

HUMAN INSECURITY AND ANTI-TRAFFICKING POLICY:
REPRESENTATIONS OF TRAFFICKED PERSONS IN CANADA

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By

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ABSTRACT

Anti-trafficking discourses in Canada feature prominently in policy discussions of prostitution and sex work as well as national security and border integrity, including discussions of migration, migrant smuggling, refuge, and asylum. Yet, representations of trafficked persons have gone largely unquestioned in the country and anti-trafficking policies have garnered broad acceptance without detailed consideration of how such representations affect the rights and experiences of trafficked persons. In this context, anti-trafficking discourses are relied upon to justify a variety of conflicting political agendas. By placing existing discourses of human trafficking under scrutiny, including representations of trafficked persons from the perspective of frontline workers, government officials, law enforcement, and trafficked persons themselves in Western Canada, this study examines the politicized construction of trafficking discourses and thereby identifies how some anti-trafficking measures claiming to protect trafficked persons contribute to the insecurities faced by trafficked persons. Further, by examining recent immigration policy amendments alongside anti-trafficking discourses, this study considers the role of anti-trafficking discourses in shaping contemporary boundaries of inclusion and exclusion. In particular, the study highlights the insecurity trafficked persons experience as a result of measures emphasizing criminalization and deportation as well as the effect of criminalization for temporary migrant workers, particularly migrant workers experiencing exploitation in a context of socio-economic constraint.

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LIST OF ACRONYMS

ACT	Action Coalition on human Trafficking
BCOCTIP	British Columbia Office to Combat Trafficking In Persons
CATW	Coalition Against Trafficking in Women
CBC	Canadian Broadcasting Corporation
CBSA	Canada Border Services Agency
CCJR	Centre for Criminology and Justice Research
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIC	Citizenship and Immigration Canada
CIDA	Canadian International Development Agency
CNOP	Calgary Network on Prostitution
CTV	Canadian Television
DFAIT	Department of Foreign Affairs and International Trade
GAATW	Global Alliance Against Trafficking in Women
HRC	Human Rights Caucus
ILO	International Labour Organization
IOM	International Organization on Migration
IRPA	Immigration and Refugee Protection Act
IWGTIP	Interdepartmental Working Group on Trafficking in Persons
LCP	Live-in Caregiver Program
LTTE	Liberation of Tamil Eelam (Tamil Tigers)
NAP	National Action Plan to Combat Human Trafficking in Canada
NGO	Non-Government Organization
NSWP	Network of Sex Work Projects
NWAC	Native Women's Association of Canada
OAS	Organization of American States
PRRA	Pre-Removal Risk Assessment
RCMP	Royal Canadian Mounted Police
SAWP	Seasonal Agricultural Worker Program
SWC	Status of Women Canada
TFW	Temporary Foreign Worker
TIP	Trafficking in Persons
TRP	Temporary Resident Permit
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drug and Crime

CHAPTER 1

INTRODUCTION

Human trafficking has generated significant attention since the beginning of the twenty-first century when it was cast alongside terrorism and the drug trade “as one of the three ‘evils’ that haunts the globe” (Kempadoo 2005, p vii). In Canada, responses to trafficking, and especially awareness raising initiatives, have flourished in recent years. Yet, representations of trafficked persons have gone largely unquestioned in the country and anti-trafficking policies have garnered broad acceptance without detailed consideration of how such representations affect the rights and experiences of trafficked persons. In this context, anti-trafficking discourses are relied upon to justify a variety of political agendas, such as lobbying for policies surrounding prostitution and sex work as well as policies targeting migration, migrant smuggling, refuge, and asylum. By placing existing discourses of human trafficking under scrutiny, including representations of trafficked persons from the perspective of frontline workers, government officials, law enforcement, and trafficked persons themselves in Western Canada, this dissertation identifies how some anti-trafficking measures claiming to liberate “victims of trafficking” contribute to the insecurities faced by trafficked persons.

Frequently polarized by moralistic debates, anti-trafficking discourses cluster around a number of contentious issues that evoke strong sentiments of justice, morality, citizenship, and sexuality. Drawing on discourses of abolition, anti-trafficking measures targeting human trafficking for the purpose of sexual exploitation¹ focus on the victimization of women coerced

¹ While the terms sexual exploitation and sex trafficking have been conflated with sex work and prostitution in anti-trafficking literature (see, for example, Barry 1984, 1995; Raymond 2005), this study uses the phrase “trafficking for the purpose of sexual exploitation” in recognition that sex industries represent one site where human trafficking can occur (Sanghera 2005). This aligns

into various forms of sexual exploitation (Barry 1995; Leidholdt 2003; Farley 2004; Raymond 2005; Jefferies 2008). By overemphasizing the “victim” status of trafficked persons, such approaches neglect the agency of women – including citizens, landed immigrants, and temporary migrants – and their ability to make autonomous decisions surrounding sexualized labour (for Canadian discussions see Hallgrimsdottir, Phillips, and Benoit 2006; Jeffery 2005; Jeffrey and MacDonald 2006; Benoit and Shaver 2006). At the same time, approaches that stress the entrepreneurial nature of women who seek viable income-generating activities in a rapidly changing global labour market (Doezema 2002; Kempadoo 2005; Thorbek and Pattanaik 2002), underemphasize situations of exploitation, manipulation, violence, and marginalization faced by some trafficked persons and others exploited in systems of prostitution.² Both approaches fail to

with the definition outlined in the United Nations Protocol (to be discussed in Chapter 2) wherein exploitation includes the “exploitation of the prostitution of others or other forms of sexual exploitation.” However, it should be noted, the use of the term “sexual exploitation” was criticized in the discussion leading to the protocol for being “a catch-all phrase with an abolitionist genealogy” (Doezema 2010: 162). While the issue of language clearly remains problematic, this research recognizes that not all forms of sexual labour are exploitive; however, human trafficking, by nature, requires exploitation to occur.

² According to Downe (2006): “systems of prostitution” refers to “the intersecting forces of poverty, racism, and patriarchy that perpetuate the sexually exploitive situations that the *participating* women recognize as restrictive and harmful” (p. 66, emphasis added). Downe (2006) distinguishes this from “sex work” where “participants define themselves primarily as workers and who reject victim status” (p. 66). Given the dynamics of power underlying anti-trafficking discourses, it cannot be presumed that such discourses represent the voices of “participating women.” With this in mind, this research conceptualizes prostitution and systems of prostitution as the *belief* that poverty, racism, and patriarchy are perpetuating the sexual exploitation of women in sex industries. This distinction is important to understand anti-trafficking discourses because feminist abolitionist advocates rely on this language to emphasize their standpoint that prostitution and sex trafficking should be (or are) equated. Conversely, the term sex work will be used in instances where anti-trafficking advocates distinguish between forced sex trafficking and chosen sex labour. While such polarized perspectives are prevalent in anti-trafficking discussions, and thus require consideration for the purposes of this dissertation, it is important to recognize that the experiences of individuals involved in sex industries are more complex than either polarized position can account for. As Sanghera (2000) argues, “a better understanding of the whole phenomena of prostitution and sex work can be best achieved through an exploration of the proverbial shades of grey.” As a result, this research examines the

recognize the “complex heterogeneity” of experiences encompassed by individuals victimized by sex trafficking as well as people working in sex industries (Benoit and Shaver 2006).

Nonetheless, as this study highlights, anti-trafficking discourses remain polarized as politicized lobby efforts battle to shape prostitution legislation by controlling the discourse to define the relationship between sexual exploitation, sex work, prostitution, and human trafficking. In the end, such polarized discourses create more insecurity for trafficked persons and persons working in sex industries.

Recently, anti-trafficking approaches center on definitions of transnational crime that create unnecessary risks for trafficked persons and migrants in general (Oxman-Martinez, Hanley, and Gomez 2005). Although Canada’s anti-trafficking initiatives are generally well perceived, there are significant gaps in the protection of the rights of trafficked persons (Barnett 2008) and, left unchecked, anti-trafficking discourses have been used to shape a variety of politicized agendas. As will be discussed in Chapter 6, the government of Canada has focused anti-trafficking efforts on crime and security approaches that contribute to a situation of insecurity faced by trafficked individuals. By examining the political construction of vulnerability and perceived risk of exploitation, this study highlights that crime and security approaches, despite receiving significant attention, have failed to adequately consider and address the rights³ and experiences of trafficked persons.

Existing anti-trafficking initiatives in Canada also underemphasize the broad socio-economic context in which human trafficking occurs. Ongoing global economic configurations require vast movements of people, both legal and illegal, to occur and re-occur for a number of

polarized anti-trafficking discourses, while remaining sensitive to representations that present the complexity of lived experience.

³ See Chapter 2 for a more detailed discussion of human rights explanations of human trafficking.

reasons: displacement from rural agricultural communities, poverty, rising unemployment in urban centers, wage decreases, dislocation through armed conflict, and rising awareness of alternate and better options elsewhere. Thus, the exportation of human beings in global labour markets occurs in the context of rising inequality between industrialized countries of the global North and developing countries of the South and unequal distribution of resources within these countries (Elabor-Idemudia 2003; McMichael 2012). Despite this reality, Canada has given only peripheral attention to the socio-economic contexts that perpetuate the trafficking of persons (Oxman-Martinez, Hanley, and Gomez 2005). Therefore, to understand representations of trafficked persons and the effects of anti-trafficking initiatives, this research adopts a development framework that situates current experiences of human trafficking within the context of colonial legacies and global inequalities associated with market-driven development and economic globalization.

By situating the trafficking industry and anti-trafficking responses in Western Canada within the context of colonial legacies and economic globalization, this research draws on post-colonial development thought to understand the effects of internal and international anti-trafficking measures adopted in Canada. Based on these ideas, the research examines representations of trafficked persons, especially women, in anti-trafficking discourses. This includes the perceptions and experiences of individuals who work directly with trafficked individuals as well as trafficked persons themselves,⁴ particularly their experiences of Canadian

⁴ The research assumes individuals involved in some form of anti-trafficking work are well suited to reflect, consider, and evaluate current anti-trafficking initiatives. At the same time, the researcher adopts a critical lens to question how dominant – and oftentimes politicized – discourses are shaping anti-trafficking agendas. As will be discussed, individuals victimized by human trafficking were not specifically recruited for this research; however, some frontline workers involved in anti-trafficking work were previously victimized by trafficking and were invited to share their experiential knowledge. Other formerly trafficked persons were provided

anti-trafficking initiatives. In doing so, this dissertation aims to inform government and non-government policies on strategies to more effectively respond to the rights of trafficked persons, migrants, and individuals working in sex industries. More broadly, the research draws on sociological debates about boundaries, citizenship, national security, and humanitarian action to examine how human trafficking and anti-trafficking discourses inform our understanding of the redefinition of boundaries in an era of globalization.

1.1 Human Trafficking in Canada

Canada is known as a source, transit, and destination country for human trafficking (Perrin 2010a; U.S. State Department 2012). Using arrest reports, the RCMP (2004) estimated that relatively few – approximately 600 – women and children are trafficked into Canada each year for the purposes of sexual exploitation and an additional 200 to 600 women and children for forced labour in other domestic markets (e.g. agricultural labour, domestic work, drug trade, garment industries, and so on) (also see Oxman-Martinez, Lacroix, and Hanley 2005). They further estimate that between 1,500 and 2,200 people are trafficked from Canada to the United States each year. Similarly, Hanley, Oxman-Martinez, Lacroix, and Gal (2006) report that community members and activists in Canada suggest the number of individuals fitting the exact definition of international forms of human trafficking is relatively small, whereas experiences of exploitation among “irregular” economic migrants are more widespread.

information about the research by a frontline worker and initiated contact to participate in the study. Given the limited number of trafficked persons represented in this study, these voices should not be interpreted as representative of trafficking experiences as a whole. Rather, they add richness to the data on anti-trafficking discourses and representations of trafficked persons in these discourses.

In addition to RCMP data, University of British Columbia law professor, Benjamin Perrin, collected documents using access-to-information laws that indicate 31 incidents of international human trafficking cases were flagged by Canadian immigration officials between 2006 and 2008 (University of British Columbia 2008). The cases identify Romania, the Philippines, Moldova and China as the top-four source countries supplying trafficked persons to Canada. The U.S. Department of State (2009) *Trafficking in Persons Report* suggests that foreign women and children are trafficked into Canada primarily from Asia and Eastern Europe, but also from African, Latin American, and Caribbean countries; however, Asian countries tend to supply trafficked persons for Western Canadian trafficking markets. In 2010, the RCMP conducted a “threat assessment,” analyzing criminal investigations that include elements of human trafficking between 2005 and 2009. Given the limited number of cases reported to law enforcement,⁵ the assessment “did not attempt to generate statistics on human trafficking, including the number of victims and/or the offenders involved” (RCMP 2010: 7). Nonetheless, Perrin (2010a: 29) indicates the RCMP “has disclosed that it identified over one hundred and fifty human trafficking cases between 2005-2009.” Finally, as of April 2012, the Government of Canada released its *National Action Plan to Combat Human Trafficking*, which indicates a total of 25 human trafficking convictions have been obtained under the *Criminal Code* and 3 charges have been laid under the IRPA legislation (Public Safety Canada 2012). The National Action Plan further suggests an additional 56 cases involving 85 accused and 136 victimized were before the courts in early 2012.

⁵ A study conducted by Kaye, Quarterman, and Winterdyk (forthcoming 2013) focusing specifically on Calgary, Alberta found that social service providers are more likely than law enforcement officials to come into direct contact with trafficked individuals.

Although the statistics reveal that Canada is affected by and participates in the problem of transnational human trafficking, Canadian figures mirror global estimates (to be discussed further in Chapter 2) in their inability to offer a reliable and accurate depiction of the nature of human trafficking in the country. By definition, human trafficking is an illicit activity which means statistics are distorted by a “dark figure” of the crime (Smith and Kangaspunta 2012). In other words, the data collected – especially descriptive data, such as gender characteristics of victimized individuals or of perpetrators – are limited in terms of their explanatory power because they can only represent known cases. Unknown cases or the “dark figure” is assumed to be significant for a number of reasons. As mentioned, trafficking is an illicit activity and thus hidden by nature, which makes accurate documentation a challenge, but also renders trafficking statistic vulnerable to political manipulation. Another reason for the “dark figure” is that trafficked persons might aim to avoid authorities out of fear of criminalization, particularly in cases where the individual holds an illegal status or when the trafficker has issued threats against the trafficked person or their families if they report to the authorities.

Lack of existing data is also problematic. The federal government only started recording cases of human trafficking in 2006 and, until the recent RCMP (2010) assessment, statistics only represented international forms of human trafficking (University of British Columbia 2008). While awareness activities have typically emphasized international forms of human trafficking, especially trafficking involving the sexual exploitation of foreign-nationals, most human trafficking convictions in the country involved the victimization of permanent residents and Canadian citizens (RCMP 2010). In the end, the available data on human trafficking in Canada is decisively limited in its ability to represent the experiences of trafficked persons in the country.

In addition to statistical challenges, there is a substantial lack of rigorous qualitative insight to inform the development and effects of counter trafficking measures.⁶ Rather, broad generalizations of the experiences of trafficked persons are developed from limited anecdotal evidence and sensational media accounts (see, for example, Malarek 2003, 2009; Kristof 2009). In particular, powerful lobby and interest groups, such as anti-prostitution lobbyists and feminist abolitionists, shape images of trafficking for sexual exploitation, often by relying on stereotypical and highly sensational images of women trapped in brothels or other modes of captivity as well as depictions of voiceless women unable to speak for themselves (see Appendix 2 for some examples drawn from a simple Google image search of the terms “human trafficking”). In turn, when policymakers uncritically adopt such sweeping generalizations or rely on simplistic representations of trafficked persons to inform pre-existing policy agendas, they derive policies that fail to reflect the complexity of experiences that fall under human trafficking definitions or the local contexts where the anti-trafficking policies are being implemented.

This research aims to fill this gap in Canada by drawing on detailed qualitative interviews and focus groups with a broad range of frontline workers and individuals involved in counter trafficking initiatives. In doing so, the research provides a much-needed critical lens to examine existing anti-trafficking discourses in Canada, which have developed an almost “unquestionable” status due to extensive lobbying and sensational awareness raising campaigns in the country. While questioning the presence and effect of dominant anti-trafficking discourses in the country, the research aims to document a more realistic image of the experiences of trafficked persons, particularly in Western Canada. In turn, a more realistic portrayal can inform the development of

⁶ See Oxman-Martinez, Lacroix, and Hanley (2005) for an exception; however, it is important to note, their study took place prior to the adoption of the *Criminal Code* legislation.

appropriate preventative strategies and response models as well as more effective policy measures at provincial and national levels.

According to the Canadian based literature on human trafficking, trafficking in Canada occurs in a number of different forms (e.g. Bruckert and Parent 2002; Oxman-Martinez, Lacroix, and Hanley 2005; Sikka 2009; Perrin 2010a). Some trafficked persons arrive to Canada as illegal migrants. Initially intending to be smuggled, some of these individuals are forced into situation of indentured labour upon their arrival.⁷ For some would-be migrants to Canada, smuggling constitutes the sole means of exiting their home countries. As Oxman-Martinez, Lacroix, and Hanley (2005: 17) point out, “the sources of trafficking often correspond with areas facing war or serious economic crisis—the usual sources of refugees.” Thus, as will be discussed in Chapter 6, restrictive immigration policies designed to address human smuggling – as well as “bogus” refugee claimants – endanger potential refugees and asylum claimants whose legal migratory options become increasingly limited.

Others arrive in Canada through legal means, but are forced into situations of exploitation. Some migrants arriving to Canada through legal programs or visas (e.g. temporary foreign worker or live-in caregiver programs; student, visitor, or work visas) find themselves entrapped in situations of exploitation upon their arrival. For instance, in 2009, Edmonton laid its

⁷ Although the terms “human trafficking” and “human smuggling” are sometimes used interchangeably, they are distinct, yet at times overlapping, concepts (see Ogrodnik 2010; Lee 2011; Winterdyk, Perrin, Reichel 2012). According to Smith and Kangaspunta (2012), human smuggling occurs when individuals enter a country illegally, but are freed upon their arrival in the destination country. Smuggling, from this perspective is a commercial transaction. Trafficked individuals, on the other hand, remain under the control of their traffickers. In this way, individuals wishing to be smuggled can become trafficked persons in the destination country. However, as will be discussed, in practice, the relationship between these two concepts is further complicated by the complexity of migratory experiences. In turn, this has important implications for the rights of trafficked persons and migrant rights in general, including access to resources and protections.

first charges for the offence of human trafficking where three women (one from Beijing and two from Fiji, ranging in age from 21-41) came to Canada legally after answering an ad in a newspaper that promised them jobs in the massage industry (CBC News, September 10, 2009a). The massage parlour, Sachi, advertises itself as a “professional massage spa.” Yet, once the women arrived, their identification papers were taken from them and they were forced to live at the parlour and work around the clock. According to an Edmonton police detective, “they ate, drank, and slept in the room that they worked in” (CBC News, September 10, 2009a). In another recent case, a Ukrainian Orthodox Priest, Father John Lipinski, Angela Lipinski, and business partner Calvin Steinhauer from St. Paul, Alberta were charged with human trafficking for allegedly exploiting the labour of 60 migrant workers from Poland and the Ukraine to work for their company, Kihew Energy Services Ltd. (Fast Forward Weekly 2012). In the end, the company pled guilty to lesser charges (i.e. Section 117 of IRPA, Organizing Entry into Canada) and the human trafficking charges against the individuals were dropped (Alberta Police Report 2012).⁸ The ruling of this case occurred alongside another labour trafficking case in the country, a case that occurred in Hamilton, Ontario, where traffickers exploited the labour of a large number of migrant men from Hungary (Domotor et al. Case 2009; Globe and Mail 2012; UNODC 2013). Despite such cases, the dominant focus of trafficking discourses in Canada remains the experiences of women and children, especially for the purpose of sexual exploitation.

⁸ Of note, Kihew Energy was fined a sentence of \$215,000. However, investigators in the case estimate the company profited approximately \$1,000,000 by recruiting the Polish workers who arrived on student visas to attend training at Lakeland College (Alberta Police Report 2012). Rather than attending courses, the company sub-contracted the worker’s labour at high cost while paying the workers substantially lower rates.

The above cases focus on men and women who arrive to Canada from international locations, but trafficked persons also include landed immigrants and other Canadian residents – including Aboriginal Persons⁹ – who are being trafficked within Canada and from Canada into the United States and Mexico. According to Oxman-Martinez, Lacroix, and Hanley (2005), the majority of individuals victimized by internal trafficking in Canada are young Aboriginal women, but runaway youth or other isolated poor women are also vulnerable to internal trafficking. Sikka (2009) argues, some of these trafficking instances are connected with small-scale gang activities, where young women, often of Aboriginal descent, are forced into prostitution in hotel rooms¹⁰ or traded between gangs as payment for drugs and other debts. Others migrate from the reserves to the city in search of education, employment, or other opportunities depicted in media portrayals and anecdotal descriptions of city life (Oxman-Martinez, Lacroix, and Hanley 2005). In these cases, socio-economic marginalization increases vulnerability to trafficking, particularly in a context where Aboriginal women are specifically targeted for purposes of sexual exploitation (Oxman-Martinez, Lacroix, and Hanley 2005; Amnesty International 2004). As will be discussed further in Chapter 3, internal trafficking in Canada cannot be separated from the legacies of colonization, residential schooling, and the disproportionate number of Aboriginal children removed from their families and taken into

⁹ For the purposes of this research, I do not distinguish between First Nations, Inuit and Métis. Although I recognize there is no pan-Aboriginal identity in Canada, a lack of available data and literature on internal trafficking in Canada makes it difficult to identify the unique experiences of each Aboriginal community. Thus, I rely on the broad term Aboriginal, which is constitutionally recognized in Canada to include Inuit, Métis, and First Nations.

¹⁰ Confinement in hotel rooms has been documented in some Canadian cases. For example, recent criminal code charges of human trafficking laid in Calgary, Alberta involved two teenage girls (15 and 17) of undeclared descent being held in a hotel room for the purpose of sexual exploitation (CBC News, February 5, 2013).

situations of child welfare. Despite known examples, to date, there have been no convictions for the trafficking of an Aboriginal Person in Canada.

1.1.1 *Canadian Anti-Trafficking Initiatives*

The federal government bases its anti-trafficking initiatives on a three-pronged approach outlined in Article 2 of the United Nations Trafficking Protocol: 1) preventing human trafficking; 2) protecting and assisting trafficking victims; and 3) prosecuting traffickers in cooperation with other state parties. As mentioned, Canada was one of the first countries to sign and ratify the Trafficking Protocol. Since this time, critics argue that Canada has made limited progress in addressing the policy recommendations outlined by the UN (Oxman-Martinez, Hanley, and Gomez 2005; Future Group 2006). This section provides an overview of existing anti-trafficking initiatives in the areas of prevention, protection, and victim assistance.

Canada's prevention efforts have centered on education and awareness raising activities. In 2004, the federal government established the Interdepartmental Working Group on Trafficking in Persons (IWGTIP) to coordinate their anti-trafficking efforts and develop a national strategy to address human trafficking in Canada. Although the IWGTIP has sought to raise awareness through the dissemination of pamphlets and posters as well as through conferences on human trafficking, Perrin (2009) indicates the group continuously failed to develop a national strategy to combat trafficking in persons in Canada (also see Future Group 2006). While the IWGTIP had limited effect, the Government of Canada has since released a National Action Plan (NAP) to Combat Human Trafficking in Canada (Public Safety Canada 2012). The NAP furthers Canada's commitment to combat human trafficking; however, as will be discussed in Chapter 6, the plan overemphasizes enforcement aspects and underemphasizes

protective measures. Moreover, Canada's prevention efforts have failed to target the overarching socio-economic factors that underlie human trafficking practices (Oxman-Martinez, Hanley, and Gomez 2005). Awareness raising campaigns remain irrelevant so long as experiences of economic deprivation are met with a demand for cheap exploitable labour (Hanley et al. 2006), particularly in a context that limits access to legal migratory routes. By contextualizing this research in the broader socio-economic context of colonial legacies and economic globalization, this study adds to the national dialogue on effective strategies for responding to human trafficking, particularly to the rights of trafficked persons, as well as strategies for addressing the underlying causes of human trafficking.

In the areas of protection and prosecution, three key legal instruments address the issue of human trafficking in Canada. First, in November 2002, the *Immigration and Refugee Protection Act* (IRPA) criminalized trafficking in persons under Section 118, which "prohibits deliberately organizing the entry into Canada of one or more persons through the use of force, threats, fraud, deception or any other form of coercion." Although important for identifying and prosecuting human traffickers, the IRPA offers no provision for individuals victimized by human trafficking, leaving them vulnerable to criminalization (Oxman-Martinez, Hanley, and Gomez 2005).

Second, in 2005, Bill C-49 added human trafficking related offences to the Criminal Code. Specifically, section 297.01 "prohibits the recruitment, transportation, harbouring or transfer of a person for the purpose of exploitation or to facilitate their exploitation;" whereas section 297.02 "prohibits persons from knowingly benefitting from trafficking in persons" (Standing Committee on the Status of Women Canada 2007: 8). In addition, Section 279.011 criminalizes the trafficking of a person under the age of 18 years. Further, Sections 279.02 and 279.03 criminalize the material benefit gained from trafficking in persons and withholding or

destroying documents for the purpose of human trafficking. Finally, Section 279.04 defines the concept of exploitation in human trafficking cases.¹¹ However, the definition of exploitation has proved problematic for obtaining human trafficking convictions. Specifically, the onus has been placed on the individual victimized by trafficking to demonstrate that they believed “their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service” (Section 279.04, *Criminal Code*). However, trafficked persons do not always wish, or are not always able, to cooperate with official agencies given the potential consequences of giving evidence against a trafficker (e.g., possible job loss, deportation, threats against family members, etc.). In these instances, 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. In addition to placing the onus on the trafficked person, this definition also narrows the scope of possible cases by emphasizing physical forms of threat or harms, rather than financial threats commonly used to exploit the labour of others (Hastie 2013; Kaye, Winterdyk, and Quarterman forthcoming 2013). In June 2012, Bill C-310 received royal assent adding more factors for the courts to consider when determining whether exploitation had occurred in cases of human trafficking.¹² However, the revised Section 279.04 failed to modify the problematic “threat to safety” provision.

¹¹ For the purposes of Sections 279.01 to 279.03, a person exploits another person if they: (a) cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service; or (b) cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed.

¹² The revised Section 279.04 includes the following provision: “In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused (a) used or threatened to use force or another form of coercion; (b) used deception; (c) abused a position of trust, power or authority” (Statutes of Canada 2012).

Last, in May 2006, the Department of Citizenship and Immigration Canada (CIC) adopted a policy to provide temporary resident permits (TRPs) to trafficked persons. Initially for 120 days, TRPs now offer trafficked individuals legal immigration status in Canada for up to 180 days (CIC 2009). Potential trafficked persons are interviewed by immigration officials to assess their eligibility for a TRP. Immigration Officers can also help trafficked persons access health care and other services (such as trauma counseling and work permits) designed to assist individuals victimized by human trafficking. Prior to the implementation of TRPs, trafficked persons were treated as illegal migrants and were routinely deported and denied access to basic support services (Future Group 2006). Although a key step towards ameliorating the treatment of trafficked persons in Canada, Perrin (2009) identifies some of the main limitations of the TRP program. For one, while TRPs are designed to improve access to healthcare and basic social services, many of the services required by trafficked persons are the responsibility of individual provinces in Canada. Thus, although federal policies remain important, they should not replace the need for provincial cooperation in addressing the rights of trafficked persons. Second, despite identifying 31 individuals victimized by international trafficking into Canada between 2006 and 2008, CIC processed only a handful of TRP applications during this time. Third, Perrin (2009) highlights that NGOs and other support services will remain uncertain of the permanency of the TRP program so long as it is not legislated in the IRPA. Moreover, although TRPs assist in preventing trafficking persons from being treated as illegal migrants, women trafficked into sex industries in Canada continue to be criminalized for acts associated with prostitution. Drawing on the experiences of frontline workers alongside interviews with immigration officers, this study highlights the strengths and limitations of existing protections for trafficked individuals

and, in turn, demonstrates how anti-trafficking initiatives can be improved to address the rights of trafficked persons in Western Canada.

Overall, Canada's anti-trafficking initiatives aim to prevent human trafficking and protect those who are exploited by traffickers; yet, as will be seen, misguided approaches have also contributed to the insecurity faced by individuals victimized by human trafficking in the country. Given the need to build on existing anti-trafficking measures in order to ensure the protection of the rights of trafficked persons, my research will draw on the experiences of frontline workers and individuals involved in counter trafficking work in Western Canada in order to inform government and non-government responses to human trafficking.

1.1.2 *Responses to Human Trafficking in Western Canada*

The Action Coalition on human Trafficking (ACT) Alberta serves as the primary response to human trafficking in the province of Alberta. ACT was established in 2007 following an environmental scan conducted by the Centre for Immigrant Women in Edmonton, Alberta. The scan, *Trafficking of Women and Girls to Canada*,¹³ identified that healthcare practitioners, social services, law enforcement, immigration and settlement agencies, and faith-based groups perceived they were coming into contact with trafficked persons. Based on the scan, ACT was formed to “increase knowledge and awareness on human trafficking, advocate for effective rights based responses; build capacity of all involved stakeholders and lead and foster collaboration for joint action against human trafficking” (ACT 2012). ACT is a non-profit organization that operates as a coalition of government agencies, NGOs, individuals victimized

¹³ Interestingly, as the title of the scan suggests, ACT was initially focused on the experiences of women and girls. However, as Chapter 5 demonstrates, the response has shifted to emphasize experiences of labour trafficking in the province, including trafficking experiences of men and temporary migrant workers.

by human trafficking, and the general public involved in the response to human trafficking. ACT has chapters in four communities within the province: Calgary, Edmonton, Fort McMurray, and Red Deer. The Calgary-based chapter began in 2008 with the establishment of an information-sharing network that facilitated collaboration when cases of trafficking were identified or referred to the network. In this way, ACT Coordinators have acted as ad hoc case managers, including coordinating service provision, such as immigration support, healthcare, legal guidance, and basic needs, and worked with government and law enforcement agencies.¹⁴ ACT receives funding from the Government of Alberta through the Justice and Solicitor General's Victims of Crimes Fund,¹⁵ the Civil Forfeiture Office and the Human Rights and Multiculturalism Fund. Thus, ACT aims to offer a coalition response model that places the trafficked individual at the centre of a network of services (see Appendix 3 for the service provision model informing the development of the response protocol in Alberta); however, crime-based funding could potentially prove prohibitive for ACT to offer rights-based responses that distinguish between law enforcement and service provision mandates by requiring ACT to address human trafficking from a "victim of crime" standpoint.

In British Columbia, the Ministry of Public Safety and Solicitor General established the Office to Combat Trafficking in Persons (BCOCTIP) in Victoria, British Columbia in July 2007 as part of the Community Safety and Crime Prevention Branch of the provincial government. Initially, the office received funding from the Victims of Crime Fund, Deputy Solicitor General,

¹⁴ From October 2011 until June 2012, the researcher of this study was hired on a contract basis with ACT Alberta to coordinate the Calgary chapter, including the coordination of services when cases of trafficking emerged in the city. Since June 2012, the researcher has served as a Research Advisor for ACT Alberta and is participating in the development of the provincial protocol for responding to human trafficking in Alberta.

¹⁵ The Alberta Victims of Crime Fund emerged from the Victims of Crime Act. The fund is supported by the surcharges on provincial fines and surcharges imposed by the courts under the *Criminal Code* of Canada (Alberta Justice and Solicitor General 1995-2012).

and the Ministry of Children and Family Development. BCOCTIP was mandated to coordinate the response to human trafficking in the province and aimed to do so by partnering with key provincial ministries (such as the Migrant Services Program in the Ministry of Children and Family Development), federal departments (such as the IWGTIP and Citizenship and Immigration Canada), municipal governments, non-government and community-based organizations, including First Nations' organizations, as well as law enforcement agencies (such as the RCMP "E" Division Border Integrity Program) and academics to develop an integrated response to human trafficking in the province (see Appendix 4 for the BCOCTIP service model). As the first response model in the country receiving full government funding, the office was perceived to be "leading the way nationally in responding to human trafficking" (Province of British Columbia 2013). However, in July 2011, the position of Executive Director was cut from the office and the funding provided by the BC Victims of Crime Fund was eliminated. From 2007 until the end of the 2010 Fiscal Year, the annual budget remained at \$650,000 and was reduced to \$300,000 in 2011. As will be discussed in Chapter 5, the highly politicized environment of Vancouver has limited the ability of BCOCTIP to effectively engage in service provision or service coordination, rendering the Office a predominately awareness raising entity.¹⁶ Further, the politicized nature of anti-trafficking discourses appears to have shifted the focus of BCOCTIP away from trafficking for the purposes of sexual exploitation, particularly of adults, towards youth and vulnerable workers. According to the BC Action Plan to Combat Human Trafficking (British Columbia Ministry of Justice 2013), BCOCTIP will focus on three

¹⁶ From 2007-2012 BCOCTIP offered assistance to trafficked persons by referring potential cases to the RCMP's Human Trafficking Coordinator for BC/Yukon (a position that no longer exists) or municipal law enforcement (British Columbia Ministry of Justice 2013). OCTIP also monitors the investigation and prosecution when trafficking charges are pursued in BC.

priority areas over the next three years: 1) the sexual exploitation of youth; 2) labour trafficking of vulnerable workers; and 3) domestic trafficking of Aboriginal youth and women.

The Province of Manitoba's strategy for responding to human trafficking will be discussed in detail in Chapter 5. Phase II of the strategy, referred to as Tracia's Trust, was launched in December 2008 and emphasizes human trafficking for the purpose of sexual exploitation and, especially, internal trafficking of Aboriginal women and girls (Government of Manitoba 2012). Supported in part by Tracia's Trust, the Salvation Army in Winnipeg leads the Human Trafficking Response Team, which includes coordinating partnerships with law enforcement agencies, government departments, and non-government organizations. Depending on the type of human trafficking and service provision needs of the victimized individual, the goal of the team is to activate appropriate members once notified of a case through a dedicated phone number. As of February 2011, the time of conducting field research in Winnipeg for this study, the team had not yet identified any cases of human trafficking. In addition to these provincial strategies, in 2009, Status of Women Canada provided funding to the Assembly of Manitoba Chiefs to develop education and awareness programs aimed at preventing human trafficking, particularly trafficking for the purpose of the sexual exploitation of Aboriginal women and girls

1.2 Statement of the Problem

Since the international community committed to the definition of human trafficking detailed in the United Nations Trafficking Protocol in 2000, the development of national strategies to combat human trafficking has become an important political priority (Laczko and Gozdzik 2005). Yet, as Sanghera (2005: 21) highlights, "[t]he inherent complexity of the issue of

trafficking, combined with lack of data on the one hand, and a heightened commitment to urgently rectify the problem on the other, has resulted in overenthusiastic responses in many instances.” In Canada, in the face of awareness campaigns and lobby initiatives, laws were enacted to criminalize the trafficking of persons in the country through the Immigration and Refugee Protection Act in 2002 and in the Criminal Code in 2005. As noted above, some of these laws have undergone revisions before being tested by court processes. In addition to legal mechanisms, as pressure to respond to human trafficking continued to mount, Canada developed temporary residents permits in 2006 and in April 2012 released its National Action Plan to Combat Human Trafficking. While establishing legal mechanisms and action plans are important components of country-level responses, there is limited detailed understanding of the experiences of trafficked persons in the country and representations of human trafficking have gone largely unquestioned in Canada,¹⁷ as in other contexts. This, combined with the highly politicized nature of anti-trafficking discourses and their intersections with discussions of migration, citizenship, sexuality, and morality raise questions about whether Canadian anti-trafficking initiatives are achieving the aim of promoting and protecting the human rights of trafficked persons and persons considered vulnerable to trafficking. In this context, this study provides a critical examination of anti-trafficking discourses in Western Canada and considers how some anti-trafficking initiatives in the country are creating more insecurity for trafficked persons and

¹⁷ Important exceptions include work by Benoit and Shaver (2006) that have challenged the conflation of human trafficking and sex work without minimizing the structural vulnerabilities faced by people working in sex industries. Moreover, the authors suggest that polarized debates (i.e. sex work versus sexual exploitation) have failed to adequately reflect the heterogeneity of lived experience. Also see Jeffery (2005: 33) who examines Canada’s response to migrant sex workers as “an exercise in maintaining a particular gendered and raced neo-colonial Canadian identity.” Additionally, Hanley, Oxman-Martinez, Lacroix, and Gal (2006) draw attention to the relationship between “precarious status,” legislated under IRPA, and broader experiences of labour exploitation, which can include experiences of human trafficking.

individuals considered vulnerable to trafficking. In doing so, the study provides both critical reflection and useful information for developing better strategies to address the rights of trafficked persons.

In addition to questioning representations of trafficked persons and the role of politicized anti-trafficking discourses in shaping Canadian responses to human trafficking, the study also examines anti-trafficking discourses in relation to discussions of national security, border integrity, and the rights of migrants. Although such discussions are not new in Canada, the role of anti-trafficking discourses in shaping these debates offers new insight into the redefinition of boundaries of inclusion and exclusion in an era of globalization.

1.3 Main Arguments and Dissertation Structure

The overarching position taken in this dissertation is that politicized anti-trafficking discourses frame a variety of contested agendas that are creating more insecurity for trafficked persons. Unresolved political tensions and polarized debates surrounding the formation of an international conception of human trafficking has led to politicized anti-trafficking discourses in national contexts. In Canada, such discourses are undermining the development of effective responses to human trafficking and are creating more insecurity for trafficked persons as well as persons working in sex industries, migrants, refugees, and asylum claimants. With this in mind, this dissertation develops four key sets of arguments.

First, the research problematizes simplistic and polarized representations of trafficked persons, particularly in relation to trafficking for the purpose of sexual exploitation. In particular, by identifying how trafficked persons are represented in anti-trafficking discourses in Western Canada and how these discourses have constructed responses to trafficking, the study reveals that

although human trafficking occurs in multiple sites, anti-trafficking discourses have been dominated by polarized representations of trafficking for the purpose of sexual exploitation. By tracing the politicized process leading to the adoption of the international definition of human trafficking, the study identifies how definitional ambiguity stemming from unresolved tensions over polarized discussions of victim/agent and coercion/consent continue to shape national battles to control the human trafficking narrative. In other words, anti-trafficking discourses in Canada represent an extension of the international battleground where polarized perspectives now aim to control narratives of sex trafficking with the goal of shaping prostitution legislation in the country.

Second, politicized anti-trafficking discourses have undermined effective responses and created a number of insecurities for trafficked individuals as well as persons working in sex industries. For one, voices of women in sex industries and trafficked persons' narratives have been silenced, disciplined, and attacked when they have failed to conform to the dominant polarized representations, particularly when these narratives complicate indiscriminate policy goals, such as decriminalization or the adoption of the Nordic model of prostitution legislation.¹⁸ This has especially been the case with extreme abolitionist perspectives that leave no room for the existence of women who claim a space of agency in the sexualized nature of their work. Moreover, by failing to conform to idealized conceptions of trafficking, women from all strata of sex trade industries experience disciplining in terms of available social services. At the same time, in an attempt to assert the agency of women, sex workers rights advocates on the opposite end of the polarized debate have neglected the voices of women overrepresented in survival sex work, particularly the experiences of Aboriginal women. In this way, women deviating from

¹⁸ As will be discussed in Chapter 2, the Nordic Model criminalizes the purchase of sexual services while decriminalizing the sale of such services.

either polarized extreme have been disciplined and silenced for the complexity of their lived experiences. In addition to silencing, responses built on politicized interpretations of human trafficking have led to the criminalization of women in sex industries as well as trafficked individuals. Criminalization, in particular, is an especially disconcerting result of politicized anti-trafficking discourses since both sides of the polarized debate have called for the decriminalization of women in sex industries. Thus, the study reveals that an uncritical adoption of the polarized and politicized discourses stemming from international definitional uncertainty has limited realistic policy discussions and response models that effectively advance the rights of trafficked individuals in Canada.

Third, anti-trafficking discourses in Canada have played a role in shaping exclusionary boundaries by justifying the adoption of restrictive immigration reforms. Since the international definition of human trafficking redefined trafficking under the auspices of transnational criminal activity, anti-trafficking discourses emphasize enforcement-based responses centered on border securitization. Thus, in Canada, anti-trafficking discourses have made a notable presence in discussions of national security, border integrity, and migrant rights. Yet, these discourses emphasize simplistic representations of human trafficking and migrant smuggling by polarizing complex experiences into dichotomous categories of “deserving victim” and “complicit criminal.” Yet, in reality, the complex experiences that fall under legal definitions of human trafficking, including intersections between migrant smuggling and trafficking, have challenged contemporary systems of boundary maintenance, particularly the ability of the state to uphold the rights of migrants alongside concerns of national security.

Last, representations of human trafficking have overemphasized discourses of threat to national security in Canada, which has created a context for “moral panic” and a justification for

establishing exclusionary boundaries that restrict migratory movements on the basis of perceived risk. However, restricting migratory movements without addressing the complex motivations underlying the desire to move limits the legal options available to migrants. Meanwhile, such approaches create space for criminalizing migrant experiences and deporting “at risk” migrants, while simultaneously failing to address the exploitative practices that underlie trafficking experiences. Moreover, efforts to target perceived vulnerability have been gendered, resulting in measures that limit the migratory movements of women. Thus, although restrictive measures are presented in the interest of protecting “potentially” vulnerable persons (especially women), they have created more insecurity for trafficked persons, refugees, asylum claimants, and economic migrants, particularly semi-skilled temporary migrant workers relied upon to support families and economies in their home communities while fulfilling the demands of the tertiary economy in Canada.

