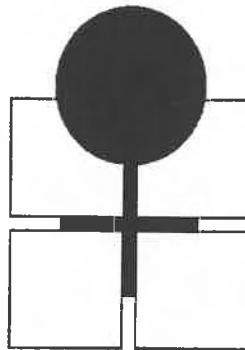


Feminist Research, Education, Development and Action Centre



FREDA

**TRAFFICKING AND SEXUAL EXPLOITATION
OF GIRLS AND YOUNG WOMEN:
A REVIEW OF SELECT LITERATURE
AND INITIATIVES**

by

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INTRODUCTION¹

It has been estimated that there are between one and ten million children involved in the international sex trade (Hedmann, et al. 1998; Joseph, 1995), and that the “profits accumulated from trafficking human beings exceeds \$7 billion annually, rivaling the lucrative trade in guns and drugs” (cited in GAATW Canada, Brief on Trafficking in Women, Forced Labour and Slavery-Like Practices, n.d.: 7). Trafficking assumes many forms, ranging from prostitution at the street level and/or confinement in bawdy houses, to enforced importation and abuse of domestic workers and “mail order” brides (Mirkinson, 1994; Sanghera, 1997). The public focus on trafficking however, tends to centre on its links with the sex trade. While media attention and advocacy against the sex trade and its associated ills (i.e., child prostitution and sexual exploitation), have captured the public imagination and incited outrage (Clayton, 1996), the framing of the sex trade and trafficking in the language of victimization and exploitation remains a contested issue (Kempadoo, 1998; Murray, 1998). The topic has evoked familiar debates about the economic viability of sex trade/domestic work within the framework of the feminization of poverty, and the agency of those who engage in it (Doezema, 1998; Shaver, 1996).²

This debate has informed the evolving definition of trafficking and prostitution within certain international circles. While the 1949 UN Convention on the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others prohibited anyone from procuring or exploiting a prostitute, regardless of the latter’s consent, the International Conference on Traffic in Persons, held in Utrecht in 1994, made the explicit distinction between forced versus voluntary prostitution (Doezema, 1998). Additionally, the definition of trafficking was extended to incorporate not just sexual exploitation but also the illegal movement of people for purposes of other forms of exploitation (Sanghera, 1997). The Global Alliance Against Traffic in Women (GAATW) defines trafficking as:

All acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or

¹ This research is part of a larger national project on violence prevention and the girl child funded by Status of Women Canada. While the attempt here is to provide an overview of the literature in this area, the analysis presented is by no means exhaustive, and does not cover the extensive range of national and international studies on sexual exploitation and trafficking.

² In fact, the split between “voluntary” and “forced” prostitution emerged within the anti-trafficking movement in the form of the creation of the Global Alliance Against Trafficking in Women (GAATW), and the Coalition against Trafficking of Women (CATW). GAATW with the Women’s Foundation subsequently released a document outlining the Standard Minimum Rules for the Treatment of Victims of Trafficking in Persons, Forced Labour and Slavery-Like Practices (GAATW Brief, n.d.).

in slavery-like conditions, in a community other than the one in which such persons lived at the time of the original deception, coercion or debt bondage. (1999: 1)

The focus of GAATW's advocacy is on women and not girls or children. However, the category "women" often encompasses young women under the age of 18 years, and in keeping with the articles specified in the Convention on the Rights of the Child, GAATW's efforts include the trafficking of girls and young women. Within this context, GAATW argues that "'consent' can never be a defence to a charge of trafficking in children" (1999: 5).

The heightened international focus on sexual exploitation of girls and young women can be traced to various efforts by non-governmental organizations and individuals who have lobbied governments and who, through the United Nations, have facilitated the ratification of various conventions. Article 34 of the UN Convention on the Rights of the Child argues for the protection of children from all forms of sexual exploitation and abuse including: "a) the inducement or coercion of a child to engage in any unlawful sexual activity; b) the exploitative use of children in prostitution or other unlawful sexual practices; c) the exploitative use of children in pornographic performances and materials" (UNICEF, 1997). The UN definition of child includes anyone under the age of 18.

At the 1993 World Conference on Human Rights in Vienna, the Working Groups on Girls (WGGs) were formed to ensure that governments were implementing measures to counter the trafficking of girls and young women. Based in New York and Geneva, the WGGs lobbied with other NGOs for the inclusion of a specific section on the rights of the Girl Child in the Beijing Platform for Action, in 1995. Since then they have formed an International Network for Girls (INfG) which consists of 300 national, international, regional, and local organizations and individuals (Friedman, 1995).

However, until recently, signatory countries to the various international conventions have made little effort to enforce laws, or address the root causes of child prostitution and trafficking (Shortt, 1998). This lack of action is in part underpinned by the complex and varying constructions of "childhood" and the defined legal age limits to engage in sex work that prevail in different countries. Globalization, increasing levels of poverty, and the impact of various structural adjustment programs³ within different countries have exacerbated and fuelled the rapid growth of the international sex trade industry and trafficking (Hawaleshka and Wood, 1997; Hodgson, 1995; Kempadoo, 1998; Leuchtag, 1995). Concomitantly, the proliferation of child pornography is also seen as being inextricably linked to trafficking and the sexual exploitation of girls and women (Joseph, 1995; Pierce, 1984). Within this global context, the debate surrounding agency and the "voluntariness" of those who are being trafficked assumes a hollow dimension, especially for girls and young women under the age of 18 who have few alternatives. In a climate

³ Many of these structural adjustment programs were imposed by the World Bank as preconditions for loans.

where sex work offers a more lucrative financial return, and where other forms of employment are either non-existent or highly exploitative, and where previous exposure to or experience of violence has occurred, sex trade and trafficking often thrive.

