Violences faites aux femmes

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This chapter, based on results from a qualitative research project commissioned by the Canadian Department of Justice, analyzes the availability of protection services for victims of trafficking in persons in Canada from the perspective of demand and supply. A first objective is to identify and highlight discrepancies between the “demand” for victim protection services versus the “supply” of community-based services. A second objective is to determine the root causes of these discrepancies. The voices of the NGOs who participated in the project will illustrate these dynamics. Policy recommendations to correct the imbalances between victims’ needs for services and NGOs’ ability to provide those services will conclude the chapter.

1. Despite the convention which usually places the word supply first when referring to supply and demand, the authors choose to inverse the terms in order to emphasize the demand aspect.
An overview of the phenomenon of human trafficking will situate the Canadian experience within an international context and the evolution of awareness and debates around trafficking among Canadian academics, policymakers and practitioners will be discussed. A brief description of the research project on which this chapter is based will be offered. The authors will specify the methodology applied and the results will be presented, discussing how the theory of demand and supply can be used to understand the dynamics surrounding community-based services for trafficking victims. The voices of NGOs, expressed through interview data, will illustrate the “demand” for services in terms of the needs of victims NGOs encounter and the “supply” of such services by community-based actors. An analysis of the gaps that exist between the demand and supply of services will precede the final section where policy recommendations will be offered to diminish the gaps in the hopes of better respecting the human rights of the victims of human trafficking.

HUMAN TRAFFICKING: A CANADIAN PROBLEM IN AN INTERNATIONAL CONTEXT

DEFINITION

Trafficking in persons is defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations, 2000) 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 the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Trafficking is often confused with smuggling in persons, as both typically involve illicit movement of people across borders. Trafficking is distinct from smuggling insofar as trafficking involves the “threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability” (UNHCHR, 2002). Distinguishing trafficking and smuggling is important as differing policy responses are required to address the different issues.
THE INTERNATIONAL CONTEXT OF TRAFFICKING

Awareness of and concern over trafficking in persons remained fairly low until the 1990s. The debate over trafficking dates back to the late nineteenth century, with the campaign against “white slavery” (Laczko and Gozdziak, 2005). In the 1970s, concern grew over the ever-increasing numbers of Southeast Asian women trafficked into the Western European sex trade (Jahic and Finckenauer, 2005). Over the past twenty years, an increase in research, publications and conferences concerning human trafficking, national intervention programs and UN declarations, demonstrate global awareness of the trafficking issue (Laczko and Gozdziak, 2005).

Based on a survey of available sources, the Royal Canadian Mounted Police (RCMP) (2004) estimates that between 700,000 and four million people are trafficked every year worldwide. This number is difficult to determine because of the clandestine nature of the activity and the relative lack of research in this area. In spite of the lack of trafficking-related statistics before the late 1990s, it is widely believed that the numbers of trafficking victims have been steadily increasing in response to global trends, including growing inequalities of wealth (D’Cunha, 2002; Oxman-Martinez et al., 2001; Kelly and Regan, 2000), displacement of rural populations (Kempadoo and Doezema, 1998), rolling back of social programs in developed and developing countries (Kempadoo and Doezema, 1998; Cwikel and Hoban, 2005), rising pressures to take part in the consumption of the global economy (Bruckert and Parent, 2002), globalization of – and rising labour demands in – the sex industry (Makkai, 2003; Cwikel and Hoban, 2005), improved communications and spread of information (Oxman-Martinez et al., 2005a; Cwikel and Hoban, 2005), war (Kelly and Regan, 2000; D’Cunha, 2002), environmental disasters (D’Cunha, 2002), and the greater international mobility of people, particularly women (Sassen, 2000; Ndiaye, 2006).

CHARACTERISTICS OF TRAFFICKING IN CANADA

The approximately 200,000 undocumented migrants estimated by Citizenship and Immigration Canada (CIC) (2006) to be living in Canada are typically subjected to exploitative working conditions (U.S. Bureau of Democracy, Human Rights, and Labour, 2005), but most can be differentiated from trafficking victims. These migrants,² in contrast to trafficked persons, usually retain freedom of movement once having reached their destination, are

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² Undocumented migrants in Canada often enter the country with a legal visa and become undocumented when their status expires. A proportion of undocumented migrants were originally smuggled into the country (Crépeau and Nacache, 2006).
relatively free from coercion and their labour is not controlled exclusively by a third party. The illegal nature of their migration and labour situation, however, severely limits informal migrants’ ability to defend their labour and human rights, leaving them in a vulnerable position.

