

FULL LITERATURE REVIEW

Summary

Although the study of human trafficking is relatively young, a rich field of research has already been produced from a variety of perspectives. This project began by reviewing and analyzing the current state of human trafficking literature. This was not meant to be an exhaustive review and was primarily focused on studies relating to sex trafficking on a national and local level. However, broader studies that focused on areas outside of the Canadian context were also drawn upon when relevant.

The most widely accepted definition of human trafficking was adopted by the UN in 2000. This definition has not been without controversy and a wide variety of definitions remain in common use; indeed, a reoccurring frustration expressed by authors is the lack of definitional consensus on this issue (Bruckert & Parent, 2002; Musto, 2009; Roots, 2013; Oxman-Martinez, Martinez & Hanley, 2001). It often remains difficult to differentiate between human trafficking and related issues with which it is often conflated (including human smuggling, prostitution, sexual exploitation, transnational organized crime, and labour exploitation, among others). What should and should not be considered human trafficking is the subject of enormous contention, with the UN only able to adopt a working definition after years of highly politicized and polarized debates (Kaye & Hastie, 2015). In general, researchers, policy makers, and law enforcement draw a distinction between internal (often referred to as domestic) and international trafficking as well as trafficking for the purposes of labour, sex, and organ exploitation.

The difficulties of studying this issue go well beyond definitional challenges. Most of the relevant populations (such as traffickers, middlepersons, and victims themselves) are hidden, in part because membership in these groups is highly stigmatized and criminalized. This heightens the difficulties in hearing from these populations directly (Dalley, 2010; Public Safety Canada, 2012; Tyldum & Brunovskis, 2005). Indeed, only two studies were found that directly included the voices of trafficked individuals. The first, by McDonald & Timoshkina (2007), conducted interviews with 50 persons, including sex workers, agency personnel, and key informants, to better understand the lives of European women trafficked to Canada. Their findings emphasized the complexity of trafficking, the centrality of human agency, and the need to offer concrete help rather than punishment. Sarson & MacDonald (2008) conducted a study on the ritual abuse-torture of children in the Canadian Maritimes – human trafficking emerged as one of several types of extreme abuse suffered by the children (now adults) whom they interviewed. The rest of the literature surveyed focused on the perspectives of service providers, law enforcement, and government. As a result, data on human trafficking that includes the perspective of trafficked peoples is frequently difficult to attain.

Despite these challenges, valuable research and analysis has been and continues to be produced on this issue. Researchers have paid considerable attention to the global and national contexts that create an environment conducive to human trafficking, including the overarching context of socioeconomic globalization and structural inequalities (Kaye, 2013; Oxman-Martinez, Martinez



& Hanley, 2001; Musto, 2009). Migrants often leave situations of unemployment, conflict, instability, and discrimination in search of better lives in industrialized, urban areas that promise economic opportunity. However, restrictive migration controls force migrants into criminalized migration channels, creating a unique set of vulnerabilities amongst this population (Kaye, 2013; Hodge & Lietz, 2007). Authors emphasize that these challenges disproportionately affect women due to deep-set gender inequalities. Hampered by violence and discrimination, large numbers of women are unable to find adequate social and economic opportunities or are encouraged by governments to work abroad in order to contribute remittance payments into their national economies (Kaye, 2015; Oxman-Martinez, Martinez & Hanley, 2001; Hodge & Lietz, 2007).

Authors writing about the Canadian context emphasize that women in Canada suffer from various forms of discrimination and gender-based violence that create situations of inequality and vulnerability (Department of Justice Canada, 2005; Parliament, 2007). Furthermore, studies have found that certain migration channels within the Canadian immigration system (such as the TFW program and the Spousal Sponsorship Visa) exacerbate gender inequalities and erect barriers that are difficult for migrant women to overcome (Langevin, 2007; Oxman-Martinez, Martinez, & Hanley, 2001). The 2007 Report of the Standing Committee on the Status of Women further emphasizes the difficulties faced by migrant women, especially women who do not qualify for the skilled worker point system. Migrant women, in many cases, are forced into criminalized channels or their ability to leave negative employment situations is curtailed.

Anti-trafficking advocates argue that Aboriginal women and girls are at particular risk of being trafficked in Canada (Boyer & Kampouris, 2014; Public Safety Canada, 2012; Department of Justice Canada, 2005; Roos, 2013; Sethi, 2007; Sikka, 2009). The effects of colonialism, the fracturing of family units due to residential schools, the intentional dispossession of identities and culture, and the violence and racism that this population continues to experience today results in deep-set inequality and marginalization. Many anti-trafficking scholars and advocates argue that Aboriginal peoples, as a result of this, are particularly vulnerable to various forms of exploitation – including sex trafficking (Sikka, 2009; Boyer & Kampouris, 2014).

Interestingly, Sanghera (2005) notes that “these factors [poverty, lack of sustainable livelihoods, structural inequalities in society, gender discrimination ...] are not in themselves the causes of trafficking; they merely exacerbate the vulnerability of marginalized and disadvantaged groups and render them increasingly more susceptible to a variety of harms.” She argues that the constant search for maximized profit under a competitive economic regime creates strong demand for the most vulnerable, exploitable, and controllable workers, and is ultimately the cause of human trafficking.

Human trafficking has not gone without a response in Canada, which has typically centered on a criminal justice framework. In addition to ratifying the UN Trafficking Protocol in 2002, Canada has criminalized human trafficking in both the *Criminal Code* and the *Immigration and Refugee Protection Act*. In 2006, the Canadian government began issuing specialized Temporary Resident Permits (TRPs) for victims of human trafficking. Holders of this permit are eligible to access health-care benefits, trauma counseling, and legal status in Canada for 180-days with the possibility of renewal. Furthermore, the Government of Canada released a National Action Plan



to Combat Human Trafficking in 2012 and continues to support anti-trafficking efforts nationwide.

In Edmonton, NGOs, government, and law enforcement have been working together since the early 1990s to discuss and counter sexual exploitation and prostitution (Mahaffy, 2007). Many of these same groups are now working together to address sex trafficking, with a number sitting on the Core Team (see above for a list of Core Team members).

Beyond this, ACT Alberta, founded in Edmonton in 2010 after working informally in the community for several years, specifically addresses all forms of human trafficking across the province. ACT Alberta coordinates and provides services for victims of human trafficking, provides training and education to stakeholders, researches and collects data on human trafficking, helps develop policy provincially and nationally, and builds capacity for community-based responses to human trafficking.

Although the study of human trafficking is not new, there is much that remains unknown. This study – the first of its kind in the city and one of three projects nationally¹ – seeks to understand sex trafficking in Edmonton by building upon previous work and creating a body of local, community-based, and critical research. This is a necessary first step in creating a collaborative Action Plan that works to prevent and reduce sex trafficking of women and girls in Edmonton.

