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# Cracking Down on Exotic Dancers: How the Act, the Media and Interest Groups Frame Human Trafficking Policy in Canada

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CRACKING DOWN ON EXOTIC DANCERS: HOW THE ACT, THE MEDIA AND  
INTEREST GROUPS FRAME HUMAN TRAFFICKING POLICY IN CANADA

(Thesis format: Integrated-Article)

by

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Submitted in partial fulfillment  
of the requirements for the degree of  
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## ABSTRACT

This thesis examines the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. The history of human trafficking and migrant policy in Canada generally and in relation to this amendment passed in 2012 are examined. The framing perspective, political process model, and the policy process literature are used to understand this law. I am interested in three main questions: does the Act differentiate between victims and criminals?; how did socio-political groups shape this law?; and how do the media portray the differences in victims and criminals in relation to this law? Content analysis is used to analyze the Act itself, relevant press releases and media coverage. The policy is found to have a victim-centered focus, and portrayals of human trafficking victims and criminals are shaped by heteronormative ideas. This study concludes that the Act under review may not be successful in protecting foreign nationals from exploitation.

Keywords: human trafficking, framing, public policy, media, interest groups.

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## CHAPTER ONE

The trafficking of persons is not a new social problem but only recently has there been policies developed in Canada specifically aimed at addressing this issue. The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* is a policy that has been developed to address this modern-day form of slavery. By examining the policy, Canadian interest groups, and the Canadian media, we can attempt to understand how this policy understands and attempts to deal with the issue of exploited migrants.

### INTRODUCTION

This thesis examines the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* (the amendment to the Immigration and Refugee Protection Act). I begin by examining the history of human trafficking and migrant policy in Canada generally and in relation to this amendment passed in 2012. I use the framing perspective, the political process model, and the policy literature to understand the creation of this law. In particular, I am interested in three main questions:

### RESEARCH QUESTIONS

1. Does human trafficking policy in the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* differentiate between victims and criminals based on SES, gender, age, and ethnicity?
2. How did socio-political groups (e.g. the Future Group, the Victims of Violence Canada, the Canadian Red Cross, the Canadian Council for Refugees, the Canadian Bar Association, and the Adult Entertainment Association of Canada) shape this law?

3. How do the media portray SES, gender, age and ethnicity differences in victims and criminals in relation to the law under review?

### *Concept Clarification*

This thesis focuses on how the Act under review, the Canadian media and the selected Canadian interest groups portray the victims and criminals in relation to this Act. Certain characteristics are selected and coded for, in order to examine these portrayals. The characteristics that are chosen are: socio-economic status (SES), gender, age, and ethnicity. These particular characteristics are chosen because past literature on exploited migrants and human trafficking victims (groups that the Act aims to protect) indicate that these characteristics are used when discussing these groups.

It is important here to clarify three concepts: SES, gender and ethnicity. Socio-economic status will be used to examine how the Act, the media and the interest groups portray the victims and criminals in regards to their position within the hierarchal structure of society. The term SES is defined in this study as the measure of an individual's social and economic position within society in comparison to others based on factors, such as income, education, and employment. This study will be examining how the Act, the media, and the interest groups discuss these concepts in relation to the victims and criminals. The concept of gender will be used to examine how the Act, the media and interest groups portray the victims and criminals in regards to their sex, gender, and the gendering of the activities and the institutions the victims and criminals are involved in. Lastly, ethnicity is a term that will be used in this study to examine how the Act, the media and interest groups portray the victims and criminals in relation to nationality, history, culture, appearance, and language.



The characteristics listed and described above will be used to explain the portrayals of the victims and criminals in relation to the Act under review. A few statements, however, must be made about the ‘victim’ and ‘criminal’ terms before analyzing the data. Victims and criminals are not fixed terms; in fact, they are very fluid. Victims and criminals can often ‘move in and out’ of these categories. For example, victims can consider themselves as victims but in the passing of time they may not consider themselves as victims. Victims also may not consider themselves as victims but may be considered as victims by others. It is also important to note that victims can become criminals and criminals can become victims. These terms are fluid and this should be kept in mind when analyzing the data.

In this introductory chapter, I describe the origins and content of the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. This Act aims to assist three main groups: victims of human trafficking, low-skill labour, and exotic dancers. I define each group, examine the prevalence of each group in Canada, and assess the current legislation that targets each group. I end this chapter with a roadmap of the thesis.

**CASE STUDY: THE *PREVENTING THE TRAFFICKING, ABUSE, AND EXPLOITATION OF VULNERABLE IMMIGRANTS ACT* (THE AMENDMENT TO THE IMMIGRATION AND REFUGEE PROTECTION ACT).**

In September 2011, Bill C-10, an omnibus crime bill entitled The Safe Streets and Communities Act, was presented in Parliament by Justice Minister Rob Nicholson. Bill C-10 is comprised of various amendments to criminal legislation from nine previous bills that had failed to pass in Parliament. The reforms proposed are intended to provide protection to the Canadian public from being subjected to criminal activity, provide support for vulnerable victims, and hold

criminals accountable for their crimes. Justice Minister Rob Nicholson states that this “legislation [will] make our streets, families and communities safer” (Department of Justice, 2011).

The current study is focused on the *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act*, a provision within Bill C-10. The Act is an amendment to the Immigration and Refugee Protection Act (IRPA). This amendment, first introduced in Bill C-57, was re-introduced in Bill C-17, Bill C-45, and in Bill C-56<sup>1</sup> but failed to pass.<sup>2</sup> In March 2012, Bill C-10 passed into law and thus the amendment to the IRPA will be implemented. The amendments to the Immigration and Refugee Protection Act will:

- (1) allow the Minister of Citizenship, Immigration and Multiculturalism to issue written instructions to immigration officers that would give them authority to deny work permits to those deemed to be at risk for abuse or exploitation;
- (2) ensure that the instructions will be based on policy objectives and evidence outlining the abuse or exploitation that applicants could encounter;
- (3) guarantee that a decision to refuse a work permit by an immigration officer will require the approval of a second immigration officer (Citizenship and Immigration Canada, 2011).

The written instructions to immigration officers from the Minister of Citizenship, Immigration and Multiculturalism, as stated above in (1), are currently not stipulated. The

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<sup>1</sup> All Bills were named an Act to amend the Immigration and Refugee Protection Act with the exception of Bill C-56, which was alternatively named “the *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act*”.

<sup>2</sup> All four Bills included the same amendment to the Immigration and Refugee Protection Act.

potential ministerial instructions, however, are guidelines that will help immigration officers identify individuals who may be susceptible to exploitation, such as human trafficking.<sup>3</sup> Once the instructions have been composed, they will be published in the Canadian Gazette and will come into effect the day they are published or on a later date, if stated. The instructions will also be reported in the Annual Report to Parliament on Immigration.<sup>4</sup>

Previously the Minister of Citizenship, Immigration and Multiculturalism and immigration officers did not have the authority to deny work permits to those who would otherwise be authorized to come into Canada.<sup>5</sup> This lack of authority by immigration officers was said to prevent officers from precluding situations where there is a potential risk for the exploitation of vulnerable foreign nationals. Thus, the stated objective of this policy is to protect vulnerable foreign nationals from exploitation and abuse: “[the bill was designed to] not allow our immigration system to be misused by those who prey on the vulnerable ... [further], with this bill, officers will be able to stop situations of abuse and exploitation before they happen” (Department of Justice, 2011). The Department of Justice argues that the amendment presents a

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<sup>3</sup> The written instructions as noted above in (2), are to be based on clear policy objectives and evidence that supports the officer’s opinion of the potential for the applicant to encounter abuse or exploitation. These policy objectives have not been determined as yet, but, once developed, the objectives will be outlined in the instructions that will be published in the Canadian Gazette. It would be reasonable to predict that the policy objectives will be based similarly upon the rationale behind the policy’s development, which will be discussed in the following paragraph.

<sup>4</sup> This particular amendment to the IRPA is the first immigration policy to provide detailed requirements on publication specifications for their instructions. These requirements are imposed to ensure that there is an increase in accountability by those implementing the policy’s instructions. This is due to the perceived risk of abuse that the new and broad-ranged authority given to officers to deny work permits, may create. To further increase the accountability and internal control, as stated above in (3), the decision to refuse a work permit would require the approval of a second officer.

<sup>5</sup> It should be noted that the Minister does have authority to deny work permits to those who do not qualify.

commitment, on behalf of the Canadian government, to end the exploitation of vulnerable foreign immigrants.

The targeted population of the policy includes individuals who are deemed to be vulnerable to abuse, exploitation, or humiliating and degrading treatment. There are a variety of individuals who could fall into these categories, however the policy specifically targets three groups: human trafficking victims at risk of labour and/or sexual exploitation, low skill workers, and exotic dancers (Department of Justice, 2011). The policy, therefore, targets those considered to be vulnerable segments of the population that are coming into Canada.

The amendment to the IRPA has been controversial. Many groups support the law, including anti-trafficking committees such as the Stop the Trafficking Coalition and the Future Group (Parliament of Canada, 2007). However, there are also a wide range of groups who oppose the policy such as the Canadian Bar Association (Canadian Bar Association, 2011), Canadian Council for Refugees (Canadian Council for Refugees, 2011), and Canadian Civil Liberties Association (Canadian Civil Liberties Association, 2012). Based on the lack of consensus among stakeholders, it is essential to critically examine the policy by reviewing the development of this amendment, including which actors had a 'voice' in developing human trafficking/exploited migrant policy in Canada. The policy process, which includes this consultation, led to the creation of this amendment. In this thesis, I first assess how the amendment portrays and differentiates victims and criminals based on SES, gender, age, and ethnicity. Second, I critically examine the policy process and assess which groups shaped the amendment. And, finally, I examine how the media portrays SES, gender, age and ethnicity differences in victims and criminals in relation to the law under review.

## HUMAN TRAFFICKING AND EXPLOITED MIGRANTS IN CANADA

This section will outline the three primary groups that are targeted by the recent amendment to the Immigration and Refugee Protection Act. The three groups are: potential human trafficking victims, low-skill workers, and exotic dancers. Examining the targeted population of this policy is essential in order to develop a better understanding of the rationale behind the policy under review and the groups that led to the policy's creation and construction. In this section, I define each of these target groups, examine the prevalence of each group in Canada, and assess the Canadian legislation already targeting each group.

### Human Trafficking Victims

The *Preventing of Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* aims to assist victims and potential victims of human trafficking. There are a number of different definitions of 'human trafficking' and there are inconsistencies in how this term is used in the media and in civil society (Denton, 2010: 19-22). In this study, I rely on the definition by Dr. Benjamin Perrin, a leading scholar on human trafficking in Canada. Perrin defines "human trafficking in Canada [as] involv[ing] the sexual exploitation and forced labour of a diverse array of victims: Canadian citizens, and newcomers, adults and children, women and men" (Perrin, 2010: 8). Perrin's definition is valuable as it includes a wide range of individuals that can become victims of human trafficking.

### *Extent of the Phenomena*

The extent of human trafficking in Canada is difficult to determine based on a variety of factors, such as "the clandestine nature of offences, the reluctance of victims/witnesses to come forward to law enforcement and the difficulty in distinguishing between human trafficking

victims and illegal migrants” (RCMP, 2011). Thus, human trafficking victims are a hidden population in Canada. There is, however, some data on Canadian victims of human trafficking (Canadian citizens and non-citizens in Canada). Between May 2006 and November 2008 Citizenship and Immigration Canada (CIC) flagged fifty cases of suspected foreign human trafficking victims (Perrin, 2010: 32-33). Additionally, the 2006 *Trafficking in Persons Report* found that “some 800 people are trafficked into [Canada] each year, while an additional 1,500 to 2,200 are trafficked through Canada to the United States” (Parliament of Canada, 2006). Despite the clandestine nature of these crimes, this data provides important information: trafficking occurs across Canada’s borders, it is hard to identify trafficking victims and trafficking is a significant problem.

#### *Present Legislation on human trafficking in Canada*

Legislation that centers on the prevention of human trafficking in Canada can be found in the Criminal Code of Canada and in the Immigration and Refugee Protection Act. I outline the current law and policy measures that are in place to combat human trafficking. The recent amendment to the Immigration and Refugee Act is intended as a tool to help enforce these laws.

The Canadian Criminal Code, sections 279.01 to 279.03, outlines prohibitions relating to human trafficking. The following are the three prohibitions:

- (1) Section 279.01 (and section 279.011 for individuals under the age of 18) prohibits the trafficking of persons (Library of Parliament, 2012). The trafficking of persons is defined as “recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person or exercising control, direction or influence over the movements of a person, for the purpose of exploiting them” (*ibid.*: 143-144). Additionally, the offence

of human trafficking does not need to entail the movement across an international border; it can occur domestically as well.

- (2) Section 279.02 prohibits a person from benefitting from trafficking economically. The offence of human trafficking has a maximum penalty of 10 years imprisonment.
- (3) Section 279.03 prohibits the facilitation of human trafficking by the withholding and destroying of travel, identity and immigration documents. This offence has a maximum penalty of 5 years imprisonment.

It should be noted that there are other provisions within the Criminal Code that indirectly combat the trafficking of persons, such as the prosecution of: prostitution-related offences; organized crime offences; fraudulent document-related offences; abduction and coercion; conspiracy; and intimidation (*ibid.*).

The Immigration and Refugee Protection Act also has provisions within it that address the trafficking of persons. The following sections address human trafficking:

- (1) Section 118 outlines that anyone who knowingly organizes the transportation of one or more persons into Canada by means of deception, coercion, fraud, abduction or the use of force is guilty of the offence of the trafficking of persons. The maximum sentence for this offence is life imprisonment.
- (2) Section 117 states that it is an offence to knowingly organize the entry of one or more persons into Canada who do not have the appropriate travel documents (i.e. the smuggling of persons). The maximum sentence for the organization of fewer than 10 people across the border is 14 years of imprisonment. The maximum sentence for the organization of more than 10 people across the border is life imprisonment.

- (3) Sections 122 and 123 state that it is illegal to use travel documents to contravene the IRPA and it also illegal to sell and buy such travel documents. The maximum sentence for these offences is 14 years imprisonment.

### Exploited Migrants

The second main target population of the *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* is migrants who are thought to be vulnerable to exploitation. Policymakers included two groups in this category that are commonly mentioned in the policy's description. The two groups are: temporary foreign low-skill workers and exotic dancers. This section will provide a description of these two exploited migrant groups, the prevalence of each group in Canada, and a discussion of current laws meant to address these issues in Canada.

#### *Low-skilled Workers*

Migrant workers can seek temporary employment in Canada, when there is a labour shortage in certain types of work. Labour shortages can be the result of Canadians being unable or unwilling to do these jobs because of the low wages or poor working conditions involved (Macklin, 2003: 466). The work that migrant workers fill is often low-skilled; therefore, these jobs can be filled by foreign workers with little to no education. The low-skilled jobs include: live-in caregivers (housework and child care), seasonal agricultural workers, construction, manufacturing, hospitality, and exotic dancing. Migrant workers often obtain a work permit that specifies how long their employment will be and these workers are tied to their employer for the duration of their stay. In other words, when the work relationship between the worker and the employer is finished, so is the relationship between the worker and Canada. There is, however,



an exception with the live-in caregiver program. Individuals coming to Canada under this program can change employers without violating their work permit and after two years they can apply for permanent residence in Canada. It should be mentioned that the legislation does not go into detail when describing this population and it does not specify the types of workers that would fall under the category of a ‘low-skilled worker’. In other words, it does not answer the question of who or what is a low-skilled worker.

Low-skilled workers are considered to be a vulnerable group because of the disadvantaged status they have in Canada (Macklin, 2003). Their disadvantage in Canadian society is based on their temporary status in Canada and also because of the devalued, low-wage sectors in which they work (*ibid.*). In Canada, low-skilled workers can become victims of exploitation, abuse and human trafficking (Perrin, 2010; Oxman-Martinez, Martinez, and Hanley, 2001). Therefore, this group has been included in the policy’s target population because of their vulnerability.

In 2011, 190,769 authorized low-skilled workers came to Canada (Citizenship and Immigration Canada, 2012).<sup>6</sup> In 2006 Citizenship and Immigration Canada (CIC) issued 21,489 live-in caregiver work permits (Brickner & Straehle, 2010: 311) and every year approximately 18,000 to 20,000 seasonal farm workers from Mexico and the Caribbean are brought to Canada under the Seasonal Agricultural Workers Program (UFCW Canada, 2006-2007). These statistics, although not a complete picture of the extent of low-skilled workers in Canada, show that this group is a sizable population in Canada.

As stated previously, this group is vulnerable to abuse and exploitation. It is difficult to estimate how many of the low-skilled workers in Canada are exploited. For example, workers

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<sup>6</sup> This number does not include undocumented temporary foreign workers coming into Canada in 2011.

may not realize they are being exploited (as they are unaware of safety or other employment standards in Canada) or they may be afraid to report the exploitation because their status in Canada relies on their relationship with their employer. This reality appears to contribute to the lack of statistics reporting on the extent of temporary foreign worker exploitation. There are, however, some rough estimates. According to a IRPP study, the Alberta province set up a Temporary Foreign Worker Hotline and this hotline receives about 400-500 phone calls a month reporting employment-related complaints and other issues (Nakache & Kinoshita, 2010: 29). Further, between December 1, 2007 and August 31, 2008, Employment Standards Alberta received 246 complaints from temporary foreign workers (*ibid*: 30). These estimates are only from Alberta, thus the extent of temporary foreign worker exploitation is larger than these estimates.

### *Foreign Exotic Dancers*

Foreign exotic dancers are also a temporary foreign worker category (Macklin, 2003). However, this group is discussed separately because they are specifically mentioned as persons that this new policy aims to protect.

In the past, when there was a labour shortage in the Canadian exotic dancing market due to Canadian women being unwilling to perform increasingly sexually demanding roles (Macklin, 2003), foreign exotic dancers could apply for a temporary work permit to alleviate the shortage. Exotic dancer visas were then issued on the basis that the employer validated the job and the employer was legitimate. The majority of the foreign exotic dancers coming to Canada were women from Eastern European countries (Library of Parliament, 2012; Perrin, 2010). Policymakers feared that foreign exotic dancers were vulnerable to exploitation as well as becoming involved in the human trafficking trade (Library of Parliament, 2012). As a result,

restrictions have been placed on the issuing of exotic dancer work permits by the government, yet there are still reported cases of foreign exotic dancers being issued work permits and being exploited and trafficked in Canada (Macklin, 2003; Perrin, 2010).

Since the introduction of foreign exotic dancer visas, the number of individuals receiving work permits under this category has gradually declined over the years (Library of Parliament, 2012). The gradual decline in the number of work permits issued can be attributed to the increasing restrictions on who can receive a work permit under the exotic dancer category (Macklin, 2003). In 2010, only 6 individuals were granted work permits as exotic dancers, a decline from 423 in 2004 (Library of Parliament, 2012). The increasing restrictions are rooted in concerns about exploitation of foreign exotic dancers (*ibid.*). It is difficult to determine the number of individuals who come into Canada under the foreign exotic dancer program who become victims of trafficking. This is because of the illegal nature of the activity and the fact that this population can be easily hidden.

#### *Present Legislation on Exploited Migrants in Canada*

The legislation specifically focusing on exploited migrants in Canada is not as established as the legislation focusing on human trafficking. This deficiency in development may in part be due to legislators considering that exploited migrant legislation falls under human trafficking legislation. Legislation for foreign exotic dancers has recently developed. A bill has been passed that essentially poses a ban on stripper work visas in Canada (Canadian Immigration Law Firm, 2012). This legislation was proposed because of the links between foreign exotic dancers (exploited migrants) and human trafficking (*ibid.*).<sup>7</sup> Legislation specifically aimed to protect

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<sup>7</sup> The passed bill is closely linked with the legislation under review in this thesis. Immigration officers do not have the right to ban work permits based on what the occupation is (Canadian Immigration Law Firm, 2012). However, if immigration officers believe that all foreign exotic

low-skilled workers from abuse and exploitation while they are coming into Canada is established and the legislation is usually grouped in with human trafficking legislation. Legislation protecting exploited migrants from abuse and exploitation while they are in Canada, however, is lacking (Basok, 2003). Workers are protected by basic legal rights, such as the right to minimum wage and other provisions within the Employment Standards Act (*ibid*: 9). However, workers usually become excluded from these benefits, because they are unaware of their rights and what they are entitled to (*ibid*: 9-10).

