



Native Women's
Association of Canada



L'Association des
femmes autochtones
du Canada

Trafficking of Indigenous Women and Girls in Canada

Submission to the Standing Committee on Justice and Human Rights

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About NWAC

The Native Women's Association of Canada (NWAC) is a national non-profit Indigenous organization representing the political voice of Indigenous women throughout Canada. It was incorporated in 1974 as a result of the activities of local and regional grassroots Native women's associations over many years. NWAC was formed to promote the wellbeing of Indigenous¹ women within Indigenous and Canadian societies, and we focus our efforts on helping women overcome sex-based discrimination.

Today, NWAC engages in national and international advocacy measures aimed at legislative and policy reforms that promote equality for Indigenous women and girls. Through advocacy, policy, and legislative analysis, we work to preserve Indigenous culture, advance the wellbeing of Indigenous women and girls, as well as their families and communities.

NWAC is actively committed to raising the national and international profile on many issues specific to Indigenous women, including access to sexual and reproductive health services, violence, mental health and wellness, and precarious employment and housing, along with the many other barriers Indigenous women face to accessing their basic human rights. As a leader both domestically and on the international stage, NWAC works to improve the human rights of Indigenous women and remains dedicated to promoting gender equality through research, policy, programs, and practice.

CONTENT WARNING: This brief discusses violence and sexual violence in detail. If you find this material triggering, visit www.nwac.ca for support resources in your area.

¹ In the Canadian context, *Indigenous* refers to the Aboriginal peoples of Canada as defined in Section 35(2) of the Canadian Constitution (First Nations, Inuit, and Métis), as well as non-status First Nations people. First Nations refers to Status and Non-Status Indians as defined in the *Indian Act, 1985* <http://laws.justice.gc.ca/eng/acts/I-5/>



Introduction

Indigenous women are disproportionately affected by racialized violence in Canada through exposure to both historic and ongoing gendered discrimination. Canada's colonial legacy has forced Indigenous women and girls into dangerous and precarious social and economic conditions, which in turn has made them more vulnerable to different kinds of violence. This includes situations of exploitation and human trafficking, a prevailing concern that has yet to be properly addressed and recognized.

The definition of human trafficking in both domestic and international policy largely refers to the act of the trafficking of persons as an international phenomenon involving the crossing of borders. In Canada, however, human trafficking is largely a domestic issue. As of 2016, the RCMP identified 330 cases of human trafficking, 94% of which were domestic cases.² Of the domestic cases in Canada, Indigenous women are especially overrepresented. A 2016 Public Safety report released statistics that indicate that, while Indigenous women only make up 4% of the Canadian population, they roughly make up 50% of trafficking victims.³ Women under the age of 18 make up approximately a quarter of the victims of human trafficking.⁴

Colonization and Indigenous Women's Bodies

Discussing exploitation and trafficking in relation to Indigenous women necessarily means understanding the historical and ongoing colonial sexualization of Indigenous women's bodies. Since early colonization, Indigenous women's have been positioned by Western ideology as inherently violable and less valuable than non-Indigenous, non-racialized bodies. During early colonial contact, this directly disrupted the gendered social configurations of communities, as women's authority was dismissed in early economic and political interactions between colonizers and Indigenous peoples.⁵ The cultural understanding of Indigenous women as sexual, unworthy, and therefore violable was subsequently enshrined into law.⁶

² Tavia Grant, "Missing and Murdered: The Trafficked" (10 February 2016). *The Globe and Mail*, <https://beta.theglobeandmail.com/news/national/the-trafficked-sexual-exploitation-is-costing-canadian-women-their-lives/article28700849/>

³ Ibid.

⁴ Statistics Canada (2016), "Trafficking in persons in Canada, 2014" at page 6. Retrieved online at <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2016001/article/14641-eng.pdf?st=6wywicNv>

⁵ Suzack, C. et al. (2011) "Indigenous Feminism: Theorizing the Issues" in *Indigenous Women and Feminism: Politics, Activism, Culture* at p. 5.

⁶ See Jean Barman "Aboriginal Women on the Streets of Victoria: Rethinking Transgressive Sexuality during the Colonial Encounter" in *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past*. Edited by Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005).



The complexities of how patriarchy, racial violence, and the colonial compulsion to assert white supremacy compound to produce violence against Indigenous women has been well-documented in a range of texts.⁷ As Indigenous women have been stating for decades, and which the Inquiry on Missing and Murdered Indigenous Women and Girls has recently indicated,⁸ the cultural understanding of Indigenous women as inherently sexual, and therefore violable, has tangible, real-life implications for Indigenous women's lived experiences of violence.

The violence experienced by women who are sex workers, sexually exploited, and/or trafficked is not separate from colonial violence, but a central part of it.

