

Trafficking in Women and the The Canadian

BY ANNALEE LEPP

En dépit des prétentions du Canada qui se voit le champion du monde en droits humains dans l'arène internationale, quand il s'agit de protéger ces droits relativement au trafic des femmes et aux émigrantes, l'auteure ne croit pas qu'il y ait matière à optimisme. Cet article dénonce les causes à la racine de l'émigration et du trafic des femmes et demande que le gouvernement canadien repense radicalement son appui aux politiques de mondialisation et de libéralisation des marchés qui sont rarement reconnues responsables de la détérioration des conditions socio-économiques des pays du Sud avec comme résultante, la féminisation de l'émigration.

In the last five years, the phenomenon of "trafficking in women" to Canada has emerged from relative obscurity to become one issue that has received considerable attention among Canadian governmental policymakers, law enforcement officials, and academic scholars.¹

In 1996, when the Global Alliance Against Trafficking in Women (GAATW) Canada began preliminary research aimed at developing a Canadian profile of trafficking in women as part of an international report being compiled by GAATW (Bangkok) and the Foundation Against Trafficking in Women (STV based in the Netherlands), we found that there was a dearth of available information about women who had migrated to Canada for the purposes of marriage or to work in the sex industry, or had been trafficked into these sites (see Sanghera, Havlin and Rana).² In stark contrast to many countries of the South and in Europe, we also real-

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ized that trafficking in women had received little notice among Canada's governmental agencies, a situation compounded by a general lack of public awareness about the issue. Furthermore, the few non-governmental organizations in Canada and the United States that had gathered information on or were working with trafficked women and migrant workers were scattered across North America and had little or no contact with each other.

This situation, however, began to change in 1997. In May, GAATW Canada hosted the North American Regional Consultative Forum on Trafficking in Women, the first consultation of its kind held in Canada.² This forum was designed to initiate dialogue on trafficking and migration, to facilitate an exchange of information and strategies, to formulate and ratify a plan of action, and to expand the international network of organizations and individuals committed to promoting the human

rights of trafficked and migrant women.⁴ Beginning several months later, the ongoing police raids of massage parlours and strip clubs and the arrests of migrant sex workers in Toronto and Vancouver as well as the arrival of over 600 Chinese migrants in British Columbia in the summer of 1999 brought the issues of trafficking in women, human smuggling, and transnational migration to the attention of the media and, through its often sensationalized and racialized accounts, to the general public. Finally, spurred on by international pressure to address and combat so-called transnational crime, the Canadian government, as a member of the G8 Industrialized Democracies, agreed to formulate legislation aimed at combating trafficking in persons in the year 2000. Most recently, much of the focus at the international and national levels has been on the negotiation and signing of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the implementation of Canada's new *Immigration and Refugee Protection Act* (Bill C-11) passed in November 2001.

In the past several months, the national media has shown a renewed interest in the issue of trafficking in women into Canada, as indicated by a feature article entitled "Inside the Sex Trade" published in *Maclean's* in December 2001 and an investigative report aired on CBC's *Disclosure* in early March 2002. Not untypically, both reports focus exclusively on one specific site of trafficking—the cross-border movement of women into the sex industry.⁵ In general, they also reflect how the media has tended

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to frame this issue through the lens of “horrible stories” of extremely impoverished women from Eastern European and especially Asian countries who have been “lured” and “duped into a hell of extortion, abuse and intimidation,” bound to “sex slave contracts,” and held captive under “enslaved” conditions by “brokers of bodies.” Even though the women’s stories are designed to garner sympathy, particularly for those deceived and victimized by the organized crime networks that have “infiltrated this country,” both reports indicate that, in most cases, the women’s status as victims has not prevented state officials from arresting, detaining, and usually deporting migrant sex workers; and the possibility of developing policies that would guarantee basic human rights protections, provide concrete assistance, or offer asylum is not mentioned. In addition, these media investigations also conclude that despite the best efforts of immigration and law enforcement officials to stem illegal migration and combat transnational organized crime, these agencies have been unsuccessful in “solving” the problem, be it in terms of curbing trafficking or in convicting the “ringleaders.” While one legal expert is quoted as saying that, “To have teeth and deterrence, trafficking for the purposes of prostitution needs to be reflected in the *Criminal Code* so that traffickers can be hit with offences that fit the crime,” (McClelland 23) the absence of more stringent laws does not appear to be the principal problem; rather it is migrant sex workers themselves who are largely held responsible for the lack of convictions, because of their

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unwillingness to act as witnesses (see McClelland 21-25; *Disclosure*).

