

Les sans-papiers qui "méritent" notre sympathie?: la réponse étatique et communautaire à la traite des personnes comme phénomène de travail

Jill Hanley, Jacqueline Oxman-Martinez,
Marie Lacroix & Sigalit Gal

Résumé

Le gouvernement canadien a récemment commandité une étude sur les services communautaires pour les victimes de la traite des personnes. Les résultats étaient frappants. Les répondants ont confirmé que le nombre de personnes qui correspondent à la définition internationale de la traite est négligeable. Les groupes communautaires constatent plutôt qu'ils oeuvrent auprès d'une variété de migrants économiques dits « irréguliers » qui se retrouvent dans des situations difficiles et d'exploitation à cause d'une combinaison de facteurs, dont l'évaluation de leur propre situation par plusieurs travailleurs migrants qui croient préférable « d'accepter » à court terme d'être exploités dans l'espoir d'une meilleure situation future. Ces migrants sont sans-papiers pour de multiples raisons ou détiennent un statut légal, mais sont quand même exploités. En l'absence d'appui étatique tangible, les groupes communautaires et les militants ont créé un réseau de services d'aide aux victimes de la traite des personnes et aux autres migrants irréguliers. Nous documentons ici les moyens utilisés par ces intervenants communautaires pour faire face aux tensions entourant la définition légale de la traite des personnes, tout en offrant leur appui aux travailleurs migrants irréguliers exploités. Nous dépassons le stéréotype de l'exploitation sexuelle – sans diminuer son importance – afin d'inclure le travail domestique et le travail manuel comme secteurs d'exploitation ouvrière.

The “Deserving” Undocumented?: Government and Community Response to Human Trafficking as a Labour Phenomenon

Jill Hanley¹, Jacqueline Oxman-Martinez²,
Marie Lacroix³ & Sigalit Gal⁴

Abstract

The Canadian government recently commissioned a study to document the community sector’s services for human trafficking victims. What came out in the interviews was striking. Community workers and activists confirmed that the number of people fitting the exact definition of international human trafficking was small. Rather, these groups reported working with a whole range of “irregular” economic migrants who ended up in difficult, exploitative situations due to a combination of factors, including migrants’ own assessment that they were better off “accepting” exploitative work in the short term in the hope of a better scenario in the future. These migrants were undocumented for many reasons or had proper status and their labour was being exploited anyway. In the absence of significant state support, community groups and activists have created a network of services in aid of victims of human trafficking as well as other irregular migrants. We will document the ways in which these grassroots actors contend with the tensions around the human trafficking definition, lending support to irregular migrants suffering labour exploitation. We will go beyond the stereotype of sex exploitation – without denying its importance – to include domestic work and other manual labour as areas of labour exploitation.

Introduction

The past decade has seen a rise in government action and in public interest around the issue of human trafficking. Researchers have documented the degree to which human trafficking is linked to issues of international labour migration and gendered division of labour and sexual exploitation inequalities related to the global economic disparity between countries of the North and the South, colonial legacies and the feminization of both poverty and migration emerge as driving forces behind the

international trade in persons (ILO, 2005). Extreme gradients of wealth, power and opportunity leave certain individuals and populations excessively vulnerable to exploitation, while unjustly granting others the power to exercise leverage over them. The prevalence of debt bondage and the exploitation of children are abhorrent to the vast majority of Canadians and highlight the critical importance of addressing these fundamental inequalities.

In the spring of 2005, the Canadian Department of Justice commissioned a study to document the community sector's existing services for human trafficking victims⁵. What came out in the interviews was striking. As was suggested in recent RCMP reports (2004), community workers and activists confirmed that the number of people fitting the exact definition of international human trafficking was small. Rather, these groups reported working with a whole range of "irregular" economic migrants who ended up in difficult, exploitative situations due to a combination of factors, including migrants' own assessment that they were better off "accepting" exploitative work in the short term in the hope of a better scenario in the future. These migrants were undocumented for many reasons or had proper status and their labour was being exploited.

In this article, we will explain how community organizations and activist groups have, in the absence of significant state support, created a network of services to aid victims of human trafficking *as well as* other irregular migrants. We will document the ways in which these grassroots actors contend with the tensions around the human trafficking definition, lending support to irregular migrants suffering labour exploitation. We will go beyond the stereotype of sex exploitation – without denying its importance – to include domestic work and other manual labour as areas of labour exploitation.

We will begin by defining human trafficking and its manifestation in Canada, turning then to a discussion of what constitutes "irregular migration" and the various precarious statuses created by the federal Immigration and Refugee Protection Act (IRPA, 2001) that facilitate labour exploitation. Our research methodology will then be described before presenting the results of the study in terms of the labour exploitation described by community organizations and activists. The article will make extensive use of interview excerpts with participants that demonstrate the tensions around human trafficking before addressing the

implications of these findings for community and activist interventions with migrant workers. We will conclude by raising some policy questions arising from the relation of human trafficking to the overall issue of irregular labour migration.

