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#AmINext?

A discussion on the sexual violence and trafficking of Aboriginal women in Canada and the link to domestic extractive industries

A Thesis submitted in partial satisfaction of the

requirements for the degree of Master of Arts

in Global & International Studies

by

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June 2015

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Eve Darian-Smith, Committee Chair

May 2015

ABSTRACT

#AmINext?

A discussion on the sexual violence and trafficking of

Aboriginal women in Canada and the link to domestic extractive industries

By

Marissa Jean Taggart

Human trafficking is a global issue, one to which Canada is not immune. I argue that there is a poorly recognized relationship between the vulnerability to violence and trafficking of Aboriginal women in Canada and the domestic extractive industries of Canada, alleging that extractive industries are a source of sexual violence against Aboriginal women and a risk factor for sexual violence and human trafficking. I believe that further research and in-depth analysis needs to be conducted concerning the oppression of Aboriginal women and the reasons why they are at heightened risk to sexual violence and trafficking. By investigating the underlying factors and manner by which these three typically separate elements – Aboriginal women in Canada, sexual violence and human trafficking, and extractive industries - intersect and perpetuate one another, I draw attention to an under-acknowledged issue facing a deeply marginalized population.

To frame my discussion, I use a critical global studies perspective as well as the work of Native American scholar Andrea Smith, who argues that sexual violence is a tool of patriarchy, colonialism, and racism by which certain people (i.e.

Aboriginal women) become marked as “inherently rapable”. As such, issues of colonial, race, and gender oppression intersect and cannot be studied separately.

I employ a qualitative approach, drawing on current literature discussing colonization, sexual violence, human trafficking, Aboriginal populations in Canada, and extractive industries. My discussion, based on an analysis of the information collected through archival research, is divided into three large sections: (a) an in-depth discussion concerning the overlap between colonialism, violence, and extraction, and how gendered oppression and sexual violence have migrated from colonialism to present day extractive industries; (b) an exploration of how the “ideal victim” archetype, when coupled with racism, stereotypes, and social constructions of vulnerability, undermines the experiences of Aboriginal women who are consequently re-victimized by the legal institutions and society, made invisible, and deemed unworthy of any recourse (c) an investigation into the role of culture, firstly by considering how the destruction of Aboriginal culture was an assault on their identity, self-esteem, self-perception, values, and overall well-being and secondly, by exploring how the patriarchal, hypermasculine culture, found both within the broader Canadian society but also within extractive industries, plays a role in facilitating violence and indifference towards Aboriginal women.

I conclude by recommending mitigation strategies to address the risks faced by Aboriginal women and their communities. A multi-system approach targeting sexual violence, racism, and poverty (among others) is necessary for success - hence my suggestions range from actions on the part of Aboriginal communities to actions at the legal, national, and international levels.

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Introduction

> "*They don't even have a name for it in Inuktitut but a new study says human trafficking of Inuit women and girls is an alarming trend that must be tackled. There are reports of [Inuit and Aboriginal] families approached to sell [their] babies…and Aboriginal youth between 11 and 14 lured with free trips south and then trafficked for sex.*"[1]

Aboriginal[2] populations typically constitute one of the most vulnerable groups, both globally and in Canada, as they often live in remote, isolated, and highly impoverished communities. Because of these conditions, "their exposure to risk factors is often much greater than non-Aboriginal populations. Hence, their risk of exploitation is much higher."[3] There are numerous cases domestically and globally that could be used to highlight the violence perpetrated against Indigenous populations. One example is "The Highway of Tears", a stretch of highway between Prince George and Prince Rupert in British Columbia, Canada that between 1969 and 2011 involved a series of unsolved disappearances and murders of women, mainly of Aboriginal status.[4] Another example is the trafficking of Aboriginal women

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[1] Kristin Nelson, Peter Mitton and Naheed Mustafa, "Human trafficking of Inuit women and girls has become an open secret in Canada's North". *The Current, CBC Canada*. February 4, 2014. Web. Accessed February 26, 2014. http://www.cbc.ca/thecurrent/episode/2014/02/04/human-trafficking-of-inuit-women-and-girls-has-become-an-open-secret-in-canadas-north/

[2] Throughout this document, "Aboriginal", "First Nations", "Indigenous", and "Native" may be used interchangeably. At points there are also references to "Métis" and "Inuit". While these terms are used to include all peoples of Aboriginal heritage, it is important to note that First Nations are legally a unique group within Canada. Within the Canadian Constitution, Aboriginal peoples are recognized as First Nations, Inuit, and Métis.

[3] Helen Roos, "Phase 1 - Service and Capacity Review for Victims of Sexual Exploitation and Human Trafficking in Nunavut". *Department of Justice Victim's Fund*, 2013. Accessed November 11, 2014, p. 38. http://ccrweb.ca/en/service-and-capacity-review-nunavut

[4] Lyndsie Bourgon, "As murder and disappearances mount, Canadian women ask: 'Am I next?'", *The Guardian*. September 27, 2014. Web. Accessed November 12, 2014. http://www.theguardian.com/world/2014/sep/27/canada-aboriginal-women-missing-fontaine-am-i-next

from Thunder Bay, Ontario to Duluth Port, Minnesota via US ships.[5] Despite the prevalence of these crimes, it seems as though little is being done in the way of recourse for these women.

Of late there has been increasing awareness of the sexual violence against, and trafficking of, Aboriginal women. Historically speaking, Canada has an abhorrent record regarding its treatment of Aboriginal populations that unfortunately continues today. The lack of regard towards Aboriginal populations helps foster the very conditions (such as poverty, substance abuse, and systemic racism) that give rise to youth and adults vulnerable to human trafficking and sexual violence. Victor Malarek, a Canadian investigative journalist and author, notes that, "where vulnerable youth and adults need money or goods in exchange to survive, they will be regarded, treated, traded and used as common commodities."[6]

Oftentimes, those who are trafficked or victims of sexual violence have a history of engaging in illegal activities (drug use, criminal acts), are vulnerable (insecure, poor social skills, low self-esteem, impoverished, runaways, minority population), and are harder to reach through system-based services which collectively push these individuals to the fringes and make them perfect targets for exploitation.[7] In isolated regions, where Aboriginal communities and extractive industries typically reside, crime is high but reporting is low, which provides an ideal

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[5] "Native Canadian women sold on U.S. ships, researcher says". Huffington Post. August 21, 2013. Web. Accessed November 11, 2014. http://www.huffingtonpost.ca/2013/08/21/native-sex-slavery-canada-us_n_3790294.html

[6] Victor Malarek. *The Johns: Sex For Sale and the Men Who Buy It.* Toronto, ON. 2011 as referenced in Roos, *Phase 1*, 15.

[7] Roos, *Phase 1*, 19.

environment for domestic trafficking and sexual violence. It also poses a challenge for authorities and scholars to research, investigate, and prevent this crime. In an effort to raise awareness of the pervasiveness of sexual violence against and trafficking of Aboriginal women, I have chosen to research, analyze, and better understand why this happens and why it continues to go unabated.

Figure 1. Highway 16, also known as the "Highway of Tears", due to the many Aboriginal women who have gone missing along this road. Photograph: Lyndsie Bourgon, "As murders and disappearances mount, Canadian women ask: Am I Next?", The Guardian. September 27, 2014.

The scope of this thesis will be limited to the sexual violence against, and trafficking of, Aboriginal women in Canada and the link to domestic extractive industries. By investigating the underlying factors and manner by which these three typically separate elements – Aboriginal women in Canada, sexual violence and trafficking, and extractive industries – intersect and perpetuate one another, I am drawing attention to an under-acknowledged issue facing a deeply marginalized

population. I fully recognize that sexual violence and human trafficking exist in many forms, occur in various other regions exposed to similar concerns, and within other vulnerable populations. Throughout my thesis I try to highlight this diversity via reference to similar cases happening elsewhere in the world, such as Australia, New Zealand, and the United States. My thesis is intended to be representative insofar as it captures the essence of the issue, with the realization that each region has its own distinctions. In no way am I trying to speak on behalf of all Aboriginal women but merely offer a snapshot of an often overlooked issue.

Furthermore, while I am only examining a specific case of violence as it relates to extractive industries in Canada, I recognize that there are various natures to the violence associated with extractive industries. I have narrowed my focus in an effort to highlight an issue within Canada that typically goes overlooked and unseen. Violence and extractive industries take different forms and are shaped by the context in which they occur. Because of this, I do make brief references to cases elsewhere (such as in Africa) merely to demonstrate main patterns and connections between these two elements. Thus, my intention is simply to make the point that regardless of location and contextualizing factors, there is an association between violence and extractive industries.

(i) Analytical Approach

I employ a critical global studies perspective that enables me to explore a local issue and map it to wider global processes and interactions. As articulated by Mark Juergensmeyer, this approach promotes a transnational understanding of events, ideas and trends, emphasizing that what appears local can actually be

indicative of wider global processes. For instance, though my discussions on human trafficking, sexual violence and colonialism are focused on the national scale, they are but a microcosm of larger, international problems that stretch well beyond the confines of one particular nation state's boundaries, government, or cultural customs. For instance, an example outside of Canada is the colonization of Australia and resulting "Stolen Generation", where thousands of Indigenous children were forcibly removed from their homes, never to return. Many of the same problems that Canadian Aborigines face plague Australian Indigenes, as well as Indigenous groups in the United States, New Zealand, and elsewhere. Understanding the factors that contribute to the marginalization of specific communities (i.e. Aborigines) will aid in understanding why they are targeted and where change needs to be made. Thus by examining a local issue in such depth, I am able to draw parallels between, and explore the implications for, the local, regional, national, international, and wider global contexts.

A critical global studies perspective also encourages an interdisciplinary approach, as all phenomena possess elements that are economic, political, social, cultural, environmental, and historical. This thesis employs the multidimensional and interdisciplinary approaches that must be taken with global issues when trying to understand, research, and find solutions for them. Issues as complex as human trafficking and sexual violence and the connection to extractive industries cannot be neatly compartmentalized, but instead must be approached as an integrated dynamic system with multiple moving parts. It is crucial to understand the continuity and connections that exist across space, time, and between events. For instance,

colonial history plays a considerable role in the trafficking of Native women in Canada, as it does in other countries with colonial legacies (i.e. USA, Australia, New Zealand). Similarly, other significant and interrelated factors include economic development, cultural attitudes, and patriarchal gender violence, which we can see intersect and reinforce each other in extractive industries. An interdisciplinary, global synthesis of this kind offers powerful analytical tools as well as encourages new approaches and new solutions (including policy and political) to these problems.

As noted above, colonialism is critical to understanding activity (i.e. economic, political, social, cultural) that exists in the 21st century. Without it, it would be impossible to fully grasp contemporary patterns of activity, both in Canada and more globally. Therefore, a critical global studies perspective must be both historical and contemporary. I constantly move between past, present, and future precisely *because* the present and future reflect the past, and the past holds implications for the present and future.

Finally, a critical global studies perspective endeavors to address how issues, activities, and history are viewed differently depending on position, be it geographically, socioeconomically, or culturally, ethnically, and racially. I am studying the most marginalized group within Canada: Aboriginals, or to be more specific, Aboriginal women. As such, I try to incorporate their voices and perspectives to avoid “speaking for them” but also to empower, respect, and learn from their experiences. A critical global studies perspective recognizes the voices of

those marginalized communities and brings them to the forefront, thereby allowing full engagement and critical consideration of their perspectives.[8]

In addition to this critical perspective, throughout my thesis I also draw upon the work of Andrea Smith and her book *Conquest: Sexual Violence and American Indian Genocide*. As a recognized Native American scholar and co-founder of INCITE! Women of Color Against Violence, Smith challenges long-held conventions and aims to create viable alternatives to state-based "solutions". Smith focuses on the impact of sexual violence on Native American women, placing them at the center of her analysis. She expands traditional concepts of violence to include population control, appropriation of Native American cultural practices, and environmental racism. Her objective is to draw connections amongst the high rates of violence against Native American women, historical and contemporary colonialism, and her expanded conception of what violence truly entails.

It is because of Smith's arguments (which I will elaborate on shortly) that I have brought her work into my thesis, in addition to the critical global studies perspective: I want the reader to fully grasp the deep relationships that exist amongst the various facets I am focusing on. I was strongly influenced by Smith's focus on sexual violence against Aboriginal women, historically and presently, and how it was used as a tool for colonization, racism, and the foundation for patriarchal structures. Smith's work is a call to action and expresses many of the same messages I wish to convey as well. I also wanted to explore and build from Smith's use of the paradigm of intersectionality and matrix of domination, to be discussed

[8] Mark Juergensmeyer, "What is global studies?", *global-e: A Global Studies Journal*, May 6, 2011 in "What is global studies? Faculty reflections on the field", Graduate Reader Global 225 Spring 2015. Department of Global Studies, University of California Santa Barbara. Print.

next, in order to incorporate the systems of oppression I am connecting in my thesis: race, gender, and class being among the most obvious systems of oppression, but additional ones include the lingering colonial legacy, extractive industries, and the archetype of the ideal victim.

Conquest: Sexual Violence and American Indian Genocide

Smith applies the intersectionality paradigm to her work, as evidenced by her opening statement that, “women of colour live in the dangerous intersections of gender and race.”[9] Intersectionality is the study of intersections between various systems of domination, oppression, and discrimination. Rather than studying these systems of oppression separately, intersectionality explores how they mutually construct and reinforce each other.[10] These interlocking systems of oppression create a matrix of domination, reflecting the organization of different social classifications and how they are supported by political, economic, and ideological conditions. Race, gender, and class are the ones most commonly referred to but systems of oppression can also include age, sexual orientation, religion, and ethnicity. While the theory was originally developed to examine systems of oppression faced by African American women, it no doubt affects other groups - essentially any category of human labeled ‘other’.[11]

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[9] Andrea Smith, *Conquest: sexual violence and American Indian genocide*. Cambridge, MA: South End Press, 2005, p.1.

[10] Patricia Hill Collins, "It's all in the family: Intersections of gender, race, and nation." *Hypatia* 13, no. 3 (1998): 62-82. 63. Web. Accessed May 2, 2015. http://www.jstor.org/stable/3810699

[11] Patricia Hill Collins, “Black Feminist Thought in the Matrix of Domination”, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, Boston: Unwin Hyman, 1990. 221-238. Web. Accessed May 2, 2015. http://www.hartford-hwp.com/archives/45a/252.html

Smith begins her argument by building from critical race theorist Kimberle Crenshaw. Crenshaw argues that oppression of women of colour must be analyzed by examining gender and race oppressions together, not separately – an intersectional, not additive approach. While Smith agrees, she notes that Crenshaw falls short in "describing how a politics of intersectionality might fundamentally shift how we analyze sexual/domestic violence."[12] Smith then references the work of Neferti Tadiar, who argued that colonial relationships are gendered and sexualized. Building from Crenshaw and Tadiar, Smith presents her theoretical framework: that sexual violence is a tool of patriarchy, colonialism, and racism by which certain people (i.e. Aboriginal women) become marked as "inherently rapable", people who are subsequently violated both physically (through sexual violence) or by State policies (such as forced sterilization or child welfare).[13] Issues of colonial, race, and gender oppression must be seen as intersecting and therefore cannot be separated.

Smith then justifies her position by examining the continuity between historical colonialism and the contemporary. Traditionally, Aboriginals were perceived as dirty, inhuman, and sexually sinful; a "pollution" from which the colonizers had to purify themselves from. Smith states that because of this objectifying colonial attitude that equates Indian bodies with dirt, they are perceived as "sexually violable and "rapable", and as such, the rape of these bodies do not count as they are considered inherently dirty and impure, undeserving of bodily integrity. A similar example is the

[12] Smith, *Conquest*, 8.

[13] Ibid, 3.

reality that prostitutes who are raped are almost never believed because their bodies are seen as violable at all times by dominant society.[14]

It thus becomes a sin to even be Native. As a result, Native people internalize this abuse and self-hatred, which manifests in the form of substance abuse, destructive lifestyles, and violence. This self-imposed Native destruction, a direct product of colonialism, furthers the colonizer's stereotype of Native peoples as mongrelized and dysfunctional, ultimately creating an endless cycle of violence.[15] The demonized image of Native societies, especially women, operates simultaneously alongside the colonizer's desire to free and protect these supposedly oppressed Native women as "apparently Native women can only be free while under the dominion of white men, and both Native and white women have to be protected from Indian men, rather than from white men."[16] Historically, the rape of Native women was blamed on Indian men, rather than the white colonizers. In order to free these women from the supposed oppression they faced, the colonizers inscribed a hierarchy and domination on the bodies of the colonized Native women by way of patriarchal gender violence.[17]

Modern society reflects a similar occurrence: sexual violence remains a tool of racism whereby blame for crimes against Native women is misplaced. Native women are victims of violent crime at a rate twice that of non-Native women, and 60

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[14] Ibid,10.

[15] Ibid, 12-13.

[16] Ibid, 23.

[17] Ibid, 23-26.

percent of the perpetrators of these crimes are white.[18] That sexual violence presently is spurred by the notion of Native women's bodies as rapable is evident in the over 500 missing or murdered Aboriginal women in Canada and the little accompanying police investigation. Additionally, the impunity with which these crimes are treated, in Canada, the USA, and elsewhere, essentially codifies the "rapability" of Native women into policy, creating a "permanent social war against the bodies of women of colour and indigenous women, which threaten their legitimacy."[19]

As colonial sexual violence creates an ideology that Native bodies are inherently rapable, by extension so too are Native lands. According to Smith, environmental racism is another form of sexual violence against Indigenous people. She references the belief held by many feminist theorists that there is a "connection between patriarchy's disregard for nature, women and indigenous peoples" – those who seek to control the sexuality of women and indigenous peoples also desire to control nature.[20] Indeed, one of the main arguments colonizers used to appropriate Native lands was that the Natives, "did not properly subdue their natural environment…to leave them in possession of their country was to leave the country a wilderness."[21] Reflected here again is the prejudice that Native societies are made

[18] Ibid, 26-28.

[19] Ibid, 30-33.

[20] Ibid, 55.

[21] Ibid, 56

up of “wild” and incapable savages who were not properly using the land (according to the colonizers understanding of “properly”).

As Native societies are seen as expendable, they are consequently forced to suffer the consequences of environmental degradation. This is referred to as environmental racism because statistically, Indigenous lands and communities are the focal point for such injustices as the dumping of toxic waste, pesticide exposure, extractive industries (i.e. mining of uranium, oil rigs), and military and nuclear testing.[22] These attacks on nature are, according to Smith, also attacks on Native women’s bodies, raping and violating their bodies through exposure to toxins which ultimately cause reproductive problems (i.e. higher rate of miscarriages, susceptibility to illness, cancer, “jellyfish babies”) and an increase to the vulnerability of fetuses to birth defects, health problems, and death.[23] As a result, life expectancy for Native societies exposed to toxins decreases, to the point that some societies have decided to stop reproducing altogether and go extinct.[24] And with no legally recognized authority to decide what happens on their lands (the state owns the land but “reserves” some for Aboriginal communities), Aboriginal societies will be seen as expendable and standing in the way of “properly using the lands”, in the end subjected to the decisions of corporations, environmental agencies, or the government.[25]

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[22] Ibid, 58.

[23] Ibid, 64-68.

[24] Ibid, 69

[25] Ibid, 60

Moving forward, Smith's work as discussed above will be foundational in my thesis, guiding future discussions and influencing my conclusions. Many of the themes, concepts, and terms will reappear throughout, as will discussions concerning colonial perceptions and the continuity between past and present, thus contributing significantly to my analysis on the sexual violence and trafficking of Aboriginal women and the connection to extractive industries in Canada.

(ii) Thesis Outline

My thesis is divided into four sections and draws upon a critical global studies perspective and Smith's theoretical framework (as discussed). In Section I, I review the history and current situation of Aborigines in Canada. This section highlights the importance of studying the historical antecedents to contemporary patterns of activity, as there is significant overlap in regards to values, behaviors, attitudes, and mentalities, among others. This section will discuss how the relationship between Aborigines and European settlers has shifted over time, from one of mutual dependence to one of conquest and violence. Furthermore, it will evince why and how the legacy of colonization continues to impact Aborigines, as oppression and violence remain a persistent reality for Aborigines living in Canada today. For instance, much like during the days of colonization in Canada, Aborigines still today are viewed as second-class citizens; they live in squalor, face racism and prejudice, and Aboriginal women are raped and targeted for acts of violence. Aboriginal women represent about 4.3 percent of Canada's population, yet are statistically overrepresented in the sex trade, as victims of violence, and as victims of homicide. This is reflective, to draw from Andrea Smith, of how sexual violence committed

against Aboriginal women was, and remains, a tool of colonialism, racism, and prejudice. Thus, the intention is to provide a historical framing to foreground the consequences and conclusions I present later.

In Section II, I review existing literature concerning human trafficking and the link to extractive industries, both globally and as it relates to Aboriginal women in Canada. Additionally, it builds from the historical framing presented in Section I by drawing on discussions of the colonial history. The review is intended to highlight gaps in the literature, specifically the lack of research on the trafficking of Aboriginal women in Canada and the connection to extractive industries. Many of the scholars I review fail to consider the role of economic development, specifically extractive industries, in their discussions on sexual violence and human trafficking. Based on the literature, I argue that there is a poorly recognized relationship between the vulnerability to violence and trafficking of Aboriginal women in Canada and the domestic extractive industries of Canada, alleging that extractive industries are a source of sexual violence against Aboriginal women and a risk factor for sexual violence and human trafficking. I believe that further research and in-depth analysis needs to be conducted concerning the oppression of Aboriginal women and why they are at heightened risk to sexual violence and trafficking. This issue must also be investigated from the perspective of extractive industries - for while it may not have been the original intention of these industries to victimize women, it has been a by-product. The objective of this section is thus to highlight the intersection amongst three vast bodies of literature and demonstrate how they converge and to what end. Doing so will expose areas (be they policy, academically, legally, etc.) that require

more thorough consideration to be addressed by national and international policy, as well as by domestic and global preventative measures.

In Section III, I explore the sexual violence against, and trafficking of, Aboriginal women and the connection to extractive industries. Broadly, this section is designed to analyze the underlying perceptions and systemic violence that perpetuate the degradation and targeting of Aboriginal women. It will also argue why extractive industries should be more seriously considered a risk factor for the sexual violence and trafficking of Aboriginal women. My discussion is divided into three specific parts.

Firstly, I discuss the overlap between colonialism, violence, and extraction, and how gendered oppression and sexual violence have migrated from colonialism to present day extractive industries. Much like during colonialism, extractive industries encompass a rise in violence and Native dependency for survival; consequently, Aborigines are forced to assimilate, are displaced, or are disadvantaged culturally, economically, and socially. Consequently, I argue that extractive industries can be viewed as a form of violence. Aboriginal women are particularly impacted via physical and symbolic violence and extractive industries heighten their vulnerability to violence and trafficking. Throughout my discussion on colonialism, violence, and extraction, I ponder such questions as the implications of the colonial legacy; the role played by gendered and sexualized colonial relationships; what perpetuates perceptions of the “inherent rapability” of Aboriginal women; and how collectively these are used as tools for patriarchal control, racism, and (seemingly) sanctioned violence.

Secondly, I analyze the construction of “the ideal victim”, racism, and the role of vulnerability. The “ideal victim” is someone who garners the most sympathy from society as they epitomize purity, blamelessness, and vulnerability. Popular stereotypes of the ideal trafficking victim consist of an innocent, young girl, forcibly taken and made to work in the sex industry. This situation, while plausible, fails to capture the diverse experiences, mitigating factors, and victims associated with human trafficking. Conversely, Aboriginal women are viewed as “inherently rapable” whereby they are perceived as continuously consenting to sexual activity and simply “there for the taking”. Not only does this reflect the colonial legacy of stereotyping Aboriginal women as promiscuous but also it prevents these women from being seen as victims and they are instead erroneously viewed as willing participants. Thus, this “ideal victim” archetype, when coupled with racism, stereotypes, and social constructions of vulnerability, undermines the experiences of Aboriginal women. They are re-victimized by the legal institutions and society, made invisible, and deemed unworthy of any recourse. Because Aboriginal women explicitly fall outside the construction of the ideal victim, this may explain why crimes against them go unreported and therefore overlooked and under researched. I conclude this section with a discussion on how the archetype influences our laws, the legal system, police and media, and the implications of drawing on this ideal victim archetype.

Thirdly, understanding the role of culture is enlightening and my argument on this topic is twofold. Firstly, I argue that the destruction of culture was an assault on Aboriginal identity, self-esteem, self-perception, values, and overall well-being. I

examine the effects of this cultural assault within the context of “solastalgia”, defined by Glenn Albrecht as a profound sense of loss that stems from cultural and social disconnect. I also delve into how Aboriginal culture was eroded by colonization and the associated policies and residential schools specifically designed as agents of assimilation. I pause to consider the lingering effects of this loss of culture and identity, my objective being to explain why Aboriginal women are vulnerable to violence and trafficking.

Secondly, I argue that the culture found both within the broader Canadian society but also within extractive industries plays a role in facilitating violence and indifference towards Aboriginal women. Canada is founded upon the colonization of Indigenous peoples. This history and colonizing mentality is reflected in the broader society via the apparent condoning of violence against Aboriginal women, systemic injustices, stigmatization, and marginalization. This is indicative of a patriarchal, hypermasculine culture: an exaggerated display of the traditional masculine identity with an emphasis on anti-femininity, toughness, indifference, and power. Extractive industries, documented to be associated with higher levels of violence, sexuality, and sense of entitlement, mirror colonization. Accordingly, I explore the connections between the hypermasculine culture’s need for control and disregard for nature, women, and Indigenous peoples, throughout which I consider the implications for Aboriginal women, mainly their heightened vulnerability to sexual violence and trafficking.

