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**Official Report
of Debates
(Hansard)**

JP-35

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des débats
(Hansard)**

JP-35

**Standing Committee on
Justice Policy**

Combating Human Trafficking
Act, 2021

1st Session
42nd Parliament

Thursday 13 May 2021

**Comité permanent
de la justice**

Loi de 2021 sur la lutte
contre la traite des personnes

1^{re} session
42^e législature

Jeudi 13 mai 2021

Chair: Daryl Kramp
Clerk: Thushitha Kobikrishna

Président : Daryl Kramp
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Thursday 13 May 2021

**COMITÉ PERMANENT
DE LA JUSTICE**

Jeudi 13 mai 2021

The committee met at 0900 in committee room 2 and by video conference.

**COMBATING HUMAN TRAFFICKING
ACT, 2021**

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

Consideration of the following bill:

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

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

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

We have the following members in the room: Christine Hogarth. The following members are participating remotely, who we've already registered—we have a few left yet to join. We are, of course, also joined by staff from legislative research, Hansard, interpretation and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Are there any questions before we begin?

Interjection.

The Chair (Mr. Daryl Kramp): Okay, yes. Thank you. MPP Morrison, I see you on the screen. Can you confirm you're here in the province?

Ms. Suze Morrison: Yes, hi. Good morning. I'm here in Toronto.

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

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

seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition, and two rounds of four and a half minutes for the independent member. Do we have any questions before we proceed?

**ONTARIO NATIVE WOMEN'S
ASSOCIATION**

**CANADIAN ALLIANCE
FOR SEX WORK LAW REFORM**

MR. VINCENT WONG

The Chair (Mr. Daryl Kramp): Seeing none, then I will call our first group of witnesses for our 9 o'clock session. Here today, we have the Ontario Native Women's Association: Coralee McGuire-Cyrette, executive director. We have the Canadian Alliance for Sex Work Law Reform: Jenn Clamen, national coordinator. And we will have Vincent Wong as well.

We will start off, then, for seven minutes each. For the first seven minutes, Ontario Native Women's Association, please, you have the floor.

Ms. Coralee McGuire-Cyrette: Thank you for having me here today. Today, I'll be framing my presentation—

The Chair (Mr. Daryl Kramp): Excuse me. I'm very, very sorry. Please just introduce your name as well, for Hansard. Thank you.

Ms. Coralee McGuire-Cyrette: Oh, for sure. Thank you. Hi. I'm Coralee McGuire-Cyrette. I'm the executive director here at the Ontario Native Women's Association.

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

Ms. Coralee McGuire-Cyrette: Today, I'll be framing my presentation based on three key points. First, I want to acknowledge all the survivors and thank them for sharing their wisdom and leadership on this issue, as they are the experts. ONWA has been working with survivors for many years, and this experience forms the basis of our recommendations.

Secondly, in 2019, the United Nations released guidelines on combatting child sexual exploitation. These guidelines have stated that a child under the age of 18 can never consent to any form of their own sale, sexual exploitation or sexual abuse, and any presumed consent of a child to exploitive or sexual acts should be considered as null and void. Therefore, young people under the age of 18 are minors, and it is sexual exploitation, period.

Third, solutions to human trafficking must adapt to current and emerging survivors and solutions needed. This includes changes in legislation, policy, programs and services, as to why we're here today.

With a mandate to address violence against Indigenous women, the Ontario Native Women's Association works on key safety issues affecting Indigenous women. Three of our main key strategic issues include human trafficking, missing and murdered Indigenous women and girls, and child welfare. We apply an Indigenous, gender-based analysis that looks at the intersectionality of all these issues. We as an agency represent issues facing Indigenous women, as Indigenous women are the experts on their own lives.

Indigenous women and girls are particularly vulnerable to being targeted for human trafficking due to the intersectionality of their race and gender, as well as the history of colonization that has normalized violence against us. This has resulted in Indigenous women and girls being disproportionately represented among persons who are sexually exploited here in Canada.

Our agency began this work by engaging with survivors and Indigenous women across the province of Ontario through our Indigenous anti-human trafficking liaison project. We engaged with over 3,360 community members and service providers, including 250 self-identified Indigenous human trafficking survivors. The truth, honesty and courage of the storytelling that was heard resulted in the creation of a comprehensive strategy to address this issue.

What we have learned from this engagement is that we need to work with anyone who is at significant risk, currently involved in or a survivor of human trafficking and sexual exploitation across Ontario. This is inclusive of two-spirited and transgender women. Indigenous women need to negotiate their safety to meet their basic needs. Children and youth are being sexually exploited, and there's a failure of systems to meet their needs, especially the systems in place to protect them from sex trafficking.

The current existing legal frameworks do not work and they are currently not supporting youth safety. The expectation for youth to be responsible for their own safety is a serious risk we are facing in the province currently. We have learned that there are often systemic failures that subject Indigenous women and children to risks. The relationship between child welfare and human trafficking is complex. In our engagement with survivors, we heard many stories. In some instances, the abuse was not identified by any service provider, even though it was known. Sexual exploitation sometimes began after child welfare involvement. In complex situations, there are often no easy solutions, but we know we can do better.

Our subsequent report, *Journey to Safe Spaces*, provided clear recommendations for change. The recommendations are survivor-informed and are the basis of program and service development as well as policy change.

ONWA currently provides the only long-term, intensive case management support for survivors and women who are entrenched and at significant risk. Survivors have taught us what trauma-informed care is and what systems

need to be changed. Their intentions were clear: They want to protect other Indigenous women and girls from being trafficked.

Statistically speaking, Canada reported that 28% of Indigenous youth aged 15-plus reported being victimized in the previous 12 months, compared to 18% for non-Indigenous youth. ONWA's Courage for Change Program supported 176 Indigenous women and youth to successfully exit human trafficking from 2017 to 2019. Last year, in 2020, we saw a 37% increase in exits, and an over 23% increase in pre-exit planning and case management. Some 279 Indigenous women accessed addiction treatment, with over 3,725 street-based contacts to Indigenous women at significant risk, entrenched, and survivors of human trafficking. From this data, a startling picture of normalized violence has occurred, and the sexualization of Indigenous women and girls is revealed.

Bill 251: ONWA is supportive of the extension of restraining orders to greater than three years if the situation warrants it. We're happy to see that this legislation acknowledges the importance of an anti-HT strategy being survivor-centred, human rights-focused, intersectional, culturally responsive and trauma-informed. It is important that these principles are written into law. They are the foundation to the work being done with survivors in human trafficking.

We are also in approval of the inclusive wording around the need for an anti-human trafficking strategy and to be informed by the work of diverse sources of evidence. All systems must work together to protect children from exploitation. In the absence of other societal—

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

Ms. Coralee McGuire-Cyrette: Is it done?

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

Ms. Coralee McGuire-Cyrette: One minute? Okay.

Children should never be subjected to exploitation. This legislation allows both police and child welfare to intervene. While generally speaking we're not interested in increasing powers for child welfare agencies, in cases of human trafficking all exiting systems must work together to protect children and youths.

ONWA also knows that the proposed legislation provides the necessary parts for systemic change, required to support Indigenous women and girls in exiting safely from exploitation.

We need to change the current broken systems. We will expand upon these recommendations as well as discuss other recommendations in our written submission.

In closing, Indigenous women are the experts in their lives, and if women and girls are given the chance to build their own bundles, they will become the medicine to help other generations. Meegwetch.

0910

The Chair (Mr. Daryl Kramp): Fine. Thank you very, very much for staying within the time for presentation. We will now go to—

Interjection.

The Chair (Mr. Daryl Kramp): I see an addition. MPP Singh, you are here in the province of Ontario, sir?

Mr. Gurratan Singh: Yes, I'm in Queen's Park.

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

Okay, colleagues, we'll now go to our next presenter for seven minutes. I will try to give a one-minute warning. We have the Canadian Alliance for Sex Work Law Reform: Jenn Clamen, national coordinator. Please go ahead, Jenn.

Ms. Jenn Clamen: Thanks for having us. My name is Jenn Clamen. I'm the national coordinator of the Canadian Alliance for Sex Work Law Reform.

Our alliance is made up of 25 sex worker rights groups across the country, the majority of whom are run by sex workers for sex workers in their regions, from the Yukon to Newfoundland, all across the country. We work together to protect the rights and safety of people who sell or trade sexual services, including safety from exploitation and violence. Our member groups represent thousands of people working in the sex industry, sex workers, across the country.

Sex workers have been organizing against violence and exploitation in part caused by laws and policies like Bill 251 for over 50 years. Our member groups have extensive experience in sex work, exploitation and the ways that anti-trafficking policies are played out on the ground. We oppose Bill 251, and I'm here today to explain why.

Sex workers are mitigating real, individual and state violence every day. Sex workers know the solutions to end exploitation, and it doesn't include more surveillance and police powers. You need to listen to solutions not just from sex workers who call themselves survivors but from all sex workers who experience violence. Our experiences of violence are often discounted and not included in policies like yours because we use alternative methods to address violence—ones that don't rely on increased violence from police enforcement. When creating policy, you need to consider how this enforcement plays out on the ground, and you need to move beyond ideology.

Our presentation today provides insights from sex workers in our alliance, predominantly those who experience the heavy hand of law enforcement and policies like Bill 251, including Indigenous sex workers, Black sex workers, youth in the sex industry and migrant sex workers. It will end, if I have time, with a set of recommendations that can help mitigate violence in our lives, that centre on community responses and decriminalization of sex work.

The increase in policy and funding around human trafficking over the past decade has created an enormous amount of violence and exploitation in the lives of sex workers. Bill 251 is yet another mechanism that increases surveillance and the unwanted and unsolicited presence of law enforcement in sex workers' lives. The casual conflation in Bill 251 of sex work with sex trafficking and sexual exploitation generates an expectation of violence in the lives of sex workers. It incites violence in the lives of sex workers. Predators are aware that sex workers are

criminalized and avoiding police detection, which signals that they are easy targets and unlikely to report to police. When sex work is defined as sex trafficking and is seen as an act of force or violence, this trivializes actual incidents of violence that sex workers experience. Anti-trafficking initiatives like Bill 251 increase police and monitoring of sex workers and our workplaces, and as a result, we are pushed into greater secrecy and isolation, increasing vulnerability to violence and exploitation.

Third parties are often mistaken as traffickers rather than co-workers, employees and family members and partners, particularly when working with Indigenous women and migrant sex workers, who often rely on the support of community to help organize their lives and their work and additional safety precautions. Black men and Black youth are disproportionately targeted as traffickers. Sex workers who also act as third parties have been charged with trafficking offences even in the absence of exploitation when working and helping other workers.

