

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

SP-22

**Journal
des débats
(Hansard)**

SP-22

**Standing Committee on
Social Policy**

Anti-Human Trafficking Act, 2017

2nd Session
41st Parliament

Monday 8 May 2017

**Comité permanent de
la politique sociale**

Loi de 2017 contre la traite
de personnes

2^e session
41^e législature

Lundi 8 mai 2017

Chair: Peter Tabuns
Clerk: Jocelyn McCauley

Président : Peter Tabuns
Greffière : Jocelyn McCauley

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



ISSN 1710-9477

Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

CONTENTS

Monday 8 May 2017

Anti-Human Trafficking Act, 2017, Bill 96, Ms. Naidoo-Harris / Loi de 2017 contre la traite de personnes, projet de loi 96, Mme Naidoo-Harris	SP-461
Canadian Centre to End Human Trafficking.....	SP-461
Ms. Barbara Gosse	
Maggie's: Toronto Sex Workers Action Project.....	SP-464
Ms. Akio Maroon	
Butterfly—Asian and Migrant Sex Workers Support Network	SP-467
Ms. Elene Lam	
Sextrade101	SP-470
Ms. Bridget Perrier	
Ms. Jessica Desmond	
Tracia's Trust	SP-473
Dr. Karlee Sapoznik Evans	

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Monday 8 May 2017

Lundi 8 mai 2017

The committee met at 1400 in room 151.

ANTI-HUMAN TRAFFICKING ACT, 2017 LOI DE 2017 CONTRE LA TRAITE DE PERSONNES

Consideration of the following bill:

Bill 96, An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017 / Projet de loi 96, Loi édictant la Loi de 2017 sur la Journée de sensibilisation à la traite de personnes et la Loi de 2017 sur la prévention de la traite de personnes et les recours en la matière.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're meeting this afternoon for public hearings on Bill 96, An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017.

Please note, members of the committee, that written submissions have been distributed to you.

Each witness will receive up to 10 minutes for their presentation, followed by 10 minutes of questioning from the committee, or three minutes and 20 seconds from each caucus.

Are there any questions from members of the committee before we begin? There are none? Good.

CANADIAN CENTRE TO END HUMAN TRAFFICKING

The Chair (Mr. Peter Tabuns): Our first presenter, then, is Barbara Gosse from the Canadian Centre to End Human Trafficking. Ms. Gosse, if you'll have a seat and introduce yourself for Hansard before you start.

Ms. Barbara Gosse: Thank you very much.

The Chair (Mr. Peter Tabuns): Please proceed.

Ms. Barbara Gosse: Good afternoon, Mr. Chair and members of the committee. My name is Barbara Gosse, and I'm the CEO of the Canadian Centre to End Human Trafficking. I am here today with my colleague Ashley Franssen-Tingley, who is the program coordinator with the centre.

I'd like to thank the committee for carrying out this very important work and for the opportunity to contribute to your consultations on this important bill, Bill 96.

We're here today to share our experience and recommendations in four key areas: the importance of Human Trafficking Awareness Day; the importance that this act has in working in conjunction with other acts such as the Child and Family Services Act and the importance of raising the age of child protection; the importance that victims of human trafficking are provided with a cost-free and streamlined process of obtaining a restraining order against anyone involved in their human trafficking case; and moving also to focus on those who are purchasing trafficking activities, including sex and labour.

By way of background, the Canadian Centre to End Human Trafficking is a national not-for-profit organization focused on ending human trafficking in Canada. The centre coordinates and works together with stakeholders and organizations—not-for-profits, corporations and governments at all levels—dedicated to ending human trafficking, to advance best practices and eliminate duplicate efforts across the country.

The goal of the centre is to create a national strategy for change. We rely on a skilled and motivated team, along with a group of committed and passionate advisers, directors and supporters. Together, we will work to strengthen the services and support for survivors of human trafficking, and help educate the Canadian public, so that we can better defend ourselves and our communities against all forms of this crime.

Human trafficking, or trafficking in persons, is one of the most heinous crimes imaginable. It is perhaps the most extreme form of violence, often perpetrated against mostly women and children, who are deprived of their normal lives and coerced to provide their labour and/or sexual services, all for the direct profit of their perpetrators and for the inherent evil of those who purchase the services. This needs to stop.

The centre's four strategic priorities are:

(1) Sharing knowledge and convening like-minded groups, as we believe that complex problems such as human trafficking cannot be solved by a single organization or by a single intervention.

(2) Engaging in efforts to move the policy agenda forward through advocacy, as we believe that to achieve sustainable progress to end human trafficking, formal government policy and related regulations support is required at all levels.

(3) To create opportunities for public awareness and education, as these are critical components in equipping

communities to understand and recognize the signs of trafficking, in order to fight this crime.

(4) To undertake research and data collection, so that we can fully comprehend the complexities of human trafficking and victim service needs in Canada. We aim to design, develop and implement Canada's national human trafficking hotline and report data/findings and collaborate with other reputable sources to develop effective approaches aimed at assisting victims, equipping stakeholders and disrupting trafficking networks.

Bill 96 proposes important amendments. With respect to the Human Trafficking Awareness Day Act, 2017, we agree that it is important to ensure that Ontario will formally recognize such a day in conjunction with the federal government. This will assist to bring awareness to the magnitude of the horrific crime of this modern-day slavery in Canada and abroad, and will encourage us to take steps to combat human trafficking. We fully support this declaration. We recommend that February 22 in each year be proclaimed Human Trafficking Awareness Day.

Secondly, the actions to implement the provisions of Bill 96 and its related provisions are absolutely critical. It is the implementation that will determine the success of this bill and its relation to other provisions that pertain to human trafficking, such as those contained in the Canadian Criminal Code and the Ontario Child and Family Services Act.

The government of Ontario has indicated their intention to raise the age of child protection to 18 years. This will go far to assist youth, parents and guardians to gain the supports and protections they need for children 18 years and younger.

According to a 2012 report from the Ontario provincial advocate, youth leaving care have lower high school graduation rates, higher unemployment rates, increased welfare dependency and greater criminal involvement, homelessness and mental health challenges than other youth. Every one of these challenges increases the vulnerability to sex trafficking or the possibility of resorting to survival sex. The goal of raising the age of child protection is to make it easier for youth to further their education and employment training, and to help prevent them from becoming homeless or victims of human trafficking.

We know that children in care are overrepresented in the population of trafficked or sexually exploited youth. Considering this, there is a need to ensure that the children's aid societies in the province of Ontario work collaboratively and creatively with sector agencies and law enforcement to ensure that a province-wide program includes provisions and procedures to:

(1) Identify and assess reports involving children and youth who are sexually exploited—exchanging sex acts for basic necessities of life—or who are sex trafficking victims;

(2) Train representatives of the provincial children's aid societies to identify and assess such children and youth; and

(3) Identify services and procedures for appropriate referrals to address the needs of such children and youth.

We recommend that the province of Ontario establish guidelines backed by a requirement that all children's aid societies report annually on their current and planned efforts to address trafficking and commercial sexual exploitation of children in care.

Recommendation 3: That the province of Ontario consider striking a task force to review the need for specific actions to be taken by the children's aid societies of Ontario regarding youth in care—and their transition from care—who are vulnerable to homelessness and sexual exploitation, specifically so that they can:

(1) Identify the specific type and prevalence of severe forms of human trafficking to which children and youth have been subjected who are identified for services or intervention under the placement, care or supervision of the province, indigenous band or native community, or Indian and Native Child and Family Services;

(2) Identify practices and protocols utilized by the province and sector agencies to identify and serve children who are, or are at risk of becoming, victims of human trafficking; and

(3) Determine any barriers in federal or provincial laws or regulations that may prevent identification and assessment of children who are such victims.

This bill provides provisions for a victim to obtain a restraining order to protect themselves from a trafficker or anyone involved in the trafficking operation. While these provisions are extremely useful and will formally put in place a method for protection, the process of providing a restraining order is expensive and time-consuming. We would recommend that all costs of this necessary protection be assumed by the province of Ontario, and that the process be streamlined in the most efficient way possible.

We recommend that the process for a victim to obtain a restraining order against a trafficker or anyone involved in the related trafficking operation be streamlined in the most efficient way possible, and that the entire cost of such be assumed by the province of Ontario.

This bill provides that "a victim of human trafficking may bring an action against any person who engaged in the human trafficking." The bill recognizes that an action can take place between the plaintiff and the defendant—one who can account to the plaintiff for any profits that have accrued to the defendant because of the human trafficking, or award damages to the plaintiff, including general, special, aggravated and punitive damages.

We are here today to advocate that those provisions should not only apply to a defendant, who would be defined as the one who trafficked the victim, but also that these provisions should recognize that this action could be brought as well against the purchaser of the sexual service or labour related to the human trafficking charge.

1410

The provisions under this bill identify aggravated damages, which are the special and highly exceptional damages awarded on a defendant by a court when his or

her conduct amounts to torturous conduct subjecting the plaintiff to humiliating and malicious circumstances. Indeed, rape through trafficking is just that, particularly in the case where a minor under the age of 18 is involved. In these circumstances, consent is irrelevant, as a minor cannot consent to their own exploitation.

