

Annotated Bibliography

Human Trafficking

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For nearly two decades, the Canadian Council for Refugees (CCR) has been involved in work for the protection of trafficked persons and for the prevention of trafficking in Canada. The CCR seeks to raise awareness about trafficking, engage with government regarding the protection of the rights of trafficked persons, and build capacity among NGOs and service providers (including lawyers) to identify and respond to trafficking. In order to support this work, this annotated bibliography provides an overview of relevant academic and grey literature that addresses a range of related issues including labour trafficking, forced labour, sex trafficking, forced marriage, child trafficking and violence against women, issues that particularly impact specific groups including temporary foreign workers, non-status/undocumented workers and Indigenous women among others.

Global Overview

Dragiewicz, Molly (Ed.). (2014) *Global Human Trafficking: Critical Issues and Contexts*. London and New York: Routledge.

Available here: <https://tinyurl.com/Denton-Human-Trafficking>

This edited volume adopts a critical position regarding trafficking and responses to it. Mostly focused on the US, it is informed by the experiences of those affected by and involved in trafficking. This book includes chapters from established and emerging scholars in areas of criminology, anthropology, political science, women studies and others. The main objective of this publication is to present empirical work on different forms of trafficking. Thus, it includes a range of topics from labour to organ trafficking. The first section of the book offers a background for understanding the field including issues around policy as well as data collection dilemmas. The second section focuses on key issues including sex work, marriage, and domestic work, while highlighting the complexity and variation in the experiences of adults and children. The third section examines criminal justice practice, mostly in the US. The final section highlights efforts to address the social problems resulting from trafficking through local actions and organizing for social justice.

Global Alliance Against Traffic in Women (2007) *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World.*

Available here: <http://tinyurl.com/GAATW-Collateral-Damage>

This anthology reviews the experience of eight specific countries and attempts to assess what the impact of anti-trafficking measures have been for a variety of people living and working there, or migrating into or out of these countries. The chapters' authors look specifically at what the impact has been on people's human rights.

Lee, Maggie (Ed.) (2013) *Human Trafficking.* Cullompton, U.K.: Willan Publishing.

Available here: <https://tinyurl.com/Lee-Human-Trafficking>

This book seeks to address the ambiguity that surrounds the complex social phenomenon of human trafficking. The authors address a range of themes including: the historical origins of the phenomenon; its characteristics, patterns and nature across the globe; the links between trafficking and other forms of migration and exploitation; and, state-sponsored responses to the trafficked person and to all those considered non-citizens. The various chapters examine different conceptions of trafficking and the intersection of trafficking with other phenomena including slavery, prostitution, organized crime and migration.

Limoncelli, Stephanie A. (2016) What in the world are anti-trafficking NGOs doing? Findings from a global study. *Journal of Human Trafficking* 2(4): 316-328.

This article proposes that the proliferation of NGOs focused on human trafficking over the past two decades has not been accompanied by adequate empirical analysis, resulting in a poor understanding of this sector's breadth and work. Such an understanding is needed to grasp the role of this sector in national and transnational advocacy and what role these NGOs play in relation to the state. This article offers a preliminary analysis of worldwide anti-trafficking efforts. The most common types of activities of these organizations include public education and advocacy, while less than a third of organizations were involved in the rehabilitation of trafficked persons. The global snapshot of anti-trafficking NGOs provided by this study can be used as a starting point for future research.

Shelley, Louise (2010) *Human Trafficking: A Global Perspective*. Cambridge, U.K.: Cambridge University Press.

This book offers a global perspective of the phenomenon of human trafficking. The author uses a historical and a comparative perspective to reveal the different business models for human trafficking and how it is carried out differently in different places. Based on actual prosecuted cases as well as fieldwork, the author also predicts that human trafficking will grow in the twenty-first century as a result of economic and demographic inequalities, an increase in armed conflict as well as climate change. Some of the questions addressed by the book include: Why does human trafficking flourish and what are its diverse consequences? What are the main features of the financial side of human trafficking? How do different regions of the world experience human trafficking differently?

Trafficking in Canada and the United States

Gozdziak, Elzbieta M. and Elizabeth A. Collett (2005) Research on human trafficking in North America: A review of literature. *International Migration* 43(1-2): 99-128.

