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# Painting the Ideal Subject: The Canadian Government's Conceptualization of Victims of Trafficking in Persons for Purpose of Sexual Exploitation

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PAINING THE IDEAL SUBJECT: THE CANADIAN GOVERNMENT'S  
CONCEPTUALIZATION OF VICTIMS OF TRAFFICKING IN PERSONS FOR PURPOSE  
OF SEXUAL EXPLOITATION

By

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A Major Research Paper  
presented to Ryerson University

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in the Program of  
Immigration and Settlement Studies

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Cristina Doré-Bari

Painting the Ideal Subject: The Canadian Government's Conceptualization of Victims of  
Trafficking in Persons for Purpose of Sexual Exploitation

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Master of Arts 2013  
Immigration and Settlement Studies  
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**ABSTRACT**

This study will examine the National Action Plan to Combat Human Trafficking (2012) which represents Canada's response and commitment to combating trafficking. The goal of this study is to explore if the government's conceptualization of victims in the action plan is representative of current trafficking trends as outlined in the Threat Assessment report of the RCMP and scholars. Research findings reveal that the gendered constructions of trafficked victims by the government as foreign vulnerable women may be representative of an ideal subject which generates public attention. This representation of victims however may not depict true characteristics as contrasting findings were found in other documents and articles. Research findings reveal that careful consideration is required when conceptualizing subjects as it sequentially impacts the development of government strategies and policies.

**Key Words:** Human Trafficking; Victims; Women; Sexual Exploitation; Canada.

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## **CHAPTER ONE: INTRODUCTION**

Globalization has increased the global movement of people; it is now simpler and faster than ever before to travel across national borders. Migration can be internal or international, temporary or permanent, forced or free, as well as legal or illegal. A serious downside of globalization has been the spread and growth of transnational crimes such as human trafficking. Due to increases in international immigration flows, policies have been implemented to control national borders. Contemporary border and migration policies are ever-changing and becoming more restrictive to retain control over who is granted and denied access. Global migration flows however happen regardless of immigration laws generating the fear of a control crisis (McDonald, 2009). The closing or restricting of one legal avenue of entrance will lead immigrants to another pathway of entry (McDonald, 2009). Increased restrictions on legal migration have therefore augmented the illegal migration market. Border control policies are failing to meet their proclaimed intent as undesirable migrants are finding illicit channels of entry or are entering by legal channels under false pretense (McDonald, 2009).

Immigration policies tend to shift back and forth from a human rights focus to a security-control focus (Miklavcic, 2011). The human rights perspective focuses on the right to seek a better life in another country by claiming asylum whereas a security-control focus aims to sustain national security (Miklavcic, 2011). There exists a “dichotomy between the state legitimate interest to ensure national security and its domestic and international obligations to protect human rights for all...” (Crepeau, Nakache, & Atak 2007, 311). The focus of state action towards human trafficking tends to be on prevention of trafficking and the prosecution of traffickers. There is a lack of attention given by the states to protect human rights and the needs of victims, especially with regards to citizenship status which leaves many victims in the country with

precarious status (Javasinghe & Baglay, 2011). A shift in focus is therefore required from migrants being perceived as a security concern to a focus on protecting human rights (Oxman-Martinez, Hanley, & Gomez, 2005). It is important to protect people against human rights violations, including non-status migrants who may have illegally entered the country through smuggling or trafficking (Crepeau et al. 2007). People in Canada become illegal because of the selection and exclusion process in the Immigration and Refugee Protection Act (hereafter IRPA). Immigration status is dependent on immigration policies; people who do not meet the criteria for permanent status are deemed undesirable migrants (McDonald, 2009).

The study of human trafficking links several elements such as issues of immigration, crime, human rights violations, and gender inequalities. An analytical review of government documents and scholarly peer-reviewed sources on human trafficking reveals the multi-dimensional aspects of this issue and the challenges to manage it. The research will examine existing data on human trafficking and focus on the conceptualizations of victims of trafficking in persons for the purpose of sexual exploitation. Existing scholarly research on victims of human trafficking explore how victims are conceptualized by international organizations as vulnerable young women and girls in need of protection by the state. Various scholars however argue that these women do not need to be rescued as they are rational actors in need of rights recognition (Jahic & Finckenauer, 2005).

The purpose of this study is to explore how the Canadian government conceptualizes victims of trafficking in persons for the purpose of sexual exploitation, also referred to as sex trafficking. Strategies to combat human trafficking in Canada were guided by the efforts proposed in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Person, especially Women and Children (thereafter Trafficking Protocol) introduced in 2000 and ratified

by Canada (Stewart & Gjik- Velianoski, 2005). Research has been conducted by authors such as Oxman-Martinez, Hanley & Gomez (2005), and Stewart & Gjik- Velianoski (2005) on Canadian trafficking policies and strategies post Trafficking Protocol. There has however been no analysis of the National Action Plan which represents Canada's current response and commitment to combating human trafficking. A content analysis of the National Action Plan will be performed to determine how victims of sexual exploitation are conceptualized and the determinants will be compared to findings from the analysis of the Royal Canadian Mounted Police (thereafter RCMP) report. This analysis will explore if government's conceptualization of victims in the National Action Plan is representative of current trends as explored by the RCMP, and of scholarly conceptualizations of victims. Policies will continue to be inadequate in controlling human trafficking and addressing the needs of victims without a proper conceptualization of victims.

This issue is pertinent to my research interests and educational background in crime and immigration. I hold a Bachelors of Arts degree with a major in criminal justice and a minor in psychology. I am also currently completing a Master of Arts degree in immigration and settlement studies. Even though I may not be able to relate to the experiences of trafficked victims, I can relate to a certain degree to their experiences as a woman in a patriarchal society. The arguments presented are not from personal experience, they reflect feminist views and research in multidisciplinary disciplines including crime, immigration, human rights, and gender issues.

## **CHAPTER TWO: LITERATURE REVIEW**

Various scholarly articles, policy documents, and government databases have been analysed for this literature review including sources from the Canadian Press, Citizenship and Immigration Canada (CIC), Public Safety Canada, and the United Nations. I begin by providing a brief overview of the victims of trafficking in persons, and exploring major themes in the literature including the conceptualization of the victim and the sex trade industry. This will be followed by a review of applicable policy implementations starting by the United Nations Trafficking Protocol which later influenced the development of Canadian policies including the National Action Plan among others.

### CONTEXT & THEMES

Victims of human trafficking are often depicted by the notion of vulnerability and childlike characteristics. They are classified as young, unsuspecting women being deceived by the idea for greater possibilities and better lifestyles (Jahic & Finckenauer, 2005). Even though this depiction of victims is sometimes accurate, it may also be oversimplifying a complex issue. Defining and protecting victims has become a very difficult task given the moral debate, including within the feminist field, related to prostitution and sex trade work (Jahic & Finckenauer, 2005).

The ongoing debate on prostitution within the feminist field is preventing feminist activists and theorists from addressing gender issues in human trafficking. Radical feminists perceive all forms of prostitution and sex work akin to slavery (Lobasz, 2012). Any women working in the sex trade therefore needs to be rescued, regardless of consent. In the other end of the spectrum, liberal feminists view prostitution and other sex work as exploitative of women only if there is no consent, or if the work is performed by force or coercion (Cavaliere, 2011).

This controversy has affected certain scholars, governments, and international agencies who refrain from taking a stance on prostitution (Jeffrey, 2005). In an effort to remain neutral on the topic of prostitution, issues related to the sex trade and trafficking are not being addressed. As will be discussed in further detail below, the United Nations and the Canadian government seem reluctant to address prostitution when discussing strategies to combat human trafficking. This helps explain why official documents depict victims of sex trafficking as naive, and refrain from defining and discussing regarding prostitution and other sex trade related industries.

A committee on prostitution stated in 1998 that Canada would not legalize prostitution as it could lead to an increase in the number of foreign sex-trade workers. Internal issues regarding immigration policies and sex-trade workers are therefore ignored while Canada retains its positive national identity (Jeffrey, 2005). Additional research in the Canadian context, through policy analysis is required to establish and resolve nation-wide issues which impact human trafficking. Addressing the needs of sex-trade workers in Canada remains very difficult as prostitution remains illegal. The Global Alliance against Trafficking in Women (thereafter GAATW) (1999) states:

[T]he majority of trafficking cases involve women who know they are going to work in the sex industry, but are lied to about the conditions they will work under, such as the amount of money they will receive (as cited in Jeffrey 2005, 34).

Policies regarding human trafficking have focused on rescuing victims rather than empowering and giving rights to sex-trade workers.