Canada is not immune from the problem of trafficking, and has been identified as a destination, transit and, to a lesser degree, a source country for trafficked persons (Oxman-Martinez et al., 2005a; U.S. Department of State, 2007). Like elsewhere, trafficking in Canada is a response to a complex interaction of market forces, immigration policy and socioeconomic vulnerability. A high-income and politically stable country, Canada is an attractive destination for those seeking to leave a situation of poverty and having few options for socioeconomic advancement in their home country. These would-be migrants are extremely exposed to traffickers’ promises of a better life in the destination country, and will run considerable risk in the hope of improving their situation (Oxman-Martinez et al., 2005a; Bruckert and Parent, 2004). When asked what led victims into the hands of traffickers, one interview respondent replied:

*Really, poverty, you know? I mean, what else? Well, maybe a false sense of adventure. Still, again, it’s poverty. Really, it’s poverty. Most of the women we’ve met, really there’s no other thing that they say about why they’re doing what they’re doing now or how they got to where they are. It’s because they needed to. They wanted to help their families, most of the time, especially if you’re talking to women from Asia. I find that it is a sort of a recurring motive. “Help my family, earn for my family, etc., etc.”* (Oxman-Martinez et al., 2005a, p. 11).

At the same time, rising demand for low-cost, low-skill or unskilled labour in a variety of industries creates opportunities for international migrant workers. Areas of particularly high demand include construction (Bailey, 2006; Chute, 2005; Fennell and Xue, 2006; Jimenez, 2003), agriculture (Fennell and Xue, 2006; Jimenez, 2003), restaurants (Jimenez, 2001; Jimenez, 2003), the sex industry (McDonald, Moore, and Timoshkina, 2000; Bruckert and Parent, 2002), and other factory, garment, domestic, and janitorial workers (Chute, 2005; Fennell and Xue, 2006). Current immigration policy is insufficient to fill the demand through legal channels (especially since Canadian immigration policy is focused on recruiting highly educated migrants), thereby encouraging clandestine migration. Traffickers operating in Canada, who range from individual entrepreneurs to sophisticated organized crime rings (Makkai, 2003; Bruckert and Parent, 2004), take advantage of the ambitions and vulnerabilities of would-be victims. Once in the destination country, traffickers will control their victims through debt or drug addiction (Makkai, 2003).
In terms of the scope of trafficking in Canada, the RCMP provides the only available statistical description of the trafficking situation in Canada. It is estimated that approximately 800 people are trafficked into Canada each year specifically for the sex trade and that some 1,500 to 2,200 persons are trafficked each year from Canada into the United States (RCMP, 2004). Victims who arrive in Canada come from a variety of source countries, but Asian countries and those of the former Soviet Union have been identified as primary sources (RCMP, 2004). There is also growing awareness of First Nations women being trafficked within the country or from Canada to the U.S. One NGO worker described the situation as follows:

*We certainly get Aboriginal women lured from the north as well as young women from all the provinces. And sometimes American women were brought up in the circuit. That's true about my centre. Other centres in the country are dealing with women across the American border but they are also coming from rural areas into urban areas. We also are dealing with women introduced to the circuit which exists between Toronto, Montreal and New York, Seattle, Vancouver, Edmonton, those commercial trafficking circuits. But also, there is a big one between Vancouver and New York, and Northern centres like Prince Rupert and Vancouver. So we know some routes* (Oxman-Martinez et al., 2005a, p. 13).

Within Canada, human trafficking corridors have been identified running north-south in Alberta and British Columbia and east-west between the Pacific and central Canadian provinces (Oxman-Martinez et al., 2005). Documented human smuggling corridors between Canada and the United States exist in along the British Columbia-Washington state border (U.S. Department of Homeland Security, 2006; Washington State Work Group on Human Trafficking, 2005); between the Garden River First Nation territory in the Sault Ste. Marie area and Michigan (Canadian Embassy in Washington, 2005); between Ontario and New York State by boat (Jimenez, 2001; NYS Division of Criminal Justice Services, 2006); between southern Ontario and Michigan (House Republification Communications Services, 2006); and across the Akwesasne Mohawk territory that straddles the border area between Quebec, Ontario, and New York state (Jimenez, 2001; U.S. Department of Justice, 1998).

Women appear to be over-represented among trafficking victims in Canada and, according to NGOs, victims tend to be young (18-35). The types of work people are trafficked into are also gendered, with women more likely to be exploited in the sex trade, domestic work and forced marriage and with men more likely to be exploited in agriculture or industrial work. International trafficking of children into Canada is reported to
be rare, but in such cases international child victims are concentrated in the sex and adoption industries and Canadian Aboriginal children are at times trafficked for the sex or drug trades.

