



This report has been prepared for consideration by the Standing Committee on Justice and Human Rights study on Human Trafficking in Canada in June 2018 by Heather Cameron, Policy Analyst, and Courtney Skye, Advisor.



Indigenous People in Ontario

In Ontario, Indigenous peoples comprise 2.4% of the total provincial population, comprising 22% of the total Aboriginal population of Canada. Like the rest of Canada, the Indigenous population of urban centres in Ontario varies; for example, according to the 2016 Census, Thunder Bay's Indigenous population is 12.7% of the total population whereas Toronto has a higher number of Indigenous people but they make up a lesser proportion of the total population.¹

Canada defines Aboriginal People within the Constitution of Canada and consist of three distinct groups: First Nations, Métis, and Inuit. First Nations people consists of two groups, status and non-status Indians, as defined by the *Indian Act*. Non-status people may have lost their status as a status Indian through enfranchisement, adoption, displacement, or sex-based discrimination in the *Indian Act*. There have been many ways since the establishment of the *Indian Act* that a person may have been able to gain status (e.g. a non-Indigenous woman marrying a Status Indian man would gain status as an Indian), lose status (e.g. a Status Indian woman marries a non-Indigenous man would lose her status), or regain status (e.g. through legal amendment). Currently, *Bill S-3, An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada*, seeks to end additional elements of discrimination in the *Indian Act*, but does not end all forms of discrimination.

First Nations women who married non-Indigenous men were no longer considered Status Indians and unable to access their rights or transmit their rights to their children. Women who were no longer considered Status Indians were displaced from reservations to urban communities where they faced violence and racism. The legacy of this legislation continues to directly connect to the current rates of violence experienced by First Nations women in Canada. The failure of Canada to fully amend the *Indian Act* and restore the rights of First Nations women is a serious human rights violation that has existed for decades. Because of this it is extremely difficult to enumerate the number of Indigenous people in Ontario, especially since national census taking excludes eight First Nations reserves in Ontario, including Six Nations of the Grand River, Canada's most populous First Nations community.

- Ontario has the largest Indigenous population in Canada (374,395).²
- There are 236,685 First Nations people in Ontario, which is an increase of 49% since

¹ Statistics Canada, 2017. Aboriginal peoples in Canada: Key results from the 2016 Census. <http://www.statcan.gc.ca/daily-quotidien/171025/dq171025a-eng.htm>

² Statistics Canada, 2016 Census of Population, Catalogue no. 98-400-X2016156



2006. Ontario also has the largest First Nation population in Canada.³

- There are 120,585 Métis people in Ontario, which is a 64% increase since 2006. In 2016, for the first time, Ontario had the largest Métis population in Canada.⁴
- There are 3,860 Inuit people in Ontario, which is a 90% increase since 2006. Inuit population represents 1% of the total Indigenous population in Ontario.⁵
- 5,725 Indigenous people identify as multiple Indigenous identities, and 7,540 identify as Indigenous identities not included elsewhere.⁶
- 85% (319,970) of the total Indigenous population of Ontario live off-reserve. 15% (or 54,425) live on-reserve.⁷

For greater clarity, the use of the term Indigenous in this report also includes 'non-status' and self-identified Indigenous people who may not have access to constitutionally defined rights as Aboriginal people.

Violence Against Indigenous Women

³ Statistics Canada, 2016 Census of Population, Catalogue no. [98-400-X2016156](#); Statistics Canada, 2006 Census of Population, Catalogue no. [97-558-XCB2006011](#)

⁴ Statistics Canada, 2016 Census of Population, Catalogue no. [98-400-X2016156](#); Statistics Canada, 2006 Census of Population, Catalogue no. [97-558-XCB2006011](#) This data should be read and interpreted with caution, keeping in mind the methodological questions raised by the Métis National Council (as referenced in the data limitations, caveats and considerations section of this document).

⁵ Statistics Canada, 2016 Census of Population, Catalogue no. [98-400-X2016156](#); Statistics Canada, 2006 Census of Population, Catalogue no. [97-558-XCB2006011](#) This data should be read and interpreted with caution, keeping in mind the methodological questions raised by Tungasuvvingat Inuit (as referenced in the data limitations, caveats and considerations section of this document).