Our recommendation 5 is that this bill recognize that a plaintiff can sue any person who is engaged in human trafficking, including the purchasers of the sex trafficking activity or labour trafficking activity or both, whatever is applicable at the time.

Thank you, Mr. Chairman and members of the committee, for this important opportunity to address Bill 96 and its relation to victims of human trafficking. We hope our recommendations help shed light on ways to improve the environment to assist victims and help prevent human trafficking for Ontarians, and indeed all Canadians, as we move forward.

We are open to any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you very much. We go first to Ms. Jones.

Ms. Sylvia Jones: I'm sorry; I missed the very beginning of your presentation.

Ms. Barbara Gosse: Oh, no problem.

Ms. Sylvia Jones: I had a few questions related to page 4.

In recommendation 3, point (iii), where you have "Determine any barriers in federal or provincial laws or regulations," I'm wondering if you believe that FIPPA, the Freedom of Information and Protection of Privacy Act, is one of those barriers, because anecdotally, that is what I am hearing from other individuals in the sector in trying to offer assistance.

Ms. Barbara Gosse: I'm not certain I'm clear on what you mean.

Ms. Sylvia Jones: The ability of providers, of organizations sharing information, so health to education, education to social services: Are there concerns with the barriers as a result of the Freedom of Information and Protection of Privacy Act?

Ms. Barbara Gosse: Are you asking me if I think there is a barrier under that federal act to share information of a personal nature from a victim of trafficking?

Ms. Sylvia Jones: Sharing of information from agency to agency. What I'm hearing is this: I discover something as a teacher in the education sector. I cannot share that information, or I believe I cannot share that information, with children's protection services, which is trying to share and communicate information with health care providers—doctors, nurses—for treatments. Are you seeing any of that?

Ms. Barbara Gosse: I have not heard that that is a barrier at all. We have not heard that at the centre at all from any of the agencies that we deal with currently.

Ms. Sylvia Jones: Okay.

Ms. Laurie Scott: How much more time have we got?

The Chair (Mr. Peter Tabuns): You've got about a minute. Ms. Scott.

Ms. Laurie Scott: Okay. Thank you very much, Barb. Barb and I have worked together for many years on anti-human trafficking and prevention.

Can I just ask you your comments of how you feel—I've been pushing for a province-wide multi-jurisdictional task force, so bringing in a lot of the things that you've just said. Can you just make comment on that recommendation?

Ms. Barbara Gosse: I think there's a lot of work that has already been done on human trafficking. I think if a task force was called to be put together—there was a task force that I was involved in that was national.

Ms. Laurie Scott: This was the coordination of services?

Ms. Barbara Gosse: Yes. I could see value in it. I think there would need to be a really clear pathway to do the work and what that would be, but I certainly see in the implementation, particularly with the children's aid society in dealing with minors, that being an important piece.

Ms. Laurie Scott: Okay. Time for one more?

Ms. Sylvia Jones: When you talk about the process, in point (c), provisions and restraining order, you say, "We would recommend that all costs of this necessary protection be assumed by the province ... and that the process be streamlined." Do you have an example of where—

The Chair (Mr. Peter Tabuns): Ms. Jones, I'm sorry to say you are out of time.

I go to Ms. Sattler.

Ms. Peggy Sattler: Thank you, Ms. Gosse, for your presentation to the committee today. I'll just start where Ms. Jones left off about any kind of advice you would have on how the process for obtaining a restraining order could be streamlined. Perhaps you have examples of where the process is so cumbersome that it creates barriers to people at the beginning?

Ms. Barbara Gosse: It's very time-consuming. When individuals are required to get a restraining order, they are required to tell their story over and over again. They are required to deal with lawyers as well, and the cost is substantial.

If there was a consideration for streamlining that process, if the province would look at putting a process in place that would be specific for victims of human trafficking or sexual exploitation, that would help dramatically. I think the Ministry of the Attorney General would probably be able to streamline that very well, particularly for this case, but also that the costs be assumed. I know victims of family violence go through this cumbersome process quite often, and I think if it's streamlined and sanctioned by the Ministry of the Attorney General, it would be very helpful.

Ms. Peggy Sattler: Yes. I think the legislation does require that there are no court fees payable, but—

Ms. Barbara Gosse: Great.

Ms. Peggy Sattler: Yes.

Ms. Barbara Gosse: Thank you. And legal fees as well; we'd like to include those too.

Ms. Peggy Sattler: Okay.

The other question I have is, because you're a national organization—and I see in the description here you also work with a number of US jurisdictions. The three parts of this legislation, the awareness day, the restraining order and the tort: Does that go far enough, in your opinion, especially in comparison to other jurisdictions where you're familiar with other kinds of legislative provisions that have been put in place?

Ms. Barbara Gosse: There are a lot of things that we can do in this area. One of the areas that this bill doesn't address that I think is very, very necessary is that we need to take a really close look at the fact that there are publications that are identifying vulnerable women and girls and advertising them for sale for sex—in the pages at the back of NOW Magazine, or backpage.com, for example.

We know from police and from front-line service agencies that many of these women and girls who are being advertised are actually minors. We know there has been work done in the United States on this issue and we know today there are agencies that are now doing work on this issue here in Canada.

According to our organization and those who are associated with our organization, no person should ever be bought and sold—

The Chair (Mr. Peter Tabuns): And I'm sorry to say, with that, you're out of time.

We go to the government. Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Ms. Gosse, for coming in and sharing your expertise.

In your presentation on page 2, you said that human trafficking is one of the most heinous crimes, and I could not agree more with you, one that results in serious and long-term trauma, and it is a hidden crime that crosses jurisdictions. Given your experience with other jurisdictions, can you shine some light and share with the members why it is important to create a Human Trafficking Awareness Day?

Ms. Barbara Gosse: I think a Human Trafficking Awareness Day provides information to the public. It allows the public to think about why that day has been designated as such a day. It's an important day.

Providing education and awareness on this issue is something that's extremely important, because our communities are not as aware as they should be of how significant this issue is. Our communities are more aware of the numbers of people with mumps than they are of the fact that there were 104 men arrested by York Regional Police just a few weeks ago who were soliciting sex from minors. They're not aware that a week and a half ago, Toronto police arrested three men who were soliciting sex from minors. They're not aware that in London about a month ago, there were 78 arrests for human trafficking made.

This is a national epidemic, as the Toronto police have said recently as well. So it's important to ensure that our communities understand how significant this issue is and that members of their own families could be affected by

predators who are now in malls, on the streets, and really abusing young children and women in this manner.

Mrs. Amrit Mangat: Okay. Thank you. So what are some of the positive elements of this bill that you think will be very important to survivors and their local communities in tackling human trafficking?

1420

Ms. Barbara Gosse: I think it's very positive. I think the Human Trafficking Awareness Day is very positive.

I think ensuring that survivors are able to work to ensure that we have restraining orders against those who could be coming after them again—we've heard time and time again from police, from front-line service agencies and from survivors themselves that traffickers will try to relocate victims of human trafficking. By putting restraining orders in place and enforcing those restraining orders, having the ability to enforce those properly—that's a very important piece as well because, at times, those can be very difficult to enforce. So that's very important.

Also, being able to sue the trafficker or being able to sue anyone who was involved in that trafficking operation is very important as well. I think those are very good pieces of the bill.

Mrs. Amrit Mangat: Okay, so—

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, Ms. Mangat, you're out of time.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Peter Tabuns): Ms. Gosse, thank you very much for your presentation today.

Ms. Barbara Gosse: Thank you very much.

Mr. Ted McMeekin: Mr. Chair, point of order.

The Chair (Mr. Peter Tabuns): Yes, Mr. McMeekin.

Mr. Ted McMeekin: If I can, I just want to—I just learned this and I want to share it. Did you know that Ontario has appointed a new director of the Provincial Anti-Human Trafficking Coordination Office, one Jennifer Richardson? She's here today to watch what's happening.

Welcome, Jennifer. It's good to have you here. She has had a lot of experience, and I'm sure that we're going to benefit from that.

The Chair (Mr. Peter Tabuns): Not quite a point of order, but I understand your urge.

Thank you, Ms. Gosse. I appreciate it.

MAGGIE'S: TORONTO SEX WORKERS ACTION PROJECT

The Chair (Mr. Peter Tabuns): Our next presenter then is from Maggie's: Toronto Sex Workers Action Project, Akio Maroon. Good afternoon, Ms. Maroon.

Ms. Akio Maroon: Hi.

The Chair (Mr. Peter Tabuns): You have up to 10 minutes to present. Then we'll go to each caucus in turn for about three minutes of questions. If you'd start off by introducing yourself for Hansard, please proceed.

Ms. Akio Maroon: Okay, fantastic. Thank you.

First, I would like to recognize the land that I am on. I acknowledge that this is not my land and that I am a visitor on this land. As such, I will treat my speech and my presentation here with the respect that it deserves.