In 1996, the First World Congress against the Commercial Sexual Exploitation of Children was convened in Stockholm, Sweden. The Congress focused on issues related directly to trafficking, child prostitution, and pornography (Russell, et al., 1996: 11). Child prostitution was defined as “child sexual abuse,” and the Congress argued for the greater legal accountability of those who procure sex from children. In response and as a result of the interim report of the Federal/Provincial and Territorial Working Group on Prostitution, Canada passed Bill C-27, *An Act to Amend the Criminal Code (Child Prostitution, Child Sex Tourism, Criminal Harassment and Female Genital Mutilation)* (May 26, 1997), which allows for the criminal prosecution of Canadians and permanent residents who participate in child prostitution abroad (Hedmann, et al., 1998). Additionally, the Secretary of State for Multiculturalism and the Status of Women, Dr. Hedy Fry, co-funded an international conference spearheaded by Senator Landon B. Pearson entitled “Out from the Shadows.” This conference featured first hand accounts of trafficking and sexual exploitation by sexually exploited youth. Held in Victoria, British Columbia (March 7-12, 1998), the conference was organized by Cherry Kingsley, a former sex worker, who had also conducted community youth consultations across Canada and in different parts of the world, and brought together sexually exploited youth. The summary of these consultations, *Voices from the Shadows: Canadian Children and Youth Speak Out about Their Lives as Street Sex Trade Workers*, highlights factors that contribute to youth vulnerability to sexual exploitation, as well as recommendations for change (Jackson, 1998).⁴ Many of these recommendations echo the *Declaration and Agenda for Action* proposed by the World Congress.⁵

A subsequent series of roundtable conferences, convened by Status of Women Canada in conjunction with other federal departments, resulted in the formation of “Stolen Innocence, a National Education Campaign against the Commercial Sexual Exploitation of Children.” As a result, ECPAT (End Child Prostitution in Asian Tourism),⁶ the Association of

⁴ The consultations were held in Halifax, Montreal, Toronto, Winnipeg, Saskatoon, Calgary Vancouver and Victoria, and took place between September and December, 1997. They were facilitated by ex-sex trade workers.

⁵ For instance, the World Congress Declaration and Agenda for Action calls for preventative measures which include the need to: “formulate or strengthen and implement gender-sensitive national, social and economic policies and programs to assist children vulnerable to commercial sexual exploitation, families and communities in resisting acts that lead to the commercial sexual exploitation of children, with special attention to family abuse, harmful traditional practices and their impact on girls, and to promoting the value of children as human beings rather than commodities; and reduce poverty by promoting gainful employment, income generation, and other supports” (World Congress Against Commercial Sexual Exploitation of Children, Stockholm, August 1996, *Declaration and Agenda for Action*).

⁶ The organization has since extended its mandate to cover countries outside of Asia.

Canadian Travel Agents (ACTA), Status of Women Canada, and various other federal ministries and NGOs have begun to implement an action plan designed to eradicate child sexual exploitation.

CONTRIBUTING FACTORS

Socio-Structural Factors

While there is a considerable body of literature that deals with the trafficking and sexual exploitation of women, very little of it focuses on girls *per se*. Rather, it appears that girls are subsumed under the category of “children.” The exceptions to this general trend lie in studies which detail the discriminatory socialization of girls in various countries (e.g., Gandhi, 1988; Patkar, 1991), that render them vulnerable to abuse and trafficking. The exploitation of child labour as a category has also generated considerable research, focusing on such aspects as the involvement of children in export free trade zones, sex tourism, and the production of specific goods, for example, carpets (Brock and Thistlethwaite, 1996; Nichols, 1992; Sawyer, 1988).

The consensus in the literature is that poverty is a key factor contributing to the sexual exploitation of children (First Call, 1996; Khan and Lynch, 1997; Miki, 1995; Raffaelli, et al., 1993; Russell, 1995; Van Beers, 1996; Welsh, et al., 1995). However, poverty itself does not cause prostitution and trafficking. Rather, it is the intersection of poverty with a variety of other factors such as the devaluation of women and girls (or concomitantly, the valuation of women and girls only as sexual objects) (Dworkin, 1992; Jesson, 1993; Joseph, 1995; Rao, 1996), previous experiences of violence (Simons and Whitbeck, 1991; Widom, 1996; Widom and Ames, 1994), marginalization (Mallon, 1997), and the availability and ease with which prostitution is made available as an alternative, that contribute to the global prevalence of sex work and the sexual exploitation of girl children (Caputi, 1991; Dworkin, 1992; Hodgson, 1995).

The World Congress Against Commercial Sexual Exploitation of Children’s *Declaration and Agenda for Action* (1996) identified the following contributing factors to sexual exploitation: “economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, growing consumerism, urban-rural migration, gender discrimination, irresponsible male sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children.” Added to this, weak laws and economic dependence on foreign currency generated through the sex trade allow for a climate of exploitation and devaluation/valuation of young girls and women as sexual objects (Brock and Thistlethwaite, 1996; Jackson, 1998; Rao, 1996). Within such a climate, organized crime has played a pivotal role in escalating the trafficking of girls and women (Brock and Thistlethwaite, 1996; Mirkinson, 1994; Sturdevant, 1995).⁷

⁷ Razack notes that “In Thailand, it is estimated that the proceeds of sex tourism amount to three billion dollars of which only 40 percent remains in Thailand. Similarly, sex tourism is the third top dollar earner in the Philippines, assisting that country to meet some of its debt repayment” (1998: 370-71).

