

**SOCIAL CONSTRUCTION OF HUMAN TRAFFICKING IN CANADA:
DIAGNOSTIC AND PROGNOSTIC FRAMING OF ANTI-TRAFFICKING EFFORTS
AT THE FEDERAL GOVERNMENT LEVEL**

BY

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ABSTRACT

Human trafficking is a societal phenomenon that has received much recognition both in Canada and in the international community in the last decade. This thesis applies a social constructionist theoretical lens to explore how human trafficking is described and understood at the federal government level in Canada. Specifically, this thesis observes how Parliamentary Committees construct human trafficking through the application of claims-making and framing strategies when discussing anti-trafficking efforts¹ at the federal government level. The findings indicate that although there are ideological differences noted in how the issue is discussed, human trafficking has largely been constructed as a social problem that requires a criminal justice response. This thesis points to the challenges and unintended harms that stem from framing human trafficking through the lens of criminalization by exploring the issues that arise from adopting solutions which are not representative of the complex lived experiences of affected populations and in turn misconstrue the ways to manage the issue in the Canadian societal context.

¹ For the purpose of this thesis anti-trafficking efforts at the federal government level are conceptualized as policy and legislative efforts and/or considerations. Specific to human trafficking in Canada, current anti-trafficking efforts are to be understood as the current legislation (Criminal Code of Canada (Section 279.01-279.04) and Immigration and Refugee Protection Act (Section 118), any government initiated policy specific to human trafficking as well as the *National Action Plan to Combat Human Trafficking* 2012-2016, as the coordinated government (national) response to address human trafficking in Canada.

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DEDICATION

To my mother and to my grandmother

For teaching me love, for teaching me strength, for teaching me resilience.

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CHAPTER ONE: INTRODUCTION

During the finalization of this project, a new publication entitled *Out of the Shadows: A Memoir* by Timea Nagy and Shannon Moroney was published (Nagy & Moroney, 2019). Nagy's memoir highlights the heartbreaking journey of a woman who answered a newspaper ad in Budapest, Hungary calling for young women to work as babysitters and housekeepers in Canada. Despite the seemingly legitimate nature of the advertisement, upon her arrival in Toronto, Nagy found herself forced into sex labour, unable to escape the circumstances or to pay off the incurred debt to her traffickers. Nagy's story, like that of countless others around the world, is one of courage and resilience uncovering the underworld of human trafficking in Canada. While she bravely shares her account in order to increase awareness and advocacy regarding human trafficking, her story draws attention to the issue in ways which inadvertently perpetuate certain stereotypical constructions of human trafficking. It is with the utmost respect for Nagy's harrowing experience that this thesis aims to challenge mainstream narratives around human trafficking and those who are victimized by it in Canada and internationally.² This thesis highlights the negative implications for legislative and policy developments (and changes) which stem from reductionist depictions of human trafficking that are often based on a limited understanding of the nuanced and complex nature of the issue and resort to stereotyping victims who are exploited in Canada (and internationally), as seen in much of the mainstream discourse. Additionally, in an effort to explore the issue of human trafficking through a critical

² During the book launch event at the House of Commons as part of the discussion on the book, the issue was presented and discussed in ways which inadvertently perpetuate several stereotypical constructions of human trafficking. I respectfully recognize that the accounts shared by participants at that event (including Nagy's own articulation) are representative of their own experiences. However, I also recognize the importance of ensuring that the issue is not presented in reductionist ways, which undermine less common types/aspects of human trafficking, and/or the experiences of individuals which may differ than those who are better known or more commonly shared.

criminological lens, the social constructionist framework is complemented with critical criminological and sociological literature.³

1.1 Rationale and Significance

Human trafficking (hereinafter also referred to as *trafficking in persons*)⁴ is a complex societal phenomenon recognized internationally for its multifaceted nature and potential for profitability (Winterdyk & Reichel, 2010). In the last three decades, human trafficking has attracted more recognition which has been attributed to the “dark side of globalization” and the transnational nature of the issue that affects and implicates virtually every country in its network (Sanghera, 2005). Highlighting the newfound importance of human trafficking in the year 2000, the United Nations adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*⁵ (hereinafter also referred to as the Protocol), as part of the UN Convention against Transnational Organized Crime (United Nations Office on Drugs and Crime [UNODC], 2004). Supporting the global fight against human trafficking, Canada was among the first countries to sign the Protocol in 2000 and later ratify it into law in 2002 (Public Safety Canada, 2012; Millar & O’Doherty, 2015). As a signatory state, Canada recognized the issue of human trafficking as a problem that requires joint interdepartmental action as well as international collaboration (Public Safety Canada, 2012). Canada’s efforts towards upholding the obligations of the Protocol resulted in the enactment of immigration (in 2002) and criminal (in 2005) laws prohibiting human trafficking (Millar, O’Doherty & Roots, 2017). While the implementation of human trafficking specific legislation implies dedication to combatting human

³ See for example Bruckert & Parent, 2002; Doezema, 2007; Kempadoo, Sanghera & Pattanaik, 2005; Maynard, 2016; Roots & De Shalit, 2016; Roots & van der Meulen, 2016, Weitzer, 2014, etc.

⁴ The terms *human trafficking* and *trafficking in persons* are used interchangeably. *Trafficking in persons* also represents the legal terminology used in Canada and internationally.

⁵ Elaborated upon in Chapter two – the literature review.

trafficking, the Canadian government had not developed a national strategy nor prioritized the problem until 2012, leaving Canada susceptible to criticism from the international community (Roots & De Shalit, 2016). In 2012, the Canadian government launched the *National Action Plan to Combat Human Trafficking* (hereinafter also referred to as Action Plan) as the guiding tool of the Canadian national anti-trafficking strategy. That year, the Canadian government also established a National Human Trafficking Coordination Centre headed by the Royal Canadian Mounted Police (RCMP), alluding to the existence of a significant problem in Canada (Public Safety Canada, 2012; Roots, 2013; Roots & De Shalit, 2016). However, the extent of the problem was unclear, given that prior to the development of the Action Plan, there were only 25 human trafficking-specific convictions (Roots & De Shalit, 2016, p. 69). Since then, the number of convictions has grown rapidly. According to the United States Department of State, in 2018, Canadian federal, provincial, and municipal law enforcement officials charged 118 individuals in 72 trafficking cases (and one for labour trafficking)⁶ (US Department of State, 2019).⁷ In fact, it has been noted that while the reported numbers have allowed Canada to sustain its satisfactory anti-trafficking position and international image, they have not been substantiated in evidence-based findings (Millar et al., 2017; Roots & De Shalit, 2016; Weitzer, 2014).

Much of the critical scholarship on human trafficking suggests that the scope of human trafficking is not substantiated in evidence-based research but rather is largely produced by evolving subject position and subjective definitional criterion that shapes the responses to human trafficking (Doezema, 2007; Lee, 2011; Roots & De Shalit, 2016; Weitzer, 2014). Current

⁶ As per the Trafficking in Persons (TIP) Report produced by the United States Department of State which is conceptualized in the literature review.

⁷ It is important to note that the scope of the problem in Canada remains a “dark figure” as the extent of human trafficking remains unknown. For this reason, due to the scarcity of evidence-based findings, scholars have highlighted that the rapid growth in the number of convictions of human trafficking in Canada should perhaps be situated in the context of heightened attention toward the issue and of legislative changes (Grantham, 2017; Roots & De Shalit, 2016).

conceptualizations of human trafficking have been found to be based on contested definitions, unsubstantiated claims, much international conjecture and divergent estimates as to its actual existence (De Shalit & van der Meulen, 2016, p. 2). While divergent approaches to defining and understanding the issue have resulted in subjective human trafficking discourse in international contexts, Canada has been largely criticized for inadequate anti-trafficking efforts that depart from real accounts of trafficking and result in a response that further challenges the understanding of the issue in the Canadian context at large (De Shalit & van der Meulen, 2016; Roots & De Shalit, 2016). The reasons behind these challenges are unsubstantiated claims that have constructed human trafficking to mean various things and be conflated with many other crimes. In fact, the literature indicates that the anti-trafficking discourse, which informs governmental and non-governmental action and policy, has been deemed repressive, largely misconstrued and non-reflective of the issue as it occurs in Canada (Roots, 2013; De Shalit & van der Meulen, 2016). Discovering that the subjective nature of defining and understanding human trafficking is at the heart of the most contested arguments regarding the existence and scope of the issue ultimately became the underlying reason for initiating this study. While the intent of my study is not to assess the extent to which human trafficking exists in Canada, it aims to discern how the issue is described and discussed at the federal government level.

The theoretical framework used in this thesis is social constructionism, specifically claims-making and framing strategies used in the construction of social problems. Given that the way in which the issue is discussed and understood at the federal government level illustrates how the issue is treated and managed socially, this thesis observes the social construction of human trafficking as a social problem in Canada. Although, evidence confirms that some of the most

debated aspects of the issue are not specific to each region, this project sheds light on explanations of human trafficking in the Canadian context.

1.2 Research Question and Research Objective

The aim of this thesis is to explore the Canadian federal government's evolving approach to human trafficking. The social construction of human trafficking in Canada is examined through the analysis of evidence transcripts of Parliamentary Committee meeting discussions.⁸ The main theoretical assumption guiding this project is the way the issue is defined and discussed (diagnostic framing) will have a direct influence on the efforts in combatting it, particularly as it translates in efforts on anti-trafficking policy and legislation (prognostic framing).⁹ Since anti-trafficking discourse can be seen as the driving force behind guidelines for state action (Epstein, 2008), it becomes fundamental to observe the dominant understanding of human trafficking and the construction of the anti-trafficking discourse at the federal government level. In applying a social constructionist lens, this thesis utilizes notions of meaning construction and its broader effects rooted in claims-making strategies, which have resulted in the issue of human trafficking being understood within a particular frame. To clarify, a frame is a thematic grouping of the topic of human trafficking to be understood in a particular way (i.e., human trafficking as a human rights concern). Although within the larger scope of the human trafficking literature there is a myriad of theoretical frameworks that scholars have discussed, this knowledge is rather scarce in explicating the situation in Canada. The main research question that guides this project is the following:

⁸ Several other government publications (i.e., the *National Action Plan to Combat Human Trafficking, The Way Forward to End Human Trafficking*, National Consultations Paper) and relevant legislation were contextually explored and considered for the project although they were not part of the observed and analysed data sample.

⁹ The diagnostic and prognostic framing constructs are conceptualized in the theory chapter.

How Do Parliamentary Committees define human trafficking when collecting evidence for parliamentary considerations on legislative and policy changes?

By answering the research question, the thesis aims to develop an understanding of the construction of human trafficking in Canada as described by key Parliamentary Committees.¹⁰ Understanding claims-making strategies in the context of Government *politics* would offer contributions to the Canadian human trafficking literature that is currently largely unexplored. As noted above, one of the main concerns within the international community is that divergent approaches to addressing the meaning of the issue as well as its unknown prevalence has contributed to conceptualizations of the issue which are not substantiated in evidence-based research. Ultimately, the differences in how the issue is constructed has resulted in depictions of human trafficking which reflect a generalized global understanding or a dominant human trafficking narrative that remains minimally applicable in specific country contexts. For this reason, this study is focused on offering a unique approach to examining how the meaning of human trafficking has been constructed in Canada. In fact, acknowledging how human trafficking is constructed at the federal government level would generate findings that may be beneficial in providing a foundation for evidence-based research to be subsequently developed, something that is currently very scarce, especially in the Canadian context. Offering this interpretation of the issue would aid in placing human trafficking against the larger social backdrop which would in turn allow for a measurable context¹¹ and for victims' complex lived experiences to be better formulated in anti-trafficking strategies and policy and legislation development.

¹⁰ The Committees have been selected based on their relevance as representative of key Government Departments that have been selected as part of the Human Trafficking Taskforce (HTT). For a full list of the member departments please refer to Appendix C.

¹¹ Measurable context is to be understood as the involvement of different departments and their shared responsibility towards building a more comprehensive and better informed way to address human trafficking in Canada.

1.3 Chapter Outline

Chapter two provides a comprehensive literature review that begins with an exploration of the anti-trafficking response and legislation globally as well as in Canada. In order to theoretically situate the project in this chapter, the reader is introduced to a general overview of the social constructionist lens and its applicability and potential for exploring the ways in which human trafficking has been described and understood as a social problem in Canada. Lastly, the chapter highlights three most prominent ways in which the issue is framed in the existing literature which include trafficking in persons as a human rights violation, as a security threat, as well as the criminalization of human trafficking.

The third chapter introduces the construction of social problems, which is the theoretical framework that guides the entire project. Specifically, Loseke's extension of Spector and Kitsuse's seminal works which discuss social problem construction as the *social problems game* is explored (Loseke, 2003). According to Loseke, social problems arise when claims-making strategies are implemented in the construction of meaning which ultimately results in framing certain conditions to become understood as social problems.

The methodological approach is explained in chapter four. This chapter begins with a discussion on the methodological considerations such as the paradigm, epistemology and ontology guiding the project. Next, it presents qualitative content analysis as the method chosen for this study and the data. Lastly, there is an explanation on the methodological approach which focuses on the thematic framing that emerged from the literature review as well as themes that were discovered from the data.

Chapter five presents the results which are organized by the two thematic question categories and provides a detailed analysis of the findings.

Chapter six offers a discussion on the main findings of my project by contextually situating them within the social constructionist theoretical perspective. The final chapter concludes this project and presents the significance of the findings as well as the practical and theoretical implications of this research. Lastly, this chapter acknowledges the limitations of my thesis, and provides direction for subsequent research on human trafficking in Canada.

CHAPTER TWO: LITERATURE REVIEW

In an effort to situate the literature in relation to the theoretical framework, this chapter begins with a brief overview of social construction theory and how it applies to the creation of contextual frameworks for understanding social problems.¹² This chapter then offers an exploration of the anti-trafficking response and legislation globally as well as in Canada. It also presents the challenges that stem from the lack of standardized approaches to defining human trafficking within Canada. Lastly, by way of implementing the concept of framing (as part of Loseke's social problems theory)¹³ the literature is presented in three contextual frameworks (or themes) including human trafficking as a human rights concern, human trafficking as a security threat to the state and the criminalization of human trafficking.

2.1 Theoretical Consideration in Relation to the Literature

2.1.1 *Theoretical Lens Application: Social Construction Theory*

The social constructionist perspective is characterized by an application of understanding the process by which the categories we use to organize the world are created and attributed with meaning. Social construction focuses on how individuals create meaning in the world rather than focusing on objective conditions. As such, constructionist perspectives focus on how people create and respond to conditions, how conditions are categorized and typified, how subjective meaning of problems is constructed and how the constructions of these problems influence the ways in which they are addressed (Loseke & Best, 2003). Since social problems are about the relationships between objective reality and subjective definitions, it is through the intended

¹² Chapter three offers an in-depth overview of the theoretical framework as it applies to this project.

¹³ The intent of the brief mention of the theoretical framework is to acquaint the reader with *framing* (conceptual reference to *framing* – a concept explored within Loseke's social construction theory), which informed the structure of the literature review by way of grouping and presenting the human trafficking scholarship in distinct thematic frames.

application of claims-making or framing strategies that meaning is created and attached to a condition which comes to be understood as a particular social problem. For example, frames represent organizing devices that encourage individuals to typify and categorize conditions (Loseke, 2003). According to Loseke, how a social problem is framed has a significant impact on how it is approached and treated. However, while the same problem may be framed in multiple ways, similar frames may also be applied to different problems (Best, 2015, p. 19).¹⁴ Using these theoretical distinctions, this chapter demonstrates that through the use of framing strategies human trafficking has been constructed as a social problem in several different ways which are illustrated by the thematic categories through which the human trafficking discourse is presented.

2.2 Setting the Context: The Development of International Anti-Trafficking Efforts

The literature reveals that trafficking is an old phenomenon with a newfound importance on the international stage (Bruckert & Parent, 2002; Gozdziaik & Collett, 2005; Winterdyk, Perrin & Reichel, 2012). Scholarship on the issue notes that while human trafficking has always existed in various forms, it was not considered a serious social problem until recently, as evidenced by official discourse and media (Weitzer, 2014, p. 9). Within the mainstream human trafficking literature, authors have acknowledged that the complexity of the crime combined with legal and cultural differences has had a tremendous impact on how the issue is understood and treated (Kempadoo, Sanghera & Pattanaik, 2005; Winterdyk et al., 2012; Zhang, 2009). Scholars have also argued that the lack of appropriately defining the issue has been directly linked with the persistence of the issue (Savona & Stefanizzi, 2007). Contrastingly, other scholars have

¹⁴ It is important to note that although the concept of framing informed the structure for the literature review, I recognize that the themes through which the literature is presented are not static. The conflated nature of the issue of human trafficking extends certain concerns beyond the thematic categories in which they are represented (e.g., human rights concerns may extend beyond sex trafficking to also include illegal immigration).

argued that the inability to measure the scope of the issue implies that the said persistence of the issue is largely based on unsubstantiated claims since there is a lack of evidence-based findings to attest to the extent to which trafficking exists (Weitzer, 2007; Roots & De Shalit, 2016). Scaling the problem has been extremely difficult due to the lack of standardized measuring efforts especially as available data are scarce, unreliable and not mutually comparable (Gozdziak & Collett, 2005; Savona & Stefanizzi, 2007, p. 2; Winterdyk et al., 2012). As such, the combination of challenges has resulted in the issue of trafficking being socially constructed based on an understanding that is shared amongst scholars, experts, and officials who maintain the ability to enact various policies and/or relevant legislation. Unfortunately, critically-oriented scholars have found that the dominant understanding of the issue often lacks considerations for the lived experiences of vulnerable and marginalized populations or the social relevance and applicability which weighs in on the accuracy of which indicators represent incidents of human trafficking (Millar et al., 2017, p. 35). While progress has been made in recent years, the global stage remains largely inconsistent in approaching and addressing the issue.

In the year 2000, the United Nations developed the first comprehensive international framework that contextualized trafficking in persons on a definitional and operational level. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* which supplements the *United Nations Convention against Transnational Organized Crime* identified that this deplorable crime¹⁵ transcends boundaries and affects populations that include women, children and men (Segrave, 2013). According to Article (3) of the Protocol, trafficking of persons is defined as:

¹⁵ I acknowledge the contested nature of the term 'crime' and I recognize that it is both a legally and socially constructed term. In section 7.3.2., I expand on the significance of avoiding narrow constructions of crime and the need to explore the issue of human trafficking by expanding it to the notion of harm (Matthews & Kauzlarich, 2007).

“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, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits 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 forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UNODC, 2004, p. 42).

Operationally, the Protocol identified the 3P’s approach, which focuses on the prevention of trafficking, protection and support of victims, and prosecution of traffickers. According to this definition, one of the below-mentioned three components must be present to constitute trafficking for adults:

- 1) the act (recruitment, transportation, transfer harbouring or receipt);
- 2) the means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving/receiving payments/benefits to achieve consent of a person having control over another person); and/or,
- 3) the purpose of exploitation (UNODC, 2018).

In an effort to contextualize Canada’s response to the issue within the broader scope of international trafficking approaches, the two leading approaches recognized as the primary efforts in the international response to human trafficking established by the United Nations and the United States are explored. The United Nations is the largest global regulatory institution that is leading the international anti-trafficking movement, a position which awards a significant amount of influence over international efforts, legislation and politics (Kaye & Winterdyk, 2012; Roots, 2013). As previously noted, the first ever attempt to standardize the definition of human trafficking was established with the Protocol’s definition. Aside from defining the issue, the Protocol also set out a number of criteria to be met by member countries in order to ensure the

international cooperation of police services, targeting of organized criminal operations and criminalizing activities associated with human trafficking (Roots, 2013, p. 8). As part of the Protocol's obligations Canada was mandated to uphold the 3P's approach which focuses on Prevention, Protection and Prosecution. The Canadian anti-trafficking approach is in fact modeled after the guidelines presented in the Protocol and attention is drawn to preventing trafficking from occurring, protecting victims of human trafficking and bringing trafficking perpetrators to justice. Furthermore, in the Canadian response to effectively combat the issue, the Government of Canada adopted a fourth "P" which focuses on building partnerships domestically and internationally (Public Safety Canada, 2012).

Aside from the United Nations, in the context of the global anti-trafficking movement, the United States has become the self-appointed monitor of international anti-trafficking campaigns, maintaining a position of governance and evaluation efforts of other countries (Roots, 2013). The U.S. evaluation is based on a three-tier ranking system, which analyses the extent of Government's efforts to reach compliance with the TVPA's¹⁶ minimum standards for the elimination of human trafficking, which are consistent with the Protocol (US Department of State, 2013). According to the three-tier system, Tier One status is awarded to countries who have fully complied with U.S. anti-trafficking recommendations; Tier Two rankings are given to countries who have not fully complied with the minimum standards, but have made significant efforts to do so; and, Tier Three status is attributed to countries which have failed to comply with the imposed recommendations (Roots, 2013; Roots & De Shalit, 2016). Even though the United Nations is recognized as the global leader in the anti-trafficking movement and has set the

¹⁶ Trafficking Victims Protections Act (TVPA), established in the year 2000, is the first comprehensive American legislation that addresses trafficking in persons. The law provides a three-pronged approach that includes prevention, protection and prosecution, modeled after the United Nations *Palermo Protocol* (US Department of State, 2013).

guiding principles of action, in reality, U.S. perceptions, moral views, and legislation have a significant impact on evaluation (Kaye, Winterdyk & Quarterman, 2014; Roots, 2013, p. 6; Weitzer, 2014).

2.3 Criticism for Canada's Anti-Trafficking Approach

In 2003, Canada received a Tier Two ranking by the U.S. Department of State which indicated a lack of compliance with minimum standards based on U.S. evaluation standards in compliance with the Protocol. Canada's downgraded ranking reflected deficiencies in two key areas: its poor record of convicted traffickers and its poor record of protecting victims (MacIntosh, 2006). In fact, "the U.S. Department of State found that although victims may be eligible to apply for a refugee status under [Canada's] gender-related persecution guidelines ... [they] are [often] deported" (MacIntosh, 2006, p. 408-409). Furthermore, Canada was criticized in the 2003 *Department of State Report on Human Rights* which claimed that a number of Canadian cities served as hubs for criminal organizations involved in human trafficking and that Canada was targeted by various criminal organizations as a result of lax immigration laws, benefits available to immigrants and the proximity to the U.S. border (Roots, 2013, p. 7; Roots & De Shalit, 2016, p. 68). While the literature hints that international pressure was a great contributing factor to Canada's anti-trafficking approach, it was Canada's relationship and interconnectedness, on a number of different fronts with countries such as the United States that may have resulted in expectations that Canada put forth greater efforts in the global fight against human trafficking (Roots, 2013; Roots & De Shalit, 2016; Weitzer, 2014).

2.3.1 *Response to Criticism*

In light of the strong criticism that Canada received from the United States and the United Nations for its inadequate response to human trafficking, the Canadian federal government took steps to regulate the issue with evidence of more intentional resource and funding delegation in more recent years (Roots & De Shalit, 2016). However, while the current anti-trafficking efforts happen to satisfy the international trafficking requirements set by the United Nations and the United States, Canada's response to the issue is not reflective of the depiction of the issue within its own societal context.

2.4 Human Trafficking in Canada

Based on the generalized understanding of human trafficking, countries worldwide can serve as an origin, destination or transit country or function as all three simultaneously (Winterdyk & Reichel, 2010, p. 6). According to the available literature, Canada has been identified as a source, destination and transit country where domestic and international trafficking occurs (McCabe and Manian, 2010; Perrin, 2010). Domestic trafficking refers to the process in which victims are trafficked within Canada and international trafficking refers to instances in which any victim of trafficking, who in the process of being trafficked, crossed an international border, (Royal Canadian Mounted Police [RCMP], 2010). Trafficking in persons can occur through a variety of means, from large scale organized crime networks, to small scale operations that involve a small number of individuals and it can affect anyone. The RCMP's *Human Trafficking Threat Assessment* identified migrant workers, youth, new immigrants, and Indigenous women and girls as the most vulnerable and largely affected populations in Canada. The RCMP also reported cases of trafficking for sexual exploitation and forced labour in Canada

where domestic trafficking for sexual exploitation was found to be the most prevalent type, generally occurring in Ontario (but other provinces as well) (RCMP, 2010).

2.4.1 *Canadian Human Trafficking Legislation*

While Article (3) of the Protocol defined what constitutes human trafficking, further specifications of the Protocol were established in order to ensure that country compliance is met, one of which was the implementation of a domestic provision to ensure international cooperation, targeting of organized criminal operations, and criminalizing activities associated with human trafficking (Roots, 2013, p. 8). Article (5) of the Protocol specifies that the conduct set out in Article (3) must be criminalized in the domestic legislation of participating states (United Nations Global Initiative to Fight Human Trafficking [UN GIFT], 2008). As per the specifications in Article (5), the definition of trafficking in persons in domestic anti-trafficking legislation may depart from the specific language used in the Protocol; however, it should criminalize the concepts set out by the United Nations (Roots, 2013, p. 9; UN GIFT, 2008, p. 4). While the United Nations aimed to develop a standardized definition that will ensure international consistency and consensus on the issue of human trafficking, there is little consistency in the core definition of trafficking in persons and national legislation often falls short of the comprehensive provisions of the Protocol (Roots, 2013, p. 9). In turn the implications of legislative definitional disparities have been noted to prove especially challenging for consolidating existing federal information (MacIntosh, 2006, p. 410). According to the Citizenship and Immigration [CIC] Consulting and Audit Canada (2000), reliable information is inherently difficult to obtain because departmental definitions of trafficking are significantly influenced by a given department's mandate and vary from department to department (as cited in MacIntosh, 2006, p. 410).

As previously mentioned, Canada ratified the Protocol in 2002; however, the Canadian *Criminal Code* did not include human trafficking specific offences until 2005. Prior to enacting human trafficking specific legislation, there were a handful of provisions in Canada that were applicable to the context of trafficking in persons by targeting specific forms of exploitation and abuse, such as fraudulent documentation, prostitution-related offences, physical harm, abduction and confinement, intimidation, conspiracy and organized crime (Barnett, 2008, p. 9; Public Safety Canada, 2012, p. 8). Currently, the legislation regulating human trafficking in Canada is found under section 118 of the *Immigration and Refugee Protection Act* (IRPA) as well as the *Criminal Code of Canada* sections 279.01 to 279.04 (Public Safety Canada, 2012).

According to the provisions found under *IRPA*, (enacted in 2002), human trafficking is defined as knowingly organizing the coming into Canada of one or more persons by means of abduction, fraud, deception, or use of threat or coercion (Public Safety Canada, 2012, p. 8). The human trafficking specific sections added under the *Criminal Code of Canada* in 2005, specify the definition of human trafficking under section 279.01 (01) as the recruitment, transportation, concealment, harbouring, or exercising control, direction, or influence of an individual's movements for the purpose of exploitation (*Criminal Code*, 1985). As mentioned, according to Article (5) of the Protocol, domestic definitions could depart from the specific language used in the Protocol which is evident in both the *Criminal Code* and the *IRPA* definitions of human trafficking. In fact, they are slightly broader in the areas that concern border crossing versus organizing entry into Canada by means of abduction, fraud or other means of coercion, organized criminal activity versus an independent individual exploiting another individual, consent, and the nature of exploitation of another person in relation to physical exploitation versus exploitation that is emotional, or mental influence over an individual (Roots, 2013, p. 9-11).

2.4.2 *Definitional Contestation*

While the Protocol carries international significance and represents a guiding tool for countries globally, several scholars have noted that some of the limitations of the Protocol's definition has had a detrimental effect on the overall approach to human trafficking within different social contexts (Kaye & Winterdyk, 2012; Lee, 2011). Critiques in the literature often point to certain ambiguities of the international definition, (i.e., the contested nature of concepts like consent, coercion, exploitation, etc.), which have led to non uniform definitions of trafficking globally. Scholars have pointed out that it is precisely due to the complexity of the crime itself combined with provisions of the Protocol (i.e., Article 5) that there has been conflation of human trafficking with other crimes (Weitzer, 2014). Historically and even today, the trafficking discourse identifies that contextual conflation often occurs as trafficking is mixed with prostitution or with human smuggling (Sanghera, 2005, p. 10; Weitzer, 2014, p. 7). Not only is this problematic from a contextual perspective, but it also results in conflated statistics or official figures that do not reflect the real proportion of the issue which contributes to the noted concern of lack of evidentiary statistics available (Gozdziak & Collett, 2005; Winterdyk et al., 2012). While some of the limitations do come from inappropriately defined concepts such as "coercion", "deception", "exploitation", etc., other limitations come from constructing the issue to mean something entirely different by conflating it with other types of crimes.

In Canada, both types of limitations have been identified. Regarding the inefficient use of the Protocol definition of human trafficking within Canadian agencies, Winterdyk, Perrin and Reichel (2012) found that "while most used human trafficking offences in the *Criminal Code* or *Immigration and Refugee Protection Act*, almost a quarter used their own definition. Only 20 percent were familiar with the guidelines contained in the United Nations Protocol" (Winterdyk

et al., 2012, p. 8). Similarly, according to the 2000 study by the Consulting and Audit Canada, there was no evidence of an agreed upon definition of trafficking in persons among the individual member departments of the Canadian government body responsible for policy development (Gozdziak & Collett, 2005, p. 106). Seemingly, these issues highlight the expressed concerns relating ambiguity of the *Criminal Code* definition, which significantly departs from the internationally sanctioned definition contained in the Protocol. According to Roots and De Shalit, this has resulted in human trafficking as an offence to be virtually indistinguishable from other provisions within the *Criminal Code* (Roots & De Shalit, 2016, p. 69).

The Canadian anti-trafficking approach engages multiple departments to be involved in the national response to the issues that arise as they are directly related to the department's respective mandates. While this approach maximizes interdepartmental cooperation and expertise in the fight against human trafficking, departmental definitions of trafficking are "significantly influenced by a given department's mandate" and vary from department to department (CIC as cited in MacIntosh, 2006, p. 410). Some authors have discussed that at the time when the Action Plan was developed, additional research and data collection was not prioritized as a result of a highly regulated approach to information management (De Shalit et al., 2014, p. 393; Grantham, 2017, p. 101). Furthermore, authors have noted that tightening information in fact is a strategy which in part results in a shift from evidence-based approaches to policy to more ideologically driven policies, especially as it relates to human trafficking (De Shalit et al., 2014, p. 393). In fact, the trafficking discourse has been reduced to reflect the most dominant understandings of the issue and consequently the lack of recognition for the nuanced nature of the issue has resulted in government approaches to policy and legislation which fail to acknowledge the complexity of lived experiences encompassed by the concept and support those

accounts with empirical findings (Kaye & Winterdyk, 2012; Millar et al., 2017, p. 34). In Canada, the anti-trafficking movement has been criticized by a number of sex workers, migrant workers, Indigenous communities as well as academics who advocate that the meaning that is assigned to the issue is especially relevant for those most affected (De Shalit et al., 2014; De Shalit & van der Meulen, 2016; Millar et al., 2017; Roots & De Shalit, 2016). Thus, framing and categorizing the issue in ways which are not reflected in the experiences of those most affected would only yield ineffective and harmful approaches to treating human trafficking in Canada.

2.4.3 Causes of Human Trafficking

As it relates to the causes of human trafficking, conceptualizations of push and pull factors are often presented and discussed (Hankivsky, 2011; Public Safety Canada, 2012; Winterdyk et al., 2012). These factors typically explain the reasons for the movement of people from origin to destination countries.¹⁷ In the Action Plan, it has been explained that ““push” factors include extreme poverty, unemployment, lack of education, inadequate social programs, gender-based inequality, corruption, war and conflict situations, and political unrest in countries of origin” (Public Safety Canada, 2012, p. 6) On the other hand, ““pull” factors include the perceived financial rewards of cheap, exploitative labour practices in some economic sectors. Victims may also be ‘pulled’ into trafficking through the promise of money and what is portrayed as, or believed to be, a better life (Public Safety Canada, 2012, p. 6). While the aforementioned factors offer some insight into the reasons behind both domestic and transnational trafficking, the literature indicates that the manipulation of push and pull factors has resulted in conceptualizations, which reduce them to be discussed in the context of the supply and demand within the sex trade (Hankivsky, 2011). Consequently, traditional explanations of push and pull

¹⁷ Canada is considered to be a source (origin), destination and transit country (McCabe and Manian, 2010; Perrin, 2010).

factors especially as it relates to push factors have contributed to inadequate policy responses to sex trafficking (Hankivsky, 2011, p. 145).

