

**The Sex Trafficking of Women into Canada:  
Exploring the Government's Approach to Prevention,  
Protection, and Prosecution**

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## ABSTRACT

In 2002, Canada ratified the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Nearly a decade later, it released its first *National Action Plan to Combat Human Trafficking*, designated a government-led task force, and approved a budget specifically allocated for human trafficking initiatives and programming. The main objective of this thesis is to determine the kind of approach the Government of Canada has implemented to address the issue of international sex trafficking into Canada, to determine whether anything is exempted or neglected from this approach, and to explore what this could mean for victims of sex trafficking. I use a qualitative narrative analysis of the Canadian government's publications on the issue of human trafficking including policy, programming, and research-related documents. The findings reveal that Canada has implemented an approach which emphasizes the safety and security of the country which is indicative of a narrative that frames international sex trafficking as a threat. These findings further reveal a negative impact of such framing on trafficking victims. In employing an approach which prioritizes the safety and security of the state, Canada neglects the notion that human trafficking violates a person's human rights, overlooks a consideration of the root causes of trafficking, and under-prioritizes the notion of 'victim' despite the phenomenon continuing to produce new victims each year in Canada.

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## ACRONYMS

3Ps	Prevention, Protection and Prosecution
4Ps	Prevention, Protection, Prosecution, and Partnerships
9/11	September 11, 2001
BC	British Columbia
G8	Group of Eight
CBSA	Canada Border Services Agency
CCFR	Canadian Council for Refugees
CIC	Citizenship and Immigration Canada
CIDA	Canadian International Development Agency
CISC	Criminal Intelligence Service Canada
CSO	Civil Society Organization
DFAIT	Foreign Affairs and International Trade Canada
DFATD	Department of Foreign Affairs, Trade, and Development
DHS	US Department of Homeland Security
EFC	Evangelical Fellowship of Canada
FSW	Female Sex Workers
GC	Government of Canada
FBO	Faith-Based Organization
FINTRAC	Financial Transactions and Reports Analysis Centre of Canada
GAATW	Global Alliance Against Traffic in Women
HIV/AIDS	Human immunodeficiency virus / Acquired immunodeficiency syndrome
HRSDC	Human Resources and Social Development Canada
ICCLR	International Centre for Criminal Law Reform and Criminal Justice Policy
IFHP	Interim Federal Health Program
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
IRPA	Immigration and Refugee Protection Act
IWGTIP	Interdepartmental Working Group on Trafficking in Persons
JUS	Department of Justice
MP	Member of Parliament
NAP	National Action Plan to Combat Human Trafficking
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PCH	Department of Canadian Heritage
PHAC	Public Health Agency of Canada
PSC	Public Safety Canada
PTSD	Post-Traumatic Stress Disorder
RCMP	Royal Canadian Mounted Police

STD	Sexually Transmitted Disease
SWC	Status of Women Canada
TIP	Trafficking in Persons
TRP	Temporary Resident Permit
TVPA	Trafficking Victim Protection Act
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
US	United States
USAID	United States Agency for International Development
VTIP	Victim of Trafficking in Persons
WHO	World Health Organization

## INTRODUCTION

In 1999, I moved from Canada to a small industrial town in Poland to teach English at a language school. At the time, I knew very little about the social, cultural, economic, and political environment of my destination country before departure. I was unaware of the country's difficult history or its beauty. I was equally unaware of the chronic corruption and prevalence of sex trafficking of women. When not teaching, I spent much of my remaining time in the surrounding rural villages and towns where on several occasions, I observed female prostitutes throughout the countryside of these areas. However, my concerns for these women were met with laughter from law enforcement. Police officers explained that these women had been sex trafficked from neighbouring countries, such as Romania and Ukraine. Eventually, they would be re-trafficked to new rural areas or urban cities. The police clarified that they were not interested in assisting these women.

While shocking at the time, I would soon learn that human trafficking for sexual exploitation implicates almost all countries and current global trafficking trends suggest that women and children are most targeted. Canada is itself both a transit and destination country for internationally trafficked women intended for the sex trade.<sup>1</sup> As I write this, the phenomenon continues to produce new victims each year in Canada (Perrin, 2010; Stewart & Gajic-Veljanoski, 2005; Shelley, 2010; Cho & Vadlamannati, 2012) making it a timely issue that deserves further exploration.

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<sup>1</sup> Canada is also a source country for Canadian women transported to the US for purposes of prostitution; some are possibly trafficked (RCMP, 2010, p. 27).

In 2002, Canada ratified the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (hereinafter the *Protocol*). Yet the Canadian government has not maintained a clear set of policies nor prioritized the problem until now. It is currently developing its approach to address the issue with a newly-announced government-led task force,<sup>2</sup> a recently launched national action plan,<sup>3</sup> and a budget specifically allocated for human trafficking initiatives and programming.<sup>4</sup>

As part of the *Protocol* obligations, Canada is mandated to achieve three objectives (or the '3Ps'): prevent the crime of human trafficking, protect victims, and prosecute traffickers (UN, 2000). Recently, the Canadian government proposed a series of measures to tackle human and sex trafficking. Many of its departments and agencies are now responsible for the implementation of these measures. Responsibilities include the training and education for law enforcement (Royal Canadian Mounted Police), the creation of local and national safety measures to protect and inform the public (Public Safety Canada), planned increases in arrests and convictions of traffickers and related criminal activities (Department of Justice), enhanced services for victims (Department of Justice and Status of Women), improved detection and monitoring of both legal and illegal persons upon entry to Canada (Citizenship and Immigration Canada), increased border security both within and outside of Canada (Canada Border Services Agency), and a large investment into the country's foreign policy on transnational crime and

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<sup>2</sup> In June 2012, the National Human Trafficking Task Force replaced the Interdepartmental Working Group on Trafficking in Persons (IWGTIP).

<sup>3</sup> Canada's *National Action Plan to Combat Human Trafficking*

<sup>4</sup> The budget is \$6M on an annual basis until fiscal year 2013-14 (GC, 2012a, p. 10). No information regarding a budget beyond this date is available at this time.

security (Department of Foreign Affairs, Trade and Development) (GC, 2012a). The issue is now seemingly at the forefront of Canadian policymaking, potentially prioritized in a way never before seen. With this in mind, the following section outlines the research questions and hypotheses, as well as the rationale and significance of this research.

## **Research Questions & Hypotheses**

The main research questions examined in this thesis are: What is the Canadian government's approach to the sex trafficking of women into Canada?, What is exempted or neglected, if anything, from this approach?, and What effects could this have on the issue of sex trafficking into Canada?

My hypothesis is two-fold. The first hypothesis I posit is that the issue of sex trafficking into Canada is currently taking shape in the form of an approach that emphasizes security concerns for the state and not for victims or their experiences of exploitation. This narrative frames both the problem of sex trafficking and trafficked women, particularly foreign victims, as a threat to the state beyond the terms of the *Protocol*.<sup>5</sup> Formalized within an approach, this narrative is visible throughout policies and examples of practice on both a national and international scale.

The second hypothesis is that the treatment of foreign victims further illustrates that a formal approach is indeed in place. Such an approach is identifiable in Canada's official responses to victims including the provision of services and financial support for such responses (and other anti-trafficking initiatives). These indicators of an

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<sup>5</sup> Prof. Stephen Brown, previous thesis committee member feedback.

approach suggest that sex trafficking into Canada is now a publicized social and political issue, and in essence, is becoming a relevant issue for the Government of Canada.

To substantiate my initial hypotheses, I will conduct a narrative analysis of the Government of Canada's publications (also referred to throughout the thesis as "documents") regarding the subject of human and sex trafficking. This type of analysis will reveal trends, patterns or themes regarding how the Government of Canada constructs their argument and communicates truths or facts regarding human trafficking and how this might fit into wider social practices such as the treatment of foreign trafficked persons. It is important to note that there may be different narratives present and even tensions between different departments and agencies within the Canadian government.<sup>6</sup> These will equally be highlighted throughout my analysis. Additionally, to make sense of the research data, I will utilize a theoretical framework to relate my argument to existing debates on the subject. This framework incorporates two separate but related theoretical concepts: labeling and framing.

Within the broad literature available on human trafficking (i.e. academic journals and books, media, NGO reports, etc.), it is implied that various actors within the larger trafficking debate subject trafficked persons to critical processes of identification through labeling which occurs at different levels and scales. In the context of human trafficking, such labeling efforts include "efforts by entities at the international, national, and local levels to stem this flow of the sale of human beings for their sexual value" (Peach, 2005, p. 108). It is important to note that these efforts may

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<sup>6</sup> Prof. Luisa Veronis, thesis committee member feedback.

not always align with one another. For example, at the international level, global actors label trafficking victims as 'trafficked persons' or 'victims of trafficking in persons' (VTIP). This labeling is especially common practice for "arms and agencies of international governmental organizations, such as the UN, the International Labor Organization (ILO) and the International Organization for Migration (IOM)" (2005, p. 108). At the national level, labeling of trafficked persons by national governments and NGOs vary from 'prostitute' and 'sex worker' to 'illegal migrant' and 'irregular', in addition to the label of victim. Finally, at the local level "service providers, churches and a number of committed individuals" (2005, p. 109) contextualize trafficking as a moral issue of victimization and, therefore, of 'victims'. Due to these contextual differences in labeling, responses to victims drastically vary from immediate health services and legal aid to stigmatization, isolation, and sometimes deportation. As part of my narrative analysis of government publications, I am most interested in the highest level of the application of labels such as national laws, policies, programming guidance, etc., regarding human and sex trafficking. The inclusion of label theory within a theoretical framework highlights how "labels are directed at particular behaviors or particular persons that are viewed as threatening by a more powerful and political group" (Paternoster & Bachman, 2013). According to labeling theory, in such a political scenario labels are used to highlight negative and criminal behavior. The exploration of labeling's impact on trafficked persons hopefully provides a unique method by which to make sense of the Canadian government's approach to human trafficking and trafficked persons.

When referring to a 'victim' throughout my thesis, I subscribe to general conditions in which people are most often defined a victim. These general conditions include, "the person having suffered a loss undeservedly; the loss itself has an identifiable cause, and the legal or moral context of the loss entitles the sufferers of the loss to social concern" (Bayley 1991 as cited in Berns, 2004, p. 22). I also refer to a similar definition of victim set forth by Canada's National Office for Victim Services as, "Someone who was harmed by suffering a loss or who suffered physical or emotional damage as the result of an offence" (Public Safety Canada, 2013a). Finally, it is important to distinguish between international and domestic victims. My research focuses on international sex trafficking of women into Canada, which implies legal and illegal foreign nationals and not Canadian citizens. Within my research, I thereby use this integrated definition of a victim to refer to a trafficked person.

In addition to labeling, the broad literature also demonstrates that the framing of a problem creates coordinating labels to support such framing, "casting a policy in a particular light or associating it with other issues or concepts" (Knoll, Redlawsk, & Sanborn, 2011, p. 435). By "employing different labels, political elites attempt to frame an issue to elicit support for their position" (2011, p. 436) and to communicate this position publicly. Framing is located within narratives which serve to "determine the frame through which an issue is defined, measured, and tackled" (Brock, Cornwall, & Gaventa, 2001, p. iii). Framing theory also considers "how frames affect which interests play a role during policy drafting and deliberation" (Daviter, 2007, p. 654). It is therefore relevant to consider how the process of framing by state actors influences an approach to a problem. The processes of both labeling and framing "are very much

linked to the distribution of social, political and economic powers, and are critical for securing hegemonic meanings and values” (Moncrieffe, 2004, para. 1). Therefore, these powerful processes enforce and strengthen a narrative regarding a social or political problem. In the case of human trafficking, the political results of such a narrative at the state level are inevitably revealed within policymaking, laws, and legislation.

## **Rationale and Significance**

### **Rationale.**

Human and sex trafficking into Canada poses a national and international dilemma for the government. The state must balance safety concerns for Canadian citizens with moral concerns for trafficking victims. Current responses to sex trafficking can be reactive or proactive in nature, responding to a problem that is unfortunately clandestine and at times coordinated underground. According to United Nations Office on Drugs and Crime (UNODC) (2013a), “Reactive responses in particular rarely lead to successful actions such as arrests and prosecution of offenders. They are instead responses most concerned with immediate interventions to protect victims when possible” (p. 192). Proactive efforts instead pay attention to why victims are trafficked, beyond generalizations of poverty. This is because root causes which encourage trafficking to wealthier regions such as Canada equally include economic causes as well as political and social factors. These multifaceted causes create the necessary conditions for vulnerability to trafficking, knowledge essential for the prevention of trafficking at the onset (or origin).

In the case of international sex trafficking into Canada, the origin is almost always a developing country. Proactive responses may include a root causes approach that therefore considers “the source, transit and destination country to reflect the geographical, structural and commercial components that make up the crime of trafficking in persons” (UNODC, 2013a, p. 195). Similarly, prevention efforts may also include an explicit understanding that human and sex trafficking violates human rights. For example, a human rights-based approach concerns itself not only with prevention but additionally seeks to provide redress to victims. According to the Organization for Security and Co-operation in Europe (OSCE) (2013), this approach “proactively ensures that victims of trafficking do not face prosecution solely because they have been trafficked” (p. 14) and “reinforces capacities of governments to respect, protect and guarantee these rights” (UNFPA, 2013, para. 4). Most recently, the OSCE concluded that the responsibilities of prevention, redress, and reinforcement of victims’ rights are responsibilities (as per the *Protocol*) that the Canadian government has not honored (OSCE, 2013).

Article 7 of the *Protocol* states, “Each State Party shall give trafficking victims appropriate consideration to humanitarian and compassionate factors” (UNODC, 2009b, p. 9). I contend these humanitarian and compassionate factors can be interpreted as the consideration of victims’ experiences of exploitation and rights violations as well as the consideration from whence victims come. As already noted, origin countries for sex trafficking are most often those within developing regions impacted by poverty, inequality, conflict, corruption, rights abuses, etc. If it is

understood that these factors contribute to the growth in today's international sex trafficking, then it is at the origins of trafficking where answers might be found.

### **Significance.**

Although Canada is a source country for international sex trafficking, few studies investigate the Canadian government's approach to the problem. Moreover, research regarding the extent of the problem in Canada, including the causes of trafficking, the relevance of human rights and the value of understanding victims' experiences, is limited. This is particularly relevant if the current government narrative (and approach) narrows the issue by diverting interest away from other main narratives by which to comprehend the problem of trafficking as well as address it. The significance of this research is that it may further the current understanding of the issue within a Canadian context.

Canada's proposed efforts to address sex trafficking focus primarily at the national level with actions to prevent, protect, and prosecute. In addition, the Canadian government aims much of its efforts at children and youth, as outlined in Canada's National Action Plan (GC, 2012a). These observations are significant for two reasons. First, prevention efforts by definition propose a "focus on preemptive and proactive intervention before any of the forms of trafficking identified in the *Protocol* occur" (Samarasinghe & Burton, 2007, p. 53). In the case of sex trafficking of foreign victims into Canada, this suggests preventative efforts within origin countries as a means to stem trafficking by reducing root causes. As I have briefly said, the Canadian government aims its prevention efforts at the national level but more notably, at

Canadian citizens. The second observation is that sex trafficking into Canada is gender and age-specific (RCMP, 2010; UNODC, 2012a) and therefore requires an aligned response that also specifies adult women.<sup>7</sup> Despite this evidence, federal policy and programming efforts remain highly focused on Canada's children and youth.<sup>8</sup>

The thesis is organized as follows: in Chapter 1, a literature review of academic journals and books as well as grey literature including government and inter-governmental reports as well as civil society documentation presents what is known about the sex trafficking of women. The review also identifies existing gaps within this comprehensive human trafficking literature. Chapter 2 details the theoretical framework used to describe and clarify the phenomenon of sex trafficking, as well as to assist with relating my thesis argument to existing debates on the subject. In this chapter, the research design and methodology are also presented. Chapter 3 presents the main results of the data collection and the subsequent analysis. In Chapter 4, I provide an interesting example of a multifaceted approach to human trafficking led by the US government. This approach prioritizes both the security of the state as well as the prevention of trafficking's main causes. It is the approach to root causes that I describe in detail. To conclude the thesis, Chapter 5 briefly summarizes the research findings. It also provides an update on recent policy, programming and research publications produced by the Government of Canada on the subject of human trafficking as well as a personal note to close the thesis.

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<sup>7</sup>This is the gender most vulnerable to sex trafficking. However, it is important to note that males are also victims of sex trafficking although little to no information on this population is available.

<sup>8</sup> The Government of Canada specifies a main focus on foreign nationals in Canada aged 15 to 21 (GC, 2012a, p. 13). However, RCMP investigations have identified cases of female migrants trafficked into Canada between the ages of 21 and 38 years (RCMP, 2010, p. 13).

## **CHAPTER 1: HUMAN TRAFFICKING OF WOMEN FOR SEXUAL EXPLOITATION - A LITERATURE REVIEW**

The scale of the problem is extremely difficult to measure due to a lack of quantitative data regarding the number of people trafficked each year. Nevertheless, human trafficking is one the most profitable crimes in the world (Winterdyk & Reichel, 2010; Winterdyk, Perrin, 2010; Perrin & Reichel, 2012; Smith, 2012; US-Canada, 2006; RCMP, 2010) as well as a problem that globally involves a large number of victims in source, transit and destination countries. The deficiency in reliable estimates is due to difficulties in identifying victims, blamed on the clandestine nature of trafficking. In addition to the clandestine nature of trafficking, “factors such as of victims’ mobility, unclear definitions of trafficking, government corruption in source countries, and a lack of distinction between sex trafficking and prostitution” (Schauer & Wheaton, 2006, p. 152) make it difficult to determine accurate estimates. Researchers also acknowledge that “people relevant to the study of human trafficking, such as victims and traffickers, are part of a hidden population that makes it impossible to establish a sampling frame and draw a representative sample of the population” (Laczko, 2005, p. 5). This complicates efforts to both find victims as well as prevent victimization.

