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„Why Raising Awareness Is Not Enough –
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Women and Girls in Canada“

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For indigenous peoples, human trafficking is just the new name of a historical problem.

- Victoria Sweet

List of Abbreviations

BC	British Columbia
CEDAW	Convention of the Elimination of Discrimination Against Women
CTOC	United Nations Convention Against Transnational Organised Crime and the Protocols
HTNCC	Human Trafficking National Coordination Centre
IACHR	Inter-American Commission on Human Rights
IRS	Indian Residential Schools
IRSSA	Indian Residential Schools Settlement Agreement
NGO	Non-Governmental Organisation
NWAC	Native Women's Association of Canada
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONWA	Ontario Native Women's Association
OP	Optional Protocol
RCMP	Royal Canadian Mounted Police
TRC	Truth and Reconciliation Commission of Canada
UNCRC	United Nations Convention on the Rights of the Child
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNODC	United Nations Office on Drugs and Crime

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List of Figures

Figure 1.1 Literature review chart of Indigenous women and girls risk factors for trafficking.	13
Figure 2.1 Recommendations: Taking Rights Seriously	80
Figure 3.1 Recommendations: Beyond the Individual	80
Figure 4.1 Recommendations: Empowering the Future	81
Figure 5.1 Recommendations: Decolonisation Efforts	81

List of Tables

Table 1- (Reproduced) Budget of Canada's National Action Plan to Combat Trafficking that relates to prevention and awareness.	64
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Table of Contents

List of Abbreviations	ii
Acknowledgements	iii
List of Figures	iv
List of Tables	v
Table of Contents	vi
Chapter 1: Introduction	1
1.1 Rationale for Research – Overrepresented and Underexplored	3
1.2 Research Questions	4
1.3 Methods of Analysis	5
1.4 Data Limitations	7
1.4.1 Research Challenges	7
1.4.2 Personal Statement	8
1.5 Terminology	8
Chapter 2: Literature Review	12
2.1 Framing the Literature Review – Iris Young’s Five Faces of Oppression	12
2.1.1 Historical Wounds: Setting the Foundation to Understand Risk Factors	14
2.2 Exploitation	16
2.2.1 Colonisation and Exploitation of Indigenous Women	16
2.3 Cultural Imperialism	17
2.3.1 Indian Residential Schools – Forcing the Dominant’s Perspective	18
2.3.2 Addressing Indian Residential School Violations	21
2.3.3 Path to Reconciliation with Potholes	22
2.3.4 Child Welfare System: Failing Indigenous Children	25
2.4 Powerlessness	28
2.4.1 Discrimination in the Criminal Justice System	29
2.4.2 Normalisation of Abuse and Culture of Silence	29

2.5	Marginalisation	31
2.5.1	Isolation: Northern and Rural Communities	31
2.5.2	Moving Off the Reserve	33
2.6	Violence.....	35
2.6.1	Canada’s Failure to Protect Indigenous Women	35
2.7	Literature Review Conclusion	39
Chapter 3: Canada’s Commitments to the Prohibition of Trafficking in Persons		40
3.1	United Nations Declaration on the Rights of Indigenous Peoples	40
3.2	<i>The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i>	42
3.2.1	Recruitment and Exploitation: “Traffickers Are Targeting Indigenous Girls”	46
3.3	Canadian <i>Criminal Code</i> on Human Trafficking	48
3.3.1	“Credible” Defendant	52
Chapter 4: Debates on Canada’s Sex Work Laws.....		54
4.1	The Issue of Conflating Sex Work with Human Trafficking	54
4.2	<i>Bill C-36</i> – Harming or Helping Indigenous Sex Workers and Human Trafficking Survivors?	57
Chapter 5: Canada’s National Action Plan to Combat Trafficking (2012-2016).....		62
5.1	Prevention Activities: Why Culturally Safe Strategies?.....	62
5.2	Overview of the <i>National Action Plan</i>	63
5.3	Analysis of the National Action Plan	65
5.3.1	Advantages of the Plan	65
5.3.2	Areas of Further Consideration	68
5.4	Conclusion	71
Chapter 6: Outcome of Analysis – Discussion on Prevention Strategies.....		73
6.1	Raising More Than Awareness	73
6.2	Prevention Programmes to Consider	75
6.2.1	Ontario	75
6.2.2	Manitoba.....	76

6.3	Future Directions for Prevention	78
Chapter 7: Conclusion: This Is Not the End, It Is the Beginning		82
Bibliography.....		84
Abstract		97
Abstract (auf Deutsch)		98

Chapter 1: Introduction

Canada is a human rights champion in many aspects, but it is not immune to human trafficking. As a country committed to the rule of law and the protection of human rights, Canada can remain faithful to its ideals only by exercising special vigilance in responding to the problem of sexual exploitation and human trafficking of Indigenous women and girls. Currently, Indigenous peoples (i.e. First Nations, Metis, and Inuit) living in Canada face major disparities in health, living standards, and economic, social, and political statuses, compared to the rest of Canadian society.¹ Human trafficking is an abhorrent violation of human rights and gravely impacts an individual's emotional, physical, and mental well-being. This crime occurs everywhere in the world and targets societies' most vulnerable populations.

In Canada, due consideration is given to international trafficking; however, domestic trafficking deserves more attention than is currently being afforded to it. Although stereotypical portrayals of human trafficking may depict someone as crossing borders, the physical movement of persons does not need to occur for the crime to be present. Furthermore, Canada's *National Action Plan to Combat Human Trafficking* notes that Indigenous women and girls are at a higher risk to be trafficked than non-Indigenous women and girls.² Reliable statistics are not available because of the clandestine nature of this crime so the actual numbers of trafficked Indigenous women and girls are unknown, but evidence shows they are overrepresented in this crime.³

¹ National Collaboration Centre for Aboriginal Health, *An Overview of Aboriginal Health in Canada*, the University of Northern British Columbia, Prince George, 2013, p. 1.

² Public Safety Canada, *National Action Plan to Combat Human Trafficking*, [website], 2012, <https://www.publicsafety.gc.ca/cnt/rsrct/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx>, (accessed 20 May 2017).

³ R. Bourgeois, 'Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada', *UCLA Law Review*, vol. 62, no. 6, 2015, p. 1430. Available from EBSCOhost (accessed 14 July 2017).

Due to disparities between Indigenous women and non-Indigenous women, it is evident that Indigenous women face violations because of their identity. There are various complicated, intersectional, and historical factors that make Indigenous women and girls more vulnerable to trafficking, putting their fundamental rights at risk. Here, the positive and significant efforts of Indigenous-run organisations and Non-Governmental Organisations (NGOs) that work to combat this crime cannot be overlooked. Nonetheless, the protection of individuals from all forms of exploitation and trafficking is paramount in Canada, yet as this thesis will reveal, there are serious shortfalls in the protection of Indigenous women and girls who are at risk of being exploited and trafficked. Further, the United Nations Committee on the Elimination of Discrimination against Women, in their 2015 report of the inquiry concerning Canada, notes that Canada does acknowledge that Indigenous women and girls are vulnerable to this violation. However, the Committee argues not enough is being done to address the trafficking of Indigenous women and girls, claiming the efforts have been “insufficient”.⁴

Also, the Committee called on Canada to increase its efforts to prevent and protect Indigenous women from trafficking and to review the *National Action Plan to Combat Trafficking* to ensure specific measures for Indigenous victims.⁵ All things considered, this raises complex questions: why are Indigenous women and girls overrepresented in human trafficking in Canada? What is being done on the national level? Is there a plan to prevent human trafficking that specifically targets Indigenous women and girls?

Indigenous women and youth face unique vulnerabilities, which need to be translated in services to prevent and address trafficking. This thesis includes a literature review and explores the root causes of sexual exploitation and human trafficking of Indigenous women

⁴ United Nations, Committee on the Elimination of All Forms of Discrimination against Women, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination Against Women Article 8 of the Optional Protocol to the Convention on the Elimination of Discrimination Against Women*, 2015, p. 31.

⁵ *ibid.*

and girls. This thesis also investigates culturally-appropriate prevention strategies that work against human trafficking, to discover the best preventative practices of those programmes.

The most convincing way to understand human trafficking and endemic exploitation is in view of the history of colonisation. From this history, something deeper is occurring today: hidden oppression. Accordingly, looking through a lens of oppression, be it of more obvious nature or a case of hidden oppression, may help to better understand the overrepresentation of Indigenous women and girls in trafficking situations. Implementing and supporting Indigenous-led approaches to prevent trafficking of Indigenous women and girls is a step forward in reconciliation efforts and may help in the decolonisation process.

1.1 Rationale for Research – Overrepresented and Underexplored

This thesis examines the gaps in both academic and policy work related to the domestic trafficking of Indigenous women and girls. This is done due to the fact that these women are overrepresented in domestic trafficking, yet comprise only a small part of the total population in Canada. On a national scale, there appear to be only a few concrete methods designed to prevent this violation towards the respective group. Rather, what is happening is concentrated towards awareness based initiatives and presentations. While promoting awareness and training are crucial parts of understanding the violations of human trafficking, one may ponder about determined and deliverable action.

The thesis investigates *Canada's National Action Plan to Combat Trafficking in Persons* to understand State-level actions in preventing the domestic trafficking of Indigenous women and girls. Canada has a responsibility to fulfil State obligations under international human rights law and hence to undertake action that would prevent human rights violations. Therefore, one may ask what Canada's actions are in this respect and if they are enough. Currently, it is hard to find information and research on human trafficking prevention strategies for Indigenous peoples in Canada, let alone specifically for rural and northern

areas. It should be noted that there are high-quality pieces on this topic; however, on holistic and culturally safe prevention strategies, there are few available, and these were mostly without evaluation. This, therefore, raises the question of how this can be the case when this is a long standing human rights concern. Even with the government's involvement in reconciliation efforts and finally the attention and support of a National Inquiry for Murdered and Missing Indigenous Women, the trafficking of Indigenous women and girls continue to remain relatively invisible.

To represent the government's actions fairly, both the advantages of the *Plan*, as well as aspects of further consideration will be discussed. For Canada, the Conventions and *Protocols* that prohibit trafficking are signed, the laws are in place, and there is a *National Action Plan* against human trafficking, yet Indigenous women are still overrepresented. This thesis argues that the high number of trafficking survivors from this group may be a result of deep rooted colonial discrimination and other forms of hidden oppression that continue to hinder Indigenous peoples living in Canada. Consequently, the prevention of trafficking of Indigenous women and girls needs to go deeper than raising awareness on human trafficking because of the multitude of issues and human rights violations intertwined.

The most important part of prevention strategies is that Indigenous people need to be a part of the process. Of course, it is important for these practices to be evidence-based; therefore, this thesis collects and examines the current prevention strategies at a national level. Prevention strategies for Indigenous women and girls cannot and are not about "saving or rescuing" them. It needs to take on the attitude of the State meeting its obligation to protect Indigenous women and girls from this violation whereby they are transformed into a better position within Canada.

1.2 Research Questions

This section outlines the research questions for the thesis. Indigenous women and girls are disproportionately trafficked in Canada; therefore, culturally safe prevention strategies should be implemented to combat this human rights violation:

1. What are the root causes of sexual exploitation and human trafficking of Indigenous women and girls in Canada?
2. Looking at the current literature, what are Canada's prevention strategies for Indigenous women and girls in *Canada's National Action Plan to Combat Trafficking*?
3. To what extent does Canada need a *National Action Plan to Combat Trafficking* that is Indigenous-led and specific for Indigenous women and girls?

1.3 Methods of Analysis

This thesis collected and examined literature discussing matters such as colonisation, oppression, violence, human trafficking, and Indigenous communities in Canada. Further, this thesis draws on a variety of sources, including peer-reviewed academic journals, Canadian government publications, and dissertations, among others. To find these sources, the following keywords were used to conduct searches online and on specific library databases:

- Collective group: "Aboriginal"; "Indigenous"; "Native"
- Location: "Canada"; "city"; "rural"; "reservation"; "northern"
- Prevention Strategies: "culturally safe"; "holistic"; "preventative measures"; "prevention strategies"

- Risk factors: “discrimination”; “colonisation”; “oppression”; “poverty”; “socio-economic”; “vulnerable”
- Violation: “domestic trafficking”; “human trafficking”; “sexual exploitation”

When compiling this thesis, there was a preference for more recently published articles, such as from the years 2012-2015 or later, in order to better understand the current realities. Newspapers and news articles were therefore also valuable in this analysis, as they provided up to date stories, and sometimes supported the inclusion of Indigenous voices. However, throughout the research period, earlier articles were still useful for gaining insight into both the theoretical and practical developments over time, with respect to this issue.

While this analysis has recently been the subject of some study, there is still relatively little existing research and on this matter. Furthermore, much of the available information on the topic is “anecdotal”.⁶ From the existing qualitative and quantitative research, it is evident that there are gaps in research and understanding of this human rights violation of this group. The literature review therefore enables a theoretical connection of the past with the present. Further, the literature review will be coupled with analysis using Iris Marion Young’s five faces of oppression to interpret the multiple factors leading to domestic trafficking that may relate to Indigenous women and girls. Additionally, the following methods will be applied:

- A legal examination of the relevant international human rights documents and Canadian legislation on human trafficking and sex work and the relevant debates about whether they are harmful or helpful for Indigenous women;
- Evaluation of *Canada’s National Action Plan to Combat Trafficking* prevention strategies in relation to Indigenous women and girls; and
- Investigation of culturally safe prevention strategies.

⁶ Public Safety Canada, 2012.

1.4 Data Limitations

1.4.1 Research Challenges

There are various challenges when exploring this topic. To begin with, human trafficking and sexual exploitation are hidden crimes, and it is, therefore, difficult to obtain primary data. In particular, it is difficult to obtain primary data for the estimates of the number of trafficked Indigenous survivors in Canada. Many scholars who have written on this topic noted the challenges in exploring this topic more substantially. Helen Roos, who prepared a research report for the Department of Justice on Indigenous trafficking victims in northern Canada, notes:

...The nature of human trafficking as a crime is a challenge to quantify with statistics and hard data. Human trafficking is a highly clandestine criminal activity and is chronically underreported to police by victims internationally as well as in Canada. This is a key research challenge for anyone working or studying human trafficking, and therefore challenges governments and agencies to advance policy development or fund local responses. You cannot support what you cannot count, measure or understand. Hence, where the evidence lay in anecdotal reports; the experiences of a highly victimized population; a group which distrusts the police, and fears retaliation by their own family members and shaming by their community, information is more difficult to gather.⁷

Next, the underlying reasons for these crimes are extensive and a portion of this research will need to provide a historical review to explain the context of why Indigenous women and girls have unique vulnerabilities to these crimes.

Another point worth expressing is that sexual exploitation and domestic trafficking is not limited to Indigenous girls and women. These violations can occur in the lives of Indigenous boys and Two-spirited persons, who describe themselves as having a fluid identity with both

⁷ H. Roos, *Phase 1 - Service and Capacity Review for Victims of Sexual Exploitation and Human Trafficking in Nunavut*, Department of Justice Victim's Fund, 2013, p. 9.

masculine and feminine spirits.⁸ Like the topic at hand, the research on these Indigenous boys and Two-spirited peoples is very minimal, making it difficult to explore, but should not be ignored.

1.4.2 Personal Statement

The author is not an Indigenous scholar. Within this thesis, the author does not command the authority to speak for Indigenous women or Indigenous people. It is not the intention of this work to speak on behalf of a collective group who have unique voices and leadership. On the contrary, the author and other scholars/researchers and community leaders, see the need for this topic to be taken up further by academics and researchers through different research methods. This thesis hopes to shed some additional light on the human rights concerns that predominately affects Indigenous women and girls living in Canada. To respect the boundaries of this sensitive matter, the thesis looks to incorporate Indigenous scholar's voices, leading experts, and multiple sources on this topic to respect their perspectives.

1.5 Terminology

The following section defines some important terms which will be used in this thesis:

Indigenous: There is no binding definition of Indigenous peoples in the international realm or rather in international law specifically. For example, within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), there is no definition of "Indigenous peoples". This was done purposefully in the UNDRIP because Indigenous

⁸ LGBTQ Health, *Two-Spirit Community*, [website] <http://lgbtqhealth.ca/community/two-spirit.php>, (accessed 21 July 2017).

people should have the autonomy to define themselves. Therefore, explaining terminology is important yet complicated.⁹

Nonetheless, the United Nations Permanent Forum on Indigenous Issues provides a few characteristics such as:

- Special relationship with ancestral lands: having a strong and special link with the territories occupied by their ancestors before colonial domination and surrounding natural resources. Such a link will often form the basis of cultural distinctiveness of Indigenous peoples.¹⁰

In Canada, the term ‘Indigenous’ refers to the country’s first inhabitants (i.e. First Nations, Inuit, and Metis peoples).¹¹ It includes individuals with status (which refers to “those individuals who are a member of or a descendent of a band that signed a treaty and whose rights are defined under the *Indian Act*”)¹², without status, on-reserve, off-reserve, and those who do not have a specific Band membership, but who have Indigenous ancestry.¹³ In this context, it is furthermore important to deconstruct the terminology, as the Canadian State at times (and arguably still does) used problematic language to describe Canada’s first inhabitants, such as “Indian”.¹⁴

While “Indigenous” will be used in this thesis, it is not a consensus term; some Indigenous people may prefer to self-identify differently (e.g. by the name of one’s respective cultural group/Band).¹⁵ There are challenges with this term as it amalgamates First Nations, Métis,

⁹ R. Kuppe, ‘Human Rights of Indigenous Peoples’, in M. Nowak, K. M. Januszewski, and T. Hofstätter (eds.), *All Human Rights for All: Vienna Manual on Human Rights*, Vienna, Neuer Wissenschaftlicher Verlag, 2012, p. 470.

¹⁰ *ibid.*, p. 471.

¹¹ Indigenous Foundations, *Terminology*, [website], 2009 (c), <http://indigenousfoundations.arts.ubc.ca/terminology/>, (accessed 5 August 2017).

¹² S. Blythe, L. O’Neill and F. Guenette, ‘Counselling with First Nations Women: Considerations of Oppression and Renewal’, *International Journal for the Advancement of Counselling*, vol. 28, no. 3, 2006, p. 228. Available from ProQuest (accessed 20 July 2017).

¹³ Indigenous Foundations, 2009 (c).

