

1-1-2006

# Diverging paradigms : the interaction of identities and norms in Canadian human trafficking policies

Grace Yu-An Wu  
*Ryerson University*

Follow this and additional works at: <http://digitalcommons.ryerson.ca/dissertations>



Part of the [Sociology Commons](#)

---

## Recommended Citation

Wu, Grace Yu-An, "Diverging paradigms : the interaction of identities and norms in Canadian human trafficking policies" (2006).  
*Theses and dissertations*. Paper 221.

617770956

HV  
6181  
W82  
2006

**DIVERGING PARADIGMS: THE INTERACTION OF IDENTITIES AND NORMS IN  
CANADIAN HUMAN TRAFFICKING POLICIES**

**By**

**Grace Yu-An Wu, Honours BA, University of Toronto, 2004**

**A Major Research Paper  
Presented to Ryerson University**

**In partial fulfillment of the requirements for the degree of**

**Master of Arts  
In the Program of  
Immigration and Settlement Studies**

**Toronto, Ontario, Canada, 2006**

**© Grace Yu-An Wu 2006**

**PROPERTY OF  
RYERSON UNIVERSITY LIBRARY**

UMI Number: EC53630

#### INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

UMI<sup>®</sup>

---

UMI Microform EC53630  
Copyright 2009 by ProQuest LLC  
All rights reserved. This microform edition is protected against  
unauthorized copying under Title 17, United States Code.

---

ProQuest LLC  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106-1346

## **Author's Declaration Page**

I hereby declare that I am the sole author of this major research paper.

I authorize Ryerson University to lend this paper to other institutions or individuals for the purpose of scholarly research.

I further authorize Ryerson University to reproduce this paper by photocopying or by other means, in total or in part, at the request of other institutions or individuals for the purpose of scholarly research.

# **DIVERGING PARADIGMS: THE INTERACTION OF IDENTITIES AND NORMS IN CANADIAN HUMAN TRAFFICKING POLICIES**

© Grace Yu-An Wu, 2006

Master of Arts  
Immigration and Settlement Studies  
Ryerson University

## **ABSTRACT**

Human trafficking policies in Canada, to date, focus primarily on border control and punitive measures against human traffickers. However, non-governmental organizations (NGOs) continue to point out that addressing the structural conditions that lead to such trafficking and respecting the human rights of trafficked persons is the most effective way of addressing the exploitation of trafficked persons. The difference in perspectives between government agencies and NGOs make developing a comprehensive and coherent response very difficult. However, continued incoherence of policy implementation is too costly to ignore. This paper compares the diverging perspectives of Government policies and NGO approaches to international human trafficking in Canada. Such research is necessary in order to understand the ideas that inform the policies and to deconstruct the meanings of the policies. Moreover, this research will explore why policies are interpreted in diverging ways and explores how identities and norms interact to produce policies.

Key words:

Human Trafficking; security; human rights; identity; norms

## Table of Contents

Chapter 1:	Introduction	1
	The Politics of Defining Human Trafficking	5
Chapter 2:	Theoretical Framework: A Social Constructivist Approach	8
Chapter 3:	Canadian Government Perspective on Human Trafficking	15
	Government identity as ‘Securer of the Nation’	15
	Securitization as a Norm	16
	Criminalizing Trafficked Persons and Migrants	19
	Securitization and Silencing through Victim Narrative	23
Chapter 4:	Non-governmental Organizations as ‘Authentic Moral Voices’	33
	Human Rights Norms as Empowerment	34
Chapter 5:	Conclusion	42
	Research Challenges	44
	Implication for Future Research	45
	Implications for NGO Policy Advocates and Government Policy Makers	45
	Bibliography	51

In the aftermath of 9/11, issues of balancing human rights, national and international security in the context of migration have received increasing attention (Ibrahim, 2005). Academics, media, and politicians are debating whether a laxer immigration policy indeed facilitates international terrorism. As the debate becomes more politicized, it is important for those engaged in the debate to understand the diverging perspectives of the terms human rights, international and national security with respect to migration policies. This paper attempts to engage with the discussion by examining the diverging perspectives of human trafficking policies, and the need to balance human rights and security interests. Examining human trafficking policies offers a window into gaining a better understanding of how the Canadian government perceives and categorizes different migrants. Furthermore, an exploration of how different actors perceive and understand human trafficking helps to highlight how actors also perceive and understand the human rights of trafficked persons and how it is linked to state security.

The existence of human trafficking is a brazen challenge of a state's efforts to secure its borders from illicit activities. It is difficult for governments to make an entirely accurate estimate, but, according to recent US estimates, approximately 700 000 persons are trafficked within or across international borders each year (U.S. Trafficking in Persons Report, 2003). In Canada, Toronto is believed to be a leading destination, with 46 per cent of cases, followed by Vancouver and Montreal (Oxman-Martinez, Martinez & Hanley, 2001, p. 301). Since the events of 9/11, the securitization agenda has increased its dominance in the immigration policy of governments in the rich world, and for governments, human trafficking stands as one of the starkest examples of illegal border crossings. People are trafficked for different purposes, including domestic work,

factory work, agricultural labour, prostitution, exotic dancing, marriage and child adoption (Oxman-Martinez *et al.*, 2001). However, in the post 9/11 world, it is the element of crime and illicit border crossings that have propelled the phenomenon of human trafficking into the international stage (Bhabha, 2005, p. 1).

Human trafficking policies in Canada focus primarily on border control and punitive measures against human traffickers. However, non-governmental organizations (NGOs) continue to point out that addressing the structural conditions that lead to such trafficking and respecting the human rights of trafficked persons is the most effective way of addressing the exploitation of trafficked persons (Bertone, 2004; Jordan, 2002; Godziak & Collette, 2005; Tzvetkova, 2002). The difference in perspectives between government agencies and NGOs make developing a comprehensive and coherent response very difficult. However, continued incoherence of policy implementation is too costly to ignore. As such, a critical assessment of the diverging policies and the ideas and norms which inform the policies is crucial to understanding policy meanings.

Although it is acknowledged by international institutions, governments and NGOs that coordinated action is required, recent studies focus solely on the separate evaluation of responses of either governments or NGOs (Oxman-Martinez & Hanley, 2005; Truong & Angeles, 2005). This paper compares the diverging perspectives of Government policies and NGO approaches to international human trafficking in Canada. Such research is necessary in order to understand the ideas that inform the policies and to deconstruct the meanings of the policies. Moreover, this research will explore why policies are interpreted in diverging ways and explores how identities and norms interact to produce policies.



The primary aim of this paper is to examine what causes the divergence in paradigms between Canadian government and NGO approaches to human trafficking. To analyze the diverging paradigms, this paper employs a social constructivist approach to compare the policies and approaches of the Canadian government and NGOs. After a discussion on methodology and the challenges encountered, Chapter one sets out the definition of trafficking as adopted by the UN Protocol Against Trafficking (UNTOC). Chapter two begins with a brief discussion on the work of Leslie Pal and his approach to analyzing policy discourse (Pal, 1995) and then explores the reasons for applying a social constructivist framework to explain policy divergences. Chapter three begins by mapping out the architecture of the Canadian government's identity. Subsequently, then the chapter provides a brief introduction on the securitization agenda prior to 9/11 before discussing the securitization norm embedded in Canadian government policies on human trafficking. Chapter four explores the identity of NGOs, its relationship to the employment of human rights norms and how both norm and identity is reflected in NGO approach to human trafficking. The paper concludes with some reflections on research challenges, and implications for future research, highlighting how articulating norms can provide an opportunity to discuss areas of policy coordination. Subsequently, the paper suggests further areas of research in norms, identity and policy making. Finally, the paper offers suggestions for NGO policy advocates and government policymakers.

The major component of this paper involved an extensive review of existing secondary literature on policy discourse analysis, social constructivism and norm diffusion. This analysis provided a foundation to engage in contemporary debates by practitioners and scholars on human trafficking, as well as theoretical debates on policy

formation and analysis. The drafting of the Protocols on Trafficking and Smuggling received much attention in the international law field, especially by those interested in legal compliance. As a result, this project benefited from the rich observations and analysis of international legal analysts with regards to norm compliance and norm diffusion. However, as will be further explicated, there has been a dearth of research and literature in the area of norm divergence and norm formation.

A second component of the project, including interviews with policy practitioners in Government and in NGOs, was initially planned. The purpose was to gain further insight into the rationales driving policies and practices in both government and NGOs. An ethics application was submitted to the Research Ethics Board and received formal approval. Unfortunately, a combination of time constraints<sup>1</sup> and a general apprehension on discussing human trafficking policies with the public severely halted the progression of conducting interviews. However, informational interviews were conducted to provide a perspective on how Canadian policies on human trafficking are formed and implemented in government and on how NGOs approach human trafficking. These interviews acted primarily as an informational interview, providing another layer of insights onto the review of secondary and primary literature.

---

<sup>1</sup> Several NGOs who were contacted declined due to their commitments to activities surrounding the XVI International Conference on HIV/AIDS.

### *The Politics of Defining Human Trafficking*

As the literature in this area highlights, the debate over which definition of human trafficking the UN should adopt reveals the critical tensions between the different perspectives of governments and NGOs. The debate over the definitions of human trafficking, smuggling and illegal migration continues to dominate the present discussions over Canadian human trafficking policies.

One of the difficulties with formulating policies to deal with human trafficking is the lack of available information. Devising policies to combat human trafficking is particularly difficult to do since little is known about why and how trafficking occurs (Laczko, 2004, p. 345). Furthermore, the categories of trafficking, sex trafficking, smuggling and 'illegal' migration are difficult to define because of the political connotations for each interpretation of the terms. The UN Protocol, however, conflates the categories so that sex trafficking is a 'subdivision' of trafficking.

Prior to the adoption of UN definition of trafficking, trafficking in persons was generally understood as human smuggling and a type of illegal migration. In spite of the dearth of information available, powerful transnational advocacy coalitions, namely the Human Rights Caucus and the Coalition Against Trafficking in Women (CATW), lobbied the UN to adopt protocols to address human trafficking (Collette and Godziak, 2005, 103). After two years of negotiations at the UN Centre for International Crime Prevention in Vienna, in December 2000, the UN General Assembly adopted the UN *Convention Against Transnational Organized Crime* (UNCTOC), also known as the Palermo Convention, along with three Protocols including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, the

***Protocol Against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition<sup>2</sup>.***

As Segrave and Milivojevic point out, negotiations around the definition of trafficking were the most controversial parts of the Convention negotiations (2005, 11). The lobby efforts by the groups generally coalesced around two opposing views of prostitution and whether and how a person's 'consent' should be included. Some wanted prostitution to be recognized as a legitimate form of labour, while another groups viewed all prostitution as a form of gender-based violence. However, both sides agreed that regardless of whether force or deception took place, a definition of trafficking should be broad enough to include all forms of recruitment and transportation for prostitution.