Human Trafficking in Canada

Canada's response to human trafficking is represented in a range of federal and provincial initiatives aimed at preventing the act and assisting victims and survivors. Several of these provincial initiatives, such as the RCMP's Human Trafficking National Coordination Centre and the "I am Not for Sale" campaign, fail to specifically reference Indigenous peoples as victims of human trafficking, despite Indigenous women making up 50% of the victims of trafficking.

There has, however, been some progress in addressing the issue of human trafficking in the country, such as the inclusion of sections in the Criminal Code that have specific reference to human trafficking, including Section 279.01, Section 279.011, Section 279.03, and Section 279.04. Introduced in 2002, these sections have assisted in the recognition of human trafficking as a criminal offence, and in the prosecution of trafficking cases domestically.

Identifying and assisting Indigenous victims and survivors of human trafficking and exploitation has been greatly hindered by a lack of disaggregated and cross-jurisdictional data. This has created significant difficulties for Indigenous organizations, advocates, and community members in conducting research that is cognisant of the varying experiences among and between First Nations, Inuit, and Metis women impacted by human trafficking, and developing policies and strategies that are responsive to those experiences. This is especially true of data collection on the Metis population.

⁷ See *Indigenous Women and Feminism: Politics Activism, Culture* (2006) Eds. Suzack, C. et al.; *Race, Space and the Law: Unmapping a White Settler Society* (2002) Ed. Razack, S.

⁸ National Inquiry on Missing and Murdered Indigenous Women and Girls (2017), *Our Women and Girls are Sacred: Interim Report*. Retrieved online at <http://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report-revised.pdf>



While urban centres are considered as hubs for human trafficking in Canada, with some large cities more prone to the act than others, Indigenous women are also recruited into human trafficking while residing in their Northern and rural communities.⁹ Further, British Columbia's urban areas are especially problematic for the sexual exploitation of Indigenous youth, many of whom are First Nations.¹⁰ Inuit women in Northern communities are also extremely vulnerable to becoming trafficked.

Human Trafficking and Inuit Women

In 2002, Pauktuutit Inuit women of Canada reported the existence of 40+ cases of Inuit women being trafficked through Ottawa alone.¹¹ Inuit women's specific experiences with colonization and forced displacement has created conditions wherein they are particularly vulnerable to girls being trafficked. This includes high rates of poverty, precarious housing, and physical and sexual abuse. In addition to these socio-economic issues, linguistic barriers contribute to Inuit vulnerability to the issue of trafficking. To eliminate some of these barriers, the Government of Canada translated the Criminal Code's section on human trafficking into Baffin syllabics of the Inuktitut language. Some human trafficking terminology and language has not yet been fully developed in Inuktitut, however, posing considerable challenges to effectively prevent the act from occurring.¹²

Indigenous Youth, Two-Spirit, and LGBTQ+

There are many factors that contribute to Indigenous youth being vulnerable to human trafficking. These include lack of supports, and precarious housing and employment situations. The experiences of transitioning out of the child welfare system place Indigenous youth in especially difficult situations due to the lack of available supports and programming, especially ones that are culturally-appropriate.

Precarious housing and employment is also experienced by queer, non-binary, trans, and Two-Spirit¹³ people, who often experience isolation from family, community, and

⁹ Public Safety Canada, "National Action Plan to Combat Human Trafficking" (2012) at <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx>

¹⁰ NWAC, "Boyfriend or Not- Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States" (17 October 2014)

¹¹ Pauktuutit Inuit Women of Canada (2014). "Human Trafficking Laws" [web page]. Retrieved online at <https://www.pauktuutit.ca/project/human-trafficking-laws/>

¹² Ibid.

¹³ In 1990, Myra Laramée coined the term Two Spirit, which was adopted at a gathering of native American and Canadian LGBTQ people in Manitoba. Some Indigenous people choose to identify as Two Spirit rather than, or in addition to, identifying as lesbian, gay, bisexual, trans or queer, as an acknowledgement of intersecting identities or in acknowledgement of pre-colonial gender and sexuality norms. The term is a translation of the Anishinaabemowin term niizh manidoowag, 'two spirits'. Other nations have terms or understandings within their respective languages that demonstrate distinct understandings of gender and sexuality.



mainstream society. While there is a significant lack of data on the specific needs and barriers impacting LGBTQ+ and Two-Spirit Indigenous peoples, existing research does indicate that queer and non-binary peoples are disproportionately impacted by sexual violence. In 2015, 70% of transgender youth in Canada (aged 14-25) reported sexual harassment while 25% reported they had been raped in the last year.¹⁴ As a group that exists at the intersections of queer and/or transphobia as well as colonial racism, members of the Indigenous LGBTQ+ and Two-Spirited communities are impacted even further by this violence.