Cast simultaneously as “victims” of organized crime, as “criminals” in violation of immigration and prostitution laws, and as potential “pawns” of the criminal justice system, it is evident that migrant sex workers are the ones who are bearing the brunt of Canadian state’s protectionist, anti-immigration, and law and order agenda. The main question is why.

International Policy Development: The UN Trafficking Protocol

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the *UN Convention against Transnational Organized Crime* constitutes the newest international treaty designed to combat trafficking. After two years of negotiations, involving government delegates and NGOs, and signed by 81

countries including Canada in December 2000, the Protocol provides the first international definition of “trafficking in persons,” differentiating it from human smuggling which is addressed in the separate *Protocol Against the Smuggling of Migrants by Land, Sea and Air*. This is a significant development, especially given that, until now, no internationally agreed upon definition existed. For some NGOs, this created one of the fundamental problems in addressing the issue. For example, as GAATW and STV noted in 1997:

From a theoretical point of view, this lack of a clear and internationally accepted definition is not surprising. “Trafficking in women” is a complex phenomenon which touches various, and often extremely sensitive issues, like sex and money. In practice however, the need for a clear understanding and definition of what constitutes “traffic in women,” i.e. what practices exactly should be combated, is not just an academic or ideological issue. The strategies or policies that should be pursued, depend to a high extent on the definition of the problem. Logically, solutions vary, according to what is perceived as the problem to be solved: organised crime, illegal migration, prostitution, forced labour, violence and abuse of women, unequal economic relationships or poverty? Without a good definition, attempts to deal with the problem will remain wishful thinking at best. At worst they can cause repercussions that have repressive

instead of emancipatory effects on the already precarious situation of the women concerned. (cited in Wijers and Lap-Chew 19)

The definition included in the Protocol, however, was the product of a lengthy and, for some, a highly diversionary debate over whether it should include "all sex work, whether voluntary or forced" as contained in the 1949 *Convention for the Suppression of the Traffic in Persons and the Exploitation of Others*. According to representatives of the Human Rights Caucus present during the negotiations,⁶ all "government delegates agreed that involuntary, forced participation in prostitution would constitute trafficking," but most governments rejected the notion that voluntary, non-coercive participation by adults in sex work should be conflated with trafficking. Nonetheless, some countries and several NGOs refused to compromise, insisting that the definition should be all-inclusive. Although the Caucus strongly advocated for an expanded definition of trafficking to encompass all forms of trafficking into forced labour and servitude,⁷ its representatives realized that valuable time was being lost on this debate and hence, proposed a compromise definition, in which the ambiguous term, "sexual exploitation," was incorporated (Human Rights Caucus; *Protocol to Prevent, Suppress and Punish Trafficking in Persons*). Leaving this term undefined and open to interpretation in accordance with each nation's domestic laws, this compromise definition was ultimately



Rochelle Rubinstein, *untitled, mixed media, 2001*.

adopted by the delegates:

(a) "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 [interpretative note (63)] 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 [interpretative note (64)],⁸ forced labour or services, slavery or practices similar to slavery, ser-

vitute or the removal of organs. (*Protocol to Prevent, Suppress and Punish Trafficking in Persons* Article 3)

Given the ambiguities contained in this definition, NGOs on opposing sides of the protracted and heated prostitution=trafficking debates are now lobbying for nation states to incorporate the "correct" interpretation in their respective domestic laws (see, for example, Raymond; CATW; *Protocol to Prevent, Suppress and Punish Trafficking in Persons*). On the surface, then, it would appear that the impasse created by the absence of an international definition of trafficking, the basic principles of which are acceptable to state parties

and NGOs, has been broken. It remains to be seen, however, how national governments, including Canada, will interpret the Protocol's definition and incorporate it into their domestic legislation.⁹

In addition to the adoption of the above definition, the stated purposes of the Trafficking Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among State Parties in order to meet those objectives. (Art. 2)

Despite the apparent equitable attention to the principles of preven-

tion, prosecution, and protection as indicated in Article 2, the Human Rights Caucus has pointed out that the most detrimental consequence of the intense debate over the trafficking definition was that a sustained and serious discussion of the general absence of mandatory provisions for protecting the human rights of and providing assistance and services for trafficked persons was sidelined. Furthermore, governments were virtually unanimous in their opposition to the adoption of mandatory language in this area (Human Rights Caucus; *Protocol to Prevent, Suppress and Punish Trafficking in Persons*).