¹⁴ *ibid.*

¹⁵ *ibid.*

and Inuit peoples into one group.¹⁶ It should be noted that each group under the term Indigenous – First Nations, Metis, and Inuit peoples – is culturally diverse and distinct.¹⁷

In some quotes incorporated in the thesis, especially those of government documents, the term “Aboriginal” is used. Thus, “Indigenous” and “Aboriginal” in this thesis are to be used interchangeably. Further, as there is no official consensus on the capitalisation of these terms, as a sign of respect, “Indigenous” will be capitalised when referring to this collective group.¹⁸

Domestic Trafficking: Domestic trafficking will be used throughout this thesis, and this term will refer to sexual trafficking. Further, trafficking on the domestic level, or “domestic trafficking”, means that the crime (i.e. trafficking) occurred within the respective country’s border. Regardless of the individual’s status, if they are within the country, and all the elements of trafficking occur (i.e. act, means, and purpose, which will be explained later), it may be domestic trafficking.¹⁹

Sex Trade versus Human Trafficking: The terms of both sex work/prostitution and sexual trafficking should be defined to avoid any confusion. For this thesis, sex work is defined as the exchange of money for sex and or a sexual service – voluntary on the part of the sex worker. The definition of sex work can be contested and viewed through various lenses such as a feminist theory, which, depending on the shade of feminism, may frame sex work in either a liberating or an oppressive light. On the other hand, sexual exploitation is, by definition, not voluntary.²⁰ Thus, a major difference is that a human trafficking victim/survivor is forced into such services, held against their will, coerced, tricked,

¹⁶ Indigenous Foundations, 2009 (c).

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ Children of the Street Society, *Addressing the Trafficking of Children & Youth for Sexual Exploitation: A Toolkit for Service Providers*, [website] <http://www.childrenofthestreet.com/serviceproviderdownloads>, (accessed 10 July 2017).

²⁰ C. M. Vejar and A. S. Quach, ‘Sex Slavery in Thailand’, *Social Development Issues*, vol. 35 no. 2, 2013, p. 106. Available from Ingenta Connect (accessed 4 August 2017).

threatened, emotionally or physically manipulated, working long hours and not paid.²¹ This understanding needs to be cleared before moving forward as some individuals see sex workers as human trafficking “victims”. This debate and conflation will be discussed later.

²¹ Vejar and Quach, p. 106.

Chapter 2: Literature Review

This section explores the literature on the domestic trafficking of Indigenous women and girls in Canada and demonstrates the risk factors, which result in a multitude of cycles and adverse social, economic, and emotional outcomes. These in turn mostly have a root cause connected to colonialism and post-colonialist discrimination. This section asks two questions: are Indigenous people in Canada oppressed? In which ways and by which means are Indigenous people oppressed?

2.1 Framing the Literature Review – Iris Young’s Five Faces of Oppression

Historical violations and factors play a significant role in this discussion. Historical wounds are the idea that some marginal and oppressed social groups owe their present disadvantages to the central discrimination and oppression suffered in the past.²² Consequently, without confronting historical wounds, it is difficult to deal with the issue presently at hand.²³ Underlying causes give a broader understanding of the complex reasons of *why* and *how* human trafficking too often affects Indigenous women and girls in Canada. Below is a figure expressing the common themes that surfaced in the literature regarding this topic. The chart shows the violation and subsequently the issues attached to it:

²² D. Chakrabarty, ‘History and the Politics of Recognition’, in Jenkins K., S. Morgan, and A. Munslow, (eds.), *Manifestos for Historians*, New York, Routledge, 2007, p. 78.

²³ *ibid.*, p. 78.

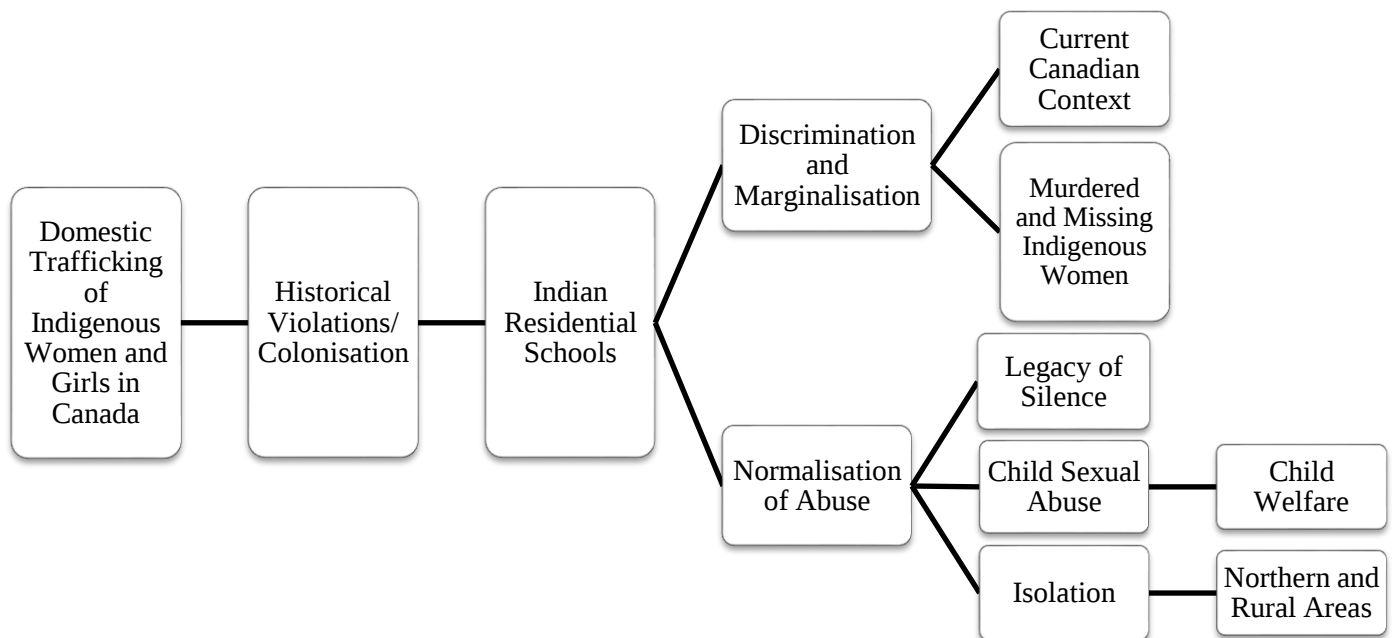


Figure 1.1 Literature review chart of Indigenous women and girls risk factors for trafficking.

To frame this literature review, Young's²⁴ five faces of oppression (cultural imperialism, exploitation, marginalisation, powerlessness, and violence) will be used to analyse the root causes and current contexts of domestic trafficking of this group. To explain the risk factors, the literature review consists of different sections corresponding to each of the five faces of oppression. Young furthermore elaborates that oppression can be both visible and invisible. According to Young, eradicating oppression from society does not begin by getting rid of the structure, rulers, and laws, since oppressions runs deep within society and are systematically

²⁴ Iris Marion Young (1949-2006) was a prominent American political theorist and feminist known for her work on justice and social difference.

reproduced through its citizens and main institutions.²⁵ Further, as will be portrayed in this Chapter, oppression is not merely one group suppressing another. Rather, the five faces of oppression are more to do with one group exercising power over another group. Oppression is complex, and according to Young, it does not have a simple definition – it can be exercised by various different means.²⁶ In accordance with this, oppression can be reproduced at a State level, through individuals purposely, and even through daily activities without a person being aware.²⁷

Applying Young’s five faces makes it possible to compare and analyse oppression in the lives of Indigenous women and girls, despite oppression being hard to define.²⁸ Young suggests actions of oppression are “structural phenomena that immobilise or diminish a group,”²⁹ thus infringing on the human rights of that group. This raises the question of why Indigenous women and girls are targeted by traffickers. This thesis therefore provides an explanatory account of why Indigenous women and girls are oppressed by tracing historical factors to current experiences within Canadian structures and society. There is a strong connection between the five faces of oppression and human trafficking. This section will show the casual connections among different human rights violations of Indigenous people leading to a worsening situation of human trafficking.

2.1.1 Historical Wounds: Setting the Foundation to Understand Risk Factors

On a global scale, the abuses against Indigenous peoples have not gone without notice. James Anaya, the former Special Rapporteur on the Rights of Indigenous Peoples (2008-2014), said:

²⁵ I. Young, ‘Five Faces of Oppression’, in L. Heldke, and P. O’Connor (eds.), *Oppression, Privilege, & Resistance*, Boston, McGraw-Hill, 2004, pp. 38-39.

²⁶ *ibid.*, p. 39.

²⁷ *ibid.*, p. 39.

²⁸ *ibid.*, p. 38.

²⁹ *ibid.*, p. 41.

The history of discrimination of Indigenous peoples has...resulted in the deterioration of indigenous social structures and cultural traditions, as well as in the undermining or breakdown of indigenous governance and judicial systems, impairing in many cases the ability of indigenous peoples to effectively respond to problems of violence against women and children within their communities.³⁰

As a result, responding to the complicated matter of human trafficking and sexual exploitation is no easy task. Combatting human trafficking does not rely solely on individuals but on communities and Canadian society as a whole. According to some scholars, like Robyn Bourgeois, because of historical wrongs and lingering colonial arrogances, Canada is obligated to actively respond to the trafficking of this group.³¹

Public Safety Canada's "2013-2014 Evaluation of Aboriginal Community Safety Development Contribution Program", a programme developed as part of the government's action on Missing and Murdered Indigenous Women, found that safety plans which include addressing root causes of an issue are valuable.³² Interestingly, the programme found "only a few of the community safety plans have addressed the root causes of victimisation."³³ Further, it noted that on the topic of root causes, there is an "important opportunity for greater coordination among federal departments and agencies and among different levels of government in working to address community safety and the root causes."³⁴ Thus, it is important to delve into root causes and risk factors.

³⁰ J. Anaya, 'Statement by the Special Rapporteur on the Rights of Indigenous Peoples', speech in the International Expert Group Meeting on Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples, 18 January 2012, http://www.un.org/esa/socdev/unpfii/documents/EGM12_statement_SR.pdf, (accessed 18 July 2017).

³¹ Bourgeois, p. 1426.

³² Public Safety Canada, '2013-2014 Evaluation of the Aboriginal Community Safety Development Contribution Program: Final Report', 2014, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vltn-brgnl-cmmnty-sfty-2013-14/vltn-brgnl-cmmnty-sfty-2013-14-en.pdf>, (accessed 1 June 2017), p. 1.

³³ *ibid.*, 15.

³⁴ *ibid.*

2.2 Exploitation

2.2.1 Colonisation and Exploitation of Indigenous Women

To start, colonisation and colonisers' exploitation of Indigenous lands and people will be examined. Despite a remark from the former Conservative Prime Minister, Stephen Harper, that Canada has "no history of colonialism,"³⁵ Canada certainly does have a history of colonialism that extended over many years as will be shown in this section, which goes into more in-depth about the Indian Residential Schools (IRS) experience.

First, it is important to understand that before European newcomers, societal structures and powers of Indigenous communities looked quite different, especially for women:

Historically, Aboriginal women commanded the highest respect in their communities as the givers of life and were the keepers of the traditions, practices and customs of the nation. It was well understood that women held a sacred status; they were revered for their ability to create new life and, by extension, create new relationships with the Creator.³⁶

In contrast to the patriarchal structure of European societies, many Indigenous societies were matriarchal, meaning women often held leadership positions.³⁷ Colonisation forced much change. Further, it negatively impacted the high values given to Indigenous women and sought to replace "them with notions of inferiority, hierarchy and the paradigm of women as property."³⁸ Colonisation not only affected the social structures through force and

³⁵ Vancouver Sun, 'Really Harper, Canada Has No History of Colonialism?' *Vancouver Sun*, 28 September 2009, <http://vancouversun.com/news/community-blogs/really-harper-canada-has-no-history-of-colonialism>, (accessed 31 July 2017).

³⁶ Mentoring Girls, *Girls Group Mentoring Toolkit: Aboriginal Girls*, [website] <http://mentoringgirls.ca/program-population/aboriginal-girls>, (accessed 4 April 2017).

³⁷ Indigenous Foundations, *Marginalization of Aboriginal Women*, [website], 2009, http://indigenousfoundations.arts.ubc.ca/marginalization_of_aboriginal_women/, (accessed 5 July 2017).

³⁸ A. Sikka, 'Trafficking of Aboriginal Women and Girls in Canada', *Aboriginal Policy Research Consortium International*, vol. 8, no. 8, 2010, p. 207. Available from Scholarship@Western (accessed 11 June 2017).

discriminatory laws, European newcomers also exploited Indigenous people, particularly their land.

Exploitation affected many Indigenous communities and abuses like human trafficking are nothing new to Indigenous peoples in Canada. Although the term human trafficking was not in existence at the time, colonisers used human trafficking tactics to control Indigenous peoples: “human trafficking, as such, has been essential to securing domination of indigenous peoples and territories throughout Canadian colonial history.”³⁹ Europeans took the land of Indigenous peoples and sought to marginalise them, making it easier to control land.

For Indigenous women, gendered exploitation goes beyond gendered socialisation because racialisation in the colonial context added another level of exploitation. Furthermore, scholar Andrea Smith explains, “sexual violence is a tool of patriarchy, colonialism, and racism by which certain people (i.e. Aboriginal women) become marked as “inherently rapable”.”⁴⁰ There is little difficulty in showing that Indigenous women’s oppression consists of these stereotypes, exploitative nature of capitalism, and inequitable patriarchal structures.

2.3 Cultural Imperialism

This section applies Young’s concept of cultural imperialism as a form of oppression that Indigenous people face in Canada. Cultural imperialism is when a “dominant” group’s perspective and experiences are prioritised and enforced in both visible and invisible ways.⁴¹ The “dominant” group in Canada (White males) set and establish their norms as universal.⁴² Precedence to the “dominant” group makes it more difficult for Indigenous people to connect

³⁹ Bourgeois, p. 1426.

⁴⁰ M. Taggart, ‘AmINext? A Discussion on the Sexual Violence and Trafficking of Aboriginal Women in Canada and the Link to Domestic Extractive Industries’, Dissertation, University of California, 2015, p. 4.

⁴¹ Young, p. 54.

⁴² *ibid.*

with their culture; consequently, “the dominant cultural products of society, that is, those most widely disseminated express the experiences, values, goals, and achievements of these groups.”⁴³

As one will see in the following sections, IRS was an abhorrent violation of Indigenous people’s human rights. Additionally, IRS is an example of cultural imperialism. White colonisers used differences between them (White colonisers) and the “other” (Indigenous people) to rebuild their dominance by forcing coloniser’s norms on Indigenous peoples in order to establish control. These binary oppositions were used to reconstruct Indigenous people as less than equal to the dominant group.⁴⁴ To understand the destruction of IRS, cultural imperialism and its effects on the right of self-determination, and how this all relates to heightening risk factors of trafficking, will be determined.

2.3.1 Indian Residential Schools – Forcing the Dominant’s Perspective

Canadian IRS, originally founded under the *Gradual Civilization Act*, were church-run, government-funded boarding schools created for forced assimilation of future generations of Indigenous children. These schools ran from the 1870s to 1970.⁴⁵ By law, these boarding schools were compulsory for all Status “Indian” children up to the age of 16.⁴⁶ From the start, it should be noted that this school system was not focused on the child’s education. A Minister of Indian Affairs during the zenith of IRS, Clifford Sifton, affirmed these

⁴³ Young, p. 54.

⁴⁴ Young, p. 55.

⁴⁵ P. Regan, *Unsettling the Settler within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada*, UBC Press, Vancouver, 2010, p. 4. Available from EBSCOhost (accessed 4 August 2017).

⁴⁶ P. Kershaw and Y. Harkey, ‘The Politics and Power in Caregiving for Identity: Insights for Indian Residential School Truth and Reconciliation’, *Social Politics*, vol. 18, no. 4, 2011, p. 573. Available from Project Muse (accessed 10 June 2017).

expectations: “The Indian cannot go out from school, making his own way and compete with the white man....He has not the physical, mental or moral get-up to enable him to compete.”⁴⁷

Despite the fact that many Indigenous children had very negative experiences in these schools, it is a generalisation to say that they all had the same experience. The IRS story is complicated and it must be noted that some individuals expressed in the Truth and Reconciliation Commission of Canada (TRC) that in IRS they could make personal connections and develop skills.⁴⁸ Yet, for most children, this was not the case:

For over 150 years, residential schools operated in Canada. Over 150,000 children attended these schools. Many never returned. Often underfunded and overcrowded, these schools were used as a tool of assimilation by the Canadian state and churches. Thousands of students suffered physical and sexual abuse. All suffered from loneliness and a longing to be home with their families. The damages inflicted by these schools continue to this day.⁴⁹

The schools set out to demonise Indigeneity. Sir John A. Macdonald, the first Prime Minister of Canada, summarised that the objective of the schools was to “take the Indian out of the child.”⁵⁰ To erode children’s Indigenous identities, they were often told on the first day of school they were “no longer Indian.”⁵¹ They were “renamed and assigned numbers that corresponded to their clothes, bed, and locker.”⁵² This IRS strategy of attempted identity changing was very damaging to many students since reducing someone to a number has dehumanising implications. Trying to take away people’s identity attacks them at a deep level of personal autonomy and consciousness. It may disrupt the opportunity to live and think in

⁴⁷ Truth and Reconciliation Commission of Canada, *They Came for the Children: Canada, Aboriginal Peoples, and Residential Schools*, Winnipeg, 2012, p. 25.

⁴⁸ Truth and Reconciliation Commission of Canada, p. 30.

⁴⁹ National Centre for Truth and Reconciliation, *About: The National Centre for Truth and Reconciliation*, [website] <http://nctr.ca/about-new.php>, (accessed 29 June 2017).

⁵⁰ S. Fine, ‘Chief Justice Says Canada Attempted ‘Cultural Genocide’ on Aboriginals’, *The Globe and Mail*, 28 May 2015, <http://www.theglobeandmail.com/news/national/chief-justice-says-canada-attempted-cultural-genocide-on-aboriginals/article24688854/>, (accessed 29 May 2017).

⁵¹ Truth and Reconciliation Commission of Canada, p. 22.

⁵² *ibid.*, p. 22.

a way one desires. Further, the schools had devastating effects on children as they were deprived of their language and culture, and subjected to abuse, and in the worst cases, death.⁵³

Despite the abuses, violations, and oppression that occurred in the IRS experiences, the federal government, which founded the schools, justified the system as a form of “benevolent” assimilation. IRS actions were argued to be “well meaning” on the surface:

[The Indian child] must be taught many things which come to the white child without the schoolmaster’s aid. From the days of its birth, the child of civilized parents is constantly in contact with the modes of civilized life, of action, thought, speech and dress; and is surrounded by a thousand beneficent influences... He [the Indian child] must be led out from the conditions of ... birth, in his early years, into the environment of civilized domestic life; and he must be thus led by his teacher.⁵⁴

This connects to Young’s foundational views on oppression. Young highlights how oppression can be hidden, especially when noble sounding intentions are used as the guiding principle for actions. This notion makes oppression complex because “people are not always oppressed by cruel tyrants with bad intentions. In many cases, a well-intentioned liberal society can place system-wide constraints on groups and limit their freedom.”⁵⁵

As shown, IRS condemned Indigenous children for their identity, beliefs, and language; the system tried to erase Indigenous culture and replace it with the dominant European culture. Cultural imperialism persisted throughout IRS and has significant consequences today, one example being the effect on the survival of Indigenous languages. Statistics Canada on Aboriginal Languages and Selected Vitality Indicators in 2011, found that “less than one in ten of the Aboriginal people who reported an Aboriginal mother tongue have lost their ability

⁵³ Truth and Reconciliation Commission of Canada, p. 1.

