



## Brief for the Standing Committee on the Status of Women (FEWO) for its study on the Human Trafficking of Women, Girls, and Gender Diverse People

May 2023

The Canadian Women's Foundation is a national leader in the movement for gender equality in Canada. Through funding, research, advocacy, and knowledge sharing, we work to achieve systemic change. We support women, girls, and gender-diverse people to move out of violence, out of poverty, and into confidence and leadership. Since 1991, our partners and donors have contributed more than \$185 million to fund over 3,000 life-transforming programs throughout the country.

We are pleased to contribute this brief to the Committee's study on the human trafficking of women, girls, and gender-diverse people. For more than a decade, the Foundation has contributed to the national policy discourse on this issue.

In 2014, the Foundation published a series of reports prepared by the Task Force on the Trafficking of Women and Girls in Canada, which the Foundation convened in 2012.<sup>1</sup> In 2018, the Foundation acknowledged that our initial support for, and investment in, specific anti-trafficking laws, policies, and programs caused harm to the very populations that we sought to support. We have stopped circulating the Task Force reports and have asked organizations and institutions using these reports to stop sharing and referencing them. We ask that the Committee take this into account should any of these reports be referenced in remarks or briefs submitted for this study. The Canadian Women's Foundation no longer supports the recommendations contained therein because of the ongoing harms they cause to sex workers, precarious status migrant women, and survivors of gender-based violence, as elaborated in this brief.

We strongly encourage the Committee to question the underlying assumptions that shape the conventional wisdom on trafficking in Canada to the detriment of all survivors of violence,

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<sup>1</sup> Reports commissioned by the Canadian Women's Foundation through the Task Force on the Trafficking of Women and Girls in Canada include:

- Barrett, N. (2014). *An Assessment of Sex Trafficking in Canada*
- Barrett, N. (2014). *Laws to Combat Sex Trafficking*
- Native Women's Association of Canada (2014). *Sexual Exploitation and Trafficking of Aboriginal Women & Girls*
- Canadian Women's Foundation (2014). *"No More": Ending Sex Trafficking in Canada: Report of the National Task Force on Sex Trafficking of Women and Girls in Canada*

coercion, and exploitation in the sex trade. We urge you to listen to sex workers, who have long advocated for solutions and are best positioned to provide effective policy direction.

### **“Not conflating” sex work and trafficking is not enough**

There is broad-based agreement within the gender-based violence sector and among many policymakers that the experience of human trafficking for purposes of sexual exploitation is not, and should not be considered the same as, consensual sex work. This is typically stated as a call to avoid conflating trafficking and sex work, and this call has become an accepted best practice or foundational principle of most anti-trafficking programs offered by Canada’s gender-based violence sector.<sup>2</sup>

The motivation for the call to avoid conflation is important: forced participation in the sex trade (often referred to as trafficking) and consensual sex work are distinct experiences and should be understood as such. Sex work is not inherently exploitative and those who choose to earn money through sex work should not be treated as lacking in agency and victims in need of rescue.

However, the practice of “not conflating” does not mean sex workers aren’t priority stakeholders in the development of anti-trafficking interventions, laws, and policies. In fact, developing strategies that aim to protect their well-being and agency is essential, particularly in light of the considerable, well-documented harms come to them as a result of anti-trafficking initiatives.<sup>3</sup>

Sex workers experience disproportionate rates of violence, exploitation, and coercion in the course of their work—the *very crimes anti-trafficking initiatives seek to address*—and have advocated for decades for the decriminalization of sex work among other measures as critical steps to make the sex industry safer and address the violence they experience. Lawmakers have largely met these calls for systemic change with silence, opting instead to pursue anti-trafficking policies and programs that sex workers have explicitly called out as deepening their marginalization and compromising their safety and security.<sup>4</sup>

Lawmakers have justified the sidelining of sex worker outrage about anti-trafficking laws and policies by leaning on the claim that they are “not conflating” sex workers with trafficking victims. In so doing, they have co-opted the calls of sex workers to distinguish between sex

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<sup>2</sup> Global Network of Sex Work Projects. (n.d.) Sex Work is not Trafficking. Briefing Paper #3. (<https://www.nswp.org/sites/default/files/SW%20is%20Not%20Trafficking.pdf>; Nonomura, Robert. (2020). Trafficking at the Intersections: Racism, Colonialism, Sexism, and Exploitation in Canada. Learning Network Brief (36). <https://www.vawlearningnetwork.ca/our-work/briefs/briefpdfs/Brief-361.pdf>;

<sup>3</sup> Global Alliance Against Traffick in Women (2007). Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World. <https://gaatw.org/resources/publications/908-collateral-damage-the-impact-of-anti-trafficking-measures-on-human-rights-around-the-world>; Fudge, J., Lam, E., Ka Hon Chu, S., Wong, V. (2021). Caught in the Carceral Web: Anti-Trafficking Laws & Policies and their Impact on Migrant Sex Workers. [https://www.butterflysw.org/\\_files/ugd/5bd754\\_71be1154f6ff4bbb94a03ed7931a32df.pdf](https://www.butterflysw.org/_files/ugd/5bd754_71be1154f6ff4bbb94a03ed7931a32df.pdf)

<sup>4</sup> Global Alliance Against Traffick in Women (2007). Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World. <https://gaatw.org/resources/publications/908-collateral-damage-the-impact-of-anti-trafficking-measures-on-human-rights-around-the-world>

work and trafficking and are now using “non-conflation” as a justification to exclude sex workers from meaningful participation in policy debates that have direct impacts on their livelihoods and access to safety. If sex workers don’t identify as trafficked persons, even those who experience violence in the sex trade are not seen by lawmakers as priority stakeholders, with most space in policy consultations held for those who identify as trafficking victims and their supporters.