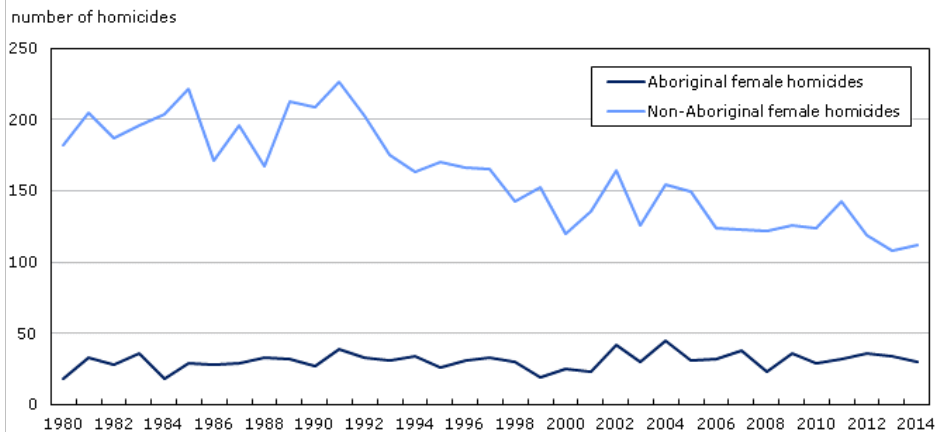
⁶ Statistics Canada, 2016 Census of Population, Catalogue no. [98-400-X2016156](#). '[Multiple Aboriginal responses](#)' includes persons who are any two or all three of the following: First Nations (North American Indian), Métis or Inuk (Inuit). '[Aboriginal responses not included elsewhere](#)' includes persons who are not First Nations (North American Indian), Métis or Inuk (Inuit), but who have Registered or Treaty Indian status and/or Membership in a First Nation or Indian band.

⁷ Statistics Canada, 2016 Census of Population, Catalogue no. [98-400-X2016164](#)



Indigenous women have long been uniquely impacted by colonial laws, policies and practices that distinctly impact them based on their gender. For example, the *Indian Act* legislated that only Indian men could hold political positions⁸. This was in contrast to traditional systems of

Number of female homicides, by Aboriginal identity, Canada, 1980 to 2014



Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

governance which held particular space for the perspectives and authority of Indigenous women. Direct links have been drawn between the disproportionate rates of violence that Indigenous women continue to face today and the paternalistic policies emerging from colonization that both shifted and disrupted gender-based roles and responsibilities⁹. Indigenous women in Canada experience higher than average rates of violent victimization including homicide¹⁰, sexual assault¹¹ and family violence¹².

Between 1980 and 2014 police services in Canada reported 1,073 Aboriginal female victims of homicide (Miladinovic & Mulligan, 2015). Over this period of time, it is demonstrated that Indigenous women account for an increasing proportion of the total number of female victims of homicide in Canada, while overall non-Indigenous women have been made safer. The Ontario Native Women's Association believes that this is because efforts aimed to address and prevent violence against women fails to address the true causes of violence against Indigenous women which are rooted in colonialism. For Indigenous women to be made safer, special attention must be paid to affirming their rights as women and as Indigenous people.

⁸ For more information, see Ontario Native Women's Association, 2017. Position Paper: Ontario Native Women's Association – Senate Committee on Aboriginal Peoples Amendment to Bill S-3. <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14698-eng.pdf>

⁹ Ontario Native Women's Association. 2016. Sex Trafficking of Indigenous Women in Ontario. <http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>

¹⁰ Statistics Canada. 2016. *Homicide in Canada, 2016*. <https://www.statcan.gc.ca/daily-quotidien/171122/dq171122b-eng.htm>

¹¹ Statistics Canada, 2014. *Self-reported sexual assault in Canada, 2014*. <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>

¹² Burcycka, M. and Conroy, S. 2017. *Family Violence in Canada: A statistical profile, 2015*. <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14698-eng.pdf>



Human Trafficking of Indigenous Women in Ontario

Human Trafficking is legally defined in the Criminal Code: 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 offense¹³. Ontario has been identified as one of the major hubs of human trafficking in Canada¹⁴ and within Ontario, there are also identified hubs of Human Trafficking, including Greater Toronto Area, Thunder Bay, Windsor, Ottawa and the remote north.

Ongoing colonialism, racism and marginalization is the root of the vulnerability of Indigenous women and girls to human trafficking¹⁵. In research and literature on human trafficking in Canada, it is acknowledged that Indigenous women are overrepresented as survivors of human trafficking and sexual exploitation¹⁶. This is despite there being an overall lack of substantive statistics on the scope and prevalence of human trafficking in Canada, for reasons including “the clandestine and underground nature of this violence, the regularity of underreporting by victims (due to fear and coercion), the movement of trafficked individuals, and the lack of focus and clear understanding of the violence of human trafficking – particularly the Canadian political pattern of highlighting international trafficking while deemphasizing domestic trafficking”¹⁷. Research in 2005 indicated that “a majority of people trafficked within Canada are Aboriginal women and children”¹⁸. This finding was particularly high given the proportion of Indigenous people in the Canadian population. More recent research out of Persons Against the Crime of Trafficking in Humans (PACT) in Ottawa highlights that the majority of human trafficking cases are domestic within Canada and that Indigenous people and youth are particularly vulnerable to human trafficking. In addition, the report highlights that Indigenous

¹³ Criminal Code of Canada.