As a result of the contentious debates during the negotiations, the final signatories to the Protocol rejected the broadened or narrowed<sup>3</sup> definitions of consent presented by some of the feminist and religious coalitions. By abandoning the attempts to agree upon and define sexual exploitation and the legality of prostitution at the international level, the UN essentially left individual nation states to deal with the contentious issues and definitions (Segrave and Milivojevic, 2005, 11). The final Protocol on Trafficking defines trafficking in persons as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of

---

<sup>2</sup> See the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the smuggling of Migrants by Land, Sea and Air and the Against Trafficking in Firearms. Retrieved December 2006, from [http://undcp.org/crime\\_cicp\\_signatures.html](http://undcp.org/crime_cicp_signatures.html)

<sup>3</sup> Whether a group regarded the criterion of consent was broadened or narrowed depending on their stance on prostitution.

payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

In addition, the protocol states that:

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Protocol against Trafficking also distinguishes trafficking from smuggling, which is defined as “the act of arranging clandestine entry of individuals into a country for profit, but without controlling or exploiting them *upon arrival*” [emphasis added]. As such, according to the Protocol against Smuggling, what differentiates the activities of human smuggling from human trafficking are the activities that take place upon arrival. However, differentiating between smuggling and trafficking when attempting to prosecute human traffickers remains difficult to determine. For instance, if trafficking is the combination of transportation with the ultimate aim of exploiting their victims, this leaves out those migrants who are “smuggled” but are then exposed to abuse and exploitation either while being transported or upon arrival (Laczko, 2004, p. 346).

The previous discussion attempted to map out both the definition of the Protocol on Trafficking and the scholarly debates over which definition of trafficking should be adopted and used in formulating policy initiatives. The literature reveals that representatives from NGOs, policy-makers and academics have varying motivations in adopting particular definitions over others (Jahic & Finckenauer, 2005). At the very least, the adoption of the UN Protocol has meant that government and NGO agree at a minimum that the human rights of trafficked persons must be defined in the Protocols. Furthermore, the adoption of this particular definition of trafficking and its insertion into an organized crime protocol brings to the foreground that the practice of human

trafficking is a violation of human rights and freedoms. As the definitions of trafficking and smuggling hinge on consent or coercion, the same tensions in the Protocols are replicated in the Canadian government's policies towards trafficking and on NGO approaches to trafficking.

## **Chapter 2: Theoretical Framework**

Before proceeding to a discussion on the application of social constructivism, the next section begins with a review of Leslie Pal's innovative work on examining the different paradigms of human rights policy discourse that characterize Canadian-based NGOs and the Canadian government. In addition while analysis of the literature on human trafficking points to the influential power of identities and norms on policies, the argument in this paper is largely informed by Pal's findings.

In his study on competing paradigms between government officials and NGOs on human rights issues, Leslie Pal identifies five categories to understand the discourses of human rights NGOs and government officials. Building upon previous work that uses belief systems to discern policy discourses, Pal identifies five categories to understand the discourse of human rights NGOs and government officials. The categories include process, objectives, scope, evidence and action strategies (Pal, 1995, p. 187). Process refers to how actors view their roles within an institutional context. Not only does it refer to how individual actors define themselves as government officials or NGO personnel, but also how they view their respective roles within those institutions as related to the larger process of international human rights standard-setting and enforcement.

The Objectives category, as Pal notes, is closely related to actors' view on process. For Pal, objectives refer to how actors view the purpose of the human rights

system as a whole, and what the objectives to be pursued by the actors. The most contentious issue here is between the actors' perspective on state sovereignty and the protection of human rights. States have state interest to maintain sovereignty. NGOs, on the other hand, see themselves as the voice of civil society against the state and assume that any realistic attack on human rights abuses will require the attenuation of state sovereignty (Pal, 1995, p. 188). The final three categories identified by Pal largely refer to how actors view policy issues. Scope, evidence and action strategies, all focus on how the actors view the policy problems and remedies.

Pal's conclusions suggest that the diverging paradigms between government and NGOs are at heart, "epistemological and ontological, not simply a matter of two groups having different ways of doing things or different priorities... The different practices and discourses were rooted in different worldviews", (1995, p. 193). Not only do Government officials and NGOs define success differently, they also define international norms, namely state sovereignty and human rights, differently. As Pal concludes, the differences are grounded not only in institutional interests, but in their worldviews.

While Pal's five-category scheme is a helpful starting point to the analysis of diverging policy discourses, this paper starts with his insightful conclusions. Pal's first two categories of processes and objectives have more to do with the actors' identities; how they view themselves, how they think others view them and how they see themselves fitting into the larger process of international human rights standard-setting and enforcement. Similarly, the objectives category refers to the actors' interpretation and orientation towards international norms, in Pal's analysis, namely state sovereignty and the protection of human rights. Again, as Pal notes, the stated objectives in relation

to these international norms, are largely rooted in the actors' identities, including their worldviews. It is important to note that actors' perspectives to these norms may also stem from rational choices, for instance, the self-preservation of the state system. What needs to be highlighted, however, is the process of reinterpretation and construction of norms by actors. In turn, the identities of actors are re-formed by the reaction to their policies.

The literature on human trafficking and human trafficking policies simultaneously point to the diverging perspectives of government and NGO policies as emerging from the interaction of identities and norms. Two major themes which emerge from the literature were the emphasis on how policy outcomes were explained through an actors' identity and the relation to norms embedded in each respective actors' policies and approaches. Policies reflecting the securitization norm are referred to in relation to the transformation of state understandings of its own identity and how it regards sovereignty (Berman, 2003; Bigo, 2002; Chapkis, 2003; Dauvergne, 2004). Likewise, the literature on human trafficking repeatedly refers to NGOs invoking human rights norms in NGO approaches to human trafficking (Fitzpatrick, 2004; Tzvetzkova, 2002; Wijers, 2002; Jordan, 2002; Bertone, 2004) as a result of their identity and role as the 'authentic moral voice of civil society' (Pal, 1995, p. 195).

The emphasis of identities and norms highlighted in the literature make a Social Constructivist approach the appropriate theoretical framework by which to analyze diverging paradigms of Canadian government and NGOs. The Social Constructivist



approach<sup>4</sup> has been claimed by various disciplines and fields, one of which is the field of international relations. In recent years, international relations scholars have applied social constructivism to explain international norm divergence and compliance<sup>5</sup>, including the adoption of human rights statements into the UNCTOC. A social constructivist approach is particularly helpful in explaining diverging norms and identities because, in contrast to rational choice theory which assumes that actors adopt policies that advance their interests, a social constructivist approach asks which ideas frame actors' interests and why.

Finnemore and Sikkink define constructivism as an approach that focuses on: "the role of ideas, norms, knowledge, culture and argument in politics, stressing in particular the role of collectively held or 'intersubjective' ideas and understandings on social life... Constructivism is an approach to social analysis that asserts the following: a) human interaction is shaped primarily by ideational factors, not simply material ones; b) the most important ideational factors are widely shared or "intersubjective" beliefs, which are not reducible to individuals; and c) these shared beliefs construct the interests and identities of purposive actors" (2001, p. 393).

Furthermore, Social Constructivist approaches adopt the view that interests and preferences of actors are not "externally given by objectified material or instrumental power interests. Rather... conflicts over human rights almost always involve the social identities of actors" (Risse, Ropp & Sikkink, 1999, p. 236). A social constructivist framework is based on the assumption that norms and identities are constitutive of one

---

<sup>4</sup> Social Constructivism is an approach and not a theory because it does not attempt to predict behaviour as other theories in international relations do. Instead, it is a social theory which offers explanations of actors' behaviours, much like rational choice theory. (Finnemore and Sikkink, 2001, p. 393).

<sup>5</sup> See John G. Ruggie (1998, pp. 855-885). for an overview of the development of a social constructivist approach in international relations in the last 25 years.

another, and therefore, both are constructed and structuring. For instance, in analyzing the adoption of human rights statements into the UNTOC, an arena dominated by actors concerned with crime control, Joan Fitzpatrick explains the remarkable development by referring to the ability of NGOs to appeal to member states and their identity as liberal democratic states, and the expectation of adhering to human rights norms (2003, pp. 1143-1167). A Social Constructivist approach directs attention to the interactive processes of identities and norms. Building upon the strength of Social Constructivist approaches in distilling norms and identities, this paper argues that one of the primary reasons that the Canadian government and Canadian-based NGOs have such diverging approaches to human trafficking and its remedies is because of their identities and norms under which each actor operates.

Focusing on norms and identity to explain the diverging approaches and understanding of human trafficking may not be the most obvious approach. Norm and identity formation is traditionally used to explain EU integration, INGO activism, foreign policies, security policies and more recently immigration policies (Checkel, 1998; Gurowitz, 1999; Keck & Sikkink, 1998; Risse, Ropp and Sikkink, 1999). However, in the literature on human trafficking policies, legal and migration researchers indicate and refer either directly, or indirectly, to the growing practice amongst governments in the securitization of migration regimes (Bigo, 2002; Crepeau & Nakache, 2006; Dauvergne, 2004; Faist, 2002; Oxman-Martinez, Hanley & Gomez, 2005). This paper builds upon their analysis and proposes that securitization is an emerging norm embedded in government policies on human trafficking. Moreover, the literature alludes to how securitization is part of the norm in relation to the transformation of state understandings

of its own identity and how it regards sovereignty (Berman, 2003; Bigo, 2002; Chapkis, 2003; Dauvergne, 2004). Similarly, the literature on human trafficking repeatedly refers to NGOs invoking human rights norms in NGO approaches to human trafficking (Bertone, 2004; Fitzpatrick, 2003; Jordan, 2002; Tzvetzkova, 2002; Wijers, 2002) as a result of their identity and role as ‘moral entrepreneurs’ (Bertone, 2004; Keck & Sikkink, 1998). As such, their focus on norms and identities of actors can help explain the diverging understandings and approaches to human trafficking.