In Ontario, First Nations, Inuit, and Métis participants in the 2010 Trans PULSE project¹⁵ reported “high levels” of poverty (47%) and of homelessness or underhousing (34%), and were more likely to have to move due to being trans (67%).¹⁶ The same study also found that 61% indicated having at least one unmet health care need in the past year, and 73% had experienced violence due to their gender identity and/or expression. Other studies have identified in more depth the specific health access and safety issues impacting the Indigenous gender-diverse individuals, and how services and supports are often fraught with racism and transphobia.¹⁷ As is outlined further below, these gaps are all clear and known contributors to a higher vulnerability to exploitation, violence, and trafficking.

Recruitment

As a result of colonialism and discrimination, Indigenous women and girls have less access to social supports and services, putting them at a greater risk of being recruited into human trafficking. Trafficked women and girls experience strong racial and institutional racism prior to being trafficked.¹⁸ It is also common that victims and survivors of human trafficking have histories of sexual abuse, trauma and violence

¹⁴ WAVAW Rape Crisis Centre, “WAVAW’s New Inclusion Project” (2017), para. 2. Retrieved online <<http://www.wavaw.ca/wavaws-new-inclusion-project/>>

¹⁵ The Trans PULSE project was “a community-based research (CBR) project [...] investigating the impact of social exclusion and discrimination on the health of trans people in Ontario, Canada.” (see www.transpulseproject.ca)

¹⁶ Ayden Scheim et al. “Barriers to well-being for Aboriginal gender-diverse people: Results from the Trans PULSE Project in Ontario, Canada” *Ethnicity and Inequalities in Health and Social Care* (Vol. 6 No. 4, 2013) at pg. 108.

¹⁷ See Ristock, J. et. al. (2010), “Aboriginal Two-Spirit and LGBTQ Migration, Mobility, and Health Research Project: Winnipeg Final Report,” Winnipeg; Taylor, C. (2009), “Health and safety issues for Aboriginal transgender/two spirit people in Manitoba”, *Canadian Journal of Aboriginal Community-Based HIV/AIDS Research*, Vol. 2, pp. 63-84; Teengs, D.O. and Travers, R. (2006), “‘River of life, rapids of change’: understanding HIV vulnerability among two-spirit youth who migrate to Toronto”, *Canadian Journal of Aboriginal Community-Based HIV/AIDS Research*, Vol. 1, pp. 17-28.

¹⁸ NWAC, “Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informants Interviews Final Report.” (October 2014)



from adolescence. Globally, it can be observed that trafficked victims often come from places of oppression, systemic discrimination and poverty.¹⁹ Some of the recurring themes that contribute to the recruitment of Indigenous women into human trafficking include:

- Precarious housing and poor living conditions
- High rates of unemployment, unstable unemployment, and low working wages
- Lack of access to social and economic resources and programs
- Prior exposure to human trafficking and the sex trade from a young age (through family or friends)
- Family violence and the impacts of colonization (such as the residential school experience and intergenerational trauma)

Prior exposure to family violence particularly contributes to the success rates of many recruitment tactics by traffickers, such as the 'boyfriend' method and familial coercion. Indigenous women, who face abuse growing up, have more difficulty recognizing abuse in other relationships. The normalization of their abuse makes it difficult for them to see themselves as victims and more vulnerable and accepting of exploitation.²⁰ Additionally, they often are less able to leave abusive relationships due to lack of access to supports such as shelter services, fear of community isolation or reprisal, fear of losing their children to the child welfare system as a result, and/or geographic location.

NWAC's past interviews with survivors of human trafficking also indicate a strong correlation between intergenerational violence and trauma stemming from the Indian Residential School System. One survivor tied this directly to "growing up with family violence and being involved with the court system at a young age."²¹

The common points of interception for human trafficking have been found to be at airports, schools, bars, exotic dance clubs, massage parlours, through the internet, hitchhiking, or via the boyfriend method or family members. Other forms of recruitment tactics include seduction, isolation, coercion, and violence.

The 'Boyfriend' Method

The 'boyfriend' recruitment method is usually enacted by a trafficker approaching a young woman as a potential suitor and treating her in a way that she may not have

¹⁹ NWAC, "Boyfriend or Not- Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States" (17 October 2014)

²⁰ Boyfriend or Not- Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States. NWAC. October, 2014.

²¹ NWAC, "Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informants Interviews Final Report." (October 2014)



experienced before. This can entail buying her expensive items and promising a fulfilling lifestyle, which is intended to create an emotional dependency on the victim and a false sense of affection. A 2014 NWAC report highlights many of the challenges in identifying and prosecuting this type of recruitment method. This is largely due to the vulnerable nature of the trafficked women, who often do not want to testify against their traffickers/'boyfriends' since they do not recognize the abuse against themselves. The emotional dependency created through the 'boyfriend' method often leaves victims unwilling and/or unable to cut ties with their abusers and exit the cycle of exploitation.