This literature review was written by Karen McCrae and Davina Rousell of ACT Alberta with assistance from Dr. Julie Kaye.

¹ The other two projects were undertaken by PACT-Ottawa and York Women’s Network, both in Ontario.

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Peer Reviewed Articles

Aradau, Claudia. (2003). Trafficking in Women: Human Rights or Human Risks? *Canadian Woman Studies* 22. 3/4: 55-59.

Aradau provides a brief overview of the literature regarding the notion that women are “at risk,” vulnerable, and require special attention and governance. The paper explores how this has created a situation where policies and programs have focused on identifying victims and then taking action to rehabilitate them, rather than understanding and addressing the root causes of human trafficking. The author argues that this lens has resulted in women not being taken seriously and in missed opportunities to take steps to understand and deal with root causes.

Quotes

“In some cases, the more victims talk about the event, the lower their status as a victim (Boutellier). Thus victims are doubly silenced. Hence the feminist discontent with the victimhood approaches.” p. 57

“One needs to tackle the causes, to challenge and envisage the restructuring of power relations rather than remain closed upon suffering and protection. It is in this context that feminists have started to explore trafficking in women in relation to global economics and exploitation (Sanghera).” p. 57

“Rather than rights bearing individuals, women are dealt with as risk-bearing ones.” p. 57

Bernat, Frances P. and Tatyana Zhilina. (2010). Introduction Human Trafficking: The Local Becomes Global. *Women & Criminal Justice* 20.1-2, 2-9.

This article briefly explores the phenomenon of human trafficking through the framework of the *Trafficking in Persons (TIP) Report* which identifies Canada as a nation that serves as a Source, Destination and Transit space for human trafficking. Human trafficking is perceived as an international issue that requires cross border cooperation and solutions.

Quote

“If prostitution and illegal immigration is consensual, then it does not involve human trafficking. It is when women and men are held against their will and forced to engage in prostitution or forced labor that trafficking occurs (Bhabha, 2005; Kantola and Squires, 2004; Laczko, 2005).” p. 3

Denton, Erin. (2010). International News Coverage of Human Trafficking Arrests and Prosecutions: A Content Analysis. *Women & Criminal Justice* 20.1-2: 10-26.

This article presents a study that conducted content analysis on 191 media articles that were obtained through Google News Archive. The study found that human trafficking is considerably more complex than is currently represented in the media and in the literature. For example, the study found that both men and women traffic individuals and men are trafficked at higher rates



than previously hypothesized. However, men are less likely to be viewed as victims than women. Overall, this article provides unique insight into how media can impact the phenomena of human trafficking (for example, through reinforcing a gender binary) and provides a breakdown regarding the nature of human trafficking cases.

Quotes

“The literature asserts that human trafficking for the purpose of sexual exploitation is a significant problem. Debates in the literature regarding the force=choice dichotomy of prostitution (Busza, 2004; Derks, 2000; Gulcur and Ilkkaracan, 2002; Jeffreys, 1999; Kelly, 2003; Murray, 1998; Wijers, 1998) and the domination of patriarchal structures as the primary reason for sexual exploitation and human trafficking (Murray 1998; Shannon 1999) create a situation in which all acts of human migration within the sex trade are deemed exploitative acts of human trafficking. The results of this study demonstrate otherwise and suggest the media’s role in propagating these types of conceptions of human trafficking.” p. 21-22.

Hodge, David R. and Cynthia A. Lietz. (2007). The International Sexual Trafficking of Women and Children: A Review of the Literature. *Journal of Women and Social Work* 22.2, 163-174.

This article provides a brief literature review on human trafficking within the context of social work. In particular the authors discuss human trafficking in terms of high reward/low risk behaviours, recruitment strategies, transportation and enslavement, and exploitation in the sex industry. The authors argue for a multilevel ecological response to sexual trafficking that would include macro-level, mezzo-level, and micro-level interventions.

Quotes

“Rather than attempt to discern innocence and guilt, the state is responsible for aiding all victims of trafficking.” p. 164

“In addition to high profits, the risks associated with trafficking are comparatively minimal (Bertone, 2000) ... Furthermore, enforcement efforts typically focus on the women instead of the exploiters. In such settings, women often attempt to remain unnoticed for fear of being charged, particularly if they are trafficked internationally.” p. 166

“In short, traffickers seek to break victims psychologically—to bring them to the point where they feel they no longer have control over their own safety. Rather, the traffickers do. Consequently, to survive, the women must become subservient to the traffickers’ wishes.” p. 168

Holden, Christie. 2013. *Canada and the Palermo Protocol of 2000 on Human Trafficking: A Qualitative Case Study*. Thesis submitted to the Faculty of Graduate and Postdoctoral



**Studies in partial fulfillment of the requirements for the MA degree in Criminology
Department of Criminology Faculty of Social Sciences University of Ottawa.**

In this text, the author reviews Canada's implementation of the 2000 *Palermo Protocol*. Of particular interest, the author argues that Canada has only taken action to meet the minimum requirements outlined in the Palermo Protocol since its ratification in 2005. Canada has focused on law enforcement and security strategies with little to no attention paid to trafficked individuals human rights and/or dignity. The *Criminal Code* provisions focus on fear. The author calls for Canada to develop a national initiative for collecting data that can be then used to examine and understand the depth and scope of human trafficking.

Quotes

"Human trafficking is a violation of individual human rights as well as a symptom of the worldwide struggle against poverty. Women are disproportionately affected by poverty throughout the world, particularly in developing countries (Moghadem, 2005: 1; Bernat & Zhilina, 2010: 3). The causes of human trafficking are 'rooted in a global economy in which lives are commodities to be traded, used and abused' (Bernat & Zhilina, 2010: 3)." p. 18

"The lack of national legislation ensuring all victims are able to access uniform protection, support, legal remedies and permanent resident status if necessary, indicates that Canada considers the human rights of victims as a lower priority than issues of law enforcement and border security." p. 99

Jeffrey, Leslie Ann. 2005. Canada and Migrant Sex-Work: Challenging the 'Foreign' in Foreign Policy. *Canadian Foreign Policy* 12.1, 33-48.

In this article, the author critically examines Canada's approach to human trafficking. In particular, the author argues that Canada has taken the approach of understanding human trafficking as organized crime that occurs outside of Canada's borders and therefore has focused efforts on closing doors on illegal migrants. In addition, the author argues that Canada has adopted the view that sex workers are risk-bearing not rights-bearing which places a focus on security at the demise of women as rights-bearing individuals. The author argues that Canada ignores practises of oppression that occur within its own borders; this type of national narrative fosters the government's failure to look at how Canada is contributing to issues related human trafficking.