To develop these arguments, this dissertation is divided into seven chapters. Chapter 2 reviews the existing literature, including the polarized anti-trafficking discourses that led to the adoption of an international definition of human trafficking and a review of the existing conceptual frameworks employed to understand and examine human trafficking. The chapter concludes with a discussion of the complexity of experiences that fall under the single definition of human trafficking. In light of the literature review, Chapter 3 details the analytical framework underpinning this research. Specifically, the chapter situates anti-trafficking discourses in Canada in the context of broad patterns of development and socio-economic globalization, and then builds on this contextual analysis to discuss how post-colonial development thought provides a lens to examine representations of trafficked persons in anti-trafficking discourses. Finally, the chapter discusses theories of globalization and the role of anti-trafficking discourses

in shaping existing boundaries of inclusion and exclusion, such as citizenship, national identity and security. The chapter concludes by outlining the research questions explored in the remainder of the dissertation. Based on the analytic framework, Chapter 4 discusses the methodology and ethical considerations underpinning the research. Chapter 5 presents the empirical findings surrounding representations of trafficked persons in anti-trafficking discourses in Western Canada, including a discussion of the ongoing politicization of such representations. Chapter 6 further highlights the empirical findings of field research and uses these findings to interrogate the role anti-trafficking discourses play in shaping existing boundaries of inclusion and exclusion in Canada, particularly the adoption of restrictive immigration policies in the country. Based on the outcomes of this analysis, Chapter 7 summarizes the key findings and implications of the dissertation for responses to human trafficking and includes some main policy recommendations. This brief conclusive chapter also outlines the limitations of the analysis and identifies potential avenues for future research.

CHAPTER 2

LITERATURE REVIEW: THE POLITICIZATION OF HUMAN TRAFFICKING AND ANTI-TRAFFICKING DISCOURSES

Human trafficking is a complex social problem that has been confronted by oversimplifications, dichotomous explanations, and politicized discourses (Sanghera 2005; Lee 2011; Kaye and Winterdyk 2012). Studies, political debates, news coverage, and responses to human trafficking offer simplistic explanations, often conflating human trafficking with one of its potential component parts: prostitution, irregular migration, transnational crime, labour exploitation, human smuggling, and even a threat to national security. Meanwhile, scholarly work in the areas of migration, gender, and crime, among others, have failed to overcome dichotomous discourses and politicized understandings (Sanghera 2005; Segrave, Milivojevic, and Pickering 2009). Given the complex and politicized nature of human trafficking, debates about human trafficking and anti-trafficking discourses require consideration alongside an examination of how such discourses are shaping contemporary political debates and boundaries of social organization.

This chapter traces how the international definition of human trafficking has provided a contested global framework for understanding human trafficking. The discussions leading to the adoption of the UN protocol were polarized by debates over the “victim” or “agent” status of trafficked persons and the importance of the elements of coercion versus consent, particularly with respect to trafficking for the purpose of sexual exploitation. Despite the adoption of the protocol definition, no consensus was reached and polarized debates over what constitutes human trafficking continue on a number of fronts, including the relationship between human trafficking and human smuggling as well as sex trafficking and prostitution. In some Canadian

cities, polarized discussions among opposing feminist factions remain so intense they have been characterized by undertones of violence and hatred (as discussed in detail in Chapter 5). Scholars and journalists have also drawn on sensationalized discourses¹⁹ and unreliable estimates of the scope and nature of human trafficking experiences.

After tracing the contested nature of human trafficking definitions, the chapter provides an overview of the existing conceptual frameworks used in the literature to explain human trafficking and anti-trafficking responses. The chapter concludes with a discussion of human trafficking as a complex phenomenon with intersecting social, economic, and political dimensions. By recognizing the complexity of the issue and the politicized nature of anti-trafficking discourses, scholars can better account for the rights and experiences of trafficked persons in their analyses.

2.1 Arriving at an International Definition of Human Trafficking: The Emergence of Polarized Representations

The concept of human trafficking entered international discourse in the early twentieth century alongside concerns over white slavery (Kempadoo 2005; Gallagher 2010; Doezema 2010). Initial discourses focused exclusively on the migratory movements (or “traffic”) of women and girls and emphasized the victimization of women and girls in forced prostitution. In 1904, the first international convention against white slavery was adopted to “suppress the ‘criminal traffic’ of women or girls compulsively procured for ‘immoral purposes’” (Gallagher 2010: 13; Doezema 2010). Thus, initial discourses emphasized the connection between trafficking and forced

¹⁹ For example, some recent titles of books on the issue include: *Slave Hunter: One Man’s Global Quest to Free Victims of Human Trafficking* (Cohen and Buckley 2009); *The Slave Next Door: Human Trafficking and Slavery in America Today* (Bales and Soodalter 2009); *More Than Rice: A Journey through the Underworld of Human Trafficking* (Chestnut 2010).

prostitution and dominant representations portrayed trafficked individuals as “innocent young girls being kidnapped, deceived, drugged or otherwise coercively obtained and forced to be prostitutes” (Doezema 2010: 15; Kempadoo 2005). Again, in 1912, the International Convention for the Suppression of the White Slave Traffic reiterated such representations by obliging states to punish: “Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procured, enticed, or led away a woman or girl over age, for immoral purposes.” Although historical studies concede there were actually few cases of white slavery (see, for example, Connelly 1980; Guy 1991; Corbin 1996), moral reformers and feminists of the day condemned the abduction and relocation of white European and North American women for prostitution in South America, Africa, and Asia (Doezema 2000; Bruckert and Parent 2002). Triggered by actual increases in women’s migration (including the migration of sex workers)²⁰ and fuelled by misguided images of an uncivilized – non-Western – other, white slavery received significant media attention (Doezema 2000; Kempadoo 2005). However, by 1927, references to white slavery were disregarded as “not reflecting the nature and scope of the problem” (Gallagher 2010: 14; also see Roberts 1992). In this way, the earliest conceptions of human trafficking were shaped by discourses of moral panic and sensational representations of innocent “victims” with the overarching aim of protecting the purity of young, white, immigrant, and working class women (see Doezema 2010; Kempadoo 2005).

²⁰ According to Kempadoo (2005: x), “these migrations were lodged in the large-scale international relocations and massive displacements of people that followed the abolition of slavery in the nineteenth and twentieth century, and which accompanied the internationalization of waged labour embedded in the period of globalization of capitalism between 1850 and 1914. See Stalker (2000) on the relationship between migration and the social and economic changes associated with globalization.

In spite of waning interest in the white slave trade, concerns over prostitution continued. In this context, prohibitionist campaigns against white slavery joined forces with abolitionist feminist campaigns seeking to end prostitution (Doezema 2010), which resulted in the expansion of international conventions against trafficking. Emphasizing the “victim” status of trafficked persons, Article 1 of the 1933 International Convention for the Suppression of the Traffic in Women states: “Whoever, in order to gratify the passions of another person, has procured, enticed or led away *even with her consent*, a woman or girl of full age for immoral purposes to be carried out in another country, shall be punished” (Organization of American States 2008, emphasis added). Based on abolitionist ideals, the convention built on previous conventions to portray trafficked women as innocent victims of the “passions” of others and expanded this perspective to deem the consent of women as irrelevant and fallible to the enticement of the luring practices of others thereby denying agency. These sentiments were reiterated in the 1949 United Nations Convention for the Suppression of Traffic in Persons and the Exploitation of Prostitution of Others. Although few countries signed the 1949 convention, the abolitionist legislation informed domestic policy for most of the second half of the twentieth century and a number of countries continue to adopt approaches to human trafficking that emphasize the “victim” status of trafficked persons, in general, and women in particular (Doezema 2002; Williams and Masika 2002). Meanwhile, contemporary campaigns against human trafficking parallel responses to the white slave-trade (Doezema 2010; Lee 2011), particularly by equating human trafficking with prostitution and relying on emotionally charged awareness materials to stir moral sentiments and potentially moral panic in response to what advocates perceive as a new form of slavery.

Although interest in white slavery and trafficking declined after the Second World War, radical feminists concerned with “sexual slavery”²¹ resurfaced abolitionist approaches and anti-trafficking discourses following the Vietnam War (Kempadoo 2005). In particular, combined with the ongoing stationing of US military troops during the post-conflict reconstruction and post-war development period in Southeast Asia, feminists expressed concern over “sex tourism, mail-order bride arrangements, militarized prostitution, and coercions and violence in the movement and employment of women from poorer to more affluent areas at home and abroad for work in leisure, relaxation, and sex industries” (Kempadoo 2005: xi). Thus, at this time, trafficking debates focused on the transfer of people, particularly women, from contexts of poverty to affluence: from the Global South to the Global North; and from rural areas to major urban centers. However, alongside radical feminism, a new form of feminism emerged from the Global South critiquing the “gynocentric” philosophies of Western feminists and the positioning of “poor bodies” as objects of intervention and subjects of risk (Saunders 2002: 11; Sen and Grown 1987; Aradau 2004). Such approaches asserted the agency of women in a “highly gendered and racialized world order” (Kempadoo 2005: xi). Thus, from this perspective, women can be victimized by global sex industries in the same way victimization occurs in unskilled or semi-skilled professions increasingly filled by a feminized workforce (as discussed in Chapter 3). As a result, trafficking discourses polarized around categories of “victim” versus “agent” and coercion versus consent.

²¹ Radical feminists equate sexual slavery, trafficking, and prostitution, arguing that prostitution represents an inherent violence against women. As Kempadoo (2005: xi) states, radical feminists view prostitution, which is perceived as trafficking as “the very worst of patriarchal oppression and the greatest injury to women” (Kempadoo 2005: xi). For a radical feminist perspective of human trafficking see Barry (1984) and Raymond (2005).

Plagued by moralizing ideologies and dichotomous discourses, politicized coalitions of non-government organizations became especially influential in framing international definitions of human trafficking. Claiming to draw on the experiences of trafficked women, polarized coalitions – such as the Human Rights Caucus (HRC) and the Coalition Against Trafficking in Women (CATW)²² – argue their research and ideology protects the rights of women in the sex trade. Yet, their polarized positions limited the advancement of anti-trafficking measures that protect the rights and security of trafficked persons or consideration of proactive measures to prevent trafficking in the first place.

The HRC is a global network of NGOs that distinguish between trafficking and prostitution, arguing that prostitution is a form of labour. Trafficking, on the other hand, requires some form of coercion or deception. By acknowledging the right to voluntarily engage in prostitution, the HRC sought to develop a framework to protect the labour rights of women working in sex industries (Nagle 1997; Kempadoo 1998; Doezema 1998). Meanwhile, the HRC has argued for a broader understanding of trafficking in order to recognize that men, women, and children are trafficked into a number of positions, including forced prostitution, marriages, domestic services, agricultural labour, and/or factory work (Jordan 2002). From this perspective, anti-trafficking initiatives must target all forms of trafficking by focusing on the abuse, coercion, and human rights violations that affect trafficked persons, rather than seeking to eradicate the

²² Members of the HRC include: International Human Rights Law Group, Foundation Against Trafficking in Women, Global Alliance Against Traffic in Women, Asian Women's Human Rights Council, La Strada, Ban-Ying, Fundacion Esperanza, Foundation for Women, KOK-NGO Network Against Trafficking in Women, Women's Consortium of Nigeria, Women, Law & Development in Africa (Nigeria) (Jordan 2002). The Network of Sex Work Projects (NSWP) also supported the position of the HRC. CATW, on the other hand, worked with a coalition of NGOs called the International Human Rights Network (IHRN) (CATW n. d.). Of note, both of the polarized groups are comprised of human rights and feminist advocates from countries of the global north and global south (Doezema 2010).

particular sites of labour, such as domestic work, marriage, factory work, or sex work (Sanghera 2005). CATW, on the other hand, argues that trafficking and prostitution are synonymous. From this perspective, women are portrayed as incapable of offering consent because they are perceived as exploited and thereby victimized through the very act of engaging in prostitution. With this in mind, Janice Raymond (2005: 45), co-executive director of CATW, suggests that views equating prostitution with labour are: “out of touch with the majority of women in prostitution who want not ‘better working conditions’ but a better life.” In this way, advocates of a “victim” perspective claim to protect the rights of women by protecting prostitutes from the inherent violence of prostitution.

The debates culminated in the signing of the 2000 United Nations Trafficking Protocol Supplementing the UN Convention Against Transnational Organized Crime (hereafter, Trafficking Protocol).²³ The Trafficking Protocol provided a universal framework for understanding human trafficking and underpins national anti-trafficking policies. In Canada, representatives from the Department of Foreign Affairs and International Trade (DFAIT), Status of Women Canada (SWC), and Justice Canada were key players in the negotiations leading to the adoption of the Trafficking Protocol (Oxman-Martinez, Hanley, and Gomez 2005). Canada signed the Protocol in December 2000 and ratified it in May 2002.

According to the Trafficking Protocol, trafficking in persons refers to:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of

²³ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is one of two Palermo Protocols adopted under the Convention against Transnational Organized Crime. The other protocol is the Protocol against the Smuggling of Migrants by Land, Sea and Air. In 2000, both were adopted by the United Nations in Palermo, Italy.

payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Office on Drug and Crime [UNODC] 2000).

For clarity, the definition can be broken down into three separate parts: an activity, a means, and a goal. Activities include recruitment, transportation, transfer, harbouring or receipt of persons (for a similar discussion see Smith and Kangaspunta 2012). While harbouring or receiving trafficked persons are included in the definition of activities, some anti-trafficking advocates have argued that movement was, in fact, intended to be a core element of the definition (Jordan and Burke 2011). These advocates emphasize the abuse and possible risk, even death, which can occur through the process of transportation. By emphasizing the importance of movement, advocates also aim to distinguish human trafficking from other forms of sexual labour (Jordan and Burke 2011). Others have argued that movement is not – and should not be – an essential element of the trafficking definition, emphasizing that the focus should be on the exploitation of the “victim of crime” rather than whether or not the “victim” was moved (Perrin 2010). Significantly, under the *Canadian Criminal Code*, movement is not a necessary provision in human trafficking cases.

The second element of the international definition of human trafficking is referred to as “the means.” The means refer to the method(s) used to facilitate human trafficking and can include threat, force, coercion, abduction, fraud, deception, abuse of power, or bribes (UNODC 2000). Finally, the goal of human trafficking is for the overarching purpose of exploitation. The exploitative goals of human trafficking include: the exploitation of the prostitution of others,

sexual exploitation, forced labour, involuntary servitude, slavery or practices similar to slavery, or the removal of organs.

While debate over the definition continues, common interpretations of the UN definition assert that at least one of the elements from each of the three criteria – activity, means, and goal – has to be met for a case to be considered human trafficking (Smith and Kangaspunta 2012).²⁴ However, it is important to note, in the case of children, the means of trafficking are irrelevant. Moreover, under the Canadian *Criminal Code* definition of human trafficking, the means are not a required consideration in human trafficking cases involving children or adults in Canada.²⁵ From this perspective, it appears the overarching focus of the Canadian law is on the activity and the goal, specifically on proving the occurrence of exploitation, which suggests a broader definition of the offence than that set by the international standard. However, the *Criminal Code* definition includes an implicit form of means that has proven even more restrictive than the Protocol definition (Hastie 2013). Specifically, as discussed in Chapter 1, the necessity of demonstrating a perceived threat to “the safety” of the trafficked persons ties trafficking to physical or bodily harm and, in doing so, omits conduct that threatens the financial security of victimized individuals (Hastie 2013; Kaye, Winterdyk, and Quarterman forthcoming 2013).

At the international level, despite inherent differences, both “victim” and “agency” advocates claim to have “won” the lobbying debate to shape the Trafficking Protocol toward their respective standpoints. This reflects the compromises established in the Protocol as well as

²⁴ As will be discussed throughout this dissertation, definitional discrepancies and contested definitions is one of the key challenges in developing effective responses to the rights and experiences of trafficked persons and proactive interventions to prevent trafficking in persons.

²⁵ Based on a phone conversation with a Canadian policymaker, this approach was adopted because Canada already has provisions in the *Criminal Code* for addressing the offences covered under the “means” section: threat, force, coercion, abduction, fraud, deception, abuse of power, or bribes.

the ambiguous nature of the document and ongoing struggles to shape trafficking discourses and anti-trafficking agendas. From an “agency” perspective, the Protocol successfully diverges from the abolitionist roots of the 1949 Convention by connecting trafficking to multiple labour sites and the use of threat, force, or coercion (Doezema 2002). At the same time, the Protocol includes stipulations about the abuse of “a position of vulnerability,” which refers to “any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved” (UN Interpretive Footnote in Jordan 2002: 4). This stipulation draws on “victim” discourses that suggest trafficking can occur in the absence of coercion to include persons who have “no culturally acceptable or legal means to refuse and so they ‘submit’ to the situation” (Jordan 2002: 8). In doing so, advocates of women’s agency argue the stipulation can be used to silence the voices of women from economically marginalized situations by declaring them as passive victims of their circumstances. Yet, victim advocates insist the stipulation considers the hidden forms of manipulation that traffickers use to lure women into trafficking for sexual exploitation (Perrin 2010).

By criminalizing the “exploitation of the prostitution of others,” rather than all forms of prostitution, the Protocol also enables national government autonomy over prostitution legislation (Jordan 2002; Williams and Masika 2002; Kempadoo 2005).²⁶ In turn, this autonomy provides a basis for ongoing lobby efforts of both “victim” and “agent” perspectives to argue over the criminalization or decriminalization of prostitution. For example, in Canada, on March 26, 2012 a decision by the Ontario Court of Appeal was made to strike down a *Criminal Code* provision that prohibits brothels. The decision has fuelled debates between advocates of sex

²⁶ In Canada, domestic prostitution laws criminalize acts associated with prostitution (e.g. procuring, keeping a bawdy-house, communicating for the purposes of prostitution). In this way, prostitution itself is not illegal; however, the acts associated with practicing prostitution are criminalized.

workers rights arguing for the decriminalization of the sale and purchase of sexual services and abolitionists arguing for the decriminalization of the sale of sexual services and criminalizing the purchase of sexual services (frequently referred to as the Swedish or Nordic Model, see for example Waltman [2011]). Discourses of human trafficking have figured predominantly in this debate. At the same time, the absence of legal directives surrounding prostitution policy has created a conceptual gap that can provide intellectual space to imagine and develop alternative approaches to inform trafficking and prostitution policies. However, highly contested definitions of what constitutes human trafficking, sexual exploitation, and sex work continue to derail realistic policy discussions that adequately consider the rights and experiences of trafficked persons.

Overall, the Trafficking Protocol failed to address the rights of trafficked persons by offering few strategies to adequately protect individuals victimized by trafficking. According to Jordan (2002), protective measures were absent because debates about the status of trafficked persons as “victims” or “agents” and “prostitutes” or “sex workers” dominated Protocol discussions. There was little time taken to consider protective measures, such as appropriate housing, counseling, access to legal information, medical and material assistance, as well as employment, training opportunities, and education. There was also little discussion beyond polarized discourses of sex trafficking, such as the rights and experiences of trafficked persons for other forms of exploitation, such as domestic servitude, labour exploitation, and organ removal. In the end, the final Trafficking Protocol is predominantly a law enforcement instrument.

In addition to polarized understandings of the nature of human trafficking for sexual exploitation, anti-trafficking approaches relying on the UN Protocol – including Canadian anti-

trafficking initiatives – equate human trafficking with transnational organized crime, employing restrictive border controls and immigration policies to combat illegal forms of migration (as will be discussed further in Chapter 6). However, restrictive policies limit legal migratory avenues, particularly for marginalized populations, without reducing demand for cheap, exploitable labour (Kapur 2003). In the context of economic globalization, neoliberal ideologies encourage the free mobility of capital, yet similar mobility rights are not afforded to labourers (Bauman 1998; Williams and Masika 2002; Kapur 2003). Rather, countries adopt harsh legal instruments and border controls. Consequently, trafficked persons, alongside undocumented migrants, are deported and potentially prosecuted for violating immigration standards. While some trafficked individuals prefer to return to their home communities, many face dangers presented by their traffickers or general life circumstance they desired to leave behind or ameliorate. Meanwhile, the overarching message from Western governments is that trafficking creates national security threats that endanger their citizenry (Kapur 2003). At the same time, Western governments have advocated for human rights legislation to address the issue of human trafficking within and through their borders. This raises important questions about how boundaries, such as the nation-state, are being reconstructed in an era of globalization: how can an international system of nation-states, concerned with the protection and security of national boundaries, address the rights and experiences of the increasingly transnational identities of economic migrants?

In the absence of legal migratory routes, some migrants depend on illicit options and, in doing so, may be vulnerable to exploitation (Jana, Bandyopadhyay, Dutta, and Saha 2002).²⁷ If trafficked, many aspects of a person's experience can become intertwined with their illegal

²⁷ For example, as will be discussed, respondents in this study identify cases where cross border migrants have agreed to illegally enter Canada with the aid of human smugglers, but did not agree to the abuse and exploitation they experienced upon arrival (e.g. debt bondage, poor working and living conditions, etc.).

status, preventing them from taking advantage of basic human rights and freedoms (Elabor-Idemudia 2004; Sanghera 2005). According to Elabor-Idemudia (2004), the migrant's life becomes hidden in a world of illegitimacy, where considerable lengths are taken to avert both the attention of law enforcement agents and the abuse of traffickers. In turn, traffickers can rely on the illegitimate status of trafficked persons to profit from exploitative labour practices. By threatening deportation, public exposure, and harm to the trafficked individual or their families, traffickers draw on the limitations of anti-trafficking approaches to prevent trafficked individuals from leaving or escaping exploitative circumstances.²⁸

When the United Nations and national anti-trafficking measures fail to protect trafficked persons or, worse, exacerbate the insecurities faced by victimized individuals, alternate approaches should be considered. According to Kempadoo (2005), human rights violations continue to escalate despite the anti-trafficking policies derived from the Trafficking Protocol. In a report prepared for GAATW, Dottridge (2007: 2) further indicates that existing anti-trafficking measures are “counter-productive” in their attempt to help trafficked persons. Although some of “victims” have refused to participate in such programmes or felt re-victimized by their participation, their voices remain peripheral in the construction of anti-trafficking measures. Rather, trafficking debates are stagnated by ongoing cycles of definitional casuistry and ideologically driven discourse of the “victim” or “agent” status of trafficked persons. In turn, anti-trafficking discourses have failed to offer appropriate measures for preventing human trafficking or protecting trafficked persons. Meanwhile, restrictive immigration policies have adversely affected trafficked persons and created new vulnerabilities and insecurities. By

²⁸ Although trafficked persons, especially women, are no longer publicly exposed upon returning to their home counties, lack of protection for trafficked persons and their families, including deportations, continue to give credence to the threats of traffickers.

examining representations of trafficked persons, especially women, in anti-trafficking discourses, this research aims to examine and highlight some of the power dynamics informing anti-trafficking responses in Canada and, in doing so, surpass polarized debates to consider effective strategies that address the rights of trafficked persons.

2.2 Human Trafficking in the Literature

A number of conceptual frameworks have been used to understand human trafficking (see Lee 2011; Kaye and Winterdyk 2012) and explanations of trafficking are varied and, at times, contradictory. Studies of trafficking are polarized and politicized by morally charged discussions about citizenship, sexuality, and human rights and freedoms (Sanghera 2005; Lee 2011). In light of these debates, human trafficking has variously been understood as, and often conflated with, prostitution and sex slavery, labour exploitation, transnational organized crime, irregular migration, and a threat to national sovereignty and security (Sanghera 2005). As discussed, many of these portrayals have drawn on sensationalized images and discourses, both in academic research, media representations, and awareness raising campaigns. Each of these explanations vies to influence the focus and shape of anti-trafficking responses and, in doing so, to acquire counter trafficking resources. With this in mind, this section reviews five key conceptual approaches that have been used to frame discussions and responses to human trafficking: 1) Modern-Day Slavery; 2) Gender Inequality, Feminist Explanations, and Prostitution; 3) Transnational Organized Crime, Human Smuggling, and Irregular Migration; 4) Globalization and Uneven Development; and 5) Human Rights.²⁹

²⁹ This review builds on previous conceptual reviews by Lee (2011) and Kaye and Winterdyk (2012).

While each of these approaches offers insight into the experience of trafficked persons, they fail to account for the highly politicized nature of human trafficking or the complexity of experiences of trafficked persons. Human trafficking occurs within each of the sites represented by the five approaches (e.g. prostitution, organized crime, irregular migration, etc.); however, certain discourses are dominating human trafficking discussions and the formation of responses models, at times to the detriment of the individuals they claim to assist. In particular, dominant representations of trafficked persons focus on international forms of trafficking that emphasize extreme forms of sexual slavery, depicting young, foreign national women and girls being confined in brothels (Agustin 2007; Kempadoo 2005; Doezema 2010) (also see Appendix 2 for some selected examples of such awareness campaign images). Despite sensationalized images of trafficked individuals, the experiences of trafficked persons are often complex and diverse. Thus, in light of this review, this study assumes that human trafficking comprises a complex social problem that requires a broad understanding to address the multiple ways individuals are trafficked and the unique experiences of trafficked persons. At the same time, given the polarized discussions and lack of clarity about what exactly constitutes human trafficking, it is important to adopt a critical lens that problematizes existing definitions of human trafficking and representations of trafficked persons in anti-trafficking responses.

2.2.1 The Proliferation of Human Trafficking and Modern-Day Slavery

Led predominately by humanitarian organizations and anti-trafficking advocates, human trafficking has been dubbed a modern-day form of slavery (see, for example, Bales 2007; Kara 2009; UNDOC 2009; European Commission 2012). Advocates of this view emphasize the pervasive nature of modern forms of slavery by reiterating frequently cited statistics and

developing counter trafficking strategies based on the assumption that instances of human trafficking are widespread and rapidly expanding. Bales (1999), for instance, argues that proportionally more people are held in situations of bondage today than at any other point in history.

However, the global scope of human trafficking remains vague at best and existing figures are highly contested (Sanghera 2005; Feingold 2010; Lee 2011). For instance, in 2002, the United States (U.S.) State Department offered the highly imprecise estimate that “at least 700,000, and possibly as many as four million men, women and children worldwide were bought, sold, transported and held against their will in slave-like conditions” (U.S. State Department 2002). Two years later, the annual Trafficking in Persons Report revised this claim to the widely cited estimate that 600,000 to 800,000 people are “victims” of human trafficking annually (U.S. State Department 2004). However, in 2006, the U.S. Government Accountability Office, declared many of the U.S. government estimates of human trafficking as “questionable” given a lack of methodological rigor, reliability measures, and comparability of country-specific data. As a result, in the same year, the U.S. State Department Trafficking in Person (TIP) Report sought to overcome these challenges by relying on data from the International Labour Organization (ILO) (Shelley 2010), making the ILO estimates the most popularly cited human trafficking figures.

Based on data from 1995-2004, the ILO (2005) estimates a minimum of 12.3 million people are victimized by human trafficking at any point in time and approximately two-thirds of these individuals are women and children trafficked for the purpose of sexual exploitation. In 2012, the ILO revised their capture-recapture methodology and estimated 20.9 million people are

victimized by forced labour at any given time.³⁰ According to this report, women and girls represent 11.4 million victims (55%), while men and boys represent 9.5 million (45%) (ILO 2012). This varies substantially from the above-mentioned “two-thirds” estimate and the US Trafficking in Person Report that estimated 80% of internationally trafficked persons are female and 70% are women trafficked for the purpose of sexual exploitation (U.S. State Department 2008). For a visual description of the varied nature of human trafficking estimates see Figure 1.1, Appendix 1).

Similar to problems of unclear and sensational estimates of the scope of human trafficking, the profits derived from trafficking in persons have also been used to justify the immediacy of a response. In particular, human trafficking was initially declared the “third most profitable business for organized crime” (UNODC 2000), but has since been elevated to the second most profitable form of organized criminal activity in the world, alongside drug trafficking and arms dealing. Numerous sources attribute this latter claim to the U.S. Department of Health and Human Services (see, for example, Jordan and Burke 2011; UNHCR 2010); however, the claim is no longer available on the department’s website. In spite of the uncertain validity of the estimate, the claim proliferates awareness-raising materials and associated “fact” sheets on human trafficking with no reference to its original source (see, for example, Global Ministries 2008; International Justice Mission 2010; Office of Refugee Resettlement 2012).

While some argue that sensational images of modern-day slaves and sweeping estimates of the proliferation of trafficking experiences are important for inspiring social action and

³⁰ This estimate is based on data from 2002-2011 (ILO 2012). According to the ILO (2012: 13), “human trafficking can also be regarded as forced labour, and so this estimate captures the full realm of human trafficking for labour and sexual exploitation, or what some call ‘modern day slavery.’” The figures do not include trafficking for the removal and sale of human organs or forced marriages/adoptions.

building international commitments (Best 2001; Smith and Kangaspunta 2012), estimates have also been criticized for spreading moral panic and justifying the passing of regressive policies (e.g. Kapur 2003; Shelley 2010; Lee 2011). In light of this, it is worth reflecting on the socially constructed nature of such estimates (Feingold 2010; Lee 2011).

The variant nature of national and international human trafficking figures reflects a number of problems associated with current understandings of human trafficking as well as concerted efforts to shape discourses of human trafficking. For one, there are a number of definitional challenges and competing political agendas that influence such estimates (Sanghera 2005). For instance, estimates are inflated when police reports describe all migrant women involved in a brothel raid as “victims” of human trafficking. Conversely, cases that involve multiple elements of human trafficking might be prosecuted under a lesser, more achievable portion of criminal law, such as unlawful confinement, living off the avails of prostitution or procuring. Other definitional challenges include a lack of clarity surrounding the complex relationship between human trafficking, human smuggling, and other forms of “irregular” migration (see, for example, Gallagher 2001; Kempadoo 2005; Zhang 2007; Ogrodnik 2010; Lee 2011). As will be discussed further in Chapter 6, trafficked persons in Canada have been apprehended and deported as illegal migrants and the relationship between human trafficking and other forms of exploitation, such as labour exploitation remains unclear. Further, as will be discussed in Chapter 5, an over-reliance on images of human trafficking for the purpose of sexual exploitation have cause other forms of human trafficking (e.g. for forced labour, domestic servitude, organ removal) to be overlooked by law enforcement, academics, policymakers, and the general public (also see Sanghera 2005).

Similar to Canadian estimates (discussed in Chapter 1), global trafficking estimates are also distorted by the illicit nature of the activity and the hidden or “dark figure” of the crime. Further, the necessary collaboration and information sharing between national agencies from a variety of countries required to develop a global picture is hampered by restrictive institutional mandates and lack of harmony between jurisdictions. As Goodey (2012: 54) indicates, “policy makers and politicians typically call for improved data collection, but often do so with limited information about what this might mean with respect to the need to reform and harmonize the way different jurisdictions and agencies currently operate.” A particular challenge in this regard is the complicity of some state agents (e.g. law enforcement, immigration officials, etc.) in the process or facilitation of human trafficking.

Nonetheless, by drawing attention to the scope and magnitude of the problem, self-proclaimed abolitionists aim to rouse moral sentiments akin to historical readings of the abolitionist movement that dismantled the Atlantic Slave Trade (Doezema 2010; Kaye and Winterdyk 2012). In doing so, contemporary abolitionists cast themselves alongside now heroic figures, such as William Wilberforce: “a passionate proponent of abolishing slavery – an abolitionist” (Perrin 2010: 6). However, in this way, such advocates neglect the broader, more complex, picture of human trafficking experience. In particular, slavery and slavery like practices³¹ comprise only one element of the internationally accepted – UN Protocol – definition of human trafficking.³²

³¹ The term “slavery like practices” adopted in the UN Protocol definition aims to account for the similarities and differences between legal enslavement and forced labour (Kempadoo 2005).

³² As outlined in the UN Protocol definition “practices similar to slavery” is referenced alongside other elements of human trafficking, including: “exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services...or the removal of organs” (United Nations 2000).

Despite drawing on the abolitionist language rooted in the Atlantic Slave Trade, proponents of the human trafficking as modern-day slavery standpoint argue there are some important distinctions between “old” and “new” forms of slavery (Bales 1999). In particular Bales (1999: 4) argues, new slavery is characterized by temporary ownership and low purchase costs, making new slaves “completely disposable tools for making money.” Notwithstanding Bales (1999) problematic representation of trafficked persons as “disposable tools” lacking any form of agency, he compares this “old slavery” with “old slavery” wherein slave owners generally paid high costs to attain a slave and offered basic provisions to their slaves with the intention of benefitting off the slave labour over a long duration. Conversely, “new” slaves generate high profits, but are not legally owned by their captures. Racial distinctions were also a key element of “old” forms of slavery, whereas Bales (1999) argues differences in race are not considered a prominent part of “new” slavery practices. However, others have found that racial differences, and especially racial discrimination, remain a driving factor underlying contemporary forms of human trafficking (Elabor-Idemudia 2003). Regardless of the distinctions between “old” and “new” forms of slavery, contemporary abolitionists advocate, “the catastrophic impact on the lives of the victims has changed little” (Perrin 2010: 7). From this standpoint, abolitionists issue emotional pleas to respond to the modern-day plight of slaves. However, by sensationalizing human trafficking narratives, such approaches neglect a number of experiences that fall under human trafficking definitions and legislation.

While contemporary abolitionists acknowledge that human trafficking includes experiences of labour trafficking, they tend to focus on human trafficking for the purpose of sexual exploitation. In this way, as will be seen in the analysis section of this dissertation, two variations of the abolitionist movement have developed an uncomfortable marriage: radical

feminist groups have aligned with social conservatives (see Doezema 2010) to emphasize that all forms of prostitution constitute sexual slavery (e.g. Leidholdt 2003; Raymond 2005). This alignment has informed dominant awareness-raising representations advanced by anti-trafficking advocacy groups that portray human trafficking as synonymous with women and girls forced into prostitution and sexual slavery. Accounts of human trafficking circulated by feminist and abolitionist groups draw on “melodramatic narrative” in their graphic depiction of violence, their warnings about the prevalence and growth of trafficking industries, and their calls to action (Doezema 2010). In doing so, an “ideal victim” of trafficking emerges: a young, naïve, female victim – often depicted from a “third world” context – who was innocent, economically desperate, and ignorant of what awaited her prior to being deceived by her trafficker (Kempadoo 2005; Doezema 2010). Or, in the words of Bales (1999) discussed above, a “disposable tool.”

Simultaneously, an image of anti-trafficking advocates emerges: compassionate individuals with a call to rescue the most vulnerable and restore the innocence of “victims” of trafficking. For example, anti-slavery advocates frequently issue calls to action, such as those declared through reference to Margret Mead’s famous quote: “Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has” (see, for example, Perrin 2010) or Edmund Burke’s “all that is necessary for the triumph of evil is that good men do nothing” (see, for example, Campbell 2010). In Canada, groups that equate prostitution with modern day slavery further seek the abolition of prostitution through legal regulations, admonishing: “Every woman in this country deserves our defense. Prostituted women and those at risk are voiceless and vulnerable” (Defend Dignity 2012). While it would be

overly simplistic and cynical to assume such sensationalism reflects deliberate exaggeration,³³ it does reflect the importance of critically assessing representations of trafficked persons in anti-trafficking discourses and how some representations become legitimized over and above other experiences of trafficking.

2.2.2 *Gender Inequality, Feminist Explanations, and Prostitution*

Dominant discourses of human trafficking, particularly in the fields of research, enforcement, service provision, and prevention (Lee 2011), emphasize that human trafficking is primarily a woman's issue by pointing to the over representation of women and girls among trafficked persons and the gender-based violence and discrimination of women underlying human trafficking syndicates (Williams and Masika 2002; Lee 2007; Popli 2008). While estimates of human trafficking remain highly unreliable (as discussed in the previous section), most estimates agree women and girls are over-represented in international and internal forms of trafficking (see, for example, Williams and Masika 2002; U.S. State Department 2008; ILO 2012).³⁴

However, Feingold (2005) problematizes this representation, arguing that trafficking for the purpose of labour exploitation is likely more prevalent than trafficking for forced prostitution.

³³ As Doezema (2010) argues, exaggeration can be an effective political strategy; however, “the depth and commitment among today’s campaigners and their historical counterparts attests to their belief in the existence of trafficking/white slavery on a vast scale” (p. 30). Building on the work of Doezema (2010), it is important to note that questioning dominant representations of trafficked persons, particularly from a post-colonial standpoint, in no way suggests that experiences of human trafficking represented by these discourses are not authentic. Rather, it questions why – in the absence of empirical justification – they are dominant and whether other, marginalized, experiences are being missed in the process of constructing anti-trafficking discourse. Further, it leads to important questions about whether anti-trafficking strategies based on dominant representations are effectively addressing the rights of trafficking persons in the country.

³⁴ While it is problematic to place women and girls – or women and children for that matter – in the same category given differing capacities of agency and ability to consent, many estimates of human trafficking rely on such groupings (Sanghera 2005).

Similarly, according to an ILO (2005) report, less than half of all trafficked individuals are involved in sex industries. Despite controversial estimates of the nature of human trafficking, anti-trafficking discourses are nonetheless dominated by discussions of women trafficked for the purpose of sexual exploitation. Given the history of anti-trafficking discourses, this raises the question of the ongoing role “moral panic” plays in shaping discussions of human trafficking.

As discussed above, opposing feminist lobby groups played an influential role in shaping the UN Protocol definition of human trafficking. In the end, no agreement about the relationship between human trafficking, sex work, and prostitution was achieved and a precise definition of sex trafficking was omitted from the definition of human trafficking (Gallagher 2001; Doezema 2002; Lee 2011). By neglecting to provide an explicit definition of trafficking for the purpose of sexual exploitation, the UN Protocol created space for the ongoing lobby efforts of opposing anti-trafficking advocates. As O’Connell and Anderson (2006: 14) argue, the vague nature of the definition of sex trafficking means “diametrically opposing proposals for the reform of prostitution laws can each be presented as contributing to the struggle against ‘trafficking.’” This debate continues to drive anti-trafficking discourses both locally and internationally. While the debates are highly polarized, Lee (2011) argues the criminalizing and moralizing tendencies of abolitionist perspectives continue to dominate anti-trafficking discourses, at times to the detriment of trafficked persons.

Gender inequality, in the form of the “feminization of poverty” thesis has also shaped understandings of human trafficking. In particular, Sassen (2002) argues, contextualizing the experiences of migrant women under the broader restructuring policies of economic globalization reveals the disproportionate effect such policies have had on women. For example, structural adjustment policies, which led governments to scale back social programs, such as

housing, health care, and education, also led to increased migration of women searching for income-generating activities (Chuang 2006). This resulted in low-wage-earning women playing an essential role in the global economy; a dynamic Sassen (2002) coined the “feminization of survival,” which, as will be discussed in the next chapter, refers to the increasing dependence of households, communities, and states on the migratory labour of women.

Since the era of structural adjustment, neoliberal development policies, including structural adjustment programmes, have undergone a “crisis of confidence” (McMichael 2012: 222). While the legitimacy of neoliberal development policy came under question during the Asian financial crisis in 1997, further questions arose when the financial crisis migrated to countries of the global North in 2008 (McMichael 2012). While the causes and consequences of the 2008 downturn are ongoing sources of debate, the resulting poverty, including job and housing insecurity has created further demand for cheap, exploitable labour. In the context of human trafficking, this thesis suggests that human trafficking is “labour migration gone horribly wrong in [a] globalized economy” (Chuang 2006: 138). From this perspective, opportunistic human smugglers and human traffickers are taking advantage of the vulnerabilities created by the restructuring of the global economy to profit off the labour of migrant women (Sassen 2002; Chuang 2006). While neglecting the more complex nature of human trafficking, which includes the experiences of men, women, and children in multiple sectors, a gender inequality framework for understanding human trafficking does provide a useful lens for examining the unequal context in which anti-trafficking discourses emerge, an issue that will be discussed in the theoretical section of this dissertation.

2.2.3 Transnational Organized Crime, Human Smuggling, and Irregular Migration

The primary legacy of the UN Protocol is to redefine human trafficking under the auspices of transnational criminal activity. From this perspective, human trafficking has been viewed as a highly profitable, low risk, criminal enterprise (UNODC 2008) carried out by “criminally sophisticated, transnational organized crime groups” (Lee 2011: 24; Williams and Masika 2002). Thus, while advocacy groups emphasize trafficking for the purpose of sexual exploitation, anti-trafficking legislation, law enforcement, government bodies, and international discussions focus on human trafficking as a form of organized criminal activity.

According to the UN Convention Against Transnational Organized Crime (the Convention that houses the UN Trafficking Protocol, discussed above), an organized criminal group refers to:

A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit (Article 2, UNODC 2000).

Given the substantial flow of labour across international borders, Shelley (2010) argues that organized crime groups have increasingly modified their activities to include the profit-making opportunities associated with human trafficking (also see UNODC 2008). Without the limitations of state bureaucracies, flexible criminal networks have been able to exert significant political influence in the regions where they operate (Shelley 2010). This is especially the case since dependence on cross-border labour in the form of remittances has come to account for a substantial portion of some national economies (Sassen 2002; McMichael 2012). In this way, Shelley (2010: 83) emphasizes the movement of organized crime groups in and out of the realms

of legitimacy and illegitimacy: “they obtain false documents for their victims from criminal specialists, thugs from outside their networks to intimidate women and traffic labourers, and move their proceeds through established money-laundering channels.” At the same time, trafficking networks obtain visas from public officials, transport trafficked individuals using public transportation, and advertise the services of trafficked persons in legitimate job banks, and more recently, Internet sites (Shelly 2010). While some organized criminal groups are highly sophisticated, exerting substantial influence over regional politics, others are smaller in nature, such as family-run operations or other groups that may capitalize on profit-making by moving back and forth between or overlap criminal activities, such as human and drug trafficking (UNODC 2008). Regardless of their degree of sophistication, Lee (2007) indicates that transnational organized crime syndicates drive the highly profitable smuggling and trafficking trades.

From a transnational crime perspective, human trafficking has been understood as a threat to state sovereignty and national security (Lee 2007) and responses to human trafficking have emphasized enhanced border controls and restrictive immigration policies; yet, much of the research in the area remains speculative and there is a marked lack of coherence in definitional understandings of the relationship between human trafficking and migrant smuggling (Bruckert and Parent 2002). In particular, discussions of human trafficking as a form of transnational criminal activity have frequently conflated human trafficking with human smuggling and other forms of irregular migration in spite of clear legal distinctions outlined in the UN Protocol.

According to the UN Protocol, human smuggling involves a contractual agreement to help facilitate the illegal movement of persons across borders for financial or other forms of material gain (UNODC 2000; Salt 2000). Conversely, human trafficking, as previously defined, is for the

overarching purpose of exploitation and involves the use of threat, force, coercion, abduction, fraud, deception, abuse of power, or bribes (UNODC 2000). Despite clear definitional distinctions, in practice, the line between human trafficking and smuggling proves less clear (Bruckert and Parent 2002), especially given the complex motivations underlying the use of human smugglers (e.g. poverty, persecution, etc.). As will be seen in Chapter 6, identifying exploitation can prove especially challenging when would-be migrants initially employ the services of human smugglers, yet upon arrival in the destination countries, they are placed in situations of forced labour or debt bondage. As Aronowitz (2001: 167) points out, of particular challenge in these instances is the fact that the existence of human trafficking: “can only be determined after the individual has arrived in the destination country” and is either free to make their own way, exploited by the smuggler turned trafficker, or a mixture of the two (see, for example, O’Connell Davidson 2013). Internationally, trafficked persons are also perceived as illegal migrants and vulnerable to criminalization, especially when traffickers withhold or destroy proper documentation.