Anti-trafficking initiatives isolate sex workers from essential services from third parties. As a result, our security and general working conditions are compromised. Third parties in sex work are regularly charged simultaneously with sex work laws and human trafficking laws, and in the case of Ontario, already two times in the courts these laws have been determined to be unconstitutional because they cause serious harm to sex workers. We imagine and we expect that, should Bill 251 pass, it will risk the same grounds for unconstitutionality based on the increased vulnerability it causes for sex workers.

I'm going to go through some of the actual lived impacts for sex workers on the ground and the ways that they experience anti-trafficking policies. Indigenous women who live and work in public space bear a huge brunt of anti-trafficking policies. All Indigenous women who sell and trade sex are assumed to be trafficked, but many do so as a means of generating income or resources in the context of poverty. The assumption that all Indigenous who sell or trade sex are trafficked ignores the ways that Indigenous women are attempting to practise their agency and earn income and obtain self-reliance in a context of ongoing colonization and poverty. Indigenous women who sell sex are over-policed for occupying public space, and contact with police happens through various channels when Indigenous women are seen as criminal and when their surroundings are seen as criminalized. Rates of violence increase when Indigenous women are not able to report violence or when they do not have access to safety and protection because they're constantly avoiding detection of law enforcement.

To address missing and murdered Indigenous women, police and government and social service agencies need to understand the role of criminalization and why Indigenous women go missing and are murdered. Human trafficking charges are also laid against members of Indigenous communities, and these charges are often the result of the criminalization of relationships and over-policing that lead to the disproportionate incarceration of Indigenous communities. Negating Indigenous women's agency and

limiting their realities within a discourse of trafficking deflects from recognizing and understanding the numerous ways that a colonial state reproduces violence and injustices and harms against Indigenous women.

Anti-trafficking initiatives and policies that conflate exploitation and human trafficking also increase migrant sex workers' exposure to violence and exploitative working conditions.

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

Ms. Jenn Clamen: There's one more minute? Okay. I have a lot more. I think what I'll do is I will submit this as well, if I can't read it. I thought that I had three more minutes, actually.

Racist and oppressive views under concurrent anti-trafficking initiatives and policies: They function to control and to target Black men and Black youth. Youth in the sex industry also are assumed to be trafficked when they are creating often communities that they need for their own protection.

I'll just get to our recommendations right away. Our recommendations are for a human-based approach to address exploitation and violence. The most successful way to do this is by listening to communities that are in direct contact with people in the sex industry; that is, people who are working in the sex industry. Our community groups have this trust with our industry. You need to invest in community initiatives that are run by and for people working in the sex industry that are non-directive and based in human rights. Do not invest in more police. Evidence demonstrates that the money and the positions are simply being recycled from gang money to—

The Chair (Mr. Daryl Kramp): I'm sorry, Jenn, but your time is up. I'm very, very sorry.

Ms. Jenn Clamen: I thought that I started, actually, at 9:10, and it's only 9:17 on my watch.

The Chair (Mr. Daryl Kramp): No, I'm sorry. You have seven minutes only. Those are the regulations of the committee. However, might I suggest, if you have more to say, that you can put the submission in writing to the committee and we will certainly take your information further in from that perspective. Thank you very, very kindly.

Okay, we—oh, excuse me. Ms. Morrison, please go ahead. Point of order?

Ms. Suze Morrison: No, not a point of order. Sorry, are we going into questioning?

The Chair (Mr. Daryl Kramp): No, we have another witness yet first.

Ms. Suze Morrison: Oh, there's three. Sorry; my bad. I haven't had enough coffee yet.

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

We now have Vincent Wong. Please state your name for Hansard, Vincent, and carry on. You have seven minutes.

Mr. Vincent Wong: Thank you very much. My name is Vincent Wong. I'm an international human rights lawyer and I'm a PhD candidate at the Osgoode Hall Law School. Previously, I was staff lawyer and acting clinic

director at the Chinese and Southeast Asian Legal Clinic here in Toronto, Ontario.

Committee members, you have now heard from the myriad communities that have told you, specifically yesterday, how we will be impacted negatively by this particular strategy of Bill 251. You've heard from migrant communities, racialized communities, queer and trans communities, women's groups, sex work and massage work communities—particularly Asians in those communities—and youth groups, and you've already heard what they had to say.

I'll just say that the horrific murders in March of Atlanta's spa workers, who were already under improper human trafficking investigations when the murders happened; the murder of Asian sex worker Yang Song at the hands of the New York Police Department and the creation subsequently of Red Canary Song; and in our own neighbourhood, the half a dozen murders of Asian sex workers in southern Ontario over the past eight years should remind us yet again that the criminalization and surveillance strategy put these populations at disproportionate risk for violent attacks. And yet here we are again, debating whether a massive increase in policing powers, in funding and surveillance will be effective in protecting these marginalized groups.

0920

Focus specifically on the harassment and experiences of migrant sex workers. Listen, they already face documented harassment and abuse and criminalization from three different kinds of law enforcement: (1) police enforcing the Criminal Code that criminalizes their work; (2) CBSA enforcing immigration laws that ban employment in their fields and criminalize their bodies; (3) municipal bylaw officers enforcing punitive regulations that effectively ticket massage businesses out of a livelihood. And so now four: We are hearing again spending hundreds of millions of dollars to add a fourth group of law enforcement, this time from the province, to criminalize and target these women.

When will this racist and sexist reign stop? As you heard from the speakers yesterday, the bill confers upon them unparalleled and unchecked powers to search, seize, enter premises, detain and violate the freedom from self-incrimination under punitive power. It is written in a way that is recklessly and knowingly unconstitutional, that makes a mockery out of our charter rights in this country.

Last summer, hundreds of thousands of people across our nation and in our province took to the streets to condemn the violence and ineffective default to policing and carceral responses in response to political, social and economic problems. They demanded that the overwhelming resources that are siphoned into policing and carceral institutions be instead diverted to non-carceral community supports, services and safety. And yet here we are, less than a year later, with a government ramming through one of the largest expansions of police power ever witnessed provincially.

Running this through a human trafficking lens in particular—and I'll address this directly—is effective

because it obfuscates the fact that we are talking about various levels of labour exploitation. Yet this bill does zero for labour protections and the conditions of possibility that give rise to coerced labour, that give rise to child labour. And even worse, the human trafficking lens obfuscates the defunding and displacement of community organizations that have been working with these marginalized populations for decades, increasingly tying the existing funding of critical social, health and legal services that remain to policing surveillance and the carceral infrastructure. This makes it even more dangerous and risky for criminalized and marginalized communities in our society to access these services, directly contrary to the desires and calls from the grassroots. This human trafficking bill therefore establishes policing logic as the ideological fulcrum in services where that did not exist before.

Like our depositions in Newmarket last week, I suspect that inside baseball has already been played and all members of the ruling party here have made up their minds already, so I would rather address the other members of the committee.

Lucille Collard, on June 5, 2020, you said, “‘When Black lives matter, that’s when we can say all lives matter.’ Let’s bring real changes. Right. Now.” This is an opportunity to centre the very grievances that gave rise to that mobilization.

Suze Morrison, on June 29, 2020, you published on your website an essay, “End Police Violence. Invest in Black, Indigenous and Racialized People’s Lives.” Amen.

Gurratan Singh, on March 17, 2020, you said you were “heartbroken by the horrifying news of deadly shootings targeting Asian ... women in Atlanta.” You said, “We all need to speak up right now against anti-Asian racism and bigotry.” This is the perfect example and the most important time to speak up.

Kevin Yarde, on August 20, 2020, you spoke out against the government hiring 200 extra more OPP officers, condemning this government for not considering or addressing “the vital reforms that are being called for by community leaders, experts in health and justice, members of” BIPOC “communities across the province.”

The Chair (Mr. Daryl Kramp): You have one more minute, Mr. Wong.

Mr. Vincent Wong: Here we are again. This bill is fundamentally flawed. It will cause harm and it will be litigated. And if, after all that you’ve heard, you four still do not vote against this bill, then I would have to say the shame is on you.

I have nothing more to say to the committee, and I’ll yield the rest of my time to my co-panellists.

The Chair (Mr. Daryl Kramp): Actually, no. The time is up to seven minutes for each, so the time is over now. We will now go to the rounds of questioning. We will have seven and a half minutes for the opposition, four and a half for the NDP, seven and a half to the government, in two rounds, please.

First of all, seven and a half minutes for the opposition: We have Suze. You’re up first, please.

Ms. Suze Morrison: Perfect. Now it’s my turn.

I actually want to start by offering some of my time to Jenn, who didn’t quite get to finish her recommendations. If you’d like to get any last thing on the record, I’m happy to share my time.

Ms. Jenn Clamen: That is very kind. Thank you very much. I did want to finish. I do have information on how the bill will impact on youth and on Black sex workers and Indigenous workers, but I’ll submit that.

But I do want to say, in terms of our recommendations, that support for decriminalization and the removal of police from sex workers’ lives is a really important gesture in these moments where governments are relying on very carceral, police or heavy-duty law-and-order approaches, and to stop investing money in more police powers and raids—a lot of what has been said. I wanted to end that by saying it’s only when we recognize sex work as work and it’s not received as exploitation that sex workers can obtain human rights and our rights can be respected.

I want to second what Vincent said about the constitutionality of this bill, and that most likely, we’ll find ourselves wasting a lot of taxpayers’ money in court.

Thank you very much for offering that time to me.

Ms. Suze Morrison: Thank you so much.

I want to pop over to Coralee. Thank you so much for being here today. A lot of what our debate in the second reading of the bill centred on was not just what’s in the bill, but the upstream root causes that create vulnerabilities, particularly for Indigenous women, that largely lie in poverty and a lack of access to prosperity in the community. I’m wondering if you could speak a little bit to the types of investments that this government can and should be making to ensure that Indigenous women have access to affordable housing, to clean drinking water in their communities, to child care, to employment—all of those anti-poverty pieces that really help ensure that Indigenous women aren’t targeted just because of poverty.

Ms. Coralee McGuire-Cyrette: Thank you, yes. We have to begin to look at the systems and services. There is definitely a lack of access to safe housing, especially for Indigenous women who are escaping violence. Also, that is a major barrier for safely exiting human trafficking as well—and the need for mental health and addictions services.