Quotes

"Both migration and sex work for women are assumed to be, and are often portrayed as, forced. As Ratna Kapur (2003, 11) argues, subaltern voices are frequently omitted from discussions in trafficking, and yet these are 'the voices that can assist in untangling the conflation and confusions that are taking place.'" p. 35



“Rather than being treated as rights-bearing individuals, women are dealt with as risk-bearing ones, subject to a logic of risk which is focused on how to limit the opportunity of the ‘risky’ offender to offend. Victims of trafficking, therefore, are simultaneously viewed as threats.” p. 37

Kaye, Julie. (2013). *Human Insecurity and Anti-Trafficking Policy: Representations of Trafficked Persons in Canada*. Thesis submitted to the College of Graduate Studies and Research in partial fulfillment of the requirements for the Degree of Doctor of Philosophy in the Department of Sociology, University of Saskatchewan.

The author presents a study that took place in Vancouver, Calgary, and Winnipeg in partnership with ACT Alberta. It examines the politicized construction of human trafficking discourses and identifies how some anti-trafficking measures claiming to assist trafficked persons contribute to the insecurities faced by trafficked persons. The author also examines recent immigration policy amendments alongside anti-trafficking discourses to identify how anti-trafficking discourses are shaping contemporary boundaries of inclusion and exclusion. In particular, the study highlights the insecurity trafficked persons experience as a result of measures emphasizing criminalization and deportation as well as the effect of criminalization for temporary migrant workers, particularly migrant workers experiencing exploitation in a context of socio-economic constraint.

Quotes

“The research points to the problematic nature of anti-trafficking initiatives that neglect the complex and politicized realities of lived experiences. However, at least as problematic are responses that discipline or screen experiential narratives. In such a context, experiential voices come to represent little more than a singular, dominant discourse that reinforces the prevailing structures of power, including funding mandates and response models that depend on melodramatic ‘victim’ narratives to reproduce and justify awareness raising mandates.” p. 193

“This research demonstrates how anti-trafficking discourses have justified the adoption of recent exclusionary policy amendments, including a variety of immigration reforms, in Canada. In turn, such amendments have created more insecurity for trafficked persons alongside other migrants, refugees, and asylum claimants.” p. 196-197

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



panic and potential risk. In doing so, anti-trafficking discourses and policies shaped by these discourses have created more insecurity for trafficked persons.” p. 203

Kaye, Julie and Bethany Hastie. (2015). The Canadian Criminal Code Offence of Trafficking in Persons: Challenges from the Field and within Law. *Social Inclusion* 3.1, 88-102.

The authors argue in this article that the *Criminal Code* provisions, adopted in 2005, have resulted in a limited number of human trafficking convictions and remain under-utilized, particularly in labour trafficking cases. They argue that the definition of human trafficking remains narrowly understood and is problematically interpreted, resulting in restricted applicability. The “fear for safety” requirement, for example, has proved narrow in its interpretation and applicability, due in part to a limited understanding and inadequate training. The greatest challenge, in the view of the authors, is that the *Criminal Code* framework remains untested; authorities continue to rely on alternate or complementary charges.

Quotes:

“Canada relies on a ‘catch-all’ trafficking offence that does not delineate specific forms of exploitation. As a result, this article reveals the language of the criminal offence of trafficking in persons in Canada is largely unattuned to the phenomenon of non-sexual forms of labour trafficking.” p. 89.

“The greatest challenge is the fact that the *Criminal Code* framework remains largely untested. This is both a substantial cause and effect of the narrow understandings and interpretations of the crime.” p. 98.

“The existing trafficking in persons legislation has created a ‘catch-22’ for trafficked persons who not only experience various forms of exploitation, but also face substantial risks in reporting their experiences or cooperating with law enforcement officials, including possible disciplinary action, such as deportation.” p. 98.

Knepper, Paul. (2013). History matters: Canada’s Contribution to the First Worldwide Study of Human Trafficking. *Canadian Journal of Criminology and Criminal Justice* 55.1, 33-54.

In this paper, the author reviews the League of Nations report on human trafficking that was compiled between the years of 1924-1926. The report surveyed 67 governments to identify the extent of trafficking, with Canada being one of the examined nations. The 1926 report determined that there was no evidence that Canada was impacted by human trafficking. However, the study struggled with identifying and compiling data regarding the extent of human trafficking, specifically defined as sex trafficking. This article illustrates how the study of human trafficking continues to struggle with similar issues. The author calls for researchers to begin conducting ethnographic studies in order to begin understanding human trafficking and what needs to be done to address it.

Quotes



“To find evidence of traffic, investigators looked for places that offered dancing and drugs. Where there were prostitutes, there were drugs; and where there were prostitutes and drugs, there was international traffic in women (Carstairs, 1998: 150).” p. 40

“There was, on the whole, very little traffic in or out of Canada discovered in the course of the investigation’ (League of Nations 1927b, 40). This became Ottawa’s official position.” p. 45

Langevin, Louise. (2007). Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers. *International Journal of Comparative and Applied Criminal Justice* 31.2, 191-209.

Using a feminist theoretical framework, the authors analyze the legal framework for hiring immigrant live-in caregivers under the Canadian Live-in Caregiver program. This raises issues of immigration law, social legislation and labour law, human rights, and contract law. In order to address these issues, the authors recommend that the program be abolished. However, recognizing that this probably will not occur, they propose the following amendments to the program:

1. Grant live-in caregivers permanent residence upon arrival, if that is their choice;
2. Reduce the mandatory work period;
3. Eliminate the requirement of living in the home of the employer;
4. Make contractual relationships between the agency, the worker, and the future employers more robust.

Quotes

“This precarious status, creating a situation of vulnerability and a captive workforce, leads to abuse. For instance, some workers may tolerate exploitation in order to avoid changing employers. The situation has led to the conclusion that these women were ‘good enough to work, but not good enough to stay.’” p. 194

“It is mandatory that the caregiver live in the home of her employers during the 24-month period ... this situation can lead to abuses, such as unpaid or excessive working hours, violations of privacy, greater dependence on employers, sexual harassment and sexual assault. In fact, the Department of Citizenship and Immigration Canada itself acknowledges this possibility in the information brochure it distributes to women who participate in the program.” p. 195

“Women use illegal methods of immigrating more often than men because they have less money, less education, and less access to information (Lim 1997, 11). They enter Canada as tourists, asylum seekers, visitors, or students, and upon the expiry of their visas they live here illegally. Therefore, even though few women are accepted into the LCP, others continue to arrive in Canada and work as illegal



immigrant live-in caregivers. Although inconspicuous, their presence highlights the discrimination against women inherent in immigration policy.” p. 197

McDonald, Lynn and Natalya Timoshkina. (2007). The Life of Trafficked Sex Workers from the Former Eastern Bloc: The Canadian Dimension. *International Journal of Comparative and Applied Criminal Justice* 31.2, 211-242.