Human trafficking policies in Canada tend to focus on the issue of trafficking in women and have not addressed the problems with the sex-trade industry (Jeffrey, 2005). The conceptualization of migrant sex-workers as victims of human trafficking has led to the

implementation of policies for tougher border controls and criminal prosecution. This places foreign sex-workers in more vulnerable positions and undermines human rights (Jeffrey, 2005).

Canada's own paternalist response puts migrant sex-workers in a dangerous position by refusing to decriminalize sex-work, to address working conditions, and to provide an open migration process for women (Jeffrey 2005, 42).

Policies tend to focus on eradicating the sex industry rather than on the violence and exploitation associated with the sex-trade (Brysk, 2010). The GAATW reports that anti-trafficking policies too often infringe rights instead of helping victims (as cited in Brysk, 2010).

Brysk (2010) argues that trafficking policies should differentiate between women who freely enter the sex-trade with those who are forced to enter the trade. Jahic and Finckenaue (2005) however argue that it would be difficult to separate the two given the various rationales for entering the trade. For example, sex work may be *"freely chosen as the best of a terrible range of options available to poorly educated young women in patriarchal developing countries"* (Brysk 2010, 264). The separation could also put trafficked women who freely entered the sex-trade in more vulnerable positions due to negative labelling and stigmatization. Separating victims who freely enter the sex-trade from those forced into it may also lower the priority to protect victims as the conceptualization of the innocent victim attracts greater public and policy attention.

Given the long history of human trafficking, relatively little scholarly research has been performed on the subject matter (Iniguez de Heredia, 2008). Concepts are dynamic; they therefore need to be continuously studied and adapted to reflect current findings. Improved conceptualizations will help advance research and the implementation of evidence-based policies (Iniguez de Heredia, 2008). Having a better understanding and separation of the different challenges of trafficking will help improve the understanding of the crime and its victims.

## OVERVIEW OF POLICY IMPLEMENTATIONS:

Over the last few decades, various anti-trafficking strategies have been implemented to deal directly or indirectly with human trafficking (Raymond, 2002). They were however deemed unsuccessful as human trafficking was not clearly defined and the underlying causes were not recognized (Raymond, 2002). This section will review the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Conventions Against Organized Crimes. This will be followed by a preliminary analysis of the Human Trafficking in Canada: A Threat Assessment report completed by the RCMP: and Canada's National Action Plan to Combat Human Trafficking, among other policy changes.

### *THE UNITED NATIONS TRAFFICKING PROTOCOL*

The United Nations Convention against Transnational Organized Crime (thereafter UNCOC) introduced several protocols to officials representing 148 countries during a 2000 conference in Palermo, Italy (Raymond, 2002). The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol or the Trafficking Protocol, was approved by the United Nations General Assembly in 2000, and came into force in late 2003. At this time, the Trafficking Protocol has 117 signatories and 157 parties including Canada and the United States of America (UNTC, 2013). The United Nations Office on Drugs and Crime (UNODC) is in charge of overseeing the progress of the Trafficking Protocol (Miriam, 2005). It is crucial to examine the interpretation of the protocol by state parties in national legislations to assure they are meeting the stated objectives of the Trafficking Protocol (Raymond, 2002).

The Trafficking Protocol supports national governments in introducing and standardizing laws and procedures to combat the trafficking of women and children (Raymond, 2002). It

represents an important movement for combating human trafficking as it incorporates a definition of trafficking, underlying causes, prevention tools and post-trafficking processes (Iniguez de Heredia, 2008). The Trafficking Protocol defines the ‘Trafficking in Persons’ as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 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, forced labour or services, slavery or practices similar to slavery, servitudes or the removal of organs (UN General Assembly 2000, Article 3a).

Three central components comprise the definition: the action of trafficking, the means of trafficking and the purpose of trafficking (Danailova-Trainor & Lacko, 2010).

Jahic and Finckenauer (2005) explore the diverse conceptualizations of trafficking that have arisen since the implementation of the Trafficking Protocol; they include trafficking as; “illegal migration, as prostitution, as forced labour, and as involving criminal activity...” (as cited in Iniguez de Heredia 2008, 302). The different conceptualizations of trafficking have influenced various responses of government agencies, non-governmental organizations (NGO), activist groups, among other organizations. The various conceptualizations of human trafficking over time raise several questions including: is the concept of human trafficking in official documents being misinterpreted? Are victims the main concern of the government? Are other issues being addressed at the expense of victims (Jahic and Finckenauer, 2005)? Further analysis on the conceptualizations of human trafficking and trafficked victims may help answer these questions.

The Trafficking Protocol has been implemented in efforts to target global criminal organizations, transnational prostitution, and the trafficking in persons (Raymond, 2002). Article 2 states that the purpose of the Trafficking Protocol is:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
  - (b) To protect and assist the victims of such trafficking, with full respect for their human right; and
  - (c) To promote cooperation among States Parties in order to meet those objective.
- (UN General Assembly 2000, Article 2)

The Trafficking Protocol focuses on the trafficking in persons for purpose of forced sexual and labour exploitation, and the removal of organs. Article 2(a) explicitly states ‘paying particular attention to women and children’(UN General Assembly, 2000); it therefore appears as if the main focus of the protocol is on targeting trafficking for the purpose of sexual exploitation as the majority of the victims are women and children. The Protocol also recognizes in Article 2(b) the need to provide victims of crime with assistance and protection, including protecting human rights. Article 3(b) launches the need for participating states to collaborate and share information for goal to meet the objectives of the Trafficking Protocol (UN General Assembly, 2000).

Various NGOs, activist groups, among other organizations including the Coalition Against Trafficking in Women (CATW), the European Women’s Lobby (EWL), and the Movement for the Abolition of Pornography and Prostitution (MAPP), participated in the development of the Palermo Protocol (Raymond, 2002). A topic of intense debate and controversy was the definition of the Trafficking in Persons. The CATW and MAPP were key players who argued for the definition of Trafficking in Persons to be inclusive in order to protect all victims, regardless if they could prove force or coercion (Raymond, 2002). Subsequent to the definition of the Trafficking in Persons (section 3a) in the Palermo Protocol, it states:

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used (UN General Assembly, 2000, Article 3b)

The various organizations pushed for the burden of proof to be put on offenders, and for a definition which would not separate victims given their initial consent to enter the sex trade (Raymond, 2002).

Danailova-Trainor & Lacko (2010) in their study on ‘Trafficking in Persons and Development’ critique the definition in the Trafficking Protocol. They argue that having an international definition for the trafficking in persons is a step in the right direction; they however criticize the Trafficking Protocol for failing to incorporate internal trafficking and the selling and buying of people. As will be explored further in the analysis of the RCMP Threat Assessment (2009), internal trafficking is prevalent in Canada. Furthermore, Raymond (2002) criticizes the sentencing in many countries for offenders charged with the trafficking in persons as lenient compared to sentences given for the trafficking of firearms and drugs (Raymond, 2002). The Trafficking Protocol examines criminalization in Article 5, and states:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally... (UN General Assembly 2000, Article 5(1))

The Trafficking Protocol seems to broadly address the criminalization of offenders; no clear direction is given to states for prosecuting traffickers.

Lobasz (2009) in her study on ‘Feminist Approaches to Human Trafficking’ critiques the Trafficking Protocol for failing to meet its stated objectives. Lobasz (2009) argues that the objectives presented by the Trafficking Protocol have been unsatisfactory in protecting the

human rights of victims. The GAATW argue that human trafficking often violates the human rights of victims as declared in the Universal Declaration of Human Rights (UDHR) including:

The right to be free from physical violence, including rape, sexual assault, domestic violence, forced prostitution, and trafficking (Article 3), freedom from slavery (Article 4), the right to safe and healthy working conditions (Article 23.1), and to enjoy psychological, physical, and sexual health (Article 25) (as cited in Lobasz 2009, 330).

The interpretation and implementation of state policies may actually be producing additional right infringements (Lobasz, 2009). In certain countries for example, it appears that efforts have been made to combat human trafficking from the traditional security approaches which focus on the state and border security. Victims of trafficking are consequently viewed as illegal migrants and are being deported (Lobasz, 2009). Furthermore in some participating countries, the trafficking in persons remains legal or is simply not addressed in policies despite efforts by the United Nations to increase global awareness and cooperation among states (Lobasz, 2009).

#### *HUMAN TRAFFICKING IN CANADA: A THREAT ASSESSMENT*

Project Seclusion represents the results of the RCMP's investigation into human trafficking trends in Canada. It was implemented by the RCMP Criminal Intelligence Division to provide national statistics to the RCMP Immigration and Passport Branch (RCMP, 2009). The objectives of this branch are the "*criminal enforcement of the IRPA, the Citizenship Act, and the Criminal Code violations related to Citizenship offences, Canada passport offences, frauds, forgeries and conspiracies*" (RCMP 2009, 4). Part of their mandate is therefore combating organized human trafficking and smuggling. This is achieved with the implementation of programs and protocols; awareness and teaching campaigns; as well as preserving international collaboration with other states and parties (RCMP, 2009).

