



Canadian Women's Foundation

Brief to the House of
Commons Standing
Committee on Justice and
Human Rights

Trafficking Brief

Canadian Women’s Foundation centres this brief on the experiences of women, through the lens of the programs we have supported and continue to support across the country.

In the opinion of the Canadian Women’s Foundation, it is essential to address key root causes to trafficking, to aid those experiencing it and to prevent it among many more. The root causes of trafficking include poverty, gendered violence, racism and lack of services such as housing, income support, among many others. Identifying the prosecution of traffickers in the same context as identifying the needs of those who have experienced it risks making finding perpetrators and prosecuting them the main focus of providing services.

The government should hold people accountable to the law, and there must be appropriate recourse to justice. However, this does not happen in the current criminal law system because there are still significant barriers to access to justice for Indigenous women, (im)migrant women/refugees, racialized women and women with disabilities.

Women’s Needs

Many of the women encountered through funded programs have not necessarily identified specifically as being trafficked. This is not the language they choose to use. For many of them, this language is both stigmatizing and re-victimizing. Even for those who have made the healing journey and are at the end of the most serious long-term consequences, they may choose not to speak of the term trafficking. They have also said that in the moment of crisis and when they were looking for immediate supports, they did not use or even accept this language.

The survivors encountered in the programs that we have funded do not all “fit” the typical image of a trafficking women. Although they may have experienced many of the conditions that are in line with a definition of trafficking (threats, coercion,

About the Canadian Women’s Foundation

The [Canadian Women’s Foundation](#) is Canada’s public foundation for women and girls and is now one of the ten largest women’s foundations in the world. Since 1991, we have raised over \$80 million, funded more than 1,800 community programs across Canada and supported nearly 30,000 women and girls to move out of violence, out of poverty and into confidence. We focus on the most critical challenges facing women and girls and invest in the most effective solutions for long-term change. We are the leading voice for women and children in Canada.

In 2016 alone, we have invested more than \$1.8 million in programs along a continuum of violence prevention and rebuilding lives that impacted over 60,000 women and children.

The Canadian Women’s Foundation developed a five-year anti-trafficking strategy (2015-2020) to support organizations with exemplary programs to help end this extreme form of violence against women. Focusing on multi-year grant making to help women and girls escape sex trafficking and rebuild their lives, the foundation supports direct programs and collaboration and network building.

The Canadian Women’s Foundation wants every woman and girl to live free from violence.

manipulation, exploitation), they see themselves as having chosen their work, or as having made hard choices in the context of constrained options—and often those constrained options are conditions created by the government policies currently in place (for example, temporary work permits, colonization etc.). The language of “victim” (and sometimes even “survivor”), exposes those who have experienced trafficking to interventions that do not respect their capacity for agency, nor does it address the actual causes of the harms they experience. Women in the programs funded acknowledge that their choices are not always healthy and do not necessarily keep them safe, but they still insist on the choices they made - and to deny them the agency they express goes against their needs and perhaps even infantilizes them.

It has been found that some women find themselves constrained even on the healing journey to “perform” the role of a victim considered worthy of support in order to access services and legal remedies/avenues or to secure their immigration status. They may be excluded from services or resident permits if they do not identify as having been trafficked, according to the definitions and public understanding of what a trafficked person looks like. It is important to provide services at the right time, in the right place, in the right manner, regardless of whether women choose to use the word trafficking, and also regardless of whether their experience “looks like” trafficking. All women’s safety comes first and every woman asking for services should be able to access them easily and without stigma. Many women’s services understand this and constantly adjust their service modalities to reflect what women tell them they actually need. This should be possible through the funding mechanisms provided to these agencies by government departments.

In addition, it is often hard for young people to connect their experiences to the terms “trafficking” and even “exploitation”. If the term is not appropriate for working with these populations, including racialized young women, then the true nature of the problem may not be recognized. This is not about extending the definition to include more groups, or a wider circle of potential victims / survivors, but about identifying in what situations it makes sense to use the language of trafficking and when it may not be helpful to do so in order to offer appropriate services.