⁵⁴ I. Mosby, ‘Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942-1952’, *Social History*, vol. 46, no. 1, 2013, p. 148. Available from Project Muse (accessed 13 July 2017).

⁵⁵ Young, p. 39.

to converse in that language.”⁵⁶ Furthermore, even after the IRS closed, the suffering did not end. Adversity continued through intergenerational trauma, legacy of silence, and abuse.⁵⁷ Intergenerational trauma or abuse is very serious, it refers to traumatic events that have negatively impacted an individual and this scarring transfers to other generations.⁵⁸

The IRS was a system that attempted to diminish Indigenous people’s agency, culture, and put them in a place of powerlessness. However, currently, times are changing and Indigenous people are raising concerns and calling to be heard. Of course, there is still much to do. Improving the self-perception and self-esteem that colonisation and IRS attempted to replace with powerlessness should be kept in mind for trafficking prevention strategies. As a result, it is not just about preventing human trafficking, it is about building a greater sense of self-esteem and gaining critical consciousness.

2.3.2 Addressing Indian Residential School Violations

The 2007 Indian Residential Schools Settlement Agreement (IRSSA), is, so far, Canada’s largest class action settlement and it aims to resolve the legacy of IRS.⁵⁹ What is unique about the TRC compared to other truth commissions, is that the Canadian commission grew from the ground up through a class action lawsuit.⁶⁰ The IRSSA has various components, and one

⁵⁶ S. Langlois and A. Turner, *Aboriginal Languages and Selected Vitality Indicators in 2011*, Statistics Canada, 2011.

⁵⁷ B. MacDonald and G. Hudson, ‘The Genocide Question and Indian Residential Schools in Canada’, *Canadian Journal of Political Science*, vol. 45, no. 2, 2012, p. 432. Available from ProQuest (accessed 20 June 2017).

⁵⁸ A. Bombay, K. Matheson and H. Anisman, ‘Intergenerational Trauma: Convergence of Multiple Processes Among First Nations Peoples in Canada’, *Journal of Aboriginal Health*, vol. 5, no. 3, 2009, p. 6. Available Sage Journals (accessed 10 July 2017).

⁵⁹ P. S. J. Augustine, ‘Settler Colonialism and the Politics of Grief: Theorising a Decolonising Transitional Justice for Indian Residential Schools’, *Human Rights Review*, vol. 16, no. 3, 2015, p. 275. Available Spring Link (accessed 15 June 2017).

⁶⁰ N. Angel, ‘Before Truth: The Labors of Testimony and the Canadian Truth and Reconciliation Commission’, *Culture, Theory and Critique*, vol. 53, no. 2, 2012, p. 202. Available from Taylor and Francis Online (accessed 3 June 2017).

of its main contributions was establishing the TRC to seek truth, healing, and reconciliation. Another component is the Common Experience Payment, to compensate survivors who resided at IRS, and the Independent Assessment Process, an individual reparation scheme where survivors could make claims relating to sexual and serious physical abuse claims at IRS.⁶¹

Historically and systematically, Indigenous peoples have been deprived of human rights on the grounds of their ethnicity. As reconciliation efforts uncovered what truly happened, Canada needs to stand beside Indigenous peoples path to healing. Further through implementing “concrete measures to rectify wrongs and to achieve equilibrium in current relations of power.”⁶² Altogether this emphasises the complexities of reconciliation efforts. These efforts relate to the current state of Indigenous people’s welfare and their vulnerability to trafficking.

2.3.3 Path to Reconciliation with Potholes

*“We should never forget, even once they have learned from it, because it's part of who we are. It's not just a part of who we are as survivors and children of survivors and relatives of survivors, it's part of who we are as a nation. And this nation must never forget what it once did to its most vulnerable people.”*⁶³

⁶¹ Augustine, p. 275.

⁶² R. Nagy, ‘Truth and Reconciliation and Settler Denial: Specifying the Canada-South Africa Analogy’, *Human Rights Review*, vol. 13, no. 3, 2012, p. 351. Available from Springer Link (accessed 2 May 2017).

⁶³ CBC Radio, ‘How Senator Murray Sinclair Responds to Why Don’t Residential School Survivors Just ‘Get Over It’’, *CBC Radio*, 4 April 2017, <http://www.cbc.ca/radio/thecurrent/the-current-for-april-4-mmiwg-ottawa-public-forum-1.4053431/how-senator-murray-sinclair-responds-to-why-don-t-residential-school-survivors-just-get-over-it-1.4053522>, (accessed 4 April 2017).

— Senator Murray Sinclair’s response to
why don’t Residential School Survivors
just ‘*get over it*’

Looking at IRS through a critical scope, the system amounted to Canada’s “Apartheid system, a way of deliberately destroying a people because of their race, language and spiritual beliefs.”⁶⁴ Even though the Federal government recognised and apologised for the schools cultural and intergenerational harms in 2008, then Prime Minister Harper stated that Canada has “no history of colonialism.”⁶⁵ An apology was needed – if anything, it should have occurred sooner – but its sentiments may not have been entirely constructive alongside TRC’s decolonisation efforts. Denying colonisation is a step-back for responding to violations of trafficking and beyond because it does not take responsibility of past wrongs. Even more, acknowledging past violations but not addressing or reflecting on personal biases, as seen in Harper’s statement, also has troubling consequences for tackling trafficking of this group.

The road to reconciliation appears to have various challenges, mostly from the side of the “dominant” society. Through Young’s idea of oppression, cultural imperialism is apparent in recent Canadian affairs and celebrations. On 1 July 2017, Canada celebrated its 150th anniversary of Confederation – Canada’s birthday. For this celebration, the Canadian federal government spent half a billion dollars to commemorate the occasion.⁶⁶ Here one must ask what are Canadians *really* celebrating. Surely, not Canada’s 150 years of colonisation. Ironically, on Canada Day, a day which is supposedly for embracing diversity and praising multiculturalism, there is a deeper meaning that can be extracted. That being multiculturalism puts a veil over self-determination of Indigenous peoples:

⁶⁴ Nagy, p. 350.

⁶⁵ *ibid.*, p. 350.

⁶⁶ C. Hannay, ‘Ottawa Spending Half a Billion Dollars for Canada’s 150th Anniversary’, *The Globe and Mail*, 4 January 2017, <https://www.theglobeandmail.com/news/national/canada-150/ottawa-spending-half-a-billion-dollars-for-canadas-150th-anniversary/article33508942/>, (accessed 7 July 2017).

Multiculturalism pays scant attention to the historical path that has led to communities facing social, psychological and economic crisis as a result of colonization and discrimination, and to the government's own responsibility. By generalizing Aboriginal culture into the wider cultural mix of the modern Canadian state, it diminishes it and marginalizes the specific self-deterministic claims of Aboriginal people.⁶⁷

Young shows us that cultural imperialism can be seen as a serious downfall of such a celebration. Cultural imperialism undermines the unique and important perspectives within one's cultural experience. This type of imperialism normalises the "dominant" culture's perspective and experiences by disregarding non-dominant cultural perspectives. This divide and invisibility creates a binary opposition where one culture, the "dominant", establishes a society by enforcing one-sided history, norms, and experiences. Indeed, cultural imperialism is no stranger to Canada, as it has occurred in the past and continues to occur today.

Millions of Canadians celebrated Canada Day, and following Young's idea, did so not realising the harms reproduced thereby. Young deliberates one of the facets of oppression and how it is steeped within our communities' structures. Some behaviours can be so entrenched in one's mind that oppression can also be reproduced through daily behaviours inadvertently, like celebrating a holiday that was heavily organised and financed by the federal government. Accordingly, often, without even knowing, the dominant group validates their experiences as a "representative of humanity as such".⁶⁸ This is problematic for many Indigenous people. For instance, "to many, from the Nisga'a First Nation in [British Columbia] to the Mi'kmaq on the East Coast, celebrating the last 150 years of human existence on this land is the equivalent of saving a few pages out of a thick history tome and

⁶⁷ S. Brascoupe and C. Waters, 'Cultural Safety: Exploring the Applicability of the Concept of Cultural Safety to Aboriginal Health and Community Wellness', *Journal of Aboriginal Health*, vol. 5, no. 2, 2009, p. 14. Available from ProQuest (accessed 19 July 2017).

⁶⁸ Young, p. 54.

torching the rest.”⁶⁹ While one may like to imagine colonialism as something of the past, post-colonialism exists today. The human rights violations, like human trafficking, continue to be a theme of the current discourse:

For the colonized, “colonial rule...severed the ties that bound the present and the future to the past”. Suddenly, they belonged to someone else’s future, carried along, in the Canadian case, by the majority society’s momentum, driven by its own inner logic and sense of destiny...History lives in the social malaise and anomie of many Aboriginal communities, which are the legacy that self-government is to overcome.⁷⁰

Without consciousness-raising, it is impossible to see and understand the effects of hidden oppression that continue to hurt Indigenous peoples (among others). Explicitly, the risk factors of domestic trafficking that transcended from colonisation cannot end if the oppressive colonial mindset continues to live, knowingly or unknowingly, in the minds and actions of Canadians. In the words of Maclean’s writer, Scott Gilmore, who frames the essence of hidden oppression, Canada has a race problem, which is not being talked about enough.⁷¹ Visible or invisible racism, and race relation issues exist in Canada and this “challenge[s] the dominant myths of national identity of a tolerant, welcoming place where everyone enjoys the same opportunities and treatment at the hands of the state.”⁷²

2.3.4 Child Welfare System: Failing Indigenous Children

“There certainly can’t be a more important issue for [Prime Minister Trudeau] than to end racial discrimination of its own government towards kids.”

— Cindy Blackstock

⁶⁹ D. Bascaramurty, ‘“A Horrible History”: Four Indigenous Views on Canada 150’, *The Globe and Mail*, 30 June 2017, <https://beta.theglobeandmail.com/news/national/canada-150/canada-day-indigenous-perspectives-on-canada-150/article35498737/?ref=http://www.theglobeandmail.com>, (accessed 10 July 2017).

⁷⁰ A. Carins, *Citizens Plus: Aboriginal Peoples and the Canadian State*, Vancouver, University of British Columbia Press, 2000, p. 87.

⁷¹ S. Gilmore, ‘Canada’s Race Problem? It’s Even Worse Than America’s’, *Macleans*, 22 January 2015, <http://www.macleans.ca/news/canada/out-of-sight-out-of-mind-2/>, (accessed 20 July 2017).

⁷² Brascoupe and Waters, p. 14.

Arguably, when the IRS doors closed, the system persisted in other ways. One of those replacements being the child welfare system, where there are more Indigenous children in the welfare system today than at the peak of IRS by “a factor of three.”⁷³ A phenomenon that reflects this living issue is the “Sixties Scoop”, which was a large removal of Indigenous children from their families into the Canadian child welfare system.⁷⁴ Accordingly, “Aboriginal children aged 14 and under represent 7% of all children in Canada in 2011, yet they account for 48% of all foster children in the country.”⁷⁵ There have been efforts from advocates to ameliorate these alarming statistics but it appears to be an uphill battle.

In 2007, the First Nations Child and Family Caring Society and the Assembly of First Nations were concerned with the federal government’s underfunding of Indigenous children in the child welfare system.⁷⁶ To address this, they submitted a complaint to the Canadian Human Rights Tribunal and in 2016, the Tribunal ruled that the “federal government discriminates against First Nation children on reserves by failing to provide the same level of child welfare services that exist elsewhere.”⁷⁷ Even after such legally binding rulings, the new Trudeau government has fallen short in their obligations. Beyond the Tribunals work, the 93rd Session of the United Nations Committee on the Elimination of Racial Discrimination expressed

⁷³ C. Blackstock, ‘Why the World Needs to Watch: The Canadian Government Held to Account for Racial Discrimination Against Indigenous Children Before the Canadian Human Rights Tribunal’, *First Nations Child and Family Caring Society of Canada*, 2010, <http://www.un.org/esa/socdev/unpfii/documents/International%20EGM%20Presentation%20by%20Cindy.p>, (accessed 1 May 2017).

⁷⁴ Indigenous Foundations, *Sixties Scoop*, [website], 2009 (b), http://indigenousfoundations.arts.ubc.ca/sixties_scoop/, (accessed 12 May 2017).

⁷⁵ M. Yukselir and A. Evan, ‘Where the Kids Are: Indigenous Children Over-Represented in Foster Care’, *The Globe and Mail*, 18 April 2016, <https://www.theglobeandmail.com/news/national/indigenous-kids-made-up-almost-half-of-canadian-foster-children-in-2011statscan/article29616843/>, (accessed 30 May 2017).

⁷⁶ First Nations Child and Family Caring Society of Canada, ‘First Nations Child and Family Caring Society of Canada Annual Report 2009’, 2009, https://fncaringsociety.com/sites/default/files/2009AnnualReport_0.pdf, (accessed 7 August 2017).

⁷⁷ T. Fontaine, ‘Canada Removing Objector Status to UN Declaration on the Rights of Indigenous Peoples’, *CBC News*, 8 May 2016, <http://www.cbc.ca/news/indigenous/canada-position-un-declaration-indigenous-peoples-1.3572777>, (accessed 24 May 2017).

concerns with Canada's continued failure to address disparities in providing basic services to Indigenous children and communities, pointing out that "165,000 First Nations children do not have equitable access to the health care and other services."⁷⁸ At length, the Committee made note of the serious discrimination of this group and it called on Canada to oblige by "its domestic and international obligations to ensure Indigenous peoples, including children, live free of discrimination and have access to justice."⁷⁹

These realities play a significant role in terms of determining how the treatment of children relates to the sexual exploitation and trafficking of Indigenous women and girls. Blackstock found through her research that placing children in foster care has had various damaging consequences, such as an overrepresentation of sexual exploitation.⁸⁰

The child welfare system and foster care system appeared in literature as being connected to an increased vulnerability of becoming sexually exploited and trafficked, especially as these services are underfunded. In addition, when an Indigenous child is put into a "White" home that has not received appropriate cultural awareness training, this can have detrimental impacts. This is because when children are separated from their family, communities and culture, they experience an increased vulnerability to sexual exploitation. If children are placed in homes that do not understand their needs, and specifically their culture, it can push them to feel disconnected which may increase their risk of running away.

Another challenge in the child welfare system is the "phasing out" of care once the respective child reaches 18 years of age. This age does not necessarily signify a sudden change in maturity, and more importantly, is not an indicator of the child's ability to take care of their own livelihoods. Phasing out of the system that is arguably not working in favour of the

⁷⁸ United Nations Committee on the Elimination of Racial Discrimination, 93rd Session, *Joint Statement on Discrimination Against First Nations Children*, Canada, 2017.

⁷⁹ United Nations Committee on the Elimination of Racial Discrimination, 2017.

⁸⁰ Blackstock, 2010.

respective youth, has therefore had tragic consequences for too many Indigenous youths, which includes homelessness, trafficking, and even death. The Royal Canadian Mounted Police (RCMP) Human Trafficking National Coordination Centre⁸¹ (HTNCC) notes a connection of human trafficking cases and runaway youth. In the human trafficking cases that the HTNCC examined, they reported that “at least one quarter of victims are youth runaways and homeless individuals.”⁸² Furthermore, the HTNCC reported that many of the victims were youth who had phased out of child welfare and foster care.⁸³

Overall, the child protection failures of Indigenous children and youth are a visible product of a system that needs changes. Underfunding, discrimination, and lack of urgency to fix the current child welfare and foster care system continues to plague Indigenous youth, making them more susceptible to being trafficked.

2.4 Powerlessness

The following section delves into some of the effects of powerlessness. Young writes there are:

[...] several injustices associated with powerlessness: inhibition in the development of one’s capacities, lack of decisionmaking power in one’s working life, and exposure to disrespectful treatment because of the status one occupies.⁸⁴

The discrimination of Indigenous people in the criminal justice system relates to this dynamic of oppression, as those incarcerated lack authority that “professionals” usually have.⁸⁵ In relation to this is Paulo Freire’s idea of Culture of Silence. While not entirely the same as

⁸¹ The HTNCC provides basic training to service providers, like police, on human trafficking. The HTNCC is not a unit that investigates Canadian human trafficking cases.

⁸² Roos, p. 40.

⁸³ *ibid.*

⁸⁴ Young, p. 58.

⁸⁵ *ibid.*, p. 52.

Young on powerlessness, Freire's notion of a Culture of Silence, meaning one may not have a platform or space to bring up their injustices.⁸⁶ This understanding may relate to the situation of normalisation of abuse.

2.4.1 Discrimination in the Criminal Justice System

There is a further dimension of normalisation to point out. Normalisation of abuse does not start or finish in Indigenous communities/families. Normalisation of abuse is also largely a part of colonial domination:

Indigenous women and girls in Canada, as such, have long lived with the knowledge that their lives are frequently devalued within the Canadian nation state, that very little would be done to protect them from violence, and, in fact, that the state itself enables this violence.⁸⁷

This “normalisation” and discrimination is visible in Canada's criminal justice system. According to the “2012-2013 Annual Report of the Office of Correctional Investigator”, Indigenous people make up 23 per cent of the federal inmates, which is very high compared to the overall population in Canada. Additionally, for federal sentences in Canada, one in three are Indigenous women.⁸⁸ These numbers reveal an alarming trend of discrimination and complications in the Canadian criminal justice system.⁸⁹ Indigenous people are over-represented in Canadian prisons and this is due to multiple reasons emerging from historical to current injustices.

2.4.2 Normalisation of Abuse and Culture of Silence

⁸⁶ Mr. Devin's Courses at LPS-San Jose, *Five Faces of Oppression*, [website] <https://mrdevin.files.wordpress.com/2009/06/five-faces-of-oppression.pdf>, (accessed 10 July 2017).

⁸⁷ Bourgeois, p. 1449.

⁸⁸ Sapers, H., '2012-2013 Annual Report of the Office of Correctional Investigator', 2013, <http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20122013-eng.pdf>, (accessed 9 August 2017), p. 30

⁸⁹ *ibid.*

Intergenerational trauma or transgenerational trauma, which transfers down from generation to generation, is untreated trauma.⁹⁰ Researchers Amy Bombay, et al. (2014) consider intergenerational trauma to be a contributor to poor health: “the accumulation of collective stressors and trauma that began in the past may contribute to increased risk for negative health and social outcomes among contemporary Aboriginal peoples.”⁹¹

The sheer volume of abuse that occurs in the lives of many Indigenous women and girls has the potential to create a normalised pattern, especially of childhood sexual abuse. Consequently, an individual may become normalised to abuses by viewing them through a lens of “acceptable behaviour”. The implications of such normalisation are a negative effect on self-esteem, making an individual more susceptible to control or coercion and therefore also to unhealthy relationships and lifestyles.