The findings of the project have been grouped, analyzed, and incorporated into Human Trafficking in Canada: A Threat Assessment report published in 2009. They are representative of:

[S]everal law enforcement sources, including a review of past and current human trafficking investigations and investigations with relevant exploitative elements that were reported to law enforcement between 2005 and 2009, including cases that were eventually unfounded for trafficking (RCMP 2009, 5).

Some of the findings later influenced strategies implemented in the National Action Plan to combat human trafficking. The aim of the project was to identify trends in human trafficking including recognizing victims, organized crime connections, and transnational organizations. The report also outlines issues and challenges faced by law enforcement in their efforts to combat human trafficking in Canada (RCMP, 2009). The report therefore represents a tool that law enforcement officials in Canada can use to develop strategies to combat human trafficking in Canada as a source, destination, and transit country.

The report uses the trafficking definition set in the Criminal Code (hereafter CC) (section 279) and the IRPA (section 118). The findings are, therefore, representative of a Canadian perspective on human trafficking. According to section 279.01 of the CC (Trafficking in persons):

(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

The above provision may be applicable to cases of domestic and international human trafficking. Domestic trafficking occurs when all aspect of trafficking occurs within Canadian borders, regardless of the victim's legal status in Canada. Human trafficking tends to be associated with

foreign victims crossing international borders, however, given recent statistics in Canada, it is important to recognize the significant prevalence of domestic trafficking in Canada. Anyone in the country can become a victim of domestic human trafficking, including citizens, permanent residents, people in the country without legal status, and other foreigners who migrated voluntarily to Canada (RCMP, 2009). Statistics as of April 2012 reveal that 90% of the cases of human trafficking currently before the courts in Canada involve cases of domestic trafficking (Public Safety Canada, 2012).

International trafficking occurs when international borders are crossed in the process of trafficking (RCMP, 2009). The IRPA legislation is only applicable to cases of international trafficking, when victims are brought across borders into Canada. Section 118 (Trafficking in persons) of the IRPA states:

(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.

Other sections of the Criminal Code and the IRPA may also be applied in cases of suspected trafficking. It is difficult to attain sufficient evidence to substantiate a charge for the trafficking of persons especially without the cooperation of victims (RCMP, 2009). Offenders often will get charged with related offences. In cases of human trafficking for sexual exploitation, charges in relation to prostitution are often laid, including; keeping a common bawdy house and procuring.

There are limitations with the findings reported in the Threat Assessment Report. For example, the findings incorporate cases with elements of human trafficking or exploitation where

charges may not have been laid or there might have been no convictions (RCMP, 2009). These cases have been incorporated into the findings given the difficulties for law enforcement officials in detecting the crime, laying charges against offenders, and getting a conviction. Another key limitation of these findings and human trafficking findings in general, is that they are generated from a very small pool of detected and reported cases. Government estimates from police and court databases are therefore probably underestimations. Human trafficking statistics may therefore not depict an accurate indication of the characteristics and incidence of the covert in nature crime (RCMP, 2009).

#### *NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING*

The National Action Plan to Combat Human Trafficking (hereafter National Action Plan) was launched on June 6, 2012 by the Minister of Public Safety alongside other ministers. Eighteen federal departments have joined the efforts by participating in the National Action Plan; a guide for the government of Canada to combat human trafficking (Public Safety Canada, 2012). In the introductory letter, Minister Vic Toews states:

The Government of Canada's National Action Plan to Combat Human Trafficking proposes strategies that will better support organizations providing assistance to victims and helps protect foreign nationals, including young female immigrants who arrive in Canada alone, from being subjected to illegitimate or unsafe work (Public Safety Canada 2012, 1).

The focus of the National Action Plan therefore appears to be protecting foreign nationals. This demonstrates the issue of human trafficking as a foreign problem, yet in Canada as explore above, a large proportion of trafficking is domestic. The Minister also fails to mention that men are often the victims of trafficking for labour exploitation. The National Action Plan (2012) proposes strategies to provide assistance to victims, yet trafficked victims in Canada continue to

be charged with prostitution related charges, and others are detained for being in the country without legal status or appropriate documentation (Oxman-Martinez, et al., 2005).

During the news release, David Sweet, a Member of Parliament makes a statement demonstrating possible grounds for influencing the implementation of an action plan. He states:

The discovery of this country's largest human trafficking ring operating in Hamilton and based in Ancaster, demonstrates that we are not immune to human trafficking in Canada (Public Safety Canada, 2012).

The press release also provides an insight on statistics regarding reported cases in Canada:

To date, the RCMP is aware of 23 cases in Canada in which human trafficking charges were laid and the accused has been convicted for human trafficking and/or other related offences (Public Safety Canada, 2012).

Human trafficking has a long history dating back centuries; it is therefore startling that the RCMP is aware of only 23 convictions for human trafficking and/or other related offences. Given the prevalence of the crime, the statistics demonstrate that the Canadian government has yet to be successful in combating human trafficking.

The United Nations Office on Drugs and Crime (thereafter UNODC) presents 11 cases in the Canadian human trafficking case law database. After reviewing the summary of each case, patterns emerge: the majority of the cases (8 out of 11) involved an internal form of trafficking within Canada. In all cases, various charges were laid including: trafficking in persons (section 279.01 of Criminal Code), living off the avails of prostitution, procuring prostitution from minors, benefiting from unpaid labour, and withholding travel documents. The majority of the cases (10 out of 11) involved children and women as victims, and males as offenders (UNODC, 2012).

From the cases presented by the UNODC (2012), the press release mentions the case of *R. v Domotor et al.* This human trafficking case involves a transnational and organized criminal group where the defendants and victims were all of Hungarian nationality. The victims include 19 males who were recruited in Hungary and ordered to file for refugee status in Canada on the basis of false pretense. Their travel documents and money were confiscated and they were forced to work in various construction businesses. The defendants include three males and one female who face various charges including: human trafficking, withholding travel documents, benefit from unpaid labour and defrauding the city of Hamilton. The trial is pending at this time (UNODC, 2012).

No other reason for implementing the National Action Plan is addressed in the press release. Canada has however been criticized for the way it has handled cases of human trafficking. A 2003 report from the United States found Canada lacks a national strategy to tackle human trafficking (Stewart & Gjic-Velianoski, 2005). The report described Canadian policies as criminalising victims and not offering them the protection required. It also depicted Canadians as being reluctant to change laws and prosecute traffickers (Stewart & Gjic-Velianoski, 2005). Pressure for change by the United States probably influenced the implementation of the National Action Plan. Another influence is the Trafficking Protocol as stated in the introduction letter by Minister Vic Toews (Public Safety Canada, 2012).

#### *OTHER RELEVANT CANADIAN POLICIES*

A recent policy change to combat human trafficking was announced during a press release in July of 2012 by Immigration Minister Jason Kenney. Minister Kenney declared that the government of Canada would no longer accept applications for temporary foreign workers to come to work in the sex-trade industry (Canadian Press, 2012). Prior to this, employers looking

to hire sex workers to work as strippers or escorts, for example, would recruit foreigners through the Temporary Foreign Worker Program (thereafter TFWP) (Canadian Press, 2012). Minister Kenney acknowledges in the press release that this action should have happened some time ago:

Why would we grant visas to girls that we have a strong suspicion are going to end up under the thumb of a criminal gang being exploited and trafficked? We're not going after the women- we're protecting them from what they might not know will happen to them when they get to Canada (Canadian Press, 2012).

Minister Kenney uses 'girls' and 'women' interchangeably to depict potential victims. He is making a decision on behalf of women instead of letting them decide and speak for themselves. He states that the government is not going after the women but instead is trying to protect them from "what they might not know" (Canadian Press, 2012). Canada is trying to protect women by not granting them access to Canada as independent workers under the TFWP. Therefore these women will need to find other methods of applying, which may put them at a greater risk for exploitation.

Additionally, the Safe Streets and Communities Act (Bill C-10) was introduced in July of 2012. The Bill provides the Minister of Immigration with the power to issue guidelines to global visa officers to decline visa applications if they have substantial proof that an applicant for a work permit is expected to encounter 'degrading and humiliating' treatment in Canada (CIC, 2012). The wording is vague and therefore puts greater discretion in the hands of visa officers to determine who should be denied entry to Canada for their well-being.

