# Sex Trafficking of Indigenous Women in Ontario




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The Ontario Native Women's Association (ONWA) is a not for profit organization that was established in 1971 to empower and support Aboriginal women and their families throughout the province of Ontario. ONWA is committed to being the voice of Aboriginal women in Ontario and to building relationships with all levels of government and other organizations to ensure all Aboriginal women and their families will live free from social and economic distress; to promote their sacred roles as valued and respected members in the community; and to preserve their culture, language and heritage.

ONWA delivers culturally enriched programs and services to Aboriginal women and their families regardless of their status or locality. ONWA as an organization is a provincial network of Aboriginal women governed by a Board of Directors - all working together to achieve equality and justice for Aboriginal women, their families and communities. Our VISION is to be a unified voice for equity, equality and justice for Aboriginal women through cultural restoration within and across Nations.

The Mandate of the Ontario Native Women's Association is to address violence against Aboriginal women and empower and support all Aboriginal women and their families through research, advocacy, policy development and programs that focus on local, regional and provincial activities.

ONWA would like to acknowledge the efforts of the Aboriginal Caucus of the Joint Working Group on Ending Violence Against Aboriginal Women (JWG) who have created a sub-committee on human trafficking of Indigenous women to begin looking at strategies to address the issue of trafficking.

This report is prepared by the Ontario Native Women's Association (ONWA) in response to increasing evidence and concerns around the vulnerabilities of Indigenous women and girls to sex trafficking. In order to be as inclusive as possible, we will be using the term Indigenous women throughout our paper.

## Introduction

Internationally, the severity of trafficking is documented by gender theorists. According to Deshpande and Nawal (2013), "Human trafficking is a modern-day form of slavery that involves the illegal trade of human beings for the purpose of some form of forced exploitation (Deshpande, Nour 2013 1)."

The authors continue,

> *Sex trafficking* is an umbrella term that may include commercial sex work such as prostitution, but also pornography, exotic dancing, stripping, live sex shows, mail-order brides, military prostitution, and sexual tourism. Although victims of sex trafficking can be of any age and of either sex, the majority are women and adolescent girls (1).

In Canada, the vast majority of women who experience this level of violent exploitation are Indigenous women and girls.

There remains a scarcity of accurate information about the trafficking of Indigenous women and girls in Canada, and particularly in Ontario where evidence shows a large proportion of Canada's trafficking occurs. At the same time, we know that Indigenous women and girls are vastly and disturbingly over-represented in all human trafficking and thus increased attention

must be paid to the issue from within an Indigenous gendered perspective. There is, in fact, a direct relationship between the paucity of information in this area, and the violence faced by Indigenous women and girls. While the province of Ontario, the most populous Canadian province, has been identified as a hub for human trafficking and has the highest number of trafficking convictions, Ontario continues to lack a provincial anti-trafficking strategy.

**A Culture-Based Gendered Lens**

ONWA's formative work in this area reveals root causes and links violence against Indigenous women and girls to pervasive stereotypes and the normalization of colonial violence. ONWA has worked to develop a culture based gender analysis tool and with further resources and research dollars, this tool, along with ONWA's influential work in prevention and strengths based analysis of violence against Indigenous women and girls, will be instrumental in further developing a culture based gender analysis on the issue.

Indigenous women and girls are dangerously and drastically overrepresented among sexually exploited, trafficked individuals. While we have known for some time that there is an issue of extreme overrepresentation of Indigenous women and girls in overall trafficking statistics, deeper questions about the root causes of the problem and preventative measures are needed (Hunt, 2008; OFIFC, 2014; NWAC, 2014). Indigenous women and girls have agency, voice and analysis about their circumstances that need to be heard. An Indigenous gendered lens will better inform what is, for now, an extremely limited provincial and national strategy against trafficking.

For Indigenous women and girls, sex trafficking is an issue of health and overall wellness. In order for the problem to be addressed, root causes and culture based solutions require more research and policy development. In addition, provincial strategies are necessary for what has become part of Canada's "national crisis" of violence against Indigenous women and girls (Amnesty International, 2014). The end result of an expanded network of research and policy development must result in enhanced choice and expanded socio-economic outcomes for Indigenous women and girls.

The root causes of violence against Indigenous women are systemic, rooted in structural and social inequalities and the ongoing and historical processes of colonization. Ending trafficking is essential to the overall eradication of violence against Indigenous women and girls. This coordinated effort will require a long-term preventative approach as well as culturally rooted services for those recovering from trafficking. In Hunt's (2008) words:

> We must also focus on the big picture, tracing our way back to the roots of colonial violence and structural inequality. Additionally, we must adopt an intersectional

> analytical framework...impacted not only by axis of race and gender, but also by class, geographic location, and so many other compounding factors.

