

Sex Trafficking of Women to Canada: Results from a Qualitative Metasynthesis of Empirical Research

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Definitions of Human Trafficking and Smuggling

The United Nations General Assembly (1994)

... illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption.

Global Alliance Against Traffic in Women (GAATW)

- ***Trafficking in Women:*** all acts involved in the recruitment and/or transportation of a woman within and across national borders for work or services by means of violence, or threat of violence, abuse of authority or dominate position, debt bondage, deception, or other forms of coercion.
- ***Forced Labor and Slavery-like Practices:*** The extraction of work or services from any woman or the appropriation of the legal identity and/or physical person of any women by means of violence or threat of violence, abuse of authority or dominate position, debt bondage, deception or other forms of coercion.

United Nations (2000)

“Trafficking in persons” shall mean 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 ... The consent of a victim of trafficking in persons to the intended exploitation ... shall be irrelevant... (**Palermo Protocol**)

United Nations (2000)

«Smuggling» shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

Overview of the Problem

- Human trafficking can be international and domestic.
- Main categories: sex trade; labour trafficking (agricultural, sweatshop, domestic); mail-order brides industry; organ trafficking. Familial trafficking is on the rise.
- An estimated 12.3 million people worldwide, at least 56% of them women, are believed to be victims of trafficking (U.S. Department of State, 2010), yet accurate statistics can't be compiled

- Human trafficking is the 3rd most lucrative global business, behind weapons and drug trade: \$32 billion annual black market industry (more than Google, Nike and Starbucks combined).
- Various organized crime structures involved: small, medium, and large; familial, neighbourhood, and extended.
- Building a case against traffickers is always a very difficult, lengthy and expensive process; less than 1% of the victims agree to testify against their traffickers, mainly due to fear of retaliation.

Human Trafficking in Canada

- Main categories: sex trade; domestic and other labour (agricultural, factory work); mail-order brides industry.
- Annual estimates on the number of trafficked persons: 8,000-16,000 (Porteous, 1998) or 2,200, with at least 600-800 foreign women and girls trafficked into the sex industry (Canadian Press, 2004; Gordon, 2006).
- Principal source regions: Asia; former Eastern Bloc; Latin America.
- Main destinations: Toronto, Vancouver, Montreal, Winnipeg, Calgary (Canadian Press, 2004; Protection Project, 2005; Oxman-Martinez, Lacroix, & Hanley, 2005; RCMP, 2004), but the spread is virtually national (Perrin, 2010).

- Estimated annual profits from human trafficking operations: \$120-\$400 million (Porteous, 1998).
- Awareness about human trafficking in Canada has been growing since the late 1990s, but is still lacking.
- Trafficking of women into Canadian strip clubs attributed largely to the dancer visa (under broader category 'buskers'). As a result, serious restrictions placed on the visa program; only 17 new visas issued last year, instead of an average 1,500/year.
- Canada signed the 2000 UN Palermo Protocol

- Trafficking in persons (TIP) became an offence on June 28, 2002, under **Section 118 of the Immigration and Refugee Protection Act (IRPA)**. Applicable only to international trafficking. Proof of exploitation not required, deception & coercion are enough.
- On November 25, 2005 another anti-trafficking legislation came into force: **Sections 279.01-279.04 of the Criminal Code (CC) of Canada**. Applicable to both domestic and international cases. Proof of exploitation required.
- Maximum criminal sanctions for traffickers under IRPA: up to \$1 million fine and/or life in prison.
- **June 2010: Bill C-268** approved (private member's bill by Tory MP Joy Smith). Established mandatory minimum 5-year sentence for child traffickers, up to 14 years (constitutional standards prevent higher minimum sentences to be set), and up to life in prison if the victim is kidnapped, subject to aggravated sexual assault, or killed₃

- As of November 15, 2009, 33 individuals have been charged with TIP under CC's section 279.01; charges against 2 were dropped due to a victim's absence in court; 22 cases were before courts.
- First person charged with human trafficking in Canada under IRPA: Wai Chi (Michael) Ng, Vancouver. Accused of trafficking 2 Chinese women into sex trade. Was acquitted on trafficking charge, sentenced on prostitution-related charges.
- First Canadian human trafficking conviction: May 2008 (charges laid in 2007), Imani Nakpangi (Peel Region, ON).

- In total, 5 convictions to date (1 female and 4 male offenders): all domestic sex trafficking cases of Caucasian Canadian females (aged 14-25). All resulted from guilty pleas, not judicial pronouncements.
- Sentences:
 - Laura Emerson: 41 years on various charges, but to be served concurrently, totalling 7 years in a federal institution.
 - Men got from 2 to 3 years in prison; one of the them also got 3 years of probation. (Perrin, 2010; RCMP, 2010).