## THEORETICAL PERSPECTIVE

Incorporating the study of gender in international politics is representative of the efforts of various feminist theorists and advocacy groups (Iniguez de Heredia, 2008). It demonstrates the power of women to challenge international inequalities and address concerns of gender in the political sphere (Lobasz, 2009). The following study will be presented mainly from the feminist constructivist theoretical perspective as human trafficking incorporates issues of gender, race, and social class in a global setting (Spanger, 2011). Feminist constructivism is an international relation theory which examines how gender ideologies influence global politics, and how global politics influence gender ideologies (Locher & Prugl, 2001). The feminist constructivist perspective unites the theoretical perspectives of feminism and constructivism to create one combined theory. Feminism contributes ideals of gender and power to constructivism which examines processes of knowledge construction (Locher & Prug, 2001).

The research of feminist constructivist tends to focus on identities, on investigating how the process of knowledge construction is influenced by sources of power (Locher & Prug, 2001). Prins (1995) studies the practicality of the feminist constructivist perspective by reviewing the literature of feminist scholar Donna Haraway. According to Haraway (1993), it is important to set apart *“the subject position from the object position”* as the subject is responsible for the construction of the object (as cited in Prins 1995, 354). The subject position holds the power, and the object position is the recipient of the ideologies of the subject position.

The identity of trafficked victims in official government documents is constructed by government officials without any say from the victims. The object position, or in this case the victims are not accountable for the knowledge production as they have no say in the process of construction (Prins, 1995). The construction of this ideal subject could be considered oppressive

and illusory. To better understand identity constructions by the state, it is crucial to have a better social understanding of power. This will help clarify the construction of preferred identities and actions of the state (Locher & Prugl, 2001).

## **CHAPTER THREE- RESEARCH DESIGN AND METHODOLOGY**

### **RESEARCH QUESTION**

How does the Canadian government conceptualize victims of the trafficking in persons for purpose of sexual exploitation in official government documents?

### **STUDY DESIGN**

This is a qualitative research study that will use content analysis. Qualitative research focuses on a specific aspect of an issue in a specific context (Archer & Berdahl, 2011). Qualitative research allows important themes and categories related to social reality to emerge (Berg, 2007). This exploratory research will be presented mainly from the feminist constructivist theoretic perspective (as described above). The research will analyze how the Canadian government characterise victims of trafficking in persons for the purpose of sexual exploitation. The research question and social theory will be used to analyse the data and interpret the findings (Neuman, 2011).

### **DATA**

Recent government documents were analysed including the RCMP's Human Trafficking in Canada report (2009) and the National Action Plan (2012). These documents represent the current guides used by the Canadian government and other agencies to implement policies and practices in Canada to combat human trafficking. The RCMP document is a threat assessments guide which overviews the trafficking activities in Canada from 2005 to 2009. The RCMP report has also been used by the government to reinforce trafficking policies and programs which have been published in the National Action Plan (Public Safety Canada, 2012). The National Action Plan (2012) is a guide for the government of Canada to combat human trafficking. It was

influenced by the United Nations' Trafficking Protocol (2000) to which Canada is a signatory, and supplements the UNCOC.

Human trafficking is an international problem. This research will focus on Canada and include cases of domestic trafficking within Canadian borders and international trafficking into Canada. Since the policies and practices implemented may not always be applicable to trafficked children under the age of 18, this study will focus specifically on trafficked adults as victims of sexual exploitation. The trafficked adults may therefore be Canadian citizens, permanent residents, students, work visa holders, or foreign nationals trafficked for sexual exploitation in Canada (Oxman-Martinez et al., 2005).

#### DATA COLLECTION

A qualitative content analysis of existing data will be completed in this study. This is a useful method to examine content characteristics in the data (Neuman, 2011). Official government documents will be examined in this study to explore how the Canadian government conceptualize victims of the trafficking in persons for purpose of sexual exploitation. Qualitative content analysis will examine the context in which victims are described in government documents, including gender, age, class, ethnicity, immigration status, and occupation, among other characteristics. Qualitative content analysis will also be used to explore the effects of the construction of victims on the implementation of policies to address the needs of victims (Kampadoo, 2005).

#### DATA ANALYSIS

Coding will be used to gain a better understanding of the documents, refine the interpretations, and answer the research question. It will help determine how women as victims of trafficking are characterised in government documents. Open coding is the first step of the

coding process; it will be used to collect the data from government documents (Berg, 2007). Each document will be read multiple times in an effort to examine the language used by the government and the context of the messages (Berg, 2007). When reading the documents for open coding, the research question and theoretical perspective will help guide what are the units of significance. Open coding is performed while initially reading the documents in an effort to condense the data; each unit of significance will be accorded a code (Neuman, 2011). To ensure accuracy in open coding, the documents were coded on two different occasions and all codes were recorded. Once the documents were coded, separate lists of codes were generated for each document. Short notes or memos were written about each document on the codes generated (Neuman, 2011).

The second step of the coding process is axial coding which begins by reviewing the lists of initial codes generated during open coding (Neuman, 2011). The codes will be examined in an effort to identify themes and linkages. At this stage:

A researcher asks about causes and consequences, conditions and interactions, strategies and processes, and looks for categories or concepts that cluster together (Neuman 2011, 323).

Once the main themes were determined, the codes were organized into the separate categories (Archer & Berdahl, 2011). If all the codes fit in one or more of the categories, I would know that the categories are inclusive and representative of the codes generated developing axial coding. Codes which fit in two or more categories are representative of linkages among the codes and categories. The categories were recorded in a different Excel document in order to have easy and quick access to the information. Reviewing the different categories and keeping track of the information helped determine whether sufficient data was collected for the research (Archer & Berdahl 2011).

The third and final step of the coding process is thematic coding which involves reviewing the categories of codes generated during axial coding. In thematic coding, the codes in each category are examined for themes and subcategories which emerge (Neuman, 2011). The codes and memos generated in each documents are contrasted to one another to discover similarities and differences between the documents (Neuman, 2011). In the findings section, the different codes in each category and the findings from thematic coding will be presented directly from the data. Negative findings or prospects that were unfounded will also be presented in the finding section as an absence may be significant in the understanding and analysis of the findings (Archer & Berdahl, 2011).

Contrast context is the analytic strategy that will be used to explore the findings of the qualitative study. By using Max Weber's ideal type, contrast context has for goal to analyse the specifics in both documents, and how particular characteristics each document influences other social processes (Neuman, 2011).

When comparing contexts, researchers do not use the ideal type to illustrate a theory in different cases or to discover regularities. Instead, they accentuate the specific and the unique. A researcher who uses ideal types can show how unique features shape the operation of general processes (Neuman 2011, 327).

The research findings of each document were contrasted to one another, and then back to the findings gathered in the literature review (Archer & Berdahl, 2011). They were analyzed through mostly a feminist constructivist theoretical framework. The analysis section will explore if the government's conceptualization of victims of sex trafficking in the National Action Plan is representative of current trends as explored by the RCMP, and scholarly conceptualizations of victims. It will also examine how the conceptualization of victims influences the implementation of policies.

To ensure the trustworthiness of the knowledge generated, the analysis of the documents aims to be authentic, portable, precise, and impartial. Authenticity measures credibility; whether the assessment generates a justified representation of the text. Portability examines transferability; *“the study findings must be transposed in order to establish their portability”* (Archer & Berdahl 2011, 135). Impartiality measures conformability; whether the research findings could be established by another researcher (Archer & Berdahl, 2011). The various elements of trustworthiness can be measured by reviewing the research design and methodology which has been clearly outlined as truthfully as possible so that the research may be repeated by others (Berg, 2007). The limitations of the findings and analysis will also be clearly outlined. Peer-reviewed assessments and debriefing will also be conducted by my MRP supervisor and a second-reader, each from a different academic background to increase trustworthiness.

## **CHAPTER FOUR- FINDINGS**

The National Action Plan and the RCMP Threat Assessment were analysed to determine how the Canadian government conceptualizes victims of human trafficking for sexual exploitation in official government documents. Analyzing the list of codes generated from coding each document, five major categories emerged related to key characteristics associated to victims of trafficking for sexual exploitation. These categories include: age/gender, citizenship status, vulnerability, sex trade, and victims' needs. The various linkages existing between the findings of each category will also be explored. Subsequent to categorizing the lists of codes from each document into the five categories, the findings were compared to determine similarities and differences among the findings. This section will introduce the different categories and findings; this will be followed by an analysis of the findings presented in the following chapter.

### AGE/GENDER

A major theme which emerged in the profiling of victims in both documents is age and gender. This is the main category and relevant to the research as all other characteristics always link back to age and gender. The National Action Plan and the RCMP Threat Assessment both acknowledge that the number of victims of sex trafficking in Canada is unclear (RCMP, 2009). There exist a diverse range of victims as anyone can become a victim of human trafficking.