Although the matter of child sexual abuse (any sexual activity against a minor, which is carried out by force, threat, intimidation, or manipulation) is a sensitive topic, it plays a large role in risk factors. Child sexual abuse is a complicated issue that has various barriers to address in many Indigenous communities due to a legacy of silence, close-knit communities, underfunded resources, and isolation.⁹² Moreover, entire communities are affected by the continuums of abuse and violence of individuals as it generates challenges for a healthy environment. Such abuse is threatening to the nucleus of a family, along with psychological stress and the breakdown of self-esteem. An article from the *Star*, written on 13 November 2016, reported on this matter and noted that isolation is a barrier to exposing sexual abuse in remote Indigenous communities. Perry Bellegarde, the national chief of the Assembly of First

⁹⁰ K. Berube, ‘The Intergenerational Trauma of First Nations Still Runs Deep’, *The Globe and Mail*, 16 February 2015, <https://www.theglobeandmail.com/life/health-and-fitness/health-advisor/the-intergenerational-trauma-of-first-nations-still-runs-deep/article23013789/>, (accessed 15 June 2017).

⁹¹ Bombay, Matheson and Anisman, p. 321.

⁹² K. Kirkup, ‘Isolation a Barrier to Exposing Sexual Abuse in Remote Indigenous Communities: Bellegarde’, *The Star*, 13 November 2016, <https://www.thestar.com/news/canada/2016/11/13/isolation-a-barrier-to-exposing-sexual-abuse-in-remote-indigenous-communities-bellegarde.html>, (accessed 4 April 2017).

Nations has brought this issue up on a national platform and understands the difficulties in addressing such an issue, especially in small communities.⁹³

Similar to this is Sarah Hunt's work, which focuses on the sexual exploitation of Indigenous women in rural British Columbia (BC). Hunt interviewed 60 individuals, including ten key informants from across BC, which included people working specifically on rural and Indigenous youth issues.⁹⁴ Her research participants reported that there are often severe consequences for speaking out against abuse, such as experiencing shame or being accused of lying.⁹⁵ Silence in Indigenous communities, in turn, negatively affects the tackling of sexual exploitation and trafficking. Addressing silence can be particularly challenging in rural and northern areas due to a lack of support and services. Often, this can lead individuals to run away from the abusive environment, which can result falling into other compromising situations.

2.5 Marginalisation

2.5.1 Isolation: Northern and Rural Communities

Thomas King, a Cherokee writer, in his book titled, *The Inconvenient Indian*, writes: "Land. If you understand nothing else about the history of Indians in North America, you need to understand that the question that really matters is the question of land."⁹⁶ Colonisers however turned the concept of land into a new concept and used it to marginalise Indigenous peoples: "the act of relegating or confining a group of people to a lower social standing or outer limit

⁹³ Kirkup, 2016.

⁹⁴ S. Hunt, 'Restoring the Honouring Circle: Taking a Stand Against Youth Sexual Exploitation', *Justice Institute of British Columbia*, 2011, <http://www.jibc.ca/sites/default/files/research/pdf/Restoring-Honouring-Circle-Manual.pdf>, (accessed 5 June 2017), p. 10.

⁹⁵ Hunt, p. 32.

⁹⁶ T. King, *The Inconvenient Indian: A Curious Account of Native People in North America*, Toronto, Anchor Canada, 2013, p. 218.

or edge of society.”⁹⁷ By plotting out reservations, newcomers were able to further exclude and disconnect Indigenous people from society. Newcomers eventually outnumbered Indigenous people and worked to create a new societal structure that did not consider Indigenous perspectives or needs. Arguably, meeting the needs of mainstream Canadians appears to have a place on the policy agenda, while the needs of Indigenous peoples are continuously not met. For example, Indigenous children are twice as likely to live in poverty than non-Indigenous children in Canada.⁹⁸ Poverty is an indicator which makes individuals more vulnerable to be targeted for trafficking. Further, poverty goes hand in hand with a lack of services, which is widespread in remote and rural reservations.

Not only do services look different (under-funded) in these areas, sexual exploitation and human trafficking take on a different guise in northern and rural communities. Additionally, isolation and impoverishment further complicate risks of sexual exploitation and human trafficking:

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.⁹⁹

Therefore, relevant capacities for combatting sexual exploitation in rural areas is needed.¹⁰⁰ Hunt recommends that a “Northern Domestic Response Team”¹⁰¹, which is culturally sensitive, aware of the history of Indigenous people, and the realities they face, is needed to

⁹⁷ Mr. Devin’s Courses at LPS-San Jose.

⁹⁸ D. Macdonald and D. Wilson, *Shameful Neglect Indigenous Child Poverty in Canada*, Canadian Centre for Policy Alternatives, 2016, p. 10.

⁹⁹ Native Women’s Association of Canada, *Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada*, Native Women’s Association of Canada, Ottawa, 2014 (a), p. 5.

¹⁰⁰ S. Hunt, ‘Violence in the Lives of Sexually Exploited Youth and Adult Sex Workers in BC: Provincial Research Final Report’, *Justice Institute of British Columbia*, 2006, http://www.jibc.ca/sites/default/files/research/pdf/Violence_Research_Report_SHunt_0.pdf, (accessed 5 May 2017), p. 8.

¹⁰¹ *ibid.*, p. 44.

address and support community members who are suffering abuse in their homes, as well as those who have had those close to them experience violence.¹⁰² If discussed, created, and led by Indigenous communities, this may be a promising practice to consider. Beyond this, a possible starting point is to decrease factors that prompt Indigenous women and girls to leave these communities, mostly unprepared.

2.5.2 Moving Off the Reserve

On an international level, the *Convention on the Elimination of all forms of Discrimination against Women* 1979 (CEDAW), in Article 14, which is specifically about rural women, calls on States to recognise the particular challenges women face living in rural areas.¹⁰³ As a result, the Convention calls on States to apply “appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.”¹⁰⁴ Similarly, on reserves, Indigenous women face various obstacles and marginalisation, more so than when compared to those living off reserves:

First Nations people simply do not receive health care equal to that elsewhere in Canada, experts say. In particular, they lack access to mental-health services, support desperately needed to address the consequences of residential schools and the physical, sexual and substance abuse that has flowed from that experience. As well, First Nations leaders say chronic poverty, inadequate housing and overcrowding, and inferior education on reserve have all contributed to pervasive despair among Indigenous youth.¹⁰⁵

¹⁰² Hunt, p. 44.

¹⁰³ United Nations, General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, Art. 14.

¹⁰⁴ United Nations, General Assembly, 1979, Art. 14.

¹⁰⁵ F. Wallace, ‘Act Now on Indigenous Youth Suicide Crisis: Editorial’, *The Star*, 24 July 2017, <https://www.thestar.com/opinion/editorials/2017/07/24/act-now-on-indigenous-youth-suicide-crisis-editorial.html>, (accessed 24 July 2017).

Together, all these injustices have contributed to the current state of emergency on Indigenous reserves, as many youths are taking their lives and sexual abuse, among other things, could be a cause.¹⁰⁶

Lack of economic opportunities, resources, wrap-around support, and poor quality of living on many reserves due to underfunding, are among the underlying causes for Indigenous women and girls to move to larger cities. In general, the high rates of migration from a reserve or rural area to an urban centre poses an increased risk of trafficking for this group. The Committee on the Elimination of Discrimination Against Women's General Recommendation no. 19, 11th Session (1992) notes the risks involved for women leaving rural/remote communities:

Rural women are at risk of gender-based violence because traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.¹⁰⁷

Relocating from north to south without adequate support groups and resources can lead to a dangerous situation. As Yvonne Boyer and Peggy Kampouris's research participants noted, "trafficking was most likely to occur during the transition when Indigenous women or girls move from the north to the south or from a small rural community to a large urban area."¹⁰⁸ Moreover, moving without established networks in place, employment opportunities, and

¹⁰⁶ K. Kirkup, 'Indigenous Suicide Crisis: Hundreds Ask for Counselling After Pikangikum First Nation Sees 2 Suicides', *Huffington Post*, 18 June 2017, http://www.huffingtonpost.ca/2017/07/18/indigenous-suicide-crisis-hundreds-ask-for-counselling-after-pi_a_23036534/, (accessed 18 June 2017).

¹⁰⁷ United Nations Women, *Convention on the Elimination of All Forms of Discrimination Against Women*, [website], 2009, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>, (accessed 4 August 2017).

¹⁰⁸ Y. Boyer and P. Kampouris, 'Trafficking of Aboriginal Women and Girls', *Research and Analysis Division Community Safety and Countering Crime Branch Public Safety Canada*, 2014, http://publications.gc.ca/collections/collection_2015/sp-ps/PS18-8-2014-eng.pdf, (accessed 8 June 2017), p 3.

coupled with experiencing distance from their culture and social groups, can contribute to a heightened vulnerability to exploitation.¹⁰⁹

Though it is critical to realise that moving from a rural area to an urban centre can increase an individual's risks, it is also vital to avoid generalisations that *all* Indigenous women and girls who relocate from reserves are "victims" of sexual exploitation or human trafficking. Indigenous writers like Colleen Hele, Naomi Sayers, and Jessica Wood, argues that if *any* Indigenous woman or girl leaves the reserve in search of a better life or economic opportunities, they will be a trafficking "victim".¹¹⁰ Although it may be a stretch to consider that authorities will view all Indigenous women and girls who have left a rural community as a victim, this does raise the important point that officials need proper training to identify indicators of sexual exploitation and human trafficking.

2.6 Violence

2.6.1 Canada's Failure to Protect Indigenous Women

Within Young's five faces of oppression, "violence" is probably the most obvious and visible form of oppression and applicable to the situation here. Indigenous women and girls fall victim to this type of oppression on a disproportionate scale, meaning they may fear random attacks/violence on their persons. Consequently, "the oppression of violence consists not only in direct victimisation but in the daily knowledge shared by all members of oppressed grounds that they are *liable* to violation, solely on account of their group identity."¹¹¹

¹⁰⁹ Boyer and Kampouris, p. 3.

¹¹⁰ C. Hele, N. Sayers and J. Wood, 'What's Missing from the Conversation on Missing and Murdered Indigenous Women and Girls', *The Toast*, 14 September 2014, <http://the-toast.net/2015/09/14/whats-missing-from-the-conversation-on-missing-and-murdered-indigenous-women/>, (accessed 4 April 2017).

¹¹¹ Young, p. 57.

Amnesty International reported that the widespread incidence and severity of violence faced by Indigenous women and girls constitutes a national human rights crisis.¹¹² It is alarming to learn of the violence and grievances that Indigenous communities undergo since “victimization of Aboriginal women is close to triple that of non-Aboriginal women.”¹¹³ Also, since 1980, there have been more than 1,200 Indigenous women who have gone missing or been murdered.¹¹⁴ The Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that Canada committed a grave violation of the rights of Indigenous women in not promptly or properly investigating the violence, disappearances, and murders.¹¹⁵ Shockingly, OHCHR noted that “aboriginal women and girls were far more likely than other Canadian women and girls to experience violence and to die as a result.”¹¹⁶

As the Canadian State has inadequately addressed the violence against Indigenous women, the Committee on the Elimination of Discrimination against Women raised concerns. These concerns were possible to be examined against CEDAW because on 10 December 1981, Canada ratified CEDAW, and consequently, on 18 October 2002, ratified CEDAW’s *Optional Protocol* (OP), where it came into force on 18 January 2003. By ratifying the OP of CEDAW as per Article 8 (i.e. Inquiry), this means that the Committee on the Elimination of Discrimination against Women can invite Canada to cooperate in an investigation.¹¹⁷ After the Committee had received many communications from concerned NGOs, such as the

¹¹² Amnesty International, *Violence Against Indigenous Women and Girls in Canada: A Summary of Amnesty International’s Concerns and Call to Action*, [website], 2014, <http://www.amnesty.ca/get-involved/lead-in-your-community/violence-against-indigenous-women-and-girls-in-canada-a-summary>, (accessed 17 April 2017).

¹¹³ S. Brennan, *Violent Victimization of Aboriginal Women in Canadian Provinces*, [website], 2009, <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11439-eng.htm>, (accessed 20 June 2017).

¹¹⁴ T. Grant, ‘The Trafficked’, *The Globe and Mail*, 10 February 2016, <http://www.theglobeandmail.com/news/national/the-trafficked-sexual-exploitation-is-costing-canadian-women-their-lives/article28700849/>, (accessed 9 May 2017).

¹¹⁵ The Office of the United Nations High Commissioner, *Canada’s Failure to Effectively Address Murder and Disappearances of Aboriginal Women ‘Grave Violations’*, [website], 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15656>, (accessed 12 April 2017).

¹¹⁶ Office of the United Nations High Commissioner for Human Rights, 2015.

¹¹⁷ United Nations, General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, 6 October 1999, Art. 8.

Native Women's Association of Canada (NWAC), requesting the Committee initiate an inquiry under Article 8 of the OP regarding murdered and missing Indigenous women, the Committee started an investigation.¹¹⁸ After various requests from the Committee, Canada consented to a visit, which began on 15 July 2013.¹¹⁹ Upon the inquiry, the Committee concluded a lengthy report where they found six articles of CEDAW had been violated.¹²⁰ For instance, the Committee found the State failed to guarantee the respective group their basic human rights and fundamental freedoms (Article 3).¹²¹

After previously refusing a National Inquiry for Murdered and Missing Indigenous Women, and disagreeing with the Committee on the Elimination of Discrimination Against Women's recommendations, the newly elected Liberal government has committed to a National Inquiry. This in turn raises the question where trafficking fits into the conversation of Murdered and Missing Indigenous Women? In light of these disappearances, the problem is often depicted as an issue more to do with sex work than sexual exploitation and trafficking.¹²² Interestingly, scholar Anupriya Sethi argues that domestic trafficking needs larger attention in the discussions.¹²³ Furthermore, the Committee on the Elimination of Discrimination Against Women mentioned that the potential link between this grave violation and human trafficking should be further investigated.¹²⁴ Nonetheless, due to limited data on trafficking of Indigenous women, it is challenging to examine.

¹¹⁸ United Nations, Committee on the Elimination of All Forms of Discrimination against Women, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination Against Women Article 8 of the Optional Protocol to the Convention on the Elimination of Discrimination Against Women*, p. 1.

¹¹⁹ *ibid.*, p. 6.

¹²⁰ *ibid.*, p. 54.

¹²¹ United Nations, General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, Art. 3.

¹²² A. Sethi, 'Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications', *First Peoples Child & Family Review*, vol. 3, no. 3, 2007, p. 57. Available from SFU Journals (accessed 5 June 2017).

¹²³ Sethi, p. 57.

¹²⁴ United Nations, Committee on the Elimination of All Forms of Discrimination against Women, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination Against Women Article 8 of the Optional Protocol to the Convention on the Elimination of Discrimination Against Women*, p. 31.

Within the pre-inquiry engagement process, which summarised public input into the design of the National Inquiry, some of the key issues and actions called to investigate the sexual exploitation of Indigenous women and girls:

- Law enforcement: Address the sexual exploitation and trafficking of Indigenous women and girls and their causes and consequences; and
- Systemic issues and legacies: Identify the causes and consequences of the historical sexual exploitation and trafficking of Indigenous women and girls including sexual stereotyping.¹²⁵

Currently, the National Inquiry is being carried out, and the progress so far has been less than desirable. The reasons behind the deconstruction of the inquiry's commission are related to not taking a culturally safe approach while considering the needs of those for whom the inquiry is working. Several high commissioners have resigned; for instance, Métis law professor Marilyn Poitras. This resignation by Poitras was due to the legalistic approach, which presented a number of challenges for her to be able to do the work she envisioned.¹²⁶ With poor communication and lack of organisation, families and Indigenous leaders have been calling for change. With recent resignations, the hearings for the inquiry have been pushed from 10 September 2017 to 4 December 2017.¹²⁷ It is too early to tell what will occur but the current feedback coming from the inquiry will need to be closely monitored, especially as research may show that trafficking is a part of the bigger picture.

¹²⁵ Indigenous and Northern Affairs Canada, *Full Summary of What We Heard: Final Report of the Pre-inquiry Engagement Process*, Government of Canada; Indigenous and Northern Affairs Canada, 2016.

¹²⁶ J. Tang, 'Indigenous Leaders Call for Restructuring of Missing, Murdered Women Inquiry in Wake of Resignations', *National Post*, 11 July 2017, <http://nationalpost.com/news/politics/bennett-says-inquiry-will-move-ahead-despite-resignation-of-one-of-its-commissioners/wcm/28ffb753-3041-4000-8ade-8ef8dee6ab85>, (accessed 24 July 2017).

¹²⁷ T. Talaga, 'National Inquiry into Murdered and Missing Indigenous Women and Girls Postpones First Family Fall Hearing', *The Star*, 20 July 2017, <https://www.thestar.com/news/canada/2017/07/20/national-inquiry-into-murdered-and-missing-indigenous-women-and-girls-cancels-first-family-fall-hearing.html>, (accessed 24 July 2017).

2.7 Literature Review Conclusion

Though historic and systematic oppression occurred in Canada, it is important to understand the resilience of Indigenous peoples. Cheryle Partridge explains that although colonial “assaults on the first peoples of this land have been devastating and intergenerational [...] it is with pride that we celebrate the resilience and tenacity of the holistic well-being of Indigenous peoples. We are still here.”¹²⁸ It is important to remember that the challenges many Indigenous communities face today surrounding sexual exploitation and human trafficking are not due to weakness or choice. Rather, it is a result of the historical wounds. As shown, the five faces of oppression are contributing to the vulnerabilities of Indigenous women and girls living in Canada.

All of these challenges, human rights violations, and the corresponding systematic discrimination contribute to a bigger picture leading to heightened vulnerabilities, as well as the violation of rights by human trafficking of Indigenous women and girls. These issues are interrelated and interconnected on how they come together to pose the risks and abuses of trafficking. To this end, it is clear that there is not *one* risk factor but rather a *multitude* of factors that exacerbate the risk issues of Indigenous women and girls. Human trafficking prevention programmes need to acknowledge the historical context, current risk factors and thus contribute to dismantling Indigenous youth vulnerabilities to such violations. Another aspect of this is that the State continues to dismantle post-colonialism, diminish discrimination, decrease the inequality gap between Indigenous and non-Indigenous peoples, and contribute to the self-determination of Indigenous communities, in whatever way that may be possible. Prevention strategies may be a large part of changing the potential future of trafficking among this group.