Solutions rooted in the enhancement of choice and agency for Indigenous women and girls mean that concepts like exiting and exit strategies as well as harm reduction, will need more thorough, serious attention and discussion.

**Definitions of Trafficking**

Defining and describing trafficking will require research and input by and with Indigenous women and girls. Canada currently recognizes three distinct definitions of human trafficking, which affect Canadian law and policy. However, many front-line service providers have expressed dissatisfaction with the use of the term "human trafficking". Boyer and Kampouris (2014), through their Canada-wide research on trafficking of Indigenous women, identified that participants reported that the term "trafficking" lacks attention to the issues of sexual exploitation and root causes behind it. One expert they interviewed suggested that the use of this language further marginalizes Indigenous women by forcing them into a framework that does not recognize the historical events and policies that have shaped their lives. The front line workers in this study pointed out two major shortcomings of the definition. Firstly that the definition is not broad enough to encompass the living conditions of exploited Indigenous women and girls, and secondly, how to address consent in relation to the complex overlapping vulnerabilities of poverty, living conditions and victimization background of some First Nations, Metis and Inuit women, which can severely limit their options (Boyer and Kampouris, 2014).

Despite some debate over the definitions of trafficking, the history of Canada's current human trafficking legislation stems from the international community's increased awareness of the issue at the beginning of the millennium. In 2000 the United Nations, the largest global regulatory institution to address human trafficking, established the *Protocol to Prevent and Suppress and Punish Trafficking in Persons, Especially Women and Children*, also known as the *Palermo Protocol.*

According to Article 3 *of the Protocol*,

a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

In 2003, Canada joined the international fight against trafficking by becoming a signatory of *Protocol*, which has since been ratified by 169 countries. The *Protocol* outlines a number of criteria which member countries must meet, including the implementation of domestic legal provisions to ensure international cooperation of police services, as well as policies and programs to protect victims and to prevent and combat trafficking in persons. To satisfy these requirements, in 2005 Canada implemented Bill C49, the *Act to Amend the Criminal Code, Trafficking in Persons* sections 279.01 to 279.04 under the Canadian *Criminal Code*. These provisions were Canada's first ever legislation governing trafficking into and within Canada. In Canada trafficking is defined as:

> 279.01(1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction of influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offense...

In 2012, the *Criminal Code* was further amended to incorporate Bill C-310 *an Act to Amend the Criminal Code (trafficking in persons)* which includes two amendments to better address human trafficking in Canada. The first amendment provides a non-exhaustive list of factors that a court may take into consideration when determining whether the legal test of exploitation has been made out. The Act outlines that:

> (2) in determining whether an accused exploits another person under subsection (1) the Court may consider, *among other factors*, whether the accused
>
> (a) used or threatened to use force or another form of coercion;
>
> (b) used deception; or
>
> (c) abused a position of trust, power or authority.

The definition of trafficking in the *Criminal Code* is broader than the definition within the *Palermo Protocol*. Under the *Criminal Code*, the movement of a trafficked individual is not necessary to qualify the act as trafficking. In fact, restricting the movement of an individual or forcible confinement of an individual who is subsequently forced through exploitation is considered to be trafficking.

Criminal Code of Canada (Trafficking of Persons) definition of exploitation:

279.04 (1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that

their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

(2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused

- (*a*) used or threatened to use force or another form of coercion;
- (*b*) used deception; or
- (*c*) abused a position of trust, power or authority.

(3) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed.

**Limitations of the Definitions**

These multiple definitions of the term trafficking have been used in different contexts within all sectors, and has resulted in confusion around who is considered a trafficking victim, as well as difficulty in quantifying trafficking in a meaningful way. There are significant differences between the actions, motivations and responses required for a circumstance to be considered trafficking in each piece of legislation.

Addressing the definition of trafficking in appropriate and expanded ways, is an important step moving forward. There is a link between prostitution and human trafficking, although it is vital not to conflate the two. At the same time, the over-representation of Indigenous women and girls among sex trafficking populations in Canada requires a far better understanding of the roots of this issue in colonial violence, ongoing trauma, poverty, and a scarcity of resources and information. The grey areas between prostitution and trafficking thus raises important issues in terms of the provision of supports and services for trafficked persons as well as ethical issues in the labelling of people's lives and identities. The issues are complex, but what remains are the needs of eradicating violence against Indigenous women and girls, and better understanding the context of the crisis.