This article, though a little out of date, offers a scan of literature focused on human trafficking. By mapping existing research and identifying the gaps, it aims to suggest appropriate and effective policies to address the issue of trafficking and trafficked victims. The main questions this paper addresses are: Who is funding and who is conducting research on trafficking in human beings in North America? What methodologies and data sources are used to conduct this research? What are the foci of trafficking research in North America? What types of studies are conducted? What are the research gaps that need to be filled?

Hastie, Bethany and Alison Yule (2014) Milestone or missed opportunity: A critical analysis of the impact of Domotor on the future of human trafficking cases in Canada. *Appeal: Review of Current Law & Law Reform* 19, 83-93.

In 2011, the Domotor case (Hamilton, ON), the largest known human trafficking operation to date in Canada, became the first successfully prosecuted case of international human trafficking in this country. This article critically reflects on this significant case and its implication for future cases of human trafficking in Canada. The article starts with a background on human trafficking laws and policies in Canada and explains how the Domotor case fits. Next, the article delves into the details of the case and its exceptionality. Finally, the article discusses the impacts - both positive and negative - that the Domotor case may have on future responses to trafficking cases in Canada. The authors worry that the case might have served more as a symbolic success than a concrete step forward with respect to human trafficking.

Kaye, Julie, John Winterdyk and Lara Quarterman (2014) Beyond criminal justice: A case study of responding to human trafficking in Canada. *Canadian Journal of Criminology and Criminal Justice* 56(1): 23-48.

The article sheds light on the local community's response to the experiences of trafficked persons in Canada, particularly Calgary, Alberta. It represents the first attempt to document how a major urban center is addressing human trafficking. The authors demonstrate the definitional challenges as well as an overemphasis on law enforcement and criminal justice responses. Both factors have limited the identification of trafficked persons, especially those trafficked and/or exploited through legal entry points into the country. It also highlights the need to better understand specific forms of human trafficking, especially the internal trafficking of Aboriginal people in Canada and the effects of human trafficking on Aboriginal communities. The article suggests that while a criminal justice framework is important for addressing human trafficking, "local strategies will benefit from an emphasis on cross-sector collaboration that emphasizes the rights of the trafficked persons above the needs of law enforcement."

McCrae, Karen (2016) *Labour Trafficking in Edmonton: Holding Tight to a Double-Edged Sword*. The Action Coalition on Human Trafficking Alberta.

More information available here: <http://www.actalberta.org/>

This study of the realities of labour trafficking in Edmonton found that the Temporary Foreign Worker Program is the primary vehicle by which labour trafficking occurs in Edmonton. Recruiters and employers manipulate this program and traffic workers both into and across Canada. Many businesses in Edmonton reap immense profits off the backs of victims of labour trafficking, who often work and live in deplorable conditions.

Millar, Hayli and Tamara O'Doherty (2015) *The Palermo Protocol & Canada Ten Years On: The Evolution and Human Right Impacts of Anti-Trafficking Laws in Canada (2002-2015) – Key Findings*. Report produced in collaboration with SWAN Vancouver Society.

Available here: <https://tinyurl.com/Millar-O-Doherty-Palermo>

Ten years after Canada ratified the Palermo Protocol, this report assesses the empirical evidence about human trafficking in Canada with a view to advancing migrant workers' access to justice. The authors analyze legislation and jurisprudence relevant to trafficking. They also examine the views of personnel of the criminal justice system and of Supporting Women's Alternatives Network (SWAN) regarding anti-trafficking legal measures and their enforcement. A primary recommendation of the authors is that there are increased avenues of non-judgmental communication between representatives of formal institutions (Parliament, Department of Justice, the police, healthcare, CBSA officials, and so on) with vulnerable groups. They also recommend transparent, accountable and empirical-based production of knowledge about human trafficking in Canada.

Oxman-Martinez, Jacqueline, Jill Hanley and Fanny Gomez (2005) Canadian policy on human trafficking: A four-year analysis. *International Migration* 43(4): 7-29.

The article introduces and critically analyzes Canadian government policy and practices on human trafficking in the period 2000-2005. It focuses on three main areas as covered in the UN's Protocol on Trafficking: prevention of human trafficking; protection of trafficking victims; and, the prosecution of traffickers. The authors argue that trafficking protection measures would be strengthened "if migrants' rights were explicitly protected by law, something that has failed to occur given recent prioritization of crime and security."

Trafficking: Specific Categories and Contexts

Bowersox, Zack (2016) International sporting events and human trafficking: Effects of mega-events on a state's capacity to address human trafficking. *Journal of Human Trafficking* 2(3): 201-220.