What is known is that sex trafficking is the most pervasive form of all trafficking, which makes up nearly 79% of all global cases (UNODC, 2009a; Smith, 2010). Of those cases, women and children are the most exploited (Perrin, 2010; Hodge & Lietz, 2007; Smith, 2012). Sex trafficking is also “the most prominent and fastest-growing component of the trade” (2007, p. 163). As a result, the majority of research published to date on human trafficking focuses on the trafficking of women and/or children for

sexual exploitation. Additionally, research is mostly qualitative. Some critics have argued that the primary focus on sex trafficking has resulted in research neglect of other forms of trafficking (Laczko, 2005, p. 9) including labour exploitation and even organ trafficking. According to Andrees and van der Linden (2005), the result of this neglect is that “only a partial picture of the issue of human trafficking is presented” (p. 55). However, prioritization of sex trafficking [of women and children] seems reasonable given that it remains the most brutal and abusive form of trafficking exploitation. Typically, internationally trafficked women are both legal and illegal migrants, refugees, and asylum seekers or they may also be students and tourists from abroad.

In destination countries such as Canada, traffickers force victims to work anywhere from escort agencies to exotic strip clubs, massage parlours and pornography. It is within these confinements that women are sold for prostitution and where they are expected to earn generous profits for their traffickers. The general trafficking literature fails to discuss that not all women survive the trafficking process, the forced prostitution, or the controlled environment where they work. Scholars Hodge & Lietz (2007) reveal, “There is evidence of videotapes that depict the trafficked raped, tortured, and even murdered on film” (p. 168). The next sections of the literature review will discuss additional effects of sex trafficking.

The literature review illustrates sex trafficking as a controversial subject, evoking discussions on the severity of the problem, the issue’s impact on trafficked persons, and the best methods by which to address it efficiently and successfully. While I mostly include academic literature published in peer-reviewed journals, I also include

information and evidence on the subject of human and sex trafficking beyond academia. In addition to academics and researchers, there are many different actors currently involved in the larger dissemination of information regarding human trafficking. For example, these actors include international organizations, UN agencies and non-state actors such as NGOs and service providers who are able to offer expert opinion, observational studies, and policy guidance in the field of trafficking. The inclusion of such materials, what is referred to as 'grey literature', will reduce uncertainty about the topic by contributing to a "rigorous methodology that is comprehensive, transparent, leads to minimum bias and is reproducible" (Simkhada & Knight, slide 12). The contributions of grey literature within this review equally permits "greater access to new research that is unique and potentially not found elsewhere" (Simkhada & Knight, slide 23). Most importantly, this information is relevant for understanding its influence and impact on policy implementation, particularly evidence-based policymaking. According to academics Knight et al. (2005), "grey literature is an essential part of the evidence base for practice in complex interventions, which may have multi-stakeholders, have multi-variables, have a lack of predictability and robust data and require a broad literature approach" (p. 64). It is for this reason that the following literature review has combined both academic primary and secondary sources as well as grey literature produced by well-respected organizations and institutions at the local, national, and international level. This is in order to best detail what is known regarding the complexities of human and sex trafficking and what is currently debated on the topic among scholars, practitioners, governments, service providers, etc.

Although the literature on the subject of sex trafficking covers a variety of narratives as well as approaches to address the issue, this review will focus on the four main narratives evident within the literature. These narratives include the following themes: trafficking as a security threat to the state, victims (and victims' experiences), trafficking as a human rights violation, and the root causes of trafficking.

### **Defining Human Trafficking: *The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children***

To begin, the literature reveals that the seemingly simple task of defining the issue is at the heart of one of the main debates on the subject of sex trafficking. The global argument regards the lack of definitional clarity which is blamed for the persistence trafficking. The most prominent way human trafficking is defined is the *Protocol* and is the first international (and legal) attempt at defining human trafficking. Prior to the *Protocol* "there were no commonly accepted definitions, and most countries did not have laws to criminalize such activities" (Zhang, Pacheco-McEvoy, & Campos, 2012, p. 25). Until the *Protocol*, most countries consistently linked the problem of trafficking to prostitution. As a result, nearly all state responses criminalized the victim.

As trafficking cases became more apparent, the UN urged nations to join the global anti-trafficking campaign "because the magnitude of the problem was so large that no one government could deal with it successfully" (Zhang, 2009, 181). The "intention of the *Protocol's* definition was to facilitate convergence in national approaches that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases" (UNODC, 2013b, para. 3). More specifically, the UN *Protocol* (2000) implies a variety of illegal activities, as per the following:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, to achieve the consent of a person having control over another person, for the purpose 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. (2000, p. 2).

The *Protocol's* language remains the leading definition referenced by many, including scholars, service providers, governments, civil society and legal specialists (Canadian Council for Refugees (CCFR), 2013; International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), 2010; Cho & Vadlamannati, 2012; Hodge & Lietz, 2007; Gajic-Veljanoski & Stewart, 2007). In effect, the *Protocol* guides government policymaking and legislation regarding the issue as it the most significant global contribution to reducing trafficking thus far (Groody, 2011; Smith, 2010; Obokata, 2006). To date, "154 countries have ratified the *Protocol*" (UNODC, 2012a, p. 1). According to the US Department of State, "the Protocol reflects a comprehensive victim-centered approach" (2012, p. 8).

However, not everyone is satisfied with the *Protocol's* definition, citing concerns regarding the defining criteria. For example, in a 2007 report on human trafficking and labour exploitation published by the UK Home Office, the report's researchers state, "The *Protocol* refers to a number of undefined concepts, specifically 'coercion', 'deception' and 'forced labour' and, as a result, can be left open to interpretation" (Dowling, Moreton, & Wright, 2007, p. 2). Other concerns regard problems with the definition and the difficulty in drawing clear distinctions between smuggling and

trafficking (Surtees, 2008, p. 43). This is because those who have agreed to be smuggled can equally be trafficked at the time of migration. Similarly, “the choice of prostitution also complicates the process of distinction” (Lim 1998 in Peach, 2005, p. 113) as women who agree to prostitution at the onset of trafficking may still endure threat, coercion, and sexual exploitation.

According to Harrington (2005), the definition is problematic as “the *Protocol* can be read to exclude the possibility of women’s agency in selling sex precisely because it is loose enough to categorize any woman or child in the sex industry as a victim of trafficking” (2005, p. 178). The debate regarding the interpretation of the *Protocol*’s language integrated concepts “is not about defending sex trafficking, but rather it is about defining these terms, such as coercion, so nothing anyone wants to defend is covered” (MacKinnon, 2011, p. 271).

Agustín (2007) proposes that the dominant narrative regarding sex trafficking frames the problem using language similar to the *Protocol*. As a result of this framing, “practices such as policymaking, education, publications, and conferences, perpetuate a constructed label, the ‘prostitute’, as a means to justify actions and responses to trafficking” (2007, p. 8). In doing so, prostitution has become synonymous with sex trafficking (2007).

Language within the *Protocol* also defines the problem so broadly that the definition fits vastly different contexts. For example, “sex work is legal in the Netherlands but a crime in Kosovo” (Harrington, 2005, p. 176). The implications of this is the “categorization of any woman or child in the sex industry as a victim of trafficking or a prostitute” (2005, p. 176) despite consent. Moreover, “the language within the

*Protocol* fails to provide protection to prostitutes from prosecution including for the acts they are forced to perform” (Ghosh, 2009, p. 717). Unlike trafficking victims, voluntary sex workers are also ineligible for “preventive measures, victim compensation, or repatriation” (2009, p. 717).

Other methods of defining human and sex trafficking include “influential diplomatic tools to engage foreign governments on human trafficking, such as the annual *US Trafficking in Persons Report (TIP Report)*” (US Department of State, 2013a). As per Segrave, Milivojevic, & Pickering (2009), “both the *Protocol* and the *TIP Report* emphasize and effectively influence state responsibility for addressing trafficking” (2009, p. 129). In 2012, the US Department of State implied that until only recently, governments described trafficking in persons “as a transnational movement of prostituted women (i.e. immoral persons) and traffickers as violators of state sovereignty who bring trafficked women over the borders” (US Department of State, 2012, p. 13). However, the *TIP Report* asserts that the global focus now centers on the exploitation of the individual (2012). This suggests a shift in the framing of the problem and therefore the labeling of trafficked persons. The following section further discusses the notion of trafficking ‘victim’ within the broad literature on human and sex trafficking and details the victim-centered narrative.

## **Sex Trafficking: Key Narratives**

### **The victim-centered narrative**

As already said, the most common form of trafficking is for the purpose of sexual exploitation. The broad literature for review primarily refers to such trafficked persons

as 'victims'. Furthermore, within the context of responses (by the state, service providers, NGOs, etc), the word 'victim' is synonymous with violence or crime. There are two main perspectives on the notion of 'victim', distinguished by a narrative divide: the relationship between trafficking in women and consent (Doezema, 2005; Marinova and James, 2005; Outshoorn, 2005). For instance, research on general sympathy for victims proposes, "crime victims in particular may be either considered 'sympathy worthy' or blamed for their plight" (Clark 1987 as cited in Kenney, 2002, p. 241). That is to say, on one hand the label of 'victim' implies coercion or force while those who volunteer for trafficking are not worthy of the same label.

Trafficked women endure "direct and indirect harmful consequences" (CIC, 2007, p. 25), such as physical and psychological effects as part of the sex trafficking process. More specifically, victims may also experience rape, physical and emotional abuse, isolation, sexually transmitted diseases (STDs), drug addiction, starvation, post-traumatic stress disorder (PTSD), depression, and death (Stewart & Gajic-Veljanoski, 2005 & 2007; Johnson, Ollus, & Nevala, 2008; Groody, 2011; US-Canada, 2006). They "may also experience shame, low self-esteem and a sense of powerlessness" (US-Canada, 2006, p. 6).

Outshoorn (2005) discusses what in theoretical terms is referred to as the 'sexual domination narrative', a narrative which claims to best represent and define victimization and at its core is victim-centered. This narrative argues, "Prostitution causes trafficking, and trafficking violates a woman's body and spirit" (2005, p. 145). It is a narrative supported by many NGOs, churches, and service providers who use the idea of victimization "to show others that victims of a given problem are worthy of

help” (2005, p. 145). From this narrative, a type of rescue industry has emerged (Groody, 2011; Agustín, 2007; Sanghera, 2012) which positions trafficked victims as “innocent, lured, naïve, and forced” (Doezema, 2010, p. 1). This victim-centered narrative attempts to “exonerate trafficked persons from blame, identify abusers and traffickers, and specify community responses and help for victims” (Berns, 2004, p. 145). The rescue industry is typically sustained by the ‘abolitionist approach’ which discursively and legally defines prostitution and sex trafficking as an offence to women’s dignity and, thereby seeks to abolish prostitution and trafficking. This approach assumes all women in prostitution have been forced or threatened into trafficking despite the reality that “not all trafficked women want to be rescued nor rehabilitated” (2012, p. 5).

Presently, the abolitionist approach (supported by a victim-centered narrative) is common practice in Sweden, Norway, and Iceland (Marinova & James, 2012; Perrin, 2010a; MacKinnon, 2011; Smith, 2010). Lobasz (2009) submits that when governments implement a victim-centered approach, it suggests they are prioritizing victims’ safety. The abolitionist approach attempts to “recognize and understand the manner in which traffickers threaten victims” (2009, p. 319). Governments, therefore, create legislation to protect and address the needs of victims, specifically immediate housing, education, and job training (Marinova & James, 2012). In doing so, these efforts imply support for “human and physical capital endowments, economic opportunities, and the ability for trafficked women to make choices to achieve desired outcomes” (World Bank, 2012, p. 3).

Waltman (2011) affirms that in Sweden, the legal term or label of 'victim' strictly implies "prostitution is a form of sex inequality related to gender-based violence that exploits and harms the prostituted person" (2011, p. 451). Hence, the Swedish government criminalizes all aspects of prostitution in an effort to decrease the demand for sexual services. To date, results suggest that the number of known trafficking cases has decreased in countries that implement an abolitionist approach (Smith, 2010; Perrin, 2010; Waltman, 2011; Shinkle, 2007; Cho, Dreher, & Neumayer, 2013). Contrarily, "neighboring Scandinavian countries, such as Denmark, have more lenient macro-level legislation, and yet they have seen dramatic increases in both prostitution and trafficking" (Hodge & Lietz, 2007, p. 170).

In contrast to a victim-centered narrative, the 'sex worker' narrative (Marinova & James, 2005; MacKinnon, 2011) or 'laborist approach' (Marinova & James, 2012) supports the concept of choice within in the sex industry, including sex trafficking. Laborists argue, "Women have less agency when prostitution is illegal. When such an approach is implemented, states regulate prostitution and brothels (Hughes 2005 in Marinova & James, 2012, p. 235). The "legalization of prostitution removes criminal sanctions, and in doing so also removes moral stigma from all actors within the sex industry" (MacKinnon, 2011, p. 274).

No known governments publicly support sex trafficking as a choice, but rather regulate prostitution in order to decrease trafficking. The sex worker narrative opposes the label of 'victim'. Supporters of regulated prostitution claim that when sex workers are labeled as victims, "society and clients see workers as passive and lacking control over their own lives" (Outshoorn, 2005, p. 235). The narrative implies that it is the

pursuance of agency (or control of one's life) that ensures empowerment. In addition to women's agency, this narrative is concerned with how the label of victim "may be a second form of victimization and lower self-esteem" (Taylor et al., 1983 in Kenney 2002, p. 237). Framing and labeling of all trafficked persons as victims, "particularly when conducted discursively (and therefore at a distance) therefore overlooks this sub-category of people and a range of substantial issues"(Moncrieffe, 2004, para. 3).

Proponents of voluntary sex work challenge the assumption that where there is prostitution and trafficking, there is always an element of coercion (Segrave, Milivojevic, & Pickering, 2009). Proponents also take aim at the way in which trafficked persons are framed as "'innocent' while women who choose sex work are often framed as 'whores'" (Petersen, 2001, p. 218). Moreover, "the non-innocent sex worker is seen to get what she deserves" (McSherry & Kneebone, 2008, p. 73). In practice, it is argued that this perspective results in policies that support the provision of services for 'innocent victims', but not 'prostitutes'. To address these inequalities, advocates of sex work campaign for "framing trafficking as slavery and addressing it as such, in effect disconnecting it from prostitution, and permitting it to be a separate offence" (Outshoorn, 2005, p. 147).

In summary, a victim-centered narrative concludes the act itself of trafficking should be punishable regardless of consent (Smith, 2010; UN, 2000; UNESCO, 2010). Research for example indicates that prostitutes and trafficked persons have not only comparable physical consequences (from sex work) but similar psychological outcomes as well (Farley, 2004). The general opposition to a laborist approach is that despite consent given by trafficked women and sex workers, no person consents to sexual

brutalization, or worse, possible death. What is more, a victim-centered narrative and more practically, an approach equally reflect the importance of victims' human rights as well as the root causes of trafficking (and sources of victimization.) The following sections discuss the remaining narratives present within the literature on human and sex trafficking. The second narrative frames the problem as a human rights issue while the third narrative emphasizes the role of root causes in human trafficking. Finally, the fourth and final narrative discussed within the literature review frames trafficking as a threat to the state, stressing the criminality of trafficking and the international movement of migrants.

### **The human rights narrative.**

A human rights narrative frames the problem of human trafficking as a violation of a person's human rights and labels trafficking victims as 'modern-day slaves' (Groody, 2011; Follmar-Otto & Rabe, 2009; Schauer & Wheaton, 2006; Hodge & Lietz, 2007; UNESCO, 2006; Smith & Kangaspunta, 2012). The *Protocol* stipulates signatory states "protect and assist the victims of such trafficking, with full respect for their international human rights" (UN, 2000, p. 1). While the literature confirms few countries disagree trafficking is a human rights issue, much of the literature is unclear as to which human rights trafficking violates or how best to address such violations. For example, scholars Follmar-Otto & Rabe (2009) suggest "material compensation paid to victims is the most valuable means for victims to regain their sense of being independent subjects" (p. 7). Contrastingly, Gajic-Veljanoski & Stewart (2005 & 2007), the OSCE (2010) and the World Health Organization (WHO) (2012) contend that the right

to health (and not compensation) is instead paramount particularly because of the physical and emotional effects associated with sex trafficking. For example, the OSCE (2010) defines human rights violations “as the lack of sanitary conditions, education or contact with families” (p. 8).

Alternatively, researchers Schauer & Wheaton (2006) argue “the right to be free and pursue liberty, as well as the right to self-determination” (p. 146) are most important for trafficking victims, particularly once they have landed in their destination country (2006). Finally, author Obokata (2006) highlights discrimination as a violation against trafficked persons, especially as victims may face racism and xenophobia in states of destination (p. 102). This is a relevant violation as discrimination can further fuel exploitation (Obokata, 2006).

Yet much of the literature also assumes these rights as inherent and clear to every person, including trafficked persons. In general, the notion of rights as a concept within a trafficking context reflects a main narrative primarily led by global state actors and international organizations. To date, the grey literature review reveals the most comprehensive and influential work on human rights violations within a trafficking context is led by the Office of the High Commissioner for Human Rights (OHCHR) which regularly works with and provides guidance to the international community, including various states. In a joint initiative with ILO and various UN organizations, the OHCHR produced guidance for how State obligations, particularly as it relates to international human rights law, can implement and ensure a human rights approach to addressing human trafficking, particularly its integration into legislation. In the *Joint UN Commentary on the EU Directive on Human Trafficking: A Human Rights-Based Approach*

(2011), “examples of anti-trafficking measures that may adversely affect established rights are outlined which include but are not limited to detention of trafficked persons in immigration or shelter facilities, forced repatriation, and denial of a right to a remedy (e.g. compensation)” (OHCHR et al., 2011, p. 27).

Banya (2013) refers to the work of such organizations as “top-down human rights work” (2013, para. 1) and expresses concern that this type of work targets “marginalized women and girls who experience the harshest abuses” (2013, para. 1). The World Health Organization (WHO) (2013) also warns that without proper knowledge of human rights, “migrants and foreign nationals are not only limited in the use of services (e.g. medical, financial, etc.) but can also be unjustly deported” (WHO, 2013, p. 4). Governments that appropriate human rights work on behalf of trafficked women, therefore, may potentially provide a disservice to women, particularly vulnerable women living in source countries. Banya (2013) argues, “Women themselves must know what their rights are; both nationally and internationally so they may be empowered to change their own lives for the better” (2013, para. 4). Similarly, this argument speaks to the issue of women’s agency and the pursuance of such rights. The literature on human trafficking presents competing perspectives regarding human rights and trafficking, particularly which rights are violated, why this matters, and how best to ensure rights are enforced.