In order to understand these dynamics, Indigenous women need time and resources. Estimates from researchers suggest that Indigenous women make up 70% of visible (street based) survival sex workers, with numbers reaching nearly 90% in larger urban settings such as Vancouver (Chartland et al. 2006). The median age of entry into prostitution is 14, meaning that these prostituted individuals are children, and thereby not able to consent. All underage girls who

are prostituted are victims of sexual exploitation, given their inability to consent due to their age.

Canadian research found that up to 95% of women involved in sex work reported that they are involved in prostitution involuntarily (Hooper, 2014). Distinguishing between consensual and exploitative sex work has become increasingly difficult. Although not the explicit focus of the research, the fact that nearly all prostituted women in the study report involuntary participation, issues of consent, and the necessity of two equally viable choices to qualify as a true choice naturally arise.

**Public Perception of Trafficking**

Conflicting representations and depictions of human trafficking within the media, society in general and within the anti-trafficking movement have contributed to an overall confusion of public perceptions of human trafficking as a social phenomenon. Confusion arises regarding the determination of who is or is not considered trafficked. The consequence of this misrepresentation is a lack of understanding and recognition of the scope and nature of the experiences of trafficked Indigenous women and girls.

Racism plays a large part in the dominant representations of trafficking and trafficking victims in larger society. Much in the same way that Indigenous women are blamed for high rates of violence and increased likelihood of being murdered by their partners; trafficked Indigenous women are too often blamed for their own sexual exploitation. There is a general societal reluctance to view Indigenous women as victims; rather they are often cast as complicit in their situations. The refusal of the previous Canadian government to examine the phenomena of missing and murdered Indigenous women and girls and the former Prime Minister's denial of the interplay between broader, complex historical and sociological conditions is indicative of this. Instead of addressing systemic inequalities and systemic violence against Indigenous women, the government had previously focused primarily on the behaviour of missing and murdered Indigenous woman, as if their behaviour is justification for their exploitation.

Indigenous women and girls are not to be blamed or stigmatized for the violence of trafficking. The lack of attention that violence against Indigenous women receives is all too common, and lifestyle choices are often framed as justification for their fate. Former Prime Minister Stephen Harper's dismissal of the systemic nature of high rates of violence against Indigenous women and girls raised questions about the cause and manifestation of violence. The former Prime Minister's words, "this is not a sociological phenomenon; this is a matter for the police" (Harper, 2014) obscure the social inequalities that make Indigenous women vulnerable to trafficking. At the same time, the patterns and underlying ideologies of criminal behavior toward Indigenous women and girls requires more thoughtful research and analysis by

Indigenous women and Indigenous women's organizations. There remains a need for Indigenous centered, community and culturally based, Ontario specific research and policy development, with the ultimate goal of creating an Indigenous specific provincial anti-trafficking strategy.

**Indigenous Women and Trafficking: Setting the Context**

Indigenous women's organizations across Canada have been instrumental in raising awareness about violence against Indigenous women and girls. Pauktuutit, representing Inuit women in Canada, and independent researchers, as well as ONWA and NWAC, continue to point to the particular pressures facing northern Indigenous women and girls. On a very broad scale, Indigenous feminist scholarship continues to combine culture-based analysis, decolonizing analysis and the centrality of renewing non-heteropatriarchal traditional systems of Indigenous lifeways (Huhndorf, Suzack, 2010). The work of gender equity and the undoing of heteropatriarchal influences is central to the overall revitalization of our treaty relationships and our mutual wellbeing (Simpson, 2008).

The majority of information on sex trafficking comes from fragmented information from charges and convictions under the *Criminal Code of Canada*, interviews with front line service providers, and anecdotal evidence. One of the few studies to explicitly address Indigenous women and sex trafficking was done by Kampouris and Boyer in 2014. Their interviews with front-line staff who work with trafficked women across Canada uncover shockingly high numbers of trafficked Indigenous women. Based on the responses from participants they conclude that there "at least 2,400 fairly recent cases of suspected human trafficking where the victim is an Aboriginal woman or girl"[1] (Boyer and Kampouris, 2014, p. 17). The inconsistencies between the numbers reported by front line staff and law enforcement are not surprising. This discrepancy serves to underscore the need for additional, in-depth research to be undertaken with regards to Indigenous women and sex trafficking. Without an accurate, validated quantification of the issue, we cannot begin to determine the most successful strategies to address the trafficking of Indigenous women and girls. Both the Canadian and U.S governments as well as the United Nations have acknowledged that Indigenous women and girls are at a much higher risk to be trafficked and sexually exploited than non-Indigenous women.

Existing scholarship in this area acknowledges the historical context of colonization and on-going systemic marginalization of Indigenous women which means that violence becomes permissible for less 'worthy' victims of sexualized exploitation:

[1] Kampouris and Boyer note that study participants reported cases where they felt women were trafficked, and may not meet legal definitions of human trafficking.

