

Systemic Factor: Sexual Exploitation and Human Trafficking

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Themes: Sexual Exploitation; Human Trafficking; Systemic Discrimination; Systemic Barriers; Poverty; Housing; Child Welfare; Gender; Violence, Colonialism; Criminal Justice System

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What is Human Trafficking?

According to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000),¹ human trafficking is defined as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of 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 includes forced prostitution, forced labour or services, slavery, or practices similar to slavery, servitude, or the removal of organs” (Native Women’s Association, 2014).ⁱ

“Indigenous women in Canada are highly vulnerable to being trafficked because of the interlocking social factors including gender and racial discrimination, youth, poverty, undereducation, unemployment and underemployment, inadequate and unstable housing, homelessness, high rates of mental health issues, drug and alcohol addictions, poor physical health, involvement in dysfunctional or violent families and institutions (such as Canadian child welfare agencies and residential schools), and high rates of physical and sexual abuse (as children and as adults). While the high rates of urban migration to Canadian cities (with a resultant dissolution of support networks) are a contributing factor to the vulnerability of Indigenous women and girls to trafficking, so too is isolation and the absence of resources on reserves, and the normalization of violence.”ⁱⁱ

What is Sexual Exploitation?

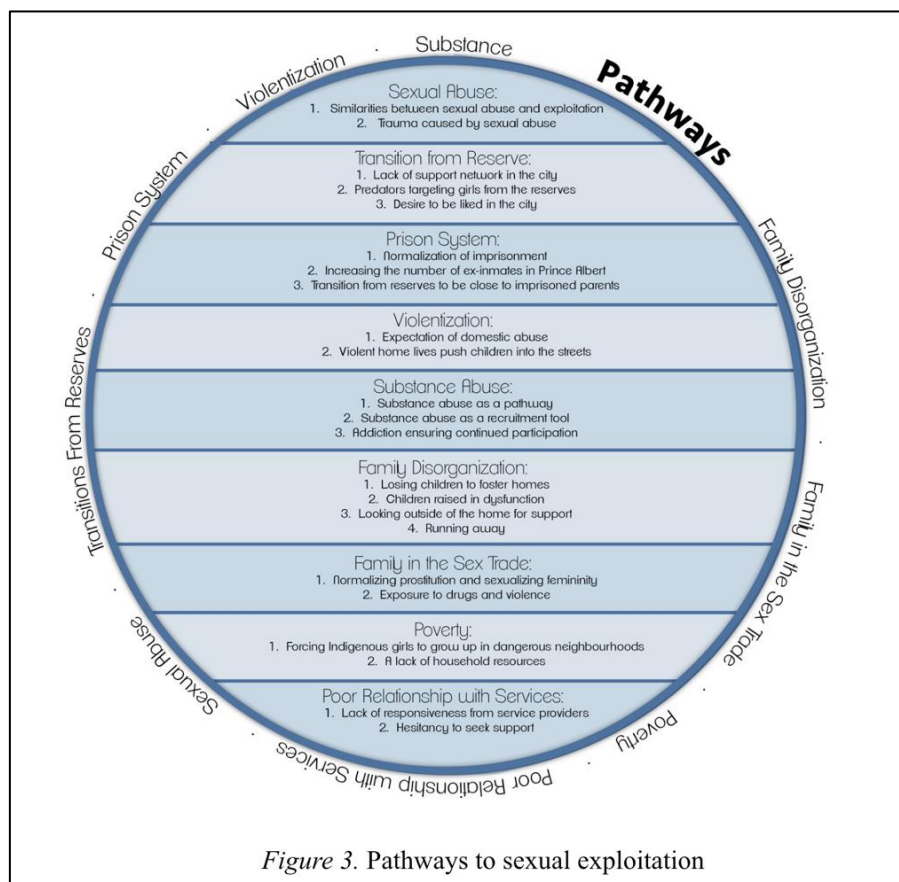
The Native Women’s Association of Canada (2014) defines sexual exploitation to include “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”.ⁱⁱⁱ RCMP files showed “1017 Indigenous-female homicides between 1980 and 2012, and 164 currently unresolved cases of missing Indigenous females.” These numbers are stark for two reasons. First, despite representing only 4.3 percent of the Canadian female population, Indigenous females made up 11.3 percent of the total number of missing females in Canada and 16 percent of all female homicides. Second, RCMP statistics suggest that, on average, Indigenous females were “5.5 times more likely to be murdered than non-Indigenous females in Canada.”^{iv}