The past two sections outlined the legislation under review and the three groups the legislation aims to protect from abuse and exploitation. However, there are many other groups that are at risk of exploitation and abuse. This begs the question of why this legislation focuses on and places an emphasis on these three groups in particular?

In chapter two of this thesis I examine the legislation under review and determine whether or not it differentiates between victims and criminals based on SES, gender, age and ethnicity. In particular, I will be addressing this research question: does the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* differentiate between victims and criminals based on SES, gender, age, and ethnicity? I code documents that were developed by government insiders on the Act in order to answer this research question.

Chapter 3 of this thesis examines how interest groups framed their support for or opposition to this Act based on claims of SES, gender, age and ethnicity. In particular, I ask: how did socio-political groups frame their support for opposition to this Act based on claims of SES, gender, age and ethnicity? Documents developed by six interest groups (three groups with

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dancers are likely to be exploited, they can deny their work permits (*ibid.*). The legislation under review gives immigration officers greater authority by allowing them to deny work permits to those who are thought to be vulnerable to abuse and exploitation.

a positive perspective and three groups with a negative perspective of the Act) are coded to answer the research question.

In chapter 4 of this thesis I assess how the media frames the victims and criminals in relation to this Act based on claims of SES, gender, age and ethnicity. The following research question is addressed: does the media portray SES, gender, age and ethnicity differences in victims and criminals in relation to the law under review? Twenty-six newspaper articles from three Canadian newspapers (*The Globe and Mail*, *The Toronto Star*, and *The Montreal Gazette*) are coded to address the research question.

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## CHAPTER TWO

### VICTIMS AND CRIMINALS IN THE PREVENTING TRAFFICKING, ABUSE, AND EXPLOITATION OF VULNERABLE IMMIGRANTS ACT

Research on Canadian and American human trafficking policy focuses on the various discourses found within these policies (Chapkis, 2003; Morehouse, 2009; Oxman-Martinez, Hanley, Gomez, 2005; Potocky, 2010; Robertson & Sgoutas, 2012). Two human trafficking policy discourses that are often in conflict with one another, due to their differing approaches to combating human trafficking, are discourses that focus on crime and security, and those that focus on human rights (Oxman-Martinez, Hanley, Gomez, 2005; Potocky, 2010). The crime and security discourse is concentrated on prosecuting traffickers, intercepting “irregular migrants”, and increasing border security (Oxman-Martinez, Hanley, Gomez, 2005: 21). The human rights discourse focuses on increasing protection for victims, increasing assistance to victims and preventing human trafficking. Policymakers often decide between these two discourses to determine the content of their legislation and ultimately their approach to combating human trafficking. This chapter examines Canadian human trafficking policy to assess which victim and criminal discourses are the basis of Canadian legislation in the Act. There will also be a comparison between Canadian and American human trafficking policy to determine whether there are similar or dissimilar discourses.

#### INTRODUCTION

The purpose of this chapter is to discuss how the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrant Act* addresses issues of SES, gender, ethnicity, and age among both potential victims and criminals. I also examine how the policy discusses exploitation of groups based on their SES, gender, ethnicity and age.



## DATA

The data used in this chapter are government documents. The documents included in this analysis are: the official document outlining the Act under review; the backgrounder document for the Act; the backgrounders for Bill C-57 and Bill C-17 (the legislation under review was first introduced in these bills but failed to pass), and other documents developed by governmental officials that discuss this Act. The specific documents developed by governmental insiders include: a press release by the Conservative Party of Canada; a backgrounder document by the Citizenship and Immigration Canada; the speaking notes of the Honourable Jason Kenney (the Minister of Citizenship, Immigration, and Multiculturalism); and a news release by the Department of Justice Canada.

## METHODS

I conduct a content analysis of the governmental documents collected. All documents were retrieved from the World Wide Web and all documents were developed by governmental members.<sup>8</sup> Content analysis is a research technique that is a summarizing analysis of messages (Neuendorf, 2002). The technique involves systematically analyzing communicated messages and then summarizing the “characteristics of the message pool” (*ibid.*: 17). The content analysis in this study examined two types of messages: manifest and latent messages. Manifest content are the messages “that are physically present and countable” (*ibid.*: 23). Latent content are the messages that are not present but are represented by certain indicators, such as codes. The codes that were used to examine the messages were constructed based on the objective of determining

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<sup>8</sup> Please see Appendix 1 to view the descriptions of all documents coded for this chapter in this study.

whether the examined legislation differentiates between victims and criminals, based on SES, gender, age and ethnicity.<sup>9</sup> The coding was conducted in Nvivo, a data analysis software program.

Content analysis is a useful tool for this study because it allows for descriptions and inferences to be made about what is being communicated through the examined documents. In other words, the method allows for the examination of the intended messages as well as the hidden messages in the documents. This method will thus help to determine the intended and unintended messages being communicated by governmental insiders about Canadian human trafficking legislation. Most importantly, content analysis is useful because it is a way to objectively measure the framing of human trafficking policy in Canada and thus how policymakers view the issue of human trafficking. Examining this topic would be very difficult if other research methods were used.

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<sup>9</sup> Please see Table 2.1 to view the codes that were constructed.

Table 2.1. Construction of Codes (organized by category).

Category	Codes
The Act	-The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act; The amendment to the Immigration and Refugee Protection Act; The amendment to the IRPA; Bill C- 10; Bill C-57; Bill C-17; Bill C-45; Bill C-56
Victims and Criminals	-victim[s]; criminal[s]; crime[s]; abuse; assault[s]; sexual assault[s]; exploitation; sexual exploitation
SES	- poor; poverty; wealthy; rich; middle class
Gender	- men; male[s]; women; female[s]; boy[s]; girl[s]
Age	- young; child; children; teenager[s]; young adult[s]; adult[s]; middle-aged; old; senior[s]; student[s]
Ethnicity	- foreign; foreigner[s]; Canadian citizen[s]; Eastern European[s]; European[s]; Asian[s]; Mexican[s]; hispanic[s]; african american[s]; visible minority; visible minorities; and other words that relate to ethnicity (for example, 'Romanian').

## LITERATURE REVIEW

In order to understand how SES, ethnicity, gender, and age are represented in the Act, I draw upon literature on human trafficking policy in the United States. Drawing on previously conducted research will help to assess whether there are similarities and/or dissimilarities between Canadian and American human trafficking policy and the characterizations of victims and criminals found within. Thus, the previous findings on American human trafficking policy will be used as a comparison to the Canadian findings in this study. Research on the victim and criminal discourse found within human trafficking laws in Canada is limited and thus it is not concretely known whether there are similar or dissimilar discourses of human trafficking across Canada's borders. This study will attempt to fill in the gap.

### *SES, Gender, Ethnicity, and Age in Human Trafficking Laws*

Human trafficking has just recently become a criminal offence in Canada.<sup>10</sup> Since these policies are still in their early stages of development, there has been limited research on the implications of these policies. Research on human trafficking policies has mainly focused on Canadian immigration policy and the Immigration and Refugee Protection Act (before the new amendment examined here was developed) (Oxman-Martinez, Martinez & Hanley, 2001; Oxman-Martinez & Hanley, 2004; Oxman-Martinez, Hanley, Gomez, 2005; Macklin, 2003). However, these studies mainly report on the effectiveness of Canadian legislation and they do not report on whether the legislation makes reference to SES, ethnicity, gender, and age in relation to victims and criminals. There has been some policy research published on trafficking in other countries, such as the United States, Portugal, Greece, Germany, the United Kingdom,

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<sup>10</sup> The criminal code was amended on November 25, 2005.

and Spain, that do make reference to the characterizations of victims and criminals (Chapkis, 2003; De Leon, 2010; Duarte, 2012; Goodey, 2008; Miller & Wasileski, 2010; Morehouse, 2009 Potocky, 2010). For the purpose of this study, however, only human trafficking policy in the United States (the *Trafficking Victims' Protection Act of 2000* and further amendments) will be examined as a comparison case, as Canada and America have similar cultures and similar ideologies concerning gender, ethnicity, SES and age (Grabb & Curtis, 2010).

Chapkis (2003: 923) examined the *Trafficking Victims' Protection Act of 2000* (TVPA), an American policy aimed at combatting the exploitation of undocumented workers and individuals forced into the sex trade. The researcher's central argument was that

the law makes strategic use of anxieties over sexuality, gender, and immigration to further curtail migration. The law does so through the use of misleading statistics creating a moral panic around 'sexual slavery' through the creation of a gendered distinction between 'innocent victims' and 'guilty migrants' and through the demand that aid to victims be tied to their willingness to assist in the persecution of traffickers. As a result, the legislation is less a departure from, than of a piece with, other recent anti-sex and anti-immigration policies (*ibid*: 923).

Chapkis argues that certain exploited groups are constructed, by the language of the law, to be considered the victims and other exploited groups are constructed to be considered the criminals (*ibid*: 924). The differential treatment of migrants is mediated by sex and gender. The language of this policy often reinforced a dualism between 'illegal immigrants' (who are usually males) and 'violated innocents' (who are usually females and children). The 'illegal immigrants' were often deemed as the criminals and the 'violated innocents' were often labeled as the victims. In addition, the term 'human trafficking' was often used to describe the exploitation of women and children and not the exploitation of economic migrants, which is a group comprised mostly of men (*ibid*).

Potocky (2010) examined the same American legislation and concluded that there is a dichotomized distinction made in the legislation between labour trafficking and sex trafficking (373). Potocky argues that this distinction can be attributed to the interest groups who lobbied for sex trafficking to be a primary focus of the legislation and also the interest groups who lobbied for labour to not be included as a form of trafficking (Potocky, 2010; DeStefano, 2007; Skinner, 2008). Although the policy includes both types of human trafficking, Potocky (2010) asserts that the later amendments

have increasingly focused on domestic victims and prostitution. Consequently, in terms of its social policy provisions, what was originally an immigrant policy is no longer focused on immigrants; and in terms of its criminal code provisions, what was originally an anti-slavery policy is now primarily an anti-prostitution policy (373).

The subsequent amendments, according to the study, appear to target certain groups, such as sex workers; a group primarily composed of women (Perrin, 2010).

Morehouse (2009) studied anti-human trafficking policy frameworks in the United States and more specifically *the Trafficking Victims' Protection Act of 2000*. The study finds that the policy and its later revisions are not gender-specific and thus they are gender neutral when describing the victims of human trafficking (Morehouse, 2009: 138). However, Morehouse does note that the policy specifically states that women and children are primarily the victims of human trafficking. Additionally, Morehouse (2009) states that although forced non-sexual labour has been a part of the policy's discourse since its inception, sex trafficking has dominated the policy's framework (150). The study also discusses how the policy includes both domestic and international victims of human trafficking (*ibid.*: 143). There is a primary focus on international victims in the policy, however, there has been an increasing focus on domestic victims throughout the years. The study also includes a description of how the policy discusses

the criminals involved. Morehouse (2009) states that punishing both the perpetrators and the consumers of this crime is a goal of the policy and both are mentioned in the legislation (163-164). However, the consumers are only mentioned in reference to trafficking for the purpose of sexual exploitation (*ibid.*: 164).

Robertson & Sgoutas (2012) examined American human trafficking legislation through a critical lens. In particular, they are interested in how US legislative efforts to combat human trafficking, and the language used in the legislation, has affected international legislation (*ibid.*: 425). The researchers argue that the US had great influence over the construction and language used in the 2000 United Nations “Protocol to Prevent, Suppress, and Punish Trafficking in Persons” (*ibid.*). In particular, the US had influence on “the decision to particularize the experiences of women and children, singling them out as super-vulnerable to victimization” (*ibid.*). Another example of how the US has had influence over the construction of international legislation is the country reporting mechanism found in *the US Trafficking Victims’ Protection Act of 2000*. This aspect of the TVPA reports on the efforts of countries to comply with the minimum standards of combating human trafficking found within the TVPA (*ibid.*). The influence of the US on international legislation is found in how the US frames the issue of human trafficking. The US framing of human trafficking often becomes a universal frame, due to countries trying to comply with the (American influenced) United Nation’s legislation and the US domestic legislation (*ibid.*: 426). Thus, the apparent focus of US national legislation on sex workers then becomes a central focus in the “transnational anti-trafficking movement” (*ibid.*). Robertson & Sgoutas (2012) further argue that many of the policies that focus on sex trafficking revolve around

heteronormative ideas about commercial sex, where sexual exchange is always heterosexual and where girls or women are always the seller and the buyer always

male (Dennis 2008). Due to this heteronormative understanding of commercial sex exchange, identification of victims and perpetrators tends to overidentify women and girls as victims and men as perpetrators, resulting in policies and practices that actively exclude the experiences of men who are trafficked (426-427; Surtees, 2008).

Thus, US and other international policies have a preconceived notion of who the victims are and who the criminals are based on gender and age.

It is important to examine the US literature on human trafficking as a starting point for understanding issues of human trafficking in Canada. Examining whether similar dualist language is present in the Canadian policy is beneficial, such as whether there is a separation of sex and labour trafficking as well as a distinction made between women and children as the victims and men as the criminals. Further, examining whether there is an emphasis on sex trafficking in the Canadian legislation, as seen in the American legislation, is essential. Lastly, it is important to note that the research on US policy included age and gender in relation to victims and criminals; however, ethnicity and SES were excluded.

## FINDINGS

### *SES, Gender, Ethnicity, and Age in the Act*

I previously examined human trafficking policy and research in the United States and the characterizations of victims and criminals found within the policies. This section reports on the victim and criminal characterizations found in Canadian human trafficking policy. The findings of the study are divided into six categories (SES, gender, ethnicity, age, victims and criminals). In general, I find that the Canadian human trafficking policy talks about the victims associated with this policy frequently. Further, the victims are referenced through the use of SES terms (eg. 'low-skilled labourers' and 'exotic dancers'), gender terms (eg. 'women' and 'sexual



exploitation’), ethnic terms (eg. ‘Eastern Europeans’), and age terms (eg. ‘children’ and ‘elderly’). The Canadian legislation referenced the criminals associated with this policy, but less frequently than the victims. The terms used to describe the criminals are also often vague.

### *SES*

The official documents surrounding the Act under review did not mention the word ‘SES’ nor did it discuss SES in other terms (e.g. using terms such as poor, wealthy, etc.). However, the groups that the Act primarily aims to protect are usually associated with a low SES background. The documents state that the Act aims to protect low-skilled labourers (Citizenship and Immigration Canada, 2011; Backgrounder, 2011), exotic dancers (Citizenship and Immigration Canada, 2011; Backgrounder, 2011) and foreign nationals (Official document, 2011; Department of Justice Canada, 2012) from becoming victims of abuse and exploitation. The first two groups are usually comprised of individuals who are at an economic disadvantage (Perrin, 2010), which contributes to their increased risk of becoming a victim of exploitation (*ibid.*).

### *Gender*

The Act itself did not make specific reference to gender; however, the supporting documents did reference gender. For example, the speaking notes of the Minister of Citizenship, Immigration and Multiculturalism state that women are the main victims of human trafficking (Citizenship and Immigration Canada, 2012). Supporting documents also reference gender when they mention specific activities and acts of crime that are usually thought to impact women more than men. The activities and acts of crime that are associated with women and were mentioned in relation to the Act under review include: exotic dancing (Citizenship and Immigration Canada,

2011; Backgrounder, 2011), human trafficking (Conservative Party of Canada, 2011; Department of Justice Canada, 2012; Backgrounder, 2011) and sexual exploitation (Department of Justice Canada, 2012; Backgrounder, 2011; Official Document, 2012). These previously mentioned activities and acts of crime are usually thought to impact females more than males (Perrin, 2010). Females are more likely to become exotic dancers and are more likely to become the victim of human trafficking and sexual exploitation (Morehouse, 2009). The Act consistently mentions female-related activities and crimes and this suggests that the Act primarily focuses on protecting females from different types of exploitation. Further, documents on the Safe Streets and Communities Act (in which the Act under review was introduced) state that the Bill was designed to ensure the protection of Canadians, especially women: “we will continue to dedicate ourselves to ensuring that people, especially women...are better protected in Canada” (Department of Justice Canada, 2012). Thus, there does appear to be a gendered component to the legislation under review, due to its gaze often focusing on women and their need to be protected.

### *Ethnicity*

The documents examined did not mention the word ‘ethnicity’; however, the documents did indirectly reference ethnicity. The insider documents referenced “human trafficking victims” fifteen times and this group coming into Canada is disproportionately of a foreign ethnicity (Perrin, 2010). According to the CIC, 59% percent of the suspected victims of trafficking coming into Canada between May 2006 and November 2008 were from Asia (*ibid.*: 33). Further, 33% percent were from Central and Eastern Europe, 4% from Africa, and 4% from the Americas (*ibid.*). Thus, when this group makes references to victims of human trafficking, they are making indirect references to ethnicity. One of the supporting documents mentions that

some victims entering Canada are from former Soviet states (Citizenship and Immigration Canada, 2012) and another document states that some exotic dancers come from Eastern Europe (Parliament of Canada, 2007). These examples indicate that indirect references are being made to ethnicity when discussing the legislation.

### *Age*

The official documents on the Act under review did not specifically mention the word ‘age’, but there are indirect references to age. A supporting document states that children are mainly the victims of human trafficking and the same document used the term ‘girl’, which suggests an intersection between gender and age (Citizenship and Immigration Canada, 2012). A document about the larger Safe Streets and Communities Act specifically states that the Bill (and the amendments within it, such as the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*) aims to protect children and the elderly from becoming victims (Department of Justice Canada, 2012). These groups are often considered more “at risk” of becoming a victim because they are sometimes unable to protect themselves due to factors, such as a lack of mobility<sup>11</sup>, certain medical disorders found in the elderly, and social isolation (Lachs & Pillemer, 2004: 1265).

### *Victims*

The insider documents on the policy under review and the documents on the Safe Streets and Communities Act (which the policy under review was introduced within) consistently reference the word ‘victims’ and the need to protect potential victims. More specifically, the documents on the policy often reference protecting individuals from becoming a victim of

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<sup>11</sup> This factor has been found in clinical experience, but research results are unclear.

humiliating and degrading treatment (Department of Justice Canada, 2012; Background, 2011; Official Document, 2012), abuse (Citizenship and Immigration Canada, 2011; Background, 2011), exploitation (Conservative Party of Canada, 2011; Citizenship and Immigration Canada, 2011; Background, 2011), sexual exploitation (Department of Justice Canada, 2012; Background, 2011; Official Document, 2012), and human trafficking (Conservative Party of Canada, 2011; Department of Justice Canada, 2012; Background, 2011). The documents also mention that certain segments of the population could be at risk of becoming victims and the groups include: exotic dancers (Citizenship and Immigration Canada, 2011; Background, 2011), low-skilled labourers (Citizenship and Immigration Canada, 2011; Background, 2011), immigrants (Conservative Party of Canada, 2011) and foreign nationals (Department of Justice Canada, 2012; Official Document, 2012). The high degree of focus on protecting victims and potential victims in this Act, and in the Bill the Act was introduced in, highly suggests that the Act is victim-centered and is not criminal-centered.

The documents that discuss the legislation under review consistently have an image of the likely victims and who will be affected by this legislation. As mentioned in previous sections, women and children are often referred to as the likely victims of human trafficking and these groups are specifically stated as the main targets of this legislation. Exotic dancers (a group being targeted by the legislation) are referenced as coming from former Soviet states and this is an indirect reference to ethnicity. Also, mentioning human trafficking victims is an indirect reference to ethnicity because many of the victims detected by the border are of a foreign ethnicity (Perrin, 2010). Thus, there appears to be a link being made between ethnicity and the victims affected by this legislation. Lastly, some of the groups being targeted by the legislation

often come from a low SES background and this indicates an indirect reference to SES and also a link being made between lower SES and potential victims.