Although there is little agreement on a standard definition of identities and norms, this paper employs some working definitions. The working definition of identity this paper employs assumes that identities are rooted in actors’ self-understandings (and is thus subjective) but also depend on whether that identity is recognized by other actors, which gives identities the intersubjective quality. As such, identity formation is also limited by the scheme of possible identities at any historical moment (Finnemore & Sikkink, 2001, p. 399)<sup>6</sup>. With regards to norms, there is more agreement, at least among Social Constructivists, upon a common definition. In general, norms are understood to mean a standard of appropriate behaviour for actors with a given identity (Finnemore & Sikkink, 2001, p. 399). Moreover, norms both dictate standards of behaviour and provide actors with a set of sociocultural information, including principles and values (Wiener, 2004, p. 196).

The essence of the interaction between norms and identities can be summed up by the following: if norms are defined as “collective expectations about proper behaviour for a given identity,” (Risse *et al.*, 1999, 7) then identities also become a framework in which collective expectations of proper behaviour are mediated. As such, this approach

---

<sup>6</sup> Finnemore and Sikkink paraphrasing Wendt, 1999.

problematizes the interests and behaviours of actors and relates them back to the identities of the actors. In Risse, Ropp and Sikkink's account of social constructivism and its approach to identity they write:

“What I want depends to a large degree on who I am. Identities then define the range of interests of actors considered as both possible and appropriate. Identities also provide a measure of inclusion and exclusion by defining a social “we” and delineating the boundaries against the “others” (1999, p. 9).

Norms then become relevant and causally linked during the process by which actors define and refine their collective identities and interests, which in turn influence behaviours. What is important in our discussion of norms, ideas and identities is the interaction of these various factors. The social constructivist approach endogenizes identities and interests of actors to understand the norm formation process (Risse *et al.*, 1999, p. 9; Wiener, 2004, p. 194).

Applying a social constructivist approach, this paper advances the argument that the Canadian government's identity as the ‘securer of the nation’ (Berman, 2003, p. 53) reinforces and interacts with the emerging norm of securitization and is expressed in government policies towards human trafficking. Furthermore, NGO identity as the voice of civil society (Pal, 1995, p. 192) interacts with human rights norms that are embedded in their approach to human trafficking. Furthermore, a social constructivist approach highlights the norms and ideas that operate within the policies of government human trafficking policies and NGO approaches to human trafficking.

### **Chapter 3: Canadian Government Perspective on Human Trafficking**

This section details the argument that Canadian policy on trafficked persons justifies the securitization norm. In turn, the securitization norm reflects how the government understands itself as the securer of the nation. This chapter begins with an exploration of the Canadian government's identity as the securer of the nation and the securitization norm as it relates to human trafficking policies. Subsequently, the paper turns to a brief discussion on the emergence of the norm of the securitization agenda. The chapter then outlines how the securitization norm informs Canada's human trafficking policies and casts trafficked persons both as criminals and as victims. In particular, measures adopted after 9/11 and the trafficking prevention measures in IRPA fit into the securitization practices and norm of casting trafficked persons as criminals. Similarly, this section argues that the attempt to enforce a clear line between smuggling and trafficking in the UNCTOC, section 55 in IRPA and in the introduction of the Temporary Resident Permits (TRPs), are indicative of the reliance on a victim narrative.

#### *Government Identity as 'Securer of the Nation'*

Social constructivists argue that the foundational principle of sovereignty defines the social identity of the modern state (Reus-Smit, 2004, p. 14). As a foundational principle, sovereignty is a powerful prescriptive force on state roles and behaviour and has traditionally referred to the right of governments to exercise sovereignty through territorial control. As Jacqueline Berman notes in her analysis of contemporary discourses on sex trafficking, the essential role of government is to "perform statecraft", which "reiterates performances of state sovereignty" (Berman, 2003, p. 38). Berman further emphasizes that with contemporary globalization, 'performing sovereignty'

entails the practice of using new technologies to securitize the state, allowing states to further “claim control over the border and perform the role of securer of the nation” (Berman, 2003, p. 53). The role and identity of the state were transformed from that of securing the borders against communism, to expanding traditional, military definitions of security to include economic, environmental, societal and human security (Berman, 2003, p. 63). Security, in its different manifestations, is still about the survival of the state. As such, the shift in the meaning of sovereignty coincides with the changing identity and role of the government, one that posits itself as the protector of the state.

Catherine Dauvergne makes a similar argument about the shifting identity and role of governments, emphasizing that with contemporary globalization, sovereignty further intensifies the security role of the government but has shifted the control over territories to the control over people both internally and externally (Dauvergne, 2004, p. 601 & 2004, p. 92). Dauvergne goes further to argue that government policies on human trafficking focus on either criminalizing migrants or casting them as helpless victims, because trafficking policies, indeed any of the immigration policies which purport to ‘crackdown’ on illegal migration, are means for the government to express its role as the securer of the nation and to secure the “last bastion of sovereignty” (2004, pp. 1, 13). As such, the role and identity of the government and its exercise of sovereignty are such that it has shifted to include the control over people both inside the territory of the nation-state and in the process of coming inside the state.

#### *Securitization as a Norm*

Recent scholarship from security theorists and migration scholars points to a growing pattern amongst states of creating a securitization agenda (Bigo, 2002; Crepeau &

Nakache, 2006; Dauvergne, 2004; Faist, 2002; Ibrahim, 2005; Oxman-Martinez, Hanley & Gomez, 2005). According to Didier Bigo, one of the leading proponents of this theory, the securitization agenda is established through “a technology of governmentality,” and a “logic of surveillance controls” set up to securitize through insecurity and govern through fear (Bigo, 2004, p. 65). Bigo further argues that the popularity of the securitization agenda is not an expression of traditional responses to a rise of insecurity, crime, terrorism, and the negative effects of globalization. Rather, Bigo contends that the securitization agenda is a result of the “creation of a continuum of threats and general unease in which many different actors exchange their fears and beliefs in the process of making a risky and dangerous society” (2004, p. 63).

Beginning before the events of 9/11, the last two decades since the end of the Cold War have marked an increase in the process of “securitization”, whereby policy issues, such as drug trafficking, or international migration were turned into security issues (Faist, 2002). The concept of security has shifted since the end of the Cold War from one that focuses on the threat of war by other states, to the threat of individuals (Ibrahim, 2005, 168). As Mariam Ibrahim argues, the shift in the focus of security to the individual explains the expansion of security to encapsulate migration (2005, 167). The change in Canadian immigration policies from promoting immigration to expand territorial domination, to fulfilling labour market needs, to moments of accepting refugees for humanitarian reasons can be explained through the change in understanding state security. For instance, Canada’s signing of the UN Convention on the Status of Refugees affirmed its commitment to humanitarianism in its migration policies. In 1979, Canada accepted 60 000 refugees from Viet Nam, Cambodia and Laos (Ibrahim, 2005, p. 168).

Although national security has historically been a concern for immigration policies, since the 1980s, the “role of migrants for capitalist expansion has been occluded for a new security concern” (Ibrahim, 2005, p. 169).

Myron Weiner’s work on the costs and benefits of migration in the 1970s argues that there is a direct connection between the movement of international populations and conflicts within and between states. Weiner further argues that, “A study of these effects is necessary to understand why states and their citizens often have an aversion to international migration even when there are economic benefits (Weiner, 1993, 2-3). Weiner’s argument represents the shift in the idea of security from the concern with state capacity to wage war, to the migration of individuals and migration’s ability to destabilize a state. The norm of the securitization agenda is highly apparent in policies related to human trafficking because of its illicit nature and the inability of governments to monitor human trafficking.

The historical background on the norm of the securitization agenda sets the context for the Canadian government’s current response to human trafficking. Embedded in Canadian government responses to human trafficking is the invocation of securitization as a norm. As a norm, securitization makes a behavioural claim and implies a set of accepted practices. In human trafficking policies, the securitization norm frames behavioural rules and specifies regulations and prescriptions under certain conditions. For instance, the securitization norm prescribes regulatory practices that include the adoption of tighter border controls and punitive measures that criminalize trafficked persons and smuggled migrants, rather than affording protection. The securitization norm effectively casts migrants as criminals and as victims. The simultaneous



production of trafficked persons as would-be criminals and victim serve to justify and reinforce the practices that form the securitization norm and the identity of the state as the nation's protector.

The next sections examine how the securitization norm casts trafficked persons as both criminals and victims. In particular, this section examines how border control measures adopted after September 11<sup>th</sup> and trafficking prevention provision in IRPA effectively cast trafficked persons as criminals. Subsequently, the paper discusses the UNTOC's definition of smuggling and trafficking, section 55 of IRPA and the new TRPs and demonstrates how these policies rely on casting trafficked persons as victims.

#### *Criminalizing Trafficked Persons and Migrants*

Overall, the Canadian government's implementation of the UNTOC in domestic policies reveals that the securitization norm prevails. Migrants are viewed first and foremost through a crime and security lens instead of a compassionate or humanitarian lens<sup>7</sup>.

Moreover, Canadian policy officials' emphasis on border controls discloses further their identity as the government. Canada's efforts to comply with the Protocol's statements on the prevention of trafficking<sup>8</sup> has focused on a three-pronged approach: precluding trafficking from occurring in the first place in source countries, stopping traffickers from entering with their victims through border control, and cooperating with other countries. The three-pronged approach includes many regulations that are part of the securitization norm and further enforce the government's role as securer of the nation. In particular, the criminalizing effect is most explicit in the principle to preclude trafficking from occurring

---

<sup>7</sup>For a thorough discussion on how approaching trafficking solely through border control is insufficient and raises serious questions about international migrants' human rights, see K. Van Impe, 2000, pp. 113-130.

<sup>8</sup> Article 9.1a of the Protocol on Trafficking urges member states to take measures to prevent human trafficking from occurring and, for those who have already fallen victim, to prevent their re-victimization once they are intercepted or come forward to authorities for help.

in the first place in source countries, and stopping traffickers from entering with their victims through border controls.

The development of lobbying and education programs to stem trafficking from occurring in source countries fits into the production of migrants and trafficked persons as criminals for two reasons. First, education programs effectively individualize the problems and place the onus on the trafficked persons, who may not have had many choices to begin with. Second, efforts to reach individuals also ignore the structural conditions in which trafficking often occurs. Subsequently, a serious consideration of structural conditions works to disrupt the criminalized image of trafficked persons and migrants.