The use of the term trafficking may only suit organizations when they are applying for funding. This language is rarely used directly by those agencies with the people who are most affected by the issue. As a funder in this area, our grantees have told us that their use of the term “trafficking” in programs designed to meet the needs of women experiencing sexual exploitation is reserved for funders like us, government agencies, law enforcement, and media, and that it is rarely used in their interactions with the women they serve.

The definition of trafficking is extremely hard to maintain and adhere to in a consistent manner. It is used in many ways by many different parties and it is rare to find that it is applied according to its judicial or criminal law meaning. In spite of the extreme necessity to remain very tightly linked to the definition as it is used by police or social services, it is frequently used as a synonym for sex work by those who are

not deeply involved in this work, or by those for whom the work is politicized. For some groups, all form of sex work is sexual exploitation and by extension, trafficking.

The government has a role to play in helping to clarify and maintain a comprehensive definition of what trafficking is and to ensure that it is not conflated with the consensual purchasing and selling of sexual services. The Canadian Women's Foundation agrees with the following United Nations' statement that conflating these issues: "leads to inappropriate responses that fail to assist sex workers and victims of trafficking in realizing their rights."

In order to manage the national scope of this issue, the National Action Plan was set up by the federal government to establish a shared understanding and commitment to ending trafficking. However, there is more work to be done to solidify and strengthen a specific, legal definition of what trafficking is, as well as to encourage a more nuanced understanding of its causes through the coordination and collaboration of all possible partners in this field. Much needs to be done to set this term strongly in the legal context and consolidate its use within a criminal law framework.

Finally, any definition should recognize the connection between labour and sex trafficking. It is becoming more and more clear that it is not always helpful for women to separate forms of trafficking in terms of accessing services, or in terms of access to recourse, because for many women, these are connected by precarious immigration status. Also, even for those who do not have precarious status, poverty is a driving factor—when women don't have economic security, they are more easily coerced and violently exploited in many forms.

Protection and Support for Victims with Precarious Status

There are certain conditions for specific workers in Canada that make them vulnerable to trafficking. Those who enter Canada with temporary worker status are tied to one employer. If this employer is abusive, or if the employee experiences unacceptable work conditions, including irregular compensation / hours or insalubrious conditions, sexual harassment or another form of violence or abuse in the workplace, there is little recourse. If the worker decides to leave or tries to find other, more acceptable work conditions, then they are in a vulnerable situation immediately. As soon as they search out another situation, there is the possibility that they will be manipulated, coerced or exploited in this new situation, and possibly in part, **because** they are making a move that is effectively illegal.

Without protections for these workers, they are unable to control their own work conditions. They are not accorded the right to control their own work situation by the Canadian government or the capacity to make decisions about where they work and how to keep that place of work safe. They cannot legally make a move to find more acceptable conditions without putting themselves at odds with the authorities.

There need to be more safe pathways that focus on establishing long-term regularized status for those who have temporary worker status and experience trafficking. We support the calls of multiple groups, including OCASI, to change the accessibility of

the Temporary Foreign Workers Permit and Temporary Resident Permit, and halt the conditions that make it possible for multiple abuses of powers against those who are vulnerable because of their (im)migration, social position, gender, status or others.

Further criminalizing workers who may not be able to find the resources, who fear their employers, who may owe money to their recruiters, and who may have other debts to manage, does not respond to the needs of survivors.

Challenges Facing Community Organizations

Those front-line agencies working in this field need to be able to create language that reflects the experiences of different youth and women. Some are referring to a spectrum, which is not linear, but acknowledges that there is a range of experiences and situations, and that avoids siloed thinking or approaches. This language needs to be developed together and with a full understanding of the nuanced nature of experiences of survivors.

Survivors of trafficking in the funded programs, regardless of age and gender, mention different experiences that include engagement in consensual sex work, exploitative labour conditions and trafficking. This varied experience should not at any point stigmatize them, or make them ineligible for services, nor should their engagement in sex work criminalize them or make them unsafe. Organizations need to work with an intersectional feminist framework that takes into account the gendered nature of violence, as well as its root causes, and require adequate financial support to address the needs of the women they serve.

