

## **Submission to the Standing Committee on Indigenous and Northern Affairs on Human Trafficking in Canada**

### **Introduction**

The Evangelical Fellowship of Canada (EFC) is the national association of evangelical Christians. Our approach to the issue of human trafficking is based on biblical principles that compel care for the vulnerable and which inform the duty of care we owe one another as human beings.

We believe each person has human dignity flowing from our creation by God and His love for us. This human dignity compels us to respect and uphold each person's inherent worth, and not treat them as objects for gratification or profit. These principles are reflected in Canadian law and public policy.

The EFC appreciates the opportunity to participate in this study. We urge you to ensure that the voices of Indigenous women and survivors are heard and centred in this conversation.

### **Trafficking in Canada**

While the trafficking of humans is multi-faceted, international sources suggest that upwards of 80% of all trafficking victims are subject to sexual exploitation.<sup>1</sup>

The majority of cases where human trafficking specific charges have been laid in Canada are domestic and involved sexual exploitation.<sup>2</sup> The vast majority of trafficking victims are women and girls. A May 2021 Statistics Canada release notes that the prevalence of human trafficking in large cities "may be partly attributable to a higher demand for sexual services in these areas. For instance, some research suggests that where there is demand for sexual services there is sexual exploitation..."<sup>3</sup>

Sex trafficking is based in the objectification, commodification and dehumanization of women. The exploitation of women and girls in the commercial sex trade is a form of systemic violence

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<sup>1</sup> United Nations Office on Drugs and Crime, A Global Report on Trafficking in Persons, prepared by the Policy and Analysis and Research Department of UNODC, February 2009, [http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf), 6.

<sup>2</sup> <https://www150.statcan.gc.ca/n1/en/pub/85-005-x/2021001/article/00001-eng.pdf?st=qRaRca12>

<sup>3</sup> <https://www150.statcan.gc.ca/n1/en/pub/85-005-x/2021001/article/00001-eng.pdf?st=qRaRca12>

against women. Effective measures to reduce sex trafficking and sexual exploitation are an important means of reducing violence against women.

## Historical context

Throughout North America, colonization saw Indigenous peoples displaced from their traditional territories. It led to the denial and suppression of traditional culture, ceremony, beliefs and practices. The residential school system saw families torn apart, which has resulted in generational trauma.

Indigenous women and girls are uniquely vulnerable to exploitation and sex trafficking due, at least in part, to the lasting effects of colonization and the residential schools system.<sup>4</sup>

The significant and particular harms of colonization for Indigenous women and girls began at first contact. As the report *Shattered Hearts: The commercial sexual Exploitation of American Indian Women and Girls in Minnesota* states:

From the times of earliest exploration and colonization, Native women have been viewed as legitimate and deserving targets for sexual violence and sexual exploitation.<sup>5</sup>

Anishnaabe and Cherokee survivor, researcher and professor Dr. Christine Stark explains that European colonizers brought their system of prostitution and immediately embedded it into the colonies, and into the cultural structures they were implementing throughout the land. The first victims of that system were Indigenous women and girls.<sup>6</sup>

The targeting of Indigenous women and girls for sexual exploitation began with colonization and continues to this day. Combatting sexual exploitation and trafficking requires us to challenge the long-held assumption that men are entitled to paid sexual access to the bodies of women and girls. In the case of Indigenous women and girls, we must acknowledge that that entitlement is also deeply rooted in racist stereotypes, beliefs and presumptions that have been present since first contact.

...Native women experience sexual assault, prostitution, and sex trafficking as a continuation of the colonization process, in which Native women's sacred selves were

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<sup>4</sup> Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States by the Native Women's Association of Canada, October 17, 2014:

[https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Boyfriend\\_or\\_Not\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Boyfriend_or_Not_Report.pdf); p. 15

<sup>5</sup> Shattered Hearts: The commercial sexual exploitation of American Indian women and girls in Minnesota;

<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1027&context=humtraffconf>; p.5

<sup>6</sup> World Without Exploitation Now & Next Speaker Series: Indigenous Survivors Speak Out, November 12, 2020; <https://vimeo.com/showcase/8219815/video/478627166>

routinely exploited for the gratification of a person who claimed the right to do so while ignoring or invalidating the impact on the woman herself.<sup>7</sup>

## **Vulnerable Populations**

The system of prostitution into which women, girls, and boys are trafficked is based on structural inequalities and preys on vulnerabilities.