> From the early days of colonization images of Indigenous women have been constructed in relation to images of settlers, portrayed as sexually available, lustful and out of control... As a consequence those images foster cultural attitudes that encourage sexual, physical, verbal or psychological violence against Indigenous women (Acoose 1995, p. 55).

Building further on this analysis, the permissibility of violence against women and girls involved in the sex trade means that their voices are marginalized in attempts to address the problem:

> Indigenous women's lives are shaped through systemic racism, sexism and poverty. Colonialism has portrayed us as people against whom violence is normalized – expected, even. And in order for the onslaught of violence against us to end, these root conditions must be addressed (Hunt, Sayers 2015).

The challenge of intersectionality also extends to the ways that we define gender in a culture based approach. Among the concerns that Indigenous women's advocates have to ensure we include, are those of gender and sexuality diversity (Huhndorf, Suzack, 2010), where the challenges faced by Two-Spirit youth and adults are also centered in what now must become an expanded and ongoing process of well-funded research, policy and advocacy development. A culture based gender lens is inclusive of Indigenous voices who challenge the internalization of colonial norms around family and community, imposed by early missionaries and Residential/Boarding school systems (Mann, 2000). A culture based gender lens is also inclusive of those individuals who are rejected by biological or foster family because of sexual or gender identity or involvement in sex work. We must create space for all voices to be heard and for service provision without gaps.

**Trafficking Risk Factors**

Intersections between socio-economic factors, poverty and the lack of appropriate levels of funding for Aboriginal communities (and agencies) (Koptie, 2010) are contextual elements of the trafficking crisis. The health costs, described by NWAC in terms of physical and mental health issues manifesting in Indigenous women and girls who have experienced trafficking are alarming and exacerbate these challenges further (NWAC, 2014).

The OFIFC's Aboriginal Sexual Violence Action Plan is an essential component to this conversation moving forward. Overarching issues raised by the OFIFC include age and the particular stressors affecting Indigenous girls and youth overall. As the OFIFC argues, there remains an "extremely high prevalence of sexual abuse suffered by Indigenous youth as a factor in "conditioning" them for more egregious long-term exploitation in the sex industry...Not only

are women conditioned for further exploitation in the sex trade, but their positions as such have been normalized over time through colonization" (OFIFC, 2013).

A history of sexual violence increases vulnerability to trafficking. The mechanism by which a history of sexual abuse leads one to be at increased vulnerability to trafficking is complex. The normalization of physical and sexual violence of Indigenous women, through almost common-place occurrences of sexual violence may make Indigenous women and children come to expect to be sexually exploited, and consider it a part of "normal life". Studies have suggested that childhood sexual abuse is a prevalent social problem for Indigenous peoples, with estimates suggesting that between 25-50% of Aboriginal people had experienced sexual violence while in their youth (Collin-Vezina et al, 2009). Given familiarities with, and expectations of violence, this normalization has a profound impact on experiences of violence, force, coercion and consent.

A number of risk factors have been identified which lead women and girls to be vulnerable to sexual exploitation and trafficking. These factors are not exclusive to Indigenous peoples; however it is clear that Indigenous women commonly experience all of the risk factors. The Canadian and American governments along with the United Nations all acknowledge that women and girls from Indigenous communities are especially vulnerable, and overrepresented as victims of domestic sex trafficking.

Indigenous women as a group have an increased vulnerability to violence simply because they live "in a society that poses risk to their safety" (Oppal, 2012). Poverty, a history of violence, a lack of awareness and acknowledgement of sexual exploitation, history of substance use, a legacy of colonization, discriminatory policies and legislation have all been identified as risk factors to trafficking (Sethi, 2007). It is imperative to acknowledge the histories of Indigenous women and girls, and the distinct ways Indigenous women find themselves disadvantaged. The entire colonial history of Indigenous people in Canada has created an environment that is based on inequity wherein Indigenous people are at a socioeconomic disadvantage which results in poverty, low educational status, addictions, ill health, sexual exploitation, abuse and violence. Through examining the alarming statistics which demonstrate the disparities in Indigenous women's lives, it becomes clear that Indigenous women are at an extreme disadvantage, and experience increased likelihood to be trafficked.

The over-representation of Indigenous children and youth in Child Protection services, going back to the 'Sixties Scoop' in which massive numbers of Indigenous children were taken from their families and placed in non-Indigenous families, coalesces with ongoing poverty and socio-economic challenges in Indigenous communities.