There are several forms of human trafficking including trafficking for forced labour and organ harvestings, whereas sex trafficking is a deeply gendered issue. According to the United Nations Office on Drugs and Crime (UNODC), approximately “79% of all human trafficking is carried out for the purpose of sexual exploitation. Amongst them, 98 per cent of victims are women and girls.”^v

But trafficking for sexual exploitation is most prevalent and reaches all corners of the globe (UNODC, 2020); where the Counter Trafficking Data Collaborative (CTDC) estimates there are 189 countries of exploitation, UNODC reported that “About one third of the overall detected victims [of all forms of trafficking] were children, both girls (19 per cent) and boys (15 per cent).”^{vi} Sex trafficking is more prevalent than forced labour or organ trafficking because it is high-profit and low-risk for traffickers who can “buy and sell” a woman or girl dozens if not hundreds of times. Sex trafficking destroys lives of millions of women and children around the globe.

¹ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is a part of the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000 and entered into force on 25 December 2003.

Actors within the legal system frequently lack a sufficient understanding of the ways in which coercion and deception are deployed against victims. This serves to reinforce individualistic narratives which depict participation in ‘survival sex work’ as a matter of personal choice to participate in a ‘high-risk lifestyle.’ Yet it obscures elements of social and political marginalization which pressure Indigenous victims into survival sex work (i.e., coercion or deception by others with the promise of money, protection, security, or substances).



Louie (2018) elaborates on how there are various pathways towards exploitation for many women and girls, and particularly for Indigenous women and girls because of the intersection of colonial and contemporary ideologies. Each pathway contains multiple sub-pathways that lead to an “increased exposure to and threat of sexual exploitation” (dramatized by Figure 3).^{vii} A further exploration of these Pathways will be addressed in the following sections. But our understanding must first be informed by history.

Background: Settler Colonialism and Gender-Violence

Settler colonialism is a fundamental factor in the current vulnerability of Indigenous women and girls in Canada. Colonialism is the combination of territorial, cultural, linguistic, political, mental/epistemic, spiritual and/or economic domination of one or more groups of people by another (external) group of people (BC Campus, 2024). Colonizers believe they are superior to those they wish to subjugate (e.g., people not of European or British descent or people of colour) and some did not consider Indigenous peoples to be “people” at all, and did not consider Indigenous laws, governments, medicines, cultures, beliefs, or relationships to be legitimate. They believed were used to justify actions and laws that led to the attempted genocide of Indigenous peoples (Alhmid, 2021).^{viii} Indigenous peoples viewed women as being equal to men, who were supported, honoured, and respected for their role as the givers of life. Whereas the colonizers imposed their views, norms, values, and laws that defined women and children as property of men and in all respect, a less-than citizen. Throughout time, most everyone grew to accept this belief.

Canadian Indian Residential Schools (IRS) are directly implicated in creating an environment of overwhelming oppression for Indigenous peoples. Some argue that a pseudo form of IRS appears today in the fact that Indigenous youth living on reserve, must travel to urban centres (often far away) in order to enroll in high school (Layton, 2023).^{ix} These barriers are sometimes factors in the high rate of high school dropouts and we know that not completing school is a risk factor for exploitation and criminalization (Franchino-Olsen, 2021).^x

The enduring colonial racist and sexist stereotype of dirty, promiscuous, and deviant Indigenous femininity (often termed the “squaw”), some claim, provides ideological confirmation that Indigenous women and girls are sexually available and therefore sexually violable—which not only facilitates, enables, and sustains trafficking but all other forms of violence against Indigenous women and girls.^{xi} Stereotypes about the sexual availability and willingness of Indigenous girls and women, writes Kwakwaka'wakw First Nation scholar and activist Sarah Hunt (ref), “has resulted in generations of sexual violence and abuse continuing outside the law, as though it was not illegal to rape or batter an Aboriginal woman”^{xii}

We can understand how that ideology leads to Indigenous women and girls being targets for human trafficking. It is critical to interrogate Canada's complicity in the trafficking of Indigenous women and girls into and within its borders. As Indigenous legal scholar Sarah Deer has argued, “colonialism in the Americas has long relied on the trafficking of Indigenous people to establish and secure settler dominance over Indigenous peoples and, critically, Indigenous lands.”^{xiii}

These myths and stereotypes are also evident in the justice system. For example, in *R v Barton* (2011) ABQB 492, discrimination such that “sexually assaulted women become compounded when the woman in question is Indigenous” (Offor, 2021).^{xiv} In Canada, Indigenous women and children make up the majority of people trafficked which was via the pathway of socio-economic positionality as well as the historical legacy of their exploitation.