The impact of war and the push towards migration as a way of escaping poverty have also been tied to the increased vulnerability of girls and women to trafficking and sexual exploitation (Brock and Thistlethwaite, 1996; Hawaleshka and Wood, 1997; Morokasic, 1993; Sanghera, 1998; Wali, 1994). As Kempadoo notes, "Traffickers take advantage of the illegality of commercial sex work and migration, and are able to exert an undue amount of power and control over those seeking political or economic refuge or security" (1998: 17). Stringent exclusionary laws enacted by western countries to impede migration from the South contribute to trafficking because illegal means are seen as one of the few ways of gaining access to these countries (Sanghera, 1997). Similarly, war crimes against women and girls take the form of rape, trafficking, and sexual exploitation (Geyer-Ryan, 1996; Nordstrom, 1996; Philipose, 1996; Russell, 1995). The presence of military and peacekeeping bases in different parts of the world have resulted in increased sex trade and exploitation in those areas (Hughes, 1996; Leuchtag, 1995; Sturdevant, 1995).⁸ Leuchtag notes that, "Internationally organized prostitution depends on a destructive combination of Third World poverty, First World economic development policies, laws that permit international trafficking and indentured servitude, and worldwide patriarchal cultural norms that encourage male sexual prerogatives" (1995: 11).

Tourism has also been identified as a major contributor to the internationalization of the sex trade (Hedmann, et al., 1998; Joseph, 1995). In his coverage of child prostitution for the *Christian Science Monitor*, Clayton (1996) argues that the exploitation of young children is facilitated by organized crime, sex tourism and the preference of male tourists for virgins, as well as the belief that children are less likely to be infected by HIV. There is now a substantial and growing body of literature dealing with the vulnerability of child prostitutes to HIV and AIDS (e.g., Gwede and McDermott, 1992; Jesson, Luck and Taylor, 1994; Johnson, et al., 1996; Vanwesenbeeck, et al., 1995). More recently, the World Tourism Organization has become involved in efforts to deter sex tourism, and the End Child Prostitution in Asian Tourism (ECPAT) has also produced publications and lobbied for changes toward this end (Hedmann, et al., 1998; see also, Srisang, 1989).

In a recent publication, Razack (1998) argues that the sexual exploitation of women and children in the countries of the South is underpinned by the orientalist framing of these countries and their populations. She notes that travelling East to secure exotic and forbidden sexual pleasures is part of the social construction of these countries as areas of "moral degeneracy." By corollary, the West is constructed as a zone of morality. Drawing on historical examples, she illustrates how the sojourns of bourgeois men into areas of "moral degeneracy" help to rejuvenate and restore within them their own sense of masculinity, and cumulatively reinforce hegemonic notions of masculinity. Razack argues that prostitution and sexual exploitation are forms of violence, predicated on and intersecting with the violence of the colonial and post-colonial encounter. The latter is

⁸ In her analysis of the rape of a 12-year-old girl in Okinawa, Japan by U.S. military officers stationed there, Sturdevant observes that approximately 4,000 Filipinas are brought to Okinawa on six-month contracts to sexually service the military (1995: 93).

evidenced by exploitative capitalist relations which hold the countries of the South hostage to the economies of the West.

In 1997, Bill C-27 – *An Act to Amend the Criminal Code (Child Prostitution, Child Sex Tourism, Criminal Harassment and Female Genital Mutilation)* – was introduced in parliament to deter Canadians from purchasing sex from minors at tourist destinations (Hedmann, et al., 1998).⁹ However, the efficacy of this law has been contested in light of the lack of prosecutions resulting from it.¹⁰ While laws may be effective in specific domains and within certain jurisdictions, sexual exploitation has continued through different avenues. Internet access is one of the fastest growing mechanisms for sexual exploitation and trafficking (Hughes, 1996, 1997). Hughes points out that Internet providers also promote trafficking of mail order brides, some of whom are as young as 13 years of age. According to her, the popularity of the Internet has grown because of the reluctance of governments to impose adequate regulations, although Australia has initiated such a measure.

Patriarchal Values

Studies have also noted that prevailing attitudes that devalue women and girl children underpin and perpetuate the sexual exploitation of women and girls (Hodgson, 1995; Jackson, 1998; Jesson, 1993; Russell, 1996). As Dworkin argues, "... in different cultures, societies are organized differently to get the same result: not only are women poor, but the only thing of value a woman has is her so-called sexuality, which along with her body, has been turned into a sellable commodity" (1992: 4).

These same values also perpetuate the exoticization of Asian women thereby fuelling sex tourism and the trafficking of women as mail order brides and prostitutes (Razack, 1998). In her search of the various Internet web sites that offer tour packages and mail order brides, Hughes notes that women from non-western countries are portrayed as docile and submissive, and whose "view of relationships are not ruined by unreasonable expectations" (Hughes, 1997: 6). Asian women are thus contrasted with their western counterparts who are seen as being corrupted by feminist ideas (Aguilar, 1987; Narayan, 1995; Robinson, 1996; Tajima, 1989; Tolentino, 1996). Journalistic accounts point out that the trafficking

⁹ Bill C-27 argues for the prosecution of Canadians and permanent residents of Canada who commit child sexual abuse while abroad. The Bill is now integrated into the Canadian Criminal Code.