This research project conducted interviews with 50 participants, including 20 female sex workers, to better understand the working lives of Eastern/Central European women trafficked to Canada. This study provides information on the women’s transition to Canada, working and living arrangements, and use of health and social services. The authors emphasize three themes: (1) the complexity of human trafficking and centrality of human agency; (2) the need to offer concrete help rather than punishment; and (3) the futility of “reverse trafficking,” or deportation. The study found that the sex workers had come to Canada in the hope of building a better life. Although the interviewees required access to services in order to be able to build the skills needed to move out of the field of sex work, they were impeded from knowing about and accessing available services through fear of deportation. Indeed, the threat of deportation was found to directly hinder the fostering of an environment conducive to the acknowledgement and respect of their human rights.

Quotes

“After their arrest, trafficked women who are in Canada illegally and/or have criminal record(s) face deportation. Exceptions are made almost always only in exchange for the women’s testimonies against their traffickers ... Most women, however, are reluctant to testify or to seek help for fear of revenge from traffickers, fear of being charged with criminal activity, because of stigma and mistrust of authorities, because they need money and do not intend to leave the sex trade, and/or because of kinship ties with their traffickers.” p. 214

“The arrests, detention, and deportation of trafficked sex workers are usually wrapped in the language of protection and benevolence, as the law enforcement and immigration authorities believe to be ‘rescuing’ women from their captors and ‘safely’ returning them home (Lepp 2003). In so doing, they completely disregard the socioeconomic conditions found in the women’s countries of origin that led to their migration in the first place, and ignore the fact that women do not necessarily want to go back, thus patronizing and objectifying them as passive victims.” p. 214

“The fact that most migrants were working in Canada illegally gave their agents/brokers and club owners additional source of control over the women.” p. 227

“It was clear that the need for money was the main reason for most migrant women to stay in the industry, and many stayed for a long time. Of all the women



in our study, those who managed to get out of the sex trade and stay out were those who were forced out by being charged or who were to be deported.” p. 232

“When asked more specifically, the women identified three services that would be most useful to them: employment assistance, help in getting an education, and language training services that would be instrumental in helping them exit the sex trade or give them more control over their lives if they remained in the industry.” p. 233

Musto, Jennifer Lynne. (2009). What’s in a Name? Conflation and Contradictions in Contemporary U.S. Discourses of Human Trafficking. *Women’s Studies International Forum* 32.4, 281-287.

In this article the author explores how the terms “smuggling,” “modern day slavery,” and “sexual slavery” have been conflated and harnessed by US governments and NGOs. The author also examines how scholars have taken up the study of human trafficking. Musto argues that although the definitions and theoretical understandings of human trafficking have become more sophisticated, they lack the capacity to take into account the complex nature of human trafficking and are unable to adequately respond to it.

Quotes

“Deeply engrained assumptions about gender and race also influence whether a person is profiled as trafficked or smuggled, where the former are more often than not assumed to be women and the latter are thought to be men with choice and free will over their movement and life circumstances (Agustín, 2003).” p. 283

“Although international instruments such as the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons proffer a broad definition of what activities constitutes trafficking, the definition is more of a guideline than a proscriptive formula, and does little to diffuse the confusion between trafficking and smuggling.” p. 283

“Widely circulated discourses on modern day slavery in the United States, whether scholarly, governmental, or nongovernmental currently offer little in the way of interrogating structural inequalities that facilitate its emergence. As such, modern day slavery is more of an ahistorical catchall phrase and elusive specter, inciting moral outrage and charitable voyeurism without in fact changing the economic conditions within which it flourishes.” p. 284

Oxman-Martinez, Jacqueline, Andrea Martinez, and Jill Hanley. (2001). Trafficking Women: Gendered Impacts of Canadian Immigration Policies. *Journal of International Migration and Integration* 2.3, 297-313.

The authors explore Canada’s Live-In Caregiver and Fiancée Visa programs and examine the gendered and socio-cultural factors that often place migrant women in positions of dependency



and vulnerability. Women who do not have access to financial means or education, yet wish to migrate to Canada, are often limited to programs (i.e. Live-In Caregiver and Fiancée’s Visa) that can create a relationship of dependence on employers or fiancées. The authors call for the government to develop programs that recognize and value women’s skills and independence and eliminate programs that create dependence, power imbalances and the opportunity for human trafficking.

Quote

“Our findings suggest that given the nature of international trafficking and exploitation of women in Canada, the government's focus on border control is ineffective in protecting trafficked women's human rights and the rights of migrants generally.” p. 298

“Although some of these victims, particularly minor-aged girls, are smuggled into the country, many arrive through the legal immigration channels that tie women's status in Canada to their relationship with either an employer or a husband/fiancé.” p. 304

“Gender plays a role in the form of exploitation that trafficking entails ...The LCP and Fiancée Visa's linking of migrant women's immigration status to a male sponsor or employer places them at particular risk for exploitation (Langevin & Belleau, 2000; Cote, Kerisit & Cote, 2001). The combination of social isolation, lack of knowledge of their rights, and a dependent immigration status means that for women who are actually trafficked under these programs, there are few options of escape that avoid deportation.” p. 304

“Because the educational and capital requirements of our current immigration laws do not permit most women to enter the country as independent immigrants, the LCP is one of the few options legally open to women without capital or skills recognized as economically beneficial to Canada.” p. 305

Quarterman, Lara, Julie Kaye and John Winterdyk. (2012). Human Trafficking in Calgary: Informing a Localized Response. Paper presented on March 23 at the ACT Alberta and Mount Royal University Research Release Event. Calgary: Ambrose University College.

This project marks the first attempt to document how a major Canadian urban centre responds to the rights and needs of human trafficking victims. It found both confusion and a lack of consensus around what constitutes human trafficking from government, nongovernment, and law enforcement representatives. The authors argue that an overemphasis on the legal definition of trafficking results in victims falling through the cracks and that the effects of sensationalizing human trafficking are overwhelmingly negative. The authors reported a desire for improved awareness, front-line training and the establishment of protocols by participants. The authors offer several recommendations: (1) victim-centered service delivery, (2) awareness



raising and specialized training, (3) case management and coordination and (4) continued research.

Quotes

The lack of clarity surrounding the definition of human trafficking and clear misunderstandings of the definition were frequently stated by focus group discussion participants as impediments to identifying and responding to victims p. 17

Both law enforcement and government representatives indicated that human trafficking experiences are potentially falling outside the realm of a criminal justice response p. 22

Perhaps because of the challenges identified, participants frequently mentioned the need for ongoing, realistic awareness raising campaigns, accurate coverage of human trafficking in the media, as well as agency-focused training on identifying cases and responding to the rights and needs of trafficked persons p. 27

Roots, Katrin. (2013). Trafficking or Pimping?: An Analysis of Canada's Human Trafficking Legislation and its Implications. *Canadian Journal of Law and Society* 28.1, 21-41.