The issue that we’re facing here, as Indigenous women have told us, is that the sexualization of Indigenous women needs to stop. That’s part of colonization. That’s part of oppression. They have a right to their own agency, to speak on their own behalf. So even ONWA, as an Indigenous women’s organization that has been here for 50 years—we do not speak on behalf of Indigenous women, because they have a right to speak on their own behalf, and so we speak on behalf of the issues that they are facing. It’s always concerning when other agencies attempt to speak on their behalf, because that’s oppressive, colonized behaviour. We have to look at the United Nations Declaration on the Rights of Indigenous Peoples, as well as our constitutional rights and our treaty rights, to be able to speak on our own behalf, and we have to begin

to address those colonial behaviours and address those systemic issues that you said, especially around poverty.

Unfortunately, Indigenous women are facing sexual abuse from very early ages, which is part of the grooming practices that have to be addressed and stopped. The violence against children needs to be addressed if we want to make substantial change.

Ms. Suze Morrison: Yes. On that note, I know you mentioned in your remarks some concerns around reliance on the child welfare systems and structures that are in place and their role in this bill. How can that be navigated in as culturally safe a way as possible, and what sorts of changes do you think the government—what sorts of flags would you maybe identify for the government in terms of how child welfare systems are connected to this work?

Ms. Coralee McGuire-Cyrette: Definitely, there are lots of issues with the child welfare agency, as we know. It needs a complete revamp. The apprehension of children due to poverty is one of the major issues we have to address. There's an opportunity here for—it's not an either/or approach; it's a holistic approach of being able to get child welfare to connect with programs and services to help meet the children's and families' needs.

We need to look at parenting programs. Something that the residential schools did damage to in our community was—they basically interrupted the parenting, not just our cultural practices and our history, but also our ability to parent. So that's one area that's never really been addressed or supported.

0930

We know that prevention services work better than intervention services, and that children who are in the child welfare system always do go back home. If there have been no healing services in between that time, that's where a lot of trauma begins to happen again. If the parents and the community haven't healed during that time, the children are going back to an even worse situation. So this is where we really need to look at protocols between police services, child welfare and programming and services in communities, specifically done by Indigenous communities, for Indigenous communities.

Ms. Suze Morrison: Thank you so much. Chair, how much time do I have left?

The Chair (Mr. Daryl Kramp): A minute and 40 seconds.

Ms. Suze Morrison: Okay. Perhaps I will pop back to Jenn again for a quick minute and just ask if you could elaborate on your concerns with the involvement of expanding police powers in this bill.

Ms. Jenn Clamen: The sex workers in our community—we're not a social service agency; we're actually a group of sex workers and people working in the sex industry, so all of the information I bring you comes from people who are selling and trading sex every day. Our concern with the police is that everybody in our community, including Indigenous women, Black women, including youth and migrant women, don't actually trust police and won't actually go to police. During the missing and murdered women's inquiry and during inquiries all across

the country—I live in the province of so-called Quebec, and it constantly discussed again and again and again how people don't go to police when we experience violence. Police is not an appropriate response.

Our concern is that, by putting more police and more police powers into the lives of people, the unsolicited presence of police or unrequested presence of police actually pushes us further away from protection when we actually need it, and we have to create our own systems of support. So this bill is not in any way protective; it's actually more repressive.

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

Ms. Suze Morrison: Thank you. We saw, in the last few years, this government cut substantial funding to the Anti-Racism Directorate. Do you think that this government should be investing more in anti-racism work in the province of Ontario?

Ms. Jenn Clamen: Always, and it's community organizations, not the police, who need to be doing that work—

The Chair (Mr. Daryl Kramp): Thanks very much, Jenn. I'm sorry, but it's time. We'll have to put you onto the next round of questioning to finish your point.

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

M^{me} Lucille Collard: Thank you to the presenters. I do appreciate very much your perspective. Everybody we've heard so far is helping us understand the depth of the issues but also the impact that this bill would have.

I do totally understand that enforcement is a problem, definitely, for sex workers, and that this bill has the great potential of having a negative impact, and I think that should be addressed. At the same time, I'm trying to reconcile the fact that human trafficking, to me, seems real. I was a school trustee. I've got three daughters who are the age of victims. I'm really concerned with this and I think it needs to be addressed, but I'm having a hard time reconciling how this bill could do both, because it seems that while trying to help the victims, it targets or it victimizes others who shouldn't be.

I do get that enforcement is not necessarily the solution and that support services are certainly what we need. So maybe from you, Jenn, do you see anything in this bill—because we have this bill that is before us, and we have to deal with its content right now. Do you see anything that could be improved in the bill that would make it sufficiently good to be passed and accepted?

Ms. Jenn Clamen: Thanks for your question, and I understand why it's really hard for MPPs here to negotiate or to understand what to do in the context where exploitation does exist, because it absolutely does exist, and nobody is denying that exploitation exists. The problem with the bill and the problem with this committee is that you're having about 20 different conversations at the same time. So you're saying "sex trafficking," and all of you are thinking about something different at any given moment.

What the bill needs to do is start by unpacking those very real and very complex notions and concepts, and not mixing it all. Because when you're talking about education for somebody who is 12 years old, you're most definitely

not talking about the same thing as violence against somebody who is 20 for example, and so we can't have the conversations together. So, no, the bill is not a good bill, as it stands.

You need to go back to the beginning and ask yourselves the very real question of what actual kind of violence it is that you are addressing. If you're addressing child abuse, then talk about child abuse. If you're addressing sex work, talk about sex work more openly. But to us, what this bill reads as is a way to monitor people working in the sex industry. It doesn't read as a way to be protective. We have that experience from over five years of laws that were implemented at the federal level that tried or claimed to do the exact same thing but in essence had just made the situation more dangerous. We're going back to court as a result and those laws are being found unconstitutional, every time they're being found before the courts, twice in Ontario. So my suggestion is to start again and actually identify the concepts that the committee wants to address and the kinds of violence the committee wants to address and not use lofty concepts of human trafficking that have various definitions.

M^{me} Lucille Collard: Thank you for that. I understand—well, we kind of need enforcement in our society. Police are a reality; they're there to enforce the laws that we've put in place, not always in the most elegant manner, and I understand that needs to be addressed. Do you have any suggestions or recommendations as to how we could improve this relationship between the police and sex workers?

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

Ms. Jenn Clamen: Sorry?

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

Ms. Jenn Clamen: Okay. I think of the mistakes that a lot of people make is going directly to training of police. The training of police—and we heard this again in the missing and murdered women's inquiry and again from Black communities, time and time again—is not an effective way to actually educate. It's usually just a check off the box so that they can say they've done it.

What we suggest, really, is to invest in community responses to violence because—and I think Cora said the same thing in terms of community groups know how to actually deal with violence in our community, and resources for communities to develop that education is the way to start.

The removal of extra tools and extra laws is really important. That's why you heard my colleagues talking about decriminalization yesterday, because when police are emboldened and empowered to be in the lives of people who are marginalized, they will use everything at their disposal. Human trafficking laws are part of the things that they use to just throw around, to charge everybody with everything until they could actually—

The Chair (Mr. Daryl Kramp): Thank you very much. Your time is up on this round of questioning. We will now go to the government for seven and a half minutes, please. Mr. Bouma, please.

Mr. Will Bouma: Chair, through you: Sekoh, Cora. It's very good to have you at the committee this morning. I wanted to begin by just thanking you for the trauma that you have taken on yourself by hearing the stories of victims of trafficking. I represent the riding of Brantford—Brant, which has the largest Indigenous territory in the country, and I continue to learn about the generational trauma that's been inflicted upon the Haudenosaunee people.

We heard yesterday that human trafficking is quite negligible and, in fact, that most agencies that work with reportedly trafficked people are actually over-representing those numbers in order to secure government funding. And so I was wondering if I could ask you, because I think you speak from a very unique experience, what are your thoughts? Is human trafficking under-reported or over-reported in the province of Ontario?

Ms. Coralee McGuire-Cyrette: Thank you. It's a very good question. It's definitely under-reported. I've got to tell you, I've been around and doing this work for far too long. I have family members who have been trafficked and are currently being trafficked, and I have yet to meet a woman or to meet somebody who says that they're a survivor of human trafficking and comes up with a story in order to access a program or a service.

This is definitely not an area that we as an agency wanted to take on. This is something that we were mandated by our membership and by Indigenous women to do, because there were no services, there was no programming for the children and youth who are on the streets. There was a major gap in our society to really begin to look at and address this issue. This is definitely—when you're looking at making change, it's difficult, it's hard.

The stories of survivors have come from generations of advocacy. Something that we heard consistently is that they were disclosing for years to agencies and nobody was believing them, especially the stories of the youths and the children who are on the streets, and being able to intervene and provide them with programming and services immediately and get them into safe spaces for them to build a life that the Creator—and vision of the community for them.

0940

This is definitely not something that is part of our culture or our history. This is definitely a direct result of colonization. I'd like to see the evidence to support a decision like that or an opinion like that, because what we're seeing on the ground—we work with women every single day all across the province of Ontario—is that there's still a lack of services and programs and supports to meet their needs.

Mr. Will Bouma: I appreciate that. I have to tell you that I feel wholly inadequate to be even making these decisions, because—you're right—I am not Indigenous, I have not been a victim of human trafficking. I really, really appreciate being able to hear some of these stories. I so much appreciate the fact that you're here representing people from your community, because probably one of the most important things that I have done in my time in office

is to spend three hours at the residential school in the city of Brantford and to immerse myself into those stories to gain a little bit of, a taste of, an understanding of the generational trauma that has been inflicted on people.

You mentioned earlier the UN resolution about anyone under the age of 18, a minor, being involved in any sexual activity, that that automatically constitutes some form of abuse. I was wondering if you could expand on that a little bit more, because yesterday we had a few witnesses who could not say that a young person, a child, involved in sexual activity for money was inherently wrong. I was wondering if you could speak to that a little bit more.

Ms. Coralee McGuire-Cyrette: Yes, definitely. We have to begin to look at the rights of children. The expectation that children have—to me, it's plain and simple: It's exploitation. That's why we have the child welfare legislation and that's why we're happy to see in the act the opportunity here for getting child welfare to do the job that they need to do, which really is about protecting lives, and not intervening when it's a poverty issue but intervening when there is a serious risk of health.

When you're thinking about the Tina Fontaines of the world, there are many Tina Fontaines, unfortunately, in our communities here. Something that we've heard consistently, the entire argument back and forth of—you know, the exploitation, it's not one day where you're in the sex trade and the next day you're being exploited. It's a spectrum. That's something that survivors have told us very clearly: We need to be able to provide programming and supports for wherever they are on that spectrum.