¹⁰ According to a recent editorial, there have been no convictions resulting from this law. In contrast, Germany and Australia have successfully prosecuted offenders on the basis of similar legislation (*The Vancouver Sun*, May 27, 1999, Editorial).

of young girls and women from the South to the North is continuing at a rapid rate through the purchase of mail order brides and migrant domestic workers (Hawaleshka and Wood, 1997; Mandel, 1997; Narayan, 1995).¹¹

Bodies of girls and young women are similarly scripted using the discourse of innocence and exoticization. For sex tour operators, the young girl (as well as the boy) signifies innocence and purity – the latter personifying them as being at low risk for AIDS and other sexually transmitted diseases. Yet, statistics indicate that AIDS prevalence is reaching staggering proportions in much of the Third World as a result of sexual exploitation through sex tourism and trafficking (Hodgson, 1995). The early sexualization of children through the mass media (Abu-Laban and McDaniel, 1995; Engelhardt, 1986; Faludi, 1991), and the Internet is undoubtedly one of the key contributing factors. Hughes (1997) describes Internet operators who provide lists to their clientele identifying where they can locate the youngest sex workers at a given destination. As well, many Internet sites invite potential clients/tourists to explicitly imagine the exotic sexual encounter with these racially and culturally different young girls and boys.

Previous Exposure to Violence

Much of the existing literature focuses on the links between entry into prostitution and previous experiences of childhood sexual and physical abuse (Barker and Musick, 1994; Brannigan and Gibbs Van Brunschot, 1997; Murray, 1998; Russell, 1995; Seng, 1989; Simons and Whitbeck, 1991; Vanwesenbeeck, et al., 1995; Widom, 1996; Widom and Ames, 1994). In a review of the literature, Brannigan and Gibbs Van Brunschot argue that while existing studies have highlighted the links between childhood sexual abuse and prostitution, the relationship is not necessarily causal. Instead, they suggest that the trauma experienced as a result of childhood sexual abuse weakens a child's bond to the family and disrupts her/his development, thus contributing to an increased vulnerability to further sexual abuse and exploitation.

In a comparative analysis of sexually abused and non-sexually abused children living in a shelter, Seng (1989) found that "runaway behaviour" was the key intervening behaviour. This finding has been echoed in other studies (e.g., Mallon, 1997; Welsh, et al., 1995; Widom, 1996). In their study of runaways in Toronto, Welsh, et al., (1995) found that 86 percent of the girls and 50 percent of the boys had experienced sexual abuse. Kinnon and Hanvey (1999: 7) cite figures which indicate that 98 percent of child prostitutes and 60 to 70 percent of children who have run away from home "have a history of child abuse."

¹¹ *Maclean's* magazine also reported a case involving 21 Thai and Malaysian women who had entered Canada on tourist visas and were charged with prostitution and related violations. The women had been brought into Canada and forced into prostitution (Hawaleshka and Wood, September 22, 1997). GAATW, along with other advocates, has been attempting to secure these women state protection and recognition of their human rights.

However, many of these studies have been critiqued on methodological grounds. Many use research populations from clinical settings, or from those incarcerated, or in custody, or use data obtained through informal networks (Brannigan and Gibbs Van Brunschot, 1997). In addition, the varying ages of adolescents studied confound the results, thereby suggesting inconclusive outcomes (Jesson, 1993). Further, most of the western literature focuses on street prostitution. As Lowman argues, bourgeois prostitution may look quite different. Similarly, not all sex workers are victims of unfortunate circumstances and life experiences.

Although existing studies tend to concentrate on childhood sexual abuse, more recent studies have identified other forms of violence as contributing to runaway behaviour. Mallon (1997) identifies familial rejection and homophobia as key factors influencing gay and lesbian youths' decisions to leave home. Savin-Williams (1994) argues that physical and verbal harassment based on homophobia contributes to gay and lesbian vulnerability to further violence through participation in the sex trade. Further, transgendered street-involved youth, who are often runaways, are even more likely to be victims of violence. It should be noted that many of these youth do not voluntarily leave home but rather are "throwaways" – rejected by their families (Savin-Williams, 1994).

The impact of cultural genocide, racism, discrimination and exclusion have all been cited in the literature as contributing to the increased vulnerability of children to sexual abuse and exploitation (Brock and Thistlethwaite, 1996; Currie, et al., 1995; Jackson, 1998; Russell, 1995). In many instances, those most vulnerable are migrant or indigenous/aboriginal girls and women (First Call, 1996; McEvoy and Daniluk, 1995; Miki, 1995). Lowman (1998), Davis with Shaffer (1994), and Jessome (1996) note that many of the street girls involved in prostitution had either experienced violence directly, or had been witnesses to domestic violence. Further, in their report charting the progress of the girl child internationally, the WGGs (Working Groups on Girls) note that immigrant and refugee girls are particularly vulnerable to sexual exploitation because of the, "...dislocation and discrimination by the host communities, conflict with Western values, and 'loss of economic and social power by male heads of household'" (Friedman, 1995: 15). Policies that penalize runaways, homeless or squatting youth, and youth who panhandle, impose punitive measures primarily on those who have fled abuse (Auer, 1998).