"He put me up in a hotel room, bought me clothes, took care of me for a while. He said there was a way we could make lots of money, buy a house. Then I started working the street. From there it was more violence that kept me in it."²²

Gang Involvement and Criminal Activity

An increasing amount of literature suggests that the sexual slavery and sexual exploitation of Indigenous women is becoming more prevalent among gangs in Canada. It is important to note that due to the unreported and secretive nature of organized crime and gang activity, there remains limited published data on this topic, and most sources of knowledge come from victims of trafficking in this environment or from organizations or individuals working with them.

Gang involvement is a growing concern, as it is becoming a popular source of inclusion and support, especially for individuals who lack healthy personal and family relationships. The 2010 *Investigating the Linkage Between FASD, Gangs, Sexual Exploitation and Women Abuse in the Canadian Aboriginal Population: A Preliminary Study* by Mark Totten and NWAC noted that women and girls who participate in Indigenous gangs are typically treated as sexual slaves. This entails being "traded amongst gang members for coercive sex".²³ In addition to the sexual slavery of Indigenous women and girls amongst gang members, they also engage in acts of trafficking the women to others for their own monetary gain. Sex trafficking is a common crime among gang members due to the common perception that the trafficking of women and girls is a low risk crime for incarceration.

²² NWAC, "Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informants Interviews Final Report." (October 2014)

²³ Totten, M., NWAC, "Investigating the Linkages between FASD, gangs, Sexual Exploitation and Woman Abuse in the Canadian Aboriginal Population: A Preliminary Study." (2010).



Online Recruitment

The internet and the growing popularity of social media has also contributed to the increase in domestic cases of human trafficking of Indigenous women and girls. Recruitment of young girls and women through the use of the internet is a growing concern for many Northern communities, in which young women are often promised a better life in urban settings by online friends.²⁴

The RCMP human trafficking threat assessment report of 2010 noted that, “technological advances allowed individuals or criminal networks involved in sex trafficking to recruit and advertise victims, particularly underage girls, remotely and discreetly via the Internet.”²⁵

Conclusion and Recommendations

The trafficking of Indigenous women and girls is a persisting problem in Canada that needs to be addressed in a deliberate, cohesive, and cross-jurisdictional way. While policies and laws against the trafficking of people contribute to the prevention of future cases of human trafficking and supports for victims, the issue cannot be properly addressed without examining the root causes of violence against Indigenous women and girls, and the colonial legacy. Indigenous women and girls in Canada need proper access to supports and resources to assist in easing vulnerabilities. Communities need culturally appropriate and relevant education on healthy relationships and awareness on the problem of human trafficking and sexual exploitation. Poor living conditions, including precarious housing, high food costs, low employment wages, and limited job opportunities, need to be addressed and improved to avoid the risk of women and girls searching for alternative and more dangerous conditions.

NWAC recommends:

1. That more funding be allocated to culturally-safe, community-based programs addressing poverty, precarious housing, healthy relationships, and internet safety;
2. That more funding be allocated to accessible, stable, and culturally-appropriate safe homes for victims of human trafficking;
3. Increased multi-sectoral collaboration between national, provincial, territorial and local jurisdictions, and service providers;

²⁴ Pauktuutit, “Strategic Actions for the Prevention of Human Trafficking of Inuit Girls and Women in Canada: Human Trafficking Workshop Summary, Annual General Meeting” (Mar.8, 2013) at <https://www.pauktuutit.ca/project/inuit-vulnerabilities-human-trafficking/>

²⁵ Canadian Women’s Foundation, “‘No More’ Ending Sex-Trafficking In Canada Report of the National Task Force on Sex Trafficking of Women and Girls in Canada” (2014)



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4. An increase in cross-jurisdictional and distinction-based data sharing and gathering on First Nations, Inuit, and Metis populations and human trafficking;
5. That laws and education materials be translated to a wide range of Indigenous languages to enhance accessibility and address any gaps in communication and knowledge transfer;
6. That, in collaboration with Indigenous organizations, communities, and leadership, resources be developed and provided to communities on safe travel, and legitimate work opportunities;
7. Concerted cultural competency training, Indigenous history education, and training on the trafficking of Indigenous women and girls for service providers and front-line workers, including RCMP and CBSA officials;
8. That more funding be allocated to community-based and led initiatives centered around the social and economic empowerment of Indigenous women; and
9. That all policy and counter-human trafficking initiatives be implemented and reviewed in consultation with Indigenous organizations, individual communities, and leadership.²⁶

²⁶ As outlined by the United Nations Declaration on the Rights of Indigenous Peoples, which the Government of Canada has committed to implementing, without qualification. In particular, Article 19 states that “States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.”