### *Criminals*

The examined insider documents on the policy under review reference the word ‘criminals’ and the documents also discuss criminals in other terms. As mentioned in the previous section, victims are heavily focused on in the policy documents examined and thus criminals are not mentioned as frequently as victims. And, the terms used to describe the criminals are vague: ‘criminals’; ‘people who control them’; ‘organized criminal networks’; ‘captors’ ‘offender’ and ‘criminal gangs’. Criminals are not referred to in gendered, age, or SES terms. However, issues of ethnicity are part of the discussion of criminals. For example, the Citizenship and Immigration Canada document refers to “organized criminal networks with Eastern European links have been involved in the organized entry of women” (Citizenship and Immigration Canada, 2012). In conclusion, the policy is a victim-centered approach to decreasing criminal activity, instead of being a criminal-centered approach with a focus of prosecuting offenders.

## CONCLUSION

### *Similarities and Differences in Human Trafficking Policy Discourse in Canada and the US*

In previous sections I reviewed past research on American human trafficking policy and how victims and criminals are portrayed in US policy on human trafficking. I have also outlined the findings of this study on Canadian human trafficking policy and how the victims and criminals are discussed. This section will compare the American and Canadian findings to

determine whether there are similarities and/or differences between the discourses surrounding human trafficking in these two countries.

### *Victims*

The research on American human trafficking policy indicated that there is an emphasis on sex trafficking and prostitution in the US *Trafficking Victims' Protection Act of 2000* and its later amendments. Thus, forced and non-forced sex workers are both emphasized as victims. The Canadian policy also emphasizes sex-related businesses, such as exotic dancing, escort agencies, and brothels, when discussing the vulnerable victims and human trafficking victims. This suggests that there is more of a focus on sexual exploitation rather than non-sexual labour exploitation in both the US and Canadian policies. In fact, non-sexual labour exploitation was mentioned only once in the supporting documents in this analysis. Thus, the Canadian policy is similar to the US policy in its emphasis on forced and non-forced sex workers as being the potential victims.

There is an emphasis in the American legislation on protecting women and children and the US legislation specifically references these two groups as the likely victims. There is a similar gender and age victim discourse within the Canadian *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrant Act*. The supporting documents on the Canadian legislation specifically mention that women and children are the likely victims of human trafficking. This similarity is consistent with Robertson & Sgoutas' (2012) finding that the US had great influence on international human trafficking legislation and it having an emphasis on women and children as being particular vulnerable to victimization.

The Canadian legislation indirectly made references to SES and the supporting documents developed by governmental insiders made references to both SES and ethnicity. The

American research on human trafficking legislation did not discuss issues of SES and ethnicity. Thus, future research on American human trafficking policy and the discourses found within would benefit from examining SES and ethnicity variables. I expect that there would be similar discourses, as similarities were found in the gender and age categories.

### *Criminals*

The American human trafficking policy discusses criminals, however, the policy generally focuses more on the victims of trafficking as opposed to those who traffic others. The criminals that are mentioned in the American legislation are referred to as males, but other characteristics of criminals are excluded from research. The Canadian legislation examined in this study is also very victim-centered, as the criminals involved are mentioned infrequently and the criminals are described in vague terms.

The Canadian legislation is likely not focusing on the criminals involved because the legislation is a preventative measure. The legislation states that it will preclude situations where vulnerable immigrants coming into Canada become subjected to abuse or exploitation. There is a focus on identifying the potential victims and denying them work permits; this will then prevent vulnerable victims from becoming exploited on Canadian soil. The prosecution of traffickers is not this policy's focus, which is surprising because the Act was introduced in a crime bill (Bill C-10) that was heavily focused on the prosecution of various criminals.

The American legislation focuses both on the criminals as well as the victims. Reasons for the American legislation's heavier focus on the criminals could be due to the country's war on crime discourse and the resultant fear this discourse creates in the US public (Simon, 2007). The "fear of crime mentality" in Americans has resulted in a heavy focus on the criminals in American society and a mass incarceration of these criminals (*ibid.*). The inclusion of

prosecuting those who traffic others in the American human trafficking legislation aligns with this discourse. The privatization of the crime industry may also have an influence on the inclusion of criminals in American legislation because more criminals incarcerated means more money for those governing the criminals. Socio-political groups could have also influenced the construction of the American policy and thus the heavier focus on the criminals involved. The influence of socio-political groups on the construction of Canadian human trafficking legislation will be examined in Chapter 3 of this thesis.

Comparisons between Canadian and American human trafficking legislation and their representation of criminals cannot be made in regards to SES, ethnicity, and age variables. The American legislation examined did not focus on these variables and thus future research could fill this gap in the literature. It is expected that the American legislation will make more references to the criminals and their characteristics than what was found in the Canadian legislation.

#### *Heteronormative Understandings of Human Trafficking*

The heteronormative understanding of commercial sex that is involved in US policies on sex trafficking, as argued by Robertson & Sgoutas (2012), is not as pronounced in this study on Canadian legislation. This is ascertained by the finding that males are not identified as the criminals in the Canadian legislation. Women, however, are identified as the likely victims of human trafficking and this suggests that there may still be heteronormative ideas underlying this legislation. The Canadian legislation, as mentioned previously, is a victim-centered legislation. Thus, there is minimal inclusion of criminals and this may be a reason for why there is no discussion of males being considered as the likely perpetrators, as seen in the US legislation.



The heteronormative understanding of commercial sex may be more pronounced in the media's accounts of the legislation under review and this will be explored in Chapter 4.

*A Crime Control or Human Rights Discourse?*

Upon examination, it appears that the Act under review has a crime control discourse. Although the findings suggest that the policy has a focus on the protection of victims and not on the prosecution of criminals, the policy does not have amendments that indicate that they would protect and assist the victims associated with this Act. Furthermore, the policy gives more power to immigration officers by allowing them to deny the entry of migrants who otherwise would have been authorized to come into Canada. This change in policy suggests a focus in securing the Canadian borders. The policy and its crime control discourse will be discussed more in the concluding chapter.

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## CHAPTER THREE

### SOCIO-POLITICAL INTEREST GROUPS AND THE FRAMING OF SUPPORT FOR OR OPPOSITION TO THE ACT

#### INTRODUCTION

The trafficking of persons is not a new phenomenon but only recently has there been policies developed in Canada specifically aimed at addressing this issue. In fact, human trafficking only became a criminal offence in Canada in 2005. Interest groups can have a significant impact on the development of public policy, such as policies to address human trafficking, and groups often intentionally seek to influence policy decisions that are related to their cause (Stolz, 2007). However, some groups can have more of an impact on policy development and construction than others (Johnston & Noakes, 2005; McAdam, 1982). Socio-political groups in Canada have likely shaped the development and content of human trafficking policy in Canada, such as *the Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. This chapter will examine how a selection of Canadian socio-political interest groups viewed the Act under review and further, how these groups framed their support for or opposition to this Act based on claims about SES, gender, ethnicity, and age.

#### LITERATURE REVIEW

In order to understand how and why socio-political groups framed their support for or opposition to this Act based on claims about SES, gender, ethnicity and age, I draw upon literature on the framing perspective, the political process model, and the policy process. Research on interest groups and their involvement in the development and content of human

trafficking policy is limited; therefore, the role of Canadian socio-political groups in Canadian human trafficking policy has not been well understood. This study will attempt to fill this gap.

### The Framing Perspective

There are many ways to make sense of the diverse set of social problems and concerns in modern society. Originating in the study of social movements, framing theory highlights the ways that actors actively shape our understanding of social problems and how we should come to address these problems. One of the main tasks of interest groups aiming to shape social policy is to call attention to a set of problems or issues of concern. Political leaders, interest groups, the mass media, and the state all work to “frame” social issues and highlight what they think the problem is, who is to blame for this problem, and how this problem should be addressed (Johnston & Noakes, 2005). “A frame is an interpretive schema that simplifies and condenses the ‘world out there’ by selectively punctuating and encoding objects, situations, events, experiences, and sequences of action, thus organizing experience and guiding action by rendering events or occurrences meaningful” (*ibid.*: 3). In other words, the framing process is like a picture frame: attention becomes focused on what is important and away from what is seen as irrelevant or distracting. Snow and Benford argue that frames perform three core functions: diagnosis, prognosis, and motivating action (Johnston & Noakes, 2005: 6). Diagnostic framing presents the diagnosis of the problem needing to be addressed; this includes what the problem is and why there is a problem. Prognostic framing presents to the public a solution to the problem. Lastly, motivational framing attempts to give a reason as to why the public should act; in other words, why this social problem is important to address.

The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* was likely influenced by various socio-political groups and their framing of exploited migrants:

who they are, the extent of the problem, and how to address the potential exploitation that could occur. The reason it is important to examine framing is because the various groups in society concerned with exploited migrants could understand and approach the problem of these migrants in different ways, due to their diverse foci and goals. For example, anti-trafficking groups might frame the problem of exploited migrants as a human trafficking problem and thus would focus on trafficking victims. They would likely focus on how to solve the problem of human trafficking and why people should act for this cause. However, women's advocacy groups, when considering the problem of exploited migrants, might be more concerned with the exploitation associated with the low-skilled work women most often perform (e.g. caregiving) and the sexual exploitation of women (e.g. exotic dancer visas and sex trafficking). Thus, women's advocacy groups might frame the problem of exploited migrants as an issue primarily affecting women. While both of these groups see exploited migrants as a social problem, the goals and interests of their specific group shape how they frame this problem.

#### *The Construction of Collective Action Frames*

Collective action frames are purposively constructed in order to present a particular view of the world (Johnston & Noakes, 2005). Thus, critically examining who 'builds' the frame is an important matter to consider when examining any social cause, such as exploited migrants in Canada. It should be noted here that the strategic frames that are developed are not static, nor is their creation monopolized by one group in particular. Rather, strategic frames are constantly evolving and many individuals and groups contribute to the framing of a social issue (*ibid.*: 7).

Social movement entrepreneurs are individuals who spread and promote their movement and its message (Johnston & Noakes, 2005: 7). These entrepreneurs make rational decisions when constructing frames to try and advance their cause and to maximize public support for their

framing of the issue. To ensure audience appeal, social movement entrepreneurs make conscious decisions to frame issues in ways that they think will appeal to the norms and values of their target audience. The decisions made could include stating and highlighting certain events and symbols that support their cause and also appeal to their target audience (*ibid.*: 8). It is clear that this type of entrepreneurship can happen within social movements and also within other social groups, such as political parties, government, and the media.

The content of a frame is important in establishing support for the social movement. The material that socio-political groups use to build their frames come from the “symbols and themes found in the cultural stock of the target audience” (Johnston & Noakes, 2003: 9). And, groups align their frames with the audience’s cultural stock. Socio-political groups also construct frames that draw on the cultural symbols of the dominant group in society (*ibid.*: 10). This action establishes a legitimacy of the social movement and its goals, thereby gaining public support for the movement.

The socio-political groups in this case study construct frames to help advance their cause, gain target audience support for their social movement, and motivate those to act on behalf of their movement. As stated previously, all groups do not have the same view of this issue or the same target audience and, therefore, groups produce a variety of frames. And, the frames that were produced by the socio-political groups were not equally represented in the new legislation under review, as the legislation only targets three migrant groups that are considered vulnerable to abuse and exploitation. It is clear that certain groups and their frames were more influential in the policy process and had more impact in shaping the resulting policy. Because of this, we can think of certain frames as being more successful than others, in this context.

*Frame Resonance*

For a frame to be successful, it must resonate, or ‘ring true’, with the intended audience (Johnston & Noakes, 2005: 11). In other words, the frame must be compelling enough to gain the attention of the public and to instill public sympathy for the cause. To develop frame resonance, entrepreneurs often make conscious, tactical choices. Snow and Benford (1992: 11-12) outlined six factors that affect frame resonance. These factors include:

- 1) Frame Consistency: The frames presented are complementary to each other (diagnostic framing, prognostic framing, core principles, beliefs, etc.).
- 2) Empirical Credibility: The frames presented are compatible with the way the target audience views the world.
- 3) Credibility of the Frame’s Promoters: Credible and persuasive leaders/speakers will help develop frame resonance within the audience.
- 4) Experiential Commensurability: The frame is compatible with the audience’s everyday experiences.
- 5) Centrality: How essential are the core beliefs and values found in the frame, to the audience.
- 6) Narrative Fidelity: The frames tend to coincide and draw upon the dominant culture of the target population.

Examining the strategic choices made by leaders is important for this thesis, as some of the socio-political groups may have had frames that resonated with their target audience more than others. This is relevant because it could have shaped how the issue of exploited migrants was understood and how the law to protect them was written. Further, the legislation that was developed would also be affected, because who the legislation aims to protect is influenced by

how various different groups frame the issue of human trafficking and what groups of exploited migrants are the focus of their concerns.

### Political Process Model

Power and wealth is never equally distributed in society. The amount of power and wealth a social group has can affect the extent to which a group is listened to by policymakers. This section will examine how political process theory accounts for how groups (challengers), such as the socio-political groups examined in this chapter, develop an influence on policy-making decisions by getting access to those with political power (members).

The political process model rests on the assumption that the power and wealth in a society is concentrated in the hands of a select number of groups and individuals, thereby excluding other groups and individuals from influencing the major political decisions that affect their lives (McAdam, 1982: 36). Similar to the Marxist interpretation of power, the political process model holds that power differentials between the power elite and excluded groups is strong, but not inevitable (*ibid.*: 37). Rather, social movements, according to the political process model, can provide a non-institutionalized vehicle for excluded groups to develop a political advantage that could advance their collective interests. Thus, social movements can be opportunities for excluded groups to gain power, access those in power, and potentially have an influence on policymaking decisions.

A primary component in the political process model is the distinction between ‘members’ and ‘challengers’ in civil society (McAdam, 1982: 38). The primary distinction between these two groups is the amount of power they possess and the extent to which they are included in or excluded from the polity. “Those who are inside are members whose interest is vested - that is, recognized as valid by other members. Those who are outside are challengers. They lack the



basic prerogative of members- routine access to decisions that affect them” (*ibid.*: 38). The political process model is based on the assertion that members, or authorities, in the polity “reflect an abiding conservatism” (*ibid.*:38). This abiding conservatism is seen in the resistant of members to changes to the political system that could decrease their political power rather than the seeking of changes that would enhance their political power and interests. Polity members will resist challengers if the challengers’ social causes threaten the status quo and thus their interests. At the same time, members also have the power to give a ‘voice’ to certain socio-political groups if their social causes increase the polity’s legitimacy and dominance (McAdam, 1982; Johnston & Noakes, 2005: 18).

Challengers often use non-institutionalized means, such as protest, to gain power in order to advance their cause and gain the attention of members. At any point in time, challengers have the capacity to engage in mass political action; however, environmental factors, such as the political structure at the time, play a role in whether challengers attain political leverage (McAdam, 1982: 38). While the political process model often is used to explain when protest emerges, in this project I focus on the role of political process theory in explaining the importance of the political alignment of groups within the existing political environment and how groups gain access to insiders.

Challengers face large obstacles when trying to gain access to insiders and to have an opportunity to influence the development of public policy (McAdam, 1982:40). The political environment is constantly changing and these changes can provide political opportunities for socio-political groups to gain access to insiders. The factors that affect political opportunity are numerous, however “any event or broad social process that serves to undermine the calculations and assumptions on which the political establishment is structured occasions a shift in political

opportunities” (*ibid.*: 41). This disruption of the status quo can change the power relations between insiders and outsiders, which can increase the amount of access to members by challengers. The social processes that can affect change in political opportunities sometimes only benefits certain groups. The elevation of certain groups in the political structure can increase their access to insiders and can increase their bargaining power with them when discussing legislation development. Further, if insiders do not listen to these groups that have gained a higher status, this can be costly to them as there could be a political backlash.

The political process model highlights how certain socio-political groups that were granted access to insiders (policymakers) were able to influence the legislation under review. The social context, including which party was in government, public opinion, and other factors, likely affected the political opportunities at the time of the legislation’s creation and ultimately influenced who had the ability to shape the legislation.

### Policy Process

The previous section explored how social groups gain access to insiders, such as government officials. Simply gaining such access does not necessarily mean that groups will have a large influence on the development and implementation of public policy. This section, therefore, will discuss factors that contribute to social groups having an influence on the policy process. In order to examine the impact that social groups have on the policy process, two theories will be discussed: the theory of democratic representation and bargaining theory.

Before examining the relationship between social groups and their involvement in the policy process, a few statements need to be made regarding past literature on this topic. Past research on social movements has usually focused on determining what factors contribute to

social movement emergence and participation. Consequently, there has been less focus on examining social movement outcomes; in other words, a social movement's impact on the policy process and, ultimately, social change (Burstein, Einwohner, Hollander, 1995: 293). There is limited research, therefore, that can shed light on what factors affect movement outcomes. However, theory can be used to hypothesize about this process. It should also be stated that social movement organizations and interest groups are classified in this section as the same type of group, because past literature on the policy process has concluded that there are no significant differences between these two types of groups on policy development (Burstein, 1999: 7-9).

### *The Theory of Democratic Representation*

According to Burstein (1999), interest groups can have an influence on policy, however, these groups are often constrained by certain aspects of democratic politics: "electoral competition places limits on the ability of citizens and legislators to pay attention to many issues at the same time" (4). Burstein argues that the theory of democratic representation can help us understand how interest groups can overcome these problems and have an influence on the policy process (1999: 5). The theory of democratic representation states that elected officials have three goals: to be re-elected (which is considered their primary goal); obtain influence for themselves in their field; and to develop what they think is good public policy. Examining elected officials' goals suggests that they are most likely to support policies that will give them more votes. Thus, officials support what they perceive the public wants through enacting legislation that they think will satisfy the majority of people. In order for interest groups to have an impact on policy, they need to be aware of public opinion and maneuver themselves into a position where they are supported by the majority of the public.

Burstein (1999) outlines five direct and indirect impacts interest groups can have “on legislative action, on the content of legislation and the timing of its enactment, and on the implementation of legislation” (9).

- (1) *Direct Impact Hypothesis*: the more important an issue is to the majority and the more persistent the public favors a particular viewpoint on the issue, in the eyes of the legislators, the less impact interest groups have on influencing legislation (Burstein, 1999: 9).
- (2) *Information Hypothesis*: the greater the new information presented to legislators on the public’s preferences on a given issue by interest groups, the greater their impact on legislative action (Burstein, 1999: 12). Further, the more credible an interest group is considered to be by legislators, the greater the group’s impact on legislation.
- (3) *Public’s Preferences Hypothesis*: the greater influence that interest groups have on the public’s preferences for an issue as presently framed or re-framed, the greater their impact on legislation (Burstein, 1999: 14).
- (4) *Issue Salience Hypothesis*: the greater the impact interest groups have on the issue’s salience to the public, the greater impact these groups have on legislation (Burstein, 1999: 15-16). However, there needs to be a distinct discrepancy between what the public wants and what the current policy is for there to be impact.
- (5) *Implementation Hypothesis*: the lower the importance of a policy is to the public, the greater influence interest groups will have on the implementation of the policy (Burstein, 1999: 18). Further, if there are no set precedents on a particular policy, the greater the impact they will have.

After outlining the hypotheses, it is clear that interest organizations and their impact on the policy process is strongly affected by environmental factors, such as public opinion on a given issue and what legislators perceive to be public opinion. The bargaining perspective, which is examined next, also emphasizes the importance of environmental factors in shaping an interest groups' ability to influence the policy process.