Disruptions in family attachment and/or coping with dysfunctional families often leads to low self-esteem (Brannigan and Gibbs Van Brunschot, 1997; Young, et al., 1998; Zink, et al., 1997). For many girls and young women, exposure to violence often leads to substance abuse. Thus, entry into sex work can be fuelled by the economic necessity of obtaining drugs and as a way of seeking self-esteem (Jackson, 1998). On the other hand, media messages which valorize sexuality and innocence may contribute to the ways in which girls and young women view the sex trade as an available route by which to obtain access to psychological validation, status within a peer group, quick money and goods. Front-line workers have identified these factors as contributing to the "glamour" of the sex trade, which are successfully used by pimps and peer recruiters to lure vulnerable youth into prostitution.

THE CANADIAN SITUATION

In Canada, the issue of trafficking and child sexual exploitation encapsulates three separate categories of young women and girls: trafficking of girls and young women within the national and international sex trade (from one province to another, or from Canada to the U.S. and other parts of the world); the exploitation of migrant workers who are brought in as domestic workers, nurses' aides, prostitutes, etc.; and the importation of girls and women as mail order brides (Jessome, 1996; Mirkinson, 1994; Silvera, 1983). However, while there is a growing recognition of trafficking and sexual exploitation in terms of prostitution, the same does not hold true of issues of concerning domestic workers, migrant workers and mail order brides (Sanghera, 1998).

As with the international literature, existing studies underline the connections between vulnerability to trafficking and sexual exploitation, and poverty, unemployment, and previous experiences of intra-familial violence (Davis with Shaffer, 1994; Holmes and Silverman, 1992; Jackson, 1998). The Canadian Advisory Council's national survey focusing on young girls revealed that 1 in 5 had experienced sexual abuse (Holmes and Silverman, 1992). Further, 54 percent had experienced unwanted sexual attention (Russell, 1996). The Centre for Justice Statistics (1995) notes that sexual abuse/assault constituted 43 percent of the cases involving crimes against children. Additionally, the rate of sexual assault of adolescent girls was found to be seven times that of boys. Girls are also twice as likely to be abducted or kidnapped as boys (cited in Kinnon & Hanvey, 1999). In 80 percent of the cases involving sexual assaults, the victims were girls (Fitzgerald, 1997). These statistics underscore the vulnerability and impact of gender. Further, Canada ranks second when compared to other industrialized nations with respect to child poverty (Russell, et al., 1996), and employment opportunities for youth are lacking especially in those sectors of the workforce that are well paid. Finally, as with other nations, the devaluation of women and girls as sexual objects is a major contributing factor.

The issue of intra-national and international trafficking of young women for sexual exploitation has not received much attention in Canadian academic literature, although the Canadian chapter of GAATW (the Global Alliance Against Trafficking in Women), the media, and other community groups have played an active role in disseminating information and advocating on behalf of these women and girls (Jessome, 1996; Smith, 1998; Tanner, 1998). More recently, municipal task forces on prostitution and international conferences organized by various advocacy and government sponsored organizations have brought the issue to the forefront (e.g., Hedmann, et al., 1998; Jackson, 1998; United Nations Platform for Action Committee (UNPAC, 1998)).¹² As well, a Federal/Provincial, Territorial Working Group on Prostitution which was established in

¹² More recently, the issue of trafficking has grown to encompass the forced importation of young boys from Latin America. The boys are promised refugee status in return for selling drugs on the street (Tanner, 1998). The media framing of this issue is however problematic, as it implies that only children from one particular country are being used in this fashion, when in reality the problem is more widespread.

1992 with the mandate of reviewing legislation, policies and practices, and developing recommendations regarding activities related to prostitution, recently released its report (1998).

Canadian academic literature in the field of criminology has focused on the outcomes and implications of the Badgley and Fraser Committees as well as associated legislation (Davis with Shaffer, 1994; Lowman, 1987; Sullivan, 1987). Both Committees were mandated to examine the issue of sexual exploitation and prostitution.¹³ Lowman (1998, 1987) discusses the drawbacks of these reports, in addition identifying the contradictory nature of Canadian law on prostitution.¹⁴ While prostitution is legal, buying sex from those under the age of 18 is illegal as outlined in section 212(4) of the Criminal Code which came into force January, 1988. Further, in an effort to curtail the exploitation of youth, section 212(2) prohibits anyone from either procuring or living off the avails of a person under the age of 18.¹⁵ Citing the findings of various studies, Lowman (1998), demonstrates that these laws are rarely enforced.¹⁶

In contrast, the communicating law (Section 213) which came into force in 1985, and which has been shown to contribute to the further endangerment of young and adult women working on the streets, is heavily enforced (Lowman, 1998). The communicating law prohibits anyone from buying and selling sex in public places. Interestingly, while strictly enforced, the communicating law is aimed at street prostitution which according to recent estimates of local areas, involves approximately 20 percent of sexually exploited youth (Report of the Burnaby Task Force on the Sexual Exploitation and Prostitution of Children and Youth, 1998). Davis and Shaffer (1994) argue that existing laws work to the

¹³ The Badgley Committee's terms of reference included: "... to conduct a study to determine the adequacy of the laws in Canada in providing protection from sexual offences against children and youths ... [and] to ascertain the incidence and prevalence of sexual abuse against children and youths, and of their exploitation for sexual purposes by way of prostitution and pornography" (Lowman, et al., 1996: xii). The Fraser Committee's mandate included the following: "To consider prostitution in Canada with particular reference to loitering and street soliciting for prostitution, the operation of bawdy houses, living off the avails of prostitution, the exploitation of prostitutes and the law relating to these matters" (Lowman, et al., 1996: xiii).