¹²⁸ C. Partridge, ‘Residential Schools: The Intergenerational Impacts on Aboriginal Peoples’, *Native Social Work Journal*, vol. 7, no. 1, 2010, p. 33. Available Ingenta Connect (accessed 1 August 2017).

Chapter 3: Canada's Commitments to the Prohibition of Trafficking in Persons

3.1 United Nations Declaration on the Rights of Indigenous Peoples

On 13 September 2007, the UNDRIP was created and adopted by 144 countries with four countries voting against the Declaration, namely Canada, the United States, New Zealand, and Australia.¹²⁹ Initially, Canada voted against the Declaration; however, in 2010 revised its position and endorsed it.¹³⁰ On 12 May 2016, there were developments on Canada's position of the UNDRIP as Canada changed their position and adopted it.¹³¹ UNDRIP is monumental not only because the right holders (Indigenous peoples) participated in its creation (which before this time was practically non-existent), but also for the recognition of Indigenous peoples' rights, both individual and collective.¹³²

As it stands, the 2016 Human Development Index assessment ranked Canada in tenth place.¹³³ Yet this Index does not reflect the reality of Indigenous peoples in Canada. First Nations Assembly Chief, Bellegarde, stated that "if the indicators used for the Human Development Index were applied to aboriginal Canadians, they would place 63rd on the list."¹³⁴ Towards breaking down this gap, among other needed improvements, Bellegarde

¹²⁹ T. Fontaine, 'Canada Removing Objector Status to UN Declaration on the Rights of Indigenous Peoples', *CBC News*, 8 May 2016, <http://www.cbc.ca/news/indigenous/canada-position-un-declaration-indigenous-peoples-1.3572777>, (accessed 24 May 2017).

¹³⁰ *ibid.*

¹³¹ *ibid.*

¹³² B. Gunn, 'Understanding and Implementing the UN Declaration on the Rights of Indigenous Peoples', *Indigenous Bar Association*, http://www.indigenousbar.ca/pdf/undrip_handbook.pdf, 2011, (accessed 9 July 2017), p. 6.

¹³³ United Nations Development Programme, *Human Development Reports*, [website], 2016, <http://hdr.undp.org/en/countries/profiles/CAN>, (accessed 20 July 2017).

¹³⁴ K. Mackrael, 'Close the Gap Between Canada and Its Aboriginal People: AFN Chief', *The Globe and Mail*, 13 May 2015, <https://www.theglobeandmail.com/news/politics/close-the-gap-between-canada-and-its-aboriginal-people-afn-chief/article24430620/?ord=1>, (accessed 18 July 2017).

suggests the implementation of the UNDRIP may be a positive step forward to improving the lives of Indigenous people and closing this glaring gap.¹³⁵

It is interesting to point out that the UNDRIP has articles that relate to the prohibition of human trafficking and sexual exploitation. Although the terms ‘human trafficking’ and ‘sexual exploitation’ are not explicitly stated (rather economic exploitation is described in Article 17.2), Article 7 (i.e. Right to Life, Liberty, and Security), Article 8 (c) (i.e. Assimilation), and Article 21 (Economic and Social Well-being) of the UNDRIP seemingly relates to the violation and harms of human trafficking:

Article 7: Right to Life, Liberty and Security

Every indigenous person is born with the right to life, to live freely (liberty) and to be safe and secure. Indigenous peoples as a group have the right to live freely, be safe and secure, and not exposed to violence. For example, the children of an indigenous group may not be taken away from their family by force.

Article 8: Assimilation or Destruction of Culture

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.

Article 21: Economic and Social Well-being

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.¹³⁶

For some scholars like Bourgeois, IRS resembled human trafficking: “forced migration, confinement in residential schools and facilitated sexual abuse has the characteristics of what we now call human trafficking, although it was not recognised as such.”¹³⁷

¹³⁵ Mackrael.

¹³⁶ United Nations, General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: Resolution*, 2 October 2007, Art. 7, 8, 21.

¹³⁷ Bourgeois, p.1444.

Aligning with the UNDRIP might mean that trafficking prevention strategies are Indigenous-led or designed in collaboration with Indigenous peoples, as per Article 22.2. As such, Article 22.2 outlines that the creation of protection measures is to involve Indigenous peoples.¹³⁸

How far the UNDRIP will go is still ambiguous in the Canadian context, and how it will look when implemented will be a long decolonisation process. The future of this is still unknown, and beyond international pressure or external pressure inside the state, Canada does not have to implement all that is found in the UNDRIP. Compared to customary law or treaties, which are legally binding, the UNDRIP is non-binding. Although this is a non-binding legal instrument, the Declaration may have persuasive authority in domestic courts. To implement the Declaration will be a difficult process for Canada to meet international standards in regards to Indigenous people.¹³⁹ This advancement appears to be an important step toward aligning with a reconciliation framework; in any case, it is too early to tell what the changes will be. What is clear is that Indigenous leaders are pressing for this change.

3.2 *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*

On an international level, the prohibition of trafficking in persons appears within multiple conventions, such as the CEDAW 1979 (i.e. Article 6 which prohibits all forms of trafficking of women and their exploitation for prostitution).¹⁴⁰ For this thesis, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (also known as the *Palermo Protocol*), will be focused on.

¹³⁸ United Nations, General Assembly, 2007, Art. 22.

¹³⁹ B. Rae, O. Maclaren, S. Colgrove, B. Brookwell and J. A. Pariseau, 'Indigenous Rights in Canada: Significant Work Still Needed', *The Globe and Mail*, 7 June 2017, Available from <https://www.theglobeandmail.com/opinion/indigenous-rights-in-canada-significant-work-still-needed/article35232559/> (accessed 24 July 2017).

¹⁴⁰ A. N. Barrett and J. M. Shaw, *Laws to Combat Sex Trafficking: An Overview of International, National, and Municipal Laws and Their Enforcement*, Canadian Women's Foundation, 2013, p. 10.

According to the United Nations Office on Drugs and Crime (UNODC), the United Nations Convention against Transnational Organized Crime and the Protocols Thereto (CTOC) was adopted by the General Assembly Resolution 55/25 of 15 November 2000 and came into effect on 29 September 2003.¹⁴¹ The CTOC is considered to be a key international instrument in the fight against transnational organised crime.¹⁴² Further, the Convention is accompanied by three Protocols targeting specific areas of crime: *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; *the Protocol against the Smuggling of Migrants by Land, Sea and Air*; and *the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*.¹⁴³ Once a State ratifies the Convention and supplementing *Protocols* the State then commits themselves to protect against these human rights violations by taking necessary steps to align their national laws, practices, and policies accordingly.¹⁴⁴

On 13 May 2002, Canada ratified the *Palermo Protocol* and it came into effect in September 2003.¹⁴⁵ Article 3 of the *Palermo Protocol* defines trafficking in persons as the following:

For the purposes of this 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, 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation,

¹⁴¹ United Nations, General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

¹⁴² *ibid.*

¹⁴³ *ibid.*

¹⁴⁴ UNICEF, *Convention on the Rights of the Child*, [website], 2014, https://www.unicef.org/crc/index_30207.html, (accessed 10 August 2017).

¹⁴⁵ United Nations Office on Drugs and Crime, *Status of Ratification of the United Nations Convention Against Transnational Organized Crime and the Protocol Thereto as a 1 October 2012*, [website], 2012, https://www.unodc.org/documents/treaties/organized_crime/COP6/CTOC_COP_2012_CRP/CTOC_COP_2012_CRP1.pdf, (accessed 10 August 2017).

forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.¹⁴⁶

The *Palermo Protocol* is based on a framework of the four Ps: prevention, protection, prosecution, and partnership.¹⁴⁷ For a State to effectively implement the four Ps, a consistent understanding of human trafficking on an international scale is an important part of addressing this global issue. Nonetheless, what happens when such a definition is transferred to the State level, remains open. Scholar Katrin Roots notes that although the *Protocol* has a sharp definition and understanding of human trafficking, such comprehension is not always transferred to the national level.¹⁴⁸

The *Protocol* explains that human trafficking is comprised of three core features: action, means, and purpose. First, “action” refers to what is done, forthwith the “action” of trafficking, which is the recruitment, transportation, transfer, harbouring, etc., of a person.¹⁴⁹ Next, “means” refers to the way in which the trafficking occurs. For instance, the “means” of trafficking could be by (but are not limited to) “deception, abuse of power or vulnerability,

¹⁴⁶ United Nations, General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, Art. 3.

¹⁴⁷ Public Safety Canada, 2012.

¹⁴⁸ K. Roots, ‘Trafficking Or Pimping?: An Analysis of Canada's Human Trafficking Legislation and its Implications’, *Canadian Journal of Law and Society*, vol. 28, no. 1, 2013, p. 26. Available from Project Muse (accessed 10 June 2017).

¹⁴⁹ United Nations Office on Drugs and Crime, *Human Trafficking*, [website], 2017, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside>, (accessed 4 May 2017).

or giving payments or benefits to a person in control of the victim.”¹⁵⁰ Last, is the “purpose” of trafficking, meaning why it is done and this relates to an exploitative nature.¹⁵¹ Following this understanding, Article 5 of the *Protocol* demands, what is written in Article 3, must be criminalised and adopted by the respective State’s legislation.¹⁵²

Important for this discussion is Article 9, the prevention of trafficking in persons, and calls on states to take effective measures to reduce vulnerabilities leading to exploitative situations.¹⁵³ Additionally, Article 9 states:

States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.¹⁵⁴

Consequently, abiding by Article 5, Canada has implemented laws on trafficking in its *Criminal Code*, which will be explored later in the thesis. Canada has taken many proactive steps to address the issue of human trafficking within their borders. The problem is not that Canada is lagging behind or not implementing human trafficking legislation. The internationally advised structures are there; however, they are not translating into prevention or a reduction of trafficking of Indigenous women and girls. The next section examines how recruitment and exploitation of Indigenous women may occur in Canada.

¹⁵⁰ United Nations Office on Drugs and Crime.

¹⁵¹ *ibid.*

¹⁵² United Nations, General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, Art. 5.

¹⁵³ M. H. Mece, ‘Effectiveness of Counter-Trafficking Response in Albania’, *Social Change Review*, vol. 12. No. 1, 2016, p. 36. Available from De Gruyter Online (accessed 1 August 2017).

¹⁵⁴ United Nations, General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, Art. 9.

3.2.1 Recruitment and Exploitation: “Traffickers Are Targeting Indigenous Girls”

“There is a specific shopping mall in Winnipeg [Manitoba, Canada,] where traffickers just hang out and wait...Traffickers are looking for girls that come in with a certain brand of shoes and a certain brand of jeans because in their communities, there's only one store ... and they only sell certain brands, and so right away a trafficker will know [that she is Indigenous].”¹⁵⁵

The quote above expresses a grim reality that in Canada, Indigenous women and girls are being targeted, putting their lives and human rights in danger. The scenario described above is not restricted to the city of Winnipeg – it occurs across Canada. As noted above in the section “Marginalisation”, many Indigenous women and girls who are trafficked or sexually exploited had “moved from the north to the south, or were raised on reserve, and moved to a city at a young age with their family, or left the reserve on their own to seek a better life.”¹⁵⁶

A 2014 report prepared by the Native Women’s Association of Canada (NWAC) called, “Boyfriend or Not”, revealed that Indigenous youth were recruited for sexual exploitation or sex trafficking through a variety of means like familial trafficking or gang related recruitment.¹⁵⁷ Intergenerational abuse and poverty were found to be reasons behind such recruitment techniques.¹⁵⁸ Still, the most prevalent recruitment tactic reported was the “boyfriend” approach.¹⁵⁹ The “boyfriend” method is when traffickers pretend to be the

¹⁵⁵ L. Cohen, ‘The Canadian Indigenous Communities Fighting Sex Trafficking’, *CNN*, 25 August 2016, <http://www.cnn.com/2016/08/25/world/canada-indigenous-trafficking-norway-house/>, (accessed 22 May 2017).

¹⁵⁶ Boyer and Kampouris. p 19.

¹⁵⁷ Native Women’s Association of Canada, *Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews: Final Report*, Native Women’s Association of Canada, Ottawa, 2014 (b), p. 12.

¹⁵⁸ *ibid.*

¹⁵⁹ Native Women’s Association of Canada, *Boyfriend or Not – Sexual Exploitation and Trafficking of Aboriginal Women and Girls in Canada*, Native Women’s Association of Canada, Ottawa, 2014 (a), p. 8.

partner or “lover” of the individual they eventually attempt to exploit.¹⁶⁰ It should be noted that the word “boyfriend” is commonly used to describe this method, but this tactic is not limited to one gender as “girlfriends” can also apply such methods. Unsurprisingly, this tactic is a malicious cycle where “love”, control, and exploitation are all wrapped together. Frequently, the trafficker begins this “method” by building an emotional connection, coupled with gift giving.¹⁶¹ This type of recruitment can and does happen in all different types of social and virtual spaces, including on the internet. A report called, “Far from Home: Experiences of Sexually Exploited Aboriginal Youth in Vancouver, B.C”, looked at the sexual exploitation of Indigenous youth in Vancouver, British Columbia. The report pointed out that at Grandview Elementary School, Indigenous girls as young as ten years old were being targeted by traffickers.¹⁶²

Next, a *Toronto Star* investigation into domestic trafficking in Ontario included a short interview with an accused trafficker, Matthew Deiaco, charged with human trafficking, describing how he targets girls who appear to be “broken” and seeking a guardian who may support them.¹⁶³ Deiaco said he used the “boyfriend” mirage to manipulate women into work in the sex trade.¹⁶⁴ One may question why individuals do not leave such an exploitative relationship – what holds them back? In effect, control runs deep. A 27-year-old human trafficking survivor explained the feeling of being trapped: “[the traffickers] get inside your head: I felt like they had a hold of me from the inside — from my mind.”¹⁶⁵ Along with an emotional attachment that is created, if a substance dependency is involved, it further

¹⁶⁰ Native Women’s Association of Canada, 2014 (a), p. 8.

¹⁶¹ *ibid.*

¹⁶² G. Gosnell-Myers, ‘Far from Home: Experiences of Sexually Exploited Aboriginal Youth in Vancouver, B.C: Urban Aboriginal Youth Domestic Trafficking in Persons Policy Research Report’, *Office of the Federal Interlocutor for Metis and Non-status Indians*, 2012, [http://www.firstpeoplesgroup.com/mnsiurban/PDF/women_children_youth_families/Gosnell-Myers_G-Far_From_Home_SEY_\(2012\).pdf](http://www.firstpeoplesgroup.com/mnsiurban/PDF/women_children_youth_families/Gosnell-Myers_G-Far_From_Home_SEY_(2012).pdf), (accessed 9 July 2017), p. 14.

¹⁶³ O. Carville, ‘The Game: Living Hell in Hotel Chains’, *Toronto Star*, 14 December 2015, <http://projects.thestar.com/human-sex-trafficking-ontario-canada/>, (accessed 22 May 2017).

¹⁶⁴ *ibid.*

¹⁶⁵ *ibid.*

complicates the situation. More aggravating is that on a legal basis, this tactic is genuinely challenging because a victim may not be willing to testify against someone with whom they believe they are in a loving relationship.¹⁶⁶ Such a situation brings in the element discussed next – “fear of safety”. Thus, prosecuting such a case is more difficult as it heavily relies on a victim’s testimony and interpreting the situation concerning a physical fear for safety, which may be difficult to prove.¹⁶⁷ Overall, this places Indigenous women and girls at disadvantage for being understood as a survivor of this crime.

3.3 Canadian *Criminal Code* on Human Trafficking

What may the *Criminal Code* on human trafficking have to offer to Indigenous women and girls affected by this human rights violation? To begin with, subsequent to Canada’s signing and ratification of the *Palermo Protocol*, Canada developed a criminal offence against trafficking in persons under the *Immigration and Refugee Protection Act* (Section 118) in 2002. For the discussion of domestic trafficking, the *Immigration and Refugee Protection Act* will not be explored as it is only tangentially related to the topic. On the other hand, the Canadian *Criminal Code* Section 279.01-.04, will be delved into below:

Trafficking in Persons

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

(a) to imprisonment for life and to a minimum punishment of imprisonment for a term of five years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or

(b) to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of four years in any other case.

Consent

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

¹⁶⁶ Native Women’s Association of Canada, 2014 (a), p. 9.

¹⁶⁷ *ibid.*

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.

Factors

(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.¹⁶⁸

As seen, the definition of trafficking has a broad application. One positive aspect of this definition is that it defines human trafficking survivors based on age and because of this there is a longer penalty a perpetrator may have to serve.¹⁶⁹ Another important aspect of this law is on consent. In the eyes of the law, consent does not play a role in consideration in human trafficking cases. Regarding movement, transportation of a victim is not required for this offence, making the law relevant to address domestic trafficking victims, which may encapsulate no movement at all.

A component of the law, which has both positive and negative aspects, is the element of exploitation. The law focuses on factors of fear requiring “proof that a trafficked individual feared for their safety if they failed to comply with the demands of their trafficker.”¹⁷⁰ This is a distinctive feature compared to the *Palermo Protocol* because of its principle, *actus reus* (i.e. the Crown, a Canadian government lawyer, must prove there was an action or mission) in conjunction with the *mens rea* (i.e. the mental state that the victim feared for their safety if they did not comply).¹⁷¹ Accordingly, the “mental element” is for determining the alleged

¹⁶⁸ *Criminal Code of Canada*, RS 1985, c C-46, ss 279.01-279.04.

¹⁶⁹ Bourgeois, p. 1436.

¹⁷⁰ *ibid*, p. 1437.

¹⁷¹ Canadian Criminal Law Notebook, *Actus Reus and Mens Rea*, [website], 2017, http://criminalnotebook.ca/index.php/Actus_Reus_and_Mens_Rea, (accessed 16 July 2017).

“purpose of exploiting or facilitating the exploitation,”¹⁷² which refers to the purpose of exploitation found above in Section 279.04 of the *Criminal Code*.¹⁷³ This is an important aspect because an accused must have acted “for the purpose” of exploitation. This aspect is what differentiates human trafficking from other crimes:

[I]t is clear that “for the purpose of” requires a subjective state of mind directed to the prohibited consequence (i.e., the exploitation or facilitation of exploitation of a person — either an intention to have prohibited consequence come about, or knowledge that its occurrence was a virtual certainty).¹⁷⁴

The *Criminal Code* then requires that a victim in a trafficking situation genuinely feared the potential consequences if they did not follow the commands of the perpetrator.¹⁷⁵ This is noteworthy because an offender then, under the *actus reus*, can be charged with a human trafficking offence if they exercised control or other forceful means over the victim.¹⁷⁶ On the other hand, proving fear is complicated and may displace Indigenous women’s (and other victims of this crime) claims if the Crown is unable to prove their fear. The question that follows is what does “fear for safety” mean? How does the Crown establish a “fear of safety”? Benjamin Perrin, a human trafficking expert in Canada, voiced that there is a limitation in the “fear for safety” notion. In line with Perrin’s comments on the law, this may lead to perpetrators escaping charges as there are scenarios where people can be trafficked without fear existing:

The *Criminal Code*’s definition of human trafficking centres on the victim’s fear for safety or the safety of someone known to the victim. This is unfortunately too narrow because it fails to criminalize other means by which trafficking is routinely committed. It could be argued that “safety” should not be restricted simply to the physical harm but also should encompass psychological and emotional harm (i.e., blackmailing the victim). Yet the definition may fail to address insidious methods used by traffickers—deception, fraud, abuse

¹⁷² Department of Justice, *A Handbook for Criminal Justice Practitioners on Trafficking in Persons*, [website], 2016, <http://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/hcjpotp-gtpupjp/p1.html>, (accessed 4 August 2017).