Relevant Government Agencies, Programs, Committees, Task Forces

- RCMP Immigration & Passport (I & P) Program: consists of 6 regional sections; policy centre in Ottawa Headquarters.
- In 2005, the Human Trafficking National Coordination Centre (HTNCC) created within I & P Branch at the Headquarters.
- New Beginnings program, Peel Regional Police

Relevant Canadian NGOs

- **National:** Salvation Army; Global Alliance Against Traffic in Women (GAATW) Canada = Dr. Annalee Lepp, University of Victoria, B.C.
- **B.C.:** Philippine Women's Centre (PWC) of BC
- **Alberta:** Action Coalition on Human Trafficking (ACT) – led by Changing Together; The Future Group
- **Ontario:** Streetlight; Walk with Me (Toronto); Canada Fights Human Trafficking (Brantford); PWC in Toronto.

Temporary Residence Permit (TRP)

Trafficked victims are given only a 180-day TRP to decide what to do.

Problems:

- Happens only after involvement with the legal system.
- Victims have to be illegal to get this permit.
- Permit gives access mainly to medical services, not employment or welfare.
- No direct path to permanent residency.

**Sex Trafficking of Women to
Canada:
A Qualitative Metasynthesis
of Empirical Research**

What is a Qualitative Metasynthesis?

- A study involving “rigorous examination and interpretation of the findings of a number of studies using qualitative methods. It relies on synthesis of themes and textual quotations from qualitative reports, and the goal is to produce new and integrative interpretations of findings that are more substantive than those resulting from individual investigations” (Hildingh et al., 2007: 411).
- Metasynthesis offers “a coherent description or explanation of a target event or experience” (Thorne et al., 2004: 1358).

Studies Included in the Metasynthesis

1. McDonald, L., B. Moore and N. Timoshkina (2000). *Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case*. Ottawa: Status of Women Canada.
2. Timoshkina, N., & McDonald, L. (2009). *Building partnerships for service provision to migrant sex workers*. Toronto: The Wellesley Institute.
3. Lepp, A. (Ed.). (2003). *Transnational migration, trafficking in women, and human rights: The Canadian dimension*. Victoria, B.C.: GAATW Canada.
4. Toronto Network Against Trafficking in Women (TNTW), Multicultural History Society of Ontario, & Metro Toronto Chinese and Southeast Asian Legal Clinic. (2000). *Trafficking in women, including Thai migrant sex workers, in Canada*. Ottawa: Status of Women Canada.
5. Latin American Coalition to End Violence against Women and Children (LACEV). (2002). *Coming to dance, striving to survive: A study on Latin American exotic dancers*. Toronto: LACEV.
6. Oxman-Martinez, J., Lacroix, M., & Hanley, J. (2005). *Victims of trafficking in persons: Perspectives from the Canadian community sector*. Ottawa: Department of Justice Canada.

Full report not available for:

- Kurtzman, L., & Roy, M.-A. *Recherche-action sur la traite des femmes à des fins sexuelles au Québec*. Montreal: UQAM-IREF.

For brief information about Quebec study see:

- IREF Équipes de recherche: *Recherche-action sur la traite des femmes à des fins sexuelles au Québec*
<http://www.iref.uqam.ca/recherche/traiteFemmes.php>
- *Traite sexuelle des femmes: Briser le silence pour émerger de la clandestinité* <http://www.uqam.ca/entrevues/2007/e2007-038.htm>
- Kurtzman, L. *La traite des femmes au Québec: une réalité complexe indissociable de la prostitution*. Alliance de recherche IREF/Relais-femmes sur le mouvement des femmes québécois, Institut de recherches et d'études féministes, Université du Québec à Montréal.
<http://www.unites.uqam.ca/arir/pdf/TraiteFemmesQC.pdf>

Cumulative Sample

- About 200 health and social service providers, and key informants (e.g., law enforcement and immigration officials; proprietors of sex trade establishments; journalists; academics) from across Canada.
- 40 female migrant/trafficked sex workers, over the age of 18, from 14 different countries: Thailand (n=11); 7 countries of the former Eastern Bloc (n=18); 6 countries of Latin America (n=11);

Trafficked/Migrant Sex Workers (N=40)

- **Former Eastern Bloc (n=18):** the Czech Republic (1), Hungary (4), Moldova (1), Poland (2), Romania (3), Russia (6), and Ukraine (1). 11 employed in strip clubs; 7 in 'clean' massage parlours (2 started in strip club, then moved into massage business).
- **Latin America (n=11):** Columbia (1), Costa Rica (5), Cuba (1), Ecuador (1), Mexico (2), and Venezuela (1). All employed in strip clubs.
- **Thailand (n=11):** all employed in 'dirty' massage parlours or apartment-style brothels.

