



Friday May 24, 2019

To: Economic and Social Development Committee of Toronto City Council

Re: Trafficking item for May 27 agenda

The agenda item is worded as if it has already been established with solid evidence that, first, sex trafficking is a major issue in Toronto and that, second, the city rather than the police have a responsibility to investigate premises that are thought to be harbouring such activities.

Both of these premises are highly questionable from an empirical point of view. For years now many police forces including the RCMP have been using the trafficking law (rather than prostitution laws) to investigate premises that are thought to harbour women (usually migrants) thought to be victims of sex trafficking. John Ferguson, the first head of the RCMP-Immigration taskforce on trafficking, wrote an excellent doctoral dissertation in the Law school at the University of British Columbia, on his retirement from the RCMP, that showed that despite spending much energy and millions of taxpayer dollars trying to find sex trafficking activities, police forces were unable to find any women who were coerced into crossing borders for purposes of sexual exploitation. He concluded that coercion of migrant workers in fields that had nothing to do with sex (agriculture, manufacturing, restaurants) was being neglected due to politicians and police officers' belief in sensationalist stories about Asian and Eastern European women as victims of 'sex trafficking rings'. Later, Katrin Roots did a doctoral thesis at York University showing the same thing – that there is quite a lot of labour exploitation of migrant workers, but 'sex trafficking' involving border crossing is almost nonexistent (by 2015 there had been exactly three prosecutions, and the only one involving crossing borders concerned a husband and his wife).

Police forces have used the trafficking law for situations of purely local pimping (due to the legal uncertainty surrounding the prostitution law passed by the Harper government in 2014). That doesn't mean reality has changed, it only means enforcement categories have changed. Plenty of investigations have been carried out, including many in Toronto in which the city has participated – but while sex trafficking is certainly a problem in many parts of the world, that is simply not the case here. In any case, it is the police, not city inspectors, who have responsibility for enforcing the criminal law.

As the Butterfly group has amply documented, investigations of purported sex trafficking have long resulted in migrant women being harassed, stigmatized, fined, and in some cases deported. The investigations are racist and are in clear breach of the city's sanctuary policy.

Employment standards in industries hiring migrant women certainly need attention. But there should not be any special attention to sexually oriented businesses. Most labour exploitation has nothing to do with sex. Finally, investigations motivated by sensationalistic narratives about sex trafficking do nothing but harm the very women who are supposed to be protected.

Please listen to the migrant women represented by Butterfly and other groups, including the FCJ refugee centre and the HIV/AIDS coalition, and put an end to the moralistic crusade that has for some time now been harming the very women who you claim you want to protect. The 'lens' that should be used by MLS and other city staff is a human rights and labour rights lens. The city has been positively harming sex workers and other migrant women in marginalized businesses, through oppressive and arguably illegal bylaws such as the body-rub parlour bylaw (which is completely contrary to the major Supreme Court of Canada decision on sex work, and will likely be soon the subject of a lawsuit).

Repealing this bylaw and treating these sectors with the same respect as other small business people are treated is the best thing the city can do.

If city councillors really want to help migrant sex workers or any other migrant workers, they can provide support for the grassroots groups that exist, such as Butterfly and Maggie's. Community self-determination is thought to be appropriate for small businesses, for ethnic groups, for LGBT groups and so on – the city doesn't send paternalistic inspectors or engage in special surveillance of premises, with those groups. At present the city has plenty of real crises on its hands. It should therefore cease putting resources into well-meaning but counterproductive campaigns that harm rather than help migrant women in marginal occupations.

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