In this article, the author examines Canada's human trafficking legislation in the *Criminal Code of Canada* since its implementation in 2005 and argues that the vagueness of this legislation and its similarity to other provisions within the *Criminal Code* make it difficult to distinguish human trafficking from other criminal offences, particularly procurement. Analyzing cases identified as human trafficking by Canadian police and legal authorities, this article points out the challenges arising from identifying non-trafficking cases as human trafficking, including undermining the severity of human trafficking and impeding efforts to combat it. Roots found that in the five years following the implementation of the legislation there was a total of only five convictions.

Quotes

"I demonstrate that the broadness of the legislative definition has placed the discretionary power of interpretation in the hands of individual law enforcement officials to evaluate the situation based on their own moral compass." p. 23

"Of course, many romantic or marital relationships are exploitative or abusive, but trafficking legislation, or for that matter, procurement laws, are hardly the appropriate tools for dealing with relationships of long standing that are unhealthy or abusive in some respects but may well meet women's needs in other respects." p. 38

Sanghera, Jyoti. (2005). Unpacking Trafficking Discourse. In K. Kempadoo, J. Sanghera, and B. Pattanaik (Ed.), *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (pp 3-24.) Colorado: Paradigm Publishers.

Sanghera offers an overview and analysis of the dominant discourse on human trafficking, which has largely remained uncritical. She gives an overview of several human trafficking "mythologies" which inform the mainstream discourse while being based on little or no



evidence (ex. Trafficking is ever-increasing, younger girls are being targeted, most sex workers are trafficked, etc). She discusses the negative impacts of conflating migration and prostitution with trafficking, the problems of mashing together the categories of “women” and “children” in the human trafficking discourse, and the lack of a real understanding of the realities of human trafficking. Attempting to address the myths of human trafficking, rather than the realities, can exacerbate the issue and result in more harm.

Quotes:

“Conflating trafficking with migration in an unproblematic manner results in reinforcing the gender bias that women and girls need constant male or state protection, and therefore must not be allowed to exercise their right to movement.” p. 11.

“Attempting to eradicate the sex industry in a bid to prevent the harm of trafficking may be an unrealistic agenda. Not all victims of trafficking are prostitutes, nor are all prostitutes victims of trafficking.” p. 11.

“A number of increasingly stringent laws with draconian measures and harsh punishments have been implemented. At the same time, aggressive and intrusive rescue operations with little regard to the personhood, wishes, or rights of the trafficked person have been conducted ... Evidence reveals that in some instances prevention initiatives at source have been tantamount to restricting women and girls’ right to freedom of movement, reinforcing thereby the patriarchal practice of keeping them trapped within the four walls of the home as a measure of protection.” p. 21.

Sarson, Jeanne and Linda MacDonald. (2008). Ritual Abuse-Torture Within Families/Groups. *Journal of Aggression, Maltreatment & Trauma* 16.4, 419-438.

In this article, the authors identify and examine the phenomenon of ritual abuse-torture (RAT). The authors identify that RAT begins in childhood, is perpetuated primarily by family members, and may include elements of human trafficking. This article illustrates how human trafficking can emerge and evolve within the domestic context of Canada as well as some of the barriers that victims may face when trying leave an abusive situation.

Quotes

“RAT involves pedophilic parents and transgenerational family members, guardians, and likeminded adults who abuse, torture, and traffic their or other children. They also organize violent group gatherings using ‘rituals and ceremonies.’ If unable to exit, a girl child can become a captive and exploited adult.” p. 422

“During the process of ‘getting out’ and attempting to heal, the women’s narratives included various forms of revictimization ... Such revictimization involves abuses of power and trust.” p. 424

Sethi, Anupriya. (2007). Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications. *First Peoples Child & Family Review* 3.3, 57-71.



In this article, the author argues that the dominant discourse on human trafficking in Canada centers on international trafficking at the expense of addressing the domestic trafficking of Aboriginal girls. Aboriginal girls are recruited using coercion and deception and are at particular risk due to lack of awareness and understanding of sexual exploitation and the legacy of colonization. Other identified factors included violence, poverty, rural isolation, substance abuse, gang activity, discriminatory policies, racism and gaps in service provisions. The article also outlines the following recommendations: (1) acknowledge and recognize the issue of domestic trafficking, (2) honour Indigenous knowledge and acknowledge their lived experiences and diversity, (3) establish a national level strategy, (4) bridge the policy/practice gap, (5) forge alliances between Aboriginals and non-Aboriginals, (6) take a preventative approach, (7) build capacity in Aboriginal communities and in NGOs, and (8) be culturally relevant.

Quotes

“Notwithstanding the fact that 500 Aboriginal girls and women (and maybe more) have gone missing over the past thirty years (Amnesty International, 2004), domestic trafficking has not received the attention it deserves. Instead of being contextualized in a trafficking framework, sexual exploitation of Aboriginal girls is portrayed and understood as a problem of prostitution or sex work.” p. 57

“There is no national level data that tracks the transient Aboriginal population and their trafficking in [the] sex trade ... Moreover [the] majority of the cases of trafficking go unreported as girls are scared to take action against their traffickers resulting in the data on the trafficked persons being partial, varied and debatable.” p. 59

Reports

Assembly of Manitoba Chiefs. (2010). *Stand Strong: Prevent Human Trafficking Stop the Sexual Exploitation of First Nations People*. Status of Women Canada.

In 2009, the Assembly of Manitoba Chiefs hosted a public forum on the sexual exploitation of First Nations women and children. This led to the establishment of the Prevent Human Trafficking Working Group (consisting of First Nations leaders, law enforcement, supporting agencies, community members, front line workers, and others). Aboriginal women and girls were identified as being particularly at risk of becoming victims of trafficking in Canada. An anti-trafficking strategy specific to First Nations was developed and focused on education, awareness, protection, and intervention.

Quote

“First Nations are most vulnerable to sex trafficking and sexual exploitation due to the health and socioeconomic disparities that separate First Nations from the rest of Canadians.” p. 5



Barrett, Nicole A. (2010). *An Exploration of Promising Practices in Response to Human Trafficking in Canada*. International Centre for Criminal Law Reform and Criminal Justice Policy. Vancouver, BC.

This report explores promising practices and recommends strategies at the policy and services level. In particular, the report recommends: (1) the development of a system to collect reliable data, (2) a comprehensive approach that integrates existing promising practices (such as Temporary Foreign Workers), which includes a national action plan, a national rapporteur, and a national referral mechanism (3) promotion of gender equality through programs and laws, (4) further exploration of how the existing labour framework could be enhanced to address trafficking in persons, (5) training, and (6) recognition of vulnerability of Aboriginal peoples.

Quote

“In order to prevent trafficking, it is first essential to understand how severe the problem is in Canada and who is vulnerable to becoming a victim of the offense. Collecting further information on trafficking is the first step to setting up effective victim services. Unfortunately, this information is not easy to come by – in Canada or in other countries – both because there is a lack of reliable data and because of the fragmented character of information that is available.” p.8-9.