Defining human trafficking and its manifestation in Canada

The 2000 UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (to which Canada is a signatory) defines human trafficking as follows:

...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UN, 2000).

Given that the exploitation of a person's labour is the central motive for trafficking, it constitutes a serious human rights violation. Trafficked persons, predominantly women and children, are controlled by fear of exposure and deportation, violence, and the threat of violence to themselves and their families. Since trafficking is a lucrative business that can complement activities in the drug and sex industries, it has attracted international organized crime rings. Human trafficking is estimated to generate between five billion (United Nations Office for Drug Control and Crime Prevention (UNODCCP) as cited by Arlacci, 2000) and ten billion dollars (US Dept of Justice, 2005) annually in crime proceeds. On a smaller scale, individuals, small "businessmen", acquaintances of victims and even family members can be involved in human trafficking for such purposes as domestic work and manual labour.

The number of people trafficked in the world each year, or even in Canada alone, is extremely difficult to determine given the clandestine nature of the activity and the lack of empirical research in this area. Based on a survey of available sources, the RCMP (2004) estimates that between 700,000 and four million

people are trafficked every year worldwide. These figures roughly coincide with the UN estimate of two and a half million persons (UNODC, 2007) and the International Labour Organization's estimate (2005) that at any given time there are a minimum of two and a half million people trafficked into forced labour, 270,000 of whom are in industrialized countries.

The RCMP (2004) has also made a conservative estimate that approximately 600 women and children are trafficked into Canada each year for sexual exploitation alone, and at least 800 for all domestic markets (involvement in drug trade, domestic work, labour for the garment or other industries, etc.). Victims of trafficking who arrive in Canada come primarily from Asia and the former Soviet Union. In the same report, the RCMP estimates that between 1,500 and 2,200 people are trafficked from Canada into the U.S. each year, suggesting that Canada is a source, transit and destination country.

There is also a growing awareness of a phenomenon involving both immigrant and Canadian individuals, particularly Aboriginal women, being trafficked within the country or from Canada to the U.S. Again, this phenomenon is linked to race, poverty and to other social factors such as lack of social support or addiction (NWAC, 2007).

Irregular migration to Canada: Precarious Status under the IRPA

Adding to Canada's existing population of just over 31 million, 66 per cent of the 519,705 legal migrants accepted into Canada in 2006 (CIC, 2007a, 2007b) arrived under an immigration program conferring what has been termed "precarious status". Such statuses, which women over-represent (CIC, 2007a; 2007b), may not allow migrants the right to remain permanently in the country, requiring another application process in order to obtain the permanent right to stay. The order to leave or outright deportation remains a possibility until the final decision is made. Precarious statuses may also create a dependency on a third party, usually a spouse, family member or employer, who has sponsored the migrant's entry to Canada (Oxman-Martinez, Martinez and Hanley, 2001). The IRPA (2001) provides for a number of immigration categories that fit this definition: Sponsored Family Member (wife, mother, dependent sister, other); Temporary Resident visas (work, student); Live-in Caregiver Program; Refugee

Claimants or Accepted Refugees; Irregular status (without legal immigration papers whether due to expiry of papers, smuggling or trafficking). It is important to state that this “precariousness” is experienced differently depending on gender, age, race, ethnicity, religion, language, social location, and the health and/or migration path used (Oxman-Martinez and Lapierre-Vincent, 2002; Oxman-Martinez, Hanley *et al*, 2005).

Most of these precarious or irregular migrants came to Canada on temporary resident visas (268,056) (CIC, 2007b). Citizenship and Immigration Canada (CIC) provides such visas for those who wish to come to Canada to visit, work or study⁶. Under rare circumstances, humanitarian considerations lead to the granting of a temporary resident’s visa. Around 110,000 temporary workers enter Canada each year (CIC, 2007b), responding to the demand within Canada for a flexible supply of labour, ranging from highly-skilled professionals to seasonal farm workers. To apply for a work permit, the temporary worker must already have been offered a job, and Canada and Human Resources and Skills Development Canada (HRSDC) must confirm that there is a need for that type of work in Canada. If the job changes, if the work will take longer than planned, or if there is a change of employer, the worker needs to apply to change the work permit (CIC, 2007c). Another nearly 60,000 individuals come to Canada each year to study, requiring a study permit if their program is longer than 6 months (CIC, 2007b).

