

## ***THE IMPACTS OF ANTI-HUMAN TRAFFICKING ON SEX WORKERS***

### **EXECUTIVE SUMMARY**

The Northeastern Ontario Research Alliance on Human Trafficking (NORAHT) conducted a multi-year (2015-2020) community-based research project to learn how service providers are equipped to support persons who experience violence, exploitation, and abuse in the sex industry, including human trafficking. The focus of our research has been the experiences of cis and trans women, Indigenous women in particular.\* NORAHT hosted community engagement sessions in eight northeastern Ontario communities, as well as three follow-up conferences. Service providers across various sectors and people with lived experience – people who identified as sex workers, identified as family members of trafficking victims and people who identified as survivors of human trafficking – attended these events. NORAHT also conducted interviews with persons with lived experience in sex work and human trafficking and gained feedback via surveys.

This policy brief focuses on the ways that anti-human trafficking campaigns and services negatively impact on sex workers. Our research demonstrates that much of the harm caused to sex workers by anti-trafficking organizations and services stems from the conflation of sex work and human trafficking, and the ways that sex work is viewed as human trafficking or violence itself. The confusion and disagreement over definitions of human trafficking results in the violation of sex workers' safety, security, dignity, and ability to access supports.

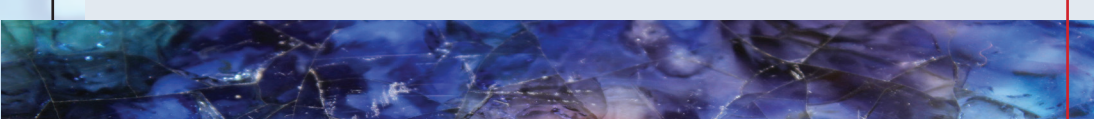
This policy brief highlights the importance of taking a **critical look at anti-trafficking** approaches to ensure that they are informed by and respectful of sex workers' human rights, agency and experiences. This policy brief centers on sex workers' experiences of anti-human trafficking efforts in order to demonstrate the importance of clearly distinguishing between sex work and human trafficking. An approach informed by sex workers is necessary to develop **inclusive anti-violence strategies that are ethical, effective, and do no harm to sex workers.**

### **Recommendations**

1. Policy makers and service providers must take a **critical look at anti-trafficking services** and develop practices that **recognize the distinction between sex work and human trafficking** and **ensure access to services for anyone who seeks support, regardless of how they identify their experience.**
2. **Do not equate sex work with acts of violence.** Sex work is not an act of violence nor it is inherently exploitive. **Recognize sex work as a legitimate act of labour** that should be protected by a **labour rights framework.**
3. **Listen to sex workers in their demand to decriminalize sex work,** by removing all criminal laws around sex work, including those that exist within the immigration provisions. Use existing criminal laws of general application to address violence and exploitation in the sex industry.
4. Sex workers deserve recourse and anti-violence services regardless of whether or not they continue to work in the sex industry. Rather than focusing on "rescue and rehabilitation" programs, policy and service provision needs to encompass **anti-violence work for all persons involved in the sex industry.**
5. **Dismantle structures of violence that contribute to violence and exploitation in the sex industry and racism and discrimination in access to services.** From the sex worker perspective, decriminalization is just a starting point. We must further address poverty, the lack of affordable housing in our region, ongoing colonialism and institutionalized racism, the

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\* However, youth, men, and 2SLGBTBQI people also involved in the sex industry and our recommendations are broadly applicable.



stigmatization of sex work and drug use, disproportionate child welfare and incarceration rates for Indigenous and Black communities, and intergenerational trauma.

6. Provide **harm reduction, safer spaces, and violence and trauma-informed services**. Respect the decisions and agency of people seeking support and do not insist upon “exit” from the industry.