### **The root causes narrative.**

The third narrative discussed in the literature review concerns vulnerabilities, risk factors, and the root causes of human trafficking. First, the broad literature

describes vulnerability in several different ways. In one sense, it signals a lack of choice or opportunities, particularly for women in developing countries (Alpes, 2010). What is more, when there is a choice, such as a choice to migrate, “the risks involved need to be contextualized within the overall circumstances of migrant women in their countries of origin” (2010, p. 123). For instance, restrictive immigration policies in destination countries may encourage or contribute further to vulnerability in source countries. Alternatively, Naudé, Santos-Paulino, & McGillivray (2009) define vulnerability as, “The risk that some future event will negatively affect the wellbeing of people in a given place by producing an undesirable outcome” (p. xviii & 2). Finally, Groody (2011) asserts, “undocumented migrants who become victims of human trafficking are among the most vulnerable given their status alone” (p. 22). This definition describes vulnerability as a condition, rather than an outcome (as per Naudé et al., 2009).

Second, risk factors that lead to vulnerability are almost always related to poverty. These include “ill health, unemployment, natural hazards, lack of education, war or conflict, and macroeconomic shocks” (Naudé et al., 2009, p. 2) as well as gender inequality and governance issues in origin countries (Gajic-Veljanoski & Stewart, 2007; UNESCO, 2006; IOM, 2012; Hacker, Cahill, & Wainwright, 2011). Vulnerable populations are therefore prime targets for human traffickers.

The push and pull factors or root causes of human trafficking incorporate both vulnerabilities and risk factors. The broad trafficking literature describes these causes as the influences that encourage voluntary and involuntary migration. For example, traffickers promise women in poorer countries jobs in more developed countries;

unaware of any potential exploitation, women are 'pushed' by these opportunities. Trafficked women provide the supply for the sex industry.

Correspondingly, pull factors of trafficking include the 'demand' for commercial sex and cheap labor, as well as "restrictive immigration policies in destination countries, the existence of legal avenues (e.g. exotic dancers, domestic work), and growth in organized crime" (Gajic-Veljanoski & Stewart, 2007, p. 340-41).

Proposed responses to reduce the demand vary. For instance, Smith (2010) suggests targeting immigration systems thereby targeting the movement of people yet this seems reminiscent of a security approach. Public awareness campaigning has also been proposed to illustrate the severity of trafficking. This response presumes few people in both origin and destination countries are aware of human trafficking's extent and, therefore, an awareness of root causes "helps inoculate potential victims against traffickers' efforts to enslave them" (Hodge & Lietz, 2007, p. 170). The awareness response includes focusing on "the broader socioeconomic realities that drives trafficking in human beings" (Chuang, 2006, p. 137). However, Clark (2008) disagrees with public awareness efforts as an effective method of prevention. He reports, "While target audiences report an increase in knowledge, no studies have shown public awareness efforts to influence choices; this is mostly because they are unable to provide potential trafficked persons with viable alternatives" (2008, p. 66).

Finally, Global Alliance Against Traffic in Women (GAATW) dismisses the positioning of human trafficking as a 'supply and demand' process entirely. The network of NGOs claims a root causes narrative "ignores the very real fact that trafficked persons and migrants are people who are trying to access labour and

migration opportunities for themselves and their families” (GAATW, 2011, p. 16). The network states that when we respond to root causes by reducing supply (and therefore demand), we, in fact, “endanger sex workers’ physical and economic security” (2011, p. 67). This argument very much reflects the argument for women’s agency within the trafficking process, referred to as the ‘sex worker’ approach.

The literature debates on different interpretations of root causes, a list of factors overwhelmingly linked to development concerns in poor countries. Yet few resources discuss in detail methods by which to address those causes. Stating that human trafficking occurs because people are poor offers no solutions to reducing these contributing factors. When these factors go unattended, people become vulnerable to trafficking. Clark (2008) argues, “The development of indicators to identify vulnerabilities could provide the basis for specific and strategic interventions for sex trafficking” (p. 71), suggesting there is no one method to recognize vulnerability at this time. As a result, root causes or factors that contribute to vulnerability can be interpreted or responded to in conflicting ways.

### **The security narrative.**

The final narrative evident within the literature discusses sex trafficking as a security threat to the state in two ways. First, it links trafficking to organized crime, including networks thought to facilitate much of today’s trafficking (RCMP, 2013; Lobasz, 2009; Hodge & Lietz, 2007; Goodey, 2008). Second, the literature correlates trafficking with illegal migration.

***Organized crime.***

Organized crime is responsible for playing a large role in the spread and pervasiveness of sexual trafficking (Hodge & Lietz, 2007; Zhang, 2009; Sanghera, 2012; Peach, 2005; Perrin, 2010). Moreover, Zhang (2009) asserts, "The business of prostitution (forced or otherwise) requires consistent clientele and numerous locations for associated activities" (p. 191), sophisticated requirements which can only be satisfied by organized crime (2009). The literature review also posits individuals and smaller organized groups (such as street gangs) may also be trafficking persons, including into Canada (CISC, 2010). Moreover, the literature notes there are regional differences in the organization of trafficking. For instance, "in regions such as South-East Asia, trafficking is managed through personal connections" (Surtees, 2008, p. 46-7) and not by organized crime. Contrastingly, in the US, "individual entrepreneurs and small organized groups are instead the perpetrators of most of the trafficking" (Schauer & Wheaton, 2006, p. 154). Despite these claims, UNODC (2012a) affirms organized crime plays the largest role within the human trafficking process. In its research, the UN office asserts, "At the onset of sex trafficking, local criminal networks acquire victims but at the final stages, women are almost always sold to larger criminal networks" (2012a, p. 7).

The implications of organized crime are a great unease for destination countries. The largest concern includes "the undermining of the rule of law and political foundations of states" (Touzenis, 2010, p. 8). As well, destination countries fear "trafficking facilitators' propensity to resort to violence as a means to further their business" (2010, p. 9). The literature also discusses organized crime as a concern

associated with other criminal activities, such as drugs and weapons trafficking, money laundering, and even terrorism. These examples of a security narrative suggest that these additional crimes have become synonymous with trafficking-related activities. As a result, efforts utilized by various enforcement mechanisms may instead treat both traffickers and trafficked victims alike. To summarize, the language used to contextualize sex trafficking discusses the problem within an organized crime framework.

This contextualization frames organized crime as “the personification of evil” (Weitzer, 2007, p. 452). Weitzer (2007) proposes that results of these claims are “the characterization of traffickers within a trafficking narrative as predators, rapists, and kidnappers involved in organized crime and sexual slavery” (2007, p. 452). In contrast, Agustín (2007) alleges that migrants often frame organized crime and criminal networks as services providers (not as kidnappers). Both Agustín (2007) and Doezema (2005) affirm this trafficking frame supports the notion of sex work as a valid employment.

Yet a security narrative emphasizes an imminent threat posed by organized crime, the movement of people, and the victims themselves. Zhang (2009), Touzenis (2010) and Parmentier (2010) all conclude that this narrative is incomplete and requires additional research to clarify the role of organized crime and related activities. This is because “little is still known about the characteristics of sex traffickers or how they organize their activities” (2009, p. 191). This lack of knowledge suggests an inability to conclude definitively on the role of organized crime in human trafficking.

The consistent reference to organized crime within a security narrative frames the problem of human trafficking as one correlated with crime, drugs, and weapons. This framing has consequently produced what Pickering (2011) fears “is a delimitation of women’s opportunities to migrate” (2011, p.10). The security frame “expands the security and policing apparatus of the state, and effectively demonizes those women whom the state claims to defend” (2011, p. 10).

### ***Migration flows and border status.***

It is due to the framing of trafficking as a criminal activity that there is further scrutinization of migration and flows of foreigners. Labels such as ‘illegal migrants’ (and not ‘victims’) reflect both migration concerns and implicate trafficked persons’ border status, including “irregular citizenship, migration, and labour status” (Segrave, Milivojevic, & Pickering, 2009, p. 194). Touzenis (2010) explains that many state’s usual response is one concerned with security and is “due to trafficking seen as affecting territorial integrity, and the facilitation of crossing of borders. Moreover, it is the remaining in a state illegally, which is in violation of national criminal and immigration laws” (2010, p. 8). According to this argument, states are therefore justified in such labeling and corresponding responses. Yet in labeling, government policies and laws can undermine other state-led efforts such as humanitarian and social development goals (Moncrieffe, 2004).

The theorization of migrant prostitution by the state provides insight into security narratives as do the manners by which governments treat and control those same women (Agustín, 2007). This control is evident in immigration policies, including

policies which support detainment and deportation. Hoyle, Bosworth, & Dempsey (2011) surmise, "Once trafficked women are associated with criminal activities such as trafficking, the fiery rhetoric of slavery melts away and is replaced by a discourse of law and order and border control, a discourse that interprets them as offenders rather than victims" (2011, p. 325). Chuang (2006) explains this is because a security narrative does not concern itself with understanding migration, "as a response to a situation, such as the current globalizing socioeconomic trends" (2006, p. 139) or the role of poverty in the decision-making process to migrate. Rather, a security narrative is one that encourages "the lowering of the level of acceptability of foreigners" (Bigo, 2001, p. 111) or "others" (Bigo, 2001 & 2008).

The broad literature outlines several concerns regarding the implementation of a security narrative at the state level. First, scholars argue that when governments create policies within a security framework, they "do not consider gender dimensions of sex trafficking or account for the victims' human rights" (Marinova & James, 2012, p. 233). This is problematic as sex trafficking is very much a gender-specific problem.

The second concern is that the framing of human trafficking as a migration problem "fails to take into account all of the cases in which trafficked persons enter the country legally" (Follmar-Otto & Rabe, 2009, p. 23). Evidence demonstrates that within destination countries, legal and illegal migrants both endure the same treatment (Agustín, 2007) and that this response is due to trafficking's "association with sex and prostitution" (2007, p. 11). It is because of this association that states administer the same response regardless of victims' status within the destination country, the reasons for migration, or the way by which victims have entered the new host country.

According to Segrave, Milivojevic, & Pickering (2009) there are two separate state regimes which determine how governments assess and respond to trafficked persons. The “first regime is a legal one, where women are considered temporary victims and in some cases, ‘witnesses’” (2009, p. 169). The “second is a border regime, in the case where foreign nationals are non-citizens” (2009, p. 169). This “second regime determines trafficked persons’ fate within the country of destination” (2009, p. 169) and almost always overrules the first [regime] (2009). That is to say, when border status is illegal, victims are deported to secure the safety of the state.

In countries that regulate prostitution, “coercion is often outlawed” (Marinova & James, 2012, p. 241) and therefore sex trafficking is illegal. Despite such laws, cases of trafficking persist. For example, in the Netherlands where prostitution is legal, the law dictates that migrant prostitutes and/or trafficked persons cannot be penalized or detained. Nevertheless, “the state sometimes labels [foreign] victims merely as ‘illegal aliens’, and they are often deported immediately” (2012, p. 241). This response to migration represents what Marinova & James (2012) refer to as a “migration-security approach to human trafficking” (2012, p. 241). The results of regulated prostitution signify that such an anti-trafficking effort may not necessarily protect all victims, nor effectively prevent trafficking.

Moreover, while some sex workers (and laborists) advocate for the legalization of prostitution, Hodge & Lietz (2007) insist, “No research to date has demonstrated that legal prostitution decreases sex trafficking” (p. 169). Rather, the authors found, “Countries that have legalized prostitution including the Netherlands and Germany appear to have become magnets for traffickers” (2007, p. 169), as well as migrants

seeking work (2007). In a public presentation at the University of Ottawa on September 18, 2012, MP Joy Smith explained that it is because of these consequences that many anti-trafficking advocates oppose the regulation of prostitution.

Boswell (2007) argues, “though states are always concerned with security-migration issues, governments themselves are also keen to show that they are sensitive to a range of rival pressures from rights groups and civil society that militate against these enforcement efforts” (2007, p. 594). Further, while the securitization of migration “fast-tracks political decision-making” (Roe, 2012, p. 249), the potential exclusion of migrants should be seen as something necessary in order to conceive of *what* and *who* is undesirable within a society (Roe, 2012). In effect, the primary role of governments is to determine what it deems a security threat. However, Roe has not explored the implications of this ‘inclusion and exclusion dynamic’ particularly for those who are ultimately excluded by governments. The process of framing human trafficking as a threat is therefore a frame that determines winners and losers.

Some of the academic literature argues when a security narrative frames the problem as a threat, this framing encourages re-victimization of victims, referred to as “secondary victimization” (Taylor, Wood, and Lichtman 1983 as cited in Kenney, 2002, p. 242). For example, re-victimization occurs as a result of increased border controls, deportations, and other migration-security efforts.

To summarize, the literature demonstrates both praise and concerns for the *Protocol's* defining criteria of human trafficking. While the *Protocol* attempts to clarify the problem of trafficking as well as provide guidance on how best to redress victims, opponents are concerned with the *Protocol's* undefined concepts, specifically ‘coercion’,

'deception' and 'forced labour' and, as a result, can be left open to interpretation" (Dowling, Moreton, & Wright, 2007, p. 2).

In addition to discussing how best to define the problem of trafficking, the broad literature on the subject also showcases an ongoing debate on how best to define trafficking victims. Defining a victim is controversial particularly as it applies to a victim-centered narrative. While trafficked persons have various experiences of exploitation, some victims are thought to be disempowered by the label as well as the framing of trafficking as exploitation. In doing so, frames and labels obscure the diversity of interpretations that may be critical for addressing the very problems that the label highlights (Moncrieffe, 2004, para. 3).

Yet the dominant and global trafficking perspective asserts sex trafficking violates women and must be abolished or at the very least, responses must protect such women who are "lured and innocent" (Doezema, 2010, p. 1). Alternatively, the sex worker narrative opposes the label of 'victim'. Supporters of this narrative claim that when sex workers are labeled victims, they are seen as lacking agency. To date, no known governments support sex trafficking as a choice. Instead, some countries have legalized prostitution in a bid to reduce human trafficking. Ultimately, the *Protocol* disregards any notion of consent, deeming it irrelevant.

The literature review demonstrates remaining (and competing) sex trafficking narratives regarding the severity of the problem, the issue's impact on trafficked persons, and the best methods by which to address it efficiently and successfully. Complimentary to a victim-centered approach, the second narrative present within the literature maintains sex trafficking violates human rights. However, the literature does

not agree nor clarifies which rights trafficking violates. Instead, various interpretations of rights present an overall incoherent argument.

The third narrative discussed reveals there are there few studies that explore in detail the root causes of sex trafficking. Root causes are endemic within developing countries and serve to explain how and why trafficking occurs. Failure to consider the implications of root causes is a failure to effectively prevent human trafficking and protect vulnerable persons.

The final narrative correlates trafficking with organized crime and related criminal activities, including illegal migration. As a result of such framing, human trafficking is a threat to the safety and security of both countries and its citizens. In highlighting these four main narratives, the literature signals that the issue of human and sex trafficking is complex and clearly multi-faceted given the numerous frames and labels discussed.

## CHAPTER 2: RESEARCH DESIGN AND METHODOLOGY

To recall my research questions, I am interested in identifying the Canadian government's approach to address the issue of sex trafficking into Canada, what is neglected or exempted, if anything, from this approach, and what this could mean for the problem of sex trafficking in Canada. I hypothesize that the issue of trafficked women into Canada is currently taking shape in the form of an approach that emphasizes security concerns for the state over concerns for victims and their experiences. This approach is supported by a narrative that frames both the problem of sex trafficking and trafficked women, particularly foreign victims, as a threat to the state beyond the terms of the *Protocol*.

### **Theoretical Framework**

The scholarly literature provides a lens in which to understand the current narratives on human and sex trafficking. My theoretical framework provides support for exploring the phenomenon, as well as assistance with relating my argument to existing debates on the subject. To do this, I consider a framework that incorporates both labeling and framing. Together, these two processes influence how we view an issue or a problem, produce a judgment regarding the issue and ultimately, place it within a context.

In the same way, labeling creates a new 'truth' or reality regarding an individual while framing is what situates a problem or what gives shape to complex processes. As per Entman (1993), "To frame is to select some aspects of perceived reality and make them more salient in a text in order to promote a particular problem definition and/or

treatment recommendation” (p. 52). For example, trafficked persons labeled as ‘illegal migrants’ by state actors suggests an overall framing of the issue as a migration problem linking human trafficking to immigration and border status. One implication for such framing may be a prioritization of the state rather than victims.

To expand on this framework, I include the work of academic Didier Bigo. His work illustrates state trends of policing of migrants and refugees, practices supported by powerful narratives that frame these populations as security threats. Moreover, these trends have “taken on an unprecedented intensity” (Bigo, 2008, p. 10). His sociological observations to global security framing and associated practices provide a technique to narrow the broader security discussion on human trafficking. It is also a useful method to focus on whom this may negatively implicate, including international victims.

### **Labeling theory.**

Traditional labeling theory is the study of deviance and the enactments of labels for those who violate rules within society (i.e. deviants) (Pollner, 1978; Becker, 1968). This theory “tends to focus largely on the offender” (Kenney, 2002, p. 235). The theory posits that deviants are likely to experience further deviant behavior in future life as a direct result of labeling. Pollner’s work expands on effects of labeling, “Labeling is the transformation of social facts” (Pollner, 1978, p. 269). For my thesis, I am interested in using labeling theory to understand the effects of labels on trafficked persons and the way they create a new ‘truth’ about such individuals.

The literature review demonstrates that policy responses to trafficking are contextual in nature. For example, upon arrival to the destination country, a trafficked

person faces various labeling processes. If immigration officials at the port-of-entry determine a person as trafficked, the label might be 'illegal migrant'. If law enforcement arrests a trafficked person, the label might instead be 'prostitute'. In both contexts, the label concludes a person's actions are fraudulent or criminal. Finally, a health clinic might label a trafficked person a 'victim', regardless of border status or illegal employment. A different narrative supports each label implicating competing responses to addressing the issue. In the same way a state profiles individuals or populations (Bigo, 2008; van der Hof, Leenes, & Fennell, 2010), the label of 'victim' or otherwise (e.g. 'prostitute', 'worker', 'irregular migrant', 'refugee', etc.) also constructs an identity, an identity defined as either 'good' or 'bad'. The evidence of labeling suggests a way, "social or political groups may define its boundaries, an important point of reference for persons participating in any system" (Erickson, 1964, p. 13).