Some scholars have argued that critical, feminist ethics of care can provide a comprehensive ontological and normative framework for reconceptualising human security and the demand side of sex trafficking (Robinson, 2008 as cited in Hankivsky, 2011, p. 146). Contrastingly, others argue that “care ethics can generally deepen the understanding of the root causes of migration and, in the process, provide insights into a largely uninvestigated dimension of transnational sex trafficking” (Hankivsky, 2011, p. 146). The importance of understanding the root causes of human trafficking is often explained as an “extreme expression of socio-economic and institutional breakdown and inequality in Eastern Europe” [but also in many other parts of the world] (Hankivsky, 2011, p. 148). Among the causes of trafficking, the prospects of work in other countries is often attractive to vulnerable individuals who experience economic disparity within their own countries but also in the context of restricted migration which has given traffickers room to exploit individuals (Hankivsky, 2011, p. 148). More specifically, “poverty, which is marked by the lack of access to development resources, including decent employment, education, health and social protection increases one’s risk of being trafficked” (United Nations Development Programme [UNDP], 2007 as cited in Hankivsky, 2011, p. 148).

However, while oftentimes poverty (in absolute terms) and the lack of education are referred to as root causes to trafficking, it has been argued that “the problem of relative poverty (inequality) is more relevant to trafficking” (Marshall & Thatun, 2005, p. 47-48). In fact, much of the critical feminist scholarship points to the causes of trafficking as rooted in marginalization, oppression and vulnerability more generally (Kempadoo, 2005; Sanghera, 2005). Sanghera argues that the issue of inequality is likely to take generations and in fact may prove to be an

impossibility within the current global political and economic structures (Marshall & Thatun, 2005, p. 48). The manipulation of economic, political, social and cultural contexts seems to thrive on a growing inequality – a key feature of globalization which is distinguished by increased focus on “competitive” markets where there are considerable disparities in incomes and wealth encouraging businesses to thrive with the lowest labour standards (Marshall & Thatun, 2005, p. 48). Globalization and the implosion of the “competitive” market has led to disparity behind migration (Marshall & Thatun, 2005, p. 48). Additionally, populations are even more at risk when north-south and east-west conflicts arise and lead to the displacement of people both domestically and transnationally. Ultimately, it is issues like growing inequality due to political and economic disparities and inferences that make some people more vulnerable and thus more at-risk of trafficking.

As such, addressing human trafficking effectively is rooted in understanding the intersectional nature of the issue. Critical feminist scholars have argued that “race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but rather as reciprocally constructing phenomena that in turn shape complex social inequalities” (Collins, 2015, p. 2). For this reason, critical feminist scholars caution against the reduction of human trafficking to gender and instead call for the application of an intersectional approach that takes gender into account, but also highlights the intersection of different social categories and acknowledges the nuances of intersections of power socially (Collins, 2015; Maynard, 2016). Thus, it becomes fundamentally important to underscore that the people at the intersection of different social categories experience different forms of human trafficking and their regulation and/or are inconsistently impacted by varying definitions of them. However, from the literature it is evident that inaccurate and incomplete definitions have led to various aspects of the

multifaceted nature of human trafficking to be defined in ways in which human trafficking is conflated with sex work and illegal migration. Since the issue is comprised of complex interdependent elements, it becomes very challenging to extrapolate the nuances and present them in single dimensional frames. Although the themes found in the literature are not mutually exclusive, they are presented separately in an effort to demonstrate the significance of each. The next sections explore the human trafficking themes found in the literature, which include, human trafficking as a human rights concern, human trafficking as a security threat to the state and the criminalization of human trafficking.

2.5 Human Trafficking as a Human Rights Concern

Framing human trafficking as a human rights concern often involves comparisons of trafficking to modern-day slavery (De Shalit, Heynen & van der Meulen, 2014; Farrell & Fahy, 2009; Gozdziaik & Collett, 2005; Kempadoo et al., 2005; Shin, 2017; Winterdyk et al., 2012). The notion of trafficking as modern-day slavery represents gross abuses of fundamental human rights; however, it is rooted in claims that remain largely ambiguous given that these claims are not contextually presented to specify which human rights the issue of trafficking violates (Sanghera, 2005; Weitzer, 2014). Authors have noted that the modern-day slavery narrative is a powerful one, rooted in the widely discredited and deeply racist white slavery panic prevalent in the early 20th century, which was first used to describe enslavement of white women by racialized men and later understood interchangeably with prostitution (De Shalit, et al., 2014, p. 396). As it relates to human trafficking and modern-day slavery comparisons, Shin argues that the U.S. government has been the leading proponent of this catchphrase, reflecting abolitionist agendas rooted in the U.S. history of slavery (Shin, 2017, p. 83). Historical references to slavery in the U.S. are evident in the contemporary anti-trafficking regime not only in the U.S. but in

Canada as well. The implications of the modern-day slavery narrative coupled with the conceptualization of human trafficking as a serious human rights issue, has been the basis for much moral and normative justification for state intervention (Shin, 2017, p. 84). Notions of the modern-day slavery framework have also been noted in the Canadian context, with human trafficking being conceptualized as such in the available literature but more notably in the Action Plan, which represents the Canadian national strategy against human trafficking put forth by the Government of Canada (Public Safety Canada, 2012, p. 1). For example, the Action Plan reported that “at any given time, it is believed that worldwide at least 2.45 million people are forced to perform degrading, dehumanizing and dangerous work in conditions akin to slavery” (Public Safety Canada, 2012, p. 4). While infusing both “legislative interventions and government communications” [with] “the language of “slavery”” [the Action Plan] “does not define slavery – a telling omission – but mentions it five times, with two of the references linking enslavement with forced prostitution” (De Shalit et al., 2014, p. 397).

As previously discussed, the Canadian anti-trafficking approach has been shaped after the requirements established in the Protocol. According to the Protocol, all signatory states must “protect and assist victims of such trafficking, with full respect for their international human rights” (United Nations, 2004, p. 42). The literature indicates that the problem has been conceptualized with almost all of the attention being placed on the trafficking of women and children for the purposes of sexual exploitation while other forms of human trafficking such as those which involve labour trafficking as well as trafficking of men have been largely ignored (Farrell & Fahy, 2009; Gulati, 2012, p. 49). The implications for separating the issue by gender is evident in the expressed concern for gender inequality which often indicates concerns such as limited economic and educational opportunities for women, societal oppression of women, and

domestic abuse of women (Gulati, 2012; Kempadoo et al., 2005; Sanghera, 2005). In this regard the issue has largely been framed as a women’s human rights issue when in fact the real implications of trafficking are not separated by gender (De Shalit & van der Meulen, 2016; Winterdyk et al, 2012). The reason why much of the human rights claims represent a very misconstrued approach to the issue of trafficking is because they are based on a victimization discourse which simplifies the notions of the victim and the perpetrator (Copic & Simeunovic-Patic, 2012; De Shalit et al., 2014). In fact, the implications of the issue often go beyond the scope of assumed vulnerability of women and children – they also affect men. However, evidence reveals that effective claims-making strategies by effective claims-making groups¹⁸ have framed trafficking to be dismissive of male populations, which is noted even in the title of the Protocol.¹⁹ The policy work in this area tends to be gendered and primarily concerned with women and children, focused on trafficking for sexual exploitation, often at the expense of other forms of trafficking, such as labour trafficking (De Shalit et al., 2014; Hankivsky, 2011; Maynard, 2016, p. 42; Weitzer, 2014, p. 7). The literature indicates that consequences of the inability to offer a more nuanced, intersectional approach to understanding human trafficking has evidently led an overt focus on the human rights concerns for women and children which have inadvertently contributed to the conflation of the issue with sex work as human trafficking for sexual exploitation (Gulati, 2012; Kempadoo et al., 2005; Weitzer, 2014; Winterdyk et al., 2012).

¹⁸ Referenced contextually and to be understood as governments, organizations, policy makers, and so on.

¹⁹ In the title of the Protocol “*The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*” the language used frames human trafficking primarily as a concern for women and children.

2.5.1 *Human Trafficking and the Sex Trade*²⁰

The literature reveals that the language and imagery surrounding human trafficking can be attributed, in part, to strategic media reporting by both governments and non-governmental organizations (De Shalit et al., 2014). The stark ways in which the issue has been depicted and reported has not only shaped the anti-trafficking discourse, but it has also had implications on existing and/or emerging policies which some have argued are based on obscure matters which package and frame the issue of human trafficking on the basis of social convenience, advocacy and rhetoric (De Shalit et al., 2014, p. 386; Millar et al., 2017, p. 34; Roots & De Shalit, 2016, p. 66). As previously noted, the findings reveal that overtime the issue has been packaged in ways which have attracted recognition and acknowledgement for the issue but have not necessarily been substantiated in existing evidence (Roots & De Shalit, 2016, p. 66; Weitzer, 2014). In terms of strategic framing, much of the available media on human trafficking until the 1990s did not offer any coverage that specified forms of trafficking but rather explored issues such as labour exploitation independently (Farrell & Fahy, 2009). However, scholars have noted that as political concerns of women's issues became more prominent and gained power throughout the 1990s, increasing attention was brought to human rights abuses associated with commercial sexual exploitation of women and children (Farrell & Fahy, 2009, p. 619). Coupling concerns of women's issues and human rights abuses became forms of media strategies which focused on creating descriptive narratives of dangerous conditions resulting in forcing women and girls into the sex trade. These reporting strategies often resulted in the issue of trafficking to be linked with other human rights issues such as poverty, domestic violence and inequality (Farrell & Fahy,

²⁰ Throughout this thesis the terms "prostitution" and/or "prostitute" are used as part of the original language found in the observed data and literature. Contrastingly, "sex work/sex trade industry" and "sex worker" are used either as part of official literature or as any reference I have made as the researcher.

2009, p. 620; Kempadoo et al., 2005; Sanghera, 2005). Often packaged with claims that women working in the sex trade are enslaved, the modern-day slavery narrative further conjured the context of the trafficked women by evolving into discourse that focuses on exploited and enslaved sex workers who must be saved (Roots & De Shalit, 2016). Consequently, the aforementioned framing techniques have led to much disagreement among scholars regarding the meaning of human trafficking as separate from sex work without the consideration that sex work is often regulated differently in different countries (Weitzer, 2014; Winterdyk et al., 2012).

The issue of conflating human trafficking with sex work is evident in the Supreme Court decision, which struck down section 212²¹ and other “prostitution-related” sections of the *Criminal Code* in 2013²² on the grounds that they violated sex workers’ rights as guaranteed by the *Charter of Rights and Freedoms* (Roots, 2013; Roots & De Shalit, 2016, p. 69). With that decision, the federal government proposed and approved a new law, entitled *Protection of Communities and Exploited Persons Act*, in 2014, which focuses on the criminalization of buyers but retains many of the same provisions that criminalize sex workers as well (Roots & De Shalit, 2016, p. 69). The goal of this legislation according to the then Justice Minister Peter MacKay was to create legislation that recognizes that the vast majority of those who sell sexual services do not do so by choice and that in fact the majority of those individuals were victims (Roots & De Shalit, 2016). Claims like these in fact implied that the new legislation would help reduce rates of human trafficking in Canada (Roots & De Shalit, 2016, p. 69). The divergent views of the Canadian courts and the federal government are noted to be quite significant. Even though

²¹ Section 212 of the Criminal Code refers to Procurement, which is defined as the attempt to procure or solicit a person to have illicit sexual intercourse with another person (Criminal Code of Canada, RS 1985, C-45, ss 211, 212 (1)).

²² The Canada (Attorney General v. Bedford), 2013 was a Canadian Supreme Court decision which struck down, s. 210 common bawdy house; s. 212(1) (j) living off the avails of prostitution and s. 213 (1) (c) communicating in public for the purpose of prostitution, deeming them unconstitutional under s. 7 of the Canadian Charter of Rights and Freedoms (Canada (Attorney General) v. Bedford 2013 SCC 72).

the courts advocated that issues such as consensual sex work and youth exploitation and human trafficking needed to be separated, the federal government continued to conflate prostitution with emotive issues to support their anti-prostitution stance (Roots & De Shalit, 2016, p. 69).

Although not applied or enforced through criminal law, the ideological conflation of trafficking and the sex trade has informed policy initiatives which have led to inappropriate responses that have been recognized for their shortcomings in assisting sex workers and victims of trafficking in realizing their rights (Maynard, 2016, p. 42; Roots & De Shalit, 2016). Ultimately, effective claims-making strategies such as these have resulted in the current Canadian anti-trafficking discourse which praises itself for consideration of human rights concerns but in reality represents an approach that is much more a matter of law enforcement and not human rights (MacIntosh, 2006, p. 414). As mentioned, the anti-trafficking approach set forth by the United Nations has been developed with utmost consideration for victimized individuals and protection of their human rights. However, according to the available literature, the extent to which human rights considerations are upheld remains vague (Sanghera, 2005).

2.6 Human Trafficking as a Security Threat to the State

Within the literature, human trafficking has also been described as a security threat to the state (Farrel & Fahy, 2009; Kaye & Winterdyk, 2012; Ricard-Guay & Hanley, 2014). This framing strategy is often achieved in two different ways which include links to organized crime and to illegal migration.

2.6.1 Human Trafficking and Organized Crime

Human trafficking in Canada involves criminal networks that specialize in the recruitment, transportation and coercion of women into the sex trade (Roots, 2013, p. 18; Roots

& De Shalit, 2016, p. 75). Part of the reason why the connection between organized crime and human trafficking has been made is because the initial definitions (and the construction of how trafficking is understood by the United Nations) involve provisions which connect the transnational nature of the offence and the involvement of organized criminal groups (Doherty & Harris, 2015; UNODC, 2004). Since the Protocol set the regulatory parameters around human trafficking, the issue has been characterized by the movement of persons across national borders. In this regard, human trafficking has been framed as a transnational organized crime which targets international borders (Doherty & Harris, 2015, p. 29). However, “contrary to a common misconception, the transfer of people is not a determinant factor in trafficking” (Ricard-Guay & Hanley, 2014, p. 19). Since movement or the location is not essential to exploitation, it is also not to human trafficking (Ricard-Guay & Hanley, 2014, p. 19). In fact, emphasis on international borders further restricts the meaning of trafficking as other essential elements of the crime itself such as “the recruitment, transportation, transfer, harbouring, or receipt of persons are not limited to international borders” (Doherty & Harris, 2015, p. 30).

Furthermore, authors have noted that there has been a change in the language used to depict human trafficking, which focused on shifting the concern from individual perpetrators who were exploiting migrant workers, to the trafficking of women for sexual exploitation by organized criminals (Bruckert & Parent, 2002; Roots & De Shalit, 2016). These conceptualizations are also evident in a report produced by the RCMP in 2010, which contends that criminal groups from Eastern Europe, Asia and South America are involved in trafficking women into Canada for the purpose of sexual exploitation (RCMP, 2010; Roots, 2013; Roots & De Shalit, 2016). The evidence to support the claims relating organized crime group involvements in trafficking cases remains minimal as police have only suspected organized

crime group involvement in a few human trafficking cases. However, even in this regard such suspicions remain unsubstantiated and the current charges and convictions under trafficking laws in Canada do not support these claims (Bruckert & Parent, 2002; Ricard- Guay & Hanley, 2014; Roots, 2013, p. 18). Similarly noted in some of the aforementioned arguments, Bruckert and Parent proposed the intentional adoption of an organized crime framework focused on repackaging issues such as migration as a criminal justice one with minimal work to address broader social, political and economic inequalities that contribute to issues such as illegal migration in the first place (Bruckert & Parent, 2002, p. 7-8).

Organized crime is also discussed as a concern that is associated with other criminal activities, such as the trafficking of drugs and/or weapons, money laundering and irregular movement across borders (Aradau, 2004). The consequences of organized crime become especially concerning for destination countries. Since Canada has been considered a source, transit and destination country (Winterdyk & Reichel, 2010, p. 6), the concerns with irregular movement across Canadian borders were recognized as quite significant in the development of the anti-trafficking approach to the issue in Canada (Oxman-Martinez, Hanley & Gomez, 2005; Ricard-Guay & Hanley, 2014).

2.6.2 Human Trafficking, Illegal Migration and Border Control

In the early 1990s, the issue of trafficking was included as part of the migration policy approach of intensifying border control and suppressing illegal migration (Oxman-Martinez et al., 2005, p. 12). Moreover, in the aftermath of the September 11, 2001 attacks, U.S. government officials “seized the opportunity to define human trafficking not just as a crime, but specifically as a national security threat – rooting trafficking efforts in the anti-immigration and terrorism dialogue of post-September 11 government” (Farrell & Fahy, 2009, p. 622). As a result of human

trafficking being framed as a national security threat, Western countries provided responses that focus on border control as being central to national security (Oxman-Martinez et al., 2005, p. 12).

As mentioned in previous sections, Canada was largely criticized by the United States for having lax immigration policies and being too lenient in its acceptance of immigrants and refugees (Oxman-Martinez et al., 2005; Roots, 2013). The literature denotes that some of the challenges that arose from these criticisms were claims put forth by the United States that focused on the implications of such lax immigration laws which make the country “a destination and a transit point to the United States for women, children and men trafficked for purposes of sexual exploitation, labour and the drug trade” (Oxman-Martinez et al., 2005, p.12). Evidently, the claims from the United States contributed to a response which resulted in a policy perspective that focused on a more restrictive immigration approach. This is evident in some of the *IRPA* provisions which tighten access to immigration channels through means of increased detention of migrants unable to satisfactorily prove their identities; refusal to consider a refugee claim if there are reasons to believe that the claimant is a terrorist; intensification of the use of deportation; increased penalties for those using false papers; and more severe punishments for those arranging illegal entry via smuggling, even if it is for humanitarian reasons (*IRPA*, 2002; Oxman-Martinez et al., 2005, p. 13). Such changes in the measures taken had focused on restrictive measures regarding border crossings and had contributed to changes with implications which left migrants to be assessed through a security lens before a humanitarian one (Oxman-Martinez, et al., 2005). In fact, “the security continuum in which trafficking is integrated intersects with a humanitarian discourse which structures the situation of trafficking by focusing on victims who are denied their rights to liberty, dignity, security of person, the right not to be

held in slavery, the right to be free from cruel and inhumane treatment” (Aradau, 2004, p. 253). Fundamentally, issues arise in the treatment of and the lack of protection for non-status individuals, which indicates the necessity for the notion of trafficking as a security threat to the state to be diffused by realizing the implications and threats for individuals who remain victimized and re-victimized by states, which attempt to locate, identify and deport them (Aradau, 2004, p. 253). Such policy constraints are not only evident in international trafficking discourse, but also in the Canadian context especially in instances where the government conceptualizes illegal immigration as a violation of the rights of the state (MacIntosh, 2006, p. 434-435; Oxman-Martinez et al., 2005, p. 23).

2.6.3 Problematic Immigration Programs

Scholars contend that there are several programs developed by the Canadian government which prove problematic and have negative implications for individuals affected by human trafficking. The work of Oxman-Martinez, Martinez & Hanley (2001) discusses the construction of immigration programs such as the Live-in Caregiver Program (LCP) and the Fiancée Visa which are especially problematic for women. Both programs have a similar strict approach that creates a situation where women can be easily exploited. In such cases, exploitation occurs once an individual enters the country, often times resulting in situations where they live in fear due to threats of arrest, having their documentation confiscated or being deported on the basis of not complying with the rules and regulations established allowing for entry into the country (Oxman-Martinez et al., 2001b). While these two programs are not specific policies on human trafficking, they do contextualize the securitization approaches that perpetuate opportunistic trafficking as a result of implementation on some current laws and policies, such as the two noted above. The authors emphasize the construction of the problem in Canada by expanding on factors such as

economic disparities, war, poverty and globalization as driving forces behind the international migration of persons (Oxman-Martinez et al., 2001b). Programs such as the Live-in Caregiver Program (LCP) and the Fiancée Visa amount to understanding that these policies potentially allow women to be trafficked after entering a country, which denotes the legality of the procedure, but does not provide the protection or guaranteed safety that these immigration policies will not ultimately be abused by perpetrators. Evidently, these types of policies further illuminate tendencies which lack victim-based considerations and further support the Canadian security considerations prior to those for human rights.

2.7 Criminalization of Human Trafficking

As mentioned, there are several essential elements of trafficking which include “recruitment, transportation, transfer, harbouring, or receipt of persons” which requires an understanding of the complexity of the crime (Doherty & Harris, 2015). The complexity of the issue rests in the understanding that human trafficking is a process rather than a single offence (Doherty & Harris, 2015), comprised of three core elements in the operation of trafficking as per the definition: (i) Movement of a person; (ii) under deception or coercion; (iii) into a situation of forced labour, servitude or slavery-like practices (GAATW as cited in Sanghera, 2005, p. 14). However, the lack of consideration to acknowledge the complexities of human trafficking and the post-facto nature of the crime²³ can lead to additional implications for victims of trafficking as they end up re-victimized by the state through forms of criminalization (Sanghera, 2005). The nuanced nature of human trafficking as well as the definitional inconsistencies have led to

²³ Human trafficking has been considered as a post-facto crime as the complexity of the crime rests in a process where the crime can be ascertained only post-facto which in fact has been recognized as a complex aspect of understanding the issue especially in effective endeavours of any rights based responses and poses a great challenge to all anti-trafficking advocates (Sanghera, 2005, p. 15).

conflation of the issue. Conflation of human trafficking is evident in approaches that explicate the criminalization of sex work or of illegal migration as constructs that have contributed to conceptualizing human trafficking as a crime. As previously mentioned, the conflated nature of the issue makes it very challenging to separate some of the constructs found within the trafficking literature. As such, discussions where trafficking is conflated with sex work or illegal migration, presented above, should also be acknowledged as applicable in this section.

As part of upholding the criteria established in the Protocol, countries may establish domestic legislation which differs from that established by the Protocol but must criminalize the conduct set out in Article (3) (Roots, 2013). Some of the concepts that are discussed in this article of the Protocol include the consent of the victim of trafficking in persons to the intended exploitation as irrelevant where any means such as recruitment, transportation and exploitation through the use of threat, coercion, fraud and so on is used (Roots, 2013, p. 11; UNODC, 2004, p. 43). While trafficking occurs if consent is dissolved by the application of any improper means by the trafficker, the requirements to ignore the “victims” declaration of consent has given police the freedom to label a variety of offences as human trafficking, since all that is required is evidence of exploitation (Roots, 2013, p. 11). In instances where forms of exploitation are not determinants of human trafficking, and where the process of human trafficking is considered as a single offence, the problematic nature of a reduced understanding of human trafficking becomes evident (Doherty & Harris, 2015). In fact, some critics have noted that current state-led anti-trafficking efforts do not address the needs of those rendered vulnerable by systematic marginalization and criminalization, which is especially apparent in those instances where sex work is conflated with human trafficking (Maynard, 2016, p. 40).

As discussed, the Canadian anti-trafficking framework has been modeled after the United Nations 3P's paradigm and like the United States, the Canadian government also emphasizes the criminal aspect of human trafficking and the concentrated government effort to bring traffickers to justice (Shin, 2017, p. 86). Sections of both the *Criminal Code* and *IRPA* criminalize a broad range of human trafficking charges which have employed the efforts of law enforcement and border services. MacIntosh argued that criminalizing both trafficking and smuggling²⁴ under Canadian immigration laws suggests that the state perceives that the key unlawfulness of trafficking lies in violating border security and not violating human rights (as cited in Shin, 2017, p. 87). Similarly, Oxman-Martinez, Martinez and Hanley state that current border-control strategies employed by the Canadian government are inadequate as they focus on criminalizing "irregular movements" such as smuggling into the country, and further jeopardize the human rights and well-being of trafficked victims (Oxman-Martinez, et al., 2001a, p. 14-15).

Although recognizing trafficking as an issue that needs to be addressed has had a positive impact in ensuring appropriate action towards offenders and victims, the lack of contextual understanding of what human trafficking constitutes has led to the misuse of several legislative provisions and the inappropriate application of various existing policies (Maynard, 2016; Roots & De Shalit, 2016). Additionally, the misapplication of legislative provisions contributes to the ineffective ways which fail to provide statistics to accurately present the scope of human trafficking in Canada as well as allowing for various associated crimes to be prosecuted under the *Criminal Code* sections specific to human trafficking. The challenge with the criminalization of other crimes associated with human trafficking is that it leaves human trafficking to be further redefined and structured to fit various frames as they relate to

²⁴ For the purpose of this thesis, smuggling is conceptualized to mean the activity that involves a paid arrangement for passage, where an individual does not possess the proper documentation for legal entry into a country.

department mandates and state priorities. As such, exploration of how human trafficking has been constructed as a crime is a consideration for the analysis of the Committee transcripts. In turn, observing claims-making strategies that attest to the construction of human trafficking will reveal how the Government of Canada has criminalized various illegal activities and how those have been revealed in the current anti-trafficking legislation and policies.

2.8 Conclusion

The historical development of anti-trafficking efforts demonstrates that the issue can be understood in various ways. Overall, the available literature lends support for the essential thematic considerations of how human trafficking has been described in Canada. However, as presented in this chapter, since much of the Canadian human trafficking discourse tends to be presented through a lens which perpetuates and overemphasizes the focus on sex trafficking, there are aspects of the issue (i.e., Criminalization of human trafficking) which are less commonly explored (to be understood as gaps). This project sought to overcome such gaps by exploring the issue of human trafficking through several different contextual frameworks. Furthermore, acknowledging that much of the mainstream scholarship tends to assess the final products of legislation, government publications and policy documents, this project focuses on the oral discussions that lead to such constructions or understandings of the issue. As mentioned, the theoretical framework informed the structure for the literature review; therefore, the thematic categorizations from the literature represent the themes (frames) upon which parliamentary evidence will be analytically explored. Through the implementation of social constructionist theory as well as critical criminological and sociological scholarship on human trafficking,²⁵ this

²⁵ See for example Bruckert & Parent, 2002; Doezema, 2007; Kempadoo, Sanghera & Pattanaik, 2005; Maynard, 2016; Roots & De Shalit, 2016; Roots & van der Meulen, 2016; Weitzer, 2014, etc.

project provides alternative ways to understand the issue which may differ from the overly simplistic, stereotypical mainstream approaches. Ultimately, observing parliamentary evidence transcripts on human trafficking offers a more nuanced way to explore the issue in Canada and the impacts that may stem from meaning constructions based on the discussions at the federal government level.

CHAPTER THREE: THEORETICAL FRAMEWORK

In an effort to examine the development of human trafficking as a social problem in Canada, this project observes the ways in which the meaning of human trafficking has been constructed at the federal government level. The use of the constructionist perspective allowed for the study to be viewed through a constructionist lens that explores the importance of creating meaning through definitions and/or categorizations as part of the construction of social problems. Throughout this chapter, I discuss several objectives. The first one focuses on examining the essence of social constructionism, exploring how meaning is attributed and how definitions are created. Social constructionism does not take any knowledge for granted, and thus challenges objectivist views on ideas, meaning and definitions throughout society.

The second objective focuses on acknowledging the work of Spector and Kitsuse as it is related to viewing social problems as a kind of activity. This section elaborates on the key components of Spector and Kitsuse's social problems theory, which sets the premise for Loseke's extension of their seminal works.

The third objective expands on social problems as claims-making activities, a process that Loseke calls "social problems game". The goal is to provide the method of analysis as related to observing social problems based on the claims-making and framing strategies. The claims-making strategies of constructing conditions and constructing people have significant influence in the construction of diagnostic, motivational and prognostic frames.

Lastly, the chapter ends with a discussion on the significance of social constructionist approaches as they apply to my project. Ultimately, it is through Loseke's contribution to the social constructionist perspective that this project was able to explore the issue of human

trafficking in the frames in which it is constructed and to document the current anti-trafficking efforts as a response to a *particular* understanding (construction) of the issue.

3.1 Social Constructionist Perspective

The social constructionist perspective is characterized by understanding the process by which the categories we use to organize the world are created and attributed with meaning. Social construction is not about the physical world, rather how individuals understand the world. As such, social construction perspectives do not concern themselves with the objective world but rather with the meaning that individuals create in the world (Loseke, 2003, p. 14).

Social construction does not take words that individuals use for granted, but rather focuses on the meaning that is attributed to the words that are used. As such, the importance is shifted onto the interpretations that individuals attribute in a given society, granted that meanings do not come attached to people, conditions, or experiences; rather, it is humans who give meaning to the world (Loseke, 2003, p. 18). Social constructionist approaches to social problems are an application of a general social perspective that has philosophical and methodological roots in phenomenology (and later, ethnomethodology, a variant of phenomenology). Phenomenology presumes that models and assumptions rooted in natural science cannot be applied to the study of human social life because the latter is characterized by meaning and interpretations of meaning (Loseke, 2003, p. 189). Ethnomethodology, on the other hand, is concerned with the practical activities of people, including how practical actors create and sustain a sense of objective reality (Loseke, 2003, p.189). The sensibilities of phenomenology and ethnomethodology inform social construction perspectives of all types (Loseke, 2003, p. 189).

To discuss how something was socially constructed is to discuss how individuals came to understand the meaning of that which is in question, and subsequently to analyze the process by which this particular understanding of reality came to be, and finally to understand the process through which it changes. This type of exploration fundamentally emphasizes the creation of meaning or defining of phenomena, which is supported through Loseke's argument that "a social problem doesn't exist until it is defined as such" (Loseke, 2003, p. 14). The social construction approach applies to social problems because "there is nothing in the world whose meaning resides in the object itself" (Loseke, 2003, p. 18). In fact, it is the subjective nature of social construction theory that allows social scientists to observe phenomena beyond the use of objective indicators such as statistics and reports. It is through the use of the social constructionist lens that social scientists can observe the process by which certain conditions can be constructed in a way that makes them a social problem.

3.2 Social Problem Analysis

3.2.1 Social Problems as an Activity/Process

Moving away from an objectivist typification of social problems, Spector and Kitsuse propose that we abandon the notion of social problems as a kind of condition, but instead think of them as a kind of activity (Spector & Kitsuse, 2001). Thus, social problems are seen as the activities of individuals or groups making assertions of the grievances and claims with respect to some putative conditions (Spector & Kitsuse, 2001, p. 75). Within this perspective, social constructionists are to examine claims-making which is defined in behavioural terms as "demanding services, filling out forms, lodging complaints ... supporting or opposing some governmental practice or policy ..." (Spector & Kistuse, 2001, p. 79), leading to activity which has nothing to do with social problem conditions (Loseke, 2003). Conditions assumed to be

problems in other perspectives become merely “putative conditions” alleged to exist (Loseke, 2003, p. 186). The term “putative conditions” is used to indicate the focus of the interest in the members’ claims without regard to their validity, reaffirming the authors’ lack of concern for whether or not the alleged condition exists (Loseke, 2003; Spector & Kitsuse, 2001, p. 76).

Furthermore, Spector and Kitsuse (2001) state that given that “claims are normative phenomena, they are statements about conditions that ought not to exist, something ought to be done to improve conditions” (p. 86). As noted, the authors suggest “the notion that social problems are a kind of condition must be abandoned in favour of the conception of them as a kind of activity” (Spector & Kitsuse, 2001, p. 73). Based on this assertion, they argue that claims-making is always a form of interaction with claims being understood as a demand made by one party to another that something be done about some putative condition (Spector and Kitsuse, 2001, p. 78). By extension, claims have been adopted to mean any verbal, visual, or behavioural statement that seeks to persuade audience members to define a condition as a social problem (Loseke, 2003, p. 26). Since there is nothing intrinsic about certain activities, all that matters is how these activities are defined. Fundamentally, because there is nothing inherent in conditions and/or behaviours, the importance is shifted to the meaning of certain activities making the way they are interpreted one of the qualifiers for what becomes a claims-making activity (Loseke, 2003; Spector & Kitsuse, 2001).

Spector and Kitsuse describe the process of claims-making activities that leads to the construction of social problems. According to the authors, this is a four-stage process that includes: 1) claims-making stage; 2) recognition from some official group or government agency; 3) maintaining accountability for the claims made; and 4) alternative solutions for failing procedures from stage two (Spector & Kitsuse, 2001). The process presented in this model sets

the premise for understanding the works of claims-makers when making certain claims and the likelihood of those claims fully developing into what comes to be seen as a social problem. The theoretical approach to studying social problems is one of the strengths of Spector and Kitsuse's contribution to social constructionism. In fact, it was their seminal work that allowed for further development of the social constructionist framework in the area of studying definitions and processes instead of objective conditions, while ensuring empirical grounding. While Spector and Kitsuse's approach to the construction of social problems is acknowledged, the following sections expand on Loseke's extensions of their original works as this project applies Loseke's contributions as the theoretical framework for the analysis of the data.

3.3 Social Problems Game

In an effort to understand social problems as claims-making activities, Loseke (2003) describes the process by which social problems come to be described as such as the "social problems game":

The goal of the social problems game is to persuade people to worry about a condition and to do something to resolve it, it is to persuade people to use particular categorizations ... The social problems game is a set of *activities* (social problems work) and *players* who compete, and there are *competitions* and *strategies* for winning (p. 20).