Finally, in Section IV I propose mitigation strategies to address the risks faced by Aboriginal women and their communities. A multi-system approach targeting

sexual violence, racism, and poverty (among others) is necessary. At the risk of sounding prescriptive, imposing, or condescending - which is by no means my intention - I offer recommendations that range from actions on the part of Aboriginal communities to actions at the legal, national, and international levels.

Within my discussion on Aboriginal community actions, I explore the role of education to better understand what sexual violence and trafficking is, and how to recognize it and prevent it. I also look at the role of awareness-raising campaigns, like the #AmINext social movement, that endeavor to make change from the ground-up by pressuring the government to recognize that violence against Aboriginal women is real and that it can no longer be ignored - something must be done. So as to avoid “speaking for these groups”, I also incorporate suggestions made by Aboriginal youth, women, and community organizations regarding what they consider to be necessary changes and effective preventative measures.

I then shift to discuss the Canadian government and legal system, where the majority of the suggested changes lie. I focus on increasing funding, socioeconomic development, necessary policy changes (such as to child welfare) to minimize systemic racism and injustices, and national sensitivity programs. Legally, my suggestions include restructuring the definition of human trafficking and prostitution, with a shift away from relying on the archetype of “the ideal victim” and criminalizing the victim. In regards to the mitigating efforts on the part of extractive industries, they must be held to a higher standard of accountability. There needs to be better on-site policing and increased security; legal ramifications for crimes committed by workers off company property; mandatory educational programs to shift the culture within

extractive industries and encourage a deeper historical and cross-cultural awareness.

Finally, I examine briefly the roles that NGO's can play and the international actions that can be taken to tackle sexual violence, human trafficking, and extractive industries on the global scale. Ultimately, solutions must target key factors of normalized colonial violence, racism, sexism, poverty, and isolation and challenge conventions. Canada must recognize the injustices taking place within its borders if it wants to maintain the long-held image as the True North strong and *free*.

(iii) Research Methods

This study utilizes a qualitative methodological approach to answer the research objectives outlined. This design builds from John W. Creswell's definition that a qualitative research process involves evolving questions and procedures, data obtained in the research setting, and thematically inductive and interpretative data analysis.[26] Creswell further writes, "those who engage in this form of inquiry support a way of looking at research that honors an inductive style, a focus on individual meaning, and the importance of rendering the complexity of a situation."[27]

The methodology for this thesis was archival research that took place in California using the facilities of the University of California library system. Additionally, there were many online websites run by NGOs and other organizations (i.e. the Polaris Project or Anti-Slavery, the UN or ILO) that provided further archival material such as reports or organizational research. Government documents, such

[26] John W. Creswell, *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage, 2014, 4.

[27] Ibid, 4

as those published by the Royal Canadian Mounted Police (RCMP) or Government of Canada, also offered highly useful information.

Due to the clandestine nature of human trafficking, it is extremely difficult to conduct an empirical study of the issue. As was repeatedly noted throughout the archival research, such as in the studies of Anupriya Sethi, Sarah Deer, Anette Sikka, and Melissa Farley et al., it is an area that requires further research in order to begin addressing this issue more substantially. The difficulty obtaining information is captured perfectly by Helen Roos, author of the Department of Justice Victim Fund's Report. She states:

> …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.[28]

These authors, much like myself, had to rely on limited resources, usually a combination of literature reviews, interviews, and work with NGO's and various organizations. This places obvious restrictions on the information presented in this thesis as I am drawing from secondary data rather than information I directly collected. However, by employing a wide variety of data sources, such as government reports, academic sources, NGO publications, news articles and so

[28] Roos, *Phase 1*, 8.

forth, I was able to substantiate the information gathered and ensure consistency throughout in order to present the issue as best as possible.

I also begin some sections with a poem by various Aboriginal artists to acknowledge the marginalized voices and silenced archives. The Aboriginal artists who express their experiences, thoughts, and emotions through art seek to empower themselves and their voices in an otherwise oppressive world. There is much that can be learned from these works, which is why I have incorporated them throughout my thesis.

The archival materials collected from the California library system, government documents, and online sources were analyzed for trends in reporting, arguments, and information presented. They also helped answer my research questions such as what common factors emerged as increasing the vulnerability of Aboriginal populations? What is the link to extractive industries? Where does the research converge? Diverge? Where does the research fall short and what questions are raised by the research? What are the gaps in the literature? Other research areas that were addressed include:

- Demographic information, purposes for trafficking and prostitution
- The frequency of Aboriginal women in prostitution, the degree of violence committed against Aboriginal women in prostitution over the course of their lives, physical and mental health problems (including PTSD and dissociation), the emotional reality of prostitution (feelings of the women during prostitution), degree of racism they experienced (stereotypes, ethnic

prejudice), and whether the women recognized the connection between colonization and prostitution

- Antecedents to prostitution in the lives of Aboriginal women (including childhood sexual abuse, rape, boarding schools, foster and adoptive care)
- A historical overview of Aboriginal colonization and exploitation, and the manner in which Aboriginal women were treated. Sexualized violence as perpetrated by European colonizers was one of the earliest forms of institutionalized sexual slavery. This practice has been occurring for centuries and was euphemized as “relocation” or “education” in boarding schools. This oppressive legacy continues to have a considerable impact on the lives of Aboriginal women and Aboriginal communities today.
- The role of extractive industries (influence, consequences, etc.)

Guided by my research, throughout my thesis I explore questions such as: how is sexual violence and human trafficking associated with markets of extraction? What factors perpetuate the sexual violence and trafficking of Native women? How is human trafficking itself an extractive market? I deliberate Canada’s colonial history, the role of residential schools, and the legacy it has left behind to understand the current implications for Aboriginal communities and how that offers insight into the heightened vulnerability of Aboriginal women to sexual violence and trafficking. I analyze the significance of the hypermasculine and patriarchal culture of extractive industries and how it parallels the broader Canadian society. What can be learned from this? How, if at all, can this knowledge be used to assist Aboriginal women and

their communities heal from the trauma imposed on them by generations of abuse and neglect? Can the colonial legacy be successfully overcome? I aim to shine a light on the injustices being committed within Canada – by its legal system and laws, its extractive industries, its people, its history – and draw much-needed attention to the victimization of Aboriginal women.

The focus of the next chapter, Section I: The Story of Kanata, will be a historical and current overview of the treatment of Aborigines in Canada so as to foreground the discussions, consequences, and conclusions presented in the remaining sections.

Lament for Confederation (1967)

How long have I known you, Oh Canada? A hundred years? Yes, a hundred years. And many, many seelanum more. And today, when you celebrate your hundred years, Oh Canada, I am sad for all the Indian people throughout the land.

For I have known you when your forests were mine; when they gave me my meat and my clothing. I have known you in your streams and rivers where your fish flashed and danced in the sun, where the waters said 'come, come and eat of my abundance.' I have known you in the freedom of the winds. And my spirit, like the winds, once roamed your good lands.

But in the long hundred years since the white man came, I have seen my freedom disappear like the salmon going mysteriously out to sea. The white man's strange customs, which I could not understand, pressed down upon me until I could no longer breathe.

When I fought to protect my land and my home, I was called a savage. When I neither understood nor welcomed his way of life, I was called lazy. When I tried to rule my people, I was stripped of my authority.

My nation was ignored in your history textbooks - they were little more important in the history of Canada than the buffalo that ranged the plains. I was ridiculed in your plays and motion pictures, and when I drank your fire-water, I got drunk - very, very drunk. And I forgot.

Oh Canada, how can I celebrate with you this Centenary, this hundred years? Shall I thank you for the reserves that are left to me of my beautiful forests? For the canned fish of my rivers? For the loss of my pride and authority, even among my own people? For the lack of my will to fight back? No! I must forget what's past and gone.

Oh God in heaven! Give me back the courage of the olden chiefs. Let me wrestle with my surroundings. Let me again, as in the days of old, dominate my environment. Let me humbly accept this new culture and through it rise up and go on. Oh God! Like the thunderbird of old I shall rise again out of the sea; I shall grab the instruments of the white man's success-his education, his skills- and with these new tools I shall build my race into the proudest segment of your society.

Before I follow the great chiefs who have gone before us, Oh Canada, I shall see these things come to pass. I shall see our young braves and our chiefs sitting in the houses of law and government, ruling and being ruled by the knowledge and freedoms of our great land. So shall we shatter the barriers of our isolation. So shall the next hundred years be the greatest in the proud history of our tribes and nations.[29]

[29] Chief Dan George, “Lament for Confederation”. In *Native poetry in Canada: A contemporary anthology*, edited by Jeannette Armstrong, and Lally Grauer. Broadview Press, 2001. 2-3.

Section I – The Story of Kanata

I chose the poem "Lament for Confederation" by Chief Dan George because it illustrates the conflicting perspectives as to what "Canada's 100th birthday" truly means. The poem is deeply critical of European colonization of Canadian lands, scathingly describing the damage inflicted upon Aborigines. It also helps frame the following discussion on the history of European colonizers and their shifting relationship with Canadian Aborigines, highlighting the true impact of colonization – an impact that is silenced and instead celebrated by the settler majority. For while Canadians joyfully celebrated the 100th birthday of their country, the anniversary only served as a reminder of the violence and loss Aborigines have experienced.

(i) Canada & Aborigines: A History

> *In 1535, two Indian Youths told Jacques Cartier about the route to "kanata". They were referring to the village of Stadacona; "kanata" was simply the Huron-Iroquois word for "village" or "settlement." But for want of another name, Cartier used "Canada" to refer not only to Stadacona (the site of present day Quebec City), but also to the entire area subject to its chief, Donnacona. The name was soon applied to a much larger area: maps in 1547 designated everything north of the St. Lawrence River as "Canada."*[30]

In The Beginning: Before First Contact

Prior to the arrival of European settlers, Aborigines were independent and lived off the land, satisfying material and spiritual needs through natural resources. Aborigines lived throughout Canada, diverse in culture, environment, diet and social

[30] Government of Canada, "Origin of the Name – Canada". *Ceremonial & Canadian Symbols Promotion*, Canadian Heritage. 2013. Web. Accessed May 27, 2014. http://www.pch.gc.ca/eng/1363629314164/1363629390521

organization.[31] Social and individual needs of Aborigines were met through a cultural framework that placed equal weight on the self as well as the group; the earth was communally owned, intended for the benefit of everyone.[32] In contrast to the patriarchal structure of European societies, for the most part Aboriginal societies were not male dominated but instead matrilineal; women served as community leaders in spiritual, political, and military contexts.[33] In the 11th century, Norse explorers were the first to land and establish colonies in North America, founding the first European colony in L'Anse aux Meadows, Newfoundland.[34] This marked the beginning of European exploration and the tragic upheaval of the lives of North American Aborigines as most intercultural interactions between Aboriginals and incoming Europeans (seeking resources and cultural domination) were framed by the view that Native cultures needed to be eradicated in order to prepare for "civilization" in the New World.[35]

European Settlers and the Fur Trade: A Seemingly Prosperous Relationship

The Europeans returned to North America in the 1500s to establish permanent settlements and take advantage of the wealth of resources available in

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[31] Olive Patricia Dickenson and Moira Jean Calder. *A concise history of Canada's First Nations*. Oxford University Press, USA, 2006.

[32] Dickenson, *A concise history*, 27

[33] Smith, *Conquest,* 1.

[34] Government of Canada, "First Nations in Canada". *Aboriginal Affairs and Northern Development Canada*, 2013. Web. Accessed November 11, 2014. 8-22 https://www.aadnc-aandc.gc.ca/eng/1307460755710/1307460872523

[35] Friesen, John W., and Virginia Lyons Friesen. *First Nations in the twenty-first century: Contemporary educational frontiers*. Brush Education, 2005. 48

the New World. Informal trade systems had already developed between Portuguese, Irish, French and English fishermen with Aboriginal communities who traded fish for furs on the East Coast. Colonial competition to accrue the most wealth and power soon emerged, with the British and French ultimately becoming the dominant powers. By the 1600s, France created smaller settlements with a colony in Acadia in the Maritimes and New France in the St. Lawrence Valley.[36] The British conversely had begun aggressively expanding their colonies and creating large-scale settlements in Canada, but also in other places such as Australia (with Lieutenant James Cook in the late 1700's), New Zealand (mid-1800's), and India.[37]

Fur became a coveted good in Europe with the explosion of the felt hat as the "essential fashion item" of the time.[38] In order to protect the trade system and commerce, and meet the demand for fur, the British and French created an alliance with Aboriginal communities, who were knowledgeable of the land and of the goods traded.

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[36] Government of Canada, *First Nations*, 28

[37] Australian Government, "European discovery and the colonization of Australia", 2008. Web. Accessed January 20, 2015. http://www.australia.gov.au/about-australia/australian-story/european-discovery-and-colonisation

[38] Dickenson, *A concise history*, 37

Figure 2. A trading post during the Fur Trade. Photograph: Accessed via Parks Canada, "The Fur Trade at Lachine National Historic Site of Canada". Photo © National Archives of Canada / C. W. Jefferys / C-73431, 1785

The Europeans had quickly realized the beneficial advantage of working with Aborigines; a similar discovery was made on the part of Aborigines as well, placing themselves as the middlemen for furs between the Europeans and nations further inland.[39] Throughout the British colonies, reliance on Indigenous peoples was common; in Australia for instance, initial relationships between the indigenous peoples and the settlers were also based on trade of such items as artifacts, axes,

[39] Dickenson, *A concise history*, 38

food, and water[40]; in New Zealand, the Maori experienced rapid economic growth due to the introduction of new technology, opportunities to trade, and the arrival of European settlers.[41] In Canada, trade of furs, particularly beaver pelts, was facilitated by established Aboriginal trade routes and ultimately spread throughout North America, allowing exploration of North America all through the Great Lakes Basin, the Prairies, and down the Mississippi River.

As the exploration progressed, forts and trade posts were established en route, intended to mark the European's presence and supply Aboriginal trading partners with the necessary goods. The fur trade was extremely profitable and beneficial to Aborigines as they were introduced to European goods, such as firearms, and motivated by the fact that they would be able to trade the product of hunting, an activity they already enjoyed.[42] Unbeknownst at the time, the arrival of the fur traders would ultimately be destructive for the Aboriginal communities as it would help lay some of the initial parameters through which Aboriginal cultures and people would be understood in the centuries to come. As will be discussed, it precipitated a series of social, economic, cultural, and political upheavals among Aboriginal peoples, such as encouraging competition among tribes to accrue higher

[40] Australian Government, *European Discovery*, 2008.

[41] Andrew Coleman, Sylvia Dixon, and David C. Maré. "Māori economic development–Glimpses from statistical sources." *Ann Arbor* 1001 (2005). p. 8. Web. Accessed January 21, 2015. http://motu-www.motu.org.nz/wpapers/05_13.pdf

[42] Friesen and Friesen, *First Nations in the Twenty-First Century*, 49

yields in the fur trade so as to obtain gifts like tobacco and alcohol (firewater), which in the end only served to devastate Aborigines.[43]

Interests began to clash and violent conflict between Europeans and Aborigines marked the 16th and 17th centuries in what were known as the Beaver Wars or the Fur Wars. The Fur Wars finally ended in 1701 with the signing of a treaty known as the Great Peace of Montreal, an agreement to end the fighting and share the land. The violence continued however, as the French and British colonies engaged in a colonial struggle for control of the prosperous Interior of North America. Aboriginal partnerships were transformed into military alliances, lasting throughout the Seven Years' War of 1756-1763 (the final French-British conflict in North America).[44]

In 1763, the Peace of Paris formally ended the struggle and furthered the transformation of the relationship between Aboriginals and Europeans. The British became the primary European power throughout North America as France ceded claims to territory in North America.[45] To fully solidify this power, King George III issued the Royal Proclamation of 1763 specifying how the colonies (both English and former French colonies) were to be governed, establishing firm boundaries to contain colonial expansion into the west and strict protocols for all dealings with Aborigines so as to monitor relationships between the colonists and Aboriginals. After the 1763 Proclamation any good intention in maintaining relations between

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[43] Friesen and Friesen, *First Nations in the Twenty-First Century*, 51

[44] Government of Canada, *First Nations in Canada*, 26-29

[45] James Rodger Miller. *Skyscrapers hide the heavens: A history of Indian-white relations in Canada*. University of Toronto Press, 2000. p. 86.

Aborigines and colonist fell to the wayside: future treaties became more concerned with acquiring land rather than maintaining the peace as the Crown came to believe it their sovereign right to acquire Aboriginal lands.[46] One important long-term implication of this Proclamation however, was that it arguably made certain provisions concerning Aboriginal land and their rights to it as the clauses of the Proclamation were written in such a way that it could be read as recognizing Aboriginal rights to land. The provisions stated within the Proclamation continue to play an important part today in the struggle for land rights between the Crown and Aboriginal communities.[47]

A Dramatic Shift: From Allies to Impediments

A relationship based on commercial and military interests continued between the British and Aborigines until the late 18th century. The Aborigines were in a powerful position as they were well armed and outnumbered the British. The primary goal of the Indian Department, established in 1755 to coordinate an alliance between the Aborigines and British settlers, was to maintain peace amongst the British soldiers and traders and Aborigines in order to ensure access to lands for forts, trade routes, furs and goods. "As [Sir William] Johnson made clear in a letter to the British government, the powerful position of Aborigines meant that British commercial interests could only flourish in the Interior if the Crown [the State] took definite steps to protect those interests."[48]

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[46] Dickenson, *A concise history*, 104

[47] Miller, *Skyscrapers,* 90

[48] Government of Canada, *First Nations in Canada*, 34

The relationship between Aborigines and the British was significantly altered after the American War of Independence. Canada, a British colony and supporter of the British Crown, was a safe-haven for Aborigines and refugees of the United Empire Loyalist group who had both fought alongside and for the British. Both groups were fleeing North to Canada in search of new lands and compensation for their allegiance. The Indian Department responded with a series of land surrender treaties with the various tribes inhabiting the land along the St. Lawrence River and around the Great Lakes, which resulted in the establishment of a peaceful agricultural colony for the British settlers. Aborigines were compensated with the creation of two reserves – parcels of land at the Bay of Quinte and along the Grand River. The British, fearing future conflict with the newly established American state, maintained and bolstered their relationships with Aboriginal allies, ensuring fair deals during land surrenders, protection of their lands, yearly presents and weaponry. In the War of 1812, during the American invasion of Southern Ontario, the alliances held strong as Aborigines fought alongside the British and Canadian colonists.[49]

Once peace was returned to North America, the relationship between Aborigines and the colonists began to shift dramatically. Waves of new immigrants and colonists continued to arrive and eventually, about 50 years after the first land surrenders, the settlers outnumbered Aboriginal populations. This heightened the pace of the land surrenders and the pressure to obtain the lands held by Aborigines grew. Tensions were mounting - while it was recognized that Aborigines were being deprived of their land, it was equally as difficult to stem the flow of settlers, as they

[49] Ibid, 36

were needed for defense.[50] Once regarded as allies and important commercial relationships, “Aboriginal populations were now regarded as an impediment to growth and prosperity.”[51] Aborigines were no longer relied upon as heavily as the colonies had grown stronger and were able to defend themselves. British administrators now viewed them as dependents, not allies, marking the complete transformation of their relationship with Aboriginal populations.

By the 1830s, only pockets of land remained for Aborigine reserves, with more and more land surrenders occurring to appease incoming settlers. Aborigines lost access to hunting grounds and essentially were reduced to “demographic insignificance” as their population was increasingly dispossessed of land and overshadowed by the growing colony.[52] This was occurring throughout the British Empire, as the Crown was consolidating its land globally. In Australia for instance, following a similar historical trajectory as Canada, relationships between Aborigines and settlers eventually deteriorated and grew hostile; questions of land ownership began to be addressed in the 1830’s. Treaties were subsequently made, and Indigenous land was lost to the Crown. In New Zealand, though the Maori sold their land to the British in the 1840’s, there is some debate regarding the duplicity of the

[50] Dickenson, *A concise history*, 152

[51] Government of Canada, *First Nations in Canada*, 37

[52] Miller, *Skyscrapers,* 117

British. For after the land sales, the Maori were nearly as poor and as much of an underclass as the Australian Aborigines who had had their land forcibly taken.[53]

In Canada, Manitoulin Island in Georgian Bay was established as a reserve for the dispossessed Aboriginal population in 1836. This “great kindness” was an attempt to have these “simple-minded people” who were otherwise landless relocate to the island in order to remove them from the vices and “harmful aspects of colonial society (specifically alcohol and prostitution) and where they would adapt to the new colonial reality at a controlled pace.”[54] Few Aborigines actually relocated however, choosing instead to squat on Crown lands and live an impoverished life or continue to live on small land plots set aside by treaties.

In 1839, the British legally declared the Crown as the guardian of the lands, removing all legal and political ownership from Aborigines, which further supported the ‘white man’s burden’ mentality that Aborigines required paternal protection so as to be “reclaimed from a state of barbarism.”[55] In the 1850s, when minerals were discovered in the northern areas of Lake Superior and Lake Huron, two more treaties were negotiated with the various tribes living in the areas. These two treaties, Robinson-Huron and Robinson-Superior, essentially ceded Aboriginal land

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[53] Stuart Banner. "Conquest by contract: Wealth transfer and land market structure in colonial New Zealand." *Law and Society Review* (2000): 47-96. Web. Accessed January 21, 2015. p. 47-48. http://www.jstor.org/stable/3115116

[54] Dickenson, *A concise history*, 139; Government of Canada, *First Nations in Canada*, 38

[55] Dickenson, *A concise history*, 152; Miller, *Skyscrapers*, 120

rights to the Crown (twice the area given up in former treaties) in exchange for annuities and the right to continue hunting and fishing on Crown land.[56]

It is important to understand the degree to which the long relationship of trade, commerce and decades of violence, conflict and competition significantly altered Aboriginal populations and laid the groundwork for future exploitation. Primarily, Indigenous economies were dramatically changed by the seemingly insatiable European desire for furs. Once a small-scale, subsistence based activity, hunting for furs became large-scale, time consuming and resource intensive – the start of extensive commercial exploitation. This shift in trade patterns resulted in wide-scale diffusion of European goods, thereby increasing Aborigines' dependence on these goods and the Europeans.

Also, extended trade meant increased contact between Aborigines and European traders and settlers and this proximity to traders meant easy access to alcohol, which no doubt has had devastating and demoralizing effects on Aborigines.[57] Finally, "Reserves" were usually established near white settlements so that the ways of the white man could be better learned, thus serving as "the cradle of the Indian civilizing effort – and the means of securing the White man's freedom to exploit the vast riches of a young dominion."[58]

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[56] Dickenson, *A concise history*, 158

[57] Miller, *Skyscrapers,* 59-60

[58] Dickenson, *A concise history*, 157

Adapt or Parish: The Assimilation Begins

> …a new perspective was emerging throughout the British Empire about the role the British should play with respect to Indigenous peoples. This new perspective was based on the belief that British society and culture were superior; there was also a missionary fervour to bring British "civilization" to the Empire's Indigenous people. In the colonies of Upper and Lower Canada, the Indian Department became the vehicle for this new plan of "civilization." The British believed it was their duty to bring Christianity and agriculture to First Nations. Indian agents accordingly began encouraging First Nations to abandon their traditional lifestyles and to adopt more agricultural and sedentary ways of life. As we now know, these policies were intended to assimilate First Nations into the larger British and Christian agrarian society.[59]

Thus began the "civilizing of the Indian". Much like the "Stolen Generation" of Australia, or the assimilation of the Maori in New Zealand, various "civilization" program initiatives were undertaken in Canada starting in the 1820s, eventually being written into Indian policy and legislation and acting as one of the central tenets for 150 years. Legislation passed included the *Crowns Land Protection Act* of 1839, which classified Aboriginal land as Crown land that needed to be protected by the Crown while securing Aboriginal interests by limiting settlers' access to the reserves. The Government also decided to define who exactly was considered an "Indian" without actually consulting the Aboriginal people and based citizenship on making Aborigines useful members of society; the *Gradual Civilization Act* of 1857 served to reformulate the civilizing system. This Act offered a place for Aborigines within colonial society by encouraging enfranchisement, a relinquishing of tribal affiliations that essentially entailed assimilating oneself with the settler society. It thereby subversively separated "the Indian" from the "citizen", promoting civilization via

[59] Government of Canada, *First Nations in Canada*, 47

abandonment of traditional lifestyle in exchange for land or money."[60] The *Act* was a targeted attempt to reduce the size of First Nations communities via fragmentation and assimilation, thus destroying their way of life.[61]

Note the distinct classification of an Indian as a non-citizen, as an individual outside the protection of the State. The term Indian was historically defined as those first inhabitants of North America, and later became based on ancestry, gender, marital status, and economic activity. A "citizen" (according to the concept of enfranchisement) was "a male of 21+ years of age, with the ability to read and write, reasonably well educated, free of debt, and demonstrating conduct "of good moral character" as determined by a commission of non-aboriginal examiners."[62] When compared to the concept of "citizen", the term "Indian" confers a differentiation, marking them as an "other" or a savage, someone who lacks good moral character, education and intelligence. This separation of "Indian" from "citizen" in essence granted the government permission to do as they wished, without cause for concern of Aboriginal populations' rights. That mentality still continues to this day, as will be discussed in Section III.

In 1860, the British dispensed with any final responsibilities towards Aborigines with the *Management of Indian Lands and Property Act (Indian Land*

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[60] John S Milloy. *A national crime: The Canadian government and the residential school system, 1879 to 1986*. Vol. 11. Univ. of Manitoba Press, 1999. p. 18-19.