The label of victim is intended to assist with differentiating between those who have been trafficked, and those who have not. In doing so, this distinction reinforces a type of boundary within society, and is a way to discern between groups of people. Furthermore, "Victimologists in particular have long recognized that labels, including that of the victim, are social constructions" (Walklate 2006 in Hoyle, Bosworth, & Dempsey 2011, p. 315). Ultimately, these different scales of labeling may not always align, which may be problematic for coordinating responses by various state and non-state actors. More concerning, when "state framing and labeling focuses only on particular solutions to a social problem, the result is the exclusion of other salient ones" (Moncrieffe, 2004, para. 3).

Labeling theory provides a way to understand the consequences of labeling for victims, particularly by “societal institutions that bear the mandate for defining and enforcing dominant social norms” (Klein, 1986, p. 48) and narratives. The theory contextualizes interactions of victims with non-state actors, conventional society, and agents of social control such as the state, police, and the law. Therefore, labeling theory is appropriate for comprehending both the effects [of labels] on trafficked persons and how it contributes to the framing of the issue.

### **Framing theory.**

In addition to the process of labeling, framing serves to define and enforce a narrative, shaping an issue in one particular way. Donohue, Rogan, and Kaufman (2011) illustrate the main benefits of a framing metaphor for a social phenomenon.

First, “framing, provides a convenient and powerful way of separating certain phenomena as more relevant or important than others in affecting outcomes” (2011, p. 1) and secondly, “provides a way by which to organize the phenomena” (2011, p. 1).

At the state policy level, framing enables governments to organize public opinion regarding an issue within society. Framing theory is most interested in how “frames influence the way issues are processed, how they affect which interests play a role during policy drafting and deliberation and what type of political conflicts and coalitions are likely to emerge, as a result” (Daviter, 2007, p. 654). According to Entman (1993), “framing certain aspects of the world promotes a particular problem definition, moral evaluation, and/or treatment recommendation” (as cited in Reese, 2001, p. 17). It is due to various trafficking frames that the problem is one now associated with other social and political issues including immigration and gender. In some instances, these

sex trafficking frames have perpetuated “stereotypes and ignorance, including biases against sex workers, racial and ethnic minorities, and poor people” (Dragiewicz, 2008, p. 186).

To expand on the implications of framing, I consider that although the increased internationalization of human trafficking has expanded attention paid to victims (and to the problem), according to some of the literature trafficked women still consistently face immense roadblocks. At the state level, these include recognition (of their experiences), compensation (financial, legal, emotional, etc), and recovery (integration or repatriation, etc). Under a security frame, both the problem of trafficking and therefore trafficked are linked to security concerns for the state. Such framing potentially implies negative outcomes for trafficked women. No longer identified as ‘victim’, trafficked persons are viewed in new and threatening ways.

I have stated that some of the literature proposes that a security narrative frames sex trafficking as a threat to the state. According to Bigo, states frame a social problem as a threat when it affects “the collective security of a population” (2008, p. 40). What is more, Bigo (2008) determines that as part of this framing process Western governments in particular nestle the issue of human trafficking (and the mass movement of people) alongside other threats. These threats include “cross-border crime, spying, political violence by clandestine organizations, and the clash of cultures” (2008, p. 40). This construction of the trafficking argument as one that is security-related is potentially problematic as framing any social issue in various ways creates conflicting truths about the problem. More significantly, different truths establish different responses.

## **Research Design & Methodology**

To answer my research questions, I use a qualitative narrative analysis of government-produced documents related to the issue of human and sex trafficking. First, Paltridge (2012) explains, "Qualitative research methods seek to make sense of social phenomena as they occur in natural settings" (p. 244), a method suitable for understanding the phenomenon of human trafficking. Second, narrative analysis (as part of the broad spectrum of content analysis) is useful for examining trends, patterns and themes as well as associated concepts regarding an issue, particularly when applied to documents (Stemler, 2001; Neuman & Robson, 2012). Narrative analysis also enables some inferences about how the topic is understood and how it is being addressed. According to Hampton (2009), narratives are "characterized by truth, richness, consistency, congruency and unity; such narratives can be used to convey situations and have enhanced credibility. They can be used to describe possible implementations of programs or to share future visions" (p. 232). For the purpose of my research, a narrative analysis consists of "the identification of narratives which describe primarily policy dilemmas" (Hampton, 2009, p. 228). However, for the narrative analysis, I chose not only to use policy publications but also various other types of documents including legislation and public awareness materials. These are included with the analysis with the understanding that varied documents are responsible for framing the issue at the federal level and in doing so have influenced behaviour and opinion both among society and between political parties regarding the issue of trafficking. It is the framing that contributes to a 'truth' about the topic and in turn justifies specific responses, including new programming, policies, and legislation.

As part of the narrative analysis, I also observed that “the way language is used within narratives is tied up with the way that we construct different social identities and realities, as well as what we believe to be right or wrong” (Jones, 2012, p. 36).

To identify an ‘approach’ as part of the narrative analysis I consider Neagu (2013) who defines an approach as “a social practice that considers various sociological and psychological elements, as well as language that coheres institutional and organizational structures, mentalities, doctrines and strategies” (2013, p. 18). I concentrate not on the number of times I observe a “mentality” (Neagu, 2013) or theme but rather the overall language used to frame the issue in each document. I highlight excerpts using text boxes that present those “organizational mentalities and strategies” (2012, p. 18) of the Canadian government. Tsoukala (2008) suggests that for such a type of analysis and for practical reasons, “the presentation of themes or mentalities is most effectively presented using only a selection of quotations that are believed to be representative of the whole coverage of each theme” (2008, p. 51).

I also identify an approach within a narrative “by its taking on a rhetorical and political urgency” (Hansen, 2006, p. 30). Although Hansen (2006) is mainly referring to political discourse which is commonly associated with political debates and speeches, I include this element of an approach due to the political nature of government policies and thereby the issue of trafficking.

### **Data Collection: Sources**

The selected publications for analysis include Canadian government documents available on the Internet such as policy and programming guidance, research and monitoring reports, legislation, various assessments, summaries of activities, a

convention, and public awareness materials related to the issue of human and sex trafficking. I note the main limitation of my research: not all government departments or agencies have published publicly on the subject to date. Therefore, I also consider government documents that are thematically broad (i.e. gender, organized crime, immigration, etc.), but which include sub-sections on human trafficking.

The primary source for documents is the public websites of members of the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), departmental representatives who collectively coordinated and collaborated on federal anti-trafficking efforts up until 2012. Of those 17 members, only seven departments or agencies returned results. These include Citizenship and Immigration (CIC), Human Resources and Skills Development Canada (HRSDC), the Department of Justice (JUS), the Royal Canadian Mounted Police (RCMP), the Canadian International Development Agency (CIDA), the Department of Foreign Affairs and International Trade (DFAIT), Canadian Heritage (PCH), and Criminal Intelligence Service Canada (CISC). To ensure I had a sufficient number of government representation, I also include documents published by Financial Transactions and Reports Analysis Centre (FINTRAC), the Government of Canada, as well as one document published by Member of Parliament (MP) Joy Smith.<sup>9</sup> In total, I chose 14 publications for analysis (see Appendix A: Table 1, Selected Publications for Narrative Analysis, p. 110-1). Of those, six publications explicitly focus on human trafficking while the remaining eight focus on related issues

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<sup>9</sup> Smith's "Connecting the Dots: A Proposal for a National Action Plan to Combat Human Trafficking" (2010) is considered the 'prototype' for the NAP. This document was written by MP Joy Smith upon the failure of the IWGTIP to produce a NAP (personal communication, September 18, 2012). I therefore consider this document as a "draft" version of the NAP as it reflects much of the background research and policy recommendations found within the NAP itself.

such as immigration, security intelligence, gender equality, labour rights, and organized crime. I did not consider documents published by the Government of Canada that explicitly stated the views do not necessarily reflect the views of the publishing department or agency.

To analyze the publications, I first identified major themes. Themes are defined as “an integrating, relational idea from the data” (Bazeley, 2009, p. 6). An outlining of concepts from the literature review follows the identification of themes in order to create a coding scheme (Appendix B: Table 2, Coding Criteria, p. 112). Codes are defined as “tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study” (Bell, 2010, p. 221). This permits the, “classification of text into a manageable number of categories that reflect either explicit or inferred meaning” (Neuman & Robson, 2012, p. 308). The coding and categorizing scheme are practical requirements to retrieve and organize the information (i.e. words, phrases, sentences, etc).

The comprehensive literature reveals sex trafficking as an issue that encompasses five main themes: national security; migration management; human rights; root causes; and victims. First, ‘national security’ is defined as the classical formulation of the theme, in which a state uses force by means of laws and policies to protect the nation, and “ensure a country is not a base for threats to allies” (Public Safety Canada, 2013b). Second, ‘migration management’ is interpreted as, “policy guidance and strategies [on migration], including standard-setting and quality control; and knowledge management relating to ‘mainstream’ migration sectors, including labour and facilitated migration” (IOM, 2013). The third theme pertains to sex

trafficking as a human rights violation. The fourth theme refers to root causes or the risk factors that enable or encourage trafficking (e.g. poverty, unemployment, conflict, etc.). The fifth theme is 'victim' which includes the way trafficked persons are labeled (e.g. exotic dancer, student, etc.), as well as the outcomes of trafficking on victims (e.g. trauma, death, disease, etc.). To these, I add a sixth theme, the definition of human trafficking.

To ensure systematic and rigorous investigation as part of the narrative analysis, I obtained rigor by considering the presence of a) consistency, coherency, and contradictions, as well as (b) resistances and counter-narratives. I also noted the silences or absences within the publications, such as information that I had expected to find (according to my coding criteria and literature review). Alternatively, I note the consistent use of similar language, such as words, terms, or concepts throughout the publications to suggest a theme or frame.

The analysis of findings is organized as follows. The first section details how the Canadian government officially aligns itself with the *Protocol* by consistently appropriating its language for policy guidance. The second section illustrates how some publications have framed the sex trafficking of women as a process of victimization. This is done using the label of 'victim'. For example, the data demonstrated the government's acknowledgement of the negative impact of trafficking on individuals. However, the use of the label 'victim' throughout the publications is not sufficient to infer a victim-centered approach. The third section explores sex trafficking as a violation of human rights. It also investigates whether Canada has implemented a human rights-based approach instead. The analysis reveals there have been no explicit

attempts to recognize the issue as such and, therefore, no efforts made with victims' rights in mind. Alternatively, the fourth section discusses how publications demonstrate trafficking and victims as a security threat to the state. This narrative refers to trafficked persons as illegal and/or irregular migrants who cross borders with fraudulent papers and associate with organized crime and illicit activities.

### **Limitations: Positionality and Reflexivity**

It is important to note limitations regarding my thesis. The number of publicly available publications on human trafficking produced by the Canadian government is limited, particularly as it is an emerging issue. Moreover, qualitative analysis requires a personal interpretation of the data, signifying potential differing or alternative findings using the same documents.

Human trafficking often evokes an emotional response or opinion, particularly as it relates to sexual exploitation. In considering my own individual socio-cultural role, it is possible my experiences have influenced the research. Positionality "of the researcher influences the defining of the research problem in relation to the field of research" (Hewitt, 2009, p. 3). This is a limitation "since forms of discourse analysis necessitates the researcher gaining a view of the problem from the 'outside'" (2009, p. 3). As an insider, I am aware of how my experiences and first-hand knowledge regarding the problem of human trafficking and related issues may affect my research and analysis. For instance, in 1999 I witnessed the procurement of sexual services between clients and trafficked women.<sup>10</sup> In 2012, I worked for IOM, an

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<sup>10</sup> These observations were made throughout rural villages in Gorzów Wielkopolski, Poland.

intergovernmental organization that seeks to prevent and assist vulnerable populations, including victims of trafficking, through repatriation and other legal migration services.<sup>11</sup> In 2013, I had the pleasure of facilitating a panel on human trafficking, which included speakers MP Joy Smith, Constable Wendy Lee, and representation from Persons against the Crime of Trafficking in Human (PACT)-Ottawa.<sup>12</sup> Finally, I met a sex trafficking victim who escaped her traffickers after four years of servitude.<sup>13</sup>

According to England (1994), the benefits of reflexivity include “self-discovery and new insights and allow the researcher to be more open to any challenges to their theoretical position” (p. 82). In my efforts not to appropriate the voices of trafficking victims, I made great efforts to remain objective and self-aware, as well as professional in the systematizing of my findings throughout the analysis process.

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<sup>11</sup> I worked in the IOM Ottawa office as an Operations Assistant facilitating legal migration of refugees into Canada mainly from Africa and Asia.

<sup>12</sup> As facilitated on February 9, 2013 at the conference “Girls Night 2013”, University of Ottawa: <http://thefulcrum.ca/2013/01/u-of-o-students-to-host-two-day-summit-on-violence-against-women/>

<sup>13</sup> As told on April 18, 2013 at a PACT-Ottawa meeting.

## CHAPTER 3: DATA FINDINGS AND NARRATIVE ANALYSIS

### **Canada and the *UN Protocol*.**

The UN established the *Protocol* to persuade signatory countries to protect victims, prevent future victims, and to prosecute those who traffic victims. Canada was itself “involved in its negotiations leading to its adoption” (Gozdziak & Collett, 2005, p. 102). It is the only international tool that explicitly outlines the need to prevent future trafficking, protect victims, prosecute traffickers (the 3Ps), and promote partnerships among member countries.

The findings reveal the majority of the publications for analysis either directly refer to the *Protocol* or consistently appropriate its language in order to define the issue (see Appendix C: Table 3, Categorization of Key Findings from Narrative Analysis, p. 113-5). For example, US-Canada (2006) states, “The “3Ps” approach flows from broad international consensus on how to address this issue” (2006, p. 11). Departments such as CIC (2007), as well as Smith (2010), both include the Protocol’s precise definition while Heritage Canada (2007), the Government of Canada (2012a) and the Department of Justice (2010 & 2011) reference the *Protocol* as the international standard that guides Canada’s anti-trafficking efforts. In its pamphlet designed to inform temporary foreign workers of their rights in Canada, HRSDC (2012) reiterates the exact language within the *Protocol*. It defines the issue as involving, “the recruitment, transportation, harbouring or exercising control over the movements of a person and for the purpose of exploiting their labour” (2012, p. 7). Similarly, this language is also present throughout the RCMP’s 2010 report, as well as within Section 118 (“Human

Trafficking”) of the Immigration and Refugee Protection Act (IRPA) (2012), “an Act of Parliament that respects immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger” (CIC, 2012, p. 3).<sup>14</sup> The remaining documents for analysis do not refer to a definition of trafficking or to the *Protocol* but rather focus on related issues, such as gender violence and inequality (DFAIT, 2005; CIDA, 2003) and organized crime (FINTRAC, 2012; CISC, 2010).

I determine from the data that Canada officially aligns itself with the *Protocol's* criteria by appropriating, repeating, and rephrasing its language as guidance. Jones (2012) would argue, “in drawing upon this larger system of belief and knowledge, [Canada] has reinforced a system that governs what counts as right or wrong, good or bad, and normal or abnormal in society” (2012, p. 11). In other words, the Government of Canada supports a narrative that dictates a set of beliefs and assumptions about how the world of human trafficking ‘is’ and how the problem should be addressed.

The literature on human trafficking in Canada discloses that, in the past, the Canadian government lagged behind in anti-trafficking efforts, especially when compared with efforts by other member countries (Jeffrey, 2005; Smith, 2012; Perrin, 2010). This is despite the consistent use and reliance on the *Protocol* in the documents analyzed. Current criticism of Canada centers upon the treatment of victims by the government, including the available services for victims of sex trafficking. In her research on human trafficking in Canada, Kaye (2010) found that until recently, some government departments and their employees were not familiar with the issue of trafficking, “nor did they receive training on what constitutes human trafficking” (2010,

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<sup>14</sup> Note that IRPA section 118 applies only when persons are trafficked across a border into Canada (RCMP, 2010, p. 8).

slide 9). This resulted in what those employees feared “was the removal of dozens upon dozens of people who were [international] victims of human trafficking” (2010, slide 9).

I am stating that the Canadian government has reiterated the *Protocol's* language within its own policy responses. To recall, the *Protocol* specifies the methods or means of human trafficking, such as the use of force, coercion, or deception used *against* an individual for the purpose of sexual exploitation (UN, 2000). At the heart of the *Protocol's* purpose is a concern for victims, especially women and children.

### **Canada and the Victim-centered Approach.**

A victim-centered approach to human trafficking is services-based and most often implemented by NGOs and faith-based organization (FBOs) who facilitate and organize services for trafficking victims. This approach is one that reflects Articles 6 thru 8 within Section two of the *Protocol*, ‘Protection of victims of trafficking in persons’ (UN, 2000). These Articles are “concerned with protecting the well-being of victims, even after victims have been both identified and removed from the trafficking situation” (EFC, 2009, p. 10) and focus on the long-term protection and care for victims. The *Protocol's* Articles require signatory members to provide, “appropriate housing, counseling and information regarding their legal rights” (UN, 2000, p. 4), “status in the receiving state (i.e. TRP), and repatriation” (2009, p. 10). Further, the literature on victimization suggests, “The quality of support for individuals following traumatic events has important consequences for their adjustment to traumatic experiences” (Kenney, 2002, p. 240).

To determine whether the Canadian government's approach is victim-centered, I consider these requirements for the analysis of the chosen publications. To identify a victim-centered approach, a narrative of victimization must be present. This approach frames victimhood as "consequential and clear-cut" (Best 1999 as cited in Berns 2004, p. 153) by acknowledging "victims' experiences of physical, emotional, and psychological exploitation" (Segrave, Milivojevic, & Pickering, 2009, p. 193) as well as an awareness of the outcomes of trafficking on victims. This approach justifies not only helping individuals "identify themselves as 'victims' but also serves to delegitimize doubts about victims' claims" (2004, p. 153). These sets of beliefs regarding victimization justify the label of 'victim', and recommend that governments consider the various sociological and psychological elements of trafficking within its policy responses.