## BACKGROUND

In our 2017 workshops in 8 different communities across northeastern Ontario, we quickly realized that service providers were working with different definitions of human trafficking and were confused about what might be considered human trafficking for the purpose of sexual exploitation. Many service providers asked for training on how to identify human trafficking, despite people working with different definitions. A dominant, and troubling, theme across the different workshops was that alleged “victims of human trafficking” were “brainwashed” or “unaware” that they were being trafficked.<sup>1</sup> This conviction is troubling because it positions the service provider (once equipped with a list of “red flags”) as the expert who will inform a marginalized woman about what she needs. This positions the service provider as someone who will “rescue” the unwitting, helpless “victim.”

At the Sudbury workshop, women who work in the sex industry told us, “people can identify for themselves what aspects of the work or relationship is exploitative.” They further argued that “trafficked persons have agency to make their own choices and should not be considered victims. Many have been victimized, yes, but ‘victim’ is not their identity.”<sup>2</sup>

These comments echo and confirm research findings by Canadian and international scholars that the “victim narrative” and “rescue politics” are harmful to sex workers *and* trafficked persons because they are disempowering, overly simplistic, and potentially harmful.<sup>3</sup> One of the key findings from our overall research is the need for responses that center on the agency, rights, and self-determination of people *asking* for support.

This perspective from sex workers is key to understanding the shifts that need to happen to current anti-trafficking policy and services. Whereas sex workers can and should be at the forefront of responding to human trafficking, they are instead considered its “collateral damage.”<sup>4</sup> In Canada, anti-trafficking has resulted in the increased surveillance of marginalized peoples and communities; raids of sex working establishments; police harassment and intimidation of sex workers, as well as loss of income; and arbitrary arrests, detainment and/or deportation of migrant sex workers.<sup>5</sup>

We are talking not only about police surveillance but also surveillance by citizens who call the police or Crime Stoppers when they think something is amiss. Often, racist stereotypes about relationships in the sex industry or class discrimination informs how the public interprets what they think they are seeing. We simply do not know how many of these calls have led to beneficial outcomes for the persons suspected of being trafficked. There is an urgent need for transparency about the kinds of calls these hotlines are receiving and whether the involved persons feel they benefitted from subsequent responses.

What we *do know*, however, is that some sex workers have been mistakenly identified as trafficking victims, and this has been disruptive and harmful for them.<sup>6</sup> Police and social workers have used anti-human trafficking initiatives as a means of entry into sex workers’ space through fake dates in law enforcement outreach operations.

At the same time, key informants in our research – the Sex Workers Advisory Network of Sudbury (SWANS), survivors of trafficking, and two women whose daughters had been trafficked – told us that when they sought supports, they were unable to access services or they were treated with contempt, racism and/or disrespect. Indigenous frontline support workers and experiential women at our workshops additionally noted how institutionalised racism and stigmatization of the sex industry created barriers to accessing services in northeastern Ontario.<sup>7</sup>

## DEFINITIONS

Throughout our research, it was clear that there are different social and legal definitions that circulate about human trafficking, and that people who do sex work are often mistaken for people who are considered “trafficked.” In addition, there are international and Canadian definitions, and it is not always clear which is being employed.

Sex work and human trafficking are not the same thing. **Sex work is “the provision of sexual services for money or goods.”**<sup>8</sup> As SWAN Vancouver explains, “Many people earn a living by working in the sex industry. Everyone makes income-related decisions based on available options; the number of options [is] dependent upon one’s circumstances. Sex workers are no different.”<sup>9</sup>

The United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, also known as the “*Palermo Protocol*”, defines human trafficking as having three elements:

1. **The Act** (recruiting, transporting, sheltering, or receiving people);
2. **The Means** (the use or threat of force, coercion, fraud, or deception);
3. **The Purpose** (for sexual exploitation, forced labour, or organ removal).<sup>10</sup>

In Canada, human trafficking provisions of the Criminal Code state that any person who **“recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation** is guilty of an indictable offence.”<sup>11</sup>

The elements of “force,” “coercion,” “control,” and “exploitation” within these laws provide a basis for distinguishing an individual’s labour as *voluntary* versus *involuntary*. They also help to differentiate human trafficking from human smuggling and sex work. However, as Robert Nonomura writes, “while definitions like these provide a very general point of reference for discussing human trafficking, it is prudent to think beyond the “official” definitions proscribed by the state.”<sup>12</sup> A critical perspective is “especially important where issues of sexism, racism, and colonialism are concerned, given the ways in which laws tend to reflect and reinforce the interests of dominant classes within society.”<sup>13</sup>