I want to thank you for the panel, for giving me the opportunity to present here. I am acknowledging that my race and my expertise and my lived experience do bring knowledge to this area and to this arena that is specific to this bill. I just want to thank you for allowing people with lived experience to be here. So thank you.

Again, my name is Akio Maroon. I'm an educator and an international human rights advocate. I've spent just over 11 years employed in the field of occupational health and safety and 14 years in human rights advocacy.

I sit on Ontario's permanent round table on violence against women, providing innovative policy advice to the government on ongoing and emerging gender-based violence issues and assisting in the implementation of the It's Never Okay action plan.

I'm an executive board member of Pride Toronto and Maggie's: Toronto Sex Workers Action Project. I'm here unpaid, as a volunteer. I'm a single mother. I'm poor. I am unemployed and I'm currently on Ontario Works. My opportunity to be here is just out of the love for my community. I'm chosen specifically by my community to be here to speak on behalf of them. So thank you.

First of all, I'm extremely pleased that the name of the Saving the Girl Next Door Act has been changed to Bill 96, the Anti-Human Trafficking Act, 2017. This act is still, however, based on stereotypes of who the girl next door is and who deserves protection. From what I can see, from what we can see in my community, sex workers are not believed and do not believe to be deserving of protections.

When we speak of "the girl next door" and when I say to my friends and my family the name of the bill—"the girl next door"—we all acknowledge that someone looking like me is not the girl next door. However, I feel that you've changed the name, but we've kept the meaning and the protections in this act—and it's not for me. It's not protecting people like me and people who look like me.

I'd like start with a quote from sex workers who are a part of a York University research project. It says:

"People often regard sex workers as victims, despite the fact that many current and former sex workers consider themselves to be nothing of the sort.... Such a paternalistic view denies the agency of sex workers. When people are doing sex work when they'd rather not be, the problem is the lack of options, not sex work itself. Painting sex workers as victims is detrimental to improving our working conditions," and it further stigmatizes and marginalizes us.

Many people confuse human trafficking with sex work, but sex work involves consensual exchange of sexual labour for money and other goods. Human trafficking involves coerced or forced labour that may or may not involve sex. Even though trafficking to non-sex-industry sectors accounts for a bigger portion of

trafficking worldwide, anti-trafficking laws and policies have focused on the sex industry. My belief is that this is because of our moralistic views around sex and our religious views around sex. Anti-trafficking laws and policies often harm sex workers and lead to the deportation of migrant sex workers in order to fight human trafficking. We need to work with sex workers and their clients, not against them.

I'm here because I believe that this bill does not support sex workers and that most anti-trafficking legislation will do the opposite. We respect the lived experience of survivors here today and we are concerned that those who are not currently in the sex industry do not understand the damaging effect and impact this legislation will have.

The act will have a ripple effect on the ways in which sex workers are able to live, work and exist in Ontario. It will hurt and endanger sex workers who deserve to work in fair and safe workplaces. This bill is not what we need to keep sex workers safe and prevent trafficking.

Improving the conditions of vulnerable communities through human, legal and labour rights are key to the prevention of labour trafficking and trafficking in general. Violations of human rights are both the cause and consequence of human trafficking. The people most vulnerable to human trafficking come from communities where human rights are already violated on a daily basis, such as indigenous and migrant communities, homeless communities and LGBT youth, people who trade or sell sexual services, people with disabilities and the racialized poor.

We believe that the framework must recognize that women and children are simultaneously impacted by gender-based violence and economic insecurity. I urge this committee to put forward real provisions to address poverty, homelessness, mental health and addiction. This is key to any strategy which endeavours to combat exploitative conditions and to end cycles of violence and abuse. The province needs to put more funding toward social supports, for example, increasing the minimum wage at least to \$15; increasing disability supplements and social welfare; increasing affordable and subsidized housing; increasing the affordability of subsidized child care; and increased funding for transitional housing, violence-against-women shelters, community agencies, emergency shelters, and peer-led programming and organizations.

Funding for comprehensive addiction and mental health services must increase. These services need to be safe and accessible to people who are working in the sex industry and for people with a precarious immigration status. The most vulnerable people in Ontario will continue to be exploited if we do not address their lived conditions. We'll just go ahead and celebrate February 22 and we'll forget about people like me, who actually need these protections.

With regard to the tort, when reviewing the act, I was highly concerned that it's going to stigmatize human trafficking survivors who choose to engage in sex work

post leaving abuse. I believe strongly that this act must contain a harm reduction approach. I ask this committee to ensure that the act will be altered to reflect that institutional supports for individuals or organizations should not hinge upon a survivor's willingness to exit the abusive environment or leave the offender, to end substance use or to engage with the criminal justice system.

A harm reduction model facilitates critical rapport between front-line workers and marginalized populations and survivors. This model can also improve access, break isolation and build communities of support. Successfully engaging survivors of human trafficking means building relationships with survivors and at-risk persons on their own terms and allowing them to name their experience with violation whether they use the terms "trafficking" or "violence" or not, or "survivor" or not.

A survivor-centred approach means that they are empowered to articulate the types of supports that are best for them, with access to a range of supports. We support the self-determination and self-identification of survivors.

1430

With regard to the restraining order: Restraining orders can be helpful, and hinder survivors as well. There needs to be a clear distinction between sex work and human trafficking. Sex work involves consensual exchange for sexual labour, for money or other goods. Human trafficking involves coerced or forced labour that may or may not involve sex.

I'm concerned that this restraining order is only going to be open to who has been trafficked and not to everyone who consensually participates in sex work. We are concerned that this will be used to widen the powers of Ontario police to enter into spaces where they assume human trafficking exists because they are part of the sex industry, without evidence, and criminalize people consensually engaging in sex work. Officers have in the past closed the very establishments where indoor sex workers feel safe and secure; for example, strip clubs and massage parlours. This forces sex workers to have to choose between being criminalized or accessing supports only afforded to people trafficked. It creates a distinction between good victim and bad victim and forces women to say that they were being trafficked, when most do not identify with this label or even have these experiences.

I recognize that immigration is under the federal government's jurisdiction; however, the impact of criminalizing people with precarious immigration status cannot be left unsaid when talking about trafficking. I would be remiss if I didn't speak of the importance of an access-without-fear policy. We recommend the implementation of a province-wide access-without-fear policy to ensure that cross-border trafficking survivors have access to social services and other supports—

The Chair (Mr. Peter Tabuns): Ms. Maroon, I'm sorry to say that you're out of time.

Ms. Akio Maroon: Okay. Thank you.

The Chair (Mr. Peter Tabuns): We'll go first to Ms. Sattler.

Ms. Peggy Sattler: Thank you very much, Ms. Maroon. I couldn't agree with you more about the need to address poverty and homelessness and mental health and addictions and minimum wage and child care and many of the other issues you identified.

I also really appreciate your willingness to come and speak before this committee, because we absolutely need to be informed by the experiences of those who have lived this reality and have much to teach us about what we need in the legislation.

I have lots of questions about some of the recommendations that you've brought forward. I'll start with the last one, the access-without-fear policy. I haven't heard those words before. Do you have something specific in mind? Would that be housed within existing legislation? Would this be a stand-alone initiative? What were you envisioning when you brought that forward today?

Ms. Akio Maroon: Thank you. I think that it's not just people who have lived this but people who have consistently lived this. This is my lived reality today and when I leave here, I go back to my lived reality. I think that the access-without-fear policy is within the Ontario legislation, it's within the policing act. We've been trying to push this forward for several years now. Currently, the act says that police "may" disclose the immigration status of someone—a victim or a survivor or someone who identifies within this. We have been pushing for many years to remove that "may" because most police officers actually do. They use that "may" as a "must." So remove that part of the act to say that they should not, unless it's been advised by a judge. That creates safety for marginalized people, for migrant workers who currently work, for example, in massage parlours. They do not feel like they have any legal recourse if they experience violence.

Ms. Peggy Sattler: One of the concerns that was brought forward to me about the stigmatization and the possible driving further underground people who are engaged in sex work is the concern that sex workers have knowledge of where there is trafficking happening versus those who are engaged in sex work because that's the work that they choose to do. This legislation could prevent that kind of intelligence gathering for the police. Is that something that you are aware of is happening?

Ms. Akio Maroon: Absolutely. I'm a single parent, and I've had to go to court for criminal proceedings to ensure the safety of myself and my children. If I knew, and I do know, of situations where there might be exploitive conditions, I would not risk the custody of my children, I would not risk my own safety, to bring this information forward. This law makes it even more difficult to come forward with that information. The people that we should be working with are the people who are in the sex trade industry, and not trying to make—

The Chair (Mr. Peter Tabuns): Ms. Maroon, I'm sorry, you've run out of time. We go to the government: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: First of all, thank you very much for coming. It's always a pleasure, and thank you for the leadership that you exercise in your community.

I wanted to follow up a little bit on the question that was—some of your concerns are a little bit about the disempowering aspect of it. Have you thought about the use of tort as being an empowering tool for women, even though it may appear like a bit of a faraway possibility? Is that a good way of recognizing the use of tort?

