and working on eliminating that stigma for the public, but also for many people who are involved in helping survivors and working with sex workers as well.

This bill is a result of working through multiple ministries, and I just want to read them out to you. There are eight ministries that are involved in our anti-human trafficking strategy.

Of course, the Ministry of Children, Community and Social Services and the Ministry of the Solicitor General are the co-sponsors and co-leads of this bill.

We also have the Ministry of the Attorney General and their work on expanding restraining orders. Also, we have increased HT-specific—human trafficking-specific—prosecutors. We have actually increased their number in Ontario from six to 14. I think that's a really important change to highlight.

We also have the involvement of the Ministry of Indigenous Affairs, which speaks directly to the \$46-million investment in Indigenous-led initiatives to work collaboratively with our community partners and our Indigenous partners.

The Ministry of Education: It's really important to note that we are currently developing protocols for school boards to address some of the issues when teachers may suspect that students are being victimized. We have a uniform approach across the province of Ontario, and protocols to actually give teachers, parents and administrators in the school board system tools on what to do and how to help these students, because we heard that early intervention is so key.

We also have the Ministry of Health, which is working on training for health care professionals, such as myself, as a nurse. I've never been trained on human trafficking. Maybe there was an opportunity for me to intervene when I had a young woman come in with a certain presentation, certain symptoms. Sometimes you have that feeling that

the situation doesn't feel right, but I wasn't trained on what to do or how to intervene. So it's important that we also have the Ministry of Health participating.

The Ministry of Heritage, Sport, Tourism and Culture Industries: We talked a lot about hotels, motels, Airbnbs and their involvement. The hospitality sector is a huge partner for us in combatting the heinous crime that is human trafficking.

Finally, the Ministry of Transportation: We have some exciting initiatives happening through the Women's Trucking Federation of Canada, which is currently developing curricula to train truckers who are driving on those 400- and 401-series highways, which are the corridors where traffickers actually transport their victims—because they don't know municipal boundaries. So we are funding a project, through the Ministry of Transportation, to educate these truckers who have a role to play in helping us.

Our strategy is based on four pillars: raising awareness of the issue, protecting victims and intervening early, supporting survivors, and holding offenders accountable.

My question, which I would like to ask Omar: Is there any other ministry that you think we should involve in our very comprehensive anti-human trafficking strategy? Also, are there any amendments that you would like to see proposed to strengthen this already very good piece of legislation?

Mr. Omar Ha-Redeye: I will simply say that I will commend this government for engaging in this initiative and building on the developments of the previous government to engage in consultation, to build the bridges, to work with the opposition, and to continue to do collaboration and consultation in the years to come in terms of implementing this strategy.

I don't think I have much more to say beyond that.

Ms. Natalia Kusendova: I want to ask Samantha if you have anything to add. Your perspective is very, very valuable for us.

Ms. Samantha Iantomasi: I agree with what Omar said.

Ms. Natalia Kusendova: In the remaining time, I want to ask, Mr. Dunwoody, if you have anything more to add about this OSAP issue. It's certainly something that we will look at more closely. It's something that is concerning.

Mr. Richard Dunwoody: I'll answer your last question about the ministries involved.

When our young people are being abducted out of universities and colleges, I think the Ministry of Colleges and Universities should be somebody at the table. When we're pursuing these debts, I believe the Ministry of Finance should also be at the table in how they're approached as to the recovery of these debts.

Let me add one thing on the Ministry of Finance: Under Ontario debt regulations, most companies are able to charge a fee for the recovery of debt—except the Ontario government. So that \$4,000 debt for that speeding ticket is now \$7,000 when we add the collection agency fees to it.

Ms. Natalia Kusendova: Thank you, Mr. Dunwoody, for bringing this very important perspective forward.

We have recently announced more mental health supports for our students on campuses. I know mental health is something that was discussed, as well, throughout—so we did have a recent announcement to strengthen mental health supports on campuses. When I used to go to U of T, which is just down the street, those supports might have been fragmented, but we did strengthen that portfolio.

MPP Park, did you want to conclude?

The Chair (Mr. Daryl Kramp): I'm sorry, but the time is over. I'd love to have Ms. Park go, but we are now completed for the day.

Let me take this opportunity, as Chair of this committee, and for all of the members, to thank our guests who came and provided their thoughts and their input. Certainly, it is food for thought for all of this committee.

We will now end the committee today.

Colleagues, I will see you all tomorrow on further developments in this committee.

The committee adjourned at 1803.

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