## Difficulties with the Law and its Application

Canada’s legal definition of human trafficking is problematic in a number of ways. It omits the element of “means” (coercion, fraud, deception) and relies instead on proving that the person deemed to have been trafficked feared for their safety. Consequently, criminologists note, this “has proven problematic for obtaining human trafficking convictions” because “the onus has been on the individual victimized by trafficking to demonstrate their belief that their safety was threatened.”<sup>14</sup> Some persons deemed to have been trafficked may be unwilling or unable to attest to fear. Because of this, “respect for autonomy can be violated by responses that link ‘victim’ cooperation to service provision or prioritize the prosecution of perpetrators above the rights of trafficked persons.”<sup>15</sup>

Furthermore, the requirement to establish a person’s fear for their safety as evidence of possible exploitation is simply confusing. It may fail to capture trafficking situations of fraud or deception because there is no fear.<sup>16</sup> And because “exploitation” is not adequately defined, there is uncertainty around human trafficking and other types of violence, abuse and exploitation. Conversations amongst our service provider research participants demonstrated uncertainty about what counts as human trafficking. They asked whether survival sex for food or shelter, trading sex for drugs, couch-surfing, homelessness, or selling sex were instances of human trafficking. These are not instances of human trafficking, but the trafficking framework misleadingly casts a wide discursive and carceral net while failing to secure convictions of actual cases of trafficking.

Despite government claims that sex work and human trafficking are different, the legal framework and its implementation still conflate the two. For instance, no physical movement is required under the Canadian definition. Rather, it is the *control of movement* that matters. Legal scholar Katrin Roots argues that the law’s emphasis on the trafficker’s *control of movement* is “strikingly similar” to procurement (“pimping”) provisions in the Criminal Code.<sup>17</sup> As a consequence, her analysis shows, there is a tendency for police to lay trafficking charges in cases of procurement and “material benefits.” This practice conflates sex work and human trafficking.

The *Protection of Communities and Exploited Persons Act* (PCEPA) (née Bill C-36), implemented in 2014, contributes to much of the confusion between sex work and exploitation, as it defines sex work itself as exploitation and seeks to eradicate sex work. The Preamble of C-36 states that exploitation is “inherent in prostitution,” and that it supports the exit of “prostituted” women. The passive language of “prostituted” women denies sex workers’ agency and decisions. Furthermore, sex workers and their advocates argue that sex work itself is not inherently exploitive or violent. Rather, sex workers “remain vulnerable to exploitation and violence because our work is criminalized and stigmatized.”<sup>18</sup>



In 2013, the Supreme Court of Canada recognized the harms of criminalizing sex work, ruling that criminalization placed sex workers in a position where they had to choose between “their liberty interest (obeying the law) and their personal security.”<sup>19</sup> The PCEPA blatantly disregards the spirit of the *Bedford* decision by maintaining the prohibition of communication in a public place, third parties and material benefits. The PCEPA additionally seeks to “end demand” by criminalizing the purchase of sex. An Ontario court has recently ruled that the PCEPA prohibition on advertising violates freedom of expression and the criminalization of “procurement” and “material benefits” violates the right to security of the person.<sup>20</sup> This is because sex workers rely on bouncers, drivers, managers, receptionists, the internet and other forms of communication as a means of enhancing their safety and security.<sup>21</sup> Furthermore, the inability to advertise in online platforms such as Craigslist is pushing more sex workers to work outdoors and into potentially exploitive and/or violent work relations including with predatory men who present as clients, police services, managers, or friends.

Sex workers have repeatedly demonstrated that the criminalization of purchase also reduces their safety because they are constrained in the ability to screen clients and/or negotiate transactions, including negotiating the use of a condom.<sup>22</sup> In particular, the most marginalized sex workers are being pushed “to dark alleys, industrial settings and more isolated and hidden indoor and off-street spaces, where they have little protection from violence.”<sup>23</sup> In short, the unconstitutionality of the current law means that sex workers are *needlessly* struggling under unsafe working conditions and increased risks of violence.