Women and youth who experience poverty, homelessness, violence, racism and marginalization are especially vulnerable to exploitation and trafficking. Other risk factors include mental health issues, disability, family breakdown or disruption, early home leaving, being in government care, or a history of childhood abuse or neglect. Indigenous women and girls experience many of these vulnerabilities disproportionately and systemically.

Those who are exploited often lack the social and protective factors that help to mitigate the risk of abuse and exploitation, such as strong familial relationships, family cohesion, parental resilience and education, adequate housing, employment or economic advantage and access to adequate community, health and social services.<sup>8</sup>

The trauma of separation from family, community and tradition continues today, with more Indigenous children in government care than during the time of the residential schools.<sup>9 10 11</sup>

Research conducted by the Native Women's Association of Canada (NWAC) notes that "the impact of rural and remote living conditions, social and economic disadvantages, limited cultural and educational opportunities, high rates of violence, as well as a lack of support generally, all contribute to the complex environment that increases the risk of Aboriginal women and girls being sexually exploited or trafficked in Canada."<sup>12</sup>

Indigenous women and girls are only 4 percent of the population, yet they are the majority of those trafficked and prostituted on the streets of Canada.<sup>13</sup> The exploited women surveyed by

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<sup>8</sup> <https://www.cdc.gov/violenceprevention/childabuseandneglect/riskprotectivefactors.html>

<sup>9</sup> <https://ryersonian.ca/indigenous-children-overrepresented-in-canadas-child-welfare-system-research-says/>

<sup>10</sup> <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>

<sup>11</sup> <https://www.aptnnews.ca/nation-to-nation/how-many-first-nations-kids-are-in-care-canada-is-trying-to-figure-that-out-now/>

<sup>12</sup> Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States by the Native Women's Association of Canada, October 17, 2014: [https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Boyfriend\\_or\\_Not\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Boyfriend_or_Not_Report.pdf); p. 5

<sup>13</sup> Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States by the Native Women's Association of Canada, October 17, 2014: [https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Boyfriend\\_or\\_Not\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Boyfriend_or_Not_Report.pdf); p.5

NWAC reported that systematic racial discrimination was an ongoing and significant challenge.<sup>14</sup>

In a study of sexual exploitation and trafficking of Aboriginal persons in Winnipeg, most participants had a family history that included residential schools and/or the child welfare system, and nearly all had been in the child welfare system themselves. Nearly half of the participants had run away or been on the streets before the age of 15.<sup>15</sup> The average age of entry into sexual exploitation was 13.8 years of age and most participants remained entrenched an average of 9.75 years.<sup>16</sup>

### **The intersection of prostitution and trafficking**

Prostitution and sex trafficking are not the same, but they are inextricably linked. The demand for paid sex is the direct cause of commercial sexual exploitation of women and children, and it fuels the trafficking of women and children both within and across borders.

A study of European cross country data shows that human trafficking is most prevalent in countries where prostitution is legalized.<sup>17</sup> Another study of European Union data finds that, when other factors are controlled, legalized prostitution increases the rate of human trafficking.<sup>18</sup> An empirical analysis of 150 countries concluded that “On average, countries where prostitution is legal experience larger reported human trafficking inflows.”<sup>19</sup>

Traffickers are motivated by profit, and unrestricted demand increases the potential for profit. As long as there is a demand for paid sex, there will be traffickers to guarantee a steady supply of persons are available for purchase. If there was no demand for paid sex, traffickers would

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<sup>14</sup> Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada: Report to the Embassy of the United States by the Native Women’s Association of Canada, October 17, 2014: [https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Boyfriend\\_or\\_Not\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Boyfriend_or_Not_Report.pdf); p.14

<sup>15</sup> Protecting Sacred Lives, [http://www.firstpeoplesgroup.com/mnsiurban/PDF/women\\_children\\_youth\\_families/AMR\\_Planning\\_Protecting\\_Sacred\\_Lives\\_\(2012\).pdf](http://www.firstpeoplesgroup.com/mnsiurban/PDF/women_children_youth_families/AMR_Planning_Protecting_Sacred_Lives_(2012).pdf)

<sup>16</sup> Protecting Sacred Lives, [http://www.firstpeoplesgroup.com/mnsiurban/PDF/women\\_children\\_youth\\_families/AMR\\_Planning\\_Protecting\\_Sacred\\_Lives\\_\(2012\).pdf](http://www.firstpeoplesgroup.com/mnsiurban/PDF/women_children_youth_families/AMR_Planning_Protecting_Sacred_Lives_(2012).pdf)

