

50 MIN • SECONDARY/POST-SECONDARY

Human Smuggling & Trafficking

Objective: Students will be introduced to the legal constructs of human smuggling and trafficking and will critically evaluate how these play out in peoples' migration stories.

Preparation: Read and reflect on the Bhabha & Zard (2006) article entitled, "*Smuggled or trafficked?*" before coming to the session.

Lesson plan

Task 1: Introductory activity "A question of choice?"

20 MIN

Review this quote from the Bhabha and Zard article and discuss the question below:

"The Protocols are thus framed around a central dichotomy: between coerced and consenting illegal migrants, between victims and agents, between innocence and guilt. This dichotomy governs contemporary public policy, dividing the field into two distinct parts. One addresses the protection needs of trafficking victims who are considered to be non-consenting, innocent and deserving. The other addresses the situation of the smuggled illegals – culpable and complicit actors. The latter are considered less deserving of protection and support because of their original motive – the decision to choose to migrate illegally."

Discussion Questions (small group or pairs ~10 min):

The authors suggest that trafficking is conceived of as coerced/forced while smuggling is seen as a choice.

- Explain this distinction as well as the authors' critique of it.
- Can you think of examples where a person's "choices" around migration are not so clear?

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Class Discussion (~10 min)

Reflect on how “choice” is framed in relation to migration more generally.

- Is this a helpful way to think about migration?
 - How else could it be framed?
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Task 2: Engaging oral histories

15 MIN

In problematizing the clear line that gets drawn between smuggling and trafficking under international law, Bhabha and Zard (2006) discuss how migrant worker programs and policies open workers to exploitation and vulnerability. They suggest that migrant workers can become trafficked:

“ It is worth recalling that legal systems of migration are not immune from abuse and exploitation either. Workers who migrate into a country under legally sanctioned work permit schemes are often tied to their employer, even if they arrive to discover that the terms of their contract are not what they expected. Their ability to leave, however, is constrained because their immigration status is linked to their employment; leaving might also precipitate claims to repay their travel and recruitment costs. Confiscated passports, unpaid wages and other types of abuse are increasingly being documented by NGOs in these situations. Tolerated because it takes place within the formal economy, such dependency might well be considered bonded labour and thus part of a trafficking situation if it took place within the informal economy.

Human Smuggling & Trafficking

In the Counter Archive

In pairs or small groups, read the assigned excerpt from Pedro's story.

Discuss examples from his story that illustrate how it could be described as a situation of "trafficking."

Pedro arrived in Canada as an agricultural worker. In 2015, things quickly took a turn when the group was mistreated and their documents withheld. Having precarious status in Canada continues to be a challenge for Pedro.



I was a farmer, Mistreatment, and Escape

Read the excerpt from Pedro's story

Task 3: Concluding activity

15 MIN

As a full class, return to the discussion from the introductory activity and, in light of Pedro's story, reflect again on how "choice" is framed in relation to migration.

- How do the details of his story complicate ideas of 'choice' and 'legality'?
- Who is often seen as 'deserving' or 'in need' of protection and support? How does that connect to Pedro's story?

Resources

London

Pedro's story

"And we could not do anything, because they had our documents."



READ PEDRO'S STORY



FORCED MIGRATION REVIEW

Bhabha, J., & Zard, M. (2006). Smuggled or trafficked.

<https://www.fmreview.org/peopletrafficking/bhabha-zard>

Additional Resources

There are many examples of how the idea of “choice” related to migration is complicated. Here are a few more examples from Canada, the US, and the EU.

UN Special Rapporteur

"Shocking abuse of migrants forced to pick strawberries in Spain," UN Rapporteur says.