### *The Bargaining Perspective*

The bargaining perspective suggests that “the outcome of bargaining is not the result of the characteristics of either party, but rather is a function of their resources relative to each other, their relationship with third parties, and other factors in the environment” (Burstein *et al.*, 1995: 280). The perspective thus focuses on the interdependence between all parties (the interest group, the target, and third parties) and how this affects movement outcomes. Accordingly, the success of an interest group depends on the interactions it has with the target and other third parties.

Burstein *et al.* (1995) uses the bargaining perspective to analyze movement outcomes and more specifically, what contributes to a movement (in this case, interest group) becoming successful. Interest groups can be seen as bargaining with their target (in this case, legislators) in order for them to achieve their end goal (*ibid.*: 279). Interest groups are excluded outsiders that have less bargaining power compared to polity members (McAdam, 1982: 40). Polity members often exclude interest groups from becoming involved in legislation decision-making, because of their weak bargaining power. These groups must then gain power through various means, such as protesting or becoming allies with third parties, to gain bargaining power and become successful (Burstein *et al.*: 279).

Burstein *et al.* (1995) used Schumaker's work (1975: 494-495) to operationalize the success of a social movement (or group). Success was measured by how much the political system responded to the group and this responsiveness was seen to occur in five stages (Burstein, 1995: 282-283). The five stages are:

- 1) Access Responsiveness: the target's willingness to listen to the concerns of the social group.
- 2) Agenda Responsiveness: the target's willingness to incorporate the group's agenda into their political agenda.
- 3) Policy Responsiveness: the development of legislation that is consistent with the agenda of the social group.
- 4) Output Responsiveness: there is an effective implementation of the policy by the target.
- 5) Impact Responsiveness: the amount to which the actions of the target (the new policy) alleviates the concerns of the social group.<sup>12</sup>

These stages of success are important for two reasons. First, they illustrate that there are various steps in the policy process. Second, they demonstrate how the bargaining perspective can explain how a group can have an impact on policy in these different stages. For example, if the functioning of a target's institution relies on the social group expressing concerns, then there is a greater likelihood of the group having success in any of these stages (*ibid.*: 283). The

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<sup>12</sup> Burnstein (1995) argues that the more stages of the policy process the social group has an impact on, the higher success this group has in bringing about social change.

interdependence between the group and the target increases the bargaining power of the social group on legislative action by having the target dependent on the social group.

Various socio-political groups in Canada likely influenced the legislation under review. As the legislation only aims to protect three vulnerable populations, certain groups may have been more successful than others in influencing the policy's development. This is possibly due to certain groups being more cognizant of public opinion and/or having more bargaining power at the time of the policy's creation. Examining whether socio-political groups were successful in shaping the legislation throughout the policy process is an essential component of this thesis and is the core concern of this chapter.

## DATA

The data used in this chapter are the press releases and the released statements on the Act made by six interest groups. These press releases and statements were found on the interest groups' websites. The groups selected and their press releases and statements will be discussed in the following section. However, to see additional information on the organizational characteristics of each group, please refer to Table 3.1. For further information on the documents coded, please refer to Appendix 2.

## METHODS

I conduct a content analysis of the documents developed by the six interest groups. All documents are found on the groups' websites and Appendix 2 outlines the Google search terms used and the website links for each group. The groups that are included in this study are selected based on three main criteria. First, they are all national interest groups in Canada. Second, each

of these groups made statements specifically addressing this law. Finally, three groups that support the law and three groups that oppose it are selected to reflect the diversity of opinions on this law. The socio-political groups are: The Future Group, The Victims of Violence Canada, The Canadian Red Cross, The Canadian Council for Refugees, The Canadian Bar Association and The Adult Entertainment Association of Canada. The general views of the law from each group are outlined in Table 3.2. The codes for this chapter are constructed based on the objective of the research question, which is to examine how socio-political groups frame their support for or opposition to the Act in relation to SES, gender, ethnicity and age. The coding schema is outlined in Table 3.3 and the coding was conducted in Nvivo.

## DESCRIPTION OF SOCIO-POLITICAL GROUPS AND DOCUMENTS EXAMINED

### The Future Group

The Future Group is a Canadian non-governmental organization that is “dedicated to combatting human trafficking and the child sex trade” (The Future Group, 2007, <http://www.thefuturegroup.org/index.html>). The group’s efforts have mostly focused on human trafficking in Southeast Asia; however, given the international scope of this illegal activity, their efforts have also focused on human trafficking in North America as well as in Europe. For more information about this group, see Table 3.1.

The Future Group posted a link to a 2010 press release on the *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* on their website.<sup>13</sup> The press release was originally posted on another human trafficking website entitled “End Modern-day Slavery”;

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<sup>13</sup> <http://www.endmoderndayslavery.ca/2010/11/21/government-of-canada-introduces-the-preventing-trafficking-abuse-and-exploitation-of-vulnerable-immigrants-act/>



however, it was developed and written by one of the co-founders of The Future Group, Dr. Benjamin Perrin. It is clear after analyzing the press release that The Future Group is in full support of this law. The group's positive frame is illustrated in the following quote:

the Government of Canada today introduced legislation, the Preventing Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act. The reintroduction of these important legislative amendments to Canada's immigration laws will help protect vulnerable foreign workers such as exotic dancers who could be victims of exploitation or human trafficking (Perrin, 2010).

The Future Group argues that the legislative changes will help protect certain foreign workers that are vulnerable to become exploited or become victims of human trafficking.

### The Victims of Violence Canada

The Victims of Violence is a charitable organization that is federally registered (The Victims of Violence, 2012).<sup>14</sup> The socio-political group was founded in 1984 and aims to: provide long-term support for victims of violent crime; conduct research on issues that affect victims of violent crime; provide a victim's perspective on issues that affect victims of violent crime; and promote public safety (*ibid.*). For more information about this group, see Table 3.1. The Victims of Violence has a section on its website that is devoted to providing information on human trafficking. Under the section entitled "The Fight Against Human Trafficking", there is a discussion of the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. This group appears to view this legislation favorably, as the group states that this legislation is a measure that helps prevent human trafficking in Canada (Victims of Violence, 2012: 4).

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<sup>14</sup> <http://www.victimsofviolence.on.ca/rev2/index.php>

### The Canadian Red Cross

The Canadian Red Cross is a humanitarian organization that aims to improve the lives of vulnerable individuals in Canada (The Canadian Red Cross, 2009).<sup>15</sup> One of the vulnerable groups that is targeted by this group is human trafficking victims. The press release on their website is on the Safe Streets and Communities Act, but it particularly focuses on the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. This group appears to be supportive of this legislation, as the new changes are addressing human trafficking and sexual exploitation in Canada. The group's positive frame is apparent in the press release's title: "Safe Streets and Communities Act helps protect vulnerable people from sexual exploitation, including trafficking" (Fairholm, 2011).

### The Canadian Council For Refugees

The Canadian Council for Refugees (CCR) was established in 1978 and it is a non-profit organization that is "committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada" (The Canadian Council for Refugees, 1993).<sup>16</sup> One of the concerns of this group is the "trafficking of women and girls".

The CCR released two statements on their website about the Safe Streets and Communities Act (Bill C-10) and more specifically, the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. The statements are critical of the legislation under review. The following quote illustrates the group's negative frame: "the [amendments are] condescending and moralistic. The amendments empower visa officers to decide which women should be kept out of Canada for their own good. They fail to protect the rights of trafficked

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<sup>15</sup> <http://www.redcross.ca/article.asp?id=000005&tid=003>

<sup>16</sup> <http://ccrweb.ca/>

persons already here in Canada” (The Canadian Council for Refugees, 2011). This socio-political group appears to be opposed to this law because they feel it does not protect those that are said to be protected by this legislation and further, the amendments give too much power to immigration officers.

### The Canadian Bar Association

The Canadian Bar Association (CBA) is a professional, voluntary organization that was formed in 1896 (Canadian Bar Association, 2012).<sup>17</sup> This group aims to: advocate for all members of the legal profession; promote a fair legal system; facilitate law reform; and promote equality within the legal profession. The CBA submitted a statement on Bill C-10 to the Government of Canada outlining some of the criticisms they had of the legislation on their website. Further, the CBA also went into great detail in this statement on the criticisms they had of the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*. The following quote illustrates this group’s negative frame of the law: “providing assistance to trafficked and other vulnerable people is a laudable goal; however, the Bill proposes a scheme that is vague, confused, and potentially harmful to the very people it seeks to protect. Accordingly, we recommend that it not be adopted in its current form” (CBA, 2011, p.89).<sup>18</sup> It is apparent from this statement that the CBA opposes this law and does not believe it will protect those that are said to be targeted by this legislation.

### The Adult Entertainment Association of Canada

The Adult Entertainment Association of Canada is a non-profit business stakeholder organization that is intended to serve the adult entertainment industry by assisting clubs to

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<sup>17</sup> <http://www.cba.org/cba/>

<sup>18</sup> The CBA’s submission on Bill C-10 was developed and submitted before the Bill passed.

become more successful (Adult Entertainment Association of Canada, 2012).<sup>19</sup> The group also promotes acceptable standards of practice in the industry as well as provides the structure to work with the government in order to implement these standards.

The Adult Entertainment Association of Canada developed a statement that addresses Bill C-17 (the earlier version of the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act*). This socio-political group is critical of Bill C-17 and the following quote illustrates this group's negative frame of the legislation: "in Bill C-17, assertions and allegations were recently made suggesting that exotic dancing is degrading and humiliating work with a formidable risk of abuse and exploitation. All of these recent political allegations are unsubstantiated, extremely unfair and erroneous" (Lambrinos, 2008: 3).

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<sup>19</sup> <http://www.adultentertainmentassociation.ca/>

Table 3.1. Organizational Characteristics by Group.

Socio-Political Group	Size of Group	Year the Group was Founded	Founder(s) of Group	Main Issue of Focus
The Future Group	N/A	2000	Dr. Benjamin Perrin (co-founder). The rest of the co-founders are not stated.	Confronting human trafficking and the child sex trade.
Victims of Violence Canada	N/A	1984	N/A	Advocate for and provide support to victims of violent crime.
Canadian Red Cross	100 million volunteers worldwide.	1863 (International) 1909 (Canada)	Henry Dunant and Gustave Moynier (International)	Improve the lives of the vulnerable.
Canadian Council for Refugees	A network of over 180 organizations.	1978	N/A	Advocate for refugee and immigrant rights.
Canadian Bar Association	Represents over 37,000 lawyers, judges, notaries, law teachers and law students.	1896	N/A	Promoting equality in the justice system and in the legal profession.
The Adult Entertainment Association of Canada	There are 37 members (adult entertainment clubs) as of September 17th, 2009.	1998	N/A	Serving the needs of the adult entertainment industry.

Table 3.2. The Socio-Political Groups Examined and their General View of the Law.

Socio-Political Group	Positive View	Negative View
The Future Group	+	
Victims of Violence Canada	+	
Canadian Red Cross	+	
Canadian Council for Refugees		-
The Adult Entertainment Association of Canada		-
The Canadian Bar Association		-

Table 3.3 Construction of Codes (organized by category).

Category	Codes
The Act	-The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act; The amendment to the Immigration and Refugee Protection Act; The amendment to the IRPA; Bill C- 10; Bill C-57; Bill C-17; Bill C-45; Bill C-56
Victims and Criminals	-victim[s]; criminal[s]; crime[s]; abuse; assault[s]; sexual assault[s]; exploitation; sexual exploitation
SES	- poor; poverty; wealthy; rich; middle class
Gender	- men; male[s]; women; female[s]; boy[s]; girl[s]
Age	- young; child; children; teenager[s]; young adult[s]; adult[s]; middle-aged; old; senior[s]; student[s]
Ethnicity	- foreign; foreigner[s]; Canadian citizen[s]; Eastern European[s]; European[s]; Asian[s]; Mexican[s]; Hispanic[s]; African American[s]; visible minority; visible minorities; and other words that relate to ethnicity (for example, 'Romanian').

## FINDINGS

### Socio-Political Groups and the Framing of Support for or Opposition to the Act

There has been limited research on how Canadian groups frame their support for or opposition to Canadian human trafficking policy. This section reports on how Canadian socio-political groups framed their support for or opposition to this Act based on claims of SES, gender, ethnicity and age. I find that the socio-political groups that have a positive perception of the Act under review are primarily victim-centered and discuss the victims using gender and age-related terms. These groups often focus on how young females are the victims that the Act aims to protect. The socio-political groups that have a negative perspective of this Act tend to give more attention to low-skilled workers. The groups with a negative frame also referenced women as the primary victims, which is consistent with the positive groups.

#### *The Future Group*

The Future Group press release is victim-centered and primarily focuses on SES and gender issues. Age and ethnicity-related terms, however, are used throughout the document as well. The Future Group states in its press release that the Act is designed to protect two groups: exotic dancers and foreign workers. Thus, these groups are their main focus when reporting on this Act.

The press release states that foreign workers and exotic dancers are at particular risk of becoming victims of exploitation and human trafficking: “foreign workers and women being brought into Canada to work as exotic dancers are particularly at risk” (Perrin, 2010). The press release also states that these two groups will be protected by this new legislation: “the reintroduction of these important legislative amendments to Canada’s immigration laws will help protect vulnerable foreign workers such as exotic dancers” (*ibid.*). As stated in previous sections

of this thesis, exotic dancers and foreign workers are disproportionately from socially disadvantaged backgrounds. Thus, based on the statements and the disproportionate numbers of people in these groups that are from lower SES backgrounds, The Future Group seems to be supporting this law because of how this legislation could aid those from a lower SES background. The Future Group's press releases mentioned the word 'women' six times and the word 'girls' three times. The word 'men', however, was never mentioned. According to The Future Group, this legislation will help protect women from being victims of exploitation: "the Preventing [the] Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act, is the most recent initiative in the Government of Canada's ongoing effort to address violence against women and the exploitation of women and girls" (Perrin, 2010). Thus, according to this socio-political group, the women are clearly the target of this legislation.

The press release also mentions 'exotic dancers' twice as a group that will be protected by this legislation. The term 'exotic dancer' is gendered, as exotic dancers are disproportionately female<sup>20</sup> (Bernard *et al.*, 2003). Thus, The Future Group is indirectly referencing gender when talking about exotic dancers. This socio-political group focuses on this legislation primarily as it affects women and girls. This claim is supported by the fact that The Future Group only mentions women, girls, and exotic dancers in their press release. Further, the exclusion of men or boys as potential victims in the press release clearly shows that this group has a gendered view of this law.

The Future Groups also made indirect references to ethnicity in sections of this press release when they describe who the law aims to protect. The group mentions that the law will be

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<sup>20</sup> Bernard, DeGabrielle, Cartier, Monk-Turner, Phill, Sherwood, Tyree (2003) examined differences in gender experiences in the exotic dancer industry. The researcher's sample was comprised of approximately 71% females and 29% males and they stated that this gender distribution was similar to the national population of exotic dancers (p. 5).



able to protect “foreign workers” (mentioned three times) and “immigrants” (mentioned three times). While these terms are not directly ethnic, the terms “foreign” and “immigrant” are ethnicity-related, as previously stated in earlier sections of the thesis. Further, the term “exotic dancers” was mentioned twice in the press release. The term “exotic dancer” is also related to ethnicity, as the individuals who are coming to work as exotic dancers are often of a foreign ethnicity (usually of Eastern European ethnicity) (Perrin, 2010, p. 43).

Finally, the Future Group made a number of specific references to age. As stated in the gender section, the word “girls” was used three times in the press release. The use of the word “girls” indicates that young females are being targeted by the legislation, according to The Future Group. The frequent references to young girls is consistent with the group’s stated purpose of confronting the child sex trade as well as human trafficking in general. The use of the term “girls” in the press release indicates that there may be an intersection of gender and age. Intersectionality will be further discussed in the conclusion of this chapter.

The press release from this group is clearly victim-centered, as there is little mention of the criminals who commit the crime of human trafficking. There is only one reference made to criminals and this was in an included quote by MP Joy Smith: “these [legislative] changes will help protect those vulnerable immigrants who could find themselves in abusive or exploitative situations or possibly being preyed upon by human traffickers” (Perrin, 2010). The potential victims that are targeted by the legislation are often mentioned throughout the press release (15 times in total). The potential victims that are stated include: exotic dancers (mentioned twice); foreign workers (mentioned three times); immigrants (mentioned three times); women (mentioned six times); and girls (mentioned three times). In conclusion, this socio-political

group appears to view this legislation as being directed at protecting the victims, instead of being directed at prosecuting the criminals.

### *The Victims of Violence Canada*

The Victims of Violence Canada is, not surprisingly, primarily focused on victims in their report. However, this group also refers to the criminals who are involved in human trafficking. An interesting finding for this group is that criminals are discussed more by this interest group than any of the other groups studied. Additionally, this group presents a blurred line between who is a victim and who is a criminal and this is a departure from the media reports that will be discussed in Chapter 4 of this thesis. This group also refers to SES, gender, age and ethnicity-related terms.

The Victims of Violence made indirect references to SES throughout the report. The group often made clear connections between being from a low social SES and becoming a victim of human trafficking (sexual and labour). The group described the victims as being “poor” (mentioned once) and the group also stated that unemployment (mentioned once) and poverty (mentioned once) contribute to an individual becoming a victim. Another reference to SES was when certain groups were mentioned: exotic dancers (twice) and low-skilled labourers (once). As mentioned in previous sections, these groups are disproportionately comprised of individuals from lower SES backgrounds. Lastly, interestingly this group makes references to aboriginals being more vulnerable to becoming trafficking victims because of the group’s high rates of poverty. This finding highlights the role of intersectionality (ethnicity and SES intersecting and this develops into more oppression for this group).

The Victims of Violence group also made indirect references to gender. The victims in this group’s report on human trafficking were often specifically noted as females (twenty-one

times) and girls (seven times). In addition, the group provided examples of human trafficking victims and all three examples were females being trafficked. Males were not excluded as victims, but this group stated that the victims were “usually female” (Victims of Violence, 2012: 2). Men were described as the perpetrators, usually as clients and as traffickers. Interestingly, however, females were mentioned as the perpetrators as well: “the majority of recruiters are females and were often, at one point in time, sex workers themselves” (*ibid.*: 3). Further, according to this group, the number of female perpetrators of human trafficking has been growing in recent years (*ibid.*). The group’s frame of both genders being the perpetrators of human trafficking is a departure from the media coverage of this issue, examined in Chapter 4 of this thesis. The newspaper articles examined portrayed the criminals as males and victims as females and this is based on heteronormative ideas associated with the commercial sex trade.

There were indirect references to “ethnicity” by this group. The group referenced “human trafficking victims” fifteen times and this group coming into Canada is disproportionately of a foreign ethnicity. As stated previously, according to the CIC, 59% percent of the suspected victims of trafficking coming into Canada between May 2006 and November 2008 were from Asia (Perrin, 2010: 33). Further, 33% percent were from Central and Eastern Europe, 4% from Africa, and 4% from the Americas (*ibid.*). Thus, when this group makes references to victims of human trafficking, they are making indirect references to ethnicity. The group also made statements regarding domestic human trafficking victims and also how aboriginal women are more likely than other Canadians to become human trafficking victims.

This socio-political group did not specifically state the word “age”; however, the group made clear links between age and victim status. There were frequent references to young people

being human trafficking victims and this is indicated by the following terms that were used in the report: “young beautiful women” (mentioned once); “young person” (mentioned once); “children” (mentioned twice); and “aboriginal girls” (mentioned once). It is apparent that the group views human trafficking as an issue that affects children; however, it also appears that this group sees this issue as affecting young females more than young males.

The Victims of Violence group referenced victims and criminals directly and indirectly in their report on human trafficking in Canada. The direct terms that were used to mention the victims included: “victims” (fifteen times); “poor victims” (once); females as victims (twenty-one times); and vulnerable immigrants (once). This group does indirectly reference that the victims are usually female and are of a foreign ethnicity by continuously using terms such as “sexual trafficking” and “exotic dancers”, due to these groups being disproportionately comprised of females and individuals of a foreign ethnicity. The group made an interesting statement with regards to the victimization that is involved in the trafficking of persons: not only are the individuals that are trafficked victimized, the family members of the victims are victimized as well (Victims of Violence, 2012: 3). Stating that family members are also victims is a departure from the media and the other socio-political groups examined in this thesis.