The Live-in Caregiver Program (LCP), a sub-category of the work permit, exists to fill the need in Canada for live-in care providers for children or dependent adults, as there is a shortage of Canadian caregivers willing to live in the employer’s home (CIC, 2002). Women in this program must complete 24 months of live-in caregiver work in a government-approved employer’s home within a three-year period. These women can then apply from within Canada to become permanent residents and have increased probability of being accepted as a landed immigrant since they have already proven their ability to be self-sustaining within Canada. Statistics on this specific sub-group are difficult to obtain, but estimates are that approximately 7,000 enter Canada each year, 80 per cent of whom are from the Philippines and 90 percent of whom are women (CIC, 2007a; Oxman-Martinez, Hanley, Lach *et al*, 2005). This program has long been criticized for its restrictive requirements that leave LCP workers vulnerable

to exploitation in all its forms (Spitzer et al, 2002; Macklin, 1992).

In 2006, 70,506 people were sponsored to come to Canada, with women being in the dependent position nearly twice as often as men (CIC, 2007a). The government-stated primary aim of the Family Class Immigrants (Sponsorship) program is the reunification of immigrant families in Canada. A Canadian citizen or permanent resident may sponsor his or her spouse, dependent children (under age 25) and parents to immigrate to Canada⁷. The length of sponsorship varies between three and ten years, depending on the age of the sponsored party and her relationship to the sponsor: three years for a spouse; up to ten years or age 25 (whichever is less) for a dependent child; and ten years for any other family member (CIC, 2005). The sponsor must provide financial support for the duration of the sponsorship period, and will be forced to pay back any income security payments that a sponsored relative may receive due to extenuating circumstances.

CIC's programs related to undocumented migrants, whether trafficked, smuggled or simply having expired papers, are mainly focused on the prevention of their entry into Canada and the prosecution of those who facilitate illegal entry, or those who use illicit means of entering or remaining in Canada (Oxman-Martinez, Hanley & Gomez, 2005). Due to the underground nature of being undocumented, there are also very few statistics related to their numbers, origin or other characteristics. In addition, the Royal Canadian Mounted Police (RCMP) and the Canadian Border Services Agency (CBSA) keep their records regarding apprehension of undocumented migrants as well as their intelligence information (especially on trafficking and smuggling) classified (Oxman-Martinez et al., 2001; Oxman-Martinez, Hanley & Gomez, 2005; RCMP, 2004). In a 2000 interview, the RCMP estimated that some 15,000 illegal migrants enter Canada each year, not accounting for those who enter legally and who remain after their visa expires or are in violation of its conditions. Since 9/11, CIC, and now the CBSA, have stepped up the use of their right to detain and eventually deport irregular migrants (Crépeau & Jimenez, 2002).

As we will see in the section discussing tensions within the community movement, the presence of such irregular or 'precarious' migrants is an unavoidable issue for grassroots service providers faced with the exploitation of labour.

A study examining community-based services for victims of human trafficking

The authors of this article were commissioned in the Spring of 2005 to undertake a research project focusing on both international and domestic human trafficking⁸ and examining Canada as a source, destination and/or transit country. The study also examines the community groups that provide assistance to trafficking victims. For the purposes of this article, the emphasis is on the international trafficking in persons both as a labour and a gender issue. While recognizing that the majority of known trafficking victims are women and children and that they are often being trafficked for the purpose of sexual exploitation, this study also made an effort to include victims of trafficking for other purposes such as forced labour.

The research project's objectives were to gain a deeper understanding of the characteristics and needs of victims of human trafficking, as well as to document the community-based services that currently exist for victims and to identify any gaps in these services. Research questions related to the topic of this article included:

- What are the needs of victims of trafficking?
- How are the needs of the victims currently being met? What are the gaps?
- What are the barriers to providing services to victims of trafficking and how might they be overcome?

The research was undertaken in four sites: Vancouver, Toronto, Montreal and Winnipeg. These locations were selected because they have a high proportion of migrant and sex trade workers. Furthermore, the above four cities have been identified by the RCMP intelligence assessment as "hot spots" of trafficking in persons (RCMP, 2004).

Frontline organizations with direct experience with trafficking victims were sought for participation. Given the hidden nature of human trafficking, the fact that it is a newly-recognized phenomenon in Canada and that there are very few organizations with specific mandates to deal with trafficking, snowball sampling was necessary to recruit respondents. A broad range of service providers were interviewed (ten each in Toronto and Winnipeg, 11 in Vancouver and nine in Montreal). The different types of interview participants included: victim services, NGOs providing settlement, immigrant and refugee services, activist organiza-

tions, community and health services, religious organizations, women's organizations and Aboriginal and ethnic organizations.