In the case of children under the age of 18, you have to be able to really look at what types of programs and supports and intervening sooner than later. How is it that you can make that decision when you've experienced sexual violence your entire life and that's your only option? That's not a choice for Indigenous youth and children. That's what we've been hearing very clearly from the community, is that we need to be able to listen to them, to believe their stories and to get them the support they need based on their expertise. They're the ones who know exactly what they need. We have to begin to look at how our children and youth being oppressed and the history of colonization continues today, even.

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

Mr. Will Bouma: Forty seconds? Then I'll wrap it up. I really appreciate you coming here today, and I wanted you to know that you have a friend here in Brantford—Brant for the work that you do. I very much appreciate it. Nia:weh.

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

Mr. Kevin Yarde: I want to thank the participants coming in today: Cora, Jenn and the other gentleman who was here with us a little bit earlier. My first question I'm going to actually pose to both Jenn and Cora, but I want to get Cora to answer, first of all. I do appreciate all the work you do for Indigenous communities. It is very important.

Now, Bill 251, the way it is set up—we've heard from stakeholders the last couple of days that they believe it would be harmful to racialized communities, Black communities, Indigenous communities, Asian communities, as well as trans and queer communities, based on the fact that it basically just undermines sex workers in those communities. What is your take on that understanding?

Ms. Coralee McGuire-Cyrette: Thank you; good question. I can only speak on behalf of the Indigenous community. I do believe that other groups have the expertise to speak on their own behalf. The piece around this act about—it's a very high-level act. It's principle-based, which really does leave it open for interpretation, and so the opportunities here are really balanced.

I'm looking specifically at the youth-based population; 18 or under is definitely something that we're looking at, and the act does do what survivors have asked it to do, which is to be able to remove children temporarily from very high-risk situations, and will offer them, if they want, a choice to go somewhere else. We just have to be cautious, I think, of people speaking on behalf of Indigenous women. It's one of the concerning areas I think I've been hearing consistently. Through our Aboriginal and treaty rights and our constitutional rights, Indigenous people have the absolute legal right to speak on their own behalf, and so that's something that I think we have to be cautious of.

Mr. Kevin Yarde: Okay. Thanks, Cora.

And a question to you, Jenn: Will this bill exacerbate racial profiling and criminalize marginalized communities? I myself have been carded twice, so I know what it's like to be racially profiled. I'll let you give your response.

Ms. Jenn Clamen: Thank you very much for your question. In our community of people working in the sex industry, myself included, what we're getting from people working in the sex industry is that this bill will really empower police to be in the lives of people who are racialized. What we see in Ontario, particularly, is that a lot of people who are charged with trafficking provisions are Black youth, often Black youth who are hanging out with younger white girls. Often what these bills do is, again, empower police to be in the lives of people.

Black women and particularly Black sex workers in our community who have asked me to speak today have been really wanting to put forward the idea that Black men in communities who are often perceived as traffickers and Black women who are perceived as colluding with traffickers—all of these laws, what they really do is just increase that surveillance, and it's not the way to address any violence. It's not even a protective measure in the lives of people working in the sex industry that will reduce that violence and that racial profiling. So, absolutely, this isn't the way to tackle racial profiling, and it most definitely exacerbates it.

Mr. Kevin Yarde: Let me talk about schedule 1, in regard to hotels and the police being able to go to the hotels, access the lists of people in the hotel, have their names, have their addresses. Is this something that you think will exacerbate the problem and will result in more

sex workers going underground into more precarious conditions, or do you think this will actually benefit them?

Ms. Jenn Clamen: Absolutely, it is extremely problematic. A lot of the sex workers in our communities reported back—it was sometime in the last year before COVID hit—that police were faxing agency names and names of sex workers to hotels and saying, “Look out for this person.” People were being profiled when they came into the hotels. There was a lack not just of privacy but of safety and security. It is extremely daunting when seven police officers show up at your hotel room and claim to be wanting to save you from a situation. It is coercive police practice.

Police need to actually be responding to solicited requests for presence in their lives. What happens to people in hotels is that if people are actually experiencing exploitation or abuse, you’re not going to find them by knocking on a hotel door, because people are aware that there’s more surveillance, and so they actually avoid places where they know there is that surveillance or where staff have been “trained” to spot trafficking. It’s a great [inaudible]. I’m pretty convinced that it would be found unconstitutional when it’s taken to court.

0950

Mr. Kevin Yarde: Okay. I just want to, in the little amount of time I have left, talk about funding and funding cuts to social services and women’s organizations. This government, of course, cut 30% from the rape crisis centres, 30% from legal aid. If we are going to supposedly deal with human trafficking and protect sex workers, how are these cuts going to benefit or hurt or harm alleviating these problems?

Ms. Jenn Clamen: Can I respond to that? I think that some of the issues that Cora brought forward around poverty and homelessness and around violence are very real issues in our community, and those are the places where the actual resources need to be put. We are not seeing this kind of plan for homelessness; we’re seeing billions and billions of dollars being thrown into this notion of human trafficking, which again, no agency and no organization has a clear and shared definition of. Those resources could be used around homelessness, could be used for communities that are fighting poverty, could be used for living wages for people who are living in public space—

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

Ms. Jenn Clamen: All of these services require and deserve a lot more attention than, again, a lofty notion of trafficking that isn’t shared across people.

Mr. Kevin Yarde: Okay. My final question will be a quick question. I assume it will be for you again, Jenn. What would you like to be seeing with this bill?

Ms. Jenn Clamen: I think that the measures and the resources need to be poured back into community and into community responses to address poverty, homelessness and lack of education in our communities. I’d like to see the bill scrapped in its entirety. It doesn’t actually make sense, and it just adds additional resources and additional dangers into the lives of people who are living and working in public space.

Mr. Kevin Yarde: I have, probably, like 10 seconds left?

The Chair (Mr. Daryl Kramp): Thank you very much. You had 10 seconds left. That would be it. We will now go to the independent member for four and a half minutes, please. Ms. Collard?

M^{me} Lucille Collard: Cora, I would like to just hear from you. I’ve got four and a half minutes; use as much as you want. You are obviously in agreement with some of the elements of that bill dealing with sex exploitation—it needs to be addressed, like I said earlier—but you also mentioned you had some recommendations for changes. Could you speak to those changes that you would like to see in the bill?

Ms. Coralee McGuire-Cyrette: Yes, definitely. Thank you for that. Definitely the opportunity that we were looking at was around the child welfare changes in legislation. This is an opportunity for us to look at real safety for children, where mandated systems take up their responsibility and their obligation to do the work, and the child welfare legislation is the area and the opportunity to be able to charge traffickers through that system.

The current system, when you do a gender-based analysis of the child welfare system, currently discriminates against women. The system sets up to charge only the mothers, so the parents are the ones who are held responsible for anything that happens to children, because the case file is opened on them. This is an area of opportunity to begin to look at offenders and to be able to have the systems work together and provide that healing and support sooner than later. We know that the longer that survivors don’t have support, the trauma continues on for years and for generations, and so this is an opportunity to be able to intervene as a preventive measure very early on, and being able to use the child welfare legislation in this limited way is the opportunity for us to make real change in children’s lives.

In the case of even my family member, child welfare was alerted and was aware in her youth, and yet they did nothing, so this is an area of opportunity to hold those systems accountable and to be able to intervene and get the preventive services sooner than later. We’re not looking at intervention of only having police and child welfare services—they’re only the one part of the front end—but being able to have that and build that relationship and connect the community back to community services. That’s the holistic approach that has been missing that we need to really look at and unpack. It’s being able to say, how do we collectively work together for the safety while being in healing opportunities?

One of the other areas that we were looking at is looking at housing and homelessness—well, housing issues—and mental health and addictions services. What we’re seeing now is an increase in exploitation through addictions services, specifically for Indigenous girls and children and women. So access to barrier-free mental health and addictions services is needed drastically right now.

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

Ms. Coralee McGuire-Cyrette: It’s a need that there’s a current gap for here in the province and an opportunity

for us to work together and to build these services and supports.

M^{me} Lucille Collard: Okay. Thank you for that. I know there's not much time left. I just wanted to thank you both for your time and for coming forward today. I do appreciate your involvement in this, so thank you very much, on behalf of the committee.

The Chair (Mr. Daryl Kramp): Thank you, Ms. Collard. We'll now go to the government for seven and a half minutes. Yes, Ms. Hogarth, please.

Ms. Christine Hogarth: Thank you very much, Chair. I just have one quick question, then I'm going to pass it off to my colleague MPP Tangri.

This is a question for Jenn with regard to schedule 1. We talked about hotels. If you were a parent and you have a 13-year-old missing daughter, would you have a problem with finding out if your 13-year-old daughter, a child, is in a hotel room? Yes or no?

Ms. Jenn Clamen: This is a very manipulative kind of question, because of course I would be concerned if I had a daughter and she was missing. Of course I would—

Ms. Christine Hogarth: I just want to say, that's what this legislation is about. It's about protecting children.

Ms. Jenn Clamen: You can't ask—no, it's not about protecting children, actually. It's about invading spaces where there are not—

Interjections.

The Chair (Mr. Daryl Kramp): Thank you very much. Is there a further question? Ms. Tangri, then, you have a question? Please.

Mrs. Nina Tangri: Well, thank you. I really want to thank our presenters here today. I'm very disappointed, of course, that Mr. Wong presented and left. I think we had a number of questions for him too.

But I'm going to begin with Jenn, if you don't mind. I just wanted to continue some of what my colleague had just mentioned. I do respect and understand your advocacy for sex workers. You did mention, however, that there are predators and there is exploitation. Very quickly, how young or how old—what is a safe age, then, would you say, to be a sex worker? Would it be 13, 15, 18, 20? What would your quick answer to that be?

Ms. Jenn Clamen: So it's not up to me to determine at what age people are required to go make money to survive in this universe. That's not actually something—we have people in our industry and people in our network who started working at 16 because they left home because they were being beaten by their parents, and they needed to survive. Whether they found communities that were able to support them—and sometimes those communities were violent, or sometimes those communities provided them with shelter, or sometimes those communities provided them with friends. Those are really important things.