This paper examines the relationship between international sporting events and trafficking and provides a critical review of the role of the state in such contexts. The research suggests that the cost involved in hosting large-scale events such as the Olympics may tax the state's ability to provide resources for the prevention of trafficking. As well, the bid system may contribute to cost overruns that lead to the use of trafficked labour as a cost savings method. The author calls for additional research to determine whether an increase in visitors leads to the labour trafficking in the area of sex work to meet additional demand.

Capron, Alexander M. and Francis L. Delmonico (2015) Preventing trafficking in organs for transplantation: An important facet of the fight against human trafficking. *Journal of Human Trafficking* 1: 56-64

These authors examine the development of an international regime opposing organ trafficking and related ethical issues. They outline key patterns of organ trafficking in recent years and underline the role of poverty and vulnerability in supporting this commerce despite national laws in most countries prohibiting such activity. The authors recognize the importance of the Istanbul Declaration, the work of the Istanbul Declaration Custodian Group, the role of the World Health Organization and its 2010 resolution concerning human organ and tissue transplantation. However, these authors also underline the importance of the development of a system of transplant medicine that services the population as part of efforts to end human rights abuses. They support the assertion that the assertion of consent negates a finding of trafficking when an organ or tissue was exchanged for some sort of compensation and call for recognition that organ trafficking is human trafficking.

Dauvergne, Catherine and Jenni Millbank (2010) Forced marriage as a harm in domestic and international law. *The Modern Law Review* 73(1): 57-88.

Based on their analysis of dozens of refugee cases in which forced marriage was relevant to the claim for protection, these authors found that refugee decision-makers fail to identify forced marriage as a harm in and of itself. They attribute this failure to larger patterns of viewing gender and sexuality through masculinist and heterosexist lenses. They further note that there is a disjuncture between innovative initiatives and the failure to recognize forced marriage as harm in judicial processes.

Fudge, Judy and Fiona MacPhail (2009) The temporary foreign worker program in Canada: Low-skilled workers as an extreme form of flexible labour. *Comparative Labor Law and Policy Journal* 31:1 101-139.

This article examines the legal regime that facilitates the presence of low-skilled temporary foreign workers in Canada through a human rights lens. The authors argue that efforts to make the program more 'employer-friendly' could have a negative impact on the rights of these workers, especially given Canada's questionable record of regulating the brokerage of foreign labour. They note that recruitment agencies throughout the world have been associated with a range of abusive practices including human trafficking and outline a case of exploitation of foreign workers in Canada that could be considered human trafficking. While they recognize that the Canadian government does see the protection of temporary workers as its responsibility, these authors express concern that the mechanisms to protect these workers are inadequate and often unenforced.

Hebert, Laura A. (2016) Always victimizers, never victims: Engaging men and boys in human trafficking scholarship. *Journal of Human Trafficking* 2(4): 281-296.

This article argues that the academic literature on trafficking both reflects and reinforces standard narratives. In particular, the author argues that the literature almost exclusively makes gender visible in relation to females and ignores contexts in which males are engaged in human trafficking as victims. The paper includes an argument that definitional inconsistencies have led to ambiguity regarding what is considered trafficking and who is considered to be a trafficked person. The result is that some categories of victims are left unprotected by anti-trafficking laws and policies.

Mackenzie, Kimberly and Alison Clancey (2015) *Im/migrant Sex Workers, Myths and Misconceptions: Realities of the Anti-Trafficked*. SWAN Vancouver Society.

Available here: <http://tinyurl.com/SWAN-advocacy-toolkit>

This advocacy toolkit is a result of one component of a collaborative research project referred to as the Palermo Project that looked at the evolution and human rights impacts of anti-trafficking laws in Canada. This toolkit seeks to educate various groups about the realities facing the women supported by SWAN and about the negative impacts of well-intentioned anti-trafficking efforts. This booklet details the harms of dominant perspectives that fail to differentiate victims of trafficking from consenting adults and prevents the voices of victims and of sex workers from being part of the conversation.

Mapp, Susan, Emily Hornung, Madeleine D’Almeida and Jessica Juhnke (2016) Local law enforcement officers’ knowledge of human trafficking: Ability to define, identify, and assist. *Journal of Human Trafficking* 2(4): 329-342.