Tensions around human trafficking and labour

Trafficking victims were of great concern to the interview participants but their work was rarely confined to the issue. What emerged in discussion with respondents was that there was some tension around using the definition of human trafficking. Most groups working on the issue were aware of the UN *Protocol on Trafficking* definition. Some interpreted this definition broadly, applying it to people in a variety of situations, while others questioned its applicability to individual situations. They established trafficking as an interrelation between displacement, control and exploitation. Workers sometimes referred to the definition used by the Global Alliance against Traffic in Women (GAATW, 2001), which they felt made an important distinction between the phases of trafficking: recruitment, transit and destination. With this understanding, trafficking, according to one of the respondents as cited in the following quotation, can involve exploitation at any or all of the three stages:

So, there are many things: there are migratory conditions, the condition in which the person was in their country of origin, conditions during transport, living and work conditions at the point of arrival. All of this can be different. In other words, a person can be a sex worker in Romania, have a migratory trajectory where, during the transport to Canada, may have been fooled or not, have travelled in horrible conditions or not and arrive in Canada and work or not in the sex industry.

Workers involved mostly with the Live-in Caregiver Program (LCP) noted that while there may be forced labour and slavery-type practices in the destination country, exploitation in recruitment and transportation may be difficult to identify in some situations. It was also reported that gender was key to understanding trafficking and that even in conditions of forced labour, an element of sexual exploitation may also be present.

Some respondents chose to avoid the use of a specific definition because of the unique nature of each trafficking case – in terms of who was being trafficked, by whom and how, and for what purpose. It was felt that the phenomenon defies a “one size fits all” definition and that strict definitions on trafficking may

impede effective work. Some practitioners work instead with an issue as it arises and they usually encounter victims in the course of their work on other issues: refugee claims, labour rights, street outreach, health education and especially on broad issues relating to violence against women. A few respondents preferred not to refer to trafficked persons as ‘victims’, but rather as individuals needing help.

Displacement

All respondents recognized the fact that international labour migration and economic displacement were inherent elements in the definition of human trafficking. Being far from home, with its familiar social system and its potential social supports was seen as an important factor in individuals’ vulnerability to coercion and exploitation. The degree to which displacement is the result of coercion was questioned by some respondents. They asserted that many of those who eventually become victims of trafficking were indeed seeking to migrate for work but inadvertently found themselves in an exploitative situation outside of their control.

Exploitation is considered to be a key factor in defining trafficking by the majority of respondents. In the case of international trafficking, many respondents mentioned that even though legal immigration visas may be used to enter the country, such as is the case with the Live-In Caregiver and other temporary work visas, exploitation may still occur.

Control

Some respondents stated that traffickers use physical, psychological and economic control over their victims. Forms of physical coercion mentioned by respondents ranged from outright kidnapping (almost exclusively in the case of minors), physical violence and threats of physical violence against the victim and their families. Psychological coercion included encouraging a false sense of “love” from their victims, using deception and deceit, and undermining the victim’s autonomy:

Issues of abuse and power are not easy to deal with. The dynamics are complicated. People might be suffering from the Stockholm syndrome. These are complicated dynamics since there is the need to be socially recognized and loved. People who encourage exploitation are gener-

ally fairly knowledgeable and skilled in using the weaknesses of people who are emotionally fragile...or who could be made so. They are isolated and misinformed individuals (GAATW, 2001).

In replying to questions relating to issues of abuse and power, several respondents likened human trafficking scenarios to cases of domestic violence. Economically, traffickers often saddle their victims with huge debts leading to dire consequences in cases of non-payment (more often part of respondents' definition of international trafficking) and/or make promises of future prosperity. For international victims, threats of being exposed to immigration authorities are another form of control. With regard to the issue of internal trafficking, exploitation of pre-existing addictions or the encouragement of new ones is an important element. As well, many traffickers use the threat of criminal sanctions as a way of maintaining control over their victims (e.g., they will be put in jail if they are caught).

Exploitation

Respondents grappled with the difficulty of determining where the line between trafficking and other forms of abuse or exploitation is drawn, such as in cases of forced labour and sweat shops. For many respondents, especially those from women's organizations and those working with internal trafficking victims, the principal form of exploitation in trafficking situations is in the sex trade. For those working with immigrants and refugees, the perspective of exploitation is broader and includes domestic work, child or elder care, forced marriage, forced labour or exploitative employment in family businesses, restaurants, agriculture and light industry.

While some respondents made a direct link between exploitation in the sex trade and trafficking, others stressed that working in the sex trade in itself was not necessarily an abusive situation. It is also commonly associated with illegal entry into Canada, in many cases it is associated with legitimate Canadian immigration programs such as the LCP, temporary work visas for exotic dancers, or the sponsorship of mail-order brides (Langevin & Belleau, 2001).