<https://news.trust.org/item/20200701174043-qljpu>

Human Smuggling & Trafficking



on a massive
migrant workforce

AL JAZEERA ENGLISH

Consumers are not aware we are slaves inside
greenhouses'

<https://www.aljazeera.com/features/2019/10/16/consumers-are-not-aware-we-are-slaves-inside-the-greenhouses>



PODCAST

Belaboured: The future of work with Saket Soni

<https://www.dissentmagazine.org/blog/belabored-podcast-50-the-future-of-work-with-saket-soni>



COALITION OF IMMOKALEE WORKERS

“Coalition of Immokalee Workers 101”

https://ciw-online.org/wp-content/uploads/CIW_1_pager_August2015.pdf



ABC NEWS

“Revolt in Mississippi: Indian Workers Claim 'Slave Treatment': Workers call for Signal to be prosecuted on alleged human trafficking charges.”

<https://abcnews.go.com/Blotter/story?id=4409785&page=1>



Al Jazeera English

After leaving the grind in Asia, Filipino women find exploitation in Poland

<https://www.aljazeera.com/economy/2024/4/17/after-leaving-the-grind-in-asia-philipino-women-find-exploitation-in-poland>

Human Smuggling & Trafficking



CANADIAN COUNCIL FOR REFUGEES

Trafficking in Persons for Forced Labour: Backgrounder

<https://ccrweb.ca/en/trafficking-forced-labour>



METCALFE FOUNDATION

Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers by F. Faraday.

<https://bit.ly/3jD9Rcy>



CBC

Human Smuggling and Trafficking Big Business in Canada.

<https://www.cbc.ca/news/canada/human-smuggling-and-trafficking-big-business-in-canada-1.1161577>

Pedro's Story

Pedro arrived in Canada as an agricultural worker. In 2015, things quickly took a turn when the group was mistreated and their documents withheld. Having precarious status in Canada continues to be a challenge for Pedro.



I was a farmer, Mistreatment, and Escape

[Read the excerpt from Pedro's story](#)

Pedro

London, Ontario

28 September 2019



“I was a farmer”

Pedro: Bueno, yo era una persona agricultor. Crecí en un pueblo fuera de la sociedad. Crecí con mis padres en agricultura. Pero en una ocasión encontré una oportunidad para venir a trabajar a Canadá. Y viaje con la organización internacional para las migraciones. Me dieron la oportunidad de ir a trabajar agricultura para Canadá.

Pedro: : *Well, I was a farmer. I grew up in a town outside of the city. I grew up farming with my parents. But I found an opportunity to come work in Canada, and I travelled with the International Organization for Migration (IOM). They gave me the opportunity to go work in agriculture in Canada..*

Pedro's Story

Pedro: Pero lamentablemente en el mes de julio de 2015 aparecieron 3 personas en la casa en donde yo vivía, fuera de [ciudad], y se presentaron como abogados de migración. Con ellos andaba y se presento la señora, [abogada A], abogada de inmigración, el señor [abogado B], de origen salvadoreño, abogado de inmigración, el señor [dueño de empresas de carnicerías], como patrón y dueño de empresas de carnicerías, al nivel de [provincia], y nos ofrecieron pagar a \$15 la hora, extensión de permisos de trabajo, visas para dos años, residencias permanentes, y ese momento me sentí feliz porque este señor era pastor de una iglesia evangélica. Nos llevaron hojas de inmigración para hacer aplicaciones y nos cobraron \$400.

Mistreatment

Pedro: Cuando nos trajeron adentro de [ciudad] nos llevaron a una casa ubicada, nos dejaron en una casa donde esta tarde nos prohibieron tener amistades o comunión con persona alguna fuera de esta casa. Esa fue las reglas que nos pusieron fuera de la casa, nos pusieron reglas. Las reglas que nos dieron, las reglas que nos dieron fue prohibiéndonos tener amistad alguna fuera de la casa, o comunicarnos con alguien, donde pusieron 12 personas. En esta casa pusieron 12 personas. Si, compañeros. En donde había un baño, una estufa para cocinar y una refrigeradora para todos. Y nos dieron precios que nos iban a cobrar, \$450 cada persona, cada 15

Pedro: *But unfortunately in July 2015, 3 people appeared in the house where I lived, outside of [city], and they presented themselves as immigration lawyers. With them was a woman [lawyer A], an immigration lawyer, a man, [lawyer B], an immigration lawyer of Salvadorean origin, and a man [owner of slaughter company], as the boss and owner of slaughter companies in [province]. They offered to pay us \$15 a hour, work permit extensions, 2-year visas, permanent residence, and in that moment I felt happy because this man was a pastor of an Evangelical church. They brought us immigration papers to make applications and they charged us \$400.*