The concept of the social problems game includes the *claims-makers* who are the people who say and do things to persuade *audiences* that a social problem is at hand as well as members of *audiences*, who are the ones who hear or see social problems claims and who do the social problems work of evaluating the believability and importance of these claims (Loseke, 2003, p. 20-21). Regardless of whether claims are verbal, visual or behavioural, they are the social problems work of claims-makers who, if they are successful, persuade audience members to both

think and feel in particular ways (Loseke, 2003, p. 27). As such, Loseke's contribution in explaining the social problems game helps to establish the grounds where claims-making activities happen and the individuals who are part of that process. Constructionist perspectives focus on how people create and respond to conditions, how they categorize and typify, how they subjectively construct the meanings of problems and how people's constructions influence how they act towards those conditions (Loseke & Best, 2003, p. 4). As such, the social problems game then becomes about the various players and how they interact with one another, how they construct meanings and definitions of particular problems at hand, and how they act towards them. Thus, social problems can be understood as social constructions or the product of claims-maker's interactions during the process of claims-making (Loseke & Best, 2003). To win the social problems game, one (the claims-maker) must be successful in convincing others (the audience) that a certain problem exists and something must be done. The prize for winning the social problems game then is the power to lead social change, to change the objective world in which we live, to change the ways we make sense of ourselves and others (Loseke, 2003, p. 20).

3.3.1 *Claims-makers and Claims-making Activities*

While audience members are the most important players in the social problems game, it is the interaction amongst all the various players that leads to successful claims-making activity. The second type of player in the social problems game is called the claims-maker: the person who does the social problems work of claims-making (Loseke, 2003, p. 31). To categorize the various claims-makers that may be involved in the social problems game, Loseke describes the "social problem industry". While essentially anyone can be a part of the industry and any sort of complaint can become the basis of a social problem, the majority of claims are often disposed of (Spector & Kitsuse, 2001, p. 143). This is because the job of claims-makers is to construct the

meaning of something and the audience evaluates the believability of it (Loseke, 2003, p. 25). As mentioned, “audiences are critical because a social problem is created only when audience members evaluate claims as believable and important” (Loseke, 2003, p. 27).

Social problems industry players are essentially everywhere but more obviously government and law are part of the social problem industry (Loseke, 2003, p. 31). Working in this industry are claims-makers occupying all levels of government including politicians and other government officials. Spector and Kitsuse point out that claims are often directed at some government agency or institution and that the social problems activity may undergo a considerable transformation and may encounter participants who do not always play the roles stereotypically assigned to them (Spector & Kitsuse, 2001, p. 155). Although governmental and official agencies house players who have significant roles, the conception of social problems is not limited to the activities of these players. Both the groups and their activities represent a segment of social problems. According to Spector and Kitsuse (2001) “they do not exhaust the range of actors, activities, or sources of data on how social problems are defined” (p. 155). Additionally, Loseke warns against such narrow confines of claims-makers and claims and argues that this is in fact “a huge industry in terms of the numbers of people it employs, the money it requires for its operation, and the money it generates” (Loseke, 2003, p. 33).

As part of the social problems work, people may engage in the social problems industry as part of different roles they may occupy, different interests they may have, and so on. While individuals may engage in the social problems work for various reasons, ultimately what matters is the believability of these claims by the audiences to which they are presented and not why people do social problems work. However, as the premise of social construction theory states, claims-making is not about the truth. Claims do not convey meaning about their truth because the

interest is in those claims that are believed to be true. Ultimately, what matters is not the truth, but rather what audience members believe is true (Loseke, 2003, p. 35). As mentioned, while anyone can make a claim, the ones that are taken seriously come from people whom the audience is prone to believe. This is precisely one limitation of Loseke's approach to the construction of social problems. As mentioned, according to her approach, it is the practical actor who controls the outcome of the social problems game. This is potentially problematic because it implies that audience members have immense power in society, as they are the ones who ultimately decide whether a claim is successful or not. While Loseke offers useful explanations as to how the social problems game is played by all members, it must be noted that there is an associated risk that claims-makers will package claims in a way, which is most appealing to targeted audiences.

With the aforesaid limitations in mind, this project focuses on strategies used in the construction of human trafficking which allows for an exploration of the types of frames used based on the types of assertions made and for a recognition that it is constructed as a particular type of social problem.²⁶ The following section offers intersections of the various framing and claims-making strategies that were deemed useful for the purpose of this project while offering some contextual examples clarifying how the concepts are used in the analysis of the project.

3.3.2 *Framing the Problem*

Spector and Kitsuse argued that objective conditions should be completely abandoned when talking about social problems. Similarly, Loseke and Best (2003) argued that in order to understand the meaning of social problems, we must move away from the assumption that social problems are objective conditions; the meaning of social problems is about how we come to

²⁶ As presented in the literature chapter: human rights concern; security threat to the state; and, the criminalization of human trafficking.

know what we know (p. 5). Social problems are about the relationships between objective reality and subjective definitions, between the world that exists and our understanding of that world. Considering the presented concepts, the next sections focus on the claims-making and framing strategies used when creating meaning that becomes attached to a condition which then becomes considered as a social problem.

Claims made about the nature of problems may or may not reflect the realities of these problems (Best, 1987). Instead claims-makers tailor the description of the nature and causes of the problem to invoke particular types of official responses, a process that has been termed as *framing*. Framing of problems can be manufactured or manipulated by claims-makers who use different claims-making strategies. While there are countless claims-making strategies that claims-makers use to promote and strengthen their claims, claims-making strategies are merely a reflection of the human construction of meaning and understanding of larger social and cultural contexts. Before one can understand why problems are framed as they are, they need to observe the strategies that claims-makers employ to persuade audiences to take their claims seriously and to evaluate a condition as a certain type of social problem.

Claims-making in practice involves simultaneously constructing typifications of conditions and people, and problems and solutions that compel the audience to think and feel in particular ways (Loseke, 2003). Typifications are especially important in the realm of constructing conditions. Loseke states that in a complex world, social life depends on typifications – the images in our head of types of things, conditions and people (Loseke, 2003). Oftentimes claims-makers typify conditions in ways that encourage audience members to logically evaluate social problems conditions as widespread, harmful and wrong (Loseke, 2003, p. 55). The importance of these typifications is that by characterizing a problem's nature in a

certain way (typifying it), claims-makers adopt a certain perspective that frames their arguments in light of any social context. Loseke and Best (2003) argued that any condition can be framed in multiple ways depending on culture and social context. As such, based on the typification that claims-makers adopt, a condition can be framed as a political, economic, and/or moral problem, etc. Thus, typifications are integral in leading the audience members to understand certain claims in one category as opposed to another.

The significance of a frame is that it serves as an organizing device that encourages individuals to typify and categorize conditions (Loseke, 2003, p. 16-17). According to Loseke, how a social problem is framed has a significant impact on how it is treated and approached. Loseke argues that claims-makers construct the grounds for social problems conditions by giving meaning to the facts which in turn construct the social problem frame and its related components (Loseke, 2003, p. 59). Such components include the diagnostic frame, which constructs the meaning of the condition or the kind of harm the condition creates; the motivational frame, which constructs the reasons why audience members should evaluate the condition as intolerable by considering the types of harms caused; and, the prognostic frame, which constructs the solutions to the problem.

The grounds for each social problem are the “facts” or fragments of what is believed to be true by the audience members. In fact, according to Loseke, “claims-makers must persuade audience members that the condition is important enough to take time, worry and perhaps money ...” (Loseke, 2003, p. 52). Claims-makers construct the grounds of a social problem condition when they define it and when they specify the harm and the number of victims it creates (Loseke, 2003, p. 55). To accomplish this, claims-makers must answer questions about the nature of the

problem and how widespread it is. The answers are comprised of definitions, “typifying” examples and estimates of the extent of the problem (Best, 1987).

Aside from definitions, examples are used to typify the problem. Claims-makers’ strategies may focus on constructing the most extreme instances of harm and constructing the individuals most likely to be affected by this type of harm. According to Loseke, social problems work is complex and multidimensional and in order to persuade audience members, claims-makers must appeal to the audience members’ understandings of cultural themes. As part of the general process that claims-makers go through in constructing their claims once the grounds for the problem are constructed, the next steps include the construction of the meaning of the problem (diagnostic frame), the reasons why audience members come to understand the condition as intolerable (motivational frame) and the solution (prognostic frame).

Understanding that conditions are based on subjective constructions of meaning is especially important since conditions do not have particular meaning attached to them and since meaning can change overtime. The difference between countries, culture, and context can lead to different evaluations of the same condition, thus implicating the importance of larger political, social and cultural environments in which the condition exists (Loseke & Best, 2003, p. 4). For example, Loseke explains that one way in which the same condition can be illustrated and evaluated within a different context is through what she terms as *domain expansion* (Loseke, 2003, p. 62). Domain expansion occurs where the contents of a previously explained social category are expanded to include additional facts and typifications (Loseke, 2003, p. 62). Diagnostic frames are about the causes of the problem that have been determined through the construction grounds and answer audience members’ questions about how to understand the meaning of the condition and what causes it and the type of harm the condition creates (Loseke,

2003). Often, causes are parts of the orientation statement, which typify the kind of problem that might be at hand. As previously mentioned, there are different strategies which claims-makers use in attempting to typify some condition. These strategies are critical in the social problems game as they construct the causes of the conditions, which in turn promote particular kinds of solutions (Loseke, 2003).

While claims-makers construct the grounds and diagnostic frames, the claims must also persuade audience members that the condition cannot be tolerated and must be changed. Motivational frames are about why individuals should care and provide justification for action to solve the problem. According to Loseke (2003), the way in which this is achieved is by framing the condition as being problematic or a threat to commonly held values or cultural themes (p. 63), through the use of logic and emotion. Using emotion to evoke meaning about certain values, which are deeply engrained or mutually understood by audience members' appeals to the empathetic nature of the audience group in order to motivate them to do something about the condition at hand. With regards to human trafficking, identifying that the cause of the problem is the vulnerability of women and children may motivate audience members to implement measures aimed at protecting these members of the population. Successful claims construct images of conditions as violating the theme(s) (e.g., abuse of women and children) and motivate members of society to care and view conditions as intolerable and in need of change.

Once claims-makers establish why audience members should care and consider a condition as intolerable, the final step in the framing process is to provide audience members with solutions to the problem at hand. Prognostic frames are claims answering audience members' questions about what should be done (Loseke, 2003, p. 98). Specifically, this frame constructs a general line of action (what should be done) and the responsibility for the action

(who should do it), (Loseke, 2003, p. 98). Since the solution of a problem (prognostic frame) is linked to the cause of the problem (diagnostic frame), a condition that is framed as a human rights violation will yield a prognostic frame that identifies solutions in the realm of protecting victims and defending their fundamental human rights. This may be achieved by mandating the government and human rights activist groups to deliver these solutions. While the use of frames helps claims-makers categorize and typify conditions, it is the successful claims, which stem from successful claims-making strategies, that persuade audience members to evaluate certain conditions as problematic and do something about them (Loseke, 2003, p. 59).

3.3.3 Constructing People

The work of constructing images of people (victims and villains) encourages audience members to feel the moral outrage associated with evaluating conditions as social problems. As part of the claims-making strategy, the process of constructing people can be found at any given stage of the process. Claims-makers often engage in strategies in which they construct the villain and the victim in the social problems game. As part of building the diagnostic frame and identifying the causes, the claims-makers may construct the concept of the villain (Loseke, 2003). Villains are the things (social structure or social forces) or people constructed by diagnostic frames as responsible for the condition (Loseke, 2003, p. 83). Oftentimes, villains may not be constructed by claims-makers as part of their strategy (Loseke, 2003). However, when they are, the strategies used focus on ensuring that the villain is condemnable by emphasizing a construction of a foreign or outside threat (Loseke, 2003, p. 85-86). Constructing villains this way, leaves less of a chance that the audience will be sympathetic, thus, ensuring the success of the claim when audience members evaluate the condition as a social problem.

On the other hand, the victims of the social problem may be constructed as part of the grounds of the problem or as part of the motivational frame. Establishing the victims of a particular problem allows for inclusion of who is and who is not part of that problem. Victims most often are constructed as people: victims of crime, injustice, prejudice, etc. (Loseke, 2003, p. 77-78). One thing that is often implemented in the claims-making strategy of constructing victims is the emotional appeal, which is meant to motivate the audience members to care about the problem (Loseke, 2003). These claims-making strategies are aimed at creating a sympathetic emotional response by appealing to humanitarian themes. Thus, in constructing typifications of social problems, claims-makers may emphasize the suffering of victims or their innocence in order to provoke audience members to do something about the problem at hand (Loseke, 2003).

Understanding the concepts of claims-making and framing strategies equips the reader with knowledge on how certain conditions are constructed to become social problems. While the summary on the constructionist perspective in the preceding paragraphs informs the reader on the theoretical framework that are selected for the analysis, the following paragraphs illustrate the applicability of the theoretical framework for the project by introducing one of the most prominent debates within social constructionism.

3.4 Theoretical Debates Within Social Constructionism

3.4.1 Ontological Gerrymandering

Although the social constructionist perspective explicates the subjective nature in constructing social problems, a central debate within the social constructionist approach to social problems is related to “objective conditions”. Since the inception of their work, Spector and Kitsuse have viewed social problems as a kind of activity. For them, social problems are not

objective conditions to be studied and corrected; rather, they are interpretative processes that constitute what comes to be seen as oppressive, intolerable or unjust conditions (Holstein & Miller, 1993, p. 6). Spector and Kitsuse argued that the key to any condition becoming a social problem is subjective: “the existence of social problems depends on the continued existence of groups or agencies that define some condition as a problem and attempt to do something about it” (as cited in Best, 1993, p. 132). Based on these critiques, constructionist research involves a selective “objectivism” because it assumes that social construction processes are observable aspects of social worlds that exist separately from social constructionists’ depictions of them (Holstein & Miller, 1993, p. 9).

The critique known as “ontological gerrymandering”, authored by Woolgar and Pawluch (1985) is an important observation which involves describing the variability of the definitions or claims relative to the consistency of the conditions to which it is related, while holding the condition invariant (Holstein & Miller, 1993, p. 9). More specifically, the authors note that since conditions are invariant, changes in the definitions of the condition must result from the social circumstances of those defining them rather than from the condition itself (Woolgar & Pawluch, 1985, p. 215). In turn, by making assumptions about the constancy of conditions under observations, constructionists are violating Spector and Kitsuse’s mandate to ignore objective conditions altogether (Loseke, 2003, p. 197). As such, Woolgar and Pawluch argued that selective “objectivism” represents a theoretical inconsistency in the definitional process since it manipulates an analytic boundary to make certain phenomena (ostensibly) problematic while leaving others unquestioned (Holstein & Miller, 1993, p. 9; Woolgar & Pawluch, 1985, p. 216). Thus, ontological gerrymandering dismisses the ways in which constructionist analysts’ descriptions of conditions are in fact definitional claims themselves.

3.4.2 Responses to Ontological Gerrymandering

The impact of Woolgar and Pawluch's observations was extensive, bringing to the forefront issues concerning the essential claims and assumptions of the perspective and the purposes of their studies (Holstein & Miller, 1993). The outcome of this debate led to questions regarding the extent to which constructionist researchers were guilty of ontological gerrymandering and whether such an inconsistency even mattered in sociological research. Joel Best addressed the question of what social constructionists should do about objective conditions within their examinations (Best, 1993). Best separated constructionist research by proposing a distinction between the strict and contextual constructionism camps. According to Best, strict constructionism requires analysts to avoid making assumptions about objective reality, not allowing any explicit or implicit references about a world outside human understanding to enter the analysis (Best, 1993, p. 136). As Spector and Kitsuse argued, social problems are about the emergence, nature and maintenance of claims-making and responding activities; it is about conditions alleged to exist, which sets aside the question of whether those claims (or definitions) are true or false (Spector & Kitsuse, 2001, p. 76). Constructionist analysts rarely declare that they know the truth about objective conditions (Best, 1993, p. 136). In fact, the work of strict constructionists is to examine the perspectives of claims-makers, policy makers and other members of society and avoid making assumptions about objective reality (Best, 1993).

In comparison, contextual constructionism is about studying claims-making in the context of culture and social structure (Best, 1993). According to Best, contextual constructionists, who are also focused on the claims-making process and the construction of meaning, acknowledge making some assumptions about social conditions since assumptions about such conditions locate claims-making within the social context (Best, 1993, p. 138-139).

Contextual constructionism allows analysts to make some references to the objective world as long as they are done carefully and as long as the questions remain focused on the process of creating human meaning (Loseke, 2003, p. 198).

As mentioned, claims-making strategies are not about the truth; in fact, claims do not convey meaning about their truth, rather that which is believed to be true. Guided by this premise, within social constructionism, in addition to using social conditions to explain the emergence of the claim, an analyst may refer to social contexts to infer why some claims receive attention or go as far as shaping social policy. Additionally, contextual constructionism extends a consideration to social contexts since the goal of research and theory is to offer information about the organization and the workings of social problems construction; but for this to happen, reference must be made to the social conditions themselves. Given that the purpose of this study is to understand the construction of human trafficking as a social problem, a contextual constructionist perspective is appropriate for its practical relevance.

3.5 Conclusion

Social constructionism is a useful theoretical framework in understanding the development of human trafficking as a social issue in Canada. By way of addressing the imposed limitations of Spector and Kistuse's original work, Loseke's extension has proven useful for this study as it elaborates on the framing strategies which allow for certain conditions to be understood and typified as a social problem. As mentioned, the work of Spector and Kistuse has been largely criticized for the implied selective "objectivism" because it assumes that social construction processes are observable aspects of social worlds that exist separately from social constructionists' depictions of them. Based on this premise of the theory, objective conditions should be totally abandoned which runs the risk of analytically manipulating a boundary by

leaving some phenomena problematic while leaving other phenomena unproblematic. The larger implications from this theoretical limitation are the kinds of questions that can be asked, assuming that strict constructivism completely brackets off references to the world which proves to be very limiting for the type of analysis that this project has set out to accomplish.

Considering the limitations of strict constructionism, Loseke's approach allows analysts to make some references to the objective world as long as they are done carefully and as long as the questions remain focused on the process of creating human meaning. While subjective construction of meaning is important since conditions do not have any particular meaning assigned to them and may change overtime, one must consider the possibility that some objective conditions may be a part of the "grounds" or facts that audience members believe to be true. In order to evaluate the claims-making and framing strategies properly, one must acknowledge the broader context in which these conditions are created. Studying claims-making within the context of culture and social structure ensures the ability to increase our knowledge of social life. While it is not unacknowledged that strict constructionist approaches are easier to defend theoretically (Loseke, 2003), contextual constructionism remains preferred for its practical relevance. Moreover, the use of contextual constructionist analysis offers something of value to practical actors engaged in the social problems work of understanding social life (Loseke, 2003). Extending this type of practical relevance to the issue of human trafficking will allow for a unique contribution to the field that observes the kinds of claims-making and framing strategies that have influenced actors to implement certain kinds of responses. Understanding the multiplicity of the issue itself, as situated within the larger social contexts will offer a meaningful understanding of what human trafficking represents against the larger Canadian social backdrop.

CHAPTER FOUR: METHODOLOGY

In this chapter the methodological approach guiding the project is explained. The chapter begins with a description of the methodological considerations such as the paradigm, epistemology and ontology used in this study. Next, it describes the decision-making process that was used for the project relating the data collection and the sample. Additionally, a qualitative content analysis is conducted and the reasoning for the theoretical considerations as part of the coding process is included. Lastly, while there is no specific section on limitations, throughout the chapter various methodological limitations are presented as they relate to relevant sections (e.g. method for analysis, sampling strategy, and available data). All decisions related to this project were made with the following research question in mind:

How do Parliamentary Committees define human trafficking when collecting evidence for parliamentary considerations on legislative and policy changes?

4.1 Methodological Considerations

4.1.1 *Paradigm, Epistemology and Ontology*

Given that paradigms shape the researcher's epistemological, ontological and methodological priorities (Guba & Lincoln, 1994, p. 108), it is important to first identify the paradigm guiding this study. A constructivist lens is used because constructivist approaches refer to the idea that the experienced reality is actively constructed and that the observer plays a major role in any theory (Riegler, 2012, p. 237). While constructivism itself can be applied more broadly to several different types of constructivism such as radical constructivism, social constructionism, strict and contextual constructionism, for the purposes of this project contextual constructionist epistemology is used (Best, 1993; Riegler, 2012). Given that the purpose of this study is to understand the construction of human trafficking as a social problem by exploring the

claims-making strategies and use of frames or framing strategies used at the federal government level, the contextual constructionist perspective is appropriate for the analysis because it allows for the subjective nature of meaning construction to be observed while not holding any condition as objective or invariant (Woolgar & Pawluch, 1985). The practical applicability of contextual constructionism is that one is able to look at some claims (e.g., historical records and government statistics) and use the claims discovered as a basis for a “truth” with the ability to make references to the social environment and what was happening at a particular time that led to the claims-making activities, with the ultimate focus being on the process of creating meaning rather than depictions of “truth” itself (Loseke, 2003, p. 198).

A relativist ontology that aligns with the paradigm and epistemology is engaged. According to relativist ontology, reality is apprehended in types of constructions which are socially and experientially shared by many (Guba & Lincoln, 1994, p. 110). In this case, constructions are not more or less “true” in an absolute sense but simply more or less informed and sophisticated (Guba & Lincoln, 1994, p. 111). Claims convey no meaning about their truth; rather, it is what the audience believes to be true (Loseke, 2003, p. 35). Understanding the theoretical implication of ontological gerrymandering²⁷ in explaining why and how social problems emerge within sociohistorical contexts is particularly useful in the analysis of how human trafficking as a social problem has been framed within contexts relating human rights, national security and crime and criminalization²⁸ (Holstein & Miller, 1993, p. 11) .

²⁷ Ontological gerrymandering is understood as the process that describes the variability of the definitions or claims relative to the consistency of the conditions to which it is related, while holding the condition invariant (Woolgar & Pawluch, 1985).

²⁸ The frames have emerged from relevant literature that has been observed to date and include: human trafficking as a human rights concern; human trafficking as a security threat to the state and, the criminalization of human trafficking.

4.1.2 *Subjectivity, Positionality and Reflexivity*

In an effort to acknowledge any potential researcher subjectivity, the decisions and subjective interpretations that have been made throughout this research project have been acknowledged as potentially influential to the findings and conclusions drawn. Positionality refers to an individual's world-view and their chosen position to adopt within a specific research task (Guba & Lincoln, 1994, p. 107; Lichterman, 2017). Recognizing my own stance as part of my reflexive practice was an ongoing process in the shaping, interpretation and conceptualization of the data.

As a researcher, I recognize that my social, professional and personal characteristics influence the way in which I interpret meaning, experience and knowledge. I have been studying and researching human trafficking as part of my academic experience in the field of criminology for a number of years; such engagement has informed my standpoint and impacted the way in which I have interpreted and contextualized the data. Furthermore, I have been involved in studying and working on the issue of human trafficking in various practical activities; for example, volunteering and attending seminars which have included the voices of survivors of human trafficking, as well as numerous experts on the subject.²⁹ Lastly, as a government employee myself, I recognize that I also approach the understanding of organizational structure and functioning from an “insider” point of view.³⁰

²⁹ I was a member of PACT Ottawa from 2014 until 2019, involved in the work of the policy and legal affairs Committee (PLAC) and in the PLAC discussion group.

³⁰ Currently, I am a government employee, working for a Canadian government department which is represented in the Human Trafficking Taskforce. While I do have “insider” knowledge of the inner structure and functioning of the department itself, my professional experience is not directly linked with the area of human trafficking and has been kept as separate from my role as a researcher undertaking this research project.

Since objectivity is often challenged with the researcher's positionality because it is inseparable from the research findings, at the onset of this project I clearly stated my research interest and goal for undertaking this study. In an effort to lessen the impact of subjectivity and the effects of my own stance within the broader scope of undertaking this study, I attempted to minimize any pre-existing biases by immersing myself in the available literature, reading the evidence transcripts (my data) numerous times and continuously reflecting of my understanding and interpretation of the issue of human trafficking as well as my understanding of the role of the government in the development of policy and legislation.

Furthermore, by undertaking this project I acknowledged that while reflexivity as a form of practice is centered on social position claims to demystify the effects on the researcher, *interpretative reflexivity*³¹ claims to reveal cultural miscues and convergences (Lichterman, 2017, p. 39). Remaining cognizant of potential limitations as related to my own involvement that were rooted in my own ability to engage in a reflexive practice when interpreting the data was mitigated by my ability to engage in interpretative reflexivity. Specifically, through my application of interpretative reflexivity I was able to assess causal and interpretive claims (Lichterman, 2017, p. 35) and the role of the claims-making groups in their process and involvement of constructing human trafficking as a social problem in Canada as presented in the observed evidence transcripts.

³¹ Although interpretative reflexivity is primarily practiced in ethnographies and/or phenomenological studies, in my opinion the concept is applicable since I am observing and interpreting the constructions of meaning of human trafficking as presented in the claims of Parliamentary Committees (as claims-making groups) through the analysis of the data.

4.2 Data Collection and Sampling

4.2.1 Data Collection Strategy

At the onset of this project, several data collection strategies were considered. While, interviews and targeted surveys were recognized as potentially useful in the discovery of how human trafficking has been described in Canada, these strategies proved to be less practical as there was limited access to department representatives and/or Members of Parliament. As such, for this project publicly available material such as evidence transcripts from parliamentary discussions on human trafficking was used. The evidence transcripts are collections of Parliamentary Committee discussions which take place during parliamentary meetings and are publicly available through the House of Commons webpage. The evidence transcripts proved to be a viable source of data that was representative of the discussion and construction of the issue of human trafficking at the federal government level but did not require direct access to any particular individuals (i.e., members of parliament, victims, experts, witnesses, etc.) nor an ethics approval for use of the information.

Availability of comprehensive Canadian human trafficking data was a data specific limitation that I encountered when undertaking this project. For this reason, the publicly available evidence transcripts were deemed as the most appropriate source of data which allowed for observations of claims-making strategies from groups (within Parliament) that influence policy and legislative developments. While this type of data was the most appropriate, it still included discussions which in some cases were more or less relevant and required implementation of my interpretative researcher skills in order for the data to be assessed appropriately.

4.2.2 *Sampling Method*

A purposive sampling strategy was employed, which focuses on a non-probability sample based on the characteristics of the population (Berg, 2009). Purposive sampling refers to a process where the selection of data is based on established criteria, predetermined by the researcher as relevant in addressing the research question (Saumure & Given, 2008, p. 562). In establishing the sample, the first step was to develop a criterion to assess the relevance of the Parliamentary Committees (herein also referred to as Committees). Since one of the primary objectives of this thesis was to discern how the issue of human trafficking is constructed at the federal government level, relevant federal government departments were considered. As such, the data sample was established by selecting the Parliamentary Committees as representative of the parliamentary bodies of the respective government departments which are part of the Human Trafficking Taskforce (Public Safety Canada, 2012).³² More specifically, the sample consisted of five standing Committees³³ which include, Justice and Human Rights (JUST); Citizenship and Immigration (CIMM)³⁴; Status of Women (FEWO); Public Safety and National Security (SECU); Foreign Affairs and International Development (FAAE); and the subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (SDIR).

³² The comprehensive list on the Human Trafficking Taskforce members is presented in Appendix C.

³³ The Standing Committee on National Defence (NDDN) was part of the original Committee selection considered for this project. However, upon assessment of available evidence, I found only a limited number of relevant evidence transcripts (n=2), which upon coding and interpretation were deemed as irrelevant granted that the discussion was limited and not contextually relevant in comparison to the rest of the data.

³⁴ In 2015 the formerly known Department of Citizenship and Immigration Canada was renamed to Immigration, Refugees and Citizenship Canada (CIC News, 2016). Any direct quote and/or official language used in the observed transcripts has been retained to reflect the way in which the department was referred to at that time. Contrastingly, the department was referred to under its newly adopted name, Immigration, Refugees and Citizenship Canada, to either reflect use in official literature or as any reference to the department made by me as the researcher.

4.2.3 *The Committees: Theoretical Consideration and Application of Concepts*

As mentioned, the selected Parliamentary Committees were representative of the government departments that are part of the Human Trafficking Taskforce. The theoretical relevance of the Committees was grounded in the application of Loseke's concept of claims-makers and their role within the *social problems game* (Loseke, 2003). Specifically, for the purpose of this project, the Committees were conceptualized as claims-making groups within the social problems game.³⁵ The concept of the social problems game includes claims-makers who are the people who do things to persuade audiences that a social problem is at hand (Loseke, 2003). Regardless of whether claims are verbal, visual or behavioural, they are the social problems work of claims-makers who, if they are successful, persuade audience members to both think and feel in particular ways (Loseke, 2003, p. 27).

While claims-makers themselves can vary in terms of status, background, and/or expertise, the Committees selected as part of the sample, represent claims-making groups that collectively hold a level of power in the Canadian parliamentary structure and the federal government at large. Standing Committees are groups of members created and empowered by the House of Commons, established to perform specific tasks, such as examining bills, and matters relating to their specific mandates (Canada, Parliament, House of Commons, 2018). Comparatively, the subcommittees are also able to perform specific tasks; however, they do not have the power to report directly to the House of Commons but rather report to the standing Committee of which they are a subcommittee. Clarification of each Committee, their respective

³⁵ A fulsome explanation is provided in section 7.4.1 *Theoretical Limitations*.

mandate and their involvement and influence in the discussions on human trafficking are presented in Appendix A.

Once the Committee selection was completed, relevant evidence transcripts were collected. In order to obtain a sample set which was of appropriate size for this project,³⁶ yet inclusive of the various meetings that had taken place, the established criterion was applied and only meetings that included the relevant Committees were selected. Once these parameters were set, two key word (phrase) searchers, related to the objectives of this project were used. The first search was specific to the issue of human trafficking as being addressed more generally. For this, the key words “human trafficking” were used and the timeframe was set to include evidence from 2010 until 2017 which included several key advancements pertaining to human trafficking in Canada, such as, the development of the initial Canadian human trafficking legislation, changes in legislation as well as discussions that were reflective of the way the issue has been described and constructed overtime. The results obtained using these timeframe parameters included transcripts from the 40th parliament, 3rd session meetings,³⁷ 41st parliament, 1st and 2nd session meetings and 42nd parliament, 1st session meetings until 2017-12-31. The second key word (phrase) search did not have a timeframe range, as gaining an understanding of the parliamentary consideration of the national anti-trafficking strategy in Canada was a priority. The key words (phrases) “National Action Plan to Combat Human Trafficking” or “Action Plan”

³⁶ The initial search on the House of Commons webpage rendered over 5000 results on the topic of human trafficking. In narrowing down the number of results, I focused on the Committee criterion that I had established and eliminated all evidence transcripts that were of minimal applicability (brief mention of human trafficking) to the project, transcripts that did not qualify within the selected timeframe as well as duplicates.

³⁷ The 40th parliament 3rd session (2010-03-03 until 2011-03-26) references the start date for this project.

were used and obtained data from the 39th Parliament until the 42nd parliament 1st session meetings until 2018-03-27.³⁸

Although purposive sampling was the most appropriate sampling method for this research project, there were related limitations, particularly regarding generalizability. Purposive sampling limitations are often linked to generalizability since the sample is selected based on a set of attributes that is shared amongst the participants, thus risking researcher's bias and selective subjectivity (Berg, 2009, p. 50). Issues of generalizability arise in instances where the researcher may attempt to generalize the results of a small, purposefully selected sample, to a larger, more general population (Berg, 2009, p. 51; Sharma, 2017). For this study, such limitations did not prove problematic since there was a lot of variability within the working sample. An effort to limit researcher bias was prioritized by taking into account various considerations that helped establish a criterion for the selection of Committees. Specifically, there was an effort to ensure that key federal government departments would be represented as a collective voice that is all encompassing of various claims-makers in the construction of human trafficking as a social problem in Canada. As such, the selection of Committees (subsequently, the selection evidence transcripts) was not only inclusive of the different departments that have been tasked with coordinating the federal anti-trafficking response (based on their involvement in the Human Trafficking Taskforce), but also of the voices of individuals with different academic and working backgrounds³⁹ as well as different lived experiences. The final sample was inclusive of a very diverse group comprised of Members of Parliament, academics, industry

³⁸ The original considerations for data did not include any 2018 transcripts. However, due to delays in the completion of this project as well as relevant discussions that took place in 2018 the timeframe parameters were extended to include transcripts from the 42nd parliament 1st session (current) up until 2018-03-31.