Given such definitional confusion, polarized discourses have emerged over the contested space between national security and human rights, with some advocates calling for the liberalization of migration policies and unrestricted cross-border movements, while others argue that heightened border security is necessary to prevent human smuggling, which can potentially turn into cases of human trafficking. While liberalization arguably poses challenges for matters of national security, restrictive borders have resulted in trafficked persons being criminalized as illegal migrants in violation of immigration or criminal laws (in Canada see Oxman-Martinez, Hanley, and Gomez 2005). Since cross-border movement of people and their labour are key features of globalization, Kapur (2003: 11) argues that criminalizing such cross-border

movement inevitably results in would-be migrants resorting to illicit channels where they are considered “vulnerable, stigmatized and illegitimate.” In this way, restrictive policies have created space for organized criminal networks to participate in human trafficking (Di Nikola 2000). Conversely, others have argued that cross-border liberalization and “statelessness” are an underlying cause of rises in human trafficking networks, suggesting that countries with limited border controls are unable to protect trafficked persons and serve as key transit and destination points for traffickers (Shelley 2010).

The prominent role transnational crime perspectives have played in explaining human trafficking, especially since the adoption of the UN Protocol, lends support to the importance of discussing the relationship between national sovereignty, state security, and human rights. Further, as will be discussed in the next chapter, the dominance of this framework raises important questions about how human trafficking and anti-trafficking discourses are shaping discussions about existing boundaries of social organization, such as debates over citizenship and national identity.

2.2.4 Globalization and Uneven Development

Human trafficking cannot be understood from outside the broader socio-economic and political patterns of globalization (see McMichael 2012; Sassen 2002; Kapur 2001). Economic globalization, including the expansion of free markets and trade endeavors, has progressed alongside widespread mobility of people and goods as well as communication networks that have shrunk the time-space continuum on a mass scale.³⁵ From a communication standpoint, the

³⁵ David Harvey (1990) refers to this as time/space compression, while Anthony Giddens refers to time/space distanciation and disembedding whereby social interactions are removed (or

gap between so-called developed and developing worlds has reduced through instant messaging and Twitter feeds. For example, the near instantaneous backlash to the Kony 2012 campaign by the American charity, Invisible Children – particularly from Ugandans directly affected by the atrocities of Joseph Kony³⁶ – drew global attention to the question of the “West’s” right and ability to represent the “other.”³⁷ While communications can shrink gaps between developed and developing worlds, a socio-economic lens paints an entirely different image.

From a socio-economic standpoint, the margins between developed and developing nations as well as the gaps between the rich and poor within these nations continues to expand (McMichael 2012).³⁸ In this context of economic disparity, migration flows from developing countries to the developed world, as well as from rural communities to urban centres within these countries, continue to expand through push-pull factors. On the one hand, demand for cheap, low or semi-skilled labour to supplement an aging workforce alongside low birthrates pulls migrants towards the developed world (Sassen 2002; Kapur 2001). On the other hand, economic disparities, unemployment, conflict, ethnic and gender discrimination, among other factors, push

disembedded) from local, face-to-face interactions to interactions that span across indefinite realms of time and space (Giddens 1990).

³⁶ See, of example, Al Jazeera (2012), a story about Ugandans reaction to the screening that circulated social media sites, such as Twitter and Facebook in the days following the screening of Kony 2012.

³⁷ Postcolonial studies are guided by the seminal work of Edward Said (1979), particularly his notion of Orientalism. That is, how representations of the “Orient” are produced and reproduced in relation to the “Occident,” which includes an underlying assumption of Western superiority (for a similar discussion see Mackenzie 2012). Subaltern studies builds on this work to focus on the agency of Subaltern voices in contexts of differential distribution of power resources. Spivak (1988), for example, questions whether the “Subaltern” or “Other” can self-represent given structural forms of domination (see Chapter 3 for further discussion).

³⁸ Fortin, Green, Lemieux, Milligan, and Riddell’s (2012: 122-123) examination of the “top 1 percent of earners” provides a Canadian analysis of income disparity. Their analysis found that income inequality is growing in Canada: “in 1980 the top 20 percent of income earners received 45 percent of total income earnings, while by 2007 they received 52 percent.” Additionally, they suggest sharp rises of income inequality occur during recession periods and do not decline to pre-recession indicators following the recession, contributing to increasing disparities overtime.

migrants from developing countries of the global South to countries of the global North as well as from rural settings to urban centers.

Despite overt reliance on migrant workers, these migration flows have been met with discourses focused on the security threat posed by migrants, images of “bogus” refugees exploiting the host system of healthcare and welfare, and as threats to local employment opportunities. In this context, stiff border controls and security measures create substantial barriers for would-be migrants in the name of protecting the rights and security of a “deserving” citizenship (Pratt and Valverde 2002). At the international level, this imbalance between demands for cheap labour, a supply of a vast migratory workforce, and limited legal migratory routes creates a context of human insecurity where high profits are gained from exploitative practices with very few risks of prosecution (e.g. Shelley 2010). In this way, trafficking can be understood, in part, as a migratory response to globalizing socio-economic trends.

2.2.5 Human Rights

While less prevalent in the literature, a human rights framework has been used to understand experiences of human trafficking. In particular, the human rights provisions in the 1948 UN Universal Declaration of Human Rights, including the right to be free from slavery or servitude, the right to life, liberty, and security, the right to freedom of movement, and the right to health and free choice of employment, provide a context for understanding human trafficking as a violation of human rights (Lee 2007). In addition to the UN declaration, a number of other conventions include provisions that are relevant to the experiences of trafficked persons (GAATW 2000), for example Article 6 of the 1979 UN Convention on the Elimination of All

Forms of Discrimination against Women (CEDAW),³⁹ Article 8 of the 1966 International Covenant on Civil and Political Rights,⁴⁰ and Article 2 of the 1959 ILO Convention on Abolition of Forced Labour.⁴¹

Despite such provisions, the 2000 UN Protocol on human trafficking has been criticized for taking a weak stance on matters of human rights.⁴² As discussed above, while the law enforcement elements of the UN Protocol are mandatory for signatories, the provisions to protect and assist individuals victimized by human trafficking are discretionary (Jordan 2002; GAATW 2000). As a result, issues of national security and border controls have taken precedence, raising important questions about the rights of migrants in general (O’Connell Davidson 2006) and trafficked persons in particular (Gallagher 2001; Jordan 2002).

Further, rights-based discourses that emphasize polarized distinctions – such as forced/voluntary, illegal/legal, trafficking/smuggling, sexual exploitation/sex work – have been employed to obscure the complex processes of migratory movements and the politicized nature

³⁹ CEDAW Article 6: “State parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” (UN Division for the Advancement of Women, DESA 2000-2009). Significantly, Doezema (2010) demonstrates how this Convention played a key role in shaping the UN trafficking definition. In particular, it was relied upon to support the idea that the Protocol definition should follow the precedent set in existing international law, which lent support to the idea that an international conception of human trafficking needed to include prostitution in its definition. This resulted in a shift in HRC lobbying tactics from aiming to remove “prostitution” and “sexual exploitation” from the definition (i.e. in recognition of sex work as a form of labour) to arguing for the possibility of consent (i.e. voluntary prostitution) (Doezema 2010: 166).

⁴⁰ International Covenant on Civil and Political Rights Article 8: “Prohibition on slavery and servitude” (United Nations Human Rights 1996-2013).

⁴¹ ILO Convention on Abolition of Forced Labour Article 2: “Effective measure to secure the immediate and complete abolition of forced labour” (ILO 1996-2012).

⁴² As discussed above, the discussions leading to the adoption of the protocol were preoccupied with debates over the “victim” or “agent” status of trafficked women. Since no consensus was achieved and interpretations of human rights were at the center of these debates, the UN Protocol was unable to advance a strong stance on the rights of trafficked persons.

of anti-trafficking discourses (see Sanghera 2005; Lee 2011; O’Connell Davidson 2013).⁴³ In this context, Aradau (2004: 276) highlights, “if human rights have become the rights of those who are too weak or too oppressed to actualize and enact them, they are not ‘their’ rights. They are deprived of political agency.” Such critiques find their basis in broader discussions of the possibilities of human rights under the confines of existing boundaries of the nation-state that exclude non-citizens, including refugees, ‘illegal’ migrants, and, at times, trafficked persons (e.g. Arendt 1958; Kapoor 2008; Balfour and Cadava 2004). Yet, as Crépeau and Nakache (2006: 28) argue, “meaningful equality implies protecting foreigners against human rights abuses to the same extent as citizens are protected.” With this in mind, an examination of existing anti-trafficking discourses and approaches, particularly representations of trafficked person embedded within these approaches, provides crucial insight into the complex relationship between humanitarian action, national security, and citizenship in an era of globalization.

2.2.6 A Complex Social Phenomenon

While explanations that emphasize practices of slavery, gender inequality, transnational crime, development and globalization, and human rights each offers useful insight for understanding the experiences of trafficked persons, the individual frameworks conflate the component parts of human trafficking with the whole. As Ahmed (2005: 199) points out: “many of the elements and definitions for this social phenomenon are often limited in their scope and do not adequately reflect the totality of the problem.” Thus, by limiting the scope of the problem, the segregated discussions hinder the advancement of effective dialogue to develop comprehensive strategies to address the complex rights and experiences of trafficked persons. Moreover, in the absence of

⁴³ For example, Doezema (2010: 168) traces how the UN Protocol definition “leaves ‘room’ for sex workers to exist only outside of the protected space carved out for trafficking victims.”

constructive dialogue, politicized discourses and dichotomous understandings (i.e. “victims” versus “agents”; rights versus restrictions; coercion versus consent) have impeded the advancement of constructive anti-trafficking discourses.

Such polarized understandings reflect the unresolved political and ideological tensions that led to the adoption of the international definition of human trafficking. In the absence of clear definitional parameters, particularly surrounding the rights and protection of trafficked persons, discussions of human trafficking are prone to manipulation by a variety of political agendas and actors (Sanghera 2005).⁴⁴ For example, anti-trafficking discourses are used to justify polarized approaches to national security and migrant rights, such as policy recommendations advocating for stricter border controls versus calls for unrestricted movement across borders. Similarly, anti-trafficking discourses are used to support polarized perspectives on how to formulate prostitution laws, such as advocates of decriminalization and abolitionist standpoints. Given the susceptibility of trafficking discourses to political manipulation, understanding human trafficking as a complex social problem can help depoliticize trafficking discourses by contextualizing the various political agendas and the power dynamics underlying the acceptance and dominance of certain types of representations of trafficked persons. More importantly, this approach recognizes multiple forms of trafficking experiences as well as the complex set of experiences a trafficked person can face during the process of human trafficking.

By adopting a broad understanding of human trafficking, this study aims to account for the complexity of experiences that fall under the single label of “trafficked person” as well as how trafficked persons are represented in anti-trafficking discourses, including a consideration of

⁴⁴ Doezema (2010: 172) argues this is precisely why the “myth of ‘trafficking in women’ is so powerful because it expresses the convictions of many different, and even opposed, social groups.”

the politicized nature of these discourses. With this in mind the study considers intersections between instances of human trafficking in Canada and broader discussions of policy reform, economic inequality, globalization, national boundaries, and human rights.

2.3 Chapter Summary: Politicized Discourses and Complex Experiences

The UN Protocol sought to provide an international framework for understanding human trafficking; however, the highly politicized and polarized discussions leading to the adoption of the Protocol definition went largely unresolved, particularly with respect to the “victim” or “agent” status of individuals trafficked for the purpose of sexual exploitation. As a result, politicized discourses continue to shape international and national conceptions of human trafficking and inform the development of anti-trafficking responses at both these levels. In many instances, this has resulted in oversimplified explanations of human trafficking that conflate trafficking experiences with the individual sites where human trafficking can occur, such as prostitution, irregular migration, and transnational organized crime. However, at the end of the day, the UN Protocol was predominantly a law enforcement instrument that now plays a role in shaping national boundaries of inclusion and exclusion. By recognizing the complexity of experiences that fall under human trafficking conceptions, this study examines how politicized anti-trafficking discourses have shaped anti-trafficking responses in Canada. As will be discussed in the next chapter, such an analysis requires a broad sociological lens that situates human trafficking within a wide-ranging socio-economic context that accounts for structural forms of inequality and contextualizes experiences of human trafficking within a discursive framework that accounts for the power imbalances that shapes the adoption of some representations of human trafficking above other experiences.

CHAPTER 3

ANALYTIC FRAMEWORK AND RESEARCH QUESTIONS

The complex nature of the issue of human trafficking and the highly politicized and polarized discussions about how to respond to its practice require a wide-ranging analytic approach. With this in mind, this research adopts a broad sociological lens that builds on two recent approaches to human trafficking analysis. First, the research builds on existing discussions of development and economic globalization to examine the relationship between structural forms of inequality, involving an unequal distribution of resources and unequal participation in the global economy, and experiences of internal and international forms of human trafficking for the purpose of labour and sexual exploitation in Canada. In doing so, the study contextualizes experiences of human trafficking and interrogates anti-trafficking responses within the broader socio-economic context in which they emerge.

Second, the research builds on this contextual analysis by examining how trafficked persons are represented in anti-trafficking discourses. In particular, this approach adopts elements of Doezema's (2010) perspective in framing the power dynamics underlying representations of trafficked persons that involves the adoption of some representations, particularly representations of sexual exploitation, to the exclusion of other experiences, such as trafficking for the purpose of labour exploitation in a variety of industries, including domestic servitude.⁴⁵ Both contextual and critical discursive approaches are crucial for understanding

⁴⁵ Doezema's broader (2010) work provides a historical examination of white slavery and the construction of the "myth" of trafficking, including how the "ghost" of white slavery shaped the UN Protocol discussion. Doezema (2010: 170-171) argues that the power of trafficking discourses can be attributed to several "mythical functions," which include: "its appearance as a description of reality (including through reification of consent); its function as a surface on which social demands are inscribed; its ability to accommodate differing ideologies; and its

human trafficking and anti-trafficking responses in Canada; however, neither can fully explain the role anti-trafficking discourses are playing in shaping contemporary boundaries of social organization. Such an examination is crucial in a context where human trafficking has been ranked alongside drug trafficking, arms dealing, and terrorism as one of the most profitable forms of global criminal activity in the world today and “the defining issue of our time” (Somaly Mam Foundation 2012: n.p.; Kempadoo 2005).

This research builds on both contextual and critical discursive approaches in the analysis of how human trafficking and anti-trafficking agendas are redefining boundaries in an era of globalization. Specifically, this analysis considers the role of anti-trafficking discourse in shaping discussions of citizenship, national security, migration, and human rights as well as the relationship between gender and the state involving the interaction between sexuality, morality, human rights, and the law. Drawing on these broad theoretical lenses enables the study to remain sensitive to the complex and highly contested set of experiences that fall under the umbrella of human trafficking definitions as well as critically assess the role of anti-trafficking discourses in shaping contemporary boundaries associated with globalization.

3.1 Socio-Economic Globalization: The Political Economy of Human Trafficking

Economic globalization (i.e. the increasing interdependence of global economies) (see generally, Harvey 1990; O’Brien 1992; Jones 1995; Dicken 2003), under the domination of economic

function as a metaphor for key social dislocations.” Building on this work, this dissertation examines the ongoing construction of human trafficking in a national context, particularly how contemporary discussion sex work, sexual exploitation, migration, and so on are shaping anti-trafficking discourses in Canada and how anti-trafficking discourses are shaping contemporary boundaries of social organization.

neoliberalism,⁴⁶ extended the developmentalist logic of early colonization and postwar modernization theorists (Kothari 2005). Based on the ideals of capitalist economic accumulation, the concept, “economic globalization,” like its predecessor, “development,” attempts to convey an inclusive movement where all regions are “marching together towards some future Promised Land” (George 2003: 16). However, both development and economic globalization have been realized through economic growth models that exclude and, in some cases, impose undesirable consequences (such as environmental degradation or usurping subsistence-based relations) on some members of society, thereby increasing inequality both within and between nations (Mies 1998; Wade 2004). As a result, “alternative circuits” or “counter-geographies” that derive profit “on the backs of the truly disadvantaged” emerge and flourish to supplement global labour supplies (Sassen 2002: 89). In this way, human trafficking is “inextricably linked to the tensions, disjunctures and inequalities associated with globalization and a differential freedom of movement” (Lee 2011: 6).⁴⁷ Human trafficking occurs in the context of unequal distribution of resources within Canada⁴⁸ – as was seen in the discussion in Chapter 1 regarding the internal trafficking of Aboriginal persons – and of rising inequality between countries of the Global North and countries of the Global South (Elabor-Idemudia 2003).

⁴⁶ Neoliberalism, in this context, refers to a theory of economic development that legitimizes the deregulation of markets. Specifically, neoliberal theory assumes that if left to self-regulate, the market will be stimulated by the economic self-interest of individual entrepreneurs, which, in turn, means state regulation of the market is unnecessary and public expenditures for social services are impediments to the natural functioning of market forces (Thomas 2000, 2001; McMichael 2012).

⁴⁷ As discussed in the previous chapter, slavery is not a new phenomenon and there is little consensus about whether human trafficking should be characterized as a modern-day form of slavery (also see Bales 2005). As Lee (2011) points out, some elements of previous forms of slave trading are visible in contemporary experiences of human trafficking; however, the spread of global capitalism alongside technological advancement have created a new context that should be examined in its own right.

⁴⁸ For a recent discussion of the growing economic inequality in Canada see Fortin, Green, Lemieux, Milligan, and Riddell (2012).

Global economic restructuring policies – including structural adjustment programs, international trade agreements, the relocation of foreign firms to developing countries, the growing importance of export-oriented industries and diminutive social welfare and service programs – disproportionately affect women of the Global South (Kempadoo 1998; Sassen 2002).⁴⁹ This is because women comprise the primary source of labour for the exporting industries of textile, garment, toy, and shoe production, as well as electronic factories and agribusinesses (Kempadoo 1998). According to the United Nations Department of Economic and Social Affairs (DESA) (2009: n.p.) female migrants constitute almost half of all migrants and “most legal migrants in the more developed regions originate from the less developed regions” of the world. In particular, the legal international migration data indicates that “more than 80 per cent of the immigrants arriving in Canada and the United States originated from the less developed regions” (United Nations DESA 2009: n.p.). In this context, Sassen (2002) describes the growing rate where households, communities, and states depend on the labour of women, both internally and internationally, as the “feminization of survival.”⁵⁰ As McMichael (2012) points out, a key example of this form of dependency is the growing reliance on remittances not only to supplement household incomes, but to help finance public infrastructure, such as roads and schools, and supplement public revenues (also see Sassen 2002). In this way, remittances can be understood as a push factor, encouraging cross border migration while demand for cheap, imported labour serves as a pull factor. Coupled with these push/pull factors are facilitating factors (Jordan 2002), such as restrictive immigration policies and border controls (Morrison and Crosland 2000; Lee 2011), which create a gap between the demand for cheap labour, the need for remittances, and the ability to attain either one.

⁴⁹ This has been termed the “feminization of poverty” initially coined by Diane Pearce (1978).

⁵⁰ See Chant (2006) for a discussion of the feminization of responsibility and obligation.

In this context, there is a systemic connection between the rise of alternate global circuits, exemplified by trafficking in persons, and “conditions in developing countries that are associated with so-called ‘development’” or economic globalization (Sassen 2002: 89).⁵¹ As a result, Sassen (2002) argues that immigrant and migrant women form a new “serving class” in global cities because the pressures of managerial and professional work in these cities entail increasing dependence on domestic assistance (Sassen 2002: 94). While women are disproportionately represented among such alternate circuits, male migrant workers are also relied upon to service labour shortages and low skilled temporary positions in Western countries.⁵² Moreover, global cities are not the only destination points for such alternate circuits. In Canada, for example, the agricultural sector relies heavily on cheap, temporary forms of labour reflected in the development of national Temporary Foreign Worker (TFW) programs, such as the Seasonal Agricultural Worker Program that supplies temporary workers from Mexico and some Caribbean countries to work on Canadian farms during peak agricultural seasons (Human Resources and Skills Development Canada 2013). Thus, heightened demand for low-wage labour alongside diminishing workforces in the Global North, encourage individuals from the Global South to migrate. Yet, in the name of anti-trafficking, a number of Western countries, including Canada, have adopted policies that dissuade legal migratory routes or fail to protect the rights of migrant

⁵¹ For Sassen (2002) these conditions include the rise of unemployment, shrinking employment opportunities for men, debt and falling government revenues.

⁵² To meet labor demands, Canada employs a substantial temporary foreign worker workforce that has grown from 199,165 in 2007 to 300,111 Temporary Foreign Workers as of December 1, 2011 (Citizenship and Immigration Canada 2011). While Temporary Foreign Worker (TFW) programs offer a quick solution to labour shortages and shifting demographics within the workforce, as will be discussed further in Chapter 6, such programs also provide a backdrop for exploitation and human trafficking: “trafficking tends to occur in sectors with labor shortages that use sub-contracting chains and are dominated by migrant workers” (Dowling, Moreton, and Wright 2007: 7). Under the low (semi)-skilled TFW program in Canada, workers can typically stay in Canada for up to four years, but are not offered an opportunity to attain permanent residency in the country and frequently perform low pay and low skill labor.

workers.⁵³ Further, anti-trafficking discourses, particularly in the United States, have been relied upon for diplomatic leverage whereby threats to withhold developmental assistance from developing countries enforce compliance with anti-trafficking agendas that, in practice, reinforce the protection of primarily Western borders as well as anti-prostitution mandates (Kapur 2003; Doezema 2010; Dandurand 2012). For example, the annual United States *Trafficking in Person* report ranks anti-trafficking efforts by tiers. Tier ranking, in turn, is used to determine aid allocations.

Although portrayed as protective measures for persons victimized by human trafficking, strict immigration policies build on discourses of national security and fear, particularly in the wake of the post-9/11 “War on Terror,” which has enflamed xenophobic perceptions of the threat posed by a racialized “other” (Kapur 2003).⁵⁴ By adopting a crime and security lens, such policies neglect the key role migrant workers play in contemporary global labour markets as well as migrant rights and the complex experiences of trafficked persons, migrants, asylum-seekers, and refugees. As discussed later in this chapter, although national security is a legitimate policy concern, the relationship between national security and human trafficking raises important questions about the redefinition of national boundaries in an era of globalization. For instance, how does a commitment to humanitarian action (e.g., the rights of trafficked persons) affect the

⁵³ For example, as will be discussed, the Immigration Minister and Human Resources Minister of Canada recently restricted exotic dancers working under the TFW program from having their visas renewed. At the same time, TFW programs have failed to protect the rights of migrant workers and complaints of labour exploitation and human trafficking have occurred across Canada (Hastie 2012; Public Safety Canada 2012; Quarterman, Kaye, Winterdyk 2012). For instance, in a case currently before the courts, 60 migrant workers from Poland and the Ukraine were allegedly trafficked to St. Paul, Alberta for the purpose of labour exploitation (Fast Forward Weekly 2012). In addition to this case, traffickers have used legal entry points, such as the Live-in Caregiver Program (LCP) and the Temporary Foreign Worker Program (TFWP) to exploit the labour of migrant communities (Quarterman, Kaye, and Winterdyk 2012).

⁵⁴ These debates parallel, and at times overlap, discussions about illegal immigration and human smuggling.

norms that underlie the “security” and “stability” of international systems of boundary maintenance and border control?

A developmentalist lens is particularly important to the understanding of the context of human trafficking as it occurs in Canada, which has a substantial dependence on migrant labour to supplement workforce shortages, especially in the areas of low and semi-skilled, temporary labour.⁵⁵ Additionally, Canada represents a colonial – turned settler – society that continues to negotiate with First Nation populations to address the ongoing legacies of colonization,⁵⁶ especially the inter-generational effects of residential schooling. In this way, international forms of human trafficking in Canada occur in the context of inequality stemming from the modernizing agendas underlying colonization, development, and economic globalization.⁵⁷

⁵⁵ As discussed, TFW programs in Canada have grown substantially in recent years. According to Nakache and Kinoshita (2010), low-skilled workers account for the largest percentage of the increase in reliance on TFWs in the country.

⁵⁶ For example, on January 23, 2012, representatives of the Assembly of First Nations signed a declaration alongside representatives of the Official Opposition (the New Democrat Party) and the Liberal Party of Canada agreeing to address a number of commitments requested by Attawapiskat Chief Teresa Spence in order to end her six-week-long hunger strike (CBC News, January 23, 2013). One of these commitments was to establish an inquiry into violence against indigenous women in Canada. Although calls for a national inquiry have been met with resistance from the Conservative Government, on February 26, 2013, the Canadian House of Commons unanimously approved the motion to establish a committee to study the issue of missing and murdered Aboriginal women and the experiences of their families in the country (Wherry, Macleans, February 26, 2013).

⁵⁷ There are numerous discussions about the conceptualization and consequences of modernity (see, for example, Giddens 1990; Beck 1994; Habermas 1996). Modernity includes a number of variables, such as capitalist production, industrial technology, rationalist knowledge, and bureaucratic state institutions to name a few. Yet, underlying modernity, what is referred to here as the “modernizing agenda,” are Enlightenment ideas of progress wherein modern (i.e. European) social institutions create “vastly greater opportunities for human beings to enjoy and secure a rewarding existence than any type of pre-modern system” (Giddens 1990: 7). This assumption that “modern” is superior to “traditional” paved the way for European civilizing missions during the period of colonial expansion (Mann 2004). Later, similar assumptions of progress-oriented development (specifically economic development) justified postwar theories of modernization. Economists, such as Walter Rostow (1960), depicted development as a process of modernization or industrialization within the capitalist system, arguing that Western initiated and

Internal trafficking, including trafficking of Aboriginal persons, occurs in the context of colonial legacies of poverty, inequality, and lack of social support networks (Oxman-Martinez, Lacroix, and Hanley 2005; Sethi 2007). A history of colonial exploitation, including the intentional breakup of families, communities, and nations through imposed borders and residential schools has placed many Aboriginal people, especially women, in positions of marginalization and economic dependency. Although Aboriginal women traditionally enjoyed more “respect, power and autonomy” than their European counterparts, contemporary Aboriginal women are specifically targeted for acts of violence and sexual exploitation based on their race, class, and gender within “settler society” (Green 2007: 22; Amnesty International 2004).⁵⁸ Yet, their experiences of abuse have been met with indifference by the state and society alike in Canada, as the British Columbia case of Robert Pickton demonstrates. The case accounts for 16 of the over 500 missing and murdered Aboriginal women in the country and while the families of the victimized women, such as those of Maggie de Vries or Janet Henry, indicated that individual police officers were helpful and worked diligently to find the women, the police and the city as a whole were slow to acknowledge the larger pattern of missing women and mobilize a coordinated investigation (De Vries 2003; Amnesty International 2004). According to Sikka

state led development in the First World could be replicated in the Third World (Parpart and Veltmeyer 2004). Under recent trends of neoliberal economic globalization, modernization-oriented theories have resurged to occupy an increasingly ‘hegemonic position’ within the development literature (Unwin 2007: 1). Thus, while there remain broader dimensions of modernity, in the context of human trafficking the term is used here to refer primarily to the assumption of progress underlying colonial expansion, economic modernization, and neoliberal economic globalization.

⁵⁸ Based on the General Social Survey (GSS), in 2009, Aboriginal women are three times more likely to experience violent victimization than non-Aboriginal women (both including and excluding intimate partner violence) (Perreault 2011). Further, “12% of Aboriginal people reported being the victim of at least one non-spousal violent crime, more than double the proportion of non-Aboriginal people (5%)” (Perreault 2011: 7). Sexual assaults accounted for more than a third of violent incidents involving an Aboriginal victim (70 incidents/1000 people versus 23/1000 for non-Aboriginal people).

(2009: 1) such indifference has resulted in “a lack of services available to address the trafficking of Aboriginal women and girls and a general apathy from the criminal justice system towards the types of trafficking they face.” While there is limited empirical analysis on the subject to support such a claim, the potential parallels between the experiences of missing and murdered Aboriginal women and Aboriginal women victimized by human trafficking demand further consideration.⁵⁹

Regardless, Sikka (2009) argues that historical representations of Aboriginal women as sexually available alongside their current overrepresentation in the visible sex trade industry contributes to their experiences falling outside the realm of an “ideal” trafficking “victim” (also see Sethi 2007). As Downe (2006: 63) highlights, demands for a “sexualized performance of Aboriginality” offer greater financial return in a context where systemic, racist violence was collectively experienced. Notwithstanding the disproportionate levels of violence experienced by Aboriginal women, it is important to critically assess anti-trafficking discourses focused on Aboriginal communities because they have the potential to merely impose another negative label (i.e. trafficked person) on individuals stereotyped as a “victimized other,” especially if these discourses draw on legacies of representing Aboriginal women as “sexually available” to presuppose their overrepresentation among individuals victimized by trafficking for the purpose of sexual exploitation. Further, such representations have the potential to criminalize Aboriginal women’s experiences in a context where the policing of Aboriginality is rooted in colonial attempts to address the “the Indian problem” (e.g. Smith 2012).

⁵⁹ A report by the Native Women’s Association of Canada (2010) identifies the relationship between missing and murdered Aboriginal women and girls and human trafficking as an area requiring further investigation, yet echoes the warning put forth by Sikka (2009) that the two problems should not be conflated, rather the significant number of missing Aboriginal women and girls should be treated as a serious issue in its own right regardless of its connection to human trafficking.

Nonetheless, dominant representations of trafficked persons portrayed by the mass media, law enforcement, and government agencies in news reports, documentaries, and educational materials tend to exclude Aboriginal women's experiences of internal trafficking (Sikka 2009). Trafficking images focus on Eastern European and Asian women deceived into various forms of sexual slavery, emphasizing the international aspects of trafficking industries. Thus, while anti-trafficking initiatives claim to protect individuals – especially women – who are forced into trafficking because they have limited opportunities in their home communities, Sikka (2009) argues these sentiments have not been employed to understand the experiences of Aboriginal individuals. Yet, in Winnipeg, as will be discussed in Chapter 5, anti-trafficking discourses center around discussions of the sexual exploitation of Aboriginal girls and women. Nonetheless, the socio-economic contexts of poverty, lack of employment and educational opportunities, and over-representation in child welfare programs stemming from colonization potentially underlie a vulnerability of Aboriginal individuals to experience human trafficking in Canada. Given the stated underrepresentation of Aboriginal voices and experiences in trafficking discourses, this research examines dominant representations of trafficked persons alongside the experiences of some frontline workers from organizations focused on First Nations populations as well as Aboriginal individuals that have experienced human trafficking to consider internal trafficking in Canada.⁶⁰

Understanding and describing the broader socio-economic context in which human trafficking occurs provides a useful framework for contextualizing human trafficking experience

⁶⁰ Given the broad nature of the research questions posed by this study, the research does not draw exclusively on the experiences of First Nations organizations/individuals. With this in mind, broad generalizations about First Nations experiences of human trafficking are beyond the scope of this research. Rather, this research considers how First Nations are represented or not represented in existing anti-trafficking discourses.

and interrogating anti-trafficking discourses. In particular, it considers the broad process of human trafficking experiences, which helps account for the complexity and diversity of trafficking experiences. However, contextual frameworks are unable to account for how representations of trafficked persons are constructed and, particularly, how certain representations of human trafficking come to dominate anti-trafficking discourses and policies. For this, post-colonial, development thought provides a useful framework for examining representations of trafficked persons in anti-trafficking discourses.

3.2 Post-colonial, Development Thought: Representations of Trafficked Persons

In response to colonialism, development, and economic globalization discourses, dominated by Western assumptions, post-colonial theorists question representations of “third world subjects” and the failure of development to achieve its goals.⁶¹ Feminist post-colonial thinkers like Gayatri Spivak (1988) and Chandra Mohanty (1991), underscore the problematic representations of women in development discourses. Spivak’s (1988) discussion of the representation of the subaltern⁶² subject caused sustained reflection on how Western development discourses portray Third World women. In this vein, Mohanty (1991: 56) criticizes the portrayal of women from the Global South as: “ignorant, poor, uneducated, tradition-bound, domestic, family-oriented, victimized, etc.” Trafficking discourses parallel development literature in pursuing ideologically

⁶¹ For the purposes of this research, post-colonialism refers to: “ways of criticizing the material and discursive legacies of colonization” (McEwan 2008: 124-129). Given the connection between human trafficking, colonial legacies, and post-colonial modes of economic development/globalization, a post-colonial development lens provides a useful framework for critiquing and interpreting the representations of trafficked women in anti-trafficking discourses.

⁶² As Gandhi (1998: 1) states: “By ‘subaltern’ Spivak meant the oppressed subject, the members of Antonio Gramsci’s ‘subaltern classes’ (see Gramsci 1978), or more generally those ‘of inferior rank.’” In other words, Spivak raised the question of representation and the right and ability of investigators to represent the experiences of an oppressed “other.”

driven information about trafficked persons – especially women – and drawing on women’s narratives to justify preconceived ideas about the “victim” or “agent” status of trafficked persons. In turn, this information largely reproduces existing structures, enabling “dominant cultures to continue their domination, rather than shedding light on how social domination is reproduced” (Elabor-Idemudia 2002: 231). Thus, by questioning Western feminist attempts to “rescue non-European and poorer women,” post-colonial development thought allows researchers to not only consider how uneven development feeds discourse of human trafficking, but to also examine how structural forms of inequality underpin representations of trafficked persons and, in doing so, reproduce dominant discourses of a “Third World” or racialized “other.”

At this point it is important to reiterate that trafficked persons include men, women, and children who are trafficked for multiple forms of exploitation. However, since dominant representations of trafficked persons emphasize the experiences of women trafficked for the purpose of sexual exploitation, an examination of anti-trafficking discourses must account for the power dynamics underlying such representations. Thus, while this study includes a consideration of the experiences of trafficked men and children, the primary focus is on representations of trafficked women. Specifically, the discursive power to represent the “trafficked other” will be examined to understand provincial differences in who has the ability to control the “anti-trafficking narrative” and why. Drawing on the critiques of post-colonial feminist scholars like Spivak (1988) and Mohanty (1991), the research challenges the discursive power of conflicting feminist voices to represent the lived experience of trafficked persons and considers why some experiences of human trafficking are falling outside the realm of discursive representation.

By defining the development agendas underlying colonization – and more recently globalization – as predominantly Western initiatives, post-colonial critiques allow for an examination of anti-trafficking initiatives in the context of the “economic, material, and cultural conditions” that shapes the global system in which the post-colonial subject operates (Young 2001: 57). Despite a persistent focus on development as modernization or progress, very little has shifted in global hierarchical relations⁶³ since contemporary development agendas were set in the 1940s⁶⁴ and instead, internal disparities have only increased (McGrew 2000; Sassen 2002; McMichael 2012). In this way, the development project, from colonization to economic globalization, has been rooted in Western forms of knowledge and power that, according to Kothari (2005), inevitably limit the adoption of alternate ways of organizing and achieving social change. Similarly, in the words of Escobar (1995: 39), development has “created a space in which only certain things could be said or imagined.” Thus, numerous development discourses, including anti-trafficking discourses, are dominated by singular, oftentimes, hegemonic narratives derived from Western assumptions and perspectives.

With respect to human trafficking, a post-colonial examination of trafficking discourses moves beyond mere description of how human trafficking occurs in a post-colonial context to

⁶³ The rise of the so-called “Asian Tigers” or Newly Industrializing Countries (NICs) are frequently cited as an exception and, although these countries reveal that the global economic system is anything but static, they have not substantially altered global economic inequalities. The expansion of NICs undermined “Third World” resistance to the liberalization of international financial markets and structural adjustment programmes (McMichael 2012). In the end, the debt crisis concentrated the power of international financial institutions (i.e. the World Bank and International Monetary Fund) to disproportionately influence development strategies in the Global South. The NICs were also affected by the debt crisis in 1997, a decade later than most of the Global South. It is also worth noting, the rise of NICs was not primarily driven by a neoliberal capitalist strategy; rather, NICs adopted a mixed economy that included forms of state management.

⁶⁴ Kothari (2005) problematizes conventional discussions of development history that identify 1945 as the “start date” of development. Rather, she traces the relationship between colonialism and contemporary development studies.

examine how representations of trafficked persons are constructed and the power dynamics underpinning dominant representations in anti-trafficking discourses and policies (see, for example Jeffery 2005; Agustin 2007). With this in mind, researchers need to remain attentive to the ways power and domination are expressed in the everyday lives of trafficked persons and frontline workers because they may not be expressed solely (or even predominately) in terms of material or structural forms of inequality (Kothari 2001).

The concept of power, specifically political power, has been highly contested in the literature (see, for example, Boulding 1989; Foucault 1980, 1982; Scott 2001; Lukes 2005; Morriss 2006). By emphasizing the unequal distribution of “power resources,” Béland (2010: 147) conceptualizes political power in liberal democracies as “the unequally distributed capacity to act together and affect the behavior of others in order to shape political outcomes.” In this way, political power is distinct from domination. For Béland (2010: 147), domination refers to “the structural maintenance of unequal social and political relations that mainly serve the perceived interests of the rulers.” Thus, while political power can lead to domination, the concepts are analytically distinct. For the purposes of this research, the concept of power refers to the unequal context in which the narrative of human trafficking is constructed by some and by discursively framing the issue, their ability to shape the response (i.e. anti-trafficking behavior and policies). In turn, this discursive power has the ability to reproduce social and political forms of domination.

Doezema (2010: 10) outlined this approach by prioritizing the “effect of power on knowledge” in anti-trafficking discourses. While traditional research on human trafficking adopts a “truth seeking” methodology to uncover facts about who is being trafficked, how they are being trafficked, and what can be done about human trafficking, Doezema (2010: 10) draws

on the work of Foucault (1975 [1991]) to suggest an examination of “the way in which social power is exercised in knowledge creation, and the ways in which representations of people and problems are used to legitimate knowledge.” This approach is particularly relevant in an area of inquiry dominated by dichotomous discourses because it creates space to question how the “truths” or “facts” about human trafficking are interpreted and which interpretations are advanced to a legitimized form of knowledge, thereby influencing responses and policies, all the while considering the power relations at play in producing knowledge about human trafficking and representations of trafficked persons. As Doezema (2010: 11) argues, what is missing from traditional accounts of human trafficking: “is a critical examination of the power dynamics involved in producing knowledge about ‘trafficking in women’ and the ways in which dominant constructions of the issue emerge and are incorporated into policy.”

Given the nearly unquestionable nature of anti-trafficking discourses and sensationalized images currently underpinning representations of trafficked persons in Canada, a post-colonial understanding of power in knowledge construction is essential to an examination of representations of trafficked persons in the country. While various projects in Canada have executed initial fact-finding assessments of the nature and scope of human trafficking in the country,⁶⁵ limited research has questioned how trafficked persons are represented, what power dynamics are shaping the adoption of certain representations as legitimate or dominant, and what narratives are missing from these dominant representations. For instance, as will be discussed in Chapter 6, the July 2012 Government of Canada ban on exotic dancer visas provides a clear example of how dichotomous debates surrounding the morality of sexual labour are competing for the ability to control the narrative of representations of trafficked persons and the

⁶⁵ See, for example, RCMP (2004; 2010).

corresponding ability to shape the response. While similar visa bans were not considered in other industries, such as construction or welding, where cases of human trafficking have been known to occur (see Hastie 2012; Public Safety Canada 2012; Quarterman, Kaye, and Winterdyk 2012), the Government nonetheless achieved an unquestionable status by claiming to protect vulnerable, foreign women from exploitation. While polarized debates about the ban fought for media attention,⁶⁶ absent from the discussion were the voices and perspectives of the TFWs themselves. This reflects what Elabor-Idemudia (2002: 227) refers to as a “disturbing failure to recognize that these people do theorize in their communities as part of their community life, and that they not only articulate but also are able to interpret their experiences.” Given this context, an examination of representations of trafficked persons and the power dynamics underlying such representations can offer useful insight into whether such anti-trafficking initiatives, like the visa ban for foreign strippers, are in fact helping trafficked persons or creating more insecurity for the individuals they claim to assist.

In this context, a detailed examination of the representations of trafficked persons and a consideration of the power in knowledge creation processes underlying these representations offers an important critical reflection on existing understandings of human trafficking and dominant representations of trafficked persons in Canadian anti-trafficking initiatives and policies.

⁶⁶ In the aftermath of the visa ban, starkly polarized perspectives battled for control of the dominant narrative. On the one hand, the Adult Entertainment Association decried a loss of income generating foreign workers, suggesting in the absence of TFWs the association would opt to recruit strippers in high schools (CBC News August 30, 2012). Meanwhile, the Government clearly gained the moral high ground – and the support of their core constituency – by framing the visa ban in terms of the government’s agenda to fulfill its promise of addressing human trafficking and protecting foreign women from sexual exploitation at the hands of the Adult Entertainment Association. It is worth noting that strip clubs are legal business ventures in Canada and stripping remains a legitimate form of employment for Canadian women and foreign nationals.

3.3 Globalization: Boundaries, Citizenship, Migration, and Human Rights

Given the on-going emphasis on the relationship between human trafficking and transnational crime (e.g. Bhattacharyya 2005; Shelley 2010; Lee 2011), the experiences of trafficked persons are increasingly intertwined with the territorial boundaries of the state, political boundaries of citizenship, and symbolic boundaries of national identity. A “citizenship gap” has emerged as a growing number of people “whose lives are subject to global markets and mobility without secure membership in a national community” lack access to social services, employment, and voice in political matters (Brysk and Shafir 2004: 6). For example, since 2006, temporary foreign workers in Canada outnumbered economic immigrants with permanent status (Citizenship and Immigration Canada 2011). However, as will be discussed further in Chapter 6, the rights of temporary migrant workers have not been protected under Canadian immigration law and, in some instances, Canadian laws have created more insecurity for migrant workers (Faraday 2012), including experiences of human trafficking for the purposes of labour exploitation (Hanley et al. 2006; Dowling, Moreton, and Wright 2007; Hastie 2012; Quarterman, Kaye, and Winterdyk 2012). Moreover, in the absence of legal protections, temporary migrant workers face incredible risk when issuing complaints against an employer, including loss of income and potential deportation (Hanley et al. 2006; Faraday 2012).