[61] Milloy, *A National Crime*, 19; Dickenson, *A concise history*, 156

[62] Indian Residential School Resources, "Timeline of Events", 2014. Web. Accessed December 7, 2014. http://irsr.ca/timeline-of-events/

Act), which transferred authority for Indian affairs to the colonies.[63] This was another fundamental change in the relationship between the Crown and Aborigines. Between 1871 and 1921, through a series of Numbered Treaties, Canada continued to secure Crown sovereignty of the land and expand settlements, exploit the resources and try to prevent possible conflict between Aborigines and the settlers. These treaties were seen as a moral, not a legally binding, obligation but perhaps not realizing the implications at the time, Aborigines actually pressed the Canadian government for these treaties as a source of direction during a time of tumultuous change.[64] Similar to the Robinson Treaties in 1850, the Numbered Treaties set aside reserve lands and gave right to use the land for farming, hunting, and fishing yet did not include land ownership or sovereignty. These Treaties were also viewed as setting fundamental principles on which future negotiations would be based; the government saw treaties as granting privileges whereas Aborigines viewed them (erroneously) as protecting rights.[65]

In 1876 the *Indian Act* was introduced, legislation that would have permanent consequences for Aborigines and their communities, approximating what sociologists term a "total institution" as the fundamental goal was assimilation and social control.[66] Under the guise of assuming responsibility for, and protection of, Aborigines the *Indian Act* gave the Department of Indian Affairs total control – the

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[63] Government of Canada, *First Nations,* 49

[64] Government of Canada, *First Nations*, 46

[65] Dickenson, *A concise history*, 171-173

[66] J. Rick Ponting. *Arduous journey: Canadian Indians and decolonization*. McClelland & Stewart Limited, 1986. p. 21.

ability to manage Indian lands, resources and money, make sweeping policy and education decision, control access to intoxicants, and most importantly determine who was an Indian and thereby promote "civilization". Aborigines lost all sovereignty, control over their lives, and human rights – even the right to self-determination. Amended frequently since its inception, changes made to the *Act* mainly concerned the assimilation and civilization of Aborigines, instituting greater and stricter control over their lives and constantly pushing for total abandonment of traditional life and complete absorption into Canadian society.[67]

"I Want to Get Rid of the Indian Problem": The Era of Residential Schools

Known perhaps as the most tragic and abhorrent part of Canada's history is the era of residential schools, referred to by some as, "the principal feature of the policy known as "aggressive civilization"[68] and by others as the "Canadian Holocaust."[69] There is an extensive body of literature on this subject and I acknowledge that I only scratch the surface in my account that follows. [70]

Influenced by the practice of United States, Canada introduced residential schools in 1883 under the Indian Act as the "primary means of civilization and

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[67] Pointing, *Arduous Journey*, 21-26; Government of Canada, *First Nations*, 47-49; Dickenson, *A concise history*, 182-183

[68] Nicholas Flood Davin. *Report on industrial schools for Indians and Half-Breeds*. 1879, under "To the Right Honorable". Accessed November 11, 2014. https://archive.org/stream/cihm_03651#page/n5/mode/2up

[69] David MacDonald. "First Nations, residential schools, and the Americanization of the Holocaust: rewriting Indigenous history in the United States and Canada." *Canadian Journal of Political Science* 40, no. 04 (2007): 995-1015.1001. Web. Accessed May 2, 2015. http://www.jstor.org/stable/25166181

[70] For more extensive historical accounts please see, among other works cited here, books such as *The Circle Game* by Roland Chrisjohn and Sherri Young with Michael Maraun; *A National Crime* by John S. Milloy; *Shingwauk's Vision* by J.R. Miller.

assimilation."[71] The premise was that Aboriginal children would be educated in the same manner as Canadian children (reading, writing, arithmetic, and French or English) while also being forced to abandon their traditional beliefs, culture, religion and identity. The primary goal of the Canadian government was the complete destruction of Aboriginal language, culture and religion, achieved by various means, among them being verbal, sexual, and physical abuse. As stated by deputy minister of Indian Affairs Duncan Campbell Scott in 1920, "I want to get rid of the Indian problem ... Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politics and there is no Indian question, and no Indian Department", epitomizing the attitudes of the time.[72]

Residential schools were essentially a method used by the Canadian government to wage a cultural assault against Aborigines as the schools were "designed as agents of assimilation – to remove children from the influence of their parents, punish them for speaking Indian languages, introduce Christianity, and inculcate negative attitudes to their own cultures."[73] Native poetry, such as that of Mi'kmaq poet Rita Joe and her poem "I lost my talk" (1988), offers a glimpse into the conditions and consequences of residential schooling:

> I lost my talk
> The talk you took away.
> When I was a little girl
> At Shubenacadie school.
>
> You snatched it away:
> I speak like you

[71] Government of Canada, *First Nations*, 55.

[72] MacDonald, *First Nations and Americanization of the Holocaust*, 1001-1002

[73] Alan Cairns. *Citizens plus: Aboriginal peoples and the Canadian state*. UBC Press, 2011, 50.

I think like you
I create like you
The scrambled ballad, about my word.

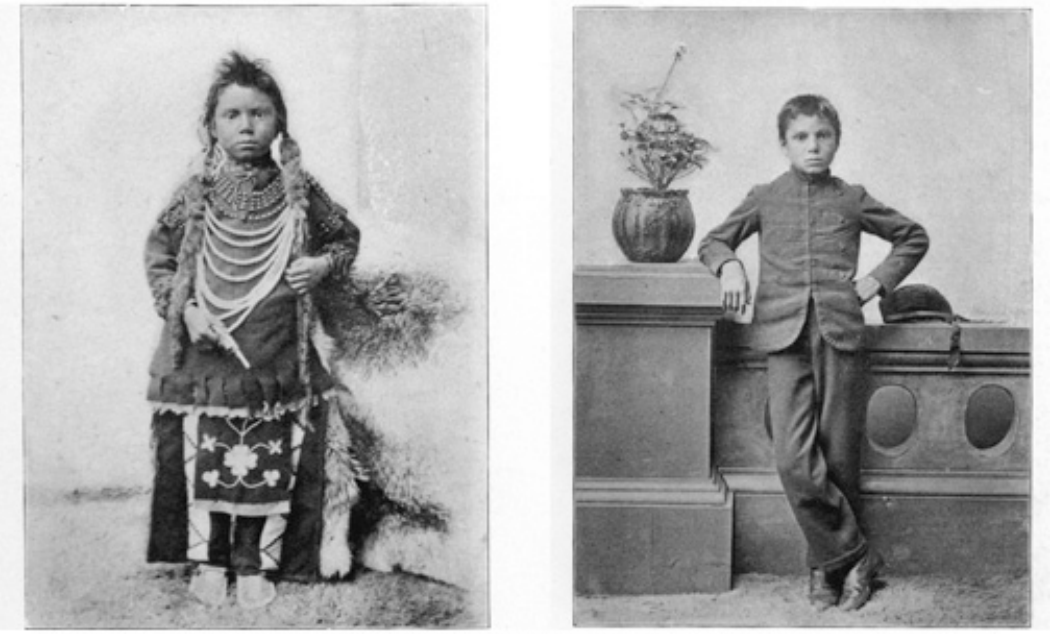
Two ways I talk
Both ways I say,
Your way is more powerful.
So gently I offer my hand and ask,
Let me find my talk
So I can teach you about me.[74]

This poem details the sadness felt at the loss of her culture and language as well as the feeling of disempowerment arising as a result of the residential schools. It speaks not only for Rita Joe but also for the thousands of children forced to abandon their culture and traditions for those deemed "appropriate" by settler society.

The residential schools subjected Aboriginal youth to conditions that were, "not only foreign to the pupils' religious and cultural beliefs, but also involved care and teaching arrangements which had little to do with their after school lives."[75] Christian religious practices permeated the schooling of Aboriginal children as clergymen and women often ran the schools.

[74] Rita Joe, "I lost my talk". In *Native poetry in Canada: A contemporary anthology*, edited by Jeannette Armstrong, and Lally Grauer.Broadview Press, 2001. p. 17.

[75] Robert Carney, "Aboriginal residential schools before confederation: the early experience." *Historical Studies* 61 (1995). p. 14.



Thomas Moore before and after his entrance into the Regina Indian Residential School in Saskatchewan in 1874.
Library and Archives Canada / NL-022474

Figure 3. Evidence of the cultural assault on Aboriginal children. Photograph: Library and Archives Canada (Government of Canada) /Annual report of the Department of Indian Affairs (1896)/AMICUS 90778/nlc-01524, 90778/nlc-01525 (Accessed via Native News Online)

There were problems of insufficient funding, understaffed institutions, lack of inspection and inadequate preparation of those who taught and supervised the children, a major contributor to the widespread abuse found within the schools.[76] It is impossible to capture the truly disturbing abuses that occurred, ranging from emotional abuse and racist slurs (i.e. swearing at children, referring to the students as “stupid Indians”), to long-term sexual abuse and physical abuse (i.e. knocking a small child flying, striking a child unconscious with severe blows to the head, and even sadistic acts by those who found it pleasurable to exert their power over the children, such as forcing them to eat their own vomit).[77]

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[76] James Rodger Miller. *Shingwauk's vision: A history of Native residential schools*. University of Toronto Press, 1996. p. 318.

[77] Miller, *Shingwauk's vision,* 324-325

Aboriginal children who attended these residential schools were forcibly taken from their parents and kept for many years at these institutions. As these children went unwillingly, in many respects the Canadian government and religious organization were responsible for "facilitating their sexual and physical abuse by school officials."[78] These schools, in addition to shattering lives, essentially ensured "the inability of Aboriginal peoples to compete socially or intellectually with their white neighbors, while also attempting to remove any traces of their culture that would ensure their survival within their own communities."[79]

More than 150,000 Aboriginal children were "civilized" between 1857 and 1996, when the last residential school was closed.[80] The closure of these schools, representative of the missionary zeal used to annihilate Aboriginal culture, was in symbol only. Tragically the intergenerational trauma and social ills that resulted continue to impact Aboriginal communities today. The sexual, physical and emotional abuse that was commonplace is often cited as a primary factor in the present distress of Aboriginal populations, in addition to the destruction of cultural identity and forced assimilation. According to the Indian Residential School Survivors Society (IRSS), First Nation communities in the present day,

> …experience higher rates of violence: physical, domestic abuse (3x higher than mainstream society); sexual abuse: rape, incest, etc. (4–6x higher); lack of family and community cohesion; suicide (6x higher); addictions: drugs, alcohol, food; health problems: diabetes (3x higher), heart disease, obesity;

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[78] Sarah Hunt. "Colonial roots, contemporary risk factors: a cautionary exploration of the domestic trafficking of Aboriginal women and girls in British Columbia". *Alliance News*. July 2010. p. 1.

[79] MacDonald, *First Nations and Americanization of the Holocaust*, 1002

[80] Government of Canada, *First Nations*, 49.

> poverty; unemployment; illiteracy; high school dropout (63 percent do not graduate); despair; hopelessness; and more.[81]

These figures only begin to reveal the consequences abounding from the legacy of residential schools. Evidently, the residential schools were an indescribable horror for Aboriginals in Canada, "one of many attempts at the genocide of Aboriginal Peoples."[82] As will be discussed in further detail in Section III, the legacy of residential schools and the colonial mindset with which they were created are a critical contribution towards understanding the current situation of Aboriginal communities.

The colonial oppression of Aboriginal people and the intergenerational trauma that results is not limited to Canada. For instance, in Australia the "Stolen Generations", as referenced earlier, speaks of the countless children separated from their families, placed into institutions or jail or mental hospitals, those who still do not know the whereabouts of their family or the location of their home. Between 1921 and 1985 alone, it is roughly estimated that 84,000 Aboriginal children were forcibly removed from their homes for a variety of reasons, including such things as "child welfare" and just pure racism.[83] Australian Indigenous author Kevin Gilbert captures the colonial atrocity, writing:

> As Aborigines began to sicken physically and psychologically, they were hit by the full blight of the alien way of thinking. They were hit by intolerance and

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[81] IRSS, 2006 as referenced by MacDonald, *First Nations and Americanization of the Holocaust*, 1002.

[82] Chrisjohn, Roland D., Sherri L. Young, and Michael Maraun. *The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada*. Orca Book Pubs., PO Box 468, Custer, WA 98240-0468, 1997. p. 21.

[83] Peter Read. *A rape of the soul so profound: The return of the stolen generations*. Sydney: Allen & Unwin, 1999. p. 27.

> uncomprehending barbarism of a people intent only on progress in material terms, a people who never credited that there could be cathedrals of the spirit as well as stone…It is my belief that Aboriginal Australia underwent a rape of the soul so profound that the blight continues in the minds of most…today.[84]

Though Gilbert was referring to Australia, the message reaches to the experiences of Aboriginals in New Zealand, Canada, the United States and other colonized countries. As will be discussed further in Section III, the Canadian colonial legacy would have an enduring and destructive impact on Aboriginals well beyond the closing of residential schools.

(ii) The Present Day: A Legacy of Second-Class Citizens

Systemic injustices, violence, inequality, and racial oppression of Aborigines are unfortunately not a thing of the past. The assault waged against Aborigines, via what presents as a systematic attempt to eliminate them through economic, cultural, social and military conquest, parallels genocide. Even today, "the descendants of those conquered people continue to face the traumatic effects of that genocide similar to the inter-generational trauma faced by descendents of holocaust victims."[85] While more subversive and "normalized", these injustices continue to impact the lives of Aboriginal communities for reasons explained by the following:

> For Aboriginal peoples, the colonial past is experienced as a violent discontinuity. Their subjection and displacement disrupted the ongoing narratives through which they lived their lives. 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-

[84] Read, *A rape of the soul*, quote on initial page of book

[85] M.Y Brave Heart, "The historical trauma response among Natives and its relationship with substance abuse: A Lakota illustration." *Journal of Psychoactive Drugs* 35(1), 2003. p. 7-13.

> government is to overcome. The apparently widespread sexual abuse is, in many cases, a repetition of abuse previously suffered by the perpetrators, often in residential schools.[86]

Lloyd Robertson terms this lasting impact a "collective soul wound", stemming from the Jungian analysis of E. Duran and B. Duran, to which "the dream religion of the Iroquois speaks of a 'soul wound' that occurs at the level of myth and dream."[87],[88] The suggestion here is that the trauma becomes a shared memory, passed on through generations in a manner similar to the way culture is transmitted.[89]

In June 2008, the Government of Canada sought forgiveness for its actions, offering a formal apology to all former students of residential schools. Most importantly, the apology acknowledged the suffering and impact the schools had on Aboriginal cultures, heritage and languages.[90] It highlighted the government's commitment to address, and remedy as best as possible, the legacy of residential schools. It is debatable whether conditions have actually improved for Aborigines in Canada as there continues to be racism, oppression, systemic injustices, neglect, and violence against Aboriginal communities. Scott Gilmore, a writer for *Maclean's*, just recently published an article titled "Canada's race problem? It's even worse than

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[86] Cairns, *Citizens Plus*, 87.

[87] Lloyd Hawkeye Robertson. "The Residential School Experience: Syndrome or Historic Trauma." *Pimatisiwin: A Journal of Aboriginal & Indigenous Community Health* 4(1), 2006. p. 10-11

[88] E. Duran and B. Duran. 1995. *Native American Postcolonial Psychology*. Albany, NY: State University of New York Press. p. 46.

[89] Robertson. *The Residential School Experience,* 10-11

[90] Government of Canada, *First Nations,* 77

America's", in which he discusses the racism displayed towards Indigenous peoples and our failure as a nation to recognize it because it is "out of sight, out of mind."[91]

Clearly, there are drastic cultural, social, and political changes that must be made to ensure better and more equal treatment of Canadian Aboriginal populations. For instance, approximately half of Aboriginal children on reserves live in poverty, a rate triple that of children not living in reserves. "In Manitoba and Saskatchewan, 62 and 64 percent of status Aboriginal children were living below the poverty line, compared with 15 and 16 percent among non-indigenous children in the provinces."[92] Access to education, health care and basic social services are limited by the failures of government policy. On some reserves, Aborigines live with mould, asbestos, and no running water – conditions in many cases that are worse than those in the developing world.[93]

For instance, Attawapiskat First Nation reserve (pictured in Figure 4) had to declare a state of emergency in 2011 because conditions had deteriorated so badly, with families facing fire, disease, and exposure to the harsh winter conditions.[94] At one point, there were, "five families living in tents; 19 families living in sheds without running water; 35 families living in houses needing serious repair; 128 families living

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[91] To learn more, please see Scott Gilmore, "Canada's race problem? It's even worse than America's", *Maclean's*, January 22, 2015. Web. Accessed January 28, 2015. http://www.macleans.ca/news/canada/out-of-sight-out-of-mind-2/

[92] Amber Hildebrandt, "Half of First Nations children live in poverty", *CBC News*. June 19, 2013. Web. Accessed May 31, 2015. http://www.cbc.ca/news/canada/half-of-first-nations-children-live-in-poverty-1.1324232

[93] Ibid

[94] Charlie Angus, "What if they declared an emergency and no one came?", *The Huffington Post*, October 23, 2012. Web. Accessed November 11, 2014. http://www.huffingtonpost.ca/charlie-angus/attawapiskat-emergency_b_1104370.html#s487209)

in houses condemned from black mould and failing infrastructure; 118 families living with relatives (often 20 people in a small home). There was a need for 268 houses just to deal with the immediate backlog of homelessness."[95]

Figure 4. Attawapiskat Reserve. A mother in front of her makeshift house – a tent shared with her husband and 4 children for 2 years. Photograph: Charlie Angus, "What if they declared an emergency and no one came?", *The Huffington Post*, October 23, 2012.

The message delivered by Canadians and the government is that we do not care about Aboriginal individuals, before and after they are victimized. While the plight of Aborigines in Canada is both a devastating and important story to explore, I will narrow my focus to the sexual violence against, and trafficking of, Aboriginal women as a specific example of the vulnerability and exploitation facing this population. The next section will review the current literature on human trafficking, extractive industries, and the connections with Aboriginal women.

[95] Ibid

Section II – Understanding the Issues at Hand: Linking Human Trafficking to Extractive Industries

(i) Human Trafficking

Human trafficking and sexual violence tend to involve the most vulnerable populations of society. According to Article 3(a) of the Palermo Protocol, created by the United Nations Convention against Transnational Organized Crime (2000), human trafficking is defined as:

> …the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[96]

Human trafficking is a well-known global phenomenon yet remains difficult to accurately quantify and describe due to the highly clandestine nature of the crime, producing variations within the data and research. For instance, the International Labour Organization (ILO) estimates that about 20.9 million people are victims of forced labour (in which human trafficking is included), with about 4.5 million people (22 percent) subject to forced sexual exploitation.[97] As of 2005, the ILO estimated an annual worldwide profit of USD$44.3 billion.[98] Alternatively, research conducted by Kevin Bales of Free the Slaves indicates that at any given time, roughly 27 million

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[96] United Nations Office on Drugs and Crime [UNODC], *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,* 2000. Accessed February 26, 2014. p. 2. http://www.osce.org/odihr/19223?download=true

[97] Stephanie Hepburn and Rita J. Simon, *Human trafficking around the world: Hidden in plain sight*. Columbia University Press: New York, 2013, p. 1.

[98] Ibid,1.

people are enslaved worldwide.[99] Other estimates place annual profits of forced labour at USD$31.6 billion, with 15.5 percent of the profits generated in industrialized countries and 9 percent in countries undergoing economic transition.[100] Geographically, profit generation is estimated to be at 30.6 percent in Asia and the Pacific, 4.1 percent in Latin America and the Caribbean, 5 percent in Sub-Saharan Africa, and 4.7 percent from the Middle East and North Africa.[101]

The data reiterates the stereotype that human trafficking prevails mainly in developing countries (the Global South), as individuals in those countries are perceived to be the most vulnerable to external influences. These regions are usually characterized by: extreme poverty, war, political instability, economic insecurity, rapid population growth coupled with limited resources to support the expansion, widespread corruption in governments and law enforcement, and the push to deliver inexpensive goods and labour to the more wealthy nations (an effect of globalization) thereby making them more vulnerable to facilitating the conditions necessary for human trafficking.[102]

Chris Bruckert and Colette Parent specifically discuss that many authors who write about human trafficking attribute globalization as the "backdrop against which

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[99] Kevin Bales. *Disposable people: new slavery in the global economy*. Berkeley, CA: University of California Press, 1999 as cited in Mary C. Burke, ed. *Human trafficking: interdisciplinary perspectives*. Routledge, 2013. p. 14

[100] P. Besler, *Forced Labour and Human Trafficking: Estimating the Profits*. Working Paper. Geneva: International Labour Office, 2005 as cited in Mary C. Burke, ed. *Human trafficking: interdisciplinary perspectives*. Routledge, 2013. p. 14

[101] Mary C. Burke, ed. *Human trafficking: interdisciplinary perspectives*. Routledge, 2013. p. 14

[102] Ibid, xxvii

the trafficking in human beings has developed over the past 30 years."[103] Economically, globalization has created a rise in capitalism and capitalist production that has unequally reshaped global economic relations, producing prosperous nations that seek cheap labour and resources from less developed and more economically insecure nations.[104] These economic disparities result in large numbers of economically vulnerable and marginalized groups of peoples. It also encourages the emergence of a consumer society by increasing the incentive to consume, something from which the sex trade is not exempt.[105] Traffickers benefit from globalization by taking advantage of the mobility of capital, easy world travel, worldwide communication and seemingly transparent borders.[106] Globalization has also made it easier to traffic people both domestically and transnationally for reasons such as technological developments, more rapid modes of transportation, and less coordinated anti-trafficking response efforts.[107]

Another prevailing stereotype is that of "the trafficked person". As will be discussed in more detail in Section III(ii), popular stereotypes of human trafficking victims – the ideal victim – are often portrayed as innocent young girls, typically

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[103] Bruckert, Chris, and Colette Parent. *Trafficking in human beings and organized crime: A literature review*. Research and Evaluation Branch, Community, Contract and Aboriginal Policing Services Directorate, Royal Canadian Mounted Police, 2002. Web. Accessed. January 15, 2015. http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/pdf/traffick-eng.pdf .p. 8.

[104] Stephanie A. Limoncelli. "Human trafficking: Globalization, exploitation, and transnational sociology." *Sociology compass* 3, no. 1 (2009): 72-91. p. 79.

[105] Bruckert and Parent. *Trafficking in human beings. 9*

[106] Jaime M. Turke, "Human Security and Development issues in human trafficking" in Mary C. Burke, ed. *Human trafficking: interdisciplinary perspectives*. Routledge, 2013, p. 73-87.

[107] For a more detailed discussion on globalization and human trafficking see Limoncelli (2009).

(though not exclusively) non-western and from “third-world” countries, who are seduced or kidnapped from their home countries, subjected to drugs for compliance and forced into the commercial sex industry.[108]

This stereotype fails to capture the complexity of the issue, negating any experiences or individuals who differ from this narrow portrayal. Firstly, while women and girls tend to make up the majority of those trafficked, men too are victimized. Secondly, any sense of agency or autonomy on the part of the woman is removed, negating the experiences of those who actively choose to work as sex workers. Thirdly, this does not fully account for the extraneous factors that breed an environment conducive to trafficking. For instance, traffickers tend to target vulnerable populations such as runaways, undocumented migrants, the poor, or marginalized groups because they have limited resources and means of employment.[109] As it relates to Aboriginal women, this perception also completely ignores the colonial legacy (i.e. of racism, violence, and cultural genocide, etc.) that has heightened their vulnerability to being trafficked. Additionally, it hinders the realization that Western women are victims of trafficking, as are Aboriginal women; it is not geographically limited to developing countries.

Thus, human trafficking is not often thought to exist in developed countries, such as the United States and Canada. The reality is however that these countries are indeed victim and perpetrator to this crime. According to the 2013 statistics released by the RCMP, the current state-of-play included 160 cases in Canada since

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[108] Bruckert and Parent. *Trafficking in human beings*. 3.

[109] Burke, *Human trafficking: interdisciplinary perspectives*, 9.

2007, with 151 of those cases being domestic human trafficking.[110] Domestic cases manifest in the trafficking of Aboriginal and non-Aboriginal youth and women. As documented by a US State 2014 Trafficking in Persons Report, both Canada and the United States have been deemed, "a source, transit, and destination country for men, women and children subjected to sex trafficking."[111]

Aboriginal populations constitute one of the most vulnerable groups in Canada, and consequently are at heightened risk for falling victim to sexual violence and human trafficking. There exists a host of factors that foster this increased vulnerability:

1) Historical trauma inflicted upon Aboriginal populations (colonialism, forced relocation/settlement, legacies of residential schools and associated intergenerational effects)
2) Precipitating health factors (abuse and history of familial violence, acute physical care, addictions such as alcohol and drugs, mental illness, learning disabilities, exploitative relationships, gender-based violence)
3) Precipitating economic factors (poverty, proximity to economic development, rural/remote (isolated) living conditions, poor housing, limited access to basic needs, street-affect youth and adults, homelessness or overcrowding, growing up in care/ aging out of care)

[110] RCMP Human Trafficking National Coordination Centre (HTNCC). "Fact Sheet Statistics: Human Trafficking in Canada". July 22, 2013 as referenced in Roos, *Phase 1*, 19.