³⁹ The invitees attending the meetings were the pre-selected by the Committees themselves and inclusive of individuals which were of different academic and working backgrounds as well as different lived experiences offering a unique perspective on the issue of human trafficking.

experts, department representatives and survivors of trafficking. Thus, the findings of this study rendered rich textual data that is in fact representative of a heterogeneous group of subjects which have been integral to the discussions on human trafficking in Canada at the federal government level.

4.2.4 *Sample Size*

As previously noted, the sample was selected based on the Committee selection criterion and two targeted key word (phrase) searches. The first search rendered a total of 77 evidence transcripts related to the topic of human trafficking more generally. The second search rendered a total of 16 evidence transcripts related to the national strategy on human trafficking of which only 9 were unique to the sample. Once the evidence transcripts were analyzed, a total of 63 relevant transcripts was selected, eliminating all evidence transcripts (total of 23 transcripts)⁴⁰ that did not meet the sample criteria upon the contextual assessment of the material. The primary reason for exclusion was the lack of relevance for this project (e.g., discussing human trafficking as part of other ongoing concerns, such as, drug trafficking, gun trafficking, etc.). While the rest of the transcripts did fit the criteria for inclusion, only 11 focused on human trafficking explicitly and the rest focused on human trafficking as related to issues such as immigration, security, human rights, labour rights, gender violence, organized crime, etc.

Lastly, it is important to acknowledge that while the sample was representative of various government departments, there was a noted disparity in the numbers of evidence transcripts available from each Committee. Upon analysis of the transcripts, it was evident that the reason for this disparity is due to assigned responsibilities as well as prioritization of human trafficking

⁴⁰ Visually presented and clarified in Appendix A.

as a social issue. For example, as related to the implementation of the Action Plan, it was evident that the assigned responsibility between the Department of Justice and the Department of Foreign Affairs, Trade and Development significantly differed; these differences were presented with the analysis of the findings and they are discussed in greater length in chapter five.

4.3 Analytical Method

4.3.1. Qualitative Content Analysis

This project relied on a qualitative content analysis as the analytical method to interpret and organize the data. Content analysis is a systematic examination and interpretation of a particular body of material intended to identify patterns, themes, biases, and meanings (Berg, 2009, p. 338). As a method, content analysis is primarily concerned with the coding and interpretation of data which can be achieved both inductively and deductively. Inductive content analysis involves a process in which the raw data is condensed into categories or themes based on valid inference and interpretation (Zhang & Wildemuth, 2009, p. 2). Contrastingly, deductive content analysis utilizes concepts or variables generated from theory or previous studies (Elo & Kungäs, 2008; Zhang & Wildemuth, 2009, p. 2). For this research, project deductive techniques were implemented. In light of the literature, a deductive approach was implemented for the initial development of thematic frames and categories which is presented in Appendix D. Subsequently, by leaving openness to interrogate the material, several sub-questions were developed which allowed for the newly emerging themes to be captured. Thus, the deductive approach was partially complemented by the integration of thematic discoveries.

As a method of analysis, qualitative content analysis proved to be most appropriate for its primary emphasis on the meaning of the text (Huckin, 2003, p. 13). This method of analysis

proved particularly useful for its ability to reduce large amounts of data into more manageable chunks and its ability to assist in the analysis of both manifest and latent meaning found in the data (Bengtsson, 2016, p. 10-11; Berg, 2009, p. 344-345). Both inductive and deductive techniques were implemented to assess both the manifest meaning, which focuses on descriptions that are very close to the text itself, and the latent meaning, which focuses on the interpretative meaning of the text and what the text actually signifies (Bengtsson, 2016, p. 10).

While qualitative content analysis was an appropriate method of analysis to be used in tandem with the social constructionist perspective, there are also several limitations that must be acknowledged. One limitation of content analysis was the inability for this method to allow for an in-depth exploration of the data (Bengtsson, 2016; Zhang and Wildemuth, 2009). Specifically, since the data used was already developed and recorded, there was no possibility to ask probing questions or to inquire about additional information relating the context in which the information was offered. Furthermore, the analysis of the material itself was quite reductive as the data set was large. Although the ability to reduce large amounts of data into more manageable chunks was one of the reasons why content analysis was the preferred method of analysis for this project, the reductive nature of the method is a slight limitation. In an effort to mitigate the aforementioned limitations, interpretative reflexivity was used and to ensure that the context in which the statements were given was observed and noted. The broader context related to the discussed items was recorded as part of my coding strategy and technique.

4.3.2 *Units of Analysis*

The analytic process typically begins with a unit for analysis (i.e., a word or a pattern), (Elo & Kungäs, 2008, p. 109) which needs to be classified and defined appropriately (Berg, 2009; Zhang and Wildemuth, 2009). In order to unitize the textual data (Zhang and Wildemuth,

2009, p. 3), it was of utmost importance to establish definitional parameters for the units of analysis at the very onset of the coding process. The literature review was revisited and the three reoccurring thematic frames which conceptualized the issue of human trafficking as a human rights concern, as a security threat to the state, and the criminalization of human trafficking were extrapolated and used as a coding scheme. The coding scheme allowed for the observation of the way human trafficking was described during parliamentary meeting discussions by ensuring that the categories and codes are defined appropriately. Specifically, this was accomplished by first acknowledging the thematic frame, and subsequently the terms and phrases that emerged and the way in which those terms and phrases were conceptualized by different claims-making groups (the observed Committees).

4.3.3 Theoretical Considerations

Prior to developing the categories for analysis, a theoretical lens was assessed and a strategy for applying the theoretical considerations within the methodology of this project was developed. Specifically, once the literature review was conducted, three key themes (thematic frames) were extracted as the basis for developing an understanding of how human trafficking has been constructed as a social problem in Canada. The main themes found in the literature included frames that depict human trafficking as an issue related to human rights concerns, as a security threat to the state and the criminalization of human trafficking. While the thematic considerations were put aside until the analysis phase, the themes beside categorical distinction also provided a basis for the theoretical application of diagnostic, motivational and prognostic framing strategies as a claims-making process/activity recognized in the construction of human trafficking in Canada. The aforementioned theoretical implications are presented in the following chapter.

Based on the theoretical application of the thematic frames found in the literature, two question categories which allowed for an exploration of the diagnostic, motivational⁴¹ and prognostic framing, components involved in the claims-making process were developed. The initial question category captured the diagnostic framing component by establishing a question that explores the construction of the meaning of human trafficking (based on the observations found in the evidence transcripts). To set up the diagnostic framing parameters, the question of *what is human trafficking* was asked. Contrastingly, the second question category focused on the prognostic framing by establishing the parameters to explore the response to the issue of human trafficking in Canada. The prognostic frame parameters were established by asking *how human trafficking is regulated/addressed in Canada*.⁴²

4.3.4 Categories of Analysis

The categories and coding scheme were developed by implementing inductive and deductive techniques to categorizations of the data. The creation of the initial categories allowed me to formulate two questions which were used as the guidelines for coding the entire data sample. The questions asked were (1) What is human trafficking? and (2) How is human trafficking addressed/regulated in Canada?

⁴¹ While the concept of motivational framing was not formally presented by a specific analytical question category, within the analysis, motivational framing was explored as a technique – a method of persuasion through logic and emotion, used by the various claims-making groups, and is presented in chapter five and six.

⁴² Original considerations for the data coding included a third question which focused on the *Recommendations* for how human trafficking should be addressed/regulated in Canada. However, due to space limitations the third question was not formally presented as part of the findings of this thesis.

4.3.5 *What is Human Trafficking?*

The first question was the most important in terms of gaining an understanding of how the issue is constructed and conceptualized at the federal government level. The question focused on discerning the way in which the issue was understood and explained by the claims-making groups during the parliamentary meetings. It was very apparent that the concepts and ways in which the issue was understood were dependent on the claims-making strategies and framing constructs used by the various Committees and individuals involved in the discussions. Aside from ensuring that I remain cognizant of the thematic frames found in the literature, the rest of the categories derived from explanations discovered in the literature but also from the data itself.

Since this question category allowed for much exploration, sub-categories were developed. These subcategories asked subsequent questions such as: What is human trafficking? Who are the individuals involved in human trafficking? Where does human trafficking occur? Why does human trafficking occur? and, How does human trafficking occur?

The first sub-category, “What is human trafficking?” was used to determine the way in which the issue was conceptualized. Under this sub-category, the types of trafficking noted in the literature such as, trafficking for sexual exploitation, labour trafficking and trafficking for organ removal or organ trafficking were coded (RCMP, 2010; UNDOC, 2000). Furthermore, since the literature expands on the conflation of human trafficking with slavery practices, sex work and smuggling (Farrell & Fahy, 2009; Sanghera, 2005, p. 10; Weitzer, 2014, p. 7), the parameters were established to also capture any instances in which human trafficking was identified as a form of modern-day slavery, as a form of sex work or as smuggling. Ultimately, this sub-category allowed for identification on how trafficking was conceptualized and to acknowledge the prevalence of any one (or more) type of trafficking in Canada.

The second sub-category, “Who are the individuals involved in human trafficking?” was applied in order to develop an understanding of both the victims and offenders of trafficking in Canada. Under this sub-category, victims were coded to distinguish between women, children and men as victims as well as to establish distinctions of any specific groups of individuals such as migrant workers, Indigenous populations, youth, etc. (RCMP, 2010; Winterdyk et al., 2012). Offenders’ and victims’ identification as foreign nationals living in Canada and their corresponding legal status (or lack thereof) were coded (Oxman-Martinez et al., 2005). The established sub-categories and key words derived from the literature and from the data itself.

The third sub-category, “Where does human trafficking occur?” was created in order to discern whether human trafficking was conceptualized as a domestic or a transnational problem (RCMP, 2010). In this sub-category, any references to Canada serving as an origin, destination or transit country were coded (Winterdyk et al., 2012, p.6).

The fourth sub-category, “Why does human trafficking occur?” focused on the causes of trafficking (UNDOC, 2000; Winterdyk et al., 2012). The key words under this sub-category included: poverty, vulnerable populations, lack of economic prosperity and/or work opportunities, lack of education, marginalization and oppression of certain societal populations.

The last sub-category, “How does human trafficking occur?” captured methods in which human trafficking has been noted to occur. Key words/phrases such as, through means of organized crime and illegal migration were coded (RCMP, 2010). This sub-category was established since trafficking in persons is noted to occur through a variety of means, from large scale operations to small scale operations, involving only a few individuals (RCMP, 2010).

The analytical implications of this question were to discern the claims-making strategies which depicted specific conceptualizations that have a larger diagnostic framing effect in the creation of how human trafficking is understood in Canada. Understanding the diagnostic conditions also set the parameters for prognostic conditions to be analytically explored, which leads to an exploration of Canada's response to the issue, based on the existing policies.

4.3.6 *How is Human Trafficking Addressed/Regulated in Canada?*

This question category was created in order to discern the governmental approach to legislative and policy considerations that have been implemented as part of the strategy to address trafficking in Canada. The theoretical implication of this question was to discern the type of prognostic frame that the Government of Canada had attributed to the national anti-trafficking efforts. The question category was broken down in sub-categories which primarily derived from the literature; however, after the initial coding phase, there was also one sub-category that derived from the data itself. The sub-categories that were developed included federal government programs and initiatives, type of strategy/model, and legislation developments.

In the first sub-category, government created programs or initiatives designed to combat trafficking were coded. While there is recognition for many social programs that exist in Canada, this project focused on government developed and established human trafficking programs.

Under the sub-category type of strategy/model, two prominent strategies were noted. These included the United Nations three "Ps" approach, after which the Canadian national anti-trafficking strategy is currently designed, and the Nordic (Swedish) model which focuses on the de-criminalization of sex workers and the criminalization of the purchaser (Roots and De Shalit, 2016, p. 69). It is important to note that, although the Nordic Model pertains to sex work rather

than human trafficking, it was evident that at a national level, significant consideration was given to this model as a potential approach towards reducing human trafficking due to claims that “sex work is inherently exploitative, in part, by acting as a gateway to human trafficking” (Roots and De Shalit, 2016, p. 69).

The third sub-category included legislation provisions specific to human trafficking either as part of the Criminal Code of Canada or under the Immigration and Refugee Protection Act.

The last sub-category that derived from the data itself consisted of any challenges that had been noted as part of some of the aforementioned anti-trafficking efforts and developments. In this sub-category, definitional challenges and measurement related challenges were coded.

As mentioned above, the theoretical implications for developing this question category and the additional sub-categories was to establish the prognostic framing that had been done at the federal level in developing anti-trafficking efforts to combatting human trafficking. However, during the coding phase, it became evident that this question was not able to fully capture some of the prognostic outcomes for reasons such as identified gaps and the challenges with the already implemented approach to combatting human trafficking.

4.3.7 Coding Steps

The coding process began with a reading of all the evidence transcripts and assessing them for relevance based on the key words and phrases found in the text and the context in which they were offered. During this initial coding phase, some evidence transcripts that did not contain information that was considered relevant for this project were eliminated. Once all transcripts were assessed, an Excel spreadsheet was used to track the evidence transcripts that became part of the final sample and those that were eliminated. The data was stored in Committee specific

folders that were separated based on relevance or irrelevance of the transcripts. The irrelevant transcripts, although not considered, were kept on file until the completion of this project.

The second phase of the coding process began with reading each evidence transcript and noting key words, phrases and potential quotes within the margins of the documents themselves. An open coding technique was used (Berg, 2007) which allowed for the inclusion of new codes, themes and patterns emerging from the data itself while remaining cognizant of pre-existing categorical distinctions that were discovered at the literature review stage.

Once the second phase was completed, in order to facilitate the coding process, an Excel workbook that contained spreadsheets for each of the developed questions was created. The relevant themes, categories and sub-categories from the first coding phase were then extracted and recorded within each Excel spreadsheet tab based on the question of relevance. In an effort to keep the data organized, an index spreadsheet tab was created that served as an organizing mechanism and also as a reference guide where the skeleton contents of each evidence transcript assessed were tracked. An Excel workbook was created containing the question and index spreadsheets for each of the Committees whose evidence transcripts chosen as part of the data. In the end, there were six Excel workbooks containing an index spreadsheet tab, and two spreadsheet tabs corresponding to each of the two question categories.

Once all the data was coded and organized based on the question category of relevance, the analysis process began by copying relevant quotes (from each Committee) under the established categories and sub-categories. Both the Committee and the speaking individual were recorded in the event that there was a need to further assess the context in which the quote was said.

MS Word documents were created for each Committee whose evidence was assessed. This resulted in six separate Word documents where all relevant quotes were copied based on the

question category they represented. Within the Word documents, the relevant quotes were rearranged and patterns and thematic distinctions were established. Having the data presented in both the Excel spreadsheets as well as the Word documents facilitated the analysis of the data because the coding process became more refined and more focused on establishing the importance of some context-based findings, rather than the frequency of some codes found within the data.

All coded information was then transferred to a master-spreadsheet. Having all the coded data in one Excel workbook allowed for further refinement of the data and eased the comparison process. This way, it was easier to see how the data fit thematically in the three established thematic distinctions acknowledged at the outset of the coding process. Lastly, the findings were then organized based on the themes and patterns of relevance and are presented in chapter five.

4.4 Conclusion

The methodological considerations discussed in the previous sections allowed for this project to systematically generate contemporarily relevant findings on the social construction of human trafficking as a social problem in Canada. The analysis was conducted vertically stemming from narrow concepts and ideas to more general thematic considerations. The descriptive findings from the Committee discussions at the federal government level as well as relevant findings from the literature are formally presented in the following chapter.

CHAPTER FIVE: RESULTS AND ANALYSIS

As noted in previous chapters, the effective ways of addressing human trafficking require interdepartmental coordination and collaboration of various government departments which have distinguished responsibilities under the National Strategy on human trafficking in Canada. The work of these government departments carry significance especially in the meaning construction and regulation of the issue in Canada as there are negative implications which can stem from divergent definitions and uncoordinated efforts on managing the issue socially. As such, in an effort to present the work at the federal government level, this chapter offers descriptive accounts of the Committees' discussions (as representative of the observed government departments) by presenting the findings through key evidence found to answer the two thematic questions: (1) What is human trafficking? and (2) How is human trafficking addressed/regulated in Canada?⁴³

Specifically, the goal of this chapter is to illustrate the work of the Committees by drawing attention to the various claims-making and framing strategies used in defining human trafficking during parliamentary discussions. Descriptively, this chapter⁴⁴ offers the reader the opportunity to acquaint themselves with the textual data presented in the form of quotes that illustrate the nuanced nature of the descriptions of human trafficking within the Committee discussions. The findings presented below reveal points of contestation, divergence and convergence and emphasize the meaning construction of human trafficking. Furthermore, this

⁴³ The theoretical considerations relating the thematic questions are introduced within this chapter.

⁴⁴ I acknowledge that my preferred way to illustrate the work of the Committees has resulted in some limitations which stem from the descriptive and segmented nature of this chapter. However, the intent to present the findings in this way was to showcase the work of the Committees in order to illustrate the different levels of prioritization of the issue (level of commitment), the types of arguments and claims-making and framing strategies presented in the discussions as well as to develop an understanding of the involvement for each Government Department (indirectly observed) as per the assumed responsibility under the National Strategy on Human Trafficking in Canada.

chapter illustrates the various themes emphasized within the literature and the theoretical framework.⁴⁵

5.1 Question #1: Diagnostic Frame: What is Human Trafficking?

Diagnostic frames construct the meaning of the condition, the type of problem at hand and the kind of harm that the type of problem generates (Loseke, 2003). The first question category focused on observing claims-making strategies that were used to describe human trafficking at the federal government level. Specifically, observing the ways in which the Committees⁴⁶ described and constructed the condition of human trafficking allowed for an identification of the type of diagnostic frame assigned to human trafficking in Canada.⁴⁷ Consequently, this relates back to framing strategies, which ensure that certain conditions become understood as particular types of social problems. Additionally, it is important to note that there was some variance related to the ways in which human trafficking was described and the extent to which certain deliberations contextualized the issue: thus, rendering results that vary in length and thematic categorization. As such, the findings are presented by referencing the participating Committee and the relevant thematic findings found in the evidence transcripts.

⁴⁵ As noted in chapter four, the concept of the motivational frame was not presented as a question category, but rather as a type of strategy utilized by various claims-making groups which is presented throughout this chapter as well as in chapter six.

⁴⁶ Descriptions of the Committees and their respective mandates are presented in Appendix A.

⁴⁷ Corresponding to thematically relevant frames of human trafficking found in the literature.

5.1.1 The Standing Committee on Justice and Human Rights (JUST)

5.1.1.1 *Types of Human Trafficking*

The JUST Committee made distinguished efforts to discuss human trafficking as having multiple purposes, including trafficking for sexual exploitation, labour and organ removal; however, the majority of discussions were focused on trafficking for sexual exploitation.

The findings revealed three separate ways in which trafficking for sexual exploitation was explained. These focused on discussing human trafficking and sex work as two separate issues, as matters that are connected but still separate, and by illustrating the conflation between the two issues. Regarding keeping trafficking and sex work as separate issues, it was stated that **“there is a slight distinction between domestic trafficking and prostitution, and that is the notion of transport”** (Maria Mourani (Committee Member), JUST 70, 2013, p. 4).

Additionally, it was stated that **“the focus is to keep sex trafficking and prostitution as a separate issue [with the need to implement] systems into place that would prevent sexual exploitation from happening in the first place”** (Michelle Brock (Witness), JUST 41, 2014, p. 3). However, while there is evidence of the attempt to separate the two issues, the notion of exploitation is often presented as the linking component between human trafficking and sex work with some claims indicating the need to recognize such linkages, illustrated by the following comments of participants during the Committee discussions:

“It is long overdue in Canada that we identify prostitution and human trafficking as intimately linked” (Gunilla Ekberg (Individual), JUST 38, 2014, p. 9).

“Sexual exploitation almost always occurs among victims of human trafficking. While human trafficking legislation exists, human trafficking can be difficult to identify until trust and cooperation is established with victims. For this reason, human trafficking and

prostitution investigations often go hand in hand” (Eric Jolliffe (Witness), JUST 38, 2014, p. 7).

Similarly, legislative aims (i.e., preparatory statements in Bill C-452) were presented to frame the perpetual existence of trafficking for sexual exploitation through discussions that focused on the demand for sex work and the commodification of the female body: **“the inherent violence of prostitution, the social harm caused by the commodification of women’s bodies, the disproportionate impact of prostitution of women and girls, and the fact that the demand for paid sex fuels the prostitution market”** (Michelle Miller (Individual), JUST 39, 2014, p. 5).

While the aforementioned quotes do allude to the contextualization of human trafficking based on the supply and demand within the sex trade (Hankivsky, 2011; Roots & De Shalit, 2016), there were accounts that warned against this type of conflation and expressed that it is of utmost importance that the separation of the two issues is not misinterpreted. As such, it was advised that **“prostitution [should] not [be] accepted as inevitable”** when providing arguments that focus on the **“acknowledgment of the framing of prostitution as a form of violence against women”** (Michelle Miller (Individual), JUST 39, 2014 p. 5).

As discussed in the literature chapter, conflation of human trafficking with sex work in Canada has had legislative and policy implications as well as regulatory implications in the areas that focus on measuring the scope of the issue, applying appropriate prosecution measures, as well as treatment and assistance of victims (Hankivsky, 2011; Roots, 2013; Roots & De Shalit, 2016; Weitzer, 2014). The evidence from the JUST Committee discussions reveals that while the issue was presented as closely linked but separate, there was significantly more evidence found conflating human trafficking and sex work. Such findings focused on arguments that sex work is a form of modern-day slavery and a gross abuse of human rights, on the exploitative aspects of sex work, and on the lack of autonomy or choice for those who sell sex services; thus, sex work

was presented as a form of trafficking for sexual exploitation. Ultimately, the accounts referring to the conflation of sex work and trafficking often constructed human trafficking as a form of modern-day slavery where exploited and enslaved sex workers must be saved (Roots & De Shalit, 2016). Evidence of the aforementioned claims was articulated in the following way:

“prostitution is a form of sexual exploitation and efforts are put forth towards its abolishment with focus on the intersection of prostitution of human trafficking which results in forced sexual exploitation” (Deborah Pond Witness), JUST 41, 2014, p. 9).

Furthermore, in the evidence where human trafficking was conceptualized as a form of modern-day slavery, the concepts of prostitution and slavery were presented as closely connected and it was said that **“while slavery was abolished 150 years ago, it is still practiced in our modern societies”** (Madeleine Bourget (Witness), JUST 71, 2013, p. 12). Such conceptualizations

represent what Loseke terms domain expansion strategies which are strategies used in building successful diagnostic frames (Loseke, 2003, p. 62). Arguments that **“human trafficking is**

modern-day slavery that is alive and well in Canada” (Sherry Lacey (Witness), JUST 90, 2018, p. 4) were a type of strategy which focused on expanding the contents of a previously

established category, such as that of slavery. During the JUST Committee discussions, this strategy was an effective way in which the condition of human trafficking was framed to be

understood as part of the same category: **“... we sometimes forget that slavery exists in this**

day and age. We remember the African slave trade. However, trafficking in persons follows

the same path as that slave trade” (Maria Mourani (Committee Member), JUST 70, 2013, p.

4).

As part of the domain expansion strategy, these types of claims-making strategies focus on constructing familiarity in order to get the audience to recognize the condition as intolerable

by using the success of previous claims-makers in linking a new problem to a type of problem which has already achieved some level of success (Loseke, 2003, p. 62). Ultimately, linking human trafficking to modern-day slavery represents a strategy that utilizes previously successful claims by expanding the narrow category of slavery to include human trafficking, especially since there has already been acceptance from the audience as to why the original category – slavery, and the kind of harm it causes, is intolerable (Loseke, 2003, p. 62). The analysis also revealed that the modern-day slavery narrative was in fact part of the larger concern of human rights abuses for victims of trafficking, again expanding on intolerable social conditions, urging the audience to care.

Along the modern-day slavery narrative, there were accounts that presented sex work as a violation of human dignity implying that it compromises the Canadian standards on human rights and fair treatment of women by omitting all aspects of free will and the autonomous choice for any one individual to work in the sex industry. For example:

“Prostitution is simply a practice that arises from the historical subordination of women and historical right of men to buy and exchange women as objects for sexual use. This practice is disgraceful assault on human dignity. But prostitution not only harms the women and the girls involved, it also entirely undermines the social fabric of Canada. It affects more than those who practice or purchase services. It affects those who are prostituted against their will, it supports a network of interconnected criminal activity and it forms social attitudes that devalue an entire category of Canadians” (Georgiale Lang (Individual), JUST 39, 2014, p. 6).

Similarly, emotive depictions that sex work is not a form of free choice were provided to illustrate notions of the lack of autonomy for those who work in the industry:

“Our goal today is to expose a population of women we have been working with and supporting for 21 years who are invisible to this country. They are women who have endured grave brutality. They are

involved in forced prostitution, which means no choice. They were forced into human trafficking” (Linda McDonald (Individual), JUST 40, 2014, p. 2).

While the evidence suggests that there is acknowledgement that sex work can in fact lead to human trafficking for sexual exploitation once autonomous conditions become coerced activity for example, there is complete disregard for consensual sex work. As presented in the literature chapter, claims as such have resulted in successful arguments that have led to legislative changes and the provisions that focus on the criminalization of the purchaser of sex work in Canada (discussed in subsequent sections). Contrastingly, the evidence shows that during the discussions there were also individuals who argued that engaging in the sex work industry is a free choice and that it should not be understood as a forced action for all individuals working in the sex work industry. Such statements were recounted by individuals who are adults, who have not been abused as children, and who have chosen to work in the sex industry consensually and are acting on their own free will.⁴⁸ Additionally, findings of a two-decade field research study were presented and indicated that contrary to popular belief, trafficking in persons is in fact not widespread in the sex work industry:

“Despite sensational claims the good news is that human trafficking is not widespread in adult prostitution in Canada. In fact, it appears that most adults who sell sexual services in our country have the freedom of movement to work and are not coerced and exploited by others” (Dr. Cecilia Benoit (Individual), JUST 90, 2018, p. 1).

While evidence recanting the widespread claims that all sex workers in Canada are primarily coerced into the industry was presented, there was also evidence that depicted much of the reality of how individuals in the sex industry are treated. In her testimony, Sheri Kiselback

⁴⁸ Contextual references to testimonies provided by Elizabeth Dussault (Individual), (JUST 39, 2014, p. 8) and Sheri Kiselback (Individual), (JUST 40, 2014, p. 9).

stated that the expectation of the laws in place to protect her was never met, and in fact she was treated as a criminal rather than a victim reporting numerous violent crimes (JUST 40, 2014, p. 9). Her testimony further depicted that the way government views sex work is the primary reason behind misconstrued depictions of those working in the industry:

“These discriminatory views, moral values, and judgements discredit sex workers. It marks us as other, as being in some very significant way not like us. It assumes we are involved in the industry because of a history of mental illness or abuse that we need to be rescued or fixed somehow. It views us as helpless victims, that sex work is so degrading no one would ever choose to do it, that we are objectified and reduced to a commodity bought and sold on the market” (Sheri Kiselback (Individual), JUST 40, 2014, p. 9).

Similarly, these accounts were presented in the literature by various scholars who argued that the problems of effective strategies which focus on dangerous conditions for women and girls are the prominent narratives which focus on the exploited and enslaved sex workers that must be saved (Doezema, 2002; Hankivsky, 2011; Roots & De Shalit, 2016). These narratives have been found to further contribute to the modern-day slavery discourse while largely disregarding the consent and autonomy of those who engage in the sex work industry willingly.

Furthermore, as the same individual explained, ideological conflation of human trafficking with sex work leaves victims of trafficking, but also those working in the sex work industry, as largely unprotected:

“Criminalization is not an effective deterrent to prostitution. Laws trying to stop the true slavery or trafficking are getting misapplied to sex workers, clients and others involved in the sex industry. This exposes us to an increased risk of violence and denies us any protection against assault or access to medical, legal, and educational services. It denies us our human rights” (Sheri Kiselbach (Individual), JUST 40, 2014, p. 10).

As such, the aforementioned quote highlights some of the literature findings which argued that the implication of the ideological conflation of trafficking and sex trade found in existing policy initiatives has led to inappropriate responses recognized for their shortcomings in assisting sex workers and victims of trafficking in realizing their rights (Maynard, 2016, p. 42). While the illustrated findings hold significance for the overall approach to explaining human trafficking, the following sections present the ways in which offenders and victims were presented as part of the overall strategy of constructing human trafficking during Committee discussions.

5.1.1.2 Human Trafficking Offenders

The following section presents findings related to the construction of offenders and victims of human trafficking in Canada. Illustrative accounts from Loseke's theory on claims-making strategies related to the construction of images of people were found in discussions presented by the JUST Committee as they relate to both offenders and victims of human trafficking. Loseke's theory states that as part of building the diagnostic frame, the concept of the "villain" may be used. Villains are often constructed as responsible for the condition, which is a strategy used to ensure that the villain is condemnable by providing emphasis on the construction of a foreign or outside threat (Loseke, 2003, p. 85-86). Illustrative accounts of the "villain" construction were evident in discussions depicting offenders as foreigners involved in criminal activities, or organized crime more specifically:

"It has been our experience in Winnipeg and in the rest of Manitoba that with regard to much of the exploitation, the ones involved in the organized crime are immigrants or new Canadians in immigrant or new Canadians in Immigrant and refugee communities who have formed based on their culture or country of origin" (Diane Redsky (Witness), JUST 8, 2010, p. 22).

As part of constructing human trafficking as a form of organized crime, the concept of the villain or the human trafficking offender as an immigrant/refugee urges the audience to worry about outsiders or outside threats. As presented in the aforementioned quote, situating human trafficking within the security frame constructs grounds for justifying legislative and policy changes in order to monitor the immigration channels and those who are allowed to move through them in order to come into Canada.⁴⁹ While these types of claims allowed Canada to tighten immigration channels by being selective with considerations for refugee claims or detention of migrants who are unable to satisfactorily prove their identities, to name a few, they also resulted in additional harms to non-status individuals and migrants which stem from the prioritization of the security lens before a humanitarian one (Oxman-Martinez et al., 2005, p. 13). Specifically, restrictive measures regarding border crossings intersect the humanitarian discourse which structures the situation on trafficking by focusing on victims who are denied their rights to liberty, dignity, security of person and so on, by mistreating them, not offering them protection and by exposing them to additional harms through victimization and re-victimization by the state which attempts to locate, identify and deport them (Aradau, 2004, p. 253).

5.1.1.3 *Human Trafficking Victims*

Contrastingly, the analysis revealed that victims in some instances were also constructed as immigrant women; however, instead of depicting them as a threat or an outsider, the JUST Committee described these victims as a vulnerable group. In some cases, victims of trafficking

⁴⁹ Post 9/11 scholars have noted of the change in legislation and policy to impose a more security-centric approach towards human trafficking. These changes were especially evident in the United States (Farrell & Fahy, 2009). Canada during that time period was harshly criticized for lax legislative policies and regulations which resulted in a number of policies and regulations that have been discussed at length in previous sections (Roots, 2013).

were also depicted in ways that illustrate a [stereo]typical image: **“The image attached to the crime is at times caricatured but nonetheless meaningful. For example, it is that of a woman from eastern Europe who is induced to come to Canada by false promises or threats, and upon arriving she is forced into prostitution”** (Amir Attaran (Individual), JUST 27, 2014, p. 6). It is also worth noting that discussion conveying the vulnerability of victimized populations often depicted women as victims and men as traffickers: **“As Statistics Canada indicated in their statement on February 27, the majority of perpetrators of sex trafficking in Canada are men”** (Mikhaela Gray (Individual), JUST 89, 2018, p. 6). However, **“the majority of people who are trafficked for sex are women”** (Mikhaela Gray (Individual), JUST 89, 2018, p. 6). Echoing the findings from the literature, the discussion on victims also depicted the highly gendered nature of human trafficking in Canada and internationally where victims were often presented as girls and women (Maynard, 2016, p. 42):

“In many cases, the women and children are forced into the sex trade through violence, threats of violence, coercion and trickery. We consider these women and children to be victims of crime and we are committed to investigating all incidents relating to the sexual exploitation and human trafficking and providing assistance to these victims” (Eric Jolliffe, JUST 38, 2014, p. 7).

“The latest *Juristat* on trafficking in persons, from July 2016, indicated that in, I think a five-year period, between 2009 and 2014, 93% of human trafficking victims in Canada were female, and almost half of them were between the ages of 18 and 24. One quarter of those individuals were under 18. That gives us a little sense of who is being victimized” (Trevor Bhupsingh (Witness), JUST 87, 2018, p. 13).

However, there were also occasional references given to male victims, particularly in the context of labour trafficking: **“Men are trafficked too. They can be coerced into agricultural labour, farming, or domestic help”** (Amir Attaran (Individual), JUST 27, 2014, p. 6).