The terms that were used to describe the criminals involved in human trafficking included: “traffickers” (nineteen times); “pimps” (seven times); and “recruiters” (referenced five times). This group included new information on the criminals involved in human trafficking: both males and females can be traffickers and recruiters (Victims of Violence, 2012: 3). The group further stated that female perpetrators were usually victims themselves and the only way they could get themselves out of being trafficked was to become traffickers themselves. Thus,

this group has a frame that the victims and criminals are not distinct as well as both genders can be the perpetrators; this is a departure from the other groups examined.

### *The Canadian Red Cross*

The Canadian Red Cross primarily focuses on the victims associated with this Act; however, vague terms are used in relation to the description of the victims and the criminals. Gender and ethnicity-related terms are used when referencing the victims. The Canadian Red Cross did not talk about issues of SES either directly or indirectly in their press release. This finding possibly can be attributed to the vague terms used to describe the victims in this document. Vague terms used included: “vulnerable people (once), “victims” (once), “the vulnerable” (once), and “vulnerable immigrants” (once).

This group did talk about issues of gender indirectly in their press release. The title of the press release used a gendered phrase and it was: “sexual exploitation, including trafficking.”<sup>21</sup> The phrase indirectly references gender, because victims of sexual exploitation, including trafficking, are predominately female. Citizenship and Immigration Canada (CIC) found that 74% of suspected victims of human trafficking (including both sexual exploitation and forced labour) between May 2006 and November 2008 were women (Perrin, 2010: 33). Thus, this group is indirectly stating that this law will help protect vulnerable women from exploitation and trafficking.

Although the Canadian Red Cross did not directly reference “ethnicity”, the group did indirectly reference “ethnicity”. The group indirectly referenced ethnicity by stating that “vulnerable people” and “vulnerable immigrants” will be protected by this legislation from

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<sup>21</sup> The use of the word “trafficking” was stated in relation to the term “sexual exploitation”; thus, we can assume that the word “trafficking” is referring to “sex trafficking”.

exploitation, abuse, and trafficking. Again, according to the CIC, 59% percent of the suspected victims of trafficking coming into Canada between May 2006 and November 2008 were from Asia (Perrin, 2010: 33). Further, 33% percent were from Central and Eastern Europe, 4% from Africa, and 4% from the Americas (*ibid.*). Thus, there is an ethnic component to the “vulnerable people” and “vulnerable immigrants” that are being referred to and also, there is an ethnic component to who is protected by this legislation.

The Canadian Red Cross both directly and indirectly referred to the victims that will be protected by this law. The direct terms used to describe the victims were somewhat vague. The terms used included: “victims of crime” (once); “vulnerable people” (once); “the vulnerable” (once); and “vulnerable immigrants” (once). As stated previously, however, this group does indirectly reference that the victims are female and are of a foreign ethnicity by using terms such as “sexual exploitation” and “trafficking”. Criminals were directly referenced in relation to this legislation in the press release, although it was only once and in vague terms. The words used to describe the criminals were “those who prey on the vulnerable”. After reviewing the data, it is clear that this socio-political group is focusing more on the victims that will be protected by this legislation instead of focusing on those who commit the crimes being referenced.

#### *The Canadian Council for Refugees*

The Canadian Council for Refugees discussed both the victims and criminals that are targeted by this legislation. In fact, this group blurred the line between the victim and criminal binary, as they state that victims that are targeted by this Act may actually be treated like criminals. Women are described as being the targets of this legislation. However, this group also mentions that men could be victims as well. SES, gender, age and ethnicity-related terms are all referenced throughout the Canadian Council’s documents.

The Canadian Council for Refugees talked about issues of social SES indirectly. The indirect references included: “exotic dancers” (once); “strippers” (once); “low-skilled workers” (once); “non-citizens” (once); “temporary foreign workers” (twice) and “women intending to work in businesses linked to the sex trade, including strip clubs, escort services and massage parlours” (once). As stated previously, these groups of individuals usually come from a lower social SES and this contributes to their vulnerable status. An interesting finding is that unlike other socio-political groups studied and the media, this group mentions a new category of persons that are affected by this law: “non-citizens”. The group states that non-citizens (those who do not have a valid work permit) are the most vulnerable group. The mentioning of non-citizens is an indirect reference to SES because it is most likely that these individuals who do not have work permits come from the low-skilled worker category and do not come from the professional category. In conclusion, it appears that this socio-political group considers SES to be a factor in the new legislation due to their many indirect references to SES.

There is a gendering of who this group thinks is being targeted by this legislation. The statements referenced “women” (eleven times), “woman” (one time), and “men” (one time). This group clearly feels that women are being targeted by this legislation: “the bill proposes to address the problem of exploitation by excluding people, mostly women, from Canada. It is demeaning for women to have a visa officer decide that they should be kept out of Canada for their own protection” (Canadian Council for Refugees, 2011). The group appears to believe that this legislation will negatively affect women and expose them to more vulnerability. It should be noted that this group does not exclude men from being potential targets of this legislation and this is clear by the group using the terms “men” (once) and “mostly women” (twice). Lastly,

exotic dancers, strippers, and sex-related workers were mentioned in the group's statements and these are gendered terms.

Ethnicity was not directly discussed in these press releases; however, ethnicity was indirectly referenced in this group's statements. The group mentioned "exotic dancers", "strippers" and "low-skilled workers" in their statements and these terms have an ethnic component, as stated previously. An interesting finding was that this group was very neutral when reporting on ethnicity and they often used terms such as "non-citizens", "people" and "workers". As this group aims to advocate refugees (who come from a variety of racial backgrounds), they may have been particularly sensitive to using racial terms and are cognizant of this when drafting their statements.

The word "age" was not explicitly used by this group; however, "age" was indirectly referenced. The group mentioned "children" twice. The use of this term twice indicates that this group considers that children are affected by this legislation, but are not as affected as women (who are referred to much more often). Further, "children" is a gender neutral term and this indicates that this group considers both genders at this age to be equally vulnerable.

The Canadian Council for Refugees directly and indirectly referenced both "criminals" and "victims". The group directly mentioned "criminals" (twice) and "victims" (once). There were many indirect references to who the victims are and these references were: "exotic dancers", "strippers", "low-skilled workers", "women", "non-citizens", "trafficked persons", "workers", "children", "men", and "temporary foreign workers". The group also made an indirect reference to criminals and this was when there was discussion of the employers of temporary foreign workers:

the amendment does not address the root problem of the existence in Canada of jobs that exploit workers and does not include measures that ensure that work



conditions for foreign workers in Canada are non-exploitative and safe, including mandatory monitoring of employers and work permits that are not employer-specific (Canadian Council for Refugees, 2012).

The group appears to feel that the government is not focusing on all criminals, but only the criminals who commit sex trafficking and sex-related offences and not forced labor offences.

The group made an interesting comment with regards to victims and criminals in relation to this law: “detained and deported, [the individuals being aimed by this legislation] may be treated more as criminals than as victims of a crime” (Canadian Council for Refugees, 2011).

This group believes that this law will actually treat those who are victims of human trafficking as criminals. The belief that there is not a clear distinction between victims and criminals is a departure from the media coverage studied in Chapter 4 and the frames of the other groups discussed in this chapter. In conclusion, there appears to be a more balanced focus by this group on criminals and victims compared to the other groups studied.

### *The Canadian Bar Association*

The Canadian Bar Association (CBA) discusses both the victims and criminals associated with this Act; however, victims are discussed more frequently. This group is gender neutral when discussing the victims and criminals, however, human trafficking victims and exotic dancers are discussed more often in this group’s report and this indicates indirect references to gender.

The CBA made indirect references to SES in their submission on this Act. There are references in the submission to the various groups that the law is stated to protect and the groups the law may also protect. The groups referenced include: low-skilled laborers (three times); victims of human trafficking (nine times); exotic dancers (eight times); live-in caregivers (once); store clerks (once); hotel clerks (once); and agricultural workers (once). As mentioned in

previous sections, individuals comprising these groups often come from lower SES backgrounds. Thus, when the CBA includes these groups into their dialogue about this law, they are indirectly referencing SES.

The word “gender” was not directly stated in this group’s submission on Bill C-10; however, there were some indirect references to gender. Unlike other socio-political groups that were examined in this thesis, this group did not state a specific gender when discussing the law under review. Many groups examined often referred to “women” as the group that will be or will not be protected by this law; this group instead used gender neutral terms. The CBA’s submission, however, did indirectly reference gender when they used terms such as “exotic dancers” and “strippers”.

This group also alluded to issues of ethnicity. The group mentioned certain terms that indirectly referenced ethnicity and they were: “foreign nationals” (six times), “foreign workers” (three times), “exotic dancers” (six times), “strippers” (two times) and “low-skilled workers” (one time). These terms have an ethnic component because the individuals who comprise these groups are disproportionately of foreign ethnicities, as stated in previous sections.

The CBA directly and indirectly referenced victims and criminals in their submission on the *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act*. The words “victim” and “criminal” was reported twice each. Criminals were indirectly referenced once in the following quote: “the focus should instead be on ensuring that work conditions for newcomers in Canada are appropriate, safe and non-exploitative, and ensuring that our criminal laws are strictly enforced against those who exploit trafficked and other vulnerable persons” (CBA, 2011). The CBA indirectly referenced the victims associated with the legislation

frequently (eighteen times) and this is consistent with the victim-centered approach seen in the other socio-political groups examined.

### *The Adult Entertainment Association*

The Adult Entertainment Association of Canada primarily discusses exotic dancers when referencing this Act. This group is a departure from other interest groups, as they state that exotic dancers are not victims. Further, this group states that the exotic dancing industry is often labeled as criminal by elected officials and the media and that this is not a true depiction of the nature of exotic dancing. This group uses SES, gender, age and ethnicity-related terms when discussing the Act.

The Adult Entertainment Association of Canada only discusses exotic dancers in relation to the law under review. Only discussing exotic dancers suggests that this group views this law from the frame of the adult entertainment industry and further, they view this law as directly targeting exotic dancers. By this group referencing exotic dancers in relation to this law, this group is indirectly referencing SES. As stated in previous sections, exotic dancers disproportionately come from lower SES backgrounds and this contributes to their vulnerability to exploitation.

The group referenced gender when they mentioned “exotic dancers” because the group of exotic dancers is comprised mainly of females, as stated previously. However, it is clear that women are primarily considered to be the exotic dancers by this group, as “women” was stated fifty-two times and “men” was stated only once in the brief when discussing exotic dancers. The group also referenced “gender” when they stated that men are primarily the patrons of the club and that female patronage is increasing (Lambrinos, 2008: 6). The inclusion of females as the patrons in strip clubs is a departure from the way that the media covers this issue, which is

discussed in more detail in Chapter 4, as the media only referred to males as being the patrons in the strip clubs.

This group used terms such as “foreign women” (7 times); “temporary foreign workers” (twice); “foreign industry workers” (once), “foreigners” (twice); and “foreign adult entertainers” (11 times). While these terms are not directly racial, the term “foreign” is ethnicity-related and this was previously stated in earlier sections of the thesis. Further, the term “exotic dancers” was often mentioned in the brief. The term “exotic dancer” is also related to ethnicity, as the individuals who are coming to work as exotic dancers are often of a foreign ethnicity (usually of Eastern European ethnicity) (Perrin, 2010: 43).

The Adult Entertainment Association did not directly or indirectly reference age in relation to the law under review. The group did, however, state that “most of the women applying for exotic dance entertainer work visas in Canada are young women in their 20’s” (Lambrinos, 2008: 10). On the group’s main webpage, they also mentioned that they strive to make sure that underage girls do not work in the industry. This further suggests that this group holds the view, or they think the public holds the view, that exotic dancers are often young individuals.

This socio-political group did not directly reference the victims and the criminals in relation to the law under review. The group, however, indirectly states that exotic dancers are not the victims that the law makes them out to be:

at our public meeting consultation process, many women found [Bill C-17] to be extremely ignorant and offensive to them and several women took personal issue and strongly and vehemently disputed them, publicly. Women in the industry do not agree that their work is degrading or humiliating to them (Lambrinos, 2008: 3).

This group appears to hold the view that the legislation is not correct in stating that exotic dancers are vulnerable to become humiliated or degraded and thus, they oppose the idea that exotic dancers are victims.

The group did reference “criminals” in their brief, but it was not stated in direct relation to the law. According to this group, “several elected officials made public statements to the media that suggested and insinuated that the exotic dance entertainment industry is predominantly made up of criminals, suggesting persons in the industry aren’t at all ‘law abiding’” (Lambrinos, 2008: 3). This group argues that individuals involved in the adult entertainment industry are often labelled as criminals by elected officials and the media.

## GOVERNMENT RESPONSE TO INTEREST GROUPS

The interest groups discussed in this section had a diverse set of views of this legislation. In addition to the diversity of their views, they were also differentially influential in shaping government policy. One way to assess the impact of these groups on government policy is to assess which groups were referred to by governmental insiders in debates and referenced in governmental documents on the law under review.

### Interests Groups Discussed by Government Insiders

The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* was first introduced in Bill C-57 and later in Bill C-17. A Parliament document created on June 5, 2007 and later revised on November 2, 2007 outlined the background information as to why this particular Bill was developed. The commentary section lists socio-political groups who support and oppose the Bill.

A socio-political group that was specifically listed as supporting the Bill and that was included in this study was the Future Group. The document did not go into depth as to why this group supported the Bill, but, after analysis in this thesis, it was found that the Future Group believes that this legislation will protect vulnerable foreign workers, such as exotic dancers, who are vulnerable to exploitation and human trafficking. It is important to note that in the Future Group's statement on this Act they included a quote by MP Joy Smith and this quote was in support of this Act. Further, the group states that MP Joy Smith is a leading human trafficking abolitionist. MP Joy Smith is a supporter of this Act and she advocated for it in the House of Commons (openparliament, 2011:14). MP Smith is also a member of the Conservative Party of Canada, which was the majority party in Canada at the time this Act was introduced and passed. According to the political process model, the political structure at the time can determine why certain groups and certain perspectives have more political leverage than others. Since MP Smith was a member of the majority party in government, it can be argued that she has more bargaining power than other polity members. Thus, she most likely played an influential role in the development and content of this legislation. Also, since MP Smith and the Future Group have similar political interests (abolishing human trafficking), the Future Group most likely had access to this governmental insider and had an influence on the development and the content of this Act as well.

The socio-political groups who were listed as opposing this law in the background document were migrant and exotic dancer advocacy groups, including the Canadian Council for Refugees and the Adult Entertainment Association of Canada. The document went into great detail as to why these groups opposed this Act. However, it is apparent that these objections were not strongly considered, as the content of the policy did not change. This may be due to the

objections not being viewed by the majority or the objections by these groups opposed the status quo and the majority's interests. The majority's interests could lie in diverting attention away from labour exploitation, as this is a large group to protect and the government may have close ties to business organizations (interest groups). The Canadian Council for Refugees and the Adult Entertainment Association of Canada most likely are drawing attention to labour exploitation and this is likely why their objections are being ignored. These groups do not have the bargaining power to influence the content of the policy and thus they were left out of the policy process.

The Parliament document providing background information on this Act did not include any labour advocacy groups in the commentary discussion, even though this Act is purported to protect low-skilled workers. This suggests that either labour advocacy groups did not make a comment on this Act or these groups do not have access to political insiders and no bargaining power. Gozdziaik & Collett (2005) suggest that labour trafficking is not given as much attention as sex trafficking in the US, because of the close ties between business groups and the US government. A similar situation may be occurring in Canada; the Canadian government may have close ties to business organizations that benefit from lax regulations of employers who employ low-skilled workers. Thus, labour advocacy groups may not have the bargaining power because their message opposes the majority's (the Canadian government's) interests.

Before the Act under review was passed into law, there were debates in the House of Commons on this Act on November 30th, 2011. Government insiders, such as MP Joy Smith, discussed the importance of this Act, while others, such as MP Francoise Boivin, MP Alexandre Boulerice, and MP Bob Zimmer, expressed hesitations and concerns with the Act. MP Francoise Boivin, while expressing concern over the Act, cited the Canadian Bar Association in her

statement: “certainly, everyone is against the exploitation of foreign workers; however, the problem with the bill as it stands is that many of its provisions are too vague and leave a lot of things to the discretion of officers. This is what experts from...the Canadian Bar Association...said” (openparliament, 2011, p. 14).

MP Francoise Boivin, who is a member of the NDP, included the Canadian Bar Association in the discussion on this Act. MP Francoise Boivin and the Canadian Bar Association likely did not have an impact on the content of the Bill. In fact, the content of this legislation did not significantly change from this time to when the Act was passed into law. In order to understand this, we need to consider the political process model and account for the environmental factors, such as the political structure at the time, to determine why these challengers did not have political leverage. MP Boivin is a part of the NDP party and this party is not in the majority in government; therefore, this MP and this party had less bargaining power relative to other policy members that are in the majority party (the Conservative Party). Additionally, according to the political process model, because the Canadian Bar Association and their views threatened the status quo and the majority’s interests, it is possible that they were less influential.

After examining the interest groups that were discussed by government insiders, it appears that the groups that were listened to were groups that framed the issue of exploited migrants as a human trafficking problem with a particular focus on sexual exploitation. Further, the groups that appeared to be listened to had access to government insiders with similar interests and with significant bargaining power, due to the political environment at the time.

CONCLUSION



In this chapter I use the framing perspective, the political process model and the policy process to explain how interest groups play a role in the development and the construction of social policy. Further, I outline how selected Canadian socio-political groups framed their support for and opposition to this Act based on claims about SES, gender, age, ethnicity, victims and criminals. I found that the groups that had a positive perspective of this Act centered their claims on the victims that the Act aims to protect and the victims were primarily framed as women and girls. The groups that had a negative perspective of this Act primarily focused on the victims that the Act aims to protect, however, there was more attention to the exploitation of low-skilled workers. The groups opposed to the Act portrayed the victims as primarily women, which was consistent with the framing of the positive groups. The interest groups that appeared to be listened to by government insiders were the groups that similarly framed the issue of exploited migrants as a human trafficking problem with a particular emphasis on sexual exploitation. Thus, these groups were consistent with the status quo and the majority's political interests. This section will discuss the heteronormative understandings of human trafficking and intersectionality found the ways that the interest groups discussed the Act.

The findings of this study indicate that most of the interest groups studied discuss the victims and criminals associated with this Act based on heteronormative ideas that surround the commercial sex trade, "where sexual exchange is always heterosexual and where girls or women are always the seller and the buyer always male" (Robertson & Sgoutas, 2012: 426). Thus, the interest groups studied tended to over-identify the victims of human trafficking as females and the perpetrators as males because of the normative idea of women always being the seller of sex and men always being the buyer of sex. There were some interest groups, however, that did not follow this heteronormative understanding. Although females were primarily framed as the

victims that the Act aims to protect and males were primarily framed as the perpetrators, some interest groups stated that females can be victims and perpetrators and males can be both victims and perpetrators. Further, some groups blurred the lines between the victims and criminals involved in human trafficking. What I mean by this is that some individuals who are initially victims of human trafficking may become the perpetrators and this was stated by the Victims of Violence Canada. Additionally, the Canadian Council for Refugees stated that some victims may be treated as criminals based on how the Act is structured. The victim/criminal binary that is portrayed by the media in Chapter 4 of this thesis is not as readily seen in the interest groups' portrayals of the victims and criminals of human trafficking.

