

To: House of Commons Standing Committee on the Status of Women (FEWO)

Re: Study on Human Trafficking of Women, Girls, and Gender-diverse People in Canada

Submitted by: Alison Clancey, National Director

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Response to the study's purpose

Pursuant to Standing Order 108(2), the Committee's objective is to explore approaches to preventing, and supporting victims of human trafficking for the purpose of sexual exploitation, including an examination of how to prevent the trafficking of individuals and ways to improve Canadian law enforcement's capability to apprehend and prosecute perpetrators. The study's narrow focus does not serve the Government of Canada well in its efforts to address human trafficking. GAATW Canada outlines some of our concerns below.

'Trafficking for the purpose of sexual exploitation' has become a euphemism for a national ideological debate on sex work, demonstrated in the 2018 House of Commons Standing Committee on Justice and Human Rights human trafficking study, the 2022 House of Commons Standing Committee on Justice and Human Rights *Protection of Communities and Exploited Persons Act* review, as well as the FEWO study at hand. In these three recent studies, GAATW Canada does not see progress in moving toward a much-needed, nuanced analysis of human trafficking supported by empirical, social-scientific evidence as long as the sex work debate dominates the discourse. Further, exploitation and trafficking in industries apart from sex industry do not receive the attention and resources they require.

While prosecution is an element of an effective anti-trafficking strategy, the Committee's focus to improve Canadian law enforcement's capability to apprehend and prosecute perpetrators impedes Canada's ability to address human trafficking at its core. Canada's criminal justice anti-trafficking framework is based predominantly on a singular criminalization / crime control approach centered on bad men (traffickers) and individual vulnerabilities. The continued focus on individual prosecution and risk impedes efforts that could inform and lead to strategic interventions at the systemic level, including adopting an understanding that exploitation and trafficking occur in the context of neoliberal capitalism, gender inequity in labour markets, increasingly restrictive immigration policies, weakening of labour rights, systemic racism, and impacts of climate change-related conditions that drive labour migration.

The criminal justice framework's over-reliance on police-reported trafficking statistics as Canada's official statistics, and law enforcement as the predominant response mechanism, are woefully inadequate if Canada is to address human trafficking in any substantive way. What is colloquially referred to as 'human trafficking' in the national dialogue is various types of precarious work, labour code violations, human rights code violations, criminal code violations, and forced labour. Law enforcement may be an appropriate response in a small number of exploitative situations, but even these situations require scrutiny when immigration status, race, gender, occupation, and other factors are involved.

Recommendations

1. Make pre-hearing resources available to Committee members so that members come prepared with an understanding that sex work is not trafficking, in order to better use valuable time to examine systemic efforts to prevent and reduce human trafficking.
2. Assess the effectiveness of applying Canada's anti-trafficking framework and its response mechanisms to informal, precarious, and non-standard labour sectors in which marginalized, racialized, and underserved women and gender-diverse individuals are concentrated.
3. Acknowledge the limitations and harms of Canada's criminal justice anti-trafficking framework. Critically engage with the crime control approach in order to shift to approaches that are respectful of women's and gender-diverse individuals' agency and labour rights. Specifically, ensure that individuals have access to the justice system without fear of deportation or criminalization, acknowledge law enforcement as a tool of ongoing settler colonialism and therefore unable to address trafficking within many racialized communities, and extend the application of labour laws and protections to all sectors susceptible to trafficking.
4. Adopt a labour-rights anti-trafficking framework that can more effectively address trafficking in a broad range of work sectors and situations. Shift the focus away from individual risk and harm to the power disparities between workers and employers and others who exploit, in order to focus on the socio-economic conditions that create systemic vulnerability to human trafficking.
5. Acknowledge and centre the work of grassroots and peer-led organizations, and in particular sex worker organizations, in addressing working conditions in the sex industry and in supporting individuals who have been or are vulnerable to human trafficking. Given that human trafficking criminal justice interventions directly affect the lives and work of sex workers (trafficked or not), their voices should be front and centre in all legal and policy discussions and decision making.

Since 1996, the Global Alliance Against Traffic in Women (GAATW) Canada has addressed trafficking issues and networked with women's, 2SLGBTQAI+, sex work, and labour organizations locally and globally. GAATW Canada is a member organization of GAATW, an alliance of over 80 non-governmental organizations worldwide, which include women's rights, human rights, migrant rights, and anti-trafficking organizations, as well as self-organized groups of migrant workers, domestic workers, sex workers, and survivors of human trafficking. GAATW Canada takes a labour rights approach to anti-trafficking policy and practice through research, advocacy, and public education.