**Victim Protection in Canada**

To date, various levels of government have failed to recognize the full extent of victims’ needs and rights and therefore to establish victim protection policies and programs. The results have been perilous for trafficking victims. In 2000, Canada was among the first signatories to the UN Protocol on Trafficking in Human Beings, which focused on three key policy areas: prevention of human trafficking, protection of trafficking victims, and the prosecution of traffickers. Since this time, progress in the three areas has been uneven, and Canada’s commitments to victim protection have gone unmet (The Future Group, 2006; Oxman-Martinez et al., 2005a; Bruckert and Parent, 2004).

In May 2006, there was an important step forward in protecting victims of trafficking with the creation of a temporary resident permit for victims of human trafficking. The permit carries no processing fee, gives victims up to 120 days in Canada to decide whether to return to their home country or to apply for permanent status in Canada, and grants eligibility for health-care benefits and counselling services under the Interim Federal Health Program. It is expected that the permit will address some of the human rights problems for trafficking victims, such as decreasing the frequency of detention and deportation and by providing access to health care, without providing an all-encompassing answer to victims’ rights.

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5. The Interim Federal Health Program was created to provide public health insurance to refugee claimants, Immigration and Citizenship Canada (CIC), *Interim Federal Health Program (IFH)* (www.cic.gc.ca/english/refugees/outside/resettle-assist.asp) (June, 2007). This is the first time it has been extended to cover another category of migrant.
Other governmental initiatives in victim protection are: Justice Canada’s “Victim’s Fund” to which NGOs may apply to fill gaps in service delivery to victims, including trafficking; development by CIC of a document to aid immigration officers in the detection and referral of victims of trafficking (Hanley and Oxman-Martinez, 2004); and collaboration between the RCMP in British Columbia and the British Columbia Public Safety Ministry to implement a pilot project for victims of trafficking (U.S. Department of State, 2006).

Apart from these isolated initiatives, protection services are provided primarily by the third sector: NGOs and community groups. Members of the Interdepartmental Working Group on Trafficking in Persons (IWG-TIP), the coordinating and action body for federal trafficking-related activities, consider community organizations as a key area for potential government support for trafficking victims. In the absence of an official victim protection framework, however, there is no official policy structure to ensure provision of services, and thereby adequate protection of victims’ human rights.

DOCUMENTING THE COMMUNITY-BASED RESPONSE TO HUMAN TRAFFICKING

Given the lack of centralized information on community-based service providers, turning to them directly was the most reliable information source for documenting their response to human trafficking. Forty semi-structured telephone interviews with front-line workers in community organizations working with victims of trafficking were conducted, at four sites: Vancouver, Winnipeg, Toronto and Montreal. A broad range of service providers was considered: women’s organisations, Aboriginal and ethnic organizations, religious organizations, and NGOs providing settlement services, immigration and refugee services, victim services, and community or health services. Responses were recorded and transcribed before being coded and analyzed in terms of the following themes: victims’ needs; NGOs’ capacity to meet the needs of victims by providing adequate services (quantity and quality); gaps in services needed; and the problems NGOs face in delivering adequate services to victims of trafficking.

6. The federal government’s efforts regarding trafficking are coordinated by an ad hoc Interdepartmental Working Group on Trafficking in Persons (IWG-TIP), which brings together representatives from federal departments sharing an interest in furthering the anti-trafficking agenda (<www.justice.gc.ca/en/fs/ht/iwgtip.html>) (June, 2007).
The analysis of NGO provision of victim protection services is approached from the perspective of the “production process” of such services. Like private production processes, the provision of services by non-governmental community organizations can be characterized by the dynamics of demand and supply for those services (Knapp, 1984). But, whereas in the realm of private exchange, demand and supply are principally determined by the market, in the public realm the market is not an appropriate tool to determine the allocation of goods and services. Protecting victims’ human rights requires that the supply of services be matched as well as possible to the demand, in other words, that provision of services is adequate in meeting victims’ needs (Breda and Crets, 2001). According to this theoretical approach, the supply can be matched to the demand through appropriate policy and adequate levels of social spending.

TRAFFICKING VICTIMS ENCOUNTERED BY NGOs: THEIR NEEDS AND DEMAND FOR SERVICES

Researchers asked NGOs to share their perspectives on the needs of trafficking victims encountered through their work and the types of services demanded by these victims. Responses suggest that exiting a trafficking situation and seeking to re-establish a life of independence and freedom is a process in which three stages can be identified, each with a related demand for (often overlapping) protection services:

Stage I: Assistance in leaving or escaping from a trafficking situation, which may require: outreach, direct intervention for escape, protection from criminalization, detention and deportation, and emergency shelter;

Stage II: Physical and emotional stabilization, which may require: physical and legal protection for family in the country of origin and for the victims themselves, regularizing immigration status, mental and physical health services, addiction services, translation services, and temporary income support;

Stage III: Social insertion and integration, which may require: language training, and employment and training services.