Relevant government agencies have made initial assessments and are still trying to grasp the scope of this issue, but the extent of human trafficking and the number of victims in Canada is still virtually unknown due to the clandestine nature of the trade (RCMP 2009, 8).

Victims have been men, women, and children. Although men are not invulnerable to human trafficking, the majority of victims are women and children.

The victims, who are mostly women and children, are deprived of their normal lives and compelled to provide their labour or sexual services through a variety of coercive practices all for the direct profit of their perpetrators (Public Safety Canada 2009, 1).

When comparing the age and gender description of women in both documents interesting differences emerge.

The National Action Plan (2012) as stated above describes victims as mostly women and children among various other variations including: victims as most often girls and women, and women and youth. The majority of the descriptions on victims tend to group women and children, or women and girls to describe females as victims. Women as victims are rarely ever stated on its own without the mentioning of children or girls. According to statistics in the National Action Plan as of April, 2012:

Approximately 56 cases currently before the courts, involving at least 85 accused and 136 victims. At least 26 of these victims were under the age of 18 at the time of the alleged offence (Public Safety Canada 2009, 8).

These findings therefore suggest that over 80% of victims of human trafficking are adults. Victims as minors are described in various depictions including: victims as youth and children, victims as children in protection, and victims as teenage runaways. Human trafficking is stated to be related to issues of child exploitation and child sex tourism (Public Safety Canada, 2012). Only one age group is mentioned in the entire document to depict the age of victims:

Identify and protect domestic nationals and foreign nationals in Canada, who are vulnerable to human trafficking, including female immigrants aged 15-21 (Public Safety Canada 2012, 13).

Overall, the National Action Plan places great emphasis on depicting victims from gender constructions.

Unlike the National Action Plan, the RCMP Threat Assessment (2009) does not describe victims by grouping women and children, or women and girls together. Victims and potential victims are describe as females or young females, as young women, and as young girls. Different age groups are given depending on the types of victims of sex trafficking being describe. Potential victims from Eastern Europe are described as follow:

Human trafficking investigations identified female migrant sex workers from Romania, Ukraine and Moldova. The women were aged between 21 and 38 years (RCMP 2009, 13).

Potential Asian victims are aged 20 to 46 years old (RCMP, 2009). Whereas victims and potential victims of domestic human trafficking are describe as:

[F]emale Canadian citizens aged between 14 and 25 years at the time of exploitation. The majority of the victims who were identified as Canadian citizens had consented to enter the sex trade... (RCMP 2009, 20).

Overall, the RCMP focuses on characterising victims with characteristics related to the sex trade whereas the National Action Plan focuses on gender related characteristics.

### CITIZENSHIP STATUS

Citizenship status in Canada is another theme which emerged in the findings. This category is mostly divided in two subcategories: citizens and foreigners. This section is relevant to the research as it represents an important characteristic of victims of human trafficking for sexual exploitation. Human trafficking is an international and domestic issue. According to statistics found in the National Action Plan, of the approximately 56 cases currently before the courts as of April 2012:

Over 90% of these cases involve domestic human trafficking: the remaining, less than 10% involved people being brought into Canada from another country (Public Safety Canada 2012, 8).

Both documents acknowledge that anyone can become a victim of human trafficking regardless of nationality. The findings however suggest that the majority of victims of domestic human trafficking for sexual exploitation are Canadian women.

Recent convictions have shown that domestic human trafficking for sexual exploitation is primarily targeting Canadian women (RCMP 2009, 44).

The documents hold distinct approaches when describing the citizenship status of victims and potential victims.

When describing the citizenship status of victims, the National Action Plan (2012) frequently describes victims as foreigners that need to be protected.

[T]he Government will implement measures to improve the protection of vulnerable foreign nationals, including female immigrants who arrive alone in Canada, from forced labour and sexual exploitation at an early state (Public Safety Canada 2012, 15).

Other terminology that is used to describe foreign victims include victims as migrants, victims as new immigrants, victims as migrant workers, and victims as foreign nationals. Key source countries of victims include Thailand, Moldova, and the Philippines. As it will be further explored in the next section, findings reveal various linkages between victims as foreigners and victims as vulnerable. The National Action Plan also describes potential victims as aboriginals.

There are still many gaps in our knowledge about how human trafficking plays in Canada, including in Aboriginal communities. Indeed, much of the information in this area is anecdotal. To address the particular context out of which the exploitation of Aboriginal men, women, boys and girls arises, the Government of Canada will raise awareness about trafficking that focuses on prevention, and provide culturally and historically informed training to enforcement officials on the circumstances that may contribute to human trafficking within Aboriginal communities (Public Safety Canada 2012, 6).

Aboriginal women are further described as vulnerable to human trafficking. Therefore, the document suggests developing awareness campaigns in First Nations, Inuit and Metis communities (Public Safety Canada, 2012).

The RCMP Threat Assessment describes the citizenship status of victims in greater details than the National Action Plan by going beyond the two subcategories of citizen and foreigner. Unlike the National Action Plan, the RCMP does not mention Aboriginal people as victims or potential victims of human trafficking. The RCMP (2009) document suggests that human trafficking victims tend to be associated with foreigners.

While human trafficking is often associated with foreign victims crossing international borders, recent convictions may indicate that domestic trafficking is as prevalent in Canada (RCMP 2009, 20).

Domestic human trafficking in Canada remains prevalent; the victims are citizens and foreigners. Foreigners with or without status in Canada may be victim of domestic trafficking if they voluntarily migrated to Canada, and were later recruited and exploited (RCMP, 2009). The findings however reveal that in recent convictions of domestic trafficking, the victims have been mostly Canadian citizens or permanent residents (RCMP, 2009).

The RCMP Threat Assessment (2009) categorizes potential victims of sex trafficking by country of origin. Victims often come from countries with social and economic problems, including high unemployment rates. Recent cases of sex trafficking have involved Canadian victims exploited in the exotic dance industry. Foreign exotic dancers from the former Yugoslavia and the Soviet Union have also been recognized as victims (RCMP, 2009). Another growing trend has been the recruitment and exploitation of newcomers and other migrants from Asian ethnic communities in Canada (RCMP, 2009).

Some of the women who prostitute in bawdy house operated by Asian organized crime groups may be subject to coercion, violence, and excessive control. The women may not only be foreign nationals, but also Canadian citizens or permanent residents of Asian descent... Those who were foreign nationals had come from Korea, China, Hong Kong, Taiwan, or Malaysia (RCMP 2009, 17).

Other victims have been African women who are often sexually exploited pre and post trafficking, and Eastern European women from Romania, Ukraine, and Moldova (RCMP, 2009).

### VULNERABILITY

Vulnerability is a characteristic which emerged in the research findings on how the Canadian government conceptualize women as victims of human trafficking for sexual exploitation. The term vulnerable is a repeatedly use characteristic in the government documents analysed to depict victims of trafficking. For example, in the foreword section of the National Action Plan, Minister Vic Toews writes:

As part of our Government's longstanding commitment to protect the vulnerable, tackle crime and safeguard Canadians and their families in their home and communities, we are taking action against these terrible crimes (Public Safety Canada 2012, 1).

Other characteristics associated with the state of being vulnerable are also used when describing victims.

Findings for vulnerability characteristics were similar in both documents analyzed. Even though the choice of descriptive wording differed, the overall portrayal of victims was very similar. The government documents portray victims as an exploited vulnerable population. The phrase 'vulnerable victims' is repeatedly stated, especially in the National Action Plan. Both documents characterize victims as having no control over their situation.

Traffickers control their victims in various ways such as taking away their identity documents and passports, sexual abuse, threats, intimidation, physical violence, and isolation (Public Safety Canada 2012, 4).

Extreme control tactics were employed by traffickers to manipulate victims. Intimidation and brutal violence were used to maintain submission, especially after victims expressed their wish to quit sex work... All victims complained that they had no freedom of movement, with their traffickers requiring them to report their every move (RCMP 2009, 23).

The National Action Plan (2012) also depicts victims as a commodity which can be exploited multiple times. The victims of human trafficking are referred to as victims of modern day slavery. They are deprived from living a normal life, are exposed to physical and emotional abuse, and become the source of profit for traffickers (Public Safety Canada, 2012).

There are many links made to the need to protect and support this vulnerable population, especially foreigners. According to the RCMP (2009), in certain cases traffickers will move the victims away from their homes to isolate them. As explored above, traffickers are also known for withholding the documentation and money of victims to exercise control (Public Safety Canada, 2012). Certain foreigners will encounter cultural and language barriers. As stated in the National Action Plan, victims do not come forward as:

Victims may be taught to distrust outsiders, especially law enforcement and other government authorities; Foreign victims may be afraid they will be detained and deported, or they may have limited language skills; Be completely unaware of their rights or may have been intentionally misinformed about their rights in Canada (Public Safety Canada 2012, 5).