The findings demonstrate that some of the publications depict victims as persons with "unique needs" (US-Canada, 2006; RCMP, 2010; CIC, 2007; Smith, 2010) due to outcomes of sexual assault, threats, restraintment, etc., as per the *Protocol*. However, the Canadian government's documents for analysis present vague details of victims' experiences. A victim-centered approach to address sex trafficking expands on language included within the *Protocol*, beyond terms of 'threats', 'force' or 'sexual exploitation'. This approach can also be identified from a consideration of victims' experiences of exploitation, including low-self-esteem, disease, psychological trauma, malnutrition, isolation, stigmatization, and even death (see Appendix B: Table 2, Coding Criteria, p. 112).

As stated, the *Protocol* includes the element of 'threat' as a defining term of trafficking (UN, 2000, p. 2). Of the 14 publications analyzed, only HRSDC (2012), Smith (2010), and GC (2012a) clarify to be 'threatened' is to suggest threatening not only to harm the victim, but also the victim's family; this as a tactic of intimidation that keeps victims controlled by traffickers. The remaining publications fail to include defining criteria of the *Protocol*. Similarly, though many of the publications refer to possible sexual assault or abuse victims may experience, only a few of the Canadian government's publications for analysis clarify further by stating 'rape' against trafficked persons in the context of abuse (Smith, 2010; DFAIT; 2005; US-Canada, 2006).

Polaris Project, a leading US NGO that works on the issue of human trafficking and serves trafficking victims, states that when human trafficking narratives reference rape, more often than not it is "repeated rapes by one or more people, in order to create submission" (Polaris Project, 2013, para. 6). Similar to threats, rape is a common intimidation tactic used by traffickers though the Canadian government's documents for review does not elaborate on this. This is an important observation in that the acknowledgement of rape as defining criteria of sex trafficking, absolves victims from responsibility of harm" (Berns, 2004, p. 153), which is representative of a victim-centered approach.

Additionally, the reference to victims' unique needs assumes the availability of victim services to address those needs. However, Canadian Heritage (2007) determined that most provinces have few services available for victims of trafficking. Additionally, in her research into Canada services for trafficking victims, Smith (2010) contends, "Not only are victim services inconsistently offered across the provinces" (p. 14), in

some services are a one-size fits all response (as told by MP Joy Smith in a public lecture at the University of Ottawa on September 18, 2012).

Recently, the Special Organization for Security and Co-operation in Europe (OSCE) Representative made similar observations regarding the availability and quality of existing services, recommending improvements in the Canadian government's responses to trafficked victims. In a recent visit report, the Representative proposed "independent, multidisciplinary and holistic victim services, combining housing services, income support, health and psycho-social services, vocational training, and language training" (OSCE, 2012, p. 4). These suggestions can be interpreted to mean that Canada has few to none of these measures currently in place. Additionally, the 2013 *US Trafficking in Persons Report country narrative* for Canada implied that this is due to "poor coordination among national and provincial governments on law enforcement and victim services in Canada" (US Department of State, 2013b, para. 3).

Also, relevant to a victim-centered approach is the consideration of the emotional and psychological impacts of sex trafficking, such as feelings of shame, low self-worth, and depression. The *Protocol* does not reflect these outcomes but rather outcomes are communicated throughout the broader literature (e.g. academic journals, civil society reports, newspapers, etc.) and within the publications analyzed. For instance, the RCMP (2010) identifies the psychological outcome of Stockholm syndrome (p. 39), which "only occurs in the most psychologically traumatic situations, such as kidnappings" (Layton, 2013, para. 2). Victims "experience a type of infantilisation, where, like a child, they are unable to eat, without permission. In their

mind, victims believe their traffickers are the people who are going to let them live” (Bradley, 2013, text box 1). The RCMP (2010) further explains the syndrome:

**Excerpt 1:** “Symptoms generally include the development of positive feelings towards their abuser and negative feelings towards authorities attempting to rescue them from a life of exploitation and victimization” (RCMP, 2010, p. 39).

Victims may not identify themselves as a victim due to this syndrome “believing instead that they are in a relationship with their trafficker” (2010, p. 39). More worrisome, victims may refuse help altogether. There was no mention of this psychological outcome in any of the other Canadian government’s publications under review.

Chapter 1 discloses that, in some instances, trafficked women die due to the sex trafficking process yet there is little to no mention of this within the Canadian government’s publications with the exception of the government’s NAP (2012) and US-Canada (2006). Though it is difficult to determine all of the circumstances where death may occur, the NAP states the following:

**Excerpt 2:** “Victims suffer physical or emotional abuse and often live and work in horrific conditions. They may also face fatal consequences if they attempt to escape” (GC, 2012a, p. 5).

Yet earlier research published by the Department of Justice in 2005 reveals that early deaths of trafficked persons do occur and are often a result of, “exposure to violence or serious health problems” (Oxman-Martinez, Lacroix, & Hanley, 2005, p. 21). Sex workers interviewed as part of the study reveal stories of victims dying from trafficking (2005). The outcome of death from sex trafficking is very much absent within the selected documents for analysis. The suggestion that the act of trafficking could itself be fatal implies a sense of urgency (recall Hansen, 2006). This is reflective of

a victim-centered narrative, one not present within the Canadian government's publications.

To explain away these inconsistencies, the Government of Canada reiterates that human trafficking is 'clandestine in nature' (HRSDC, 2012; JUS, 2010 & 2011; GC, 2012a; RCMP, 2012; Smith, 2010; US-Canada, 2006) (see both Appendix B: Table 2, Coding Criteria, p. 112 and Appendix C: Table 3, Categorization of Key Findings from Narrative Analysis, p. 113-5). When combined with a lack of victims reporting exploitation or violence, "the issue is significantly under-represented and, therefore, the actual incidence of trafficking in persons (TIP) is unknown" (US-Canada, 2006, p. 6). The Canadian government's publications imply that the government is unaware of the issue's prevalence or the number of victims at large in Canada. Current knowledge that informs investigations mostly comes from public complaints, intelligence, or prostituted-related arrests in raids or investigations with little to no information directly from victims themselves. ICCLR (2010) purports:

In order to prevent trafficking, it is first essential to understand how severe the problem is in Canada and who is vulnerable to becoming a victim of the offense. Collecting further information on trafficking is the first step to setting up effective victim services. (p. 8).

This proposes that Canada is unable to provide effective victim services for the following reason: Canada lacks intimate knowledge of trafficked persons, particularly personal experiences. The lack of information potentially serves to re-victimize which is not reflective of a victim-centered approach. This is despite the Government of

Canada appropriating the *Protocol's* criteria (and language) for its policies regarding the issue.

A lack of effectively constructing the subject of victimization within the Canadian government's publications demonstrates that its approach to address human trafficking does not integrate victims' experiences. For instance, there is inadequate correlation between sex trafficking and rape, psychological trauma, and/or death within the selected publications for analysis. To support a tentative conclusion that the Government of Canada has not implemented a victim-centered approach, I present a summary and analysis of current responses in the next sub-section.

### **Responses: Canada's protection efforts for trafficking victims.**

#### ***Temporary Resident Permit (TRP).***

A victim-centered approach considers the status of victims in the receiving state as a protection measure for foreign nationals. In Canada, the government can issue a TRP, a service aligned with actions outlined within the *Protocol*. According to the *National Action Plan*, the TRP is "part of a broad-based prevention strategy" (GC, 2012a, p. 30). CIC is the department responsible for issuing TRPs so that victims may remain in the country temporarily (up to 180 days) (CIC, 2007). It is a document that permits victims, "to access health services through the Interim Federal Health Program (IFHP)" (2007, p. 4) and to seek legal advice (ICCLR, 2010; CIC, 2007). The government does not require victims to assist in prosecution cases in order to receive a TRP (HRSDC, 2012; Smith, 2010; JUS, 2011; GC, 2012a).

CIC's guidance document (2007) aims "to respond to the vulnerable situation of foreign nationals who are victims of trafficking" (p. 23). For instance, at the port-of-entry, CIC requires officials to regard the nature of trafficking and its implications for victims. These guidelines include clear direction on *why* this is necessary:

**Excerpt 3:** "Many victims of trafficking in persons (VTIPs) suffer from post-traumatic stress disorder, and may fear or mistrust authorities. It is important to be sensitive to the personal situation of a suspected VTIP; they may be experiencing psychological and/or physical trauma" (CIC, 2007, p. 25).

Upon initial assessment, CIC officials must ideally conclude whether the person is a trafficking victim. This decision depends upon the training and education of officials regarding the subject of trafficking. It also depends on victims themselves who must prove they are trafficked persons (CIC, 2007). The latter may be challenging due to victims' trauma, fear of reprisal, or other reasons previously discussed (e.g. Stockholm syndrome).

According to the Department of Justice (2011), the greater purpose of the TRP "is to help victims of trafficking escape the influence of their traffickers, recover from their ordeal and evaluate their immigration options" (2011, para. 25). Therefore, the issuance of a TRP formally recognizes a trafficked person as a victim. The NAP reiterates these sentiments:

**Excerpt 4:** .... "it requires the identification of victims of trafficking in a timely manner to ensure their safety and separation from their traffickers" (GC, 2012a, p. 13).

In addition to health services and trauma counseling, victims can apply for humanitarian compassion. Housing, as already stated, is also a service offered (PCH, 2007; US-Canada, 2006). Nevertheless, it is again worth noting that both Canadian Heritage (2007) and Smith (2010) imply services and programming are not of the same

quality throughout all provinces and territories. Moreover, housing refers to shelters. According to Oxman-Martinez, Lacroix, & Hanley (2005) these shelters are not necessarily equipped to house trafficking victims efficiently. Additionally, “shelters in Canada are only a temporary arrangement” (2005, p. 17). Oxman-Martinez, Lacroix, & Hanley (2005) also found, “in the longer term, victims are likely to need assisted-living services” (2005, p. 17). The selected documents for analysis omit such details regarding victims’ needs. Moreover, where victim services are available, these measures are only short-term and do not necessarily contribute to effective rehabilitation or reintegration.

Provincial and territorial victim services demonstrate few quality services, including in PEI, New Brunswick, Nunavut, Alberta, Northwest Territories, Ontario, Manitoba, the Yukon, and Saskatchewan with the exceptions of Québec and British Columbia (BC) (PCH, 2007). For example, Québec established an interdepartmental working committee that explores services for victims of trafficking (2007, p. 68) while BC created its own separate provincial initiative that works with NGOs to ensure the provision of services for trafficking victims (2007, p. 122). As recently as 2013, this program was still active within the province (PCH, 2013).

As a response to ongoing criticism of services for trafficked victims, the Canadian government recently made funding available for projects led by provinces, territories, or NGOs<sup>15</sup> intended to improve services to victims through the ‘Victims Fund’ (GC, 2012a, p. 13). However, the Fund’s aim is to “improve the experience of

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<sup>15</sup> The Department of Justice maintains Canada’s Enhanced Victim Services. The budget is \$500,000 for provinces, territories, NGOs, and other service providers who compete for this funding (see Appendix D: Table 4, Government of Canada’s Budget for Human Trafficking Activities, p. 116).

victims of crime in the criminal justice system and provide them with direct, limited, emergency financial assistance” (Service Canada, 2013, para. 1).

### ***Repatriation.***

Another component of a victim-centered approach is the option for victims to voluntarily return to the origin or home country. According to CIC (2007), repatriation is only possible “if the person is already in the enforcement stream” (p. 38). Eligible victims for repatriation must either be without legal status in Canada or in violation of IRPA in some other way. If approved for repatriation, victims are labeled “removals” from Canada (CIC, 2007).

According to Article 8 of the *Protocol*, in returning victims to their home or origin country, “the return shall be with due regard for the safety of that person and the status of any legal proceedings; the return shall preferably be voluntary” (UNODC, 2009b, p. 9). UNODC believes this limits re-victimization (2009). Successful repatriation depends upon the quality of support provided to victims by both the sending and new destination country. As per the *Protocol*, repatriation is voluntary, and governments of both origin and destination must assist with care and compassion.

The Canadian government’s publications under review do not discuss repatriation with the exception of CIC (2007), as previously stated. It is unclear if Canada collaborates with receiving countries to ensure proper coordination of services. Evidence shows that some receiving countries have limited resources or long-term support capabilities (Perrin, 2010) and may not have the capacity to ensure successful repatriation and reintegration yet both are necessary to prevent re-trafficking and re-

victimization. For example, in Perrin's experience, "Certain countries have small trafficking police units and are underfunded – often less than 10% than the size and funding of anti-drug trafficking" (2010, p. 39). When a destination country such as Canada cannot offer support for proper repatriation and reintegration, victims face an uncertain future in origin countries due to few resources.

### ***Prosecution of traffickers.***

Protection efforts for victims also include the prosecution of traffickers, as per the *Protocol*. More recently, there is a growing interest by the Canadian government in increases in arrests of traffickers:

**Excerpt 5:** "... rather than speculating on numbers and causes, law enforcement is moving their efforts toward criminal enterprises behind human trafficking instead" (RCMP, 2010, p 9).

The Department of Justice (2010) ascertains the number of prosecution cases and legal outcomes contribute to how the government approaches the problem:

**Excerpt 6:** "To inform its ongoing responses to TIP, the Government of Canada continues to monitor trafficking cases proceeding through Canada's criminal justice system" (JUS, 2010, para. 38).

To effectively respond to the problem of trafficking, victims are essential to the prosecution of traffickers (PCH, 2007; GC, 2012a; RCMP, 2010). However, in reality victims are reluctant and fearful for their lives and the lives of their families (RCMP, 2010). Consequently, many victims do not assist prosecution. The RCMP frames the reluctance of victims to come forward as "impediments to enforcement efforts" (RCMP, 2010, p. 13). Other 'impediments' include the reliability of victims:

**Excerpt 7:** “The outcome of the prosecution rests almost solely on the witness to reliably testify against the accused in court” (RCMP, 2010, p.38).

The RCMP (2010) publication further describes victims as, “uncooperative” (p. 15) and “not credible” (2010, p. 40). Moreover, the RCMP (2010) asserts, “The process of converting a victim into a witness can be volatile and intense” (p. 38). The language used within this document contradicts a victim-centered approach which is an approach that seeks to prioritize the victim above all else. According to Smith (2010) and the RCMP (2010), the government protects victims who cooperate with prosecutors from their traffickers. However, according to a documentary<sup>16</sup> produced by the Canadian grassroots initiative Hope for the Sold and featuring some of Canada’s experts on the subject of human trafficking, there is limited funding in Canada for such protection services, making these efforts ineffective and insufficient to guarantee the safety of the victim (Hope for the Sold, 2010).

UNICEF (2006) cautions, “The treatment of a victim willing to testify should be based on a humanitarian approach and respect for the victim’s human rights, without intimidation or added pressure by law enforcement” (p. 91). UNICEF also suggests that as part of this volatile conversion of victim to witness, “law enforcement must develop preventive investigation methods without relying on a victim’s testimony” (2006, p. 90). In Canada, victims’ testimonies are the only means available for prosecuting traffickers (RCMP, 2010; GC, 2012a; Smith, 2010). Furthermore, “experts stress the need to root out prejudices against human trafficking victims” (2006, p. 92). Thus, I

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<sup>16</sup> According to Hope for Sold, the documentary *Enslaved, Enslaved and Exploited: The Story of Sex Trafficking in Canada* (2010) has been utilized by various actors in anti-trafficking efforts, including Members of Parliament, law enforcement, service providers, academics, churches, etc. Retrieved from <http://hopeforthesold.com/about/>

interpret the labeling of victims 'uncooperative' as criticism of victims. In addition, response efforts do not reflect victims' experiences of psychological, physical and emotional exploitation.

***Women's agency.***

As previously discussed, some trafficked sex workers may not identify themselves as victims and challenge the main framing of trafficked persons as victims. The RCMP (2010) found in their investigations that there are some sex workers "that have come to tolerate exploitative circumstances and are accepting of their predicament" (RCMP, 2010, p. 38). The result of this alternative framing is that trafficked persons are instead labeled 'prostitute' and is indicative of a 'victim with agency' narrative that argues in support of women who voluntarily work within the sex trade. As noted in Chapter 1, some women find the label of 'victim' offensive, given their willingness to participate within the trafficking process. The RCMP's *Threat Assessment* (2010) again reflects this perspective:

**Excerpt 8:** "The notion that all victims of human trafficking must be innocent women deceptively brought to Canada from foreign countries and confined in brothels as sex slaves is no longer valid" (RCMP, 2010, p. 45).

Contrastingly, both GC (2012a) and Smith (2010) view prostitution (forced or otherwise) as victimizing the vulnerable, suggesting that sex work always produces victims. This view also reflects the *Protocol*, which stipulates, "Consent to trafficking is irrelevant" (UN, 2000, p. 2). This presents discursive tensions between the RCMP (2010) (see Excerpt 8) and the Government of Canada's *National Action Plan to Combat Human Trafficking* (2012).

In general, many view the 'victim with agency' narrative having only negative implications especially for women's "well-being and society in general" (World Bank, 2012, p. 6). Moreover, this narrative contradicts the *Protocol*. For example, the framing of sex trafficking as voluntary denies evidence of harm experienced by victims. It also places the blame of victimization on trafficked persons. According to Berns (2004), "Placing the responsibility on victims draws attention away from other institutions or individuals that could be involved in preventing or intervening in the problem" (p. 150). When trafficked women are framed as working voluntarily within the sex trade, this framing effectively deconstructs the notion of trafficked persons as victims.