When the PCEPA passed, the then Minister of Justice implied that it would help to reduce the rates of human trafficking in Canada.<sup>24</sup> This claim cannot be substantiated. Since 2009, there has been a steady increase of police-reported incidents of human trafficking.<sup>25</sup> While this may reflect higher reporting rates, Statistics Canada notes there may also be under-reporting due to the clandestine nature of human trafficking. Ultimately, there is little evidence in Canada to show that the criminalization of prostitution will or has decreased trafficking. In fact, the experience in New Zealand indicates that decriminalization has not led to an increase in trafficking; New Zealand is consistently ranked in the top-performing tier in the US Trafficking in Persons annual report and ranking of nations worldwide.<sup>26</sup> Because criminalization forces the sex industry underground, this makes it “more difficult for victims of trafficking to come forward to access protection from the state. As a result, trafficked sex workers end up in more vulnerable and disempowered circumstances.”<sup>27</sup> If sex workers did not fear prostitution charges, they would be better able to report instances of trafficking and other violent crimes.

## Impact on Indigenous and Racialized/Migrant Sex Workers

Indigenous and racialized/migrant women have become the face of the “human trafficking victim” in Canada, designated as “at risk” populations that are most vulnerable.<sup>28</sup> This victimizing discourse results in interventions that are directly harmful to Indigenous and racialized/migrant sex workers, including **increased surveillance, racial profiling, harassment, arrest, detention, and deportation**. At the same time, these kinds of interventions and anti-trafficking policy in general **ignore, reinforce and perpetuate structural violence, including state violence and racist stereotypes**, against these marginalized communities.

Gender-based and sexual violence is a foundational component of colonialism.<sup>29</sup> The conflation of sex work and human trafficking reinforces the (historic) colonial presumption that all Indigenous women are inherently sexually available and therefore fated to be sexually exploited. Kwakwaka'wakw scholar Sarah Hunt observes,

the shift toward the language and framework of ‘human trafficking’ is one of many efforts to recategorize violence against Indigenous women as worthy of legal response...[But] rather than finding solutions to violence against Indigenous women ... the trafficking framework reinforces power relations that represent Indigenous women as dependent on the colonial government and law to be “saved” and “protected” from physical and sexual violence.<sup>30</sup>

Thus, the current approach fails to recognize the self-determination of Indigenous sex workers or people engaging in survival sex. It pathologizes Indigenous women as inherent victims, incapable of resourcefulness, resilience or an ability to negotiate complex situations.<sup>31</sup> It obscures the role of the state in the creation and maintenance of colonial violence<sup>32</sup> and fuels the colonial myth that Indigenous peoples are unfit for self-determination. Anti-trafficking policy and law, as part of the criminal (in)justice system, “gives more funding and power to the police and other state agencies, allowing for further criminalization of Indigenous peoples.”<sup>33</sup>

The over-incarceration, over-policing, and under-protection of Indigenous communities, Indigenous women in particular, is well documented.<sup>34</sup> It rests in part on racist stereotypes that were historically embedded in the *Indian Act*, including notions that urban Indigenous women are sexually immoral, drunk or criminal.<sup>35</sup>

Racist and xenophobic stereotypes similarly fuel anti-trafficking measures in the context of cross-border trafficking. In particular, the stereotype of the hyperfeminine, servile and passive Asian woman feeds into disbelief that Asian women might actually choose to engage in sex work. A report by Butterfly: Asian and Migrant Sex Workers' Network notes: "Asian migrant sex workers are perceived to be at risk of abuse from their "traffickers," who are often in fact their colleagues, partners, or friends."<sup>36</sup> Current data shows that none of the Asian sex workers who were targeted in anti-trafficking raids were in fact trafficking victims.<sup>37</sup> This points not only to the inefficacy of anti-trafficking raids, but also to the anti-sex work, anti-migrant and racist underpinnings of anti-human trafficking operations that result in arbitrary arrests, detention and deportations.