[111] US Department of State. "Trafficking in Persons Report 2014", 2014. Web. Retrieved November 11, 2014. p. 125 (Canada) and 397 (USA). http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm

4) Poor access to/availability of education, victims services, rehabilitation facilities[112]

Furthermore, human trafficking is assumed to be a recent phenomenon. This is a mistaken belief, repeatedly demonstrated to hold a long-standing global history, particularly depending on which lens is adopted to analyze the issue; for instance, the slave trade is one of the oldest known forms of human trafficking. The crime did not end when slavery was abolished but has simply become more subversive, or worse, a daily norm. Sarah Deer attempted to debunk this assumption through examination of the erroneous rhetoric and notion that trafficking of persons is a recent crime that exists outside of North America – the United States as it specifically relates to this article. Deer argued that there was a historical and legal context of sex trafficking, dating back to the colonial predecessors of the US. Additionally, the perception that human trafficking within Canada and the United States must involve someone foreign, typically from the Global South such as Thailand, Eastern Europe or Africa, can ultimately hinder understanding that trafficking occurs domestically (American and Canadian women), preventing full and proper prosecution of this grievous act.

Anette Sikka makes reference to prominent stereotypes and assumption that cloud recognition, noting that, “in Canada, the term “trafficking in persons” commonly evokes images of young Eastern European women deceived into sexual slavery in the back rooms of strip clubs in Toronto, or young Asian women forced into

[112] Other risk factors include: criminal affiliations, internet and technology (online dating), precipitating cultural factors (attitudes towards gender roles, sexual relations) and precipitating environmental factors (public awareness and education, relationship and support systems, community support, transportation); Roos, *Phase 1*, 38

prostitution in seedy massage parlors in Vancouver."[113] Deer and Sikka, as well as various other scholars on this issue (Sethi; Farley, Matthews, Deer, Lopez, Stark; Hudon), point to one of the gaps in the literature concerning human trafficking: the lack of awareness that it is not constrained to one area of the world but that it occurs globally, without geopolitical bias. It is a concept that has become "exoticized" to the Western world, believed to only impact Eastern European, Asian, or African women. To an extent, it is yet another example of the "othering" of the non-Western world, which hegemonic countries historically have done in order to reaffirm their superiority and moral high ground. It is "exoticized" and "otherized" to the point that the fact it occurs domestically, within the US and Canada, does not garner the attention it deserves. The research conducted by these various authors' marks the beginning of wider recognition that there is trafficking of individuals within Canada and the US. Their work and policy implications provide a solid foundation from which these countries can begin addressing this issue domestically.

The vulnerability of Indigenous peoples to trafficking is recognized both globally and in the literature, as they tend to be economically and socially marginalized populations, may lack citizenship, and be disproportionately affected by environmental degradation (such as climate change or extractive industries).[114] The US Department of State report in 2009 documented Indigenous teenage girls in Australia being forced into prostitution at rural truck stops. The 2014 US Department

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[113] Anette Sikka, "Trafficking of Aboriginal women and girls in Canada". *Part of the Aboriginal Policy Research Series, Institute on Governance*, 2009. p. 1.

[114] US Department of State. "Trafficking in Persons Report 2014". Under section "Vulnerability of Indigenous peoples to human trafficking", 2014. Web. Accessed November 11, 2014. http://www.state.gov/j/tip/rls/tiprpt/2014/226646.htm

of State report discussed indigenous communities in: Latin America, such as those in Peru or Colombia, who are vulnerable to labour and sex trafficking through forcible recruitment; remote areas of the Democratic Republic of the Congo, where pygmy groups are subjected to forced labour in various industries; Southern Africa, where the San Women and girls are exploited for domestic servitude and are vulnerable to human trafficking; or Thailand, where, in search of employment, children from hill tribes are found in commercial sexual exploitation and trafficking in the cities.[115] There was brief reference made to the vulnerability of Aboriginal Canadian and American Indian women to trafficking, however no empirical examples were given.

This discussion is meant to address another gap in human trafficking literature: the inadequate, if at all, study of the trafficking of Aboriginal women in Canada. Natalya Timoshkina and Lynn McDonald revealed this discrepancy through a qualitative metasynthesis of empirical research concerning sex trafficking in Canada. Of the roughly 15 studies used, there was *one* national study on domestic trafficking of Aboriginal women and girls (Sethi). This disproportionate analysis of the trafficking of Aboriginal women, members of a historically vulnerable community, is a concern shared by Sethi, Deer, Farley et al., Sikka, and myself, among others. Deer noted that despite the fact that in contemporary times global sexual slavery disproportionately affects Aboriginal women, it is a problem that is rarely acknowledged and thus there are few empirical studies with this focus.

[115] Ibid

As to why this disproportionate focus may occur, Anupriya Sethi argues that issues of murdered and sexually exploited Aboriginal girls continue to be portrayed as a problem of prostitution (which implies agency on the part of the woman) rather than a problem of domestic trafficking or sexual exploitation (which removes agency and indicates victimization). Also, Sethi argues that current discussions concerning human trafficking in Canada do not account for domestic trafficking, especially as it relates to Aboriginal women. To add due focus to the issue, Sethi aimed to identify the root causes that make Aboriginal women particularly vulnerable to trafficking and thereby determine the implications for policy and legal analysis. Among the causes identified, Sethi noted poverty, familial roots of sexual exploitation as a gateway to trafficking, and intergenerational effects of residential schools, and systemic discrimination (i.e. overrepresentation in criminal system, child welfare) that places racial pressures on the women and further marginalizes them in society.[116] In addition, Sethi astutely noted that despite the array of complex problems facing Aboriginal communities in the present day, policies are limited to issues such as health, violence, poverty and the criminal justice system and thus fail to examine or account for the sexual exploitation of Aboriginal girls in Canada.

Deer attempted to correct the false notion that human trafficking is a recent phenomenon that only exists outside of North America. Contrary to popular belief, human trafficking is not specific to poor, underdeveloped nations, but occurs in the US and Canada and is tied to the growth of the sex industry in these nations, in which Aboriginal women are significantly overrepresented as trafficked and exploited

[116] Sethi, *Domestic Sex Trafficking*, 60-63

persons. Deer documented the trafficking of Aboriginal women in the USA over centuries, revealing the experience of Aboriginal women of generations of enslavement, exploitation, exportation, and relocation. By focusing on the history of sexual oppression and sexual violence of American Indians and Alaska Native women, the author sought to bring this unrecognized reality to the forefront. While Deer's research is focused on the USA, the situation in Canada is comparable.

According to Deer, the US federal government has recognized that statistically speaking Aboriginal women suffer the highest rate of sexual violence out of any ethnic group. The bodies of Aboriginal women have become exotic and commercialized as a result of American law gradually supplanting Indigenous law over the centuries. The historical legacy of colonizing tactics still plays a role in tribal communities, contributing to the debasement of Aboriginal peoples, especially women. This legacy has traumatized and devastated tribal communities and is linked to a higher crime rate, such as drug trafficking and domestic violence, as well as facilitating the sexual exploitation of Aboriginal women.[117]

Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon situated their argument in line with the other literature. One of the central goals of this article was to assess the life circumstances of Aboriginal women in prostitution in Minnesota, a group whose needs often go unmet and are not typically studied. While situated in Minnesota, parallels can be drawn to the situation in Canada (in regards to research, history and subsequent colonial legacy, current social conditions, etc.; legally they are very different bodies), as with other

[117] Sarah Deer. "Relocation revisited: Sex trafficking of Aboriginal women in the United States." *Wm. Mitchell L. Rev.* 36, 2009: 621.

American-focused literature. The researchers wanted to highlight that discussions of prostitution and trafficking rarely include Aboriginal women and that it is critical "to understand the sexual exploitation of Aboriginal women in prostitution today in its historical context of colonial violence against women."[118]

Sikka also explored the manner in which historical representations of Aboriginal women, coupled with factors such as poverty, racism, criminalization and the fact that Aboriginal women do not adhere to the iconic traffic victim, collaborate to disguise crimes of sexual violence and human trafficking committed against them. Historically, Aboriginal women have been associated to criminal activity and sexual availability, even presented as someone who is inherently rapable. Thus her victimization becomes a "natural consequence" of the life she has chosen to occupy and the classic trafficked victim therefore "does not include her story."[119] While it is recognized that Aboriginal communities, especially Aboriginal women and girls, are a vulnerable population in Canada – at high risk of being trafficked for sexual exploitation – acts of trafficking are not typically seen as such and instead are cloaked or euphemized behind "prostitution" rhetoric, thereby falsely implying a degree of agency.

There is a significant degree of overlap among these scholarly approaches, with the main arguments being that Aboriginal women are trafficked within Canada and the United States, that there exist a significant number of risk factors that work

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[118] Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon. "Garden of truth: The prostitution and trafficking of Native women in Minnesota." *Saint Paul, MN: Minnesota Indian Women's Sexual Assault Coalition* (2011). Web. Accessed November 12, 2014. p. 4. http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf

[119] Sikka, *Trafficking,* 1-2

together to perpetuate and disguise this crime, and that this is an poorly recognized issue, with limited qualitative and empirical research and in need of a huge shift in policy. The core analytical concepts employed by these scholars are also coherent, consisting primarily of human trafficking, prostitution, and the impact of colonization. A strong emphasis is placed on the degree to which colonization and colonial abuse has inflicted great suffering on Aboriginal people, and continues to the present in the form of physical violence, oppression and legal inequities.

The historical attempts to annihilate American Indians and “civilize” Canadian Aborigines is central to both American and Canadian history and has consequentially resulted in generations of Aboriginal people suffering from violence, emotional trauma, substance abuse, mental health issues, and enforced poverty, among others. Sexual violence (including human trafficking) is employed as a metaphor for the entire concept of colonialism, and parallels are drawn between traffickers and colonizers, all of which the authors use to guide their argument. An examination of systemic factors and group constructions that aid in the perpetuation of sexual violence and trafficking and hinder intervention is also used to demonstrate the role that the State plays in this problem. The collective contribution of these authors offers a deeper understanding of the context in which Aboriginal women are trafficked and prostituted.

The more general analytical concepts of prostitution and human trafficking are also used. Both prostitution and human trafficking are regarded as forms of sexual violence that were, and continue to be, imposed on tribal communities. The authors collectively acknowledge that research on violence against Aboriginal women in the

United States and Canada fails to include prostitution and sex trafficking as forms of sexual violence. Aboriginal American history and culture also serve as a foundation for the research and offers insight into societal perceptions and treatment of Aboriginal populations. Sikka specifically made explicit recognition that the trafficking paradigm used to address sexual exploitation of Aboriginal women is but one framework in the overall struggle of Aboriginal women and their communities.

To Sikka, the trafficking of Aboriginal women is unique and should be viewed as a subset to the larger occurrence of exploitation perpetrated against Aboriginal women. But trafficking should not be seen as a "catch-all" means of addressing all violence. In many cases "kidnapping, rape and murder have become fused under the guise of "trafficking", wherever sex trade work is involved."[120] The consequence of this is that, "by combining these various forms of violence and exploitation into the term "trafficking", "this discourse has further alienated the exploitation of Aboriginal women from view by reinforcing the stereotypical "trafficked victim"."[121] Discourse can have significant influence on properly perceiving and understanding the issue. Collectively, these frameworks offer a comprehensive means of addressing the various factors at play in facilitating sexual violence and trafficking of Aboriginal women.

[120] Sikka, *Trafficking*, 3.

[121] Sikka, *Trafficking*, 2-3.

Given the degree of consistency presented above, one would assume that the research on this topic has been comprehensively assessed and understood as far as the research permits, with a widespread understanding that more empirical data needs to be obtained to more adequately assess this issue.[122] However, one factor that was repeatedly lacking from the literature was the link between trafficking of Aboriginal women and extractive industries (such as oil or mining). The "classic risk factors " so to speak were represented consistently – to the point of repetition – between the works of Sethi, Deer, Farley et al., and Sikka: colonial history, poverty, racism, physical/mental abuse, mental health, and substance abuse to name but a few of the many points made. The majority of these scholars failed to consider the possibility of extractive industries, or the larger concept of economic development, being a potential source for sexual violence and human trafficking.

Figure 5. Young Aboriginal girl dancing. Photograph: RCMP Report, "Missing and murdered Aboriginal women: a national operational overview". 2014.

[122] For a comprehensive literature review, please see Native Women's Association of Canada (NWAC), "Sexual Exploitation and Trafficking of Aboriginal Girls: Literature Review & Key Informant Interviews" March 2014.

This is where I will situate my own work. In tandem with understanding the sexual violence and trafficking of Aboriginal women in Canada, I make the argument that there is a poorly acknowledged connection between the domestic extractive industries of Canada and increased vulnerability of Aboriginal women to trafficking because of these industries. Using similar methods to those presented, I will draw from the literature on trafficking of Aboriginal women and girls and link it to the extractive industries in Canada in order to incorporate this aspect into both the risk factors for sexual violence and trafficking as well as policy recommendations and preventative measures.

In summary, three criticisms of the research concerning human trafficking have been discussed to contextualize my argument. The first criticism is that the research does not adequately, or has only recently begun, to address the reality that human trafficking is a global issue with a significant degree of historical continuity. It occurs in North America and has been occurring for centuries, both domestically and globally. It is recent in the sense that it has only now started to garner attention. The second criticism is that human trafficking literature remains focused on “stereotypical trafficking victims” such as women from Thailand or Eastern Europe, and does not adequately address Aboriginal women and girls specifically, a highly vulnerably population in the US and Canada. This perpetuates the invisibility of the crime and allows it to go unabated. The third criticism is that there is a lack of recognition as to the potential link between trafficking of Aboriginal women and girls and the domestic extractive industries in Canada. Research shows that trafficking and extractive industries are linked; why has it not been recognized in the literature concerning

human trafficking in Canada? Further research and in-depth analysis into the sexual violence against, and human trafficking of, Canadian Aboriginal women as well as domestic extractive industries will bring to light the gaps in the current research and offer suggestions as to areas that need to be addressed by national and international policy and both domestic and global preventative measures.

(ii) Trafficking of Aboriginal Women & Children in Canada

In 2009, the Standing Senate Committee on Human Rights was mandated to study, "the issue of the sexual exploitation of children in Canada, with a particular emphasis on understanding the scope and prevalence of the problem…across the country and in particularly affected communities."[123] In 2011, the Committee reviewed the results of the study. Within the vast amounts of data collected, the findings revealed that, "…nowhere is the devastation of sexual exploitation more pervasive than among Aboriginal children and youth, who represent over 90 percent of those being exploited in certain cities."[124]

As noted previously, sexual abuse during childhood often heightens ones vulnerability to trafficking or sexual violence in adulthood, creating continuity to the sexual violence. There is a recognized limitation to understanding the extent of sexual exploitation within Canada and when coupled with indifference and lack of awareness as to how it impacts Aboriginal women later in life, it only serves to aid the perpetrators of these crimes. The overwhelming reality is that this exploitation,

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[123] Standing Senate Committee on Human Rights, "The sexual exploitation of children in Canada: the need for national action". Government of Canada. 2011. Accessed November 11, 2014. p. 2. http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf

[124] Standing Senate Committee, *Sexual exploitation*, vi.

prior to being documented in this commissioned study, has been occurring longer than we choose to acknowledge, disguised behind veils of colonization and systematic oppression or simply going unreported.

A common mistake, which hinders properly understanding the issue, is the concept of trafficking itself (see Section II(i) for full definition). Despite references to transportation, transfer and implications to cross-border activity, the term "trafficking" is misleading. It does not ultimately determine whether human trafficking has occurred – exploitation must also be considered in order to differentiate it from other illegal activities such as migrant smuggling. The term erroneously implies movement and while it may hinder people's perception of the crime, "as a term of art, human trafficking will continue to be written into legislation, treaties, and other legal documents."[125]

Misconstruing human trafficking as being defined by literal transportation results in innumerable cases and victims to be overlooked. For instance, according to Hunt, "forced migration, confinement in residential schools and facilitated sexual abuse has the characteristics of what we now call human trafficking."[126] Hunt further writes that, "some Indigenous scholars have begun reframing colonial violence in these terms", noting that, "tactics of traffickers are consistent with many of the tactics used by colonial and American governments to subjugate Native women and

[125] Victoria Sweet, "Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada", MSU Legal Studies Research Paper No. 12-01. Web. Accessed February 20, 2014. p. 4. http://ssrn.com/abstract=2399074

[126] Hunt, *Colonial Roots*, 27.

girls."[127] Instead, the emphasis should be placed on the exploitation and coercion of the victims. The Department of Justice of Canada is cognizant of this, noting that, "trafficking of persons is about exploitation and does not necessarily involve movement."[128] Under the Canadian Criminal Code, a person has been exploited by another person if they, " cause someone to provide…labour or a service by engaging in conduct that…could cause the other person to believe that their safety…would be threatened if they failed to provide…the labour or service."[129] Thus, the definition of human trafficking must be understood to rest more on the exploitation of a victim rather than the physical transportation of persons.

With a more holistic understanding of human trafficking now providing a solid foundation from which to progress, the next step is to present the high incidence rates of violence perpetrated against Aboriginal communities, particularly women and girls. At higher risk of being subject to violence, rates of victimization among Aboriginal women is almost three times higher than the rate of victimization for non-Aboriginal women, according to a recent RCMP report.[130] This report, said to be the most comprehensive report conducted to date, also details how Aboriginal women are overrepresented among murdered and missing women in Canada.[131]

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[127] Ibid, 28.

[128] Government of Canada, "Legislation: human trafficking". *Department of Justice*, 2013. Web. Accessed November 11, 2014. http://www.justice.gc.ca/eng/cj-jp/tp/legis-loi.html

[129] Government of Canada, *Legislation*, section 279.04

[130] RCMP, "Missing and murdered Aboriginal women: a national operational overview". 2014. Web. Accessed November 11, 2014. p. 7. http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf

[131] Ibid, 3.

Statistically speaking, 1.4 million people, mainly found in the territories and within the Western provinces, identified as Aboriginal in Canada as of 2011, representing about 4.3 percent of the total population. The number of Aboriginal women is proportional, with about 718,500 (4.3 percent) among the total female population of that year. Between 1980 and 2012, there were 1,181 police recorded incidents of crimes against Aboriginal women – 1,017 homicide victims and 164 unresolved missing. Within that same time period, there were 20,313 homicides across Canada, with females representing 32 percent of total homicide victims. Based on the data presented, Aboriginal women represent roughly 16 percent of all female homicides – an overrepresentation given the population size of the Aboriginal female community as described above.[132] What is worse is that we likely do not have comprehensive statistics regarding violence against Aboriginal women. In his publication, *Invisible Chains*, Professor Benjamin Perrin references Amnesty International and Native Women's Association of Canada (NWAC) who estimate that at least 500, perhaps more, Aboriginal girls and women have gone missing in Canada over the last 30 years – a huge disparity between the 164 documented (yet unsolved) missing women.[133]

Clearly, Aboriginal women experience higher levels of violence than the non-Aboriginal populations within Canada. Additionally, Aboriginal women and children are overrepresented in the sex trade. Broadly speaking, the RCMP estimates that 600 women and children are trafficked into Canada annually and that roughly 1,500 to 2,000 are transported from Canada into the USA, both for sexual purposes and a

[132] Ibid, 9.

[133] Benjamin Perrin. *Invisible chains*. Penguin Canada, 2010. p. 96.

variety of other reasons.[134] While Canada does tend to be more of a transit country than a source or importing country, domestic trafficking is a recognized problem.[135] It is also important, argues Erin Wolski from the Native Women's Association of Canada (NWAC), that Canada begin to examine the issue "from an Aboriginal women's perspective given that Aboriginal women are being targeted in this country for sexual exploitation."[136] "Aboriginal girls are being hunted down and prostituted…these predators, pervasive in our society, roam with impunity in our streets and take advantage of those Aboriginal children with the least protection."[137]

As part of the investigation, the 2012 Standing Committee on Human Rights was informed that Aboriginal communities are in need of particular attention as the communities often experience lower levels of education, poor housing conditions, higher degrees of poverty, and inadequate access to basic services and social support – subjecting them to additional pressures that increase their vulnerability and chances of being sexually exploited. These are many of the risk factors that increase an individual's chance of being trafficked. Members of society who are most at risk of sexual trafficking are women, the poor, youth, widows/abandoned

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[134] Jacqueline Oxman-Martinez, Marie Lacroix & Jill Hanley, "Victims of Trafficking in Persons: Perspectives from the Canadian Community Sector", Department of Justice Canada, August 2005. Accessed November 11, 2014. p. 1-2. http://www.canada.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_3/toc-tdm.html

[135] Standing Senate Committee, *Sexual exploitation*, 19.

[136] Ibid

[137] Perrin, *Invisible Chains*, 96.

wives, orphans/abandoned children, and those with histories of (sexual) abuse.[138] Among such factors as lack of sense of belonging, low self-esteem and alcohol or drug abuse, the British Columbia Victim Services and Crime Prevention report identified "systemic factors, such as racism, and the impact of the destruction of Aboriginal culture and identity" as another risk factor that increases one's vulnerability to sexual exploitation.[139]

Statistics provided by the Violence and Abuse Prevention Program at the Canadian Red Cross and the Métis National Council highlight that Aboriginal children account for 87 percent of street-involved sexually exploited youth and represent at least half of youth sexually exploited in Canada.[140] In 2012 alone, there were an estimated14,000 youth victims of sexual exploitation or sexual offences in Canada, with the largest numbers occurring in the territories.[141] This pattern of Aboriginal youth and adults being overrepresented among the sexually exploited and trafficked is well-documented by the historical roots of Residential schools, as previously discussed, and predicted by the myriad of precipitating factors such as fewer job opportunities, little access to social services, familial abuse, low self-

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[138] "Human Trafficking". Salvation Army. 2014. Web. Accessed November 12, 2014. http://salvationist.ca/action-support/human-trafficking/

[139] See Appendix for a complete list of risk factors. Victim Services and Crime Prevention, "Stopping the Sexual Exploitation of Children and Youth." British Columbia Ministry of Public Safety and Solicitor General. 2011. Web. Accessed November 11, 2014. p. 5. http://www.pssg.gov.bc.ca/crimeprevention/shareddocs/pubs/crime-prev-series2-sexual-exploitation-children-youth.pdf

[140] Standing Senate Committee, *Sexual Exploitation*, 29

[141] Government of Canada. "Police-reported sexual offences against children and youth in Canada, 2012". Statistics Canada. 2014. Under section "children and youth more frequently victims of sexual assault than adults". Web. Accessed December 7, 2014. http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14008-eng.htm

esteem, or substance abuse issues. As Dr. Benjamin Perrin writes, "sexual exploitation of Aboriginal girls and women is more common than anyone has been willing to admit. Men see Aboriginal women not as women but as things to use and dispose of."[142] One is left wondering, why is there a deep and pervasive indifference about the sexual violence against, and trafficking of, Aboriginal women and girls? I will try and address this question later. For now, we will now explore the connection between extractive industries and human trafficking.

(iii) Extractive Industries, Human Trafficking & Man Camps

Extractive Industries (EI) explore, find, extract, process and market sub-soil assets such as oil, gas and mined minerals.[143] Extractive industries often encourage economic growth, create new jobs, and contribute to a country's long-term economic security by increasing GDP (via significant exports/global trade) or providing increased funding for government programs (i.e. Pension Plans), among other things.[144] Typically, jobs in the extractive industry go to men; worldwide, it is uncommon to find EI companies with a female employment rate above 10 percent (it is usually below 5 percent). This occurs for various reasons (that vary regionally), such as men having better access to education in some countries, the necessary physical strength required for the job, no potential for pregnancies, discrimination because of stereotypes within EI companies and communities that EI work is "men's

[142] Perrin, *Invisible Chains*, 95-96

[143] Dietsche, E.; Dodd, S.; Haglund, D.; Henstridge, M.; Jakobsen, M.; Sindou, E.; Slaven, C. "Topic Guide: Extractive industries, development and the role of donors". 2013. EPS PEAKS, UK. Web. Accessed November 11, 2014. p. 4. http://r4d.dfid.gov.uk/Output/194206/

[144] Government of Canada, "Extractive Industries: The Canadian Advantage at Home and Abroad", *Natural Resources Canada*. November 18, 2014. Web. Accessed February 20, 2015. http://news.gc.ca/web/article-en.do?nid=905719

work", and even superstitions or traditional beliefs about where women should work.[145] These gender divisions tend to have negative economic, social, and cultural impacts on women, such as exclusion from development decisions, diminished economic control, and health impacts.[146] Nevertheless, if EI projects are "designed in a participatory and gender-responsive manner" they can be beneficial to women as they provide increased access to employment opportunities, and when coupled with micro-credit services and socioeconomic empowerment programs (i.e. education, skills training, equitable distribution of EI benefits) they have potential to offer additional positive impacts.[147]

However, there is a dark side to extractive industries. In the perpetual race for profit, natural resources – especially timber, minerals, oil, and gas – are often a key triggering factor in initiating, escalating and sustaining violent conflicts. Indeed, the link between extractive industries and conflict is a well-documented phenomenon, typically occurring – once again – in developing countries or regions such as Africa (South Africa, Democratic Republic of Congo, and Sudan to name a few), South America, or Eastern Europe. There is often excessive impact on the local economy, society and environment. Exploitation, greed, and indifference for local populations

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[145] Adriana Eftimi, Katherine Heller, and John Strongman. "Gender dimensions of the extractive industries: mining for equity." *The World Bank: Extractive Industries and Development Series #8*, 2009. Web. Accessed February 20, 2015. p. 9. https://openknowledge.worldbank.org/handle/10986/18236

[146] Ibid, 10

[147] United Nations Interagency Framework Team for Preventative Action (UNIFTPA), "Extractive Industries and Conflict". 2012. Web. Accessed November 11, 2014. p. 17. http://www.un.org/en/land-natural-resources-conflict/pdfs/GN_Extractive.pdf

consume those who seek to profit from natural resources and violence against the land and people spreads.