### **Canada and the Human Rights-based Approach**

For many, sex trafficking can be successfully addressed if the problem is recognized as violating human rights. The OSCE (2012) asserts, "A human rights-based approach should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims" (p. 6). In effect, it is complimentary to a victim-centered approach. Policies that prioritize the identification of trafficked persons are typical of a human rights-based response (Office of the High Commissioner for Human Rights (OHCHR), 2002). According to the OHCHR, "failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights; States are obligated to ensure identification takes place" (OHCHR, 2002, p. 4). UNFPA, UN partners as well as governments have three levels of obligations for fulfilling human-rights, "To respect, protect and fulfill every right" (UNFPA, 2013, para. 6). More specifically:

To *respect* a right means refraining from interfering with the enjoyment of the right; to *protect* the right means enacting laws that create mechanisms to prevent violation of the right by state authorities or non-state actors; and to *fulfill* the right means to take active steps to put in place institutions and procedures, including the allocation of resources to enable people to enjoy the right. (2013, para. 6).

A human rights-based approach to a social problem “develops the capacity of the government to meet those obligations and encourages rights holders to claim their rights” (2013, webpage). I interpret the necessity “of resources to enable people to enjoy human rights” (2013, webpage) to signify victim services. These services (e.g. health, financial, etc.) permit trafficked persons to exercise those rights.

However, Dunne & Wheeler (2004) warn, “Norms such as human rights are not necessarily binding on states when they collide with what they define as state priorities” (p. 10). When the state prioritizes its citizens, “the results are an inability to ensure victims’ rights; these include rights to liberty, dignity, and security” (Aradau, 2004, p. 253). More concerning, “victims also risk re-victimization by governments who will attempt to locate, identify and deport them” (2004, p. 253).

More importantly, in considering a rights-based approach, it would seem imperative rights be explicitly clarified given the numerous discursive interpretations of human rights. UNFPA for example stipulates that a rights-based approach to global economic and social problems includes, “striving to secure the specific rights of freedom, well-being and dignity of all people everywhere” (UNFPA, 2013, para. 5). The

*Universal Declaration of Human Rights* equally references the rights of “justice and peace” (UN, 2013, para. 1).

The findings from the narrative analysis of the Canadian government’s publications discursively recognize human trafficking as a human rights issue (CIC, 2007; DFAIT, 2005; United States-Canada, 2006; IRPA, 2012; HRSDC, 2012; Smith, 2010; GC, 2012a; RCMP, 2010). For example, CIDA’s (2003) policy guide for project evaluation stipulates that each project must reflect “respect for the human rights of girls and women” (CIDA, 2003, p. 13). Secondly, DFAIT claims its policy efforts include “combating gender-specific human rights violations, such as gender-based violence in all levels of decision making” (DFAIT, 2005, p. 7). Finally, HRSDC (2012) asserts, “The exploitation of a foreign national may violate Canadian law and human rights” (p. 6). However, while these few documents state the term ‘human rights’, there is no clarification as to what those human rights are or why they matter within efforts to address human trafficking.

Some of the documents imply that in the context of human trafficking, Canada’s role is not as a leader but rather a supporter of others’ initiatives and include the OSCE’s ‘Anti-Trafficking Program of the Office for Democratic Institutions and Human Rights’, NATO’s ‘Policy on Combating Trafficking in Human Beings’, and various UN projects (GC, 2012a; Smith, 2010). The OSCE (2013) identifies a human rights-based approach as one “which grants experienced NGOs, trade unions, social service providers and agencies a formal role in the identification and referral process for victims” (2013, p. 6). This is to improve access to services for victims (2013). Presently in Canada, only law enforcement (i.e. RCMP, CBSA and provincial police) and

immigration officials (i.e. CIC) formally identify trafficked persons. With little to no mention of the rights themselves, Canada's approach to human trafficking is likely not a human rights-based approach.

### **Canada and the Security Approach**

Van der Hof, Leenes & Fennell (2010) submit, "A government requires the ability to identify its citizens (national and foreign), in order to 'embrace' them" (p. 4). Citizen identification through policymaking and practice serves to control the movement of a state's citizens and is demonstrative of a security approach intended to protect the state from threats. Van der Hof, Leenes & Fennell (2010) also assert the method of identification itself constructs both the personal identities of citizens, as well as any threats by citizens. To prevent crime, a security approach supports specific initiatives such as the surveillance of people by the state (and state actors). According to Aradau (2004), "While a victim-centered approach sees human trafficking as a threat to women, a security approach views trafficked women as a *cause* of insecurity" (p. 253). Therefore, trafficked women must be controlled by the state.

To identify a security approach, there is likely an emphasis on state security. Indicators or measures of such an approach, including the process of identification of others, have been widely observed by Bigo (2001, 2007, & 2008) who concludes that, as part of the global security paradigm, there has been a "convergence of external and internal security" (2008, p. 25). This observation reflects how states frame the movement of various populations as something associated with criminal activities, including human trafficking (2008). From this framing, governments link security with

“migration, crime and war” (2008, p. 12) and implement national and international policies to address all three simultaneously.

Framing the problem as a threat to the state directly implicates refugees and illegal migration. According to Bigo (2001), the largest threat for the state “is a concern that these activities and populations will transgress national identities” (p. 92) and therefore challenge a country’s sovereignty and borders. Framed as a threat, human trafficking is responsible for linking “economic and social crises in Western societies with unemployment, and the rise of petty crime and the international situation, such as globalization, and the movement of people across borders” (2001, p. 92). This framing forces governments to rethink national security strategies.

Security responses to external threats such as international human trafficking are typically apparent by the way governments manage migration. In addition to migration management, enforcement initiatives focus on the profiling and identification of organized crime and networks of trafficking facilitators. Often, it is these enforcement initiatives that implicate trafficked victims and is due to the complexity of separating traffickers from victims.

The Canadian government’s publications for analysis reveal that many policy measures to stem human trafficking are rooted in law enforcement. This associates all departments and agencies concerned with border control and migration management (CBSA, CIC, and US-Canada), law enforcement (RCMP, CBSA, and JUS), and security intelligence (CISC and FINTRAC). The following section elaborates on how these same publications correlate sex trafficking with other crimes and behaviors, including illegal migration.

***Crime and sex trafficking.***

Threats to Canada are specified as “foreign-influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive, or involve a threat to any person” (FINTRAC, 2012, p. 33). The Canadian government’s publications for analysis describe human trafficking as a ‘low risk/high reward activity’ for organized crime (CISC, 2010; JUS, 2010 & 2011; FINTRAC, 2012; CIC, 2012; GC, 2012a; RCMP, 2010; Smith, 2010; US-Canada, 2006).

In addition to human trafficking and forced prostitution, criminal organizations and groups are associated with other illegal activities and crimes (CISC, 2010; GC, 2012a; CIC, 2007; FINTRAC, 2012; US-Canada, 2006). These crimes include, “counterfeit document production” (US-Canada, 2006, p. 8), brothels and bawdy houses (US-Canada, 2006; JUS, 2010), drug and weapons running (US-Canada, 2006; CISC, 2010; Smith, 2010), “illegal gambling” (CISC, 2010, p. 13), credit card fraud and identity theft (US-Canada, 2006; RCMP, 2010), “hacking and spoofing websites” (CISC, 2010, p. 12), “immigration fraud” (RCMP, 2010, p. 1), money laundering (CISC, 2010; FINTRAC, 2012), the smuggling of contraband goods (CISC, 2010), “corrupting private security firms” (DFAIT, 2005, p. 11) and “murder” (RCMP, 2010, p. 1).

The publications consistently discuss human and sex trafficking within the larger context of crime. According to Smith (2010), “Human and sex trafficking generates billions of dollars for criminal organizations, making it the fastest growing form of transnational crime” (p. 4). Moreover, intelligence procured by FINTRAC (2012) reveals, “The origins of some suspected criminal proceeds are linked to investigations of drug offences and human trafficking” (p. 6). The agency’s report also

states, “Human trafficking is a predicate offence, which refers to any suspected offence as a result of which proceeds may have been generated that may become the subject of a money laundering investigation” (2012, p. 6). FINTRAC recently determined that the number of cases related to human trafficking and smuggling in Canada has steadily increased since 2007 (FINTRAC, 2012, p. 6) (See Appendix E: Table 5, Types of Predicate Offences Related to Case Disclosures, p. 117).

Organized crime and criminal networks fill the demand for immigration. According to US-Canada (2006), “victims who entrust the services of organized crime may genuinely want to emigrate but are unable or unaware of how to do so legally so pursue illegal services” (p. 9). In its annual report on organized crime, CISC (2010) establishes “cross-border movements threaten the safety and security of Canada” (p. 24) and national security (FINTRAC, 2012; US-Canada, 2006). Those security concerns guide various agencies and departments responsible for policies and legislation regarding the problem of trafficking. This includes immigration legislation such as the *Immigration and Refugee Protection Act (IRPA)*:

**Excerpt 9:** “One of IRPA’s legislative objectives as it relates to foreign nationals is to: protect the health, safety and security of Canadians and Canadian society as well as promoting international justice and security by denying access to persons who are criminals or security risks” (CIC, 2007, p. 6).

The following section reveals further how migration is framed as a security concern and as a consequence how such framing contributes to labeling trafficked persons something other than ‘victim’.

### ***Migration and sex trafficking.***

Kaye & Winterdyk (2012) posit, “For many states, national security is an important policy concern, and thus, must be taken into consideration when assessing the rights of migrants, including irregular migrants and trafficked persons” (p. 71). Within the Canadian government’s publications for review, migration into Canada is discussed as a serious cross-border issue, which often involves both ‘illegal migrants’, ‘irregular arrivals’ and ‘foreign nationals’ (CIC, 2007; CISC, 2010; US-CANADA, 2006; Smith, 2010; RCMP, 2010; GC, 2012a). The language used to describe and label potentially trafficked persons suggests “the lack of contact between labeler and labeled facilitates a lack of accountability to the labeled not only for how they are categorized but also for the outcomes of this categorization” (Moncrieffe, 2004, para. 3).

The publications also imply that the priority of the government is the security and safety of the state and its [legal] citizens (CISC, 2012; FINTRAC, 2012; IRPA, 2012; GC, 2012a; & US-CANADA, 2006). For example, the *National Action Plan to Combat Human Trafficking* states:

**Excerpt 10:** “As part of our Government’s longstanding commitment to protect the vulnerable, tackle crime and safeguard Canadians and their families in their homes and communities, we are taking action against these terrible crimes” (GC, 2012a, p. 1).

The reference to ‘vulnerable’ refers to “economically challenged and socially dislocated sectors of the *Canadian* population that represent a potential pool of trafficking victims” (GC, 2012a, p. 6), the government’s “most vulnerable citizens” (2012a, p. 9) and clearly makes a distinction between legal and illegal migrants or workers.

Canada’s anti-trafficking efforts are established both at home and abroad, and center on migration management, a form of ‘control’ (IOM, 2009) that permits

government to oversee migration flows, including the prevention of unwanted people from entering or remaining within state boundaries. Adelman (2004) explains that in Canada such enforcement measures to manage migration are comprised of two components: “a sign system for identification such as passports or visas and a signal system to detect irregularities through the use of intelligence, monitoring, and inspection” (2004, p. 118). The state considers itself at risk “when those items of identification are the result of fraud, and when they are used for illegal purposes or activities” (2004, p. 118), such as human trafficking.

As already stated, security intelligence is one of several methods to identify security risks within society and the main outcome of security intelligence “is the construction of the image of the enemy within state boundaries” (Bigo, 2008, p. 16). In Canada, both FINTRAC and CISC fulfill this intelligence role. In Canada, departments or agencies that have the capacity to class and prioritize threats posed by migration flows, also maintain these systems, as per Adelman (2004). It is the authorities, including, “the police, politicians, judges, intelligence agencies, and the military” (Bigo, 2008, p. 13) who have the power to determine ‘what’ and ‘who’ constitute a security risk.

Criteria of migration control include the issuance of immigration documents which permit foreign nationals to remain legally in Canada. I have affirmed that TRPs are only issued for foreign victims that lack border status. The current process dictates that upon arrival at the port-of-entry victims must establish they have been trafficked. If a victim cannot prove victimization detainment is likely, especially if CIC officials cannot identify a victim within the ideal 48-hour timeline:

**Excerpt 11:** “Given the complexity of TIP cases and the trauma that a VTIP may be experiencing, when a possible TIP case comes before an officer, it is not always possible for the officer to make a conclusive finding that the individual is a VTIP” (CIC, 2007, p. 25).

Nevertheless, Ogrodnik (2010) reveals that a CIC officer may, in fact, “grant a person a TRP even if the officer has not confirmed victimization and even though no criminal charges have been laid” (p. 11). CIC’s (2007) guidance document omits this relevant information. Instead, the document implies a trafficked person must successfully fulfill all defining criteria for identifications purposes. When there is no identification of victimization, trafficked persons are detained (2007).

In 2005, academics Oxman-Martinez, Lacroix, & Hanley interviewed Canadian service providers who work with human trafficking victims. The research showed, “The way in which detention centers function is not conducive to community advocacy and support for the women” (2005, p. 21). Moreover, detainment produces ineligibility for victim services. In addition, “the criminalization of sex workers makes it more difficult for service providers to gain the trust of those who have been trafficked” (2005, p. 21) and makes any rehabilitation efforts more difficult. Finally, if law enforcement determines a foreign national to be a prostitute (and not a trafficking victim), the Canadian government deports the individual without providing them access to services:

**Excerpt 12:** “Those found not to be victims of human trafficking were therefore engaged in illegal employment and subsequently deported” (RCMP, 2010, p.3).

However, there are no details within any of the Canadian government’s publications under review regarding the detainment of trafficked persons. Yet, both the CCFR (2013) and Perrin (2010) assert that this type of response (of detainment and

deportation) occurs more frequently in Canada than is publicly discussed. This alludes to the possibility that trafficked persons “are treated more as criminals rather than as victims of a crime” (2013, para. 2). Perrin (2010) further summarizes these concerns claiming, “The response of our courts and government to the situation has often been nothing less than disgraceful” (p. xxii). Perrin’s own research has uncovered cases of victims neglected within detainment, including children (2010). If accurate, this system does not effectively assist trafficking victims.

Given the growing influence of trafficking-related crimes to “transcend geographic boundaries” (CISC, 2010, p. 4), the main argument put forth by many governments is the need to incorporate security efforts into human trafficking responses. (See Appendix C: Table 3, Categorization of Key Findings from Narrative Analysis, p. 113-5). International commitments and partnerships between Canada and other transit and destination countries encourage such efforts. These include collaborations with both the G8 & the OSCE (DFAIT, 2005; Smith, 2010; GC 2012a; JUS, 2010 & 2011). The collaborations and partnerships aim to prevent organized crime and criminal activities from entering Canada at the onset. IRPA enforces the purpose of these efforts:

**Excerpt 13:** “... protect the health and safety of Canadians and to maintain the security of Canadian society and to promote international justice and security by denying access to Canadian territory to persons, who are security risks or serious criminals” (CIC, 2012, p. 3-4).

Moreover, the *National Action Plan to Combat Human Trafficking* allocates funding for these efforts, such as to the ‘Global Peace and Security Fund’. This fund focuses on “human trafficking programming in the Americas on stabilization, security,

and the justice system” (GC, 2012a, p. 21). The geographic priority of the Americas contradicts information present within other documents for review, as the main source regions for trafficking to Canada include Asia, Eastern Europe, and parts of Africa (RCMP, 2010; JUS, 2010; US-Canada, 2006; & Smith, 2010). In addition to this fund, the Government of Canada also allocates funding to its ‘Anti-Crime Capacity Building Programme’, which also centers on the Americas (GC, 2012a). The newly formed Department of Foreign Affairs, Trade and Development (DFATD), an amalgamation completed in 2013 between DFAIT and CIDA, lead both geographic initiatives. In light of the amalgamation, DFATD is re-evaluating its development programming for 2014 and beyond.

Presently, the foreign affairs stream of the Department maintains, “Advancing cooperation on security in the Americas is a key priority for the Canadian government, particularly due to the illicit drug trade, as it fuels organized crime networks, corruption and other manifestations of transnational organized crime” (DFATD, 2013a, para. 4). Overall, almost 20% of the Government of Canada’s annual human trafficking budget allocates funding for trafficking initiatives related to international security (and located within the Americas) (GC, 2012a, p. 10).

Five other departments and agencies share the remaining budget, including the RCMP, CBSA, Department of Justice, HRSDC, and Public Safety (see Appendix D: Table 4, Government of Canada’s Budget for Human Trafficking Activities, p. 116). I note there is no funding allocated to the Status of Women (SWC). Yet this federal government organization “works to advance equality for women, by focusing its efforts on specific priorities, such as increasing women's economic security and eliminating violence

against women" (2013, para. 2). There is also no funding allocated for the development stream of DFATD whose programming also works on equality between men and women abroad and within source countries identified as origins of sex trafficking. The government's trafficking budget also excludes the Public Health Agency of Canada (PHAC), despite its role in research and policymaking on sex workers and sexually transmitted diseases.<sup>17</sup>

## Conclusion

To summarize, while Canada has appropriated the *Protocol's* language, it does not adhere to the necessary requirements of signatory members, including the provision of services and repatriation for victims. There is little mention of victims' experiences of psychological, emotional, and physical exploitation such as rape, PTSD, and death. Inconsistencies are also prevalent throughout the documents. For instance, while some of the Canadian government's publications acknowledge the needs and rights of victims, the types of services required to address those needs (and rights) are limited. Moreover, those rights are not explicitly outlined anywhere within the documents under review. Further, the suggestion that not all trafficking victims are innocent due to a willingness to participate within the trafficking process challenges the language of both Smith (2010) and GC (2012a). Both documents reiterate that consent is irrelevant in the context of trafficking, a framing outlined within the *Protocol*.

Bourbeau (2011) and Boswell (2007) clarify that recent trends amongst governments include the framing of crime, security and migration as an interrelated

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<sup>17</sup> PHAC is responsible for policy regarding *Canadian Guidelines on Sexually Transmitted Diseases* (2010), which includes a section on: 'Specific Populations: Sex Workers'. Retrieved July 15, 2013 from <http://www.phac-aspc.gc.ca/std-mts/sti-its/cgsti-ldcits/section-6-7-eng.php>

issue, including human trafficking. Because of this framing, migration activities challenge the security of the state. Since the early 90s, Canada explicitly linked migration activities to security in part “because every other government was doing it, so we started to make the link” (2011, p. 57). The events of 9/11 also emphasized monitoring and surveillance by governments. Security initiatives discussed within the Canadian government’s publications reflect trends Bourbeau (2011) refers to such as the linking of crime or terrorism with illegal migration. In making these linkages through the process of framing and labeling, the state creates a divide between those on the outside of society (foreigners) and those on the inside (legal citizens (Bigo, 2007 & 2008). In doing so, such processes of framing and labeling limit the possibility of social and economic development within society and therefore social and political gains (Moncrieffe, 2004, para. 4).