¹⁷³ Department of Justice, 2016.

¹⁷⁴ *ibid.*

¹⁷⁵ Roots, p. 30.

¹⁷⁶ *ibid.*

of power/position of vulnerability, or payment of someone to control the victim—that should be included, as required by the *Palermo Protocol*.¹⁷⁷

As Perrin points out, this is problematic because traffickers use various tactics to lure and recruit Indigenous victims as discussed in the previous section, mainly the “boyfriend” approach. Unlike the *Protocol*, which describes the different ways trafficking can occur, the *Criminal Code*’s “fear for safety” can be narrowly understood as the fear of physical violence and security.¹⁷⁸ It is hard to establish the use of fear in the “boyfriend” method. This primary tactic, used to lure and traffic Indigenous women and girls, may not necessarily start out or even have an element of physical fear of safety. In short, the *Criminal Code*’s “fear of safety” then can be interpreted as missing the various “means” of trafficking, as discussed earlier.

Thus far in Canada, there is a low number of “successful” trafficking cases, meaning an accused is charged with human trafficking under the *Criminal Code*.¹⁷⁹ The low rates of charges of human trafficking is another issue in itself. The problem of trafficking of Indigenous women and girls is not solely a legal one; it is that of oppression and discrimination both inside and outside of the criminal justice system. Saying that, the courts play a major role in criminalising perpetrators and taking the human rights of Indigenous women seriously. One may question if the law can do enough in this complicated matter. Human rights (and Indigenous rights) have the ability to empower Indigenous women, but with the different faces of oppression reviewed coupled with the legal structure makes the situation more complicated. Conor Greaty, the author of “Can Human Rights Survive?” raises an interesting point about obstacles to human rights in the criminal justice system:

¹⁷⁷ B. Perrin, *Invisible Chains: Canada’s Underground World of Human Trafficking*, Toronto, Penguin Group, 2010, p. 137.

¹⁷⁸ J. Kaye and B. Hastie, ‘The Canadian *Criminal Code* Offence of Trafficking in Persons: Challenges from the Field and Within the Law’, *Social Inclusion*, vol. 3, no. 1, 2015, p. 95. Available from ProQuest (accessed 12 June 2017).

¹⁷⁹ J. Kaye, J. Winterdyk and L. Quartermann, ‘Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada’, *Canadian Journal of Criminology and Criminal Justice*, vol. 56, no. 1, 2014, p. 25. Available from Project Muse (accessed 1 June 2017).

[...] if we recall that our subject is primarily about empowering the voiceless and the marginalised and then remind ourselves that the law is not generally seen as a radical or even a progressive tool – quite the reverse in fact – when we do this, we are left with the problem of *authentic* enforcement. What I mean by this is that we have to recognise that we are relying on a largely speaking conservative force – the law, the judges, the legal profession – to carry our radical project to completion.¹⁸⁰

As seen in the literature studied, it is challenging, but one needs to analyse the domestic trafficking of Indigenous women beyond the law to understand why it is not being adequately addressed by the law.

3.3.1 “Credible” Defendant

Concerning bringing domestic trafficking of Indigenous women or girls to courts, such underlying colonial attitudes inevitably hinder the process, especially when it comes to the defendant’s “credibility”. According to a law enforcement representative: “in a human trafficking investigation, law enforcement's strongest evidence is the victim, so that's a challenge, the biggest challenge.”¹⁸¹ Of course, defendant credibility is not exclusive to human trafficking cases. In the context of Indigenous women and girls, the situation is ever more complicated as there is often a distrust of law enforcement, which implies that collecting evidence and testimony can be challenging.¹⁸² Furthermore, police biases and stereotypes of Indigenous women have shown to truly hinder these women’s complaints and concerns being taken seriously as seen in the Murdered and Missing Indigenous Women Inquiry.¹⁸³

¹⁸⁰ C. Grealy, *Can Human Rights Survive?*, Cambridge, Cambridge University Press, 2012, p. 12.

¹⁸¹ Kaye and Hastie, p. 96.

¹⁸² *ibid.*

¹⁸³ United Nations, Committee on the Elimination of All Forms of Discrimination against Women, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination Against Women Article 8 of the Optional Protocol to the Convention on the Elimination of Discrimination Against Women*, p. 34.

The small amount of human trafficking cases proceeding through the Canadian courts can be related to the difficulties in proving the offence, combined with the procedural requirements of criminal cases. Credibility remains a problem in human trafficking cases. Further, the victim's relationship with the perpetrator, joined with potential alcohol or substance addiction, can portray a less-than ideal complainant. Regarding Indigenous women, if Young's ideas of oppression are applied, and if we believe colonial stereotypes live on today, then Indigenous women and girls have a lesser chance to be looked upon as a defendant with credibility. Perhaps due to these underlying colonial stereotypes, it is harder to have Indigenous women and girls recognised as trafficking survivors of sexual exploitation or human trafficking.¹⁸⁴

Coupled with mainstream media, in which trafficking victims are most commonly depicted as Eastern European or "Asian", Indigenous women and girls would then not meet the "picture" of the trafficked "victim". As police and front-line workers are people, they too must be living with biases. Altogether, this may give insight into why there is a continuation of the overrepresentation of Indigenous persons in such crimes, as well as their lack of protection from sexual exploitation and human trafficking. Seriously facing and deconstructing these underlying discriminatory stereotypes and biases are among the many actions that should be done. Therefore, on the topic of prevention strategies, a one-day seminar on "human trafficking" simply will not cut it.

¹⁸⁴ Bourgeois, p. 1442.

Chapter 4: Debates on Canada's Sex Work Laws

This section examines the current debates on anti-prostitution laws and sex worker laws in Canada. Depending on the legal or moral lens applied, sex work and trafficking can become blurred, particular if the law is transformed into rigid legalism and morality becomes a socially detached or unthinking form of moralism. As a result, this is problematic for anti-human trafficking prevention efforts and also for safeguarding the rights of sex workers. Further, the question this section seeks to answer is: why are the debates on Canada's legislation on sex work relevant when looking at the domestic trafficking of Indigenous women and girls?

4.1 The Issue of Conflating Sex Work with Human Trafficking

Society pushes sex workers to the margins of society – the sex worker is unknown but always present. These constructions most often depict sex workers as victims, oppressed, coerced, or dirty. Such imageries make it difficult for individuals to remember that not all sex workers fit these stereotypes. As such, this raises complex societal questions: even if sex work is deemed desirable by some sex workers, should one accept it if it contributes to a culture that helps to perpetuate human trafficking, exploitation by pimps, and a general disadvantaging of women in society? The question is not easy to answer and for many is a controversial issue leading to simplified and rigid for or against.

As reported by United Nations Women and United Nations AIDS:

The conflation of consensual sex work and sex trafficking leads to inappropriate responses that fail to assist sex workers and victims of trafficking in realizing their rights. Furthermore,

failing to distinguish between these groups infringes on sex workers' right to health and self-determination and can impede efforts to prevent and prosecute trafficking.¹⁸⁵

Through a human rights perspective that aims to reduce harm, such inappropriate responses are troubling. In debates on sex work legislation, the underlying political discourse makes it complicated to manoeuvre. Stigmatisation is a grave threat to sex workers, and of course trafficking victims, and the marginalisation of any group disconnects them from society; thus, they are not as included as other members of society.¹⁸⁶

In recent discourse, this debate is picking up speed. On 18 March 2017, the Inter-American Commission on Human Rights (IACHR), which is an autonomous body of the Organisation of American States, had its first hearing on the rights of sex workers in the Americas. The detrimental human rights situation of female sex workers in the Americas, sparked the IACHR hearing.¹⁸⁷ Sex worker advocates raised an interesting point on the harms of sex work criminalisation and anti-trafficking work:

Another troubling issue raised in the hearing was the negative impact that laws against human trafficking have on sex workers. In most countries, these laws do not make a clear distinction between human trafficking and autonomous work, and create different types of police, judicial, and administrative interventions that result in a criminalization of sex work, reduce the areas of work available to independent sex workers, and end up severely affecting the human rights of those [sex workers] who have chosen to do this work.¹⁸⁸

Outside of the IACHR hearing, Amnesty International has been raising alarms on the daily human rights violations that sex workers face. Evidence from Amnesty International's research portrays an unfortunate reality that sex workers are subject to human rights abuses.

¹⁸⁵ Global Network of Sex Work Projects, *Note on Sex Work, Sexual Exploitation and Trafficking*, [website], 2013, <http://www.nswp.org/sites/nswp.org/files/UN%20Women's%20note%20on%20sex%20work%20sexual%20exploitation%20and%20trafficking.pdf>, (accessed 30 July 2017).

¹⁸⁶ J. Phelan, et al., 'The Stigma of Homelessness: The Impact of the Label "Homeless" on Attitudes Toward Poor Persons', *Social Psychology Quarterly*, vol. 60, no. 4, 1997, p. 323. Available from JSTOR (accessed 12 June 2017).

¹⁸⁷ Organization of American States, *IACHR Holds First Hearing on the Rights of Sex Workers in Americas*, [website], 2017, http://www.oas.org/en/iachr/media_center/PReleases/2017/036.asp, (accessed 23 July 2017).

¹⁸⁸ Organization of American States, 2017.

Amnesty suggests that the investigation shows that these violations are partially related to criminalisation as this can push a sex worker out of supports reach.¹⁸⁹

Looking at the current debate on sex work in Canada is useful for the discussion on domestic trafficking of Indigenous women and girls because anti-trafficking strategies should follow the no harm principle. If prevention strategies hurt other groups like sex workers, then this is of concern. Above all, this thesis aims to investigate prevention strategies of domestic trafficking of Indigenous women and girls in Canada. However, the current debates on anti-human trafficking and criminalisation of sex work imply that such efforts are harmful and compromising sex workers rights. Using a theoretical example, a progression on one group's human rights (trafficking victims), that compromises another group's human rights (sex workers), is ultimately an inappropriate strategy for the implementation of human rights. Therefore, it is necessary to consider to what extent anti-human trafficking efforts may be successful in terms of their intended purpose, all the while being respectful and protective of sex workers human rights.

In Canada, Indigenous women are not only overrepresented in trafficking, but also the sex trade. Moving with caution on how best to promote anti-trafficking efforts is therefore imperative to the implementation of the rights of Indigenous persons, as inappropriate approaches would also have a dark effect on Indigenous sex workers. Hence, it is important to look at policies that may unintentionally harm Indigenous women sex workers, as well as any other sex workers, while trying to decrease human trafficking. It would be counterintuitive to attempt solving one problem while making the other more dangerous. Such considerations further complicate this subject matter.

¹⁸⁹ *Amnesty International Publishes Policy and Research on protection of Sex Workers' Rights*, [website], 2016, <https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>, (accessed 11 July 2017).

4.2 Bill C-36 – Harming or Helping Indigenous Sex Workers and Human Trafficking Survivors?

The merging of sex work and trafficking has appeared in Canadian politics. Recently, Canada has been through intense debates and has reformed its laws on sex work. The relatively new *Bill C-36*, also known as the *Canadian Protection of Communities and Exploited Persons Act*, follows the Supreme Court's decision in *Bedford v. Canada*, which struck down the prostitution laws, as some aspects were deemed unconstitutional.¹⁹⁰ Debates on sex work in Canada are not new; it has been a controversial legal and moral issue that continues to divide opposing sides. Many who pushed for *Bill C-36* applied a lens of anti-prostitution and contended that such actions are one solution to combat trafficking and end violence against women and girls, particularly Indigenous women and girls.¹⁹¹

Some supporters of *Bill C-36* relish the thought of a Canada free from the sex trade because of the alleged harm to individuals. The goal of this *Bill* is to “reduce the demand for prostitution with a view to discouraging entry into it, deterring participation in it and ultimately abolishing it to the greatest extent possible.”¹⁹² In support of this attitude, organisations such as the Native Women's Association of Canada, argue that the criminalisation of sex work is necessary to address deep inequalities that result in Indigenous women being overrepresented in the sex trade as well as survival sex work.¹⁹³ To illustrate, abolitionists like Robert Hooper, Chair of “Walk With Me Canada”, an organisation working with trafficking survivors, weighed in on *Bill-C36*:

¹⁹⁰ *Canada (Attorney General) v Bedford*, 2013 SCC 72.

¹⁹¹ N. Sayers, ‘Naomi Sayers: MMIW inquiry Needs to look At Sex Work’, *Ottawa Citizen*, 4 February 2016, <http://ottawacitizen.com/opinion/columnists/naomi-sayers-mmIW-inquiry-needs-to-look-at-sex-work>, (accessed 24 June 2017).

¹⁹² Department of Justice, *Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act*, [website], 2014, <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>, (accessed 2 August 2017).

¹⁹³ Z. Walters, ‘A Critical Analysis of Bill C-36: Examining the Moralization and Criminalization of Sex Work in Canada’, Master Thesis, Brock University, 2015, p. 29.

We think that the abolition of the purchase of sexual services is germane to the ability to curtail human trafficking in this country. All of the research we have seen, both anecdotally and quantitatively, shows that demand is directly linked to trafficking. Therefore, we applaud the sections that criminalize the purchase of sex in this country, given that our front-line work is on human trafficking.¹⁹⁴

This view is contrary to sex worker advocates who often call to uphold sex workers human rights. The other side of the argument recalled the primary concern that this *Bill* does not make a clear difference between exploitation and sex work, which is harmful to trafficking victims/survivors.¹⁹⁵ Christa Big Canoe, a legal advocacy director at Aboriginal Legal Services of Toronto, argued that Canada has laws on human trafficking and the discussion at hand is not about human trafficking but about sex work as seen in the *Bedford* case.¹⁹⁶ Hence, in the political domain, the conflation between sex work and human trafficking impedes on focusing on the right legal instruments to combat this crime.

According to Sayers, an Indigenous scholar and former sex worker in Canada, despite the fact that *Bill C-36* seeks to target exploitative situations, it also pushes sex workers to work in more dangerous scenarios, thus increasing vulnerabilities.¹⁹⁷ Moreover, Sayers does not support the idea the criminalising clients of sex workers will solve the serious violation of Indigenous women's rights and "prevent them from going missing or being murdered."¹⁹⁸ Sayers' reasoning behind this the flawed argument style many use, which is furthermore ignorant of the fact that the missing and murdered Indigenous women are not a sex trade

¹⁹⁴ N. Sayers, 'Naomi Sayers: MMIW inquiry Needs to look At Sex Work', *Ottawa Citizen*, 4 February 2016, <http://ottawacitizen.com/opinion/columnists/naomi-sayers-mmiw-inquiry-needs-to-look-at-sex-work>, (accessed 24 June 2017).

¹⁹⁵ Sayers.

¹⁹⁶ L. Payton and K. O'Malley, 'Bill C-36 Hearings Told Not to Conflate Prostitution and Trafficking', *CBC News*, 10 July 2014, <http://www.cbc.ca/news/politics/bill-c-36-hearings-told-not-to-conflate-prostitution-and-trafficking-1.2702095>, (accessed 18 July 2017).

¹⁹⁷ Sayers.

¹⁹⁸ Open Parliament, *Ms. Naomi Sayers (Spokesperson, Canadian Alliance for Sex Work Law Reform) at the Justice and Human Rights Committee*, [website], 2014, <https://openparliament.ca/committees/justice/41-2/33/naomi-sayers-1/only/>, (accessed 30 July 2017).

issue.¹⁹⁹ It is a matter of discrimination and systematic violence against Indigenous women, of course then, those women in the sex trade will be more vulnerable to abuses and human rights violations.²⁰⁰

It is imperative to reflect on the ways in which this legislation may affect the reality of sex workers in Canada, especially Indigenous women:

The criminalization of clients, in Bill C-36 has devastating impacts for indigenous women who rely on income generated from prostitution, particularly in the context of inadequate housing, social services, or education. Indigenous women will seek out clients in more dangerous areas, and clients will rush negotiations, putting women at risk. The isolation and inability to screen clients for safety contributes to the rising violence against sex workers. Indigenous women are already targeted by aggressors, as seen for over 20 years in Vancouver's Downtown Eastside.²⁰¹

New problems appear to be emerging from this *Bill*. As seen in the quote above, this *Bill* does not consider that the criminalisation of purchasers may lead sex workers to be more secretive with their transactions. Consequently, sex workers may have to complete terms and transactions in more dangerous spaces and places.²⁰²

Furthermore, the problem of violating sex workers' rights needs to be viewed as an intersectional one. That is, it is worse for individuals who suffer systematic violence or oppression due to another aspect of their identity. For instance, many Indigenous sex workers in Canada have suffered more compared to White women sex workers. Following Young's ideas of oppression, the objective must be to alter the way in which individuals conceptualise sex workers, since it affects how they treat and act towards sex workers. Additionally, eradicating the negative discourse around sex work would strengthen policies protecting sex

¹⁹⁹ Open Parliament.

²⁰⁰ *ibid.*

²⁰¹ *ibid.*

²⁰² CBC Player, *Debating Prostitution Bill: Bill C-36 Divides Sex Trade, Enforcement Communities*, [online video], 2014, <http://www.cbc.ca/player/play/2589866317>, (accessed 17 July 2017).

workers' human rights. From Young's perspective, laws then only go so far, and society itself is left with the task of deconstructing mainstream discourses, as well as the faces of oppression discussed earlier.

The current discourse of sex work and violations against sex workers counter the power of human rights. As there is the need to humanise those in a trafficking situation, there also needs to be a push to humanise the sex work discourse. Human rights of sex workers need to be applied as strictly as any other human right. At length, *Bill-C36* is not working in affecting change in the struggle for equality between women and men.²⁰³ Consequently, it is not convincing that it would be raising up Canada's most vulnerable – Indigenous women. One may ponder what the plan does for Indigenous women to improve their situation in Canada? As some feminists have argued, the *Bill* does nothing for Indigenous women to address root causes or systemic issues they face.²⁰⁴

Under *Canada's National Action Plan to Combat Trafficking in Persons*, the government understands that the sex work trade (or as the government terms it “prostitution”) is an agent in making trafficking worse.²⁰⁵

The above exploration of the debate on the conflation of sex work and trafficking has exemplified complexities and provides a larger story than what is written in *Canada's National Action Plan*. There are various violations and violence that negatively impact sex workers. The legal abolishment of sex work may one day be a reality, but it does not mean trafficking and sexual exploitation will be eliminated from society. This is where equating sex work and trafficking limits efforts from responding to both violations of sex workers and

²⁰³ CBC Player.