Prior to the finalization of the Trafficking Protocol, Radhika Coomaraswamy, the UN Special Rapporteur on Violence Against Women, expressed concern in her report on global trafficking in women submitted to the 56th session of the Commission on Human Rights that the “first modern international instrument on trafficking is being elaborated in the context of crime control” under the International Convention against Transnational Crime, “rather than through a focus on human rights.” She insisted that this constituted “a failing of the international human rights community to fulfil its commitment to protect the human rights of women.”¹⁰ In keeping with Coomaraswamy’s misgivings, the Protocol does indeed focus principally on “crime control,” containing strong law enforcement provisions in such areas as “criminalization” (Article 5), “border measures” (Article 11), “security and control of documents” (Article 12), and “informa-



Rochelle Rubinstein, “Shelter,” hand-coloured linocut print, 1996

tion exchange and training” (Article 10). These are designed to encourage governments to organize and share information about organized crime and enhance their ability to detect and prosecute traffickers. While the law enforcement provisions are defined as mandatory state obligations, the articles pertaining to human rights protections and assistance are discretionary, largely applying only to those trafficked persons who are willing to act as witnesses; these provisions, then, are merely perceived as mechanisms for the more effective prosecution of traffickers. The main weakness is reflected in the language used in the articles pertaining to the “Protection of victims of trafficking in persons,” in that governments who have signed the Protocol “shall consider implementing measures” or “shall endeavour to” provide protections and assistance “in appropriate

cases” (Articles 6, 7, and 8). Consequently, it does not require governments to cease arresting, detaining, and deporting trafficked persons, or to implement policies to protect their identities, to permit them to remain in the country, even if temporarily, if it is unsafe to return, or to provide emergency shelter, medical services, and legal counselling. With respect to Canada, as one of the signatories, the Protocol does not oblige the Canadian government to change the direction of its current policies and practices; in fact, its provisions merely reinforces and further legitimizes them.

Transnational Migration and the Canadian Context

International research conducted by various UN agencies, NGOs, and human rights scholars emphasizes that the issue of trafficking in women must be conceptualized as a global issue and within the continuum of women’s transnational migration; hence, it cannot be isolated as a national or regional problem. Given the clandestine and underground nature of trafficking and other forms of undocumented migration, it is, of course, difficult to obtain accurate statistics of the number of persons who are trafficked through and into Canada (or are classified as such according to how trafficking has been defined and conceptualized).¹¹ Furthermore, the focus on compiling statistical data or, most often, statistical estimates can also be interpreted in two ways. On the one hand, statistical data can be used as a measure of the magnitude of trafficking in persons and undocumented migration,

a situation requiring greater vigilance by immigration and criminal justice officials to combat the problem through intensified repressive measures that restrict women's freedom of movement and mobility as well as their right to earn a livelihood. On the other hand, statistics can serve to underscore the extent to which women's transnational migration, whether for work or marriage, whether independently or as facilitated by a third party, has become a "survival strategy" for women in many regions of the world and one which is propelled by various global economic, social, and political factors.

In conceptualizing trafficking within the context of transnational migration and constituting its most abusive form, studies have also emphasized that a number of structural factors contribute to the movement of women and to global trafficking in women.¹² First and foremost, the ongoing destructive effects of globalization, including the imposition of structural adjustment programs and international trade agreements that squeeze national economies especially in countries of the South, as well as the severe dislocations caused by the transitional economies in Russia and Eastern Europe and by civil/military strife have been identified as critical factors. These have resulted in the growing economic disparities between North and South, the displacement of peoples from rural agricultural communities, environmental devastation, deepening immiseration of marginalized populations, rising unemployment in urban centres, declining real wages, and the feminization of migration.¹³ As an ILO report emphasized in 1996, the feminization of international labour migration is "one of the most striking economic and social phenomena of recent times" (cited in Kempadoo and Doezema 17). Given the unprecedented demand for the cheap labour of "Third World" women, these women have come to assume a central role in their families as wage-earners.