<sup>17</sup> Niklas Jakobsson and Andreas Kotsadam, “The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation,” *European Journal of Law and Economics*, February 2013, pp 87-107. <https://link.springer.com/article/%2010.1007%2Fs10657-011-9232-0>

<sup>18</sup> Rachel Tallmadge and Robert Jeffrey Gitter, “The determinants of human trafficking in the European Union,” *Journal of Human Trafficking*, vol. 4, issue 2, 2018. <https://www.tandfonline.com/doi/full/10.1080/23322705.2017.1336368>

<sup>19</sup> Seo-Young Cho, Axel Dreher and Eric Neumayer, “Does legalized prostitution increase human trafficking?” *World Development*, January 2013, pp 67-82. <https://www.sciencedirect.com/science/article/pii/S0305750X12001453>

not have a financial incentive to sexually exploit vulnerable women, girls and boys. As Dr. Melissa Farley has said, “Prostitution is where human trafficking happens.”<sup>20</sup>

It is vital, then, that we consider human trafficking and prostitution together, recognizing their intersection.

### **Reducing the Demand for Paid Sex - International Commitments**

The UN *Convention for the Elimination of All Forms of Discrimination Against Women* requires signatories to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>21</sup>

As international bodies and NGO’s maintain, it is crucial to address the demand for trafficked women and girls because it is this demand that fuels and supports sex trafficking. Decreasing the demand for paid sex, then, is a crucial element of any efforts at eliminating sexual exploitation.

Article 9.5 of the Palermo Protocol obligates countries to “adopt or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”<sup>22</sup>

United Nations General Assembly resolution 61/144 on trafficking in women and girls calls on governments “to eliminate the demand for trafficked women and girls for all forms of exploitation.”<sup>23</sup>

The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* by the Office of the High Commissioner for Human Rights states that “strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.”<sup>24</sup>

### **Reducing the Demand for Paid Sex – Canadian Initiatives**

Canada has legislation directly aimed at eliminating the demand for trafficked women and girls. The *Protection of Communities and Exploited Persons Act* (PCEPA)<sup>25</sup> fulfills international commitments to address demand by prohibiting the purchase or attempted purchase of sexual services. PCEPA also targets those who profit financially and materially from those who are prostituted, in order to limit exploitation.

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<sup>20</sup> Presentation at the End Sexual Exploitation Global Summit, April 5, 2018.

<sup>21</sup> <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx> , Article 6

<sup>22</sup> <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>23</sup> [http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_61\\_144.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_61_144.pdf)

<sup>24</sup> <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

<sup>25</sup> [https://laws-lois.justice.gc.ca/eng/annualstatutes/2014\\_25/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html)

“To support Aboriginal women and girls who have been or are being exploited sexually, NWAC advocates for the decriminalization of prostitutes and criminalization of johns, pimps, traffickers, or others who seek to profit from the exploitation of women and girls. This model is similar to the Nordic model and bears much healthier results than an approach that effectively legalizes prostitution as a viable trade or continues to persecute women already experiencing significant disadvantages.”<sup>26</sup>

PCEPA is a critical measure to address demand and limit trafficking. Canada must not remove measures to reduce the demand for paid sex, such as PCEPA, or the incidence of sex trafficking would surely increase to meet an unrestricted demand.

In order to ascertain a clearer picture of PCEPA’s effect, the government should direct provincial Attorneys General to ensure compliance, and conduct a review after five years of consistent enforcement.

## **Conclusion and Recommendations**

The EFC strongly recommends that PCEPA be upheld, fully implemented and enforced across the country; that the government initiate public awareness campaigns and education about the law; and that the government provide significant, ongoing funding for exit supports and services.

Further, the EFC recommends:

- maintaining a definition of trafficking such as the one in the Palermo Protocol, which is clear, comprehensive, and widely adopted;
- provision for Indigenous and survivor-led, culturally-informed and culturally-based support and exit services for Indigenous women and girls;
- provision for education, awareness and prevention efforts for vulnerable Canadians;
- addressing, with the provinces and territories, the availability of addictions treatment and counselling and safe, affordable, dignified housing;
- training for service providers, law enforcement and those in the judicial system about the deep roots of the targeting and victimization of Indigenous women and girls for exploitation, as well as about the generational impacts and trauma of the residential schools.

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<sup>26</sup> [https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Boyfriend\\_or\\_Not\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Boyfriend_or_Not_Report.pdf); p.13