Accompanying extractive industries is an influx of workers who, "not only burden local infrastructure, but also undermine social networks and governance structures while precipitating increases in crime and prostitution."[148] The impacts are felt most by those in close proximity to the industry and who are at a heightened vulnerability. James Anaya, the UN Special Rapporteur for Indigenous Issues, stated that Indigenous women, both community members and those working for the mining projects, reported an increase in sexual harassment and violence (such as rape and assault) at increasingly alarming rates in mining areas. The women reported feeling less secure and more vulnerable to intimidation, sex work, and violence.[149] A report by the United Nations Interagency Framework Team for Preventative Action (2012) regarding extractive industries and conflict documented the gender-specific impacts, for both men and women. The report stated that,

> …some of the risks involved with EI projects have to do with negative impacts on women's safety and particularly protection from various forms of Gender-Based Violence (GBV). The concentration of large numbers of migratory, mostly young, male workers around EI developments can lead to an increase in prostitution and associated health and security risks, including HIV/Aids and other STDs, as well as human trafficking.[150]

A report on extractive industries for the Lancet Commission on Global Governance mirrors this consensus, noting that, "mining operations are often initiated in rural areas, which can trigger a number of social phenomena. For instance, a burgeoning

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[148] UNIFTPA, *Extractive Industries and Conflict*, 16.

[149] Sweet, *Extracting more than resources*, 1234

[150] Ibid, 17.

sex trade is often a result of mining or other extractive industry operations."[151] While the original intention of extractive industries may not have been to victimize women it has been the by-product of many development projects, with effects felt particularly by (though not limited to) Indigenous women in the region. In many respects, as concluded by some scholars, "human rights problems are intrinsic to oil and mining corporations."[152]

The problems that arise from extractive industries are not limited to particular countries; the US and Canada are subject similar issues. The testimony provided by Lisa Brunner, a Program Specialist for the National Indigenous Women's Resource Centre, at the 2013 Hearing on "Combating Human Trafficking before the Committee on Homeland Security and Governmental Affairs" spoke to the impact of recent extractive industries such as oil fracking and pipelines in Fort Berthold, North Dakota, stating that "with the fracking…comes "man camps'…there has been a doubling and tripling of numbers of sexual assaults, domestic violence and human trafficking incidents since 2008."[153] Man camps emerge from thousands of transient male workers settling around an extractive industry (such as oil or mining towns) and

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[151] Lexi Bambas-Nolen, Anne-Emanuelle Birn, Eugene Cairncross, Sophia Kisting, Mariette Liefferink, Baijayanta Mukhopadhyay, and Farah M. Shroff. "Case study on Extractive Industries prepared for the Lancet Commission on Global Governance." 2013. Web. (Accessed November 11, 2014). 6. http://www.med.uio.no/helsam/english/research/global-governance-health/background-papers/extrac-indus.pdf

[152] Victoria Sweet, "Extracting more than resources: Human security and Arctic Indigenous women", *Seattle University Law Review*, Vol. 37, No. 4 (1221-1243), 2014. p. 1228. Web. Accessed December 8, 2014. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2533164

[153] Lisa Brunner, *"The Devastating Impact of Human Trafficking of Native Women on Indian Reservations"***.** Hearing on "Combating Human Trafficking: Federal, State, and Local Perspectives" before the Committee on Homeland Security and Governmental Affairs"**.** 2013. Web. Accessed November 11, 2014. p. 2.
http://www.vawnet.org/summary.php?doc_id=4232&find_type=web_sum_GC

are often linked to higher rates of violence, murders, assaults, domestic disturbances, drugs and alcohol, and human trafficking. These transient men typically have no respect for local laws, and do not respect or value local culture or concerns of the communities. Geographically, the sites for extractive industries are often remote, isolated and desolate areas, offering additional incentive for clandestine activities. Cell service is typically limited and emergency services, should they be needed, are subject to getting lost or being unable to find these locations, especially those that are undocumented. There is minimal monitoring of the camps, threatening the safety of local women and girls, particularly those living on Aboriginal reserves nearby.

Tangible examples that connect human trafficking to extractive industries are hard to come by given its clandestine nature. One example comes from the testimony by Lisa Brunner. She stated:

> In Montana, the Bakken Oil Boom has impacted the largest reservation, Fort Peck, and residing counties have experienced both a population and crime explosion. The majority of employees from the oilrigs are not from Fort Peck Tribes or Roosevelt County or even from Montana. There have been documented increases in drug use and human trafficking, theft, alcohol related incidents and assaults within the last year. Law enforcement response, tribal DV/SA services, and medical response to these crimes have tripled in the last year.
>
> Within Northeastern Montana there are currently three man camps with several more only seventy miles away in the neighboring state of North Dakota. Many Tribal advocates have responded to victims that have been trafficked at the man camps often preying on young native women. Groups of men from the man camps use free access to drugs and alcohol as a method of coercion for young native women to “get in the car” and go party. This has resulted in 11 young native women ranging from the ages of 16-21 years of age reporting rape, gang rape and other sex acts; the majority of these victims are afraid to report due to fear and shame.[154]

[154] Ibid

In Canada, Fort McMurray provides another example. A community located in Northern Alberta, Fort McMurray has experienced significant economic growth from a number of resource booms due to its proximity to the Athabasca oil sands.[155] Attracting primarily youthful, transient men, available data indicates that this population, when coupled with high salaries, is associated with an increase in disorder and crime and decreased community engagement. Between 1986 and 2009, Fort McMurray experienced rates of crime per law enforcement officer at three times the national average, coupled with a lag in protective services for close to two decades. In 2009 alone, there were 17,288 criminal offences per every 100,000 residents in the population – approximately one crime for every five residents.[156] Fort McMurray was ranked in the top five Canadian cities in terms of the crime severity index.[157] Extractive industries offering major economic growth, that rely on the importation of outside workers, also hold the greatest potential for the exploitation and trafficking of local women. These "boomtown offenses" are the dark side to extractive industries and, given the above information, must be more seriously considered as a risk factor for sexual violence and trafficking of Aboriginal women.[158]

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[155] Rick Ruddell. "Boomtown policing: Responding to the dark side of resource development." *Policing* Vol.5 (4), 2011, 328-342. Web. Accessed January 15, 2015. p. 329. http://www.academia.edu/1115257/Boomtown_Policing_Responding_to_the_dark_side_of_resource_development

[156] Ibid, 335

[157] Ibid, 333. For more information, see "Sex, Drugs, and Alcohol Stalk the Streets of Fort McMurray" http://oilsandstruth.org/sex-drugs-and-alcohol-stalk-streets-fort-mcmurray

[158] For more information, please see articles concerning the North Dakota oil fields http://www.npr.org/2014/02/01/265698046/booming-oil-fields-may-be-giving-sex-trafficking-a-boost and http://america.aljazeera.com/watch/shows/america-tonight/articles/2014/4/28/the-dark-side-oftheoilboomhumantraffickingintheheartland.html

(iv) Canadian Extractive Industries

Canada has rich and diverse natural resources available for extraction and plays a major role in the global extractive market. These include: iron ore, nickel, zinc, copper, gold, lead, rare earth elements, molybdenum, potash, diamonds, silver, fish, timber, wildlife, coal, petroleum, natural gas, hydropower.[159] In 2013, the extractive sector (including oil, gas, mining) generated $174 billion in exports, accounting for over 39 percent of total domestic exports.[160]

Canada is the USA's main supplier of energy, with crude petroleum and natural gas being two industries that feature prominently in the Canadian economy; wood pulp and aluminum are another two main commodity exports. Many of these resources are found within the Western provinces as well as the territories. Within the circumpolar region of the US and Canada alone, there is an estimated $100 billion in future investments to be made within the next decade, with numerous companies announcing their future projects in the Arctic. Specifically within Canada, there are at least three future projects: the MMG Ltd.'s plan to build two mines in Nunavut by 2018; above Nunavut, the construction of an iron ore mine; and the Mary River project, situated on the Baffin Islands, also for iron ore.[161] Current examples in Canada include Fort McMurray, the Northern Gateway Project, the Keystone XL Pipeline, and mining activities in Nunavut.

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[159] CIA Factbook, "Canada" under section "Geography, Natural Resources". 2014. Web. Accessed November 11, 2014. https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html

[160] Government of Canada, *Extractive Industries*

[161] Cecilia Jamasmie. "Arctic Oil Extraction Frozen, but Mining to Bring a Melting $100 Billion in Investments," MINING.com, Jan. 14, 2013. Web. (Accessed October 20, 2014). http://www.mining.com/arctic-oil-extraction-frozen-but-mining-to-bring-a- melting-100-billion-in-investments-99646/

Canada is not immune from the impact of extractive industries. In a discussion on economic development, Roos reported on the extensive mineral resources in Nunavut, touching briefly on the Fort McMurray/Wood Buffalo area, and the connection between money, criminal activity (drugs, alcohol bootlegging) and sexual exploitation that often follow the extraction industry. The author stated that the social impacts of natural resource extraction projects should not be underestimated, even in Canada, and point to the 1,400 percent increase in sex crimes, 1,200 percent increase in domestic violence, and 1,200 percent increase in property crime in the areas as a result of mining projects.[162] Correspondingly, Sethi confirms the association between the capital incentive of trafficking Aboriginal women and its connection with the mining and oil industries in Alberta, stating that "significant number of men travel back and forth from Saskatchewan…or Alberta …to work in oil rigs or at uranium mines. In keeping with their movement, girls are increasingly being moved around and sexually exploited."[163]

Other notable extractive projects include: the Keystone XL Pipeline, the controversial fourth phase in the oil system that would run from Canada through the United States delivering synthetic crude oil and undiluted bitumen to refineries in the United States. Many of the proposed Keystone XL pipelines run through Aboriginal reserves and have been the subject of much protest. Another controversial oil project is the Embridge Northern Gateway Pipeline (NGP), a 1,200km stretch of pipeline from Bruderheim, Alberta to Kitimat, British Columbia set to begin in 2015.

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[162] Roos, *Phase 1*, 67.

[163] Anupriya Sethi. "Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications." *First Peoples Child & Family Review* 3.3, 2007. p. 60.

The pipelines are intended to carry extracted bitumen from the Alberta oil sands to the Pacific Coast where the oil would be transported to international tanker refineries. The NGP Project has been subject to much debate, with the major concerns being environmental damage (such as spills, destruction of habitats and natural resources) and the social, cultural, and physical threat to Aboriginal communities that live along the proposed pipeline path.

According to Elaine Zuckerman, "oil extraction and pipelines everywhere not only degrade the environment, but also often precipitate increased rates of sexual violence, sexually transmitted diseases including HIV, prostitution, and human trafficking."[164] Rapes and assaults were reported near pipelines in North Dakota and Montana and harmful gender dynamics continue to exist within the industry. As Zuckerman writes:

> These faraway pipelines' gender impacts are not unique. Destructive gender dynamics plague the area along the proposed Keystone XL pipeline, especially around the "boom town" of Williston, North Dakota. Locals claim sexual violence against women has increased since the flood of pipeline workers into temporary housing that locals call "man camps."…In 2009, Alberta had Canada's highest rate of domestic violence. In 2010, Fort McMurray's single women's shelter became…overcrowded...Local news reports cite the town as an epicenter of HIV and sexually transmitted infection and a hotspot for syphilis, coinciding with an uptick in prostitution.[165]

A recent report for the Canadian Women's Foundation (2014) also reveals the impact of extractive industries on the women of Qamani'tuaq (Baker Lake) in Nunavut, the only inland community of Inuit in Canada and home to the Meadowbank Gold Mine.

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[164] Elaine Zuckerman, "Are tar sand pipelines positive or negative for women?" *The Huffington Post*, May 21, 2012. Web. Accessed October 20, 2014. http://www.huffingtonpost.com/elaine-zuckerman/pipelines-damage-women_b_1525569.html

[165] Ibid

Figure 6. An Inukshuk stands near Baker Lake, highlighting the contrast between history and the present. Photograph: Baker Lake, "Trails into the Past".

Inuit comprise 24.7 percent of the permanent workforce, 65 percent of which are Inuit women. Inuit women hold 35.1 percent of all temporary positions (totaling 114 temporary employees) at the mine. While most women are employed in housekeeping or the kitchen, some work in the mine.[166]

Unfortunately, employment in areas such as housekeeping and kitchen work help facilitate a gendered work environment and sexual harassment as it forces them to interact closely to the predominantly male workforce. The report noted two downsides to employment at the mine: (1) sexual harassment and "simply put, dirty and compromising work", and (2) increased domestic violence and sexual abuse of both women and children.[167]

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[166] Pauktuutit, Inuit Women of Canada and School of Social Work, University of British Columbia, "The impact of resource extraction on Inuit women and families in Qamani'tuaq Nunavut Territory", 2014. Web. Accessed October 20, 2014. p. 4. http://pauktuutit.ca/wp-content/blogs.dir/1/assets/Final-mining-report-PDF-for-web.pdf

[167] Ibid, 45

Figure 7. Meadowbank Gold Mine in Qamani'tuaq, Nunavut.
Photograph: Baker Lake, "Mining and Development".

Based on testimonies gathered by women interviewed, the experiences of Inuit women are captured best by the opinion of one particular informant, saying, "the harassment of just walking around and just the general undignified behaviour. The names that women are being called and the expectations …The women are afraid to take it to human resources because they're going to lose their jobs, and that's a pretty powerful obstacle."[168]

The concerns were voiced again, according to the authors of the report, by someone in a position to know more about the happenings at the mine. "We've had a number of women…telling us about rapes. I mean they weren't just somebody who changed their mind, it was somebody who was actually raped up there."[169] Spikes in domestic violence and sexual abuse further victimize Inuit women living at this mine. Statistics Canada reported in 2011 that 10 times more incidents of sexual violations

[168] Ibid, 45

[169] Ibid, 45

against youth under the age of 18 were committed and that the prevalence of child and youth victims of violence was 4 times the rate, both in Nunavut and compared to all of Canada.[170] Evidently then,

> Violence and crimes against youth and children are not the only offences that are alarming. The rate of violent crimes against women in Nunavut in 2011 was nearly 13 times higher than the rate for all of Canada. The prevalence of police-reported sexual offences is substantially higher in Nunavut: a woman's risk of sexual assault is 12 times greater than the provincial average. Factors such as differences in perceptions of what constitutes sexual assault and willingness to report contribute to a high-level of underreporting. Therefore these rates likely represent an underestimation of the extent of this issue.[171]

This issue is not specific to this community. These problems are clearly apparent in other areas within Canada and in areas with similar conditions (i.e. rural geographic location, vulnerable population, rapid economic development). The picture that emerges from the previous discussions is one of indifference, violence, and neglect.

As will be discussed in the following section, these issues must be understood within the history of colonization and accompanying forced assimilation, structural and physical violence, framed by the perceived rapability of both the women and the land. Canada holds a significant position in the global extractive market and because of this, it is in the position to foster change and lead by example. Changes must be made from the local level to the government, from the perspective of the individual to that of a society, in order to prevent these traumas from continuing.

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[170] Ibid, 67

[171] Ibid, 67

What Every Indian Knows

Auschwitz ovens
burn bright
in America
twenty-four million
perished in the flame
Nazi
not a people
but
a way of life
Trail of Tears Humans
ends in Oklahoma
an Indian name for
Red Earth
Redder still
soaked in blood
of two hundred
removed tribes
the ovens burn bright
in America
Ancestral ashes
sweep the nation
carried in
Prevailing winds
Survivors know
the oven door stands wide
and some like mouse
cat crazed and frenzied
turn
and run into the jaws
at night
the cat calls softly
to the resting
us

– Pam Colorado

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[172] Colorado, Pam. "What every Indian knows" in Churchill, Ward, ed. *Critical Issues in Native North America*. International Work Group for Indigenous Affairs (IWGIA), Volume 2, 1991. Web. Accessed January 10, 2015. p. i
http://www.iwgia.org/iwgia_files_publications_files/0098_68_North_America_II_0005.pdf

Section III – Analyzing the Underlying Factors

Aborigines in Canada have been subjected to innumerable injustices and consistent victimization since the arrival of the first European explorers in the early 1500's. With colonization, exploitation of both the Native population and natural resources follow; this pattern is clearly evident throughout Canada's history and arguably remains visible to this day. By drawing a parallel between the genocide that occurred during Holocaust and the way in which Aborigines have been violently colonized and exterminated, Pam Colorado's poem captures the violence of the past and the violence still facing Aborigines today, for "survivors know the oven door stands wide". It also helps frame this coming chapter, for one of the underlying discussions throughout this thesis concerns the underreported yet pervasive problem of violence against Aboriginal women. In an effort to better understand this issue and the connections between extractive industries, human trafficking and victimization of Indigenous women and girls, there are numerous analytical lenses[173] available that can be used to investigate these areas. By critically analyzing the underlying perceptions and institutional violence, we can begin to work towards remedying these injustices within the spectrum of actors and institutions.

(i) Colonialism, Violence & Extraction

Indigenous history is permeated by violence and it has not failed to dissipate over time. Violence in its typical understanding is defined as, "the use of physical

[173] Many of the analytical lenses are connected and interrelated and have only been separated for purposes of clarity.

force to harm someone, to injure or abuse, to damage property."[174] A more comprehensive understanding of violence should include disappearances, sexual assault, domestic violence, rape, battery, stalking, homicide, and child abuse. Violence, however, should also encompass colonization / colonial history, racism, poverty, prejudice, prostitution, and human trafficking so as to account for manifestations of violence other than the physical or material forms. The UN Declaration on Violence Against Women acknowledges the colonial connection and all that it consequently includes, stating that violence against women is "a manifestation of historically unequal power relations between women and men and a means by which this inequality is maintained."[175]

This coincides with the arguments put forth by Andrea Smith (see Introduction: Analytical Approach). She asserted that colonial relationships are gendered and sexualized as a consequence of gender violence being used as tool of patriarchal control, racism and colonialism. This use of sexual violence perpetuates the perceived inherent rapability of the Native women. Smith also believed that because Native bodies were seen as inherently violable, by extension so too were Native lands. Within this framework then, extractive industries will be regarded as a continuation of colonization and as a form of violence, against both the environment and against Indigenous communities, particularly women and children (recall Smith's environmental racism).

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[174] "Violence". Merriam-Webster Dictionary. 2014. Web. Accessed May 29, 2014. http://www.merriam-webster.com/dictionary/violence

[175] United Nations General Assembly, "Declaration on the Elimination of Violence against Women", December 20,1993, sixth preambular paragraph. A/RES/48/104. Web. Accessed November 12, 2014. http://www.un.org/documents/ga/res/48/a48r104.htm

Colonization in its entirety is a historically bloody, unjust and racist process. Its history, manifest in countless examples globally, is invariably demonstrative of the avarice and violence of which mankind is capable. Historical documentation of settler encounters with Native communities offers a graphic glimpse into the violence, mutilation, and complete disregard for Native bodily integrity:

> Andrew Jackson…supervised the mutilation of 800 or so Creek Indian corpses – the bodies of men, women, and children that he and his men massacred – cutting off their noses to count and preserve a record of the dead, slicing long strips of flesh from their bodies to tan and turn into bridle reins.[176]
>
> The Christians attacked them with buffets and beatings…then they behaved with such temerity and shamelessness that the most powerful ruler of the island had to see his own wife raped by a Christian officer.[177]
>
> Two of the best looking squaws were lying in such a position, and from the appearance of the genital organs and of their wounds, there can be no doubt that they were first ravished and then shot dead. Nearly all the dead were mutilated.[178]

These testimonies illustrate the barbarous war waged against Aboriginal societies, highlighting the quest for control over their bodies through violence and rape. Aborigines were equated with dirt and sexual perversity, a pollution from which the colonizers had to purify themselves from. This mentality is depicted in those testimonies, but also in the following 1885 Proctor & Gamble ad for Ivory Soap:

> We were once factious, fierce and wild,
> In peaceful arts unreconciled
> Our blankets smeared with grease and stains
> From buffalo meat and settler's veins.
> Through summer's dust and heat content

[176] Smith, *Conquest*, 11

[177] Ibid, 15

[178] Ibid, 15

From moon to moon unwashed we went,
But IVORY SOAP came like a ray
Of light across our darkened way
And now we're civil, kind and good
And keep the laws as people should,
We wear our linen, lawn and lace
As well as folks with paler face
And now I take, where'er we go
This cake of IVORY SOAP to show
What civilized my squaw and me
And made us clean and fair to see.[179]

This ad reiterates the way colonizers viewed Indigenous populations as "dirty, fierce savages" that required civilizing. It was a perspective that permeated all aspects of society including popular media. Even present day media employ these messages. For instance, the 1995 Disney movie "Pocahontas" speaks to the distorted colonized-colonizer relationship, specifically between the British and Indigenous peoples. Below is an excerpt from the song "Savages" [as sung by the English explorers]:

What can you expect from filthy little heathens?
Their whole disgusting race is like a curse
Their skin's a hellish red,
They're only good when dead
They're vermin, as I said, and worse
They're savages! Savages!
Barely even human,
Savages! Savages!
Drive them from our shore!
They're not like you and me
Which means they must be evil,
We must sound the drums of war![180]

These lyrics reveal attitudes commonly espoused during colonization – the othering ("their skin's a hellish red […] they're not like you and me") of Native populations, the

[179] Ibid, 9-10

[180] Pentecost, James, et al. Pocahontas. Burbank, CA: Walt Disney Home Entertainment, 1995.

dehumanization by equating them as “vermin”, “heathens”, or manifestations of evil, and the conclusion that the only solution is to oppress, control, or exterminate them (“sound the drums of war”).

Canada’s history with colonization, as outlined previously (see Section I), is not an exception to this pattern. As the English gained more power, a relationship originally based on interdependence and co-existence shifted to become one of subjugation and assimilation. Though the oppression is widespread, Indigenous women in Canada experienced the effects most significantly as inequality grew between both Indigenous men and women, and Indigenous communities and the colonizers, creating barriers for women to protection from violence and oppression.

Figure 8. Costumed Aboriginal women at Pion-Era in Saskatchewan, 1958.
Photograph: Saskatchewan Archives Board, T.R. Melville Ness Photograph Collection

Indigenous women, stripped of any volition or humanity and relegated to the fringes of society, are vulnerable to violence as “violence often takes place in a context shaped…by the power that the dominant society has wielded over every aspect of

their lives, from the way they are educated and the way they can earn a living to the way they are governed."[181] Colonial relationships of power were expressed in a variety of manners, one of which was through the violence directed towards Aboriginal women and girls. Women's bodies have long been used as a metaphor for domination of the nation; conquest of the woman symbolized the conquest of the land and its riches. In addition to Smith's framework, Sally Engle-Merry's work on gender violence offers another avenue to explore the present day violence committed against Aboriginal women. Engle-Merry analyzed the manner in which violence was related to the role of culture, noting how human rights shift among different societies based on whether gender violence is viewed as part of the culture rather than a human rights violation.

In her analysis, Engle-Merry highlights how in the 1990s violence against women was expanded to include, among many others, "trafficking and prostitution, harassment, forced pregnancy, forced abortion, forced sterilization."[182] Historically speaking, Aboriginal women were sexually abused, raped, sterilized and generally mistreated by European settlers and the residential schools. Aboriginal women were stereotyped as "licentious and bloodthirsty", which aided in establishing control over Aboriginal reserves as Europeans were seen as needing protection from the sexual promiscuity of Aboriginal women.[183] Colonialism made it culturally appropriate to

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[181] Amnesty International. "Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada", 2004. Ottawa: Amnesty International. Web. Accessed November 12, 2014. p. 12. http://www.amnesty.ca/sites/default/files/amr200032004enstolensisters.pdf

[182] Mark Goodale and Sally Engle Merry, eds. *The practice of human rights: tracking law between the global and the local*. Cambridge University Press, 2007. p. 21. Print.

[183] Hunt, *Colonial Roots*, 27.

commit gender violence, essentially pushing Indigenous women to the margins of their own cultures and Canadian society as a whole. It is evident that human rights violations were a common practice among colonial powers especially given that gender violence is no longer culturally accepted (though unfortunately still practiced).

While it is easy to condemn the past, one must not overlook the remnants of colonial violence and patriarchal control in the present, or the reality that even now gender violence against Aboriginal women persists. Many Aboriginal communities are "poor, anomic and characterized by social breakdown and malaise."[184] According to the Royal Commission on Aboriginal People (RCAP), "in too many Aboriginal communities…violence has become so pervasive that there is a danger of it coming to be seen as normal."[185] Violence is not only perpetrated within the Aboriginal communities but against it. Many Indigenous people have experience racism both subtly, through purposeful shifts in treatment, to overt taunts, calling them "dirty Indians" in foster homes, schools, or by police and prison guards.[186] One Aboriginal woman interviewed by Farley et al. stated, "A john said to me, 'I thought we killed all of you.'"[187]

In addition to the physical violence, systemic violence also exists with an example being the number of Aboriginal children taken from their homes by social

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[184] Cairns, *Citizens Plus*, 111

[185] Ibid, 111

[186] Amnesty International, *Stolen Sisters*, 19

[187] Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon. "Garden of truth: The prostitution and trafficking of Native women in Minnesota." *Saint Paul, MN: Minnesota Indian Women's Sexual Assault Coalition* (2011). Web. Accessed November 12, 2014. p. 5. http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf

services, reported to currently exceed the number of children taken at the height of the Residential school era.[188] Aboriginal children represent roughly half of the 60,000 children in foster care, as they are ten times more likely to be removed from their homes by welfare workers.[189] Furthermore, there exist numerous stereotypes about the sexual promiscuity, willingness or availability of Aboriginal women (as well as those previously discussed) that have carried from early colonization to the present.