In her research, Julie Kay further observes that land dispossession and settler state sovereignty are naturalized by the deportation of racialized migrant sex workers under the guise of anti-trafficking.<sup>38</sup> The 2019-2024 National Strategy largely treats cross-border trafficking as a problem "over there" and affirms that Canada is a "global leader in human rights, particularly for women and girls."<sup>39</sup> This kind of claim erases the state's blatant disregard for the rights of MMIWG2S and their families – indeed, a disregard so deep that the National Inquiry has named it genocide.<sup>40</sup> It further neglects Canada's role in the closing of borders in the global north, such as with the Safe Third Country agreement with the US, and how precarious immigration status facilitates human trafficking. In particular, sex workers do not have a legal avenue of migration such as through the temporary foreign worker exotic dancer program, which Canada ended in 2012 in order to "protect" people who might otherwise be exploited.<sup>41</sup> This "protective" measure is rooted in the denial that sex work might be "a legitimate aspect of a women's migratory project."<sup>42</sup>

## **The Need to Dismantle Structures of Violence**

The Canadian Alliance for Sex Work Law Reform (CASWLR) is an alliance of 28 sex worker rights groups – most of whom are groups led by and for people working in the sex industry. CASWLR has spent years advocating with, by, and for sex working communities demonstrating the detrimental impacts of Canada's prostitution law on sex workers' safety, security, dignity and rights. Their 2017 consultation with sex workers across Canada concludes that:

Decriminalization is a first and necessary step to address the rights and safety of people who sell or trade sex, particularly those who are overpoliced and underprotected. However, decriminalization is not enough on its own. A holistic plan for sex work law reform is propelled by a larger vision and by concrete measures to address discrimination and inequality in all forms, poverty, inadequate access to legal aid, over-criminalization and over-incarceration, and ongoing problems with youth protection systems.<sup>43</sup>

This list further includes the lack of affordable housing in our region, racism, colonialism, border securitization, criminalization of drugs and sex work, stigmatization, disproportionate child welfare and incarceration rates for Indigenous and Black communities, and intergenerational trauma.<sup>44</sup> There is an urgent need to dismantle colonial structures, including by implementing the Calls to Action of the Truth and Reconciliation Commission and Calls to Justice of the National Inquiry on Missing and Murdered Indigenous Women and Girls. Policy makers must remove race-based targeting of migrants, Black Canadians, and Indigenous persons through policing and surveillance practices such as carding and police reporting to CBSA.<sup>45</sup> Anti-trafficking raids in sex-working establishments must cease. Most importantly, "it is imperative that sex workers from diverse communities and backgrounds be meaningfully engaged in all of the conversations and policy planning that affect us."<sup>46</sup>

## **Providing Services for People Working in the Sex Industry**

There has been an influx of federal and provincial funding for anti-human trafficking measures. The government of Canada has committed \$75 million over the next six years. In Ontario, the Victim Quick Response Program+ provides more supports for victims of human trafficking than other for other kinds of gender-based violence. We are not against funding for human trafficking per se. But there is disproportionate financial, policy and media attention on human trafficking that has created a hierarchy of victimhood.<sup>47</sup> The overwhelming prioritization of human trafficking neglects other types of violence experienced by those involved in the sex industry. This includes labour exploitation (i.e. a third party takes an inordinate percentage), sexual or physical assault, theft (i.e., a client doesn't pay), domestic or intimate partner violence, surveillance and harassment, arbitrary arrest, and unsafe working conditions.<sup>48</sup>

NGOs may rebrand themselves as anti-trafficking in order to secure funds. SWAN Vancouver notes, "When this happens, other forms of victimization such as domestic violence or sexual assault are labelled as trafficking and human trafficking statistics are inflated."<sup>49</sup> This serves to create a sense, moral panic even, that human trafficking is more prevalent than it really is. The Canadian AIDS Legal Network states that sex workers have sometimes had to fit their experiences into the human trafficking "box" in order

to access services.<sup>50</sup> This denies the reality of their experiences and, again, increases the perception that human trafficking is more prevalent than it really is. At NORAHT, frontline workers and experiential women also indicated that stigmatization and racism also impeded sex-working and trafficked women's abilities to access supports.