- 22 women (55%) worked in strip clubs
- 11 women (27.5%) worked in 'dirty' massage parlours/brothels
- 7 women (17.5%) worked in 'clean' massage parlours
- While in Canada, all sex workers were located in Toronto
- At least 3 Eastern European and 3 Thai women were deported after the arrests

Study synthesized data pertaining to:

- Sociodemographic characteristics of the trafficked/migrant sex workers
- The core experiences of the migrant/trafficked sex workers, including:
 - situations in the women's home countries;
 - reasons for choosing Canada as the country of destination;
 - processes of recruitment and migration;
 - details of the working and living conditions in Canada over the trafficking trajectory;
 - specific aspects of trafficking and forced labor;
 - decisions regarding leaving or staying in the sex trade and Canada;
 - routes of escape/exit;
 - dealings with immigration and legal systems;
 - the women's health;
 - service needs and service use;
 - life upon return to the country of origin (for those who have been deported).

MAIN FINDINGS

- Clear differences in the socioeconomic backgrounds of Eastern European women vs. Thai and Latin American women, yet almost all ended up in Canada & sex industry for economic reasons
- Women were recruited for sex work not only by ‘agents’, but by acquaintances, colleagues, friends and relatives
- No existing definition of human or sex trafficking could accurately capture the nuanced complexity and fluidity of the sex workers’ situations
- Of the 40 women in the sample, only 5 (3 Eastern European and 2 Latin American) were recruited into sex trade under completely false pretences
- Most were not forced into sex work, but were subjected to various degrees of exploitation, control, and debt bondage

- The women's working conditions were generally deplorable
- 'Clean' vs. 'dirty' establishments
- Thai women were in a better situation than most of the other women in the sample despite working in brothels and having lower levels of education and English language proficiency
- The situations of migrant sex workers appeared to be better than those of many migrants *legally* working as domestics or in agricultural sector – particularly in terms of income and freedom of movement

- Having legal immigration and employment status in Canada was a crucial factor in allowing women to have control over their living and working conditions – even more than the voluntary vs. forced involvement in the sex industry.
- In case of Thai women, in particular, the most severe abuse came from the Canadian legal system and Thai embassy/government officials.

MAIN RECOMMENDATIONS

Create new definition of Human Trafficking that will:

- use human rights perspective as a foundation;
- consider structural inequalities between the advanced industrialized nations, such as Canada, and developing and transitional economy nations;
- acknowledge that not only economic reasons, but gender, class, ethno-racial and other inequalities prevalent in the trafficked women's countries of origin serve as powerful push factors that influence women's decision to migrate and, in fact, underlie the economic reasons for migration;
- recognize that trafficked women are subjected to multilayered and multifaceted discrimination not only in their home countries, but in the host nations as well, which includes mistreatment by immigration, police, and other authorities.

Policies & Services

- Ensure adequate training for law enforcement and immigration officers on identification of, and competent responses to, cases of sex trafficking.
- Create a new immigration category for trafficked persons (similar to T-1 Visa in the U.S.) or a special humanitarian and compassionate grounds sub-category. Trafficked victims should not be pressured to testify against their traffickers.
- Provide migrant workers with opportunities to establish permanent residency in Canada and to reunite with family.

- Strengthen coordination and collaboration between immigration authorities, law enforcement, NGOs and other relevant stakeholders in response to human trafficking.
- Develop relevant local, national and international counter-trafficking partnerships and initiatives.
- Develop comprehensive, *multilingual* information kits pertaining to Canadian immigration and labour policies, laws, regulations, migrants' and workers' rights, and health and social services. Kits should be distributed through Canadian embassies, consulates and missions abroad, and at the Canadian ports of entry, to all temporary workers, visitors, and students.
- Ensure accessibility and effectiveness of services for trafficked persons.

SOME OF THE CHALLENGES

- Clandestine nature of human trafficking and the sex trade
- Difficulty building cases against traffickers
- (Irreconcilable?) differences in interests & ideological perspectives/attitudes between and among:
 - » Migrant women
 - » Immigration system
 - » Law enforcement
 - » General public
 - » Ethnic communities
 - » Service providers
 - » Feminists

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