Foreign victims are also described as not being aware of the benefits of cooperating with police. Certain foreigners in the National Action Plan (2012) are described as not being aware that they

are victims of human trafficking. A similar description is revealed in the RCMP (2009) for sex workers; some are described as not identifying as a victim.

Another characteristic which makes victims vulnerable is the fact that they are difficult to identify by law enforcement. Victims are described as perceiving they cannot escape their situations, and being reluctant to report the exploitation. Cases of trafficking therefore do not often get detected or reported (Public Safety Canada, 2012). The RCMP (2009) explores how victims are also reluctant to testify against their abusers. Victims are also characterized by the government as fearful: they fear for their life, are afraid of their traffickers, have a fear of deportation, fear for their families, fear of reprisal, and overall do not feel secure. There is moreover a feeling of shame experienced by the victims as described in the documents.

Victims of sex trafficking are often ashamed or embarrassed about their ordeal and they fear being exposed and stigmatized (RCMP 2009, 38).

When analysing Asian victims, findings from the RCMP report (2009) described how Asian values of victims were exploited by the traffickers.

Asian cultural values, such as honor and duty to provide for the family, are often exploited by operators as a means of control over their workers. Some suspects have reportedly threatened to disclose to the family of a victim that she is a prostitute (RCMP 2009, 17).

This is another form of exploitation and control tactic used by the traffickers on victims of sex trafficking (RCMP, 2009).

The notion of consent is presented differently in the government documents. The National Action Plan (2012) describes victim as non-consenting persons, and even if they consented to the exploitation, that it is to be considered meaningless due to the coercive and/or deceptive actions of the trafficker. On the other hand, the RCMP asserts that victims consent to

exploitation is not an influential aspect under the IRPA or the CC. The RCMP (2009) also explores how consent influences the perception of a preconceived true victim of sex trafficking. Both documents explore how certain victims are deceptively recruited.

Young women are sometimes recruited by younger male members of street gangs who use the promise of affection as a tool to recruit them (Public Safety Canada 2012, 6).

Traffickers often manipulated their victims to believe that they were in an exclusive romantic relationship as a way to maintain their loyalty and obedience (RCMP 2009, 21).

Some victims were described as having Stockholm syndrome, which is when victims experience positive feelings towards their abusers, and negative feelings towards law enforcement (RCMP, 2009).

The government documents outline the social and economic disadvantages of victims. The RCMP report (2009) explores in greater details how traffickers exploit the dependencies and insecurities of victims. Victims are often socially and economically vulnerable, and this becomes a push factor to migrate to another country due to the inequalities encountered in the home country.

[I]nitial motivation for a victim may simply be the “desire for a better life”. The uneven advancement of the global economy has led to wide disparity between social and/or economic groups and the disruption of traditional livelihoods, pushing more workers abroad than ever before (RCMP 2009, 4).

Traffickers will also take advantage of the possible drug and alcohol dependencies of victims (RCMP, 2009). Potential victims were described as young females, with potential family conflicts, and a history of sexual abuse and drug addiction. Findings also reveal that migrant workers compared to other workers were more likely to tolerate exploitation (RCMP, 2009).

## SEX TRADE:

In the government documents analyzed for this research, the sex trade industry was a topic discussed in relation to human trafficking victims. The sex trade is therefore another major theme which emerged in the research findings as a key characteristic associated with victims of trafficking for sexual exploitation. The various facets of the sex trade were explored in relation to potential victims of sex trafficking. It is interesting to note that no similarities were found in the documents. Both documents described victims from a different perspective in relation to the sex trade.

Fewer relationships were found and described by the National Action Plan in relation to victims of sex trafficking and the sex trade industry. The report acknowledges that human trafficking for sexual exploitation is the most common crime relative to human trafficking for labour exploitation (National Action Plan, 2012). This is mostly due to the demand for sex, the low detection rate, and high profitability. As noted earlier, victims are described as forced into work similar to slavery (Public Safety Canada, 2012).

The Government's view is that prostitution victimizes the vulnerable and that demand for sexual services can be a contributing cause of human trafficking (Public Safety 2012, 11).

Victims are obliged to perform sexual services while living and working in appalling conditions (Public Safety Canada, 2012). The work compelled on victims is described as "degrading, dehumanizing and dangerous" (Public Safety Canada 2012, 4).

The RCMP Threat Assessment (2009) puts greater emphasis on the relationship between victims of trafficking and the sex trade. Some victims are forced into entering the sex trade, however the majority were found to have initially consented.

The majority of the victims who were identified as Canadian citizens had consented to enter the sex trade, but became trafficked when they were prevented from leaving when conditions and circumstances changed (RMCP 2009, 20).

Findings reveal that victims of human trafficking can be found working in various sectors of the sex trade industry in Canada. Sex trafficking is mostly linked to organized prostitution. Street prostitution is the most explicit type of prostitution. Police officers have been tackling street prostitution, and therefore pushing organized prostitution in less overt and more discreet environments (RCMP, 2009). Organized prostitution can be found operating behind organizations such as escort agencies, exotic dance clubs, massage parlours, and brothels. Since several of these organizations function as legal businesses, they are hard to manage by law enforcement (RCMP, 2009).

Escort services are boldly advertised... A phone call dispatches an escort to convene with a client at a private home or hotel room. Such interaction is virtually invisible and the discreetness of escort services serves as a major customer incentive. Because services operate from and in private spaces, it is extremely difficult for law enforcement to prosecute abusive employers or protect sex workers from exploitation (RCMP 2009, 10).

The victims are working in the seclusion of homes and businesses, therefore contrary to street prostitution; they are hidden from the general public. It is also challenging to identify victims of trafficking or exploitation from other sex workers (RCMP, 2009).

Findings from the RCMP (2009) report characterized foreign sex workers as a vulnerable population for trafficking and exploitation. This includes foreign victims who migrate to Canada willingly aware they will work in the sex trade, or those who look for employment in the sex trade post-migration (RCMP, 2009).

Most migrant sex workers entered Canada with visitor visas. In many investigations, sex workers indicated that they had come to Canada voluntarily, with some allegedly paying a facilitator to obtain a visitor or student visa (RCMP 2009, 17).

As explored in the previous subsections, foreigners often encounter more vulnerabilities than citizens. Foreign sex workers are vulnerable to exploitation and sex trafficking due to potential language and cultural barriers, and isolation from friends and family. They are also vulnerable because of the potential lack of knowledge of Canadian employment standards, and precarious immigration status (RCMP, 2009).

Victims of domestic human trafficking are known to have been recruited from the internet, by other contacts, and exotic dance clubs. The victims are described as women who are groomed, manipulated, and forced to prostitute mostly in exotic dance clubs in Canada. Girls are also known to be victims of sex trafficking by means of prostitution in various sectors of the sex industry (RCMP, 2009). Exotic dance clubs have been found to exploit Canadian citizens and move them across provinces to various clubs (RCMP, 2009). Some of the women initially consent to enter the sex trade, however become victimized when the circumstances of their employment change. For example, the women might have known they are going to work in illegal employment, however they were not aware of the exploitation they would be forced to endure. The work conditions may have completely changed from what was originally discussed, and they may be forced to dance and prostitute, and not be able to leave their circumstances (RCMP, 2009).

The data presented by the RCMP (2009) on the sex trade is largely based on victim testimonies, and therefore large information gaps still exist. Victims of sex trafficking tend to be uncooperative with law enforcement; many refuse to admit they work in the sex trade or that

they are victims of human trafficking. Victims will often feel stigmatized and threatened by the prostitute label.

Human trafficking is a crime that thrives in stigmatized facets of workforce, like the sex trade and illegal labour, and hides in the privacy of homes and businesses (RCMP 2009, 44).

Tackling sex trafficking therefore becomes a challenging task; sex workers and victims of sex trafficking are difficult to distinguish, and often victims will be assumed to be voluntarily working as prostitutes (RCMP, 2009).

### VICTIMS' NEEDS

Victims' needs are a theme which emerged in the findings. It is relevant to this research as the various characteristics of victims can depict potential needs as explored above with foreign victims. The documents analyzed for this research each focused on the importance of the victims to testify in court. Findings from the National Action Plan (2012) describe how victims need assistance to testify against their traffickers. Victims also need to be supported to increase their participation as witnesses in the criminal justice system (Public Safety Canada, 2012). On the other hand, the RCMP report (2009) takes a different perspective when describing victims' needs. The focus is more on the government's needs from victims. The research findings reveal that a victim's testimony is critical to lay human trafficking charges against a trafficker. The testimony tends to highly impact the outcome of the prosecution. Law enforcement, however, questions victim's testimonies given their high reluctance to cooperate.