Given also the increasing demand for their sexual, reproductive, and domestic services in informal and invisible sectors of the economy in countries of the North, like Canada, these women cite economic factors as the primary reason for their decision to migrate for work or marriage. These factors include the desire to

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mitigate situations of poverty and indebtedness, secure elevated earnings and long-term financial security, as well as send money home to support and better the lives of their families.¹²

While the right of all persons, including women, to freedom of movement and mobility is a fundamental one, the governments of some "sending" countries, such as Nepal, have responded to the problem of trafficking by implementing strategies to curb women's migration in the name of protecting them from potential abuse and exploitation (see, for example, Sanghera; Sanghera and Kapur). As GAATW research in Thailand indicates, the Thai government has developed a more ambiguous policy on migration. On the one hand, the Ministry of Labour and Social Welfare tends to encourage Thai people, especially men, to seek employment abroad through various program and government-endorsed employment agencies, it pro-

motes and facilitates "safe" and legal labour migration, because the remittances sent from workers abroad contribute to boosting the economy, especially in terms of earning foreign currency. At the same time, other government agencies, such as the Department of Public Welfare, tend to discourage female migration, by providing information about potential abuses and warning women about the difficulties they may encounter abroad. According to GAATW, this policy is based on the assumption that the problem of trafficking in women will be solved by reducing or stopping the flow of female migration, without considering the root causes of migration, such as the absence of viable employment and the need to earn an income for their families. It also does not take into account that controlling or hindering women's right to migrate does not prevent or curb trafficking, but merely drives it further underground (Sae-tang and Furukawa).

As a country primarily of destination and transit, Canada has thus far not developed a comprehensive policy on trafficking akin to, for example, the recently passed *Victims of Trafficking and Violence Protection Act of 2000* in the United States. Its main policy initiative is contained in the recently implemented Bill C-11. As Sunera Thobani has noted, the Canadian government began a review of Canada's immigration and refugee policy in the mid-1990s, but it exploited the hysteria and racist backlash generated by the arrival of over 600 "smuggled" Chinese nationals on the shores of British Columbia in 1999 in an effort to build public support for introducing what Elinor Caplan, then Minister of Citizenship and Immigration, characterized as a "tough bill" designed to "close the back door to those who would abuse the system" ("Immigration and Refugee Protection Act Introduced"). In effect, the Act not only contains provisions for restricting future immigration, it also introduces measures designed to protect

Canadian borders against uncontrolled migration and organized crime through more vigilant border surveillance, by extending the grounds for and enhancing the powers of detention and deportation, and by introducing penalties for punishing smugglers and traffickers (up to a fine of one million dollars and/or life imprisonment). Thobani further points out that the general tone of this legislation “tars all immigrants and refugees [not to mention legal and illegal migrants] as potential criminals from whom Canadians need to be protected.” This is based on the assumption that these groups “are guilty—of wanting to abuse the system at best, and of being actively engaged in criminality at worst—until they prove themselves innocent, and therefore deserving of the Canadian generosity that would allow them to enter the country” (Thobani 25). Not surprisingly, then, the Act contains no mention of or provisions for protecting the human rights of trafficked persons or undocumented migrants; rather it merely addresses “the problem” by enhancing the powers of authorities to punish, detain, and deport.

Within a global context in which female movement has escalated and countries of the North like Canada are increasingly closing legitimate forms of migration through stricter border controls and more stringent immigration and refugee policies, recent studies indicate that those women who need to or wish to migrate rely on various parties, including family, acquaintances, or returnees to facilitate their search for work overseas, or they respond to advertisements for jobs overseas published in newspapers in their countries of origin. In the process, they are often put into contact with or are approached by formal agents who arrange for transportation, travel documents, visitors or entertainment visas,¹⁴ and employment in cities like Toronto or Vancouver. Based on the information supplied by agents, some women are aware of the kind of work

they are undertaking and the conditions of their verbal contracts (eg. the amount of their debt); others may have knowledge of the nature but not the conditions of their work; and still others are deceived. Thus, even though the Canadian media often promotes the image of the quintessential “trafficking victim” as a

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“young Asian woman” sold by family members to or lured by organized crime gangs, transported forcibly across national borders, and sold into “sexual slavery,” GAATW research in Thailand and recent Canadian studies indicate that this is not the majority experience and does not reflect the complexities of women’s migratory experiences.

