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## **Protecting Vulnerable Ontarians from Sexual Exploitation and Sex Slavery**

A submission from the Association for Reformed Political Action (ARPA) Canada

to

The Standing Committee on Justice Policy

regarding

Bill 251, *Combating Human Trafficking Act, 2021*

May 13, 2021

Human trafficking is a problem across the country, and it is critical that Provincial governments address the concerns with the legislative tools available to them within their jurisdiction. We thank the members of this Committee for the opportunity to provide a written brief. We commend details of Bill 251 and suggest further amendments to strengthen and improve this bill.

### **The Problem of Human Trafficking**

ARPA Canada believes that God created every human being in his image. As such, humanity possesses an inherent and inalienable dignity and worth, which separates human beings from all other creatures. This dignity is given to all humans, regardless of age, ability, sex, race, or any other characteristic. Human trafficking is a crime which violates human dignity, and harms vulnerable people. Human trafficking is reprehensible because it denies the value of individual human beings who are made in the image of God, reducing a beautiful and unique person to a commercial object. The exploitation and abuse in human trafficking denies the humanity of the vulnerable.

Many victims of trafficking, particularly women and children, are exploited for purposes of prostitution and pornography. However, trafficking also takes place in diverse labor contexts, such as domestic servitude, small businesses, factories, and agricultural work. Recognizing the distinction between sex trafficking and labour trafficking, both must be addressed as crimes which cause harm to many individuals.

The Legislature is rightly addressing the problem of human trafficking through Bill 251. Human trafficking is a modern-day form of slavery, which tends to prey on vulnerable people. Especially in urban centres, human trafficking is most often done for the purposes of sexual exploitation, with most victims being women and girls.

The connection between prostitution and human trafficking is hard to overstate.<sup>1</sup> The legalization or even toleration of prostitution has historically led to an increased number of women and children being trafficked into the commercial sex trade.<sup>2</sup> One study, testing the theory that legalized prostitution could reduce trafficking by making it a safer, more attractive job for domestic sex workers, found the opposite was true: countries that legalized prostitution experienced higher inflows of trafficking.<sup>3</sup> In a chilling example of this effect, another study in the Netherlands reported that in the first 5 years of legalizing prostitution, the number of child prostitutes in the country increased 300% from 4,000 to 15,000.<sup>4</sup>

Strategies to combat sex trafficking must recognize all the factors involved. Sex trafficking exists because of the demand for prostitution, which causes traffickers to step in and provide greater supply. Humans are treated like commodities subject to the changes in supply and demand.<sup>5</sup> Prostituted and trafficked people need support and help. A compassionate society must be ready to give assistance in shelter, addiction counseling, job training and health care. The evidence of violence, trauma, psychological suffering and oppression stands as a testimony to the destructive nature of the sex trade.

### **Human Trafficking in Ontario**

Some of the challenges with a Provincial approach to combating human trafficking in Ontario include the need to coordinate efforts between Federal and Provincial levels of government, while also increasing partnerships with the private sector in order to have a coordinated, communicative approach to ending this crime. Because of the federal system of Canadian government, the range and quality of services for victims of trafficking can vary dramatically throughout the country. As a result, individual Provinces play a large part in educating the population about the harsh reality of human trafficking, supporting victims, and establishing appropriate enforcement methods.<sup>6</sup>

Measuring the full extent of human trafficking in Ontario is difficult due to the hidden nature of this crime and the challenges victims face to come forward and bring their perpetrators to justice. In spite of the difficulty in measuring the crime, there have been large numbers of police reported human trafficking cases in Canada, and specifically in Ontario. Between 2009 and 2018, there were 1,708 human trafficking incidents reported by police services across Canada, at an average of 0.5 incidents per 100,000 population. In contrast, during the same time period, Ontario recorded 0.9 incidents per 100,000 population, nearly double the national average on a per capita basis. Since 2009, 68% of police-reported human trafficking incidents in Canada took place in Ontario. Further, 43% of those trafficked in Canada during this time period were between the ages of 18 and 24.<sup>7</sup>

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<sup>1</sup> Monica O'Connor, Grainne Healy, "The Links Between Prostitution and Sex Trafficking: A Briefing Handbook", Coalition Against Trafficking in Women (CATW), A Swedish and United States Governmental and Non-Governmental Organization Partnership, 2006.

<sup>2</sup> Ibid., 29.

<sup>3</sup> Seo-Young Cho, Axel Dreher, and Eric Neumayer. "Does legalized prostitution increase human trafficking?" World Development, 41 (1), 2013, p 2. DOI: 10.1016/j.worlddev.2012.05.023

<sup>4</sup> Janice G. Raymond, "Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution" Binghamton: Hawthorn Press, 2003, p. 7.

<sup>5</sup> Lisa Thompson, "[The Critical Role of Market Dynamics in Combating Sex Trafficking.](#)" (National Centre on Sexual Exploitation, 2021).

<sup>6</sup> "[Trafficking in Persons Report, 20<sup>th</sup> Edition.](#)" (U.S. Department of State, 2020), 143-144.

<sup>7</sup> Adam Cotter, "[Trafficking in Persons in Canada.](#)" (Statistics Canada, 2018).

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ARPA Canada appreciates the efforts which have been taken in Ontario to combat human trafficking. We are pleased to see significant funding allocated to the anti-human trafficking strategy to develop important supports and services. The recent anti-human trafficking strategy and the current Bill 251, *Combating Human Trafficking Act, 2021*, are welcome initiatives and steps forward in tackling a major issue in the Province of Ontario. While Bill 251 offers some important solutions to complement the existing anti-human trafficking strategy, ARPA Canada would like to offer some suggestions to strengthen this Bill further.