Systemic barriers also include the wide gap in communication between NGOs and government policy decision-makers. Efforts could be made to improve communication with commu-

nity groups and educate them on many of the current objectives, strategies and actions of the federal government to combat trafficking, such as the targeted training for law enforcement and other officials, the development of an anti-trafficking website and the production and dissemination of informational pamphlets to educate on the dangers of human trafficking.

Human trafficking as a labour phenomenon

One of the most powerful findings of our study was the insistence, time and again, that economics was at the base of the human trafficking phenomenon. Community workers repeated over and over that people fall into trafficking because they are either actively seeking to migrate for work or because they have no other economic options in their home communities. International economic inequality has hit women especially hard and it is the feminization of migration for economic reasons that fuels human trafficking.

Our study brought forth a substantial amount of information about the kind of work that trafficking victims get involved in, as well as the dynamics of the exploitation of their labour. In this section, we will outline the different forms of work irregular migrants find themselves doing (domestic work, manual labour and sex trade) as well as the types of problems they encounter (salary, hours, health and safety, sexual, physical and emotional abuse).

For what kinds of work are people trafficked?

There was a wide variety of types of work reported by those we interviewed. In contrast to the popular media coverage of human trafficking that emphasises sex trafficking, our interview respondents spoke just as often about trafficking for domestic purposes as they did for general low-skilled labour.

Domestic work

Under the broad category of domestic trafficking, there were reports of trafficking to work as maids, as caregivers and for forced marriage and adoption. Under the domestic category, the use of Citizenship and Immigration Canada (CIC)'s Live-In Caregiver Program (LCP) as an immigration channel for entry to Canada was cited by several organizations. Even though the LCP program is a government regulated program, it appears that there are

many grey areas that allow traffickers to exploit women for domestic work. As one of the organizations in Toronto reported, women are often misled about the kind of work they will do in Canada and then are unable to leave their “employer”: “We do know it ranges from a situation where women are invited to do domestic work as LCP. Even some women have said they were invited to come as teachers and end up as caregivers” (T6).

Women trafficked under the LCP find that, upon arrival in Canada, they may not be working for the employer named on their visa. The family they work for may pay them below the minimum wage or even not pay them at all, in addition to possibly mistreating them psychologically, physically, or sexually. This leads to a feeling of insecurity, coupled with the real threat of deportation. Women are, therefore, reluctant to complain. This reticence to come forward is partly explained by the fact that, in order to be eligible to apply for landed immigrant status in Canada, women have to complete 24 full months of live-in work within a 36-month period. In some cases they would prefer to put up with the difficult work conditions, and complete the required number of months to be eligible for permanent residency, than find themselves without an employer or in a situation facing deportation.

Another typical trafficking situation is when they do not have a clear immigration status. One of the organizations in Vancouver indicated possible scenarios: “Sometimes they are coming undocumented or under tourist visas, or they are coming to work for foreign diplomats” (V8).

Their illegal stay in Canada makes it more difficult for them to complain, or to leave their employer. Two of the Montreal-based organizations interviewed have recently had cases where women were kept in the family home for upwards of a decade without any legal status in Canada and without receiving any pay, in one case, and very low pay in others. A particularly difficult situation seems to be when domestic workers come to Canada with foreign diplomats, often with a tourist status. It appears that the fact that the employer has diplomatic immunity and a powerful social status turns some domestic workers into prisoners in a cage made of gold.

For some respondents, the definition of trafficking is extended to include forced marriages or mail order brides. In these cases the notion of transaction is at the core of the definition. The

commodification and economic exchange involved in these transactions are described by one of the organizations in Vancouver:

Women, when their mail and their pictures are being promoted through magazines, then there is communication from a man from here in Canada – Although they sometimes see each other once or twice before coming to Canada, there is this transaction that is being processed along the way of their building that relationship. It's not really like a relationship but more like a transaction, from getting to know this person and then phone calls, even paying for some of the expenses that a woman incurs back in their home country. Even including visiting there and sending money for their family. So there is already that kind of transaction, not just the woman but including the family (V9).

Although forced marriage exists in many communities, with Canadian men seeking brides in their countries of origin who will then be dependent on them for their immigration status, the phenomenon of mail-order brides to Canadian-born men seems especially problematic for Eastern European (especially Russian and Ukrainian) and Filipina women:

We've had run-ins with traffickers in our community who are actually into the mail-order bride business. There was a point in our community when some of our members were engaged in the business of pairing Filipino women with prospective grooms here in Canada (T7).

For those who are trafficked for marriage, the ages vary but they are usually not very young women. It would vary from 30 to early 50s. Those ones are more likely to be really invested in the relationship. It's really very lucrative. Apparently, the numbers that are leaving every year from the Philippines because they are fiancéed to Canadian men is just increasing every year. I think the numbers are from 11,000-15,000 a year (T7).