In fact, given that, as Deborah Brock has pointed out, the reality of migrant sex workers’ experiences “belies the binary representation of either complete coercion or individual freedom of choice,” the prevalent conception of who constitutes a “pure trafficking victim” has been used against migrant women, especially in terms of reducing any form of agency in the labour migration process as complicit and justifying their criminalization and treatment by state authorities. It is mainly for these reasons that some sex workers’ advocates have convincingly argued that the concept of “trafficking”

should be jettisoned “because it creates a significant misrepresentation of migrant sex work” and often leads to confusion between “labour abuses and trafficking” (Brock, Gillies, Oliver and Sutdhibhasilp 88). What is required, in their view, is the development of strategies which focus on addressing human rights violations and abuses perpetrated against all economic migrants and on promotion of their social and labour rights.

Criminalization of Migrant Sex Workers

Since September 1997, various enforcement agencies have conducted police and immigration raids on apartment-style brothel establishments, massage parlours, and strip clubs in Vancouver and especially in the Metropolitan Toronto area. Project Orphan, Project Trade, and Project Almonzo, for example, generated considerable media attention and have been touted as examples of the trafficking of Asian, Russian, East European, and to a lesser extent Latin American women into Canada.¹⁵ In the recent investigative report aired on CBC’s *Disclosure*, the singular and highly racialized focus was on the involvement of Asian crime gangs in what was identified as the “international trade in women.”

Thanks largely to the rigorous efforts of Canadian law enforcement agencies who reportedly “conducted over 700 arrests for trafficking-related crimes” (U.S. Department of State). In Toronto alone in 2000 and despite the absence of a specific anti-trafficking law, Canada was rewarded as one of 12 nations who was granted the privileged tier one status in the U.S. State Department’s recent report on trafficking. (In the report, the State Department evaluated the performance of 82 countries, but not its own, based on their domestic efforts to meet the minimum standards for eliminating trafficking as defined by the U.S. in its *Victims of Trafficking and Violence Protection Act of 2000*.)¹⁶ In addition, one RCMP

officer from an Organized Crime Gangs Unit in Vancouver indicated in an interview that, "Trafficking is happening ... [and] we [Canadian law enforcement] are an assisting agency to the U.S.," (Interview, 15 June 1999) something that was not mentioned in the U.S. report, but may have contributed to Canada's ranking. What remains unclear, particularly with the use of the ambiguous phrase "trafficking-related crimes" is *who* precisely was arrested? Were Toronto police actually able to apprehend 700 "traffickers" within the span of one year? Unless the prosecution of these hundreds of "traffickers" has been conducted without media attention or public knowledge, this appears to be highly unlikely.

In reality, according to recently reported statistics, the actual success of law enforcement in prosecuting "traffickers" has been limited. Over the past five years, police raids of various establishments in Toronto and Vancouver has resulted in 1,100 arrests, the vast majority of whom were migrant sex workers, and in 14 convictions of what are referred to as the "ringleaders." As the Toronto Network Against Trafficking in Women has documented, the Thai women arrested under Project Orphan in 1997 and Project Trade in 1998, underwent fairly protracted legal processes after being charged with being "inmates of a common bawdy house" and with various immigration violations. Besides being subjected to degrading and intimidating treatment and various human rights violations by law enforcement and immigration authorities during their arrest and subsequent detention, many of the women were detained for several months until they could borrow the necessary bail and bond money or their identities and nationalities could be officially verified.¹⁷

The most recent arrests of migrant sex workers in Vancouver seem to signal a desire on the part of criminal justice and immigration officials to

bypass potentially lengthy and costly legal proceedings and the potential interference of crisis intervention workers, unless the women, whether trafficked or smuggled, directly serve the state's interests. For example, in October 2001 eleven Malaysian women were arrested and deported within 72 hours when the "ringleaders" disappeared and the women expressed an unwillingness to assist in their arrest and prosecution (McClelland). Under the discretionary human rights provisions of the UN Trafficking Protocol and under the "tough" measures encoded in Canada's new immigration act, such procedures—arrest and deportation—have now been given the formal stamp of legitimacy. Despite their overall lack of success in identifying and prosecuting traffickers, law enforcement and immigration officials continue to maintain that restrictive immigration policies and border controls as well as more extensive police investigations and raids will at least curb, control, or deter trafficking by fighting organized crime's involvement in illegal migration. The evidence to the contrary is substantial—making borders more impermeable does not reduce trafficking, smuggling, or migration, but merely drives these processes further underground, intensifies the potential violence and abuse to which women are subjected, and increases the profits that can be derived from facilitating cross-border movement, contract violations, and forced labour and exploitative practices (see, for example, Commission on Human Rights). Moreover, by continuing to criminalize the women because of the nature of their work or because of their illegal status in the country, by offering them nothing more than delayed (rather than summary) deportation for acting as witnesses, and by providing no human rights protections or assistance, the women have no reason to cooperate with state authorities.