The Canadian International Development Agency (CIDA), CIC and the Department of Foreign Affairs and International Trade (DFAIT) collaborate on educational programs in countries identified as “at risk” of being source countries of victims of trafficking. These projects include public awareness campaigns for women and children, involvement in the development of anti-trafficking legislations in Viet Nam and Pakistan through DFAIT and the distribution of information packages in countries identified as potential source countries to the Canadian missions abroad and to regional NGOs (DFAIT, 2003b). Although these programs may complement other measures to prevent trafficking, the individualized nature of lobbying and education programs are aimed at individual cases and ignore the structural conditions under which trafficked persons may have chosen to leave. Prevention efforts that focus on the idea that educating potential trafficked persons of the dangers involved in being trafficked do not take seriously the structural causes of trafficking. Although people who choose to

migrate may have the ability to choose to leave, much like a procedural choice, their so-called choice to leave is not fully realized and is not substantial because the alternative, for instance, to stay in their home countries, is not a viable alternative either (Sanghera, 2004, p. 7).

It is not surprising that in the area of prevention, the guiding principle to improve structural conditions in source countries has not advanced. The production of the criminalized narrative in securitization does not allow for a serious consideration of structural issues. Indeed, as Oxman-Martinez point out, many of those involved in Intergovernmental Working Group on Trafficking in Persons (IWG-TIP) see structural causes as only peripheral to the issue of human trafficking (Oxman-Martinez *et al.*, 2005, p. 11), even though trafficked persons have identified socio-economic reasons as one of the primary reasons for migrating (Sharma, 2003; Orlova, 2004; Langevin & Belleau, 2000). Referencing structural and systemic based reasons for trafficking disrupts the criminalized narrative, because it suggests that trafficking could be more effectively redressed in a larger context that seeks to understand socio-economic and gendered-based subordination (Berman, 2003, p. 45). As such, the criminalization narrative fits into the discursive logic of the securitization norm by framing the trafficking issue as one of criminal migrants breaking border laws.

The second area that works to criminalize trafficked persons and migrants is in the area of border control measures. Immigration policies and human trafficking policies adopted in the last four years have led to a decrease in the legal opportunities for international migration, creating an environment that is conducive to migrant smuggling and trafficking (Crepeau & Nakache, 2006, p. 4). In terms of border control, the

aftermath of the terrorist attacks of September 11 has meant an intensification of border control and the suppression of 'illegal' migration. As a result, 'illegal' economic migrants are finding themselves increasingly criminalized and are facing increasing threats of detention and or deportation (Crepeau and Nakache, 2006, 4). Within this anti-terrorism context, Canada was criticized by the United States for being a major entry for terrorists trying to enter North America. Partly in response to this criticism, Canada negotiated a number of restrictive measures regarding border crossing, particularly targeting refugees and individuals from countries that the United States has identified as linked to threats of terrorism.

One of the most restrictive measures is the Safe Third Country agreement, which targets refugees moving between Canada and the United States. In fact, the 2001 federal budget built on these initiatives through a comprehensive set of measures designed, as paraphrased by Oxman-Martinez, "to keep Canada safe, terrorists out, and the Canadian border open, especially to trade" (Oxman-Martinez *et al.*, 2005, p. 13)<sup>9</sup>. The Safe Third Country Agreement is but one of the policies that have significant implications for refugees and migrants seeking entry to Canada in general. Migrants are viewed first and foremost through a crime and security lens instead of a compassionate or humanitarian lens<sup>10</sup>. Overall, in implementing policies, Canadian policy officials have used the border-control approach to fight terrorism and applied it in the policy arena of human trafficking prevention. Moreover, Canadian policy officials' emphasis on border controls discloses further their identity as the government and their interpretation of sovereignty and human rights and of the Protocol itself.

---

<sup>9</sup>For CIC policy announcement see *Strengthened Immigration Measures to Counter Terrorism*, CIC, 2001, <http://www.cic.gc.ca/english/press/01/0119-pre.html>.

<sup>10</sup>See also A. Macklin, 2005, pp. 365-246.

### *Securitization and Silencing through Victim Narratives*

Key to the norm of securitization is the discursive use of the victim narrative. Victim narratives permit the invocation of the securitization norm because victims need to be protected, and criminals need to be punished. In this discursive interaction, the victim narrative provides both the securitization norm and the state's identity with justification. The securitization norm is evident in both the UNTOC, on which the Canadian government has based its domestic policies.

After a discussion on the smuggling and trafficking protocols in the UNTOC, the following sections discuss how the securitization norm and the production of the victim narrative is replicated in Canadian trafficking policies, specifically Section 55 of IRPA and the introduction of the pilot Temporary Resident Permits (TRPs). The production of trafficked persons as victims is also set in historical context by a brief discussion of past Canadian government policies on the trafficking of women. Finally, this section concludes with a discussion as to how the casting of trafficked persons as victims, limits the range of policies because the victim narrative effectively silences trafficked persons.

The UNCTOC's definitions of trafficking and smuggling rest on the distinction between coercion and consent, and victim and culpable criminal. The treatment of smuggled migrants is revealing of the embedded norms at play. Although the UN Smuggling Protocol does set out the need to provide migrants with humane treatment and full protection of their rights, it generally contains minimal references to the protection of needs of smuggled persons. Statements that do require states to protect smuggled migrants are heavily qualified: states should "take *appropriate* measures to afford migrants *appropriate* protection" [emphasis added] (Bhabha, 2005, p. 4). Furthermore,

there are no provisions regarding medical, psychological, or social recovery, which include help with housing, employment and job training. States are also not required to collaborate with NGOs, or to provide temporary legal residency as is stated in the Trafficking Protocol. Rights to non-discriminatory treatment derived from international law are also not included in the convention.

At the same time, the Smuggling Protocol metes out harsher punishments for smuggled migrants, including the provision that smuggled migrants are to be returned to their home countries expeditiously and that they can detain smuggled migrants provided they are afforded consular access (Bhabha, 2005). In as much as the Protocol stipulates that migrants themselves should not be subjected to criminal prosecution because of their clandestine entry, the protocol allows a considerable amount of leeway for states. In addition, the protocol calls on states to strengthen international prevention and punishment of smuggling activities (Crepeau & Nakache, 2006, p. 17).

The practice of differentiating between consent and coercion greatly affects the overall treatment of trafficked persons. In their study on the gendered impacts on Canadian immigration policies and its effect on trafficked women, Oxman-Martinez and Martinez argue that consent should be entirely removed from the definition. Through their interviews with informants, the authors note that initial consent on the part of migrant women is often used by immigration and law enforcement officials to differentiate between cases of smuggling versus trafficking (Oxman-Martinez, *et al.*, 2001, 299). For instance, according to another study conducted by the Special UN Special Rapporteur investigating the treatment of women after a series of raids in 1997 and 1998 in Toronto, when Canadian police and immigration officers discovered that

some of the 76 women had consented to working in the sex trade industry and that many of them had contracts with their employers, law enforcement officers concluded that “they knew exactly what they were getting into” (Coomaraswamy, 2000, para 45). Moreover, many individuals who consent either to be smuggled across borders or to come to Canada under legal immigration programs are unaware that their freedom would be restricted on entry to Canada.

Although the protocols were ratified by Canada in 2002, the IRPA, 2001, was modified and increased the penalty for migrant smuggling. The penalty for persons helping 10 individuals or more to cross the border irregularly, without threat to any persons or property, (that is, not trafficking in people for slavery or prostitution purposes), is life imprisonment. Crepeau and Nakache point out that the punishment for smuggling is more than the punishment for “rape at gunpoint, which carries a maximum sentence of 14 years”, and it is equivalent to the punishment imposed for acts of genocide or crimes against humanity (Crepeau & Nakache, 2006, p. 17). Furthermore, IRPA does not differentiate between people who are motivated by humanitarian concerns and others. For instance, if a person helps a family member flee persecution, the person who arranged for the family to leave can be refused an asylum hearing or lose permanent residence without the possibility of an appeal (Crepeau & Jimenez, 2004). As such, destination states, in this case, Canada, have an incentive to classify migrants who are intercepted as smuggled rather than trafficked persons (Fitzpatrick, 2003, p. 1153). The ambiguity between consent and coercion, culpable ‘illegal’ migrant or victim, and smuggled or trafficked migrant or victim, may ultimately undermine a trafficked persons’

access to the modest human rights protections provided in the Trafficking Protocol and IRPA regulations for bona fide trafficked persons (Fitzpatrick, 2003, p. 1153).

To be sure, the acknowledgement that distinctions should be made by governments and international protocols to distinguish between smuggling and trafficking is regarded as a considerable achievement. It makes it easier for policies to categorize clandestine migration, which by its very nature, cannot be neatly categorized.

It must be acknowledged that while the Trafficking and Smuggling Protocols were no small achievements, neither protocol helps to answer crucial questions ranging from practical, operational issues, to normative, theoretical issues. For instance, how and what distinguishes trafficked persons from smuggled migrants? Are trafficked persons more deserving of greater protection than smuggled migrants? Or, can asylum seekers be smuggled and trafficked? (Fitzpatrick, 2001, p. 977). Government migration policies that attempt to draw a hard, clear line between smuggling and trafficking become about assigning guilt, and serve state interests to create clarity about who is to be excluded from the guilt, and who cannot be (Dauvergne, 2005, p. 28). The problem with attempting to make clear distinctions between smuggling and trafficking, which is linked to victim identity, is that clandestine migration, by its very nature, cannot be neatly categorized.

In terms of domestic policies, governments in North America and Europe have long been concerned with the trafficking of women and children and employed the victim identity to gather support for legislation addressing the issue. In 1904, a series of treaties specifically required states to criminalize trafficking and sexual exploitation and to cooperate with other states to prosecute the perpetrators and rescue the victims. The treaties focused what was then called the “white slave trade” (Fitzpatrick, 2003, p. 1144).



The “white slave trade” referred to the use of deception or coercion to induce or force European or North American women or girls into the sex trade in developing countries or colonies.

Although the overwhelming majority of trafficked persons today are not Anglo-European, and are instead Eastern European, Asian, Latin American or African, the stereotypical image still exists: the victims must be pure, innocent, and lured unwittingly into the sex trade. As such, only ‘good girls’ can be trafficked, whereas women who admit to being aware that they are entering the sex industry, but who are lied to about the conditions they will work under, are painted as the ‘bad girl’, and they risk forfeiting entitlement to the concern and respect of the state (Doezema, 1999, p. 24). Moreover, the victim narrative cannot account for the perspectives of trafficked persons themselves. As Laura Agustin points out in her research on migrant sex workers, there are migrant women working in the sex industry who knew that their work would have a sexual aspect (Agustin, 2006, 36). The idea that trafficked persons may have known the conditions under which they migrated, disrupts the victim narrative because it acknowledges that complex forms of people’s migration (Berman, 2003, p. 49). Thus, what remains is the patent paradigm of the trafficked women as victim (Macklin, 2003, p.480).