### **Bill 251**

Schedule 1, Accommodation Sector Registration of Guests Act, 2021, appropriately addresses the need for law enforcement to have more tools for tracking down victims of human trafficking. Many trafficking cases operate through the use of hotel rooms, and this Bill will help police officers locate victims more quickly. One concern with this change is that the definition of a hotel is limited to a place that “contains at least six bedrooms or suites.” The Hotel Association of Canada acknowledges that hotels and motels are the frontlines of human trafficking, and that traffickers often use rooms in these businesses to set up encounters between victims and buyers of sex.<sup>8</sup> However, businesses such as Airbnb have also recognized the need to address the issue in their rentals as well. Airbnb operates more than 7 million listings in over 100,000 cities worldwide, offering more rental units than the eight largest hotel groups combined.<sup>9</sup> The government should seek to work with smaller rental businesses to combat human trafficking as well. Lawmakers in Britain and the United States have investigated and reported the development of ‘pop-up brothels’ on rental websites after brothels had sprung up across the countries.<sup>10</sup> There has been much research done into the use of Airbnb and other accommodation rentals for sex trafficking, and many of these would not be captured under this definition if they have five bedrooms or less. The definition of hotel should be changed to address this reality.

**Recommended amendment:** *Remove definition 1(b), while retaining definitions 1(a) and 1(c). This would allow for further monitoring in smaller short-term commercial accommodations in addition to hotels and larger businesses.*

Schedule 2, Anti-Human Trafficking Strategy Act, 2021, rightly requires the government to maintain an anti-human trafficking strategy. We are grateful that Ontario has implemented an Anti-Human Trafficking Strategy, which is to remain in place from 2020-2025. Schedule 2 of Bill 251 ensures that a strategy is maintained by this government and by future governments. This is critical to avoid the loss of services and supports for victims of human trafficking. Additionally, the requirement to review at least every five years ensures that the strategy is effective and is updated according to the circumstances surrounding human trafficking at the time. The current strategy has a strong focus on training, education, and awareness and it is important to maintain these priorities.

The second portion of Schedule 2 is also important, allowing regulations to be made related to the dissemination of information, training, and reporting on human trafficking. The focus on tackling continued sexual service advertisements through regulations is critical. As mentioned previously, the

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<sup>8</sup> [“Human Trafficking Prevention,”](#) (Hotel Association of Canada).

<sup>9</sup> [“Update on the Airbnb Community,”](#) (Airbnb News).

<sup>10</sup> Kieran Guilbert, [“Airbnb vows to tackle sex trafficking in rental homes.”](#) (Reuters, 2018).

correlation between prostitution and sex trafficking is very close, and this provision will help address the problem.

Schedule 3, Child, Youth and Family Services Act, 2017 makes helpful amendments to the Act in order to protect youth who may be sexually exploited or trafficked. Particularly, the addition of section 77.1 allows child protection workers or peace officers to relocate children aged 16 or 17 if it is probable that the child has been sexually exploited. Under the existing legislation in section 74(2)(c) and (d), children are in need of protection “if there is a risk that the child is likely to be sexually abused or sexually exploited as described in clause (c),” in addition to if the child has been sexually exploited or abused. Section 77.1 appropriately allows child protection workers or peace officers to help children aged 16 or 17 by providing protection and services if there is reason to believe that they have been sexually exploited. This change will effectively close a loophole that traffickers have used to exploit 16 and 17 year-olds in the Province.

It would be helpful to increase the age of ‘persons in need of protection’ from sexual exploitation to age 21 given the number of people who are trafficked between the ages of 18 and 21 and given the reality that those who are aged 18 or 19 may well have been trafficked already at the age of 16 or 17. Such a change would be consistent with other measures in the Act like section 26, which allows for services to persons older than 18: “The Minister may provide services and provide funding pursuant to agreements for the provision of services to persons who are not children, and to their families, as if those persons were children.” Likewise, section 124 allows for continued care and support for children who “age out” of extended society care and section 199(3) allows for the adoption of (presumably young) adults. Children who are trafficked for years should not lose the benefit of this additional protection simply because they turned 18.

**Recommended amendment:** *Amend the proposed section 77.1 to increase the age range under which an Ontarian can be a ‘person in need of protection’ if sexual exploitation is believed to be taking place. ARPA Canada proposes that the addition of a section 77.2 to extend the same protections and benefits to young adults would be the most straightforward way to amend the legislation.*

Finally, Schedule 4, Prevention of and Remedies for Human Trafficking Act, 2017 provides helpful additions to the use of restraining orders. The amendments proposed in Schedule 4 will help to further protect victims of human trafficking and other people in their life who need to be protected from previous traffickers.

## **Conclusion**

In summary, ARPA Canada recognizes the horrible nature of human trafficking as an issue of major concern within the Province of Ontario. We appreciate the steps being taken to address the aspects of this crime that fall within the Province’s jurisdiction including safeguards around hotels and other accommodations, increasing awareness, education and training within the Province, and enhancing child protection services to address, mitigate, or prevent the harm of human trafficking on children and young people. We respectfully submit that the amendments recommended in our brief will improve Bill 251 further and help to increasingly protect victims of human trafficking in Ontario.

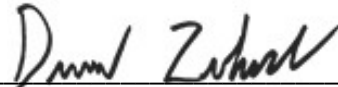
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On behalf of ARPA Canada,



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*The mission of ARPA Canada is to educate, equip, and encourage Reformed Christians to political engagement and to shine the light of God's Word to Canada's municipal, provincial, and federal governments. As part of its mission, ARPA Canada works to promote awareness and engagement within communities across Canada on issues like this one. ARPA Canada makes regular presentations to, and prepares written submissions and publications for, all levels of government on a broad spectrum of different issues.*