Respondents stressed that individual victims may have differing profiles and needs. The intersection of social categories such as gender, “race,” age, education, class, etc., make victims’ experiences of exploitation and the possibilities open to them in terms of escape or seeking alternative forms of migration, qualitatively distinct.
COMMUNITY-BASED NGOs: THE EXISTING SUPPLY OF PROTECTION SERVICES AND GAPS IN PROVISION

Interviews revealed that examples of nearly all of the types of services needed by trafficking victims already exist in the community sector. However, not all the necessary services were available at all sites and accessibility was an issue for the services available. We will review existing services and basic gaps in availability.

STAGE I: ASSISTANCE IN LEAVING OR ESCAPING FROM A TRAFFICKING SITUATION

As mentioned above, the first stage of needs is to get out of the situation of trafficking. The organizations interviewed provide several services in this vein.

Outreach

Outreach activities described by interview respondents aim to educate trafficking victims on their rights and options, and to encourage them to exit the trafficking situation and reach safety.

Organizations seek to reach potential victims on the streets or in massage parlours, bars or strip clubs, within ethnic communities, in churches, and sometimes through websites. Organizations’ success in outreach depends largely on their ability to communicate with victims, many of whom may not speak English or French. Apart from English and French, the community organisations interviewed provided information and services in Mandarin, Cantonese, Spanish, Tagalog, Romanian, Thai and Hindi. Addressing victims’ fears was a major objective of outreach work:

*The first question is that you must understand the culture of the gangs, of the sex trade work. They don’t have status; they even don’t know if the Canadian law will protect them. They just came here. They didn’t intend to stay here forever. They just came here to get money and they eventually need to leave the country. They don’t know if the government is willing to help these kinds of victims* (Oxman-Martinez et al., 2005a, pp. 21-22).

It was suggested that peers should be hired to do outreach work in immigrant communities, where trafficking sometimes occurs between members. Outreach activities were hampered by lack of financial and human resources and the feeling that groups were already stretched in addressing the needs of the individuals who presented themselves to the organization before using scarce resources to go out and attract new users.
Direct Intervention for Escape

For a time in Toronto, Metro Police and a sex workers’ organisation collaborated in a series of investigations and busts of local strip clubs suspected of trafficking. Examples of similar operations were related by interviewees in Vancouver and Montreal. Community organizations’ evaluations of other cases where police operations uncovered trafficking activities were mixed, however. Whereas some of the women uncovered eventually secured permanent status in Canada and received support in re-establishing their lives, trafficking victims were sometimes charged with prostitution-related offences, or directly turned over to the Canada Border Service Agency and subsequently deported.

More informal initiatives were also documented. In Vancouver, Toronto and Montreal, activists and/or community groups reported physically intervening to help a woman caught up in a trafficking situation, in a so-called “rescue” operation. Victims communicated with community-based or activist organizations after referrals from medical practitioners, chance meetings at church or in grocery stores or other public places. Personal referrals were most often through members of their own ethnic group:

*We provide the so-called “rescue operations” at the centre. They call us up and say, “I really want to leave.” They need to immediately leave the employer because they can no longer stand the abuse. We immediately support them and go get them. Without any questions, we just go pick them up* (Oxman-Martinez et al., 2005a, p. 20).

Protection from Criminalization, Detention and Deportation

Being trafficked into an illegal occupation, such as the sex or drug trades, increases the risk of being treated as a criminal rather than a victim of human trafficking. Interview respondents raised the problem as particularly acute for those involved in the sex trade. Criminalization of sex workers interferes with prevention and protection efforts, as victims’ fear of arrest or deportation can lead them to avoid accessing necessary services and also makes it difficult for agencies to identify and gain the trust of sex workers. It is unclear whether victims will be eligible for the temporary residence permit if they have been charged with a criminal offence.

Victims who lack a legal immigration status are at high risk of being detained, deported as illegal migrants, having their children removed by child protection services, and they are denied many social rights. A refugee advocacy organisation related this story:

*There was recently a woman who was deported [...] She was one of the women in our group [...] The government’s whole mentality, their bosses told her what to do and she did it, that’s it. They don’t care about us. There*
was an amazing demonstration, but, finally, she was deported (Oxman-Martinez et al., 2005a, p. 23).