These stereotypes collectively feed the acts of physical and systemic violence committed against Aboriginal women, which has "resulted in generations of sexual violence and abuse continuing outside the law, as though it was not illegal to rape or batter an Aboriginal woman."[190] Upon the murder of Helen Betty Osborne, a young Aboriginal woman living in Manitoba who was abducted, raped and murdered by four white men, an inquiry was conducted.[191] The Manitoba Justice Inquiry concluded that, "racism and sexism intersect in stereotypes of Indigenous women as sexually "available" to men. This intersection of prejudice, sexism and racism contributes to the assumption on the part of perpetrators of violence against Indigenous women

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[188] Tamsin McMahon. "Second-class children". Maclean's. July 21, 2014. p.17. Print.

[189] McMahon, *Second-class children*, 17

[190] Hunt, *Colonial Roots*, 28.

[191] "Helen Betty Osborne was a 19-year-old Cree student from northern Manitoba who dreamed of becoming a teacher. On November 12, 1971, she was abducted by four white men in the town of The Pas and then sexually assaulted and brutally murdered. A provincial inquiry subsequently concluded that Canadian authorities had failed Helen Betty Osborne. The inquiry criticized the sloppy and racially biased police investigation that took more than 15 years to bring one of the four men to justice. Most disturbingly, the inquiry concluded that police had long been aware of white men sexually preying on Indigenous women and girls in The Pas but "did not feel that the practice necessitated any particular vigilance." (Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper, Commissioners A.C. Hamilton and C.M. Sinclair, 1991 – as cited in Amnesty International, *Stolen Sisters*, 1).

that their actions are justifiable or condoned by society."[192] Much like the gendered and sexualized relationships that existed during colonialism, the prejudices and attitudes held about Aboriginal women today are reflective of those relationships and remind us of the enduring continuity between past and present.

The idea that these stereotypes and violent acts are in some way condoned by the broader Canadian society begs the question: why have so many non-Aboriginals tuned out Native issues? Engle-Merry states that one aspect that hinders seeing "violence" as "violence" is when it is folded into cultural practices; "cultural beliefs and institutions often permit and encourage violence [against women]."[193] To what extent then has violence against Aborigines become so normalized in our culture that we fail to see it? It is evident that there is significant indifference towards the plight of Aborigines. Lack of concern and poor access to social services has allowed depression, substance abuse, suicide, gang violence and crime to run rampant in these isolated and poorly funded communities. Half of them live in poverty on reserves, subject to overcrowding, poor sanitation, and an environment wracked with violence. Aboriginal girls are at a greater risk of sexual assault, teenage pregnancies and domestic violence and sexual violence is an ever-growing concern. The Government of Canada has even admitted that, "Canada's Aboriginal population has essentially become entrenched as second-class citizens."[194]

What this suggests is that the reason violence (physical, sexual, systemic) committed against Aboriginal women is ignored because, "the behaviour is so

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[192] Amnesty International, *Stolen Sisters*, 29

[193] Goodale and Engle-Merry, *The Practice of Human Rights*, 25

[194] McMahon, *Second-class children*, 17

deeply ingrained in American [Canadian] history that it is often rendered invisible and thus becomes normalized."[195] There exists a Western-centric critique of "other cultural practices" and the failure of the West to acknowledge their own violations such that traditional practices that have (Western) cultural legitimacy (i.e. perceiving Aboriginal women as objects) may not be viewed as being "violence against women" but instead as a right or culturally accepted practice. As such, "the violence continues in both rural and urban communities across Canada, as violence against Aboriginal women is accepted, normalized, and seemingly sanctioned by a lack of urgent response from the Canadian government and Aboriginal leaders."[196]

This "invisible violence" against Aboriginal women is an expression of *symbolic violence*. Symbolic violence is defined as, "the power through which elements of social reality come to be seen as real or true, despite their socially constructed and thus arbitrary character."[197] It acquires power, "by virtue of the fact that we do not see it as an act of violence, oppression, or power at all but rather, as 'just the way things are'."[198] Our collective indifference to the plight of Aboriginal communities only serves to fuel the attitudes and behaviours of those who exploit these women, justifying the "just the way things are" construction. Indeed "a shocking 1996 Canadian government statistic reveals that Indigenous women between the ages of 25 and 44, with status under the Indian Act, were five times

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[195] Hunt, *Colonial Roots*, 28

[196] Ibid, 28

[197] Chris Andersen. "Mixed Ancestry or Métis?". *Indigenous identity and resistance: Researching the diversity of knowledge*. Etd. by B. Hokowhitu, N. Kermoal, C. Andersen, A. Petersen, M. Reilly, I. Altamirano-Jiménez, P. Rewi. 2010, Otago University Press. Print. p. 29.

[198] Andersen, *Mixed Ancestry or Métis?,* 29.

more likely than all other women of the same age to die as the result of violence."[199] Despite the data, no acts of recourse seem to ever manifest.

In addition to a lack of urgent response from the Canadian government, the police and surrounding communities demonstrate complete apathy towards Aboriginal wellbeing. In covering the 1996 trial of a man convicted of killing three Indigenous women, one of the journalists, Warren Goulding, commented, "I don't get the sense the general public care much about missing or murdered aboriginal women. It's all part of this indifference to the lives of Aboriginal people. They don't seem to matter as much as white people."[200] Nearly 1,200 Aboriginal women have been murdered or gone missing in Canada in the past 30 years yet the RCMP only just now compiled data on these crimes. Even more shocking is that "it's the first time the RCMP has compiled statistics across all Canadian forces – federal, provincial, and municipal – in the face of widespread concerns raised by native communities and Human Rights Watch."[201]

Sadly, a large part of society has instead come to view Aboriginal populations as a community from which broader society needs protection and not as a community equally deserving of protection, if not more. This pervasive attitude is

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[199] Amnesty International, *Stolen Sisters*, 23.

[200] Chris Purdy, "Serial killer who roamed Saskatoon met with indifference by police, media: Journalist-author accepts award for book about slain aboriginal women." *Edmonton Journal*. p. 26 November 2003. Web. Accessed November 12, 2014. http://www.missingpeople.net/serial_killer_who_roamed_saskato.htm

[201] Tonda MacCharles, "1,000 native women murdered, missing in Canada over 30 years: RCMP". *The Star*. May 1, 2014. Web. Accessed May 30, 2014. http://www.thestar.com/news/canada/2014/05/01/1000_native_women_murdered_missing_in_canada_over_30_years_rcmp.html

captured by the following statement from a 1990 zone hearing, calling for the denial of a permit to build a battered women's shelter for Native women in South Dakota:

> Indian Culture as I view it, is presently so mongrelized as to be a mix of dependency on the Federal Government and a primitive society, wholly on the outside of the mainstream of western civilization and thought. The Native American culture as we know it now, not as it formerly existed, is a culture of hopelessness, godlessness, and lawlessness…Alcoholism, social disease, child abuse, and poverty are hallmarks of this so called culture that you seek to promote, and I would suggest to you that the brave men of the ghost dance would hang their heads in shame at what you now pass off as that culture…I think that the Indian way of life as you call it, to me mean cigarette burns in arms of children, double checking the locks on my door, and car bodies and beer cans on the front lawn…This is not a matter of race, it is a matter of keeping our community and neighborhood away from that evil that you and your ideas promote.[202]

It is chilling how antiquated attitudes traditionally exhibited during colonial times remain present and influential in modern society. These prejudices not only reflect how Aboriginal communities are viewed, but translate into racism, systemic oppression and violence, which may partially explain why Aboriginal wellbeing is regarded with such indifference.

Building from this discussion, extraction (including extractive industries) can be framed as its own form of violence. It is woven throughout Aboriginal history via the extraction of natural resource, but also of culture, history, dignity, values, and human worth. Extraction in its most basic sense is the act of taking something (a resource) by force from somewhere (a resource rich region) and by this definition, sexual violence and human trafficking can be viewed as a form of extraction, as it exploits a person by force, stripping them of their rights and humanity. Accordingly, extractive industries can also be viewed as an extension of colonialism, given the

[202] Smith, *Conquest*, 14

levels of violence and exploitation, and thus heighten Aboriginal women's vulnerability to trafficking and sexual violence.

Extractive industries were an inherent component of colonization. Globally, colonial expansion is closely tied to the search for natural resources, intended for both profit and the advancement of (Western) society.[203] Native populations were consistently those most impacted by the arrival of explorers, wiped out by disease, warfare or slavery. Prominent examples include Columbus' "discovery of the new world" and accompanying wave of smallpox that killed millions of Indigenous peoples; the early USA and the fact that they exploited Native populations so seriously that, to replace their slaves, Americans had to import slave labour from Africa; or the story of the Hudson Bay Company officer who openly kept a Chippeweyan woman as a "slave woman" and, during that same period, the brothels that were filled with Aboriginal women to service European men. [204]

Centuries later, this pattern remains. With so much of the world inhabited, individuals and companies seeking to make a profit must explore increasingly rural and remote areas for discovery of natural resources. Canada's economy is largely built upon a foundation of resource extraction, which continues to be a current focus for development and economic growth. As noted earlier, over $100 billion in future investments is predicted for future resource exploration in the Canadian circumpolar

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[203] Pauktuutit, *The Impact of Resource Extraction*, 11

[204] Maya Seshia. The Unheard Speak Out: Street Sexual Exploitation in Winnipeg. Ottawa: Canadian Centre for Policy Alternatives, 2005, 16, quoting Ndaawin, Protecting Children Information Guide: Preventing the Sexual Exploitation of Children and Youth through Prostitution. Winnipeg, date published unknown, 7 as referenced in Victoria Sweet, Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada. February 20, 2014. MSU Legal Studies Research Paper No. 12-01. Web. Accessed November 12, 2014. http://ssrn.com/abstract=2399074

region of the Arctic. However, development for some comes at the expense of others, oftentimes the local communities.

Within all economies, particularly in Western countries, there is increasing concern for both the long-term implications of these industries as well as the resulting economic equality and social wellbeing of those impacted. “The role of resource development in the creation of unequal outcomes and the dispossession of some to the advantage of others in an international concern related to mining and resource development.”[205] Rural and remote communities are significantly more vulnerable to negative impacts arising from these industries than more urban areas as they have less access to services, police protection, or even societal pressure to act in a prescribed manner. Resource development parallels the colonization and settlement of Canada, as displacement – of people, land, and culture – is “literally and symbolically critical to capitalist expansion and colonial initiatives.”[206] In some respects, according to Albrecht, the Indigenous populations who live in regions playing host to extractive industries, are:

> …experiencing a wave of aggressive colonization by large scale, extractive and power-generating industries owned by State, national, and multinational corporations. The first wave of colonization dispossessed the Indigenous people of the Valley and for them post-colonial shockwaves continue to the present day expressed, in part, as both nostalgia and solastalgia. The second wave of colonization, ironically impacting on the descendents of the original colonists, is leading to complete dispossession for some and solastalgia for those left behind.[207]

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[205] Pauktuutit, *The Impact of Resource Extraction*, 11

[206] Pauktuutit, *The Impact of Resource Extraction*, 12

[207] Glenn Albrecht. "'Solastalgia'. A New Concept in Health and Identity." *PAN: Philosophy Activism Nature* 3 (2005): 41. Web. Accessed November 12, 2014. p. 54. http://www.researchgate.net/publication/5820433_Solastalgia_the_distress_caused_by_environmental_change/file/72e7e51beff7eb0b3a.pdf

These industries may attempt to incorporate the 'colonial subjects' into the developing economies, such as relying on Aboriginals during the fur trade with Hudson's Bay Company, employing Inuit in the whaling industry, or more recently employment within the mines or oil fields. However, the benefits to the Aboriginal community are often minimal; studies reveal that there were few, if any, long-term or sustainable benefits of these economic projects and no investments were made for alternative sources of income once the project was shut down.[208] The reality is that these extractive industries encompass a rise in Native dependency on the colonizers for sustenance and survival within the State. Consequently, Native populations are subjected to cultural assimilation, displacement, and overall social, cultural and economic disadvantages.[209]

Resource development has devastating and long lasting consequences for the culture, self-esteem, and vitality of Indigenous populations and perpetuates the mentality that what is "native" to the land can be taken and exploited for one's own gain (recall the notion of inherent rapability). As but one instance, Aboriginal youth, in response to the Northern Gateway Pipeline, appeared before the Enbridge Gateway Review Panel to express the degree to which their customs, health and identity were bound to the ability to follow in the footsteps of their ancestors. The freedom to fish and paddle in the same waters, hunt in the same forests, collect kelp from the same coastal island tidal zones, or collect medicine from the same meadows were crucial to sustaining cultural integrity and sense of self. This pipeline,

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[208] Pauktuutit, *The Impact of Resource Extraction*, 12

[209] Ibid

and extractive industries in general, is seen not only as a threat to local operations like fisheries, but also "as the possible undoing of all this intergenerational healing work. And therefore as another wave of colonial violence."[210] As Albrecht stated, extractive industries are a second-wave of colonization, threatening the land and the Aboriginal communities surrounding them. Given the discussed level of violence and exploitation inherent in these industries, as well as the stereotypes and vulnerability of Aboriginal women, the conclusion is that extractive industries must be seen as a risk factor in the sexual violence and trafficking of Aboriginal women.

(ii) Construction of the Ideal Victim, Racism & the Role of Vulnerability

In 1986, Nils Christie posited the theory of the ideal victim, defining the "ideal victim" as "a person or a category of individual who – when hit by crime – most readily [is] given the complete and legitimate status of being a victim."[211] Christie identified the following elements to the ideal victim: (1) weakness (i.e. age, gender, disability, economic status); (2) engaged in a legitimate activity at the time of the crime; (3) blameless; (4) perpetrator is "big and bad" and unconnected to the victim; (5) capable of claiming victim status (i.e. pressing charges, testifying against criminal, etc.).[212] Vulnerability of the victim is crucial – they must be seen as weak and non-threatening, enough so to earn sympathy from society. However if their vulnerability is at all questioned, because of their surroundings or actions at the time,

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[210] Naomi Klein. *This Changes Everything: Capitalism Vs. the Climate*. New York: Simon and Schuster, 2014, p. 291.

[211] Nils Christie. "The ideal victim." *From crime policy to victim policy. Basingstoke: Macmillan* (1986): 17-30. p.18

[212] Christie, *The Ideal Victim*, 19

their plight as a victim becomes significantly undermined.[213] For instance, an "ideal victim" would be a child who is abducted and raped by a stranger whereas a prostitute raped by a client is not.[214] Christie recognized that being a victim is not an objective phenomenon but is instead dependent on how those involved define the situation; victimologists have reiterated this assertion, stating that the label of "victim", like all labels, is to a large extent a social construction.[215]

The "ideal victim", or a "good victim", is the person who will garner the most sympathy from mainstream society because they are seen as being pure, blameless, and the embodiment of morality/innocence. This concept is shaped by perceptions of victimhood and vulnerability, which influence the level of attention, concern and length of investigations into the violations. Vulnerability is deemed to be, "central to human rights activism and intervention. In identifying which individuals are understood as victims of human rights violation, those who are selected are typically those who are in one way or another helpless, poor, powerless, unable to make choices for themselves and forced to endure forms of pain and suffering."[216]

Being a credible human rights victim thus *requires* presenting oneself as suffering, powerless, or vulnerable, void of any ability to protect oneself. This self-presentation serves to reinforce a stereotype of passivity, helplessness, and lack of agency, further victimizing the individual rather than empowering them. Furthermore,

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[213] Ibid

[214] Carolyn Hoyle, Mary Bosworth, and Michelle Dempsey. "Labeling the victims of sex trafficking: exploring the borderland between rhetoric and reality." *Social & Legal Studies* 20, no. 3 (2011): 313-329. p. 315.

[215] Hoyle et al., *Labeling the victims*, 315.

[216] Goodale and Engle-Merry, *The Practice of Human Rights*, 195

the concept of vulnerability rests on the idea of agency, or lack thereof; that "the vulnerable person is one who has little choice or capacity to escape pain and injury."[217] A "bad victim" on the other hand is held responsible or blamed for what happened to them, having seemingly made poor choices and brought it upon themselves, and are essentially disqualified as a credible victim.

These women, who deviate from the ideal victim for whatever reasons – be it their lifestyle or some attribute – are intensely scrutinized, have their credibility attacked, and fail to receive the proper legal protection.[218] Prostitutes for example, are "bad victims" because, by virtue of their work, they are considered "unrapable" as they are perceived to provide "continuous" or "implied" consent.[219] This archetype of the ideal victim ultimately works to disqualify many accounts of sexual assault or violence, undermining the credibility of women perceived to "deviate too far from stereotypical notions of "authentic" victims, and from what are assumed to be "reasonable" victim responses."[220] A reasonable victim response, according to the stereotypes of the "ideal victim", is vigorous resistance (verbal or physical). This is based on the assumption that if the (innocent) woman is truly unwilling to being sexually assaulted, trafficked or raped she will resist the attack enough so to leave

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[217] Ibid

[218] Melanie Randall. "Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming." *Canadian Journal of Women and the Law/Revue Femmes et Droit* 22, no. 2 (2010): 397-433. p. 409.

[219] Randall, *Sexual Assault Law*, 409

[220] Ibid*,* 408

proof on her attacker, thereby validating the non-complicity.[221] Obviously this assumption fails to capture the actual and varied resistance strategies women employ, which are context-specific and based on survival instinct. It also leaves the women open to the inference that failure to resist somehow implies consent.

How does the discussion on the "ideal victim" relate to human trafficking? According to Hoyle, Bosworth and Dempsey, there is a "hierarchy of ideal trafficking victims", ranging from ideal trafficking victims at the top (i.e. young girls abducted from an orphanage) to "bad victims" at the bottom (i.e. prostitutes who, in attempts to make more money, move to another country only to find themselves trapped in debt bondage or deplorable conditions).[222] This hierarchy thus assumes that prostitutes cannot be victims of trafficking because they willingly engage in a risky lifestyle and are seen as offering "continuous consent" to being sexually available. This hierarchy also assumes that the victim had to go unwillingly – forced into prostitution, smuggled, kidnapped, recruited by force, deceived, coerced, etc. – and again, overlooks those who may have been trying to earn some money, simply trying to survive. The message relayed here again is that a failure to adhere to the criteria of the ideal victim hinders the victims' credibility and associated legal response.

Within this archetype of the ideal human trafficking victim is the reality that "victim" is a gendered concept, as discussed by Kay Warren. Warren explored how legal documents intended to protect human rights victims [against human trafficking] are mainly focused on women and children. This genders the issue of human trafficking, connects women with the idea of "vulnerability" and "powerlessness" and

[221] Ibid, 415

[222] Hoyle et. al., *Labeling the victims*, 315

further entrenches certain gender stereotypes. According to Warren, to be an "ideal victim" also requires conformity to the Western perspective of what constitutes a victim, namely, a white, young, attractive woman.[223] In contrast, Aboriginal women are historically associated with sexual availability, immorality, and dirtiness, are a marginalized and oppressed population within Canada, and are subject to racism, stereotypes, and violence. They explicitly fall outside this "ideal victim" construction, which may further explain why crimes against Aborigines go unreported and why there is little research on the trafficking of Aboriginal women.

This victim construction can both undermine the experiences of, and hinder appropriate legal and social concern for, Aboriginal women. Firstly, marginalized and racialized women (who are already undervalued and deemed less credible by society) are "by definition, less readily identified as "ideal victims" and more easily stigmatized as "bad" or "undeserving" victims (if their victim claims are heard at all)."[224] For example, Melanie Randall, in her discussion on "Sexual Assault Law, Credibility, and "Ideal Victims": Consent, Resistance and Victim Blaming", refers to an Australian study regarding the variation in treatment of female sexual assault victims depending on race (i.e. black or Aboriginal vs. White). The study found that issues concerning language and culture negatively influenced the credibility of Aboriginal women and they were more intensely questioned regarding their lifestyle

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[223] Kay Warren, "The 2000 UN Trafficking Protocol: Rights, Enforcement, Vulnerabilities", in *The practice of human rights: tracking law between the global and the local,* ed. Mark Goodale and Sally Engle-Merry (Cambridge University Press, 2007), p. 242-270

[224] Randall, *Sexual Assault Law*, 410

choices, such as drinking, drug use or number of casual sexual relations.[225] Aboriginal women are also historically equated (and arguably still today) with sinfulness and dirtiness, which directly contrasts the notion of the ideal victim as being the embodiment of morality, purity, and vulnerability. Furthermore, much like the idea that prostitutes "cannot be raped", the idea that Aboriginal women are viewed as being "inherently rapable" speaks to the false assumption that they are "continuously consenting" and therefore are not perceived as a victim but somehow a willing participant, there for the taking.

Secondly, there is also a risk of "perpetuating stereotypes of Aboriginal women and girls as purely helpless victims lacking in agency, choice or voice, while at the same time ignoring the systemic marginalization that is at the root of colonial violence."[226] As discussed, for an ideal victim choice must be taken out of the equation. If one has the ability to choose, for instance those that may purposefully put themselves in a dangerous situation, then they are less deserving of "victim" status as they did not take the necessary precautions to avoid assault. Gilchrist states that, "if a victim is judged to have deviated from patriarchal notions of appropriate feminine behavior by drinking/using drugs, dressing provocatively (or not conservatively), and especially if she engages in sex for money, she is likely to be constructed as, at least partially, responsible for violence against her."[227] This

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[225] Ibid

[226] Hunt, *Colonial Roots*, 27.

[227] Kristen Gilchrist. ""Newsworthy" Victims? Exploring differences in Canadian local press coverage of missing/murdered Aboriginal and White women." *Feminist media studies* 10.4 (2010): 373-390. 377. Web. Accessed November 12, 2014. http://www.tandfonline.com/doi/abs/10.1080/14680777.2010.514110#.VGPIVIfim24

negates the experiences of the many Aboriginal women and youth who may have originally engaged in prostitution or sexual exploitation as a form of survival, in order to obtain goods (alcohol or drugs) or money for core basic needs (such as food or shelter), thereby increasing their risk for violence and falling prey to traffickers. Taken together, these misperceptions surrounding the "ideal victim" compound to disguise human trafficking and sexual violence of Aboriginal women, further casting them to the fringes of society.

Regrettably, the flawed concept of the "ideal victim" holds a great deal of social and legal sway. This is dangerous for victims of human trafficking, not only because it delegitimizes their experiences but also because this archetype is deeply incongruent with the legal definition of trafficking (Article 3, Palermo Protocol). Article 3(b) states:

> 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.[228]

These means of trafficking can include: threat of force, use of force, abduction, fraud, or abuse of power or abuse of a position of vulnerability (see Section II(i) for the full list of means in Article 3(a)). For the act to constitute trafficking, only one of these means must be present – there is no categorical distinction between the means used. Accordingly, and most importantly, there is no need to prove that fraud or force took place if the person is subjected to "an abuse of power" or "abuse of a

[228] United Nations Office on Drugs and Crime [UNODC], *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,* 2000. Accessed February 26, 2014. p. 2. http://www.osce.org/odihr/19223?download=true

position of vulnerability."[229] Therefore, contrary to the ideal victim construction, the consent of the victim to prostitution is legally irrelevant and does not preclude finding them victims of trafficking, as "it follows that trafficking can occur (according to the Palermo Protocol) even in cases where the victim is neither threatened, nor forced, nor coerced, nor abducted, nor defrauded, nor deceived."[230] By recognizing that a person can simultaneously be both a victim of trafficking and a choosing agent, the Palermo Protocol accounts for power imbalances and positions of vulnerability, transcending the dualistic view of women as either agents or victims.[231]

One must question the extent to which the Canadian government, legal and enforcement institutions are influenced by this construction of "the ideal victim" in their response to the trafficking of Aboriginal women. While it is difficult to fully disentangle perception from issues of policy or politics, there exists some evidence that suggests the influence of the ideal victim construction. For instance, there are examples of judges choosing to determine whether the victims constitute "trafficked persons" based on the judge's understanding of the term and witness generalizations, rather than trying to prosecute the offender. This ultimately resulted in no human trafficking convictions being made *because the prostitutes could not convince the court they were victims* (i.e. because they did not fear for their safety, could not prove they were deceived, etc.).[232] In other cases, frontline workers

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[229] Hoyle et. al., *Labelling the victims*, 317

[230] Ibid

[231] Ibid

[232] Perrin, *Invisible Chains*, 133

interviewed by the NWAC reported that the approaches taken by Canadian law, police, policies and society were misdirected, placing blame for trafficking on the women and girls. This is reflected by the fact that the Aboriginal women were arrested and incarcerated while the men (johns) were sent to john school, "further marginalizing and discriminating against these vulnerable women."[233] According to these women, police seem to "lack adequate training in terms of awareness of how [Aboriginal] women get to be in these roles and their 'victim status'" and it is "negatively impacting how police interact with these women and girls…and thus negatively impacting how successful police are at addressing the needs of these women and girls."[234]

It is evident that in shifting from a conceptual understanding of trafficking to operationalizing it, those responsible for identifying trafficking victims use a very narrow and idealized understanding of who constitutes a trafficking victim and what trafficking actually involves.[235] Ultimately, this construction contributes to the continued marginalization, trivialization, systemic exclusion and symbolic annihilation of Aboriginal women, since the "ideal victims" are the only ones perceived to be legitimate.[236] Members of society, such as law enforcement or the men who are purchasing sex acts, may perceive Aboriginal women as "just a prostitute" which completely fails to recognize external risk factors, such as the impact of their colonial history, current oppression, and racism among many others, that plague Aboriginal

[233] NWAC, *Sex Trafficking Literature Review,* 48

[234] Ibid

[235] Hoyle et. al., *Labeling the victims*, 317

[236] Gilchrist, *Newsworthy Victims*, 2.

communities and ultimately force them into vulnerable situations. It is also necessary to acknowledge that trafficking is part of the political economy and therefore likely to increase under poor economic conditions, such as poverty, unemployment, or economic transitions – conditions that are also typically found to be associated with Aboriginal women.[237] These women, while seeming to choose to engage in prostitution, are no less a victim to human trafficking as the means by which they are trafficked (at minimum) is via an abuse of a position of vulnerability and/or abuse via position of power.