So it's not up to us to determine who can work; what's up to us is to determine what the impacts are that those youth are having when they're working or earning money through selling and trading sex. There are a lot of laws that this government can focus on that include laws around child abuse and assault and “sequestration”—I forget how

to say that in English—that can actually be implemented. We don't need more laws to address those abuses. So—

Mrs. Nina Tangri: Well, we do have the child welfare act. I've been working in my area here with Victim Services of Peel, Hope 24/7, children's aid societies, and trafficking exists, according to them. But what I'm hearing, perhaps, from you—and correct me if I'm wrong—is that you're saying that this bill is not necessary, that human trafficking doesn't really exist—

Ms. Jenn Clamen: I didn't say that, actually. I never once—

Mrs. Nina Tangri: You said this bill isn't necessary, but when we started discussing—

Ms. Jenn Clamen: —doesn't exist. We're saying that there are people who work under the age of 18. Sixteen and 17 are blurry ages in general for people who are working. You can work at the age of 16 and you can have sex at the age of 16; you just can't have sex for money at the age of 16, so that's complicated. And when we're talking about people who are younger than 16, we're not having the same conversation—

Mrs. Nina Tangri: We're talking here about trafficking. We're talking about people who are pushing—

Ms. Jenn Clamen: You're not talking about trafficking. You're talking—

Mrs. Nina Tangri: This bill is about human trafficking. Given the extremely dangerous situations that traffickers can put these other people in, is there another group you feel—so you're talking about how police should not be the ones to be getting them out of those dangerous situations.

Ms. Jenn Clamen: I'm not—

Mrs. Nina Tangri: So who do you believe should be getting them out of those situations?

Ms. Jenn Clamen: I'm saying that right now you have a context where you're adding more and more police and surveillance into the lives of youth, and it is not actually protective. There is no study or statistics you can provide that will demonstrate that adding more police into the lives of youth is actually protective. So I'm not—

Mrs. Nina Tangri: I'm just saying, if you take police out of the picture and someone is being trafficked and they're very young, for example, who do you think would be the best organization or group to get them out of that dangerous situation, potentially?

Ms. Jenn Clamen: In a current context, while police do exist, the best people to support youth are usually community and community groups that are close to youth. The first people that youth will go to are not the police; they're community organizations where they have established that trust. That's what we see in our communities of sex workers. The first people to hear of that violence, the violence against us, is we go and we talk to other sex workers and we go and we talk to sex worker rights organizations, because there we receive protections, there we receive ways and skills of mitigating the violence in our lives and being able to identify that violence in our lives. So I would argue that community groups are the first stop for people in the community.

Mrs. Nina Tangri: But if I, as a person—say I'm at an ONroute and I'm suspicious, perhaps, that there's a very young girl who may be being trafficked across borders. I would not know who to go to. I would probably want to call the police, as a first—

Ms. Jenn Clamen: I'm sure you would. I'm sure, based on the questions you're asking, you would, but I don't know how people make—the ways people make those assessments are often based on very racist ways. They're filled with assumptions when you're looking at other people. Often, when people see a Black man with a white woman, they expect that white woman to be in danger. When people see an Asian woman, they expect that she is submissive and they expect that she is being violated. It's these notions that the committee is perpetuating that actually lead to a lot of the racist policies, like Bill 251, and the ways that they're implemented by law enforcement. So—

Mrs. Nina Tangri: Thank you. I want to quickly ask Cora a question before my time is up.

Cora, thank you once again for joining us today. Something you mentioned earlier really struck a chord, where you said you don't speak for Indigenous women, that they should speak for themselves. So you're empowering the women. There's something else you also said that touched a nerve, I guess. You talked about grooming children. Can you just elaborate on that a little more and tell us what you meant by grooming children?

Ms. Coralee McGuire-Cyrette: Oh, the grooming process. Yes, definitely. Thank you. Great question. All the work that we do when we are addressing safety issues is we go to the experts for a specific issue. With the anti-human trafficking work we do, we go to the community. We went to survivors; we did an engagement with our Indigenous community to look at what was the issue and what are the solutions they want to see. So that's that empowerment piece, and that's the part that colonization has done to our community: It took away Indigenous women's voices. Part of decolonization is about empowering Indigenous women to speak on their own behalf once again.

So that's part of the process. In our communities, we are seeing the grooming process is very specific to our children and our youth in the Indigenous community. The grooming process starts very young, very early and each situation is completely different. Some children have been groomed due to childhood molestation, childhood sexual abuse, and/or poverty is something that we're seeing here as well, when you're going to your urban centres and coming from a northern community. It's something that survivors have told us: gifts with invisible strings. It really is an entire breaking down of the spirit and breaking down of the culture. And that's children being groomed out of child welfare agencies, like *[inaudible]* group homes—

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

I certainly want to, at this time, on behalf of the committee, thank all of our presenters. If you have further information you wish to present to this committee, we

have until Thursday, May 13, at 7 p.m. for any documentation. Other than that, once again, thank you for coming in here today and thank you to the members.

We will now recess until 1 p.m.

The committee recessed from 1004 to 1300.

The Chair (Mr. Daryl Kramp): Good afternoon, everyone. The Standing Committee on Justice Policy will now come to order. We are resuming public hearings on Bill 251, An Act to enact, amend and repeal various Acts in respect of human trafficking matters. As a reminder to all, the deadline for written submissions is 7 p.m. on Thursday, May 13, 2021, and the deadline for filing amendments is 7 p.m. on Thursday, May 13, 2021, as well.

Now, I think we have a new addition. MPP Parsa, could you confirm for Hansard your name? And are you in Ontario, sir?

Interjection.

The Chair (Mr. Daryl Kramp): Okay. We'll catch it when we're here.

NO PRIDE IN POLICING COALITION
PARKDALE COMMUNITY
LEGAL SERVICES
MAGGIE'S TORONTO

The Chair (Mr. Daryl Kramp): Colleagues, we have three groups of presenters here today. Each group will be allocated up to seven minutes. The timeline is tight for everyone: seven minutes, please. In order, the first group will be No Pride in Policing Coalition: Jamie Magnusson and Gary Kinsman. The second group is Parkdale Community Legal Services: Mary Gellatly, community legal worker. Then we have Maggie's Toronto and Jenny Duffy here, as well.

Each group will be allowed seven minutes. After that, there will be two rounds of questioning. There will be seven and a half minutes for the official opposition, there will be four and a half minutes for the independent and there will be seven and a half minutes for the government.

We will start right away, then. No Pride in Policing Coalition, you have seven minutes. Please go ahead and state your name for Hansard.

Dr. Jamie Magnusson: Thank you. My name is Jamie Magnusson, and I'm here with Gary Kinsman. We're presenting on behalf of the No Pride in Policing Coalition; we call it the NPPC. We're a coalition of queer and trans activists organizing for defunding and abolishing the police and all forms of carceral institutions. We stand in solidarity with sex workers. We're totally opposed to Bill 251 and Ontario's five-year plan, the anti-human trafficking strategy, and we're outraged at the government plans to spend \$307 million implementing the strategy.

We noted that the Toronto Police Service proposed zero dollars in this year's budget, no doubt mindful of the mass demonstrations this past year led by Black, queer and trans activists calling for the defunding and abolishing of the police and all forms of carceral institutions, in response to police killings of Black, Indigenous and racialized people,

including members of the queer and trans community, such as Coco. The NPPC and many other groups have been demanding that funds from policing and carceral institutions be redirected back into these communities to create self-determined and sustainable communities.

Instead, the Ontario government is using a covert strategy to expand policing powers and extend carceral logics into the human and social services, budgeting more than \$300 million to implement it. These funds need to be redirected to Black, Indigenous, racialized and other marginalized communities that have experienced years of disinvestment and destruction in the areas of public housing, education, libraries, community centres, anti-violence against women programs and services, queer and trans support, migrant services and more.

Bill 251, which conflates sex work with human trafficking, proposes legislation that will further criminalize and endanger sex workers, especially migrant sex workers and those who are from Black, Indigenous, Asian and racialized communities. Further, it outlines a cross-government action plan, bringing the Ministry of Children, Community and Social Services into greater co-operation with police services, the Ministry of the Solicitor General and the Attorney General. This effectively extends policing and their logics into youth and other social services, criminalizing young people, especially from Black, Indigenous and racialized communities. This will have devastating impacts particularly on queer and trans Black, Indigenous and racialized youths who have been ousted from their family homes and are trying to survive free of confinement, surveillance, regulation, criminalization and stigmatization.

This move effectively extends and intensifies carceral state logics into human services dealing with queer/trans and racialized young people. The NPPC recognizes the violent implications of this move with regard to our queer/trans racialized communities, and those within our communities who are struggling economically and socially during the pandemic. Often expelled from their families and fleeing from stigmatizing social services, queer/trans youth, under the new legislation, would be further targeted for police harassment and criminalization.

Now, I'll hand it over to Dr. Kinsman.

Dr. Gary Kinsman: Thank you, Jamie. What Bill 251 calls for has nothing to do with what people who have survived trafficking have been calling for. We contrast what Indigenous trafficking survivors have been asking for versus what Bill 251 actually delivers.

Laura Hall, an assistant professor in the School of Indigenous Relations at Laurentian University in Sudbury, who has done support work and research with Indigenous survivors of trafficking, gave the NPPC express permission to use the following quote. This is what Laura Hall has to say:

“State-sanctioned anti-trafficking work has been funnelled into policing and narrowed from what trafficking survivor groups were saying in 2015-16. Policing is a problem. They don't do their jobs when it comes to actually finding the people who have done harm to Indigenous

women and two-spirit people and they also are violent to Indigenous women and two-spirit people. If we give them more powers, obviously what we're doing is narrowing the scope of our prevention work while funneling much-needed resources away from Indigenous people and toward state agencies like the police.

“Prevention is about creating safety, shelter, and community care for Indigenous trafficking survivors. This means housing, not policing. Land access, not policing. Culture-based addiction treatment, not policing.

“Policing does harm to Indigenous trafficking survivors, and Indigenous communities more generally, who then get caught up in the arms of the state. ‘Protection’ work, ‘wellness’ checks and so on funnel Indigenous people directly into state services including” the children's aid society and child welfare “and obviously prison.

“Empowering Indigenous people to do our own justice-based work, to take care of each other and ourselves, should be at the centre of our social response, and not more policing and criminalization.” That's the end of the quote from Laura Hall.

Bill 251 is diametrically opposed to what survivors have been asking for. We therefore call for a refusal to pass Bill 251 and instead for the funds that were to be allocated to it to go to Indigenous and other community-based agencies and projects providing housing, culturally based addiction treatment, harm reduction and other—

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

Dr. Gary Kinsman: Sorry? I've been cut off.

The Chair (Mr. Daryl Kramp): No, one minute left. Please go ahead.

Dr. Gary Kinsman: Sorry, I misunderstood.