Detention, whether for criminal or immigration reasons, constitutes a serious obstacle to the provision of needed services. In terms of deportation, returning to the country of origin is often the last thing that victims want, for reasons of security or family shame. NGO workers reported serious concerns for their own safety as well as that of the victims they aim to help:

We, too, have had threats. The women, too, have threats. All kind of threats, like on your own person. That’s why I hope you will respect the confidentiality, and why we can’t mention the names of the people, of the victims nor the groups either. We want to make it good but we don’t want to have a string of bad things happening to those who helped out with their heart (Oxman-Martinez et al., 2005a, p. 22).

In cases where victims knew their trafficker(s) before being trafficked, they may have a legitimate fear for their own and/or their family’s safety in the country of origin. In cases of women trafficked into the sex trade, victims may be ostracized by their home community for their involvement in sex work.

Emergency Shelter

One of trafficking victims’ most immediate needs is to escape confinement and find a safe place to stay. When victims need emergency shelter, service providers most often turn to domestic violence or refugee shelters. Victims will not always fit into one or the other category; in such cases organizations may seek to place victims in homeless shelters, which can be traumatizing:

The most common problem is lack of shelter. They have no place to go. There really isn’t much for transition housing for these women... They should just take them as they are [possibly intoxicated] because they may have no place to go. If they’re homeless, they’re vulnerable (Oxman-Martinez et al., 2005a, p. 17).

Women-only facilities were deemed important for the physical safety and peace of mind of female trafficking victims, most of whom have been exploited by male traffickers, but there are usually not enough spaces available. In Vancouver, Toronto and Montreal, activist organizations sometimes arrange for victims to stay in their members’ homes, although respondents reported uneasiness about this situation. For longer stays, residential facilities are sought out, but these are usually only for detoxification and their long waiting lists prevent many from accessing such facilities. Several organisations working with women in the sex trade highlighted the need for residential facilities for transitioning out of forced prostitution.
STAGE II: PHYSICAL AND EMOTIONAL STABILIZATION

Once a victim has exited the control of their trafficker, they need short-term services to help them return to a more normal life.

Physical and Legal Protection for Victims and Their Family

Being safe from their traffickers is often at the forefront of victims’ concerns once they have escaped the immediate situation. For immediate protection of the victim, women were often referred to domestic violence shelters. In some cases, refugee shelters actually send their clients to another city in Canada or even to the U.S. in order to ensure their safety.

For longer-term protection, the only official recourse of victims is witness protection, which requires that the victim participate in the prosecution of the trafficker. Fear of retaliation against the victim’s family, who is not protected by witness protection, or fear that traffickers will find the victim anyway, can present serious obstacles.

Immigration and Settlement Services

Immigration or refugee settlement services are the primary mandates of many of the organizations working with trafficking victims. Helping individuals deal with immigration procedures, making referrals to specialised organisations, or pro bono collaboration with lawyers to complete applications are some of the services offered. Given the implications of an unfavourable immigration decision, most groups prefer to rely on specialists. The most common procedures are refugee claims, humanitarian and compassionate applications for permanent residency, permanent residency applications for those in the Live-In Caregiver Program (LCP), or other temporary visas. The central role of immigration status was underlined by NGO workers:

Well, if they are trafficked, first of all they need to have their status. They need to stay where they’ve been trafficked because, once they go back to their country of origin, there is no way for them to be supported. It’s a given because these people come from third world countries. There are no such services (Oxman-Martinez et al., 2005a, p. 19).

Immigrant and refugee settlement services also extend their regular services to victims of trafficking, services which include information and referrals related to social benefits, introduction to Canadian culture and society and establishment of social networks.

Work relating to immigration, settlement services, problems with prison and criminal justice authorities is also done in detention facilities or prisons where women are held, both around Vancouver itself, in the interior of
British Columbia and on Vancouver Island. If deportation is imminent, groups will sometimes offer emergency assistance through legal intervention, political lobbying, media work, activism, and even civil disobedience.

Mental and Physical Health Services

None of the community organizations interviewed were health care providers, with the exception of one organization in Winnipeg that had nurses on staff. However, health education was a priority in all four cities. In Vancouver and Winnipeg, women’s groups, drop-in centres and sexual assault centres undertook health prevention; in Toronto and Montreal, refugee services, sex workers’ and domestic workers’ organizations carried out this type of outreach and education. Two examples of successful health outreach strategies were pointed out by respondents: collaboration between a sex workers’ association and the Peel Board of Health (Greater Toronto area) in order to gain access to strip clubs and massage parlours, and the use of peer educators to gain access to sex trade workplaces in Vancouver and Montreal.

One Montreal organization had arranged its own weekly health clinic in collaboration with Médecins du monde, offering free frontline medical services regardless of immigration status or provision of personal identification.

They are really endangered, being infected or addicted and they need good advice and orientation about how they can take care of themselves, anything about health system (Oxman-Martinez et al., 2005a, p. 17).