Ms. Akio Maroon: The way the law is written right now, this law would cause more harm to not just myself but to the thousands of women that Maggie's represents. These are women who are living and working currently in the sex trade; these are not past sex workers. These are women with disabilities. These are migrant women. These are the voices that I hear and that have selected me to come here to speak to this committee.

It's very dangerous. You do not look at someone like myself, who either has been homeless because I'm fleeing violence or whatever the situation is, and say, "This tort is here to save you." This tort does not help me. What will help me is a living wage. What will help me is not having to pay \$2,318 a month for child care for my kids. I am paying child care so that I can be here today. This is what will help women.

It's very easy to say, "February 22"—and everybody celebrates when we say this is an awareness day—but who is it helping, you know? Is it not going to shame me for doing whatever needs to happen to feed my kids on a daily basis? This is what we're talking about. I appreciate legislation, and I appreciate policy writers, but this is not your lived experience. I understand the moralistic implications; I understand the religious views of your constituents; I know folks who are like, "When you think of strip clubs and you think of massage parlours"—what you feel about that. But this is my lived reality and the lived reality of other people. We choose to do this work not to be judged but to survive, and to make sure that our kids are surviving as well.

M^{me} Nathalie Des Rosiers: Thank you. I think we hear you, a lot, about the need to alleviate poverty in all its forms. I hear you about that. Anything else that you'd like to tell us about?

Ms. Akio Maroon: Yes. The definition must be clear. We recommend that the government creates a comprehensive definition of human trafficking and exploitation that includes labour and sex trafficking. In defining human trafficking, the consensual sale and purchase of sexual services must not be conflated with trafficking. We need to be able to access the safeties of this law without further harming ourselves and losing access to our children.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. Ms. Jones?

Ms. Sylvia Jones: I appreciate you coming forward today. I am very concerned when you say that the way Bill 96 is written, in its current form, it will actually discourage or prevent you from coming forward and

protecting individuals who need that protection. Can you give the committee some specifics about how that would actually play out?

Ms. Akio Maroon: For example, the disclosure and reporting: Disclosure is more likely to happen when survivors feel safe and there is no fear of repercussions or unintended consequences. Like in other forms of gender-based violence, not all survivors of human trafficking will access formal reporting such as police, court and legal services—these processes and systems—for a number of reasons. We support self-determination of survivors. For the protection of survivors, we do not support third-party reporting without the informed consent of the person in question, with the exception of duty to report in the case of children in need of protection.

1440

Additionally, a system needs to be in place to identify and refer survivors of labour trafficking to practical and relevant services. We recommend mandatory cross-sectoral training on trafficking for all members of the justice sector, with an intersectionality framework.

For example, going to the police as a migrant sex worker is never an option. It's never an option because those are the same police who will be reporting you and reporting your immigration status.

For me, while naming trafficking might bring me protections in some arenas, it won't bring me protections in others. Actually, with the Family Court system, it will actually say that my child is in danger if I'm being trafficked. To be able to have access to some of these laws, the way that they're written, and protections under some of these laws, I might actually in turn lose custody of my child.

What we're saying is that the law needs to be intersectional. It needs to consider every single aspect, and not just sugar-coat and say, "Hey, we created this law. It's for the protection of everyone." You really need to further consider the people who are most marginalized. The people who are most at risk are actually sex workers and youth within the vulnerable sectors.

I think that this law needs to consider us more and not just say, "Hey, you know what? We're here to protect you," and slap this lipstick on a pig, so to speak.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Peter Tabuns): Ms. Maroon, thank you for your presentation today. We appreciate it.

Ms. Akio Maroon: Thank you for having me.

BUTTERFLY—ASIAN AND MIGRANT SEX WORKERS SUPPORT NETWORK

The Chair (Mr. Peter Tabuns): We go next to Elene Lam, who is joining us by teleconference from Hong Kong, I believe. Ms. Lam, can you hear me?

Ms. Elene Lam: Yes, I am here. Thank you for inviting me.

The Chair (Mr. Peter Tabuns): Thank you. Before we start, I just wanted to let you know that also present from the government are Madame Des Rosiers, Ms.

Mangat, Mr. McMeekin and Mr. Rinaldi; from the opposition, Ms. Jones and Ms. Scott; and from the third party, Ms. Sattler.

You have up to 10 minutes to present, and when that is done, then we'll go to each caucus for about three minutes of questions.

If you'd start by introducing yourself. Please proceed.

Ms. Elene Lam: Okay, yes. I'm Elene Lam. I'm from Butterfly—Asian and Migrant Sex Workers Support Network, which is led by migrant sex workers and also advocates for the rights of Asian and migrant sex workers.

We have reached out to migrant sex workers in different cities in Ontario, including Toronto, Ottawa, St. Catharines, London, Whitby etc. We find that, especially this year, you have more anti-trafficking initiatives, actually making the migrant sex workers' situation worse, especially in the cities. They have more investigations, more so-called protections, but we see that it is the opposite.

At the beginning, we thought, "Oh, this will be great, to have an anti-human-trafficking act to protect the people." But I think that, as the representative from Maggie's said, what we actually see is that it is causing more harm and has negative impacts on sex workers, especially migrant sex workers. It makes things become more dangerous in their working situations.

I think the bill has very good intentions. However, we think that the committee should recognize the human rights of migrant workers and sex workers to reject the bill, because it does not end trafficking and does not protect the safety and security of sex workers, but makes it more dangerous.

For example, one of the suggestions of the bill is a human trafficking awareness day. We can see already more awareness training and awareness campaigns, but what we actually see is that criminal laws have conflated sex work with trafficking, so for all the people involved in sex work, it is being assumed as sexual exploitation. So the impact is that an anti-trafficking law actually is anti-sex-work. In practice, what happens is that it also increases racism and sexism, so it is anti-migrant.

In the last two years, we have had more than 21 members from Butterfly being arrested during anti-trafficking investigations, and they have been deported.

Using the term "trafficking" does not make us understand what actually happens—for example, the use of violence; youth involved in sex work; abuse of power; or labour issues—and how to have different ways to address the issue. What happened is, the anti-trafficking initiative or law or policy is being used against sex workers, particularly the migrants. A lot of anti-trafficking investigations, finally, turn into anti-migrant and anti-sex work. This makes them become like surveillance, racial profiling. In the police report, in some cases, they're very clear. They go to the Internet and they search: "Oh, they're Asian." They think they may be the suspected victim, but what happens is, they find that they don't have documents, and they call CBSA and deport them. It

makes the migrant sex worker fear law enforcement. Instead of getting protection from law enforcement, they have a huge fear of law enforcement, that they cannot get protection when they have real violence.

I think it has also increased the panic in the community. For several reasons, we have had a lot of training in hotels, and also for the taxi drivers and the public. What's happened is, we see that more people from hotels or taxi drivers or from the community, when they find that there are Asian sex workers next door, they will assume they're the victim—they will assume, "Oh, they are the criminal and we should call the police." That's all pushed them more and more underground.

In the Butterfly survey, we show that 60% of migrant sex workers experience different kinds of violence, and police and law enforcement is the main source of violence. This whole initiative, anti-trafficking, makes them run away from the police if they cannot seek help when they need protection. In the last few years, we've already had four migrant sex workers murdered in Ontario. It's Jiali Zhang, Tammy Le, Annie Li and Evelyn.

When we outreach every day, the story we hear is that the migrant sex worker experiences different violence from the perpetrator, but they cannot call police because if they call police, it would put them more in danger and put their friends more in danger. That's why we think that this act is very problematic, because it has good intentions but actually has a negative impact.

Other than the awareness day act, the other part is about the victim. I think it's very strange. I'm still so surprised as to how they define "victim." They include the people who "may be" a victim. Because the sex worker is being seen as sexually exploited, that means all sex workers can be suspected as trafficking victims. That means the scope and the scale of the investigation will be huge. In reality, we have a lot of cases where the people initially find that they are trafficking victims, but because sex workers actually work together—especially migrant sex workers. They have a language barrier. They don't have resources and they must support each other. The community, when they support each other, they will then become the trafficker of each other.

What happens is, when people are concerned about trafficking, they're concerned about the victims being locked up and being taken away. But what we see is, it actually happens after they are investigated by the police, after they are arrested by the CBSA. Their money is being taken away either with a record or, in a lot of cases, actually with no record—that means the police or other law enforcement steals their money. So they are being locked up. Some of the people, some of the migrant sex workers, are being chained up, treating them as a murderer. But when they have real danger, they cannot seek any help.

The third point we think is also problematic is the restraining order. As we said, migrant sex workers, as a community, support each other, especially for those who are vulnerable and those who are youth migrant sex workers. This order makes the people—for example,

CAS or social workers; they have the power to apply the restraining order to stop them from connecting with their friends. Then we don't see the real issue. We need to ask, just like the representatives from Maggie's: Why are people involved in sex work? Why do people choose to stay working in brothels and not having social welfare? Is it that they cannot have social welfare or that their social welfare actually has a problem? Especially youth: You see so many youths run away from their family. They run away from the child protection facility.