How the interest groups portrayed the victims of human trafficking indicates that intersectionality plays a role in how these groups view who is vulnerable to becoming a victim of exploitation. Intersectionality “articulates the oppressions faced by the ‘multiply minoritized’ (Vidal-Ortiz 2006), those marginalized by their [age], sex, gender, sexuality, ethnicity, SES, and national identities” (Robertson & Sgoutas, 2012: 421). Interest groups primarily portrayed the victims of human trafficking as young, foreign, females who come from disadvantaged backgrounds. Thus, age, foreign ethnicity, gender, and SES are being intersected by these groups to construct who is most likely to become vulnerable to exploitation, due to their multiplied marginalized status. The issue of intersectionality will be discussed in more detail in the following chapters.

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## CHAPTER FOUR

### THE ROLE OF THE MEDIA: FRAMING VICTIMS AND CRIMINALS IN THE “ACT”

#### INTRODUCTION

Over the last decade, human trafficking has become front-page news in Canadian media. Headlines, such as the following, highlight the salience of this issue: “Human traffickers exploit system” (Sanders, 2010); “National attack needed on human traffickers; System subversive, highly organized in Canada” (Shearon, 2009); and “Human traffickers in Canada prey on youth” (Pemberton, 2010). As is evident in these newspaper headlines, there is a focus on exploitation and both the victims and perpetrators involved in this crime. This coverage, and the resulting increased level of public awareness of human trafficking in Canada, could be part of what created the political pressure on the Canadian government to create a policy to deal with this issue. A recent move in the fight against human trafficking is the amendment to the *Immigration and Refugee Protection Act*.

The purpose of this chapter is to examine how the Canadian media covered this Act. In particular, I examine how Canadian newspapers portray SES, gender, age, and ethnicity differences in victims and criminals in relation to the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrant Act*.

#### LITERATURE REVIEW

In order to understand how SES, ethnicity, gender, and age are represented in media coverage of this Act, I draw upon literature on the framing perspective and the media. I also compare the research conducted on media coverage of human trafficking in Canada and the US to assess whether there are similarities or differences between Canadian and American media

coverage of human trafficking victims and criminals. Most research on this topic has been conducted in the US and research on the victim and criminal discourse found within the Canadian media on human trafficking is limited. Therefore, it is not concretely known whether there are similar or dissimilar media discourses occurring in Canada. This study will attempt to fill in the gap.

### The Influence of the Media

Media attention to and framing of a problem can greatly affect how the public interprets and how policymakers respond to social problems (Entman, 2006; Farrell & Fahy, 2009). The media can shape public opinion across a variety of issues, but may be particularly influential in shaping public opinion on issues of crime. This is because “for most people, the mass media serves as the basic source of information on crime and crime control policies” (Farrell & Fahy, 2009; Potter & Kappeler, 1998). Since the majority of the public does not have any professional knowledge of crime or have any experiences with crime, it is not surprising that the media plays an important role in influencing and shaping public opinion about crime and in this case, human trafficking (Farrell & Fahy, 2009). Farrell & Fahy (2009) state “according to public surveys, an overwhelming majority of the general US population (upwards of 95 percent) gets their primary information about crime and criminal problems from the mass media” (Surette, 1992). Thus, the media has a large influence on how the public views, and how they respond to, certain criminal problems.

The media also provides a vehicle for anti-trafficking stakeholders to convey messages to the public and legitimize particular ways of understanding the issue of human trafficking (Farrell & Fahy, 2009). Further, the events that are reported by the media can be framed, or described, in ways that highlight perspectives of certain groups and can develop more or less public sympathy

for a social issue (McCarthy, McPhail & Smith, 1996: 479). Media representations of human trafficking often reflect how policymakers view this issue and how they propose to combat the problem (Gulati, 2011). Thus, the media can legitimize the viewpoints of policymakers to the mass public, while silencing other competing views; this filtering can then shape public opinion and can influence the construction of anti-trafficking policy (*ibid.*).

### Media and Framing

The media has a large influence on how various social issues, such as the issue of exploited migrants, are understood. Media outlets, from newspapers to television news and Internet sites, are not able to cover all events and issues. Because of this, they must select which issues and events to cover and how they will describe these events. The media “gives a story a ‘spin’, ... taking into account their organizational and modality constraints, professional judgments, and certain judgments about the audience” (Neuman, Just, & Crigler, 1992: 120). The external factors that media sources take into account can develop into the media having selection and/or description biases when reporting on issues (McCarthy, McPhail & Smith, 1996: 479).

One of the factors that media outlets take into account when deciding which issues to cover and how they will talk about these issues, are concerns with the marketability and interest that a story will create. Media sources (newspapers, TV news reports, Internet resources, magazines, and so on) are businesses that are, by nature, concerned with making a profit. In order to achieve higher profits, the media often report more sensationalized stories because they grab the attention of the public. For example, with regards to this case study, media sources focus more on sex trafficking than other forms of human exploitation, such as labour exploitation

and human smuggling (Denton, 2010: 20).<sup>22</sup> The reporting of sex trafficking news stories rather than labour exploitation stories is possibly due to the public's higher level of interest in the former topic (Gulati, 2010: 376). The literature suggests that emphasizing sex trafficking in the media may distort public understanding of the amount and reality of human trafficking in society (Denton, 2010: 12; Gulati, 2010: 364).

The way the media frames a story can affect how the public interprets and understands the social issue and further, how much sympathy the public has for different groups. Selective media coverage of social issues can, therefore, impact public opinion (Denton, 2010: 12; Gulati, 2010: 364). And, we know that public opinion can impact the development of public policy (Denton: 12; Gulati: 364.) such as the legislation under review and its final content. This study will examine the media frames that are presented in different Canadian media sources.

### Human Trafficking Frames

There is a body of literature that examines the portrayals of victims and perpetrators involved in human trafficking (Bruckert & Parent, 2002; Buckland, 2008; Denton, 2010; Farrell & Fahy, 2009; Marchionni, 2012). In this section I examine the research on the American and Canadian media's framing of the victims and perpetrators involved in human trafficking. The purpose of outlining both American and Canadian media frames is to allow for comparisons between the media coverage of this issue in the two countries in order to see if there are similarities or differences.

### *SES, Gender, Ethnicity, and Age Differentiation in Victims and Criminals in the US Media*

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<sup>22</sup> Denton (2010) found that most cases of human trafficking involved males being smuggled into a destination country without force or coercion (21).

This section will examine past research on the American media and the framing of human trafficking. The findings discussed here will be compared to past Canadian research as well as to the findings of the present study, which is focused on Canadian media coverage.

Gulati (2011) examined coverage of the issue of human trafficking in two American newspapers (*The Washington Post* and *The New York Times*) between 1980 and 2006. She found that the newspaper articles referred both to the victims and the criminals involved in human trafficking (Gulati, 2011: 371). The victims were referred to slightly more than the criminals; the victims were mentioned in 15% of the articles whereas criminals were mentioned in 10% of the articles (*ibid.*). When the media coverage was focused on the criminals involved, it often mentioned criminals in relation to organized crime networks (*ibid.*: 375). Gulati finds that 36% of the media-initiated articles cited poverty as being a cause of human trafficking (*ibid.*: 373-374). Thus, there are links being made in the American media between poverty and the actors involved in this crime.

Marchionni (2012) also examined the media framing of human trafficking in *The Washington Post* and *The New York Times*. This study found that “in both US papers... sex trafficking amounted to more than half of all trafficking stories, the only other category with significant numbers being ‘non-specific’” (*ibid.*: 155). Also, in the US papers, labour trafficking, a major form of human trafficking, was given little attention in the articles examined (*ibid.*). Gozdzia & Collett (2005) argue that “the limited focus on trafficking for labour can be attributed to the close ties of the current US administration to the business community. The administration is reluctant to commission studies that would investigate its greatest ally and supporter” (117).



In another study on media framing of human trafficking, Farrell & Fahy (2009) examined American newspaper articles and specifically coded for how the articles framed the human trafficking problem (618). The study found that during the mid-1990s,

human trafficking was largely framed as a women's human rights problem. News coverage focused primarily on the trafficking of women and girls for commercial sex...News reports about trafficking during this period were nearly always about sex trafficking; labor trafficking or the trafficking of men or boys was virtually nonexistent (*ibid.*: 620).

Also in this time period, the major groups characterized as victims of trafficking were children and “young, White women from the former Soviet Union” (*ibid.*). Further, the media often made links between human trafficking and poverty. Farrell & Fahy found that the depictions of women and children as being the likely victims of human trafficking continued into the years 2000-2002 (*ibid.*:621). Victims in this time period were depicted as being primarily foreign, even though US legislation includes domestic victims in its scope (*ibid.*: 622). Farrell & Fahy (2009) found that the articles on labour exploitation increased in 2000; however, there were still more articles on sexual exploitation. By 2000, there was a large focus on the traffickers and these actors were often described as being foreigners and organized criminals from Eastern Europe and Southeast Asia (*ibid.*: 622). Thus, victims and criminals were discussed in relation to gender, age, ethnicity, and SES by the US media.

#### *SES, Gender, Ethnicity, and Age Differentiation in Victims and Criminals in the Canadian Media*

Research on how the Canadian media frames the victims and perpetrators involved in human trafficking is limited. The findings from this study can contribute to this body of literature that is currently limited. There is one study conducted in Canada that can form the basis of our understanding of Canadian media coverage of human trafficking.

Bruckert & Parent (2002) examined Canadian newspaper and magazine coverage of human trafficking between 1994 and 2002. The study found that the Canadian media reported on both human trafficking victims and perpetrators. Bruckert & Parent (2002) found that “in general, the media coverage in Canada to this point has been focused on trafficking in women for the purposes of prostitution” (21) and that a number of the articles examined “refer[red] to the experiences of Asian women working in the sex trade in Canada” (20). Thus, the Canadian media often discussed human trafficking victims as being female and of a foreign ethnicity. The study found that the perpetrators of human trafficking were often described as criminal groups, criminal networks, sophisticated networks, and organized crime (*ibid.*: 20-21).

## DATA

The data used in this chapter are newspaper articles. I examine twenty-six newspaper articles from three Canadian newspapers. The articles selected are published between May 2007 (before the Bill was first introduced) and August 2012 (after the final Bill passed in March 2012). The Canadian newspapers used are: *The Globe and Mail*, *The Toronto Star*, and *The Montreal Gazette*.<sup>23</sup> The newspaper articles used in this study are listed in Appendix 3.

## METHODS

I conduct a content analysis of the articles collected. All articles are retrieved from the *LexisNexis Academic* database. The articles selected are published between May 2007 (before the Bill was first introduced) and August 2012 (after the final Bill passed in March 2012) and are published in either the *Toronto Star*, *The Globe and Mail* or *The Montreal Gazette*. These specific newspapers were selected because they all have large circulations and, in combination,

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<sup>23</sup> Information on these newspapers is provided in the Methods section.

they reach a large portion of Canadians. *The Globe and Mail* is based in Toronto, Ontario and was founded in 1844 (Wikipedia, 2013). This paper is widely circulated throughout Canada; the weekly circulation in 2011 was 1,906,336 (*ibid.*). The *Toronto Star* is also based in Toronto, Ontario, but it is mostly circulated throughout Ontario. The paper was founded in 1892 and it is the largest daily newspaper in Canada (The Toronto Star, 2012). The *Star's* weekly circulation in 2011 was 1,932,385 (Wikipedia, 2013). *The Gazette* is based in Montreal, Quebec and is one of the oldest newspapers in North America (it was founded in 1778) (The Montreal Gazette, 2012). *The Montreal Gazette's* weekly circulation in 2011 was 806,122 (Wikipedia, 2013).

The codes for this chapter are constructed to answer the research question of how the media frames the victims and criminals in relation to the Act. The codes used in this analysis are the same as those used to understand the Act in Chapter 2. The coding schema is outlined in Table 4.1 and the coding was conducted using Nvivo software for qualitative data analysis.

Content analysis is a useful method for studying how the media frames the victims and criminals in relation to this *Act* because it allows us to examine how the media covered this issue over time and across Canada. Being able to analyze newspaper articles written over time allows us to assess if there has been a change in how the media characterized this Act at its beginning stages and when it became law. Also, examining documents developed in different locals (nationally and across provinces) allows us to assess whether or not different media sources viewed the Act differently and thus report on it differently. This method of study is also useful because there is a wide variety of documents (newspaper articles) available to use to study media frames. Lastly, as the media is an important avenue through which the public learns about social issues, such as new laws, content analysis of media frames allows us to examine how the public came to understand the Act and human trafficking victims and criminals in Canada.

Table 4.1 Construction of Codes (organized by category).

Category	Codes
The Act	-The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act; The amendment to the Immigration and Refugee Protection Act; The amendment to the IRPA; Bill C- 10; Bill C-57; Bill C-17; Bill C-45; Bill C-56
Victims and Criminals	-victim[s]; criminal[s]; crime[s]; abuse; assault[s]; sexual assault[s]; exploitation; sexual exploitation
SES	- poor; poverty; wealthy; rich; middle class
Gender	- men; male[s]; women; female[s]; boy[s]; girl[s]
Age	- young; child; children; teenager[s]; young adult[s]; adult[s]; middle-aged; old; senior[s]; student[s]
Ethnicity	- foreign; foreigner[s]; Canadian citizen[s]; Eastern European[s]; European[s]; Asian[s]; Mexican[s]; Hispanic[s]; African American[s]; visible minority; visible minorities; and other words that relate to ethnicity (for example, 'Romanian').

## FINDINGS

Earlier in this chapter, I outlined the existing research on the US and Canadian media's media framing of human trafficking victims and criminals. This section will add to this literature and report on how Canadian newspapers (*The Globe and Mail*, *The Toronto Star*, and *The Montreal Gazette*) portray SES, gender, age, and ethnicity differences in victims and criminals in relation to this specific Act from 2007 to 2012.

I find that Canadian newspapers heavily focus on the potential victims that will be affected by this law. Some groups are particularly emphasized in the media coverage; for example, exotic dancers are referred to 158 times while low-skilled workers are only referred to 12 times. The media heavily focused on foreign exotic dancers and their high risk of becoming sexual exploited once they enter Canada through worker visas. The media also frames the victims of the Act as being young and exotic. The perpetrators of human trafficking were always framed as being males, but, in general, there were very vague descriptions of criminals. Just as the Act itself does not focus on who perpetrates human trafficking (as discussed in Chapter 2), the media coverage of the Act is centered on the victims, not the perpetrators.

### *SES*

None of the articles examined specifically use the word 'SES'; however, there are statements made in the articles that indirectly reference SES. The media reports focus on some of the groups that are being targeted by the legislation much more than others. The groups that were intended to be targeted by the Act are: exotic dancers; low-skilled workers; and potential human trafficking victims (Department of Justice, 2011). With the exception of potential human trafficking victims, the other two groups being targeted by this legislation are disproportionately of low social SES and the media emphasizes how this can contribute to their vulnerability to

abuse and exploitation (Perrin, 2010). In fact, low-skilled labour is by definition working SES (Maxwell, 2006). A 2012 *Montreal Gazette* article quotes the RCMP and their statement about groups who are vulnerable to becoming forced into the sex trade and says that “victims have been found in vulnerable populations...those who are socially and economically challenged” (Curran, 2012). This quote demonstrates a clear connection being made in the media between SES and becoming a victim of exploitation.

The media also heavily reported on exotic dancers and their need to be protected. The examined articles referenced “exotic dancers” 158 times, whereas the articles referenced “low-skilled workers” only 12 times and “human trafficking victims” only 32 times. Thus, in the media, there is a disproportionate focus on protecting exotic dancers compared to the other groups that were supposed to be targeted by the Act. It should be noted as well that low-skilled workers are rarely mentioned in the articles reporting on this legislation. This is, in part, significant because of how these different occupations are gendered. The low-skilled worker group is more gender balanced, whereas the exotic dancer group is comprised mainly of females. This suggests that the legislation, as reported by the media, is both making references to gender and SES.

### *Gender*

While “gender” is not specifically referred to in the media coverage of this Act, the articles from all three newspapers often use gendered terms throughout the reporting of the legislation under review. Additionally, a significant number of articles made a clear connection between gender and victimization.

A substantial number of the articles report on how the new legislation aims to protect exotic dancers (or strippers). Further, there are many articles that report how this group needs to

be protected because of the links between exotic dancing and sexual exploitation (e.g. human trafficking, prostitution, and abusive treatment). A 2007 *Globe and Mail* article quotes Tim Vail, the press secretary at the time for the Citizenship and Immigration Minister, who clearly shows these links: “the bill was drafted specifically to protect [against] the exploitation of foreign workers coming in and strippers were cited as one of the predominant industries where that happens” (Nixon, 2007). As stated previously, the exotic dancer group is primarily comprised of women and the media reflects this, as women are referred to as being the exotic dancers or as the individuals who are vulnerable to eventually become involved in sex-related businesses. A *Toronto Star* article emphasizes this: “women are shipped in and out of Canada by transnational prostitution rings... Foreign workers are lured to Canada with the promise of legitimate jobs but the women are then forced to work in brothels” (The Toronto Star, 2012). It should be noted that there are also gender-neutral statements made about victims; however, men are never mentioned as being potential victims and only one article mentioned “boys”<sup>24</sup> as being potential victims (Curran, 2012).

The media only rarely specifies who the criminals are in relation to the law, even though women are specifically referenced as the victims. An example of this rare occurrence is a 2012 *Montreal Gazette* article that made a direct reference to men being the criminals: “it seems the government ha[s] finally discovered that foreign girls and women recruited to work as strippers [are] at particular risk of being exploited and mistreated by bad men” (Curran, 2012). The articles do more often make indirect references to the criminals who are involved in human trafficking. Men are specifically listed as the patrons of strip clubs and the receivers of the exotic dancers’ services. A 2007 article by the *Globe and Mail* depicts this when stating what

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<sup>24</sup> The term ““boys”” was referring to children, because in the same sentence girls and women were also mentioned as potential victims (Curran, 2012).

the writer heard in a strip club: “Come on fellas, put your hands together for Gia” (McGinn, 2007). There is a clear gendered distinction being made in the media between who is the entertainment and who is there to be entertained. It is also interesting to note that all of the strip club owners who are questioned by the media are men. As an example, a 2007 *Globe and Mail* article contains interviews with strip club owners that discuss the decline in profits, due to a shortage of foreign dancers and other factors: “In 2004, Mr. Koumoudouros had as many as 40 performers working for him at the House of Lancaster. Now, there are just 10” (McGinn, 2007). Thus, there also appears to be a gendered distinction between who is being “owned” and who is the “owner”. By the media stating that women are vulnerable in strip clubs (29 times) and men are the patrons (9 times) and the owners of the clubs (9 times) suggests that there is a gendering of who is the victim and who is the criminal in regards to this legislation.

### *Ethnicity*

The media reporting on the legislation under review did not specifically mention ‘ethnicity’; however, ethnicity-related terms are used when reporting on the legislation. The legislation targets foreigners who apply for work permits but may be at risk of being exploited once they come into Canada. Thus, the term “foreign[er]” is often mentioned in the media’s reporting on the legislation (mentioned 134 times).

While ethnicity was not mentioned when describing the foreigners coming into Canada, ethnicity was often referenced in the newspaper articles. Ethnicity was included when discussing the women who come into Canada to work as exotic dancers and some of the ethnicities mentioned included: Eastern European (six times); Asian (one time); and Latin American (one time). Foreign women are often in demand by strip clubs, because they look exotic. One strip club owner confirms this in a 2012 *Montreal Gazette* article: “the word exotic means foreign,



and that's what people want to see" (Curry, 2012). Thus, there is an ethnicity, and sometimes racial, component to exotic dancing. Again, exotic dancing is heavily emphasized by the media when referencing this legislation; therefore, as reported by the media, there appears to be an ethnic and racial component to who the policy aims to protect.