In almost all accounts where the JUST Committee discussed victims of human trafficking, they were presented in a narrative where emotional appeal was the predominant claims-making strategy employed as they were depicted as vulnerable, “**undocumented immigrants, foreign migrants, youth in distress, and Aboriginal women and girls**” (Louise Dionne (Witness), JUST 72, 2013, p. 5). According to Loseke, emotional appeal is a motivational framing strategy which often effectively constructs the victim in a way which urges the audience (in this case other attendees of the JUST Committee meetings and members of the House of Commons) to care about the problem at hand.

5.1.1.4 Domestic and Transnational Human Trafficking

The following sections offer illustrative accounts of the nature of trafficking, its depiction as a domestic and/or transnational issue as well as the methods through which it occurs, including the means of organized crime and illegal migration. The JUST Committee discussed human trafficking as predominantly a domestic issue despite claims found in the literature that categorize human trafficking as a transnational issue (Public Safety Canada, 2012; RCMP, 2010). For example, it was stated that: “**Domestic trafficking between places and provinces within Canada, represents 90% of the cases that end up in court**” (Julie Miville-Dechêne (Witness), JUST 72, 2013, p. 2). Canadian statistics from 2016 also affirmed the domestic nature of the issue: “**Ninety-five per cent of those are domestic cases and roughly 5% of them are international. The majority of the domestic cases involve young female Canadians trafficked for sexual exploitation**” (Trevor Bhupsingh (Witness), JUST 87, 2018, p. 13). Furthermore, Canada was also depicted as a “**destination and transit country for victims of trafficking for other countries, but there are also human trafficking situations between**

Canadian provinces and between rural and urban areas” (Louise Dionne (Witness), JUST 72, 2013, p. 5).

Relating the transnational nature of the issue, the JUST Committee discussed trafficking of women and street gangs, where one individual noted that **“there is a lot of talk about street gangs, but the transnational criminal organizations are very involved in human trafficking, whether it be international or national”** (Maria Mourani (Committee Member), JUST 70, 2013, p. 6).

The analysis revealed that even though domestic human trafficking in Canada makes up the majority of cases of trafficking, the issue was still conceptualized as part of organized criminal activity. During the most recent meetings, similar explanations were offered claiming that the connection between organized crime groups and human trafficking is significant, even though only 9% of the known organized crime groups are involved in human trafficking in Canada:

“In terms of organized crime, there is certainly a significant involvement in human trafficking. Within Canada, most of our international persons trafficked are with regard to forced labour. The rest are for sexual trade across Canada. With regard to organized crime, of the known crime groups in Canada, approximately 9% are involved in human trafficking or the sex trade. In terms of overall trafficking, I would say yes, organized crime is significantly involved. That would include biker gangs and areas like that” (Joanne Crampton (Witness), JUST 87, 2018, p. 14).

Contrastingly, as illustrated above, much of the trafficking in Canada is domestic and there is minimal evidence to support the involvement of organized crime in cases of human trafficking in Canada (Bruckert & Parent, 2002, p. 20). Essentially, the larger implications of conceptualizing the issue as a form of organized criminal activity⁵⁰ may be that occurrences of domestic human

⁵⁰ As mentioned in section 5.1.1.2 *Human Trafficking Offenders*, additional negative implications from conceptualizing human trafficking as a form of organized crime consist of the unintended harms that both negatively and disproportionately affect non-status individuals and migrants by prioritizing security measures before humanitarian ones.

trafficking may end up being overlooked and/or conflated with sex work especially in instances where there are one or two victims and perhaps only one trafficker involved.

5.1.1.5 *Root Causes of Human Trafficking*

The JUST Committee did not focus on explicitly discussing causes of trafficking, such as poverty, vulnerability and marginalization of certain populations, lack of economic opportunities, civil conflict and so on, which are often cited within the literature (De Shalit & van der Meulen, 2016; Hankivsky, 2011; Kaye & Winterdyk, 2012; Marshall & Thatun, 2005). Instead, the JUST Committee categorized the causes of human trafficking as push and pull factors (or in the context of supply and demand). Explanations provided in the context of push and pull factors primarily focused on the increase and prevalence of human trafficking rather than on the root causes that lead to the issue in the first place: **“Please keep in mind that human trafficking is based on supply and demand. There will always be a supply as long as there is a demand for human trafficking”** (Diane Redsky (Witness), JUST 89, 2018, p. 3). Some witnesses offered explanations about the concept of supply and demand as it relates to trafficking for sexual exploitation or in instances where the demand for sex work leads to trafficking:

“We know that the growth of trafficking is fuelled by the local demand by men, which increases the trafficking of women and girls both domestically and internationally” (Keira Smith-Tague (Witness), JUST 41, 2014, p. 6).

“Who makes up the demand? There are many men. It’s not just a few doing lots of bad things. The traffickers are just as diverse as the demand and the men who are sexually abusing and violating our girls” (Diane Redsky (Witness), JUST 89, 2018, p. 4).

The analysis revealed that accounts conveying the demand for sex work were offered during discussions that focused on legislation changes such as the *Protection of Communities and Exploited Persons Act*, 2014 which brought in legislation that focuses on the criminalization of

buyers⁵¹ (Roots & De Shalit, 2016). The motivation behind these legislative changes was based on claims that the criminalization of the purchaser of sex services would in fact reduce rates of human trafficking in Canada (Roots & De Shalit, 2016, p. 69). Evidence for these types of claims was presented in the discussions which illustrated that addressing the consumer behaviour would have a preventative effect on trafficking itself. As stated, the JUST Committee did not focus on addressing the root causes of human trafficking in Canada but rather focused on claims-making strategies that depicted victims of trafficking as women and children and the demand perpetuated by men. Echoing findings from the literature, such strategic arguments leave little room for understanding the complex lived experiences of the victims of human trafficking and instead frame human trafficking as trafficking for sexual exploitation in Canada, which in turn leads to disregard for potential occurrences of labour trafficking and/or instances where men become victims of human trafficking (De Shalit et al., 2014; Hankivsky, 2011; Maynard, 2016, p. 42; Weitzer, 2014, p. 7). Alternatively, some of the other Committee discussions offered accounts of the root causes of human trafficking while also constructing the victim of trafficking to include men as well.

5.1.2 The Standing Committee on Citizenship and Immigration (CIMM)

5.1.2.1 Types of Human Trafficking

During the CIMM Committee discussions, human trafficking was usually explained in the context of, or as it relates to human smuggling. However, while evidence of conflation of human trafficking and smuggling was encountered, there were also efforts made to separate the two. Concerning the separation of the two issues, definitions were provided which explained

⁵¹As it relates to sex work and the purchasing of sex services.

smuggling as an activity that involves a paid arrangement for passage, compared to human trafficking which was considered to be an illegal movement of people where individuals are coerced and forced for sexual or labour exploitation (Joe Oliver (Witness), CIMM 32, 2012, p. 10). Additionally, there were explanations that distinguished amongst trafficked and smuggled persons: **“Trafficked persons are always deprived of liberty when they arrive at their destination, whereas smuggled migrants would not be restricted in their movement and freedom after arrival”** (Lesley Soper (Witness), CIMM 15, 2014, p. 15). Interestingly, although the CIMM Committee did not utilize emotive depictions to describe victims, there was acknowledgment for the vulnerabilities of both trafficked and smuggled persons.

Contributing to the construction of meaning that offers definitional distinction, there were also a few instances in which the progression from human smuggling to human trafficking was discussed. These arguments were presented to reflect that sometimes individuals who agree to be smuggled may end up indebted to criminal organizations and end up as victims of exploitation in order to work down the debt (Joe Oliver (Witness), CIMM 32, 2012, p. 10). As noted, although some definitional distinction was offered, evidence was also found to support the conflation of human trafficking and human smuggling. The way in which the two issues were conflated did not reveal a misunderstanding of one or the other; rather it revealed the construction of both issues as a form of organized crime and/or occurrence through organized crime channels (CIMM 32, 2012, p. 10; CIMM 33, 2012, p. 8). As cited in the literature, human trafficking has often been connected to forms of organized crime (Bruckert & Parent 2002; Roots & De Shalit, 2016); however, as discussed by Parent and Bruckert (2002), historically, the intentional adoption of an organized crime framework focused on repackaging issues such as migration as a criminal justice one. Even though the findings indicate minimal evidence to support aspects of organized

crime, such unsubstantiated claims are quite problematic when it comes to regulating both issues of migration and trafficking as well as when developing policy and legislation.

Furthermore, during discussions relating Bill C-31 (reform of Canada's refugee determination system), there was evidence of conflating human trafficking with issues of refugee determination. Specifically, a testimony on the largest human trafficking prosecution in the history of Canada (2012), where eight individuals were convicted of human trafficking and participating in a criminal organization, alluded to such conflation. Of the involved eight individuals, five had claimed refugee status, two were landed immigrants, and one was a Canadian citizen. The individuals were wanted criminals from Hungary, who recruited and financially benefited from victims from Hungary (Toni Skarica (Witness), CIMM 33, 2012, p. 19-20). Mr. Skarica's testimony aligns with much of the criticism that Canada received from the United States such as lax immigration policies and a noted lenience with regard to the acceptance of immigrants and refugees (Oxman-Martinez et al., 2005; Roots, 2013).

However, the aforementioned testimony by Mr. Skarica also highlighted some of the concerns expressed about the restrictive provisions of Bill C-31:

“I think that Mr. Skarica is conflating issues of trafficking with issues of refugee determination. We absolutely believe that Canada needs to have stronger responses to issues of trafficking and we congratulate the Ontario Attorney General's office for moving forward with this case and being as successful as it has been. But let's not set national policy so that we can go after traffickers from Hungary. I think this is one of the concerns, that we continue to paint asylum seekers with this very broad brush and we believe that [we are] demonizing people needing to get protection from Canada ...” (Debbie Douglas (Witness), CIMM 33, 2012, p. 26).

Statements echoing the concern presented in the quote by Debbie Douglas, were found in the literature where some of the *IRPA* provisions were noted to be aimed at tightening access to

immigration channels through means of increased detention of migrants who are unable to satisfactorily prove their identities (Oxman-Martinez et al., 2001a). Within the literature it was noted that despite the praise on upholding human rights to the highest of standards restrictive immigration measures construct migrants through a security lens as opposed to a humanitarian one (Oxman-Martinez et al., 2001b, p. 309). Such evidence was found with Bill C-31, where penalties for engaging in various acts such as “organizing [illegal] entry into Canada”, “trafficking in persons” and “disembarking persons at sea” were outlined in the initial Bill C-31 (year, 2000), yet provisions were not offered for the prevention of trafficking or the protection of its victims (Oxman-Martinez et al., 2001a).

5.1.2.2 Human Trafficking Offenders

The aforementioned testimony by Mr. Skarica is also significant as it illustrates Loseke’s construction of the offender. As Loseke explains, the concept of the villain is often presented as responsible for the condition (Loseke, 2003, p. 83). In this instance, there is evidence of a claims-making strategy that depicts that the villain is condemnable by emphasizing the construction of a foreign or outside threat, which in this case involves the construction of foreign individuals coming into Canada. Thus, the effectiveness of this strategy is to ensure the success of the claim or the construction of the foreign villain when presenting the conditions of a particular social problem or in this case, the criticism of the inability of Immigration and Citizenship Canada and the CBSA to intercept “wanted” criminals from coming into Canada.

5.1.3 The Standing Committee on the Status of Women (FEWO)

5.1.3.1 *Types of Human Trafficking*

At the forefront of the FEWO Committee discussions were explanations of human trafficking as a human rights violation explained through the notions of exploitation and illustrated with examples of trafficking and sex work. Trafficking for sexual exploitation of women and children, especially girls was the type of trafficking most often discussed, (FEWO 26, 2016; FEWO 34, 2016), although depictions of forced labour slavery as well as the acknowledgement of men as victims were also mentioned (FEWO 27, 2006).

Similar to the JUST Committee, the connection of human trafficking and sex work was explained as part of the demand of the buyers. Additionally, trafficking for sexual exploitation into prostitution was explained in the following way:

“It is essential to understand that there is a link between prostitution locally and trafficking in persons for sexual purposes nationally and globally. One of the most important prerequisites for trafficking in human beings for sexual purposes is the existence of local prostitution markets where men are able and willing to purchase women and children for sexual exploitation and the production of pornography. These markets are easily expandable, and there is always room for the traffickers and procurers to create new demands” (Gunilla Ekberg (Individual), FEWO 27, 2006, p. 5)

However, unlike the JUST Committee in which the “demands of the buyers” were discussed as the reasons behind the trade of women and girls (FEWO 27, 2006), the FEWO Committee ensured that trafficking and sex work were constructed as related but separate.

5.1.3.2 *Human Trafficking Victims*

The FEWO Committee discussed the concept of criminalization during their discussions on victims on human trafficking. During the earliest meeting available, it was noted that the

criminalization of victims is wrong and needs to be changed: **“when a woman comes forward to identify herself as trafficked, it needs to be made clear that she will not be criminalized in the interview process”** (Joan Atkinson (Witness), FEWO 27, 2006, p. 4). Yet there were accounts that revealed that **“women in prostitution are victims yet they are treated as criminals”** (Hon. Maria Minna (Committee Member), FEWO 15, 2008, p. 14). As part of the advocacy for change **“we should not charge the victim and criminalize the victim, we should create a law that says if you are found to be using, we charge the “user” and help the victim”** (Hon. Maria Minna (Committee Member), FEWO 15, 2008, p. 14). However, this statement was counteracted by the then Minister of Justice, Hon. Rob Nicholson, who stated that **“we have laws with respect to street soliciting, or soliciting in a public place, that criminalize completely the activity”** (FEWO 15, 2008, p. 14). The response given was: **“it criminalizes, again, the prostitute”** (Hon. Maria Minna, (Committee Member), FEWO 2008, p. 14), to which, he answered **“it criminalizes the activity, the individual trying to purchase that service, and the individual who is offering it, and that will continue to be the law of this country”** (Hon. Rob Nicholson (Witness), FEWO 15, 2008, p. 14).

While the Supreme Court struck down decision 212 and other prostitution related sections of the Criminal Code in 2013, by 2014 there were legislative changes captured under the new law *Protection of Communities and Exploited Persons Act*, which focused on the criminalization of buyers. However, as scholars have noted, this legislation retains many of the same provisions that criminalize sex workers (Roots & De Shalit, 2016, p. 69). As Roots and De Shalit (2016), point out, “the need to criminalize sex work and enhance state intervention is largely justified by arguments that sex work is inherently exploitative, in part, by acting as a gateway to human trafficking” (p. 69). In line with the aforementioned statement, the JUST

Committee evidence that was explored included statements which attributed the same arguments mentioned in the literature.

5.1.3.3 *Root Causes of Human Trafficking*

While the supply and demand of sex work was offered as one of the causes of human trafficking, the evidence revealed that the FEWO Committee also noted depictions that further explained several root causes as well. Additionally, during one of the meetings, there was discussion on the additional desperation that stems from poverty which ultimately leaves some individuals disadvantaged, facing unequal opportunities and thus forcing them into alternative options to alleviate that desperation. To this extent, it was explained that “**trafficking exists because criminal groups see an opportunity to use people whose poverty puts them in desperate situations**” (Joan Atkinson (Witness), FEWO 27, 2006, p. 4). Echoing findings from much of the critical feminist scholarship, marginalization, oppression and vulnerability more generally contribute to opportunistic situations where certain individuals end up more at-risk to be exploited (Kempadoo, 2005; Sanghera, 2005). Relating individuals most at risk, victims were often said to be women and children. However, while statistics were not presented, it was noted “**that in general there is an overrepresentation of indigenous women involved in the human trafficking trade**” (Angela Connidis (Witness), FEWO 10, 2016, p. 7). Factors such as drugs and addictions, immigrant status and those living in poverty were described as the elements of vulnerability observed amongst women as victims of trafficking (FEWO 10, 2016). Human trafficking was also discussed as a domestic issue most prevalent in Ontario: “**Ontario is considered as one of the major centres for sex trafficking of indigenous women and children**” (Gabrielle Ross-Marquette (Witness), FEWO 26, 2016, p. 11; FEWO 34, 2016).

Evidently, the discussions provided by the FEWO Committee correspond with findings in the literature which demonstrate that contextualization of human trafficking as a human rights concern is often depicted with other considerations that would be regarded as human rights issues such as poverty, domestic violence and inequality (Farell & Fahy, 2009, p. 20). As identified in the evidence transcripts, claims that merged the vulnerability of women and girls and the implications of such vulnerability caused by poverty experienced by these populations were further framed as the reason why there was a need for the government to strengthen efforts in addressing human trafficking, or emphasizing the use of motivational strategies urging the audience to care.

5.1.4 The Standing Committee on Public Safety and National Security (SECU)

5.1.4.1 Types of Human Trafficking

During the earlier meetings held by the SECU Committee human trafficking was discussed in the context of sex work where strategic claims were utilized in order to frame the issue of human trafficking as a form of sex work which was deemed as repressive, exploitative, and illegal. During 2010 and 2011, there were a few meetings discussing a document prepared by the RCMP: *Human Trafficking in Canada: A Threat Assessment*, which contained evidence that frames the issue of human trafficking as a form of exploitation resulting from sex work. During one discussion, various questions were directed to the then Commissioner of the RCMP, William Elliot, inquiring whether “**the RCMP considers prostitution to be sex trade work**” since evidence throughout the document showed that “**prostitution is defined as work**” (Maria Mourani (Committee Member), SECU 43, 2010, p. 4-5). The former RCMP Commissioner, William Elliot answered the question in the affirmative, expressing that “[sex work] **is a form of illegal work**” (SECU 43, 2010, p. 5). The aforementioned discussion eventually led to remarks

in subsequent meeting discussions where it was expressed that **“an RCMP document on human trafficking in Canada, talked about people who were exploited and sex-trade workers, as if the women and young girls being trafficked were workers”** (Maria Mourani (Committee Member), SECU 52, 2011, p. 11). However, a clarification was offered stating that **“the reason it may have been referred to as work has to do with the fact that these individuals are exploited doing that work, but it is not legitimate work”** (D/Commissioner Raf Souccar (Witness), SECU 52, 2011, p. 11).

The findings reveal that the claims made during these meetings are similar to those encountered in evidence transcripts by the JUST Committee. Specifically, in order to frame the issue as a form of sex work, there were arguments relating the conflation of human trafficking with sex work which were used as grounds for legislative changes rooted in the claims that sex work victimizes the vulnerable (Public Safety Canada, 2012, p. 11; Roots & De Shalit, 2016, p. 74; SECU 43, 2010; SECU 52, 2011). Evidence suggests that the federal government’s view that **“the demand for sexual services can be a contributing cause to human trafficking”** (Public Safety Canada, 2012, p. 11), in fact frames the issue of human trafficking to be conflated with sex work despite previously explored findings that counteracted these types of claims. The implications of such claims evidently create a **“government rhetoric that conflates sex work and human trafficking [which] contributes to increased surveillance of sex workers and other vulnerable groups and removes agency by assuming that all consent is given under negating conditions”** (Roots & De Shalit, 2016, p. 74). However, as noted in the literature and in some of the findings, there is in fact evidence that speaks to both the autonomy and consent of adults who choose to be a part of the sex trade industry that should not be disregarded (Bruckert & Parent, 2002; JUST 39, 2014; JUST 40, 2014; JUST 90, 2018; Roots & De Shalit, 2016).

5.1.4.2 *Human Trafficking Victims*

In contrast to earlier meetings which constructed human trafficking through emotive depictions of powerless and vulnerable women and children, more recent evidence suggests that human trafficking is no longer contextualized only as a women's issue but was rather constructed as an issue that affects men, women and children (Malcolm Brown (Witness), SECU 99, 2018, p. 18). While these claims point to a more appropriate direction by avoiding the reduction of human trafficking to gender, such victim depictions were only vaguely discussed by the SECU Committee (Maynard, 2016).

5.1.5 The Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (SDIR)

5.1.5.1 *Types of Human Trafficking*

The SDIR Committee discussed human trafficking as it relates to countries with which Canada has partnering relationships and obligations as opposed to the issue within the Canadian context. Trafficking for sexual exploitation, forced labour and organ removal were recognized as types of trafficking that exist; however, regardless of which type of trafficking was discussed, the issue was frequently contextualized as a form of modern-day slavery prevalent in some countries such as Burma and Vietnam for example (SDIR 59, 2015; SDIR 58, 2017).

5.1.5.2 *Human Trafficking Victims*

The observed evidence revealed recognition for the gendered nature of the issue with concern being expressed about the disproportionality of women and girls being affected, although men were also cited as victims, especially for labour trafficking or organ harvesting (SDIR 44, 2011; SDIR 59, 2015; SDIR 58, 2017; SDIR 69, 2017).

5.1.5.3 *Root Causes of Human Trafficking*

Furthermore, the transnational nature of the issue and some of the implications that stem from root causes such as poverty, conflict and/or war displacement and economic power which were strategically discussed as reasons behind the trafficking of some groups (SDIR 44, 2011; SDIR 59, 2015). The SDIR Committee discussed human trafficking in the context of forced labour in countries such as Burma and Vietnam: “**Much of [the] violence is experienced by victims of modern slavery. Their labour is coerced, underpaid, or unpaid. Conditions are abusive and unsafe, and they are not free to leave the workplace**” (Petra Bosma Kooman (Witness), SDIR 90, 2017, p. 3).

Furthermore, concern was expressed relating the prevalence of the issue defining trafficking as “**an issue of global importance, a crime and serious violation of human rights ...**” (Robert McDougall (Witness), SDIR 58, 2017, p. 1) which is, “**... endemic, and doesn’t take place just in conflict situations**” (Louise Arbor (Witness), SDIR 44, 2011, p. 4). The SDIR Committee was especially concerned with instances where government and police corruption endangers the human rights of individuals who may fall victim to organ trafficking or labour trafficking. Examples of the “execution of people by organ extraction” (Falun Gong) were given in order to explicate the government-run institutionalized nature of the issue of organ harvesting in China, whereas the comparison was made with other South Asian countries, with evidence suggesting that organ trafficking is predominately for kidneys where “**... some poor people will sell a kidney. Their health is compromised with only one kidney but they are still functioning and value the money more than the kidney**” (David Matas (Witness), SDIR 69, 2017, p. 6).

The findings presented in the preceding paragraphs show the range of discussions pertaining to human trafficking at the federal government level. Section 5.3 **Depictions of Human Trafficking by Committee Group** presents a summary of the findings by emphasizing the construction of the meaning of human trafficking by the different Committee groups.

5.2 Question #2: Prognostic Frame: How is Human Trafficking Addressed/Regulated in Canada?

While the first question category focused on diagnostic framing strategies or the construction of the meaning of human trafficking, the second question category is focused on prognostic framing strategies or the response to human trafficking in Canada at the federal government level. Since prognostic frames represent ways in which solutions are constructed, the goal of this thematic question was to discern the governmental approach to addressing human trafficking discussed either as part of the national strategy or as overall anti-trafficking efforts. Prognostic frames essentially answer the question of what should be done about the problem at hand or represent the construct of a general line of action (Loseke, 2003, p. 94).

5.2.1 The Standing Committee on Justice and Human Rights (JUST)

5.2.1.1 Federal Government Programs and Initiatives

While the explanations on available programs were usually discussed in a more generic way, there were some accounts that specifically discussed the Temporary Residence Permit and the Temporary Foreign Worker Program. The issuance of the temporary resident permits was said to be operationalized in a few different ways: **“people can self-identify; they can be referred to us by NGOs; or, as is the case for many of the people who come forward, they tend to be referred to us by law enforcement”** (Bruce Scoffield (Witness), JUST 88, 2018, p. 10). In

addition, it was said that **“the applicant needs to show us that there are at least indications that they have come to Canada through coercion or through fraud, or that once in Canada they have experienced exploitation, coercion, fraud, forced labour, etc.”** (Bruce Scoffield (Witness), JUST 88, 2018, p. 10). Additional access to victims is granted upon reasonable grounds to believe that there is at least an indication that they meet one of the aforementioned criteria. In such situations, a non-discretionary **“temporary resident permit, which comes along with access to the interim federal health program and the possibility of an employment offer”** is issued and is valid for 180 days (Bruce Scoffield (Witness), JUST 88, 2018, p. 10). Ultimately, the discussion revealed that individuals during this particular meeting conceptualized the process and availability of the temporary residence program as “getting people out of harm’s way” with the ability to investigate cases and pursue suspects based on **“victims’ compliance with the authorities”** (Randy Boissonnault (Committee Member), JUST 88, 2018, p. 10).

Additionally, it was stated that:

“One way of supporting worker protections is to provide information on TFWs about their rights, including human trafficking, through a number of channels. The government produces a pamphlet entitled “Temporary foreign workers: Your rights are protected” in the seven most used languages among TFWs. It contains information on their rights while in Canada” (Philippe Massé (Committee Member), JUST 88, 2018, p. 5).

5.2.1.2 National Strategy

The analysis revealed that although the JUST Committee was very active in discussions regarding human trafficking overall, discussions on the national strategy were minimally prioritized during the earlier years for the selected timeframe for this project. Findings revealed that the national strategy was discussed a few times during meetings that occurred in 2013, which was one year into the elected four-year national strategy delivered by the federal government.

During these meetings, the national strategy was discussed as a uniform approach to human trafficking: **“In 2012, the federal government announced the National Action Plan to Combat Human Trafficking. It brought together all Canadian initiatives that were part of the fight against human trafficking”** (Louise Dionne (Witness), JUST 72, 2013, p. 5).

Additionally, the Action Plan was conceptualized as the **“federal approach to enhance the ability to prevent this crime, to better support victims, and to ensure that traffickers are held accountable”** (Dan Albas (Committee Member), JUST 72, 2013, p. 6), with **“the government planning to spend more than 25 million over four years to implement the plan”** (Dan Albas (Committee Member), JUST 72, 2013, p. 6).

As discussed in the literature chapter, Canada’s national strategy or anti-trafficking framework is modeled after the 3P’s approach which focuses on the prevention of trafficking, the protection of victims and the prosecution of traffickers as well as Canada’s fourth “P”, the focus on domestic and international partnership building (Public Safety Canada, 2012). Evidently, during one of the meetings it was stated that **“among the effective measures established for the protection of victims, one is to focus on a global and coordinated approach on several fronts: prevention, gathering reliable information, intersectoral coordination, victim identification and supporting community initiatives”** (Louise Dionne (Witness), JUST 72, 2013, p. 5). This quote is illustrative of the JUST Committee prioritization for victim protection as the ‘primary pillar’ of the national approach in ensuring that victims and their rights are protected. The analysis revealed that the JUST Committee expressed concern about how little Canada had done regarding victim protection and instead has focused on the prosecution of criminals (JUST 72, 2013; JUST 73, 2013). However, while there was much concern for victims and consideration of a multifaceted approach to victim protection, the analysis revealed that the

Canadian approach to victim protection is very much rooted in the way the issue was initially constructed through conflation of human trafficking and sex work. To illustrate constructions rooted in such claims there were several recommendations that suggested that Canada be “**more proactive in addressing the causes of human trafficking, poverty, discrimination, racism, and supply and demand**” (Louise Dionne (Witness), JUST 72, 2013, p. 5). However, “**part of our approach should be to assist women to get out of violent situations such as prostitution and to provide them with various services: shelters, legal and social advice, education and professional training**” (Louise Dionne (Witness), JUST 72, 2013, p. 5). While such depictions are illustrative of accounts found in the literature which contend that effective strategies to combat human trafficking should be built with the understanding of root causes and complexities of lived experiences of trafficked individuals, the solution provided during the JUST meeting discussions was ultimately rooted in viewing sex work as a violent circumstance where exploitation occurs (Maynard, 2016, p. 42-43; Millar et al., 2017; Winterdyk et al., 2012).

As noted in Hankivsky (2011), the findings echo earlier remarks relating the construction of trafficking which were based on the supply and demand concept rather than root causes of trafficking specifically. It is important not to overlook the accounts presented by sex work advocates or sex workers themselves who illustrated that those who may freely engage in sex work at one time may end up being exploited and may become victims of trafficking. However, it is also of utmost importance to remain cognizant that as relayed in earlier findings, it is more often not the case, as various accounts in the previous section depicted that sex work most often is a choice of consenting adults (JUST 39; JUST 40; JUST 90; Roots & De Shalit, 2016).

Ultimately, the analysis revealed that despite remarks and efforts that strengthen victim

protection, the discussions relating Canada's anti-trafficking efforts were a lot more focused on prosecuting criminals than on protecting victims (JUST 72, 2013; JUST 73, 2013).

The JUST Committee meetings held in 2018 revealed that while the national strategy was recognized for displaying strength in providing victim assistance programs (JUST 87, 2018; JUST 89, 2018), one of the fundamental limitations of the former Action Plan was the limited reliable data. Essentially, it was noted that effectiveness cannot be measured when there is limited data to illustrate the scope of human trafficking in Canada (JUST 87, 2018). While the discussion was focused on reinstating a national strategy (initial Action Plan expired in 2016), it also focused on **“recommendations that will ensure a multidepartmental coordinated approach to combatting the issue, through established cooperation both domestically and internationally”** (Alstar MacGregor (Committee Member), JUST 88, 2018, p. 8). Additionally, during the subsequent meetings, there was a general understanding of the detrimental implications of uncoordinated approaches to collecting data that result in an inefficient methodology for providing reliable statistics (JUST 87, 2018; JUST 88, 2018; JUST 90, 2018). This realization led to conclusive remarks that the effectiveness of the federal government strategy has been hindered by unreliable and/or limited statistics due to the uncoordinated approaches which rest in the different ways that the issue is defined by various departments (Matthew Taylor (Witness), JUST 87, 2018, p. 9). While the aforementioned remarks are illustrative of the discussions about the national strategy, additional relevant challenges that were discussed are presented after the section on legislative considerations.

5.2.1.3 Legislative Considerations

The JUST Committee was very forthcoming with their discussions on human trafficking legislation both for the purpose of creating new legislation as well as discussing existing

legislation. Bill C-36, *Protection of Communities and Exploited Persons Act* was introduced as a response to the Bedford v. Canada ruling. Evidence reveals that while Bill C-36 enacted new “prostitution” offences and modernized old ones, it was also aimed at harmonizing the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked (Department of Justice, 2018; JUST 71, 2013; JUST 73, 2013). In terms of claims-making strategies implemented during the JUST Committee discussions, it was evident that the arguments that led to the enactment of Bill C-36 were framing the condition of human trafficking through conflating trafficking and sex work. The bill itself was created as a way of addressing trafficking through the criminalization of the purchaser (as it relates to sex work).

As illustrated in the section on diagnostic framing of human trafficking, the JUST Committee discussions illuminated the conflation of sex work and trafficking for sexual exploitation as many of the arguments focused on the supply and demand of sex work and the need to criminalize those driving the demand of sex services. Evidence reveals that during 2013 and 2014, the federal government had framed victims of human trafficking as vulnerable women and girls who are non-consenting sex workers. Having framed trafficked Canadians as vulnerable and unwilling participants in the sex industry, it was argued that “**decriminalized or legalized prostitution would yield higher rates of human trafficking and sexual exploitation and that legalizing and regulating prostitution would increase in demand for those who provide sexual services**” (Hon. Peter MacKay (Witness), JUST 32, 2013, p. 11). Evidently, such arguments successfully contributed to the enactment of the new legislation; however, as findings in the literature indicate, dangerous conflation of the issue has jeopardized many of the conditions for sex workers that this legislation claimed it would alleviate (Roots & De Shalit, 2016).

Additionally, during the JUST Committee meetings the concern raised was whether “**the existing legislation of human trafficking [and] Bill C-36 as the legislation on exploitation of individuals, were in fact different**” (Christa Big Canoe (Witness), JUST 41, 2014, p. 16).

Explanatory arguments referring to the interconnectedness (of trafficking and sex work) and its prevalence were offered as the reason why understanding the differences has become the new goal (Christa Big Canoe (Witness), JUST 41, 2014, p. 16). Furthermore, the same individual explained that since a large number of convicted traffickers is not found, since human trafficking is elusive about everything, the question then becomes whether the divergent numbers on human trafficking and on exploitation are a reflection of existing legislation not being enforced or not being used (Christa Big Canoe (Witness), JUST 41, 2014, p. 16). While additional remarks were not offered in order to clarify some of the questions and/or concerns raised, the aforementioned exchange illustrates one of the most prominent arguments discussed in the theory and literature chapters.

Specifically, as Loseke explained, in terms of social problems, the construction of meaning has a direct implication for how something will be addressed (Loseke, 2003). To this extent, the way in which the exploitation of an individual and human trafficking are defined will have a direct influence on how the issue is addressed socially (i.e., within the criminal justice system or by law enforcement for example). The implications of misapplying a definition and/or legislation on the basis of a single occurrence then becomes a bigger issue which essentially leads to the numbers of prosecutions and/or number of victims, which as noted in the literature chapter, has been an incredible challenge when it comes to human trafficking. While aspects of human trafficking (i.e., multitude of factors involved, clandestine nature of the issue) may make it more challenging for individuals to be identified as victims and/or individuals to be

prosecuted, misapplying the definition of either a victim and/or the type of crime may result in numbers which are inaccurate.