Why do they think staying working in the sex industry will be their option? I think that is one of the fundamental issues that we need to address. But using the term "human trafficking," creating panic in society about trafficking, is not helpful. It only makes people go underground and run away from the protection. What they need is they need to have options. They need to have the choice. When they need support, they can access the support. It's not like this opposite.

1450

This summer, a migrant sex worker, Annie Li, disappeared. We suspect, as do the police also, that she has been murdered. We've tried so hard to connect to the police to find out actually what happened, because the murderers still have not been arrested, but the police rejected to provide any information. Before, there was a victim support unit who communicated with sex worker organizations, but now they've turned into anti-trafficking units. When we have the crime connected to organization, they say, "I'm so sorry, we just investigate trafficking cases and now other violence, we don't care."

When a woman is being arrested, they always ask them: "Who is exploiting you? Who is taking money from you?" But, when the woman reports that she was being assaulted, she was being robbed or raped, no investigation is carried out.

We have another woman. She died and it's suspicious, but the police do not investigate her death, but her friend came forward to report her death and became a target—

The Chair (Mr. Peter Tabuns): Ms. Lam, I'm sorry to say that you've run out of time.

Ms. Elene Lam: Okay.

The Chair (Mr. Peter Tabuns): We'll go now to questions. We start with the government: Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Chair. Ms. Lam, thank you for sharing your expertise and your concerns with us. I think all of us in this room can agree that human trafficking is a deplorable crime that robs the safety, livelihood and dignity of those who are being exploited and abused. Some of these survivors are younger than 16, and are forced into these terrible circumstances. Having said that, do you not agree that survivors deserve the right to be protected from their traffickers?

Ms. Elene Lam: I think that we need to empower the people in how they protect themselves. When you mentioned the people under 16, when they have sex with other people—there are already other criminal laws about sexual assault that can address the issue, right? So that is

very different from when you see other adults working in the sex industry being investigated for trafficking.

So I think we don't go to rescue. We need rights. How the people can be informed of what is their right—their right is to not only need to rely on the legal system. The legal system is only one of the options. We've found that even in domestic violence cases, you don't just go to the family to rescue. The women run away when they don't have immediate dangers, right? You inform the woman and you make them feel prepared so that they can have different options so they can make decisions.

I think sometimes when we discuss anti-trafficking it always brings a lot of underage people involved in sex to discuss issues. We need to ask why this group of people, they run away from the child care system. Actually, a lot of them are from the child care system; why do they run away? What is happening with the child care system? That is the best way to protect the people so that they have more options, so that they can have different decisions instead of only a limited choice, no matter if they choose to be involved in sex work or they are forced to remove themselves from the situation.

Because we see the story of what happens: You force them to leave their conditions, and they run away again and they cannot get the support as they have been getting it before, and they turn out in more dangerous situations.

We have a missing woman. Actually, she has been found in another city as a traffic victim. She ran away from the child care system, and then she needed to move to the other city. That makes that more dangerous because she lost all of her supports, right?

Mrs. Amrit Mangat: So do you also not agree that survivors should not be allowed to sue their traffickers?

Ms. Elene Lam: I gave no mention about that. There are a lot of remedies already in criminal law and also civil law. If people want to sue when there is proof, but now—

The Chair (Mr. Peter Tabuns): Ms. Lam, I'm sorry to say that we've run out of time with this questioner.

We go to the official opposition. Ms. Scott.

Ms. Laurie Scott: Thank you very much for taking the time to speak to the committee today. You mentioned some names in your presentation. I can't remember all the names. Do you know what their ages would have been? Were they under 16?

Ms. Elene Lam: No, they're adults.

What we say is, no matter what age, we still need to be concerned about safety.

Ms. Laurie Scott: Of course. You're highlighting that they're not comfortable with going to the police, and there just are no services provided that would make victims feel comfortable in coming forward to seek help. Is that what you're saying—that it's very underserved? That's one of the things you're saying?

Ms. Elene Lam: Yes. When there is a lot of criminal and also anti-trafficking investigation going on, it actually makes the people more hesitant to contact the police. I stopped this life three years ago. When there is not so much police investigation, we are more—it has a

lot of hesitation for the people to move forward, but at least we can discuss the issue. But now, no, there's no room for people to move forward because this makes it more dangerous when they contact the police.

Ms. Laurie Scott: We certainly don't want that feeling out there. So yes, we need to do a better job in services for the victims. I think this bill is pointed in that direction—is what we're trying to achieve.

I agree with what you said about the group homes and children in foster care: There need to be more protections and much more awareness within that sector about human sex trafficking and how they're lured so easily.

I appreciate your information today, especially as you see things—where is it exactly you're located? What region would you say you're in?

Ms. Elene Lam: Butterfly is based in Toronto.

Ms. Laurie Scott: Right in downtown Toronto—not the GTA? Are you speaking for downtown Toronto or are you speaking for—

Ms. Elene Lam: Yes.

Ms. Laurie Scott: Okay.

Ms. Elene Lam: We have the network, so we outreach to different cities, and we have connections with different people.

I want to add one more thing. We think it's very important that we give support to people so they don't need to identify the other victims. I think it is problematic. We assume that all people are victims—and to rescue and protect them, rather than respect the people. Different people may have different life circumstances—to make the decision to involve sex work, and then their rights need to be protected. Human trafficking is one of the issues in the sex industry. But because of human trafficking, women cannot get protection when they say all different—

The Chair (Mr. Peter Tabuns): Ms. Lam, I'm sorry to say, we're out of time with this questioner. We'll go to the last: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much, Ms. Lam, for taking the time to present to the committee today. You have raised a number of concerns, many of which echoed some of the concerns that were raised in the previous presentation.

You said at the outset that you hoped the committee would reject this bill. The reality is, the bill has passed second reading. So we're looking for ways to improve the bill, to try to mitigate some of the issues that you have identified that are going to put sex workers at greater risk. Do you have any advice for the committee about specific amendments that could be made to this bill to strengthen it and, hopefully, correct some of the problems you've identified?

Ms. Elene Lam: As you say, it's already at second reading. It's very disappointing. I think at least the first part—Human Trafficking Awareness Day needs to be very clear, so that trafficking is different with the issue of sex work.

The other part is about the definition of "victim." The term "may be a victim" is very problematic. It's very

unclear. I think we also need to rethink about how to use the bill. I think the committee, in the future, may also be involved in a lot of anti-trafficking initiatives. I think this act is only part of the huge anti-human-trafficking campaign—so that it endangers the safety of people. So I think what we can do with this committee is limited, but I really hope that in other committees in the future—the anti-trafficking issue really needs to concern sex workers. They are facing a lot of issues.

1500

The suggestion of handling anti-trafficking by rescue and also a criminal model will actually make the situation worse and make it more dangerous. We don't want to see more people get murdered. We don't want to see more rapes and more people being assaulted. Other than human trafficking, there is also a lot of serious crime—but because of the anti-trafficking policy, and also the initiatives, it makes other situations worse.

Ms. Peggy Sattler: At one point, you talked about the concern that this bill increases the panic of the community, and you mentioned hotel workers and taxi drivers. Can you elaborate a little bit more on what you were saying at that moment?

Ms. Elene Lam: Yes, especially this past year. We know there are some migrant sex workers—Asian sex workers work in some hotels. They may know the staff, and the staff know that they may be working. Sometimes, the staff is very good; for example, if they know some people are dangerous, they would tell them. But because so many anti-trafficking training—what we see is, when they find out that people work in the sex industry in their hotels, they kick them out or they—

The Chair (Mr. Peter Tabuns): Ms. Lam, I'm sorry to say that we've run out of time altogether. I thank you very much for your presentation today.

SEXTRADE101

The Chair (Mr. Peter Tabuns): Our next presenters: Bridget Perrier and Jessica Desmond, with Sextrade 101.

Have a seat.

Ms. Bridget Perrier: Jessica is late. She's signing in. She has a small baby.

The Chair (Mr. Peter Tabuns): Fair enough. You may have heard that you have up to 10 minutes to present and then we'll have three minutes of questions from each caucus.

Ms. Laurie Scott: In order to give Bridget time to come—is the 3:20—would you rather that—

Ms. Bridget Perrier: She's all right. She'll come in.

Ms. Laurie Scott: I was just trying to give you some space—

Ms. Bridget Perrier: We've timed it.

The Chair (Mr. Peter Tabuns): Okay. Please start by introducing yourself for Hansard, and then proceed.

Ms. Bridget Perrier: First, I'd like to acknowledge my standing here on the unceded traditional territory of the Mississaugas of the New Credit First Nation.

I represent Sextrade101 and many First Nations women and girls who are enslaved in prostitution and trafficked. My name is Wasa quay. My English name is Bridget Perrier. I was born in Thunder Bay, Ontario, and placed for adoption at five weeks of age. I was adopted to a good family who tried to raise me the best way possible, but as I got older, the effects of colonialism, intergenerational trauma and child sexual abuse made me a perfect candidate for prostitution.