According to a document produced by the Interpol Working Group on human trafficking, 'significantly less than one half of one percent of... victims ever agree to cooperate with police and enter a court room to testify against their traffickers' (as cited in RCMP 2009. 38).

This, therefore, means that approximately 99.5% of victims of human trafficking do not cooperate with police and object to testifying in court. According to the RCMP (2009), victims of trafficking are not aware of the benefits of working together with law enforcement officials. Police officers will therefore attempt to charge persons accused of trafficking with additional related offences, when possible (RCMP, 2009).

Given the different objectives of the reports, the remaining of the findings were dissimilar. The first subcategory which emerged within the findings of the National Action Plan was the need to identify victims of trafficking in a timely manner. This is repeated a couple of times throughout the documents including creating initiative to identify victims, and better identifying victims (Public Safety Canada, 2012). Another subcategory which emerged in the findings is the need to protect victims. Victims are characterized as a vulnerable population in need of help.

To protect and meet the needs of trafficking victims, the Government of Canada has taken many steps, such as enabling immigration officers to issue short-term temporary resident permits to foreign national victims of human trafficking and providing interim federal health care for such victims (Public Safety Canada 2009, 14).

Throughout the report, victims are repeatedly described as needing protection and assistance (Public Safety Canada, 2012). The report also describes the need to protect women and youth, and to safeguard Canadians. The need to prevent re-victimization is another finding of the National Action Plan (2012).

Another subgroup to emerge in the findings was the call for the government to understand, deliver, and meet the needs of victims of trafficking. Within this group, the victim's need for emergency healthcare is repeatedly stated. First responders must be able to address the

emergency medical care of victims. This ought to be followed by additional medical attention to meet the potential needs for physical and psychological recovery (Public Safety Canada, 2012). When it comes to foreign victims, as discussed above, additional needs may arise. Findings from the National Action Plan (2012) reveal that due to the special circumstances of foreign victims, they may require supplementary needs and services. Temporary Resident Permits are sometimes given to foreign victims to meet the victim's need for 'a period of reflection' (Public Safety Canada 2012, 25). If requested, Long Term Permits and work permits may also be provided to victims of trafficking.

The need for the recognition of rights of victims is only mentioned once in the National Action Plan.

Canada has been an active partner in advancing the rights of vulnerable populations and targeting human traffickers and others who benefit financially from undocumented and unprotected migrants on the island of Hispaniola, shared by Haiti and the Dominican Republic. These partners ... are working with local authorities with respect to related issues such as child sex tourism, the protection of women and children and the regularization of migrants to safeguard their rights (Public Safety Canada 2012, 27-28).

The above finding can be found in the 'International Partnership' section of the report. The 'Protecting and Assisting Victims' section of the document reveals that it is the responsibility of the government to implement 'labour standards, occupation health and safety, labour relations within their own jurisdiction' (Public Safety Canada 2012, 13). The government will also work closely with CIC and Canadian Border Agency to raise rights awareness for foreigners, and prevent the sex trade from using the TFWP (Public Safety Canada, 2012). Given that the majority of victims of sex trafficking are women and girls, the government of Canada will also

devote resources to put into action programmes to end violence against women and girls (Public Safety Canada, 2012).

The needs of victims were not the main focus of the RCMP report; it rather describes the need of government for victim cooperation.

Victim cooperation is crucial to the success of a human trafficking charge. From the initial statement to testimony in court, the victim provides key evidence for proving elements such as exploitation, deception or coercion against the accused (RCMP 2009, 36).

As discussed prior, victims are reluctant to cooperate with police, and often absent from court resulting in charges being dropped, or lessen from human trafficking (RCMP, 2009). Findings also reveal the difficulties associated with converting a victim into a witness in a court of law. Victims who do cooperate will often do so with discretion, and therefore police often question the reliability of the testimony (RCMP, 2009).

## **CHAPTER FIVE- ANALYSIS**

Interesting findings emerged from the research which warrants for greater analysis. This section will first review the goals for each of the government documents analyzed including the National Action Plan and the RCMP Threat Assessment. The research findings will be analyzed from various feminist theoretical lenses with particular attention to the feminist constructivist perspective. Findings from the literature review will be re-examined in relation to the research findings, and policy implications.

Gender ideologies often influence politics instead of statistics, research, and other sets of data. It is therefore interesting to analyse the research findings from a feminist perspective. This theoretical lens integrates not only gender, but also incorporates issues of race and socio-economic status (Lobasz, 2009). These categories emerged as major categories describing victims of human trafficking for sexual exploitation in government documents. As explored in previous chapters, human trafficking is an international crime which most often victimizes women. Nevertheless the power of women to attend to issues of gender inequalities and gender construction in global politics has been demonstrated in many areas (Lobasz, 2009). To improve our understanding of state actions, feminist constructivist theorists such as Judith Butler and Joan Scott argue that a better understanding of power and how it influences processes of identity construction is required (Locher & Prugl, 2001).

The National Action Plan was introduced to unify Canada's anti-trafficking strategies. It represents Canada's official policy document consolidating policy strategies to combat human trafficking (Spanger, 2011). The National Action Plan (2012) has for strategy to better support organizations helping victims and to protect foreigners from being forced to work in dangerous or illegal employment. The RCMP Threat Assessment (2009) is a report which identifies

Canadian human trafficking trends in an effort to strengthen policies and programs. Some of the findings from the RCMP report were used in the National Action Plan. Both documents analyzed have as a goal to merge information into an official report and reinforce the government's approaches to managing human trafficking from the Canadian perspective.

Interesting similarities and differences emerged within the research findings which focused on characteristics used by the Canadian government to conceptualize women as victims of human trafficking for sexual exploitation. Overall, the characteristics revealed in the findings depict the image of this ideal subject constructed by government. It is however not representative of the real person living the story. The subject is formed in government documents and becomes real. This construction of this ideal subject is therefore illusory and could be considered oppressive (Allen, 2011).

The research findings reveal that the construction of victims of human trafficking in Canadian government documents is gendered. For example, there is a large focus in documents on women and girls as victims of sex trafficking, and a lack of focus on males as victims of trafficking for purpose of sex or labour exploitation (Lobasz, 2009). Gender has therefore become an integral component of the discourse on trafficking. The agency of women is also reduced by gender stereotypes; the victims are depicted as vulnerable women and the offender as powerful males (Lobasz, 2009). It is therefore the responsibility of the state, often consisting of white males, to react and protect the vulnerable female victims (Iniguez de Heredia, 2007). This ideal subject commands the attention of the public and the state. "Sexually-violated feminine innocence as the maker of those deserving protection is subjective of a highly gendered logic of work order" (Lobasz 2012, 7). If victims were conceptualized in trafficking discourse as

deceived sex trade workers for example, it probably would not have the same impact on the public and the state.

Characteristics of gender were also often linked to age and vulnerability. The age of the victim is relevant to this research as it represents if the victim is a child or an adult. Children are processed differently through the Canadian criminal justice system as different laws apply for the trafficking of a child. Their needs are also very different from their adult counterparts. Even though children are mentioned in the findings, the main focus of this research is on adults as victims of trafficking. The National Action Plan tends to associate women and girls or women and children in the same category. As a result, this increases the perceived vulnerability of victims. As was explored in the literature review by Jahic & Finckenauer (2005), the use of women and children, and women and girls interchangeably makes women seem as vulnerable as children. Feminists argue that women victimized by man for instance in cases of trafficking are not necessarily deprived of their agency; some seek different approaches to survive. This therefore demonstrates that victimization and agency can be coexistent (Jeffreys, 2009). Doezema argues that possibilities for women's agency are often eliminated in reports of trafficking (as cited in Crago, 2011). This is what was revealed in the research findings on the Canadian government documents analyzed.

Findings revealed that the Canadian government often constructed victims of sex trafficking as foreign women forced to work in various sectors of the sex trade. This seems to represent a main characteristic of this ideal victim constructed by the government. Stereotyping victims of human trafficking as foreigners turns human trafficking into an international or immigration program and turns the attention away from it being a national issue. This externalizes the problem of trafficking to become an international issue, and depicts foreign

women as vulnerable to trafficking. Different scenarios and challenges emerge for the victims and law enforcement depending on the citizenship status of the victim. For example, a foreign victim in Canada may encounter immigration concerns which would not affect a Canadian citizen or permanent resident. Aboriginal status is another important factor that may impact the experience of the victims in Canada as First Nations groups have different rights and status in Canada. Consequently, as was explored in the 'overview of policy implementation' section of the literature review, changes in immigration policies have been implemented to protect foreign women against unforeseen dangers. This issue was also discussed by Jeffrey (2005) with the trafficking of women being considered an immigration problem, and therefore the problem becoming externalized. There exists a lack of focus on the destination country, and where the exploitation is taking place (Jeffreys, 2009). This is often not addressed as it internalizes the problem of trafficking, making Canada's image negative.