The Chair (Mr. Daryl Kramp): No problem.

Dr. Gary Kinsman: To give more funds to the police who are a major danger to Indigenous, Black and racialized communities, to sex workers and to poor and homeless people more generally is to move in an entirely wrong direction.

The No Pride in Policing Coalition supports Black and Indigenous communities in advocating for redirecting public funds to invest in sustainable and new infrastructure for self-determination with respect to community-based health and well-being.

In conclusion, Bill 251 is a major threat. It must not be passed. Thank you.

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

We will now go to Parkdale Community Legal Services. Mary Gellatly, please. You have seven minutes. I will try to give a one-minute warning for time before the end for you. Thank you, and carry on. Please state your name.

Ms. Mary Gellatly: Thank you for the opportunity to address this important issue. I represent Parkdale Community Legal Services. We're a poverty law clinic, among other things. We provide support for migrant workers and sex workers.

As legislators considering new legislation, you should follow the maxim of do no harm. But this bill does do

harm. Not only does it not combat human trafficking and provide support for survivors, it would, if passed, do harm to those it seeks to protect. The bill relies on a law enforcement model that conflates sex work with trafficking. This model doesn't help; it harms sex workers.

Anti-trafficking strategies view sex work as trafficking, regardless of the circumstances. Anti-trafficking investigations have been found to negatively affect racialized and migrant workers in particular. I understand you've heard from Butterfly, an organization of migrant sex workers, which did a study on anti-trafficking investigations. They found that what workers experienced was inhuman and degrading treatment, arbitrary arrests and detention, leading to deportation for some migrant sex workers. More than one third of migrant massage and holistic centre workers reported being abused or harassed by bylaw enforcement and police officers, 20% were assaulted or physically abused and many experience illegal search of personal property.

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What's the result of this anti-trafficking model and the impacts it has on some workers? It's that workers are not going to seek help from law enforcement when they truly are at risk, and so it effectively criminalizes sex work and that facilitates the exploitation and violence against sex workers.

Under the proposed act, hotels and other rentals will be required to record all guest information. This information must be shared with the police if demanded, potentially without a court order, and then this will be used to surveil sex work in hotels and short-term rentals. This threat to identity will push sex workers in particular, and in particular migrant sex workers, to work in other, less safe spaces. Sex workers without immigration status would be put at particular risk if the information they provide on hotel registries is shared with immigration, which may lead to deportation.

The act gives inspectors the power to enter and inspect any place without notice of warrant. Inspectors are given the power to examine, demand, remove or copy anything that is deemed relevant. They can question a person on any matter related to the inspection, and non-compliance is a punishable offence, subject to fines of \$50,000 for an individual.

These unchecked powers give huge power to investigators and enable inspectors to conflate trafficking with sex work, enter the sex workers' workplaces and detain and interrogate sex workers. Workers can't refuse the questions, and these are workers who already face substantial consequences for engaging in sex work, including stigma, discrimination, possibility of eviction, criminal charges, loss of immigration status. It's all the more difficult for migrant Asian workers who may not speak English. Bill 251 contravenes their constitutionally protected right to silence, and the provisions pose serious human rights concerns that likely will not withstand constitutional challenge.

The bill comes on the heels of a global movement against police violence and anti-Black and anti-Asian

racism. We've seen an unprecedented wave of support across North America to defund the police and invest in real supports for our communities. Bill 251 further endangers Black, Asian and sex-working communities because it expands the power and scope and funding of policing in our communities under the guise of protection.

Migrant workers are also at risk if this bill is allowed to proceed. In my work, I work with a lot of migrant workers and undocumented workers and I've witnessed migrant workers being penalized for speaking out about exploitative work conditions and unscrupulous recruiters. Anti-trafficking inspections of migrant workers end up with the migrant workers losing their job, losing their income and losing their residency, rather than focusing on what's happening with recruiters and employers that use those recruiters. Ramping up policing does not address the real reasons that migrant workers are exploited. We have to address the unfair immigration rules that prevent workers from the global south from coming to work and live in Canada with full immigration status. Migrant workers need regularized immigration status and real protection from our labour laws, not policing.

Bill 251 ignores the real drivers of exploitation and violence. It's moving entirely in the opposite direction of what marginalized communities are demanding, which is to redirect funding from police to communities. We do not need a bill that puts funding into surveillance and policing and criminal law or a moral appeal to save the children. We do need to shift money from policing to our communities to put money into education, empowerment and community services that strengthen sex workers', migrants' and queer and young people's rights that rest on gendered and racial socio-economic justice.

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

Ms. Mary Gellatly: Okay, thank you. We, too, are calling for the withdrawal of Bill 251, and putting forward specific recommendations that take a human rights approach:

- to provide resources and support sex workers and sex worker rights organizations to address human rights violations;

- invest in community initiatives that are based on human rights, not morality, that address structural issues related to poverty, homelessness and education. This should be led by people in the community, for the people;

- remove specific immigration regulations and work permit conditions that prohibit migrant people from working in the sex industry;

- urge the federal government to stop raids, detentions and deportations of sex workers; and

- ensure the CBSA is never involved in an anti-trafficking investigation.

Thank you very much.

The Chair (Mr. Daryl Kramp): Thank you very much for your presentation. We now will go to Maggie's Toronto for seven minutes. Please state your name for Hansard to start, and you have seven minutes.

Ms. Jenny Duffy: Hi, I'm Jenny Duffy. Good afternoon.

Maggie's Toronto Sex Workers Action Project is one of Canada's oldest sex worker justice organizations, serving Toronto's downtown east end since 1986. We exist in the heart of our city's housing crisis, serving community living in encampments, an overcrowded shelter system, and navigating extreme poverty as well as surveillance and targeted harassment through local law enforcement. We offer weekly programming; street outreach; harm reduction supplies; education for organizations, non-profit and government, looking to engage sex workers; as well as social, political and legal advocacy for our community. Our organization leaders, like Monica Forrester, launched the nation's first programming for Indigenous sex workers, and we work directly with marginalized groups to provide culturally-specific resources and supports to Black and Indigenous communities of colour, non-binary, trans and two-spirit sex workers.

Bill 251 is incredibly detrimental to not only sex workers, but a number of marginalized communities targeted by police in our broken criminal justice system. Bill 251 deliberately conflates sex work with trafficking, undermining the agency and human rights of sex workers everywhere. Our organizations in our communities have noted for decades that further criminalizing sex work and conflating our work with trafficking only harms our communities and further marginalizes our people.

The bill itself dramatically expands police powers, allowing unfettered access to hotels, potentially spaces like Airbnb, people's homes and businesses, as well as access to sensitive information on the mere suspicion that sex work may be taking place, investing hundreds of millions of dollars into the expansion of policing through a number of different avenues, extending into social service sectors and local businesses. It facilitates greater co-operation between the police and other social service sectors, effectively downloading police techniques and responsibilities onto social workers themselves, including the ability to detain, seize and remove community members and force programs on them without consent.

We need to stress here that detention and seizure of community members, regardless of whether it's done by police, social service workers or bylaw enforcement officers, is largely experienced as an assault and betrayal. Bill 251 invests the same discriminatory forms of racial profiling that have historically led to police, social workers, hotels, even flight crew profiling Black and Indigenous communities, racialized communities or working-class communities, queer and trans communities, immigrants and other historically marginalized groups.

Bill 251 allows law enforcement to target both physical and digital platforms through the introduction of restrictions, sanctions and fines. Many in our community rely on these platforms, which allow sex workers to advertise, screen and engage in work safely and on their own terms. This is an extension of the existing hearings happening at the federal level, following right-wing religious groups' campaign for the abolition of sex work.

Now I'll hand it over to my colleague Ellie.

Ms. Ellie Ade Kur: I'm muted. Thank you.

The Chair (Mr. Daryl Kramp): Please state your name for Hansard.

Ms. Ellie Ade Kur: Ellie Ade Kur, with Maggie's Toronto. Maggie's is located in the heart of Toronto's housing crisis and our shelter crisis, which finds many spaces overcrowded, underfunded and navigating unmanageable COVID outbreaks. We're in the heart of our city's overdose crisis and have lost friends, family and community. We also address you as an organization that has been directly targeted by local police in support of many others in our community through police violence and abuse, for the better part of four decades.

Through the pandemic, we've seen an uptick in targeted violence and discrimination against sex workers from local police, including, but not limited to, booking appointments with sex workers, arresting them on arrival and abusing their power by demanding sexual favours and using excessive force; officers targeting and harassing street-based sex workers with racist, transphobic slurs; openly citing the uneven power dynamics between them, so much so that we've had to establish our own legal program to deal with the sheer volume of complaints from community; even political leaders shaming and degrading sex workers in a moment where our industries have shut down and many in our community were barred from accessing emergency aid.

Perspectives that strip sex workers of our agency, ranging from perspectives that degrade our work and our worth to perspectives that cast us as victims, deliberately ignoring our movements to fund our oppressors, ultimately cause greater harm to sex workers, undermine our collective struggle for human rights and place us in more precarious positions that law enforcement has been happy to exploit. One of the most significant threats to sex workers and the greatest source of fear, violence, pain and terror is the policing and continued criminalization of our work. When police target sex workers and our organizations, we are left to respond to that violence on our own.

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Choosing to pour hundreds of millions of dollars into services tied to policing and harmful anti-trafficking mandates will only worsen the issues sex workers have raised for the better part of 50 years in Ontario, and continues to invest in an exploitive rescue industry that calls for the complete abolition of our work and our communities. Our communities have been telling local, provincial and federal levels of government what's needed for a long time: the decriminalization of our work and meaningful investment in social services and supports, social safety nets, housing, food security, living wages and increases to things like OW and ODSP.

The bill claims to protect victims of trafficking, but we know that expanding police powers and targeting commercial sex work does not support survivors of trafficking; rather, it results in the targeted displacement of our communities, particularly queer and trans, Black and Indigenous communities of colour. In the midst of a global movement for racial justice that has fundamentally altered our collective understanding of policing, revealing the ongoing harm local police forces inflict on our communities,

there's no justification for an additional \$300-million investment meant to expand not only the resources and power of local police, but also to extend and download their responsibility onto social workers, inspectors and even local businesses.

Police do not keep us safe. They cause a great deal of harm and are a source of so much pain, grief and terror in our communities. To this end, we call on the Ontario government to scrap this bill and use the \$300 million earmarked for this bill to meet the material needs of survivors.