### *Age*

The articles examined did not specifically state the word 'age', however, there were various references to age throughout the articles. As previously stated, exotic dancers were the primary focus of the articles examined. The media sometimes reported the ages of the exotic dancers and the ages clustered around the mid-twenties (Ciarula Taylor, 2008; Curran, 2012; Kaliniwski, 2007; Popplewell, 2008). There was one article that mentioned how at-risk youth (boys and girls) were vulnerable to becoming involved in the sex trade (Curran, 2012). A few articles mentioned that the strip club owners were looking to recruit students from Canadian high schools and Canadian post-secondary schools, because the government was restricting the entry of foreign exotic dancers (The Toronto Star, 2012; The Montreal Gazette, 2012). The word "student" suggests that the individuals being targeted by strip clubs are of a younger age. Thus, the ages that are often being reported by the media suggest that younger individuals are being targeted and are being affected by the legislation.

### *Victims*

The media coverage tended to focus on the groups that the legislation aims to protect (i.e. the potential victims) instead of the criminals who commit the exploitation. There are three groups that the legislation aims to protect and they are: exotic dancers, low-skilled workers, and potential human trafficking victims (Department of Justice, 2011). The media tended to report almost exclusively on the group of exotic dancers who are said to be at risk of becoming exploited. Human trafficking victims were mentioned in the media, but usually it was when

referencing exotic dancers and their vulnerability to becoming trafficking victims. Low-skilled workers who worked in occupations other than exotic dancing were rarely mentioned of all the groups that were targeted by the legislation. As a result, their victimized status was not as clear compared to the other two groups.

Since exotic dancing was heavily emphasized in the examined media coverage, the typical victims the media discussed in relation to the legislation under review were exotic dancers. More specifically, it appeared that the typical victim described was a young, foreign (usually of an “exotic” ethnicity), exotic dancer. This finding suggests that there is an intersectional understanding in the media describes of the typical victim that the legislation aims to protect.

### *Criminals*

The newspaper articles examined heavily focused on who the policy primarily aims to protect (i.e. the victims). Criminals were often neglected in the reporting on the legislation in the media. When the media did mention criminals, it was often associated with media reporting on the backlash against the legislation resulting from what some people perceived as interference with the profits of exotic dancing businesses. Further, criminals were often described in vague terms such as “organized crime networks” (The Toronto Star, 2012), “pimps” (Curran, 2012), “offenders” (Chase, 2011) “gangs” (LeBlanc, 2008), “bad men” (Curran, 2012), “criminal groups” (Alphonso, 2008; LeBlanc, 2008; The Globe and Mail, 2008), and “organized criminals” (Alphonso, 2008). Lastly, an important finding, as stated in the gender section, was that men appear to be indirectly labeled as the criminals because they own the clubs and are the primary patrons. The media’s use of impersonal and vague terms to report about criminals is in stark contrast to how the media reports the victims, which often includes personal stories and specific

terms (e.g. victims' names). The use of personal stories and specific terms to describe the victims in relation to this Act may be because the victims of human trafficking are more likely to come forward to discuss the issue compared to the perpetrators of human trafficking.

## CONCLUSION

In the beginning of this chapter, I reviewed past research on American and Canadian media frames of human trafficking and how victims and criminals are portrayed in media coverage of this issue. I have also outlined the findings of this study on how the Canadian media frames this Act and how the victims and criminals are discussed. In this section, I compare the American and Canadian findings to determine whether there are similarities and/or differences between the two countries.

### *Victims*

After examining past research and the results of this study, there is an indication that human trafficking victims are framed similarly in the American and Canadian media. Farrell & Fahy (2009) and Marchionni (2012) examined American newspapers and both studies found that there is a larger emphasis on sex trafficking cases and less of an emphasis on labour trafficking cases in the media in the US. Bruckert & Parent (2002) and this study on the Act find a similar emphasis on sex trafficking in Canadian newspapers. As mentioned earlier in this chapter, Gozdziaak & Collett (2005) state that a reason for the lack of attention on labour exploitation is because of the close ties the US government has with business networks (117). Since there is a similar lack of media attention on labour trafficking in Canada, similar ties between the Canadian government and business networks (i.e. socio-political groups) in Canada may partly account for the media's selective framing of human trafficking.

Human trafficking victims were often framed in the American media as being young women from foreign countries (Farrell & Fahy, 2009). Further, Farrell & Fahy (2009) found that the American media hardly reported on men and boys as human trafficking victims. Similar victim representations were seen in the Canadian media. Bruckert & Parent (2002) found that victims were, in general, described as women and more specifically, the Canadian media reported on the experiences of Asian women (21). This study on the Act found that victims, in general, were portrayed by the Canadian media as young, foreign, females who are exotic dancers. In this study, men were never mentioned as the victims of human trafficking in the Canadian media but boys were mentioned (once) as the victims (Curran, 2012).

Both the American and Canadian media reported on how poverty is linked to the issue of human trafficking. Farrell & Fahy (2009) and Gulati (2011) both found that the American media made references to poverty as an important factor in human trafficking. This study on the Act found only one mention of victims being socially and economically disadvantaged in the Canadian media. It appears that the American media reported on poverty more than the Canadian media. To illustrate, Gulati (2011) found that 15.4% of the American articles she examined reported poverty as a cause of human trafficking (373). Nevertheless, victims of human trafficking are discussed using SES terms in both the American and Canadian media.

The American and Canadian media representations of human trafficking victims diverged when discussing the types of groups that are vulnerable to trafficking. This study found that in the Canadian media reporting on the Act under review, there was a substantial emphasis on exotic dancers as the victims of human trafficking. Research on the American media did not indicate such emphasis. A potential explanation for this finding is that the Act restricts temporary work permits for those who are considered at risk of being exploited and exotic

dancers fall under this category (according to the legislation). The Canadian media is reporting on the Act and this is likely why there is a much larger emphasis on exotic dancers in the Canadian media and not in the American media, which is mostly reporting on cases of human trafficking.

### *Criminals*

Both the American and Canadian media discussed the perpetrators of human trafficking. After examining past research in the US and in Canada, there appears to be both similarities and dissimilarities in how the two countries report on the criminals.

Research on the American media reported that the criminals were discussed using the following terms: organized crime networks (Gulati, 2011) and organized criminals (Farrell & Fahy, 2009). Bruckert & Parent (2002) found similar terms used to describe the criminals in their study on Canadian media and the reporting of human trafficking. They found that the following terms were used: criminal groups, criminal networks, sophisticated networks, and organized crime (20-21). The current study on how the Canadian media reports on the Act under review found that vague terms were often used to describe the offenders of human trafficking and these terms included: organized crime networks, pimps, offenders, gangs, bad men, criminal groups, and organized criminals. Thus, both the American and Canadian media use vague terms to describe the criminals that are involved in human trafficking. Another similarity in the American and Canadian media was that neither made references to age or SES when discussing the offenders of human trafficking.

A dissimilarity in the reporting of the criminals in the American and Canadian media was that the American media discussed the criminals as coming from Eastern Europe and Southeast Asia (Farrell & Fahy, 2009). Further, the media often depicted the criminals as being foreigners

(*ibid.*). The Canadian media examined in this study, however, did not make reference to ethnicity when discussing the criminals. Another difference found in the American and Canadian media was that this study on Canadian media coverage of the Act found direct references to men as being the criminals. The American media, as reported by the studies examined, did not make references that linked gender to the criminals involved.

### *Intersectionality & Heteronormative Understandings of Human Trafficking in Canadian Media*

The heteronormative understanding of commercial sex that is involved in US policies on sex trafficking, as argued by Robertson & Sgoutas (2012), is clearly pronounced in this study on how the media depicts the victims and criminals in relation to the Canadian legislation under review. Sex trafficking was a main emphasis of the newspaper articles that reported on this policy and the articles often discussed both the victims and criminals that were involved in this type of exploitation. The results of this study indicate that women are clearly labeled as the victims and the men are labeled as perpetrators in the media. These findings suggest that the media portrays the victims and criminals based on heteronormative ideas that surround the commercial sex trade, “where sexual exchange is always heterosexual and where girls or women are always the seller and the buyer always male” (Robertson & Sgoutas, 2012: 426). Because of these ideas of women always being the seller of sex and men always being the buyer of sex, there is a tendency to over-identify the victims of human trafficking as females and the perpetrators as males in policies and in the mass media (*ibid.*: 427). Over-identifying is problematic as policies are developed that exclude the experiences of men who are trafficking victims, females who are perpetrators, as well as those whose gender and sexuality is fluid (*ibid.*). This finding of the media demonstrating a heteronormative understanding of sex is a departure from Chapter 2, which found that the Canadian legislation did not show this

understanding in the portrayal of the victims and criminals. Women were portrayed as the victims by the Act but males were not portrayed as the perpetrators of human trafficking, thus not demonstrating a heteronormative focus.

The portrayal of human trafficking victims in the media also illustrates how intersectionality plays a role in how the media and the public views who is vulnerable to exploitation and more specifically, sexual exploitation. Intersectionality “articulates the oppressions faced by the ‘multiply minoritized’ (Vidal-Ortiz 2006), those marginalized by their [age], sex, gender, sexuality, ethnicity, SES, and national identities” (Robertson & Sgoutas, 2012: 421). The victims of human trafficking or those seen as highly vulnerable to becoming victims in the Canadian media are, in general, portrayed as being young, foreign, female exotic dancers. Thus, young age, foreign ethnicity, gender, sexuality, and SES (exotic dancer) are intersecting in the media coverage to construct the individual who is most likely to become vulnerable to exploitation, due to their multiplied marginalized status.

### *Interest Groups in the Media*

The examined newspaper articles referenced two of the socio-political groups studied in Chapter 3. The socio-political groups mentioned by the media were the Adult Entertainment Association of Canada and the Canadian Council for Refugees and both groups have a negative perspective of this Act, as stated in Chapter 3 of this thesis.

The newspaper articles frequently referenced the Adult Entertainment Association of Canada when discussing this Act. In fact, twelve out of the twenty-six articles referenced this interest group. The media often quoted Tim Lambrinos, who is the executive director of this socio-political group, and stated his concerns with the Act. His main concerns were that the Act will possibly put foreign exotic dancers at further risk of exploitation, due to them having to go

“underground” for work, and that it will put strip clubs in financial jeopardy, as patrons like to see new and exotic faces.

According to the media and framing literature, exotic dancing groups were likely referenced more often than other groups in the media because exotic dancing is a sensational topic and it will likely generate a higher profit. In the articles examined on this Act, exotic dancers were the prime focus of the media’s attention. Even though human trafficking victims and low-skilled workers are mentioned as groups the Act will protect, the media focused on exotic dancers. The Act and government insiders also appear to have a focus on exotic dancers. According to the media and framing literature, the message that the media presents to the public often reflects how policymakers view the issue. Since policymakers view exotic dancing and human trafficking as having close links, the media is presenting a similar message to the public and this can help to legitimize the government’s view. It should be noted that even though the media is presenting arguments by the Adult Entertainment Association of Canada that go against the Act, it still is legitimating the Act because exotic dancer groups most likely do not appear to be “legitimate” interest groups to the public.

Not all newspaper articles examined were supporting the Act and the arguments surrounding it. One *Toronto Star* article referenced the Canadian Council for Refugees:

according to the refugee council, provisions in the law now serve only to criminalize trafficking and promote the detention of trafficked persons. The refugee council is calling for explicit changes that would make it a priority to protect the human rights of trafficked persons in Canada (Thompson, 2007).

The article discussed how this interest group is against the Act because it will not help victims in Canada, but rather it will keep victims out of the country and criminalize them. This article was in agreement with the Canadian Council for Refugees and the article criticized the Act. This finding goes against the media and framing literature, as this particular article is not presenting



the message that policymakers are promoting to the public. The majority of the articles, however, did not criticize the Act, so the articles that did criticize the Act most likely did not have a significant influence on the public's opinion or the government's opinion on the issue.

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## CHAPTER FIVE

### PROTECTING FOREIGN NATIONALS FROM EXPLOITATION AND ABUSE?

This thesis examines the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* that was introduced within the Omnibus Crime Bill (Bill C-10) on September 20, 2011 (Canadian Council for Refugees, 2011). The purpose of this project is to examine whether the Act differentiated between victims and criminals, how interest groups framed their support for or opposition to this Act, and how the media portrayed the victims and criminals in relation to this Act. In this concluding chapter, I summarize the findings of this project and outline three main contributions of this project. First, I examine Canadian legislation in comparative perspective, particularly in comparison with US policy on human trafficking. Second, I assess this legislation in relation to heteronormative ideas of commercial sex in the portrayals of human trafficking victims and perpetrators. And, finally, I use the concept of intersectionality to better understand the portrayals of who is most susceptible to exploitation. I conclude this chapter by examining the policy implications of this research.

### SUMMARY OF THE STUDY

The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* is a policy intended to combat the exploitation of migrants by denying work permits to those who are deemed to be at risk of exploitation in Canada. In particular, the Act aims to protect the following groups: low-skilled laborers, potential human trafficking victims, and exotic dancers. The main purpose of this study is to analyze this policy by examining the policy and the discourses surrounding the policy by both interest groups and the media.

Chapter 2 examines how the Act differentiated between the victims and criminals based on SES, gender, age, and ethnicity. In particular, the following research question was addressed: does the *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* differentiate between victims and criminals based on SES, gender, age, and ethnicity? The data used to address this research question were the Act itself and documents on the Act that were developed by government insiders. I used content analysis to analyze the documents for both manifest content as well as latent content.

Chapter 3 examines how various interest groups presented their support for or opposition to this Act. In this chapter, I ask how did socio-political groups frame their support for opposition to this Act based on claims of SES, gender, age and ethnicity? The data used to analyze this research question were documents developed by six Canadian interest groups (The Future Group, The Victims of Violence Canada, The Canadian Red Cross, The Canadian Council for Refugees, The Canadian Bar Association, and the Adult Entertainment Association of Canada). More specifically, the documents were press releases and statements made by these groups addressing the Act. I included three groups with a positive perspective and three groups with a negative perspective of the Act.

Finally, Chapter 4 involved an analysis of how the media portrayed the Act under review. This chapter answers the following research question: does the media portray SES, gender, age and ethnicity differences in victims and criminals in relation to the law under review? The data used to answer this research question were twenty-six newspaper articles from three Canadian newspapers (*The Globe and Mail*, *The Toronto Star*, and *The Montreal Gazette*), which were systematically coded and analyzed.

## SUMMARY OF FINDINGS

### *How the Act Differentiates between the Victims and Criminals*

This thesis examined how the Act differentiates between the victims and criminals based on certain characteristics. I find that the Act does differentiate between the victims and criminals based on SES, gender, age, and ethnicity. And, the victims that the Act aims to protect are referenced more frequently and are described in more detail than the perpetrators.

The documents by the government insiders frequently indicate the groups that are considered to be susceptible to exploitation and they were: low-skilled labourers, immigrants, exotic dancers, and foreign nationals. These groups (the potential victims) are described by government insiders through the use of SES (eg. ‘low-skilled labourers’), gender (e.g. ‘women’), ethnicity (e.g. ‘Eastern Europeans’), and age (e.g. ‘children’) terms.

In addition, the legislation spends much more time describing the victims of human trafficking instead of focusing on the perpetrators of these crimes. This suggests that victims are the focus of the policy and of government insiders. Criminals, on the other hand, were described in vague terms. The vague terms used included: “criminals”; “people who control them”; “organized criminal networks”; “captors”; “offender”; and “criminal gangs”. Criminals were not referenced in relation to their gender, age, or SES. However, there was some reference to the ethnicity of criminals: “organized criminal networks with Eastern European links have been involved in the organized entry of women” (Citizenship and Immigration Canada, 2012). The criminals associated with the Act are not clearly depicted by the government insiders and the lack of detail suggests that they are not a focus of this policy.

*How Interest Groups Frame their Support for or Opposition to the Act*

The socio-political groups that commented on the Act were examined in order to determine how these groups framed their support for or opposition to the Act. I find that the interest groups with a positive perspective of the Act framed their support by giving more attention to the victims that the Act aims to protect. The groups with a negative frame also had a victim focus in their statements on the Act; however, these groups paid more attention to low-skilled workers than the positive groups did.

As stated in the previous paragraph, the groups with a positive perspective of the Act had a victim-focus. These groups made references to the victims using SES, gender, age and ethnicity terms. In particular, the positive groups often described the victims as young females; thus, these groups consistently used gender and age terms to describe the victims. The positive groups paid less attention to the criminals associated with the Act. The criminals were often described using vague terms, such as: “those who prey on the vulnerable” (The Canadian Red Cross), “pimps” (The Victims of Violence Canada) and “human traffickers” (The Future Group). The Victims of Violence Canada, however, paid more attention to the criminals and they used gender terms to describe the criminals; this group stated that both males and females can be the perpetrators of human trafficking.

The groups with a negative perspective of the Act also had a victim focus, however, these groups focused on a variety of types of victims. The groups with a negative perspective paid more attention to low-skilled workers, such as “live-in caregivers” (The Canadian Bar Association). Exotic dancer and human trafficking victims, however, were still a primary focus. The victims were primarily described as women and this is consistent with the framing of the groups that had a positive perspective on the Act.

The negative groups also made references to the criminals associated with the Act, but how the criminals were referenced differed from the positive groups. The Canadian Council for Refugees stated that the way the Act was structured may actually treat those who are victims of human trafficking as criminals. Also, the Adult Entertainment Association of Canada stated that the exotic dancing industry is often wrongfully labeled as predominantly being comprised of criminals. The criminal portrayals are different between the positive and negative groups as the negative groups are more critical of who the criminals are whereas the positive groups are not and only rarely describe the criminals.

#### *How the Media Portrays the Victims and Criminals in the Act*

The intention of studying the media was primarily to determine how the media portrays the victims and criminals associated with the Act. Determining the framing of the victims and criminals by the media allows us to understand how the Canadian public learns about and understands the Act and the issue of human trafficking in general. The findings indicated that the media placed an emphasis on the victims associated with this Act. In particular, exotic dancers were the primary focus of the media (this group was referenced 158 times). The media often discussed how foreign exotic dancers have a high risk of becoming exploited once they enter Canada through worker visas. The media framed the victims as primarily being young, exotic females who enter Canada to become exotic dancers. Thus, SES, gender, age, and ethnicity terms were used throughout to describe the victims associated with the Act. And, the media worked to personalize and humanize the victims of human trafficking through stories of individuals (mostly women) who had been trafficked. The media did reference the perpetrators associated with the Act. The perpetrators were referenced as being males, but, in general, the media used very vague descriptions of those who perpetuate human trafficking.



## THEMES OF STUDY

This section will outline and discuss the themes of this study. The three themes that will be discussed are: US/Canada comparisons; heteronormative ideas of commercial sex in the portrayals of human trafficking victims and perpetrators; and intersectionality in the portrayals of victims of human trafficking.

### *Comparisons of US/Canada Human Trafficking Discourse*

This study examines how the Act differentiated between the victims and criminals and how the Canadian media portrayed the victims and criminals in relation to this Act. US research on policy and media frames were examined to determine whether there were similar or dissimilar discourses in Canada and the US. I find similar human trafficking discourses in the policies developed and in the media coverage of these policies in Canada and the US. As stated in earlier sections of this thesis, Canada and the US have similar cultures and similar ideologies concerning gender, ethnicity, SES and age (Grabb & Curtis, 2010). Thus, it is not surprising that there were similar portrayals of the victims and criminals associated with human trafficking in Canada and in the US.

The most predominant finding when comparing the Canadian and US policies relating to human trafficking is that in both sets of policies and in the media coverage of these policies there was a heavy emphasis on sex trafficking. As stated earlier on, Gozdziaik & Collett (2005) believe that the lack of attention paid to labour exploitation is because the US government has close ties with business networks (117). The Act and the Canadian media placed more of an emphasis on sex trafficking and thus similar ties between the Canadian government and business

networks (i.e. socio-political groups) in Canada may partly account for the media's selective framing of human trafficking.

### *Heteronormative Ideas of Commercial Sex in Human Trafficking*

Throughout the examination of the Act, the interest groups, and the media, a particular focus was paid to how victims and criminals associated with the Act were portrayed and what characteristics were used to describe these two groups. The Act, the interest groups, and the media all referenced the victims and criminals associated with the Act, albeit the victims were a more central focus in all these documents. Gender-related terms were consistently used to describe the victims and criminals. More specifically, female-gendered terms were often used to describe the victims and male-gendered terms were often used to describe the criminals. Although not all examined documents demonstrated this gendered distinction between the victims and criminals, the majority of the documents did.