Pedro: *When they brought us to [city], they took us to a specific house, they left us in a house where they forbade us from having friends or contact with anyone outside of this house. These were the rules that they imposed on us outside of the house, they imposed rules on us. The rules that they gave us, the rules that they gave us were to forbid us to have any friendship outside of this house, or to communicate with anyone, where they put 12 people. Yes, co-workers. There was one bathroom, one oven to cook and one refrigerator for all, and they gave us the prices they would charge us, \$450 each person, every 15 days.*

Pedro's Story

Pedro: Y en cada cuarto, ahí pusieron 4 personas en cada cuartito pequeñito. Cada persona pagaba \$450 cada 2 semanas, porque ellos nos daban \$150 cada 15 días, y nos cobraban... teníamos camera de vigilancia en esta casa. De las 8:30 de la noche para las 9 llegaban a bloquear la puerta, que nadie saliera ni nadie entrara. Y nos llevaban al trabajo. Y la persona que nos llevaba nos veía, siempre estaba checando que no platicáramos con nadie en el trabajo. Y nosotros no podíamos hacer nada porque ellos tenían nuestros documentos. Cuando le pedíamos los documentos a la señora [abogadar A], ella nos decía, indios ignorantes, patas rajadas, voy a mandarles migración allá donde están para que los manden a su corral de donde han venido.

Pedro: Porque nos decía de que ella era una ciudadana canadiense y nosotros estábamos sin estatus porque ella tenia nuestros documentos. Y como nadie sabia ni conocía las leyes, nadie sabia de las leyes, porque nunca teníamos un patrón malvado, perverso como estas personas. Porque el patrón con que venimos, que nos ayudo, organización internacional de migraciones, venimos a trabajar, fue una persona muy honesta, muy recta en todo, y pensamos que todos eran así, pero lamentablemente, no todos.

Pedro: *And in each room, they placed 4 people in each very small room. Each person paid \$450 every 2 weeks, because they gave us \$150 every 15 days, and they charged us... we had a surveillance camera in this house. From 8:30pm to 9:00pm they would come to block the door, so that nobody could leave or enter. And they would take us to work. And the person that would take us would always check to see that we would not speak with anyone at work. And we could not do anything, because they had our documents. When we would ask for our documents to the woman [lawyer A], she would say, ignorant barefoot Indians, I'm going to send Immigration there where you are so that they take you to the farmyard from where you came.*

Interviewer: *Why, in your memory, in your interpretation, did she say these things to you?*

Pedro: *Because she would say to us that she was a Canadian citizen and we were without status because she had our documents. And since nobody knew the law, nobody knew the law, because we had never had an evil, perverse boss like these people. Because the boss that we came with, that helped us, through the international organization for migration, that we came to work for, was an honest person, very righteous in everything, and we thought that they were all like that, but unfortunately, not everyone.*

Pedro's Story

Pedro: Cuando yo vi estos abusos y mis compañeros vimos todos estos abusos, porque nos estábamos enfermando, uno con los malos tratos de abusos que teníamos, y animales que habían dentro de la casa, es posible que estas personas recogieron los colchones de la calle, y estaba lleno de animales que nos estaba comiendo vivos. Animales nos chupaban la sangre. Por eso colchones pagamos \$200 por cada colchón. Yo estaba con fiebre. Le dije al señor [dueño de empresas de carnicerías] y a la [abogada A] que me ayudaran para llevarme a un hospital o algo porque yo estaba muy enfermo, pero dijeron ellos, no los quieren aquí, porque no tiene documentos. No podemos ayudar. Vimos todos estos abusos. Sufrimos. Le llamábamos por el teléfono a la señora [abogada A] que nos regresara nuestros documentos personales. Y nos decía que nos iba a mandar migración.