While citizenship gaps are creating significant challenges for contemporary migrants, trafficked persons – alongside refugees and irregular migrants – also pose a challenge to neatly bounded national identities and existing conceptions of citizenship (Lamont and Molnár 2002). Globalization, while intensifying the disparities within and between states, also “creates new opportunities and multiple venues in which to claim rights in other states and global institutions”

(Brysk and Shafir 2004: 8). This raises important questions about the relationship between human trafficking and its interaction with and effect on existing boundaries of social organization. Specifically, what do the representations and experiences of trafficked persons tell us about the redefinition of boundaries in an era of globalization? How is the conflict between human rights (e.g., rights of trafficked persons) and international systems boundary maintenance (e.g., national security) reconstructing boundaries of territory, citizenship, and identity? How are debates about human trafficking shaping the interaction between the state and gender, such as the relationship between sexuality, rights, morality, and the law?

Until this point, the theoretical discussion guiding this dissertation has largely focused on the economic factors associated with globalization, particularly the unequal distribution of resources and rising inequality within and between states. However, debates about the definition, extent, chronology, and value of globalization reveal the contested and often elusive nature of the concept.⁶⁷ Thus, it is important to note that globalization cannot be understood in solely economic terms; rather, globalization is a complex set of processes that are “political, technological and cultural, as well as economic” in nature (Giddens 2000: 28). Politically, debates about globalization focus on how processes of globalization are “reshaping the nature, role, and function of states” (Hebron and Stack 2010: 22) and, specifically whether the modern nation state is in a process of decline and eventual disintegration or evolution and reconstitution. Cultural globalization, on the other hand, emphasizes the global proliferation of ideas, norms, and values (Berger 1997). From a cultural perspective, globalization debates emphasize whether we are witnessing the unfolding of a homogenization of cultural practices and the emergence of transnational identities or the hegemonic proliferation of the values of predominant culture (i.e.

⁶⁷ For further discussion see Scholte (2000; 1997); Waters (1995); and Giddens (2000).

cultural imperialism (Harvey 1990; Ritzer 1993; Barber 1998). While debates over the effects of globalization continue, they do so precisely because scholars recognize globalization as an unfolding set of processes. To understand how trafficking discourses and the experiences of trafficked persons contribute to an understanding of contemporary processes of globalization, this study examines next some key debates about how globalization is shaping boundaries, specifically the relationship between globalization, state sovereignty, and citizenship and globalization as it relates to identity, belonging, and human rights.

With respect to the nation-state, scholars have debated whether globalization is depriving the sovereignty of the state leading to the decline of the nation-state (e.g., Camilleria and Falk 1992; Ohmae 1995; Strange 1996; Schmidt 1995; Giddens 2000; Wolf 2005) or whether the state will continue to play a key role in the twenty-first century (e.g., Hirst and Thompson 1996; Krasner 2001; Weiss 2003; Saul 2005; Sassen 2008). While the flow of people, capital, goods, services, information, and culture certainly challenge existing state-centric boundaries, heightened national security in response to perceived external threats reinforce the role of the State (see, for example, Winterdyk and Sundberg 2010). Clearly, globalization is contributing to the reconstruction of the State, which is "neither given nor fixed, and it is certainly not a fully formed political agent" (Nyers 2006: xii).⁶⁸ Since human trafficking has been cast alongside drug trafficking, arms dealing, and terrorism as global crime problems of endemic proportion, anti-trafficking discourses are one front on which the discussion of boundaries, rights, citizenship, and migration are playing out. In this way, the experiences of trafficked persons, whose lives are caught in the middle of the conflict between national security and human rights, offer key insight into how national boundaries are being imagined in an era of globalization.

⁶⁸ Also see Anderson (2006) on the socially constructed or "imagined" nature of nations.

Existing national boundaries are upheld by citizenship. Citizenship is a conceptual space where the state defines its relationship to the “other” (Brubaker 1992). By defining membership in a polity, citizenship by nature, “involves a dialectical process between inclusion and exclusion” (Kivisto and Faist 2007: 1). Again, a conflict emerges between humanitarian principles (i.e., human rights) – which have the perceived ability to challenge sovereign modes of inclusion and exclusion – and the sovereignty of the nation-state to insist on the role of the citizen as the primary political entity (Nyers 2006). In anti-trafficking debates, arguments have ranged from a call for unrestricted movement across international borders and global citizenship⁶⁹ (see Kapur 2001; Sharma 2003) to heightened border security in order to apprehend human smugglers and illegal migrants and thereby mitigate the risk of human smuggling turning into human trafficking (Shelley 2010). Similar to debates about national boundaries, anti-trafficking debates underscore the importance of examining what anti-trafficking discourses in Canada can tell us about the relationship between globalization and the reconstruction of global boundaries of inclusion and exclusion.

At the center of global boundaries of inclusion and exclusion are the interrelated concepts of identity, belonging, and human rights. Given the vague nature of the term “identity” and the various meanings attached to the term under the broad rubric of identity studies, some scholars have called for a reconsideration of its analytic usefulness (Brubaker and Cooper 2000). However, as Tilly (2003) points out, people continue to rely on social arrangements that demarcate boundaries between “us” and “them.” According to Tilly (2003), identity remains a useful concept that requires greater specification in its application. From this standpoint, Tilly (2003: 608) argues that identities are comprised of four component parts: “1) a boundary

⁶⁹ Also see debates about cosmopolitan citizenship, global civil society, and “post-sovereign” or “post-Westphalian” world order (e.g. Linklater 1996, 1998; Keane 2003; MacCormick 1996).

separating ‘me’ from ‘you’ or ‘us’ from ‘them’; 2) a set of relations within the boundary; 3) a set of relations *across* the boundary; 4) a set of stories about the boundary and the relations.” In this way, identities are intrinsically linked with boundaries and thus pivotal for understanding the politics of inclusion and exclusion.

The core of the debate about boundaries is the unequal freedom or right to movement both within and between national borders in an era of globalization where borders have become increasingly porous. In anti-trafficking debates in Canada, the rights of women to freely move within Canada and to migrate to Canada have been questioned (an issue to be discussed further in Chapter 6). By adopting anti-trafficking measures that restrict voluntary migration, the Canadian context provides important insight for understanding how anti-trafficking discourses are shaping contemporary experiences of globalization and the construction and re-definition of boundaries, citizenship, migration, and human rights.

Paralleling trafficking debates, studies of boundaries typically focus on international dimensions of inclusion and exclusion (see, for example, Held 2000; Cohen 2001; Andreas 2003; Nash 2010). However, the rights of Aboriginal communities to determine the political, economic, and social boundaries they establish in relation to other groups within Canada and Canadian society as a whole are at the heart of contemporary debates about self-governance (Schouls 2003). Interestingly, activists who “reject the power of the state to differentiate amongst ‘citizens’ and ‘foreigners’” connect their “pro-migrant politics” to “indigenous peoples’ struggles for traditional land and self-determination for all” (Sharma 2003: 62-63). In doing so, they create intellectual space to question existing boundaries on the basis of transnational principles. For instance, what do the experiences of both internally and internationally trafficked persons tell us about globalization and the reconstruction of boundaries? Smith (2007) connects arguments of

self-determination to the rights of Aboriginal women in particular. For her, “attacks on Native women’s status are themselves attacks on Native sovereignty” (Smith 2007: 99). In light of this, is there a relationship between the representations and experiences of trafficked Aboriginal women and the self-determination of Aboriginal communities? More generally, do the migratory experiences of internally and internationally trafficked persons challenge existing boundaries of sovereignty and citizenship in Canada?

Overall, the movement of people within and across borders, particularly the trafficking of human beings and anti-trafficking responses, have become integral parts of economic globalization. By examining the relationship between existing boundaries of inclusion and exclusion and the international and internal trafficking of individuals in Canada, this research contributes to the broader undertaking of understanding the social transformations occurring alongside globalization.

3.4 Summary of Analytical Framework

Given the complexity of practices and experiences encompassed by the concept of human trafficking, this study adopts a broad sociological lens that builds on two recent areas of human trafficking analysis that apply to the Canadian context, and, in doing so, lays the foundation for a third, novel area of investigative inquiry. As discussed, the first area of analysis situates human trafficking in the broader context of globalization (see Kapur 2002; Shelley 2010; Lee 2011) to consider the relationship between human trafficking and the unequal distribution of resources within Canada and between Canada and other source and destination countries. Although important for situating human trafficking experiences in their broader contributory context and questioning how anti-trafficking discourses are influenced by such situational factors, this

approach neglects a consideration of how certain representations of trafficked persons come to dominate anti-trafficking discourses above other narratives of human trafficking experience. For this, a detailed examination of anti-trafficking discourses and policies is needed.

With this in mind, this research draws on post-colonial development critiques to examine representations of trafficked persons and the social construction of these representations, which includes an analysis of the situational factors as well as the power dynamics underlying the domination of certain representations. In this way, the research builds on elements of the work of Doezema (2010) to examine how certain “truths” or “facts” about trafficking are accepted as legitimate, while others are neglected or discredited. This approach is particularly important given the highly politicized nature of anti-trafficking discourses. By accounting for the power dynamics involved in constructing representations of trafficked persons, the research creates space to question what representations are missing from dominant discourses and policy considerations in the country. While this form of critical analysis remains important, even necessary, in a context where anti-trafficking discourses are highly politicized and polarized, it fails to consider the discursive power of anti-trafficking debates, which are, in turn, shaping existing boundaries of social organization.

Since contextual and discursive approaches cannot account for the role anti-trafficking discourses play in constructing and re-defining boundaries, this research draws on sociological understandings of modes of inclusion and exclusion to consider human trafficking and anti-trafficking discourses as key players in shaping contemporary boundaries of social organization. This type of analysis is especially important in light of the high standing human trafficking has received as one of the world’s most profitable global criminal enterprises, cast alongside drug trafficking, arms dealing, and terrorism. In light of this status, anti-trafficking endeavors have

become highly politicized and polarized. As a result, efforts to control the human trafficking narrative occur on a number of discursive fronts, including border controls and national security, gender and sexuality, migration, anti-slavery, and human rights. A contextual understanding and an examination of the power dynamics underlying anti-trafficking discourses help explain existing representations of trafficked persons and how these representations are shaping anti-trafficking initiatives and policies; however, given the politicized nature of such representations, a logical next step in human trafficking analysis is to consider the role anti-trafficking discourse plays in shaping contemporary boundaries of social organization.

In this way, this research combines the two above-mentioned areas of analysis – contextual and discursive – to provide insight into the representations, both dominant and missing narratives, of trafficked persons as well as the broader sociological context in which these representations are formed. In doing so, this study also considers what representations of trafficked persons and anti-trafficking discourses can tell us about the redefinition of boundaries in an era of globalization. In other words, how are anti-trafficking debates shaping existing boundaries of social organization, including discussions of human rights, citizenship, migration, and national security? What role are anti-trafficking discourses playing in contemporary debates about mobility, autonomy, and self-determination? By presenting homogenous trafficking narratives, how do anti-trafficking discourses portray what Yuval-Davis (1993: 628) refers to as the legitimate “boundaries of the collectivity” and the corresponding processes of inclusion and exclusion? For example, how are anti-trafficking debates shaping the relationship between gender and state relations, such as the intersection between rights, sexuality, morality, and the law?

Overall, such an integrated analysis of human trafficking and anti-trafficking discourses will provide useful insight into how trafficked persons are being represented in anti-trafficking discourses, including a reflection on the situational factors and the power-knowledge processes underlying these representations. In turn, this study will provide critical insight to existing conceptualizations of human trafficking in Canada and anti-trafficking policies and initiatives in particular. However, the research will also inform broader sociological debates on how boundaries of inclusion and exclusion are being re-imagined in an era of globalization and what role discourses of human trafficking are playing in the ongoing construction of boundaries.

3.5 Research Questions

By combining a broad contextual lens with a critical discursive lens, informed by post-colonial, development thought, this study critically examines representations of trafficked persons in anti-trafficking discourses. By examining the representations of frontline workers, government representative, law enforcement, and other criminal justice representatives, the research aims to understand the following questions:

- (1) In the context of colonial legacies and globalization, how do anti-trafficking initiatives and frontline workers in Western Canada represent trafficked persons?
- (2) What power dynamics are shaping the adoption of certain anti-trafficking representations as legitimate or dominant?
- (3) What narratives are missing from these dominant representations and what are the experiences of individuals on the fringes of anti-trafficking initiatives and policies in Western Canada?

- (4) How can anti-trafficking initiatives and counter trafficking policies better respond to the rights of trafficked persons in Canada?

Information generated from answering these questions will not only clarify grey areas regarding human trafficking and contribute to knowledge on the issue, but acknowledges that existing representations of human trafficking and anti-trafficking initiatives are potentially creating insecurity for trafficked persons. Based on this, the overarching aim is to provide useful information to inform the development of strategies for better addressing the rights of trafficked persons in Canada.

In addition to the above questions, this study considers the role representations of trafficked persons and anti-trafficking discourses play in redefining contemporary boundaries of inclusion and exclusion. Hence, it aims to address the following questions:

- (1) What role do anti-trafficking discourses play in shaping existing boundaries of social organization, including debates over migrant rights, mobility, autonomy, and self-determination alongside debates about citizenship and national security?
- (2) How are anti-trafficking discourses framing the relationship between gender and the state, particularly the relationship between rights, sexuality, morality, and the law?

By responding to these questions, this research contributes to broader sociological debates about the social transformations occurring alongside globalization and the role anti-trafficking discourses are playing in shaping these debates and informing the redefinition of boundaries.

CHAPTER 4

RESEARCH METHODS

4.1 Research Design and Setting

Considering the political economy of market-driven globalization alongside post-colonial, development thought paves the way for alternative approaches to understanding human trafficking. This approach takes into consideration the links between colonization and contemporary development agendas in understanding how Canadian anti-trafficking initiatives represent and affect trafficked persons in Western Canada and how anti-trafficking policies might address the rights and experiences of trafficked persons. An examination of the relationship between human trafficking and existing boundaries of inclusion and exclusion further helps to develop an understanding of the trafficking of people in Canada and in responding to important dilemmas associated with globalization, such as the conflict between migrant rights and national security.

Given the nature of my research questions, this study is primarily qualitative, prioritizing focus groups and one-on-one interviewing. According to Mason (2002: 24), qualitative research is “characteristically exploratory, fluid and flexible, data-driven and context sensitive.” By responding to the data throughout my analysis, I was able to react to key issues, findings, and puzzles that were raised during the data collection process. In doing so, I remained sensitive to my position as an academic researcher seeking to understand the complex experiences of trafficked persons and the complicated networks of power that underpin human trafficking and anti-trafficking responses. Mason (2002: 121) further highlights that “qualitative research is very often about depth, nuance and complexity, and understanding how these work.” Human

trafficking is a complex social phenomenon (Lee 2011; Kaye and Winterdyk 2012); thus attentiveness to depth and nuance is essential in order to examine representations of human trafficking and anti-trafficking responses in Canada.

To critically examine Canadian anti-trafficking initiatives from the perceptions of frontline workers, trafficked persons, as well as others involved in anti-trafficking initiatives in Western Canada, I conducted field research in three Western Canadian cities: Vancouver, Calgary, and Winnipeg. Each of these cities was selected because they have a high proportion of migrant as well as sex trade workers. Both Vancouver and Winnipeg have been identified by RCMP intelligence reports “as ‘hot spots’ of trafficking in persons” (Oxman-Martinez, Lacroix, and Hanley 2005: 4). Oxman-Martinez, Lacroix, and Hanley (2005: 13) further indicate that Vancouver and, in particular, Winnipeg were the Canadian cities with the highest level of awareness of internal trafficking issues, especially those affecting Aboriginal communities; while also suggesting that trafficked individuals are rotated from Winnipeg to Vancouver to Calgary “to avoid staying in one place for an extended period of time.” According to the 2006 census, Winnipeg also has the highest urban Aboriginal population in the country, making up 10 per cent of the city’s total population. Since existing accounts indicate that Aboriginal communities affected by socio-economic forms of inequality are especially vulnerable to human trafficking (Oxman-Martinez, Lacroix, and Hanley 2005; Sethi 2007; Sikka 2009), this makes Winnipeg an important city for understanding the issue of internal trafficking in Canada.

To examine both international and internal anti-trafficking initiatives in Western Canada, my research participants included frontline workers in organizations that provide assistance to

trafficked persons,⁷⁰ especially including those that focus on issues of poverty, the needs of immigrants and refugees, advocacy and social rights, women's rights, Aboriginal rights, and services for individuals victimized by various types of abuse and violence. I also provided frontline workers with a description of my study and my contact information to pass along to the trafficked individuals that they work with.⁷¹ Since frontline workers assisted my contact with trafficked persons, the trafficked individuals represented in this study have all had some form of engagement with anti-trafficking services. Since I did not directly contact trafficked individuals, there are few trafficked persons represented in this study and their experiences should not be taken as representative of trafficked persons as a whole. Nonetheless, the voiced experiences of trafficked persons in this study provide key insight to understand their experience of anti-trafficking initiatives and associated representations of trafficked persons.

Other participants in this study included representatives of nongovernment organizations, policymakers, politicians, immigration officials, judiciary, city police, and RCMP officers working in the area of human trafficking. These participants provided useful insight into their perceptions of existing anti-trafficking approaches and, particularly, how individuals directly involved in designing and/or implementing counter trafficking strategies represent trafficked persons. A critical analysis of these representations further reveals the power dynamics underlying the adoption of certain representations of trafficked persons over and above other experiences of human trafficking.

⁷⁰ For the purposes of this study, frontline workers refer to individuals working in anti-trafficking related employment who have direct contact with trafficked persons.

⁷¹ Given the potentially traumatic nature of their experiences, trafficked persons were not directly contacted to participate in this project. Rather, I provided information about the study to frontline workers to pass on to individuals formerly victimized by human trafficking. Trafficked individuals were invited to participate provided they contacted the researcher.

In light of the multiple method approach employed by this study and the various data collection settings, the following sections discuss data collection techniques, sampling, and data analysis for each of the research methods. I also highlight how each method relates to my overarching research questions.

4.2 Document Collection and Analysis

Prior to conducting my field research and throughout my analysis of the data, I conducted an ongoing review of online news media⁷² as well as websites of international development organizations involved in anti-trafficking efforts, such as the United Nations and its agencies – United Nations Office on Drugs and Crime (UNODC), International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations High Commission for Refugees (UNHCR), United Nations Development Fund for Women (UNIFEM), as well as the International Organization on Migration (IOM), European Commission, Oxfam, Amnesty International, among others. I also reviewed Canadian nongovernmental organizations that provide assistance to trafficked persons (see Appendix 5 for a list of organizations) as well as government websites, such as Citizenship and Immigration Canada (CIC), Canada Border Services Agency (CBSA), Justice Canada, and Public Safety Canada. Further, I examined Canadian policy proposals, legislative debates, and legal documents.

Critical discourse analysis (to be discussed in the section on Analysis of Interview Findings) was used to examine how texts reproduce power and inequalities (Peräkylä 2005) and enabled me to examine how trafficked persons are represented in anti-trafficking initiatives.

⁷² News media was collected using Google Alerts for the following search terms: human trafficking Canada, human trafficking Alberta, human trafficking British Columbia, and human trafficking Manitoba.

Document review informed the key themes explored in the focus groups and qualitative interviews (see Appendix 6 for an open-ended guide for the focus groups and one-on-one interviews). Moreover, examining websites provided the names of people and organizations contacted for further participation in the project. Document analysis also provided useful information for contextualizing the responses of my focus group and interview data, such as the mandates of the organizations that the participants represent, their target populations, mission statements, and so on.

4.3 Focus Groups and Group Interviews

My examination of nongovernment organizations and government websites enabled me to identify organizations and community groups that work with trafficked persons or that identify as an anti-trafficking initiative. I contacted these organizations directly, inviting frontline workers to participate in the focus group discussions and group interviews of this study. Since there are a limited number of organizations in Canada that address the issue of human trafficking, I used snowball sampling by asking the initial groups I contacted to refer me to other groups working in the area. In total, I conducted two focus groups and three group interviews (two group interviews were held in Vancouver, each engaged with two participants; one focus group was held in Calgary and engaged with five participants; one focus group engaging four participants and one group interview with two participants were held in Winnipeg).⁷³

Focus groups and group interviews with frontline workers from organizations working to address the issue of human trafficking in Canada are an important aspect of this analysis for a

⁷³ Focus groups included four or more research participants, thus potentially representing a diverse range of ideas. Group interviews included either two or three research participants.

number of reasons.⁷⁴ First, focus groups and group interviews are a useful tool for decentralizing academic research. This is particularly important from a post-colonial standpoint because focus groups enable participants to potentially “take over” and “own” the research (Kamberelis and Dimitriadis 2005: 903). In doing so, this research draws on participatory approaches that allow the voices of those who work directly with trafficked persons to inform the research, rather than directing the study from a position of secondary knowledge. With this in mind, the discussion groups focused on four key considerations.

First, an introduction of the project to the group participants and a request for their opinion with respect to the study’s main questions and design. Given the participatory nature of this part of the study, the questions and themes explored in each focus group were flexible, but drew on the overarching themes of the research and findings of the document review. For example, the barriers the participants faced in tackling the issue of human trafficking in Canada; how existing government policies affect their work; and which policy changes they would recommend to improve their ability to address the rights and experiences of trafficked persons were explored. In the process of exploring these themes, future discussions and the one-on-one interview guide to address the key findings and questions raised during each focus group session were adapted.

Second, the participatory nature of focus group and group interview research enabled the inquiry to become directly involved in “the complexities of political activism and policymaking” (Kamberelis and Dimitriadis 2005: 905; Weis and Fine 2000). Since one of the overarching aims of this research is to inform government and nongovernment policy to better address the rights of

⁷⁴ The focus group portion of this research did not include trafficked individuals because there is no way of protecting the anonymity and security of trafficked persons in such a group setting. Rather, trafficked persons were included in the one-on-one interview portion of the study.

trafficked persons in Canada, it is essential that this study uncovers and explores the limitations of existing anti-trafficking policies and advocates for changes to these existing approaches. With this in mind, the focus group data was analyzed by searching for recurring and/or significant themes and comparing these themes with the findings of the document review.

Third, focus groups and group interviews have been found to provide a unique context to observe collective forms of meaning-making. They enable researchers to access “the kinds of social interactional dynamics that produce particular memories, positions, ideologies, practices, and desires among specific groups of people” (Kamberelis and Dimitriadis 2005: 904). By conducting focus groups with frontline workers involved in anti-trafficking initiatives, I (as the researcher) gained an understanding of how frontline workers are influenced by discourses of development and how these discourses shape their representations of trafficked persons and interpretations of the experiences of the trafficked persons that they work with. With this in mind, I maintained a critical, post-colonial lens while analyzing how focus group and group interview participants represent trafficked persons as well as the justifications they offered for such representations (e.g. patriarchy, feminism, religion, etc.).

Last, focus groups and group interviews are a practical way to generate a significant body of information with limited time and financial resources. They enabled me to introduce my research to a number of organizations working in the area. In turn, I was also able to request participation in the one-on-one interviews and schedule the interviews for the limited time period when I was present in each of the three cities.⁷⁵ By connecting with frontline workers through focus groups, I was also able to provide them with a description of my study and contact information to pass on to trafficked individuals for possible participation in one-on-one

⁷⁵ While a handful of participants participated in both the focus groups/group interview and one-on-one interviews, most participated in either one or the other.

interviews. Further, the key themes raised during the focus group discussions, in addition to the document review, helped to inform the questions asked during the face-to-face interviews. This provided a rich foundation of data to inform the more in-depth questions that were posed in the one-on-one interview setting.

4.4 One-on-one Interviewing

The interviews constituted the primary source of data collection for the study. In total, 56 one-on-one interviews (16 in Calgary; 21 in Vancouver; and 19 in Winnipeg) were conducted. The interviews took the form of a face-to-face or, when not possible, over-the-phone conversations and involved open-ended discussions (see Appendix 6 for a list of questions used to guide the interviews). In each of the three cities, I contacted frontline workers and other NGO employees, policymakers, representatives of the judiciary, immigration officials, city police, and RCMP officers directly to request their participation in the interview. Frontline workers who attended the focus groups were also asked to participate in an interview. As mentioned, each participant received a description of the study, the researcher's contact information, and a request for interview participation as well as an additional request to pass on to any trafficked individuals using the services of their organization. As a result, some trafficked persons were also engaged in one-on-one interviews. In light of my research purposes, the themes explored in the interviews with policymakers, immigration and law officials, frontline workers, and trafficked individuals differed. Policymakers, immigration officers, criminal justice representatives, and law enforcement officials helped inform my understanding of Canadian anti-trafficking policy and

how government initiatives represent trafficked persons and anti-trafficking responses.⁷⁶ These interviews also provided key insight into the nature of existing boundaries and security dilemmas in Canada. Interviews with frontline workers built on the focus groups and group interview discussions to contribute to an understanding of how frontline workers represent the experiences of trafficked persons and what rights and experiences of trafficked persons are neglected in anti-trafficking discourses and policies. Lastly, interviews held with individuals victimized by human trafficking explored how they understand their own experiences or knowledge of human trafficking in Canada and the organizational structures that claim to address their needs.

As already mentioned, the themes explored in the interviews are based on the initial findings of the document review and focus groups and group interview discussions. The open-ended nature of the interviews enabled me to follow-up on additional questions that were raised during the interviews or throughout the interviewing process. Notwithstanding the loose structure of the interview schedule, some of the main questions addressed in the interviews with frontline workers and state representatives include:

- 1) What is the current state of human trafficking in Canada?
- 2) What are the on-going experiences of trafficked persons?
- 3) How do policies or designed interventions respond to the experiences of trafficked persons?
- 4) What are the strengths and limitations of existing anti-trafficking strategies?

⁷⁶ Although the existing literature suggests that trafficking discourses center around issues of national security and international trafficking of women into sex industries, there has been very little research done on the Canadian context, particularly since the incorporation of anti-trafficking offences into the Canadian criminal code and the provision of temporary resident permits for trafficked persons. Thus, it is important to draw on the knowledge of policymakers, immigration officers, and law enforcement officials to question whether the existing literature represents an accurate reflection of current anti-trafficking discourses in Canada.

5) What amendments are necessary to effectively respond to the limitations?

In light of the themes informing the questions above, frontline workers, policymakers, immigration officials, city police and RCMP officers were asked further questions regarding their employment and were asked to describe their opinions, working knowledge, and perceptions of the trafficking industry and anti-trafficking responses in their respective cities. Over-the-phone interviews were used when respondents were unable to schedule an interview while I was in the specific city. In these cases, I sought verbal consent to participate in the study after ensuring the participant had adequate understanding of what the research was about and what level of anonymity/confidentiality they could expect.

Trafficked individuals and respondents that self-identified as having experiential knowledge of sex industries,⁷⁷ on the other hand, were asked about their own experiences and were invited to share their opinions about the anti-trafficking initiatives claiming to respond to their needs. For these interviews, participants were given the option of using an over-the-phone interview in lieu of face-to-face, which offers a high level of anonymity where their identity would have been anonymous. However, in each of these interviews, the individual agreed to meet in person. Thus, I provided the participants with a signed consent form, which indicated I would use a pseudonym to protect their identity. When permission was granted, the interviews were audio recorded and where denied, detailed notes were taken.

4.4.1 *Analysis of Interview Findings*

My analysis of the interviews is twofold. First, I examined the information from the interviews and focus groups/group interviews for recurring and significant themes and compared these

⁷⁷ In total, 8 participants self-identified as having been an experiential worker with past or current involvement in sex industries and/or as having been a trafficked person.

themes with the findings of the document review. By adopting a thematic approach, the research remained sensitive to the ways the participants represent anti-trafficking approaches and experiences of human trafficking. While this approach drew on the method of content analysis, it recognized that such approaches are not homogenous. Used by both qualitative and quantitative researchers, content analysis can assess the repetition of particular words or actions, known as manifest content (e.g. assessing the frequency of specific recurring words, such as consent, victims, etc.) (Babbie and Benaquisto 2002). Another form of content analysis examines the underlying meaning of communications, known as latent content (e.g. assessing the overarching occurrence of themes, such as trafficked persons being portrayed in terms of their victimization, innocence, or resilience). An examination of recurrent and/or significant themes remains sensitive to both manifest and latent content. However, rather than presupposing specific concepts or categories, this research approaches the data with an open, qualitative lens to uncover the thoughts, ideas, and meanings of the research participants (Strauss and Corbin 1998). Since this project is concerned with the depth and nuances necessary to understand a diverse range of experiences, such an approach uncovers how participants represent human trafficking and anti-trafficking initiatives.

Second, from a post-colonial perspective, I drew on the ideas of critical discourse analysis to examine how the recurring or significant themes reflect the reproduction of power and inequality in anti-trafficking discourses. Critical discourse analysis is concerned with how texts produce and reproduce power and inequalities (Peräkylä 2005). A core assumption of this approach is that the production and reproduction of power and authority occur through language use (i.e. through discourse) (Stenvoll 2002). In other words, rather than taking text at face value, critical discourse analysts recognize that discourses are a form of social practice produced

through the dialectical interaction between language and social context (Fairclough and Wodak 1997). With this in mind, I built on my initial analysis of the recurring and/or significant themes by adding the contextual elements essential to understanding the discourse.⁷⁸ Specifically, in the context of globalization and the political economy of human trafficking, discussed above, I used a post-colonial lens to examine the context in which anti-trafficking discourses occurred as well as the potentially unequal effects of these discourses for/on individuals involved (e.g. general public, policy makers, trafficked persons). For example, an examination of the interaction between national security and human rights of trafficked persons requires a contextual understanding of historical significations of what “national security” means as well as an examination of the potentially unequal consequences of associating anti-trafficking with heightened border security. In this way, I explored how respondents represented trafficked persons alongside the context in which such representations are produced and reproduced. Moreover, I questioned how anti-trafficking policy and action affect trafficked persons. Finally, since critical discourse analysts are concerned with exposing and challenging the discursive reproduction of power and authority (Stenvoll 2002), this examination was aimed at uncovering how anti-trafficking policies and initiatives can better respond to the rights and experiences of trafficked persons in Canada.

Overall, the qualitative nature of this research enabled me to follow the key puzzles raised throughout my research and analysis, including explorations of the representations of trafficked persons in Western Canada as well as the strengths and limitations of existing anti-trafficking initiatives. Based on the findings of a rich array of data generated by the multiple

⁷⁸ Stenvoll’s (2002) critical discourse analysis of national newspaper reports on cross-border prostitution in Northern Norway provides a useful example of how to apply the ideas of critical discourse analysis in a related field of inquiry.

methods adopted in this study, recommendations are proposed to enable government and nongovernment anti-trafficking policymakers to better respond to the rights and experiences of trafficked persons.⁷⁹ Further, the study makes broader speculations about the relationship between human trafficking and the redefinition of boundaries associated with globalization.

4.5 Assessing Validity

Mason (2002: 188) highlights that validity is embedded in a good research design and appropriate methods: “judgments of validity are, in effect, judgments about whether you are ‘measuring,’ or explaining, what you claim to be measuring or explaining.” From this perspective, document collection, focus groups, and qualitative interviewing are effective methods of generating data on the representations of trafficked persons and the strengths and limitations of existing anti-trafficking approaches that claim to address the experiences of trafficked individuals in Western Canada. Document collection helped to uncover Canadian anti-trafficking discourses and the representations of trafficked persons transmitted by these discourses. The documents also informed the themes that were explored through focus groups, group interviews, and one-on-one interviews. Building on post-colonial, development ideas, the focus groups democratized the research by enabling frontline workers to inform the key themes explored in the study while simultaneously providing insight into their representations of anti-trafficking initiatives and trafficked persons. Further, the one-on-one interviews built on the findings of the document review and focus groups/group interviews to provide detailed understanding of how trafficked persons are represented in anti-trafficking discourses and the

⁷⁹ With this in mind, I currently serve as a Research Advisor for the Action Coalition on Human Trafficking (ACT) Alberta. In this capacity, findings from this study contribute to deliberations with key government, nongovernment, and law enforcement stakeholders in the development of a service provision protocol for responding to the experiences of trafficked persons in Alberta.

potential consequences of such representations. In particular, by analyzing the recurring and/or significant themes that emerge from these detailed interviews, a post-colonial, development lens combined with critical discourse analysis uncovers the power dynamics shaping the legitimization of certain anti-trafficking representations above other representations or the exclusion of some experiences faced by trafficked persons. In the end, this multiple method approach provides insight into how anti-trafficking initiatives can better respond to the rights and experiences of trafficked persons in Canada, especially Western Canadian provinces.

Using multiple methods and obtaining a variety of perspectives is also important given the sensitive nature of the research topic. As Rubin and Rubin (2005: 68) suggest: “when you are studying controversial issues, you want to obtain all sides.” By employing multiple methods, this research accounts for the complex nature of this topic and the diverse experiences represented by the single label of “human trafficking.” Specifically, multiple methods allowed me to approach the research questions from a variety of angles and explore the “intellectual puzzles” as they arose in a “rounded and multifaceted way” (Mason 2002: 190). This proved especially important in the city of Vancouver given the highly politicized nature of human trafficking discourses and anti-trafficking agendas, a matter that will be discussed in the next chapter. Drawing on the diverse perspectives of frontline workers, trafficked persons, policymakers, immigration officials, city police and RCMP officers – including multiple standpoints on anti-trafficking debates within these participant groups – provides a multifaceted perspective from which to inform future government and nongovernment action in the area of human trafficking prevention and response.

Finally, Mason (2002: 191) reveals the importance of demonstrating the validity of research interpretations: “validity of interpretation in any form of qualitative research is

contingent upon the ‘end product’ including a demonstration of how that interpretation was reached.” With this in mind, I persistently explain and justify my methods at each stage of the research and transparently and reflexively present my interpretations. Moreover, I enhanced this aspect of validity by remaining flexible throughout the research process and adapting my study to align with the findings that were derived during my review of the documents as well as throughout the process of conducting the focus group meetings and one-on-one interviews. Furthermore, by analyzing the data for recurring and/or significant themes, I allowed the narratives presented by the research participants to inform my interpretations of anti-trafficking discourses and representations of trafficked persons. In this way, other researchers adopting a similar theoretical perspective could uncover similar observations from the collected data. Finally, I have and intend to continue to subject my findings to the academic rigor of the peer-review process. Specifically, I engaged my findings and interpretations by talking with my supervisor, committee members, and colleagues throughout my analysis of the data and writing of the dissertation. I also presented some findings at academic conferences⁸⁰ and plan to submit portions of my research in the form of peer-reviewed academic journal articles. Ultimately, I plan to submit a proposal for a scholarly manuscript to an academic publishing house.

⁸⁰ Selected presentations include: “Human Trafficking, National Security, and Humanitarian Principles in Canada” at the annual Canadian Association of Refugee and Forced Migration Studies conference (Toronto, Ontario); “Mobilizing a Response: Human Trafficking in Alberta” at the annual Alberta Community Crime Prevention Association conference (Calgary, Alberta); and “Anti-Trafficking Discourse and Immigration Policy in Canada: New Modes of Insecurity” forthcoming at the annual meeting of the Canadian Sociological Association (Victoria, British Columbia).

4.6 Ethical Considerations

There are some key ethical considerations accompanying this research that I took into account. Particularly, I filed an ethics application with the University of Saskatchewan Behavioural Research Ethics Board (Beh-REB) concerning the focus groups and qualitative interviewing portions of this study. Preparing an ethics application required caution and sensitivity because my research focuses on a potentially vulnerable population. Based on consultation with the Behavioural Ethics Facilitator at the University of Saskatchewan, I built some important precautions into my research design that addressed potential ethical concerns. First, since trafficked persons are part of a vulnerable population, I did not directly contact them to participate in my study. Rather, I provided my contact information to the frontline workers, along with a letter describing my study, and requested that the potential participants contact me if they were interested in participating in the study. I also provided these participants with the option of conducting over-the-phone rather than face-to-face interviews; this allowed them to remain completely anonymous for the purposes of the study. The other potential participants, including frontline workers, policymakers, and immigration and police officials, were directly contacted because their participation in the research project was based on their position within a bureaucratic institution. These respondents were asked questions based on their occupational knowledge rather than personal information about their experiences. The participants were all 18 years of age or older and there was no remuneration or compensation offered to those who participated in the study. Consequently, potential participants did not feel coerced or obligated to participate.

The confidentiality of interview participants is of utmost importance. As one frontline worker states in an interview from a study conducted by Oxman-Martinez, Lacroix, and Hanley:

We, too, have had threats. The women, too, have threats. All kinds of threats, like on your own person. That's why I hope you will respect the confidentiality, and why we can't mention the names of the people, of the victims nor the groups either (2005: 22).

In light of the potential danger faced by participants in this dissertation research project, the following steps were taken to protect the confidentiality of my informants. Prior to the interviews I informed participants, both through informed written consent as well as verbally that the interviews are confidential and their names will not be directly identified in the write-up of the results. With this in mind, I assigned pseudonyms to the interview files and omitted participant names, including pseudonyms in the write-up of the results.

Further, I omitted the particular occupational positions held by the participants in the analysis of the interviews with frontline workers; however, I include the names of the type of organizations they represent unless the participant requested otherwise. Notwithstanding such measures to protect participants' identities, I informed participants of the possibility that individuals working in their field might recognize them based on the information they provide in the interview or the type of organization they represent. I also notified participants that although I will maintain high standards of confidentiality and anonymity, I would not be able to guarantee that other participants in the focus groups will uphold similar standards. Both these stipulations provided participants the opportunity to withhold information they felt might identify them or put their person in danger or withdraw from participation. Overall, the risks involved in participating in my study are no greater than those encountered by the subjects in everyday life.

In the end, the primary ethical consideration was to ensure that the benefits of the study outweighed any potential risks. Given the sensitive nature of my topic, I integrated important

precautions into my research design that lessened potential risks. As discussed, the flexibility of qualitative research as well as the use of multiple research methods enabled me to respond to the puzzles and complexities as they arose and thereby allowed me to remain sensitive to the nuances of the study. As a result, this study is based on significant and academically sound research questions that will generate important insight for addressing the issue of human trafficking in Canada.

CHAPTER 5

REPRESENTATIONS OF TRAFFICKED PERSONS: THE LEGACY OF INTERNATIONAL DEFINITIONAL BATTLES

In light of the contested nature of the definition of human trafficking and the politicized and polarized discussions that led to the adoption of the UN Protocol (detailed in Chapter 2), this chapter examines the ongoing construction of anti-trafficking discourses by analyzing representations of trafficked persons in Western Canada. The examination of Vancouver, Winnipeg, and Calgary reveal that while human trafficking occurs in multiple sites, including internal and international trafficking for the purposes of labour exploitation and sexual exploitation, anti-trafficking discourses in Western Canada were clearly dominated by discussions of sexual exploitation. This can, in part, be attributed to the legacy of international protocols that equated prostitution and human trafficking, such as the 1949 United Nations Convention for the Suppression of Traffic in Persons and the Exploitation of Prostitution of Others, and the polarized discussions leading to the adoption of the UN Protocol. While the 2000 UN Protocol expanded the definition of human trafficking, the polarized discussions over the “victim” or “agent” status were centered on prostitution as a form of trafficking versus sex work as a form of labour. Since the architects of the UN Protocol were unable to reach consensus over the victim or agent status of trafficked persons and the role of coercion and consent in human trafficking experiences, these debates continue to inform highly contested definitions of what constitutes human trafficking at the national level. In Canada, these discourses remain highly contested and, as will be seen in the discussion and analysis that follows, have at times silenced, disciplined, and criminalized the experiences of trafficked persons as well as migrant women and sex workers.

5.1 Human Trafficking as Sex Trafficking: A National Struggle

National debates draw on anti-trafficking discourses to advance polarized lobby efforts in an attempt to inform prostitution legislation and to shape the relationship between human trafficking, sexual exploitation, sex work, and prostitution. The outcomes of two recent court cases inform the developing context of the debate over prostitution legislation that featured prominently in the representations of trafficking persons and anti-trafficking discourses of the research participants.

In March 2012, the Court of Appeal for Ontario denounced some of the country's prostitution laws indicating they violate the constitutional right of sex workers to protect themselves from harm (Court of Appeal for Ontario, *Bedford v. Canada* 2012). While public solicitation of customers on the street remains illegal, the decision enables sex workers to work indoors in organized bawdy houses and to hire drivers, bodyguards, and other support staff to help facilitate safer practices. However, the court withheld implementation of the law for a period of one year to enable the federal government to amend the Criminal Code. The federal government is appealing the decision to the Supreme Court of Canada and a ruling on the appeal is pending. Meanwhile, Vancouver advocates, particularly Sheryl Kiselback, a former sex worker, and the Downtown Eastside Sex Workers United Against Violence Society, were granted the right to challenge Canada's existing prostitution laws on the basis that the law violates the constitutional rights of sex workers to equality, freedom of expression, and freedom of association (Globe and Mail, September 21, 2012). This right was granted following a unanimous ruling that dismissed the federal government's appeal to prevent the case from proceeding to the British Columbia Supreme Court. Drawing on discourses of human trafficking,

these legislative battles provide a national context for ongoing and highly politicized lobby efforts to shape Canadian prostitution policy.

While the politicized nature of these debates continues to intensify in Canada, it is important to examine provincial variations in defining local narratives shaping the discourse. While definitional debates over the nature of human trafficking discourse persist in each city, key local narratives shape the nature and politicization of the debate and how trafficked persons are represented. Moreover, all sides of the debate draw on discourses of women's rights to justify their respective response models and claim to better protect trafficked persons. In turn, the politicization of the discourse has limited realistic policy discussions to effectively advance the rights of trafficked persons and, in doing so, has had a substantial effect on the nature of responses in each of the provinces under investigation.