5.2.1.4 Challenges

As already noted, the JUST Committee discussed definitional challenges related to legislation as well as definitional impacts to the overall collection of numbers. Implications that stem directly from the complexity of the trafficking definition were recognized in the realm of policing where police and prosecutors have noted that **“trafficking is a very profitable crime [because of the] difficulty of proving trafficking under the Criminal Code”** (Maria Mourani (Committee Member), JUST 70, 2013, p. 2). Similarly, during a subsequent meeting it was noted: **“our big problem is that here in Canada is that often the perpetrators get off because it isn’t spelled out”** (Joy Smith (Witness), JUST 27, 2014, p. 10). Evidently, one can draw a parallel to similar types of claims which were the 2005 legislative amendments that resulted in a **“specific definition of “exploitation” for the trafficking in persons offences”** (Ibrahim, 2016, p. 5).

The decision behind the legislative changes was explained as a way to alleviate some of the definitional conflation and/or misunderstanding of what constitutes human trafficking on a national level:

“Police officers had to be trained in what human trafficking was; judges had to be informed of what the laws were. They didn’t recognize human trafficking for what it was. That’s why I was very specific in extending the language. I heard over and over again from police officers, from crowns, and from victims that the definition of “exploitation” was not adequate. So I put it in there” (Joy Smith (Witness), JUST 27, 2012, p. 10).

Additionally, the JUST Committee discussed some of the measurement related impacts that stem from divergent approaches to defining human trafficking. During the most recent JUST Committee meetings it was expressed that **“there’s still a divergence in the way in which organizations, countries, and institutions define human trafficking and that starts from the definition of ‘trafficking in persons’ in the UN protocol”** (Matthew Taylor (Witness), JUST 87, 2018, p. 9). More specifically, the concern raised was that the United Nations definition provides flexibility for different countries to define human trafficking in a way that is consistent with their legal systems which is one of the overarching and ongoing challenges (Mathew Taylor (Witness), JUST 87, 2018, p. 9).

The aforementioned evidence explains the direct implication of the Protocol requirements, which under Article (5) allows countries to create domestic anti-trafficking legislation which may depart from the specific language in the Protocol as long as it criminalizes the concepts⁵² set out by the United Nations (UNODC, 2004). While much confusion may stem from inappropriately defined concepts such as “coercion”, “deception”, “exploitation”, etc., evidence reveals that other limitations, specific to this project, include constructs of the issue which may be a result or understanding based on departmental responsibilities and mandates. To this extent, it was stated that **“definitionally, at the local level organizations will collect information relevant to their mandate, relevant to their expertise, which may differ from for example, the Criminal Code definition”** (Matthew Taylor (Witness), JUST 87, 2018, p. 9). Similarly, although evidence suggests that there is an ongoing effort to ensure consistency on a federal government level in collecting information on human trafficking, different organizations that make up the human trafficking task force collect information with respect to their mandated responsibilities:

⁵²The concepts refer to the use of terms established in *Article 3* of the Protocol presented in the Literature Review chapter.

“For example, our colleagues at IRCC, they will collect information with respect to the number of individuals who receive temporary resident permits as potential victims of human trafficking. The Department of Justice and police agencies may collect information against the Criminal Code definition of human trafficking. So there are different data sources being collected for different purposes but all are within the broad understanding of human trafficking as we understand it in the Criminal Code” (Matthew Taylor (Witness), JUST 87, 2018, p. 9).

Notably, a discussion during a subsequent meeting also revealed that different agencies are using different definitions; this actuality is illustrated in the quotes below:

“The definition we use is the one in the Criminal Code, which I described in the four different offences. I would say this is the universal definition we use nationally” (Yvan Clermont (Witness), JUST 88, 2018, p. 7).

“But there are different agencies that are using different definitions” (Iqra Khalid (Committee Member), JUST 88, 2018, p. 7).

“Yes. The application of these codes from one jurisdiction or one police force to another may vary. It could be the case in some instances for example, that a police force may decide they would use another Criminal Code offence to lay their charge, and the prosecutor as well” (Yvan Clermon (Witness), JUST 88, 2018, p. 7).

The aforementioned quotes corroborate the findings from the literature, noting a divergence in the applied definitions on human trafficking across departments which tend to be influenced by a given department mandate (MacIntosh, 2006, p. 410; Winterdyk et al., 2012, p. 8). Evidently, divergent approaches to defining trafficking also affect the ability to apply an evidence-based data collection approach which is required to properly capture the scope of trafficking in Canada.

5.2.2 The Standing Committee on Citizenship and Immigration (CIMM)

5.2.2.1 Federal Government Programs and Initiatives

The CIMM Committee discussed programs that were also mentioned in the literature such as the Live-In Caregiver and the Temporary Foreign Worker Programs (Oxman-Martinez et

al., 2005). During one of the discussions, there were accounts that explained that **“the Government is committed to improving the Temporary Worker Program to protect foreign workers and live-in caregivers from potential exploitation”** (Hon. Jason Kenney (Witness), CIMM 36, 2010, p. 2). However, the changes to the Live-in Caregiver Program remained unexplained even though they were presented as advancements made in order to **“better protect these workers and make it easier and faster for them and their families to obtain permanent residency in Canada”** (Hon. Jason Kenney (Witness), CIMM 36, 2010, p. 2). Furthermore, evidence revealed that important legislative amendments to Canada’s immigration laws, which aimed to protect vulnerable foreign workers such as exotic dancers who could be victims of exploitation or human trafficking, were said to be introduced but were not further explained.

Although evidence of the 2010 CIMM meeting discussion does reveal the vague introduction of some of the ongoing efforts by Immigration, Refugees and Citizenship Canada, it was not until 2014 where some details about the aforementioned programs were offered in a context that was relevant to trafficking in persons. Some of the changes to the Temporary Work Permits were considered a positive step towards victim protection:

“Bill C-10 in March 2012 amended the Immigration and Refugee Protection Act to provide the CIC minister with the discretionary authority to instruct officers not to issue work permits to those who could be vulnerable to abuse or exploitation, including sexual exploitation or human trafficking. On July 14, 2012, CIC stopped processing new work permit applications from temporary foreign workers intending to work for businesses relating to the sex trade, namely, strip clubs, escort series, and massage parlours. This policy was codified in regulation in December 2013” (Robert Orr (Witness), CIMM 14, 2014, p. 3).

Furthermore, specific accounts inquiring whether victims of trafficking can receive a temporary permit if they were to stay in Canada were found in the evidence (Lysane Blanchette-Lamothe (Committee Member), CIMM 14, 2014, p. 15). As a response, it was stated that individuals can become eligible for permanent resident status if they are a temporary resident permit holder for a period of three years, and if they meet other eligibility requirements such as not having a criminal record (David Manicom (Witness), CIMM 14, 2014, p. 15). The aforementioned explanation raised concern over whether **“women who are drawn into prostitution or trafficking rings can be considered to have a criminal record”** (Lysane Blanchette-Lamothe (Committee Member), CIMM 14, 2014, p. 15). The explanation provided stated the following: **“the whole point is that we are trying to protect the victims and we’re not going to victimize them again because of the situation they were put into involuntarily”** (Robert Orr (Witness), CIMM 14, 2014, p. 15). When questioned further, as to how exactly victims are protected, he responded, **“we can give them a permanent resident status”** (Robert Orr (Witness), CIMM 14, 2014, p. 15). While the possibility of victims of trafficking to receive a permanent resident status was mentioned, there were no exact numbers available at the time that could attest to the number of times this has in fact been the case.

In a similar conversation, there were **“concerns relating to the potential vulnerability of sponsored spouses and partners in situations of non-bona fide marriages that are used to cover human trafficking”** (Lesley Soper (Witness), CIMM 15, 2014, p. 2). However, although these remarks echo concerns for problematic policies such as the Fiancée Visa Program noted in the literature, the statement was offered in order to draw attention to the contextualization of human trafficking as a form of crime, leaving the problematic aspects of such policies rather unexplored.

In line with the aforementioned concerns however, it was stated that the CBSA is able to offer support at border points and is able to coordinate further action with all implicated partners, such as the Department of Citizenship and Canada and the RCMP who has investigative responsibility to trafficking in persons (CIMM 15, 2014). In relation to the responsibilities of the Department of Citizenship and Canada, the following remarks were stated:

“Citizenship and immigration will conduct an interview on immigration options with the victim and may issue a temporary resident permit for up to 180 days when a preliminary assessment is made that the person may be a victim of human trafficking. The fee is waived for that permit” (Lesley Soper (Witness), CIMM 15, 2014, p. 1).

“A longer-term temporary resident permit or a subsequent permit can be issued if verification of the facts provides reasonable grounds to believe that the person is indeed a victim. Immigration officers will counsel the victim regarding the need to submit an application for a work permit should they wish to work and will provide victims with interim federal health documentation. The assistance is available for up to 180 days if the victim has no health insurance and is unable to pay for their own health care services” (Lesley Soper (Witness), CIMM 15, 2014, p. 1).

In relation to some of the problematic immigration policies noted within the literature (Oxman-Martinez et al., 2005), the analysis confirmed that Immigration, Refugees and Citizenship Canada have taken various steps towards assuring victim protection and/or amending existing policies to accommodate victims of human trafficking. However, during one of the later CIMM Committee meetings, there was one account that offered insight into the mistreatment of victims and refugee determination challenges, which are consistent with some of the concerns raised in the previous section (i.e., statements by Debbie Douglas (Witness), CIMM 33, 2012).

Evidence of disregard for vulnerable populations included a testimony which talked about the refusal of a trafficked woman’s refugee claim (upon her escape of her traffickers)

(Asiya Jennifer Hirji (Individual), CIMM 102, 2018, p. 2). As it relates to this particular case, even though there was physical evidence as well as police agency compliance⁵³ the testimony revealed that the member of the IRB openly berated the claimant, expressing complete disregard for her situation (CIMM 102, 2018). While this particular example is not illustrative of legislative restrictions, it is indeed illustrative of a failed code of conduct by employees who are supposed to assist victims. Ultimately, the context around the refusal depicts that the individual was mistreated and that her refugee claim depended on her being a victim of trafficking. The larger implications of cases like the example above are that there is disregard for the basic charter rights of a refugee claimant, depending on the construction of them being a victim of human trafficking for sexual exploitation. Essentially, corroborating with findings from the literature, the evidence depicts that restrictive approaches to immigration policies reveal that the government contextualizes illegal immigration as the rights of the state and ultimately fails to prioritize and/or mitigate human rights violations (Aradau, 2004, p. 253; MacIntosh, 2006, p. 434-435; Oxman-Martinez et al., 2005, p. 23).

5.2.3 The Standing Committee on the Status of Women (FEWO)

5.2.3.1 National Strategy

During the FEWO Committee discussions, there was evidence noting the importance of the Protocol for the development of the Canadian anti-trafficking model: “**All legislation, policies, and anti-trafficking measures must be based on an understanding of gender equality in human rights as it has been expressed in the international obligations that Canada has signed under the UN Protocol on trafficking**” (Gunilla Ekberg (Individual),

⁵³ It was noted that in connection with her refugee claim, there was proof provided, such as black and white photos from Backpage advertisements, indicating that [the claimant] was a victim of trafficking as well as corroboration from Toronto Police who at the time were aware of her traffickers and were investigating the case (CIMM 102, 2018).

FEWO 27, 2006 p. 6). As part of upholding the priorities and regulations of the Protocol, discussions also focused on departmental priorities as part of an anti-trafficking strategy which directed efforts on ending violence against women through working in partnership with governments and communities. However, evidence revealed that the department faced criticism where although ending violence against women was cited as the number one priority for the department, the efforts such as working with governments and community organizations in the provinces and territories were identified as **“initiatives rather than a strategy”** (Hon. Anita Neville (Committee Member), FEWO 58, 2011, p. 3). As part of that criticism, the role of the government was also addressed: **“the government has also not prepared a national action plan on human trafficking, which makes Canada one of the few countries without a comprehensive blueprint for dealing with human trafficking”** (Hon. Anita Neville (Committee Member), FEWO 58, 2011, p. 3). A clarification of action taken towards combatting human trafficking was offered stating that **“federal efforts to combat trafficking are coordinated and monitored by now an interdepartmental working group on trafficking in persons which is co-chaired by the departments of Justice Canada and Public Safety Canada. But there are a number of initiatives ongoing within those”** (Hon. Rona Ambrose (Witness), FEWO 58, 2011, p.4).

During one of the meetings, there were instances where the question of whether *a plan* exists was avoided (FEWO 58, 2011, p. 4). However, persistent questioning efforts resulted in elusive responses that answered the question in the affirmative but contextualized concrete action undertaken as part of the Province of Manitoba led initiatives and Joy Smith’s legislation on mandatory minimums (Hon. Rob Nicholson (Witness), FEWO 58, 2011, p. 4). The Hon. Rob Nicholson, then Minister of Justice, when questioned further, proceeded to explain that the

government plan was in fact the collaboration with colleagues from Manitoba and the Criminal Code and Justice initiatives which was a misleading answer since there was no Action Plan implemented at the time. In fact, it was the following year that the Action Plan was announced with Public Safety (instead of the interdepartmental working group) as the leading department of the national strategy on human trafficking in Canada (Public Safety Canada, 2012).⁵⁴

Additional FEWO Committee discussions relating the strategic approach to addressing human trafficking were focused on the importance and need for partnership, both domestically and internationally. Illustrative examples of Canada's approach to the issue were presented as a joint effort between the Status of Women Canada, Department of Justice and the RCMP. An example of these efforts was offered: **“We have been working with other departments, to ensure that the work they are doing has a gender lens and that the policy they are working on reflects the needs of the women who may be trafficked”** (Claire Beckton (Witness), FEWO 04, 2007, p. 14). Additionally, it was said that the RCMP has been providing assistance to other police forces to be better able to identify victims of trafficking (Claire Beckton (Witness), FEWO 04, 2007, p. 14). While efforts related to the importance of training police and border immigration officers have been noted to be very significant as they usually come into contact with victims of trafficking, it is critical to understand that constructions of victims of trafficking play a huge role in how the issue is addressed by frontline workers.

In line with the earlier discussions held by the FEWO Committee, the victims were typically constructed as vulnerable, often indigenous women and children who are trafficked for

⁵⁴ The Interdepartmental Working Group on Trafficking in Persons (IWG-TIP) was the designated body responsible for policy development on human trafficking from 1999-2012. In 2012 the IWG-TIP was replaced with the current Human Trafficking Taskforce led by Public Safety Canada and comprised of key departments to lead the national anti-trafficking (Public Safety Canada, 2012, p. 9).

sexual exploitation or into prostitution (FEWO 26, 2006; FEWO 27, 2006). Thus, it is not surprising that the findings revealed that police for example, understood the victim of trafficking to be a vulnerable woman whose human rights are grossly endangered as they are forced into sex work. However, the challenges of such constructions include the neglect for consent and autonomy of individuals who to choose to work in the sex industry as well as overlooking certain victims such as victims of labour trafficking (Maynard, 2016; Roots & De Shalit, 2016; Weitzer, 2014). From the aforementioned findings, it is evident that despite the diagnostic framing of human trafficking as a human rights problem, the prognostic frame justifies the need to view human trafficking through the criminal justice system lens. The reason for this diagnostic and prognostic framing discrepancy can be attributed to effective motivational strategies, which through the use of emotive arguments, established the grounds for the condition of human trafficking by conflating human trafficking and sex work and constructing individuals in the sex trade as victims of trafficking who are helpless and in need of saving.

5.2.3.2 Federal Government Programs and Initiatives

Efforts on existing government initiatives by several government departments were discussed at great length. As part of the FEWO Committee discussions, the Department of Justice indicated that the importance of “**addressing human trafficking is through a multi-disciplinary strategy**”, which was also noted to be “**the focal point of the federal policy development of these issues**” (Hon. Rob Nicholson (Witness), FEWO 15, 2008, p. 1). These remarks indicated a dedication for the responsibility of co-chairing the interdepartmental working group.

Federal anti-trafficking efforts by Immigration, Refugees and Citizenship Canada relating victim protection were explained as “**guidelines which were introduced in 2006 for**

immigration officers to help identify potential victims of human trafficking and to provide them with protection by issuing a temporary residence permit to give them temporary resident status in Canada” (Fraser Valentine (Witness), FEWO 09, 2016, p. 7). However, during one of the earlier meetings it was explained that temporary residence permits were not granted for a sufficient time period, leaving victims of human trafficking unable to apply for open work permits which in turn leaves them in exploitative situations, without the ability to remove themselves from such circumstances (Sue Wilson (Witness), FEWO 27, 2006, p. 3). As a result of this concern, the Immigration, Refugees and Citizenship Canada department introduced changes to the TRP: **“By extending to 180 days the TRP that is issued to people who are deemed to be at risk of human trafficking, we allow them to work here, and once they’re allowed to work with a work permit, it helps them settle in”** (Hon. Diane Finley (Witness), FEWO 15, 2008, p. 5). In line with obtaining valid work permits, the department specified that **“victims can settle in and become self-reliant while being able to access health care services, including trauma counselling, under the interim federal health program”** (Hon. Diane Finley (Witness), FEWO 15, 2008, p. 3). Offering victims of trafficking to be in a position of self-reliance is a positive policy change that was noted between 2006 and 2008 by the Immigration, Refugees and Citizenship Canada department, which was not discussed during the CIMM Committee meetings but rather during the FEWO Committee meetings.

Additionally, Immigration, Refugees and Citizenship Canada also discussed the Live-in Caregiver Program (LCP) as part of the available programs that are managed by the department. As noted in the literature, the Live-in Caregiver Program in the past has been a cause for concern due to potential risks that vulnerable persons may end up being exploited upon arrival in Canada even when they arrive through legal means (Oxman-Martinez et al., 2001b). Correspondingly,

during one of the earlier FEWO Committee meetings, the Immigration, Refugees and Citizenship Canada department offered remarks which highlighted the concern about unreported abuse against immigrant women who are often very vulnerable. As a form of resolution, the department discussed that monitoring the immigration criteria is a strategy to **“keep out women who are in desperate need, financially, to immigrate, as men do, to be able to come to this country legitimately rather than to have to figure out ways around that and come in in other ways”** (Hon. Maria Minna (Committee Member), FEWO 15, 2008, p. 5). In terms of the monitoring criteria, there were no clarifications offered; however, Hon. Diane Finley stated that for live-in caregivers there were available pamphlets concerning the program and their rights under it for which information is made available through the department’s website as well as through Canadian missions overseas (FEWO 15, 2008, p. 7). Furthermore, live-in caregivers and temporary foreign workers were considered as the most exploited workers in Canada, and it was stated that under the “current rules there is simply not enough protection” (Irene Mathyssen (Committee Member), FEWO 15, 2008, p. 11). Additional questions included whether the **“government [was] planning to make necessary changes to both recognize the importance of work and to ensure the rights of the workers so they cannot be exploited and, in some cases, brutalized and made victims of trafficking”** (Irene Mathyssen (Committee Member), FEWO 15, 2008, p. 11).

The response offered by Hon. Diane Finley was that when individuals arrive and are given work permits, they are told what their rights are:

“They are counselled in their home country as to what their rights are and what they can expect when they get here. Under Canadian law, they must be treated the same way as any Canadian-born worker would be treated, in terms of work conditions, wages, and labour rights. All the same rules apply to them. It’s incumbent upon the

employers to live up to those obligations” (Hon. Diane Finley (Witness), FEWO 15, 2008, p. 11).

The Live-in Caregiver Program was not addressed any further as part of the FEWO Committee discussions, but as stated, the CIMM Committee did mention that “**changes to the live-in caregiver program were made to better protect workers”** (Hon. Jason Kenney (Witness), CIMM 36, 2010, p. 2). However, according to the Immigration, Refugees and Citizenship Canada website, the Live-in Caregiver Program has been closed to new applicants since 2014. At this time, individuals can only hire a caregiver through the program if they have found a caregiver who has a work permit in the LCP and is looking for a new employer or has been approved for a Labour Market Assessment that shows the caregiver has agreed to live in the home (Immigration, Refugees and Citizenship Canada, 2018).

5.2.3.3 Challenges

The FEWO Committee also discussed current challenges which focused on the lack of definitional clarity and the need for reliable statistics. As related to applications for temporary resident permits, it was noted that “**clarity is crucial in the existing definition of trafficking and its basis for the decision making process”** (Joan Atkinson (Witness), FEWO 27, 2006, p. 4). Essentially, a lack of understanding of human trafficking in definitional terms has direct implications for individuals eligible to apply for temporary resident permits. Consequently, ignoring the circumstances in which individuals may find themselves when entering the application process as well as misunderstanding/misapplying the definitional criteria set by the United Nations, may jeopardize the ability for a victim of trafficking to obtain a temporary resident permit.

5.2.4 The Standing Committee on Public Safety and National Security (SECU)

5.2.4.1 *National Strategy*

The SECU Committee offered remarks that express the need to prioritize cooperation and engagement in domestic and international partnership on many issues, amongst which human trafficking was listed (SECU 03, 2016; SECU 75, 2018). Specific to the human trafficking national strategy it was stated that **“Public Safety Canada is working closely with a number of federal agencies and departments, such as the Canada Border Services Agency and the RCMP, [in delivering] the four-pronged strategy that includes prevention, protection, prosecution and partnerships”** (Kathy Thompson (Witness), SECU 03, 2016, p. 5). During the latest SECU Committee meeting, there were remarks regarding funding initiatives by Public Safety Canada which illustrated the prioritization of human trafficking based on the department’s five-year plan and budget for programs. Some of the initiatives and budget considerations include:

“\$507 million for a comprehensive cybersecurity plan; \$50 million for post-traumatic stress injury research and treatment, \$33 million to help with the assistance for border officers to stem the flow of opioids in Canada; \$14.5 million to set up a hotline for victims of human trafficking to access the help that they need⁵⁵; \$20.4 million in mental health supports for women in correctional facilities, over one third of whom are indigenous; \$173 million to ensure that asylum seekers in accordance with Canadian law and all of Canada’s international obligations can be processed securely and effectively” (Hon. Ralph Goodale (Appearing), SECU 99, 2018, p. 1).

From this discussion, it is evident that the department of Public Safety, although responsible for leading the national human trafficking strategy, has minimal budgetary priority delegated to the issue of human trafficking as opposed to other areas of concern. The larger implications of these

⁵⁵ In May, 2019 the Canadian Centre to End Human Trafficking launched the Canadian Human Trafficking Hotline (The Canadian Centre to End Human Trafficking, 2019).

findings offer insight in terms of where Canada's national priorities are and how the issue of human trafficking is scaled in comparison to concerns relating cybersecurity and border security for example. Although the evidence transcripts utilized for this thesis were not explicitly assessed for budget allocations for human trafficking initiatives, the minimal evidence that was discovered does allude to some of the larger concerns that depict minimal priority for human trafficking in Canada as acknowledged in the available literature (De Shalit et al., 2014; Roots & De Shalit, 2016). Overall, the evidence indicates that although the department of Public Safety manages the national strategy on human trafficking, there was minimal involvement and/or consideration for the issue during parliamentary meeting discussions.

5.2.5 The Standing Committee on Foreign Affairs and International Development (FAAE)⁵⁶

5.2.5.1 Federal Government Programs and Initiatives

During one of the FAAE Committee meetings, human trafficking was described as an area of great concern to which the Department of Foreign Affairs, Trade and Development works on in concert with other government departments (Rachel Bedlington (Witness), FAAE 50, 2015, p. 10). Additionally, it was explained that “[human trafficking is] **not just an effort led by our ministry at all; it is something that the consular unit would be working to assist with**” (Rachel Bedlington (Witness), FAAE 50, 2015, p. 10). In fact, it was stated that while “**Public Safety is the lead for the issue**, [the department of Foreign Affairs, Trade and Development] is **looking at this from an international perspective**” (Julie Shouldice (Witness), FAAE 50, 2015, p. 10).

⁵⁶ The FAAE Committee did not discuss the issue as it relates to Question #1.

5.2.6 The Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (SDIR)

5.2.6.1 Federal Government Programs and Initiatives

Generally, the Committee discussed the international involvement and development of strategies in order to improve the prevalence and/or conditions of human trafficking in countries of concern such as Vietnam. The SDIR Committee alluded to Canada's role in international human trafficking initiatives. Canada's role was contextualized through examples of **“the Government of Canada's commitment to the United Nations Convention against Transnational Organized Crime and its supplementary protocol to prevent, suppress, and punish trafficking in persons, especially women and children”** (Robert McDougall (Witness), SDIR 58, 2017, p. 2). In line with the support for the United Nations convention and the Protocol, it was stated that as part of engaging in partnerships in all regions, **“through Global Affairs Canada's anti-crime capacity building program Canada is supporting the work of international organizations to combat trafficking in persons through three projects in the Caribbean and Latin America”** (Robert McDougall (Witness), SDIR 58, 2017 p. 2).

5.2.6.2 Challenges

Definitional limitations such as inappropriately defined concepts and the misconstrued application of such concepts were found in the observed transcripts of the SDIR Committee discussions. The risk of misconstrued definitions of human trafficking during one of the SDIR meetings was explained as a hindrance to the overall fight against human trafficking:

“On the scope of human trafficking, misconstrued definitions of human trafficking and a lack of common terminologies and framework have consistently hampered the fight against human trafficking. Therefore, I use the broader concept of human trafficking

embracing trafficking in persons, not sex trafficking only” (Nipa Banerjee (Individual), SDIR 65, 2017, p. 1).

Furthermore, the SDIR Committee discussed definitional challenges related to the notion of exploitation:

“Exploitation is the overarching theme that subsumes all forms of human trafficking: forced labour and services, child labour, bonded labour, forced prostitution, economic exploitation, war children, and even the removal of organs, all in violation of human rights” (Nipa Banerjee (Individual), SDIR 65, 2017, p. 1).

“Non-consensual exploitation occurs when people are forced and lured into exploitation. It involves the element of coercion, fraud, or deception. Consensual exploitation occurs when economic vulnerabilities force victims to accept exploitative work arrangements. Consensual exploitation typically results from the victim’s lack of access to other economic opportunities and leads to unfair treatment of the exploited” (Nipa Banerjee (Individual), SDIR 65, 2017, p. 1).

Essentially, these quotes correspond with findings within the literature which indicate that one set of the definitional limitations come from inappropriately defined concepts, amongst which is the notion of exploitation (Gozdiak & Collett, 2005; Winterdyk, et al., 2012). However, as much as the definitional limitations have had an impact on both the understanding and management of the issue of human trafficking, feminist critical scholarship has also criticized the government response and priorities which point to the lack of exploration as to which structural elements are responsible for the social and economic disadvantages that some individuals face. In this regard, Maynard argues that the essential question to ask is how can the efforts to address human trafficking be effective, if the root causes are not addressed (Maynard, 2016, p. 43)?

Following the aforementioned descriptive accounts of the Committee discussions, the next section provides a summary of how human trafficking was discussed during the observed parliamentary discussions. Essentially, the findings set the parameters for understanding the

diagnostic frame or the way in which human trafficking is defined and understood at the federal government level. Following the summary of the meaning construction of human trafficking at the federal government level, the findings are further contextualized and situated in the previously introduced thematic frames: human trafficking as a human rights concern, human trafficking as a security threat to the state and the criminalization of human trafficking in chapter six.

5.3 Depictions of Human Trafficking by Committee Group

Based on the observed evidence, five out of six Committees held discussions that focused on describing human trafficking. The ways in which the issue was discussed revealed an understanding of the different types of human trafficking in Canada, the means through which it occurs, the characteristics of the offenders and victims, as well as the root causes of the issue. The JUST and FEWO Committee discussions framed human trafficking as primarily a human rights concern and a form of modern-day slavery. The findings indicate that the modern-day slavery narrative (or depiction of) was often contextualized to represent a type of human rights abuse which remained vaguely discussed yet led to arguments that underscored the urgency to care in order to shed light on and draw attention to human trafficking. The JUST Committee description of human trafficking varied as there were descriptions which explained human trafficking as both separately and as closely related to sex work. However, the discussion concerning the conflation of human trafficking and sex work notably outweighed the efforts for distinguishing the two constructs.

Additionally, the discussions revealed that victims of human trafficking were often depicted as vulnerable women and children. Unexpected findings revealed that unlike the mainstream narratives, these women were not considered as foreigners or outsiders but rather

Canadian citizens, which reinforced the depictions found in the explored literature that much of Canada's human trafficking is in fact domestic as opposed to transnational (Public Safety Canada, 2012; Winterdyk & Reichel, 2010). However, while acknowledging that the prevalence of domestic trafficking is indeed a positive development towards understanding human trafficking in the Canadian context, the victims were still conceptualized as helpless, agency-less, individuals (women and children) in need of saving. Men remained largely unrecognized within the group of victims and instead were depicted to be largely responsible for the trafficking of women and children and as perpetrators driving the demand for trafficking (as it relates to sex work). The SECU Committee discussed similar depictions of human trafficking to those presented by the JUST and FEWO Committees. Specifically, human trafficking was explained as a form of sex work that is repressive, exploitative and illegal. Similar to the JUST Committee discussions, the conflation of human trafficking and sex work was used as grounds for legislative changes with arguments that sex work victimizes the vulnerable, further contributing to an image of a victim that needs to be saved (Doezema, 2002; Roots & De Shalit, 2016).

Unlike the FEWO Committee which discussed the nuanced nature of the root causes of trafficking, the JUST Committee did not discuss the root causes of what makes individuals vulnerable or susceptible to human trafficking. Rather it focused on the supply and demand within the sex industry. Conveniently, these discussions aided arguments raised during the JUST Committee meetings which explained and justified the need for criminal justice responses and advocacy for the criminalization of the purchaser as a way to protect society's most vulnerable individuals (and drive away the demand for trafficking).

The CIMM Committee explained some of the challenges noted within the literature regarding the conflation of human trafficking and smuggling (Oxman-Martinez et al., 2001a).

However, it was evident that there was a shared understanding among the differences of what illegal migration comprises when compared to human trafficking and vice versa.

Lastly, the SDIR Committee presented their descriptions of human trafficking as related to international partnering countries as opposed to providing explanations within the Canadian context. Contrastingly, while the FAAE Committee described the issue of human trafficking from an international perspective, they did not participate in discussions about the issue itself. While trafficking for organ removal was acknowledged as a form of trafficking by the JUST Committee, the SDIR Committee raised concerns by referencing the recognition of this practice in China. Notably the SDIR Committee adopted the human rights lens to discuss human trafficking, especially expressing concern about the exploitative nature of labour conditions in countries such as Vietnam and Burma, as well as government and police corruption which endangers human rights. More specifically, the Committee raised concern regarding the institutionalized nature of organ harvesting (Falun Gong) in China and the need for partnership-based intervention strategies.

5.4 Conclusion

This chapter presented the thematic findings as they relate to the social construction of human trafficking in Canada. The findings were grouped according to two question categories, which explored how human trafficking is constructed and subsequently how it is addressed on a national level. In this chapter, various theoretical concepts were integrated which helped to shed light on how human trafficking is constructed as a social problem and how solutions are constructed based on a particular understanding as part of departmental constructs, concerns and roles in the national anti-trafficking strategy.

In the next chapter, the research question is answered by contextualizing the findings in the three previously introduced frames. Acknowledging how different Committee groups have framed human trafficking in Canada during discussions that render evidence for policy and legislative considerations, allows for the contextualization of some of the challenges and gaps identified in the Canadian human trafficking discourse. In turn, understanding the way in which different departmental priorities shape the diagnostic and prognostic framing of human trafficking in Canada provides a measurable context that can lead to more efficient anti-trafficking strategies, as well as policy and legislative development in the future.

CHAPTER SIX: DISCUSSION

This chapter applies a social constructionist theoretical perspective to explore and contextualize the study's findings. Specifically, this chapter analyzes how human trafficking has been discussed at the federal government level, which constitutes the diagnostic frame, which by extension, shapes the type of response to the issue, otherwise known as the prognostic frame.

The aim of this thesis is to answer the research question:

How do Parliamentary Committees define human trafficking when collecting evidence for parliamentary considerations on legislative and policy changes?