It is important to include forced marriage and mail-order brides as a form of labour trafficking as they may, in some cases, be transported and exploited in private homes for their reproductive labour as wives, mothers and maids.

Unskilled General Labour

The community workers spoke about unskilled general

labour as the main area for the trafficking of men. There were examples from many different forms of manual labour. Several stories underlined the phenomenon of Canadian-based factory sweatshops:

There was a case of an Asian, Oriental Asian fellow who had brought about a dozen or fourteen women from one of the far East countries, and had them work. He had told them they were coming as hairdressers and waitresses, and things like that, and he had them working in a factory (W2).

In Ontario, construction work was cited as an industry employing trafficked labour while in Quebec and British Columbia, agricultural work (sometimes under the aegis of the Seasonal Agricultural Worker Program (SAWP)) was an area of concern. Across the country, restaurants were described as a problematic industry as well, and several respondents specified that this was a particular problem within the Chinese community: “The women who are here are largely working ... in restaurants. Some are moving up in the restaurant business. Like from washing dishes to food preparation” (V3).

The sex trade is not the only criminal industry into which people are trafficked. The drug trade is another area: “Very rarely you hear a young woman disappearing from her nation’s reserve and then she turns up somewhere else. She is already in the sex trade or selling drugs” (V6).

Boys and young men, on the other hand, seem to be common targets of human trafficking for drug trafficking.

Sex trade

The sex trade is often touted as the principal destination industry for human trafficking victims. Our respondents reported it to be a highly problematic area but there was also frustration from some with the popular equation of sex work with trafficking. Nevertheless, women continue to be trafficked for prostitution. As described in these quotes, sometimes it is rather high end:

There are some forms of sex that have more economic value. The very top is a foreigner or businessman with a trafficking victim who is in their first experience (M3). Some of them said they were taken to private parties, they were “rented”, they used that word, they were rented

as an object to other people or clubs, to particular people that wanted them. Some private parties, so they had taken women from there (T10).

Exotic dancing was described as a type of work that women sometimes accepted to do from their home country but once they arrived in Canada, they found that the conditions were much different than what they expected and that it often amounted to human trafficking:

They felt it's OK, they could live with that because nobody was torturing them, they were just going to strip. But then, within a few weeks, they really found out that they can't make money if they were just stripping. And that now the expectation is going into the VIP lounge and performing sexual act. So, it's even as much starting off dancing and saying it's Ok I can do the dancing and send money home, help my family and making good bucks, I can do that for a couple of year. And ... you end up... becoming prostituted (T2).

Massage is another area into which women are trafficked. It was described as being "less valuable" economically than prostitution: "Moving down from there, there is the massage parlour, karaoke. They treat these women as asset and they see them as depreciating over time" (M3).

Under what conditions do trafficked people work?

In addition to describing the areas of trafficked labour, the interview respondents in this study provided a wealth of information about the conditions under which trafficking victims work. Salaries, work hours, health and safety issues and physical, emotional and sexual abuse were all mentioned.

Salaries

Community workers reported a high incidence of trafficking victims being denied any pay at all for their labour, rendering their work equivalent to slavery. This extreme exploitation, denying trafficking victims the most basic benefit they were seeking through migration (the possibility of sending remittances to families left at home), was found in domestic work:

In domestic workers... these people they don't receive salaries at all. They are hours available but without salaries (M8).

...general low-skill work:

he had a house and he put them 4 to a room and he, he took their salary to take out their passage and he bought the groceries for them and he charged them rent. So, at the end of it all, they had nothing left (W2).

...and the sex trade:

Dancers don't get paid a salary anymore - in Ontario anyway. They actually say they have to pay the club to work there. The strip club owners have turned into pimps (T5).

More common was the situation of people being paid extremely low salaries for their labour due to supposed "debts" to their traffickers, again in all three broad categories of labour:

Many of these people were not able to pay the whole lump sum of the money. For example, they need to pay \$US 30,000. If they are unable to pay it, some people maybe pay just 10,000 and other people 20,000. They need to pay once they work for those restaurants. There is no salary because what they get, the owner will pay to the snakehead (V2).

Before coming here they signed a contract (for domestic work) and it was very well written. It says it would be respecting the labour laws of Canada. It testified the workers would be getting 1000\$+ a month which is the standard. But on the side they did a verbal contract to say she would be getting only 200\$ a month (M2).

Some people are paid \$2.50 an hour. People working with a legitimate salary but their bosses forced them to give back part of it cash. So his books look fine but the women don't get paid adequately. There is a lot of labour market abuse (V3).

Hours

People were also depicted as working inhuman hours that would be dangerous to their physical and mental health due to exertion and exhaustion, not to mention the heightened risk of workplace accidents. The concept of holidays is next to non-existent:

Then they don't have proper holidays. They need to work 12 hours a day. They didn't know their rights. They didn't know there's a minimum pay, that they can have Sunday off, like everybody, only work five days a week. At

least they can know their rights (V2).