5.1.1 *Vancouver Representations: Missing Women, Raids Gone Wrong, and Olympic Fever*

Human trafficking discourses, particularly discourses surrounding trafficking for the purpose of sexual exploitation, were most highly contested in Vancouver, British Columbia. In fact, anti-trafficking discourses in Vancouver are driven by undertones of violence and hatred between proponents of decriminalization, who advocate for decriminalizing the sale and purchase of sexual services, or abolitionists, who generally argue for the adoption of the Nordic or Swedish model that decriminalizes “the prostituted person” while criminalizing the purchase of sexual services or profiting off the sexual services of others (Waltman 2011: 450).⁸¹ As one provincial

⁸¹ In light of this highly politicized environment, research emerging from the context of Vancouver must be critically assessed. Multiple interview respondents referenced unethical and intentional biasing of research findings in support of morally derived ideological viewpoints. Given the researcher's position as an outsider of the city, this study was able to engage in interviews with individuals from multiple perspectives.

government official reveals: “It was much more violent than I thought. And these women are dealing with violence against women and they are so violent towards each other. It’s stunning, and I have never gotten over that and it’s never improved” (Vancouver, 01/11). Advocates on both sides of this debate described themes of violence, emotionally charged interchanges, and even emotional and physical abuse. One self-proclaimed abolitionist social service provider described personal threats she had received to vacate the city. In another instance, a sex worker rights advocate expressed her anger towards abolitionist approaches, which have jeopardized her personal safety as well as the safety of her friends and colleagues. She also discussed personal threats she has received for advocating on behalf of sex workers rights:

[T]he abolitionists, in the end, all they care about is getting their own personal goals of eliminating prostitution and the only way that’s going to happen is if they kill us, which has happened. Eight of my friends are dead....and it’s [all been] so sensational people were making death threats against me (sex worker rights advocate) (Vancouver 01/11).

The intensity of the debate is further exemplified by the use of war metaphors, including descriptors such as “minefield” and “allies” versus “enemies” that were alluded to in multiple interviews. For example, a provincial government official described the debate as: “it’s a minefield...so NGOs, they can kill each other; they are brutal, nasty to each other” (Vancouver 01/11). Drawing on the language of “allies” versus “enemies” a social service provider indicated: “we have created allies through our identity as abolitionists, so through our political beliefs and our trust in each other” (Vancouver 01/11). Others try to distance themselves from the violence between advocates by aligning themselves with individuals involved in the sex trade: “...it took time to get someone to understand that we were just allies of mainly the women and we are not

judgmental” (frontline worker) (Vancouver 01/11). As this quote suggests, much of the anti-trafficking discourse draws on varying perspectives of how ideology and morality intersect with sexuality, which often invokes morally charged discourses and, at times, moral panic.

The dynamics underlying anti-sex trafficking discourses in Vancouver can be examined in the context of three key recurring and significant narratives that have contributed to a highly politicized and, at times, toxic environment whereby advocates “battle” to control the language of human trafficking, leading to polarized and, at times, ineffective responses to human trafficking: 1) the case of serial killer Robert Pickton; 2) a failed attempt at a cross-sector collaboration to coordinate a raid on massage parlours; and 3) sensational awareness raising at the 2010 Vancouver Winter Olympics.

First, research participants in Vancouver referred to the case of serial killer, Robert Pickton and the experience of watching many friends, sisters, and colleagues go missing, especially from the downtown eastside. As one anti-trafficking and sex worker rights advocate indicated:

The rage I experience when I'm listening to abolitionists speaks of some unhealed wounds which may be really real, I don't question that. We have the Pickton case, and to have women that you have known and worked with, disappear. Like of course it'll reach you...I just think there is so much grief over the losses of our women that the trafficking discussion has just not really, there's just been so much loss” (Vancouver 01/11).

This advocate as well as other service providers in Vancouver suggested that the fear created by the disappearance of women from the downtown eastside provided a context for sex workers to mobilize and defend their rights as well as the rights of trafficked persons, who they are in a good position to identify. In doing so, their representations of the need for safer and better working environments have come into conflict with dominant anti-trafficking discourses shaped by abolitionist perspectives to eliminate all forms of prostitution. The abolitionist advocates also draw on “experiential” or, in this case, victim narratives to justify their understanding of

prostitution as a form human trafficking and associated policy recommendations. For example, Trisha Baptie, “founded Honour Consulting in 2008 after finding her voice and politics when she covered the Robert Pickton trial as a citizen journalist from her intimate knowledge of Vancouver’s downtown Eastside and her perspective as a friend to his victims... Honour Consulting operates under an abolitionist ideology and vision based on Trisha’s fifteen-year experience in Vancouver’s sex industry” (Honour Consulting 2011: n.p.). Thus, while multiple experiential narratives mobilized in response to the insecurity and threat created by serial killer Robert Pickton, these responses have been polarized into a dichotomous battle over the right to represent the lived experience of women in sex industries and, in doing so, to define the language and terms of sex trafficking and inform the policy response. In such a polarized context, no one representation can be seen as dominant; however, the violence underlying both approaches undermines effective dialogue to address the limited protection of trafficked persons. Thus, both polarized perspectives fail to adequately capture the complexity of the lived experiences of human trafficking.

Combined with these narratives, the controversial public inquiry into the investigation of the missing and murdered women by both Vancouver City Police and the RCMP has fuelled a context of further mistrust between law enforcement and service provision sectors. The public inquiry was fiercely protested from the outset until the day it ended. Protesters dismissed the inquiry as:

Unfair, incomplete and above all, unable to truly answer why the justice system failed... families of Pickton’s victims remain unconvinced their voices have been heard and listened to, although their complaints have grown louder with each passing day of the hearings and the families now condemn the hearings as a complete failure (Vancouver Sun, June 6, 2012).

This climate of mistrust creates further context for the mobilization of sex workers to advocate on behalf of their own rights as well as challenges the creation of effective cross-sector partnerships to address the complex experiences of trafficked persons. As one service provider indicates:

I just didn't know that there would be so much suspicion between NGOs and cops...a couple weeks ago [in the downtown eastside] there was a case of police brutality against a prostituted women. That stuff you can't believe happens anymore. You think, 'are you kidding me?'" (frontline worker) (Vancouver 01/11).

Challenged relationships between law enforcement and frontline workers also underscore the second defining narrative that has shaped the politicized nature of anti-trafficking responses in Vancouver.

The second recurring narrative informing representations of trafficked persons and responses to human trafficking in Vancouver is a failed attempt to carry out coordinated raids of massage parlours throughout the lower mainland of British Columbia in 2006. The effort involved multiple law enforcement agencies, including RCMP detachments in Coquitlam, Surrey, Richmond, and Burnaby as well as Vancouver City Police and the Integrated Border Enforcement Team (provincial government and law enforcement representatives [Vancouver 01/11]; National Post, December 9, 2006). The raid was an attempt to implement a partnered response to human trafficking by involving the British Columbia Office to Combat Trafficking in Persons (BCOCTIP) and the non-government partnerships established by BCOCTIP.

On December 7, 2006, 18 massage parlours were raided and, despite assurances to BCOCTIP and the non-government partners that the women working in the parlours would not be arrested, more than 100 people were taken into custody. Of those taken into custody, 78 were – at the time – suspected “victims” of human trafficking. The media was also notified of the raid and images of the arrests were published (see Appendix 7 for an example of the sensationalized

media coverage of the night, including documentation of the women working in the massage parlours being handcuffed and arrested). The following excerpt from a British Columbia government representative details the experience of partnering with law enforcement for this raid effort and the subsequent disillusion of the nongovernment partners:

They had been doing an investigation for about 8 months; we had been brought in probably at about the 3-month point. And they told us little bits about the date they had selected, and they said that they would probably free 100 trafficked women. They had located 18 different brothels all over Vancouver, so we lined up quite a few of our partners, and we had beds available, and we had interpreters and other very large pieces of it. And we were attached to – we had divided ourselves – and we were all attached to different RCMP detachments. And some detachments didn't know we were coming and some did, it was very badly coordinated. And the condition for the NGOs to become involved was that women were not to be arrested and not handcuffed. Both of those things happened, almost instantly. And they filmed it, they had let the media know and they were following them around. It was just a zoo. It was terrible...we didn't know any of that was going to happen. They completely violated the conditions that we put forward for being involved. It was a big media circus. And absolutely no women were found to be trafficked and no charges were ever laid. It was terrible. So what we learned out of that was to keep it very small...we are not frontline workers, our role is really to coordinate” (Vancouver 01/11).

As discussed later, this shift away from service provision hampered the provincial response model, further discrediting the province's response in the eyes of service providers. However, disengaging from service provision was a common theme emerging from the experience of this raid. In the words of a frontline worker:

That [multi-sector collaboration] culminated in a set of massage parlours being raided, 18 of them in December 2006, during which they found no trafficked persons. And I was kind of, to be honest, devastated. I was angry for two years...I was just enraged...and it wasn't that we had agreed on anything that calls into question the potential for those kinds of collaborations, they are necessary. But the very first thing I said, at the very first meeting, was that we don't support raid and rescuing women. There are ways in which community can work such that women can identify themselves if they need assistance and they are not stupid, they know when they need assistance and will let us know...the fact that the women were violated and their pictures were in every little newspaper and what happened was that the women moved into even less safe places to work...coming out of that, I'm not doing a lot of direct service work (Vancouver 01/11).

While this participant recognized the importance of collaborative responses to human trafficking, the experience of this raid created significant mistrust between law enforcement and the provincial government and nongovernment efforts and attempts to re-establish effective partnerships became limited. Moreover, the experience raises questions about the representation of trafficked persons that led to the raid in the first place; namely, the assumption that women, primarily of Asian descent, working in massage parlours are likely to be victims of human trafficking. Yet, both law enforcement and service provider representatives attested that no “victims” were found through the raids.

In the context of this mistrust, the law enforcement approach was described as a “top-down” model with limited ability to develop effective partnerships:

There just wasn't an appetite to formalize a relationship at the RCMP, so it just wasn't going anywhere. That's the imbalance, unless they wrote it and controlled it and put us into the picture instead of doing it jointly, they weren't interested... I think that would be a key part of a plan of action, formal relationships between all the partners. But we just couldn't make it happen, very one sided (provincial government representative) (Vancouver 01/11).

It is important to note that government, service providers, and law enforcement representatives recognize the importance of cross-sector collaboration in responding to human trafficking. However, as the coordinated raid experience in British Columbia reveals, law enforcement must move beyond traditional “top-down” approaches of partnering with government and non-government entities and all parties involved must have a realistic understanding of the goals of the collaborative effort. Additionally, the power dynamics underlying such partnerships must be assessed. For instance, law enforcement, in this case, had the power to detract from commitments that were made regarding the treatment of potentially victimized individuals targeted in the raid based on their perception of security risk. Citing Cpl. Norm Massie, Canwest

News Service reported, “some of the potential victims were handcuffed by police during the raids, which he said had to be done to secure the scenes and ensure officer safety” (National Post December 6, 2006). Yet, in the context of human trafficking, ensuring the cooperation of trafficked individuals requires levels of trust that can be irreparably damaged by such enforcement-based tactics. Yet, gaining the trust and cooperation of trafficked persons is one of the primary challenges faced by law enforcement in proceeding with human trafficking charges. The following excerpt reflects law enforcement’s need for collaboration as well as a possible lack of appreciation regarding the degree and legitimacy of distrust with their non-government partners:

I like the partnerships we have with a lot of our NGOs. Traditionally the police and NGOs haven’t traditionally gotten along, which makes no sense to me. I think once we explain to them and show them that we really do care about these victims, then they’re much more on board. They’re still quite guarded with us, but we need them to help us with our investigations. If a victim goes to an NGO and nongovernment organization, they’re seeking help, our number one priority is the safety of the victim, also we want to charge people (law enforcement representative) (Vancouver 01/11).

While the respondent recognizes the importance of responding to the needs of victimized individuals, it is also clear from this excerpt that obtaining a criminal charge is a key priority for law enforcement. While such charges are an important part of any country’s response to human trafficking, true cross-sector collaboration requires a more detailed examination of the power dynamics (e.g. funding, mandates, etc.) and a realistic understanding of the goals of each partner represented in the collaborative effort. In the absence of such recognition, experiences such as this raid can create mistrust and disillusionment, which can derail collaborative efforts at responding to human trafficking for years to come. In the end, this failed collaborative effort continues to shape politicized discourses about what constitutes human trafficking in Vancouver.

The third recurrent and significant narrative shaping politicized discourses in Vancouver is sensationalized discourses of human trafficking. While sensational awareness-raising campaigns were identified as problematic in each of the provinces under investigation, the winter Olympics in Vancouver provided a public forum for sex workers rights advocates and abolitionist advocates to advance their respective causes, further politicizing discourses of human trafficking and the confused relationship between human trafficking and prostitution, sex work, and sexual exploitation. As one frontline worker indicated: “there was a huge brouhaha about the thousands of women who were going to be trafficked.” However, no charges of human trafficking were laid during the Olympics, a reality that advocates of both abolition and decriminalization attribute to their respective causes.⁸²

On the one hand, abolitionist advocates claim that effective awareness campaigns prevented the anticipated influx of sex trafficking during the Olympic Games. In fact, as the following excerpt reveals, some argue that the Olympic organizing committee stifled awareness campaigns:

It was challenging during the Olympics, all of the material we created for the Olympics, the awareness cards...they wouldn't let us distribute it because there was this whole mentality that there is no downside to hosting the Olympics, don't put that stuff here...it took all the enjoyment out of the Olympics, and there were no incidents in the end (Provincial government representative) (Vancouver 01/11).

While this participant indicated there were no incidents, others suggested that the Olympics pushed forms of sex trafficking further underground or into satellite communities outside Vancouver:

⁸² It is worth noting that while no charges of human trafficking were laid, one Abolitionist agency claims to have offered services to “five victims of human trafficking” during the Olympic events (frontline service provider) (Vancouver 01/11).

The Olympics impacted the spread of massage parlours and micro brothels...we just don't have the resources to make a statement about this is happening and how serious the situation is or not...with the media and the Olympics we had a lot of push in the identification...so it pushed a lot of the things people didn't want to see to the valley.

Advocates of decriminalization, on the other hand, argue that a lack of criminal charges reflects that heightened concerns of sex trafficking leading to the Olympic games provide an example of moral panic on the part of Abolitionist perspectives. For example, predicting a dramatic increase in human trafficking leading up to the 2010 Olympic games, the Salvation Army led *The Truth Isn't Sexy* anti-trafficking campaign, including lurid images of women and slogans, such as: "Imagine being stolen. Raped repeatedly. Beaten repeatedly. Sold. Trafficked. Forced into sex work..." (The Salvation Army 2008). In response to the campaign, Vancouver Police Inspector John de Haas "argued that information campaigns should be grounded in facts and 'not cause hysteria'" (GAATW 2011: 18). As another law enforcement representative indicated: "there's a lot of misinformation about what is human trafficking...it is a very sexy name...I know during the Olympics people said there was going to be a lot of human trafficking. The problem is it gets people off track, but what can you do" (Vancouver 01/11). Sex worker rights advocates further responded in an open letter to the Salvation Army arguing: "Sex workers are appalled" some argue that such sensational campaigning can increase awareness, especially of a "disengaged" public; however, as will be discussed, service providers have found that such sensationalism can lead to significant challenges in their attempt to address the rights and experiences of trafficked persons.⁸³

⁸³ This finding is consistent with the preliminary findings of research exploring the link between the EURO (2012) Football Championship and human trafficking. Based on the preliminary findings, the International Organization for Migration Ukraine (2012) indicates the event did not result in heightened levels of human trafficking for the purpose of sexual or other forms of exploitation. These results are also consistent with the IOMs previous statements following

The sensational human trafficking discourses leading up to the Olympic games captured the public imagination, helping transform human trafficking into a matter of substantial public concern: “we hadn’t been expecting the media hype and it just ramped up and ramped up...it just blindsided...then as soon as the games came, they were too busy watching the games to do much else” (provincial government representative) (Vancouver 01/11). Although the extensive public attention was short-lived, it had a lasting effect on the politicization of discourses as well as intensifying competition over funding. While the Olympics intensified competition over funding, such competition should be understood in the context of the international attention garnered by human trafficking. Specifically, with trafficking being touted as the second most profitable form of organized crime in the world, the Olympics, like other major sporting events (e.g. 2004 Olympics in Greece; multiple Super Bowl competitions; and the 2010 FIFA World Cup in South Africa) provided an international forum to forefront anti-trafficking debates. In a report by GAATW (2011: 18), Dr. Annalee Lepp indicates the period before the Olympics “became the battle zone between sex workers’ rights organizations and abolitionist groups focused on curbing male sexual demand with graphic and sensationalist posters and media campaigns.” While this report draws almost entirely on sex worker rights representative, it does illustrate the mobilization of polarized discourses prior to international events, such as the Olympic Games.

monitoring of the World Cups in Germany in 2006 and South Africa in 2010. In a statement on the EURO 2012 findings, Ruth Krcmar, Coordinator of IOM Ukraine’s Counter Trafficking Programme, indicates: “The scare of increased human trafficking for sexual exploitation comes up every time there is a large sporting event on the horizon, although our experience only reinforces earlier findings in other countries. We hope studies like our will eventually put an end to the myth, which results in scarce counter-trafficking resources being spent on one-off campaigns rather than long-term solutions and victim assistance” (IOM Ukraine 2012).

Thus, as international attention mounted, so too did polarized discourses over sex workers rights and abolitionist claims as well as battles over funding and the associated representations of trafficked persons needed to attain funding. In the words of a frontline worker:

Because trafficking sort of got tagged as a priority issue and everybody is doing trafficking. And everything – a lot of things – get called trafficking that aren't trafficking. It doesn't mean those women don't need services and supports because they do, but it's not a very holistic approach. So I think the funding priorities have dictated in some way who is involved and how they define trafficking, sometimes in the absence of the legal definition. So that's a problem (Vancouver 01/11).

As this participant notes, legal definitions of human trafficking rarely feature in anti-trafficking representations precisely because such representations reflect a narrow view of the human trafficking legislation aimed at shaping ongoing lobby efforts to influence Canada's existing prostitution laws. However, as the following frontline worker suggests, such a narrow view, driven by funding needs, lacks consideration of the rights and complex experiences of trafficked persons: "...you end up with a one size fits all approach and you end up re-exploiting the women to make money or look good...and then it's harder for the NGOs to get the funding, because the big groups have the fund raising chains" (Vancouver frontline worker) (Vancouver 01/11). As this participant suggests, agencies working outside the realm of sex workers rights or services for victims of sexual exploitation and forced prostitution, such as the Salvation Army discussed above, take-up the anti-trafficking cause and, in doing so, potentially detract resources from existing organizations working in these areas.

Overall, the discourse is severely polarized and advocates of both standpoints draw on human rights discourses, particularly the rights of women as well as the protection of trafficked persons to justify their respective standpoints. Yet, there are significant power dynamics shaping the adoption of certain discourses above other representations. Sex worker rights advocates, for their part, mobilized in the interest of self-protection, drawing on experiential knowledge and,

thus, indicated they are silenced by abolitionist representations which they perceive as top-down approaches driven by moralizing agendas. In the words of the following frontline worker and experiential representative:

You know it has a huge impact on the sex workers human rights movement when all sex work comes to be seen as just another form of slavery. You know, how do you argue for your human rights when if you are sort of in my camp, you're A) seen as suffering from false consciousness at best and at worst you're the devil...and it's really difficult as a feminist, it's quite painful. You know I can usually agree to disagree with just about anyone, but I don't even get an opportunity to do that with [abolitionists] because they won't talk to me.

Elaborating on the concept of false consciousness, this participant went on to say:

I'm a former sex worker, I'm a former IV drug addict and that makes me a survival sex worker, although I was primarily able to work in my own home...I don't feel I was particularly harmed by doing sex work, I was particularly harmed by being a drug addict and the consequences of that made me make some bad choices about clients. Prior to my addiction getting crazy I never made bad choices about clients. So my thing is just that sex work has to be an option, it can't be a means to survival. But in order to change that we have to be able to offer survival sex workers real options out and we're not able to do that. And so while we're working toward the ideal world I just really feel we need to decriminalize it, we need to find a way to support street level sex workers to work more safely" (Vancouver 01/11).

This representative and other representatives of sex workers rights express concern for the experiences of survival sex workers and women victimized through sex trafficking as well as a desire to protect women from forced sexual labour. However, from their perspective, the rights of sex workers should not be violated in the development of a response to sex trafficking; rather, the voices of experiential workers should inform the response:

We've always maintained that exploitation is critical, experiences of exploitation are critical and we want to make sure that we're filling the gaps that allow it to happen. However, the experiences of people making those choices and not being hurt are also critical. If only they would acknowledge that some people are making a choice...and, ya, we have to protect kids, but no you can't control me or force me to work at McDonalds or maybe I should go work in the fields? So to me, it's oppressive. Economically independent, strong women keep us from making choices that would empower us, whether they believe it would or not. It's not up to them to decide what's right...And in communities where sex work takes place on the street, those

women need to feel safe too. How can we work on making sure everyone in the community is safe if we can't talk to one another and we're still stuck in this time of thinking that we're this voiceless, abused, no capacity group of people" (Vancouver 01/11).

Similar to this representative, other sex worker rights advocates and experiential workers suggest that they care deeply about the victimization of trafficked individuals and would like to be partners in developing effective prevention strategies and response mechanisms; however, they also want recognition that sex work can be a chosen profession and that not all sex workers are "victims" of sexual exploitation. Thus, from a service provision standpoint, such advocates offer similar recommendations as abolitionist approaches (e.g. housing, social support, income equality, safe detoxification, etc.); yet tend to adopt a harm reduction approach. However, from a policy perspective, sex workers rights advocates diverge significantly from abolitionists, arguing for the decriminalization of sex work with the aim of creating safer working conditions and the ability to advocate for labour standards within sex industries.

Similar to sex worker rights advocates, abolitionists also draw on discourses of gender inequality and the protection of trafficked persons to advocate for their perspective. As one self-proclaimed abolitionist indicates:

By putting women in the centre of what she wants to happen, it is absolutely centered on her and what she wants to do ... The fact is women come from all different kinds of situations and all with very specific kinds of needs. And there is this myth out there of this one case, with one clear, clean victim A, and you have the saviour organizations over here. And we haven't seen that to be true. So what we do is ask the women 'what do you want?' and she can choose (Frontline Worker, Vancouver 01/11).

In this way, the frontline worker asserts the complexity of experiences that fall under definitions of human trafficking and the need for agency of women victimized by human trafficking. At the same time, this frontline worker went on to discuss "the ways trafficking and prostitution are related and all driven by the male demand for paid sex":

I think there is this refusal to see prostitution and the sex industry as violence against women. And there is this notion that people are going to differentiate between willing and unwilling. But I don't know any man going to buy a woman and saying, 'hey honey, are you here because you want to be?' And that's essentially what they want, women are told to speak and act [innocent] because they want to have a situation where they have more power and control. And we know that men want these young and innocent girls, who are not the women who are going to be in prostitution, they will be forced into prostitution. So there is this unwillingness to look at the demand side, and how you wouldn't have supply if there wasn't this demand.

From this perspective, this frontline worker suggests there is very little distinction between prostitution and human trafficking. Thus, while advocating for similar services as proponents of decriminalization, the policy recommendations of abolitionists focus on the adoption of the Swedish law, which perceives prostitution as a form of male violence against women and children and thereby decriminalizes the sale of sex and criminalizes the purchase of sex.

While the goal of this dissertation is not to resolve the debate over the relationship between the victim or agent status of women working in sex industries, this research does point to some key ways anti-trafficking discourses have shaped this debate and, conversely how this debate has shaped anti-trafficking responses in Vancouver. In particular, the dichotomous and even violent undertones directing anti-trafficking discourses reflect an ongoing battle to control the human trafficking narrative, a conflict that finds its origin in the initial politicized construction of international definitions of human trafficking. Since the international community was unable to reach consensus, the battle continues over the right to control the relationship between prostitution legislation and anti-trafficking responses at the national level. In the absence of conceptual agreement, collaborative efforts and cross-sector initiatives gain little traction, reducing anti-trafficking initiatives to disjointed and ideologically driven niches of response. However, as the following discussion of representations in Winnipeg reveals, the reality of contested definitions in Vancouver reflects a context where women working in sex

industries have mobilized to represent their own experiences, rather than having their voices and experiences suppressed by dominant anti-trafficking representations calling for abolition.

5.1.2 Winnipeg Representations: Colonial Legacies, Sexual Exploitation, and Silencing

Anti-trafficking discourses in Manitoba focus on the sexual exploitation of children and youth, especially First Nations children and youth. The Government of Manitoba emphasizes that experiences of sexual exploitation begin at an early age, are rooted in legacies of colonization, and are thereby perceived to extend into adulthood. While the first phase of the Province of Manitoba's strategy for responding to sexual exploitation focused exclusively on children, phase two of the strategy encompasses the coordination of services for all ages (i.e. children, youth, and adults). Tracia's Trust, Phase II of the strategy is dedicated to Tracia Owen, a young girl who spent her life in and out of the care of Child and Family services, during which time she became addicted to drugs and a sexually exploited youth. In 2005, Tracia killed herself at the age of 14 while under provincial care, resulting in an inquiry that concluded: "Although Tracia Owen died in August 2005, a review of the testimony suggests the foundation for her tragic death was laid many years before" (Provincial Court of Manitoba 2008: 51). Building on this inquiry, the Manitoba strategy for responding to child sexual exploitation extenuates to adults and sex trafficking based on the following claim: "Most adults involved in the sex trade report that their victimization began at a young age, some as young as nine years old. The average age that adults involved in the sex trade were sexually exploited for the first time is 13 to 14 years"⁸⁴ (Manitoba

⁸⁴ While no source is provided in support of this claim, the Government of Manitoba presents it as a clear statement of fact. The statement is consistent with the findings of Farley, Baral, Kiremire, and Sezgin (1998), who compare five countries from the standpoint that prostitution is a form of violence against women and a human rights violation. According to Farley et al. (1998), the average age of entry is 13 years old. At this point, it is important to reiterate, the goal

Family Services and Housing 2008: 3). Given the early age of entry, the strategy suggests children's experiences of sexual exploitation and of trafficking are indistinguishable from adult experiences.

Thus, while the initial Manitoba strategy focused on "children exploited through prostitution," Tracia's Trust was launched in December 2008 to coordinate services "for all ages (children, youth and adults), and considers all forms of sexual exploitation, including prostitution, pornography, sex trafficking, sex tourism and internet luring" (Government of Manitoba 2012). In this context, the Government of Manitoba conflates human trafficking with sexual exploitation and considers the experiences of adults as indistinguishable from the experiences of children, arguing that exploitation in adulthood is an extension of childhood sexual exploitation. In the words of a provincial government representative:

Exploitation and trafficking are the same to me, certainly in my experience, sex trafficking is the same thing just a different word for it. People are being moved, forced, having their [identification] held. So the definition in the criminal code has been happening for a long time for women and children who are being sexually exploited. And back then [sexual exploitation] was kind of the catch phrase... human trafficking has just widened that scope, so it's given law enforcement definitely more ability to look at that issue. But to me personally, it's the same thing" (Provincial government representative) (Manitoba 02/11).

As this representative reveals, the dominant anti-trafficking discourse in Manitoba equates all forms of prostitution and child sexual exploitation with human trafficking for the purposes of sexual exploitation.

The Manitoba strategy attributes the vulnerability of children and youth to become sexually exploited to a number of factors; however, legacies of colonialism and the associated dispossession of Aboriginal communities were seen as dominating factors. Specifically, the

of this research is not demonstrate or contest the legitimacy of these specific claims; rather, this research examines how anti-trafficking discourses have informed the strategy adopted by the province and, in turn, how the strategy effects the complex experiences of trafficked individuals.

province indicates vulnerability factors include: “poverty; racism; colonization; the legacy of residential school experiences; social and cultural isolation; marginalization; peer pressure; past abuse or trauma; sex-based discrimination; medical problems such as mental health, neurological or developmental disorders; system gaps or inaccessible services; and other social and financial inequalities” (Manitoba Family Services and Housing 2008: 3). Of these factors, the effect of colonization and the systemic gendered racism Aboriginal women experience as a result of colonial processes that deliberately undermined the role of Aboriginal women in society features most prominently in discussions of anti-trafficking responses in Manitoba. In the words of one frontline worker: “when you have very vulnerable populations that have been so profoundly impacted by the intersections of class, race, gender and sometimes other forms of sexuality, you create conditions for the commodification of humans...it’s an old story, not a new one. Like I think indigenous women have been trafficked right from the beginning of colonization. I think we have been used as sex objects” (Frontline Worker, Winnipeg 02/11). Focusing specifically on the experiences of Aboriginal women, research conducted by the Native Women’s Association of Canada (NWAC) (2010: 3) further indicates the effects of colonization are “most evident in the rates of violence against Aboriginal women” whereby Aboriginal women are the group most at risk for issues related to violence in Canada.

In light of the vulnerability factors identified by the province of Manitoba, the strategy further specifies that Aboriginal children are disproportionately represented among sexually exploited youth, especially if they have been involved in the child welfare system, and have disproportionately “experienced childhood abuse such as sexual abuse and physical abuse” (Manitoba Family Services and Housing 2008: 3). Given the overrepresentation of sexually exploited Aboriginal children and youth, childhood sexual abuse, connection to gang activity,

and inter-generational sexual exploitation were cited as key explanations for emphasizing the “victim” status of trafficked persons in Winnipeg. As one frontline worker highlights:

It’s inter-generational abuse stemming back to residential schools...we often see inter-generational sex trade happening. Mother’s putting their daughters out, or daughters going out because they’re scared their baby sister is going to have to go out. Protecting her for a little while, but then her joining in as well. It’s very sad to see it happen, but it’s not uncommon (Frontline Worker, Winnipeg 02/11).

By emphasizing the inter-generational experiences of sexual exploitation the province argues that no distinction is necessary between the experiences of women and children in sex industries; rather, all are victims of the exploitative practices of sex trade industries. On the one hand, emphasizing inter-generational experiences of exploitation and the “victim” status of sexually exploited children and youth represents an important evolution from discourses and perceptions of children as prostitutes. In the words of one frontline worker:

We have been so focused on sexually exploited youth and how that language has evolved and become so used. And that’s good. We don’t want ‘teenage hooker’ to be used. So that’s good, but on the other side are almost the people that are harder to reach because they are hiding themselves...They probably, it’s a lot like being in the closet (Frontline Worker, Winnipeg 02/11).

On the other hand, as the above excerpt suggests and as will be discussed in further detail below, drawing on inter-generational experiences of sexual exploitation to argue for the conflation of sexual exploitation, prostitution, and human trafficking as well as overemphasizing the “victim” status of trafficked persons the province has silenced the complex experiences of trafficked persons and, at times, created more insecurity for women who cannot or refuse to self-identify as a “victim” of human trafficking. Specifically, as will be discussed, some frontline workers suggest that hegemonic discourses perpetuated by the province have resulted in a service provision model that disempowers the complex, lived experiences of trafficked persons. While the strategy has resulted in some effective programming, particularly programs that build on

traditional forms of healing in Aboriginal cultures; however, in other instances, it has perpetuated the dispossession of Aboriginal and other women by silencing the diverse voices of experience in formulating a response.

Funding mandates also influenced the adoption of anti-trafficking discourses. For instance, as one provincial government representative argues, not applying the terms “human trafficking” and “sexual exploitation” to women’s experiences could result in a lack of funding for women and the stigmatization of women in sex industries based on the assumption that any abuse experienced was a result of participating in the industry by choice: “I really think people are just more okay with funding services for kids rather than adults. Once people turn 18 there is really that opinion that ‘well, it’s their choice.’ They are not...if they are in a massage parlour or trafficked into strip clubs, they are not...it’s their choice. They can leave,’ people always say” (Provincial government, Manitoba 02/11). While such arguments aim to ensure services are available for women and to discredit a false public perception of “deserved” abuse, in practice, the blanket adoption of anti-trafficking discourse has led to the silencing of some of these women’s experiences and prevented them from accessing appropriate services. In the words of one frontline worker:

[Human trafficking] reminds me of sexual exploitation. That terminology and how that was used and abused by people in power and different agencies in order to attract and keep funding. To portray a certain light or shine a light on everybody in one way. To use the same brushstroke to label everybody, which wasn’t true. A red flag should go up when one term is used to describe everybody. And that’s the problem with sexual exploitation: some are exploited and some aren’t. And so it’s wrong to use that term for everybody. It causes a lot of damage. So another term comes up: trafficking, used much in the same way...and so that way people can get funding for their program.” (Frontline Worker, Manitoba 02/11).

As this excerpt suggests, and as will be discussed further, anti-trafficking discourses have facilitated access to funding, but in the process has also restricted the service provision model

from addressing the complex experiences of trafficked persons and the ability of women working in sex industries to report experiences of abuse.

Nonetheless, anti-trafficking discourses emphasizing the experiences of sexually exploited Aboriginal youth and children in Manitoba have led to the adoption of some effective, traditional healing programs in the province, especially for Aboriginal women, youth, and children. For example, the experience of one trafficked individual represents the exact profile of sexual exploitation and trafficking the province prioritizes and aims to address by emphasizing traditional healing mechanisms that target sexually exploited, Aboriginal youth:

I'm a transgendered two-spirited individual...I moved to Winnipeg at a young age and started sex trade work...12 years old and that's when I pulled my first trick and since then I was in the trade where I would exploit myself and people would exploit me. I was also pimped. I was also trafficked across Canada west.

The participant goes on to discuss the role traditional forms of healing played in her specific experience of recovery:

My Aboriginal background was what really helped me stay sane. Learning about the medicines, the drum, playing the drum, being involved in community and community organizations was also a big part of my sobriety. I've tried the [Alcoholics Anonymous/Narcotics Anonymous/Cocaine Anonymous] thing, it just didn't work for me because the Bible was being thrown at me and I didn't accept that and I couldn't accept it because in the bible, the statements on sexuality in the bible I wasn't too fond of that so I turned to my ways of being Aboriginal to really work on myself to pursue my sobriety" (Formerly Trafficked Person, Winnipeg 02/11).

In this way, anti-trafficking discourses emphasized by the province provide an effective framework for healing and recovery from youth experiences of substance abuse, human trafficking, and sexual exploitation. While effective at targeting the specific, and over-represented, experiences of sexually exploited Aboriginal children and youth, other experiences have been neglected and even silenced by the dominant anti-trafficking framework. For instance, one frontline worker highlighted the effectiveness of the traditional programming while

suggesting non-Aboriginal women have been overlooked by the dominant narrative and response:

The Aboriginal population – and wonderfully so – has a very holistic healing and sort of inclusive culture. So many women, find healing through drumming. As well as activities to do with other healthy people. And going to sweats and seeing elders and learning about medicines, and all that kind of stuff. Then there becomes a divide, where the white women, even if they wanted that, cannot get it, in some cases can...And that has been very healing for some women. But other women I know [have been] very upset they don't have the opportunity to go there. It's a beautiful and wonderful connection to their original culture in the healing process. And for white women though, I haven't really seen any commonalities in terms of how they heal (Frontline Worker, Winnipeg 02/11).

As this excerpt suggests, emphasizing the “victim” status of trafficked persons and directing anti-trafficking responses towards the experiences of sexually exploited Aboriginal youth has led to some effective, traditional healing programs for children and youth. However, as evidenced in the analysis that follows, equating human trafficking with youth sexual exploitation has silenced the complex experiences of some youths and adults whose life narratives move beyond the single-faceted representations of abuse and exploitation adopted by the province.

As previously mentioned, equating the term human trafficking with sexual exploitation to represent the varying and complex narratives of children, youth, and adults in sex trade industries has resulted in the silencing of experiences and narratives that do not conform to the dominant anti-trafficking discourse. Moreover, as the following excerpt shows, it has also led to the disciplining of women's experiences:

I know several ladies who were hired to talk and they are told what to say: 'say it in this way.' And I can think of three right off hand, for instance, they all got physically sick because they were talking about stuff that wasn't quite their experience. So after a while, each one of them, and these are at a different time, would say 'I don't want to do it this way, I'd rather talk about it from my experience.' And each one was told 'then we don't need you.' So if you're not going to demean and degrade and talk about how much of a victim you were, then you can't talk about it. I think that's part of the problem and *why I can't speak openly*...because there is so much politics in it. The people that banter around this terminology have the ear of the government, they have

strong allies, and so they make it hard for people to talk openly about it. Even for the clients, they are told what to say. You are not going to get from some of these agencies, they will screen them first to make sure they know the banter. And some of the women have said to me, 'it's just like having a john, the john tells you what he wants to hear, and you say it. And if I need some money, to work for these agencies, I do the same thing.' ... But a lot of them, like I say, after a while they start feeling ill. To come out of the sex trade and not feeling like you are a victim and, for some, even feeling empowered because they get to choose who, when and where and how much. So that experience gets changed around, people start feeling ill. Is this a healthy thing to do? Certainly there are the victims out there, but not everybody is, and that's the problem, painting everybody with the same brush stroke. It is dishonouring people. (Frontline Worker, Manitoba 02/11, emphasis added).

The statement "why I can't speak openly," echoes other frontline workers concerns about speaking openly against the dominant discourse, fearing job loss or funding cuts to their programming. The excerpt further reveals that women who fail to identify with the "victim" narrative are disciplined or discarded from the public sphere because their experience does not fall in line with the dominant anti-trafficking narrative.

In addition to creating insecurity for women whose experiences deviate from the dominant narrative, another frontline worker suggests that by placing specific experiential voices on a "pedestal," dominant discourses also create insecurity for women who, in the absence of adequate support structures, fail to live up to the pedestal image:

We find a golden child or woman who has made it, who has gotten out of the sex trade, quit drugs, and lives in a stable apartment or even in a youth serving agency... and then put them up on a pedestal, and they are the ones who will speak when they need to put together a panel when they need to decide on what is going to happen with one of the Manitoba strategies. Of course we want the people that have been or are currently in that place to inform us and let us know what to do. I'm a firm believer in having experiential voices at the table all that time. But if you ask someone to go up and speak, I need to make sure I have the proper supports in place for that women, should it not go as well as she had hoped. Should she break down, and be triggered, and feel awful. If it triggers some post-traumatic stress memories and she needs ongoing support. Should the media hound her. And finally should she fall off that pedestal, and end up back on the street or back to using, or whatever the case may be. And I certainly have seen some agencies do that to people. ...so they were asked to [share] their pain and then the doors close, and they are told to go home, when they may not even have a home to go to. And that feels even shittier...we have this thing of using

experiential women and hiring them and using them in our work (Frontline Worker, Manitoba 02/11).

As this quote suggests, advancing experiential voices to inform public discourses, policies, and response strategies is key to developing effective understandings and responses to human trafficking. However, when a dominant, or hegemonic, narrative disciplines and screens experiential voices, they represent little more than the structures of power dictating the narrative; in this case, the anti-trafficking discourse adopted by the provincial government.

In the end, the actual voices of experiential workers and trafficked women are silenced, whether directly or out of fear of such disciplining:

And here's the thing about me, is that I am experiential. And not a single person would I tell that to, because as much as they say they wouldn't, I would be looked down upon. Or held up on a pedestal for certain things, but for other things, they would be looking for 'is she late for work? Does she drink with her friends on the weekend? Is she competent to do this work? Should she get a promotion?' as opposed to just keeping it at the status quo... I choose not to divulge that info to anybody that I work with. So, I guess that goes to say that, yes, voices are silenced... when the policies and responses aren't, when they are silencing what's really going on, then that's challenging... it's not that people aren't doing things with the best of intentions. But the best of intentions can create things that actually cause more suffering for the people they were actually trying to help in the first place. Because theirs is just a lack of understanding (Frontline Worker, Manitoba 02/11).

As this excerpt suggests, anti-trafficking discourses that conflate human trafficking with sexual exploitation and sex work represent a single, dominant narrative that silences the experiential voices of women in sex industries as well as the complex experiences of trafficked persons.

Thus, while anti-trafficking discourses claim to reduce the stigmatization and criminalization of women in sex industries (i.e. good intentions), such discourses are vulnerable to the manipulation of a variety of political agendas, such as the abolition of prostitution, that fail to recognize the varying and divergent experiences being represented by a single, dominant narrative. Similarly, another frontline worker describes how despite aiming to address the effects of colonization, the

adoption of a dominant “victim” narrative and the corresponding “rescue” response results in response models rooted in colonial ideology:

We don't see people as problems to be fixed. So that's the main difference...I worked in a mainstream organization and they almost killed me over there because they treated people as problems. They were polite enough, but confused politeness with respect. But if you can't see people as powerful, then you don't see them. So if you only see people with their problems and I'm going to fix their problems, because you can't fix anybody's problem first of all. It is really a false notion also of themselves...I just thought that was so dishonest and oppressive. I would leave at night sick, sick to my stomach and it goes on. It goes on and on. That is colonization. To me a fully engaged act – full on colonization – and it just goes on from there. And they don't even know it. They are unaware of it. And it's racist, it's classist, and oppressive. And if you call them on it, oh my god, they get so fucking offended. They cannot handle it (Frontline Worker, Manitoba 02/11).

Similar to the experience of other frontline workers, the excerpt suggests that any discourse that contradicts the dominant anti-trafficking narrative is met with great offence.

In this context, some frontline workers and trafficked persons suggest that anti-trafficking discourses have been demeaning for women working in sex industries and have created more insecurity for these women by limiting their ability to report experiences of abuse and exploitation. As one frontline worker indicates:

The argument of 'you're going into a dangerous profession and we need to save you from that' is demeaning: 'You poor weak thing, we need to save you from all the predators.' And there are predators and evil men out there. And pedophiles and child molesters and those people need to be looked at. But what is going to make it more likely for women to come forward and say, 'this man raped me?'... And what is going to make it possible to get [these men] off the streets? And that would be giving people respect. And respect is calling them what they want to be called. Whether that is sexually exploited or a person involved in the sex trade...As you can guess, it's not a popular [point of view] and I don't want my name attached to it (Frontline Worker, Manitoba 02/11).

By conflating human trafficking with all sex trade work and emphasizing the “victim” status of trafficked women, the provincial government aims to eliminate stigmatization of women in sex industries; however, when the lived experiences of some women in sex industries conflicts with

the dominant anti-trafficking narrative, they experience greater insecurity because they are unable to access protections afforded to “victims” of sexual exploitation and violence.

