

Sex Trafficking of Indigenous Peoples

Prepared by the Ontario Native Women's
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Standing Committee on Indigenous and Northern
Affairs

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Ontario Native Women's Association



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Sex Trafficking of Indigenous Peoples

1. ONWA's Experience of the Trafficking of Indigenous Women

Since 2012, ONWA has engaged with women who have lived experienced of human trafficking. We honour their voices, recognize survivor expertise, and build a knowledge base of survivor experiences and needs. ONWA is committed to using a human rights framework principled on the United Nations Declaration on the Rights of Indigenous Peoples.

In 2018, ONWA engaged over 3,360 community members and service providers, including 250 self-identified Indigenous human trafficking survivors. The truth, honesty, and courage of the storytelling that was heard resulted in the creation of a model to comprehensively address the needs of Indigenous women and girls who are survivors, or are at risk, of human trafficking.

ONWA learned from these engagements that work needed to be done with anyone at significant risk, currently involved, or survivors of Human Trafficking and sexual exploitation across Ontario. This is inclusive of trans and two-spirited women and girls. ONWA learned that often, Indigenous women need to negotiate their safety to meet their basic needs.

ONWA's subsequent report, *Journey to Safe Spaces*, provided clear recommendations for change. The recommendations from survivors provided the basis for ONWA's crisis program *Courage for Change* for survivors of human trafficking. It is survivor-led and ensures that survivor voices are paramount to the design and delivery of community supports and services that aim to ensure the immediate safety of Indigenous women and girls who work in the sex trade or are experiencing human trafficking. *Courage for Change* supported 176 Indigenous women and youth to successfully exit human trafficking from 2017- 2020. Within the last year, ONWA has seen a 37% increase in exits, and a 23% increase in pre-exit planning and intensive case management with over 3,725 street-based contacts to Indigenous women at significant risk, entrenched and survivors of human trafficking.

1. UNDRIP, Trafficking, and the Normalization of Violence

UNDRIP affirms that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (Article 18). Also, the United Nations Convention on the Rights of the Child, Article 35 states that the government has a responsibility to ensure that children are not abducted, sold or trafficked.

It is fundamental that Indigenous women have the capacity to participate in a wide range of leadership roles to support our communities, including leading the response to Human Trafficking. Colonialism has resulted in strong, self-sustaining Indigenous communities being eroded. The resultant intergenerational trauma, coupled with more recent constructs including Indigenous

residential and day schools, has fostered poverty, substance abuse and violence within Indigenous communities. These circumstances combine to create an environment ripe for the development of human trafficking.

Direct links have been drawn between the disproportionate rates of violence that Indigenous women continue to face today and the paternalistic policies emerging from colonization that both shifted and disrupted gender-based roles and responsibilities¹. Indigenous women in Canada experience higher than average rates of violent victimization including homicide², sexual assault³ and family violence⁴. A recent report notes that most adult Indigenous domestic homicide victims were female (73%), and that 80% of Indigenous child victims (age 17 years and younger) were female.⁵

2. Sexual Violence and the Crisis of Missing and Murdered Indigenous Women and Girls

ONWA understands sexual violence against Indigenous women and girls as a root cause of other issues such as mental health, human trafficking, and intimate partner violence. The root causes of sexual violence are embedded within colonialism and the dismantling of Indigenous women's leadership, roles, and responsibilities. Without understanding the historic sexual violence against Indigenous women and girls (for example the legacy of Residential Schools), one will not understand the crisis of Missing and Murdered Indigenous Women and Girls in Canada, and how Indigenous women and girls are exposed to sexual violence disproportionately.⁶ The disruption from colonialism imposing patriarchal beliefs and attitudes on Indigenous societies fractured the cultures that honoured and respected Indigenous women in their balanced roles with men.

Sexual violence is normalized for children and youth, and Indigenous women and girls in Canada are more likely to be murdered and have continuously represented a disproportionate number of the missing and murdered women in Canada. The Final Report of the National Inquiry acknowledged the connections between sex trafficking and MMIWG, particularly as they relate to resource extraction.⁷

¹ Ontario Native Women's Association. 2016. Sex Trafficking of Indigenous Women in Ontario. <http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>

² Statistics Canada. 2016. *Homicide in Canada, 2016*. <https://www.statcan.gc.ca/daily-quotidien/171122/dq171122b-eng.htm>

³ Statistics Canada, 2014. *Self-reported sexual assault in Canada, 2014*. <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>

⁴ Burcycka, M. and Conroy, S. 2017. *Family Violence in Canada: A statistical profile, 2015*. <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14698-eng.pdf>

⁵ Juristat Bulletin. Trafficking in persons in Canada, 2019 (May 2021) <https://www150.statcan.gc.ca/n1/pub/85-005-x/2021001/article/00001-eng.pdf>

⁶ Smith, A. (2015). *Conquest: sexual violence and American Indian genocide*. Duke University Press.