These researchers found that less than a fifth of U.S. law enforcement officers have received training concerning human trafficking, the majority thus relying on mass media to develop their understanding of the phenomenon. The result is that many law enforcement officials have difficulty in identifying signs that someone may be trafficked. The authors call for more formal training as part of the way forward in combating human trafficking.

Meshkovska, Bilana, Melissa Siegel, Sarah E. Stutterheim and Arjan E. R. Bos (2015) Female sex trafficking: Conceptual issues, current debates, and future directions. *Journal of Sex Research* 52(4): 380-395.

These authors provide an overview of issues related to female sex trafficking. They address debates concerning the definition of human trafficking in relation to human smuggling and examine the ways in which sex trafficking is related to sex work and prostitution. The article concludes with recommendations for future research.

Väyrynen, Raimo (2003) Working Paper: Illegal immigration, human trafficking, and organized crime. *WIDER Discussion Papers - World Institute for Development Economics (UNU-WIDER)* No. 2003/72.

This paper considers the relationship among the nested concepts of illegal immigration, human smuggling and human trafficking. The author argues that the involvement of criminal groups in migration means that smuggling leads to trafficking and thus to victimization and the violation of human rights, including prostitution and slavery.

Remedies and Solutions

Bailey, Stephanie L. (2015) A Microsimulation model to assess the impact of prevention efforts to combat sex trafficking out of five Eastern European states. *Journal of Human Trafficking* 1: 167-186.

This paper reports on research that assesses the impact of sex trafficking prevention and intervention work in five countries in Eastern Europe. While the model employed in this study suggests that the level of sex trafficking is decreasing, the researcher suggests that this may merely indicate an increase in the level of organization and a consequent hiding of the exploitation. The author also underlines that sex trafficking varies in relation to volatility in the economy.

Davey, Deanna (2015) Understanding the support needs of human-trafficking victims: A review of three human-trafficking program Evaluations. *Journal of Human Trafficking* 1: 318-337.

This article provides a review of several program evaluations in order to comment on the support needs of victims of human trafficking and the effectiveness of existing programs. The author recommends the development of protocols for the formalization of interagency support networks, increased communication among relevant agencies, and an expansion of funding for victim service provision. The author also concludes that there is a need for additional rigorous evaluation of existing programs including by way of longitudinal study and meta-evaluation of countrywide responses to human trafficking.

Lagon, Mark P. (2015) Traits of transformative anti-trafficking partnerships. *Journal of Human Trafficking* 1:21–38.

Based on his own experience as head of a major non-governmental organization and as a high-level diplomat, the author provides a reading of current anti-trafficking partnerships between government and civil society organizations. He underlines the importance of: evidence-based research to map the problem; ways to identify victims without treating them as criminals or making them vulnerable to deportation; and, the extension of care to survivors of trafficking beyond immediate and basic needs to include longer-term empowerment.

Lepp, Annalee (2013) *Do Not Harm: A Human Rights Approach to Anti-Trafficking Policies and Interventions in Canada*. Learning Network Brief 05. London, Ontario: Learning Network, Centre for Research and Education on Violence Against Women and Children.

Available here: www.learningtoendabuse.ca/learningnetwork/network-areas/trafficking

This paper is concerned with the ways in which the gravity of labour trafficking in Canada has been largely ignored. The author was one of the researchers involved in a study of human trafficking the context of the 2010 Vancouver Winter Olympic Games. This publication outlines the key recommendations that emerged from the Global Alliance Against Traffic in Women (GATTIW) study for future international sporting events: That a study of the histories and lessons from previous international sporting events and the policies and practices of the relevant host nations be undertaken; that there is early assessment of the risk of human trafficking using an evidence based approach and that protection and prevention initiatives be developed; that there should be a clearly defined human trafficking prevention plan based on collaboration between government, enforcement bodies and non-government organizations with ties to impacted communities.

Critical Perspectives

Beyond Trafficking and Slavery – Open Democracy

Available here: <https://www.opendemocracy.net/beyondslavery>

This online space combines the rigour of academic scholarship with the clarity of journalism to build greater understanding of forced labour, trafficking and slavery. The organizers use evidence-based advocacy to try to unveil the structural political, economic, and social root causes of global exploitation.

De Shalit, Ann, Robert Heynen and Emily van der Meulen (2014) Human trafficking and media myths: Federal funding, communication strategies, and Canadian anti-trafficking programs. *Canadian Journal of Communication* 39(3): 385-412.