The current application structure for anti-trafficking community support funds—

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

Ms. Ellie Ade Kur: —requires our organizations to have pre-existing relationships and co-operative partnerships between local law enforcement and other anti-trafficking initiatives, and to offer largely residential, correctional programming that works with police as key partners. Organizations like ours that are doing front-line work, providing drop-in programming, street outreach and harm reduction programs, do not qualify for these vast resources because organizations that do not run predatory exit programs are excluded from these funded opportunities.

On a final note, sex workers, survivors and our community members need meaningful investments in our safety, and not more cops. Thank you.

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

I just want to confirm: MPP Parsa, are you here in Ontario? Must be in and out again. We'll catch it again, then, before we start our questioning.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): She's there—MPP Park.

The Chair (Mr. Daryl Kramp): Oh, we have him here? Parsa.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): MPP Park.

The Chair (Mr. Daryl Kramp): Oh, Park. Excuse me. I thought it was Parsa. My apologies. MPP Park, there's a magnificent difference between you and MPP Parsa, believe me. We'll carry on here right now. We have—

The Clerk of the Committee (Ms. Thushitha Kobikrishna): You just need her to confirm that she's here, and then—

The Chair (Mr. Daryl Kramp): Oh, yes. MPP Park, you are here in Ontario, I take it?

Ms. Lindsey Park: I am. Thanks, Chair. It's MPP Lindsey Park, in Oshawa, Ontario.

The Chair (Mr. Daryl Kramp): Fine. Thank you. To the rest of the committee: You were here from this morning, so we will carry on now with our rounds of questioning.

We will have two rounds, as I mentioned, and we will start off with the official opposition for seven and a half minutes, please. Who do we have? Mr. Singh, yes, I see your hand. Please go ahead, sir.

Mr. Gurratan Singh: Yes, Mr. Singh here—MPP Singh—and I'm calling from Ontario.

I have my first question. I'll address it to—and if I mispronounce any names, please let me know—Ellie. If you could go into a little more depth into what are the factors that are currently systemically—how does this law disproportionately impact folks in sex work, and what are the potential dangers around criminalization?

Ms. Ellie Ade Kur: Sure. There's a lot here that some of my colleagues could speak to as well, but I think that at its core, the continued conflation of sex work with human trafficking allows and empowers law enforcement to keep targeting our communities and sort of expand what they've already been doing with our organization for the last 40 or 50 years: expanding things like the ability to detain, to seize people on the suspicion of sex work.

Through the pandemic, like I said when we were speaking, we've seen an uptick in police officers abusing their power and authority, citing the uneven power balance against sex workers. In our minds at Maggie's and in our experience over the last few decades in Toronto's downtown east, anything that expands the funding and technologies of police, not only to specific local police forces, but also expands their co-operation with things like social service sectors, child welfare services, bylaw enforcement and even some of the training proposed in workplaces here that would effectively allow workers to try to profile sex workers—what we've seen in hotels and with flight crews is this just looks like racial profiling, this just looks like gender-based profiling. All of those things combined just expand the ability to further police and criminalize our communities altogether. So we stand against this bill, but ultimately, our call, alongside scrapping this bill, is for the total decriminalization of our work.

Mr. Gurratan Singh: Jenny, could you expand on that point further, just give some context to the dangers that this bill presents?

Ms. Jenny Duffy: Yes. I'll add that racialized, trans, queer, Black and Indigenous sex workers are disproportionately represented in sex work groups. These are communities that are already over-policed, over-surveilled. When we have these anti-trafficking initiatives that are linking them with police services and with services that are linked with police, we're further putting those populations that are already targeted and over-policed into further contact with law enforcement.

We're really concerned about this bill, because there's also no data showing a greater prevalence of force or violence in the sex industry. Much of this seems to be driven by a moral panic about sex work, and we have yet to see the empirical data that would justify it. But we also think that if human trafficking victims are going to be supported, it shouldn't be through law enforcement; it should be through community-based organizations, where people can speak freely about their lives without fear of authorities being called, without fear of institutions getting involved.

Mr. Gurratan Singh: And when we talk about any form of work where people face exploitation, any form of work where people face threats and dangers, what could be brought forward to ensure that people involved in sex

work are given supports they need? The purpose of the bill being put forward is to protect folks in this industry, but what do you propose that people actually need?

Ms. Jenny Duffy: We want to see this money invested in community supports, because organizations like Maggie's, like Butterfly—we've been around for decades, already organizing and providing assistance to sex workers. And we've been advocating for the decriminalization of sex work, so the removal of criminal provisions on sex work and taking sex work out of the criminalized sector into a labour and human rights sector.

With regard to human trafficking, there are already laws on forced labour that should be utilized. We've already seen these anti-trafficking initiatives, like Operation Northern Spotlight, where police are pretending to be clients and entrapping sex workers. There's no reason for us to sit here today and think that this will go any differently because the province keeps doing the same things. We keep coming to these committees and saying, "We can't have initiatives like this," the province nods its head and does the same things. And then we have huge incidents like George Floyd happen. The province says, "Oh, we stand with people. We're opposed to anti-Black racism," yet they continue doing initiatives like that that are linking Black people to the police.

We really need the committee today to actually take this seriously. If you want to help human trafficking survivors and not harm sex workers, we're here talking to you about it and saying we're in the community, helping sex workers. Invest in our organizations. Stop relying on the police. Stop pushing people to identify as victims to the police as well.

Mr. Gurratan Singh: From the evidence we've heard today and the opinion of the government, they're really putting forward this belief that those who are victims in this industry would find safety in this law. But what you're suggesting is the exact opposite, that those who are potentially in an exploitative position or are on the other end of a power dynamic, which we balanced against them, may be further marginalized. How so?

1330

Ms. Jenny Duffy: Well, that's correct, because there are many complex reasons of why people do sex work. I know there's been a lot of talk at these committees about youth who do sex work, so I'll just bring that up too and say there are a lot of complex realities, including youth running away from institutions, group homes—

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

Ms. Jenny Duffy: —already running away from institutionalization, who join sex work for different reasons. People need to be able to speak freely about their experiences, why they're doing this kind of work, without having some kind of fear that the police are going to be called or that they're going to be forced into rehabilitation centres. We need to look at the socio-economic conditions that make sex work the best choice for people and to also acknowledge that there are people who do sex work the way they just do any other job and they don't care and they don't mind. Maybe other people don't want to do that, and

that's fine, but let people work without being criminalized and without linking them up with the police.

So I just really want to emphasize that we're not denying that people are forced—

The Chair (Mr. Daryl Kramp): Thank you very much, but we are out of time. We will perhaps get to it in the next line of questioning. We will now go to the government for seven and a half minutes, please. Ms. Park, please.

Ms. Lindsey Park: Thank you to all the presenters. I know we're certainly enjoying the discussion and just want to really understand better where you're coming from and what you'd like to see.

Maybe I'll start with Jamie. I think you were the first to present, so I'll just go in that order. I'll start with you. I want to make sure I understand your evidence. Do you believe there's any role for the police or law enforcement broadly in our democracy?

Dr. Jamie Magnusson: I think there's a role for community safety efforts and I think that the best way to ensure community safety and community well-being is through self-determination, so allowing communities to have the ability to be self-determined in how they form, let's say, mutually nourishing relationships to take care of one another, to form community relationships, and in the case of Indigenous communities, although I can't personally speak on behalf of Indigenous communities, access to land and justice that is determined within the community. I think that is what I keep hearing Indigenous scholars and communities saying over and over. There is, within those communities, a lot of discontent around policing and the concern that policing is a colonization—it's a re-colonization—and alternatives have been tried and are available.

Ms. Lindsey Park: Jamie, when you speak about alternatives, what comes to mind? I just want to give you a chance to elaborate on that, like what you see as a more successful model than our current policing model.

Dr. Jamie Magnusson: I think what comes to mind right at the start is understanding the way in which urban geographies have been produced that have had disinvestment from public funding, so public housing has been torn down and not necessarily replaced with more public housing but with gentrification and so on. I think these kinds of disinvestments that have also eroded community centres, eroded programs, migrant services and so on, it really strips down communities and puts them in danger. I think that's what puts, for example, youth and families in danger as well.

I really feel that in order to address safety within these communities, there has to be a reinvestment into these kinds of services and public infrastructure that has seen erosion over the past probably 20 to 30 years. So I would begin there and to create that funding in such a way that it encourages community self-determination.

Ms. Lindsey Park: I'm trying to remember the order we went in. Mary, I think you were second, so maybe I'll jump to you. Mary, maybe I'll ask that same question I did

of Jamie: if you think the police or law enforcement have any legitimate role in our democracy.

Ms. Mary Gellatly: I'd have to say I agree with Jamie. I think the system has become so embedded with systemic racism and systems of oppression and sexism that we need to rebuild it from the ground up. Then, in doing so, that is about starting on the ground, in our communities and with the services and supports and aspirations in our communities that then find the best way to ensure safety for all. I think it has to be built from the ground up.

Ms. Lindsey Park: And maybe I'll ask the question, because we often—I was elected a little over three years ago, so we've been through this committee process on a number of different bills over the last three years. Often, we're discussing a bill at committee, but everyone wants to have that discussion about how, more broadly, the government is directing their funds and their budget to support initiatives. You mentioned that as part of the solution; I don't think anyone on this committee disagrees. We have to make sure we're directing government funds to the right places, and that's part of the broader anti-human trafficking strategy, even if this bill isn't the tool that's actually dispersing the funds.

I wanted to get a sense from you, Mary: When you say you'd like to see investment in the community—and Jamie started to outline, I think, what some of those things look like. But Mary, what do you think are the most important ones in a strategy to fight human trafficking—not to fight sex work, but to fight human trafficking?

Ms. Mary Gellatly: I'll take one piece of what gets viewed as human trafficking. I work with a lot of essential migrant workers who are putting food on the table: picking it, driving it, packing it, all parts of the process. We've got unscrupulous recruiters who are contracted by employers to provide labour under this temporary program. We sat with the staff of the Minister of Labour earlier—I'm losing time under COVID; a couple of months ago, anyway—to look at what are the ways to address the practices that were taking place, where recruiters were super-exploitive and taking advantage of migrant workers. It wasn't more policing; it was to lay responsibility to the parties that have the power, and that is that the employer, who is going to contract that labour, has to be jointly liable with recruiters to ensure that the recruitment process, both domestically and overseas—

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

We will now go back to the official opposition, please, for seven and a half minutes. Who do I have? Yes, Mr. Yarde, please.

Mr. Kevin Yarde: Sorry, Chair, I was trying to get my camera back on.