I was lured and debased into prostitution at the age of 12 from a child-welfare-run group home. I remained enslaved for 10 years in prostitution. I was sold to men who felt privileged to steal my innocence and invade my body. I was paraded like cattle in front of men who were able to purchase me. The acts that I did were something no little girl should ever have to endure here in Canada, the land of the free.

Because of the men, I cannot have a child normally, because of trauma to my cervix. Also, to this day, I still have nightmares, and sometimes I sleep with the lights on. My trauma is deep, and sometimes I feel as though I'm frozen or even worse; I feel damaged and not worthy.

I was traded in legal establishments, street corners and strip clubs. I even had a few trips across the Great Lakes, servicing shipmen at the age of 13.

The scariest thing that happened to me was being held captive for a period of 43 hours and raped and tortured repeatedly, at the age of 14, by a sexual predator who preyed on exploited girls.

My exploiters made a lot of money off of me and tried to break me, but I fought for my life.

My first pimp was a woman who owned a legal brothel, where I was groomed to say that I was her daughter's friend or a niece, if the police ever asked.

My second pimp was introduced to me when I was in Toronto. I had to prostitute for money. He was supposed to be a bodyguard, but that turned out to be a big, fat lie. I was enslaved to him for five years and had a child by him.

Both are out there, still doing the same thing to more little girls somewhere in Canada.

I was able to exit prostitution and rebuild my life, and with that, my education became a tool. I was recognized for my tenacity and my strength, and have been able now to be an asset to my community and to my people. I am a mother, activist and warrior woman. Now, my experience may be sacrificial at times, but I'm doing it for Canada's most vulnerable: our First Nations women and girls who are being bought and sold, and are disappearing and/or murdered.

There's nothing in screening clients—men who buy sex—that will provide safety. If there was, Cheyenne Fox would still be alive, Jamie McGuire would still be alive and Stephanie Edwards would still be alive. Those are three women, off the top of my head, who were murdered by serial sex buyers who murder girls.

We must look at who is doing this: It's the men.

Sextrade101 believes that prostitution is not a choice, but it is lack of choice that keeps women and girls

enslaved. We believe everyone should be shown a viable way out of the sex trade and not encouraged to stay in it. We believe in helping people to understand the full price of life in prostitution before they become involved, and in helping women to get out alive, with their minds, bodies and spirits intact.

We have been collectively afraid, raped, beaten, sold and discarded. Most of us were children who were forgotten, neglected, abused, led astray, abandoned and not protected. Sextrade101 members and advocates are current and former prostituted and trafficked women.

We have a huge concern with the criminalization of prostituted women and girls. We know that diversion programs do not work when they're forced on the women. There must be an understanding that supports must be there when exiting. Forcing supports on women who are not ready can set them up for failure.

Some 85% of Sextrade101 advocates and members have experienced pimp violence. This is pretty far from the picture painted by the Supreme Court of Canada: that pimps are nice guys.

These pimps and sex buyers are the problems. They're the ones who abuse and, in some cases, kill.

I supported my daughter throughout the BC missing women inquiry, and this was the outcome: Our mothers, sisters and daughters are not born to be used and sold for men's sexual needs. We are not commodities. Our women are sacred. They are valued; they are loved. As life-givers and nurturers, we are equal.

I applaud the Ontario Legislature and you, Laurie Scott, in recognizing the inherent dangers and abuses for those who are prostituted. This is a victory for survivors and those who are stuck in the vicious cycle of indignity and pain.

Some 98% of Sextrade101 advocates say that at one point they wanted out—98%.

1510

Most times I've worked in legal establishments, every time I answered the phone, it wasn't for how old—you know, "I want an older woman." It was, "What is the youngest woman I can buy?" They're not asking for 40-year-old women. They want women who aren't seasoned, who haven't been out there.

What I see in prostitution and trafficking is, they are now intergenerational for indigenous women. One of my children also was exploited, so I'm a mom, a number one advocate against legalization of prostitution. My daughter, at 17 years old, was exploited. She is now two years being off the streets, and I've done nothing but have to pick up the pieces.

We are the voice and we are the aftermath of what exploitation does.

I want to hand this to Jessica. She's our newest and youngest member. For us, she's a hero. She put her trafficker away for 13 years.

Applause.

The Chair (Mr. Peter Tabuns): Ms. Desmond, if you would introduce yourself for the record. Just to let you know, you have about two minutes left.

Ms. Jessica Desmond: Okay. I'm Jessica Desmond. I'm from Garden River First Nation.

I met this guy in 2008. I met him through a girl in prison up in Simcoe county in Penetang, and that's how I got in the game. It took since 2008 to get out. It was so hard to get out. He slit my Achilles tendon. He did some pretty sick stuff to me. He raped me, beat me every day, forced me to have abortions—all kinds of stuff. He just programmed me to—I don't know what they're doing. They had me watching dance hall videos, those dance hall parties, and they're like, "We want you to dance like that," and then one day they just dropped me off in a strip club and that was it. I couldn't come home or sleep unless I had \$1,000. That went on for, like, four years.

Even when he was in jail, he controlled me from the inside. Even after I left him—I had my daughter in 2010—he still controlled my life even though I wasn't with him. I fell back into the game in 2014; I went back to him. I almost lost my life. Even now, I still fight. I have nightmares of him.

All these new programs and stuff are coming out for the women, but I was never of age for all of that. Even all the stuff that's coming out to help us doesn't apply to me. The exploitation continues psychologically, and it's very hard, what the community puts us through. They don't know how to deal with us, like agencies—to go out every day in public. I'm scared to come down here, even though he's locked up.

I just want to help better this for our native women and sisters.

The Chair (Mr. Peter Tabuns): Ms. Desmond, thank you very much.

With that, we go to the first questions. It will be Ms. Scott.

Ms. Laurie Scott: Jessica, I know you just got here, but if you wanted to add anything else, your story and what Bridget told us are very much the reason we're here today. I know it's the start of a very complex strategy that we need to have to combat human trafficking. But if you wanted to say anything more, you can certainly have my time.

Ms. Jessica Desmond: Just getting out—you have to be really strong to get out of it. What these guys put us through—they have guns. I've heard stories of them un-arming police officers. They had a 9-millimetre Beretta. They have all kinds of ammunition they carry in boxes like this. These pimps, they come in groups. There's like a whole crew of them, the ones that I had. They had big boxes of ammunition, guns. I gave the police one of his guns. They're not afraid to use them. They would use them on the regular. I've been to parties where they shot people. I'm like—I didn't know it was a crime.

We have to train the youth and our little girls. I have a little girl who is five, and I drill it into her already. Even the young women in high school and university—I didn't even know that no means no up until I was 25 years old. I didn't know my women's rights. I didn't know nothing. Everything I know about human trafficking, I had to research it, hear about it, look for it, and then I'm like,

"Oh, it's not that bad. I don't believe it." But it's the truth.

The pimp pled not guilty. He put me through all that. I was eight months pregnant, testifying. It's been a very long journey. These guys are very dangerous. They move large amounts of drugs and girls, other girls. Lots of his other girls glorify it. They don't want to get out. They don't see nothing wrong with it.

Just stopping the game, too—it's going to be really hard to stop it because you've got doctors and lawyers. I've seen judges, surgeons and police officers who are clients. You have to start somewhere from inside the community to get them out of there.

Ms. Laurie Scott: Well, you're both incredibly brave. I can't thank you enough for being such strong survivors to come forward and to try and help us combat human trafficking. I want to just thank you for being brave enough. I'm very, very proud of both of you. Thank you.

The Chair (Mr. Peter Tabuns): With that: Ms. Sattler.

Ms. Peggy Sattler: Thank you very much, Bridget and Jessica, for your courage and for being warrior women and for fighting on behalf of your community and coming here today to make this presentation. I suspect it wasn't an easy thing, and it's much appreciated.

There were a couple of questions that I wanted to ask. Bridget, you used the words "lured" and "groomed." Jessica, you also talked about "being programmed." In light of those techniques that are used by traffickers to enslave their victims, does the legislation address what needs to happen to deal with that grooming and that luring that takes place?

Ms. Bridget Perrier: I think it's that dream they sell us, right? It's that false, you know—they're sociopathic. They exactly know what types of women and how to get them. For me, it was having an older sibling who was involved in prostitution. The lure was there. If child welfare hadn't put a 12-year-old in a home with older girls, probably my life would have been a little bit different.

Grooming: I watched grooming with my own pimp with my daughter. He would do stuff like, "Call me Daddy," and look at me, and I knew. One of the words that we were to refer to him by was "daddy." He would hold my daughter, and he would say, "Call me Daddy," and it would scare me. I watched him. My daughter's fondest memories were of my pimp. She's like, "Remember he used to drive us, and buy me stuff." That was a part of the grooming process, having that alliance.

They know. They know the native girls by what we wear. If we're coming in from a northern reserve, what's being sold at the northern store as of shoes, as of jeans, as of shirts, and even how we style our hair—they can pick off a northern girl.