5.1.3 Calgary Representations: Open Discourse, Missing Voices

Anti-trafficking discourses in Calgary were far less politicized than in Vancouver and, unlike in Winnipeg, representatives of multiple standpoints engage in constructive dialogue with a general recognition of a need for services that emphasize both abolition and “exiting” strategies as well as sex worker rights and harm reduction approaches. On the one hand, this can be attributed to the absence of mobilizing forces, such as the missing women killed by Robert Pickton and the subsequent public inquiry or the international attention sex trafficking garnered leading up to the Vancouver 2010 Olympics. Calgary did not present any defining narratives leading to a mobilization of experiential sex worker rights or former victims of sex trafficking advocates. In the absence of such mobilization, the discourses are dominated by the service provision sector and, while service providers in Calgary may hold divergent political views, the discourses do not reveal the emotionally charged representations that have occurred between sex workers rights advocates and abolitionists in other cities. Thus, while Calgary permits open dialogue between abolitionists and sex workers rights advocates, there is a stark absence of experiential voices from both perspectives. Meanwhile, in the absence of politicized sex trafficking discourses, experiences of labour trafficking were emphasized in the Calgary context.

While competition over resources, funding, and mandates were present in Calgary; such competitions are not highly politicized. Rather, there are a number of forums that service providers engage in that emphasize collaboration across political divides. For example, both the Calgary Network on Prostitution (CNOP) and the Calgary chapter of the Action Coalition on

Human Trafficking (ACT) – Alberta, engage participants adopting abolitionist and sex worker rights perspectives in constructive or, at the very least, non-politicized dialogue. As one representative of a harm reduction and sex worker rights organization suggests, organizations holding dichotomous perspectives distinguish between the approaches, but work together from their distinct mandates:

Well the [abolitionist organization] is a very structured program, they have different levels of participation as opposed to us, where we do one-on-one, we see people as they come. With the [abolitionist organization] they generally have clients live in that environment and then they will do school and that's a requirement. So we have a relationship with them to the extent that I would do a referral and have done referrals in the past given that the client has identified that they need some serious structure in their lives. The [abolitionist organization] is strictly exit-based so they have to be in that mindset and be ready and wanting to exit and change their lifestyle basically. We do sit on the Calgary Network on Prostitution (CNOP) and the [abolitionist organization] shares a seat there as well. So I mean we do try to collaborate with them in the community. We have differing views on sex work certainly, but we try to work together as best we can (frontline worker) (Calgary, 11/10).

While the harm reduction mandate of this organization would require offering a referral to the more structured, abolitionist organization, it is not clear from the research whether the abolitionist agency would consider a referral in the other direction (i.e. for harm reduction services). Given the abolitionist standpoint that all forms of prostitution constitute sexual exploitation/assault, it would be unlikely the relationship could flow in this direction.⁸⁵

Meanwhile, by adopting a harm reduction approach, advocates of sex workers rights can be more flexible from a service provision standpoint. In the words of a harm reduction frontline worker:

“I know I speak frankly about sex work as work, but I do know there is an exploited side of that

⁸⁵ Observational note from the researcher: During my time participating in the CNOP network (09/11-05/12), it became clear that although abolitionist and sex worker rights approaches engage in open dialogue, the abolitionist standpoint that all forms of prostitution constitute sexual exploitation prevents abolitionists from taking seriously the claims made by supporters of sex worker rights.

continuum as well” (Frontline Worker, Calgary 11/10). From a service provision standpoint, this flexible approach can account for the complex and intersecting experiences of sex trafficking, sexual exploitation, and sex work. However, from a policy standpoint, divisions between decriminalization and proponents of the Nordic model are more explicit. Nonetheless, in the absence of highly politicized experiential voices and court challenges, Calgary service providers are able to continue to dialogue across perspectives.

The Action Coalition on Human Trafficking (ACT) – Alberta, also provides a forum for cross-sector collaboration in response to human trafficking. Given the broad mandate of ACT to respond to multiple forms of human trafficking, the coalition engages agencies representing a variety of sectors. In doing so, the coalition has also served as an educational forum whereby frontline workers and service providers working in diverse areas, such as immigrant services, youth sexual exploitation, several levels of law enforcement, labour relations, sex workers rights, abolitionist agencies, and so on learn and discuss the varying of experiences of trafficked persons. In the words of a representative of an agency that deals with labour issues:

We didn’t really realize we were handling human trafficking cases, until we were made aware that this is human trafficking, fits the definition of human trafficking...we deal with labour and workers. We were able to be aware of human trafficking only when ACT Alberta, the Action Coalition on Human Trafficking started to keep in touch with us, and there’s lots of agencies there, so that’s why we started to attend the meetings. That’s when we started to realize ‘oh yeah, we handled those cases before, we should have handled them as human trafficking (Service Provider, Calgary 11/10).

As this participant demonstrates, ACT provided an opportunity to learn about human trafficking, especially the underrepresented experiences of labour trafficking, while also providing a forum for networking and collaborating with other agencies. This builds on the goal of ACT to fill a service gap, without duplicating services: “we have evolved into our own organization cause we have seen that there is a need, but we would rather work with the [agencies] that are here, and

where there is a gap, for instance men who have been trafficked for labour exploitation....rather than starting an organization that ends up splitting, competing for funds and duplicating services” (ACT representative, Calgary 11/10). A law enforcement representative furthers this perspective, indicating: “...there’s a lot of victim services in place for other crimes and [ACT] essentially just takes these services that are already in place and trains them about trafficking” (Law Enforcement representative, Calgary 12/10). Since services for victims of sex trafficking as well as services for individuals engaged in sex work are more developed in Calgary than services for individualize victimized by trafficking for the purpose of labour exploitation, the Calgary chapter of ACT has emphasized developing response mechanisms for individuals victimized by labour trafficking while partnering with existing organizations on sex trafficking cases.

While service providers in Calgary engage in cross-sector and inter-political dialogue and collaboration in response to human trafficking, there was a significant absence of experiential voices representing sex workers rights as well as former trafficked persons informing dialogue in the city. In the words of one frontline worker: “I feel like in a lot of ways we are speaking on behalf of the victims of trafficking without ever asking them...I think if we did [consult victims] what would end up happening is that we would get a couple voices. And then we would say, ‘check, consulted with victims of human trafficking’” (Calgary 11/10). Similar to the experience of frontline workers in Winnipeg, this representative raises concern with the advancement of a few non-representative narratives at the expense of the array of experiences that fall under the human trafficking legislation in Canada.⁸⁶

⁸⁶ An informal discussion with a past participant of an abolition-based program revealed that she was not permitted to share her story on behalf of this organization because she was unwilling to perceive herself as a “victim.” While she was grateful to the organization for helping her exit the sex trade, she did not view herself as a victim of the sex trade.

In addition to missing experiential voices, representations of trafficked persons in Calgary were especially divergent between service providers and sensational public awareness campaigns. The general consensus among service providers was that a multifaceted response is needed. In the words of one frontline worker:

There is never going to be a one size fits all stamp that you can place on anybody that has been trafficked, woman or man...anybody who has done some kind of case management realizes that every situation is going to be so different (Calgary 10/11).

Significantly, this participant draws a distinction between the complex understandings of human trafficking associated with working directly with trafficked persons, as opposed to the public sensationalized representations of trafficked persons. Describing the gap between public and practitioner knowledge, the participant went on to say:

I think there is a bit of disconnect there. But then I'm not really that experienced on how you get that kind of groundswell. Maybe with all sort of movements, if you want to call them that, maybe you had to go for the most gruesome, woman in a cage in the basement. You had to go for the images that would get people fired up...And get them marching in the streets if that's what they want to do. Whereas on the other hand you're always going to have the professionals and the practitioners, and they are going to be the ones to understand the nuances and complexities of what it takes to support someone who has been a victim of trafficking (Calgary 11/10).

While this participant suggests that sensational awareness raising campaigns may be necessary for garnering public attention, other participants thought such campaigns were detracting from effective responses. In a recent Calgary-based study, a participant concisely summarized the challenge sensational images create for service providers: "...it's easy to ignore, if you believe [human trafficking] is one thing and then you come into contact with someone [and] if you had the correct information, red flags would be going up, but you're thinking, 'no, it has to be this. This is what it is.' You're missing potential people who are at risk" (social service provider cited in Quarterman, Kaye, and Winterdyk 2012: 24). Similar to this service provider's experience,

provincial government and law enforcement representatives as well as frontline workers indicated they had come into contact with cases of human trafficking, but were unable to identify the cases as trafficking until they had received more realistic awareness than the predominant “gruesome” public messaging.

5.2 Dominant Discourses and Underrepresented Narratives

As the above analysis demonstrates each city was dominated by certain discourses surrounding the experiences of human trafficking. For example, while Calgary emphasized labour trafficking, including the experiences of temporary migrant workers in Alberta, discourses in Vancouver focused almost exclusively on human trafficking for the purpose of sexual exploitation. This is in spite of the reality that British Columbia also hosts a number of temporary migrant workers and was identified in the National Action Plan (Public Safety Canada 2012) as one of the three provinces where labour trafficking is problematic. In a context dominated by politicized discourses of sex trafficking and the relationship between sex work and prostitution, there was little conceptual space to consider the complexity of experience that can potentially fall under human trafficking laws in Canada. Moreover, in a context where the dominant narrative of human trafficking and the idealization of “victims” of trafficking emphasize depictions of women in need of rescue, experiences of men fall outside of the realm of inquiry as demonstrated by the following excerpt from a law enforcement representative:

We haven't here done any big [labour trafficking] investigations. I've got to be quite frank with you. I put a much greater value on the female victims of human trafficking in the sex trade. Twenty men from Mexico or Africa who are forced against their will to work under horrible conditions is very, very bad, but you know their lives probably aren't in danger, they're not going to get raped, they're not going to get beaten. So I don't want to minimize that because those are very valuable investigations, but we do focus more on female victims and there's some female victims in forced labour as

well, but we do look at those, but it's not as high priority as female victims in the sex trade" (Vancouver 01/11).

By focusing predominantly on the experiences of women, it is not surprising that more cases involving victimized women emerge. Thus, while the laws in Canada emphasize a complexity of experience, the implementation of the law, at least in British Columbia, reflects a bias towards a gendered understanding of human trafficking based on sexualized experiences of the victimization of women. However, as evidenced by the 2006 raid experience in Vancouver, misplaced attempts to rescue "victims" of sex trafficking can lead to criminalization and deportation that work counter to the aims of the women involved.

Additionally, by focusing investigations on "female victims in the sex trade," sex trade workers who fail to identify as a "victim" are likely to be overlooked, even when their experiences involve the above described violence and exploitation. Moreover, despite a context of idealized representations of trafficked women and the stated emphasis on "female victims," those victimized by Robert Pickton were left to mobilize and defend themselves in the face of clear patterns of predatory violence. As a result, the final report by the British Columbia Missing Women Commission of Inquiry (2012) identifies "systemic police failures"⁸⁷ in response to the patterns of violence: "the initiation and conduct of the missing and murdered women investigations were a blatant failure" (Volume IIA: 3). All this points to a context where idealized notions of innocent women enslaved in the sex trade inhibited adequate responses to complex systems of exploitation, even when clear patterns of exploitation exist. That said, and as Sikka (2009) underscores, the experiences of Missing women – particularly Aboriginal women – is a serious matter that warrants attention in its own right (also see NWAC 2010). In other words,

⁸⁷ Although some individual police officers worked hard to address the violence, such officers worked in the context of "systemic inadequacies and repeated patterns of error" (British Columbia Missing Women Commission of Inquiry. 2012, Volume IIA: 3).

such experiences should not be conflated with human trafficking, yet potential intersections can usefully be explored based on targeted forms of discrimination experienced by Aboriginal women.

However, the experiences of Aboriginal women reflect another important area where significant discrepancies exist in the representations of trafficked persons. Although dominant discussions of human trafficking in Winnipeg emphasize the sexual exploitation of women and girls, there is little consideration of the unique experiences of women. As discussed, this has resulted in the silencing and disciplining of some women's narratives. Similarly, national discourses suggest, "Aboriginal *girls and women* are at greater risk of becoming victims of trafficking within and outside Canada" (Standing Committee on the Status of Women Canada 2007: 9, emphasis added). Significantly, the Native Women's Association of Canada (NWAC) supported this perspective and abolition in general by passing a resolution in support of the abolition of prostitution in November 2012. NWAC's (2012) position on prostitution states:

Aboriginal women are grossly overrepresented in prostitution and among the women who have been murdered in prostitution. It is not helpful to divide women in prostitution into those who 'choose' and those who are 'forced' into prostitution. In most cases, Aboriginal women are recruited for prostitution as girls and/or feel they have no other option due to poverty and abuse. It is the sex industry that encourages women to view prostitution as their chosen identity... Supporters of decriminalizing johns and pimps claim that women will be safer if they are prostituted in legalized brothels and massage parlours. We know that Aboriginal women will mostly remain on the street because racism and poverty selects them for the most exploitative forms of prostitution, wherever they occur. But the more important point is that brothels and massage parlours are not acceptable spaces for Aboriginal women and girls. The state has pushed Aboriginal women from one institution to another – residential schools, foster homes, group homes, and prisons, to name a few. NWAC refuses to accept brothels as the new official institution for Aboriginal women and girls and we refuse to accept that prostitution is the solution to addressing women's poverty.

In light of this position, NWAC became a member of the Women's Coalition for the Abolition of Prostitution, which obtained intervener status in the *Bedford vs. Canada* case (discussed earlier

in this chapter). Interpreted from a post-colonial perspective, a concern for reclaiming the power, authority, and autonomy that was lost through the imposition of patriarchal systems of colonial rule, including systems of prostitution, emerges among Aboriginal women's leadership. As NWAC (2012) further states, "prostitution is not a traditional activity of Aboriginal women." Thus, from this perspective, the abolition of prostitution is tied to the fulfillment of treaty agreements and the rights of Aboriginal women "to live lives free from violence, poverty and to meet their physical, cultural, and spiritual needs" (NWAC 2012). In this way, the goals of abolition intersect with the unique space carved by Aboriginal feminism that aims to reclaim the power and autonomy of Aboriginal women and claim space for Aboriginal voices to inform the overrepresentation of Aboriginal women in Canadian systems of prostitution.

As discussed above in the section on Winnipeg, participants in this study similarly attribute Aboriginal experiences of sex trafficking, equated with prostitution, to colonial legacies of patriarchy, domination, and exploitation. Although discourses in Calgary and Vancouver were not primarily centered on Aboriginal women's experiences of trafficking, similar themes arose in each of these cities. As one frontline worker in Vancouver states:

We see prostitution as a form of violence against women. It has been the main issue that we've been dealing with, but of course that branches out into child apprehension and the foster care systems, and the Indian Act, and all those other issues they're all so interconnected, but prostitution is the main issue...we definitely see prostitution really is one and the same as sex trafficking. We know that demand fuels them both (01/11).

Similar to NWAC, this respondent goes on to discuss her organization's support of abolition and the Nordic model of criminalizing those who purchase sexual services or profit from the sale of sexual services. In this way, Aboriginal women are working alongside social conservatives and radical feminists in the interest of the abolition of prostitution in the county. Discussing this alliance, the respondent went on to say:

It can be a tricky one, but what I like to think is that you know the kind of white, middle class, feminist organizations that are supporting abolition are actually the ones listen to Aboriginal women. They're listening to what we want and they're accepting the responsibility to do something about it and sure there's mistakes made and things go wrong and there's educating that needs to be done but at least I know that white, middle class, feminist organizations isn't going to sell my ass. They're not going to abandon me for their own sake and I think when you have the pro-prostitution, we call them the 'pro-pimps,' when you have the 'pro-pimp' camp arguing for that I get left out of that equation... A lot of people say a lot of things to try and discredit abolition and when those criticisms are lobbed it's like well 'what about us? Are you saying were stupid, we don't know that were just these little puppets being driven by a white women's agenda,' you know, how racist is that? We actually do know, we actually are smart and you know we're going to go for it with them or not and we're grateful for women willing to stand with us (Vancouver 01/11).

Thus, an interesting and complex dynamic of stratified relationships emerges whereby sex workers rights advocates criticize abolitionists for silencing the realities of their lived experiences and right to safe working conditions. Meanwhile, in the context of legacies of colonization, Aboriginal women suggest that efforts to decriminalize prostitution fail to listen to Aboriginal voices and address the experiences of Aboriginal women who, as NWAC (2012) stated, "will mostly remain on the street." In this way, Aboriginal voices stand alongside other abolitionist representatives calling for the decriminalization of women in sex industries and the criminalization of those who purchase or profit off the sale of sex.

Nonetheless, in addition to the silencing and disciplining of women's narratives, including Aboriginal women's experiences, another important consideration arises when taking into account the abolitionist recommendation of the Nordic model in response to prostitution and/or sex trafficking. Specifically, given the inter-generational forms of human trafficking discussed in relation to the trafficking of Aboriginal women (e.g. "Mother's putting their daughters out"), criminalizing those who "profit" from the prostitution of women and girls potentially means criminalizing the families of the victimized individual. As a frontline worker in Calgary indicates:

The bulk of the survival sex workers are Aboriginal. I don't have specific numbers, but I had over 1000 client contacts and quite a few of those, the street level workers, are Aboriginal...when I hear about trafficking with Aboriginal groups, I hear about family members trafficking, taking them out of the reserve and into the city. So like Grandma pimping (Frontline Worker in Calgary 11/10).

In such cases of inter-generational trafficking, criminalizing those who profit from the sale of sexual services perpetuates an ongoing cycle of state apprehension, as NWAC (2012) notes, including “residential schools, foster homes, group homes, and *prisons*” (emphasis added).

Discussing the first charge of human trafficking in Manitoba, which was laid in Winnipeg on September 23, 2010, a frontline worker indicates:

The first person that has been charged with trafficking is an Aboriginal woman. And we know stories about them, we hear it a lot, families who ran out of money, addiction is a big part of it, and they send their child out on the street. Basically it's street level, it's not escort kind of level of sexual exploitation or prostitution. So we are vulnerable to the charges that come with those kinds of new laws...It's great for criminalization. That's a part of the history as well. That significant criminalization of a racialized group. And then it really is a kind of perfect crime, where you engage in a colonial process to create a population that is so highly vulnerable...any population it doesn't matter, any group that you keep in historic oppression is going to manifest behaviours like indigenous people have manifested, like suicide and chronic health, criminalization. So it is pretty created, the environmental conditions, social and environmental conditions where people are behaving in such a way that verifies, confirms the stereotypes that took them there in the first place. It's like the perfect crime ... We can't have people saving us anymore, look at where that has gotten us. That's a very false notion to, very misplaced, but it is part of the ideology of the dominant culture, the white man's burden.

In the Winnipeg case, the Aboriginal woman charged in the Winnipeg case was of no familial relation to the alleged trafficked woman and, in the end, the Crown prosecutor dropped the human trafficking charges after meeting with the alleged victim. Nonetheless, as this excerpt highlights, criminalizing mothers and grandmothers does little to address the historically constructed cycles of poverty and violence in Aboriginal communities; rather, it continues the process of state apprehension. Thus, while the effects of patriarchy should not be discounted, a broader post-colonial lens underscores the complex experiences of internally trafficked persons,

which demands that response models address the broad ranging structural inequalities underlying cyclical experiences of poverty and violence.

5.3 Chapter Summary: Representations in Western Canadian Cities

Overall, critical perspectives of anti-trafficking discourses point to the hegemonic narratives of Abolitionist discourses. The Western Canadian context reveals the importance of contextual factors for examining human trafficking representations and, while abolitionist approaches remain relatively dominant in Western Canada they have not gone uncontested, particularly in the context of Vancouver. On the one hand, this reflects an evolution of the discourse, where experiences of insecurity, such as the lack of protection offered from official channels in the case of serial killer Robert Pickton, have provided sex workers and sex trafficking advocates a context to mobilize and fight for safer working conditions or the abolition of prostitution, respectively. However, the highly politicized nature of such dissenting perspectives has created a context where both sides claim to fight for the rights of trafficked women; yet, in doing so, have silenced the experience of others and created more insecurity for women in sex industries, including undermining the development of effective responses to human trafficking.

In Winnipeg, colonial legacies and representations of missing and murdered First Nations women, such as Tracia's trust, have created a dominant narrative of victimization whereby advocates of sex workers rights are, almost, entirely suppressed or disregarded. Thus, Winnipeg's response to human trafficking focuses almost exclusively on human trafficking for the purposes of sexual exploitation and conflates the trafficking of children and youth with the trafficking of women. In a context where inter-generational exploitation is prevalent, women's agency and right to choose are seen as irrelevant. As a result, sex work has become hidden,

making it challenging for sex workers to access essential services and increasing chances of experiencing criminalization.

Calgary was unique in that open dialogue between sex workers rights and abolitionist perspectives was able to occur and, while abolitionist approaches were more common, the two perspectives recognize that each provides a unique service to women involved in or exiting sex industries. However, experiential voices are, for the most part, absent from the discussion.

Although this study does not aim to resolve the polarized debates of victim/agent or coercion/consent that have led to highly polarized and politicized anti-trafficking discourses. This analysis does uncover how, in the absence of international consensus, politicized anti-trafficking discourses in Canada continue the tradition of battling to control trafficking narratives and, in turn, manipulate prostitution policy towards pre-determined ideological recommendations. As demonstrated, so long as polarized and politicized discourses dominate anti-trafficking discussions, the complex experiences of trafficked persons and individuals working in sex industries are reduced to one-dimensional representations, efforts at service provision will continue to be undermined and the rights of trafficked persons will continue to be violated. Nonetheless, one clear policy recommendation emerges from both sides of the battlefield. Specifically, whether forced or voluntary, both sides are adamant that no person selling sex in Canada should be criminalized.

CHAPTER 6

BOUNDARIES OF HUMAN INSECURITY: ANTI-TRAFFICKING DISCOURSE AND IMMIGRATION POLICY IN CANADA

As already highlighted in the previous chapter, anti-trafficking discourses in Canada are dominated by definitional debates aiming to control the narrative of what constitutes human trafficking for the purpose of sexual exploitation. However, the 2009 and 2010 arrival of two boats off the coast of British Columbia sparked heated debates that prominently featured anti-trafficking discourses in discussions of national security, border integrity, and the rights of migrants. Such discussions are not new in Canada, yet the role of anti-trafficking discourses in shaping the debate offers new insight into the redefinition of boundaries of inclusion and exclusion. Specifically, anti-trafficking discourses provided justification for implementing restrictive policies that emphasize enhanced border control and security. However, in doing so, the policies designed to combat human trafficking are creating more insecurity for trafficked persons who, alongside other migrants, have been criminalized by the restrictive measures. To examine the role of anti-trafficking discourses in delineating exclusionary boundaries in Canada, this chapter examines the relationship between human trafficking and migrant smuggling and the effect of the arrival of the migrant ships on anti-trafficking discourses, as well as subsequent policy amendments justified by the anti-trafficking discourses. The chapter concludes with an examination of the insecurity trafficked persons experience as a result of measures emphasizing criminalization and deportation as well as the effect of criminalization for temporary migrant workers experiencing exploitation in light of the particular socio-economic constraints faced by these workers.

6.1 Contested Territory: Human Smuggling, Human Trafficking, and the Rights of Migrants

By redefining human trafficking as a transnational criminal activity, the UN Protocol focused international anti-trafficking initiatives on law enforcement responses and anti-trafficking policies on national security and border controls. This, combined with definitional ambiguities, has created a context where anti-trafficking discourses are subject to a variety of competing political agendas. As discussed in Chapter 5, internal anti-trafficking discourses focus on policy struggles aiming to redefine the relationship between human trafficking and prostitution laws in Canada; meanwhile, anti-trafficking discourses targeting international forms of human trafficking in Canada emphasize the relationship between human trafficking and human or migrant smuggling, oftentimes conflating human trafficking with migrant smuggling. As previously discussed, human trafficking and migrant smuggling are theoretically distinct concepts; yet, in practice, law enforcement personnel and frontline workers face significant challenges in clearly distinguishing the concepts. Although practical experiences often fall into a conceptual grey area, conflating anti-trafficking policies and initiatives with enforcement-based migration controls designed to address human smuggling is creating insecurity for trafficked persons and other migrants to Canada.

In theory, the concepts of human trafficking and migrant smuggling are distinct in three ways: 1) migrant smuggling involves consent whereas trafficked persons either never consented or their consent was obtained through deceptive or coercive means; 2) the relationship with a human smuggler ends upon arrival at the destination country whereas human trafficking involves ongoing forms of exploitation; and 3) migrant smuggling is a transnational activity by nature whereas human trafficking can occur both between and within States (UNODC 2009). However,

in practice, front line workers and law enforcement representatives highlight significant challenges in drawing strict distinctions between the concepts. As one frontline worker indicates, there are considerable “gaps between the legislation and the realities” (Winnipeg 02/11). In particular, as will be discussed in the remainder of this section, the laws governing border securitization are unable to account for the complexity of migrant experiences, the multiple junctures where exploitation can begin, and the nature of exploitation, which creates significant challenges for practical attempts to distinguish between migrant smuggling and human trafficking.

The definitional complexity of migrant smuggling and international forms of human trafficking is compounded by the “diverse motivations and messy realities of migration” (Lee 2011: 149). In particular, migrant experiences can include voluntary movements as well as varying forms of exploitation and coercion at multiple junctures in the process regardless of whether the means of crossing the border were legal or illicit. At the same time, a variety of motivations can underpin the movement, such as a flight from conflict, persecution, claims of asylum, or desires to ameliorate economic or political circumstances. As one frontline worker reveals:

Just to try to find the distinction between [human trafficking and human smuggling] ... it is very confusing because if you look at the definitions in the law, they are really quite different from the realities of frontline work...it’s difficult for a lot of the front line workers because it’s the people who are trying to get out of their country of persecution. They don’t have other options and they are paying these fees and yet once they get here they figure they are going to have the human rights perspective, but then they are taken and detained and don’t have access to [services] (frontline worker, National agency 02/11).

This excerpt points to a disjuncture between the “messy realities” of migratory experience and the legislations designed to control cross border movements. It further points to response mechanisms that criminalize the experiences of refugee and asylum seekers, an issue analyzed

further in the final section of this chapter. For now, it is important to recognize that migrant rights can be jeopardized when anti-trafficking and smuggling laws (which are by nature black and white) meet the complex (inherently grey) experiences of migrants, particularly when they intersect at a single point in the migratory trajectory (i.e. the border).

The relationship between human trafficking and migrant smuggling is further distorted in cases where migrant smuggling becomes exploitative upon arrival in the destination country and thereby shifts into human trafficking. In these cases, human trafficking may not be identified as such because the trafficked person appears to border security officials as a smuggled migrant and is therefore intercepted at the point of human smuggling. As one former law enforcement representative highlights: “there’s the legal distinction between a person who is smuggled and trafficked, but in my experience a person who is trafficked, often the victimization begins with someone who is smuggled.” In light of this reality, a logical argument can be made for relying on anti-migrant smuggling legislation, such as mechanisms of border security for the prevention of human trafficking. While logical from an enforcement perspective, a human rights lens reveals that such restrictive policies can in fact increase the insecurity faced by migrants in general and trafficked persons in particular. For instance, the very nature of the coercion involved in some human trafficking experiences can prevent a readily identifiable distinction between human trafficking and migrant smuggling:

If they were smuggled or trafficked then there is also the family back home they have to worry about, if they paid large fees, and if those fees aren’t coming in there is the potential to hurt the family back home. So there is that hesitation coming forth with that type of information. So it is really difficult to determine if they were trafficked or smuggled. And there is really a fine line (Frontline Worker, Winnipeg 02/11).

As this excerpt shows, threats issued to individuals and their families can serve as a significant deterrent to self-reporting experiences of exploitation, which proves especially challenging for

human trafficking investigations since such investigations are almost entirely dependent on victim testimony. These threats are further compounded in a context where trafficked persons risk criminalization and possible deportation, such as the penalties associated with illegal forms of migration. In this way, mechanisms designed to deter migrant smuggling can be used as a tool to coerce or threaten trafficked persons.

Overall, the ambiguous nature of the relationship between human trafficking and migrant smuggling has created space for politicized discourses that connect anti-trafficking initiatives to a variety of forms of border securitization. In particular, as Lee (2011: 149) highlights, discourses that connect human trafficking to illegal forms of migration “enables officials in destination countries to state a commitment to combat abuse and exploitation of trafficked victims while at the same time setting in place stricter border controls, deportation for those who migrate outside migration laws, and detention in immigration detention centers and prisons that intensify the suffering of migrants and curtail their right to freedom of movement and the right to personal liberty.” In Canada, anti-trafficking discourses have emphasized enforcement-based approaches that connect human smuggling and human trafficking, resulting in some anti-trafficking initiatives that create more insecurity for migrants and potentially work counter to the initial goal of combating human trafficking. In particular, anti-trafficking policies designed to prevent the exploitative practices of human trafficking also serve to reinforce existing boundaries of inclusion and exclusion by strengthening the ability of nations to secure its borders. Meanwhile, anti-trafficking discourses aiming to delineate clear distinctions between human trafficking and human smuggling separate cross-border migrations into “deserving victims” and “complicit criminals” when, in reality, the experiences are far more complex than such dialectic categories express. To examine the role of anti-trafficking discourses in shaping contemporary

debates about human rights, citizenship, migration, and national security, the following section discusses the arrival of migrant ships off the coast of British Columbia, which propelled anti-trafficking discourses in Canada to contribute to debates over existing boundaries of inclusion and exclusion, including national security and the rights of migrants and to the adoption of more restrictive immigration policies in the country.

6.1.1 *Migrant Ships and Moral Panics: Human Rights versus National Security*

In October 2009, the M.V. Ocean Lady was seized off the coast of British Columbia after arriving to Canada with 76 refugee claimants from Sri Lanka on board (CBC News, March 29, 2012). The second boat, the M.V. Sun Sea, arrived in Victoria, British Columbia in August 2010 with 492 Tamil migrants on board. The arrival of the boats signaled a heightened discursive battle regarding the relationship between migrant rights and national security, including drawing public discursive connections between illegal migration and human trafficking. The debate has resulted in a number of legal challenges as well as policy debates and amendments, such as the adoption of more restrictive immigration policies in Canada.

This most recent arrival is not the first time boats carrying smuggled migrants have been intercepted by authorities in Canada; however, it is the first known mass arrival since the adoption of the UN Protocol that connected human trafficking to transnational criminal activity and the inclusion of counter trafficking legislation in the Canadian *Criminal Code* and IRPA. Ten years earlier, in the summer of 1999, four boats and one shipping container arrived carrying close to 600 migrants smuggled from the Fujian Province on the southeast coast of mainland China, representing the largest group of refugee claimants detained in recent Canadian history and subsequently, in the spring of 2000, the largest mass deportation (Vancouver Sun, October 20, 2009; Mountz 2004). Similar to the recent arrival from Sri Lanka, the 1999 boats triggered an

intense public debate over the strength and sovereignty of the nation state and the rights of migrants. According to Mountz (2004: 324), media discourses and the federal government portrayed the “migrant ships as a threat to the nation-state, presented the migrants as a threat to public health, and thus contributed to fears regarding the porosity of international borders, the integrity of Canada’s refugee program, and the vulnerability of the nation-state more broadly.” Meanwhile, the federal government “presented public images of authorities in control of the situation” through images of containment and detention.

Similarly, in 2009 and 2010, the federal government responded to the arrival of the migrant ships by immediately detaining the migrants on board and issuing public statements connecting the migrants to the threat of terrorism associated with the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers), a declared a terrorist organization by the Canadian government. In doing so, the government reaffirmed the autonomy of the nation-state to secure its borders and the priority of national security. Specifically, in response to the arrival of the ships, Prime Minister Steven Harper issued a statement declaring: “Canadians are pretty concerned when a whole boat of people comes – not through any normal application process, not through any normal arrival channel – and just simply lands... We are responsible for the security of our borders, and the ability to welcome people, or not welcome people, when they come... we’ll take whatever steps are necessary going forward” (Globe and Mail, August 17, 2010).⁸⁸ While there are important reasons for discouraging the arrival of migrant ships, including the safety of the

⁸⁸ In support of the Prime Minister’s claims, an Angus Reid (2010) opinion poll conducted on August 17-18, 2010 indicated that close to half (48%) of all Canadians thought the migrants should be deported even if they are determined to be legitimate refugees and more than have (63%) thought the ship should have been turned back before reaching Canadian waters. Additionally, three-quarters (72%) expected more migrant ships to arrive to Canadian in the months following the arrival of the Sun Sea. Finally, more than half (64%) of Canadian indicated they were “very closely” or “moderately closely” following the media coverage of the arrival of the ships.

migrants on board, such declarations neglect the complex reasons why migrants engage in “risky” cross-border movements and the reality that, by nature, refugee and asylum claims often deviate from “normal” immigration processes. The Prime Minister further affirmed that the federal government will “not hesitate to strengthen the laws if we have to” (Globe and Mail, August 17, 2010). As will be discussed, in response to the arrival of the migrant ships, the government drew on anti-trafficking discourses to promote the strengthening of border security and stricter laws targeting human smuggling.

Discussing the complex relationship between human trafficking, migrant smuggling, and national security in relation to the arrival of the MV Ocean Lady and the Sun Sea, the following excerpt from a former law enforcement official suggests that overemphasizing national security conflicts with the complexity of migratory experiences where exploitation can be hidden by a “black and white” approach to what might appear as a clear-cut case of migrant smuggling:

When I was working as an investigator I saw everything in black and white. There were those who violated the law and those who didn't and I had the assumption that everybody makes the rational choice to break the law. There was some rational decision that resulted in the person using the services of a smuggler to get from wherever they were to Canada. I didn't recognize that smuggling could turn into trafficking and that often, trafficked people originally sought out the services of a smuggler. I think to find that line – we saw the Sun Sea provides an excellent example where there are allegations that in the Sun Sea – which were Tamil migrants – that there were members of the LTTE, therefore the LTTE is a listed terrorist organization with the Canadian Gazette. Therefore, any member of the LTTE is a threat to Canadian security and a terrorist. We haven't taken a look at, in my opinion, the fact of what capacity of the LTTE were they a member of? Were they coerced or threaten to become a member of the LTTE? ... They don't always have the ability to make what we would see as a rational choice...so to apply the law on the notion that someone has made a rational choice is erroneous and navigating that tricky line between the threat to society and the victims comes down to taking the time to examine what it is that led this person to be in the system and often what results is that there isn't that time taken because it takes a long time, expensive, requires highly educated individuals (National 01/11).

As this excerpt reveals, limited resources prevents sufficient enforcement of border security – particularly the complex intersection between human trafficking and human smuggling – which, in the context of restrictive asylum policies, results in the criminalization of asylum claimants, potential refugees and trafficked persons. However, as the excerpt shows, approaches dominated by national security and enforcement-based interests neglect this complexity of migrant experiences. Specifically, by emphasizing the threat posed by the migrants and the illegal nature of their arrival, the government was said to have placed the migrants at greater risk. For example, connecting the migrant ships to the threat of terrorism associated with the Tamil Tigers created sufficient grounds for one of the migrants on board the ship to claim refugee status irrespective of the validity of their initial claim (Woodward, CTV BC, September 21, 2012). In particular, the Federal Court of Canada ruled that publically tying the ship to the LTTE was sufficient grounds for the Immigration and Refugee Board to accept a refugee claim made by one of the Ocean Lady migrants and thereby set precedent for the 470 migrants whose refugee cases were still pending at the time of the ruling.⁸⁹

Further, some participants of this study suggest that an over-emphasis on national security and law enforcement-based responses created a context of “moral panic.” In the words of one frontline worker: “This [human trafficking] conversation is off the rails almost completely and it’s turned into an almost hyperbolic *moral panic* to call into question in an unprecedented way the rights of people migrating to us” (Frontline Worker national organization 01/11, emphasis added). By stirring up moral sentiments and fear through discourses of human

⁸⁹ The ruling has since been overturned by the Federal Court of Canada (Humphreys, National Post, January 21, 2013). At the time of this ruling, 23 migrants had been determined inadmissible to Canada and 34 had obtained refugee status (Woodward, CTV BC, September 21, 2012).

trafficking, illegality, terrorist connections, and “cue jumpers,” the government justified the immediate detainment of the migrants upon arrival and their treatment as potential criminals:

When the Sun Sea vessel arrived, it took them two weeks to get the legal aid number in to those folks...lack of [language supports], lack of access to counsel, lack of info about the process they are in and lack of info about their rights as having arrived on this based on previous jurisprudence. The rules are never stated [for the detained] so folks learn by trial and error” (Frontline Worker, Vancouver).

In addition to framing the migrants as criminals threatening border security, the migrants were also considered potential “victims” of human trafficking. Specifically, in the detention hearings, where the onus is on the state to justify the reason for the detention, the potential threat of human trafficking was cited as a reason for detaining the migrants:

I don’t know that anyone thinks that any of those people were trafficked per say. Clearly there were smugglers involved, no evidence of trafficking. What is interesting though is that CBSA at many of the detention reviews is suggesting that passengers from the 2nd ship who are in detention are unlikely to appear because they have debts that they owe to the smugglers and would therefore be vulnerable to the smugglers and be forced to disappear to pay off the debts, which can cross over into trafficking” (Frontline Worker, international organization, 01/11).

In this way, the potential risk of human trafficking is cited as a valid reason for detaining smuggled migrants. As a result, the response to the arrival of the boats draws attention to the “intersection between detention and smuggling and trafficking” (Frontline Worker national organization 01/11). Despite the relative rarity of migrants arriving to Canada by ship, especially compared to airport arrivals, migrant ships produce substantial public attention through images of mass arrival. This attention provided a context for proposing controversial immigration reforms to combat human smuggling that were, in part, framed as offering greater protection to “victims” of human trafficking. In doing so, the ships propelled anti-trafficking discourses in Canada to a position of shaping existing boundaries of inclusion and exclusion.

6.2 Anti-Trafficking Discourses and Restrictive Immigration Laws

6.2.1 'Cracking Down' on Human Smuggling: Protecting Canada's Immigration System Act

Following the arrival of the migrant ships off the coast of British Columbia and building on the anti-smuggling and anti-trafficking discourses described above, Public Safety Minister Vic Toews announced a partnership between the RCMP and Crime Stoppers, called Blue Blindfold, to raise public awareness about human trafficking in Canada and to provide a means for members of the public to report suspected incidences of human trafficking (CBC News, September 7, 2010). Describing the campaign, one law enforcement representative indicates: “[Blue Blindfold] puts the Crime Stoppers phone number on all the awareness material...so Public Safety, the RCMP, and Crime Stoppers partnered to start a campaign for the public. That one is just for the public” (National 12/10). By focusing on public reporting of human trafficking incidents, the Blue Blindfold campaign suggests that human trafficking is occurring in plain sight and is directly identifiable by an aware public while, as will now be discussed, simultaneously connecting human trafficking to issues of illegal migration and human smuggling.

In addition to an emphasis on raising public awareness of human trafficking, the announcement initiating the Blue Blindfold campaign tied human trafficking to issues of migration, human smuggling, and national security, suggesting human trafficking poses a significant security threat for Canadian citizens and foreign nationals. For instance, in an interview to launch the awareness campaign, Minister Toews responds to the question of how serious the problem of human trafficking is in Canada:

I think it's an issue that has come to the forefront as we welcome more and more people to Canada – as also, at the same time, individuals take advantage of Canada. We are a democracy, we have – generally speaking – very open policies towards people coming in and there are individuals who are taking advantage of this

particular situation. The trafficking issue, of course, is a much more significant one than smuggling in terms of the day to day impact on people here in Canada. Trafficking, of course, essentially leaves people in servitude, in fact, modern day slavery, and *these are situations that are occurring around us* (CBC News, Power & Politics, September 7, 2010, emphasis added).

By indicating that human trafficking is “occurring around us” the Minister connects the publicized threat posed by the arrival of the migrant ships, including the threat of terrorism associated with the Tamil Tigers, to the day to day realities of the general public who, through awareness, can identify victims of trafficking in their neighborhoods, schools, and workplaces. Further, in response to the question of whether new laws are needed to address human trafficking and human smuggling, Minister Toews asserted: “I think we have to be responsive to new kinds of threats to our security” (CBC News, Power & Politics, September 7, 2010). Similarly, while Minister Toews recognized the arrival of the Sun Sea represented a case of human smuggling, he made specific note of the potential connection between human smuggling and human trafficking when he announced the federal government perceived the ship as a “test ship” to assess the government’s response and that new anti-smuggling laws were being considered in light of the mass arrival (CBC News, Power & Politics, September 7, 2010). Thus, on the one hand, the migrants were portrayed as potential terrorists and a threat to national security; while, on the other hand, they were portrayed as possible victims of human trafficking in need of protection. In this context, the federal government was able to represent restrictive immigration reforms as a means of enhancing national security and in the interest of protecting victims of human trafficking.

In this context, on October 7, 2010, Citizenship and Immigration Minister Jason Kenney and Public Safety Minister Vic Toews jointly announced Bill C-49, *Preventing Human Smugglers from Abusing Canada’s Immigration System Act*. Announcing the bill by standing in

front of the Ocean Lady ship at the Port of Vancouver, Minister Toews declared: “our government is cracking down on those criminals who would abuse our generous immigration system...human smuggling is a despicable crime and jumping the line is fundamentally unfair” (CBC News, October 21, 2010). In doing so, he reinforced the Prime Minister’s previous statement, suggesting there are “regular” (i.e. “fair”) and “irregular” (i.e. “criminal” and “unfair”) channels for claiming refuge and asylum. From this perspective, the new bill would enable the Minister of Citizenship and Immigration to designate a new category of foreign national called “Designated Foreign National” based on an “irregular arrival” and a new detention regime associated with the designation (Bill C-49 Legislative Summary). Further, the bill aimed to add “trafficking in persons” as an aggravating factor to be considered by the court when sentencing a human smuggling case.

In the context of a minority Conservative government, Bill C-49 was unable to withstand opposition. In particular, political opponents rejected the enhanced discretionary powers the bill would afford to the Minister of Citizenship and Immigration and argued the proposed legislation would create a two-tiered refugee system based on the means of arrival to the country. For example, in response to the bill, Justin Trudeau, then Official Opposition Critic for Citizenship and Immigration, argued:

Bill C-49 is a terrible piece of legislation but a very effective announcement. It is effective because the government gets to talk about getting tough on vile human smugglers who criminally take advantage of extraordinarily vulnerable people fleeing persecution and oppression. It is always effective to be able to stand up and talk about defeating the evildoers while protecting the innocent and the just. The problem is that is all this is, talk. This legislation actually does very little to go after the evildoers, and far from protecting the vulnerable, actually goes after and punishes asylum seekers ... We have good reason to be concerned about this bill. I – we – understand that the problem of human trafficking needs to be dealt with, but the Conservatives’ approach lacks refinement, subtlety and respect for the Canadian Charter of Rights and Freedoms. They are classifying people not according to the

dangers they face at home, but according to how they get to Canada (Parliament of Canada, 40th Parliament, 3rd Session, October 28, 2010).