The NWAC interviewees also spoke of judgment on the part of media and police as a "relevant factor in terms of whether police perform fairly when it comes to missing and trafficked Aboriginal girls."[238] The study conducted by Kristen Gilchrist regarding the differences in Canadian local press coverage of missing or murdered Aboriginal women and White women demonstrates the influence of, and oppression arising from, the construction of the "ideal victim". Based on both quantitative and qualitative analysis, Gilchrist concluded there were indeed significant disparities between the coverage, noting that "the Aboriginal women received three and a half times less coverage; their articles were shorter and less likely to appear on the front page. Depictions of the Aboriginal women were also more detached in tone and scant in detail in contrast to the more intimate portraits of the White women."[239] What this represents, according to Gilchrist, is the devaluation of Aboriginal women and

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[237] Hoyle et. al., *Labeling the victims*, 327

[238] NWAC, *Sex Trafficking Literature Review,* 48

[239] Ibid,1

glorification of White women, particularly the middle class. Overall, these disparities in coverage, "contribute to broader systemic inequalities which re-produce racism, sexism, classism, and colonialism and raises concerns about…their symbolic annihilation from the Canadian social landscape."[240]

The ideal victim is an issue of race and class. With racism, oppression and stereotypes still influencing how Aborigines, especially Aboriginal women, are viewed it is not difficult to see how they fail to fit the "ideal victim" mold and how crimes perpetrated against them go unnoticed. To society, "Aboriginal women are viewed as disposable and so brutal victimization against them is justified because victims are stigmatized as prostitutes, street people, and addicts— even if they are not. The invocation of such stereotypes mitigates the seriousness of their victimization, signaling to the public that crimes against them do not matter."[241]

(iii) The Role of Culture

Culture is the combination of morals, art, customs, beliefs, and knowledge that members of a society come to acquire over time. It is dynamic, constantly evolving, and highly influential in shaping an individual's identity. Identity is one's self-perception and expression of their individuality as well as group/cultural affiliations. Both identity and culture play critical roles in an individual's self-esteem, self-perceptions, societal perspectives and attitudes, and overall well being, Failure to properly develop or loss of either one can lead to confusion, instability, and increased vulnerability to a host of factors.

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[240] Ibid, 1

[241] Ibid, 4

Globally, indigenous populations tend to have a very close connection between their environment (earth) and human health. This connection plays a major role in their culture and identity formation; to separate them results in a loss of psychic stability and a lack of "wholeness". According to Glenn Albrecht, Indigenous populations who have been dispossessed of their lands and culture could experience nostalgia for the past, a pining for a lost place. It is a distressing and painful event for those who once had environmental and cultural integration. Albrecht termed this experience "solastalgia", literally "the pain or sickness caused by the loss or lack of solace and the sense of isolation connected to the present state of one's home and territory."[242] It can erode one's personal and community identity, sense of place and belonging, and undermine one's sense of control. Those who experience solastalgia are negatively affected, with likely responses including "generalized distress (disorientation, memory loss, homelessness, depression, and various modes of estrangement from self or others) which can escalate into more serious health and medical problems such as drug abuse, physical and mental illness (depression, suicide)."[243] Thus a loss of identity and culture, self-worth and belonging may partly explain why Aboriginal, women and young girls in particular, are at higher risk of exploitation by others.

Historically, Aboriginal communities possessed their own way of life and means of operating. There existed a distinct culture, a sense of identity, and shared understanding of individual's role within the community. Men and women shared

[242] Albrecht, *Solastalgia*, 45

[243] Albrecht, *Solastalgia*, 46

relative equality while possessing distinct gender roles.[244] This all changed, however, with the arrival of English explorers who over centuries, imposed policies to the detriment of Aboriginal communities. The destruction of cultural traditions and lands is akin to losing "a collective memory of an ancient culture" for Indigenous populations thereby causing a, "genuine grieving for the ongoing loss of 'country' and all that entails", and ultimately resulting in solastalgia.[245] The Aboriginal culture and identity was eroded with each effort to forcefully assimilate Indigenous communities, with every denial of Indigenous language being spoken or practices and customs being performed, with every child removed from their homes and involuntarily "civilized". Indigenous peoples in Canada "have had to deal with dispossession of their traditional territories, disassociation with their traditional roles and responsibilities, with participation in political and social decisions in their communities, and of their culture and tradition."[246]

For example, in 1857, a law was passed allowing Indigenous men to renounce their status as an Aboriginal and accompanying life on reserve lands in order to assimilate into English, or non-Indigenous, society. Women were not granted the same courtesy – their fate (such as status or marriage) remained to the discretion of their husband's or fathers. In 1869, a second law was passed that stripped a woman of her Indigenous status if she married a man outside of her reserve, regardless of whether he was Indigenous or not. Any children born to these women would be denied Indigenous status as well. These laws remained in effect

[244] Amnesty International, *Stolen Sisters*, 12

[245] Albrecht, *Solastalgia*, 46-47

[246] Amnesty International, *Stolen Sisters*, 12

for more than a century until 1985, when the policies were repealed on the basis of violating protections against discrimination under the (new) Canadian Charter of Rights and Freedom. For over a decade that followed, more than 130,000 people (mainly women) sought to restore their rights and status as Aboriginal, a part of their identity that had been denied to them.[247] Canada's Royal Commission on Aboriginal People (RCAP) has described the legislation governing Indigenous peoples in Canada as being "conceived and implemented in part as an overt attack on Indian nationhood and individual identity, a conscious and sustained attempt by non-Aboriginal missionaries, politicians and bureaucrats…to impose rules to determine who is and is not 'Indian'."[248]

Also during that time, countless numbers of Aboriginal children were being forcefully removed from their families and communities to attend school in non-Indigenous communities so as to "remove the influence of the wigwam and keep them constantly within the circle of civilized conditions."[249] This was the era of Residential schooling and entailed the loss of Indigenous culture and identity for entire generations of Aboriginal children. Residential schools epitomize the damage and violence committed against Aboriginal culture and identity, as they were required to renounce their customs, families, religion and overall way of life. The *Indian Act* of 1876 and subsequent assimilation policies and enfranchisement legislation also assumed the responsibility of dictating identity, determining who could obtain Indian status and citizenship.

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[247] Amnesty International, *Stolen Sisters*, 12-13

[248] RCAP, Supra, footnote 3 as referenced in Amnesty International, *Stolen Sisters*, 12

[249] Amnesty International, *Stolen Sisters*, 13

Today, Aborigines continue to evaluate their culture and identity in relation to the Canadian state. Many Indigenous organizations have expressed that the historical erosion of culture, identity, and associated loss of self-worth, has played a central role in the problems facing Indigenous communities today.[250] The weakening of Aboriginal society from constant assaults on Aboriginal culture and identity has alienated the people and driven some to self- destructive and anti-social behaviour. Women were particularly impacted from the loss of culture, community and self-esteem, which may in part explain why Aboriginal women seem to increasingly lead desperate and dangerous lives involving high rates of substance abuse or participation in prostitution, among others. Social problems among Aboriginal people are largely a legacy of history.[251]

Figure 9. An art piece created as part of an intergenerational healing project by the Pauktuutit women. Photograph: Pauktuutit Inuit Women of Canada, "A Community Story".

The colonial history and legacy of residential schooling remains at play today, impacting the decisions, attitudes, and perspectives of Aboriginal communities. As

[250] Amnesty International, *Stolen Sisters*, 15

[251] RCAP, Supra, footnote 3 as referenced in Amnesty International, *Stolen Sisters*, 16

noted earlier, many Aboriginal reserves face high levels of poverty, substance abuse, youth suicide and violence. Countless reports and studies have determined that one of the best ways for young people to climb out of poverty is through education. Yet there exists a battle over education within Indigenous communities, representing one of the most politically charged issues for relations between Aborigines and the government. The federal government of Canada has been accused of providing less funding for Aboriginal schools than public schools, a financial gap that could be as high as $8,000 per students in Ontario according to a recent study.[252] Whatever the size of the gap, the reality is that over 50 percent of Aboriginal youth have failed to complete high school and a mere 6 percent have obtained a University degree. This translates into palpable results within already economically challenged reserves. Unemployment among Aboriginals is double that among Canadians and approximately a third of the population – in some places as high as 80 percent - is on welfare.[253]

Adding fuel to the fire is the fact that off-reserve Aboriginal youth have made significant educational achievements while those enrolled in (poorly) federally funded schools on the reserves have fallen behind. While the lack of funding for education on reserves is tantamount to discrimination by the government, one would think that Aboriginal youth presented with the opportunity to attend school off the reserve would pursue it, especially given the benefits that could come from more Indigenous youth being educated. According to a report from the Centre for the

[252] McMahon, *Second-Class Citizen*, 18

[253] Ibid

Study of Living Standards (2010), more than $36 billion would be added to the economy by 2026 if the education gap between Aboriginal Canadians and the rest of the country could be closed.[254] However, the legacy of the residential school system encourages a distrust of education off the reserve, especially given its history as not only a tool of cultural assimilation but also of racism, abuse, and violence. In some households, being a university graduate is not something to be proud of. Instead, "it means you're less Indian because you're educated. Why would children want to get a good education when they feel they lose themselves in the process?"[255]

And yet with so few educational and employment opportunities within their own communities, Aboriginal youth must leave to attend the nearest high school - oftentimes not returning. It has become a Catch-22, and to some degree, a modern replay of the residential school system, as discussed earlier (See Section I (The Era of Residential Schools) and Section III (i)). This struggle to regain a sense of culture and identity among Aboriginal communities is ever present. With constant institutional changes, feelings of distress, and a perpetual sense of being "under attack", the formation of a solid identity and culture is hindered – once again, making Aboriginal communities more vulnerable to social ills and victimization. According to the Declaration on the Granting of Independence to Colonial Countries and Peoples (also known as Resolution 1514 (XV)), colonial peoples have the right to self-determination. The Declaration, later used in two International Covenants on Human Rights, states "the self-determination of peoples consists of the right to freely

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[254] Ibid

[255] McMahon, *Second-Class Citizen*, 19

determine their political status, to freely pursue their economic, social, cultural development and to freely dispose of their natural wealth and resources."[256] Clearly, this human right to self-determination as an Aboriginal was historically denied to Indigenous peoples. The question remains whether the opportunity to claim an Aboriginal identity is now within reach given the numerous challenges that remain.

As noted by Helen Roos and Beverly Jacobs, a loss of ties to family, community and culture is a common element among Aboriginal women who are victimized, be it via trafficking, exploitation, violence or murder. A failure to obtain a proper education also increases the risk of vulnerability. Many authors have also identified solastalgia as contributing to the social problems facing Indigenous cultures, in this context notably the violence against women. Evidently, a sustained loss of Indigenous culture and identity has produced irreparable damage and repeated victimization for centuries, manifesting in many forms. Recognizing this can aid both Indigenous communities to begin recovering these losses, but also highlights that there remains a problem with Canadian culture as well.

While culture is important to developing a strong sense of self and ties to one's heritage as discussed, culture also plays a role in facilitating the violence and indifference towards Aborigines. Canada – its history and culture, its people, its government and institutions – is founded upon the colonization of Indigenous peoples. The negative attitudes held towards the "dirty Indians" remain, systemically, culturally and societally. Pushed to the edges of society by a host of factors, many Aboriginal women have come to rely on prostitution in order to support themselves

[256] Florencia Roulet. *Human Rights and Indigenous Peoples: A Handbook on the UN System*. No. 92. IWGIA, 1999. Print. p. 100.

or their families. Even Indigenous youth are overrepresented in prostitution and the sex trade, again as a means of supporting themselves.[257] Trauma detaches an individual from their culture, communities, and families. It lowers self-esteem and predisposes an individual to engage in more risky behaviour (running away from home, homelessness, substance abuse, poverty, etc.), thereby increasing their likelihood of becoming involved in sexual exploitation. Sexual exploitation and prostitution thus becomes an avenue for survival within a society that provides no other options. In non-Indigenous Canadian culture, as elsewhere, there exists an overwhelming social stigmatization of women in the sex trade. This stigma heightens a woman's risk of violence because of the circumstances in which they work but also because it provides "a convenient rationale for men looking for targets of acts of misogynistic violence."[258] Compounding this stigma with racism against Indigenous women and a societal disregard for Indigenous issues and the results are deadly, as repeatedly noted.

Another cultural manifestation of societal disregard and stigma are the concerning attitudes exhibited by police in their treatment of Indigenous women in prostitution. There is often a threat of arrest for the women, which deters them from reporting a crime and encourages the perpetrators to offend again. Police are often also suspicious of women in prostitution and may blame them or distrust their stories as they are seen as putting themselves purposefully at risk. Not only do these women not comply with the notion of "the ideal victim", but also this attitude fails to

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[257] Amnesty International, *Stolen Sisters*, 22

[258] John Lowman. "Violence and the Outlaw Status of (Street) Prostitution in Canada", *Violence Against Women*, Vol.6, No.9, September 2000, 987-1011. Web. Accessed November 12, 2014. p. 989. http://vaw.sagepub.com/content/6/9/987.short

recognize extenuating circumstances that may have left these women with no alternative. Furthermore, there have been several recorded incidents of police responsible for acts of violence against Aboriginal people or at minimum a general indifference for their welfare or safety.[259] Prostitution and sexual exploitation increases one's isolation and social marginalization and is particularly dangerous for Aboriginal women as racism and sexism amplifies the threat of violence.[260] These attitudes are best exemplified by the Manitoba Justice Inquiry (originally in reference to the men who attacked Helen Betty Osborne), and highly reflective of the general social trend: "Her attackers seemed to be operating on the assumption that Aboriginal women were promiscuous and open to enticement through alcohol or violence. It is evident that the men…believed that young Aboriginal women were objects with no human value beyond sexual gratification."[261]

This quote is also reflective of another issue compounding this threat against Aboriginal women: the distinct patriarchal, hypermasculine culture of extractive industries, which places vulnerable Aboriginal women at increased risk for sexual violence and trafficking. Hypermasculinity, or hegemonic masculinity, is literally an exaggerated display of the traditional masculine identity, with its main emphasis being on status, anti-femininity and/or toughness. Furthermore, sexual conquest is an avenue through which individuals can prove their masculinity, all the while conscious of the social undertones that require virility. To an extent it also echoes

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[259] Amnesty International, *Stolen Sisters*, 30

[260] Amnesty International, *Stolen Sisters*, 26-28

[261] Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1 as referenced in Amnesty International, *Stolen Sisters*, 29

the culture found in the broader Canadian society, as briefly mentioned during my earlier discussion on colonialism, violence and extraction. Building from this, the hypermasculine culture of extractive industries reflects the gendered relationships explored by Andrea Smith and, as we will soon see, speaks to the proposed connection between patriarchy's disregard for, yet simultaneous need to control, both women and nature (see Introduction).

Externally, extractive industries can produce rapid institutional change, social upheaval and dramatic cultural shifts, all of which operate to destabilize Indigenous communities. Extractive industries are a Western entity, carrying with them "engrained perspectives in regards to relations of power, social structures, division of labour, gender roles, responsibilities, value, welfare and well-being."[262] The collective awareness and rights of Indigenous communities are overpowered by the centrality of individualism, competition, and capitalism inherent in extractive industries and Western work ethic. Extractive industries also bring their own internal culture that encourages domination, hypermasculinity, power and violence.

As noted in the prior discussion on violence, extractive industries mirror colonization. Both colonization and extractive industries are driven by a culture based upon a desire for profit and the commodification and exploitation of natural resources. Recall Smith's reference to the belief held by many feminist theorists that there is a "connection between patriarchy's disregard for nature, women and indigenous peoples" – those who seek to control the sexuality of women and

[262] Pauktuutit, *The Impact of Resource Extraction*, 13

indigenous peoples also desire to control nature.[263] Indigenous populations are intensely connected with the land and are subsequently "undermined by extractive industries" as they are dispossessed from their properties, forcefully relocated, or assaulted on their own lands. Extractive industries are in essence a "wholesale assault on the ecosystem health."[264]

Colonization, and by associated extractive industries, are also historically masculine endeavours. Research conducted on farming masculinities (though patterns can be generalized) has noted a central theme concerning control over the land and environment, as well as the ability to master and control the forces of nature – surviving in the wilderness as a demonstration of manhood.[265] Stereotypical gender roles and gendered division of labour are reinforced within this culture. This may be heightened in the remote regions of extractive industries, which may explain why there have been documented trends of increased violence, substance abuse and prostitution. It is the idea of "rural masculinity" – a hypermasculine identity forged through a particular set of social expectations, in this context expectations arising from working for extractive industries. In Fort McMurray for instance, "deep within the rugged Albertan wilderness, being "manly" means working hard, acting strong and rarely worrying about personal health or safety" ultimately creating

[263] Ibid, 55.

[264] Albrecht, *Solastalgia*, 54

[265] Berit Brandth & Marit S. Haugen, "Doing Rural Masculinity – From Logging to Outfield Tourism", *Journal of Gender Studies*, 14:1(2005), 13-22, p. 13. DOI: 10.1080/0958923042000331452

warped sense of invincibility, power and prestige. In Fort McMurray, one could argue they "have the Marlboro man but wearing a hardhat and in the muskeg."[266]

Conversely, women who live near an extractive industry or are employed within one are relegated to traditional female roles – domestic servants who are nurturing, docile and seen a sexual outlet. It has even been suggested that having women around helps to diffuse "industrial tensions" through sexual distractions and sexual relations, a gross gender stereotype that can spill over into the community and perpetuate the mistreatment and exploitation of women within local communities.[267] The literature on mining culture suggests that remote mining camps (such as those found in Nunavut) or oil extraction (such as in Fort McMurray, Northern Gateway Pipeline, or the proposed Keystone XL Pipeline) can, and most often do, contribute to patriarchal and patronizing way of regarding women.[268] Such a culture is accompanied by violence, power, and entitlement.

Research evidence indicates: a) that masculinity is inextricably linked to the idea of mateship; b) that expression of masculinity is linked to physicality and sex; and c) that demonstrations of masculinity is connected to the use of violence to control others.[269] Young women who are victimized "are often shamed by the offender and his peer group or otherwise controlled, and thereby kept in the cycle of

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[266] Geoff Dembicki. " Oil Sand Workers Don't Cry". *The Tyee*. August 16, 2010. Web. Accessed November 12, 2014. http://thetyee.ca/News/2010/08/16/OilWorkersDontCry/?commentsfilter=0

[267] Pauktuutit, *The Impact of Resource Extraction*, 14

[268] Ibid

[269] Ian Gault, "Macho man: hyper-masculinity and adolescent dating violence", Presentation summary from *No To Violence Conference*, November 14-16, 2012. Melbourne, Australia, Web. Accessed November 12, 2014. p. 2. http://ntv.org.au/conference/wp-content/uploads/2012-ntv-conference-workshop-3d-macho-man-doc.pdf

violence. This in turn reinforces abusers' hypermasculinity and strengthens their commitment to their behaviour."[270] The effects of typically male dominated industries have been well documented. For instance, there is a shocking rate of sexual assaults within the United States military. According to data gathered by the National Sexual Violence Resource Center for 2012:

- Men constituted about 82-86 percent of the military; women, 14-18 percent
- There were 26,000 estimated victims of unwanted sexual contact in 2012 – 54 percent (14,000) reported by men and 46 percent (12,000) by women
- Other forms of sexual violence experienced by women include sexual harassment (23 percent), crude/offensive behaviour (41 percent), unwanted sexual attention (23 percent), and sexist behaviours (47 percent)
- 67 percent of females and 81 percent of males did not report victimization[271]

These numbers paint the image of the hypermasculine culture, driven by strength, that as alluded to previously breeds an environment of power and sense of entitlement. It is in no manner specific to the military however; other studies include newspaper-printing floors[272], a study concerning the causes of violence in rural settings[273], and a study on the coal industry in West Virginia[274]. The conclusions

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[270] Gault, *Macho Man*, 5

[271] National Sexual Violence Resource Centre (NSVRC), "Sexual Violence in the Military". Infographic. 2013. Web. Accessed November 12, 2014. http://www.nsvrc.org/publications/nsvrc-publications-infographic/sexual-violence-military-infographic

[272] For more information, see: Alcadipani, Rafael, and Maria Jose Tonelli. "Imagining Gender Research: Violence, Masculinity, and the Shop Floor." *Gender, Work & Organization* 21.4 (2014): 321-339.

[273] For more information, see: Carrington, Kerry, and John Scott. "Masculinity, rurality and violence." *British Journal of Criminology* 48.5 (2008): 641-666.

formed among these studies are similar: hypermasculinity is associated with increased violence, sexuality and sense of entitlement. A struggle for identity and meaning, especially in more rural settings, may heighten expression of these factors. Furthermore, extractive industries may work to construct a particular identity for its workers and subtly reinforce it through cultural icons that demonstrate a similar masculine image. Ultimately, the reality is that "when masculinity is defined by power and aggression, sexual violence is the result."[275]

Culture and identity are crucial elements behind one's resiliency and health as they provide a foundation from which to build healthy self-esteem, sense of self, and connection to one's community. A tension clearly exists between Indigenous communities, extractive industries, and the broader Canadian society. Indigenous peoples are fighting to regain their culture and identity, which were taken from them, and overcome the vulnerable position in which they have been placed. Meanwhile, the broader Canadian society and culture seems to espouse attitudes of indifference and neglect and continues to display remnants of the colonial legacy of violence. Finally, extractive industries promote a culture of violence and domination that permeates both internally and externally, to areas outside the industry such as local Indigenous communities. Resolution to this tension will not be easy, as it requires a major cultural shift within extractive industries and the wider Canadian population as

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[274] For more information, see: Bell, Shannon Elizabeth, and Richard York. "Community economic identity: The coal industry and ideology construction in West Virginia." *Rural Sociology* 75.1 (2010): 111-143.

[275] Michael T. Crawford, "A Culture of hypermasculinity is driving sexual assault in the military". *The Huffington Post*. April 14, 2014. Web. Accessed November 12, 2014. http://www.huffingtonpost.com/michael-t-crawford/a-culture-of-hypermasculi_b_5147191.html

well as some means of remedying the centuries of violence against Indigenous culture and identity.

Figure 10. Indigenous artwork. Photograph: Roos, Phase 1 – Service and Capacity Report

The evidence is undeniable. Countless factors - racism, sexism, legacy of colonization, the hypermasculine culture of extractive industries, violence, indifference and much more - work to compound, systemically entrench, and reinforce the idea that Aboriginal women are invisible, unworthy, and simply “there for the taking”. These women exist in a predator culture that is both subliminal and natural. They are physically, mentally, culturally, and symbolically annihilated time and time again. In response to these conditions Aboriginal communities and organizations, scholars (such as Sikka, Deer, Jacobs or Smith), and independent movements are speaking out and demanding that this deplorable treatment be stopped and I agree. In the following section, I will discuss possible means of addressing the issue and mitigating the risks in order to prevent the continuation of this endemic indifference and violence towards Native women.

Section IV – Mitigating the Risks

This thesis has sought to outline, reveal and discuss the exploitation and trafficking of Aboriginal women within Canada and its connection to domestic extractive industries. Countless stories, facts and figures have been presented; various frameworks have been employed to analyze the issues more deeply; a myriad of arguments have been put forward. The reality is simple: Aborigines in Canada have been victimized, dehumanized, exploited and discriminated against for centuries. And it continues to the present day, culminating to foster a society that seemingly condones the exploitation and trafficking of Aboriginal women within their industries and within their country. In many regards, it is the state itself that facilitates the trafficking of Aboriginal women, creating the very conditions that place Aboriginal women in an increasingly vulnerable position. Canada cannot present itself to the world as a land that is “strong and free” when its people knowingly allow these injustices to occur. Indifference is pervasive and this *must* change.

A multi-system approach, encompassing all levels and actors, is necessary to successfully and holistically address this issue. Solutions must target key factors of normalized post-colonial violence, racism, sexism, poverty, and isolation. They must be endorsed and enacted across all levels and sectors. The following are possible options for risk mitigation but to fully explore each one is outside the purview of this paper, thus each suggestion is only briefly discussed. Additionally, though the focus is on Indigenous communities within Canada, the suggestions made below can be adapted or employed in other countries and to other vulnerable populations, thus speaking to broader international and global efforts to combat human trafficking.

(i) Aboriginal Community Actions

Aboriginal communities are at the frontline for defense. They are the ones who are most in tune with their people, their culture, and their community and are well versed on the impacts and victimization experienced daily. The following are suggestions as to ways in which Aboriginal communities could better protect themselves. I acknowledge that these remarks are in no way comprehensive and are made from a perspective of a non-Aboriginal. However, in an effort to not sound as though I am "speaking for them" I have relied on Aboriginal organizations (such as NWAC), reports (such as Stolen Sisters) and academic writing to inform my suggestions as best as possible.

Aboriginal communities across Canada could be empowered to a greater degree. Respecting the right to self-govern is critical**.** While mitigating the risks is largely a national responsibility, proper preparation and education would provide a basic defense against exploitation. In consultation with Aboriginal communities, these services could be offered, and should the community decide to receive them, service providers could work collaboratively with Aboriginals to ensure cultural sensitivity and effective presentation. In order to ensure the protection needed from further victimization, there should be reforms to the justice system that enforce the right to self-government. This would involve establishing an Indigenous legal system, increasing services to women who were victims of violence, and training more Indigenous police officers, among many other reforms. Autonomy to govern their communities and land would partly address the sense of helplessness arising from

having to rely on local authorities to protect Aboriginal communities and provide an avenue through which to "protect their own" in culturally appropriate ways.