6.1. Thematic Framing of Human Trafficking

Best (1987) argued that claims made about the nature of the problem may or may not reflect the realities of the problem. Instead, claims-makers tailor the description of the nature and the causes of the problem to invoke particular types of official responses, a process termed framing (Best, 1987). The significance of a frame is that it serves as an organizing device that encourages individuals to typify and categorize conditions in particular ways, ultimately carrying significance for the way a problem is understood and treated (Loseke, 2003). Considering Best and Loseke's work on framing strategies and their significance for managing social problems, the Research Question was operationalized by the presence or absence of the thematic categories and subcategories found within the literature. The Committee discussions revealed that the thematic categorizations of human trafficking at the federal government level correspond with the thematic frames from the literature. The sections below exemplify how human trafficking has been problematized at the federal government level (diagnostic framing) and the kinds of responses that have been triggered as a result (prognostic framing).

Since the ways in which a problem is framed or constructed is influential for its outcome or how people respond to it, but also for those who are involved with the problem, (Best, 2003; Loseke, 2003), the framing of human trafficking as a social problem at the federal government level becomes essential to discern. The competing ways to frame human trafficking understandably stem from the different camps of individuals (claims-makers) which through the work of claims-making have contributed to the construction of human trafficking as a ‘particular’ type of problem at large. As it relates to the claims-making process of human trafficking in Canada, the examples presented during the previous chapter reference the claims-making work at the federal government level in the human trafficking arena. In the following section, the conceptualizations of the most common ways in which human trafficking has been framed at the federal government level are presented.

6.1.1 Human Trafficking as a Human Rights Concern

The analysis revealed that the thematic framing of human trafficking as a human rights concern was especially evident in discussions held by the JUST and FEWO Committees. Overall, the evidence indicates that there is much ‘emphasis’ and ‘praise’ for Canada’s standards on human rights; however, many of those remarks were contradicted with the evidence that revealed the actual treatment of victims of human trafficking as well as the treatment of individuals working in the sex trade industry. Specifically, while human rights considerations were depicted as a primary pillar in the parliamentary discussions, the evidence revealed that utilizing human rights considerations was a motivational strategy expanding on emotive depictions of human rights abuses but not something that is evident in the substantive measures for the protection of trafficked individuals in Canada. Extensions of the human rights frame are

presented and substantiated below with findings which elaborate on the modern-day slavery narrative and human trafficking and sex work.

6.1.1.1 *Modern-day Slavery Narrative*

As was evident in the literature, much of the mainstream discourse conceptualizes human trafficking as a form of modern-day slavery. In fact, much of the dominant discourse on human trafficking rests on arguments that human trafficking is a form of modern-day slavery that violates basic human rights (Roots, 2013, p. 4; Roots & De Shalit, 2016, p. 68; Sanghera, 2005). Depictions of human trafficking as a form of modern-day slavery were often implemented as a strategy by the Committees in order to legitimize human trafficking. As Loseke explained, legitimizing constructs of meaning by expanding on contents of previously accepted conditions is a strategy she terms “domain expansion” (Loseke, 2003, p. 62). This type of strategy was effectively used by the JUST and FEWO Committees, who often resorted to the modern-day slavery narrative as a way of illustrating human rights abuses and violations. By acknowledging the historical successes of abolitionist movements especially for their impact and importance in eradicating slavery practices, the Committees’ arguments were often accompanied with emotive depictions of oppressed, vulnerable and enslaved women and children. In fact, these types of arguments were used as the *grounds* or facts to justify why the *audience* must care and to make a case for legislative provisions that were presented during some of the discussions and then subsequently implemented.⁵⁷ Ultimately, aligning with recognized dominant discourses of human trafficking, the evidence indicates that the conceptualization of human trafficking as

⁵⁷ Bill C-36, *Protection of Communities and Exploited Persons Act* was introduced as a response to the ruling regarding Bedford v. Canada case which refers to a Supreme Court of Canada decision which struck down, s. 210 (keeping or being found in a bawdy house); s. 212(1)(j) (living on the avails of prostitution), and s. 213(1)(c) (communicating in public for the purpose of prostitution).

modern-day slavery was presented as a strategy in order for the issue to be recognized by the Government of Canada as a form of human rights violation which ought not to be tolerated. However, adhering to the dominant discourse types of depictions, there is recognition for its negative implications which have hindered the ability for key federal government departments to understand what human trafficking constitutes. Skewed depictions of the issue which rest in powerful arguments that trigger emotional responses and sympathy has ultimately undermined the meaning of human trafficking and the true extent of it as a social problem in Canada. Moreover, while on the one hand, the modern-day slavery depiction has contributed to the successful enactment of legislative changes within the Criminal Code to include human trafficking specific offences, inadvertently it also brought in legislative provisions which have been deemed ineffective, repressive and cumbersome to some vulnerable populations who do not neatly fit into the stereotypical image of slavery.

6.1.1.2 *Human Trafficking and Sex Work*

Overall, the constructs of human trafficking and sex work were the most prominent at the federal government level discussions, as the issue was generally described through the lens of trafficking for sexual exploitation. The Committee discussions generally indicated a good level of understanding of the difference between human trafficking and sex work; however, there was still a lot of conflation of the two constructs. The way in which the issue was conflated was often to depict sex work as a form of abuse and to create imagery of women and children who need to be saved. Conflation of trafficking with sex work was often presented via claims-making strategies, which framed sex workers as women who are vulnerable, easily manipulated and susceptible to abuse by men. These depictions not only align with the stereotypical imagery of human trafficking, but they also justify criminalized responses (Roots & De Shalit, 2016).

Similar to the arguments which contextualized human trafficking as a form of modern-day slavery, the arguments presented by the JUST and FEWO Committees demonstrated the government's ability to undertake several legislative changes as part of addressing the exploitative aspects of sex work. Leveraging on aspects of exploitation, which is an element of human trafficking criminalized under the Protocol, was a strategy applied in the construction of sex work as a violent circumstance where exploitation occurs. Specifically, emphasis was placed on the assumed lack of consent for individuals susceptible to abuse; thus, criminal justice responses were recommended. While the success of claims that sex work and human trafficking are not only interconnected but that addressing sex work in Canada would in turn prevent human trafficking led to the enactment of Bill C-36, *Protection of Communities and Exploited Persons Act*, the findings provided illustrative examples which prove otherwise. Contrary to the arguments presented during discussions specific to Bill C-36, several individuals, whose real lived experiences were recounted in their testimonies, conceptualized their involvement in the sex work industry as both willing and consensual. In fact, the findings revealed that individuals who engage in sex work do not consider themselves as victims of the industry or of their experiences, but rather as systematic victims of the treatments they have received through the various enacted policies, legislation and organizational processes.

6.1.2 Human Trafficking as a Security Threat to the State

Conceptualizations of human trafficking as a form of security threat to the state are often coupled with fears of terrorism and organized crime, as well as growing concerns for illegal migration (Farrel & Fahy, 2009, p. 618; Kaye & Winterdyk, 2012; Ricard-Guay & Hanley, 2014). Since the Protocol set the regulatory parameters around human trafficking, the issue has been characterized by the movement of persons across national borders. In this regard, human

trafficking has been framed as a transnational organized crime which targets international borders (Doherty & Harris, 2015, p. 29). However, “contrary to a common misconception, the transfer of people is not a determinant factor in trafficking” (Ricard-Guay & Hanley, 2014, p. 19). In fact, the findings revealed that the issue was primarily domestic rather than transnational, adhering to explanations from the literature which discuss that since movement or the location is not essential to other elements of the offence such as the recruitment, harbouring, exploitation and so on, it is also not to human trafficking (Doherty & Harris, 2015; Ricard-Guay & Hanley, 2014). However, despite the evidence that human trafficking is much more of a domestic issue in Canada, there were arguments that explained the issue through the lenses of organized crime, illegal migration and border control, as well as discussions on various policies and programs which legitimize the security-centric construct of human trafficking in Canada.

6.1.2.1 *Human Trafficking and Organized Crime*

The findings indicate that during some discussions held by the JUST Committee, aspects of organized crime were explored. Interestingly, claims that the connection between human trafficking and organized crime were described as significant, even though only 9% of known criminal groups in Canada were recognized as involved in human trafficking (Joanne Crampton (Witness), JUST 87, 2018, p. 14).⁵⁸ On the other hand, the CIMM Committee discussions, which highlighted the conflation of human trafficking and smuggling, were in fact not for reasons that revealed a misunderstanding of the two issues, but rather a framing strategy which conceptualized both issues as a form of organized crime. The literature denotes these findings as the intentional adoption of an organized crime framework in order to justify law enforcement and

⁵⁸ A testimony provided by Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations Royal Canadian Mounted Police.

immigration control interventions (Bruckert & Parent, 2002; Ricard-Guay & Hanley, 2014). Furthermore, findings from a study conducted by Ricard-Guay & Hanley (2014) indicate that many of the accounts of trafficking shared by respondents in the study did not attest to a commonality of links between organized crime and street gangs more specifically (p. 28), which further confirms the minimal application of the organized crime construct.

As such, it is important to note that while there are components of human trafficking rooted in the clandestine and lucrative nature which are indeed connected to organized crime generally, the extent to which domestic trafficking occurs in Canada far outweighs the need for some of the adopted measures that have been developed as a response to the transnational nature of the issue and the specific targeting of organized crime groups and channels.

6.1.2.2 Human Trafficking, Illegal Migration and Border Control

Since Canada signed the Protocol, the government response towards trafficking has ensured a security-centric approach, focusing on the prosecution of traffickers and fighting illegal migration (Ricard-Guay & Hanley, 2014). The evidence revealed that in fact some of the earlier CIMM Committee discussions focused on constructs of foreign or outsider threats as responsible for trafficking in Canada.⁵⁹ Arguments presented during the discussion as well as much of the criticism that Canada had faced over the years, especially from the United States, had resulted in the justification of tightening the access to immigration channels which are especially challenging for individuals who are unable to satisfactorily prove their identities (Oxman-Martinez et al., 2001a). Ultimately, such policies compromise the safety and human rights of asylum seekers who may seek protection in Canada as ways of escaping vulnerable

⁵⁹ Contextual reference to an example provided during the CIMM Committee discussions relating the prosecution of a group of eight individuals from Hungary participating in a criminal organization responsible for one of the largest human trafficking cases in Canada (Toni Skarica (Witness), CIMM 33, 2012, p. 19-20).

situations within their own countries. These findings mirror concerns that many of the established programs and initiatives rest on the construction of the “perfect victim”. Such constructions, have been found to result in situations where individuals may end up criminalized rather than protected unless they satisfactorily prove their identities or prove that they are worthy of assistance, which according to findings in both the literature and this study, oftentimes is based on forms of discretionary measures rather than on the right to safety of the individual.

6.1.2.3 *Immigration Policies and Programs*

Overall, the findings revealed an adequate general understanding of the established programs (such as the Temporary Residence Permit and Temporary Worker Program) and the ways in which individuals can qualify and apply for these programs. However, the discussions revealed that some of the said requirements within these organizations place great emphasis on the established criteria. For example, temporary residence permit applicants are required to show that there are indications of coercion and/or fraud linked to their arrival to Canada and that they have experienced exploitation, coercion, fraud, forced labour, etc. (Bruce Scoffield (Witness), JUST 88, 2018, p. 10).

Both the JUST and CIMM Committees engaged in detailing the process and benefit of such programs while referencing the prioritization for victim protection, victim rights and the reduction of vulnerability. However, while the existence of temporary residence permits is indeed a positive development, the evidence confirmed that there is a focus on “perfect victims” implicating the regulatory process of the policy itself. Similarly, the Live-in Caregiver Program (LCP) was explained by the CIMM Committee as a policy which was implemented by the Immigration, Refugees and Citizenship Canada department in order to better protect vulnerable

workers and make it easier for them to obtain permanent residency; but there were no explanations as to how that was to be implemented and/or managed.

Interestingly, during the FEWO Committee discussions' representatives from the Immigration, Refugees and Citizenship Canada department highlighted the concerns relating the unreported abuse of immigrant women who were described as very vulnerable. The current process for both temporary foreign workers and live-in caregivers was explained as not providing enough protection and there was recognition for the necessary changes that need to be developed in order to ensure the rights and safety of the workers. As part of the implemented regulatory changes, the LCP process has now been closed to new applicants and only exists for live-in caregiver work permit holding individuals who are looking for a new employer.

It is important to note that while the current approaches refer to legitimized processes, the implications of such conceptualizations are two-fold. First, as noted in the previous section, the evidence revealed that at times victims of trafficking are in fact systematically re-victimized as it was explained that the offering of the services is often discretionary and based on criteria that are constructed on the premise of the "perfect victim". These findings align with references made in the literature which discuss constructs of stereotypical victims and ideal victims of human trafficking which are viewed as legitimate and worthy of assistance (Copic & Simeunovic-Patic, 2012, p. 271; Maynard, 2016, p. 42). Specifically, the findings illustrated that individuals are mistreated, judged and left unprotected by agencies and/or individuals (such as the police and/or border service agents) who are supposed to provide protection. Additionally, a set of implications exists especially for non-citizens which may end up criminalized for arriving and/or residing in Canada illegally.

An illustrative example of non-status citizens seeking government assistance was discussed by the CIMM Committee where the systematic treatment of a victim of human trafficking who had applied for a refugee claim was exposed where the individual, instead of being protected, was left humiliated and in a compromising situation fearing for her safety. This particular example demonstrated not only disregard for the human rights of the claimant, but also a failed code of conduct by employees who are supposed to assist victims. As such, the evidence reveals that the implications for those most vulnerable and affected individuals tend to be rooted in selective processes and skewed interpretation of victimhood. Ultimately, such findings further contradict the said notions of “practicing and upholding human rights to the highest standards” and instead reveal proclivities towards discretionary practice within organizations and justifications for law enforcement or border enforcement measures to be applied.

6.1.3 Criminalization of Human Trafficking

As discussed in previous chapters, the Canadian anti-trafficking framework adopts the Protocol 3P’s paradigm which focuses on prevention, protection and prosecution and Canada’s own fourth “P” which highlights the importance of partnerships (Public Safety Canada, 2012). The evidence indicates that during the parliamentary discussions, the Canadian anti-trafficking efforts, as presented in the national strategy, were recognized but remained minimally prioritized. While the JUST, FEWO and SECU Committees discussed the elements of human trafficking as part of the national strategy more generally, victim protection was referenced as a primary pillar in the Canadian anti-trafficking framework. Interestingly, what the evidence revealed was a form of idealization towards victim protection which has not been appropriated in the existing efforts at the federal government level. Instead, Committee members were noted to emphasize the prosecution of criminals rather than the protection of victims. Additionally,

another layer of the findings revealed that the discussions and concerns were often rested in the prioritization for partnerships and the need for not only domestic, but also and more importantly, international cooperation.

Shaping the Canadian anti-trafficking framework is the Protocol and the Canadian anti-trafficking legislation; this includes section 118 of the Immigration and Refugee Protection Act (IRPA) and section 279.01 to 279.04 of the Canadian Criminal Code (Kaye et al., 2014; Public Safety Canada, 2012). Legislative discussions during the meetings indicated that the manner in which the victims of human trafficking were depicted (sex workers, illegal migrants, etc.) often calls for the adaptation of criminal justice-oriented solutions which is a concern frequently raised within the critical discourse on human trafficking (Kaye, 2017; MacIntosh, 2006; Maynard, 2016; Roots & de Shalit, 2016; Shin, 2017).

Despite the adaptation of legal mechanisms, Canada has faced major challenges when prosecuting human trafficking (Kaye et al., 2017, p. 27). Some of the literature has criticized the fact that the number of prosecutions has not reflected the disproportionate criminal justice measures implemented. In the literature, it has been reported that prior to 2012, the year Canada released the national strategy, there were only 25 human trafficking convictions under the Canadian Criminal Code (Kaye et al., 2014, p. 27; RCMP, 2013, as cited in Roots & De Shalit, 2016, p. 69). However, since then the number has rapidly grown. During one JUST Committee discussion it was revealed that according to the RCMP Human Trafficking National Coordination Centre, there were 455 specific cases where human trafficking charges were laid involving 433 domestic cases and 22 international cases between 2005 and 2017 (Joanne Crampton (Witness), JUST 87, 2018, p. 4). Of these cases, a total of 118 have resulted in human trafficking specific convictions (Joanne Crampton (Witness), JUST 87, 2018, p. 4), with 47 cases

recorded in 2017 (US Department of State, 2018).⁶⁰ As reflected in the exponential growth based on the available numbers, many of the critiques in the literature explain that the increase in criminal convictions is not a true reflection of the extent to which trafficking is prevalent in Canada but rather is a timely development as it allows Canada to sustain its anti-trafficking subject position and international image (Grantham, 2017; Roots & De Shalit, 2016).

As noted above, while legislative discussions often considered forms of victim protection, the evidence revealed gaps which depict that although the protection of victims and upholding victim's human rights to the highest standard is stated to be Canada's priority, it is not in fact substantiated within the anti-trafficking efforts discussed at the federal government level. The findings indicate that many of the processes negatively affect the very population they claim to protect. Additionally, acknowledging that Canada has been without a national strategy since 2016 speaks to the minimal practical prioritization of the issue at the federal government level. Thus, it is important to note that in order to close some of the gaps between federal government services for victims or trafficking, the issue must be appropriately prioritized. Such prioritization should be built into a national strategy which is reflected in social practice.⁶¹ Overreliance on criminal justice definitions creates additional barriers for individuals trying to access services and indicates that, more than ever, there is a need for alternatives to conventional criminal justice response mechanisms.

⁶⁰ According to the latest TIP Report, in 2018, Canadian federal, provincial, and municipal law enforcement officials charged 118 individuals in 72 trafficking cases (and one for labour trafficking), (US Department of State, 2019).

⁶¹ In chapter seven, I recognize the development of the new National Strategy on Human Trafficking in Canada which was released in September, 2019. While this is indeed a timely and significant development, it is of utmost importance that the efforts stated within it are appropriately prioritized and reflected in social practice.

6.2 Links to Mandates/Responsibilities of the Observed Committees

Mainstream depictions of human trafficking focus on stereotypical narratives, stereotypical imagery of victims of human trafficking and offer a limited understanding of the nuanced and complex nature of the issue (Kaye, 2017; Roots & De Shalit, 2016). After conducting the analysis, it was found that the Committees thematically framed the issue by referencing applicable components/elements of human trafficking as they relate to their respective mandates, while strategically advocating for a response and approach to addressing human trafficking that satisfies their mandated responsibilities within formalized processes. For example, the CIMM Committee which is representative of Immigration, Refugees and Citizenship Canada, discussed the issue as it relates to border control or other immigration priorities such as those of refugee determination or migration control. Similarly, the SDIR Committee which represents the Subcommittee on International Human Rights of the Standing Committee of Foreign Affairs and International Development focused on Canada's role in international partnerships and discussed ways in which Canada can aid countries in need. Additionally, the SDIR Committee most often conceptualized the Canadian partnership efforts as opportunities to ensure that human rights abuses are addressed.

While it is understandable that the Committees had specific interests pertaining to the represented departments' mandates when discussing the issue, several limitations became evident. The findings revealed that there is a glaring discrepancy between the way the issue is constructed in the approach of defining or describing the issue and in how the issue was addressed by way of discussing available programs and legislative and policy related advancements in the area. However, the findings revealed that the discrepancy related to the definition of the issue, and correspondingly the way in which the issue was addressed, was not

rooted in an understanding of the elements of the issue itself. Instead, constructions of human trafficking were strategically presented by the utilization of claims-making and framing strategies in ways, which regardless of the divergence in ideological understanding of the issue, can be treated through a criminal justice response, thus, making both discussing and managing the issue through coordinated efforts, challenging ones. For example, the evidence unveiled that even in instances where the diagnostic framing of human trafficking was presented in the human rights frame, the prognostic framing was offered in the form of a criminal justice response contradicting the grounds for the human rights-based condition of human trafficking in the first place.⁶² Echoing the findings in the literature, these types of strategies allow Canada to sustain its anti-trafficking efforts on the international stage (Roots & De Shalit, 2016), but do not necessarily contribute to the overall expected interdepartmental responsibility under the National Strategy. Additional difficulties stem from the lack of an agreed upon definition of what human trafficking is, which was evident in the different points of relevance (as per their mandated responsibility) discussed by the Committees.

The implications for the divergence in understanding or defining the issue are two-fold. Firstly, there are challenges that arise especially as they relate to defining (recognizing) what human trafficking is. Moreover, the risks associated with conflating human trafficking with other crimes or treating it as a catchall term for different types of crimes ultimately affects the ability to recognize victims of trafficking and extend appropriate treatment to victims of trafficking. While the analysis revealed that the construction of human trafficking at the federal government level is often rooted in the mandates and governing policies of the departments responsible (as indirectly observed), the divergence in the frames indicates that claims-makers through the

⁶² Claims-making in practice is further contextualized in chapter seven, section 7.3.2 *Theoretical Implications*.

practice of claims-making wanted to achieve different agenda items which more often than not coincide with the broader mandates of the departments. Although as stated within the National Strategy, this interdepartmental approach has the potential to be extremely helpful and maximize the various benefits to addressing the different aspects of the issue, lack of agreement on what the issue is and lack of coordination on how to address it can not only undermine the national response to human trafficking, but also lead to unintended harms for populations who are already at risk.

6.3 Conclusion

This chapter focused on providing an overview of the most prevalent ways in which human trafficking was discussed at the federal government level. Additionally, it presented the types of responses that stem from such depictions of the issue as noted within existing policies and legislation. As explained in previous chapters, given that the expectation for prognostic framing should derive from the outcomes of the diagnostic framing, it was noted that through tactical manipulation or claims-making and framing strategies, the issue of human trafficking was problematized in order to be treated primarily through a criminal justice response which contradicts much of the human rights based arguments that were presented. While in this chapter I contextualized the findings based on the thematic categorizations through which they were analyzed, the following chapter summarizes the findings from this project in additional detail and presents their significance as well as the limitations of this project and directions for future research.

CHAPTER SEVEN: CONCLUSION

The final chapter concludes the project. Additionally, the significance of the findings as well as the practical and theoretical implications are presented. Lastly, the chapter expands on the theoretical and methodological limitations and provides directions for future research.

7.1 Summary of Major Findings

This project observed the construction of human trafficking as a social problem at the federal government level through the use of claims-making and framing strategies during Committee discussions for policy and legislative considerations. Based on the analysis, despite the noted ideological divergence in the Committee discussions of human trafficking, such as trafficking for sexual exploitation or labour, the Committee discussions framed human trafficking primarily through the lens of criminalization. The criminalization of human trafficking is noted to be at the forefront of the Canadian anti-trafficking efforts since regardless of the various defining conditions that were uncovered (human rights violation, modern-day slavery, organized crime), the treatment for all different conditions has been primarily through a criminal justice response which rests in the problematization of human trafficking as a crime problem that needs to be addressed. Thus, the diagnostic framing of human trafficking as a crime has ultimately led to prognostic approaches found in the national strategy which are based on a criminal justice response regardless of the conditions used to categorize and typify the issue to be understood as a crime problem. Essentially, the crime problem frame has had a direct impact on the understanding and perception of human trafficking in a very narrow sense as this particular frame has constructed human trafficking to be understood through depictions or stories which shape the types of responses implemented. Consequently, the aforementioned dominant understanding of human trafficking as a crime problem continuously compromises measurement

and management approaches to the issue to be appropriated in the prosecution of traffickers, the legitimization of “perfect victims” and the adoption of legislative and policy measures which more often than not generate negative implications for vulnerable non-status persons or marginalized and oppressed societal groups generally.

Ultimately, this project did not observe the extent to which human trafficking exists or does not exist in Canada. Instead, this project argues that based on the way that human trafficking is defined, there is a direct association to the way it is addressed. By way of applying the social constructionist perspective, the findings reveal that misconstrued definitions can, in conjunction with unreliable numbers, lead to a policy that addresses the issue as it is alleged to exist rather than how it actually is. Therefore, the challenges that the diagnostic framing of the issue reveal is that defining the issue in accordance with the mandated responsibility of departments assigned to regulate human trafficking has resulted in ideological differences which rest on non uniform constructions of the meaning of human trafficking. However, despite the divergence in explaining the meaning of human trafficking, the approach to addressing it in Canada was found to be rooted in the practice of criminalization (or ensuring that the issue is viewed through a criminal response lens). Such a construction of the issue has created an anti-trafficking approach that is aligned with Canada’s international commitments rather than situated within the country’s own context. Fundamentally, the findings revealed that the aforementioned conceptualization of human trafficking is more often than not at the expense of the human rights of Canada’s most vulnerable and most affected populations.

The problem of recognition and restoration of human rights for victims of trafficking is rooted in the limited recognition of the complexity of the issue and of their lived experiences. Unfortunately, such approaches to treating human trafficking have been undertaken at the

expense of victims whose vulnerabilities are neglected as they are exposed to discretionary processes that may end up being rooted in international obligations rather than in victim's needs (Roots & De Shalit, 2016).

International and national legal frameworks responding to human trafficking have been framed within a transnational crime and immigration control regime, creating circumstances that ask for and reinforce state power and control under the rhetoric of human rights (Shin, 2017, p. 2). Acknowledging the theoretical application of contextual constructionism allows for studying claims-making in the context of culture and social structure (Best, 1993). Ultimately, the agenda driven approach to the issue of human trafficking has not only failed to address the social needs of the affected Canadian population, but it has also created a national response which does not represent a sufficient anti-trafficking strategy. Moving forward, we need to ensure that a stereotypical or mainstream understanding of human trafficking is not utilized as a basis of what human trafficking is and how it is represented in Canadian society. Acknowledging the unique Canadian social fabric and societal needs of vulnerable Canadian populations when developing legislative and policy parameters is key in creating counter-narratives that recognize the complexity of human trafficking and its multifaceted nature. In turn, applying an appropriately contextualized approach to constructing the meaning of human trafficking in Canada will lead to a better and more informed anti-trafficking framework which will allow for the lived experiences of Canada's most marginalized and oppressed populations to be accounted for and addressed. Furthermore, not only will the aforementioned approach lead to better ways to address human trafficking, but it will also shape responses and reform existing policies which have been recognized as discretionary, harmful and non-effective. Moving away from a criminal justice response will strengthen the efforts of creating a more comprehensive and informed approach to

addressing human trafficking, which will in turn, result in a more proactive approach towards societal regulation rather than reactive processes that diminish societal trust and do a disservice to trafficked populations by denying even their basic human rights.

7.2 Significance of Findings

This thesis observed the construction of human trafficking by Parliamentary Committees for consideration on legislative and policy changes at the federal government level. The significance of the findings rests in the acknowledgement that how the issue is constructed has ultimate repercussions for how the issue is treated socially and legally as well as through other relevant policy. In exploring the discussions at the federal government level in Canada, the evidence is significant insofar as it demonstrates that the implications of siloed interdepartmental approaches have resulted in misconstrued definitions and divergent and ineffective management strategies to addressing human trafficking. The findings reveal that influences of external policies and international responses to the issue need to be contextually understood and not appropriated in the Canadian anti-trafficking framework without substantiated applicability to the Canadian country context. Contextual constructionism extends support to relate applicable social references which assist in ensuring an appropriate response suited to address the issue within the Canadian country context. Moreover, contextual constructionism supports notions that urge us to recognize that we need to stop looking everywhere else and instead focus on our own country landscape, from indigenous communities to immigrant populations, whose needs are not represented within the general populations internationally, but are constructed and experienced through the unique social and cultural contexts which make up the Canadian social fabric.

Comparatively, it is important to note that some of the findings from the evidence transcripts indicated that constructions of victims are especially relevant to the way they are

treated by frontline workers, but also socially at large. In 2018 and 2019 respectively, I attended two government related events⁶³ which discussed the issue primarily within mainstream narratives, which more often than not have a reductionist tone which is not reflective of the lived experiences of all those affected by trafficking. Corresponding to the findings in the evidence, within these discussions, the issue was also primarily observed through the sexual exploitation lens, where women (and children) were constructed as helpless and agency-less individuals, susceptible to abuse by men. By contrast, men continued to be largely depicted as perpetrators driving the demand for sex work and remained largely neglected as potential victims of trafficking. These types of claims resulted from motivational strategies where certain individuals were constructed as victims deserving of sympathy due to the harm perpetrated against them, while others were constructed as the perpetrators (villains) causing the harm and thus deserving of condemnation and punishment (Loseke, 2003). Loseke argues that “when claims motivate audience members to feel sympathy toward a social problem victim, they simultaneously motivate audience members to support claims that the victim must be helped” (Loseke, 2003, p. 79).

As discussed throughout the thesis, while these findings are echoed in the types of legislative and policy measurements in place, it is noteworthy to mention that the findings of this thesis parallel what continues to occur in the community and at the government level discussions despite evidence in the literature that warns against some of the dangers and unintended harms

⁶³ In 2018 at City Hall in Ottawa, there was an awareness discussion on human trafficking in Canada which included panelists from different working sectors such as law enforcement, frontline workers as well as survivors of trafficking. In 2019 at the House of Commons in Ottawa, Tímea Nagy launched her book, *Out of the Shadows: A Memoir*. At this event the issue of human trafficking was discussed at large by various panelists, such as survivors and frontline workers from the Ottawa/Gatineau area. The opening statement of this thesis broadly reflects the discussion at this event which as mentioned, inadvertently perpetuated stereotypical ways of defining and constructing human trafficking in Canada. While I attended and comment briefly upon these two events for the purpose of situating my thesis within wider and timely activities, I did not require ethical approval to do so since they were public forums and their content was not part of the sample analyzed in this study.

that are perpetuated through the stereotypical construction of human trafficking victims, as well as the reductionist ways of viewing the issue. Evidently, these findings highlight the need to approach and address the issue more comprehensively especially when there are opportunities to raise awareness, to share the work across government and civil society and to generate a strengthened approach to addressing trafficking overall.

7.3 Implications of This Research

7.3.1 Practical Implications

As presented in preceding chapters, since meaning is subjective and therefore not rooted in the condition itself, effective claims-making and framing strategies impact the way an issue is constructed (diagnostic framing) and subsequently treated (prognostic framing) (Loseke, 2003). While this project assessed the diagnostic and prognostic framing of human trafficking, it must be acknowledged that through effective motivational strategies, the different Committees (as representative of their respective government departments) thematically frame the issue of human trafficking in order to trigger a type of response which is beneficial, applicable and legitimized to the processes within the mandated responsibilities of the departments which they represent. However, the uncoordinated government approach to understanding human trafficking has significantly hindered the ability to appropriately manage the issue in the Canadian context. In saying that, some of the unexpected findings revealed an awareness and acknowledgement of the noted discrepancy in defining human trafficking across some key federal government departments. In fact, the findings alluded to an awareness that currently many government departments are working in silos and are not practicing an interdepartmental approach to addressing human trafficking (as they focus on defining the issue as it is applicable to them). During some of the 2018 discussions, it was expressed that uncoordinated approaches in

addressing human trafficking have been a result of independent rather than coordinated interdepartmental processes which have direct implications for how the issue is defined. During the discussions, it was recognized that the lack of collaboration at the national level is an ineffective way to deal with human trafficking which ought to be changed. Conceptually, siloed approaches to issues that require interdepartmental efforts, paired with divergent constructions of the meaning of the issue, significantly impact the ability to determine the scope of the human trafficking in Canada. Comparatively, divergent constructions to defining human trafficking and those who are affected by it influence not only the policy and legislative approaches to managing the issue, but also the ability to address the root causes and ensure that the most vulnerable populations are protected.

The aforementioned lack of definitional clarity was noted in discussions held by almost all Committees. However, the JUST, FEWO and SDIR Committees discussed definitional challenges at greater length and argued that clarity is crucial in the existing definition of trafficking as its basis affects not only the decision-making process, but also the measures implemented to combat the issue. The Committees conveyed that on the scope of human trafficking, misconstrued definitions and a lack of common ways to conceptualize the issue have consistently hampered the fight against human trafficking in Canada. Additionally, the definitional challenges were said to have a huge implication on the collection of data and the ability to determine the extent of human trafficking in Canada. Since government departments have been found to define the issue differently and most often in ways which are based on and/or are connected to their respective organizational mandates, the information is one-dimensional as it is collected for the purposes of their involved practices towards the issue (Gozdziak & Collett, 2005, p. 106; MacIntosh, 2006, p. 410; Winterdyk et al., 2012, p. 8). Evidently, divergent

interdepartmental definitions (conceptualizations) of human trafficking have led to a lack of evidence-based data collection of human trafficking in Canada which has legislative and policy implications. More importantly, a lack of definitional clarity, and consequently, an inability to determine the scope of the issue has painted an inaccurate picture of what human trafficking represents in the Canadian context, at the expense of the most vulnerable and already marginalized populations (Maynard, 2016). This results in minimal prioritization of the issue on a national level, especially when compared to other issues (such as national security and cyber security, for example).