While the Opposition Critic is likely conflating human trafficking and human smuggling in this excerpt, his reaction expresses the concern of opponents to Bill C-49 that the bill oversimplifies complex migratory movements into “black and white” or “evildoers versus innocent” categories. Despite this critique, the Opposition Critic similarly creates an ideal category of “evildoers,” neglecting the reality that in a context of restrictive border controls, human smugglers, at times, offer a valuable service to would-be refugees and asylum claimants. At the same time, the categorization of “vulnerable asylum seekers” can also neglect the reality that abuses of the system of asylum can and do take place. Nonetheless, the standpoint that the bill risks criminalizing asylum seekers despite claiming to protect the rights of migrants is supported by the perceptions of frontline workers.

In response to the proposed legislation, frontline workers in this study suggested: “the most recent bill [C-49], the anti-smuggling, I think was a knee jerk reaction to the arrival of the Sun Sea, and I don’t agree with that because it criminalizes those who use the services of a smuggler” (Former Law Enforcement representative, National, 2010). Similarly, another frontline worker suggested the bill inaccurately draws on anti-trafficking discourses to propose measures aimed at the securitization of borders:

When the Tamil ship showed up [and the concern was] like ‘we have got to make sure that there is no human trafficking and smuggling, and we must create a new bill on smuggling and trafficking.’ Really? One is a crime against the state and the other is against the individual. So is this one piece of legislation really going to cover them both and are we not criminalizing them under the same umbrella anyways? ... I thought that was inaccurate and then there was an article that was like, ‘we must protect the north and our sovereignty because there could be trafficking.’ So it’s almost like the tag on now and it’s because it gets the human rights perspective, but what they are actually dealing with is national security and border integrity (Vancouver 01/11).

In addition to supporting the concern that such legislation can criminalize the experience of trafficked persons, this excerpt further reveals the various ways anti-trafficking discourses are relied upon to justify varying political agendas, especially when conflated with border securitization. Thus, on the one hand, anti-trafficking discourses were drawn upon to justify the need for more restrictive immigration policies. On the other hand, given the complex relationship between human trafficking and human smuggling, frontline workers challenged that the proposed policies risk creating more insecurity for trafficked persons by criminalizing all smuggled migrants, including instances where smuggled migrants become trafficked persons. As this former law enforcement representative discusses:

So those who are not here lawfully in Canada or any other country contrary to that nation's immigration law, they become the immigrant other and there is a moral panic that exists that if someone is an illegal immigrant, then they must pose a threat to society and then they have to be dealt with in the same manner that we deal with other law violators. We use the criminal justice model to address what is really a human tragedy as long as we don't distinguish between the victims and the smugglers, because technically everybody is in violation of the law.

In addition to highlighting the insecurity created by restrictive immigration controls that can criminalize migrant experiences by failing to recognize the nuances of “why” a migrant might be in violation of the law, the above excerpt challenges images of an “ideal victim.” Specifically, the excerpt suggests persons victimized by human trafficking might appear to border security officials as an “illegal immigrant” or “threat to society;” rather than an “innocent victim” in need of rescue. Given the challenges associated with identifying trafficked persons, the following excerpt from a frontline worker questions the detention practices outlined in the proposed legislation:

And with their new anti-smuggling legislations, parts of it are very good. You want to prosecute and you want to penalize the smugglers. But what a lot of people don't see is the other part of what the government isn't telling you about, how they are victimizing the victims. They can be detained for a minimum of a year without any

type of judicial review...The whole process to have their hearing is long, could be 5 years or longer. With the Tamils, there is still a large number of men, women, and children who are still in detention (Frontline Worker, Vancouver 01/11).

From this frontline worker's perspective, the proposed legislation would create a context where the government plays a role in re-victimizing potential refugees, smuggled migrants, and trafficked persons.

In this context, lack of political support and discourses emphasizing the potential threat to the rights of migrants prevented the bill from being adopted into legislation. However, on June 16, 2012, the proposed legislation was reintroduced as Bill C-4 and then subsumed under the omnibus Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act or, for short, Protecting Canada's Immigration System Act. While it is beyond the scope of this research to describe the numerous clauses outlined in the omnibus bill, it is important to note that Bill C-31 contains most of the provisions that were in Bill C-4.⁹⁰ Bill C-31 received Royal Assent on June 28, 2012.⁹¹ Of note, there are no direct provisions in the legislation that address human trafficking; nonetheless, anti-trafficking discourses and a prominent case of human trafficking informed the discussions leading to the adoption of the legislation.

On October 6, 2010, the RCMP laid nine charges of human trafficking and fraud following a ten-month investigation that was initiated through the self-reported experience of a Hungarian refugee claimant (RCMP, October 8, 2010). An additional nine charges associated

⁹⁰ In response to significant pressure from refugee advocates and political pressure, Bill C-31 withdrew a key controversial element of the proposed Bill C-4 by exempting minors (under the age of 16 years old) from detention.

⁹¹ Some measures of the legislation came into effect in the fall of 2012, yet most came into effect in December 2012.

with the case were laid on September 7, 2012. As a result, the case became known as Canada's largest human trafficking case to-date. According to the RCMP, the trafficked individuals were all men and were recruited from Hungary to work with promises of "steady work, good pay and a better life" (RCMP, October 8, 2010). However, upon arrival, the trafficked individuals had their documents withheld and were told to sleep on the basement floor with a number of other hired workers (Domotor et al. Case 2009; Globe and Mail, April 2, 2012). Significantly, the trafficked men were "coached to file false Refugee Claims as well as social assistance," benefits that would eventually be appropriated by the traffickers (RCMP, October 8, 2010). Based on this, anti-trafficking discourses suggested cases like this one could be prevented through immigration reforms, such as those proposed by Bill C-31; however, as will be discussed, the legislation has also created insecurity for at least one of the trafficked individuals involved in the case.

Overall, the case provided a context for anti-trafficking discourses to inform heated debates over the right to claim asylum and the perceived threat of asylum seekers abusing the refugee system in Canada. According to the National Post, the Minister of Citizenship and Immigration, Jason Kenney, said "the government has tried but so far failed to stem the tide of Roma coming into Canada and abusing its refugee system...the flood of asylum-seekers is 'highly organized' and not at all spontaneous. More worrisome is the evidence of human trafficking involved in these cases" (Boesveld, National Post, April 22, 2012).⁹² By connecting the influx of Roma refugee claimants to the abuses of the refugee system and the "highly

⁹² Of note, the connection between the experiences of the Roma community and the human trafficking case should also be understood in the context of a significant public discourse whereby the Minister of Citizenship and Immigration repeatedly connects the Roma population to abuses of the system of asylum. For example, quoted in the National Post, Jason Kenney declares: "Almost none of these European asylum claimants even show up for their hearings – they just overwhelmingly abandon them and withdraw their own claims...But they all do show up in Ontario's welfare program" (National Post, April 22, 2012).

organized” criminal network responsible for the Hamilton human trafficking case, the Minister effectively presents human trafficking as a threat to national security and portrays Canada’s immigration system as the “true victim” in need of protection. In another instance, the Minister shared an online news article detailing how the Hamilton case puts a “spotlight on the refugee system” (O’Reilly, Hamilton Spector, January 12, 2012) by stating on twitter: “...Hungarian human trafficking rings exploiting Canada's asylum system” (Twitter, Jason Kenney, January 12, 2012). From this perspective, it is the “asylum system” that is in need of protection and human trafficking is represented as a threat to the system. In this way, anti-trafficking discourses were employed to justify more restrictive immigration policies that, as will be discussed, have also created more insecurity for trafficked persons.

6.2.2 Anti-Trafficking and Border Control: Restrictive Measures and Potential Threats

In addition to informing direct amendments to the refugee and asylum system in Canada, anti-trafficking discourses also shaped reforms to the *Immigration and Refugee Protection Act* (IRPA) through clauses in the omnibus crime bill (Bill C-10) and the budget (Bill C-38).

Drawing on anti-trafficking discourses, these amendments enabled the withdrawal and refusal of visas issued to exotic dancers under the Temporary Foreign Worker program and, at the discretion of immigration officials, to pre-emptively restrict foreign nationals from working in Canada if they are believed to be at risk of exploitation. While the restrictive measures could potentially be applied to other temporary employment sectors where documented cases of exploitation have occurred, such as live-in caregivers or construction workers, they have, so far, only been applied to restrict exotic dancer visas. Given the gendered nature of the visa

program,⁹³ the restriction reflects how anti-trafficking discourses are shaping the relationship between the state, migration, gender, and sexuality. With this in mind, this section examines anti-trafficking discourses in the context of restricting the exotic dancer visa program.

Since the implementation in 1978 of the temporary work permit process in Canada, foreign exotic dancers have participated in the cross-border movements facilitated by the program (Macklin 2003). Typically, temporary work permits are required to be obtained overseas by demonstrating a job offer and a validation of the offer by Human Resources and Development Canada (HRDC).⁹⁴ Temporary employment offers are validated when employers obtain a positive labour market opinion by reasonably demonstrating a shortage of qualified Canadians or permanent residents available to recruit, train, and fill the position. However, in the case of exotic dancers, the requirement of obtaining a work permit overseas and the employment validation from HRDC was exempted. The exemption was implemented because the initial cross-border movements in the 1970s and 1980s primarily involved “Canadian and U.S. women engaging in an informal stripper exchange program” (Macklin 2003: 467). However, in the early 1990s, the source regions supplying exotic dancers to Canada shifted to countries in Eastern Europe and Asia (Macklin 2003; Bill C-10 Legislative Summary 2012). It was in this context that concerns of human trafficking entered the public discourse, with anti-trafficking discourses suggesting the special exemption of the exotic dancer program reflected the state’s complicity in facilitating human trafficking. In turn, this led to public discussions about restricting the program.

⁹³ Hanley et al. (2006) indicate that women are over represented in precarious status categories in Canada. Meaning, women disproportionately hold an immigration status that requires another application process in order to stay in the country on a permanent basis.

⁹⁴ This department has since been expanded and renamed Human Resources and Skills Development Canada.

However, alongside the shift in the countries supplying exotic dancers to Canada, workplace standards were also shifting in the 1990s with the institutionalization of lap dancing as an industry standard (Ross 2003). This resulted in a declining supply of Canadian dancers, which facilitated industry claims of labour shortages (Macklin 2003). As a result, in 1998, the then Minister of HRDC, Pierre Pettigrew, classified foreign dancing as a job to be monitored for shortages, which, in effect, eliminated the need for individual labour market opinions (Hughes 2005). While in appearance this facilitated a streamlined entry of exotic dancers into Canada “to serve the economic interests of the private sector,” Citizenship and Immigration Canada (CIC) relied on legal devices to restrict the movements of exotic dancers (Macklin 2003). Specifically, CIC denied employment authorizations based on the qualifications presented by the applicants. For instance, as Macklin (2003: 478) highlights, the Federal Court upheld a CIC decision that an applicant who “only had experience topless dancing” lacked the necessary qualifications for “nude dancing” in Toronto (see *Silion v. Canada* 1999). Applicants were also rejected based on the assumption they would only enter the exotic dancing industry in Canada if their life circumstances overseas were extremely dire, which meant they would pose a risk of not wanting to return to their home countries in violation of the temporary design of the program.

Despite the already constrained flow of exotic dancers to Canada, a political scandal led to further calls to cancel the exotic dancer visa program. In 2004, Immigration Minister Judy Sgro was alleged to have been in a conflict of interest over the issuing of an exotic dancer visa on behalf of an individual that worked on her re-election campaign (Hughes 2005; CBC News, June 21, 2005).⁹⁵ The scandal led to the resignation of Minister Sgro and to a renewal of criticism surrounding the visa program and its implications for the role of the state in human

⁹⁵ Of note, following a review, the Federal Ethics Commissioner, Bernard Shapiro, cleared Judy Sgro of wrongdoing.

trafficking (Hughes 2005; Globe and Mail December 3, 2004). As a result, the requirement to have the job offer validated was applied to the exotic dancer program and the number of work permits issued and extended dramatically declined: 342 permits and extensions were granted in 2004, while only 6 were granted or extended in 2010 (Library of Parliament 2012). Measures to further restrict and/or eliminate the program were proposed between 2007 and 2010;⁹⁶ however, they gained little footing until the Conservative majority was attained in May 2011.

Introduced on September 20, 2011 and receiving Royal Assent on March 13, 2012, the Omnibus Crime Bill, Bill C-10, amends the Immigration and Refugee Protection Act with the stated intention of addressing international forms of human trafficking. Specifically, in an earlier announcement of the provisions in the bill, Rona Ambrose, then Minister of Public Works and Government Services Canada and Minister for the Status of Women indicated, “the bill should help to preclude situations in which women *might be* exploited or become victims of human trafficking” and the legislative changes will “help close the doors to the dangerous victimization of girls and women” (Library of Parliament 2012: 146, emphasis added). To this end, the bill enables the pre-emptive exclusion of overseas visa applicants on the basis that they could potentially be exploited once they arrive in Canada. In particular, clauses 205-208 of Bill C-10 “give immigration officers discretion to refuse to authorize foreign nationals to work in Canada if, *in the opinion of the officers*, the foreign nationals are *at risk* of being victims of exploitation or abuse” (Library of Parliament 2012: 146, emphasis added). The discretionary power granted to border security officials presupposes an understanding of what constitutes human trafficking and exploitation; however, as will be discussed in the next section, law enforcement officials in

⁹⁶ For example, as will be discussed further in the next section on Temporary Insecurity: Migrant Worker Programs in Canada, Bill C-17, C-57, and C-45 aimed to restrict and/or eliminate the exotic dancer visa program.

this study suggest border security officials have been markedly underequipped and uniformed in the identification of human trafficking in Canada. Moreover, the bill proposes to address the problem of exploitation – especially human trafficking – by excluding the migratory movements of the visa applicants. In doing so, the measure restricts freedom of movement without addressing the root cause of the presupposed “risk” or the motivating factors leading to the visa request. Thus, while the policy potentially limits cases of exploitation through this specific visa program, it expands other forms of insecurity where “at risk” individuals use or are forced to use alternate, illegal routes of entry.

In addition to Bill C-10, further measures to eliminate the exotic dancer visa program were implemented with the passing of Bill C-38, the omnibus budget that received royal assent on June 29, 2012. Building on the program restrictions implemented in 2004, provisions in Bill C-38 drew on anti-trafficking discourses to grant immigration officials the power to invalidate existing visas issued to exotic dancers, refuse new applications to the program, and prohibit individuals with open work visas from working in the adult entertainment industry. Announcing the new measures, Diane Finley, Minister of Human Resources and Skills Development indicated: “Through collaborative partnerships and preventative action, these new measures will further strengthen Canada’s National Action Plan to Combat Human Trafficking” (Government of Canada July 4, 2012). The measures are, in fact, in step with the National Action Plan (NAP); however, as frontline workers suggest there was limited consultation that went into the formulation of the NAP (an issue to be discussed in more detail in the final chapter of this

dissertation) and, as a result, there are suggestions in the plan that are out of step with the realities perceived by frontline workers.⁹⁷ In the words of one frontline worker:

One of the [proposed] recommendations was that we should have more stringent immigration procedures and policies *for women entering Canada alone*. It was totally uninformed, it was just like ‘this will fix it’ and we were just like ‘we would like to state our concern with this’ and I don’t know if it has been revised...my concern is that people go ‘oh yeah, that will do, we are dealing with it: pass.’ It is kind of frightening if something like that can even get in there” (Frontline worker 11/10, emphasis added).

In the end, the NAP does emphasize some exclusionary measures aimed at restricting the migratory movements of girls and women, including voluntary movements. Specifically, the plan states: “those who are likely to be at-risk [of trafficking] include persons who are socially or economically disadvantaged, such as some Aboriginal women, youth and children who are in protection, as well as girls and women, who may be lured to large urban centres or who move *or migrate there voluntarily*” (Public Safety Canada 2012: 6, emphasis added). By including women’s voluntary migration under the category of “at risk” the national action plan creates a rationale for restricting women’s movements through measures, such as Bill C-38.

Towards this end, Minister Jason Kenney announced the new measures to be implemented with the passing of Bill C-38 by building on this discourse of suspected risk: “The government cannot in good conscience continue to admit temporary foreign workers to work in businesses in sectors where there are reasonable grounds to *suspect a risk* of sexual exploitation” (Globe and Mail, July 4, 2012, emphasis added). The Minister further pointed to a 2010 RCMP

⁹⁷ It is important to note the prevention strategies outlined in the NAP are more broad-based than merely recommending such restrictive measures. However, as will be discussed later, they are still too narrow to address the complex experiences that fall under human trafficking legislation. With respect to prevention, suggested strategies also include awareness raising activities, the development of diagnostic tools to enhance identification of trafficked persons in Canada, and targeted support for the Canadian International Development Agency (CIDA) to address the experiences of “women and girls living in poverty” (Government of Canada 2012: 31).

report to justify the amendments: “Mr. Kenney pointed to RCMP worries that *escort agencies, brothels and massage parlours* are connected to human trafficking and sexual exploitation” (Globe and Mail, July 4, 2012, emphasis added). While the RCMP (2010) report does point to the involvement of organized crime with connections to convicted traffickers in facilitating the entry of women from the former Soviet States to Canada to work in massage and escort services. Specifically, the RCMP threat assessment associated strip clubs with human trafficking of foreign nationals to Canada, citing “investigations conducted in the 1990s” which found “strong indications that women were recruited from Eastern European countries for non-sexual work but were later forced to dance in strip clubs and even provide sexual services” (RCMP 2010: 18). Since human trafficking legislation was not in place at the time of the investigations, RCMP (2010) argue that anecdotal stories alongside investigations pointing to circumstances consistent with human trafficking were to be considered in lieu of numerical data. However, the report goes on to contradict discourses connecting human trafficking with the exploitation of foreign nationals in exotic dancing industries. Specifically, according to the report, more recent investigations in Ontario, Quebec, and the Atlantic regions all concluded that in clubs offering sexual services “human trafficking complaints were mostly unfounded... though foreign workers were indeed located in the clubs, investigations determined that these subjects were engaged *voluntarily* as exotic dancers” (RCMP 2010: 19, emphasis added). As a result, the report concluded: “Overall, investigations so far have not been able to substantiate the trafficking of foreign nationals in exotic dance clubs but this possibility has not been ruled out” (RCMP 2010: 20). Conversely, the report suggests that inter-provincial trafficking of Canadian citizens is an “increasing trend” (RCMP 2010: 20). Nonetheless, by connecting the migratory movements of women, including voluntary migrations, to the risk of human trafficking, anti-trafficking

discourses presented the restrictive measures as a preventative strategy to address the victimization of foreign nationals exploited in exotic dancing industries.

In spite of scarce evidence connecting human trafficking to the exotic dancer visa program, abolishing the program will in effect prevent potential cases of international human trafficking from occurring through the specific use of exotic dancer visas. However, in doing so, the restrictive measures limit the legal migratory options for women, criminalize the experiences of women that continue to work once their visas are declared invalid, and fail to address the core issue underlying all forms of human trafficking: exploitation. Moreover, excluding women from accessing legal migratory options fails to address the socio-economic realities of the migrants, the motivations behind their migrations, or the mobility rights of women. In doing so, the measures contradict a primary purpose of the UN Protocol: “to protect and assist the victims of such trafficking, with full respect for their human rights” (United Nations 2000, Article 2b). However, as discussed, such human rights provisions were not deemed mandatory and thus create space for rights violations, such as the restriction of women’s migratory movements. Moreover, in a context where the demand remains constant, the need to access employment opportunities remains stable, and the legal means to supply the demand are diminished, illegal flows become the primary means for supplying the demand. Thus, while exotic dance clubs remain a legitimate business, the movements of exotic dancers have been criminalized, exposing the dancers to greater insecurity associated with the threat of arrest and deportation by border authorities and the vulnerabilities associated with working in the absence of a valid work permit, such as the use of an illegal status by traffickers as a means of coercion and control. In light of these measures, the following sections examine the criminalization of trafficked persons in Canada and the associated insecurity faced by individuals victimized by human trafficking.

6.3 Anti-Trafficking Policy and Human Insecurity

Anti-trafficking discourses have provided justification for the implementation of restrictive immigration reforms in Canada. This underscores the capacity of anti-trafficking discourses to influence boundaries of inclusion and, especially, exclusion and the role of anti-trafficking discourses in shaping strategies of border control and security. Specifically, since human trafficking has been defined under the auspices of transnational organized crime, efforts to combat human trafficking emphasize border controls and security, such as the restrictive approaches adopted in Canada. However, service providers and law enforcement personnel working on the frontlines of responding to human trafficking suggest that restrictive approaches emphasizing enforcement based responses neglect the complex experiences of trafficked persons and, in doing so, result in the criminalization of trafficked individuals as well as other forms of insecurity, such as those faced by temporary foreign workers in the country.

6.3.1 Criminalizing Trafficked Persons: Deporting the Problem

The complexity of experiences comprised under the legal definitions of international forms of human trafficking and the intersections between human smuggling and human trafficking have posed significant challenges for contemporary forms of boundary maintenance, especially the tenuous balance between border securitization and the rights of migrants. In Canada, anti-trafficking discourses have provided support and justification for the adoption of more restrictive asylum and refugee policies through immigration reform with the stated goal of protecting “at risk” and “potentially trafficked” individuals, especially women and children. However, such policies also contribute to the insecurity faced by trafficked persons – including men, women,

and children – and have led to the criminalization and deportation of migrants, asylum claimants, as well as trafficked individuals. In a context where globalizing trends continue to intensify cross-border flows of migrants, an overemphasis on restrictive measures turns the border into a site where the complex experience of trafficked persons and other migrants meets the singular aim of national security, resulting in substantial human insecurity.

Prior to the implementation of the more restrictive border control measures in Canada, frontline workers participating in this study – including law enforcement personnel and past and current border security officials – were already suggesting an overemphasis on the securitization of national boundaries at the expense of the rights of migrants and trafficked persons and many feared the newly proposed, more restrictive laws, would lead to further criminalization of migrant experiences. Since Canada Border Service Agency (CBSA) is responsible for the monitoring, control, and enforcement of border security, participants were especially critical of the role played by the CBSA in criminalizing trafficked and potentially trafficked persons by focusing efforts on the border control strategies of detention and deportation. Frontline service providers, law enforcement representatives, and government officials all suggest an unwillingness on the part of the CBSA to recognize the experiences of trafficked persons and to consider the nuanced circumstances which can lead trafficked persons and other “irregular” migrants to be in violation of immigration laws. For example, as one provincial government representative suggests: “they [CBSA] don’t want to admit that we have got trafficking in this country. They see everybody as trying to break in illegally, cue jumping, and that kind of stuff, so they never have taken this issue seriously, they will tell you differently in Ottawa, but they just want to deport. So that’s really unfortunate because they are huge gate keepers and could make a huge difference” (Provincial Government Representative, British Columbia 01/11).

While some, like the above excerpt suggests, indicate the CBSA is unaware of, or unwilling to consider, the experiences of trafficked persons, others indicate that the CBSA is aware of human trafficking, but are dominated by an enforcement-based approach that prevents a more nuanced examination of the narratives of individuals in violation of immigration policies. In the words of one frontline service provider: “CBSA is aware of trafficking, but they are probably less intent on prosecuting it because their approach is to detain, interview, deport. They don’t even get to what is the story of this person” (Frontline Worker Vancouver 01/11). However, as noted, the complexity of experiences faced by trafficked individuals creates significant challenges for the identification of human trafficking, which requires a detailed investigation into the narrative of migrants presenting indicators of human trafficking. In the words of a law enforcement official, such detailed investigations are necessary for accurate identification of human trafficking: “The problem is what looks like one thing isn’t always what it is, so sometimes things look like trafficking and they turn out to be. Sometimes they aren’t trafficking but they start to turn out to be and there are some elements. So it kind of goes both ways” (National 12/10). In this way, enforcement approaches with the capacity to examine the complexity of migrant experiences are a necessary factor in balancing the conflict between national security and the rights of migrants.

Yet, in Canada, former and current law enforcement personnel involved in border security indicate that the CBSA emphasizes exclusionary practices to the extent that border securitization is creating more insecurity for trafficked persons. As the following excerpt from a former law enforcement official suggests, border security is prioritized above the rights of trafficked persons, in particular, and migrant rights, in general:

We would look at them as being in violation of the act, overstaying, misrepresenting the purpose of why they are here, take them into custody and proceed with removal processes. Then we would physically deport them back to their country of origin. I have never received, in the 14 years that I was with the CBSA, I never received any

formal training on what constituted human trafficking... and I think what happens with law enforcement officers is that we go look at the individual, more so look at the person who is in violation of the act, we don't look at the nuances of why they are in violation of the act. Technically, yes they are in violation of the act, but why are they in violation of the act? ...Our resources, our training, our ability to conduct investigations was limited, we just didn't have enough investigators. We didn't have enough training, didn't have enough education of what to look for. Unfortunately, these people really fell through the crack. I know personally for myself, I am responsible for removing dozens upon dozens of people that were victims of trafficking and we dealt with them as immigration violators and removed them" (Former law enforcement, National 12/10).

According to a current law enforcement representative, training and awareness have improved among frontline border security officials; however, the emphasis on enforcement approaches above migrant rights persists: "Do you send people home? Are they victims? Or are they breaking the law? And I don't know if [the CBSA] has found a happy balance yet. They are aware of the issue [of human trafficking], but how they handle it hasn't progressed. Perhaps it leans more on the [enforcement] side of the balance...but some [officers] are really good" (Law Enforcement, National 12/10). While this excerpt indicates that some border security officers aim to adopt a more nuanced approach to the complex experiences of migrants, the adoption of more restrictive policies in Canada has created greater constraint on the ability of individual security officials to investigate the experiences of migrants in violation of immigration laws, which recently led to the deportation of a trafficked persons family, despite concerns of significant risk posed by the trafficking network in the family's country of origin.

Tibor Baranyai was a key witness in the Hamilton human trafficking case discussed above. Following the case, anti-trafficking discourses cited the experience of the Hungarian labourers as justification for the adoption of more restrictive immigration policies; yet, the adoption of these policies led to the deportation of Mr. Baranyai's family, despite fears they would be targeted for reprisals. According to a victim impact statement, at least one of the

families of an individual victimized by the case had previously been subject to threats and intimidation by the network affiliated with the traffickers:

My family has been threatened many times in Hungary. They promised them money if they tell them where I was. My family suffered a lot because of it. I have so much guilt because of what they did to my family, and because of what happened to my family back home. The Roma's visited my family home in Hungary many times, they surrounded my family and they intimidated them so they would tell them where I was. My parents' wouldn't allow my siblings to go to school because they were afraid for their safety. My father couldn't fall asleep because he was afraid that the Roma's will break-in in the middle of the night, and that something serious will happen to my family members. Every night he tried to sleep with a huge piece of metal next to his bed, for protection, in case someone do break in... If for some reason me and my family have to go back to Hungary one day I am sure that we are going to be harmed seriously, in short period of time" (Domotor et al. Case 2009).

Despite reasonable fears of family members becoming targets for reprisals, Mr. Baranyai's wife and stepdaughter were deported. Before the passing of Bill C-31, individuals in Canada that have been issued a pre-removal order would rarely be removed from Canada without being given the opportunity to receive a Pre-Removal Risk Assessment (Caron and Partners LLP 2012).

However, as of July 1, 2012, failed refugee claimants have a one-year waiting period before being eligible for a PRRA⁹⁸ and are likely to be deported from Canada within that year, making the PRRA effectively unavailable to refugee claimants that have received a negative decision (Citizenship and Immigration Canada 2012). Since Mr. Baranyai's wife and stepdaughter had been issued a failed refugee claim prior to the marriage, border security had limited legal options for considering the evolving narrative the of migrants involved. Thus, despite the changing circumstances and potential risk created for the family of this trafficked individual, they were deported back to Hungary. Yet, as a former law enforcement officer suggests, such risk

⁹⁸ This waiting period is increased to 36 months for failed claimants from "a designated country of origin" (CIC 2012).

assessments are an important part of the investigative procedure, particularly in cases involving human trafficking:

Navigating that tricky line between the threat to society and the victim comes down to taking the time to examine what it is that led this person to be in the system. And often what results is that there isn't that time taken because it takes a long time, expensive, requires highly educated individuals. In my view, you would need to have a team within the federal government that does risk assessment for these people...I think it needs to begin at the front line office level...to have people who understand the nuances or understand the threats or forces that are working against these people and to identify, yes, they have family back home that can be victimized. That the violence can continue well beyond their own being, but peripheral violence to their family overseas" (Former Law Enforcement, National 12/10).

In the absence of a risk assessment and a recognition of the potential danger faced by the family members of a key witness in this trafficking case, the family was deported, which, according to Mr. Baranyai meant he was victimized not only by the traffickers, but also by the criminal justice system in Canada: "I want to say I feel used. The traffickers used me for my labour, Canada used me as a witness to get a prosecution. But both Canada and the traffickers would deny me the basic thing I need as a human – to be loved, to love, and be supported by a family that I can see and touch. You would deny those I love safety" (Globe and Mail October 18, 2012). While the pre-removal risk assessment clause offers one example of how the new restrictive measures under Bill C-31 has created more insecurity, the limited capacity of border security to provide detailed investigations pre-dated the arrival of Bill C-31.

Former and current law enforcement representatives in this study indicate that the CBSA, even prior to the passing of more restrictive legislation, lacked the capacity to adequately enforce the laws, particularly in a nuanced manner: "The problem is when you have a law, conversely you need organizations to enforce that law...you need to have agencies that are equipped to administer and enforce them and we don't have that, yet" (Former Law Enforcement 12/10). However, rather than increasing the enforcement capacity necessary to examine the complex

experiences of migrants, federal policies have opted for a more restrictive border securitization approach that further limits the capacity of law enforcement efforts at the expense of migrant rights: “if you have the staff to enforce it, you can be a little bit more facilitative on the entry” (Law Enforcement, National 10/12). In this way, restrictive policies build on the already limited ability of the CBSA to examine the complex experience of migrants by creating more grounds for exclusion and deportation.

By emphasizing exclusion-based policies, anti-trafficking efforts become a mechanism of crime control and border security. As a result, a number of frontline service providers in this study conclude that policies claiming to prevent or respond to human trafficking are creating more insecurity for trafficked persons: “I think the main concern tends to be that these laws were not written with the victim at the core. The purpose is to address the crime. It’s crime oriented, it’s to stop trafficking. It’s not to provide a remedy to those who have been trafficked and are in a difficult situation. And I don’t know if that’s going to change anytime soon” (International Organization 01/11). This emphasis on border security has created significant challenges for some temporary foreign workers in Canada who, in a context of restrictive policies, endure exploitative practices rather than risk job loss or deportation that can accompany reporting abusive experiences to the authorities.

6.3.2 Temporary Insecurity: Migrant Worker Programs in Canada

The intersection between anti-trafficking discourses, human rights, including the rights of migrants, and boundaries of inclusion and exclusion are particularly apparent when examining

the experiences of temporary foreign workers (TFWs)⁹⁹ in Canada. On the one hand, despite the initial aims of the program to meet temporary labour shortages, TFWs have been incorporated into the fabric of the Canadian labour market, particularly to fill low-skill, low-wage employment in caregiving, food service, hospitality, construction, and tourism industries (Macklin 2003; Faraday 2012; Hennebry 2012; Hastie 2012). In fact, in 2006, the number of TFWs entering Canada surpassed, for the first time, the number of economic immigrants that received permanent resident status with the majority of this growth occurring in the low-wage sectors (Faraday 2012; Citizenship and Immigration 2010). On the other hand, despite inclusion through legal entry points into Canadian society, TFWs are excluded from many of the rights and legal protections afforded to Canadian workers. Moreover, frontline workers reveal that employers have relied on the limited legal protections available and restrictive immigration policies to exploit the labour of TFWs in the country. Thus, while the labour of TFWs falls within the bounds of inclusion, the rights of temporary foreign workers have fallen outside such boundaries, creating significant insecurity for TFWs and their families, including experiences of human trafficking and labour exploitation.

One of the primary constraints frontline workers and law enforcement representatives – particularly from Alberta and British Columbia¹⁰⁰ – identify when describing the relationship between the TFW program and human trafficking, is the ability of TFWs to report their

⁹⁹ I use the term “temporary foreign worker” because that is the designation given to the Canadian program. However, it is important to note that such terminology is not neutral. As Preibisch (2012: 86) highlights: “Referring to migrants in [temporary migration programs] as temporary obscures their long-term, structural importance... Further, labeling migrants as foreign is part of a nationalist discourse that contributes ideologically to their legal and social disenfranchisement within labour market and society.” Building on Preibisch’s (2012) argument, Faraday (2012) suggests “migrant worker” is more in line with the perception of the workers themselves and international law as it relates to labour migration.

¹⁰⁰ Human trafficking charges for the purposes of forced labour have been laid in Alberta, Ontario, and British Columbia (Government of Canada 2012).

experiences of exploitation. Specifically, one of the main tactics used by employers to exploit the labour of TFWs is to recruit migrant workers to the country through fraudulent means or to create a scenario whereby the TFW will be in legal violation of their visa requirements. In the words of a law enforcement official:

There are so many temporary foreign workers in the province of Alberta and they are exploited quite heavily...In Alberta, in particular, it's dealing with foreign workers and them being brought into the country under fraudulent pretences and being exploited...in hotel, fast food industry, live-in caregiver industry, construction. So what will happen is that they are supposed to come and work for Quiznos and instead they will make them work at Tim Hortons. So they are in violation, they are working without a permit, and they can be removed from the country. So they are working at Tim's for longer hours and less pay than everybody else. And so it will be within the fast food industry: 'I need a body here, don't tell immigration, we will get the paper work for you and get it sorted out, it's fine.' So sort of the same [type of work] but within that industry itself...the exploitation happens and a lot of head offices don't know it's going on. [As soon as they are in violation of the Act] they can be deported and removed, just by working in some place you are not supposed to be working: 'we'll tell immigration if you don't [comply]' (Law Enforcement, National 12/10).

As this excerpt suggests, TFWs victimized through the use of fraud, threats, or coercion have been criminalized and deported because they are in violation of the TFW work permit requirements. Despite claims that such experiences of exploitation are frequent in nature, border security officials have little capacity to investigate and are bound by the restrictive nature of the permit.

Even when no initial violation of the work permit occurs, reporting the exploitative practices of an employer can result in job loss, which can also jeopardize the TFW legal status in the country. Specifically, the TFW policy places workers in a situation of dependence on their employer because they are only authorized to work for the specific employer who obtains a particular labour market opinion for the occupation listed on the work permit (Faraday 2012). As one frontline worker argues:

Within the temporary foreign worker population is a lot of potentially trafficked people...so there is a lot of human rights that have been violated with just some of the policies...they are getting the work visas that designates them to the workplace that applied for them to come. So if there are any problems then they are in a very bad position. If I am not satisfied with the job that was promised versus the reality I have no other options. Cause if I to work for this employer, automatically my visa isn't valid and I can be deported or asked to leave....Yeah, you are at the mercy of your employer (frontline worker, Calgary 10/11).

As this excerpt suggests, to leave an exploitative employer and remain in the country legally, a TFW must “find another employer who is willing to go through the lengthy process to apply for and receive an LMO [labour market opinion] to hire them and who is then willing to wait again until the migrant worker is able to apply for and receive an amended work permit” (Faraday 2012: 77). As a result, changing jobs or employers can result in months of unemployment, which many TFWs cannot afford, especially if their work in Canada is tied to remittance obligations in their home countries. Yet, any work done in the absence of the amended work permit violates the TFW program and can result in deportation. Thus, given the risks associated with reporting incidences of exploitation, frontline workers indicate that many TFWs choose to endure the abuse, rather than risk job loss, deportation, and criminalization by the authorities. In the words of one service provider:

[Temporary foreign workers] would choose not to file a complaint for fear of being sent home and not being able to find a job because of the nature of the work permit which is restrictive. So if they will complain, then the huge possibility of being out of a job is just so huge that they can't have that...they don't want to come out, no matter how much we tell them. Even the foreign workers who come to our door and admit that they are being abused, but at the end of the day they still have to want to file a complaint because it has to be done with their consent, and they will just say no. So what can you do? Because they are afraid of losing their job...they would rather endure it (Frontline Worker, Calgary 11/10).

As this suggest, the risk of job loss and potential deportation is exacerbated for TFWs who are constrained by the dependency of families and governments relying on their labour in the form

of remittance payments (see Chapter 3 for a broader discussion of economic dependency and remittance payments).

The need to supply remittances to family members and dependent public sectors of home countries, alongside the restrictive policies governing TFW programs, were identified by frontline service providers and law enforcement representatives as another key form of insecurity faced by TFWs, leading some to persist in the exploitative work situation rather than report experiences of exploitation to authorities. In the words of one law enforcement representative:

They [TFW] come for a job, the job doesn't exist. 'Okay go here, you know you are now working without a permit, we are going to tell immigration if you stop.' So what will happen is that the people who have status are paid one wage and the people who don't have status are paid another wage. And that just seems to be common knowledge and accepted practice. People tolerate it and put up with it because they can still get enough money and send money to support their family back home (Law Enforcement, National, 12/10).

As this excerpt reveals, the socio-economic context underpinning TFW programs – such as the demand for cheap, flexible labour in Canada – creates a context conducive to the exploitation of migrant workers who depend on the employment to maintain remittance payments and thereby facilitates the development of a two-tier labour market that discriminates against migrant workers through lower forms of compensation.

The key role played by the dependency created through remittance payments is further outlined by another frontline worker who details a case where despite explicit abuse (including both sexual abuse and labour violations) by an employer, the TFW refused to report the abuse until it compromised her ability to provide remittances:

She only came to complain because she was not receiving her salary and so we probed further and came to know that she was being sexually abused by her employer. But then had the employer not been paying, she is a cleaner, so she cleans maybe one office to another, so that's only when she told us that she was sexually abused, but she told us that pay is more important to her because by that she will be able to send money home (Frontline Worker, Calgary 11/10).

As this excerpt suggests, the socio-economic constraints of maintaining remittance payments prevented this TFW from reporting the abuse of her employer, until the exploitation threatened to compromise her ability to make the remittances. On the one hand, the narrative of this TFW challenges notions of an “ideal victim” (particularly images portraying sexually exploited women in need of rescue) since her primary concern was the labour violation and her ability to maintain remittance payments to her home country, rather than her experience of sexual abuse perpetrated by her employer. On the other hand, her experience points to the insecurity faced by TFWs who are constrained by socio-economic obligations to their home countries, yet dependent on specific employers for their legal inclusion in the host country. In the end, when she was unable to recover the pay, she left the employer; however, since her status in Canada was dependent on the labour market opinion obtained by this employer, she was subsequently deported:

The lady who was being constantly sexually abused by her employer was sent home because there was no other labour market opinion for her. So if she doesn't have any labour market opinion, she can't have a work permit. If she doesn't have the work permit, then she doesn't have the legal status to stay here, so she had to leave the country (Frontline Worker, Calgary 11/10).

In this way, the legal constraints of the TFW program create a context of insecurity for migrant workers who are tied to specific employers and are constrained by their need to make remittance payments.

In addition to the risk of job loss and the associated risk of being unable to provide remittance payments, frontline workers indicate that TFWs in the Live-in Caregiver Program (LCP) face additional forms of insecurity. The LCP was formed in 1992 to meet labour demands for private, live-in care for children, persons with disabilities, and the elderly (Faraday 2012).¹⁰¹

¹⁰¹ See Macklin (1992) for a historical overview of domestic migrant workers in Canada and the emergence of the Live-In Caregiver Program.

The program is a highly racialized and gendered form of temporary migrant labour with over 90% of the arrivals in the program coming from the Philippines and 95% of the principal applicants comprising women (Kelly et al. 2011; also see Faraday 2012). While the program is classified as a low-skill occupation (i.e. National Occupational Classification C), the majority of migrants arriving through the LCP are well-educated and increasing so. According to Kelly et al. (2011), the proportion of live-in caregivers arriving to Canada with a bachelor's degree or higher increased from 5% in 1993 to 63% in 2009. Additionally, unique to the LCP is the ability to apply for permanent residency. Live-in caregivers can apply for permanent status after completing 24 months of live-in care over the duration of a 48-month period.¹⁰²

Given the particular nature of the LCP frontline workers suggested two additional forms of insecurity specifically affecting temporary migrant live-in caregivers. First, participants expressed concern over the potential effect of the proposed bill C-49, *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, which, as discussed above, has since been adopted and legislated under the omnibus Bill C-31. As discussed above in relation to the experience of exotic dancers in Canada, the legislation includes provisions that allow immigration officials to withdraw or refuse visas to individuals believed to be at risk of exploitation. Thus far, the provisions have only been applied to the exotic dancer visas under the TFW program. However, when Bill C-45 was initially introduced,¹⁰³ the Minister of Citizenship

¹⁰² The initial period of 36-months to fulfill the 24-month of live-in care labour was changed to 48-months on April 1, 2010. These changes occurred in response to a report by the Parliamentary Standing Committee on Citizenship and Immigration (May 2009).

¹⁰³ Introduced on June 17, 2009 to amend the *Immigration and Refugee Protection Act*. The bill enables immigration officials the discretion to refuse to authorize foreign nationals the right to work in Canada if they are judged to be "at risk" of exploitation. Earlier versions were introduced in the fall and spring of 2007 (Bill C-17 and C-57, respectively).

and Immigration Canada, Jason Kenney, suggested the restrictions could also be applied to the LCP. In the words of the Minister:

The visa officer would be able to say, ‘Look we’re concerned you might be going in to face a degrading situation. We’re going to withhold your work permit,’ and then that caregiver could find a different legitimate situation...our objective is not to use this additional power to get in the way of legitimate caregiver-employer relationships, but only in really extraordinary circumstances where a caregiver may go into an abusive situation (CBC News, September 22, 2009b).

Significantly, the two programs – exotic dancer and live-in caregiver – that were singled out in discourses introducing the restrictive measures are highly gendered TFW programs. Despite this reality, documented human trafficking cases have also involved men, such as the large-scale human trafficking case in Hamilton, Ontario (discussed above), labour trafficking charges and a related conviction in a case involving the victimization of 63 Polish welders in St. Paul, Alberta, and exploitation in other industries victimizing male and female labourers, such as fast food restaurants to be discussed below. Yet, as discussed, restricting the migratory movements of women aligns with the stated goals outlined in National Action Plan to Combat Human Trafficking.