It is also interesting to note that the recent increase of concern over trafficking also coincides with the end of the Cold War and the opening of new markets in East Europe. Some scholars argue that since the 1990s, there has been a ‘whitening’ of trafficking victims, which coincides with prioritizing trafficking as an international crime (Berman, 2005; Dauvergne, 2005, p. 8; Doezema, 1999). Whereas the trafficking of non-European domestic workers and mail-order brides, vis-à-vis the Live-In Caregiver

program (LCP) and the Fiancée's Visa program, has been documented and longstanding, the rise in media attention to human trafficking, especially the trafficking of women and children is concurrent with the more recent increase of trafficked women from Eastern Europe (Berman, 2003; Dauvergne, 2005, p. 7; Doezeema, 2000 & 2001; Macklin, 2003, p. 479).

In the area of legislative frameworks, although Canada's policies categorize trafficked women as 'victims', Canada has no legal guidance for the protection of trafficking victims within Canada. This means there is no mention of what type of legal or immigration status can be conferred upon those who fall victim to trafficking. Although the act of trafficking itself has been made illegal, legal guidance for the protection of trafficking persons, especially women who are trafficked into the sex trade, remains largely a matter of police discretion, because they are the agents who are most likely to carry out interdictions and raids (Oxman-Martinez, Hanley & Gomez, 2005, p. 14). Section 55(2)b of the Immigration and Refugee Protection Act (IRPA) provides that

"... an officer may, without a warrant, arrest and detain a foreign national other than a protected person... if the officer is not satisfied of the identity of the foreign national in the course of any procedure under this Act".

This IRPA section essentially places additional restrictions on asylum seekers or trafficked persons and places the onus on them to provide sufficient proof of their identity. As Oxman-Martinez argues that by placing them in detention, this goes directly against an explicit recommendation by the UNHCR guidelines that "trafficked persons should not be held in immigration detention centers, other detention facilities or vagrant houses" (Oxman-Martinez *et al.*, 2005, p. 14)<sup>11</sup>. Furthermore, under Canada's Criminal

---

<sup>11</sup>Ibid. for guidelines see Principles and Guidelines on Human Rights and Trafficking, *Report of UNHCHR to ECOSOC*, E/2002/68/Add.1

Code, women who are trafficked into Canada's sex trade would be charged for prostitution, as well as being treated as illegal migrants. The current legislation only exempts those deemed convention refugees from prosecution for false identity and entry documents, thus throwing trafficking women back into the category of 'illegal' migrants. A related consequence of the current legislation is the tendency to invite trafficked women to apply for refugee status as a solution to the possibility of being criminalized and treated as an illegal migrant. What is important in the discussion on the lack of clear legal guidelines regarding trafficked persons is that it elucidates how Canadian policy officials perceive the further protection of the safety and dignity of women trafficked into the sex industry, as a severe limitation on the sovereign right of the Canadian nation-state to crack down on illegal migration. The ability to restrict illegal migration represents a strong assertion of sovereign control over a nation's borders and peoples.

The use of the victim narrative is most obvious in another recent reform by Citizenship and Immigration Canada (CIC) to IRPA. On May 11, 2006, the Canadian Minister of Citizenship and Immigration, Monte Solberg, announced that the federal government had adopted new measures to help victims of human trafficking. The new measures allowed immigration officers to issue temporary resident permits (TRPs) for up to 120 days to victims of human trafficking. The point is to "enable victims to begin to recover from the impact of human trafficking...the new measures have been carefully designed so that only *bona fide* victims of human trafficking will benefit from them" [emphasis added] (CIC News Release, 2006). Refugee and immigrant rights associations welcomed the new measures announced by CIC and recognized it as a "first step in

efforts to ensure that trafficked persons in Canada receive fair and human treatment” (Canadian Council for Refugees, Media Release, 2006).

The language reveals a dominant anxiety expressed in the Immigration and Refugee Protection Act (IRPA), the Citizenship Act, and agreements made between Canada and the US<sup>12</sup> (Crepeau and Nakache, 2006; Oxman-Martinez, et al, 2005, p. 12). By inserting the caveat that only ‘bona fide victims’ of human trafficking will benefit from the TRPs, the new CIC measures are attempting to draw a clear line between genuine victims of trafficking as opposed to trafficked persons who are guilty of transgressing borders. What is important about highlighting the attempt to draw a distinction between genuine victims and those who have willingly broken border laws, is the necessity of the victim narrative and the particular interpretation of human rights norms by governments, in government policies towards trafficked persons. Victims are helpless, unwilling and unknowing agents who break the law. Taken to its discursive logic, policies on trafficking are limited to remedial instruments to remedy the crime and to punish the violators. The bona fides of their status as genuine trafficked person’s lies in them being unaware of the circumstances under which they had unknowingly agreed to break the laws of national borders. Victims are exploited and their rights are violated.

But, precisely which rights have been violated? Part of the difficulty with invoking the human rights discourse in this particular manner is the vagueness of human rights ‘talk’. In Dauvergne’s account of human rights and government human trafficking policies, she notes that there are numerous potential rights that are breached when

---

<sup>12</sup> These include the 2001 Canada-US Smart Border Declaration, the 2001 Joint Statement of Cooperation on Border Security and Regional Migration Issues (DFAIT), and the 2002 Safe Third Country Agreement on Refugees between Canada and the US. Furthermore, in 2001, the federal budget built on these initiatives through a comprehensive set of measures designed to “keep Canada safe, terrorists out, and the Canadian border open, especially to trade (CIC, 2001).

someone is trafficked, including basic liberty, freedom from exploitation, control over one's own body, the right to freedom of movement, freedom of choice, right to earning a living, or right to seeking asylum (Dauvergne, 2005, p. 6). The statements of rights move from ones that reveal some of the root causes of trafficking, to barriers namely, to national sovereignty and borders, and to effective solutions. In short, trafficked persons are silenced victims who are 'rights holders', but not powerful *claimants* of rights (Dauvergne, 2005, p. 7). The difference is subtle, but it is crucial to revealing the securitization perspective of Canadian government policies, and its particular use of human rights norms. The problem with government policies attempting to draw a distinction between smuggling and trafficking is the use of the victim narrative. The difficulty with drawing a clear line that assigns culpability and innocence is that the victim narrative silences and obscures the story and relegates the myriad of reasons that might lead a person migrating, into a lesser category, which is deemed not worthy of concern by way of government policies (Berman, 2003, p. 41).

Moreover, the recent announcement of the TRP program reveals fundamental expressions of the government's identity, the securitization norm and its interpretation of trafficking. Drawing on the securitization norm, the government's identity as the protector of the nation shapes the responses to trafficking. As deemed by its identity and role, the government's control over the borders and between other identities that enter within its territories is an 'integral part of securing the nation (Berman, 2003, p. 63). Much as Canada's immigration policies are about capturing the 'best and the brightest' of immigrants, or about the deserving and undeserving in humanitarian and compassionate cases, human trafficking policies are also about weaning out which migrants are deserved

of membership and protection of the state. As Dauvergne notes in her analysis on the development of migration law, national identity and sovereignty,

“Control over migration is associated... with the essence of being a nation, across a range of understandings of what that might be: people, borders, mythology, and a monopoly over coercive power... this points to the evolving nature of both the nation and sovereignty” (Dauvergne, 2004, p. 592).

In the context of policies on human trafficking, the very presence of trafficked persons represents such an assault on the identity of the government as the securer of the nation's identity. As a result, the only means by which a migrant who has been trafficked or smuggled can ask for the Canadian state's protection is by appealing to the victim narrative. The victim narrative simultaneously justifies the procedural norm of securitization.

#### **Chapter 4: NGO as ‘Authentic Moral Voices’**

In his study of Canadian NGOs and their involvement in forming human rights protocols within the UN, Pal observes that “NGOs begin with the fundamental assumption that it is time to revisit sovereignty...they see themselves as representatives of civil society with the goal of protecting and extending universal human rights” (Pal, 1995, p. 191). This reflection on NGO identity is echoed in mandates of several NGOs. Save the Children Canada, which is part of the International Save the Children Alliance, states that they “speak out for and on behalf of children – to make others take action and to bring about significant change to the lives of children around the world...Save the Children firmly believes that children and young people must be active participants in the design and implementation of programs and policies that impact on their lives, as they are best placed to tell the world about their needs” (Save the Children Canada, Mandate, website). The language used in the mandate speaks to their identity as an organization, one which posits NGOs as altruistic and authentic voices of civil society’s concerns with justice and human rights (Pal, 1995, p. 192).

Part of that identity involves the role of pointing out that practices often do not meet principles. In the case of larger NGOs, offices in other countries are the source of information and reports on human rights issues. For instance, Save the Children Canada’s work on child labour and child trafficking in West Africa relies on the reports and monitoring from the organization’s offices in Mali and Burkina Faso. Their collaborative work with local NGOs in West Africa resulted in the establishment of a centre which aids in the rehabilitation of children who have been trafficked in West Africa. The organization’s work with local NGOs in West Africa is crucial to their

efforts as ‘moral entrepreneurs’ who work to highlight to governments and to the public the existence of practices that do not withstand international principles on human rights. In Ann-Marie Clark’s account of Amnesty International’s (AI) role in forming international norms on human rights, she observes that as ‘moral entrepreneurs’, AI links “incontrovertible facts to already accepted moral beliefs and principles” in order to mount “an effective moral argument for why such practices should be outlawed” (2001, p. 33). The following section provides an overview of policies and services provided by NGOs in Canada for trafficked persons and discusses how NGOs have formed a different interpretation of the human rights norm, one that is dependent on empowerment.