Pathways: Systemic Failures Create the Conditions

In Canada, the gendered nature of sex trafficking is compounded if the woman or girl is Indigenous. “They comprise between 50 and 90% of trafficked persons in western Canada, despite representing 2 to 5% of the population in these regions” (Kingsley & Mark, 2000; Native Women’s Association of Canada [NWAC], 2014; Seshia, 2005; Sethi, 2007). Overrepresentation in sexual exploitation, initiated by intergenerational trauma, is only one component in a confluence of negative experiences for Indigenous peoples (Truth and Reconciliation Commission of Canada [TRC], 2015). The marginalization of sexually exploited Indigenous girls has been “accentuated by a lack of institutional response and a pervasive victim-blaming mentality in the national consciousness (Sethi, 2007).”^{xv}

Furthermore, there is a strong correlation between Indigenous girls involved first with the child welfare system then becoming sexually exploited, sex trafficked, and/or involved in survival/street-level sex work (in exchange for shelter, food, and health care (Hall et al., 2020).^{xvi} “Indigenous women (11%) were almost six times more likely than non-Indigenous women (2.3%) to have ever been under the legal responsibility of the government and about eight in ten (81%) Indigenous women who were ever under the legal responsibility of the government have experienced lifetime violent victimization” (Heidinger, 2022).^{xvii}

A research report examining human trafficking in the prairie provinces (Prairieaction Foundation, 2022) explores the complex social, historical, and political systems that create systemic vulnerabilities. “Indigenous children and youth are overrepresented in foster care, a system that has historical continuities

with other forms of apprehension such as the 60's scoop and residential schools. Being a youth in care is a predictor of vulnerability and violence for which there are no adequate system responses."^{xviii}

“There is no support to transition out of the foster care system, and the fact remains that there is a very real foster care to prison pipeline for Indigenous youth in the prairies. The historical trauma of child apprehension and family disruption also shapes the fact that many Indigenous women experiencing a range of violent situations will never seek help from the police because they fear the involvement of Child and Family Services. This is one of the systems that continues to perpetrate the most harm to communities.”^{xix}

In the preparation of the *Prairieaction* report, the project team interviewed participants from a variety of social, justice, and community-based service sectors.

“Actors and stakeholders from various sectors strongly agree that our social services system pushes people into survival strategies that put them into dangerous and precarious situations. To effectively prevent human trafficking, governments at all levels need to offer social supports that make up for the barriers experienced by groups who have been historically marginalized. There is, however, a dominant narrative of individualism and meritocracy that shapes social services so that instead of allowing folks to overcome systemic barriers, they are instead systematically set up for failure. Frontline workers describe how clients who are mothers will often work in the sex trade as a survival strategy to compensate for the lack of provincially funded programs that support single moms[,] or they describe clients who struggle to build some degree of economic capacity only to find themselves punished for doing so by the social service system. The way the system works currently in Saskatchewan does not encourage stability and throws people living in poverty into a state of constant crisis and survival mode. Nonprofit organizations cannot make up for the lack of access to basic rights such as affordable housing.”^{xx}

One participant commented:

“Community based rapid re-housing programs have assisted clients in getting safe affordable housing, reducing the chances of exploitation in crowded homes or being in the streets. However, there are long waitlists for this program and clients often must fit very specific criteria (they need to be chronically homeless but also not having too complex of needs that would make it untenable for support). A lot of women get exploited during the wait or if they do not fit the criteria perfectly.”
(Community-based organization, SK)^{xxi}

There needs to be a recognition that the barriers faced by Indigenous women and youth cannot be individualized as a result of ‘personal choice’. Another community-based participant stated concisely: “Our economic policies at a provincial level keep pushing vulnerable people further into poverty and despair, supported by a narrative of meritocracy and a government that is rooted in colonialism.”^{xxii}

It is further noted that many incarcerated Indigenous women have low levels of employment and limited education, and they frequently have unmet mental and physical health needs, including addiction issues (Office of the Correctional Investigator, 2022).^{xxiii} When released, people face increased barriers to finding employment, and “are released back into the same situation of poverty that they came from, only now with a criminal record. This creates a revolving door back into the prison system and reproduces a cycle of intergenerational poverty and trauma.”^{xxiv}

Many who are sexually exploited and trafficked come from backgrounds “where formal education and job skill development have been compromised from traumatic childhoods and growing up in abuse. To help these women and youth escape the cycle of sexual exploitation, they need training in viable alternatives for income. It is not enough to protect women and girls from pimps and traffickers; the conditions of growing up in poverty and without a full education must also be addressed for lasting difference.”^{xxv}