¹⁴ Sullivan (1987) notes that a very small percentage (11.4%) of the young people interviewed were coerced or forced into prostitution. Rather, many of them had turned to the sex trade as a way of surviving and making a living.

¹⁵ The following sections of the Canadian Criminal Code apply to child prostitution: Section 210 which refers to the keeping of bawdy houses; Section 212(1) which refers to the pimping and procuring offence; Section 212(1.2), the aggravated procuring offence; Section 212(2), the "living on the avails of prostitution" offence; Section 212(4) is an indictable offence and refers to those who are caught procuring sexual services from a child for the exchange of money, food, shelter, clothing, etc.; Section 213, commonly referred to as the communicating law; and Section 150.1(1) which defines the age of consent.

¹⁶ A review of this legislation was undertaken in 1990 by the Standing Committee on Justice, and the Solicitor General. The Committee found that the communicating law was not effective. In 1995, the Federal/Provincial and Territorial Working Group on Prostitution examined the issue and found that youth working on the street are reluctant to testify against their pimps or johns (Lowman, 1998).

detriment of women and girls involved in sex work. Fear of being caught by police, being charged, and having a criminal record, force women and girls into operating in alleys and other less accessible areas (see also Jessome, 1996), where they are more at risk for further violence. Davis and Shaffer note that, "The mortality rate in Canada for girls and women in prostitution is 40 times the national average" (1994: 7). Others estimate this to be 100 percent. In Vancouver, many are Aboriginal women and girls. Existing laws also have a differential impact depending on gender. It is known, for instance, that girls and women who are involved in the sex trade tend to be controlled by pimps, whereas boys or men are not controlled in the same manner.

The issue of the sexual exploitation of youth in Canada has also mirrored the international debate on sex workers' rights and self-determination. While there is acknowledgment that the sexual exploitation of children should be eradicated, there is also some debate regarding the issue of agency, especially in light of the structural conditions that influence and force girls and young women to live on the streets (Jackson, 1998). Davis and Shaffer (1994: 6) make a distinction between exploitative and non-exploitative situations as the defining point requiring intervention.

Additionally, Lowman (1998), argues that the sex trade involves a continuum of workers: from those who are temporary, occasional street workers who trade sex for survival, to those who work in escort services or manage their own operations for financial gain.¹⁷ To collapse this range into a monolith, without taking into consideration factors that cause young girls to run away from home (e.g., child sexual abuse, witnessing domestic violence, poverty, rejection, etc.), is to focus on only one side of the issue. Criminalizing prostitution simply removes it from the public sphere, thereby erasing it from the public mind (Davis with Shaffer, 1994; Sullivan, 1987).

Nevertheless, the public agenda seems to be one of criminalizing street prostitution, and particularly the prostitution of youth. According to media reports, legislation which is intended to be announced later this year, will give police additional powers to charge those who are engaged in communicating or purchasing sex from a minor (Southam Newspapers, 1998: A4). Yet, previous records of police enforcement have revealed that it is the women and girls on the street who suffer the consequences of these actions (Davis with Shaffer, 1994; Lowman and Fraser, 1996; Sullivan, 1987). Many young women operate out of bawdy houses and brothels, and hence are not visible to law enforcement agencies (Jessome, 1996). Thus those who are most vulnerable to criminalization are street youth who may be involved in sex work as a way of survival (Jackson, 1998). Further, many are

¹⁷ As Lowman puts it: "The Canadian contact sex service trade – that which is usually referred to as 'prostitution' – ranges from female sexual slavery (the gorilla pimp) and survival sex (sale of sexual services by persons with very few other options, such as homeless youth and women in poverty), through to more bourgeois styles of sex trade (including some street prostitution) where both adults are consenting, albeit it in a way that is shaped by their gender, occupation, ethnicity, socio-economic status and cultural values" (1998: 5).

homeless.¹⁸ Welfare payments are inadequate to meet daily shelter and food expenses (Baxter, 1992; Binder, 1993).

Age is a critical factor in the debate about child prostitution. National and regional studies have found that girls often begin as sex workers well before the age of 18 (Currie, et al., 1995; Jackson, 1998; Jessome, 1996). Differences in federal and provincial laws complicate the matter. While it is legal to have consensual sex at age 14, it is not legal to buy sex from a minor. The definition of “minor” varies across provinces. In BC, the legal age of adulthood is 19, whereas in Ontario it is 16, and in other provinces, 18. However, the age of consent is the same across the country at 14 years. Some argue that the manner in which consent is interpreted is problematic. Consent can be manipulated or coerced, and can lead to sexual exploitation according to advocate Diane Sowden, of the Children of the Street Society. Nevertheless, while the Criminal Code definition of a minor is uniformly upheld across the country, its implementation varies (Suleman and McLarty, 1997). As well, access to services and eligibility criteria are contingent on age.

In their study of young women survivors of sexual assault in Vancouver, Suleman and McLarty (1997) found that many social services were unavailable to young women because they “fall through the gaps.” On the one hand, legally considered children but too old to qualify for children’s programming, these youth often refuse to participate in such programming as they are runaways and cannot obtain parental consent, or fear being placed in group homes/foster care. On the other hand, they are too young to be considered adults, and hence are not eligible for adult-oriented services and programs. Further, many of the young women consulted in the study reported that police and other state agencies often trivialized and dismissed their concerns and experiences of violence.