¹⁴ RCMP, 2013. Domestic Human Trafficking for Sexual Exploitation in Canada.

http://publications.gc.ca/collections/collection_2014/grc-rcmp/PS64-114-2014-eng.pdf

¹⁵ Bourgeois, R. 2015. Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada. UCLA Law Review. https://www.uclalawreview.org/wp-content/uploads/2015/08/Bourgeois-final_8.15.pdf

¹⁶ RCMP, 2013. Domestic Human Trafficking for Sexual Exploitation in Canada.

http://publications.gc.ca/collections/collection_2014/grc-rcmp/PS64-114-2014-eng.pdf

¹⁷ Bourgeois, R. 2015. Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada. UCLA Law Review. https://www.uclalawreview.org/wp-content/uploads/2015/08/Bourgeois-final_8.15.pdf

¹⁸ Oxman-Martinez, J., M. Lacroix and J. Hanley (2005). Victims of Trafficking in Persons: Perspectives from the Canadian Community Sector. Ottawa: Justice Canada. http://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/rr06_3/rr06_3.pdf



women are more vulnerable to trafficking because they are “disproportionately affected by poverty, racism and marginalization, leaving them increasingly vulnerable”¹⁹.

The Organization for Security and Cooperation in Europe (OSCE), which Canada is a party to, also highlights the increased risk of trafficking along migration routes. The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings states that trafficked people “often do not speak the language, are unaware of their rights, are deprived of their documents, and depend heavily on their exploiters for food and lodging, as well as for making contact with the outside world. They are not free to leave, as they have no real and acceptable alternative but to submit to exploitation.”²⁰ The forced movement of Indigenous peoples from remote communities to urban centres in order to flee violence, access medical treatment, or obtain secondary and post-secondary education, are all state enforced circumstances which require the migration of Indigenous peoples, increasing their risk of exploitation. This risk is unique to Indigenous people from remote and far North communities who do not have reliable access to basic resources in their home communities. Article 25 of the Universal Declaration of Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of [him]self and [his] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”²¹

UNDRIP affirms that “States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination” (Article 22, 2)²². Ensuring the safety of women and their children requires a focus on keeping families together and supporting their needs. The United Nations Convention on the Rights of the Child states that governments must respect the responsibility of parents for providing supervision to their children and it places an obligation

¹⁹ PACT Ottawa. 2014. Local Safety Audit Report: Towards the Prevention of Trafficking in Persons and Related Exploitation in the Ottawa Area. http://www.pact-ottawa.org/uploads/7/6/4/6/7646662/impact_report_final_03182015.pdf

²⁰ Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. 2016. <https://www.osce.org/secretariat/74755?download=true>

²¹ United Nations. 1948. *The Universal Declaration of Human Rights*. <http://www.un.org/en/universal-declaration-human-rights/>

²² United Nations. 2008. *United Nations Declaration on the Rights of Indigenous Peoples*. http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf



on governments to provide support services to parents to do so (Article 18)²³. “Governments should help families and guardians who cannot afford to provide [an adequate standard of living], particularly with regard to food, clothing and housing” (Article 27). Apprehensions of children cannot be based on income level or culture. Article 35 states that the government has a responsibility to ensure that children are not abducted, sold or trafficked.

Human Trafficking and Missing and Murdered Indigenous Women

While there is a National Public Inquiry on Missing and Murdered Indigenous Women and Girls, action to affirm the human rights of Indigenous women and girls, especially to address the most violent impacts of systemic marginalization, must be acted upon immediately. Strategic alignment of this initiative with the findings of the National Inquiry is required, but not at the expense of delaying the supports needed by women and girls. The Interim Report of the National Inquiry acknowledges that the Inquiry has heard the about the connections between sex trafficking and MMIWG, particularly as they relate to resource extraction²⁴. Indigenous women and girls in Canada are more likely to be murdered and have continuously represented a disproportionate number of the missing and murdered women in Canada.