7.3.2 Theoretical Implications

This thesis applied the social constructionist lens which allowed for the exploration of the construction of meaning through claims-making and framing strategies. The diagnostic and prognostic framing strategies indicated that although diagnostic divergence was noted, through the use of motivational and claims-making strategies, human trafficking was conceptualized as a condition which requires and is justified through a criminal justice response. Claims-making in practice involves the simultaneous construction of typifications of conditions and people, and of problems and solutions in ways which motivate audience members to think and feel in particular ways (Loseke, 2003). Through constructs of blame and responsibility, effective claims-makers were able to establish diagnostic frames which stressed the importance of looking at human trafficking as a condition which is harmful and must be eradicated. On the basis of establishing the causes of human trafficking, constructs of the human rights frame included powerful claims-making strategies which depicted the issue to be primarily a result of the supply and demand within the sex trade, where helpless women and children are not only affected, but must be saved from non-consensual dangerous and exploitative sex working conditions which are essentially

driven and perpetrated by men. These types of emotive depictions as part of the motivational framework removed the responsibility for the harm that these women and children experience in order for audience members to legitimize certain individuals to be constructed as victims who deserve sympathy (Loseke, 2003, p. 78). Contrastingly, discussions relating to the security frame resorted to constructs of individuals such as non-status individuals or illegal migrants, who undermine the safety and security of society and who willingly put themselves in harms way or in situations which tend to be harmful. Thus, constructing them as individuals who are not deserving of the same type of sympathetic response as they share a responsibility in the potential harm they may experience. Lastly, by way of constructing the prognostic frame, claims-makers focused on claims which resolve the harms created by the conditions, which in the case of the Committee discussions at the federal government level, was justified through policy and legislative changes that favour forms of criminalization and justification for criminal justice responses. Ultimately, the findings indicate that regardless of the divergent ways to construct the diagnostic frame of human trafficking, the ways in which the issue was proposed to be treated socially resorted to criminal justice responses which were advocated to be effective ways to alleviate the harm caused by the conditions featured in the social problem formula story (Loseke, 2003). Unfortunately, it is the very narrow constructs and overreliance on the criminal justice lens which have led to legislative and policy changes that have inadvertently resulted in harmful behaviour and social treatment towards already vulnerable populations.

The findings of this research lend support for the significance of the study within the field of criminology. Critical criminological scholarship, in conjunction with Loseke's theoretical extensions, has enhanced this study as it has illuminated areas where mainstream scholarship tends to offer a problematic and limited understanding of human trafficking and its implications

for those most affected by it within Canadian society. Specifically, from the reported findings, one can discern the risks associated with the narrow depictions of the concept of crime. The analysis of human trafficking as a social problem prompts us to recognize the need to expand the narrow lens of crime to include broader notions of harm. As Matthews and Kauzlarich (2007) note, advocates from the social harms camp have argued that it may be more relevant to shift attention from crime to harm as there is no ontological reality in the category of crime (p. 45). Additionally, acknowledging the contested nature of the concept of crime both legally and socially warrants that complex issues where human rights are at stake be explored through an interdisciplinary notion of harm as it is more encompassing than narrow conceptions of crime within traditional criminology. While it is important to note that the notion of harm may be equally as subjective as the concept of crime, certain “violations of universal - or at least shared - conceptions of human rights”, which are implied within a wider sense of harm, serve to broaden and even move beyond the definitions of crime in order to consider rights-related complexities (Schwendinger H. & Schwendinger J. 1970 as cited in Matthews and Kauzlarich, 2007, p. 44).

As the findings indicate, viewing human trafficking primarily as a crime problem and particularly through legal constructions is not only limiting but it also runs the risk of overlooking the basic human rights of those who are most vulnerable. Therefore, it is integral that certain violations (implied within the broader notion of ‘harm’) be viewed in a more nuanced manner which allows for the exploration of the complexities of lived experiences and the effects on the populations who are affected. Furthermore, since the focus in Canada tends to be on the criminalization of human trafficking, continual efforts that lead to the issue being constructed within the crime-focused lens, as well as the corresponding limitations of such narrow constructions ought to be studied within criminology.

Critical feminist analysis would argue that if exploitation is the key element to the offence of human trafficking (as per the current definition of human trafficking), then “government priorities should include efforts to prevent and combat trafficking through the dismantlement of exploitative economic, social and political structures” (Maynard, 2016, p. 43). While the Action Plan (2012), suggests that victims of trafficking are socially or economically disadvantaged, there is no exploration as to which structural elements may be responsible for that; thus, it becomes necessary to ask how the efforts to address the crime of human trafficking can be effective, if its root causes are not addressed (Maynard, 2016, p. 43). The mainstream discourse primarily denotes human trafficking as a gendered crime which disproportionately affects women and children and is of a sexual nature (Maynard, 2016; Roots and De Shalit, 2016; Public Safety Canada, 2012). However, indigenous populations, migrant and non-status individuals as well as sex workers⁶⁴ “are particularly vulnerable to such [social and structural] injustices due to a number of laws and government policies that systematically reduce the control they have over their labour and lives, depriving them of basic human rights (Lowman, 2000; Currie & Gilles, 2006; van der Meulen & Dursin, 2008 and van der Meulen, 2010 as cited in Maynard, 2016, p. 43). Thus, it becomes fundamentally important that the issue of human trafficking be addressed through an intersectional approach which removes the overt emphasis on the gendered aspects of the crime and focuses on the intersection of different social categories and acknowledges the nuances of intersections of power socially (Collins, 2015).

The relevance of intersectional knowledge application as it relates to Canada’s cultural and social contexts is emphasized even more as the complexity of human trafficking calls for

⁶⁴ These categories are not mutually exclusive nor all encompassing of all who are vulnerable and marginalized in Canadian society at large (and worldwide).

appropriate responses to remain rooted in the understanding of the nuanced lived experiences, and the causes of vulnerability and marginalization of those who are more at-risk to become victims of trafficking. Neglecting Canada's unique social fabric, as a country with large indigenous and immigrant populations, results in efforts towards the issue which place an over-extended emphasis on certain victims, while leaving the rest excluded and unprotected. Therefore, in moving forward, policy makers should remain cognizant of the applicability of the international contextualization of human trafficking and the unique cultural, social and legislative contexts which immensely influence the management and response to human trafficking in Canada. Ultimately, our goal when building policy should remain on the construction of human trafficking: what human trafficking is, the complex lived experiences of victims and how it should be addressed, as it relates to the Canadian country context.

7.4 Limitations

7.4.1 Theoretical Limitations

This project implemented a strategy that explored claims-making and framing strategies by treating the Committees as claims-making groups instead of discussing the claims made by the individuals (as claims-makers).⁶⁵ The chosen strategy may be considered a limitation since within the social constructionist theory, there has been considerable discussion about the role of the individual in claims-making strategies. Based on Spector & Kitsuse's hierarchy of claims-makers, the assessment was made based on the acknowledgment that as it relates to the

⁶⁵ I contextualized the Committees as a claims-making group as they are tasked with delivering the findings from the discussions to the House of Commons. I did not extend considerations for the Committees as individual facilitators as the individuals who attended the discussions were typically not part of any particular group but they were invited and consulted based on a screening criterion implemented by the Committees themselves. Since the selection of attendees was done by the Committees as well it was acknowledged for its significance and their "power" as a group to collectively lead the discussions and also put forward recommendations for the House of Commons to consider.

construction of social problems, certain experts are more powerful or successful claims-makers. In relation to this project, the use of the theory is less conventional as the extent to which it was applied via the claims-making theory did not assess the claims-maker individually. Therefore, the success of the claims was not assessed based on the ability of the claims-maker to put forward a successful claim for consideration. Rather, it was the types of claims and strategies utilized by the Committees as representations of claims-making groups that were highlighted and analyzed because they represented a collective understanding of the issue at the federal government level. Furthermore, the level of success of certain claims over others was not assessed; rather the types of claims that various Committees were making were observed in terms of the framing categories which have influenced both the way human trafficking was constructed and the extent to which the issue gained recognition more generally. While the theoretical application of observing the construction of claims made by claims-making groups rendered relevant findings, future research should focus on observations made by claims-makers themselves, their ability to influence and put forward successful claims as well as the successes of their claims.

7.4.2 Methodological Limitations

As referenced in the methodology chapter, there were several methodological limitations with the sample and the data used. Generalizability is a limitation, as the sample and the data observed were limited, both in scope and size. Although it was operationalized on the basis of key government departments, which had been tasked with maintaining and delivering the coordinated federal response, the selection of the Committees was not exhaustive to all federal government departments which may be involved in the federal approach to address human trafficking in Canada. Recognizing that the limitation is not only that there may be some federal

departments whose work may not have been considered as part of this project, discussions and observed documents may not have been inclusive of the work being done by a department in its entirety. Thus, there was a limited scope that the information analyzed was able to provide.

The substantive limitation of this project remains in the observation of the way in which human trafficking has been described at the federal government level. Although the federal government response is often linked within the national response toward the issue, there are many provincial efforts as well as NGOs which focus on addressing human trafficking in Canada. As such, subsequent research should focus on a more comprehensive overview of the Canadian construction of human trafficking especially regarding the potential differences between federal, provincial and municipal constructions of human trafficking and anti-trafficking efforts at large.

Additionally, although the sample was diverse and included many different groups of individuals, the observed evidence was not illustrative of the views of all Canadians within their professions and within the lived experiences of Canadian victims and survivors of human trafficking. Finally, although the sample size was not exhaustive of all human trafficking discussions that have taken place at the federal government level, it yielded insightful evidence which allowed me to discern the way in which various social contexts may influence the construction of meaning within Canadian society. Nevertheless, subsequent research should explore such aspects of observation in order for relevant findings to be presented which can be further utilized toward building a comprehensive overview of human trafficking in Canada.

7.5 Directions for Future Research

During the final stages of this project, there were several developments at the federal government level that are worth recognizing. The first is a report to the House of Commons produced by the JUST Committee. The report entitled *Moving Forward in the Fight Against Human Trafficking in Canada* (December, 2018) was a timely development which highlights many of the findings observed and illustrated within this study.⁶⁶ Another positive development that is important to highlight is the establishment of a Human Trafficking Hotline in Canada which is the most recent frontline effort supported and funded by the Government of Canada. While this development is indeed a positive one in terms of regulating and assisting victims of human trafficking in Canada, future research should monitor the extent to which coordinated efforts on addressing human trafficking are appropriately actioned in order to ensure that the intended protection for victims of human trafficking is afforded to them and remains a priority for managing trafficking in Canada.

Lastly, in September of 2019, the new National Strategy to Combat Human Trafficking (2019-2024) was published. This document is Canada's National Strategy that aims to strengthen "Canada's response to human trafficking and support broader Government of Canada commitments, including preventing and addressing gender-based violence, and supporting the safety and security of Indigenous Peoples" (Public Safety, 2019, p. 3). The strategy indicates that "the whole-of-government *National Strategy* builds on Canada's existing federal efforts by introducing a new focus area, "empowerment" to enhance support and services to victims and survivors of human trafficking, helping them regain control and independence" while still

⁶⁶ *Moving Forward in the Fight Against Human Trafficking in Canada* (December, 2018) is a publicly available report based on JUST Committee discussions held between February 15 and May 22, 2018. It is important to note that some of the observed transcripts from the aforementioned discussions were also part of this study's data sample.

aligning with the previously established pillars: prevention, protection, prosecution and partnership⁶⁷ (Public Safety Canada, 2019, p. 3). While the proposed changes and the outlined areas of focus within the new National Strategy give the impression of a shift in the way human trafficking is to be addressed in Canada as compared to the previous Action Plan, several scholarly and methodological considerations ought to be examined. Firstly, subsequent research should focus on a comprehensive approach to observing the construction of human trafficking as well as an assessment of the effectiveness of the strategy and management of the issue socially. Additionally, aside from observing the issue through the aforementioned new objectives, methodological nuances should also be applied by scholars.

As a way of addressing some of the limitations of my own project, subsequent research should consider conducting interviews with individuals who represent various sectors (stakeholder representatives from various sectors such as Government, NGO, Front-line, etc.), as well as with victims and survivors of human trafficking. Methodologically, interview-based research would be beneficial in bridging the current gap in the Canadian human trafficking scholarship. Additionally, it will also ensure appropriate communication and consultation with the most vulnerable populations so that their experiences are told from their perspective, rather than spoken about on their behalf, as well as with those who occupy positions in assisting them. As the findings of this project illustrate, there are fundamental gaps and challenges which ought to be recognized and addressed at the federal government level. By underscoring that interdepartmental and intersectoral coordination is of utmost importance, subsequent research in this area as well as national efforts should focus on bridging the gaps by ensuring that

⁶⁷ The pillars refer to the 3P's approach established in the Palermo Protocol, which focuses on the prevention of trafficking, the protection of victims and the prosecution of traffickers as well as Canada's fourth "P", the focus on domestic and international partnership building (Public Safety Canada, 2012).

collaboration at all government levels and across civil society is upheld and rooted in evidence-based findings which are illustrative of the complex lived experiences of all individuals and reflect the multifaceted nature of human trafficking in Canada.

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- Zhang, S. X. (2009). Beyond the 'Natasha' story—a review and critique of current research on sex trafficking. *Global crime*, 10(3), 178-195.
- Zhang, Y., & Wildemuth, B. M. (2009). Qualitative analysis of content. *Applications of social research methods to questions in information and library science*, 308-319.

APPENDIX A: LIST OF EVIDENCE TRANSCRIPTS

Table 1. *Sample Size by Government Department and Corresponding Parliamentary Committee*

Federal Government Department	Parliamentary Committee⁶⁸	Evidence Transcripts HT General	Evidence Transcripts (NAP-CHT)	Total
Department of Justice	JUST	18	(6) ⁶⁹ 4	22
Department of Citizenship and Immigration Canada ⁷⁰	CIMM	8	0	8
Status of Women Canada	FEWO	11	(5) 3	14
Public Safety Canada and National Security	SECU	5	(2) 0	5
Department of Foreign Affairs, Trade and Development	FAAE	3	(1) 0	3
	SDIR	11	0	11
Total		56	7	63

⁶⁸ The sample was made up of five standing Committees which include, Justice and Human Rights (JUST); Citizenship and Immigration (CIMM); Status of Women (FEWO); Public Safety and National Security (SECU); Foreign Affairs and International Development (FAAE) and the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (SDIR).

⁶⁹ All numbers presented in the bracket represent the total number of relevant transcripts for the Action Plan search including the duplicates that also came up in the general human trafficking search. In order to establish the true total number of evidence transcripts only the unique transcripts rendered through the Action Plan to Combat Human Trafficking search have been counted and reflected in the total number of transcripts.

THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS (JUST) EVIDENCE TRANSCRIPTS (n=22)

The House of Commons Standing Committee on Justice and Human Rights is mandated to review and report on various policies, programs and expenditure plans of the Department of Justice, which has the mandate to support the dual roles of the Minister of Justice and the Attorney General of Canada (Canada, Parliament, House of Commons, 2018). The Committee studies mandated policies, programs and legislation that may fall under entities such as the Canadian Human Rights Commission Supreme Court of Canada and others. Additionally, the Committee reviews proposed amendments to legislation that pertains to criminal law, family law, human rights and administration of justice with respect to the Criminal Code, Canadian Human Rights Act, and Supreme Court Act to name a few (Canada, Parliament, House of Commons, 2018). The JUST Committee may also undertake studies related to its mandate, as either referred to it by the House of Commons or on its own initiative. In the course of a study, the Committee holds public meetings, considers evidence from witnesses and reviews written submissions and authoritative documents which at the conclusion of a study, the Committee usually reports its findings and makes recommendations (Parliament, House of Commons, 2018).

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2010). *Evidence*. 40th Parliament, 3rd session, meeting no. 006. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/JUST/meeting-6/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2010). *Evidence*. 40th Parliament, 3rd session, meeting no. 008. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/JUST/meeting-8/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2011). *Evidence*. 41st Parliament, 1st session, meeting no. 015. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-15/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2012). *Evidence*. 41st Parliament, 1st session, meeting no. 027. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-27/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2013). *Evidence*. 41st Parliament, 1st session, meeting no. 070. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-70/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2013). *Evidence*. 41st Parliament, 1st session, meeting no. 071. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-71/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2013). *Evidence*. 41st Parliament, 1st session, meeting no. 072. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-72/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2013). *Evidence*. 41st Parliament, 1st session, meeting no. 073. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/JUST/meeting-73/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 032. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-32/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 033. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-33/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 038. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-38/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 039. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-39/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 040. Retrieved from the Parliament of

Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-40/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 041. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-41/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 042. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-42/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 044. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-44/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 048. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-48/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 049. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-49/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 087. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-87/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 088. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-88/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 089. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-89/evidence>

Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 090. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-90/evidence>

**THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION (CIMM)
EVIDENCE TRANSCRIPTS (n=8)**

The Standing Committee on Citizenship and Immigration (CIMM) is mandated to examine orders of reference by the House of Commons (Canada, Parliament, House of Commons, 2018). Orders of reference may relate to bills, proposed regulations to legislation (such as, Immigration and Refugee Protection Act (IRPA) and the Citizenship Act), as well as issues of their own choosing (Canada, Parliament, House of Commons, 2018). The Committee studies and reports on all matters relating to the mandate, management, and operation of the Citizenship and Immigration Canada and the Immigration and Refugee Board of Canada (Canada, Parliament, House of Commons, 2018). As it relates to this thesis project, the CIMM Committee was selected as a representative of the department on Immigration, Refugees and Citizenship Canada (formerly known as Citizenship and Immigration Canada [CIC]).

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2010). *Evidence*. 40th Parliament, 3rd session, meeting no. 036. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/CIMM/meeting-36/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2012). *Evidence*. 41st Parliament, 1st session, meeting no. 032. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/CIMM/meeting-32/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2012). *Evidence*. 41st Parliament, 1st session, meeting no. 033. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/CIMM/meeting-33/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2012). *Evidence*. 41st Parliament, 1st session, meeting no. 036. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-1/CIMM/meeting-36/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 014. Retrieved from the Parliament of

Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/CIMM/meeting-14/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 015. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/CIMM/meeting-15/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 100. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/CIMM/meeting-100/evidence>

Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 102. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/CIMM/meeting-102/evidence>

THE STANDING COMMITTEE ON STATUS OF WOMEN (FEWO) EVIDENCE TRANSCRIPTS (n=14)

The Standing Committee on the Status of Women (FEWO) has a broad authority to study policies, programs, expenditures and legislation of departments and agencies, including the Status of Women Canada, (Canada, Parliament, House of Commons, 2018). The relevance of the FEWO Committee is rooted in the mandated responsibility of the department which among other responsibilities is mandated to provide strategic policy advice and gender-based analysis support (Status of Women Canada, 2018).

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2006). *Evidence*. 39th Parliament, 1st session, meeting no. 027. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/39-1/FEWO/meeting-27/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2007). *Evidence*. 39th Parliament, 2nd session, meeting no. 004. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/39-2/FEWO/meeting-4/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2008). *Evidence*. 39th Parliament, 2nd session, meeting no. 015. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/39-2/FEWO/meeting-15/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2010). *Evidence*. 40th Parliament, 3rd session, meeting no. 019. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/40-3/FEWO/meeting-19/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2011). *Evidence*. 40th Parliament, 3rd session, meeting no. 046. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/40-3/FEWO/meeting-46/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2011). *Evidence*. 40th Parliament, 3rd session, meeting no. 058. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/40-3/FEWO/meeting-58/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 037. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/41-2/FEWO/meeting-37/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 003. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-3/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 009. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-9/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 010. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-10/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 026. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-26/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 029. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-29/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 033. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-33/evidence>

Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 034. Retrieved from the Parliament of Canada website: <http://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/meeting-34/evidence>

THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY (SECU) EVIDENCE TRANSCRIPTS (n=5)

The Standing Committee on Public Safety and National Security (SECU) is representative of the Department of Public Safety Canada which is responsible for public safety and national security, policing and law enforcement, corrections and conditional release of federal offenders, emergency management, crime prevention and the protection of Canada's borders (Canada, Parliament, House of Commons, 2018). The SECU Committee has a general mandate to study and inquire into matters, which fall under its area of responsibility for the following agencies, as related to this project specifically⁷¹, Public Safety Canada, Canada Border Services Agency (CBSA), and Royal Canadian Mounted Police (RCMP).

Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2010). *Evidence*. 40th Parliament, 3rd session, meeting no. 043. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/SECU/meeting-43/evidence>

Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2011). *Evidence*. 40th Parliament, 3rd session, meeting no. 052. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/SECU/meeting-52/evidence>

Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2016). *Evidence*. 42nd Parliament, 1st session, meeting no. 003. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-3/evidence>

Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 075. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-75/evidence>

Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2018). *Evidence*. 42nd Parliament, 1st session, meeting no. 099. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-99/evidence>

⁷¹ The SECU Committee may have a mandated responsibility for additional agencies, which have not been relevant to this project and therefore are not listed.

THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT (FAAE) EVIDENCE TRANSCRIPTS (n=3)

The Standing Committee on Foreign Affairs and International Development and International Development (FAAE) represents the Department of Foreign Affairs, Trade and International Development and it studies and reports on matters referred to it by the House of Commons or topics chosen by the Committee itself (Canada, Parliament, House of Commons, 2018). The subject area that the Committee is primarily responsible for studying and reporting on matters pertaining to Canadian foreign policy and Canada's foreign policy and development assistance.

Canada. Parliament. House of Commons. Standing Committee on Foreign Affairs and International Development. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 031. Retrieved from the Parliament of Canada website:

<https://www.ourcommons.ca/DocumentViewer/en/41-2/FAAE/meeting-31/evidence>

Canada. Parliament. House of Commons. Standing Committee on Foreign Affairs and International Development. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 034. Retrieved from the Parliament of Canada website:

<https://www.ourcommons.ca/DocumentViewer/en/41-2/FAAE/meeting-34/evidence>

Canada. Parliament. House of Commons. Standing Committee on Foreign Affairs and International Development. (2015). *Evidence*. 41st Parliament, 2nd session, meeting no. 050. Retrieved from the Parliament of Canada website:

<https://www.ourcommons.ca/DocumentViewer/en/41-2/FAAE/meeting-50/evidence>

**THE SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS OF THE
STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL
DEVELOPMENT (SDIR) EVIDENCE TRANSCRIPTS (n=11)**

The Subcommittee on International Human Rights (SDIR) of the Standing Committee on Foreign Affairs and International Development (FAAE) is primarily tasked with reporting on matters related to International Human Rights to the FAAE Committee. Unlike the FAAE Committee, the SDIR subcommittee does not report directly to the House of Commons but rather to the Standing Committee on Foreign Affairs and International Development (Canada, Parliament, House of Commons, 2018).

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2011). *Evidence*. 40th Parliament, 3rd session, meeting no. 044. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/40-3/SDIR/meeting-44/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2014). *Evidence*. 41st Parliament, 2nd session, meeting no. 030. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/SDIR/meeting-30/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2015). *Evidence*. 41st Parliament, 2nd session, meeting no. 059. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/SDIR/meeting-59/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2015). *Evidence*. 41st Parliament, 2nd session, meeting no. 064. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/SDIR/meeting-64/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 058. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-58/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 065. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-65/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 068. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-68/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 069. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-69/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 087. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-87/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 089. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-89/evidence>

Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. (2017). *Evidence*. 42nd Parliament, 1st session, meeting no. 090. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/42-1/SDIR/meeting-90/evidence>

APPENDIX B: LIST OF ATTENDEES PER COMMITTEE⁷²

THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS (JUST)

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
JUST 08	Diane Redsky	Director of programs Ma Mawi Wi Chi Itata Centre Inc.	Witness
JUST 27	Amir Attaran	Professor, Faculty of Law, University of Ottawa	Individual
	Joy Smith	M.P., Kildonan—St. Paul	Witness
JUST 70	Maria Mourani	M.P., Ahuntsic	Committee Member
JUST 71	Madeleine Bourget	Vice-President of Association féminine d'éducation et d'action sociale (Afeas)	Witness
JUST 72	Julie Miville- Dechêne	President of Quebec Council on the Status of Women	Witness
	Dan Albas	Okanagan— Coquihalla, CPC	Committee Member
JUST 32	Hon. Peter MacKay	P.C., M.P., Minister of Justice and Attorney General of Canada	Witness
	Gunilla Ekberg	Lawyer, University of Glasgow School of Law	Individual

⁷² This list includes only the attendees whose comments were quoted and analyzed as part of this project.

JUST 38	Eric Jolliffe	Chief of Police – York Regional Police Service	Witness
JUST 39	Michelle Miller	Executive Director of Resist Exploitation, Embrace Dignity (REED)	Individual
	Elizabeth Dussault	Member of Prostitutes Involved, Empowered, Cogent – Edmonton	Individual
	Georgiale Lang	Lawyer (British Columbia)	Individual
JUST 40	Linda McDonald	Nurse Practitioner (Nova Scotia)	Individual
	Sheri Kiselback	Coordinator Violence Prevention for PACE society	Individual
JUST 41	Michelle Brock	Co-Founder for Hope for the Sold	Witness
	Deborah Pond	Chair of the Board of Directors of u-r home	Witness
	Kiera Smith-Tague	Front Line Worker – Vancouver Rape Relief and Women's Shelter	Witness
	Christa Big Canoe	Legal Advocacy Director for Aboriginal Legal Services of Toronto	Witness
	Trevor Bhupsingh	Director General, Law Enforcement and Border Strategies Directorate - Department of Public Safety and Emergency Preparedness	Witness
	Joanne Crampton	Assistant Commissioner, Federal Policing	

JUST 87		Criminal Operations – Royal Canadian Mounted Police	Witness
	Matthew Taylor	Acting Senior Counsel, Criminal Law Policy Section, Policy Sector – Department of Justice	Witness
JUST 88	Bruce Scoffield	Director General, Immigration Program Guidance Branch – Department of Citizenship and Immigration	Witness
	Randy Boissonnault	Edmonton Centre, Lib.	Committee Member
	Philippe Massé	Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch – Department of Employment and Social Development	Witness
	Alistair MacGregor	Cowichan— Malahat—Langford, NDP	Committee Member
	Yvan Clermont	Director, Canadian Centre for Justice Statistics – Statistics Canada	Witness
	JUST 89	Iqra Khalid	Mississauga—Erin Mills, Lib.
Mikhaela Gray		Graduate Student, Faculty of Education, York University	Individual
Diane Redsky		Executive Director of Ma Mawi Wi Chi Itata Centre Inc.	Witness
		Head Youth Committee, Social Worker (Youth and	

JUST 90	Sherry Lacey	Family Therapy), Ottawa Coalition to End Human Trafficking	Witness
	Dr. Cecilia Benoit	Professor and Scientist (University of Victoria)	Individual

THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION (CIMM)

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
CIMM 36	Hon. Jason Kenney	Hon. Jason Kenney, P.C., M.P., Minister of Citizenship, Immigration and Multiculturalism	Witness
CIMM 32	Joe Oliver	Director General Border Integrity – Royal Canadian Mounted Police	Witness
CIMM 33	Debbie Douglas	Executive Director – Ontario Council of Agencies Serving Immigrants (OCASI)	Witness
	Toni Skarica	Crown Attorney – Ministry of Attorney General, Ontario	Witness
CIMM 14	Robert Orr	Assistant Deputy Minister Operations – Department of Citizenship and Immigration	Witness
	Lysane Blanchette- Lamothe	Pierrefonds— Dollard, NDP	Committee Member
	David Manicom	Director General Immigration Branch – Department of Citizenship and Immigration	Witness
CIMM 15	Lesley Soper	Acting Director General Enforcement and Intelligence Programs – Canada Border Service Agency	Witness
CIMM 102	Asiya Jennfer Hirji	Barrister and Solicitor	Individual

THE STANDING COMMITTEE ON STATUS OF WOMEN (FEWO)

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
FEWO 58	Hon. Anita Neville	Winnipeg South Centre, Lib.	Committee Member
	Hon. Rona Ambrose	Minister for Status of Women	Witness
	Hon. Rob Nicholson	Minister of Justice	Witness
FEWO 09	Fraser Valentine	Director General, Strategic Policy and Planning – Department of Citizenship and Immigration	Witness
FEWO 10	Angela Connidis	Director General, Crime Prevention, Corrections and Criminal Justice Directorate – Department of Public Safety and Emergency Preparedness	Witness
FEWO 26	Gabrielle Ross-Marquette	Communications Coordinator – METRAC Action on Violence	Witness
	Gunilla Ekberg	Lawyer, University of Glasgow School of Law	Individual
	Joan Atkinson	Co-director Office for Systemic Justice – Federation of Sisters of St. Joseph of Canada	Witness
		Co-director Office for Systemic Justice – Federation of Sisters of St. Joseph of	

FEWO 27	Sue Wilson	Canada	Witness
FEWO 04	Claire Beckton	Coordinator Office of the Coordinator – Status of Women	Witness
FEWO 15	Hon. Maria Minna	Beaches—East York, Lib.	Committee Member
	Hon. Rob Nicholson	Minister of Justice	Witness
	Hon. Diane Finley	Minister of Citizenship and Immigration	Witness
	Irene Mathyssen	London—Fanshawe, NDP	Committee Member

**THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY
(SECU)**

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
SECU 43	Maria Mourani	M.P., Ahuntsic	Committee Member
SECU 52	Maria Mourani	M.P., Ahuntsic	Committee Member
	D/Commissioner Raf Souccar	Deputy Commissioner – Royal Canadian Mounted Police	Witness
SECU 03	Kathy Thompson	Assistant Deputy Minister, Community Safety and Countering Crime Branch – Department of Public Safety and Emergency Preparedness	Witness
SECU 99	Malcolm Brown	Deputy Minister – Department of Public Safety and Emergency Preparedness	Witness
	Hon. Ralph Goodale	P.C., M.P., Minister of Public Safety and Emergency Preparedness	Appearing

THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT (FAAE)

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
FAAE 50	Rachel Bedlington	Director Human Rights and Indigenous Affairs Policy Division – Department of Foreign Affairs, Trade and Development	Witness
	Julie Shouldice	Director Education, Child Protection and Gender Equality – Department of Foreign Affairs, Trade and Development	Witness

**THE SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS OF THE
STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL
DEVELOPMENT (SDIR)**

EVIDENCE TRANSCRIPT	NAME	AFFILIATION	TITLE
SDIR 44	Louise Arbor	President and Chief Executive Officer – International Crisis Group	Witness
SDIR 58	Robert McDougall	Acting Executive Director, South Asia Division – Department of Foreign Affairs, Trade and Development	Witness
SDIR 65	Nipa Banerjee	Senior fellow, Faculty of Social Sciences, School of International Development and Global Studies, University of Ottawa	Individual
SDIR 69	David Matas	Counsel – Beyond Borders ECPAT Canada	Witness
SDIR 90	Petra Bosma Kooman	Director, Marketing and Public Relations – International Justice Mission Canada	Witness

APPENDIX C: THE HUMAN TRAFFICKING TASKFORCE (HTT)⁷³ IN CANADA

Government Departments
Public Safety Canada* ⁷⁴
Royal Canadian Mounted Police*
Canada Border Services Agency*
Global Affairs Canada*
Status of Women Canada*
Justice Canada*
Public Services and Procurement Canada
Financial Transactions and Reports Analysis Centre of Canada
Employment and Social Development Canada
Public Prosecution Services of Canada
Department of National Defence
Statistics Canada
Indigenous Services Canada
Immigration Refugees Citizenship Canada*

⁷³ The HTT is led by Public Safety Canada and is comprised of several departments, and agency representatives. The HTT provides a dedicated focal point for federal government anti-human trafficking efforts (GC, 2018, p.8).

⁷⁴ *Refers to the Government Departments which were represented within the selected Committees whose parliamentary discussions on Human Trafficking were observed (as illustrated in Appendix A – Table 1).

Caveat: The Department of National Defence and Indigenous Services Canada were also represented by two Committees (NDDN and IWFA) that were initially considered; however, due to limited applicability, the evidence transcripts that were located fell out of the data for analysis.

APPENDIX D: CODING SCHEME

Question Category	Sub-Category	Key words
What is human trafficking?	What is human trafficking?	Trafficking for sexual exploitation, labour trafficking, trafficking for organ removal; conflation with sex work, conflation with illegal migration
	Who are the individuals affected by human trafficking?	Victim and offender; women, children, men; legal/illegal status in Canada
	Where does human trafficking occur?	Domestic vs. transnational; source, destination or transit country
	Why does human trafficking occur?	Root causes – poverty, lack of economic prosperity and/or work opportunities and/or education; marginalization/oppression of vulnerable populations
	How does human trafficking occur?	Opportunistic; Illegal migration; organized crime channels
How is human trafficking addressed/regulated in Canada?	Federal government programs and initiatives	Federal government programs (i.e., immigration programs)
	Type of strategy/model	United Nations 3P's approach, Nordic (Swedish) model, national strategy/action plan
	Legislation	Criminal Code of Canada (Human Trafficking specific legislation and IRPA legislative provisions)
	Challenges	Definitional and measurement related challenges