Body Rub Centres Task Force. (2015). *Body Rub Centres Task Force: Impact of Body Rub Centres and Their Locations*. Edmonton: City of Edmonton.

This report provides information on the outcomes of the Body Rub Centres Task Force, which was convened to examine the impact of Body Rub Centres and their locations on various populations. Themes included: (1) health and safety of body rub practitioners, their clients, and the communities in which they operate, (2) gaps, inconsistencies, or problems with the existing bylaws and licensing system, (3) community impact, and (4) level of services from the City. The report generally found that the existing regulation system is sound, although adjustments were recommended.

Bruckert, Christine and Colette Parent. (2002). *Trafficking in Human Beings and Organized Crime: A Literature Review*. Royal Canadian Mounted Police.

In this literature review, the authors found that there is no consistent definition or theoretical framework that is used to inform research or data analysis on human trafficking. They argue that these inconsistencies lead many actors to either (1) confine themselves to basic descriptions of trafficking in persons or (2) to provide lists of the approaches used to address the problem (e.g. as a migration issue, labour issue, human rights issue, criminal issue, commercial issue, etc.) which are then rarely defined. Furthermore, the authors found that the idea that human trafficking and organized crime are closely related is widespread despite a lack of valid data to support this claim.

Quotes



“The stereotypical victim is still the innocent young girl who is seduced or kidnapped and forced into sexual slavery. Those analysts, for whom the sex trade is in itself a form of bondage, of violence against women, advocate a vigorous struggle against this new form of victimization of women.” p. 3

“Aside from the lack of consensus on a definition, a number of authors have noted that there is no consistent theoretical framework that structures analysis and empirical research on this question (Okolski, 2000b; Salt and Hogarth, 2000). Motivated by the stark lack of knowledge on their particular research subject and by indignation, many have confined themselves to the basics in describing the phenomenon, indicating the players involved, the routes, the practices, the consequences and the mechanisms for combating it (IOM, 2000b, IOM, 2001c).” p.7

“By presenting the question in terms of the fate of those targeted by trafficking, some authors fall into the trap of depicting them as total victims who have been the pawns of profit-seeking and unscrupulous individuals. This simplistic approach gives the victims no voice to explain the meaning of their actions and greatly reduces the scope of the problem of trafficking in humans.” p.12

Canada. Parliament. (2007). Standing Committee on the Status of Women. *Turning Outrage into Action to Address Trafficking for the Purpose of Sex Exploitation in Canada*. 39th Parliament, 1st Session, 12th Report.

This report focuses on examining prevention, protection, and prosecution related to sex trafficking in Canada. Overall, this report states that among stakeholders there is currently a lack of consensus as to what constitutes force and exploitation and concludes that prostitution is fundamentally a violation of human rights. Furthermore, this report states that the causes of trafficking are poverty, gender inequality, demand, a low age of consent, inequalities resulting from Canada’s immigration policy (ex. it is harder for a woman to immigrate to Canada), insufficient coordination between NGOs, government, and regional partners, a lack of research/data, insufficient training and awareness for law enforcement/prosecutors/judges, and insufficient quality of services and programs. There are also various problems associated with the Temporary Resident Permit issuance process. Various recommendations are made to address these issues.

Canada. Public Safety Canada. (2012). *National Action Plan to Combat Human Trafficking*.

This document was compiled by the Government of Canada and outlines a National Action Plan aimed at combating human trafficking in Canada. Although this document states that labour trafficking is prevalent in Alberta and Ontario, it views trafficking as primarily an issue of sexual exploitation. The key components of the Action Plan are focused on both domestic and international efforts and include efforts to combat both labour and sex trafficking. The Action Plan uses the framework of the four Ps (Prevention, Protection, Prosecution, and Partnerships) that are internationally recognised as the means by which to address human trafficking.

Quotes



“The extent of human trafficking, either in Canada or internationally, is difficult to assess due to the hidden nature of these offences, the reluctance of victims and witnesses to come forward to law enforcement and the difficulty of identifying victims in practice. Moreover, these cases often go unnoticed and unreported due to manipulation, fear, threats from traffickers, shame, language barriers or mistrust of authorities.” p. 5

“The National Action Plan will consolidate ongoing efforts of the federal government to combat human trafficking and introduce aggressive new initiatives to prevent human trafficking, identify victims, protect the most vulnerable, and prosecute perpetrators.” p. 9

Canada. Public Safety Canada. (2014). *Trafficking of Aboriginal Women and Girls* by Boyer, Yvonne and Peggy Kampouris.

This study focuses on the trafficking of Aboriginal women and girls. It stresses that socioeconomic conditions have resulted in heightened vulnerability amongst this population and recognizes the effects of colonialism and an ongoing history of discrimination and violence against Aboriginal populations in Canada. This study also indicated that there are instances of family involvement in recruitment into sex work and that small, loosely-structured gangs also target and recruit women and girls. Geographical isolation and mistrust of the police exacerbate the challenges of addressing the sex trafficking of Aboriginal women and girls. The authors stress that human trafficking cases are complex and difficult to investigate, and that victims of this crime have needs that go beyond what most agencies can provide, particularly considering the lack of culturally-appropriate services.

Quotes:

“Historical and complex socioeconomic issues have resulted in vulnerabilities amongst Aboriginal women and girls that can lead to sex trafficking and exploitation. The effects of colonialism are seen through physical and sexual abuse experienced in the residential school system, dispossession of identity and culture via the *Indian Act*, violence, racism and the marginalization of Aboriginal women. Widespread addiction has created a multitude of vulnerabilities, and can often be the result of either being introduced to drugs as a method of pimp control or as a means of escape from the harsh realities of being victimized or exploited. The health, living and working conditions of Aboriginal women and girls who are reported as having been trafficked are deplorable and are centred in cycles of poverty, violence and degradation.” p. 2.

“A number of participants believed that the trafficking of Aboriginal women and girls was part of a wider ‘Canadian crisis.’ This crisis was a continuum of related phenomena involving the criminal victimization of Aboriginal women and girls, evident by the large numbers of Aboriginal women and girls who are subjected to physical and sexual violence, are trafficked, and who go missing or are murdered.” p. 4.

Canadian Women’s Foundation. (2014). ‘No More’ Ending Sex-Trafficking in Canada. Report of the National Task Force on Sex Trafficking of Women and Girls in Canada.

In January 2013, the Canadian Women’s Foundation created a National Task Force on Trafficking of Women and Girls in Canada. This Task Force was mandated to investigate the nature and extent of sex trafficking and recommend a national anti-trafficking strategy. This report summarizes the Task Force findings. They outline the realities of sex trafficking in Canada, and argue that the greatest risk factor to being trafficked is being a girl. Compounding this is being poor with a history of violence and/or neglect, child sexual abuse, and a low level of education. They provide a variety of recommendations, including using prostitution laws to advance women’s equity, encouraging trauma-informed services, and adequately equipping first responders.