These authors examine the construction of the idea of human trafficking through the interconnections between government, the media and civil society organizations. Through their examination of the narratives promoted through the websites of NGOs, these scholars conclude that the tropes of victimization, rescue and a benevolent state promoted by the media are propelled by a relationship between state discourse and compliant non-governmental organizations that receive government funding. They suggest that alternative narratives are needed to develop a more nuanced and authentic conception of people impacted by human trafficking.

Kempadoo, Kamala (2015) The modern-day white (wo)man's burden: Trends in anti-trafficking and anti-slavery campaigns. *Journal of Human Trafficking* 1: 8–20.

This article traces the debates regarding human trafficking from an initial narrow focus two decades ago on the trafficking of women for labour trafficking or sex slavery to a wider and more complicated debate today. The author identifies three key debates at the present time, the modern anti-slavery campaign, abolitionist feminism, and celebrity humanitarianism, and argues that a politics based on a contemporary version of the 'white man's burden' underlies these debates. The paper proposes an alternative framework for the framing of trafficking based on social and economic justice, decolonization, redistribution of wealth and respect for subaltern knowledge.

Millar, Hayli, Tamara O'Doherty and Katrin Roots (2007) A Formidable task: Reflections on obtaining legal empirical evidence on human trafficking in Canada. *Anti-Trafficking Review* 8: 34-49.

These authors assert that existing legislation concerning human trafficking in Canada has been motivated by political exigencies, is not rooted in evidence and has resulted in harm for members of marginalized communities. This paper reports on recent research on trafficking that problematizes this limited and inaccurate view of human trafficking and outlines the challenges related to obtaining adequate data. The authors recommend that the government increases the availability and rigour of relevant data, creates a database for this data, funds relevant research, provides evidence-based training for those involved in related decision-making through the court system or in legislatures, and enacts evidence based legislation.

Pourmokhtari, Navid (2015) Global human trafficking unmasked: A feminist rights-based approach. *Journal of Human Trafficking* 1: 156-166.

This paper asserts that is the root cause of human trafficking and provides a critical reading of three types of remedies for human trafficking. The author underlines that an approach rooted in criminalization of trafficking is fundamentally at odds with a feminist rights-based approach (FRBA) and that the role of race must also be taken into account. Noting the deployment of rights language by western countries for geopolitical purposes, the author nevertheless calls for reinforcement of prevention tools in conjunction with effective use of national and international law to ensure the empowerment of women and consequently a reduction of levels of human trafficking.

Aboriginal Women

Hunt, Sarah (2016) Representing colonial violence: trafficking, sex work, and the violence of law. *Atlantis: Critical Studies in Gender, Culture & Social Justice* 37(2): 25-39.

In this article, the author advocates that we need to shift towards the language of human trafficking to describe many offences against Aboriginal women and to re-categorize those offenses. The author argues that reframing various forms of violence against Aboriginal women as human trafficking is one attempt, among others, to reposition violence against indigenous women as meriting legal recourse.

Sweet, Victoria (2014) Rising waters, rising threats: the human trafficking of Indigenous women in the circumpolar region of the United States and Canada. *The Yearbook of Polar Law Online* 6(1): 162-188.

In Canada and the US, First Nations women and youth represent between seventy and ninety per cent of the visible sex trade, including in areas where the Aboriginal population is less than ten per cent of the overall population. This article focuses on sex trafficking of indigenous women in the circumpolar region of Alaska and Canada. Section I reviews the legal definition of human trafficking and why misunderstanding the nature of the crime has exacerbated the problem. Section II addresses the disproportionate impact that trafficking is having on indigenous communities. Section III explores the connection between some forms of economic development and human trafficking and also addresses how current regional development plans create human security risks for local indigenous communities. Section IV proposes a multi-system approach to mitigate these risks and effectively fight the crime of human trafficking.

Sikka, Anette (2010) *Trafficking of Aboriginal Women and Girls in Canada*. Aboriginal Policy Research Consortium International (APRCi).

The paper explores how traffickers exploit the intersection of race, gender and poverty faced by many Aboriginal women and girls in Canada. It links this conjunction to the history of colonization that exported the image of Aboriginal women as available sexual objects. This stereotype has also had an impact on the criminal justice system, particularly on the exclusion of Aboriginal women from programs, services and campaigns designed to redress these crimes.