In addition to their tough law-and-order stance, criminal justice and

immigration officials also invoke the language of benevolence and protection when making statements about migrant sex workers. They maintain that even though the "ringleaders" continue to evade prosecution, by arresting, detaining, and repatriating the women, they have at the very least "rescued" them from their captors. What such arguments overlook is the fact that, in most cases, the socio-economic, political, and/or familial conditions that may have precipitated the initial decision to migrate will not have changed upon the women's return; in addition, the "ringleaders" will likely continue to operate which could have serious repercussions for the women and their families in their countries of origin. In both cases, as GAATW's research on returnees in Thailand suggests, the women may find themselves in a position in which they are propelled or forced to re-enter the migratory process.

Despite Canada's self-proclaimed status as a champion of human rights in the international arena, when it comes to the implementation of human rights protections for trafficked and migrant women, there is not a great deal of room for optimism at this particular juncture. While Canadian government is obligated as a signatory of the UN Trafficking Protocol to develop a national policy on trafficking, it remains to be seen whether it will proceed to further formalize its myopic and repressive policies or whether it will take seriously the various recommendations made by human rights activists and scholars as well as NGOs, such as the Toronto Network Against Trafficking in Women and GAATW Canada, in recent years. At a basic level, this would include signing and implementing the provisions contained in the UN Convention on the Rights of Migrant Workers and Their Families as well as incorporating the "Human Rights Standards for the Treatment of Trafficked Persons" as developed by the Foundation Against Trafficking in Women, the Interna-

tional Human Rights Law Group, and GAATW in Bangkok in its future policies. On a larger scale, this would entail superseding the weak preventative provisions contained in the UN Trafficking Protocol. Article 9 (4), for example, merely specifies that:

State Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

This would mean addressing the root causes of migration and trafficking, and a radical rethinking of the Canadian government's enthusiastic support for globalization and trade liberalization policies, which are rarely recognized as responsible for exacerbating the deteriorating socio-economic conditions in countries of the South that contribute directly to the feminization of migration.

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¹While the processes involved in trafficking, smuggling, and undocumented migration are often blurred, NGOs aligned with the Global Alliance Against Traffic in Women (GAATW) have generally argued for maintaining certain distinctions. For example, in the case of smuggling and illegal migration, a person knowingly and willingly enters into a contract with an agent or broker to facilitate her entry into a particular country. Once she is delivered, the contract is fulfilled and the smuggler or agent exits the scene. In the case of trafficking, however, all the elements of smuggling and undocumented

migration may be operating; but trafficking also involves the delivery and continued subjugation of the trafficked person at the site of work often under highly exploitative conditions in which many of the basic rights of the person are violated. For GAATW's definition of trafficking and forced labour practices, see endnote 7.

²These preliminary findings were incorporated into GAATW's and STV's international report, a project commissioned by and submitted to Dr. Radhika Coomaraswamy, the UN Special Rapporteur on Violence Against Women. Various aspects of the international report were included in the Special Rapporteur's first report on trafficking submitted to the 53rd Session of the UN Commission on Human Rights in 1997. See Wijers and Lap-Chew

³This was one of five such forums organized in various regions of the world between December 1996 and May 1997: the Caribbean and Latin America (held in Santa Domingo), Africa (held in Kampala), the Asia-Pacific (held in Bangkok), and Europe (held in Nordvijkhout).

⁴The forum brought together activists from service-based and advocacy organizations in Canada, the United States, Nepal, the Philippines, Thailand, the Netherlands, France, Puerto Rico, and the Czech Republic, as well as a number of scholars and policymakers. See *Whores, Maids & Wives: Making Links* (GAATW Canada).

⁵International studies emphasize that trafficking in women can occur both within and across national borders and within geographical regions; in addition, women migrate to and are trafficked into various sites, including the agricultural sector, factory and domestic work, as well as marriage.

⁶The Human Rights Caucus included representatives from the following organizations: International Human Rights Law Group (U.S.); Foundation Against Trafficking in Women (Netherlands); Global Alliance

Against Traffic in Women (Thailand); Asian Women's Human Rights Council (Philippines); La Strada (Poland, Ukraine, Czech Republic, Bulgaria); Fundacion Esperanza (Columbia); Foundation for Women (Thailand); Ban-Ying and the KOK-NGO Network Against Trafficking in Women (Germany); Solomon Foundation (Hungary); Women's Consortium of Nigeria and Women, Law and Development in Africa (Nigeria).