#### *Human Rights Norms as Empowerment*

The NGO approach to human trafficking is one that is related to empowerment and dignity. The human rights norm helps to create alternative policies other than ones that focus on crime and law enforcement. In contrast, the securitization norm in Canadian government responses to human trafficking limits other policy alternatives, which accounts for the lacuna in government policies that would support and assist those identified as trafficked persons. For example, even under the new TRPs, if a person is deemed not to be trafficked but smuggled, these newly categorized migrants are sent back to the countries of origin. As such, government practice effectively places the onus of assistance and treatment on the source countries. The NGO approach, on the other hand, regards it as the responsibility of the destination country to provide assistance and treatment to trafficked persons. The following section articulates how the human rights norm of empowerment affects policy practices of NGOs. In general, NGO programs



stress the importance of creating policies that allow for the experiences and perspectives of the trafficked persons to be acknowledged.

A policy practice derived from the human rights norm of NGOs is an understanding of the structural causes of trafficking and a willingness to take into consideration of the circumstances of trafficked persons. To be specific, a human rights approach developed by international NGOs is one that recognizes that the return of trafficked persons to the countries of origin is not always a viable and safe option. The Recommended Principles and Guidelines (GAATW and OSCE) emphasize that repatriation, if it is an option, must be voluntary. Furthermore, the rights-based approach stresses that a right to a safe return also includes the right not to be repatriated if repatriation would expose the trafficked person to a real risk of further human rights abuses as the risks of reprisals by the traffickers, of being re-trafficked, of oppressive or discriminatory measures from the authorities and of being subjected to inhuman or degrading treatment (Recommended Principles, 2002). As such, states are obligated to provide a whole set of practical measures that are necessary to enable people who have been trafficked to exercise and enjoy their human rights (Wijers, 2002).

A fundamental basis of the human rights norm is the acknowledgement that all human beings must be regarded as subjects with rights and as such, holders of rights. As rights holders, the right to protection, assistance and redress are all rights to themselves and cannot be made contingent upon the willingness or capacity of the trafficked person to cooperate in legal proceedings or programs that may further violate their rights (OSCE Parliamentary Assembly Resolution, 2001, Paragraph 10). In addition, in order to avoid perpetual dependence, states must provide some material assistance to enable trafficked

persons to become self-sufficient economically. In short, there is no trade off between combating trafficking and human rights (Wijers, 2002). Moreover, the acknowledgement by NGOs that human rights are rights on their own and based in international human rights law means that NGOs place the onus on governments to provide and assist trafficked persons to claim and to exercise their rights (Macklin, 2003, p. 495).

The NGO interpretation of the human rights norm places the onus on states to assist and provide redress to trafficked persons. At a minimum, the provisions must meet basic international human rights standards. Existing recommendations developed by the Dutch Foundation Against Trafficking in Women, the International Human Rights Law Group and The Global Alliance Against the Trafficking of Women (GAATW), and the Recommended Principles and Guidelines on human rights and human trafficking of the Office of the High Commissioner for Human Rights both provide a comprehensive survey of social and legal provisions that states must provide. Legal provisions include access to legal assistance, private actions and reparations, procedural protections in court cases, witness protection, access to temporary and, if necessary, permanent residence status, and help with a safe, and to the extent possible, voluntary return to their country of origin. Social services include assistance in housing, securing food, informational referral, translation, interpretation, psychological and health services. However, both the Recommended Principles and Guidelines to the Economic and Social Council and the Human Rights Standards recommend that “trafficked persons should not be required to accept any such support and assistance and they should not be subject to mandatory testing for diseases, including HIV/AIDS” (Recommended Principles, High Commissioner for Human Rights, 2002, Guideline 6). In the Canadian context, the

Criminal Code does not require any persons to be subjected to mandatory testing for diseases. The same principle of treatment applies to the treatment of trafficked persons in Canada.

In their study on the situation of migrant sex workers from Eastern Europe in Canada, McDonald, Moore and Timoshkina identify 109 agencies in Toronto that would reasonably be expected to provide services to trafficked women (McDonald *et al.*, 2000). Their study identified NGOs and settlement agencies that provide services including health services, women's shelters and drop-ins, ethnic specific agencies, non-ethnic specific immigrant and refugee agencies, social services linked to legal support, information and research, sex trade workers' organizations and advocacy groups, and multi-service women's centres. The findings of McDonald, Moore and Timoshinka's study suggest that few women had any knowledge of access to social and health services. Even women who were permanent residents and who were trafficked did not know of services and how services could be accessed (McDonald *et al.*, 2000). Furthermore, the interviewed women agreed that if they did access services or in some cases, when they did access services from community-based agencies, they preferred not to seek help in ethnic-specific agencies because of the stigma attached to sex work. As a sex trade worker from Russia commented, "If you work in a place like that—it's all over, you are marked", referring to her perceptions of how her community would treat her if they knew her situation (McDonald, *et al.*, 2000). The comments from the women interviewed about not knowing how to access social and health services is understandable in light of many of their situations where it was to the advantage of employers to keep the women in vulnerable positions in return for services.

In contrast, the Canadian government, via the Department of Justice and the Interdepartmental Working Group on Trafficking In Persons (IWG-TIP), published an informational booklet called, “Don’t Become a Victim in the Illegal Trade in Persons”. The booklet includes an explanation of what trafficking is and the possible methods recruiters might use. The booklet also discusses the legal consequences of trafficking, the rights of individuals, a ‘how-to’ avoid trafficking and ways to seek help once “in the grip of traffickers”. The section on seeking help advises persons that they can call 9-1-1 for the police or fire department; that if they are ill, they can go to a doctor and that some clinics do not even ask the women what their profession is; and a small section on labour rights. There is also a section on Community services, and it advises readers that more information about these services can be found in phone books, public libraries, and through asking people. Publishing a ‘how-to’ guide on avoiding trafficking shows that government policies are focused on reaching individuals at risk, rather than addressing the root cause of people’s vulnerability to trafficking. Moreover, it is revealing of the procedural security norm in operation.

The range of social and legal supports needed by trafficked persons is very broad and is quite similar to the settlement-related needs of other newcomers. However, the high vulnerability of trafficked persons with respect to their status necessitates the provision of more legal provisions with special attention paid to practices to ensure that further violations do not occur. As with settlement services for newcomers, when individualized needs are taken into account, settlement and assistance needs become very broad. In response to CIC’s new TRP program, the Canadian Council for Refugees (CCR) noted that trafficked persons need to have access to social assistance, which is part

of long-term protection measures for people staying in Canada (CCR, 2006). CCR also cites the need to for Community-based NGOs to provide specialized services for trafficked persons. Based on the guidelines, “Assisting Victims of Trafficking in Human Beings,” published by a group called, *Towards Improved Assistance and Protection for Victims of Trafficking in Human Beings*, CCR states that “properly adapted assistance [for trafficked persons] consists of the following:

- Specialized assistance
- Respect of victim’s choices
- Prior training of staff of the associations and social partners
- Awareness-raising of professionals involved in protecting and assisting victims (for example, police officers, judges, lawyers, doctors, interpreters, social workers, etc.)”

The above list of services include services that would most likely only be accessed or will only be needed after access to basic social and legal provisions are met. However, without further research into what trafficked persons themselves view to be most important in their particular situations, it is presumptuous and unethical to assume which services are or should be of priority (Brennan, 2005; Tyldum, 2005). Suffice it to say, as is the case of any other victims of crime or major human rights abuse, the immediate health and other practical needs of trafficked persons must be attended to. Nonetheless, what remains is a list of social and legal supports that trafficked persons can presumably access once and if they are discovered by government authorities.

The overview of services, including advocacy provided for by NGOs, reveals that there is a sharp contrast to the NGO approach and application of the human rights norm. The normative structure of human rights under which NGOs operate is evident when NGO recommendations include a call for all social and legal supports to acknowledge that all human beings are holders of rights. This acknowledgement has two broad

implications with regards to policies on the treatment of trafficked persons. The first is that rights cannot be made contingent upon the willingness or capacity of the trafficked person to cooperate in legal proceedings or programs that may further violate their rights. Second, states are obligated to provide assistance to enable trafficked persons to become self-sufficient economically to avoid perpetual dependence.

The general overview of existing NGO services available for trafficked persons reveals that Canada's policies and infrastructures are insufficient with regards to promoting the human rights of trafficked persons. The range of services provided and recommended by NGOs in Canada to trafficked persons is surprisingly not far from the needs that the Trafficking Protocol and other human rights based documents recommend in the treatment of trafficked persons. Although trafficked persons are not recognized as legal under Canadian immigration and citizenship laws, the international human rights system still mandates adherence to recognizing human rights. Indeed, the charter of Rights and Freedoms and the historic Singh Decision of 1985 allow broader protections for trafficked persons. No doubt Canadian courts will soon have to decide whether maintaining substantive distinctions between the rights of foreigners and those of citizens is sustainable under modern human rights regimes (Crepeau and Nakache, 2006, p. 6). NGOs working on behalf of migrant rights, including trafficked persons, state that it is only a matter of time until all of our institutions, including our settlement services, must determine whether treating irregular migrants as second-class subjects, and indeed in the case of trafficked persons, as 'legal nonentities,' is compatible with our core values. As such, applying the human rights based approach to critiquing and assessing existing

social and legal supports can open new discussions to exploring alternative immigration practices against exploitation via human trafficking.

## **Chapter 5: Conclusion**

In 2002, Canada was among the first nations to sign and ratify the UN Trafficking and Smuggling Protocols and the United Nations Convention Against Transnational Organized Crime (UNCTOC). Prior to the ratification of the UNCTOC and the Protocols, Canadian government agencies and NGOs participated and led negotiations leading to the adoption of the Protocols. Although there was much division between governments and NGOs, the cooperation of both government and NGOs during the negotiations marked a turning point in the development of human trafficking policies to date, as it represented the insertion of a human rights perspective into an international crime arena. Since the signing of the Protocols, there has been little agreement between the Canadian government and Canadian NGOs on the most effective way of addressing the exploitation of trafficked persons. This paper set out to explain why the Canadian government and Canadian-based NGO perspectives on human trafficking policies continue to persist. In examining the divergences, the paper argued that the growing literature in this field point to diverging norms, which stem from the identities of the two sets of actors.

Through a social constructivist approach, it was argued that Canadian government policies and NGO responses are formed through the intersubjective formation of identity and norms. For the Canadian government, its identity as the ‘securer of the nation’, as the protector of the nation-state justified the emergence of the securitization norm, which in turn informs Canadian human trafficking policies. NGOs in Canada, on the other hand, regard themselves as the “authentic moral conscience of the larger community” (Pal, 1995, 192) and act as the ‘moral entrepreneurs’ on behalf of trafficked persons and



migrants. Part of their role is to highlight the discrepancies between practice and human rights principles. As such, many NGOs have incorporated into their mandates the importance of involving the people on whose behalf they advocate, in their organizations activities. Acknowledging the role that trafficked persons play in the formation of better policies to combat trafficking has in turn formed the particular NGO interpretation of a human rights norm.