The destruction of traditional territories and traditional economies needs to be explored in terms of contemporary and cultural solutions as well as sustainable community growth. Poverty is one of the larger risk factors for trafficking, and Indigenous peoples experience shockingly high rates and depths of poverty. One in four Indigenous children live in poverty as compared to one in six for non-Indigenous children, and over half of urban Aboriginal people report living in poverty. For Indigenous people as a whole, the national poverty rate is 40%, compared to 15% for non-Indigenous children (Macdonald and Wilson, 2013).

Poverty makes one vulnerable to trafficking in multiple ways. One, the trafficker may be able to manipulate and convince the victim that voluntary prostitution will provide an alternative to living in poverty. Some may feel that entrusting themselves to traffickers is the only economically viable option. Secondly, individuals who grow up in poverty experience many disadvantages which accumulate across the life cycle. Poverty has multiple negative impacts and outcomes leading to various inequalities. The roots of this poverty can be traced back to a history of systemic and legislated racist violence[2] against Indigenous peoples in Canada. It is necessary to include the intersections of gender and race in discussions on poverty with regards to sex trafficking, as racial and gender inequality are significant factors in the oppression of Indigenous women, which leads to their increased vulnerability to be trafficked.

Every year the U.S State Department releases a Trafficking in Persons Report, which analyzes how nations respond to trafficking. In their *2014 Trafficking in Persons Report for Canada,* the U.S State Department criticized Canada for its lack of comprehensive data collection, and has repeatedly recommended Canada address this issue (U.S Department of State, 2014).

Despite dominant depictions in the media which portray trafficking as an international phenomenon, most of the trafficking in Canada is domestic. International trafficking refers to the movement of trafficked individuals across national borders. Domestic trafficking need not involve the movement of individuals at all. A Criminal Code provision in 2005 established that an individual is considered trafficked if they have been recruited, concealed or had another otherwise exercise control over them for the purposes of exploitation. This exploitation can include any circumstance under which the victim believes that disobeying the trafficking puts their safety, or the safety of those close to them, at risk. It is the exploitative nature of the relationship which constitutes the trafficking, not movement. According to the RCMP, over 90% of trafficking victims are Canadian citizens, and 92% of victims are trafficked for purposes of sexual exploitation (Ratansi, 2007). All domestic sex trafficking cases prosecuted in Canada between 2007 and 2013 featured female victims (RCMP, 2014). To provide further federal context, as of January 2015 there have been 85 human trafficking specific cases where convictions were secured. Of those 85 cases 151 individuals were convicted of human

[2] See, The Indian Act (1867).

trafficking specific and related offense, such as forcible confinement and sexual assault (RCMP, 2015). The majority of trafficking victims in Canada are Aboriginal, and most are young (Oxman, Lacroix and Hanley 2005).

In addition to recognizing the underlying causes and driving forces that lead to the trafficking of Indigenous women and girls, in order to address the issue in Ontario, qualitative research must be conducted to understand the nature of human trafficking activities on a regional basis. The majority of current research on the different forms of Indigenous human trafficking has focused on activities within the Prairie Provinces and British Columbia.

### Canada and the United States

*Canada's National Action Plan to Combat Human Trafficking*

In 2012, Canada released the *National Action Plan to Combat Human Trafficking*. This plan commits $25 million over four years to strengthen and build awareness on human trafficking in Canada. This plan is structured around four pillars: prevention, protection, prosecution and partnerships. This plan consolidated exiting initiatives and "introduced[d] new aggressive initiatives to prevent human trafficking, identify victims, protect the most vulnerable, and prosecute perpetrators" (Government of Canada 2012, p. 9). Overseen by Public Safety Canada, the Human Trafficking Taskforce was created, which replaced the earlier Interdepartmental Working Group on Trafficking in Persons. This task force monitors the implementation of the action plan, coordinates Canada's governmental response to trafficking and produces annual reports on progress. The *2013-2014 Annual Report on Progress* finds that all deliverables have been met, or are currently underway.

In terms of targeted Indigenous programming, in 2012 Public Safety Canada partnered with Aboriginal Affairs and Northern Development Canada and the National Association of Friendship Centres to develop a national awareness campaign on domestic sex trafficking of Indigenous peoples living on and off reserves and in rural, urban and rural communities. Since data collection on trafficking victims is inconsistent and has yet to be a priority, the Annual Progress Report does not provide data on changes in rates of trafficking of Indigenous peoples, or a raised awareness of risk factors, rather, they focus their measurement on distribution of materials. Since 2012 they have supplied 2,100 toolkits and 880 to Indigenous communities and groups. It remains unclear if this has had a measureable impact.

British Columbia is the only province in Canada with a provincial anti-trafficking office, the Office to Combat Trafficking in Persons. Established in 2007, the Office was tasked to develop and coordinate BC's response to human trafficking. In 2013 the office partnered with Indigenous organizations and released BC's *Action Plan to Combat Human Trafficking*. One of

the guiding principles of this plan is the recognition of the unique vulnerabilities of Indigenous women.