Criminal Intelligence Service Alberta. (2008). 2008 Provincial Report on Organized Crime.

In this article, the authors argue that human trafficking in Alberta involves either foreign individuals being trafficked into Alberta by criminal networks or the recruitment and movement of domestic sex trade workers by organized crime groups. Human trafficking is also identified as being extremely profitable, in part because a human can be sold multiple times, and in part because of the difficulties involved with investigation.

Criminal Intelligence Service Canada. (2008). Strategic intelligence brief: Organized crime and domestic trafficking in persons in Canada.

This document reports that organized crime networks are actively trafficking women and girls, that middle-class females are typically recruited by their male peers, and that crime networks frequently move these individuals intra- and inter-provincially and control them through both direct and indirect methods. While most of these networks are reported to be highly organized, they are also reported to display low levels of sophistication. Furthermore, the involvement of organized crime networks in prostitution is expected to remain stable, due in part to law enforcement pressures.

Dalley, Marlene. (2010). Hidden Abuse – hidden Crime. The Domestic Trafficking of Children and Youth in Canada: The Relationship to Sexual Exploitation, Running Away and Children at Risk of Harm. Royal Canadian Mounted Police.

This document presents a pan-Canadian study that examined child trafficking. It finds that particularly vulnerable groups of children (esp. runaways/throwaways) are at heightened risk of sexual exploitation. It found that children groomed for sexual exploitation use drugs as a method of control or as a coping mechanism. Furthermore, children were found to lack the knowledge of where to turn for help and how to leave the trade. The study reports that poverty, fear of law enforcement, social isolation, and organized crime involvement/gangs are causal characteristics. The study also states that there is sparse data on organized crime and on the sexual exploitation of boys. These factors were further complicated by the various issues surrounding definitions of trafficking and a lack of awareness.

Quotes

“One of the main antecedents for children and youth to become involved in the sex trade is their status as a runaway child. This group of children/youth is the most vulnerable because they live and work on the streets of our cities and towns. They are in survival mode most of the time, meaning they will subject themselves to any risk in exchange for money, a place to sleep, gifts and/or drugs.” p. 15

“In reflection, everyone is bent on solving the problem of trafficking in persons (or children) but the information available is sparse. Therefore, in relation to definition, content, and scope, there lacks a clear picture of the situation with facts to support it.” p. 52

Evangelical Fellowship of Canada. (2011). *Seeking Justice, Rescuing the Enslaved: Recommendations for a National Strategy to Combat Human Trafficking*. Ottawa.

In this document, the authors report that both labour and sex trafficking occurs in Canada. Temporary Foreign Workers are at particular risk of labour exploitation, particularly when the jobs they are promised do not materialize. This document provides the following recommendations: (1) strengthen the legal framework and reform the prostitution laws, (2) have a clear national strategy, (3) coordinate law enforcement agencies, (4) coordinate victim assistance, (5) coordinate research and data collection, (6) coordinate educational/awareness efforts, and (7) increase coordination with other nations through bi/multilateral agreements.

International Centre for Criminal Law Reform and Criminal Justice Policy. (2011). *Towards Human Trafficking Prevention: National and International Expert Group Meetings*. Vancouver, BC.

This document presents a summary of two meetings focused on the theme of preventing human trafficking that were held in Montreal in 2011. Both meetings concluded that an organized and transnational prevention framework is needed. Representatives recognized major challenges due to a lack of consensus on the definition of human trafficking, a lack of data, and constantly changing criminal activity patterns. Representatives agreed that there is a need to move beyond general awareness-raising, that national leadership, coordination, and resources are crucial elements of a prevention framework, and that certain groups are particularly vulnerable, including vulnerable children, the homeless, illegal immigrants, and temporary foreign workers (with regional variations). Representatives recognized that there are already a number of prevention programs that could be expanded to include human trafficking but there are challenges (such as a lack of coordination/collaboration amongst agencies and mutual mistrust/poor communication between government and NGOs). A need for a comprehensive policy and program framework that supports flexible prevention strategies, builds upon existing structures and partnerships, and focuses on the exploitation, labour, domestic, and demand aspects of this issue was identified.



Mahaffy, Cheryl. (2007). *Working Together to Address Sexual Exploitation in Edmonton: A Snapshot of Initiatives and Insights*. Safedmonton's Prostitution Working Group.

This document presents findings from a study that involved the participation of numerous individuals and agencies that have experience responding to and/or have been impacted by sexual exploitation. Data was gathered through interviews with representatives from various agencies and organizations that work within the four pillars for effective response: (1) prevention, (2) harm reduction, (3) treatment and (4) enforcement. The report provides a snapshot of sexual exploitation in Edmonton and identifies what needs to be done to move away from the current crisis mode and towards coordinated action.

Oxman-Martinez, Jacqueline, Marie Lacroix, and Jill Hanley. (2005). *Victims of Trafficking in Persons: Perspectives from the Canadian community Sector*. Ottawa: Research and Statistics Division, Department of Justice Canada.

This study examined domestic and international trafficking in Canada in four major cities (Vancouver, Toronto, Montreal, and Winnipeg) by investigating frontline organizations with direct experience assisting trafficking victims. The study reported that most of the victims identified were women and young girls. The age and ethnic background of the victims varied, although Aboriginal people were overrepresented. It was reported that these individuals were trafficked through the use of physical, psychological, and economic control and tended to have a relationship with the trafficker. Although victims' needs were many and highly varied, they tended to focus on access to shelter, safety, assisted-living services, health services, a viable income, immigration status, education and skill development. Outreach, police intervention, and protection were considered essential activities, although insufficient or inappropriate law enforcement activities, a lack of accurate information and awareness, lack of funding, lack of immigration status for the victim, language and cultural barriers, marginalization and isolation of victims, and the secrecy surrounding this issue were found to be major barriers.

Quotes

"Being far from home, without their familiar social system and their potential social supports was seen as an important factor in individuals' vulnerability to coercion and exploitation." p. 8

"Respondents grappled with the difficulty of determining where the line between trafficking and other forms of abuse or exploitation is drawn." p. 8

"Gender, poverty, social crisis, education, age, social isolation and drug or alcohol addiction were all cited by respondents as important factors in creating vulnerability to trafficking." p. 10

Roos, Helen. (2013-14). *Phase I – Service and Capacity Review for Victims of Sexual Exploitation and Human Trafficking in Nunavut*. Roos-Remillard Consulting Services.