In the context of live-in caregivers, pre-emptively restricting the movements of caregivers raises the question of how immigration officials would identify whether a caregiver was at risk of entering an exploitative situation and, if such identification were possible, why the legal measures target the potential “victim” rather than the exploitative practices of the employer, especially since a federal government office, HRSDC, is responsible for issuing the labour market opinion to the employer seeking to hire the TFW. As a provincial government representative from British Columbia suggests, the caregivers are arriving through legitimate means, including legal contract reviewed by HRSDC: “[Live-in caregivers] are brought in quite legitimately with work permits and valid contracts, and then [the contracts] just being thrown out

the window. Terrible situations, passports thrown away or locked up, long long hours in horrendous living conditions. So women in particular being exploited.” Since the exploitation is occurring following the arrival of the caregiver, it begs the question of how pre-emptively restricting the caregiver’s movements would contribute to her protection. Moreover, as one frontline worker reveals, identifying exploitation is already problematic given the above discussed risks of deportation and would only intensify under new restrictive measures:

We did a lot of work with the live in caregiver program because there were lots of irregularities around that and I would say in [British Columbia] that is probably the site of the highest number of people being trafficked...my work is in transnational migration, primarily where I see them is in detention. And the way the system works is that you might not ever find out if she was trafficked because she got deported so quickly. And I would say this is still the practice. And now with C-49 coming up, it’s just going to be horrific (Frontline Worker, Vancouver, 01/11).

In the absence of the necessary investigative resources on the part of both HRSDC and border security officials and their corresponding limited capacity to identify experiences of exploitation, restrictive measures merely heighten the chances of deportation or restrict the movements of migrants, especially migrant women. Thus, as one law enforcement representative concludes: “We need more training, we need more tools, need more of everything to help us to fight it. Additional resources in terms of investigating, but also dealing with the people” (Law Enforcement Representative, National, 10/12). Meeting such limited investigative and enforcement capacity with more restrictive measures, creates greater risk of criminalization and deportation of victimized migrant workers, rather than opportunities for identifying experiences of victimization.

Given the gendered and racialized nature of the LCP, additional forms of insecurity arise for live-in caregivers in the context of socio-economic globalization. In particular, global structural inequalities underpinning the LCP creates a scenario that results in the de-skilling of

migrant women's labour, documented experiences of exploitation in the de-skilled position, and socio-economic constraints and dependencies limiting the migrant women's capacity to leave exploitative employers. The following excerpt from a law enforcement representative summarizes these combined insecurities:

The live-in caregiver program that's a little bit different because they have to have some specialized skill sets to qualify for the program. Usually they are nurses, or teachers, or health care providers in their home country, and they come here to be a live-in caregiver and act as a nanny or look after elderly parents. Someone in that capacity, but they do have a higher skill set than somebody in the low skills program. So they come here being promised a job, they get here and the job no longer exists or never existed in the first place. They have paid huge fees to come here to the job placement agency to get these jobs. They get here and are told, 'well this job no longer exists, but we can send you here.' And they are aware that they are in violation of their status but you know they have just paid X number of dollars to get here and have often left their family behind, send money home to their parents, husbands, children and support everybody back home. So they go in the situation and they are told, 'oh we will sort out the paperwork.' And the paperwork never gets sorted out. And if they question it, then it's, 'oh we will let immigration know that you are in violation.' And people have complained and then inland enforcement receives anonymous tips that these people are working illegally in the casino, and are in violation of their status or have done this or that. And especially in the living care giver program, Alberta Employment and Immigration and Labour Standards, they have been very involved because people are working more hours in a day than they are supposed to, not being paid what they should be, are working 30 out of 31 days. Not given time off. And there is a lot of cultural pressure as well, with the living caregiver program, specifically; when you have worked for 24 months you get permanent residence status. So people will put up with a lot of abuse, because 24 months, that's a finite period and at the end of that period they can become residents and sponsor their families and they can become permanent residents. And I had a case with the live-in caregiver program, where she had been exploited and we got her out of the situation and her new employer is exploiting her. So she called and asked for help, and she was like, 'well I talked to my mom and she told me just to stick it out and stay.' And that's some of the family pressures that they are facing. So she is still, she has had a discussion with her employer and while the situation is better than it was, is it ideal? No. When you talk to people at soccer games, the soccer parents are like, 'oh yeah I've got a nanny, bring your kids over and she will babysit everyone.' Which they are not allowed to do, it's a violation of the terms of the program. But people everywhere don't see what the big deal is with it. The same situation applies to like workers in the fast food or construction industries, except that they are low skilled workers so they don't necessarily have an education or that skill set.

While third-party recruiters are no longer legal, false job promises or conditions that place live-in caregivers in violation of immigration standards continue to be used as means to exploit the migrant labour of caregivers in Canada.

The LCP also creates additional forms of insecurity because the caregivers are not only dependent on the employer for employment and legal status, but also for shelter in a foreign country. As one frontline worker indicates:

Another case we have is isolation, because there are foreign workers who live with their employers, so even on their days off they are not allowed to leave. Some of the foreign workers that I have dealt with, instead of them taking a day off or some days off they have to take care of the children of their employers. So that's isolation...and they live maybe in a basement, where there is only a really small window or maybe not at all. Maybe the kind of housing is not suitable for them, and not approved by the government. So they will house people there without windows. I have encountered foreign workers who have come to us who would sleep in a basement with no mattress and yet they would have to pay their employers a huge amount of money. Like they are in the basement, maybe 4 of them in the basement, just put the mattress there. So for me, I may not know human trafficking, but that's a violation of human...there are foreign workers who are emotionally and verbally abused in the workplace and simply cannot answer back because they will be threatened, 'if you do that, I will send you home.' That, to them, because they see this as a permanent opportunity, so sending them back, their dreams are just shattered. So they would rather endure. That was the nature of the cases that we have handled" (Frontline Worker, Calgary 11/10).

Again, this excerpt points to the insecurity created by the incentive of attaining permanent residency alongside the dependency of the migrant women on their employers for legal status, shelter, and income stability.

Overall, policy narratives constructed the TFW program by suggesting a "win-win-win" scenario whereby Canada would benefit by meeting demands for low-skilled labour, exporting countries would benefit from remittances and knowledge transfers between the countries, and migrant workers would benefit from improved access to income security and enhanced standard of living (Faraday 2012: 12). While, in practice, some workers have benefited from the program,

others have been subject to significant forms of insecurity, including human trafficking. Thus, in a context of global socio-economic inequality, policies such as the TFW program claim to facilitate the inclusion of migrant workers in a globalizing labour force; yet, in doing so, they simultaneously exclude workers from accessing basic rights and freedoms by facilitating insecure labour conditions.

6.4 Chapter Summary: The Redefinition of Canadian Boundaries

In response to the arrival of two boats off the coast of British Columbia in 2009 and 2010, anti-trafficking discourses over-emphasized perceived threats to national security, leading to “moral panic” and exclusionary responses. In particular, anti-trafficking discourses oversimplified the relationship between human trafficking and migrant smuggling, resulting in the adoption of restrictive immigration policies that have created more insecurity for trafficked persons alongside migrants, refugees, and asylum claimants. As demonstrated, such policies create a context of criminalization that fails to address the complex realities of contemporary cross-border movements at the expense of the rights of trafficked persons and migrants in general.

Anti-trafficking discourses have also influenced the relationship between gender, sexuality, migration, and the state in a way that has limited the migratory options available to women. Specifically, trafficking discourses emphasizing perceptions of “risk” and “potential vulnerability,” led to the dismantling of the exotic dancer visa under the TFW program. However, restricting the migratory movements of women without addressing the factors underlying the perceived risk or the desire to migrate in the first place amounts to little more than disciplining migrant women. In turn, anti-trafficking discourses have created more insecurity for women reliant on the visa program. Significantly, the restrictive measures have not

been applied to other visas within the TFW program, despite experiences of exploitation, violence, and human trafficking in these areas. As a result, in a context of global structural inequality, the TFW program continues to fulfill the demands of a low-skilled service economy without providing adequate protections for individuals working in these sectors.

CHAPTER 7
CONCLUSION

Paralleling the international rise of human trafficking to the “global agenda of high politics” (Lee 2011: 1-2), the considerable attention afforded to human trafficking and anti-trafficking responses in Canada shows no signs of decline. Since the inception of this project, new policies, response models, networks, and advocacy groups have emerged across the country. Yet, alongside this growth, there has been limited critical discussion or analysis in Canada to question the “unquestionable” narrative of anti-trafficking representations and responses. This research aims to fill this gap by formulating a critical perspective that emphasizes the complex experiences of trafficked persons in an examination of representations of human trafficking in anti-trafficking discourses and the role of such representations in redefining contemporary boundaries of inclusion and exclusion. In doing so, the research offers some key contributions to the existing academic literature as well as some implications for policies and responses aiming to address human trafficking in Canada.

7.1 Contributions to the Literature

As discussed in Chapter 1, the overarching position of this dissertation is that politicized anti-trafficking discourses are framing a number of contested policy agendas in Canada that have created more insecurity for trafficked persons alongside individuals working in sex industries, migrants, refugees, and asylum claimants. Based on this proposition, four key sets of claims about representations of trafficked persons and anti-trafficking policy were formulated in the introduction. This section will review these claims in light of the empirical literature presented in the previous two chapters.

First, by problematizing simplistic and polarized representations of trafficked persons in Canada, this research builds on a growing body of critical literature that challenges taken for granted assumptions about human trafficking, especially representations of human trafficking for the purpose of sexual exploitation that have been imported to frame national battles over prostitution legislation (e.g. Kempadoo 2005, 2012; Sanghera 2005; Ditmore 2005; Downe 2007; Doezema 2010). In particular, highly polarized feminist discourses draw on “sex trafficked” and “sex worker” narratives to reproduce preconceived ideas about the relationship between sex trafficking and sex work and the status of trafficked persons as “victim” or “agents.” Yet, in doing so, both sides of the debate have participated in the silencing and disciplining of women’s complex narratives, especially when these narratives confound the policy agendas of decriminalization and/or calls for the adoption of the Nordic model.

Dominant anti-trafficking discourses in Canada, in particular Abolitionist representations of trafficking for the purposes of sexual exploitation, rely on idealized images of trafficked women that find their roots in problematic representations of women in development as innocent, voiceless, ignorant, and in need of rescue (e.g. Spivak 1988; Mohanty 1991). In light of Foucault’s (1975) premise that the ability to control language and discourse serves as the most powerful means of discipline and regulation, such “melodramatic” narratives and idealized images have eliminated conceptual space for the very existence of women who claim a place agency in sex work. This supports Doezema’s (2010: 168) observation that the definition of trafficking “leaves ‘room’ for sex workers to exist only outside the protected space carved out for trafficking victims. However, within the trafficking discourse itself, there is no ‘room’ for the sex worker.” As the case of extensive victimization of sex workers by Robert Pickton reveals, ideal images of “innocent” (i.e. coerced) victims in Vancouver restricted the identification of

clear patterns of abuse that can occur in complex systems of prostitution. Despite the mobilization of sex workers in Vancouver to challenge existing representations of trafficking narratives, their voices remain on the periphery of anti-trafficking discourses in the country and their ability to create safer working conditions are undermined by abolitionist aims of eliminating the trade in which they are situated. Moreover, as the Winnipeg context demonstrates, failure to conform to the dominant abolitionist narrative has resulted in the disciplining of women's experiences, including disciplining in terms of access to basic protections and services.

Second, in a context of extreme polarization, the discursive ability of anti-trafficking narratives to reproduce social and political forms of domination are evidenced. In turn, this results in anti-trafficking responses that create a number of insecurities for trafficked persons in general and persons working in sex industries in particular. On the one hand, abolitionists draw on discourses of “deception,” “coercion,” and “manipulation” that undermine the agency of women working in sex industries who fail to conform to dominant anti-trafficking narratives (including Aboriginal women who claim a space of agency in sex trade labour) (Doezema 2010). On the other hand, sex worker rights advocates similarly draw on discourses of “manipulation” and “deception” to discount the experiences of Aboriginal women who align with abolitionists to address the disproportionate violence experienced by Aboriginal women based on intersections of race, class, and gender and to reclaim positions of autonomy and power held prior to the arrival of European forms of patriarchy (Green 2007). Thus, by failing to surpass simplistic representations, the complex narratives of women are silenced and policies continue to result in the criminalization of women in sex industries as well as the criminalization of trafficked persons who fail to conform to dominant narratives of victimization. In turn, criminalization works

counter to the aims of both sex worker rights and abolitionist advocates to perpetuate cycles of violence against women and reproduce structural forms of inequality.

Third, by considering the relationship between structural forms of inequality and experiences of internal and international human trafficking in Canada, this research interrogates anti-trafficking discourses and policies within the broader contributory context in which they occur, including international labour migration trends and the unequal flows of labour from countries of the global South to the global North, particularly to service the tertiary industries in Northern economies and to support families and economies in home communities through remittance payments (e.g. Sassen 2002; ILO 2005; McMichael 2012). In doing so, this research demonstrates that the complex experiences of trafficked persons pose a challenge contemporary systems of boundary maintenance and the capacity of the state to balance the rights of migrants alongside national security concerns. Such challenges present an opportunity for Canadian policies to address the growing reality of “economic refugees” alongside a growing dependence on low-skilled labour provided by migrant workers (Hanley et al. 2006). However, as this research shows, rather than assess the role of contemporary boundaries alongside the complex realities of global migratory movements, simplistic representations of trafficked persons are relied upon to shape restrictive immigration reforms and border securitization. In turn, this reinforces exclusionary boundaries and the reproduction of inequality and associated human insecurity, including perpetuating cycles of exploitation and human trafficking.

By prioritizing securitization of borders, anti-trafficking policies premised on existing conceptions of citizenship (Lamont and Molnár 2002) reinforce a citizenship gap (Brysk and Shafir 2004) whereby the experiences of some trafficked persons migrating according to global patterns of mobility have fallen outside the very boundaries of protection established in their

name. For instance, in the absence of citizenship rights and other legal protections, temporary migrant workers in Canada have faced significant risk when reporting experiences of human trafficking and other forms of labour exploitation, including job loss and the associated inability to provide remittance support to families in home communities, loss of accommodation and possible homelessness, as well as potential criminalization and deportation (Hanley et al. 2006; Faraday 2012). As a result, temporary migrant workers experiencing exploitation, including human trafficking, frequently endure the exploitative practices or opt to leave their employers for better working conditions; but, in doing so, lose any protective space carved out for them under the constraints of neatly bounded national identities. In such instances, as seen in detail in Chapter 6, the experiences of trafficked persons reflect the limited ability of the nation-state to accommodate the increasingly complex realities of cross-border migration and the corresponding failure of restrictive measures to offer real protection to trafficked persons. Thus, similar to discourses surrounding trafficking for the purposes of sexual exploitation in Canada, an over-emphasis on crime control measures has created another boundary of exclusion whereby the definition of trafficking limits the conceptual space for the existence of irregular migrants who, in the absence of state protection, endure labour exploitation and, at times, human trafficking irrespective of their initial entry point into the country.

Last, and building on this previous point, by redefining human trafficking under the auspices of transnational criminal activity, the international framework for responding to human trafficking emphasizes border control and securitization (Lee 2010; Kapur 2003). Framing human trafficking as a violation of human rights that involves a threat to national security and existing systems of immigration reinforces dichotomous categories of “deserving victim” and “complicit criminal.” In this way, Canadian anti-trafficking discourses further reinforce the

sovereignty of the nation-state to protect the rights of “victims” while preemptively restricting and/or criminalizing the experiences of migrants who fall outside the bounds of a legitimized victim narrative, including refugee claimants, asylum seekers, irregular migrants, and trafficked persons that deviate from idealized representations. Moreover, with respect to temporary migrant worker programs, restrictive measures could potentially be applied to a variety of unskilled or semi-skilled professions where documented instances of human trafficking have occurred, yet they have been limited to restrict professions predominantly occupied by women. In this way, anti-trafficking discourses provided a framework for eliminating exotic dancer visas in Canada on the basis of perceived risk and for recommending measures to preemptively restrict the migratory options available to women in general. Thus, returning to post-colonial critiques, migrant women are constructed as objects of intervention and border securitization as a means of disciplining “risky” cross-border movement (Saunders 2002: 11; Sen and Grown 1987; Kapur 2003; Aradau 2004). In a context where global dependence on women’s migratory labour continues to intensify, restricting the movement of women’s labouring bodies reinforces existing forms of structural inequality and perpetuates the insecurity of migrant women, including women victimized by human trafficking.

7.2 Summary of Key Findings and Implications for Government and Nongovernment

Policy Responses

By examining representations of trafficked persons and anti-trafficking discourses in Western Canada, this research underscores the politicized nature of responses to human trafficking in Canada and the corresponding insecurity created for trafficked persons affected by the politicized responses. In Vancouver, multiple and varying experiential narratives emerged in response to the

systemic failures of law enforcement and the criminal justice system to offer protection in the face of serial killer Robert Pickton. The emergence of these narratives in the public sphere offered an opportunity for representations of complex social issues, including human trafficking, to reflect the diverse experiences of prostitution and sex work as well as the possibility of policy debates shaped by the lived and diverse experiences of men and women in the area. However, unresolved tensions between polarized international representations of human trafficking resulted in a heightened discursive battle over the right to represent women in sex industries and shape policy responses to prostitution, sex work, and sex trafficking in Canada. Yet, in such a context, undertones of violence and hatred limit discussions of the complexity of lived experience. In turn, response models are reduced to fragmented and ideologically driven niches. Given the absence of effective cross-sector and intra-sector communication and engagement, the rights of women in sex industries as well as trafficked persons are violated, as demonstrated by the attempted coordinated raid in Vancouver and the resulting criminalization of those working in sex industries.

While polarized discussions of human trafficking neglect the complexity of experiences falling under existing legal definitions of trafficking, equally destructive are hegemonic discourses that elevate a singular “victim” narrative of human trafficking. As discussed, a dominant discourse of sexualized violence underpinning trafficking representations in Winnipeg alongside the absence, and even suppression, of diverse voices and experiences has created more insecurity for individuals that do not meet the image of such idealized “victims.” In particular, women were subjected to disciplining and silencing when their experiences deviated from the dominant discourse adopted by the Government of Manitoba. In some cases, even when women’s experiences reflected the ideal image of a “victim” of trafficking in the province, these

experiences were monopolized by an awareness-raising system that had little regard for providing adequate supports or services to women caught in a self-reinforcing circuit of “awareness.”

In this way, one of the implications of this research is to question awareness-raising endeavours that forefront singular narratives of human trafficking and, in doing so, create more insecurity for trafficked individuals or others whose experiences deviate from highly politicized anti-trafficking agendas. In other words, the research points to the problematic nature of anti-trafficking initiatives that neglect the complex and politicized realities of lived experiences. However, at least as problematic are responses that discipline or screen experiential narratives. In such a context, experiential voices come to represent little more than a singular, dominant discourse that reinforces the prevailing structures of power, including funding mandates and response models that depend on melodramatic “victim” narratives to reproduce and justify awareness raising mandates.

The politicized nature of anti-trafficking discourses in Canada, especially representations of sex trafficking, also point to key implications of this research for the formulation of responses in the country. First, formulating a response to human trafficking requires an acknowledgement and detailed consideration of the politics of anti-trafficking initiatives, including the debates and issues of importance to the localized contexts and how these intersect with national and international discussions. For example, by failing to fully appreciate the political nature of human trafficking responses in Vancouver, the provincial government response model, BCOCTIP, was unable to effectively engage in service provision and was thereby limited to a predominately awareness-raising mandate. In the absence of offering direct provision for trafficked persons, the office was perceived as redundant in the eyes of service providers.

Given the politicized environment, the research also points to the importance of collaborative response models alongside a critical assessment of the power dynamics shaping these efforts. Collaborative response models reflect a nuanced understanding of human trafficking by acknowledging the complexity of experiences of that fall under the single label of trafficking and that many of these experiences fall under existing models of service provision. For instance, rather than adopting sensational images and statistics that suggest a wide-spread and “new” form of slavery, collaborative efforts draw on the existing resources of a community. This offers one step towards de-politicization because it limits resource competition, identified in all three cities, whereby existing services addressing areas that correspond with elements of human trafficking must compete with claims for funding based on competing anti-trafficking discourses. For example, ACT Alberta built a response model that combines education on the Canadian laws surrounding human trafficking and the experiences identified by existing service provision communities.¹⁰⁴ In this context, ACT has been facilitating information exchanges across sectors as well as providing ad hoc case management for trafficked individuals by networking the existing service provision community. As a result, ACT Calgary recognized that service provisions were available in the city for sex workers as well as individuals victimized by sex trafficking, yet there were limited provisions available for individuals victimized by labour trafficking. Thus, while agencies share information about all forms of human trafficking, ACT Calgary has emphasized the development of services in instances of labour trafficking.

Notwithstanding the benefits of collaborative efforts, this research underscores that effective cross-sector collaboration can prove challenging given the unequal resources and other power dynamic underpinning such partnerships. As discussed in Chapter 5, the attempted cross-

¹⁰⁴ A case study of this response is developed in Kaye, Winterdyk, and Quarterman (forthcoming 2013).

sector collaboration in Vancouver to carry out coordinated raids of massage parlours resulted in the criminalization of women working in sex trade industries. Moreover, the raids reflected a “top down” approach to such partnerships, whereby law enforcement reserved the right to detract from a commitment to a “victim-centered” approach. Yet, in cases of human trafficking, law enforcement representatives identified that obtaining the trust and cooperation of victimized individuals remains the primary challenge facing their investigations. Thus, while cross-sector collaboration could facilitate a more rights-based approach, a failure to recognize the power dynamics in this instance resulted in further disillusion and politicization of the response.

Another power dynamic that must be accounted for includes the unequal resources and capacity that each partner brings to the table. For instance, NGOs typically face more significant resource constraints, including human resources, making it difficult to maintain an equal footing in collaborations with government and law enforcement agencies. Even more problematic are occasions when NGOs receive government funding that is attached to the mandates of the funding body. For example, ACT Alberta receives funding from the Victim of Crimes Fund, which could potentially prove prohibitive for ACT to offer a response that distinguishes between law enforcement and service provision mandates. As seen in cases of temporary migrant workers, connecting service provisions to enforcement approaches can result in the criminalization of workers experiencing trafficking for the purpose of labour exploitation. In this way, discussions of collaboration should address the role of power dynamics, funding sources, and the specialized mandates of the organizations involved in the collaboration.

By examining the role of anti-trafficking discourses in shaping contemporary boundaries of social organization, this research demonstrates how anti-trafficking discourses have justified the adoption of recent exclusionary policy amendments, including a variety of immigration

reforms, in Canada. In turn, such amendments have created more insecurity for trafficked persons alongside other migrants, refugees, and asylum claimants. This analysis builds on existing claims that anti-trafficking discourses are subject to an array of competing political agendas (e.g. Sanghera 2005; Lee 2011), including the securitization of national boundaries in a context of globalization.

With this in mind, the research highlights the complex experiences of human trafficking and migrant smuggling, which, in practice, fall into a conceptual grey area. However, from a policy standpoint, enforcement-based migration controls have been prioritized in Canada in response to migrant smuggling and, in part, justified by anti-trafficking discourses that conflate human trafficking and the smuggling of migrants. In doing so, restrictive immigration policies have created more insecurity for trafficked persons who have been criminalized alongside asylum claimants, potential refugees, and other migrants. As discussed, in response to the arrival of two migrant ships off the coast of British Columbia, the Canadian government justified criminalizing and detaining the passengers on board by drawing on anti-trafficking discourses alongside other panic-raising sentiments, such as references to terrorism, cue jumping, and other possible abuses of the existing system and threats to national security.

Yet such reactive approaches fail to account for the messy realities and complex motivations underpinning cross border movements, which are unlikely to subside as migratory experiences continue to challenge contemporary conceptions of national boundaries in the context of globalization. In this context, the experiences of trafficked persons highlight the inability of the nation-state to protect the rights of migrants by reinforcing by restrictive policies. In this way, the complex experiences of trafficked persons points to a system that has failed to adjust to the shifting migratory patterns encompassed in a context of globalization. Yet, rather

than calling for an open border system, this study points to the need to channel more – and not less – resources to the development of a more nuanced system of boundary maintenance. In particular, systems that can account for the realities of migratory flows in contexts of structured inequality whereby Canadians benefit from the profits of migrant labour, yet fail to protect migrants deemed “irregular” or “undeserving” (see Hanley et al. 2006) through provisions tied to citizenship status. As a first step, such nuance requires recognition of the moral panic and oversimplified representations of trafficked persons currently used to justify restrictive policies that create more insecurity for trafficked persons.

Finally, this research highlights how anti-trafficking discourses are shaping interactions between gender and the state in Canada, particularly where rights, sexuality, morality, and the law intersect. Specifically, the research points to clear instances where anti-trafficking discourses have been employed to restrict the right to free movement of women across borders. In particular, drawing on discourses of “potential exploitation” and “possibility of trafficking,” policies have granted authority to immigration officials to pre-emptively restrict the movements of women and girls into Canada. Such restrictions culminated in the dismantling of the exotic dancer visa program, granting power to immigration officials to invalidate existing visas to exotic dancers. In doing so, the policy disciplines women migrating in sex industries for their “risky” (i.e. at risk) behaviour (see Aradau 2004). Similarly, the National Action Plan to Combat Human Trafficking represents persons “at risk” of human trafficking to include the voluntary movements of women and girls. Thus, interpreted alongside the NAP, the dismantling of the exotic dancer visa program is seen as a broader agenda to discipline and constrain the cross-border migration of women in a context of unequal gendered labour markets that depend on the remittances provided by women’s migrations.

7.3 Limitations and Future Research

Given the complexity of experiences that fall under the laws and definitions of human trafficking and the limited existing analyses of anti-trafficking responses in Canada, it is important to identify some of the limitations of this study. For one, the research comprises a portion of the requirements for my doctoral degree. On the one hand, this provided me with the necessary time and resources to conduct numerous interviews with participants representing a variety of situational perspectives and opinions. At the same time, available resources limited the capacity of the study because I was unable to offer remuneration for participation in the research or offer access to necessary resources (such as potential follow-up counseling) required to ethically and actively seek the participation of trafficked persons in the research. Some frontline workers involved in anti-trafficking work self-identified as previously trafficked persons and, at times, shared knowledge based on their personal experience of human trafficking. Other participants currently receiving services from anti-trafficking programming contacted me directly having been told about the study from the service provider. However, given the limited number of trafficked persons represented in this study, their voices cannot be interpreted as representative of trafficking experiences in general or a reflection of how trafficked persons perceive anti-trafficking responses. Rather, these experiences provide additional richness to the data on anti-trafficking discourses and representations of trafficked persons in existing responses to human trafficking.

Moreover, this research provides an examination of responses to human trafficking in three Western Canadian cities: Vancouver, Calgary, and Winnipeg. The cities were carefully selected to provide useful insight about anti-trafficking initiatives in Canada. For example, as discussed in Chapter four, the RCMP has identified Vancouver and Winnipeg as “hot spots” of

human trafficking in the country. Further, situated in Alberta, Calgary is a destination point for a number of temporary migrant workers and has a recognized response to human trafficking in the country through the ACT Alberta network. This network also facilitated access to participants from government, non-government, law enforcement, and service providing agencies. Thus, while each of these cities provides important insight and comparative data for examining the response to human trafficking in the country, it became exceedingly clear during the data collection period that an entire project could examine each city to provide more detailed local analyses of human trafficking and the strengths and limitations of existing responses.

In the interest of developing more localized understandings, this study has already provided a foundation for a collaborative research initiative between Mount Royal University and ACT Alberta, which provides an examination of human trafficking and responses to trafficking in Calgary (for findings of this research see Kaye, Winterdyk, and Quarterman forthcoming 2013). As a result, findings from this dissertation and the detailed case study of Calgary have informed an Alberta-based Protocol for Service Provision, which is in its final stages of development. In turn, through conference presentations and policy discussions throughout the country, findings from these studies have and will continue to contribute to national discussions of anti-trafficking responses.

Another limitation of this study derives from my position as an outsider in the research contexts. With the exception of Calgary – where I have significant firsthand knowledge and service provision experience – I am an outsider looking into highly politicized contexts. Inevitably, this means there are some gaps in my understanding of the intricate details of the circumstances of individuals working in these contexts. Since my field research in each city was limited to one month, there was not time for me to develop an intimate understanding of each

city. Again, this suggests there is a need to conduct detailed assessments in Canadian cities throughout the country similar to the initial assessment conducted in Calgary. That said, in some instances, my status as an outsider offered more insight than I would have been able to obtain as an insider. In particular, I was able to adopt a politically neutral standpoint, which allowed me to listen intently to individuals occupying varying positions on politicized trafficking debates, such as abolitionist or sex worker rights advocates as well as migrant rights advocates and individuals working to develop or enforce border securitization. This proved especially important in Vancouver, where participants from some abolitionist organizations refuse to participate in studies where the research accepts the rights of sex workers and some sex workers rights advocate refuse to participate in studies conducted by abolitionist researchers. In this way, much research emerging from the city is skewed or, at the very least, restricted by the politicized nature of the topic. As an outsider, I was able to adopt a neutral standpoint, which facilitated the participation of representatives of varying perspectives on the relationship between human trafficking and other politicized areas of analysis, such as sexual exploitation and sex work, as well as the relationship between human trafficking and migrant smuggling.

Given the complexity of experiences of trafficked persons and the politicized nature of each specific form of human trafficking, there are questions that remain unanswered by a broad approach to the topic. For example, detailed analyzes are required to examine and understand the relationship between labour exploitation and human trafficking and the role played by temporary migrant worker programs in both these areas. Such an examination is especially important for the provinces of British Columbia, Alberta, and Ontario, which have all had documented cases of labour trafficking and have be identified as problematic areas for labour trafficking. A comparative analysis between these three provinces would provide useful insight about human

trafficking, labour exploitation, labour standards, as well as the experiences of temporary migrant workers in Canada.

Similarly, one of the goals of this research was to offer insight into the experiences of human trafficking as it affects Aboriginal persons in Canada. The examination of Winnipeg – detailed in chapter five – offers important insight about the effects of anti-trafficking responses in a post-colonial context, including response models rooted in discourses of rescue and assimilation. However, in order to provide a broad examination of anti-trafficking discourses and representations of trafficked persons, the encompassing nature of this study limits a detailed and in-depth examination of Aboriginal experiences of human trafficking. With this in mind, future research should interrogate claims about the widespread nature of trafficking of Aboriginal women and girls and why no charges have been laid for the trafficking of an Aboriginal person in Canada. In the context of systematic violence towards Aboriginal women, such an analysis should forefront legacies of colonization and intersections of gender, race, and class to further understand experiences of trafficking in the country.

Overall, this study turns an essential critical lens to the nearly uncontested representations of trafficked persons and anti-trafficking discourses in Canada. Human trafficking and anti-trafficking discourses have become a powerful means to shape policies in broad and highly contentious arenas, including policies surrounding prostitution and sex workers rights, migration and migrant smuggling, and temporary migrant labour and economic immigration. In this way, human trafficking has become a key player in the “global agenda of high politics,” yet in the absence of scrutiny has led to the uncritical acceptance of policies justified by moral panic and potential risk. In doing so, anti-trafficking discourses and policies shaped by these discourses have created more insecurity for trafficked persons.

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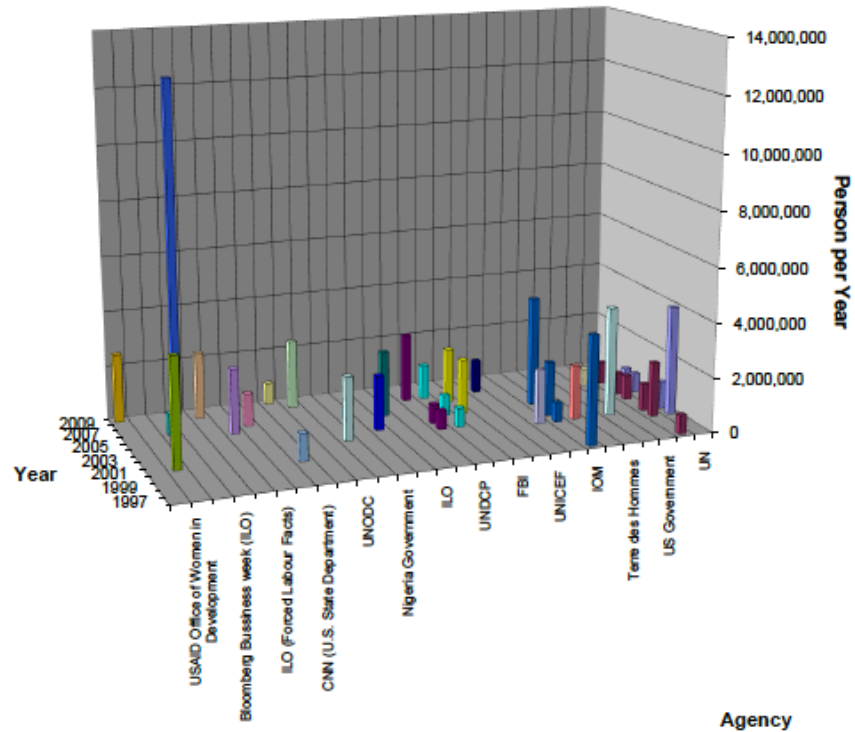
Appendix 1: Figure 1.1



Trafficking in Person Worldwide Estimates 1997 - 2009



- UN
- US Government
- US Government
- USAID
- Terre des Hommes
- Protection Project
- IOM
- UNICEF
- UNICEF
- SE Asian Women's Conference
- FBI
- UNIFEM
- UNDCP
- China ministry of Public Health
- ILO
- Thailand Department of Social Welfare
- Nigeria Government
- DUNHCR
- UNODC
- ABC News
- CNN (U.S. State Department)
- UNFPA State of World Population (ILO)
- ILO (Forced Labour Facts)
- ILO (Action against trafficking in human beings)
- Bloomberg Business week (ILO)
- U.S. Department of State (TIP, TVPA report)
- USAID Office of Women in Development
- Vancouver Sun



Trafficking in Persons Worldwide Estimates 1997-2009, © UNESCO Bangkok, (http://www.unescobkk.org/fileadmin/user_upload/culture/Trafficking/project/abc/Selected_Articles_and_Publications/Graph_VT_Trafficking_in_Person_01.pdf).

Appendix 2: Selected Examples of Awareness Campaign Images



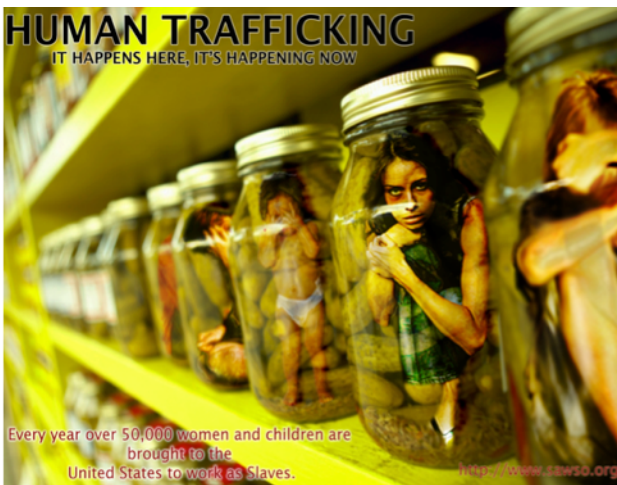
Awareness advertisement prepared for Le Gouvernement du Grand Duché Luxembourg by Mikado Publicis Luxembourg (www.adpunch.org)



Amnesty International Germany (2008). Photo by Oliver Lang/AFP/Getty Images

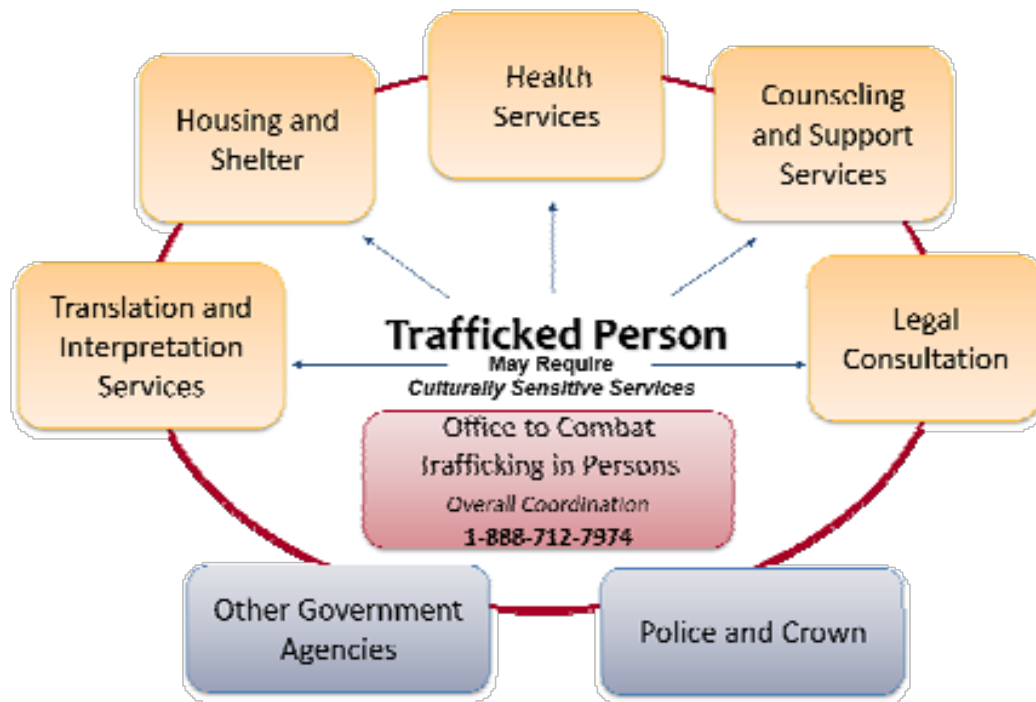


The Southern African Counter-Trafficking Assistance Programme. IOM. (www.endvawnow.org)



Salvation Army World Services Office (www.sawso.org)

Appendix 4: BCOCTIP Service Model



Source: Province of British Columbia (2010: 10)

Appendix 5: List of Selected Canadian Government and Nongovernment Organizations for Document Analysis

Canada

Citizenship and Immigration Canada
Canadian Resource Centre for Victims of Crime
Royal Canadian Mounted Police
International Justice Mission (IJM) Canada
Canadian Council of Refugees (CCR)
International Centre for Criminal Law Reform and Criminal Justice Policy
Sex Professionals of Canada
Women Against Slavery
Defend Dignity
Global Alliance Against Traffic in Women (GAATW) Canada
The Future Group

Alberta

Action Coalition on Human Trafficking - Alberta
Centre to End All Sexual Exploitation (CEASE)
Calgary Catholic Immigration Society
Servants Anonymous
Awo Taan Native Women's Shelter
Street Level Consulting and Counseling
Native Friendship Centre Calgary
SHIFT Calgary

Vancouver

Linwood House Ministries
REED
Supporting Women's Alternatives Network (SWAN)
The Ratanak Foundation
The Salvation Army
BC Office to Combat Trafficking in Persons (OCTIP)
Immigrant Services Society of British Columbia
Vancouver Rape Relief
BC Coalition of Experiential Communities (BCCEC)
Pivot Legal Society
FIRST
West Coast Domestic Workers Association

Winnipeg

Native Women's Transition Center

New Directions: Transition, Education & Resources for Females (TERF)
Ka Ni Kanichihk
Ma Mawi Wi Chi Itata Centre
Salvation Army – Women’s Services
Nine Circles Community Health Centre
Council of Women in Winnipeg
Assembly of Manitoba Chiefs
Sage House
Child and Family Services
Welcome Place

Appendix 6: Open-Ended Guide for Focus Groups and One-on-one Interviews

Focus Group Guide

1. Having heard the general focus of this research project, do you have any suggestions for improving the study?
2. What questions would you like to see asked that this project is not addressing?
3. From your perspective, what are the experiences of trafficked persons in Canada?
4. What are the service provision requirements of trafficked persons when they arrive at your organization?
5. How does your organization address these requirements?
6. From your perspective, what service gaps exist for addressing the experiences of trafficked persons in the city, province, and country?
7. From your perspective, are the experiences of trafficked persons being addressed by current anti-trafficking policies?
8. In your opinion, what are the key limitations of existing anti-trafficking approaches?
9. What are the key strengths of existing anti-trafficking approaches?
10. How do you think Canadian anti-trafficking policies can better address the rights and experiences of trafficked persons?
11. What challenges have you faced in your work with trafficked persons?
12. What successes have you had in addressing the issue of human trafficking?

One-on-one Interview Guide

Nongovernment organization employees

1. From your perspective, what are the experiences of trafficked persons?
2. How does your organization define human trafficking?
3. From your perspective, how does the general public understand the issue of human trafficking?
4. How does your organization address the experiences of trafficked persons?
5. From your perspective, what are the service provision needs of trafficked persons?
6. Are these needs being addressed by current anti-trafficking responses and policies?
7. What challenges have you faced in responding to the experiences of trafficked persons?
8. What successes have you had in addressing the issue of human trafficking?
9. Were trafficked persons consulted in designing your anti-trafficking programs?
10. How do you think Canadian anti-trafficking policies can better address the rights and experiences faced by trafficked persons?

Policymakers, immigration officers, and law enforcement officials

1. How has the adoption of legal instruments, such as Section 279 of the Criminal Code and Section 118 of the Immigration and Refugee Protection Act, addressed or failed to address the issue of human trafficking in Canada?
2. How effective has the temporary resident permit (TRP) program been in addressing the experiences of trafficked women?
3. What are the strengths and limitations of the TRP program?
4. Have TRPs improved access to healthcare and basic social services for trafficked persons?
5. Do you think there is adequate cooperation at provincial and federal levels to address the issue of human trafficking in Canada?
6. From your perspective, what are the experiences of trafficked persons?
7. What service provision needs do trafficked individuals have?
8. Are Canadian policies effective in addressing the rights and experiences of trafficked persons?
9. Were you consulted in the development of a national strategy to address human trafficking?
10. What issues would you like to see included in a national strategy to address the issue of human trafficking in Canada?

Appendix 7: Collaborative Raid Effort and Criminalization



Photo Credit: Ward Perrin, CanWest News Service, December 2006