Basic human rights principles tell us that all people have equal moral worth and the right to equality of access. Thus, we should be engaging in anti-violence work – broadly understood – for *all* persons involved in the sex industry. We reiterate here the importance of **harm reduction, safer spaces and violence and trauma-informed** approaches (see NORAHT's other policy briefs for more detail). These approaches mean service providers *do not encourage "exit"* from the industry and that people's experiences in the sex industry *should not* be rebranded as human trafficking. Rather, it means supporting those who ask for help, helping them to meet their objectives, and respecting their agency and decisions.

## Resources on Sex Work

The [Sex Workers' Advisory Network of Sudbury](#) (SWANS) seeks to improve the overall health and wellbeing of self-identified women who work or have worked in the sex industry through innovative, holistic, and effective approaches to sexual health, community inclusion, access to services and supports, and to improve the protection of their human rights

Butterfly: Asian and Migrant Sex Workers Support Network: Elene Lam, [Behind the Rescue: How Anti-Trafficking Investigations and Policies Harm Migrant Sex Workers](#), (Toronto, 2018).

The [Canadian Alliance for Sex Work Law Reform](#) provides in-depth policy and legal analysis.

Kamala Kempadoo and Nicole McFadyen, [Challenging Trafficking in Canada: Policy Brief](#), Centre for Feminist Research, York University (2017).

SWAN Vancouver has put together an excellent video on the "[Harms of Anti-Trafficking](#)" and an accompanying report, [Transforming Anti-Trafficking Sentiment into Effective Action](#), by Alison Clancey and Andi Wiseman (SWAN Vancouver, 2020).

The [Anti-Trafficking Review](#) promotes a human rights based approach to anti-trafficking. It explores trafficking in its broader context including gender analyses and intersections with labour and migration. The Review offers an outlet and space for dialogue between academics, practitioners and advocates seeking to communicate new ideas and findings to those working for and with trafficked persons.

## ACKNOWLEDGEMENTS

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## CITATIONS FOR THIS POLICY BRIEF

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## SELECT NORAHT RESOURCES:

Website: <https://noraht.nipissingu.ca>.

### Reports:

Rosemary Nagy, Gina Snooks, Rebecca Timms, Donna Debassige, Kathleen Jodouin, Brenda Quenneville and Lanyan Chen, "Transitions and Fluidity: Exploring Women's Agency in the Sex Industry," North Bay: Northeastern Ontario Research Alliance on Human Trafficking, 2020.



## Policy Briefs:

"Violence, Exploitation and Abuse in the Sex Trade: Strategies for Service Provider Collaboration," Policy Brief No. 1, Northeastern Ontario Research Alliance on Human Trafficking. 2020.

"Trauma and Violence Informed Approaches to Service Provision," Policy Brief No. 2, Northeastern Ontario Research Alliance on Human Trafficking. 2020.

"Decolonize Our Actions! Providing Services to Indigenous Persons involved in the Sex Industry," Policy Brief No. 3, Northeastern Ontario Research Alliance on Human Trafficking. 2020.

"Safer Spaces: Harm Reduction Strategies to Address Human Trafficking," Policy Brief No. 4, Northeastern Ontario Research Alliance on Human Trafficking. 2020.

## Webinars:

Brenda Quenneville. "[Community Action and Prevention: Human Trafficking for the Purpose of Sexual Exploitation](#)" Webinar. Northeastern Ontario Research Alliance on Human Trafficking. 2020.