Recently, British Columbia introduced Bill 84 with the intent of limiting the sexual exploitation of children and youth. The proposed legislation is designed to give police additional powers to impose restraining orders on recruiters and pimps (Beatty, 1999). Although the Bill has been lauded by advocacy groups, critics have been quick to identify its potential shortcomings. These include the failure of police to implement and enforce restraining orders. Some critics have also pointed out that the pimp model is no longer adequate in terms of covering the variety of ways in which girls and boys are recruited and exploited. They point to the use of youth as intermediaries who recruit their peers in schools, malls and other social venues.¹⁹

¹⁸ The Jubilee Campaign global report (1997) states that homelessness is a growing problem and that street youth constitute those most vulnerable to sexual exploitation.

¹⁹ This perspective was articulated at the “It’s a Crime! An Act Local Think Global Conference on the Commercial Sexual Exploitation of Children and Youth,” April 30 - May 1, 1999, held in Vancouver and organized by the Vancouver Coalition of Children and Youth.

While Canadian literature does not focus on sexual exploitation of marginalized girls, it is clear that Aboriginal girls and women tend to be the most vulnerable to sexual abuse and exploitation. As well, mirroring the international scene, factors such as poverty and previous experiences of violence, combined with the impact of dislocation and dramatic gender role reversals, pressures of assimilation in terms of “fitting in” to the dominant culture, and exoticization of difference, all contribute to the sexual exploitation of immigrant and refugee girls.²⁰ In light of the heightened vulnerability of marginalized girls, it can be argued that a similar stratification system exists within Canada, as in the hierarchy of nation-states within which the countries of the North dominate and control the countries of the South. Internally, Aboriginal girls and peoples occupy the bottom rungs of Canadian society and hence are regarded and treated as the “dispossessed and the disposable.” The high levels of mortality of these young women and girls combined with their histories of violence bears evidence to this view (McEvoy and Daniluk, 1995; McIvor and Nahanee, 1998).

Community organizations in various parts of the country have also become actively involved in dealing with sexually exploited youth. The “Exit Community Outreach Program,” “Street Teams,” “Streetlight,” and the national “Operation Go Home,” are examples of some of these initiatives (Andreef and Stone, 1997; Joel, 1996).²¹ However, these programs are predominantly operated by non-profit organizations and function on a voluntary basis. In some cities, safe youth houses have been opened (Welsh, et al., 1995). Federal, provincial and territorial governments have also been examining the issue of child prostitution. In BC, the Attorney General convened various community consultations, and formed the Provincial Prostitution Unit. In Alberta, the Task Force on Children Involved in Prostitution was formed, and released its report last year. The Federation of Canadian municipalities has also focused on the issue (Lowman, 1998), and police efforts have similarly increased. A Deter and Identify Sex Trade Consumers (DISC) computer program was developed in Vancouver and is now being implemented in Calgary (Smith, 1998). The Federal/Provincial and Territorial Working Group on Prostitution released its final report and recommendations in December 1998. Many of its recommendations highlight the necessity of offering youth additional services, diversionary measures, early intervention and prevention, and the need for further education among criminal justice system personnel. However, without a structural transformation that effectively addresses poverty, the sexualization of youth and children, intra-familial violence, and youth unemployment, such community efforts remain band-aid solutions.

²⁰ See Jiwani (1998) for more details regarding violence against marginalized girls.

²¹ See also McKinley (1997) for details on the initiatives undertaken in Saskatchewan.

DOMESTIC WORKERS, MIGRANT WORKERS, AND MAIL ORDER BRIDES

While most of the Canadian literature focuses on the trafficking of young women and girls into the sex trade through street prostitution, there are two categories of trafficking that tend to occur in other areas, namely, the forced importation of young women as domestic workers, migrant workers (in sweatshops and agriculture), and as brides.

A considerable amount of attention has been given to the plight and exploitation of domestic workers in Canada (e.g., Alcuítas, et al., 1997; Arat-Koc, 1995; Cohen, 1987; Silvera, 1983). Much of this literature documents the working conditions and immigration restrictions faced by migrant agricultural and domestic workers (Bolaria and Bolaria, 1994; Das Gupta, 1996). Some of these reports also allude to their vulnerability to sexual abuse. For undocumented workers their "alien" status makes it impossible for them to report abuse, and also makes them more vulnerable to abuse. Documented evidence of migrant workers and mail order brides that identifies their age is scarce, in part because of immigration age-related criteria. However, news reports and anecdotal evidence indicates that in some cases migrant workers (both documented and undocumented), as well as mail order brides are under 18 years of age (Associated Press, August 28, 1995). Whether these young women have been forcibly moved/trafficked is unknown. It is clear, however, that many are "forced" to leave their homes and countries because of economic pressures. Restrictive immigration laws have also been defined as contributing to the use of illegal routes of migration, with trafficking being one such avenue (Sanghera, 1998). These routes span the entire North American region, from Canada to the US, and to Central America, Hawaii, and Japan.

Many of these women and girls are sold into debt bondage, ranging from \$30,000 to \$50,000 which they then have to pay off in order to secure release (Ouston, 1999; Sanghera, 1998). Some are confined and their passports and documentation taken away by traffickers so as to render them powerless to escape. As illegal aliens, they have little recourse in obtaining assistance or escape. If caught by law enforcement officers, they are criminalized by the state and may be deported (Sanghera, 1998).