The intersubjective nature of norms and identities specifically affects human trafficking policies of the Canadian Government and the approach to trafficking employed by NGOs. Canadian government policies effectively cast trafficked persons as criminals and, at the same time, as victims. NGOs on the other hand, as the ‘moral entrepreneurs,’ employ a human rights norm which emphasizes human rights as empowerment.

Canada’s prevention of trafficking is guided by a three-pronged approach which de-emphasizes structural causes of trafficking and in turn individualizes trafficking. By ignoring the wider systemic and structural conditions under which trafficked persons migrate, the policies are revealed to be limiting because they present border controls as the only logical remedy to human trafficking. Furthermore, the prevention of trafficking approach also states that border controls are the government’s priority in terms of stemming the tide in human trafficking. Again, the measures that have been adopted post-September 11 have decreased the number of legal avenues for persons to migrate. Decreasing legal channels of migration have led to more avenues to criminalize trafficked persons and migrants.

Furthermore, Canadian government policies that focus on drawing a distinction between smuggled migrants and trafficked persons are shown to serve state and government interests and provide further justification for the securitization norm. The distinction between smuggling and trafficking do little in the way of answering whether trafficked persons are more deserving of greater protection than smuggled migrants, or whether asylum seekers can be trafficked and smuggled? (Fitzpatrick, 2001, p. 977). As such, Canadian government policies are indicative of a securitization norm and reveal the policy limitations it creates.

In contrast, NGOs regard themselves as the ‘authentic moral voice of civil society’ and operate through a human rights norm which emphasize empowering migrants. The norm is reflected in NGO research and programmatic emphasis on including the voices and experiences of trafficked migrants themselves. In contrast to government policy approaches which work to silence the voices of migrants, the inclusion of voices provides NGOs with information that they use to tailor their approaches. The point here is that the human rights norm by which NGOs operate allows NGOs, as actors, to interpret the trafficking phenomenon in a vastly different way than the government. Furthermore, the inclusion of the voices and perspectives of trafficked migrants in turn feeds into NGO image of themselves; essentially an image that casts them as reflecting the voices of civil society.

### *Research Challenges*

At the outset of the research, this paper intended to incorporate a large portion of interviews from Government policy makers and frontline workers and NGO staff. Qualitative research would have provided the opportunity to ask NGO workers and

policymakers their perceptions and interpretation of state policies towards trafficked persons. Furthermore, more interviews would have allowed more frontline workers a chance to voice their experiences in implementing human trafficking policies and to shape the direction of the research through their insights. Qualitative research allows further opportunity to pull apart the discourses of government and NGO employees and their understanding of human trafficking and the policies they are asked to carry-out.

Unfortunately, the recruitment phase of the project took longer than expected and the very sensitivity of human trafficking policy made it especially difficult to find government officials who were willing to participate in the interviews. Due to timing issues, several NGOs who were contacted declined due to their commitments to pressing activities and coordinating interview times became a burden to the potential interviewees. Furthermore, although it was stressed that identities would not be disclosed unless request, some interviewees remained reluctant to participate. As such, the two interviews that were conducted were more informational interviews and provided another rich layer of insights to existing literature.

#### *Implications for Future Research*

Research on compliance with either legal norms or international norms highlights the usefulness of a social constructivist approach to examining the diverging paradigms and interpretation of norms. As such, this paper asserts that a constructivist approach can be used to interpret the literature on human trafficking, as these theories provide explanations for the diverging positions of NGOs and governments. As an alternative to using rational choice theory, which assumes that the material interests of actors structure their behaviour, the social constructivist approach goes further to ask under what

conditions are particular interests shaped. Similarly, an examination of the diverging paradigms by which Canadian government and NGO policies operate necessitate an approach which examines the ideational contexts in which policies and approaches are formed. Therefore, the social constructivist approach is a particularly adept approach for analyzing such nebulous concepts as norms and identities. Finally, this paper adds to the growing literature on social constructivist approaches to understanding norm divergence, as a general phenomenon and the domestic impact of the securitization and human rights as empowerment norms.

Research into norms and identities embedded in policies also need to make a stronger link to effective prescriptions for policy coordination. Existing literature in the human trafficking policy arena has yet to link research on the influence on norms and identities to the question of appropriate mechanisms for policy coordination. The debate over the use of norms in policy analysis has been treated separately from policy-making research. This paper offers a beginning point from which to draw lessons about the persistent occurrence of normative divergence on human trafficking issues. Divergence in norm interpretation can, over time, prevent policy coordination between government and NGOs. Through its analysis on the divergence in norms and ultimately, in the identity of the actors, a social constructivist framework helps to illuminate further the meaning of policies on human trafficking. In addition, the insights and voices of policy makers and NGO advocates would further strengthen research in norm and identity formation and in policy coordination. Unfortunately, due to unforeseen circumstances, this paper was unable to obtain the necessary amount of interviews. Nonetheless, this paper is the foundation of further research into examining how and under which

conditions norms can converge. Furthermore, areas of norm divergence and convergence may provide insights into the role of norms and the choice of appropriate procedures and methods to coordinate policy responses. Finally, a more focused study on a particularly government agency or one particular NGO would also provide a more detailed analysis of norm and identity formation and possibilities for policy coordination.

#### *Implications for NGO Policy Advocates and Government Policy Makers*

In light of these fundamental differences based on identity and interpretation of norms, how can policy formation become more effective? First, an understanding of how norms operate in policies is crucial to both policy makers and NGO policy advocates. The capacity to understand ‘how’ policies means (Yannow, 1995, p. 111), entails understanding the ideational conditions of the formation of policies. This research highlights the importance of problematizing policies to gain a better understanding of the social effects of the policies. By problematizing the policies, norms such as securitization cannot be taken for granted and assumed to be the only viable policy. Furthermore, analyzing norms and identities can also illuminate some possible areas of convergence. For instance, the fact that human rights norms were adapted by ratifying states in a document focused on transnational organized crime by the UNCTOC, is an optimistic note, one which cannot be taken for granted.

Understanding the way in which identities and norms operate can also help to highlight alternative interpretations of norms, and subsequently, alternative policy discourses. The human rights norm embedded in NGO approaches to trafficked persons is based upon the idea of empowering the individual. In contrast, Canadian government policies operate on an interpretation of human rights that is dependent on a victim

narrative. Victim narratives essentially silence trafficked persons' perspectives.

Furthermore, victim narratives cannot account for the variety of reasons which might lead a person to becoming trafficked (Berman, 2003, p. 41). The different perspectives of solutions for human trafficking can be brought closer together when both sides understand the identities and roles of the other.

For NGO policy advocates, they must understand that Government officials make policies within a bureaucratic structure, and as such, are driven by the "technical exigencies of the process" (Pal, 1995, p. 193), rather than paying attention to the diverse perspectives of trafficked persons. Moreover, government officials formulating policies are, at the end of the day, performing a job which they recognize as being part of a larger institutional process. As Pal notes, "these simple practicalities of government action powerfully structure perceptions and discourse" (Pal, 1995, p. 193). NGO policy advocates can use their proximity to the trafficked persons community and the trust NGOs have built with these communities, to contribute to the government's policy-decision making process.

The gap in the government's understanding of the lived-experiences of the trafficked persons can be addressed through the research and outreach by NGOs. The NGOs who have had a history of working with particular trafficked persons have built trust within these communities and are better situated to accurately represent the communities' concerns and experiences. Furthermore, NGOs can be involved in capacity building and training of government policy makers to sensitize the policy makers about the needs and the issues facing trafficked persons and offer viable policy alternatives. In addition, NGOs can be involved in the capacity building of former trafficked persons

who settle in Canada. NGOs can continue to offer services to former trafficked persons, as well as offer human rights and advocacy training to those former trafficked persons willing to participate. Training former trafficked persons in human rights advocacy can help them in advocating for themselves. As well, former trafficked persons, if willing, can participate in policy advocacy for other trafficked persons and become involved in sensitizing government policymakers to the needs and concerns of trafficked persons.

For government policy makers, understanding the NGO's identity and role in civil society, and the potential contribution of NGOs has already made and is continuing to make significant process in human trafficking policies. However, more effort by the Canadian government must be made to incorporate the perspectives and voices of the NGOs. Agreeing to opening up policy consultations will only be helpful if governments are prepared to acknowledge that NGOs have a special role and relationship to civil society and to those in the community of trafficked persons. Furthermore, government policymakers who see the benefits of engendering a more powerful human rights perspective than existing at present in government policies must also be more amenable to NGO consultations. To reiterate, understanding the unique role and identity of NGOs in civil society can move government policymakers closer to moving current human trafficking policies from securitization to human rights perspective.

In examining the identity of governments, however, it must also be noted that the government identity as securer of the nation is also based on the exercise of sovereign authority. In turn, sovereignty is based upon the construction of human rights. Sovereignty as an international norm is not self-referential (Reus-Smit, 2001, p. 520). According to Christian Reus-Smit's account of the social construction of human rights

and sovereignty, both of these norms are part of a single, yet “inherently contradictory modern discourse about legitimate statehood and rightful state action” (Reus-Smit, 2001, p. 519). As such, Reus-Smit argues that human rights and sovereignty norms are not mutually contradictory regimes. The modern sovereign order is only justified by referencing human rights norms, and as such, are mutually constitutive. The construction of sovereignty as a norm is, therefore, constituted by the construction of human rights norms. The social constructivist analysis illuminates the complex relationship between human rights norms, sovereignty as a foundational principle for governments, states, and NGOs.

Human rights practitioners in both the Canadian government and in NGOs can employ this perspective to their advantage. In practice, both governments and NGOs are aware of the power of human rights norms to justify their own policies and approaches. NGOs can use the power of rhetoric and argument to engage the government in moral discourses, focusing on the argument that the use of sovereign authority is only justified through adhering to human rights norms that empower migrants. As some social constructivists have noted, “words matter!...and they can even hurt,” (Haas, 1983)<sup>13</sup>. Engaging governments in a continual, self-sustained argumentative process is a powerful socializing tool and cannot be overstated (Risse *et al.*, 1999, 276). Although differences in interpretation of the human rights norms by the Canadian government and NGOs may imply that as institutions and organizations they cannot cooperate or compliment one another, the social constructivist analysis of the norms in the policy discourses, can be deconstructed to reconstitute and change embedded norms. By recognizing the divergences in the norms and how they are constructed, a social constructivist approach

---

<sup>13</sup> Quoted in Risse, Ropp and Sikkink, 1999, 276.



helps to elucidate how human rights as an ideal, *has been* and *can* be powerful in restructuring human trafficking policies in Canada.