This report outlines the sexual exploitation and human trafficking of Inuit across Canada. It outlines the familial and gang aspects of human trafficking and recognizes the grievous socioeconomic conditions and vulnerabilities many Inuit families and individuals face. The author argues that there is a lack of concerted victim services strategies and provides the following recommendations: (1) territory-wide coordination; (2) training and professional development for frontline workers, counsellors, students in Inuit Bachelor of Social Work programs, RCMP and Nunavut Justice officials; (3) increased protection of children and youth, in part through improved adoption processes; (4) community-based programs and services, including life skills modules and self esteem sessions; (5) increased multi-year funding; and (6) public awareness activities.

Royal Canadian Mounted Police Criminal Intelligence. (2010). *Human Trafficking in Canada*. Ottawa.

This report presents a summary of Project SECLUSION, a national overview of human trafficking activities. It confirms that there are vulnerable sectors of the Canadian population that are overrepresented amongst victims of human trafficking. Victims are typically coerced into some avenue of the sex trade and are typically recruited either through a personal relationship or through the Internet. Furthermore, this document states that the Temporary Foreign Worker Program and Live-in Caregiver Program are known to have been exploited on occasion by traffickers, and labour trafficking is particularly prevalent in Alberta. Challenges in investigating human trafficking were noted and included the following: attaining victim cooperation, resource constraints, information sharing, and a lack of awareness.

Sikka, Anette. (2009). *Trafficking of Aboriginal Women and Girls in Canada*. Institute on Governance.

In this article, the author argues that Aboriginal women and girls are often not considered to be trafficked due to legacies of poverty, extreme racism, and the criminalization of the behavior of Aboriginal peoples. She points out that the definitions of trafficking used in Canada's *Immigration and Refugee Protection Act*, the *Criminal Code*, and the Palermo Protocol differ from one another and states that without appropriate guidelines, case law, or understanding, frontline workers will continue to use sensationalized images of victims, perpetuating the image of a powerless, foreign, meek, bruised and fearful female in need of a savior (thereby excluding many victims).

Quotes

“Activities which take place in these degenerate spaces towards racialized bodies do not qualify as ‘trafficking,’ but are rather seen as a natural consequence of belonging to those spaces. The spaces are criminalized as are the bodies within them. The women in the Winnipeg and Edmonton street trade who occupy these spaces are viewed as ‘criminal’ rather than ‘victim’ because they inhabit this space.” p. 9

“Where the conditions of someone’s history have created a situation that another individual is able to exploit her by requiring that she perform labour (including sexual services) such that she cannot refuse, or such that she has no control over the conditions of her work, we may call this trafficking.” p. 10

“Participants in Winnipeg and Edmonton supported previous studies’ findings indicating that having been in the child welfare system was perhaps the most common feature among girls who entered into prostitution.” p. 14

Sikka, Annette. (2013). *Labour Trafficking in Canada: Indicators, Stakeholders, and Investigative Methods*. Law Enforcement and Policing Branch, Public Safety Canada, Report 42.

This report summarizes and analyzes the phenomenon of non-sexual labour trafficking in Canada, which is argued to have not received sufficient attention. The author states that labour trafficking arises when individuals are placed in situations where they are unable to leave, due to fear, debt bondage, or threats of criminalization. Similarly to sex trafficking, recruiting tactics include deception (labour brokers charge exorbitant fees or advertise jobs that do not exist or are not as they are advertised), coercion, and threats. Exploitation is an aggravating factor (withholding of documents, poor/no pay, terrible working conditions, inability to access rights due to fear of deportation, etc.). Both men and women are affected by labour trafficking with reports of labour trafficking typically coming through NGOs and other service providers.

Quotes

“Investigating cases involving prostitution and sex trafficking is somewhat clearer than those involving trafficking for forced labour. In cases involving sexual exploitation there is often criminal activity associated with the act of prostitution, and particularly where minors are involved.” p. 5

Trompetter, Sherilyn. (2007). *Environmental Scan Results. Changing Together ... a Centre for Immigrant Women*.

This document provides a brief summary of the data that was gathered in an environmental scan that targeted healthcare, social services, law enforcement, immigration, settlement and faith-based groups located in Edmonton, Calgary, and Winnipeg. 45.5% of the respondents indicated that they knew of specific human trafficking cases in their communities. The information gathered indicated an overall need for more training and awareness on issues related to human trafficking in Alberta. The report provided the following next steps: (1) increased collaboration between stakeholders, (2) develop an Alberta Protocol on Human Trafficking, (3) disseminate information on the Protocol to communities across Alberta, (4) develop local trainers, develop educational material, and (4) in conjunction with the RCMP and Canada Justice distribute Human Trafficking posters and identification cards.



Books

Perrin, Benjamin. (2010). *Invisible Chains*. Toronto: Penguin Group.

Perrin argues that sex trafficking is widespread in Canada due in part to lax laws regarding Canadian sex tourism, a large undefended border with the United States, and a lack of awareness. He argues that traffickers use sophisticated techniques, technology, coercion, and psychological manipulation to ensnare victims. He further argues that weak Canadian human trafficking legislation and enforcement result in traffickers going free and the denial of justice to victims. Nonetheless, he does acknowledge that there are small but important efforts being made to combat human trafficking nationwide.

Relevant Legislation

Canada. Criminal Code, RSC 1985, c C-43.

The Criminal Code offence of human trafficking was adopted in 2005 and is set out under section 279.01 as follows:

279.01 (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable to imprisonment for life and to a minimum punishment of imprisonment for a term of five years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of four years in any other case.

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

For the purposes of this section, exploitation is defined as:

279.04 (1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

(2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused used or threatened to use force or another form of coercion; used deception; or abused a position of trust, power or authority.

Canada. *Immigration and Refugee Protection Act* SC 2001, c 27.



Under section 118 of the *IRPA*, as amended in 2001:

118. (1) No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.

(2) For the purpose of subsection (1), “organize”, with respect to persons, includes their recruitment or transportation and, after their entry into Canada, the receipt or harbouring of those persons.

Note that this definition requires the crossing of an international border and therefore only applies to cases of transnational human trafficking.

Edmonton. (2013). Edmonton City Bylaw 12800.

This Zoning Bylaw regulates land uses that have a unique impact on surrounding properties, including Body Rub Centres. This Bylaw defines body rub centres as: “a personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations.” It also includes a list of criteria that body rub centre locations must meet, including being located at least 100 metres from sensitive use areas (such as school, parks, daycares, etc).

Edmonton. (2015). Edmonton City Bylaw 13138.

This bylaw sets out the regulations for body rub businesses and practitioners. Among other provisions, it stipulates the possible hours of operation for a body rub centre (7:00am – 11:00pm) and mandates that practitioners must obtain a police background check and a license from the City of Edmonton.

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational organized Crime.*

The United Nations Trafficking in Persons Protocol was signed in December 2000. It defines trafficking in persons as:

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 purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

As of June 2015, there are 40 ratifications, 117 signatories, and 167 parties to the Trafficking Protocol.