The findings generated from this research expose the importance of properly defining human trafficking before conceptualizing persons as victims. Findings on the characteristics associated with the sex trade make it evident that the National Action Plan and the RCMP Threat Assessment have a different image of victims of trafficking. No similarities were found among the findings characterising victims with the sex trade. Human trafficking for sexual exploitation and the sex trade industry are often linked notions as they both relate to sex and are driven by demand. As long as the demand continues, there will be a supply of people to meet the demands, and traffickers to distribute the supply (Shively, Kliorys, Wheeler, & Hunt, 2012). The National Action plan (2012) conceptualizes victims as women forced to work in the sex trade, whereas the RCMP report (2009) conceptualizes most victims as sex trade workers already working in the sex trade deceived about the conditions of their employment. The dissimilar conceptualizations

of the victim are the product of differing ideologies and objectives (Crago, 2011). The National Action Plan is representative of Canada's official strategies to combat human trafficking whereas the RCMP report is descriptive of current trends in law enforcement. It is interesting to see that the trends remarked by the RCMP are not reflected in characteristics of the victims in the National Action Plan.

The views expressed by the National Action Plan are similar to the views of radical feminist, also referred to as abolitionist. They view all forms of prostitution related work parallel to sex slavery, and the women as victims of human trafficking (Lobasz, 2012). Radical feminists aim to rescue the women working in the sex trade, regardless of their consent to enter the trade (Cavalieri, 2011). The National Action Plan (2012) conceptualizes human trafficking as forced work similar to slavery. Human trafficking is linked to forced prostitution, which victimizes the vulnerable and obliges them to provide sexual services. If the victims consented, it is deemed void due to the coercive and deceptive tactics used by trafficking. Victims need help and need to be protected (Public Safety Canada, 2012). A limitation of the radical feminist perspective on human trafficking is that it perceives all victims of trafficking as sex workers, when trafficking does happen outside the sex industry (Lobasz, 2009).

The RCMP report (2009) recognizes that the consent of victims to enter the sex trade impacts the perception of this true victim. This is the case even though consent is not deemed a determining factor under human trafficking provision in the CC and IRPA (RCMP, 2009). Contrary to radical feminists, liberal feminists view prostitution and other sex work as exploitative of women only if it is not consensual, or it is performed by force or coercion (Cavalieri, 2011). Matha Nussbaum (as cited in Cavalieri, 2011), a first world liberal feminist stated: "The goal is to put people in position of agency and choice, not to push them into

functioning in ways deemed desirable” (1429). Nussbaum argues that sex work and more specifically the women working in the sex trade continue to be subjected to stigmatization (as cited in Cavalieri, 2011). This finding was also found in the research findings; the government conceptualizes victims of trafficking as fearing stigmatization (RCMP, 2009).

As explored in the research findings, rights awareness needs for victims of trafficking were only mentioned in the ‘International Partnership’ section of the National Action Plan. Foreign and Canadian sex workers would however benefit from labour standards. Victims of sex trafficking would also benefit from having their rights acknowledged. As explored in the literature review however, policies regarding trafficking have focused on rescuing victims rather than empowering and giving rights to sex trade workers. Liberal feminist argue that sex trade workers should be given rights in order to improve the working conditions. They have however been criticized for not acknowledging the risk and dangers prevalent to the sex trade even if basic workers’ rights were implemented to better protect workers (Cavalieri, 2011).

The conceptualization of victims in government documents impacts the implementation of policies and strategies to combat crime. If the conceptualization of victims does not accurately represent the real subject, the policies implemented cannot address the needs of victims. Victims of crime require a range of policy responses depending on an array of factors including the circumstances of the crime, and victim characteristics such as age, gender, and citizenship status. Victims’ needs assessments should be conducted on a case by case basis. Different victims will have different needs. A victim of sex trafficking may necessitate various needs including: medical, information/support, citizenship, protection, etc. Different organizations also have different objectives and ways of describing the needs of victims. It is therefore important to consider the diverse perspectives when analyzing victims’ needs. Given the construction of

victims as vulnerable foreigners, strategies implemented to combat human trafficking have focused on immigration policies. As explored in the literature review, the sex trade industry has been removed from the TFWP. Strategies have, however, not yet addressed the request by liberal feminist to give rights to sex workers. Since victims play a crucial part in identifying, charging, and prosecuting traffickers, their needs post-trafficking should be addressed by the Government of Canada. This could perhaps ameliorate the low rate of victims' cooperation with law enforcement agencies.

## **CHAPTER 6- CONCLUSION**

The trafficking in persons is a longstanding global problem that has grown with developments in globalization. It has increased the vulnerabilities of certain demographics and facilitated the development of transnational crimes. This issue has however only recently been placed at the forefront of international and national policy attention. Various anti-trafficking policies have been implemented in Canada in the last decade to meet the recommendations of the Trafficking Protocol. Project Seclusion examines human trafficking activities in Canada as a source, transit, and destination country (RCMP, 2009). The National Action Plan (2012) presents policies and objectives to combat human trafficking and acts as a guide for the government of Canada. There have however been various criticisms of the policies implemented by the Government of Canada. Current policies focusing on the prevention of trafficking, protection of victims, and prosecution of offenders are mostly short-term oriented and do not address the long-term interventions required to combat trafficking (Danailova-Trainor & Lacko, 2010). Given the case of labour exploitation that may have motivated the implementation of the National Action Plan, I find it surprising that the focus of the press release and action plan is on protecting women and girls from sexual exploitation. There is barely any mentioning of the possibility of males as victims, or trafficking for purpose of labour exploitation.

The gendered construction of victims of human trafficking for sexual exploitation as the ideal subject by the Canadian government generates a subject formation which may not represent the characteristics of the majority of victims of trafficking in Canada. To address the needs of victims and help prosecute traffickers, victims must be properly constructed in government documents. This research did not seek to address whether victims of sex trafficking were being misrepresented. Instead the focus was on determining how the Canadian government conceptualizes victims of sex trafficking in official government documents. Findings reveal that

careful consideration is required when conceptualizing subject as it sequentially impacts the development of government strategies and policies.

The government documents analysed are recent, published within the last five years. From these documents, it seem as if issues related to human trafficking have in recent times gained great public and political attention. At the same time, the real subjects of trafficking, the victims themselves seem to have been left on the sidelines (Jahic & Finchenauer, 2005). Voices of the victims are not included in government documents. Instead it seems as if the government has painted an image of this ideal subject which increases public awareness (Jahic & Finchenauer, 2005). This vulnerable victim is portrayed as in need of protection and assistance by the government. It, therefore, becomes the responsibility of the government to speak and act on the behalf of victims.

Feminists have played an important role in discussions of human trafficking. The various feminist perspectives have made visible issues of gender, race, and class in trafficking in Canada and internationally (Iniguez de Heredia, 2007). Discourses on human trafficking however need to move beyond the feminist debates on prostitution, however useful for shedding light on sex trafficking. Issues related to human right violations and victims' needs have to be further examined by the Canadian government (Iniguez de Heredia, 2007). Victims need to become participants in the process of combating human trafficking. From a standpoint perspective, experiences of marginalized people provide an important view when conducting research from a feminist perspective (Allen, 2011). This perspective has, however, been criticized for being too simplistic and failing to acknowledge the diversity in women's experiences and backgrounds (Allen, 2011).

Future studies should incorporate the perspective of victims, and perhaps analyze Canadian statistics and case studies. This would allow for a different approach in determining the main characteristics of victims in the quest to better understand trafficked victims. Given recent responses by the public and politics to combat human trafficking, there is a common consent that trafficking is a crime that the general public is strongly against no matter their personal positions on prostitution. Given the conflicting conceptualizations of victims by the Canadian government, discussions on human trafficking must therefore start focusing on ‘rediscovering’ the victim (Jahic & Finchenauer, 2005). Further research on human trafficking is therefore necessary to persuade the Canadian government to paint the real subjects of trafficking and address their needs.

The format that will be used to disseminate the research findings is scholarly publication with Digital Commons at Ryerson University, and if the opportunity arises, presenting this research at conferences. I aim to get broad dissemination in order to fulfill the responsibility as a researcher to inform as many people as possible about the research findings. I hope the findings will impact further research on the topic.

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