## ENDNOTES

1. See notes from community engagement sessions; on file with NORAHT.
2. Ibid.
3. Silvia Rodríguez-López, "(De)Constructing Stereotypes: Media Representations, Social Perceptions, and Legal Responses to Human Trafficking," *Journal of Human Trafficking* 4, no. 1 (2018); Julie Kaye, *Responding to Human Trafficking: Dispossession, Colonial Violence, and Resistance among Indigenous and Racialized Women* (Toronto: University of Toronto Press, 2017); Marjan Wijers, "Purity, Victimhood and Agency: Fifteen years of the UN Trafficking Protocol," *Anti-Trafficking Review* 4 (2015); Carolyn Hoyle, Mary Bosworth, and Michelle Dempsey, "Labelling the Victims of Sex Trafficking: Exploring the Borderland between Rhetoric and Reality," *Social & Legal Studies* 20, no. 3 (2011).
4. GAATW, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*, Global Alliance Against Traffic in Women (Bangkok, Thailand, 2007).
5. Kamala Kempadoo and Nicole McFadyen, [Challenging Trafficking in Canada](#): Policy Brief, Centre for Feminist Research, York University (2017).
6. See Elene Lam, [Behind the Rescue: How Anti-Trafficking Investigations and Policies Harm Migrant Sex Workers](#), Butterfly: Asian and Migrant Sex Workers Support (Toronto, 2018); Kempadoo and McFadyen, *Challenging Trafficking in Canada: Policy Brief*.
7. Notes from community engagement sessions (on file with NORAHT); Rosemary Nagy et al., *Transitions and Fluidity: Exploring Women's Agency in the Sex Industry*, Northeastern Ontario Research Alliance on Human Trafficking (North Bay, ON, 2020).
8. Alison Clancey and Andi Wiseman, [Transforming Anti-Trafficking Sentiment into Effective Action](#), SWAN Vancouver Society (Vancouver, 2020), 15.
9. Ibid.
10. *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* ("Palermo Protocol"), adopted by the UN General Assembly on November 15, 2000, Article 3(a).
11. Section 279.01. The Criminal Code definition applies to both domestic and cross-border trafficking. There are also provisions within the *Immigration and Refugee Protection Act* pertaining to cross-border trafficking.
12. Robert Nonomura, [Trafficking at the Intersections: Racism, Colonialism, Sexism, and Exploitation in Canada. Learning Network Brief](#) (36). (2020). London, Ontario: Learning Network, Centre for Research & Education on Violence Against Women & Children, p. 6
13. Ibid.
14. Julie Kaye, John Winterdyk, and Lara Quarterman, "Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada," *Canadian Journal of Criminology and Criminal Justice* 56, no. 1 (2014): 27.
15. Ibid.
16. Julie Kaye and Bethany Hastie. "The Canadian Criminal Code Offence of Trafficking in Persons: Challenges from the Field and Within the Law." *Social Inclusion* 3, no. 1 (February 23, 2015): 88–102.
17. Katrin Roots, "Trafficking or Pimping? An Analysis of Canada's Human Trafficking Legislation and its Implications," *Canadian Journal of Law and Society/Revue Canadienne Droit et Société* 28, no. 01 (2013).