In Manitoba, some initiatives that have been developed by non-profit partners and the province have not only offered some progressive approaches but also include Indigenous-specific initiatives. The development of the *Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation* was launched in 2002 which included initiatives in the areas of prevention, intervention, legislation, coordination, research and evaluation (OFIFC, 2013).

> In 2008, the government launched the second phase of the Strategy, titled Tracia's Trust, to further enhance supports in all target areas. The "continuum of services" offered through Tracia's Trust are varied including supports for individuals exiting trafficking situations, requiring housing, accessing supportive programming, and even seeking employment and training opportunities – many of which are designed and delivered through culture-based methods, ensuring that Aboriginal women and youth feel safety and healing through their transition. Manitoba has also developed eleven Regional Teams made up of multi-level stakeholders responsible for raising awareness, supporting services, and initiating new projects to combat the issue of sexual exploitation (OFIFC, 2013)

*Minnesota Indian Women's Resource Centre*

The Minnesota Indian Women's Resource Centre in Minneapolis (MIWRC) is an example of how to address Indigenous human trafficking across the Canada-U.S. border. The MIWRC has developed some best practices, including the Sacred Journey Department which provides programming and provides cultural supports to meet the needs of Indigenous women.

> The Sacred Journey Department of the MIWRC provides support to Aboriginal women at every stage of their exit from trafficking situations including filing reports with police, accessing medical care, attending court, and designing a safety plan. The wraparound care model takes into consideration the physical and emotional wellbeing of survivors as well as their safety within the communities and opportunities for transition and healing. (OFIFC, 2013)

*ONWA's EAST Project*

The Ontario Native Women's Association has also developed some of its own best practices such as the Eliminating Aboriginal Sex Trade (EAST) Project. ONWA's EAST Project is a pilot project extension of the Campaign to End Human Trafficking of Aboriginal Women. This EAST Project provided culturally safe points of contact/drop in services and outreach services with

partnering agencies. In the absence of programming, the ONWA continued on with outreach and provided support services to the women to maintain the relationships that were developed through the project. ONWA programs incorporate the use of culture as a best practice to promote resiliency through cultural identity. Providing opportunities for the use of ceremony and access to culturally safe ceremonies is essential in helping urban Indigenous women and families know who they are. It is their knowledge of self and community that provides the foundation for healing and improving their lives through healthy living choices.

*Polaris*

Founded in 2002, Polaris, formerly known as the Polaris Project, is a non-profit, non-governmental organization focused on ending human trafficking. Based in Washington, D.C, their focus is primarily national, and they are one of the largest organizations in the United States. The organization engages in a number of initiatives, including direct outreach, victim identification, providing social services and transitional housing to victims, as well as operating the National Human Trafficking Resource Centre, which provides a 24 hour telephone hotline and text hotline, BeFree. They engage in advocacy activities, especially for stronger state and federal anti-trafficking legislation. Additionally they track data on calls to their support lines, as well as demographic information on victims of trafficking; including gender, age, and nationality, in efforts to better understand trafficking and address the issue appropriately.

### Trafficking in Ontario

The OFIFC points out that, "the failure to highlight or even mention the sexual exploitation and trafficking of Indigenous women and girls in the RCMP's 2010 preliminary report on human trafficking in Canada is a pointed and current example of defining this pervasive violence out of existence" (2013). In 2008, Sun Media developed a four part series on Indigenous women in the sex trade which highlighted the over-representation of Indigenous women. In interviews with community workers, the OFIFC highlights the historical and colonial roots of this issue, arguing that it is in fact embedded in ongoing colonial relations:

> It is Aboriginal girls and women who are specifically targeted in this country to be trafficked, in such huge numbers that it does not compare to any other population. Daniels [interim executive director for the Métis Settlements General Council in Edmonton] says. 'We believe that it is the root source of Aboriginal women ever being involved in the sex trade. We believe that Aboriginal women and Aboriginal girls have been domestically trafficked now for, I would say probably since the '50s when there began to be Aboriginal movement into urban areas or there were more contacts between Aboriginal communities and towns (Cherry, 2008 also cited in OFIFC, 2013).

While domestic trafficking is recognized to occur within and across Ontario's borders, the actual experiences and needs of trafficked persons remain unknown and poorly defined. Data on human trafficking in Ontario and Canada in general is severely lacking. Estimates of trafficking vary significantly, and questions have been raised about these numbers due to the availability, quality and validity of the data.