⁷For example, the working definition of trafficking and forced labour practices that GAATW had developed reflected these elements. Trafficking entails "all acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, harbouring or receipt of a person involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage for the purpose of placing or maintaining such person in a situation of abuse or exploitation, whether for pay or not, such as forced labour in the garment, agricultural, fisheries, begging, sex or other labour sectors, forced domestic, sexual or reproductive services (including forced or servile marriages), forced extraction of body parts, or any other form of public or private forced labour, forced servitude or slavery-like practices." Forced labour and slavery-like practices includes "the extraction of work or services from any woman or the appropriation of the legal identity and/or physical person of any woman by means of violence or threat of violence, abuse of authority of dominant position, debt bondage, deception or other forms of coercion."

⁸Interpretive note (64): "The *travaux préparatoires* should indicate that the Protocol addresses the exploitation of prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms "exploitation of the prostitution of others" or "other forms of sexual exploitation" are not defined in the Protocol, which is therefore

without prejudice to how State Parties address prostitution in their respective domestic laws.”

⁹In its *Victims of Trafficking and Violence Protection Act of 2000*, the United States, for example, has defined what it terms “severe forms of trafficking in persons” as “(a) sex trafficking in which commercial act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

¹⁰Commission on Human Rights. Fifty-sixth Session, Agenda item 12 (a) of the provisional agenda: “Integration of Human Rights of Women and the Gender Perspective. Violence Against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, on trafficking in women, women’s migration and violence against women, submitted in accordance with Commission on Human Rights resolution 1997/44.” E/CN.4/2000/68. 29 February 2000. Paragraph 7, page 7.

¹¹As indicated by the 120 interviews conducted by Noulmook Sutdhibhasilp and Kara Gillies in Toronto and GAATW Canada researchers in various regions in British Columbia with, among others, local police, immigration and border control officials, and service providers, there is a general lack of understanding and confusion about what constitutes trafficking and its complexities. Not unlike many media reports, trafficking is often conflated with prostitution, organized crime, illegal migration, and human smuggling. For similar problems among various federal government departments and agencies, see Oxman Martinez, Hanley and Martinez.

¹²For discussions of the global con-

text, see, for example, Wijers and Lap-Chew; Sanghera 1997.

¹³For these findings, see McDonald, Moore, and Timoshkina; Philippine Women Centre of BC; Sutdhibhasilp and Gillies; and GAATW Canada.

¹⁴In 1998, Human Resources and Development Canada ruled that non-citizens working as exotic dancers did not displace Canadian workers and subsequently, immigration officials began issuing temporary work permits under the “busker” employment category, which includes exotic dancers, but not sex work. The Director of Human Resources’ temporary worker program stated recently, however, that, “The last thing we want is for the temporary worker program to be used for illicit purposes ... It is under review” (McClelland 24).

¹⁵For a detailed analysis of Project Orphan and Project Trade, see Toronto Network Against Trafficking in Women, the Multicultural History Society of Ontario, and The Metro Toronto Chinese and Southeast Asian Legal Clinic. For Coomaraswamy’s specific critique of Canada’s “law enforcement” and “anti-immigration” approaches in her most recent report, see “Integration of Human Rights of Women and the Gender Perspective,” Paragraph 45, page 17, Paragraph 86, page 28, and Paragraph 92, page 30.

¹⁶With the exception of Columbia, all of the countries that were granted tier one status are countries of destination and transit, thereby constructing the problem of trafficking as existing in source countries and particularly in the Third World.

¹⁷For details, see Toronto Network Against Trafficking in Women, *et al.*

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IRENE MARQUES

Leite de mel

To you my dearest love
 YOU meu grande amor
 To you-the one I never had
 To you I want to write the most beautiful letter
 And tell you about my deep loneliness
 To you-I want to write words that will carry my body
 I'm waves that you cannot miss
 Words that will speak the murmurs of my breasts
 How its shape surpasses all the mountains of your dreams
 How its mouth is never hungry because it feeds your children
 How its softness is the only blanket you need to sleep into the afterworld
 To you my faraway lover – I call with my *leite de mel*
 Never again will you be hungry or cold or lost
 For you my dearest lover
 This letter
 These words
 This call

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