I tentatively conclude Canada’s approach to address the problem of sex trafficking is not an approach centered on victims or on human rights. It is apparent victims’ experiences are mostly exempt from the Canadian government’s publications under review. Additionally, the documents discuss the deficiency in victim services and protection measures for victims that a victim-centered or human rights-based approach demands. Instead, security language and an accompanying budget to support security initiatives reflect prioritization of concerns for border control, immigration, and security intelligence in the context of human trafficking (see Appendix C: Table 3, Categorization of Key Findings from Narrative Analysis, p. 113-5).

The final section of my thesis provides an interesting example of a multifaceted approach to human trafficking led by the US government. This approach prioritizes

both the security of the state as well as the prevention of trafficking's main causes. It is the approach to root causes that I describe in detail.

## **CHAPTER 4: AN EXAMPLE OF A MULTI-FACED APPROACH TO HUMAN TRAFFICKING**

I have argued that Canada's approach to address human and sex trafficking is one most concerned with the safety and security of the state, and less so with victims of trafficking, their experiences of exploitation or their human rights. Language within the Canadian government's documents demonstrates a scrutinization of trafficked persons or 'irregular migrants' reflected in not only the linkages made between organized crime and human trafficking, but also the usage and reliance on surveillance and intelligence mechanisms currently in place. This approach is further emphasized by an absence of efforts to preventatively address the root causes of trafficking. This chapter presents an example of a heavily securitized approach to human trafficking that is also multifaceted and equally victim-centered. It is an approach that attempts to address the safety and security of the state. Yet, it is an approach that also aims to tackle the root causes of the problem specifically in source countries, and is the focus of this chapter.

### **The Root Causes of Human Trafficking**

A multifaceted approach to human trafficking takes into consideration "awareness-raising and prevention, criminal justice responses targeting the perpetrators of the crimes, the protection of the safety and human rights of the migrants or the victims of trafficking, and finally the push and pull factors of migration" (UNODC, 2012b, p. 7). Given the many complexities of human trafficking, such an approach may include efforts to both protect and safeguard individuals and

communities in destination countries, as well as communities in source countries by preventing and addressing the root causes of trafficking.

A root causes approach to human trafficking is a formal development response that seeks to address the push and pull factors (or supply and demand) of trafficking. On one hand, there is a demand (or “pull”) for cheap and submissive labour and sexual services in destination countries. Other pull factors include “restrictive immigration policies” (IOM, 2011, p. 10). For example, when individuals are ineligible for legal migration, the demand for alternative means increases, making people vulnerable to trafficking. Additional pull factors include, “the existence of legal avenues (e.g., exotic dancers, domestic work), corruption of government servants and growth in organized crime” (Gajic-Veljanoski & Stewart, 2007, p. 341). Globalization also fuels the demand, rendering sex trafficking “uncontrollable” (Getu, 2006, p. 143).

Developing countries or emerging economies are the prime regions for recruiters, traffickers, and victims. Typically, push factors of poverty, gender inequality, corruption, environmental disasters, or conflicts are associated with source or origin countries. Other potential root causes include, “age, social exclusion, mental health issues, disabilities, and a community’s tradition of movement and other social practices” (World Bank, 2009, p. 6). IOM (2011) asserts, “Though migrants are often aware of the dangers of sex trafficking, it is a lack of financial and social opportunities in source countries that encourage risky choices” (p. 10). All of these factors both contextualize the framing of vulnerability within the larger (and global) trafficking discourse and contribute to understanding the supply-side of the problem within destination countries.

However, it must be noted that other research suggests that some victims are trafficked from middle-income countries (Danailova-Trainor & Laczko, 2010) challenging the assumed correlation of trafficking with poverty. Some researchers have discovered that level of education and income are not necessarily indicative of how or why sex workers are trafficked (George & Sabarwal, 2013<sup>18</sup>; Agustín, 2007) suggesting that root causes such as illiteracy or poverty are not factors that necessarily explain all causes of trafficking. Mahmoud & Trebesch (2010) found that in the case of Eastern Europe, a major source region for sex trafficking, the majority of victims voluntarily travel to destination countries (2010, p. 176).

To tackle root causes, prevention strategies and policies target not only those who are high-risk for trafficking but also “parents, communities, government officials, local/village chiefs, policy makers and law enforcers” (Getu, 2006, p. 150). More specifically, these development strategies to address root causes include four general principal criteria not found in other approaches.

First, strategies advocate educating the public in source or origin countries about how to recognize trafficking. These anti-trafficking efforts presume trafficked persons, “know very little or nothing about the life they are destined for” (Getu, 2006, p. 145). It is the hope that such efforts encourage “aspirant migrants to either decide to explore legal migration opportunities or refrain from migrating as a means of self-preservation” (IOM, 2011, p. 11). Quality of and access to such information are imperative to preventing further trafficking. Second, different strategies aim to improve “institutional capacity building and resource constraints” (IOM, 2012, p. 24)

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<sup>18</sup> Research involved a survey of nearly 1200 female trafficked sex workers (FSW) in India.

particularly for governments and CSOs within source countries. Third, a root causes approach advocates for “legal alternatives for migration, including legal alternative routes for migration or temporary work abroad” (Shinkle, 2007, p. 7). Finally, a root causes approach attempts to “reduce the conditions thought to constitute primary push factors making people vulnerable” (2007, p. 4). Efforts include “improvements to the training and educational opportunities of people who are particularly vulnerable to sexual exploitation and trafficking” (EFC, 2009, p. 8), as well as “reducing conditions of poverty and gender inequality” (2007, p. 4) through economic alternatives. The main perspective within a root causes narrative can be summarized by UNICRI which states, “The main root causes of trafficking can only be eliminated through a long-term strategy in the field of economic and human development within origin countries although small-scale interventions can still result in a significant reduction in the magnitude of human trafficking” (UNICRI, 2013, para. 7).

However, it is important to specify that some organizations that work with trafficked victims (and sex workers) argue against the notion of human trafficking as a process of supply and demand (or root causes). According to GAATW (2011), the framing of sex trafficking as a push and pull process simplifies the problem of trafficking, and in doing so, “neglects other nuances that could help clarify anti-trafficking strategies” (2011, p. 16). These organizations maintain that a root causes approach contextualizes sex workers as goods rather than as individuals with agency (2011). Furthermore, the root causes approach does not take into consideration “trafficked persons, migrants and workers are people who are trying to access labour and migration opportunities for themselves and their families, and who often try to

resist or escape exploitative situations” (2011, p. 16). To address these concerns reflected in this argument, an effective ‘root causes approach’ considers the need to replace trafficking with other forms of viable employment, legal income-generating activities, and migration opportunities in hopes of decreasing both voluntary and involuntary trafficking.

### **Canada’s Response to Root Causes**

The Canadian government’s publications make several references to root causes of human trafficking (GC, 2012a; RCMP, 2010; Smith, 2010; JUS, 2010; CIC, 2007) including the following:

**Excerpt 14:** “Growing demand for low cost labour and services in the US and Canada, poverty, lack of education and employment opportunities and inequality in countries of origin are among the primary root causes of trafficking of persons into Canada” (US-Canada, 2006, p. 7).

However, the various departments and agencies contextualize vulnerability and root causes in different ways. For example, CIC (2007) suggests “the vulnerable are likely poor and seeking employment” (p. 24). Alternatively, the Canadian government’s documents describe vulnerable populations “as populations that lack access to labour-market related information as well as social networks abroad, making individuals vulnerable to criminal groups who might exploit their poverty” (US-Canada, 2006, p. 8). CIDA argues that gender alone makes individuals vulnerable (CIDA, 2003) and “women in particular face additional factors of vulnerability due to social attitudes and economic inequalities between men and women” (2003, p. 5), war or conflict (US-Canada, 2006; PCH, 2007; JUS, 2010; RCMP, 2010; CIDA, 2003) or country of residence (US-Canada, 2006, RCMP, 2010). The documents equally reference the concept of push

and pull factors (US-Canada, 2006) as well as supply and demand (Smith, 2010; CISC, 2010; RCMP, 2010). The following excerpts provide additional examples:

**Excerpt 15:** “The supply and demand of illicit goods and [sexual] services fluctuates according to a variety of factors, including shifts in legislation, criminal justice interventions, and global socio-economic events” (CISC, 2010, p. 13).

**Excerpt 16:** “This report does not further examine the social, economical, and political factors that contribute to human trafficking in Canada or globally but rather simply acknowledges contributing factors” (RCMP, 2010, p. 7).

However, none of the Canadian government’s documents directly specify how to address these causes of trafficking.

In its current aim “to prevent human trafficking and reduce vulnerabilities abroad” (GC, 2012a, p. 31), the Government of Canada has tasked the Canadian International Development Agency (CIDA, now DFATD) to address “the factors that make children and youth vulnerable to human trafficking” (GC, 2012a, p. 12). Moving forward on the issue of human trafficking, the government requires DFATD to implement additional “preventative measures to target its programming to women and girls living in poverty, in order to address the underlying causes of entry into human trafficking circumstances” (2012a, p. 31). The work tasked to DFATD by Canada’s *National Action Plan* is “ongoing” (2012a, p. 31) yet I could find no evidence of human trafficking programming currently in place.<sup>19</sup> However, Canadian Heritage suggests efforts to reduce root causes might have once been in place:

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<sup>19</sup> DFATD’s public website. Additionally, upon contacting CIDA as a member of the public, I was informed by a senior gender equality specialist that with the demise of its gender responsive funds, the agency lost field-based mechanisms to support initiatives that investigated root causes of human trafficking (Christine Faveri, personal communication, September 18, 2012).

**Excerpt 17:** “Canada supports a broad range of initiatives that seek to reduce crime and victimization by addressing crime before it happens, including by supporting prevention efforts in source countries through NGOs and relevant multi-lateral organizations” (PCH, 2007, p. 20).

Within DFATD’s public Project Browser,<sup>20</sup> only one operational program regarding the issue of human trafficking is in place. Moreover, this program focuses on children and closes January 2014.<sup>21</sup> The deficiency of programming and projects highlights an absence of human and sex trafficking within Canada’s development priorities, indicative that Canada does not currently have a root causes approach in place to address human trafficking. Furthermore, while the Government of Canada invests \$6M per year (2012a, p. 10) in anti human trafficking activities, CIDA (or the development stream of DFATD) is not a recipient of this funding. As already disclosed, the Government of Canada allocates the much of the human trafficking budget to security initiatives abroad.

International sex trafficking by definition “involves someone who, in the process of being trafficked, crosses an international border, regardless of the victim’s immigration status” (RCMP, 2010, p. 8). The literature review in Chapter 1 affirms trafficking almost always begins in developing countries and ends in more developed countries “where large sex industries exist or where prostitution is legal or broadly accepted” (Hodge & Lietz, 2007, p. 165). These industries are regions most lucrative for traffickers, an incentive that encourages transnational trafficking. Despite this global knowledge, the Canadian government’s publications do not reflect a root causes

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<sup>20</sup> DFATD. (2013b). International Development Project Browser. Retrieved on October 26, 2013 from <http://les.acdi-cida.gc.ca/project-browser>

<sup>21</sup> DFATD. (2013b). “Life Start: A Program to Assist At-Risk Youth” established in Ukraine for female orphans to improve life skills (and reduce negative outcomes such as trafficking). This project closes January 2014.

narrative, despite Canada's international presence in many source countries known for human and sex trafficking. Rather, the documents display a security narrative that frames the issue as a threat, and thereby influences a coordinating approach to address the issue. The security framing of trafficking as a threat provides the necessary support required to implement security measures on both a national and international scale. In doing so, this framing communicates the Government of Canada's understanding of sex trafficking to both Canadian society, to competing political parties, and the rest of the world. References within the government's documents clearly reveal measures of border control and migration management, law enforcement, and security intelligence to address the problem of human trafficking. This approach does not address the root causes of trafficking.

### **The US Response to Root Causes**

The US and Canada share a "bilateral relationship considered among the closest and most extensive in the world" (Embassy of the United States, 2013). In addition to this trade relationship, "over 300,000 people cross this shared border each day for business and pleasure; The secure and efficient flows of legitimate people are vital to both countries' mutual prosperity" (GC, 2012b). The collaboration of Canada and the US on the problem of human trafficking therefore integrates shared policies on border security, law enforcement, migration management and victims. Canada is a transit country for trafficking victims destined for the US and makes an appropriate geographical example for comparison.

In the past, “the main focus of the American government was to understand the slavery-like conditions of human trafficking and the socio-economic factors that implicate women and children within these activities” (Okech & Moreau, 2011, p. 490). Before 2000, sex trafficking was “framed as a women’s rights problem” (Farrell, 2012, p. 621) and at the time “packed a powerful rhetorical punch” (Hoyle, Bosworth, & Dempsey, 2011, p. 314). However, the framing of the problem now also focuses on the criminality of trafficking and its linkages to terrorism (Farrell, 2012). Government efforts, therefore, prioritize, “national security and the identification, apprehension, and criminal prosecution of trafficking perpetrators” (2012, p. 489). In doing so, Farrell argues that the problem of human trafficking has been reframed into a national security threat (2012).

However, in addition to security efforts, the US also outlines various responses representative of a victim-centered approach. Such an approach is supported by the various US departments and agencies (including those focused primarily on the security of the state) such as the US Department of Homeland Security (DHS) (2014) and the US Department of State (2012 & 2013) as well as the Agency for International Development (USAID) (2013) which focuses on humanitarian and international development efforts abroad.

USAID in particular implements both small-scale and large-scale anti-trafficking development initiatives that address push factors and root causes of trafficking (USAID, 2012 & 2013). These efforts serve to both prevent future victims of trafficking as well as protect further victimization through re-trafficking. Over the last decade, “USAID has programmed \$163 million into trafficking initiatives in 68 countries and Regional

Missions” (2012, p. 4). Additionally, the US *Trafficking in Persons Report* outlines similar US anti-trafficking funding of policies, programs, and analyses (US Department of State, 2013).

USAID frames human trafficking as an issue that “impedes efforts to improve health, increase economic growth, achieve gender equality and women’s empowerment and can pose a threat to lifetime prospects for youth” (USAID, 2012, p. 1). Therefore, the agency’s efforts to address root causes aim to empower women in developing countries in hopes of stemming vulnerability (2012). To do this, USAID incorporates trafficking programming within existing development projects such as those “related to limited education and employment opportunities, weak social safety nets, a tenuous rule of law, and ethnic and gender discrimination” (2012, p. 7). To support such programming, the Agency adheres to several policies and papers, including *The Counter-trafficking in Persons Policy Document* (2012), the *Evaluation Framework* (2009) to monitor the implementation of such an approach, yearly progress reports and regional and country-specific reports (USAID, 2013). Examples of USAID initiatives to reduce root causes include “poverty reduction programs, domestic violence victim assistance programs and shelters, and HIV/AIDS prevention initiatives” (Shinkle, 2007, p. 6-7) and programming that addresses corruption in source countries for trafficking (2007, p. 8).

To recall, a root causes approach includes measures to address vulnerabilities (i.e. poverty, education, etc). USAID supports such efforts, allocates funding for trafficking programming, undertakes comprehensive research to support such policy initiatives, and monitors and evaluates its anti-trafficking efforts. Alongside these

responses to human trafficking, the US government has equally combined security initiatives with victim-centered efforts that reflect a multi-faceted approach. The narrative analysis of the Government of Canada's policies and programming, reports, assessments, and public awareness materials on the subject of human trafficking and related issues did not indicate a multi-faceted approach.

## CHAPTER 5: CONCLUSION

In 2002, Canada signaled its concerns for trafficked persons by ratifying the UN *Protocol*. In doing so, Canada publicly committed to prevent new trafficking cases, protect victims, and prosecute traffickers. In its main human trafficking narrative expressed in throughout its publications, the Canadian government correlates human trafficking with criminal activities, organized crime, and the migration of illegal migrants. In doing so, this narrative has enforced current responses to trafficking, including an emphasis on security initiatives both at home and abroad. Presently, the Government of Canada's publications reveal that a victim-centered narrative which communicates the prioritization of trafficked persons, the importance of enforcing victims' human rights, and the value of proactively addressing the main cause of human trafficking has not yet been fully integrated into the current approach.

To recall my hypothesis, I initially state that the issue of sex trafficking into Canada is currently taking shape in the form of an approach. I find that while Canada aligns itself with the *Protocol's* defining criteria, Canada fails to fully adhere and support all measures the *Protocol* both requires and encourages. This is particularly relevant as these victim-centered efforts reflected in the *Protocol* are considered necessary for successful prevention and protection of trafficking victims. For example, the government's publications reveal victim services to be limited, poor quality, or even non-existent. This includes a disregard for formal protection services such as voluntary repatriation to source or home country. Moreover, language used to label victims (e.g.

“uncooperative”, “not innocent”; “unreliable”)<sup>22</sup> contradicts the spirit of the *Protocol*. These examples are indicators that at this time, the approach currently in place is not one that is victim-centered.

I also hypothesized Canada’s approach treats both the problem of trafficking and trafficked women as a threat to the state. The treatment of victims in particular is illustrated by the narrative analysis. The analysis describes policy measures characteristic of a security approach, particularly for foreign nationals. The onus is with victims to prove trafficking has occurred, a process made more strenuous by identification criteria. When foreign victims cannot be identified, federal guidelines approve immediate detainment or deportation (CIC, 2007, RCMP, 2010; US-Canada, 2006). Yet deportation may be the result of victims’ inability to convince officials due to trauma. To prevent such a scenario in Canada, the OSCE argues for the “incorporation of NGOs, trade unions, social service providers and agencies into the identification process” (OSCE, 2012, p. 6). In doing so, such measures would equally ensure enforcement of victim’s human rights (2012). Currently, the identification process is only undertaken by federal agencies

Such examples are also supported by additional findings. For example, the narrative analysis discloses present and future allocation of government funding and capacity for national and international security initiatives. These include improved border control, increased migration management, enhanced law enforcement, advanced security intelligence and strengthened security-related partnerships with others (GC, 2012; US-Canada 2006).