The small amount of data that has been collected is spread across different departments and agencies within government and other organizations including law enforcement and NGOs, each using their own criteria to define a victim of trafficking, thus generating non-comparable data.[3] What we do know about human trafficking comes from a variety of sources, including charge and conviction rates, as reported by provincial and federal law enforcement agencies. Best attempts to quantify the issue provide merely estimates. While research on the national context is lacking, provincial data is nearly non-existent. Research by the Alliance of Modern Slavery provides the only provincially-based analysis of the situation in Ontario to date. This study revealed that from the years 2011 to 2013, 551 cases of human trafficking were reported where Ontario was the source, transit or destination point. The Ontario-specific report echoed the national experience, where nearly 63% of trafficking victims are Canadian citizens, and 90% of those are women (Gabriele et al., 2014).

The Ontario Federation of Indigenous Friendship Centres' *Aboriginal Sexual Violence Action Plan* identifies a number of sexually exploitative circumstances through which Aboriginal women and girls may be trafficked, including prostitution, escort and modeling services, live-in domestic sex work, gang related pimping and cyber-sex (OFIFC, 2011).

The City of Toronto has been utilizing innovative approaches to address human trafficking. In 2013 City Council adopted a motion to pursue opportunities to reduce the impact of human trafficking in Toronto. The City's approach to stopping trafficking is holistic, and includes collaboration with a large number of existing human trafficking committees coordinated by different originations, working groups comprised of organizations that serve trafficked persons, and dedicated resources to collecting data about trafficked persons, success stories and charged and convicted traffickers to benchmark and monitor the trends in Toronto. In perhaps their most innovative approach, the City turned to Municipal Licensing and Standards to examine and make recommendations outlining required enactment or amendment to City by-laws, including zoning provisions, to combat human trafficking and strengthen the protection of vulnerable women and children.

[3] For a more complete list of the variety of bodies who which contributes to fragmented data collection see Orgodnik, Lucie (2010). Towards the Development of a National Data Collection Framework to Measure Trafficking in Persons. Crime and Justice Research Paper Series.

In January 2015 Covenant House opened Toronto's first specialized, long-term housing program for female victims of trafficking. This community-based residential program provides wrap-around services including crisis intervention and prevention through public awareness campaigns. The program is the result of a partnership with Toronto Community Housing, the city's housing authority, the municipal government, the police, and the Women's Initiatives Committee of the Rotary Club of Toronto. The initiative focuses on addressing the issue of homelessness amongst young people, which leads to their increased vulnerability to be trafficked. Bruce River, executive director of Covenant House Toronto estimates that as many as 1,000 of the 3,000 young people they served in 2014 were involved in some form of sex work, which he acknowledges does not equate to trafficking, but increases their "vulnerability to sexual exploitation for profit". (Ryan, 2015) Along with the 7 bed housing, Covenant House plans to offer anti-trafficking training to shelter workers across the city, train staff at business such as hotels that interact with trafficking victims, and medical professionals to help them to recognize and assist individuals who are trafficked.

Toronto Police, most notably, have suggested a link between trafficking and missing and murdered Indigenous women and that "investigations have revealed that there may be some connection in this area" (Joanna Beaven-Desjardins, March 31 2015 Press Conference) potentially linking trafficking to missing and murdered Indigenous women.

### Joint Working Group

The Joint Working Group on Ending Violence Against Aboriginal Women was created in 2010 in response to The Strategic Framework to End Violence Against Aboriginal Women. In 2012 a sub-committee was struck to examine the emerging trend of sex trafficking of Indigenous women and children. The committee is co-lead by the Ontario Native Women's Association (ONWA), and the Ontario Women's Directorate, and is comprised of a number of provincial ministries including the Ministry of Health and Long Term Care, the Ministry of the Attorney General, Ministry of Community and Social Services, Ministry of Community Safety and Correctional Services, the Ministry of Children and Youth Services, as well as a number of Indigenous partners, including the Ontario Federation of Indigenous Friendship Centres (OFIFC), the Independent First Nations, Chiefs of Ontario, and the Metis Nation of Ontario. The mandate of this committee is to support the efforts of the Joint Working Group in ending violence against Indigenous women specific to the issue of sex trafficking. To date the group has compiled an environmental scan outlining a current listing of strategies and programs aimed at addressing human trafficking across jurisdictions, and promising practices which specifically address sex trafficking of Indigenous people. Additionally they have created a public awareness campaign, including facts sheets on human trafficking, and hosting information sharing events.

The JWG is fundamentally committed to policy and research development on this issue. Indigenous women's organizations like ONWA, vital to this necessary, ongoing policy and research development, are well positioned to take leadership roles in addressing the root and structural issues within a comprehensive trafficking framework for Ontario.