⁷ *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019) <https://www.mmiwg-ffada.ca/final-report/>

3. Intersection of Human Trafficking, Indigenous Youth, and the Child Welfare System

In 2019, the United Nations released guidelines on combating child sexual exploitation. The guidelines state:

The sexual exploitation of children in prostitution also includes commodified “relationships” in which sexual acts are exchanged for cash, goods or benefits, often linked to economic survival or opportunities, educational achievement or social status. When such “relationships”, often inappropriately referred to as “transactional sex”, involve a child under the age of 18, the child should be seen as a victim of exploitation on the basis that children cannot legally consent to engaging in commercial or commodified sexual activities which include a remuneration or any other form of consideration.⁸

In Canada, 52.2% of children in foster care are Indigenous, but account for only 7.7% of the child population according to Census 2016.⁹ Through the engagement process for *Journey to Safe Spaces*, ONWA learned that there are often systemic failures which subject Indigenous women and children to risk. The relationship between child welfare and human trafficking is complex. In some instances, the abuse was not identified by any service provider and children experienced horrific childhood exploitation. In other instances, sexual exploitation began after child welfare became involved. In complex situations, there are often no easy solutions. We do know that children must be protected from exploitation. This will involve systems working together to protect and ensure safety for Indigenous children. This includes police and child welfare. Children and youth are being sexually exploited and there is a failure of systems to meet their needs and especially the systems in place to protect them from sex trafficking. The existing legal frameworks do not always support youth safety.

4. Recommendations

Indigenous survivors of human trafficking have human rights that need to be affirmed, and foundational to these rights are the need for housing, safety, and mental health supports. This includes in changes in legislation, policy, programs and services. Based on ONWA’s expertise in addressing violence and human trafficking, the following recommendations are put forth:

Addressing the Need for Transitional Supports for Exiting Human Trafficking:

Housing

⁸ Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Article 58 (2019)

https://www.ohchr.org/Documents/HRBodies/CRC/CRC.C.156_OPSC%20Guidelines.pdf

⁹ Statistics Canada. 2016 Census of Population. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/index-eng.cfm>

The provision of Housing opportunities is key to ensure that Indigenous women and girls have safe spaces. This involves increasing access to emergency housing, including scattered site units, and supports for Indigenous women who are experiencing violence or human trafficking.

ONWA's *Nihdawin "My House a Place Where I Live" Program* is a best practice of a highly successful model that meets the needs of Indigenous women in the city of Thunder Bay who are at risk of homelessness, and those experiencing homelessness. The *Nihdawin Program* provides culturally grounded services, geared to individual needs, to empower community members to achieve stability, self-sufficiency and attainable goals. Currently, the *Nihdawin Program* is only offered in one of ONWA's sites despite its proven success. Expansion of this critical program would assist the high demand ONWA encounters of Indigenous women that require assistance in securing and maintaining housing that will ensure their safety and well-being and keep families together. It is critical that these programs are implemented by Indigenous women's organizations wherever possible.

Mental Health and Addictions Services:

There is great need for increased, barrier-free access to mental health and addictions services, including detox services. We know that mental health and substance misuse are a response to unresolved trauma where Indigenous women need mental health supports/services/programming that are grounded within wholistic cultural worldviews and Western practices to begin healing. The connections between trauma and addiction have been previously discussed by ONWA membership during engagement sessions.¹⁰ Some community members indicated a need for addiction counsellors, and particularly the need for more female addiction workers.¹¹ Whereas other community members linked mental health to victim services, highlighting the need for more support to those who have experienced violence.¹²

Increasing access to culturally grounded and wholistic mental health supports, led by Indigenous women for Indigenous women, will directly lead to improved safety and help address other issues such as: poverty, addiction, crime, and incarceration. The most important recommendations to support Indigenous women's mental health is to significantly and sustainably Invest in Indigenous women's organizations and programs that are developed, designed, and delivered by Indigenous women.

¹⁰ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

¹¹ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

¹² Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

Funding Support to Survivor-led groups/organizations to build capacity to do this work:

As affirmed within UNDRIP, Indigenous women have the right to speak on their own behalf. Severely underfunded grassroots Indigenous women's groups provide safe spaces where Indigenous women can comfortably disclose their lived experiences including the violence they have experienced. Safe spaces provide women with a place to heal, create safety plans, and most importantly, a space where we are supported and not judged.

The current investment structure to Indigenous communities, both urban and on-reserve, does not have direct funding for Indigenous women's organizations including First Nation Women's Councils and Aboriginal shelters. Funding flows through distinction-based structures instead of upholding Indigenous women's autonomy. This often results in the exclusion of those who are experts. For example, this often results in survivors of human trafficking being unable to speak on their own behalf. Direct funding for Indigenous women's organizations including grassroots organizations is critical to address this and allow for communities to deliver appropriate services to Indigenous women and girls.

5. Organizational Description

The Ontario Native Women's Association (ONWA) is a not-for-profit organization established in 1971 to empower and support Indigenous women in Ontario through research, advocacy, policy development and programs and services that focus on local, regional, and provincial needs. ONWA's programs and service delivery models focus on Indigenous women and family centered approaches that are built on the foundation of culture, strength-based and trauma-informed practices, and service adaptation to meet client needs.