A Winnipeg respondent described the horrible situation of internally trafficked sex and drug trade workers:

That's what we see here. And you know and they start, at 8:30 in the morning they're already standing out on the street, they're all Aboriginal or Métis people, very, very young... And they're still standing out there when I'm just leaving or if I happen to be in the area late, and they're still out there (W4).

Another issue related to hours is the possibility of trafficking victims to stop working if they are sick or have other personal problems. A Montreal community group stressed how this amounts to slavery:

Slavery. Like, making them work 24 hours a day, seven days a week, without paying them, they treating them like machines. They don't have feelings. But even machines, when they are over used... These women are expected not to get sick. Even if they are sick they have to work (M1).

Health and safety

The working conditions of trafficking victims are often extremely dangerous to their health and safety and they are seen as expendable and replaceable economic commodities rather than people. In the agricultural sector, exposure to chemicals was a problem:

Many times, almost slavery in the farms, and then they would go put the insecticide without mask and some of them had diseases, lack of protection in that way (M8).

...The sex trade was particularly lethal:

Sometime they stay where they are because it is very dangerous where they are, these people are too powerful to be able to get out... They don't live long. For all kinds of reasons. They get sick, malnutrition, drugs, etc. (M8).

The longer these women are down here (the Downtown Eastside), the sicker they get. In fact the majority are infected with Hep C, HIV or AIDS. Their health deteriorates... 95% are addicts at some point. A huge percentage are HIV positive. Probably a quarter of them, then a bulk are Hep C positive. A percentage with mental issues too (V4).

...And, as well, sometimes just the fact of being in the realm of human trafficking, with its links to organized crime, is what brings the danger:

Like just on a security basis. If someone who is trafficking them is here ... For many others, the danger exists in the country of origin, sometimes they are fearful of their home community. ... There is the organized crime sometimes, on a big level. ... it's always a frightening thing for a woman. The city can be a very small place sometimes (M9).

Physical, emotional and sexual abuse

Individuals trapped in trafficking situations are vulnerable to a wide range of abuse: physical, emotional and sexual. Often, these different forms of violence are intertwined and difficult to separate out. Women are especially vulnerable to such abuse:

And violence against women issues is the most continuous situation physically and psychologically by their partners, employers and clients. Some women are stripped, murdered, sold, disappeared (T10).

While forced marriage was singled out for its exposure of women to domestic violence, the sex trade stood out as the single most dangerous form of work for women:

Sometimes these women get hit or, a lot of times, beaten... Since I've been down there, there's been several women that have been killed, murdered, ended up in a dumpster or gone missing... Most of these women have been sexually assaulted. If you are in the sex trade industry, you are definitely going to encounter sexual assault, unwilling sex, at some point (V10).

The live-in requirement of the LCP was quoted as a factor making women vulnerable to the abuse of trafficking:

If you talk with women who are caregivers they will tell you their situation. ... They come here and most of the time, they suffer abuses, including long working hours, sometimes sexually abused or physically abused by their employers (V7).

Conclusion: Implications for policy and practice

This article argues that human trafficking is essentially a

labour issue shaped by questions of gender, race, age and class: shortage of work in countries of origin makes people vulnerable to migration through trafficking; demand for cheap, compliant labour defines destination countries. The labour markets into which victims are trafficked and the work conditions under which they labour differ according to these different social markers but have two things in common. The vast majority of victims of human trafficking are from situations of poverty and most are also people of colour from the global south. Once trafficked, however, people's labour is exploited differently.

Children, both girls and boys, are trafficked for the purposes of the sex and trades. Very young children of both sexes are also trafficked for adoption. For adult victims, the work undertaken is extremely gendered. Women do "women's work" (domestic, sex, textile) while men do "men's work" (agriculture, manufacturing, construction). Most of those trafficked into these fields are young adults (18-30) but domestic work is a domain into which older women (30-50) are also sometimes trafficked.

Despite the clear link between trafficking and labour, however, government policy on labour and immigration has made almost no headway in addressing this. In terms of immigration, the current federal policy leans heavily towards recruiting applicants with professional backgrounds and specifically prohibits immigration by people intending to do the types of low-skill work for which people are trafficked. The only channel to enter Canada legally to do such low-skill work is through three highly restrictive temporary visa programs, already known to be a channel for trafficking: the Live-In Caregiver Program, the Seasonal Agricultural Worker Program and the Low-Skill Pilot Project.