Community organizations need to be recognized as experts in this field, with all their diversity, and outside of the politicized nature of the issue according to positions. Community organizations should be able to provide the holistic wraparound services that survivors need, including access to housing, economic stability, medical and trauma-informed psychological care, translation and interpretation that is sensitive to lived experiences. Survivors of all genders need access to permanent immigration status, regardless of the prosecution of traffickers.

Promising Practices

Women need interventions that allow them to make informed choices and respect their journey. Working from an understanding that trafficking is a gendered issue is essential to making change and addressing the needs of survivors. Existing programs and services that have established partnerships, protocols and service delivery models that are appropriate according to the population served is necessary. There are important modalities of service that have already been laid out with regards to those who experience the highest levels of violence (and by extension trafficking), deepening on whether the women / youth are Indigenous, live with a disability, have precarious status, or live in remote or isolated parts of Canada. The government should continue to engage with organizations with existing specialties and increase

their capacity - such as NWAC, DAWN / RAFH Canada, OCASI, Barbara Schlifer Clinic, to name only a few, in order to address service gaps that have been identified.

Models that are based on a harm reduction, positive, strength-based approach that works on a case-by-case basis have been identified as being essential for survivors of trafficking. Working with small, limited caseloads is essential because of the complexity of needs mentioned earlier. Ensuring personalized, directed referrals has been shown to offer women / youth the best opportunities to make long-term and lasting change. It is important to address comprehensive needs, based on a de-victimization approach that develops women's self-esteem, personal agency, and addresses long-term trauma.

Peer-led programs and interventions take into account the particular lived experiences of each community and are especially important for outreach. The experiential knowledge of peers as well as their expertise makes services stronger, but also build considerable trust among survivors.

Challenges of the Justice System

Many organizations support the Access without Fear policy that aims to ensure that trafficking survivors have access to social services and other supports, regardless of status. They should be able to access services without fear of detention, deportation or stigma due to precarious immigration status. This includes making sure that any investigations into trafficking allegations are carried out separately from the Canadian Border Services Agency (CBSA), and that any information regarding immigration status is not shared with CBSA.

Investigations in any area of violence against women have better outcomes when there is police/ front line agency collaboration through case review. This also strengthens the cases as they progress through the criminal justice system. Some police jurisdictions have established these partnerships, and some have included special officers being given responsibilities to ensure the well-being of survivors through the criminal justice system. This is important for anyone who makes the choice to go through the justice system.

In all areas of violence against women, but especially in trafficking, there is huge incidence of revictimization through criminal and legal procedures that should provide recourse and access to justice. Police services, Crown attorneys and judges all need additional training.

Awareness Raising Activities

Prevention campaigns need to be presented in a way that does not re-victimize, does not reinforce stereotypical images, that does not create unwarranted fear, and does not exhort the population to make identification themselves, or think that they have a role to play in intervening or making complaints to the police.

Engaging youth, marginalized communities, survivors and front line agencies when creating awareness raising activities is essential. It is also imperative to recognize that any media attention on an issue, whether the Ontario campaign “It’s Never Okay” or the #MeToo movement, necessarily causes an incredible burden for referral services - help lines, rape crisis centres, women’s services and others all report increases in demands for services in the last few years in particular. No government campaign should go ahead without taking into account the need for additional support for services to respond to increased public needs and awareness. Additional funding should be offered to cover these needs.

Healthy relationships education should be carried out consistently in all areas that youth are active together (schools, sports teams, community centres, youth centres, recreational centres etc). Consistent messages about gender equality, equitable relationships, healthy communication, boundary setting, consent and sexuality is the best possible way for young people to learn and develop and so prevent trafficking.

For women, prevention means expanding choice, having more economic options; more affordable, safe housing units; food security; access without fear, in short, strong, progressive social policy and rights protection on all levels of government.

About the Data Sources

The information for this brief was gathered from the grantee organizations with the support of the team engaged to undertake the multi-year evaluation of the funded programs. While these findings have not yet been published and are not in the public domain, they will be shared through an interim report that can be made available mid-2018 and another final report at the end of 2020.