ONWA’s Experience on Human Trafficking of Indigenous Women

Since 2012, ONWA has engaged with women who have lived experienced of human trafficking to honour their voices and recognize the expertise of survivors and build a knowledge base of survivor experiences and needs. ONWA’s formative work in addressing trafficking of Indigenous women and girls points to the root causes of the exploitation of Indigenous women, including pervasive racist and sexist stereotypes and the normalization of colonial violence²⁵. ONWA’s strengths-based perspective on addressing violence against Indigenous women, including human trafficking of Indigenous women and girls, prioritizes survivor-led advocacy and seeks legislative, policy, and program reformation to ensure safety of Indigenous women. Women who have survived human trafficking should be empowered to inform strong policy

²³ United Nations. 1989. Convention on the Rights of the Child.
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

²⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls. 2017. Interim Report: Our Women and Girls are Sacred. <http://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report-revised.pdf>

²⁵ Ontario Native Women’s Association. 2016. *Sex Trafficking of Indigenous Women in Ontario*.
<http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>



development and mechanisms should be implemented to ensure that survivor expertise is heard. This survivor engagement and expertise has allowed ONWA to make effective recommendations on policy development, as well as program design, delivery and evaluation.

In 2016, ONWA published *Sex Trafficking of Indigenous Women* which called for the Ontario government to implement a provincial strategy to address trafficking of Indigenous women²⁶. Since this time, the province has implemented *Ontario's Strategy to End Human Trafficking*²⁷, part of which focuses on the need to address the trafficking of Indigenous people in the province. Under this strategy, ONWA has taken the lead in the *Indigenous Anti-Human Trafficking Liaison (IAHTL) Project*, which positions IAHT Liaisons throughout the province in identified hubs of high Indigenous human trafficking activity. In 2017-2018, the IAHTL project completed the first large-scale Indigenous engagement process in Ontario. There were over 3360 community participants engaged and over 250 self-identified as Indigenous survivors of human trafficking. Recommendations from this process include ensuring the safety of Indigenous women and girls through the creation of interventions that meet survivor needs through culture-based and trauma-informed practices²⁸. The IAHT Liaison Project's environmental scan of services found that 80% of all existing services in Ontario available to human trafficking survivors are crisis services²⁹.

ONWA has also undertaken a Community Services project – *The Aakode'ewin Courage Program* for survivors of human trafficking that is currently operating in Thunder Bay, ON and will expand to Sudbury, ON. The Aakode'ewin program is survivor-led and ensures that survivor voices are paramount to the design and delivery of community supports and services that aim to ensure the immediate safety of Indigenous women and girls who work in the sex trade or are experiencing human trafficking. Culture is at the centre of all of the work that ONWA does and Indigenous survivors of trafficking have made clear that cultural practices and culture-based supports are central to a healing journey.

Recommendations

²⁶ Ontario Native Women's Association. 2016. *Sex Trafficking of Indigenous Women in Ontario*. <http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>

²⁷ Ontario Ministry of Community and Social Services. 2017. *Ontario's Strategy to End Human Trafficking*. <https://www.mcscs.gov.on.ca/en/mcscs/programs/humantrafficking/index.aspx>

²⁸ Ontario Native Women's Association. Forthcoming report. *Indigenous Anti-Human Trafficking Liaison Project Report*.

²⁹ Ontario Native Women's Association. Forthcoming. *Indigenous Anti-Human Trafficking Liaison Project Report*.



ONWA has a mandate to empower and support Indigenous women, and central to this a focus is on ensuring the safety of Indigenous women from violence. Indigenous survivors of human trafficking have human rights that need to be affirmed, and foundational to these rights are the need for housing and safety. Canada's federal government has responsibilities to First Nations, Metis and Inuit peoples in Canada and central to these responsibilities is to ensure that Indigenous women and girls live free from violence. Therefore, based on ONWA's expertise in addressing violence and human trafficking, the following recommendations are put forth:

1. **Amended Bill S-3 to eliminate all forms of sex-based discrimination in the *Indian Act***

The *Indian Act* reinforces colonialism and is foundational to the high rates of violence experienced by Indigenous women and their children in Canada. Ending discrimination in the *Indian Act* is a necessary measure to ensure that women's human rights are affirmed.

2. **Improved Data Collection on Human Trafficking of Indigenous Peoples in Canada**

The lack of reliable data on the scope and prevalence of human trafficking of Indigenous people in Canada poses challenges in designing policy and programs to both prevent and address human trafficking. Research on human trafficking can be difficult because of the complex nature of the crime and the fear that survivors may have of reporting their experiences to authorities, however, reliable disaggregated data is necessary to allow policy makers, law enforcement and survivor advocacy groups to design and implement effective responses to this issue. Collaborative mechanisms must be put into place to allow for provincial and national data collection on the human trafficking of Indigenous peoples that balances the privacy of survivors who access services with data collected by the legal system.