Another group found doctors within ethnic communities willing to volunteer their services as the need arose. Several organizations in each city, especially the sexual assault centres, reported accompanying victims to health appointments in order to defend their rights and to explain procedures.

Organizations offer counselling services around issues such as sexual assault, refugee experiences, domestic work experiences, or addictions. In many cases, the trafficking situation was discovered because victims sought out help relating to one of these issues. Demand for counselling services, however, is significantly higher than the availability of services. Also lacking is training for counsellors on the specific dynamics and implications of human trafficking, including techniques to develop victims’ trust and to bring them out of their isolation.

Once the trafficked people arrive in their destination, the most important thing for traffickers is that victims be isolated from their own community and even from each other. Most of the time, what happens is that their papers
are confiscated and then they are usually herded and placed in dormitory-type arrangements where they are not free to come and go, except to do their work. They are very afraid to come forward [...] They are afraid of being killed (Oxman-Martínez et al., 2005a, p. 26).

Apart from the difficulties in providing community-based health services, NGO workers stressed that accessing public services was a challenge, in part because of the lack of awareness about trafficking among health professionals. Training of helping professionals was seen as important to providing sensitive and appropriate support: “Yes. The difficulty with the specific area of trafficking is that there isn’t a specific training course on how to help victims of trafficking” (Oxman-Martínez et al., 2005a, p. 25).

**Addiction Services**

Drug and alcohol addiction is an area of particular importance for the health of trafficking victims. Drug dependency is often encouraged by traffickers to trap their victims in a relationship of dependence. Other victims may resort to drug and alcohol use in order to cope with their situation. Counselling and referral to detoxification facilities are the most frequent services offered for addicted victims. Lack of detoxification beds is a serious problem, and one that is especially severe in Vancouver and Winnipeg for internally-trafficked Aboriginal women. It is a particularly pressing issue given that many shelters deny services to the intoxicated. A drop-in centre worker shared this experience:

_I had a woman come into my office. She was obviously very high, obviously hadn’t slept for a few days. She was falling asleep while sitting up. She was very young. She was hardly dressed. I was trying to find shelter for her but nobody wanted to take her as long as she was inebriated. The best I could offer her was, there was a church called First United Church down here. They’ll let you sleep on one of the pews. They’re pretty supportive. But that was about all I could offer her. She got frustrated fairly quick because most of these women haven’t really had any support, don’t trust any of the systems in place. And so she took off before I could actually finish. I gave her clothes, gave her food. She grabbed all that she could before she left. She ran out in a huff (Oxman-Martínez et al., 2005a, p. 23)._ 

**Translation Services**

Translation services for official documents or even interpretation at victims’ court appearances, legal and health appointments or contacts with various government agencies, were offered by some organizations, but it was not possible for any one organization to offer services in all the languages of
their clients. In response to this problem, some organizations cooperated with other groups, volunteers or public services to provide access to translators. Finding translators in crisis situations is difficult, and many respondents suggested the need for an on-call, 24-hour, government-funded bank of interpreters.

**Income Support**

For victims housed in shelters, the organizations are often able to provide them with some pocket money. Obtaining welfare is possible for refugee claimants or permanent residents in Canada, but undocumented migrants or those who are in Canada on a temporary visa cannot generally access provincial welfare payments. There are currently no clear policies on whether holders of the temporary residence permit for trafficking victims will have access to income support programs from each of the provinces. “They really need a source of income. I see welfare as a guarantee of income. It is very necessary to make it possible for the women to succeed in their situation” (Oxman-Martinez et al., 2005a, p. 18).

For those who are ineligible for an income security program, workers said that they attempted to seek funds through alternative channels: charitable donations, and referring victims to churches and other religious organizations, food and clothing banks. Groups have also organized fundraising events to help victims, or even soliciting donations among their own staff or volunteers when all else fails.

**Stage III: Social Insertion and Integration**

Finally, once victims have reached some sort of stability and have overcome their initial crisis situation, there is a need to turn to more long-term, sustainable personal development.

**Language Training**

Some community or religious organizations offer language courses, and groups were also sometimes able to register victims in government language courses. The inability to secure spots in language courses – especially for those with less flexible schedules, lack of identification or immigration papers or no income to pay for the course or the transportation costs – was reported by respondents as problematic. In the absence of language training, trafficking victims face considerable barriers to accessing available services.
Employment and Training Services

Given that economic need was one of the primary motivations for victims initially seeking to migrate, those who achieve permanent status or who face a long wait for the resolution of their cases require support in securing gainful, stable employment. Finding decent work was seen as key to long-term successful integration and recovery.