18. Sandra Wesley, Executive Director of Chez Stella, quoted in Rachel Lau, "[The reality of sex workers in Canada: Vulnerable, unprotected and misunderstood](#)," Global News, May 29, 2017.
19. Canada (Attorney General) v. Bedford, 2013 SCC 72, [2013] 3 S.C.R. 1101, para. 20.
20. R. v. Anwar, 2020 ONCJ 103 (CanLII), <<http://canlii.ca/t/j5hfl>>, retrieved on 2020-11-26.
21. Canadian Alliance for Sex Work Law Reform, "Sex Work and Changes to the Criminal Code After Bill C-36: What Does the Evidence Say?," June 2015.
22. Elena Argento et al, [Harms of End-Demand Criminalization: Impact of Canada PCEPA Laws on Sex Workers' Safety, Health and Human Rights](#), (Vancouver, Centre for Gender and Sexual Health Equity: 2019), 8.
23. Ibid., 9.
24. Bronskill cited in Katrin Roots and Ann De Shalit, "Evidence that Evidence Doesn't Matter: The Case of Human Trafficking in Canada," *Atlantis* 37, no. 2 (2015/2016).
25. Adam Cotter, "Trafficking in Persons, 2018," *Juristat* (Ottawa, Statistics Canada: 2020).
26. Canadian Alliance for Sex Work Law Reform, "10 Ways to Explain Prostitution Law Reform to your Constituents," n.d., 3.
27. Ibid.
28. See Canada. House of Commons, *Moving Forward in the Fight Against Human Trafficking: Report of the Standing Committee on Justice and Human Rights*, 26 (Ottawa: Speaker of the House of Commons, 2018).
29. See "Decolonize Our Actions! Providing Services to Indigenous Persons involved in the Sex Industry," Policy Brief No. 3, Northeastern Ontario Research Alliance on Human Trafficking. 2020.
30. Sarah Hunt, "Decolonizing Sex Work: Developing an Intersectional Indigenous Approach," in *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, ed. Emily van der Meulen, Elya M. Durisin, and Victoria Love (Vancouver: University of British Columbia Press, 2013), 26.
31. Robyn Maynard, "Fighting Wrongs with Wrongs? How Canadian Anti-Trafficking Crusades Have Failed Sex Workers, Migrants, and Indigenous Communities," *Atlantis* 37, no. 2 (2015/2016): 42.
32. Robyn Bourgeois, "Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada," *UCLA Law Review* 62 (2015); NIMMIWG, *Reclaiming Power and Place: The Final Report of the National Inquiry in Missing and Murdered Indigenous Women and Girls*, National Inquiry on Missing and Murdered Indigenous Women and Girls (Ottawa, 2019).
33. Kempadoo and McFadyen, *Challenging Human Trafficking*, p.6.
34. Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia*, Canada, Human Rights Watch (United States, 2013). CBC News, "[March held in Val-d'Or for aboriginal women alleging Quebec police sex abuse](#)," October 25, 2015; Krista Stelkia, "[Police Brutality In Canada: A Symptom Of Structural Racism And Colonial Violence](#)," Yellowhead Institute, 15 July 2020.
35. Kempadoo and McFadyen, *Challenging Human Trafficking*, p.6; Kaye, *Responding to Human Trafficking*.
36. Elene Lam, [Behind the Rescue: How Anti-Trafficking Investigations and Policies Harm Migrant Sex Workers](#), Butterfly: Asian and Migrant Sex Workers Support Network, 2018, p.3.
37. Ibid.
38. Kaye, *Responding to Human Trafficking*.
39. Canada, National Strategy to Combat Human Trafficking, 2019-2024, 21 (Ottawa: Government of Canada, 2019).
40. NIMMIWG, *Reclaiming Power and Place*.
41. Stella and Butterfly, *Immigration Status and Sex Work* (2015), 9, <https://www.nswp.org/sites/nswp.org/files/Immigration%20Status%20and%20Sex%20Work%2C%20Stella%20-%20October%202015.pdf>.
42. "Sharma, "Anti-Trafficking Rhetoric and the Making of a Global Apartheid," 90; see also Laura Agustín, "The Disappearing of a Migration Category: Migrants Who Sell Sex," *Journal of Ethnic and Migration Studies* 32, no. 1 (2006).
43. Canadian Alliance for Sex Work Law Reform, [Safety, Dignity, Equality: Recommendations for Sex Work Law Reform in Canada](#) (March 2017), p. 11.
44. Nagy et al, "Transitions and Fluidity;" Nonomura, "Trafficking at the Intersections;" Kaye, *Responding to Human Trafficking*.
45. See Kempadoo and McFadyen, *Challenging Human Trafficking*, p. 30.
46. Ibid.
47. On the influence of moralizing approaches to human trafficking and sex work, and the idea of "innocent victims" and those seen as "less worthy of saving because they might be implicated in their own abuse," see Hunt, "Representing Colonial Violence".
48. Nagy et al, "Transitions and Fluidity," 3.
49. Clancey and Wiseman, *Transforming Anti-Trafficking Sentiment*, 8.
50. Canadian HIV/AIDS Legal Network, [Brief to the House of Commons Standing Committee on Justice and Human Rights on Human Trafficking in Canada](#) (2018).