“Indigenous women (42%) were more likely than non-Indigenous women (27%) to have been physically or sexually abused by an adult during childhood and to have experienced harsh parenting by a parent or guardian.” These childhood experiences were associated with an increased prevalence of lifetime violent victimization (Heidinger, 2022). Indigenous women represent 50% of federally incarcerated women (OCI, 2022) and are largely the most traumatized and marginalized (economically, politically, and geographically) women in the society” (Walsh et al., 2013).^{xxvi}

Interactions with the Criminal Justice System

“Although men, women, and children are trafficked and exploited in such economic sectors as construction, farming, fishing, textiles, and mining, the trafficking of women and girls for forced prostitution is among the most well-recognized forms of trafficking. Because of the often extreme sexual, physical, and psychological abuses associated with this form of gender-based violence, women and girls who are trafficked and sexually exploited through forced sex work or in other circumstances such as domestic servitude, are a population of particular concern for mental health specialists.”^{xxvii}

The ongoing impacts of colonization, such as a lack of economic opportunity in home communities, generational trauma from residential schools, displacement of children into child welfare, and subsequent breakdown of community ties, were identified in three studies of the sex trafficking pathways of Indigenous women (Nagy et al., 2020; Olson-Pitawanakwat & Baskin, 2021; Sethi, 2007). Indigenous victim/survivors in a study by Olson-Pitawanakwat and Baskin (2021) linked their experiences of sex trafficking to the intergenerational or personal traumas experienced in residential schools. Stakeholders working in the area of sexual exploitation in Canada in Sethi (2007) highlighted that “past abuse and disconnection from family and community can make Indigenous women and girls more vulnerable to grooming strategies used by traffickers who offer them a sense of belonging and security.”^{xxviii}

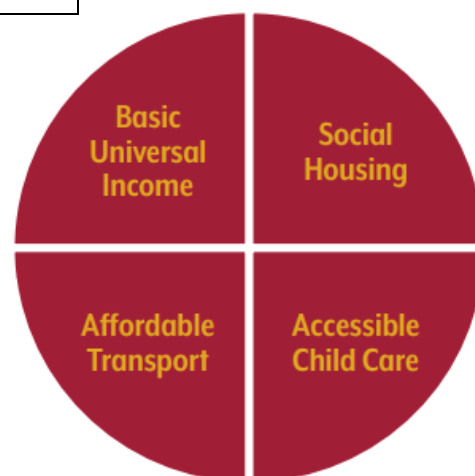
The *Criminal Code of Canada* defines human trafficking as the “recruiting, transporting, transferring, receiving, holding, concealing or harbouring of a person” (s. 279.01) or exercising control, direction, or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation (279.01). As various scholars have noted, the ambiguity of sexual exploitation means that how one defines human trafficking is widely contested and complex (Boyer & Kampouris, 2014; Doezema, 2002; Roots, 2013). [Rosemary Nagy et al] take a critical anti-trafficking approach (Shalit & van der Meulen, 2015) and explicitly understand human trafficking to be distinct from sex work. Whereas human trafficking involves elements of coercion, force, duplicity, and loss of control, sex work is often a chosen form of labour.^{xxix}

The experience of being trafficked causes mental, physical, spiritual, and emotional impacts; thus, holistic support is necessary. Indigenous individuals mentioned the importance of grandmothers, aunts, uncles, and Elders in the community of knowing the grandfather teachings; of breaking the cycle of intergenerational trauma; of nurturing the wellness of individual, family, and community, including connections to the natural cycle; and the idea that everyone has a role in community (Nagy et al., 2020). Somewhat similarly, for non-Indigenous women, psychosocial care models that emphasize reintegration into the community “can be incredibly helpful for trafficked individuals due to the high degree of social isolation they experience”^{xxx}

An intersectional framework (meant to address challenges faced by Indigenous women and youth) recognizes the different systemic barriers that increase vulnerability and makes sure that they are appropriately addressed. Hope Restored Canada (2022) identified pillars of a support system that appropriately address the safety need for women and youth that were raised by stakeholders (across the prairie provinces). This is summarized in Figure 4. This is consistent with human security established by the United Nations Development Program, which defined the seven categories of human security as economic, food, health, environment, personal, community, and political.^{xxxi}

While these pillars speak directly to a framework needed for systemic change on a national scale, these broader principles can inform aftercare, healing, and support planning in considering what ways and what resources are needed for the long-term support of an individual who faces systemic vulnerabilities.

Figure 4



Pillars of social support identified by stakeholders and advocates.

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