Community workers, however, as stated in their responses, were confronted with numerous difficulties in providing jobs to victims and in offering training facilities. Trafficking victims face eligibility problems in accessing employment services and, once in the workforce, trafficking survivors face challenges of racism, lack of recognition of foreign credentials and work experiences and gender discrimination. For labour complaints, some organizations reported accompanying legal migrant workers through the complex complaint process at the Labour Board. Little information is available on the real working conditions of trafficking survivors except for those who now work at advocacy organizations towards stopping trafficking.

BARRIERS TO FULL PROTECTION SERVICES FOR VICTIMS OF HUMAN TRAFFICKING: UNDERSTANDING THE GAPS

Our analysis of the interview data suggests important gaps in services for the protection and rehabilitation of human trafficking victims. Understanding what is behind the gaps, however, is what is necessary in order to correct the situation and improve the support available for those who have become embroiled in human trafficking. We would argue that there are four main shortfalls that allow gaps in services to exist and continue: lack of awareness of the phenomenon; lack of federal policy framework for victim protection; lack of funding for community groups; and lack of state/NGO communication and cooperation around the issue. In this section, we will present an overview of these shortfalls before turning to a discussion of their underlying reasons.

SHORTFALLS THAT BLOCK SERVICE PROVISION FOR TRAFFICKING VICTIMS

The first shortfall reported in interviews was lack of awareness about human trafficking. Members of the public, workers in community groups and government authorities do not usually think of human trafficking as a possibility when they encounter migrants in difficult situations.
If they do not address the possibility head on, it is even more difficult for victims to raise the issue and ask for help. Related to this overall lack of awareness, community workers reported a lack of training about how to serve victims of trafficking, a lack they felt was also present among law enforcement and immigration officials:

*Once we had a caregiver who was trafficked from Saudi Arabia, she was Filipino. We went to the police station to file a complaint. He said: I can’t put any crime in your complaint because my code says… there is no such thing as slavery (Oxman-Martinez et al., 2005a, p. 19).*

Respondents viewed the lack of federally-driven protection policies and programs for trafficking victims and their families in the country of origin as a primary barrier to effective service provision. The introduction of the temporary visa was a welcome step forward but it still offers no clear channel for regularization but, rather, only a temporary reprieve from deportation. The visa also entails an underlying pressure for the victim to participate in the prosecution of her trafficker. Neither is there a guarantee that victims will be accepted for permanent residence or refugee status.

Physical protection for victims and their families (likely still in the home community) also has yet to be specified on a policy level. Victims have told community workers that this is one of the primary reasons they hesitate to try to escape their traffickers. Service providers, themselves, also sometimes felt threatened in doing this work and wanted protection in specific situations.

In Calgary and Montreal, for example, some service providers have received threats related to their work on human trafficking. Workers fear exposing victims and themselves or colleagues to retaliation by traffickers. Respondents were not in favour of tying immigration status to a willingness to participate in the prosecution of traffickers.

As is clear in the previous section, community groups have innovated services for trafficking victims but feel limited in the scope or supply they can provide. Respondents noted that the biggest obstacle to service provision at the level of community and grassroots agencies is financial. Few resources and funds exist to offer and develop a broad range of services. Moreover, there is a lack of office space and problems related to hours of operation. So far, although the federal government has suggested that community groups are their principal allies in protecting victims, they have not created any funding programs to provide services to trafficking victims. In fact, most federal funding programs specifically exclude irregular migrants from eligibility. Since the government has not acknowledged the rights of trafficked persons under the law, NGOs have not allocated specific
resources to deal with trafficking victims. Only five of the forty NGOs dealt specifically with trafficking issues, and only two had a mandate for direct service provision.

A lack of state/NGO communication and cooperation was also pointed to by interview respondents. Community groups felt that they were called in occasionally for government consultation without their views being taken into serious consideration for implementation. And, after the consultations, they felt that there was little effort made to report back on results or to establish ongoing communication.

**UNDERSTANDING THE GAPS**

Understanding what allows these gaps to exist and persist is more difficult. A first point may simply be that it takes time to work out how to respond to a relatively new phenomenon. The public, community workers and government officials may all need time to fully grasp the scope and implications of human trafficking before they are able to develop effective responses. Strategies to speed the positive evolution of attitudes and awareness need to be pursued.

On a political level, however, there are overall trends that present a barrier to effective protection of trafficking victims. The security and criminality focus of immigration and foreign policy, especially since 9/11, limits the success of those advocating the human rights approach to trafficking. Many of the problems concerning protection of victims and service provision are associated with Canada’s tendency to frame the issue of trafficking in persons within a law enforcement perspective. Taking a human rights approach to these issues, without excluding the necessity of pursuing and punishing traffickers under the law, would lead to a greater recognition of the central importance of protecting victims’ rights. Related to the state’s desire to ensure “security” is its desire to distinguish trafficking victims from other types of irregular migrants, the implication being that while trafficking victims deserve protection, other irregular migrants deserve prosecution, detention and/or deportation.