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<sup>22</sup> RCMP. (2010). *Human trafficking in Canada: A Threat Assessment*. Retrieved on April 10, 2012 from <http://www.rcmp-grc.gc.ca/pubs/ht-tp/hta-tpem-eng.htm>

Finally, I include an example of a multifaceted approach that is both highly securitized and victim-centered. The US government's approach to human trafficking provides an illustration of various narratives incorporated into one approach. In this instance, I highlight the allocation of funding to reduce and address the main causes of human trafficking in developing countries, as well as international programming, research, and regular monitoring and evaluation to ensure success. The root causes narrative works alongside one which focuses on security.

As for Canada, while the publications for analysis recognize the role of poverty, as well as the supply/demand framework in the promotion of trafficking, none of the documents reveal programming, research or policies to address the root/main causes of trafficking. Further, a search within DFATD's Project Browser reveals no operational projects that target human or sex trafficking, particularly vulnerable women.<sup>23</sup>

I heed Goodey's (2012) warning that "an approach may not necessarily reflect the realities on the ground, which in turn can mean that they are misdirected, and their positive impact is limited" (p. 40). It is apparent that in framing the problem of human trafficking as a security threat, the Government of Canada has overlooked the value of victims' experiences, the importance of enforcing victims' human rights, and the consequences of root causes.

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<sup>23</sup> Search completed April 6, 2014. Search criteria included: "trafficking" (human and sex), "sex trade", "sexual exploitation", and "prostitution".

## **Recent Government of Canada Policy, Programming and Research Developments**

The Department of Foreign Affairs, Trade and Development (DFATD) recently stated that some of the new department's priorities will include "strengthening and implementing frameworks to protect the human rights of children and youth, particularly girls who are at increased risk of violence, exploitation and abuse" (DFATD, 2013b, webpage). These priorities potentially imply future programming to address root causes and enforce human rights. More interestingly, it suggests activities that are victim-centered.

Also, the Status of Women recently announced funding for a civil society-led project aimed at tackling knowledge gaps regarding the problem of human trafficking [in Ottawa]. The project will focus on root causes (Smith, 2013, para. 4). This is the first anti-trafficking initiative funded by the government since the release of the *National Action Plan (NAP)*.

Additionally, upon completion of the narrative analysis of the Government of Canada's publicly available documents on the topic and sub-topic of human and sex trafficking,<sup>24</sup> the government released several new publications specifically on the subject of human trafficking. The first document is the *NAP 2012-2013 Annual Report on Progress* (Public Safety Canada, 2013c). This publication demonstrates a commitment to monitoring and evaluating federal trafficking efforts to prevent, protect and prosecute. More significantly, the report outlines plans to "increase engagement with stakeholders and experts to identify current and emerging trends; gaps, and priority areas to improve current and future efforts" (2013, p. 2). Again, this is a potential

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<sup>24</sup> Narrative analysis completed in early 2013 before launch of new publications.

indication that the current approach to human trafficking is evolving into one that is perhaps multifaceted or comprehensive.

The second publication is the *Local Safety Audit Safety Guide: To Prevent Trafficking in Persons and Related Exploitation Research Report 2013-1* (Public Safety Canada, 2013d). The evidence-based publication provides technical assistance to both private sector and civil society actors on how best to strategically assess, prevent and address occurrences of trafficking and related exploitation in urban areas in order to improve community safety (2013d). Such a publication is indicative of an increase in federal efforts, particularly primary research on the subject of human trafficking.

The third publication recently released is the *2012-2013 Human Trafficking Stakeholder Consultations: National Summary Report* (Public Safety Canada, 2013e). This document is a result of an online consultation with regional stakeholders regarding trends, themes and knowledge gaps on the subject. For example, findings demonstrate that the majority of cases are domestic and relate mostly to sexual exploitation. Additionally, organized crime continues to facilitate most trafficking cases (2013e, p. 6).

Lastly, Public Safety Canada also launched *Canada's Anti-Trafficking Newsletter*. Published several times a year, it features profiles on stakeholders such as NGOs, provides information on training and events and showcases research and publications. Since October 2012, five issues have been produced and disseminated online (Public Safety, 2014).

## **A Personal Note**

I recently met a victim of sex trafficking who for four years was threatened, restrained, and abused by her traffickers. She survived without assistance or access to public services. Her recovery now involves a crippling addiction to prescription drugs, immense feelings of shame, and an ongoing fear for her life and that of her family. In her time as a trafficked person forced into prostitution, she was far removed from the powerful and political processes of policymaking and programming on the subject of sex trafficking but in sharing her experiences, she has given a human voice to the issue.<sup>25</sup> My hope with this thesis is to do the same.

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<sup>25</sup> As told on April 18, 2013 at a PACT-Ottawa meeting. For the victim's privacy and safety the details of her experience are not included within this thesis.

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[www.who.int/iris/bitstream/10665/77394/1/WHO\\_RHR\\_12.42\\_eng.pdf](http://www.who.int/iris/bitstream/10665/77394/1/WHO_RHR_12.42_eng.pdf)
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## APPENDICES

**APPENDIX A: Table 1, Selected Publications for Narrative Analysis**

<b>Dept. / Agency</b>	<b>Title of Document</b>	<b>Year</b>	<b>Topic</b>	<b>Document Type</b>	<b>Pages</b>
Government of Canada (GC)	National Action Plan to Combat Human Trafficking	2012	Human Trafficking	Policy and programming	47
US Government & Government of Canada (US-Canada)	Bi-National Assessment of Trafficking in Persons	2006	Human Trafficking	Assessment	28
Parliament: MP Joy Smith (Smith)	Connecting the Dots: Proposal for a National Action Plan to Combat Human Trafficking	2010	Human Trafficking	Policy and research	32
Justice Canada (JUS)	An Overview of Trafficking in Persons and the Government of Canada's Efforts to respond to this Crime	2010 & 2011	Human Trafficking	Summary of activities	Web pages only
Royal Canadian Mounted Police (RCMP)	Human trafficking in Canada: A Threat Assessment	2010	Human Trafficking	Assessment	54
Foreign Affairs and International Trade Canada (DFAIT)	Towards a Canadian National Action Plan to Implement Security Council Resolution 1325 on Women, Peace and Security	2005	Gender	Policy and programming	19
Criminal Intelligence Service Canada (CISC)	Report on Organized Crime: 25 <sup>th</sup> Anniversary	2010	Organized Crime	Summary of activities and research findings	46
Canadian Heritage (PCH)	Convention on the Elimination of All Forms of Discrimination Against Women	2007	Gender		188

Canadian International Development Agency (CIDA)	Gender Equality and Humanitarian Assistance: A Guide to the Issues	2003	Gender	Programming guidance	29
Citizenship and Immigration Canada (CIC)	IP 1: Temporary Resident Permits	2007	Immigration	Policy/Rules	54
	IRPA	2012	Immigration	Legislation	149
Human Resources & Skills Development Canada (HRSDC)	Temporary Foreign Workers: Your Rights are Protected	2012	Labour Rights	Public awareness materials	10
Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)	Annual Report: Harnessing the Power of Financial Intelligence	2012	Intelligence	Research and findings	40

## APPENDIX B: Table 2, Coding Criteria

Concepts	Language
DEFINITION of HUMAN TRAFFICKING	Sex trafficking; sex trade; slavery/servitude; sexual violence/coercion; sex industry; sexual exploitation; voluntary vs. involuntary; prostitution; trafficking-in-persons; human smuggling; forced labour; bonded labour; “transnational” organized crime/underground economy; kidnapping; deception; recruitment; fraud; threats; UN definition/ <i>Protocol</i> ; profitable enterprise; drug trafficking; weapons trafficking; prostitution; pornography; sexuality; commercial sex worker; exotic dancer; stripper; mail-order-bride; live-in-caregiver; commodity; rape; opportunity; livelihood; economic independence; brothels; gender (in)equality
MIGRATION	Border; fraudulent docs; marine ports; airports; cross-border; illegal; legal; irregular; deportation; family-class; student; asylum; restrictive immigration policies; detainment; IRPA; crossing borders; transportation; “secure flow of people”; “illegal movement of people”
SECURITY	health (communicable disease, STDs, HIV/AIDS); public safety; law enforcement; police; national/international/individual security; intelligence; terrorism; border control
ROOT CAUSES	<i>Push Factors:</i> Poverty; Economic deprivation; unemployment, economic or political instability; push factors; lack of education; war/conflict; lack of awareness; government corruption; domestic abuse; vulnerability; mental health; pregnancy; drugs; <i>Pull Factors:</i> demand for commercial sex; cheap labour; globalized market economy; vulnerable; gender discrimination; source (e.g. Eastern Europe ---Russia, Ukraine, Moldova; Asia --- South Korea, Thailand, Cambodia, Philippines, Malaysia, Vietnam; China, Hong Kong; Latin America; Africa; developing countries
HUMAN RIGHTS	abuse of (human rights); humanitarian; list of rights: right to live, to safe work, compensation, repatriation, right from deportation, etc.; sex trafficking as a violation of human rights; Universal Declaration of Human Rights (UDHR)
VICTIMS	Women; illegal/legal migrants; students; refugees; asylum seekers; prostitutes/ sex workers; domestic worker; factory/farm worker; nanny; at-risk-youth; refugee; temporary worker; dancer; stripper; mail-order-bride; live-in-caregiver trauma; low-self-esteem; PTSD; disease; death; malnutrition; isolation; lack of productivity; stigmatization;

APPENDIX C: Table 3, Categorization of Key Findings from Narrative Analysis

Categories	Findings	Source	Nature of Idea
<b>DEFINITION of HUMAN TRAFFICKING</b>	<ul style="list-style-type: none"> <li>WHAT: Defined/understood according to the UN <i>Protocol</i> ; distinction between smuggling and trafficking</li> </ul>	CIC, 2007; US-Canada, 2006; PCH, 2007; HRSDC, 2012; Smith, 2010; GC, 2012; JUS, 2010 & 2011; RCMP, 2010	Definition/Background context
	<ul style="list-style-type: none"> <li>WHO: Women are most affected and forced into the sex trade/prostitution; also children</li> </ul>	CIDA, 2003; US-Canada, 2006; PCH, 2007; Smith, 2010; GC, 2012; JUS, 2010	Victim profiling
	<ul style="list-style-type: none"> <li>HOW: Primarily linked to organized crime who facilitates the process from source to destination country</li> </ul>	CIC, 2007; CISC, 2010; FINTRAC, 2012; US-Canada, 2006; Smith, 2010; GC, 2012; RCMP 2010; JUS, 2010 & 2011;	Legal framework
	<ul style="list-style-type: none"> <li>WHY: "Clandestine in nature" permits trafficking to thrive ; lucrative industry</li> </ul>	CIC, 2007; US-Canada, 2006; Smith, 2010; GC, 2012; JUS, 2010; RCMP, 2010	Background context
	<ul style="list-style-type: none"> <li>WHERE: Transnational issue that impacts origin, transit, and destination countries</li> </ul>	CIC, 2007; US-Canada, 2006; Smith, 2010; JUS, 2010; RCMP, 2010	Background context
	<ul style="list-style-type: none"> <li>DOMESTIC TRAFFICKING: As prevalent as international trafficking; victims are Canadian citizens (not foreign nationals)</li> <li>Based on court cases (Justice, 2010), not on number of victims/knowledge of victims</li> </ul>	RCMP, 2010; Smith, 2010; JUS, 2011; GC, 2012	Trends
<b>MIGRATION</b>	<ul style="list-style-type: none"> <li>MOVEMENT: Understood as either a legal/illegal movement across borders; concerns are primarily focused on criminality of migration (i.e. fraudulent docs) once individuals arrive at either the port-of-entry or have already entered Canada</li> <li>It's about understanding the migration process of each individual</li> </ul>	CIC, 2007; CISC, 2010; US-Canada, 2006; Smith, 2010; RCMP, 2010	Immigration/Legal framework

<b>SECURITY</b>	<ul style="list-style-type: none"> <li>NATIONAL SECURITY: Threat associated with other security concerns: “firearms and drugs” (CISC, 2010), “money laundering” (IRPA, 2012)</li> <li>PRIORITY: To protect/safeguard Canadian citizens in particular from illegal cross border movement</li> </ul>	CISC, 2012; FINTRAC, 2012); IRPA, 2012; and US-Canada, 2006	Policy focus & Mandate/Goal
	<ul style="list-style-type: none"> <li>INTERNATIONAL SECURITY: Canada works with the G8 &amp; OSCE on human security efforts</li> </ul>	DFAIT, 2005; Smith, 2010; GC, 2012; JUS, 2010 & 2011.	Int’l commitments & partnerships
	<ul style="list-style-type: none"> <li>Regional focus: Americas/Caribbean</li> </ul>	JUS, 2011; DFAIT, 2005; GC, 2012	Foreign policy
<b>ROOT CAUSES</b>	<ul style="list-style-type: none"> <li>PUSH &amp; PULL FACTORS: Poverty, gender, unemployment, vulnerability, lack of education vs. market economy, cheap labour, globalization, etc</li> </ul>	CIC, 2007; CIDA, 2003; CISC, 2010; US-Canada, 2006; PCH, 2007; Smith, 2010; GC, 2012	Background context with policy & response implications
<b>HUMAN RIGHTS</b>	<ul style="list-style-type: none"> <li>Canada recognizes that human trafficking is a human rights issue ..... but it is unclear what those rights are as no further details are included and in some cases there is no mention of human rights or rights</li> </ul>	CIC, 2007; DFAIT, 2005; US-CANADA, 2006; IRPA, 2012; HRSDC, 2012; Smith, 2010; GC, 2012; RCMP, 2010; JUS, 2010	Messaging/Mandate
	<ul style="list-style-type: none"> <li>Canada supports others’ initiatives: OSCE’s Anti-Trafficking Program of the Office for Democratic Institutions and Human Rights, NATO’s Policy on Combating Trafficking in Human Beings, various UN projects) rather than leads its own initiatives</li> </ul>	NAP, 2012; PCH, 2007; US-Canada, 2006; DFAIT, 2005	Int’l commitments & partnerships
<b>VICTIMS</b>	<ul style="list-style-type: none"> <li>RECOGNITION: All departments, discuss/recognize victims as part of the trafficking process</li> </ul>		Consistent understanding
	<ul style="list-style-type: none"> <li>WHO: Likely to be new migrants, at-risk-youth, Canadian citizens, foreign nationals, etc, even when a victim may not recognize herself as a victim;</li> </ul>	CISC, 2010; US-Canada, 2006; GC, 2012; JUS, 2010 & 2011	Profiling
	<ul style="list-style-type: none"> <li>ADDITIONAL TERMS: “witness”; “victim-witness”; “the worker”; “the women”</li> </ul>	JUS, 2010; RCMP, 2010; CISC, 2010; PCH, 2007	Labeling
	<ul style="list-style-type: none"> <li>CRITERIA to verify victimization (for Canadian officials, foreign workers, the public, but also for individuals who may self-identify)</li> </ul>	CIC, 2007; HRSDC, 2012; RCMP, 2010	Policy & legal framework

	<ul style="list-style-type: none"> <li>Victims' NEEDS are considered to be "unique" (i.e. forced prostitution, PTSD)</li> </ul>	US-Canada, 2006; RCMP, 2010; CIC, 2007; Smith, 2010	Background context
	<ul style="list-style-type: none"> <li>RESPONSES include: (1) medical (health services, counseling, etc); (2) legalization of status in CAD (TRP with option of TWP); (3) recovery (repatriation); and (4) protection (Federal Witness Protection Program to reduce "re-victimization"); (5) and deportation</li> </ul>	CIC, 2007, p. 23; GC, 2012; PCH, 2007; Smith, 2010; RCMP, 2010; JUS, 2010;	Policies
	<ul style="list-style-type: none"> <li>CHALLENGES were expressed regarding victims and their reluctance to come forward; victims considered "uncooperative" and "challenging"</li> </ul>	RCMP, 2010; GC, 2012; Smith, 2010	Labeling
	<ul style="list-style-type: none"> <li>DETENTION: There is no info as per the process for victims once they are determined to be trafficked victims: Are they detained/arrested? Are there any charges laid on the victims? Do they have to prove innocence?</li> </ul>	CIC, 2007; RCMP, 2010	Enforcement/law

**APPENDIX D: Table 4, Government of Canada's Budget for Human Trafficking Activities (\$6M on an annual basis)<sup>26</sup>**

<b>EFFORT OR ACTIVITY (LEAD ORGANIZATION)</b>	<b>Government of Canada Investment 2012/13</b>
Dedicated Enforcement Team (RCMP and CBSA)	\$2,030,000
Human Trafficking National Coordination Centre (RCMP)	\$1,300,000
Regional Coordination and Awareness (RCMP)	\$1,600,000
Border Service Officer Training/Awareness (CBSA)	\$445,000
Training, Legislative Implementation, and Policy Development (JUS)	\$140,000
Enhanced Victim Services (JUS)	Up to \$500,000*
Temporary Foreign Worker Program (HRSDC)	\$140,000
Anti-Crime Capacity Building Programme (DFAIT)	\$96,000
Global Peace and Security Fund (DFAIT)	\$1,200,000
Stakeholder Consultation and Coordination (PS)	\$200,000
Awareness and Research (PS)	\$155,000

\* Beginning in 2013/14

<sup>26</sup> Source: Government of Canada (GC). (2012). *National action plan to combat human trafficking*. Retrieved on June 6, 2012 from <http://www.publicsafety.gc.ca/prg/le/cmbt-trffkng-eng.aspx> - p. 10

**APPENDIX E: Table 5: Types of Predicate Offences Related to Case Disclosures<sup>27</sup>**

<b>Predicate Offence Category</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
Human Trafficking and Smuggling	0.5%	2%	2%	4%	3%

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<sup>27</sup> Source: Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). (2012). *Annual report 2012: Harnessing the power of financial intelligence*. Retrieved on January 6, 2013 from <http://www.fintrac-canafe.gc.ca/publications/ar/2012/1-eng.asp> - p. 6