If the federal government wishes to address the labour aspect of the human trafficking phenomenon, it must adjust its immigration policy to first allow permanent immigration by so-called "low-skill" workers in recognition of the high demand for this kind of labour in the Canadian labour market. Second, if temporary visas are to be used, they should be revised to end the current restrictions widely criticised as facilitating exploitation. Rather than restricting migrants to one employer and forcing them to live on the employer's premises (as under the LCP and the SAWP), temporary visas could be sectoral, allowing migrants to change employers freely within the same labour sector.

Labour laws are another area of weakness in terms of protecting the rights of trafficked individuals. Currently, most provinces require that a worker provide evidence of their legal right to work before accepting a complaint. This equates to a worker having to prove that they have legal immigration status, a luxury to many victims of trafficking who may have been so lucky as to escape the immediate exploitation. This requirement by provincial labour standards boards effectively excludes irregular workers from any protection under the labour laws. Community-based coalitions across the country are currently calling for labour standards boards to eliminate this requirement and accept complaints from any individual in an employer-employee relationship, regardless of their status.

A second issue with labour protections is that the provincial boards require a complaint to be filed by a disgruntled employee before any investigation can be undertaken. The few inspectors employed by the provincial governments respond to worker requests to visit workplaces, but they rarely have the capacity to undertake random inspections. Placing the onus on the employee to seek out help puts an unfair burden on irregular workers and ensures that their workplace problems are rarely addressed. Such inspections could also provide opportunities to “discover” trafficking victims and offer them official aid.

In contrast to the relative state inaction around the labour concerns of human trafficking, community organizations manage to respond to some of the victims’ needs. And this occurs, in spite of the fact that most agencies lack a specific mandate to work in a preventative or protective way with trafficking victims. Regularization of the victims’ immigration status and the implementation of human rights, including labour rights, were also identified as pressing needs. It is extremely revealing that all the agencies consulted highlight the need for adequate funding from the federal and provincial governments. Funding for prevention, which must address the conditions of poverty, domestic violence and drug dependency, is essential. In the meantime, community groups support victims seeking escape from their employers, offering (in a patchy network of services) shelter, access to health care, informal counselling, labour rights and immigration advising, among other services.

For the community groups interviewed in this study, the labour experiences of human trafficking victims were at the ex-

treme end of a continuum of the labour exploitation of irregular migrants and even immigrants and people of colour. They found it difficult to draw the line between trafficking, as defined by law, and other types of exploitation. Respondents noted that, in a context where Canada has stepped up measures to detain and deport people with “irregular” status, the victims of human trafficking have become the “Deserving Undocumented”. This situation pushes community groups to use a broad definition of trafficking in order to protect other irregular migrants from repression. A representative of Citizenship and Immigration Canada explained the government’s perspective this way: “Human trafficking is seen as a human rights violation. Irregular migration is seen as a violation against the state”.

Many participants in this study urged that, while protection for true victims of human trafficking was necessary and that they were likely to have particular needs linked to the extreme form of their exploitation, human trafficking should not be used as a diversion from addressing the huge number of “economic refugees” present in Canada and, given the world’s growing inequality, expected to keep on coming. These individuals, from whom the Canadian economy profits, are every bit as “deserving” of protection from exploitation and the regularization of their status. If Canada is serious about stemming human trafficking, it must be seen as a labour phenomenon and the unjust conditions within the Canada economy, and also within the international economic order, must be addressed.

Endnotes

¹ Assistant Professor, McGill University, School of Social Work.

E-mail: jill.hanley@mcgill.ca

² Visiting Researcher, Université de Montréal, Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes

³ Associate Professor, Université de Montréal, École de service social

⁴ Social Worker

⁵ See Oxman-Martinez, J., M. Lacroix and J. Hanley. 2006. *Victims of Trafficking in Persons: Perspectives from the Canadian Community Sector*. Ottawa: Department of Justice.

- ⁶ Residents of certain Western and Commonwealth countries have agreements with Canada allowing them to enter Canada without a visa, usually for periods of up to 6 months. People from these countries are able to obtain work or study permits without first applying for a temporary resident visa. For a list of those requiring visas, please refer to:
<http://www.cic.gc.ca/english/visit/visas.html>.
- ⁷ The sponsorship of more distant family members is permitted only if the relative is dependent upon the Canadian resident sponsor or when the sponsor has no immediate family member to sponsor or another relative who is already a Canadian citizen or permanent resident.
- ⁸ While there are many similarities between domestic and international trafficking, the link being made between the two is relatively new. Poverty and economic inequality remain root causes of both types of trafficking, yet international economic exploitation, the search for employment and international law continue to be primordial to international trafficking. A discussion of trafficking within Canada, however, requires serious attention to the colonization of Canada's First Nations, lack of social support and services, as well as the scourge of addictions and emotional vulnerability that afflicts many young women who may have been victims of child abuse and who remain without viable options for self-development.

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