We have seen, now, some of North Preston's Finest in Thunder Bay, Ontario. There was an altercation. They're coming to communities where there are high addiction rates. They hit on Sudbury and Sault Ste. Marie, and they look for girls like Jessica and me because we come from

dysfunction. I didn't have a mom and dad who were tracking me. My adoptive parents were told to give me back. They didn't know. They had trust in the children's aid society of Thunder Bay to protect me, and they failed me.

This is what's looked at. They want girls who have nobody there.

1520

The Chair (Mr. Peter Tabuns): I'm sorry to say that with that you're out of time. We'll go to the government: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I also want to thank you so much for being here and being so courageous and telling us the truth about what's going on. So thank you very much. I also had the occasion to listen to you, Ms. Perrier, several times, and every time it breaks my heart to listen to you.

Looking back, are there things that would have helped you? We're trying to pass this legislation, but there are other things. Are there things that you would have wanted—

Ms. Jessica Desmond: I think what would help—what messed it up was the black community—I'm not prejudiced; my daughter is black. The police carding: I think they should keep that because I had so many traffic stops with these guys and the police could have taken me away simply like that. So many times there were opportunities, and my probation officer—these guys know how to control us. They forced me to not go to court, so I'm always on the run. They keep you, you know? Stuff like that. And you have to ease it up. If the girls are on the run and they want to get away, what are they going to do? Go back to the pimp, or go turn themselves in and get help?

Ms. Bridget Perrier: I think too what we really need to look at is child welfare legislation and these so-called group homes where—I would tell you I was a danger to other little girls because I did recruit them out. That's what happens: You put these kids in a so-called controlled institution that isn't controlled.

For me, I just wish that the men that did this to me—the sex buyers and my pimp—would be held accountable. With this legislation, what we're able to do is hold them accountable. I'd love to sue my pimp.

M^{me} Nathalie Des Rosiers: Thank you.

The Chair (Mr. Peter Tabuns): Thank you. Other questions? Fair enough. Thank you very much for your presentation today. We really appreciate it.

TRACIA'S TRUST

The Chair (Mr. Peter Tabuns): Our last presentation, then, is from Tracia's Trust, Manitoba's strategy to combat sexual exploitation and trafficking: Karlee A. Sapoznik Evans. Good afternoon. As you've heard, you have up to 10 minutes to present, and if you'd introduce yourself for Hansard. Please proceed.

Dr. Karlee Sapoznik Evans: Mr. Chair and members of the committee, good afternoon. I would like to

acknowledge that we are on land of the Mississaugas of the New Credit First Nation.

As has been stated, my name is Dr. Karlee Sapoznik Evans, and I am a specialist with Tracia's Trust, Manitoba's strategy to combat sexual exploitation and human trafficking. Thank you for this opportunity to speak in support, this afternoon, of Bill 96, An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017. This bill will ensure Ontario henceforth has provincial laws to support and protect trafficked persons of all ages.

Human trafficking is one of the most pressing human rights issues facing Ontario, Canada and the world. Although this form of slavery is now illegal globally, it is still widely practised and part of the process of globalization itself.

I am the granddaughter of Holocaust survivors Hadassah and Moishe Sapoznik, who were enslaved in Auschwitz and forced-labour camps during World War II. For this reason, my work, research, teaching and publications have centred on best practices and strategies connected to slavery in all of its forms, particularly on human trafficking here in Canada. This includes co-founding the Alliance Against Modern Slavery at the Harriet Tubman Institute at York University in Toronto, residing in Ontario for six years; overseeing the counter-human-trafficking training for law enforcement and front-line service providers in Windsor, Thunder Bay, Ottawa and Toronto, Ontario; and co-authoring a research report on the incidence of human trafficking in Ontario, which documented over 500 cases of trafficking during a period of three years, calling for a provincial anti-human-trafficking strategy with provisions such as these that we are discussing this afternoon.

I want to briefly speak to some of the questions that had been brought up earlier, before I continue my presentation. I appreciate and want to emphasize that sex work and human trafficking are different. This act focuses on human trafficking. Federal legislation trumps provincial legislation when it comes to age of consent—at 18, not 16—and also when it comes to consent to sex work. Adult sex workers must voluntarily apply for a restraining order under the provisions of this act and there is no third-party reporting for protection orders for adults. I just want to clarify that.

I am also not sure how this bill would prevent an adult sex worker from disclosing violence. My understanding is that many have self-reported trafficking situations and that this is certainly something that is possible. Also, there's no child protection law about losing children in such cases. In fact, getting a protection order would be very favourable to protect both the parent and the child in such a situation.

Secondly, in regard to FIPPA, my understanding is that people must report as per the children's aid society mandate and, as such, we have a duty to report. So I don't think that's such an issue.

Thirdly, in regard to backpage, I think it's very important that we learn from what happened with Craigslist, where we had a central hub for a lot of the online exploitation that was going on. That was taken down and then this was dispersed in many different locations. So before taking action with regard to backpage, I think we ought to really consider how we might do that in an effective way.

Fourthly, one of the things that we have in Manitoba—we've heard a lot about youth and children here in Ontario. We've designed specialized service for trafficked youth so that they don't put others at risk. This is something that Ontario is looking at and that I support.

Slavery, of which human trafficking is a form, is considered the most egregious crime against humanity. We know that trafficked persons are among our most vulnerable locally and globally.

Ontario is a source transit and destination province for the purposes of commercial sexual exploitation, forced labour and forced marriage. As has been acknowledged, Ontario is the major hub for trafficking in Canada—the province in which the largest number of human trafficking cases has taken place and where the most arrests have been made for this crime.

In 2010, colleagues who are crime experts forecasted that within the next 10 years, by 2020, they expect human trafficking to surpass drug and arms trafficking in its incidence, cost to human well-being and profitability to criminals.

Statistics compiled over nine years ago reveal and stress the low risk and high reward for human traffickers in Canada. For example, the average annual profit for organized crime networks for one female trafficked for the purpose of sexual exploitation in Canada is estimated at a minimum of \$280,000 per year. We know that many of these organized crime networks, including here in Ontario, traffic dozens of men, women, boys and girls, meaning they are making millions per year.

In 2002, 15 years ago, the province of Manitoba launched Canada's first provincial strategy to combat human trafficking, now known as Tracia's Trust, in honour of Tracia Owen, who tragically died of suicide after being trafficked. Tracia's Trust is recognized locally, nationally and also provincially in Manitoba, of course, by law enforcement, academics, social workers, front-line service providers and beyond. Winner of the 2006 Human Rights Commitment Award and featured on the CNN Freedom Project, Manitoba's strategy has prioritized the needs of trafficked persons, families and communities through approximately \$10 million worth, annually, of initiatives in the areas of prevention, intervention, legislation, coordination, research and evaluation. This includes innovative legislation similar to Bill 96.

This afternoon, I want to stress the importance of having prevention of and remedies for human trafficking and a designated Human Trafficking Awareness Day as called for in Bill 96. Why? Firstly, because in Manitoba we have observed a child sexual exploitation and human

trafficking awareness day for nine years. This past March 9, we had our awareness day, and it was proudly proclaimed in the House. Regional teams around the province have also implemented region-specific awareness initiatives during our awareness week—something Ontario could do across the province to raise awareness in urban and rural areas, engaging its diverse communities in which human trafficking takes place.

Designating a specific day in Ontario, as has been done in Manitoba and British Columbia alike—to mark such an important occasion has led to greater awareness of this under-publicized human rights abuse in our own backyards, fostered collaboration and action between stakeholders of all sectors, including local, regional and interprovincial collaboration. I have no doubt that it will lead to similar outcomes across Ontario.

Secondly, I wish to stress my support for a process for trafficked persons to obtain restraining orders. I am glad to see that many factors of vulnerability are acknowledged in Bill 96, including age; the existence of a physical or cognitive disability; the use of threats, force, deception, fraud; a provision of visual recordings of the victim; the existence of a position of trust, power or authority in relation to the victim; and the provision of alcohol or a controlled substance.

1530

Every single day, we see these co-occurring factors at play in cases of human trafficking in Manitoba. For instance, we have seen a spike in the introduction of methamphetamines to trafficked people as a means of getting them addicted to keep exploiting them. Among high-risk youth, from 2011 to 2016, methamphetamine use went from approximately 22% to 60%. This fall, 100% of our high-risk children and youth were being exploited and struggling with a concomitant meth addiction, and 75% of those same youth had a cognitive vulnerability. It's really important that we understand the co-occurring phenomena that put youth and children at risk.

The suggested process in Bill 96 for a restraining order is similar to the process for protection orders as laid out in Manitoba's The Child Sexual Exploitation and Human Trafficking Act. Those who can apply include adult victims of human trafficking and parents or guardians of a child victim. Approximately 32 protection orders have been granted in Manitoba over the past five years. I want to stress that only one of those has been for an adult. These protection orders are not granted lightly.

I also want to stress that sexual exploitation is a form of sexual abuse. For instance, it occurs when a child becomes engaged in sexual activities as a result of coercion or manipulation in exchange for money, drugs, food, shelter or other considerations.

It is worth noting that, to date, high incidences of missing and murdered women and girls have been trafficked prior to being murdered.