3. **Implement sustainable programs and services that address survivor-specific needs, including Wrap-Around 24 hour Services for Human Trafficking across the country**

In ONWA's engagements with survivors, it was made clear that services for human trafficking survivors need to be specific and specialized. Short-term pilot projects are ineffective to meet the long term needs of survivors of human trafficking and sexual exploitation. Survivors of human trafficking are experiencing violations of their basic human rights and measures need to be put in place to affirm their rights. Services need to be accessible across the country, so that survivors are able to meet their basic needs and ensure their safety, no matter where they live. Indigenous survivors in Ontario have emphasized that their first experience reaching out for support had an impact on whether



they exited or not³⁰. Services aimed at women, including women's shelters focussed on domestic violence, often do not meet the particular needs of women who have been trafficked. Specialized staff must provide trauma-informed care with an understanding of sexual exploitation and the realities of women who are trafficked. Services must be provided in a non-judgemental way and survivor perspectives and expertise should inform the development, implementation and evaluation of services.

4. Creation of Indigenous healing centres addressing identity, culture, addiction, mental health and healing; ensuring that funding for Indigenous-specific and culture-based programs and services goes to Indigenous agencies only

Indigenous people have the right access culture-based services and programs and guaranteeing that these programs are delivered by Indigenous organizations will ensure that these programs are appropriate and effective in healing. Programs and services for Indigenous survivors must be rooted in Indigenous practices, including the availability of traditional counselling, ceremony, land-based healings and traditional teachings. The United Nations Declaration on the Rights of Indigenous Peoples affirms the right to maintain and strengthen social and cultural institutions (Article 5)³¹. Furthermore, UNDRIP upholds the right of Indigenous peoples to practise, develop and teach spiritual traditions and ceremonies as well control ceremonial objects (Article 12)³². Indigenous organizations have a right to deliver culture-based and Indigenous-specific programs and services to Indigenous people that is affirmed by UNDRIP. Crisis-based services are part of what are needed for human trafficking survivors alongside long-term supports in place that support survivors along a continuum of healing.

5. Create specialized trauma-informed victims services for survivors who appear in court

When charges are laid against a trafficker, survivors need to be supported by specialized, trauma-informed services. Survivor safety must be prioritized throughout legal processes, including protecting survivors from re-victimization in providing witness testimony.

6. Address Child Welfare Issues including overrepresentation of Indigenous children in the care of Child Welfare Agencies

Connections have been drawn between risk factors for human trafficking and child welfare

³⁰ Ontario Native Women's Association. Forthcoming. Indigenous Anti-Human Trafficking Liaison Project Report.

³¹ United Nations. 2008. *United Nations Declaration on the Rights of Indigenous Peoples*.

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

³² Ibid.



involvement³³. Children and youth in care are more vulnerable to human trafficking for various reasons, including “their potentially unstable living situations, physical distance from friends and family, traumatic experiences, and emotional vulnerability”³⁴. Efforts to truly reduce the vulnerability of Indigenous women and girls to human trafficking must also address the disproportionate involvement of child welfare agencies in the lives of Indigenous mothers and the high rates of apprehension of Indigenous children.

Ontario Native Women’s Association

The Ontario Native Women’s Association (ONWA) is a not for profit organization that seeks to empower and support all Indigenous women and their families in the province of Ontario through research, advocacy, policy development and programs that focus on local, regional and provincial activities. Our vision is to be a unified voice for equity, equality and justice for Indigenous women through cultural restoration within and across Nations.

Established in 1971, ONWA delivers culturally enriched programs and services to Indigenous and their families regardless of their status or locality. We are committed to providing services that strengthen communities and guarantee the preservation of Indigenous culture, identity, art, language and heritage. Ending violence against Indigenous women and their families and ensuring equal access to justice, education, health services, environmental stewardship and economic development, sit at the cornerstone of the organization. ONWA insists on social and cultural wellbeing for all Indigenous women and their families, so that all women, regardless of tribal heritage may live their best life.

³³ Sethi, A. 2007. Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implementations. *First Peoples and Family Review*” *A Journal on Innovation and Best Practices in Aboriginal Child Welfare Administration, Research, Policy and Practice* 3(7). <http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/viewFile/50/88>

³⁴ Child Welfare Information Gateway. 2017. Human Trafficking and Child Welfare: A Guide for Caseworkers. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.