The phenomenon of mail order brides has also captured media attention. It has been estimated that in the U.S., between 2,000 and 3,500 men annually marry women who are mail order brides (Narayan, 1995: 107; see also, Aguilar, 1987; Ang, 1995). According to Sanghera (1998: 27), there were 30,000 marriage visas issued in Canada in 1997. It is unknown how many of these brides are young women under the age of 18 years. There are no comparable Canadian statistics; however, anecdotal evidence suggests the presence of Filipino, Asian, and more recently, young women from Eastern Europe who may legally be children but who have been brought here as child brides or domestic workers.²² Bringing

²² Personal communication, Luningning Alcuítas-Imperial, Philippine Women Centre, Vancouver, BC, August 20, 1998.

brides over through arranged marriages *may* also fall into the category of “trafficking” (Narayan, 1995). Again, structural factors such as immigration laws exacerbate the vulnerability of migrant workers and “brides” to male violence (Dosanjh, et al., 1994). Sanghera (1998) reports that immigration requirements impose a two-year period before these women or girls are allowed to apply for status.

Many of these girls and women are isolated and extremely vulnerable to violence ranging from sexual harassment, sexual exploitation, and battering. Journalistic accounts report cases where these girls and women are forced to work in bawdy houses and massage parlours (Ouston, 1999: A6). Lack of English language skills combined with lack of knowledge about their rights, as well fear of immigration officials and police, impede them from disclosing violence and seeking help. Added to this, many of these girls and women fear ostracization from their own communities should they disclose sexual exploitation. Trapped and isolated, they are extremely vulnerable to a multitude of forms of violence.

CONCLUSION

This brief review of the literature suggests that there are many factors that facilitate the trafficking of young women and girls across borders and within Canada. International studies highlight the roles of escalating poverty and un/under-employment in many areas of the Third World, the impact of globalization, tourism, industrialization, and rising national debts as a result of development and fiscal policies, restrictive immigration practices of western nations, weak laws, and the high profits that accrue from sexual exploitation. Underpinning these factors is the continued devaluation and sexualization of women and children. The twinning discourses of sexualization of youth and exoticization of difference combine in promoting the sexual exploitation of children internationally.

The Canadian literature suggests that girls and boys who are sexually exploited and trafficked tend to come from homes where they have either witnessed and/or have experienced intra-familial violence, societal rejection, stigmatization, and marginalization. In addition, they have issues around self-esteem and addictions. Many of these youth and children are runaways or “throwaways” who turn to street prostitution as a way of survival. Further, for many the prospects of equitable employment and education are limited. For some, the pressures of assimilation propelled by the desire to “fit in” contribute to their involvement in the sex trade and their vulnerability to exploitation. Nonetheless, for others, the streets and prostitution offer an avenue for freedom and self-determination. It appears that gender-specific programs and services for girls and young women on the street are few, and existing programs that offer opportunities to leave the streets are either volunteer-based, under-funded, or do not offer gender-specific services.²³ Homelessness is a major issue that needs to be addressed by policy makers.

²³ See final report of the Alliance of Five Research Centres on Violence entitled *Violence Prevention and the Girl Child*. Available online: <http://www.harbour.sfu.ca/freda/reports/gc.htm>

Areas for future research include identifying and evaluating existing mechanisms and models for those girls and women who wish to leave; identifying and mapping out effective youth employment strategies for girls and women who are being sexually exploited or are working in the sex trade; assessing the availability of services that are gender-specific and non-judgmental (Jackson, 1998); and identifying ways in which to implement effective anti-violence, anti-sexist and anti-racist programs in schools which are gender-specific and inclusive and which take into consideration the violence enacted on girls who are differently situated. The mechanisms by which girls are sexualized and socialized also require further study, specifically in terms of how race, class, and sexuality figure in popular representations and the kinds of messages that are communicated to girls. Within this context, the pressures associated with assimilation as they influence girls' notions of mainstream society and the behaviours required to fit into that society, demand further investigation. Some of these areas are already being explored. However, the pronounced lack of Canadian studies focusing on the risk factors of girls from marginalized communities begs further study. Additional research that should be conducted includes examining the impact of federal, provincial, and territorial laws and policies which deal with or influence the international and national trafficking and sexual exploitation of girls and women. This includes laws and policies which have a differential impact on girls and young women from different communities, and policies pertaining to foster care placement, child apprehension, loitering, panhandling, immigration and the like, which increase the vulnerability of girls and young women from diverse backgrounds to further sexual exploitation.

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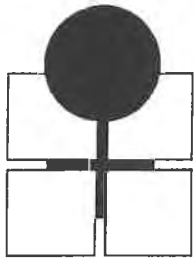
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Feminist Research, Education, Development & Action Centre

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The Feminist Research, Education, Development and Action (FREDA) Centre is one of five violence research centres funded by Health Canada, and the Social Sciences and Humanities Research Council of Canada.

Since its inception in 1992, the FREDA Centre has worked with numerous groups in British Columbia on various aspects of violence against women and children. The Centre has also published a report dealing with violence against women in the Yukon.

FREDA is a collaboration of community groups, and feminist academics from Simon Fraser University and the University of British Columbia. The Centre's mandate is to undertake and promote action-based research on violence against women and children. As well, the FREDA Centre works with community groups to forward recommendations for action to relevant policy makers and mandated agencies.

For more information, or to order other publications, please contact the FREDA Centre at the following address:

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