Having an act of this kind provides victims of trafficking with a tool to protect them. In Manitoba, it has been very successful, and orders of this kind are granted, as

I've mentioned. Restraining orders, as proposed, call for no contact at all. They are effective immediately, and they are ordered on the balance of probabilities.

I would like to stress that it is important to keep in mind that an application for a restraining order does not mean it will automatically be granted. Secondly, a restraining order is not a guarantee of safety. A safety plan is always very important.

Human trafficking often has lasting, devastating impacts on survivors, their families and communities. The average age across Canada right now is only 13 years old. As such—

The Chair (Mr. Peter Tabuns): Ms. Sapoznik Evans, I'm sorry to say, you're out of time. I know, it goes very quickly.

First questions, then, to Ms. Sattler.

Ms. Peggy Sattler: Thank you very much, Ms. Sapoznik Evans, and thank you also for the research that you had conducted. It certainly filled a huge gap. There was a void of any real data about the extent of the problem in Ontario, so I think a lot of us relied on your report on the incidence of human trafficking.

I wanted to ask you about—you had mentioned something about backpage and the comparison to craigslist. Can you elaborate more on what you were referring to there?

Dr. Karlee Sapoznik Evans: Years ago, the vast majority of online exploitation ads involving children and individuals who were not consenting to being trafficked and exploited were congregated on craigslist. There was a lobby and a movement, and in the end, craigslist's CEO was forced to take down that section.

Unfortunately, though, for law enforcement and front-line service providers, in terms of intel gathering, that led to all of these cases going to many different sites. So we have a host of sites that we now need to look at when we're doing our intelligence, and it has become quite difficult, in fact, because now we've created a problem in terms of how to locate some of these victims.

I'm just stressing that we need to have caution when it comes to backpage, which in some ways has become that new site where many of these ads are now congregating.

Ms. Peggy Sattler: Okay. The other question I had is, all of the presentations today have focused on sex trafficking, but we know that human trafficking includes labour trafficking. From your experience in Manitoba, what has been the impact of the legislation that was introduced there to address labour trafficking as distinct from sex trafficking?

Dr. Karlee Sapoznik Evans: In Manitoba, we have a separate act that speaks to the labour side. I can certainly share that, if you like. We have specific provisions there.

The bulk of the cases to date have actually been more towards the sexual exploitation side of things. We know that across Canada this is a common phenomenon, because often the status of individuals in forced labour cases is precarious, and so we rarely see them coming forward, which is a shame. But we do do investigations

in industries such as sushi, nail salons etc. in Manitoba and that has led us to uncover situations of exploitation.

Ms. Peggy Sattler: Are the provisions similar in the labour trafficking legislation in terms of productive orders?

Dr. Karlee Sapoznik Evans: I would say they are different, depending on the status of the individual. In some cases, we're looking at immigration law too. But we do have the opportunity—there is now a provision, of course for years, to get a temporary residency permit, a TRP, for individuals, and that's something that we've done a lot of training on. Also, for our department of labour, just how to recognize some of these situations.

Ms. Peggy Sattler: Thank you.

The Chair (Mr. Peter Tabuns): With that, we're out of time.

We go to the government. Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Thank you very much for being here and sharing your expertise. It's very helpful.

We've recently appointed our director of the new Provincial Anti-Human Trafficking Coordination Office, Jennifer Richardson. I would think you know that.

There is a large human trafficking strategy in Ontario, \$72 million. What are the things that we should look at to evaluate? Is there something from the experience of Manitoba that you would say, "You should pay attention to this," or, "You should evaluate how you are developing the process"?

Dr. Karlee Sapoznik Evans: That's an excellent question. Even though we've had a strategy for 15 years, we're still learning about that. But I would say it's really important to do mixed-method analysis. For example, it's looking at the quantitative data, basic outputs, outcomes, but also doing some qualitative analysis through focus groups, for example, or interviews, and then looking at some case studies that highlight your classical SWOT analysis—that would include strengths, weaknesses, opportunities and threats.

One thing I want to emphasize, too, is that because this is such an emerging field even of research, we need to pivot towards the evidence, and we need to ensure that what we are doing is having the intended outcome that we have forecast for it. Sometimes that's not easy.

The other thing I would add to that is in many cases on average, for example, based on the data that we've seen, it can take about three years and seven attempts for someone to exit. When you're thinking about funding initiatives, it would be really important to look at long-term outcomes, because that relationship-building piece earlier on is critical.

M^{me} Nathalie Des Rosiers: We've heard some concerns that migrant sex workers would be unfairly targeted or that there would be some sort of perverse effect on the legislation. Have you found that in Manitoba?

Dr. Karlee Sapoznik Evans: I can say that we have not. As I mentioned earlier, there is no third-party reporting for protection orders. That would be my response.

The Chair (Mr. Peter Tabuns): Ms. Mangat.

Mrs. Amrit Mangat: Thank you for joining us today. Can you tell us, is there more that Ontario can do to become a leader in Canada in tackling human trafficking and to support survivors?

Dr. Karlee Sapoznik Evans: Absolutely. I think this act is a step in that direction. Now Ontario has joined Manitoba, a province of one million, and British Columbia, and being a province of 13 million or more now, certainly you have a really big leadership role to play. I think one of the things I'd like to see is more interprovincial collaboration, because sometimes our physical borders have become informational borders. We know that organized crime is organized, and as such, we need to be. So perhaps more work towards that end, and even along the side of research sharing, maybe some of that, so that we're all being evidence-based and communicating regularly.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Peter Tabuns): With that, we go to the opposition. Ms. Scott.

Ms. Laurie Scott: Thank you so much for appearing here. The information you've presented today has been very valuable. I appreciate all of the work that you've done in the past. For sure, the legislation is modelled after what you did in Manitoba. Manitoba has been a lead in fighting human sex trafficking for a long time.

I wanted to ask about the point you made just recently—it's long term, right? Three years, seven attempts—whatever average; roughly, I've said that correctly. I think that that stresses the importance of dedicated long-term funding. Right now, we have \$72 million over four years, but in the reality of what we've heard today, it really has to be dedicated funding for a crime that, really, some people have said is exploding across the province. You'll see that replicated across Canada, but of course, we have the largest population and are a hub. I thank you for highlighting the fact that long-term intervention is what is needed.

The protection orders that were mentioned—you mentioned 32 over five years. I don't know if you know this, but I wanted to ask. The penalties for breaking a protection order—not included in Bill 96 now, but were in the original Saving the Girl Next Door Act—were set

to be fairly heavy: two years in jail, \$50,000 fine. Have you seen that work? Because basically, it needs teeth; if you're going to break a protection order, it needs the teeth to keep the trafficker away from the victim. Could you comment?

Dr. Karlee Sapoznik Evans: In fact, that is the same provision in Manitoba that you've just mentioned: the two years and \$50,000. We have found that it does have teeth. We also in the past have used, under child protection legislation—in our act, section 52—for interfering with a child in care, but we now have found that our CSEHTA orders, which highly resemble this provision now in this act, have been much stronger to speak to that. So when we can, we do go that road, because it is a criminal offence.

Ms. Laurie Scott: Absolutely. Thank you for verifying that. I will ask that, if we could get from research the Manitoba separate trafficking laws for labour—your separate piece of legislation, if we could obtain that?

The Chair (Mr. Peter Tabuns): Yes.

Ms. Laurie Scott: Is there anything else you would like to see added in this bill to make it stronger, that you see in Manitoba that it has been effective?

Dr. Karlee Sapoznik Evans: I think I might just speak to the funding question and just echo the fact that I support long-term funding, and again just mention that in Manitoba we have one million people and approximately \$10 million; so if you were to multiply 13 million by 10, you would get a pretty large amount. I would probably echo that piece.

Ms. Laurie Scott: I appreciate that backup.

The Chair (Mr. Peter Tabuns): Thank you, Dr. Sapoznik Evans.

Members of the committee, I just want to remind you that was our last presentation. The deadline to send a written submission to the Clerk of the Committee is 6 p.m. on Tuesday, May 9, 2017. The deadline for filing amendments to Bill 96 to the Clerk of the Committee is 12 noon on Friday, May 12, 2017.

With that, we stand adjourned until 2 p.m. on Monday, May 15, when we will meet for the purpose of clause-by-clause consideration of Bill 96.

The committee adjourned at 1542.

STANDING COMMITTEE ON SOCIAL POLICY

Chair / Président

Mr. Peter Tabuns (Toronto–Danforth ND)

Vice-Chair / Vice-Président

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Mr. Lorne Coe (Whitby–Oshawa PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Mr. John Fraser (Ottawa South L)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mrs. Gila Martow (Thornhill PC)

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Westdale L)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Mr. Peter Tabuns (Toronto–Danforth ND)

Substitutions / Membres remplaçants

M^{me} Nathalie Des Rosiers (Ottawa–Vanier L)

Ms. Sylvia Jones (Dufferin–Caledon PC)

Ms. Peggy Sattler (London West ND)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Clerk / Greffière

Ms. Jocelyn McCauley

Staff / Personnel

Ms. Laura Anthony, research officer,
Research Services