The Canadian public is also wary of supporting the efforts of people suspected of possibly being “queue jumpers” of the regular immigration process. The major costs required to protect and rehabilitate trafficking victims may be contributing to the reluctance to spend public dollars on non-Canadians or people otherwise deemed “undeserving.” The stigmatization of people involved in the sex trade and other industries at the bottom of the economic ladder is one more element of exclusion or lack of sympathy from the general public and state service providers and funders.
Finally, the high degree of specialization of services required to serve trafficking victims may be causing a slow-down in the development of protection responses. Domestic violence, refugee and homeless shelters are limited in their appropriateness for trafficking victims. Their mandates are geared to specific populations and inhibit the provision of services to meet the needs of trafficking victims, such as protection, immigration accompaniment or specialized counselling and health services. Several NGOs cited the unwillingness of some shelters to admit people under the influence of drugs and alcohol, which creates an additional barrier to accessing shelter and other services for trafficking victims under extreme psychological distress.

CONCLUSION

The analysis of demand and supply of protection service for trafficking victims highlights the importance of approaching trafficking from a human rights perspective. Such a perspective emphasizes the fact that trafficking in persons “violates the universal human right to life, liberty, and freedom” (U.S. Department of State, 2005, p. 13) and reveals the imperative of providing adequate victim protection services by drawing the link between services to the protection of victims’ basic human rights.

Protecting trafficking victims’ human rights therefore requires that the availability, scope and quality of services match up with the scope, nature, and geographical distribution of victims’ needs. Governmental intervention is necessary as those who demand these sorts of services rarely have the ability to pay for them. Funding must be sufficient and linked to specific trafficking mandates. Funding service providers, however, is not enough to ensure that the supply of services will match the demand for those services. Research, monitoring, and analysis of the availability of and demand for services are also needed. NGOs do not have the resources to collect this information; a federal framework of analysis, policy, and coordination of intervention strategies is therefore very much needed.

In the absence of a policy and funding framework, Canadian NGOs are nevertheless attempting to meet the needs of those victims who present themselves to service providers.

The gaps in service provision identified above are the direct result of the lack of funding and coordination of community-based service providers. Furthermore, the hidden nature of trafficking renders highly probable that the gaps in services as compared to the need for these services is even greater than observed in this study. Demand is easily underestimated in
this area, as many trafficking victims are reluctant or unable to manifest their needs for services. We therefore recommend that the federal government establish a comprehensive policy framework for service provision that includes regular assessment of the effectiveness and adequacy of coverage of the services offered.

It is also important to establish whether NGOs are the most appropriate provider of services to trafficking victims. Access to the Interim Federal Health Program through the temporary residence permit has effectively transferred responsibility for providing for most health services for trafficking victims to the state sector. We consider this to be an appropriate move, as the high costs and infrastructure needs associated with providing health services mean that NGOs cannot possibly provide for all victims’ health needs. It could possibly be argued that the state sector could provide other services directly to trafficking victims.

However, NGO service providers across the country have developed considerable expertise and experience in working with trafficking victims, demonstrating their ability to effectively respond to many of the needs of trafficking victims. Sophisticated and efficient networks have also developed to enable NGOs to provide, through cooperation, a full range of services to victims, although not at the level they feel is necessary. Furthermore, victims whose experiences of exploitation and permanent state of insecurity may have eroded their trust in state officials and service providers are often more comfortable receiving services from NGOs, due to their organizational independence from government (Oxman-Martinez et al., 2005a). Community organizations are therefore the most appropriate service providers of many victim protection services, and the already established service networks provide an ideal basis on which to develop a comprehensive service provision framework.

On a final note, the perspective of demand and supply underscores the importance of developing an integrated approach to meeting victims’ needs not only through matching services to demand, but also the reduction of the demand for protection services through prevention of trafficking. Canada has made moderate efforts in prevention, at home and abroad. Within Canada, prevention efforts have consisted of awareness-raising and education campaigns (Oxman-Martinez et al., 2005b) while Canada’s source country prevention efforts have involved lobbying and education in source countries and funding contributions for international anti-trafficking projects (Stewart et Gajic-Veljanoski, 2005; Oxman-Martinez et al., 2005b). Prevention, while not the focus of this chapter, is nevertheless the most effective way to avoid trafficking-related human rights violations; we therefore strongly advocate for the continuation and expansion of these and other prevention activities.
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