The finding that females were primarily described as the victims and males were primarily described as the criminals indicates that discussions of human trafficking victims and criminals is being "informed by heteronormativity, the cognitive universalization of heterosexual desire and practice" (Dennis, 2008: 17) and more specifically, heteronormative ideas surrounding commercial sex. Heteronormative ideas surrounding commercial sex focus on an understanding of this sexual exchange as always heterosexual and females as always the seller of sex and the males as always the buyer of sex (Roberston & Sgoutas, 2012: 426). The tendency of policymakers, interest groups and the media to over-identify with the heteronormative ideas surrounding the sex trade, and thus over-identifying females as victims and males as perpetrators, can influence human trafficking policy and public opinion on human trafficking.

As a result, there often is an exclusion of the experiences of those who do not fit the heteronormative mold- either male victims or female perpetrators.

### *Intersectionality in Human Trafficking Victim Portrayals*

Examining how the Act, the interest groups, and the media portrayed the victims was a focus of this study. I find that intersectionality played a role in how the media depicted who is most susceptible to becoming a victim of exploitation. Again, intersectionality is a concept used to explain the oppressions faced by those who are “multiply minoritized” (Vidal-Ortiz, 2006), individuals who are marginalized based on SES, gender, ethnicity, age, and sexuality (Robertson & Sgoutas, 2012). These characteristics intersect and overlap with one another to shape experiences of oppression. Intersectionality highlights the privileged and non-privileged categories of social characteristics.

In regards to the portrayal of the victims of human trafficking, the victims were portrayed as being multiply minoritized and consisting of social characteristics that are not privileged in society. I find that the Act, the interest groups and the media often portrayed the victims as young, foreign, poor females. These specific characteristics were also used to account for why these individuals were at particular risk of becoming victims of exploitation. The victim portrayals indicate that human trafficking victims are considered by government insiders, interest groups, and the media to be multiply oppressed and this is considered to contribute to their risk of becoming exploited.

## POLICY IMPLICATIONS

### *Designing a New Policy to Combat Human Trafficking*

Since human trafficking has just recently become a criminal offence in Canada, few policies have been specifically developed to address human trafficking. It is important that policies are starting to develop to address and combat this issue in Canada. It is also positive to see that the policy being developed is focusing on the victims of human trafficking and not only the prosecution of offenders. After examining how the Act, the interest groups, and the media portray the victims and criminals, it is clear that more attention is paid to the victims when discussing the Act. I conclude that this policy has a victim-centered focus and that it has an aim of protecting migrants that are at risk of exploitation. While this victim-centered focus is positive, there are a number of important limitations to this policy.

### *Protecting Foreign Nationals from Exploitation and Abuse?*

One major problem with the Act is rooted in how the Act is structured. The policy has a goal of precluding situations of exploitation by denying work permits to those who are at risk of becoming exploited on Canadian soil. Thus, this policy is preventing victims from entering Canada. By doing this, the policy is only preventing trafficking from occurring in Canada, but not in other countries. Who is to say that an individual who is denied a work permit to Canada will not go to or be trafficked to another country? Thus, a structural flaw of this policy is that it will not prevent human trafficking from occurring; it will only prevent individuals who enter Canada under work permits from becoming trafficked. The groups that the policy aims to protect are most likely not going to be protected by this policy. A *Montreal Gazette* article that was examined for Chapter 4 sums up this criticism well: “wouldn't it make more sense to focus

our energy on the vulnerable people who need Canada's protection, rather than devising ways to keep people out?" (Curran, 2012). If the government really wants to protect individuals from becoming trafficked, they could focus their attention on finding ways to help them in Canada, not keeping them out of Canada.

### *Vague Instructions*

Another structural flaw of this policy is in the specific way that the Act outlines how to tell if people are going to be exploited once they enter Canada. Many of the potential human trafficking victims do not know that they will become trafficked and be subjected to exploitation once they enter Canada. So it will be difficult for immigration officers to tell if a specific person will become a victim. The policy states that immigration officers will receive instructions that will help them identify individuals who may be susceptible to exploitation; however, the written instructions to immigration officers from the Minister of Citizenship, Immigration and Multiculturalism are currently not stipulated. The Act does state that "the minister's instructions will set out what constitutes the public policy considerations and that they will aim to protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, particularly sexual exploitation" (Library of Parliament, 2011). For now, these are vague instructions. The instructions that will be developed will hopefully be specific and can be applied consistently.

### *A Crime Control or Human Rights Discourse?*

In the human trafficking literature, there is often a discussion of the competing discourses of human trafficking policy and these two discourses are: crime control and human rights (Oxman-Martinez, Hanley, Gomez, 2005; Potocky, 2010). Past research argues that crime

control tends to dominate the discourse found in human trafficking policies in Canada and the US (*ibid.*). The crime control discourse concentrates on prosecuting traffickers, intercepting “irregular migrants”, and increasing border security (Oxman-Martinez, Hanley, Gomez, 2005: 21). The human rights discourse tends to focus on increasing protection for victims, increasing assistance to victims and preventing human trafficking.

Although the Act under review appears to have a victim-centered focus, there are indications that this policy has a crime control discourse rather than a human rights discourse. The policy appears to be focusing on securing borders by giving immigration officers the authority to deny work permits to those who would otherwise be authorized to come into Canada. Previously, the Minister of Citizenship, Immigration and Multiculturalism and immigration officers did not have the authority to deny work permits to those who would otherwise be authorized to come into Canada. Thus, this policy gives immigration officers more power than they have had historically. The Act does not appear to have a human rights discourse as there are no amendments within the policy that suggests that they will assist victims, protect victims, or prevent human trafficking from occurring.

### *An Emphasis on Sex Trafficking*

The heteronormative ideas surrounding the sex trade permeating the portrayals of human trafficking victims and criminals in the Act indicates that the Act, the interest groups, and the media all view this policy as primarily addressing sex trafficking and not labour trafficking. This is an interesting finding as the Act is stated to protect vulnerable immigrants from exploitation - not just potential sex trafficking victims. A reason for this preoccupation with sex trafficking victims may in part be due to the more sensational nature of the topic. The media often focus on these types of topics as they grab the attention of readers and, as a result, increase circulation and

profits. The Act and government insiders also may be paying more attention to sex trafficking in order to divert attention away from labour trafficking and exploitation of low-skilled jobs. There are a number of reasons why this might be happening. First, the Canadian government may have close ties to business organizations that deters them from changing the current economic dynamics in the low-skill labour economy. The close ties between the US government and business organizations is one of the reasons why there is a particular emphasis on sex trafficking and less of an emphasis on labour trafficking in the US (Gozdziak & Collett, 2005). Secondly, labour exploitation is a larger problem to tackle compared to the exploitation of exotic dancers. In 2011, 190,769 authorized low-skilled workers came to Canada (Citizenship and Immigration Canada, 2012) whereas only 6 individuals were granted work permits for exotic dancing in 2010 (Library of Parliament, 2012). The government is focusing on a problem that is, in a sense, more manageable and it demonstrates to the public that the government is combating a problem. In addition, how the government is framing this Act is presenting an image to the public that the government is being noble by combatting a problem that preys on vulnerable individuals.

### *Policy Recommendations*

The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* has the right idea in trying to protect migrants from exploitation. The policy, however, could be altered so that it more directly protects potential human trafficking victims. One way to do this would be to allow potential victims into Canada and then provide assistance to them. A similar recommendation was proposed by one of the interest groups examined in Chapter 3. The Canadian Council for Refugees suggested the following policy:

where an immigration officer has reasonable grounds to suspect that a person has been trafficked into or within Canada, the officer will issue the person a special temporary protection permit for trafficked persons, valid for a period of 6 months.

This permit will entitle the holder to the same benefits as a refugee claimant (including access to Interim Federal Health program, work permit, study permit). If the person decides to apply for permanent protection, the temporary protection permit will be valid until a decision has been made on permanent status (Canadian Council for Refugees, n.d.).

The policy suggested by the Canadian Council for Refugees would allow for the suspected victims of trafficking to enter Canada and be in a position to receive assistance instead of being kept out of Canada and receiving no help.

Another recommendation for improving the policy would be for the policy to establish concrete and specific instructions on how to tell if someone is at risk of being exploited so that immigration officers can properly and consistently identify victims. The Canadian Council for Refugees developed a list of factors that should be considered when deciding whether there are reasonable grounds to suspect if someone is a victim of human trafficking. These factors are:

- 1) The person's allegations that they have experienced treatment that may correspond to the definition of trafficking.
- 2) Facts about the person's arrival in Canada or situation within Canada that suggest that the person may have been trafficked.
- 3) Representations from a credible non-governmental organization that believes that the person may have been trafficked.
- 4) The fact that the person does not believe that they have been trafficked will not negate other evidence of trafficking (given that trafficked persons often deny that they have been trafficked).
- 5) Where the evidence establishes on a balance of probabilities that the person is a child, any evidence suggestive of trafficking will be sufficient to constitute reasonable grounds for suspecting that the child has been trafficked.
- 6) The test of "reasonable grounds for suspecting" is a low standard and does not require that all the evidence be assessed, although there must be some credible evidence for believing that the person might have been trafficked. A single piece of evidence is enough to meet the standard, unless clearly contradicted by other evidence. The intention is to give the benefit of doubt to the potentially trafficked person with respect to temporary protection. The temporary status



provides the conditions for a fuller evaluation to be made, if necessary (Canadian Council for Refugees, n.d.).

The factors developed by this interest group are concrete and they would allow for a proper and consistent assessment of the potential victims. The government should consider these instructions if they are aiming to protect exploited migrants coming into Canada and be fair in the application of this legislation.

My last recommendation would be to extend this policy and establish it as an international policy that would be developed and implemented by the United Nations. This would reduce the possibility of potential victims that are prohibited from entering Canada from going to other destination countries, such as the United States. It is pertinent that there is an international coordinated effort to combat human trafficking.

The *Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act* is a positive development in the move to combat human trafficking in Canada. However, there are some areas where the policy could be changed so that it is more effective at protecting the groups that it aims to assist. Denying work permits to individuals who are thought to be at risk of becoming exploited in Canada does not eliminate the issue of human trafficking. Canadian human trafficking policy should not only be preventing human trafficking in Canada, but human trafficking globally as well.

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## APPENDICES

## Appendix 1. Description of Documents Included in the Study.

<b>Title of Document</b>	<b>Date Created</b>	<b>Author</b>	<b>Description</b>
Official Legislation.	2011	Parliament of Canada	Outlines the legislation in detail.
Backgrounder- Safe Streets and Communities Act: Protecting Vulnerable Foreign Nationals against Trafficking, Abuse and Exploitation.	September, 2011	Parliament of Canada	Background information that provides context for the Bill. Includes information on the groups the Bill aims to protect.
Bill C-57: An Act to amend the Immigration and Refugee Protection Act	July 5, 2007	Prepared by Laura Barnett, Law and Government Division	Background information that provides context for the Bill. Includes information on the groups the Bill aims to protect.
Bill C-17: An Act to amend the Immigration and Refugee Protection Act	November 2, 2007	Prepared by Laura Barnett, Law and Government Division	Background information that provides context for the Bill. Includes information on the groups the Bill aims to protect.
Taking Action for the Safety of Canadians	September 20, 2011	The Conservative Party of Canada	Press release on Bill C- 10 (omnibus crime bill).
Backgrounder- Safe Streets and Communities Act: Protecting Vulnerable Foreign Nationals against Trafficking, Abuse and Exploitation	September 20, 2011	Citizenship and Immigration Canada	Background information that provides context for the Bill.
Speaking Notes for the Honourable Jason Kenney (the Minister of Citizenship, Immigration, and Multiculturalism).	July 4th, 2012	The Honourable Jason Kenney	Announces new measures that will protect vulnerable foreign workers from the risk of abuse and exploitation.

Title of Document	Date Created	Author	Description
Government of Canada Introduces the Safe Streets and Communities Act	September 20, 2011	Department of Justice Canada	Outlines the Safe Streets and Communities Act in detail.

## Appendix 2. Documents Coded by Group.

Socio-Political Group	Type of Document	How Document was Obtained	Website Link
The Future Group	Press release on website.	<p>Google Search Terms: “ The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act”.</p> <p>The Future Group posted a link on their website to another website entitled “End Modern-Day Slavery”. The press release was written by one of the co-founders of The Future Group, Dr. Benjamin Perrin.</p>	<a href="http://www.endmoderndayslavery.ca/2010/11/21/government-of-canada-introduces-the-preventing-trafficking-abuse-and-exploitation-of-vulnerable-immigrants-act/">http://www.endmoderndayslavery.ca/2010/11/21/government-of-canada-introduces-the-preventing-trafficking-abuse-and-exploitation-of-vulnerable-immigrants-act/</a>
Victims of Violence Canada	Information on human trafficking on website.	<p>Google Search Terms: “ The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act”.</p> <p>The Victims of Violence created a section on their website to provide general information on human trafficking and the efforts to combat this crime in Canada.</p>	<a href="http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&amp;task=view&amp;id=400&amp;Itemid=277">http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&amp;task=view&amp;id=400&amp;Itemid=277</a>
Canadian Red Cross	Press release on website.	<p>Google Search Terms: “ The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act”.</p> <p>The Canadian Red Cross posted a press release on their website. The press release was a summary written by Judi Fairholm, Director, RespectED.</p>	<a href="http://www.redcross.ca/article.asp?id=41556&amp;tid=001">http://www.redcross.ca/article.asp?id=41556&amp;tid=001</a>
Canadian Council for Refugees	Two statements on Bill C-10 on website.	<p>Google Search Terms: “ The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act”.</p> <p>The Canadian Council for Refugees posted comments on Bill C-10, but specifically focused on the law under review. The comments were written by the group.</p>	(1) <a href="http://ccrweb.ca/en/comments-bill-c10-trafficking">http://ccrweb.ca/en/comments-bill-c10-trafficking</a> (2) <a href="http://ccrweb.ca/files/backgroundunder-trafficking-forum-2012.pdf">http://ccrweb.ca/files/backgroundunder-trafficking-forum-2012.pdf</a>
Canadian Bar Association	Submission on Bill C-10.	<p>Google Search Terms: “Bill C-10”.</p> <p>The Canadian Bar Association submitted a response to the Government about the legislation under review. Written by members of the Canadian Bar Association.</p>	<a href="http://www.cba.org/cba/submissions/PDF/11-45-eng.pdf">http://www.cba.org/cba/submissions/PDF/11-45-eng.pdf</a>
The Adult Entertainment Association of Canada	A brief to the standing committee on Citizenship and Immigration.	<p>Google Search Terms: “Bill C-17”.</p> <p>The Adult Entertainment Association of Canada posted a link to a brief on a study that was conducted by Citizenship and Immigration on undocumented and temporary foreign workers. The brief was written by Tim Lambrinos, the Executive Director of the Adult Entertainment Association of Canada.</p>	<a href="http://www.adultentertainmentassociation.ca/">http://www.adultentertainmentassociation.ca/</a>

## Appendix 3. Description of Newspaper Articles Included in the Study.

<b>Newspaper</b>	<b>Key Search Terms</b>	<b>Title of Article</b>	<b>Author</b>	<b>Date</b>
The Globe and Mail	Bill C-57	Are strip clubs losing their sex appeal?; High license fees, a new bylaw and the rise of massage parlors are giving some peeler-bar owners a less-than-happy ending	Dave McGinn	December 01, 2007
The Globe and Mail	Bill C-57	Strippers dress down Ottawa over new rules; Bill designed to prevent exploitation of foreign workers targets them, group says	Geoff Nixon	August 16, 2007
The Globe and Mail	Bill C-17	Less than meets the eye	Author not stated	April 25, 2008
The Globe and Mail	Bill C-17	Finley trip to tobacco country up in smoke; Farmers told event cancelled because protection for minister insufficient in wake of threats over her effort to block foreign strippers	Caroline Alphonso	April 25, 2008
The Globe and Mail	Bill C-17	Finley faces gang threats for blocking foreign strippers; Mounties beef up security on minister	Daniel LeBlanc	April 24, 2008
The Globe and Mail	The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act	Tories unveil tough-on-crime legislation; A centerpiece of the Conservative election platform, the Safe Streets and Communities Act is the first bill in Parliament's fall session	Steven Chase	September 21, 2011

<b>Newspaper</b>	<b>Key Search Terms</b>	<b>Title of Article</b>	<b>Author</b>	<b>Date</b>
The Globe and Mail	Human Trafficking	No help to the vulnerable	Author not stated	July 6, 2012
The Globe and Mail	Human Trafficking	Ottawa brings down curtain on foreign strippers	Bill Curry	July 5, 2012
The Globe and Mail	Exotic Dancer	Opposition raps Tories over proposed crackdown on strippers	Alex Dobrota	May 17, 2007
The Toronto Star	Human Trafficking	Strip clubs barred from hiring foreign temp workers; Industry speaks out against new immigration rules Ottawa says are designed to combat exploitation	Author not stated	July 5, 2012
The Toronto Star	The Amendment to the Immigration and Refugee Protection Act	Ottawa	Author not stated	May 17, 2007
The Toronto Star	Bill C-57	Strippers fight border legislation; Foreign dancers, club owners oppose bill making their entry into Canada even tougher	Tess Kalinowski	August 16, 2007
The Toronto Star	Bill C-17	Stripper ban called 'unconstitutional'; Proposed law already cutting off foreign dancer supply won't stand in court, says lawyer for clubs	Lesley Ciarula Taylor	September 5, 2008
The Toronto Star	Bill C-17	Bye lap dance, hello laptop; Strip clubs are chafing under a proposed federal crackdown on dancers and the lure of the Internet	Brett Popplewell	April 28, 2008

<b>Newspaper</b>	<b>Key Search Terms</b>	<b>Title of Article</b>	<b>Author</b>	<b>Date</b>
The Toronto Star	Stripper	Strip clubs aim to recruit from schools	Author not stated	July 26, 2012
The Toronto Star	The Preventing the Trafficking, Abuse, and Exploitation of Vulnerable Immigrants Act	Tories table massive crime bill; Omnibus bill combines nine past proposals to boost police power	Bruce Campion-Smith	September 21, 2011
The Toronto Star	Human Trafficking	Strip clubs 'get creative'; Foreign-dancer shortage forces owners to find loopholes in the rules.	Lesley Ciarula Taylor	June 10, 2008
The Toronto Star	Human Trafficking	New bill misses point	Allan Thompson	May 24, 2007
The Toronto Star	Exotic Dancer	Immigration proposals to stand; Amendments won't be considered, minister says; Dion declares Liberals won't support bill 'as it is'.	Bruce Campion-Smith	April 17, 2008
The Montreal Gazette	Human Trafficking	Domestic market being mined for exotic dancers; Reports suggest students targeted	Author not stated	August 30, 2012
The Montreal Gazette	Human Trafficking	Government 'finally' discovers strippers at risk of exploitation	Peggy Curran	July 6, 2012
The Montreal Gazette	Human Trafficking	Immigration laws target sex industry; Dancers, strippers denied work permits	Jordan Press	July 5, 2012
The Montreal Gazette	Human Trafficking	Safe Streets and Communities Act will:	Author not stated	December 6, 2011
The Montreal Gazette	Human Trafficking	Some legislation that died due to the suspension of Parliament	Author not stated	January 9, 2010



<b>Newspaper</b>	<b>Key Search Terms</b>	<b>Title of Article</b>	<b>Author</b>	<b>Date</b>
The Montreal Gazette	Stripper	Bill restricts strippers	Author not stated	May 17, 2007
The Montreal Gazette	Exotic Dancer	Ex-NHLer pushes crime bill on Hill; Urges senators to support mandatory sentences	Jordan Press	February 22, 2012

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