²⁰⁴ J. Doe, ‘Why the Prostitution Bill Will Increase Violence Against Sex Workers’, *The Globe and Mail*, 22 July 2014, <https://www.theglobeandmail.com/opinion/why-the-prostitution-bill-will-increase-violence-against-sex-workers/article19704999/>, (accessed 10 April 2017).

²⁰⁵ Public Safety Canada, 2012.

trafficking victims. They are separate realities. In the meantime, society must work towards more gender equality and to break down the intersectional violations that have been shown committed against Indigenous women.

Chapter 5: Canada's National Action Plan to Combat Trafficking (2012-2016)

This section examines *Canada's National Action Plan to Combat Human Trafficking* and the annual progress reports. It begins, however, by considering why culturally safe strategies are relevant for any and all prevention activities. Further, this section asks: what are Canada's prevention activities and strategies for combating trafficking of Indigenous women and girls?

5.1 Prevention Activities: Why Culturally Safe Strategies?

Due to the various faces of oppression, both historical and current, which contribute to heightened risks for Indigenous women and girls as victims of sexual exploitation and trafficking, there needs to be a greater commitment to culturally safe prevention strategies on a national level. Of course, to respect the idea of self-determination which Indigenous people command, the cultural prevention strategies should be led and tailored appropriately in Indigenous communities. The government and Indigenous leaders/experts need to be working together on this issue because of the need for a discussion on creating culturally safe strategies in the national plan, but what are they? The answer is ambiguous, and perhaps the new *National Action Plan* will shed more light on this issue.

One may wonder, why are culturally safe strategies needed? Cultural safe strategies refer to policies and services which develop with the needs and considerations of Indigenous peoples.²⁰⁶ These practices are critical because they seek to create a partnership and a two-way relationship.²⁰⁷

²⁰⁶ Brascoupe and Waters, p. 7.

²⁰⁷ *ibid.*, p. 16.

Another benefit of culturally safe strategies is that it takes into consideration the root causes and current contexts of a particular group. Approaches that include multiple members of the community, and not just the individual with the risk factors, are among best practices. Further, through a policy standpoint, culturally safe strategies and training not only support the particular culture at hand, but support the entire community to work together more efficiently.²⁰⁸ This may also be understood as an approach to breaking down visible and hidden oppression. Culturally safe strategies and behaviour are of utmost importance in trafficking prevention actions, as such an approach may support a significant change to get to the deeper root of problems and to bring to the surface visible or hidden oppression.

5.2 Overview of the *National Action Plan*

Canada had no national response to human trafficking before 2012. In this year however, the federal government implemented a *National Action Plan to Combat Human Trafficking* (2012-2016) within the Ministry of Public Safety.²⁰⁹ So far, there is no plan for 2017 and beyond, as Public Safety Canada is working on renewing it. The date on which it will be adopted and what may be within it is still unknown.²¹⁰

The *National Action Plan to Combat Human Trafficking 2012-2016* consists of 47 pages, most notably focusing on what human trafficking is and what Canada's response to it is. The plan's organisation follows that of the *Palermo Protocol*, thereby based upon the four Ps: prevention, protection, prosecution, and partnership.²¹¹ According to the Honourable Vic Toews, Minister of Public Safety, the intention behind the Action Plan was for it to be an extension of the government's commitment to human rights: "as part of our Government's

²⁰⁸ Brascoupe and Waters, p. 7.

²⁰⁹ Public Safety Canada, 2012.

²¹⁰ Public Safety Canada, *Public Safety Canada Departmental Plan 2017-18*, [website], 2017 (a), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/dprtmntl-pln-2017-18/index-en.aspx>, (accessed 10 July 2017).

²¹¹ Public Safety Canada, 2012.

longstanding commitment to protect the vulnerable, tackle crime and safeguard Canadians and their families in their homes and communities, we are taking action against these terrible crimes.”²¹² To implement this plan, Canada allocated a 25-million-dollar budget over the four years.

Canada has allocated a substantial amount towards combating human trafficking. Although “prevention” efforts are not directly described in the *Plan’s* budget, what is described as “awareness”, “research”, and “training”, are all activities related to prevention. The figure below shows the budget’s distribution among prevention activities:

Effort or Activity (Lead Organisation)	Government of Canada Investment 2012/13
Regional Coordination and Awareness (RCMP)	\$1,600,000
Awareness and Research (Public Safety Canada)	\$155,000
Training, Legislative Implementation, and Policy Development (Department of Justice Canada)	\$140, 000

Table 1- (Reproduced) Budget of Canada’s National Action Plan to Combat Trafficking that relates to prevention and awareness.²¹³

Furthermore, the budget allocated around \$1,895,000 of its \$6,000,000 each year. Thus, around 3.2 per cent is directed for prevention efforts in this plan. Specifically, from 2012-

²¹² Public Safety Canada, 2012.

²¹³ *ibid.*

2014, Public Safety Canada dedicated \$300,000 (i.e. \$150,000 per year over the two years) for a campaign to increase awareness of human trafficking to Indigenous communities.²¹⁴

In addition to this examination is the *Plan*'s prevention efforts. The *Plan* emphasises the following action highlights:

- Promote training for front-line service providers.
- Support and develop new human trafficking awareness campaigns within Canada.
- Provide assistance to communities to identify people and places most at risk.
- Distribute awareness materials at Canadian embassies and high commissions abroad.
- Strengthen Child Protection Systems within the Canadian International Development Agency's programs targeting children and youth.²¹⁵

These are all noteworthy efforts for prevention. Most relevant action for prevention of Indigenous women and girls is "providing assistance to communities at risk".²¹⁶ The next section examines the *Action Plan*'s efforts to prevent trafficking of Indigenous women and girls.

5.3 Analysis of the National Action Plan

5.3.1 Advantages of the Plan

It is important to critically reflect on the advantages of the Plan's prevention approaches. To begin, Canada is one of the first States that recognise the "fourth P" (i.e. partnership) in anti-human trafficking work.²¹⁷ This is critical for prevention strategies because partnership

²¹⁴ T. Grant, 'The Trafficked', *The Globe and Mail*, 10 February 2016, <http://www.theglobeandmail.com/news/national/the-trafficked-sexual-exploitation-is-costing-canadian-women-their-lives/article28700849/>, (accessed 9 May 2017).

²¹⁵ Public Safety Canada, 2012.

²¹⁶ *ibid.*

²¹⁷ *ibid.*

permits Indigenous communities and organisations to become involved in the process of knowledge exchange and informing policies.²¹⁸

One commitment of the *Plan* is that the RCMP will deliver training on human trafficking for criminal justice staff. Within this training, there is an element on the unique vulnerabilities of Indigenous women and girls, which is positive.²¹⁹ Although one may envision an independent agency better suited to do such training, due to the discriminatory treatment and distrust of police many Indigenous people experience, nonetheless it may be seen as positive. Further, a positive aspect of this *Plan* is that the State does in fact acknowledge that Indigenous women are a part of those citizens most vulnerable to trafficking.²²⁰ Recognising a violation can bring more attention to the issue and, if taken seriously, can be a positive place to start to address a problem.

In 2012, Public Safety Canada put forward a campaign for Indigenous youth. Together with Aboriginal Affairs and Northern Development Canada and the National Association of Friendship Centres, an awareness campaign on trafficking was implemented where the target audience was Indigenous youth.²²¹ The RCMP HTNCC executed this campaign, and their team distributed the ‘I’m Not for Sale’ campaign to Indigenous communities and groups throughout Canada.²²² According to the 2013-2014 *Action Plan’s* report on progress, “since 2011, approximately 2,100 toolkits and 880 Aboriginal specific posters have been distributed.”²²³ On the other hand, the Ontario Native Women’s Association (ONWA) report called “Sex Trafficking of Indigenous Women in Ontario”, mentioned that the deliverables

²¹⁸ Public Safety Canada, 2012.

²¹⁹ *ibid.*

²²⁰ *ibid.*

²²¹ Ontario Native Women’s Association, *Sex Trafficking of Indigenous Women in Ontario*, p. 11.

²²² Public Safety Canada, *National Action Plan to Combat Human Trafficking 2013-2014 Report on Progress*, [website], 2015, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt-prgrss-2014/index-en.aspx>, (accessed 10 July 2017).

²²³ Public Safety Canada, 2015.

of the campaign are unclear.²²⁴ ONWA expressed that the data available emphasises the material handed out and not that of actual measurable effects.²²⁵

In 2013, the *Nation Action Plan* collaborated with the NWAC to create a handbook called, “Our Spirits are Not for Sale: A Handbook for Helping Sexually Exploited Aboriginal Women and Girls”. One of the purposes of the guide is to provide information on sexual exploitation and sex trafficking to front-line workers who support Indigenous youth and women.²²⁶ An important aspect of the directory is its description of Indigenous women and girls risk factors to trafficking. The prevention strategies in the handbook appear to be vague and perhaps not specific to the group at hand, for instance:

Pimps and sex traffickers use isolation to trap women; build a support network in your community by identifying people you can trust and services that can help you with various needs like food, shelter, and employment supports.²²⁷

As the literature review showed, a lack of resources, a lack of employment opportunities, the prevalence of discrimination in various systems, and a general distrust of police, complicates such preventive measures. On the other hand, the manual’s best practices for front-line workers is based on extensive research from NWAC’s 2014 report called, “Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews: Final Report”. Below are some of the best practices determined:

- Implement cultural components as part of the healing process.
- Focus on building self-esteem.
- Include or connect to employment skills training, including soft skills (true recovery must include learning the skills necessary to make a living through alternate means).

²²⁴ Ontario Native Women’s Association, *Sex Trafficking of Indigenous Women in Ontario*, p. 11.

²²⁵ *ibid.*

²²⁶ Native Women’s Association of Canada, *Our Spirits are Not for Sale: A Handbook for Helping Sexually Exploited Aboriginal Women and Girls*, the Government of Canada, Ottawa, 2015, p. 1.

²²⁷ *ibid.*, p. 7.

- Invite input from program participants (Aboriginal women and girls exiting sexual exploitation) to determine program supports and processes (they should be viewed as collaborators in the services and healing processes rather than as passive recipients).²²⁸

In addition to these best practices and efforts, the 2015-2016 Annual Progress Report states that \$60,000 was given to Persons Against the Crime of Trafficking in Humans, Ottawa.²²⁹ The money from this went to support awareness of human trafficking in some Indigenous communities.²³⁰

5.3.2 Areas of Further Consideration

Despite mentioning Indigenous women in the “at risk” category, it does not explain why it is the case and confronts the historical and current violations they face. The *Action Plan* is unclear in how it will address the trafficking of Indigenous women and girls.²³¹ Under the “Human Trafficking in Canada” heading, Indigenous women, along with other “at-risk” persons, are noted as individuals with risk factors for this crime. As previously mentioned, this is positive as the State acknowledges that Indigenous women have unique vulnerabilities to this violation. However, there is no discussion of *why* these risk factors are occurring. The *Plan* does not explore the underlying root causes or how efforts can address this violation of this group.²³² In response, not all Indigenous organisations are convinced of the effectiveness of the *Action Plan* in dealing with the domestic trafficking of this group.²³³ In particular, the Ontario Federation of Indigenous Friendship Centres stated: “despite these efforts, a

²²⁸ Native Women’s Association of Canada, 2015, p. 18.

²²⁹ Public Safety Canada, *National Action Plan to Combat Human Trafficking 2015-2016 Annual Report on Progress*, [website], 2017 (b), <https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/ntnl-ctn-pln-cmbt-prgrss-2016/index-en.aspx>, (accessed 1 August 2017).

²³⁰ *ibid.*

²³¹ Bourgeois, p. 1432.

²³² R. Maynard, ‘Fighting Wrongs with Wrongs? How Canadian Anti-Trafficking Crusades Have Failed Sex Workers, Migrants, and Indigenous Communities’, *Atlantis (Critical Studies in Gender, Culture & Social Justice)*, vol. 37, no. 2, 2015, p. 43. Available from Atlantis (accessed 1 August 2017).

²³³ Ontario Native Women’s Association, p. 17.

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.”²³⁴

Within the *Plan*, there is a call to deliver training to various staff working on this issue, such as the justice system.²³⁵ On the website of the Department of Justice, there is a handbook titled, “A Handbook for Criminal Justice Practitioners on Trafficking in Persons”, which is to provide legal staff guidance on trafficking cases and issues.²³⁶ The noteworthy point is that the handbook does not discuss any unique vulnerabilities of Indigenous women and girls.

Further, under section 1.7 “Canada’s experience to date with Human Trafficking”, it describes Canada a destination country for human trafficking.²³⁷ Scholars like Sethi have argued against such descriptors and also understand Canada as a country of source.²³⁸ Moreover, the U.S. State Department’s Trafficking in Persons Report 2011, explained that Canada “is a source, transit, and destination country for men, women, and children subjected to trafficking and forced labour. Canadian women and girls, particularly from aboriginal communities, are found in conditions of commercial sexual exploitation across the country.”²³⁹ The Department of Justice’s handbook is not consistent with this evidence.

In relation to the *Plan*’s budget, actions to address the trafficking of this group are underfunded, especially considering the magnitude of the issue. In a *Globe and Mail*’s special investigation by Tavia Grant called, “The Trafficked”, contends that Indigenous women and girls are being exploited and not a lot is being done to counter this violation.²⁴⁰ Curiously,

²³⁴ Ontario Native Women’s Association, p. 17.

²³⁵ Public Safety Canada, 2012.

²³⁶ Department of Justice, 2016.

²³⁷ *ibid.*

²³⁸ Sethi, p. 57.

²³⁹ U.S. Department of State, *Trafficking in Persons Report 2011 – Country Narratives: Countries A Through F*, [website], 2011, <https://www.state.gov/j/tip/rls/tiprpt/2011/164231.htm>, (accessed 7 August 2017).

²⁴⁰ T. Grant, ‘The Trafficked’, *The Globe and Mail*, 10 February 2016, <http://www.theglobeandmail.com/news/national/the-trafficked-sexual-exploitation-is-costing-canadian-women-their-lives/article28700849/>, (accessed 9 May 2017).

the *Globe's* investigation notes that 90 per cent of the *National Action Plan's* efforts have been allocated to international trafficking efforts.²⁴¹ Consequently, “less than 10 per cent – up to \$500,000 a year administered by the Justice Department – has been devoted to victim support, and even that hasn't been entirely put to use.” As previously stated, from 2012-2014, Public Safety Canada spent \$300,000 on a campaign to raise awareness of trafficking among Indigenous people. Comparatively, in 2015 the *Plan's* Global Affairs sector spent “\$421,000 on strengthening institutions to combat human trafficking in Costa Rica.”²⁴² The *Plan's* actions to international efforts are commendable; however, in Canada, less than 10 per cent of the trafficking cases and situations are of foreign victims.²⁴³ Thus, the funding does not accurately reflect this reality and does minimal for Indigenous women and girls.

Next, regarding raising awareness, the government implemented a campaign executed by the RCMP called “I'm Not for Sale”, which included outreach to large Indigenous communities.²⁴⁴ There are challenges with the campaign's message. For instance, the campaign's brochure expresses that recruitment/recruiting is more of an *individual* characteristic: “**this can happen to anyone**”.²⁴⁵ The message the campaign's brochure conveys is that those vulnerable to trafficking, like Indigenous women and youth, should decide to walk away and say “no” to such abuse.²⁴⁶ This messaging is unconvincing as it assumes that the audience will be able to differentiate between a “healthy” relationship from an “unhealthy” one. Further, such a campaign fails to express that human trafficking is not an *individual* problem and that there are many underlying factors at work.²⁴⁷ For Indigenous

²⁴¹ Grant.

²⁴² *ibid.*

²⁴³ Public Safety Canada, 2012.

²⁴⁴ *ibid.*

²⁴⁵ Royal Canadian Mounted Police, *I'm Not for Sale – Youth Booklet* [website], 2012, <http://www.rcmp-grc.gc.ca/ht-tp/publications/booklet-brochure-youth-jeunes-eng.htm>, (accessed 5 July 2017).

²⁴⁶ Maynard, p. 48.

²⁴⁷ *ibid.*

women and girls, trafficking is a violation that is part of a larger problem – it is highly systemic, racialised, and gendered.²⁴⁸

5.4 Conclusion

Prevention strategies and programmes that are culturally safe for Indigenous women and girls are not easy to find. Although the *National Action Plan to Combat Trafficking in Persons* expresses culturally safe prevention strategies and should be implemented, there is a lack of information on said strategies. Perhaps the *2017 Action Plan* will have more details and actions about this serious matter. Thus far the new Liberal government has not made it clear what the future plans will be or if it will be an issue that is prioritised.²⁴⁹

The *National Action Plan to Combat Trafficking*, calls for more research on the trafficking of this group, implementation of an awareness campaign on trafficking, and a handbook for service providers who work in close collaboration with Indigenous youth. Beyond those activities, the *Plan* does not provide a deeper way of contributing to bottom-up programmes – the five faces of oppression are still present.

There is no doubt that Canada is fulfilling a side of their obligations through criminalising human trafficking as seen from its ratification of the *Palermo Protocol*, funding towards efforts to combat trafficking, and necessary human trafficking legislative administration. The government has demonstrated efforts towards this human rights issue. It is not that the government is fulfilling *no* action, rather the action is not making this a priority when the evidence suggests it should. The normalisation of violence against Indigenous women and discrimination by the criminal justice system arguably may be impeding Canada's action to provide significant action to prevent this violation. Facilitating the enjoyment of fundamental

²⁴⁸ Maynard, p. 48.

²⁴⁹ Grant.

human rights is an obligation Canada has for its citizens; it is failing Indigenous women and girls. Altogether this issue is running deep within the State and its complicity in this violation needs to be addressed.

Chapter 6: Outcome of Analysis – Discussion on Prevention Strategies

As shown above, there are challenges with *Canada's National Action Plan to Combat Trafficking* in addressing domestic trafficking of this group. This section provides research on elements to consider when creating prevention strategies for the domestic trafficking of Indigenous women and girls.

6.1 Raising More Than Awareness

Raising awareness is a critical aspect of human rights. The more one understands the power of human rights, the more one can understand one's own rights and the rights of others. There is no denying that raising awareness of sexual exploitation and human trafficking is a noble ambition, because without understanding an issue it can be left unaddressed.²⁵⁰ Additionally, talking about difficult topics, in turn, makes the discourse more reachable and understandable.²⁵¹ Similarly, raising awareness can promote discussion about difficult situations and educate people on topics that may affect them or others in their community in some capacity.²⁵² Evidently, raising awareness is a *good* thing and it is the first step in building upon effective strategies.