First of all, I just want to thank all the people who came in today with their deputations. It was interesting to hear. My first question will be for Mary. I just have to look at my phone here, because it was sent to me from community members in Parkdale. The question is: This month, of course, is Asian Heritage Month, and anti-Asian racism is a growing issue we have to confront. Can you please

connect the dots of anti-Asian racism and this bill? That would be for Mary.

1340

Ms. Mary Gellatly: I work with Butterfly, which is an organization of Asian and migrant sex workers. The experiences that they have had really have been a carceral approach, where the police come in, immediately look to what is their immigration status and move from “Are they a victim?” to “Are they a criminal?” or “Are they undocumented?” and move into detentions and removals. I think that's a symptom of the broader anti-Asian racism that we see in society and that has certainly come to the fore in the context of COVID—the blame game, if you please.

Mr. Kevin Yarde: Okay, thank you. My next question, I believe, would probably go to Ellie or Jenny.

Schedule 1 of this bill is really concerning. A lot of people have been talking about it over the last couple of days, how the police will now have powers to go into a hotel—maybe Gary can speak to this as well—and ask for the register book and get the people's names, get the people's addresses, all under the guise of saving someone from human trafficking. In terms of your view, how do you see this schedule? Do you see it as assisting those who are being trafficked or continuing to marginalize people, women in the Black community, in the Asian community, in the Indigenous community, and driving them underground?

Ellie has got the microphone off, so I guess you'll take it first.

Ms. Ellie Ade Kur: Sure. I'm happy to start. Yes, I think we're also concerned about schedule 1, the same way we're concerned about the entire bill, in terms of police being able to access things like hotel registries, also potentially things like Airbnbs—that's still a bit unclear. Yes, of course that creates a sense of terror within sex working communities. We don't see it as an approach to support people who have been trafficked, right? This just gives police access to what is very sensitive information.

This is information that they've had access to in the past and have used to track down the real names and real locations of people who have been engaged in sex work. And once you're outed as a sex worker, there are so many risks that come with that because of the criminalization but also the stigma associated with it. So if you're outed as a sex worker, if your name is found on one of those registries, you could lose custody of your kids. You could lose your housing. You could lose opportunities in work and school, including being ostracized from other relationships in your life, simply because of the stigma surrounding sex work itself.

We find it extremely concerning that police have access to that kind of sensitive information, (1) because it's quite sensitive information, but also, (2) because of the consequences of that for people in our community. The outcome has been pretty dire, because there are very few services and supports for sex workers that don't require that push onto our community of this idea of very predatory, rescue-style industries. Once this happens, it's very difficult to access resources and supports, and so we find ourselves,

at Maggie's, often dealing with the results of these kinds of situations. We flagged the issues with schedule 1, just as we do with the rest of the bill.

Maybe I'll pass it to one of my other colleagues to speak on it as well.

Mr. Kevin Yarde: Gary, if you want to go ahead and add to that.

Dr. Gary Kinsman: Yes, I think that schedule 1 is a major problem, but as Ellie was just saying, it's rooted in the very strategy of Bill 251, which is part of a broader strategy in that the central problem that many of us are seeing is that it's an expansion of police powers. It's not simply just an expansion of arbitrary police powers, which itself is a major concern, but it's also an expansion of the police powers in the sense of social agencies like children's aid and other social services actually having to be forced to work more with the police, and the police coming to coordinate that work. The extension of the power of the police is not simply that they're going to get funds out of this, but also that they're going to get more power and control over various different social agencies in our society.

That's one of the reasons why those of us who actually believe—and many, many people do—that the police are actually a major threat to Black, Indigenous and racialized people. To increase their power is actually not only a threat to all sex workers, but it's also a threat to racialized communities. It's also a threat to queer and trans young people, many of whom have been expelled from their families and are trying to make lives for themselves in a situation where it's very difficult to get social support, and in which they're now going to face more possibilities of surveillance and criminalization.

I think I'd just leave it there for now.

Mr. Kevin Yarde: Okay. I don't want to ask—

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

Mr. Kevin Yarde: Sorry, how much time? One minute?

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

Mr. Kevin Yarde: Quickly, then, to Ms. Duffy: Of course, this government has defunded areas—have taken 30% out of legal aid, 30% funding out of rape crisis centres. How has that affected social services and women's organizations, in 30 or 40 seconds?

Ms. Jenny Duffy: Very plainly, then, there's less money to support sex workers and there's less money from organizations, which are actually the people in those communities already leading that work. It also makes a huge strain on organizations when legal aid isn't available, and organizations like Maggie's are forced to be innovative and open programs as well—which we just have to do, but it doesn't have to be that way. The government shouldn't be cutting supports and then funnelling more money into the police. No; put the money into those supports that people actually need.

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

Ms. Christine Hogarth: Great, thank you—and if any of my colleagues want to jump in, please do so.

Thank you, everyone, for being here today and sharing your stories. We've talked about human trafficking for the last couple of days, and it's something that I don't believe we've talked enough about. It has only been over the last couple of years that we've actually kind of acknowledged that human trafficking exists. It's vicious, and it's a violent crime, and it robs the victims of their health, their safety and their well-being.

What we're talking about are children—the average age of 13 years of age, which are just babies, in my mind. Ontario is at the centre, one of the major centres in Canada for human trafficking. That's why it's important to have this discussion today, and it's important to hear all sides from everybody, from all walks of life, from all communities, to share their opinions on this legislation.

We've talked a lot about policing and policing powers today, but we haven't talked about education—educating our young ones. It's part of our curriculum now that we educate our young students about what human trafficking is. These are things they need to know, and they will now have the opportunity to learn.

I guess my question for the panel is about policing and their training. I'll do similar to my colleague; I'll start with maybe Gary and Jamie—just your thoughts on how we can train our police force so they can recognize and understand the difference between a sex worker and a child who is being human-trafficked. Because that's really what we want to get to in this legislation: the children who are human-trafficked. Those are the children who don't really have a choice in what they're doing. They're under the age of 18. They cannot consent to engage in sex work. What thoughts do you have that we can share with our police force when we talk with them? Gary and Jamie, could you start?

Dr. Gary Kinsman: I'll start, and maybe Jamie can continue. The central problem is that police are not actually set up to deal with these problems; they're set up to deal with criminalization and stigmatization of people. So in my view, the police have no role to play here. Education does have a major role to play—popular education—but I think the most significant thing, if you're talking about younger people, is their neglect, is the lack of social supports for them. And the ones that do exist are incredibly psychiatrizing, incredibly stigmatizing, and there's an incredible lack of social resources and financial resources for young people who are trying to support themselves. If they've been expelled from their family or had to run away from an oppressive, exploitative group home, there need to be alternatives for people. That's why the funding should go to community-based agencies that are actually—

Ms. Christine Hogarth: Okay. Gary, I just want to get back to my—sorry for interrupting. I just want to get back to my question.

Jamie, do you have any comments on some educational tools we can help with our police to do better?

1350

Dr. Jamie Magnusson: I have to agree with the sentiments of everybody here who has spoken today that the police are not well equipped. I think that when young people are in trouble, they don't go running to the police. They go seek services that are appropriate for the kinds of problems that they're seeking.

I noticed when you began your discussion, your question, you were talking about human trafficking and the age of 13 years old. Human trafficking actually embraces a wide range of exploitative relations, including across labour and so on, and there are children who are possibly working in fields and so on. So there's kind of a conflation of human trafficking and sex trafficking that's embedded in your question. With regard to 13 years old, I'm not sure what the data on that is that you have, but it differs from my own understanding of the age, for example, that youth tend to enter into sex work, if they're entering into sex work.

Certainly, agencies such as Maggie's are very well equipped to deal with youth that turn to them when they're being exploited. Thank you.

Ms. Christine Hogarth: Jamie, do you think it's fair—I just want to ask, do you think it is fair that a 13-year-old should be in the sex work business?

Dr. Jamie Magnusson: I think that if that is a 13-year-old, very likely that 13-year-old is being exploited, and that's horrific.

Ms. Christine Hogarth: Yes, and I think that's really what this legislation is really talking about. It is horrific, and I believe we can all agree that a 13-year-old is a young child. When we talk about some of the sections of this bill, we talk about section 1—I know one of my colleagues here, MPP Yarde, mentioned schedule 1, and there were some concerns here about it, but if you were a mother and you had a 13-year-old daughter and she was in a hotel, do you think it's okay to find out that she is there? Jenny, can I ask you that question?

Dr. Jamie Magnusson: I have actually worked—

Ms. Christine Hogarth: Jenny, may I ask you—

Dr. Jamie Magnusson: —quite a bit—

Ms. Christine Hogarth: Oh, sorry.

Dr. Jamie Magnusson: I have actually worked in the community, also in the same areas that were described by

Ellie and Jenny in the Toronto east end. I've actually spoken with young people, and what you're describing, a 13-year-old victim, in my 10 years of doing work once a week in that community, I have never come across. So I would be very interested to know the sources of your data and why \$300 million-plus is being used to track down perpetrators that, in my experience, I haven't seen in abundance.

Ms. Christine Hogarth: Okay, Jenny, would you want to comment on the age, the young age, under the age of 18, and sex workers versus sex trafficking? Here we're talking about sex trafficking or human trafficking. If you looked at it in that context, do you have a concern with allowing someone to find out who is in that hotel room if they were a 13-, 14-year-old girl, human-trafficked?

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

Ms. Jenny Duffy: So I would say that this is actually the wrong question and the wrong discussion to be having—

Ms. Christine Hogarth: But that's what this legislation is about. We're just talking about this legislation today. Schedule 1 allows you to go in. Would you be okay if you knew there was a 13- or 14-year-old child being human-trafficked? Would you be okay with somebody going in there and maybe saving their life and turning that victim into a survivor?

Ms. Jenny Duffy: This is an inflammatory question and it's the wrong question to be asking at all. There is no evidence, no stats. This is an example of moral panic about children in the sex industry, and this conversation has been happening since the early—

Ms. Christine Hogarth: Jenny, I'm asking you, do you believe human trafficking exists? Do you believe human trafficking exists, Jenny?

Ms. Jenny Duffy: I believe that I've already said that, but you're asking me—

The Chair (Mr. Daryl Kramp): Well, you're out of time now. Thank you very much. We have now exceeded the time for our session here today.

As Chair, I would like to thank all of the witnesses for coming here today and spending their time and sharing their thoughts with us. Thank you very, very kindly. To all the committee members as well, thank you for your participation. We will now adjourn.

The committee adjourned at 1355.

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