However, the suggestion that a survivor’s motivation for participation in the sex trade can be mapped onto a simple binary of coercion or choice is not grounded in evidence, nor is the notion that a specific suite of interventions is required for trafficking victims that would differ substantially from the needs of any other survivor of gender-based violence in the sex trade.

From decades of experience funding, monitoring, and evaluating gender-based violence prevention and intervention programs, the Canadian Women’s Foundation knows that trauma-informed, non-judgemental services which meet survivors where they’re at, and support them to access safety, provide for their immediate needs, offer holistic wraparound supports, and create plans for the future are the most effective—all the more so when these interventions are peer-led and informed by lived experience. These kinds of interventions are effective for survivors of violence, coercion, and exploitation in the sex trade regardless of the circumstances surrounding their entry to the industry or their personal decisions to continue to engage or leave.

### **Confront anti-sex work bias and victim blaming in anti-trafficking law and policy**

If the motivation of the Committee is to understand the root causes and experiences of coercion, violence, and exploitation in the sex trade, the gendered nature of those causes and consequences, and develop recommendations on how to address them, it is first necessary to unpack the anti-sex work bias that is central to anti-trafficking efforts in Canada.

Anti-trafficking campaigns, programs, laws, and policies have created a hierarchy of victimhood, where sex workers who experience violence in the course of their work are seen as less deserving of support and care than people with similar experiences who entered the sex trade by force.

This hierarchy of victimhood can be seen clearly in the funding disparity between sex worker support programs and anti-trafficking programs in Canada. Sex worker-led services are starved for resources while anti-trafficking programs are some of the most well funded in the gender-based violence sector.

The creation of this hierarchy of victimhood is yet another form of victim blaming, where sex workers who experience gender-based violence do not fit the archetype of the ideal, innocent victim that is so central to the human trafficking story.<sup>5</sup> Because they chose sex work, they are seen as having put themselves at risk, and are therefore not as deserving of community supports as a trafficking victim who did not put themselves in harm’s way. Such simplistic

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<sup>5</sup> Forringer-Beal, A. ‘Why the “Ideal Victim” Persists: Queering representations of victimhood in human trafficking discourse’, *Anti-Trafficking Review*, issue 19, 2022, pp. 87-102. <https://doi.org/10.14197/atr.201222196>

narratives obscure the structural barriers to safety that sex workers have long called out and the discrimination they face in encounters with police, accessing social services and healthcare, and other services that make them among the most vulnerable to gender-based violence in Canada.

Anti-trafficking initiatives focus attention on one form of gender-based violence to the detriment of survivors of other forms of gender-based violence. Resources are diverted from critical programs serving survivors of domestic violence and intimate partner violence, and violence prevention programs for youth that focus on healthy relationships, consent, and sexual education, and reallocated through mass investments into anti-trafficking programs focused on disempowering rescue narratives and the policing and incarceration of members of criminalized communities. Here too, we see victim blaming dynamics at work, where survivors of domestic violence, intimate partner violence, and sexual violence and harassment struggle to have their stories believed, and community services that support them struggle to maintain their funding base, while trafficking survivors whose stories fit the innocent victim narrative benefit from seemingly unfettered public sympathy and investment.

Heavy investments in anti-trafficking have not made inroads into improving conditions in the sex trade, where women and gender diverse people—particularly those who are Indigenous, racialized, disabled, and who have precarious immigration status—experience disproportionate levels of violence. This will remain the case if policy interventions continue to prioritize anti-trafficking measures over sex work law reform, immigration law reform, and meaningful steps towards Indigenous reconciliation and addressing misogyny and racism in Canada.

## **Recommendations**

To meaningfully address violence, coercion, and exploitation in the sex trade, we call on the Committee to:

- Centre the lived experiences of sex workers in the development and implementation of all laws and policies that affect them, including consultations on human trafficking, and respond to their calls for decriminalization.
- Divest from sensationalist anti-trafficking rhetoric, policing and prosecution approaches, and interventions grounded in anti-sex work bias. Apply evidence-based, trauma-informed, harm reduction, and human rights frameworks to ensure that the rights, safety, and dignity of survivors of violence in the sex trade are respected.
- Call on the Government of Canada to shift its focus from funding anti-trafficking measures focused on apprehending and prosecuting perpetrators to increased investments in the women's and gender justice sector targeted to:
  - o Sex worker-led organizations and networks to build their capacity to support survivors of gender-based violence in the sex trade
  - o Gender-based violence service providers to increase their capacity to engage with sex workers in their communities and develop unbiased, non-judgemental

services for those who experience violence in the sex trade

- Gender-based violence prevention programs for youth focused on promoting healthy relationships, consent culture, and healthy masculinities
- Call on the Government of Canada to create a robust implementation plan for the National Action Plan on Gender-Based Violence that includes meaningful collaboration and consultation with those who are most affected.

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