## Works Cited

- Agustin, L. (2006). "The disappearing of a Migration Category: Migrants who Sell Sex," *Journal of Ethnic and Migration Studies*, 32: 1, 29-47.
- Belleau, M.C. and L. Langevin. (2000) "Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail Order brides", *Status of Women*. Retrieved March 20, 2006 from [http://www.swc-cfc.gc.ca/pubs/pubspr/066231252x/200010\\_066231252x\\_7\\_e.html](http://www.swc-cfc.gc.ca/pubs/pubspr/066231252x/200010_066231252x_7_e.html)
- Berman, J. (2003) "(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and the Panicked State of the Modern State", *European Journal of International Relations*, 9:1, 37-86.
- Black, R. (2003) "Breaking the Convention: Researching the 'Illegal' Migration of Refugees in Europe", *Antipode*, 35:1, 34-54.
- Brennan, D. (2005) "Methodological Challenges in Research with Trafficked Persons: Tales from the Field," *International Migration*, 43, 36-53.
- Canadian Council for Refugees, "CCR Welcomes Emergency Protection measure for Trafficked Persons," Retrieved May 11, 2006, from <http://www.web.ca/ccr/release11May06traff.htm>
- Chapkis, W. (2003). "Trafficking, migration and the law," *Gender and Society*, 17:6, 99-128.
- Checkel, J.T. (1998) "The Constructivist Turn in International Relations Theory," *World Politics*, 50:2, 324-348.
- Citizenship and Immigration Canada, "News Release: Immigration Minister Announcing Significant Fixing of Immigration System," November 23, 2005, available at <http://www.cic.gc.ca/english/press/05/0531-e.html>
- Dauvergne, C. (2005). "And yet we are not saved: Hegemony and the Global War on Human Trafficking," *Talk delivered at the University of Toronto Diversity Workshop, November 10, 2005*. Faculty of Law, University of Toronto, 28 pages.
- Dauvergne, C. (2004) "Making People Illegal" in P. Fitzpatrick and P. Tuitt (eds.), *Critical Beings: Law, Nation and the Global Subject*. Great Britain: Ashgate Press, 83-99.
- Dauvergne, C. (2004) "Sovereignty, Migration and the rule of Law in Global Times," *The Modern Law Review*, 67:4, 588-615.

Department of Foreign Affairs and International Trade (DFAIT) (2003), Canada's Actions against Terrorism since September 11, <http://www.dfait-maeci.gc.ca/anti-terrorism/canadaactions-en.asp>.

Doezema, J. (2000). "Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women", *Gender Issues*, 18: 1, 23-50.

Doezema, J. (2002). "Who gets to choose? Coercion, Consent and the UN Trafficking Protocol," *Gender and Development*, 10:1, 20-27.

Doezema, J. (2001). "Ouch! Western feminists' 'wounded attachment' to the 'third world prostitutes'" *Feminist Review*, 65: Spring, 16-38.

Faist, T. (2002). "Extension du domaine de la lutte": International migration and security before and after September 11, 2001", *The International Migration Review*, 36:1, 7.

Faist, T. (2004). "The Migration-Security Nexus. International Migration and Security before and after 9/11," Malmö University School of International Migration and Ethnic Relations, Willy Brandt Working Papers. Accessed August 6, 2006. [http://www.mah.se/default\\_12978.aspx](http://www.mah.se/default_12978.aspx)

Finnemore, M. and K. Sikkink (1998). "Norms and International Relations Theory", *International Organization*, 52:4, 887-917.

Gallagher, A. (2001). "Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling; A Preliminary Analysis," *Human Rights Quarterly* 23:4, 975-1004.

Geddes, A. (2005). "Chronicle of a Crisis Foretold: the Politics of Irregular Migration, Human Trafficking and People Smuggling in the UK," *British Journal of Politics and International Relations*, 7, pp. 324-339.

Godziak, E and Collette, E. (2005). "Research on Human Trafficking in North America: Literature Review", *International Migration*, 43:1, 99-128

Gurowitz, A. (1999). "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State," *World Politics*, 51:3, 413-445.

Canada. 2002. *Immigration and Refugee Protection Act*. Ottawa.

Ibrahim, M. (2005). "The Securitization of Migration: A Racial Discourse," *International Migration*, 43: 5, 163-186.

Interdepartmental Working Group on Trafficking in Persons. (2005) *Don't Become a Victim in the Illegal Trade in Persons*, retrieved March 31, 2006 from <http://www.justice.gc.ca/en/fs/ht/pub/index.html>

Jordan, A. (2002). "Human rights or wrongs? The struggle for a rights-based response to trafficking in human beings," *Gender and Development*, 10:1, 28-37.

Kelley, N, and Michael Trebilcock, (2000). *The Making of the Mosaic: A History of Canadian Immigration Policy*, Toronto: University of Toronto Press.

Laczko, F. (2004) "Opening up legal Channels for Temporary Migration: A Way to Reduce Human Smuggling?" *Journal of International Migration and Integration*, 5:3, 343-360.

Macklin, A. (1999). "Women as migrants; Members in National and Global Communities," *Canadian Woman Studies*, 19:3, 24.

Macklin, A. (2002) "Public Entrance, Private Member: Privatization, Immigration law and Women," in J. Fudge and B. Cossman (eds.) *Feminism and Law* 218-264. Toronto: University of Toronto Press.

Macklin, A. (2003). "Dancing Across Borders: 'Exotic Dancers,' Trafficking and Canadian Immigration Policy," *The International Migration Review* 37:2, 464-499.

Macklin, A. (2004). "Disappearing Refugees: Reflections on the Canada-U.S. Safe Third Country Agreement," *Columbia Human Rights Review* 36, 365-426.

McDonald, L., B. Moore and N. Timoshkina. (2000). "Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case," *Status of Women*. Retrieved March 20, 2006 from [http://www.swc-cfc.gc.ca/pubs/pubspr/0662653351/index\\_e.html](http://www.swc-cfc.gc.ca/pubs/pubspr/0662653351/index_e.html)

Orlova, A. (2004). "From Social Dislocation to Human Trafficking," *Problems of Post-Communism* 51: 6, 14-22.

Ould, D. (2004) "Trafficking and International Law," in Christien van den Anker (ed.) *The Political Economy of New Slavery* Great Britain: Palgrave Macmillan Ltd

Oxman-Martinez, J., Martinez, A and Hanley, J. (2001) "Trafficking Women: Gendered Impacts of Canadian Immigration Policies" *Journal of International Migration and Integration*, 2: 3, 297-313.

Oxman-Martinez, J., Hanley, J and Gomez, F. (2005). "Canadian Policy on Human Trafficking: A Four-year Analysis," *International Migration* 43:4, 7-28.

Pal, L. (1995). "Competing paradigms in policy discourse: The case of international human rights" *Policy Sciences* 28, 185-207.

Recommended Principles and Guidelines on Human Rights and human Trafficking, *Report of the High Commissioner for Human Rights to the Economic and Social Council*, 20 May 2002 (3/2002/68Add.1) Available at [www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

*Report of the Special Rapporteur on violence against women, its causes and consequences*, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women, E/CN.4/2000/68, Retrieved 29 February 2000, para. 45. from [http://www.sariq.org/focus\\_areas\\_vawc\\_un\\_special\\_rapporteur.asp](http://www.sariq.org/focus_areas_vawc_un_special_rapporteur.asp)

Reus-Smit, C. (2001) "Human rights and the social construction of sovereignty", *Review of International Studies* 27, 519-538.

Reus-Smit, C. (2004). *The Moral Purpose of the State*. Princeton New Jersey: Princeton University Press .

Risse, T., Ropp, S. and K. Sikkink. (1999). *The Power of Human Rights: International Norms and Domestic Change*. United Kingdom: Cambridge University Press.

Ruggie, J.G. (1998). "What makes the world hang together: Neo-utilitarianism and the Social Constructivist Challenge" *International Organization*, 52:4, 855-885.

Save the Children Canada. "About Save the Children Canada", Retrieved August 15, 2006 from [www.savethechildren.ca](http://www.savethechildren.ca).

Segrave, M. and S. Milivojevic. (2005). "Sex Trafficking – A New Agenda", *Social Alternatives* 24: 2 at 11-12

Sharma, N. (2003). "Travel Agency: A Critique of Anti-Trafficking Campaigns," *Refuge* 21:3, pp. 53-65.

Tzvetkova, M. (2002) "NGO responses to trafficking in women," *Gender and Development*, 10:1, 60-38.

Truong, T. D., and Angeles, M. B. (2005). "Searching for Best Practices to Counter Human Trafficking in Africa: A Focus on Women and Children" *Report Commissioned by United Nations Educational, Scientific and Cultural Organization*.

Tyldum, G. and A. Bruvnoskis. (2005) "Describing the Unobserved: Methodological Challenges in Empirical Studies of Human Trafficking," *International Migration* 43, 18-34.

*UN Convention Against Transnational Organized Crime*, also known as the Palermo Convention, along with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Resolution A/RES/55/25; UNODC.

Retrieved August 20, 2006 from  
[http://www.unodc.org/unodc/crime\\_cicp\\_signatures.html](http://www.unodc.org/unodc/crime_cicp_signatures.html).

Yannow, D. (1995). "'Practices of policy interpretation" *Policy Sciences*, 28, 111-126.

Van Impe, K. (2000). "People for sale: The need for a multidisciplinary approach towards human trafficking," *International Migration*, 38:3, 113-130.

Weiner, M. (ed.) (1993) *International Migration and Security*, Westview Press: Boulder.

Wiener, A. (2004) "Contested Compliance: Interventions on the Normative Structure of World Politics," *European Journal of International Relations*, 10: 2, 189-308.

Wijers, Marjan. (2002) *Only Rights Can Stop Wrongs: A Critical Assessment of Anti-Trafficking Strategies*. Retrieved August 10, 2006 from  
<http://www.belgium.iom.int/STOPConference/relevantdocs/043%20Wijers%20&%20van%20Doorninck.%20Only%20Rights%20Can%20Stop%20Wrongs.pdf>

3  
BL-24-110