Interestingly, research has shown that individuals who are given information will not necessarily change their beliefs or behavior.²⁵³ This is a great concern if one believes Young's ideas of oppression to be correct, that oppression occurs within the actions and mindset of individuals at the societal level. Research instead found that "social change activists need to use behavioural science to craft campaigns that use messaging and concrete calls to action

²⁵⁰ The Glebe Counselling, *Why is Raising Awareness Important*, [website], 2016, <http://glebecounselling.ca/2016/11/raising-awareness-important/>, (accessed 25 July 2017).

²⁵¹ *ibid.*

²⁵² *ibid.*

²⁵³ A. Christiano, and A. Neimand, 'Stop Raising Awareness Already', *Sandford Social Innovation Review*, vol. 15, no. 2, 2017, p. 36. Available from ProQuest (accessed 15 July 2017).

that get people to change how they feel, think, or act, and as a result create long-lasting change.”²⁵⁴ This is suggested in Pierre Bourdieu’s body of academic work, which delineates that change is an external and internal act that alters the way one thinks, acts, and perceives.²⁵⁵ Change cannot happen without determination, clear vision, and acceptance by others.²⁵⁶

Arguably raising awareness of trafficking to Indigenous women and youth may only go so far. Indigenous women and girls risk factors are a consequence of the current State’s structural discrimination, colonial history, and, as realised, the different forms of oppression. If one considers the range of interconnected challenges Indigenous women and girls face, relying on awareness campaigns as prevention of this crime may be ineffective. Bourgeois explains, solving the trafficking of this group “will not only require addressing how the Canadian state is complicit in this violence but will also require dismantling the colonial domination which makes all of it possible.”²⁵⁷ With this in mind, not only do prevention strategies need to be culturally safe and precise, but those involved in such efforts need to be properly trained. One must accept that non-Indigenous people working in the criminal justice sector or in government offices working to combat trafficking, may also live with biases.

As pointed out earlier, Young maintains that individuals sometimes unintentionally reproduce oppressive behaviours without even being aware. Hence, such staff may also need to consider their own internalised biases and “reflect on how being brought up in a country within a colonial history” may affect their perceptions.²⁵⁸ Therefore, prevention activities cannot merely be awareness based; activities need to be an inclusion of confronting race and gender-based discrimination. Further, Mark Totten, an expert on Indigenous youth gangs in

²⁵⁴ Christiano and Neimand, p. 36.

²⁵⁵ W. Suntinger, ‘Human Rights from an Interdisciplinary Perspective’, University of Vienna, October 2015.

²⁵⁶ Suntinger.

²⁵⁷ Bourgeois, p. 1463.

²⁵⁸ A. Bowden, V. Caine and S. Yohani, ‘A Narrative Inquiry into the Experiences of Two Non-Aboriginal Counsellors Working with Aboriginal People’, *Canadian Journal of Counselling and Psychotherapy*, vol. 51, no. 1, 2017, p. 44. Available from ProQuest (accessed 10 July 2017).

Canada, states that one way of addressing sexual exploitation and trafficking of Indigenous girls and women is to create programmes which works to combat sexism and stereotypes that overtly sexualise girls.²⁵⁹ Furthermore, to effectively utilise prevention strategies, there needs to be a decolonisation process. The current oppressive dominant structure, both visible and invisible, requires significant restructuring if Canada wants to address this violation seriously.²⁶⁰

6.2 Prevention Programmes to Consider

This section explores a promising provincial prevention initiative in Ontario. Further, an Indigenous-led NGO in Manitoba provides a programme that has an objective to prevent sexual exploitation and trafficking of Indigenous children and youth. To frame this investigation, this section looks to answer: what is unique about the Indigenous-led NGO programme in Manitoba?

6.2.1 Ontario

The province of Ontario sees the bigger picture to the issue of trafficking of Indigenous women and girls, the need for partnership and Indigenous-led actions. The province of Ontario has taken it upon themselves to make this issue more visible. Recently, the Ontario Native Women's Association (ONWA) mentioned it would be leading Ontario's Indigenous Anti-Human Trafficking Liaisons programme.²⁶¹ Furthermore, this programme will be implemented in regions of the province where trafficking is known to occur at a heightened

²⁵⁹ M. Totten, 'Preventing Aboriginal Youth Gang Involvement Canada: A Gender Approach', *Aboriginal Policy Research Consortium International*, vol. 8, no. 8, 2010, p. 274. Available from Scholarship@Western (accessed 6 July 2017).

²⁶⁰ Bourgeois, p. 1463.

²⁶¹ Government of Ontario, *Ontario Strengthens Indigenous-Led Approaches to Support Victims of Human Trafficking*, [website], 2017, <https://news.ontario.ca/mcss/en/2017/02/ontario-strengthens-indigenous-led-approaches-to-support-victims-of-human-trafficking.html>, (accessed 10 June 2017).

level.²⁶² An active notion of this strategy is that ONWA and the government will be working together to create culturally safe services for trafficked Indigenous survivors.²⁶³ Among these actions, ONWA will assist Indigenous communities on building up necessary capacities to work to address this issue, coupled with research initiatives.²⁶⁴ Although the deliverable actions appear to be more focused on support and wrap around services for survivors of trafficking, this is still a step in the right direction.

6.2.2 Manitoba

The following section examines a prevention strategy that goes beyond mere awareness enhancement and appears to have a theory of change, meaning a methodology (objectives, tactics, evaluation) on how change will be accomplished.²⁶⁵ This is critical because a “theory of change helps ensure that your communications efforts are tied to overarching goals, not simply focused on promotion or awareness.”²⁶⁶

Tracia’s Trust, which is an initiative of the Manitoba government, helps to fund an exciting programme called *Restoring the Sacred*.²⁶⁷ The programme has been running for five years by Ka Ni Kanichihk²⁶⁸, a community based and a not-for-profit Indigenous-led organisation in Winnipeg, Manitoba.²⁶⁹ *Restoring the Sacred* is a culturally based programme for Indigenous youth.²⁷⁰ A philosophy that this programme was developed from is Dr Martin

²⁶² Government of Ontario.

²⁶³ *ibid.*

²⁶⁴ *ibid.*

²⁶⁵ Christiano and Neimand, p. 40.

²⁶⁶ *ibid.*

²⁶⁷ The name *Restoring the Sacred* refers to restoring the sacredness within Indigenous youth after the trauma and consequences of colonisation.

²⁶⁸ Cree language meaning: ‘Those Who Lead’

²⁶⁹ Ka Ni Kanichihk, *Programs – Restoring the Sacred*, [website], 2017, <http://www.kanikanichihk.ca/programs/restoring-the-sacred-rts/>, (accessed 15 June 2017).

²⁷⁰ *ibid.*

Brokenleg's Circle of Courage model, meaning that this model follows a Native American viewpoint on teaching and raising children.²⁷¹

Restoring the Sacred offers an innovative program for students aged 14-21, with the primary objectives of encouraging school attendance and building self-esteem.²⁷² Strengthening resilience to reduce victimisation (i.e. gang involvement, sexual exploitation, etc.) is one of the main goals.²⁷³ It should be noted that frequently Indigenous youth travel alone to the big cities in order to continue their education. Many students have limited options as their communities or reserves are not equipped with high schools, therefore this prompts many to relocate. A scary endeavour for many indeed. Obstacles along the way are a culture shock, lack of a social network, and discrimination.²⁷⁴ Altogether, these can be dangerous risk factors for a student. To counter these risk factors, staying in school means that their risk of becoming homeless, vulnerable to sexual exploitation, organised crime, or in extreme cases, death, will be reduced.²⁷⁵ Further, as mentioned earlier in this thesis, moving from north to south can increase vulnerabilities to sexual exploitation and trafficking, which this programme hopes to diminish by providing a safe space and opportunities. Ultimately this programme centers around creating an environment where students are more likely to be engaged, have the supports they need, and consequently are less likely to drop out of school.²⁷⁶ One aspect that is unique and culturally safe is its mentorship focus. Importantly, mentoring/mentorship is part of Indigenous culture and practices as mentors were used historically to facilitate knowledge sharing.²⁷⁷ Further, the activities in this programme

²⁷¹ Circle of Courage, *Our Philosophy*, [website] <http://www.circleofcouragenz.org/ourphilosophy.htm>, (accessed 15 June 2017).

²⁷² Ka Ni Kanichihk.

²⁷³ *ibid.*

²⁷⁴ Ka Ni Kanichihk.

²⁷⁵ *ibid.*

²⁷⁶ *ibid.*

²⁷⁷ *Mentoring Girls.*

include educational activities, social activities, recreational activities, and spiritual (i.e. cultural) activities.²⁷⁸

The evaluations and research on the programme are not available to the public; however, according to Ka Ni Kanichihk's available information, assessments have indicated positive results. This programme includes many critical aspects to make an effective prevention strategy. More importantly, the programme does not only focus on awareness. The programme combines resilience building with skills training and cultural programming. Furthermore, *Restoring the Sacred* gives insight into how Indigenous-led or collaboration prevention programmes can work to reempower Indigenous women and girls:

Elise RedBird (1995) explains that [Aboriginal women] need to speak of reempowerment from the perspective that the process of colonization, which subordinated us as Aboriginal women, has been a process of disempowerment. Reempowerment additionally implies rebuilding and reviving indigenous women's spiritual and cultural practices accompanied by healing.²⁷⁹

6.3 Future Directions for Prevention

The literature suggests that prevention activities and relevant policies should follow an approach that seeks to improve and influence various aspects of an individual's life. These strategies should go beyond simple dissemination of awareness. Instead, prevention programmes and applicable policies should work towards actively targeting root causes, stereotypes, and norms that may perpetuate this violation. To this end, there is not *one* risk factor, but rather a *multitude* of factors that exacerbate the vulnerabilities of trafficking of this group.

²⁷⁸ Ka Ni Kanichihk.

²⁷⁹ F. Bronwyn, 'Reempowering Ourselves: Australian Aboriginal Women', *Signs*, vol. 35, no. 3, 2010, p. 548. Available from JSTOR (accessed 19 July 2017).

Prevention efforts and strategies are no easy cause. However, it is clear more work must be done. Given the literature reviewed, various actions may support preventing trafficking of Indigenous women and girls, or at the very least, work towards improving their position in Canada. Below are some recommendations and ideas for future prevention strategies that may support a multi-layered approach to countering the issues reviewed in this thesis:

Taking Rights Seriously	<i>Rights of Indigenous Children</i> • Increasing the age of which a youth and young adult may stay in care. • Follow the Canadian Human Rights Tribunal's decision in order to improve the system and protection of Indigenous children. <i>Protection of Indigenous Human Trafficking Survivors and Sex Workers</i> • Appropriately providing supports to sex workers, exit-strategies, and protecting Indigenous sex workers rights. • While at the same time, providing prevention actions to Indigenous trafficked survivors. <i>Follow the Recommendations of the Upcoming Missing and Murdered Indigenous Women's Inquiry</i> • The inquiry's results and recommendations are yet to be determined. However, this inquiry should be monitored to better understand programmes resulting from this inquiry, which can support preventing trafficking of this group.
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	<i>Preventative before Reactive</i> • Increase budget and funding towards preventive measures for this group.
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Figure 2.1 Recommendations: Taking Rights Seriously

Beyond the Individual: Community Involvement	<i>Training and Deconstruction of Stereotypes</i> • Develop prevention programmes that seek to end violence, support healing of intergenerational abuse, and break down the legacy of silence. • Programmes and training to law enforcement (and other relevant staff) that address stereotypes of Indigenous women and is culturally informed. Such programmes should occur both in Indigenous communities and non-Indigenous communities. <i>Healthy Relationships</i> • Implement healthy relationship classes/programmes to teach youth what is and what is not healthy behaviour in relationships.
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Figure 3.1 Recommendations: Beyond the Individual

Empowering the Future	<i>Mentoring/Support Groups</i> • Look to create groups and other mentorship programmes that are similar to that of <i>Restoring the Sacred</i>.
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	• Within such programmes, create holistic activities and support systems that reduce Indigenous youth from dropping out of school. <i>Vocational and Skills Training</i> • To address the socio-economic inequalities between Indigenous and non-Indigenous people, programmes should include vocational skills training, skills training, and continued educational opportunities.
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Figure 4.1 Recommendations: Empowering the Future

Decolonisation Efforts	• Canada should continue to work to implement and encourage the TRCs 94 ‘calls to action’. • To improve the well-being and agency of Indigenous people, Canada should work to align the UNDRIP in the Canadian context. • When creating prevention programmes, it is imperative to incorporate Indigenous knowledge and perspective.
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Figure 5.1 Recommendations: Decolonisation Efforts

Chapter 7: Conclusion: This Is Not the End, It Is the Beginning

Domestic trafficking is a serious human rights violation and a particular concern for the protection of Indigenous women and girls. Exploring Indigenous women and girls risk factors for trafficking through Young's five faces of oppression, has exposed the complexities this group faces. Examining the question '*to what extent does Canada need a National Action Plan to Combat Trafficking that is Indigenous-led and specific for Indigenous women and girls?*' did not merely show that the current *Action Plan* is not doing enough for this group, it surfaced something much deeper. The trafficking of Indigenous women and girls is not restrained to *one* human rights violation but is linked to *many* violations. As evident in the literature, the risk factors of trafficking are a serious outgrowth of the many human rights violations Indigenous communities face. Consequently, Canada does not just have a problem preventing and protecting Indigenous women and girls from exploitative situations; it has failed in protecting Indigenous women and girls in general.

Preventing human trafficking of this group also supports the protection of their other fundamental human rights – women's rights, children's rights, anti-discrimination, and Indigenous rights. Despite the complexities, more funding, research, and action will overall positively support this group. Efforts, continuity, collaboration, and commitment to this cause is vital. Based on the present analyses, this thesis sees the potential for collaborative, multidimensional, and culturally safe approaches to address the potential causes and risk factors of this group.

There is no denying that due to the clandestine nature of this crime it is hard to address. Beyond that, there is no one solution to the issue of human trafficking faced by Indigenous women and girls. From this research, creating an Indigenous-led (or plan collaborated with Indigenous NGO's) *National Action Plan* that focuses on addressing the trafficking of Indigenous women and girls (or Indigenous persons) is convincing. Critically speaking,

perhaps even an Indigenous-led/collaborated *National Action Plan*, specifically created to combat the trafficking of Indigenous women and girls may not be enough as understood in the root causes. Nonetheless, having the government support and fund a National Indigenous-led or collaborated on an Action Plan to Combat Trafficking of Indigenous women and girls would send a critical message to society. Such a message would show that Canada is invested in more than raising awareness of this issue and will work towards supporting the empowerment of future Indigenous women and girls.

Overall, prevention approaches should be multi-layered and sustainable. In other words, singular workshops or awareness campaigns are less effective for tackling the problems at hand. For change to occur, risk factors, behaviours, and attitudes need revising. Prevention should support the growth of not only strong individuals but also communities. Prevention strategies do not only require well organised, evidence-based, collaborative, and culturally appropriate considerations, they need commitment at a local, provincial, and national level. The complexity of this issue was not raised to lose hope. Complexity means that there are many different ways an actor can work to solve the problem. Paradoxically, complexity and Young's five faces of oppression can make a human rights violation like this more manageable. Thereby, complexity opens a gateway for various actors to come together and work to solve the problem at hand – preventing the exploitation of Indigenous women and girls.

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Abstract

Indigenous women and girls are considered the most vulnerable group in Canada. Although Indigenous people living in Canada comprise of less than four per cent of the population, they are overrepresented in domestic trafficking. Their risk factors to trafficking are not of an individual cause, but that of sexism, colonial stereotypes, socio-economic factors, and overall, failure of protection from the Canadian state. Investigating trafficking of this group surfaces a grim reality – there is not *one*, but *multiple* violations surrounding this crime. Through a historical lens and examination of the current realities, this group faces both visible and hidden oppression. Canada has made positive efforts through acceding international standards on human trafficking and has aligned their *Criminal Code* accordingly. Further, Canada's commitment can be seen in its *National Action Plan to Combat Trafficking (2012-2016)*. Although the *Action Plan* acknowledges that this group is vulnerable to trafficking, the prevention strategies are lacking. Raising awareness is an important step in igniting discussions about a clandestine crime like this, however, to improve the lives of Indigenous women and girls and reduce their risk factors, it is not enough.

Key words: Canada – Canada's National Action Plan to Combat Trafficking – Domestic trafficking – Human trafficking – Indigenous Women and Girls – Oppression – Prevention – Sex trafficking

Abstract (auf Deutsch)

Indigene Frauen und Mädchen gelten als schutzbedürftigste Bevölkerungsgruppe in Kanada. Obwohl der Anteil der Indigenen an Kanadas Bevölkerung geringer als vier Prozent ist, sind sie als Opfer von innerstaatlichem Menschenhandel überrepräsentiert. Das erhöhte Risiko, Opfer von Menschenhandel zu werden, ist nicht individuell bedingt, sondern das Ergebnis von Sexismus, kolonialen Stereotypen, sozioökonomischen Faktoren und insgesamt fehlendem Schutz durch den kanadischen Staat. Die Untersuchung des Menschenhandels dieser Gruppe bringt eine düstere Realität ans Licht – dieses Verbrechen bringt nicht *eine*, sondern *mehrere* Rechtsverletzungen mit sich. Eine historische Betrachtung sowie die Untersuchung der aktuellen Gegebenheiten zeigt, dass diese Gruppe sowohl sichtbarer als auch verborgener Unterdrückung ausgesetzt ist. Kanada hat mit der Übernahme internationaler Standards in Bezug auf Menschenhandel und der entsprechenden Anpassung des *Strafgesetzbuches* positive Maßnahmen gesetzt. Kanadas Engagement zeigt sich außerdem in dem *Nationalen Aktionsplan zur Bekämpfung von Menschenhandel (2012-2016)*. Obwohl der *Aktionsplan* bestätigt, dass diese Gruppe besonders gefährdet ist, Opfer von Menschenhandel zu werden, fehlen die nötigen Maßnahmen zur Prävention. Bewusstseinsbildung ist ein wichtiger Schritt, um Diskussionen über ein verborgenes Verbrechen wie dieses anzuregen, aber, um das Leben von indigenen Frauen und Mädchen zu verbessern und die Risikofaktoren zu reduzieren, reicht dies nicht aus.

Schlüsselbegriffe: Kanada – Kanadas Nationaler Aktionsplan zur Bekämpfung von Menschenhandel – Innerstaatlicher Menschenhandel – Indigene Frauen und Mädchen – Unterdrückung – Prävention – Menschenhandel zum Zweck der sexuellen Ausbeutung