Escape

Pedro: Pero en septiembre de 2016, tomamos una decisión el grupo que estábamos ahí, de irnos, aunque sea sin documentos y sin nada. Porque nos toco resucitar a un compañero que estaba muriendo ahí, muriéndose. Esa noche, decidimos si fuese posible romper la puerta, que ya tenían bloqueada. De pronto, el personaje que nos bloqueaba la puerta, entro ese momento. Porque nos tenían castigados por 15 días, nos cortaron el agua, la luz y nos tocaba lavar nuestros platos de comida en el agua que queda en la tasa del baño. Nos castigaron por estar pidiendo documentos.

Pedro: *When I saw these abuses and my co-workers saw these types of abuses, because we were getting sick, with the mistreatment that we had, and the animals that were in the house. It's possible that these people picked up mattresses from the Street, and they were full of animals that were eating us alive. Animals that sucked our blood. For these mattresses, we paid \$200 for each mattress. I had a fever. I asked Mr. [owner of slaughter company] and Mrs. [lawyer A], to help me by taking me to the hospital or somewhere like that because I was very sick, but they said, they don't want you here, because you don't have documents. We cannot help. We lived through all of these abuses. We suffered. We would call Mrs. [lawyer A] by phone for her to return our documents, and she said that she would send Immigration..*

Pedro: *But in September 2016, the group of us that were there made a decision to go, even if it was without documents and without anything. Because we had to resuscitate a co-worker that was dying there, dying. This night, we decided that if it were possible to break down the door, that they had already blocked. Suddenly, the person that would block the door for us, entered in that moment. Because they had us punished for 15 days. They shut off the water, the electricity and we had to wash food plates in 10 water that was left in the toilet bowl.*

Pedro's Story

Pedro: Cuando este día en septiembre de 2016, cuando el hombre entro, nosotros salimos. Sin documentos, sin nuestras cosas, sin nada. Y recorrimos a una iglesia evangélica donde me reservo el nombre de estas personas que nos ayudaron. Y salimos, donde ellos vieron eso, dijeron, no hay problema, vamos a ayudarles. Cuando nos trasladamos a un edificio a vivir, dos compañeros estuvieron insistiendo mas todavía por su regreso de documentos, y estaban exigiendo a la señora [labogada A], y ella les decía en donde están. Voy a enviarles inmigración.

Pedro: Y un personaje, una persona muy amable de la iglesia nos dijo, vamos a la policía. Pero nadie tenía el valor de ir porque ya nuestros documentos estaban vencidos y ella los tenía en la mano. Pero dos compañeros tomaron fuerza, y dijeron, nosotros vamos, pase lo que pase, vamos a traer los documentos. Y esta persona se fue a la policía, llevaron un policía a la iglesia, donde estaban estos. La persona de la iglesia. Dos se fueron. Esta persona de la iglesia le ayudo a ellos dos, a los dos compañeros, y se fueron a la iglesia, hasta allá, a pedir los pasaportes. Es otra iglesia. Exacto. Porque estas personas [abogada A y dueño de empresas de carnicerías] tienen una iglesia pero solamente para cubrir sus crímenes y fechorías que han cometido y siguen cometiendo.

Pedro: *When on that day in September 2016, when the man entered, we left. Without documents, without our stuff, without anything. And we sought help at an Evangelical church where I reserved the names of the persons that helped us. And we left, when they saw what we had gone through, they said, no problem, we will help you. When we transferred to a building to live, two colleagues were insisting even more for the return of our documents, and were demanding them from Mrs. [lawyer A], and she would say, where are you? I am going to send Immigration for*

Pedro: *And a person, a very friendly person from the church told us, let's go to the police. But nobody was brave enough to go because our documents were already expired and she had them in her hands. But two colleagues summoned their courage and said, we will go, whatever happens, we will get your documents. And this person went to the police, they took a police officer to the church, where they were. The person from the church and the two colleagues went. This person from the church helped these two, these two colleagues, and they went to the other church, all the way there, to ask for the passports. It's another church. Exactly. Because these [lawyer A and owner of slaughter company] people have a church but only to cover the crimes and misdeeds that they have committed and continue to commit.*