**Recommendations**

Since 2012, human trafficking for purposes of sexual exploitation has been raised through the federal government's *National Action Plan to Combat Human Trafficking* and amendments to strengthen the legislation. As OFIFC argued in 2013:

> Despite these efforts, a concerted effort to understand and effectively address the issue as it affects Indigenous victims and youth at-risk has not been a priority for government. The high rate of exploitation of Indigenous women and girls across Canada represents one of the most prevalent examples of domestic human trafficking in the country, yet systemic racism, the normalization of violence, and widely held misconceptions about the definition and scope of human trafficking have impeded efforts to consider the experience of Indigenous women within its scope.

ONWA recommends that increased Indigenous Women, gender specific research be conducted on an ongoing basis, in order to effectively address these gaps in efforts.

ONWA Recommends A Call for Action:

Provincial Indigenous organizations in Ontario should partner with government Ministries to form a provincial task force to;

1. Conduct provincial wide research initiatives that will result in actual statistics regarding the sexual exploitation of Indigenous women and girls in Ontario, without delay,

2. Ensure the provision of gender specific and culturally safe and effective strategies for combatting sexual exploitation of Indigenous women and girls by contributing the financial resources necessary to prevent, recover and maintain healthful living, forthwith,

3. To ensure an ongoing database to identify and locate the missing and murdered Indigenous women and girls of Ontario, forthwith,

4. To develop a protocol of accountability for those in positions of authority that further victimizes Indigenous women and girls through sexual exploitation (misconduct) and discriminatory practices.

Since 2013, the situation in Ontario has remained largely unchanged. Indigenous organizations continue to maintain that Indigenous women are disproportionately at risk of being trafficked. Ontario, as the most populous Canadian province, has been identified as a hub for trafficking. There continues to be a need for specific research and strategies to address the trafficking of Indigenous women and girls, and it is imperative that these are developed within a culture based and gendered lens.

As the OFIFC argued in 2013:

> With the inclusion of human trafficking as a form of sexual violence targeted within Ontario's *Aboriginal Sexual Violence Action Plan*, and the evidence pointing to an incredible overrepresentation of Indigenous women and girls being trafficked, there is an immediate need to better understand the current circumstances and needs of victims in Ontario. Research should be undertaken at the community-level to uncover how human trafficking affects Indigenous peoples and communities in Ontario. The goal of the research will be to expand its findings to target intervention and prevention efforts as identified by communities and in keeping with the strategic directions of the *Sexual Violence Action Plan.* (OFIFC, 2013)

Provincial Indigenous agencies in Ontario have developed frameworks to ensure that research is carried out in a culturally appropriate way and thus are well suited to develop and execute this research in a meaningful and appropriate way.

ONWA is well positioned to lead on research, policy and front-line service provision and program development in the following priority areas and recommends that the goals of a qualitative research project should be aimed at determining:

- A map of services utilized by trafficked women to identify potential areas for prevention and exiting services;
- The nature of trafficking and the ways that Indigenous women and girls are trafficked in Ontario;
- The impact of resource extraction and similar industries on the sex trafficking of Indigenous women and girls;
- Gaps in support service for Indigenous women and girls who are at risk of being trafficked, are currently being trafficked or are survivors of trafficking;
- Development of comprehensive research on the scope of trafficking;
- A place to voice the stories of survivors of human trafficking and provide opportunities for people who have been trafficked to have a voice in the research project;

- Understanding of the historical impacts of colonization on human trafficking, including the disproportionate number of Indigenous victims of trafficking;
- Identifying traditional Indigenous structures to prevent human trafficking and for de-colonization processes;
- Education and awareness challenging the stigma and marginalization of Indigenous women and girls who have been trafficked;
- Literature reviews and an inventory of best practices in addressing sexual violence against Indigenous women and girls;
- Linking health and wellness to a strengths based intersectional approach to better understanding trafficking and the determinants of health;
- Programming rooted in enhanced choice for Indigenous women, inclusive of mapping exiting programs and harm reduction development.

## Conclusion

It is clear that much needs to be done to understand and address the sex trafficking of Indigenous women and girls in Ontario. The provincial and federal governments of Canada have an obligation to protect vulnerable individuals, and Indigenous women and girls have repeatedly been identified as especially vulnerable. Combating the trafficking of Indigenous women and girls requires prosecution, protection and prevention efforts that are culturally-responsive, collaborative and gender specific. Efforts must address the root causes of the vulnerabilities, and empower Indigenous peoples.

The proposed research will provide a deeper understanding of the complex issue of sex trafficking of Indigenous women and girls. With this increased knowledge of the ways in which Indigenous women and girls are trafficked, we propose the creation of an Indigenous specific anti-trafficking strategy for Ontario.

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