E**ducational programs designed to raise awareness about sexual violence and human trafficking could be implemented.** These programs would provide a better understanding of the legal definition of human trafficking, the warning signs, and common tricks of traffickers as well as heightening a community's vigilance. A more comprehensive understanding of the violence perpetrated against Aboriginal communities, the risk factors and motivations is also needed. While prevention programs are often argued to place too much onus on the victim, the reality is that until there are larger systemic changes, protecting one's self and one's community is one of the best responses available. Integrated educational strategies that engage youth, especially girls, in discussions about healthy relationships, self-esteem and personal safety would help raise awareness and better protect those most at risk. In tandem with educational programs, improved access to social services for drug abuse, violence, depression, etc. would offer avenues for addressing and mitigating vulnerability to exploitation and providing counseling to individuals.[276]

These social services would be culturally relevant, reflect the real needs of the women and be able to speak to the communities in a manner consistent with their values, attitudes, and way of living, thus improving the accessibility and effectiveness of the programs. The programs can be delivered via community meetings, in-school presentations and discussions, local businesses posting flyers, and broader social media campaigns. The good news is that these programs already

[276] Sweet, *Rising Waters*, 13-14

exist, on both local and national levels. Local programs target issues more prevalent in that specific region, such as Manitoba's "Stop Sex with Kids" campaign that targets the children and youth exploited annually in Winnipeg's street-based sex trade. Nationally, the Canadian Center for Child Protection has developed a program with educational materials for children of all ages.

These materials discuss issues such as sexual abuse, exploitation, and healthy relationships (versus controlling ones), with the program goal being to raise awareness about sexual predators and build their resistance to common tactics employed. However, for reasons unknown (though it is likely that lack of funding plays a major role), most school boards across Canada have yet to incorporate these prevention programs into their curricula, reflecting one of the many difficulties faced with such programs.[277] Programs directly targeted at Aboriginal youth remain minimal, if they exist at all, and given the lack of funding for social services and education on reserves, there does not exist equal access to preventative programs.

That is not to imply that that Indigenous communities are standing idly by. Social media activism, for instance, is one way to not only spread awareness and educate youth, but also to pressure larger institutions, such as the Canadian Government, to make larger system-based changes. For instance, there is currently a #AmINext campaign sweeping across Canada, launched by Holly Jarrett. Jarrett was the cousin of Loretta Saunders, a 26-year old Inuk university student who went missing in Nova Scotia in February. She had been writing a thesis on the violence against Aboriginal women when she disappeared. Shaken by the death of

[277] Perrin, *Invisible Chains,* 181

her cousin and searching for some manner of advocacy, the #AmINext movement was born, largely in response to the August murder of Tina Fontaine, a 15-year old Aboriginal girl who ran away from home and was later found murdered, her body stuffed inside a plastic bag and dumped in the water. Fontaine's name became synonymous with a push for a public inquiry into missing and murdered Indigenous women across Canada, and Jarrett, building from this momentum, decided to launch the #AmINext campaign to advocate for the inquiry.

Figure 11. Women standing outside the Parliament building in support of the #AmINext Campaign. Photograph: Gabrielle Fayant via Twitter

Thousands of women have since posted photos of themselves holding signs that read "Am I Next?" coupled with the hashtags #AmINext and #MMIW (missing and murdered Indigenous women) to support the movement. While the goal is to

demand a national inquiry from the Canadian Government, currently under the leadership of Prime Minister Stephen Harper, the movement also seeks to "open up a national discussion on the issue of Aboriginal women who have disappeared or been murdered."[278] While the Harper government has stated that they do not feel as though an inquiry would yield answers, a few city councils – in Saskatoon, Toronto, and Winnipeg – have passed motions in support of an inquiry. The #AmINext campaign remains ongoing.

Improvements to the socioeconomic status of Aboriginals and their communities are essential. Equality is central to the health and wellbeing of Aboriginal communities. We must work to address the widespread poverty, poor living conditions (or outright homelessness), lack of access to education, social services, job opportunities and skills training, or even needs for basic living. Support for the revitalization of "our ways of being"[279], a revival of Aboriginal culture and traditions, would provide an identity to those who may be lost, a connection to a culture of time past. Physical, emotional, mental and spiritual needs must be seen as interconnected and mutually reinforcing; failure to address all areas only serves to weaken attempts at mitigating risks. Therefore, "it is necessary to reclaim the balance inherent in traditional [Indigenous] gender roles and to take responsibility for the transmission of pride, cultural awareness, and traditional knowledge to future

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[278] Aly Thomson, "Woman behind 'Am I Next' movement thinks campaign has staying power". *CTV News*, September 13, 2014. Web. Accessed November 12, 2014. http://www.ctvnews.ca/canada/woman-behind-am-i-next-movement-thinks-campaign-has-staying-power-1.2005478#

[279] Native Women's Association of Canada (NWAC), *What their stories tell us: Research findings from the Sisters in Spirit initiative*, 2010. Web. Accessed November 12, 2014. p. 32. http://www.nwac.ca/files/reports/2010_NWAC_SIS_Report_EN.pdf

generations" in order to truly address violence against Aboriginal women.[280] In the end, these factors may prevent Aboriginal communities from recognizing and acknowledging the sexual exploitation of their girls. Poverty, limited resources, lack of education, fear of outside involvement, among many others, work to mask the crimes committed against Aboriginal communities and hinder the initiation and implementation of measures to address the exploitation.

Input from Aboriginal youth, communities or organizations. Preventative strategies either proposed or collected by the Native Women's Association of Canada (NWAC) reiterate many of these suggestions. The input presented in the NWAC report is from a variety of sources, including the organization itself, other scholars, Aboriginal communities, or Aboriginal youth who were sexually exploited. An Aboriginal perspective is necessary to make the much-needed changes, as it provides an on-the-ground look into potentially effective preventative measures. Though not extensively reported below, some of NWAC's suggestions include:

- Awareness-raising through education and discussion; a better education on the realities of trauma and exploitation, learning to set healthy parameters and understanding that they as victims are not alone
- A safe, non-judgmental place to go for those who have been victimized
- Cultural connection/considerations (more comfortable raising issues to someone who understands their background)
- Raising self-esteem

[280] NWAC, *What Their Stories Tell Us*, 32

- Service providers who have experience in the trade (i.e. women who escaped trafficking or prostitution, other survivors of violence and exploitation)
- Viable economic alternatives and opportunities
- Better schooling and reduction in drop-out rates
- More support for Aboriginal families and communities (i.e. transition programs, shelters, specialized services, etc)
- De-normalizing violence in Aboriginal communities and educating youth on what is and is not acceptable[281]

(ii) Canadian Government

The majority of changes needed to properly address these issues rest with the Canadian government.

Fundamentally, the Canadian government needs to acknowledge the issue: **the violence against, and trafficking of, Aboriginal women and girls**. For too long the government has allowed violence and innumerable injustices to be perpetrated against Aboriginal communities; for too long it has allowed Aboriginal women to be exploited, trafficked, and victimized. While the level of violence against Aboriginal women has recently been garnering a great deal of attention, it is the result of social media campaigns and activism on the part of Aboriginal communities, not the Canadian government. The #AmINext campaign is one of the many platforms calling for a national inquiry in missing and murdered indigenous women. This inquiry should be completed. Not only would it illuminate the degree of violence committed against Aboriginal women, it could also help bring to light any cases that

[281] NWAC, *Sex Trafficking Literature*, 18-21

had been overlooked and provide data from which a more accurate understanding of the issue can be gleaned.

Improvements to data collection techniques and cross-sector communication would also aid in properly acknowledging the issue. A national strategy on human trafficking needs to be implemented, as lack of coordination among sectors allows perpetrators to escape and fails to help the victim. The current system is not capable of acting fast enough to respond effectively, something on which traffickers capitalize.

Funding for Aboriginal communities must be increased and more programs and social services must be made available. A lack of funding directly contributes to many of the problems afflicting Aboriginal communities – poverty, lack of education, unemployment, lack of access to shelter and basic needs, high rate of children in welfare system, substance abuse, depression, mental illness and more. In an environment with restricted options, women may resort to prostitution for survival and statistics have shown that Aboriginal women and youth are disproportionately represented in sexually exploited youth and involvement in prostitution.

Statistics have also revealed the link between prostitution and violence. Increased funding is a necessity. It is needed to prevent these issues from arising, to reduce their vulnerability, and to provide hope. Without proper and legitimate funding, the arrival of extractive industries offers “employment opportunities” but at a cost to an already vulnerable population. Without proper social services or programs in place in the community to deal with existing problems and those accompanying

extractive industries, Aboriginal peoples are further victimized. It increases an individual's desperation and vulnerability, essentially recycling victims back into exploitation. Community services,

> …need to be conceptualized and funded *before,* or in anticipation of the kinds of difficulties that experience shows will arise in the presence of a mining operation. You go and you inject that kind of income and that kind of opportunity into a community that quickly, and you don't have the rest of support groups such as health services or RCMP or social services caught up. ... if there are no support services, (they) catch and exhaust themselves trying to play catch up after the fact.[282]

The implementation of social services and programs necessary to train law enforcement and social workers, educate communities, and develop new processes or services remain nonexistent, further hindering the fight against human trafficking.

Changes need to be made to policies concerning Aboriginals. To date, failures of the policy system, stemming from colonialism, have contributed to past and current problems, and the heightened vulnerability faced by, Aboriginals in Canada. As discussed previously, examples include the Indian Act and the Residential school system, both worthy of being deemed cultural genocide. Violence remains an issue because of indifference and apathy. Without social and legal protection, Aboriginals are vulnerable to continued experiences of victimization. While these policies have been amended since their induction, they continue to influence current policies and attitudes.

Take for instance the child welfare system. There are now more Aboriginal children in the welfare system than at any other point in history, with an estimated 30-40 percent of children in care being Aboriginal, reaching 70-80 percent in some

[282] Pauktuutit, *The Impact of Resource Extraction*, 62

provinces.[283] More attention needs to be paid to welfare policy and practice, especially around the reasons as to why Aboriginal children are taken into care at such significantly higher rates. Aboriginal children are more likely to enter the system because of neglect, reflecting undercurrents of poverty, substance abuse in the home, and inadequate housing.[284] On the larger scale, these issues can be addressed by fixing the socio-economic status of Aboriginal peoples. The current system must also acknowledge the manner in which it works to perpetuate racism and inequality for Aboriginal families. The underlying principle of the child welfare system - the "best interest of the child" – is tied to community and culture for Aboriginal peoples and to remove a child from this environment can hinder identity formation, as discussed previously. Ultimately, "even if a non-Aboriginal family has these same factors [poverty, poor housing, care giver substance abuse], the Aboriginal child is still more likely to go into child welfare care. So, race has continued to play a role in child removal."[285]

The long-term impact of child welfare involvement includes limited success in education programs, poor economic security, unemployment, failure to experience proper identity formation, and as reviewed earlier, higher risk of involvement with, or vulnerability to, sexual exploitation and the sex trade. This is but one example of the gap between policy and practice. The government must work to bridge this gap and it can start with speaking to women who have been trafficked. This would provide

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[283] NWAC, *What Their Stories Tell Us*, 8

[284] Ibid, 9

[285] National Council of Welfare, *Aboriginal, Métis and Inuit children and youth: time to act*. 2007, Ottawa: National Council of Welfare. 87, as referenced in NWAC, *What Their Stories Tell Us*, 9

invaluable insight into the world of trafficking, illuminate first-hand the conditions that make it possible, and provide suggestions as to how it can be addressed. It would also engage the women and their communities, thereby providing an opportunity for their stories to be heard, rather than having someone speak on their behalf.

A national sensitivity program should be created and distributed nationally. Evidently there is a need for a drastic overhaul of attitudes towards Aboriginals. Ignorance surrounding Aboriginal history with Canada, as well as the current dire situation, only further marginalizes the group and perpetuates gross stereotypes, prejudices, and misconceptions. Educating society, especially children, would readjust the general public's understanding of Aborigines living in Canada and perhaps garner non-Aboriginal support for legal, economic, political, and social improvements. The stories of Aboriginal women and their communities have remained hidden or neglected for too long and it is time that they came to the forefront to attain the recognition and concern they deserve. In the end, a broader response from our society is what is needed to end the exploitation and violence committed against Aboriginal communities. As long as the general society continues to endorse the image that Aboriginal issues are of no concern, nothing will change.

(iii) Canadian Law

It was not until the enactment of the Palermo Protocol in 2003 that a legal, universally recognized, definition of human trafficking existed. This protocol was the first global, legally binding instrument against human trafficking – an instrument of which Canada was a signing member. But our legal system remains woefully underprepared to effectively combat human trafficking. Until 2005, there was not

even a Criminal Code offense for human trafficking in Canada.[286] After almost a decade, there have been a total of 34 convictions.[287] When compared to the over 400 convictions in the United States – between 2001 and 2008 alone – it is clear that Canada is allowing many perpetrators to go unpunished. While the State Department Annual Trafficking in Persons Report states that Canada, "fully complies with the minimum standards for the elimination of trafficking"[288] meeting minimum standards should not be our goal. A massive overhaul is required for laws concerning human trafficking, as well as laws concerning Aborigines in Canada**.** They need to be more comprehensive, better enforced, and ready to adapt to changing circumstances. A full critique is beyond the scope of this paper, however areas for reform include:

A restructuring of the legal definition of human trafficking. Canada's *Criminal Code* recognizes that human trafficking does not require movement and that is instead more about the exploitation of the victim. However, the definition of "exploitation" requires victims to have provided labour or services as a result of reasonably fearing for their safety or the safety of someone known to them. This fails to encompass psychological manipulation and the other insidious methods employed by traffickers to exploit their victims. Canada should reform the definition of exploitation to mirror that of US law which recognizes "the subtle means of

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[286] Perrin, *Invisible Chains*, xix

[287] Holly Moore and Joanne Levasseur, "Human traffickers going unpunished in Canada, experts say", CBC News. March 25, 2014. Web. Accessed November 12, 2014. http://www.cbc.ca/news/canada/manitoba/human-traffickers-going-unpunished-in-canada-experts-say-1.2584944

[288] U.S. State Department, *Trafficking In Persons Report*, 125.

coercion used by traffickers to bind their victims into servitude, including psychological coercion, trickery, and the seizure of documents."[289] The use of fraud, force or coercion should not require demonstration for cases involved persons younger than 18 years of age. This slight deviation from the internationally agreed upon definition in the Canadian *Criminal Code* has allowed many perpetrators to benefit. Canada should strive to create legislation such as the *Trafficking Victims Protection Act of 2000 (TVPA)*. The TVPA has been reviewed and adapted numerous times over the years to adjust with changing times, includes education and public awareness campaigns, and guarantees victims of trafficking access to social services (i.e. health care, housing, education, job training). Most importantly, the laws of the TVPA hold traffickers accountable for their crimes.

The legal system must shift its thinking away from the concepts of "the ideal victim" and "the ideal human trafficking victim". This reform applies to law enforcement, victim services, government and society as a whole. As previously discussed, in addition to the archetype of "the ideal victim" there exists a concept of what a typical human trafficking victim is, often facilitated by television and movies. For instance, the recent Hollywood production of *Taken*: a pretty girl kidnapped while travelling abroad, drugged and eventually, auctioned off to the highest bidder. This is amidst the stereotypical brothels and seedy underworld that are portrayed in the background. While this story can represent the reality for many victims of human trafficking, it is clearly not the only reality. The danger is that this belief in the "ideal human trafficking victim" generates myths about human trafficking and hinders

[289] Perrin, *Invisible Chains,* 206

individuals, law enforcement and the law itself from truly recognizing human trafficking when it happens.

We have reviewed how racialized and marginalized women are typically seen as less credible victims. Additionally, poor socio-economic status (which is often tied with race), alcohol consumption, and past sexual victimization also compound to degrade a person's "victim status". The fact that a women can be disqualified from being perceived as a victim because of past sexual victimization underscores "a profound institutional lack of knowledge about the prevalence and nature of sexual assault", given "how common repeat experiences of sexual victimization are in women's lives."[290] This once again speaks to how police or the legal system "unfound" sexual assault or trafficking claims because of a failure to adhere to the ideal victim expectations. Women who live "risky" lives are somehow seen as responsible for their trafficking and undeserving of legal protection. The reality is that it is those who are most vulnerable that are made to take the most risk as, "the sharp descent into the space of risk is a feature in cases involving Aboriginal women, women with addictions, and homeless women."[291]

It has been well documented that across all levels of the legal system, legal actors are influenced by a variety of factors (i.e. alcohol consumption, choice of dress at time of assault, etc.), including stereotypes about "ideal victims". The fact that cases of sexual assault, rape, or trafficking are undermined because of a perceived failure on the part of the victim to adhere to this archetype is appalling; it is in essence blaming the victim for the crime. Feminist scholars have recognized that

[290] Randall, *Sexual Assault Law*, 411

[291] Ibid, 415

this disqualification is tied to, “the entrenchment of an increasingly de-contextualized and de-gendered judicial and legal response to sexual assault, one that emphasizes women’s personal “responsibility” for risk management.”[292] As it relates to Aboriginal women, it serves to reinforce the message that they are not worthwhile members of society, further marginalizing them. The failure of the State (Canada) to even provide basic human rights, such as the freedom to live without fear, or violence, or discrimination, perpetuates the treatment of Aboriginal women as “second class citizens” and once again demonstrates not only the systemic racism inherent in the legal system, but also how the State plays a critical role in facilitating the trafficking of these women. Finally, it is a testament to how the Government continues to control the lives of Aboriginal women, for clearly one cannot even be a trafficking victim unless the legal system says so.

The laws concerning prostitution should be restructured to shift criminality away from the prostitute (victim). In Canada, it is illegal to communicate in public places for the purpose of prostitution, with a public place being defined as any location the general public could access either by invitation or by right. It is also illegal to communicate indoors for the purpose of prostitution if the person is less than 18 years of age. It would, however, be more effective to criminalize the purchase of sex itself, rather than define its legality based on location. This decriminalizes those who are sold for sex and instead places liability on the purchasers of sex acts. This also addresses the connection between prostitution and

[292] Randall, *Sexual Assault Law*, 414

human trafficking, as well as targets the fact that purchasers of sex acts drive the market for human trafficking.[293]

Anti-trafficking legislation should include concerns of and for Aboriginal communities and tribes. This would not only promote a culturally-sensitive and collaborative approach to combating human trafficking, but it would also empower Aboriginal communities to better recognize and respond to the trafficking of their people. There have been some efforts to do this, such as the partnership between the government of British Columbia, NGO's and Aboriginal communities. The incorporation of community traditions, rituals and values into protection efforts helps to strengthen the collaborative potential.

Legal recognition of the right to self-governance for Aboriginal communities and tribes, ensuring adequate access to justice and respecting the role tribal leaders and their communities play in the fight against human trafficking.

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[293] In the process of writing this thesis, Bill C-36, "Protection of Community and Endangered Persons Act" was signed into Canadian law in November 2014. This Bill legalizes the sale of sex and criminalizes the buyer as well as many other aspects of the prostitution trade (i.e. communicating for the sale of sexual services). The legislation is mirrored after the "Nordic Model", one adopted by Sweden in 1999, with the intent to eliminate prostitution without victimizing prostitutes (who could be have been forced into the trade because of human trafficking) to legal penalty. The Bill is receiving $20 million dollars for implementation and to help sex workers get out of the trade, though to properly account for Canada's population (in comparison to Sweden's national action plan which received $32.2 million) funding allocations should total somewhere closer to $118.6 million (Perrin, "New prostitution law", 2014). There exists some controversy around this law; some believe that it increases the risks to prostitutes, imposes more danger, and provides fewer safe options. The Bill is being challenged as unconstitutional to the Canadian Charter and will be brought to Canada's Supreme Court for further discussion.

More information about Bill C-36 can be found at: http://openparliament.ca/bills/41-2/C-36/ or Professor Benjamin Perrin's article "How the new prostitution law can withstand a Charter challenge" http://www.theglobeandmail.com/globe-debate/how-the-new-prostitution-law-can-withstand-a-charter-challenge/article21142536/

More money should be invested into combating human trafficking. Per the 2012/2013 National Action Plan to Combat Human Trafficking, Canada planned to invest $6M into various efforts or activities, such as funding a dedicated enforcement team (RCMP and Canadian Border Services Agency (CBSA)), funding the Human Trafficking National Coordination Centre, providing enhanced victim services as well as training, legislative implementation, and policy development, among others.[294] When compared to the $32.2M investment by Sweden into a national action plan to fund initiatives addressing sex trafficking, or the roughly $20M budget of the US Department of State's Office to Monitor and Combat Trafficking in Persons, it is evident that more funding needs to be dedicated towards these efforts. A bigger budget would allow for the provision of better services for victims, increased training for officers, community educational awareness programs, and more funding for involving NGO's in the identification and prosecution of human trafficking cases.

The Canadian Government should refuse to do business with extractive companies that have known or alleged human rights abuses. Evaluation of the company's code of conduct, CSR practices, and regular on-site check-in's should be performed. A failure to comply with standards would entail the risk of losing the contract.

(iv) Extractive Industries

Extractive industries also need to take an active role in mitigating the risks faced by Aboriginal communities. As a driver of demand for flesh and a supplier of a culture

[294] Government of Canada, "National Action Plan to Combat Human Trafficking". *Public Safety Canada*, under section "Government of Canada Response, 2014. Web. Accessed November 12, 2014. http://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx#toc-02

concerned with hegemonic masculinity, exploitation, and power, extractive industries hold an important position in the fight against human trafficking. Companies have a social responsibility - to the people/employees, the community, the planet – and it is in their best interest to ensure that they maintain a good reputation and goodwill. Extractive industries are already subject to much controversy as they are often associated with violent conflict, human rights abuses, environmental degradation and disrupting community life.[295]

These industries face increasing pressure from the international community to prevent these issues; as a result, numerous principles, standards, best practices and reporting procedures have been developed to provide a practical approach for mitigation.[296] To ignore their social responsibility, extractive industries are risking their business with consumers and other companies, economic profits, negative media attention, and legal concerns. Additionally, because extractive industry projects tend to have significant impact on indigenous populations, "national governments and other stakeholders are now challenged to engage with indigenous cultures in a manner that is consistent with the recently adopted Declaration on the Rights of Indigenous Peoples", thereby creating additional obligations and international legal norms that must be followed.[297]

Extractive industries need better policing and increased security. A failure to conduct thorough background checks of its employees can result in poor hiring

[295] UNIFTPA, *Extractive Industries and Conflic*t. 25

[296] Ibid, 25

[297] Ibid, 30

outcomes that may exacerbate the issue, such as the hiring of convicted criminals - individuals who have already exhibited a penchant for violent behaviour. Onsite policing could also help mitigate the typical rise in violence, drug abuse, and prostitution that extractive industries tend to experience and would support local police authorities (a common issue cited in the literature is a failure or inability of local police forces to respond properly or in time to issues of trafficking and violence). It should be the due diligence of extractive industries to ensure the protection of local communities.

There need to be legal ramifications for extractive industries that fail to monitor activity on and off site. The workers are the responsibility of the industry; they are imported labour intended to work for the extractive industry, thus the extractive industry should be responsible for shielding local communities from the actions of its labourers. It is hard to hold these corporations liable however; the reality is that they "will only take responsibility for human rights violations if market forces are used to encourage change."[298] Consumers (including governments) are influenced by the practices and reputation of a company; they hold the purchasing power to demand changes. Holding a company legally responsible for its crimes and indiscretions remains difficult. Social Impact Assessments should be mandatory and would offer additional avenues through which to penalize extractive industries for human rights violations. Additionally, governments should refuse to contract with extractive industries that have a history of human rights abuses or a history of shielding its workers from those violations, as both pose a risk to the current

[298] Sweet, *Rising Waters*, 16

population of the local community. Furthermore, the government is essentially facilitating human rights abuses within its country, a violation of the Universal Declaration of Human Rights (UDHR), among other global treaties.

Extractive industries should implement mandatory educational programs designed to promote a cross-cultural understanding and historical awareness. A program that aims to educate workers about the area and local Aboriginal communities, as well as providing an in-depth understanding of the history and vulnerabilities faced by Aboriginals. It would also seek to dispel any stereotypes, prejudices and racist thinking towards Aboriginals as a whole, and towards Aboriginal women in particular. This would ideally help to "humanize" those living near the extractive industry and reduce the degree to which locals are exploited. Local Aboriginal community members would conduct the training. This training can be incorporated into the on-boarding process completed by Human Resources and does not have to be intensive. It is simply intended to more comprehensively educate the workers and take proactive measures towards upholding the extractive industry's social responsibility.

A mandatory educational program, inspired by John Schools, should be implemented in order to shift the culture within extractive industries. A John is a man who purchases sex from a prostitute. John Schools are intended to discourage men from continually purchasing sex acts by confronting them with the consequences of their behaviour and the damage to the victims.[299] It is important to note that this program would address the social and community issues, as well as

[299] Perrin, *Invisible Chains*, 187

the human consequences, of prostitution. The educational program for extractive industries would serve as a preemptive strike, intended to reduce the rate of offending. The aim would be to shift the market demand by discussing the impact of sexual exploitation, trafficking and prostitution on the local community, on the victim herself (delivered through survivor testimonies), the health risks, legal ramifications and overall, the risks absorbed by the perpetrator. By presenting this information, the goal is to dispel any myths or stereotypes about the sex industry, pimping, prostitution and trafficking. This program would be in tandem with the previously suggested cross-cultural education program.

Extractive industries should invest a specific percentage of their profits back into the community as part of their social responsibility efforts. This can take many forms but the underlying point is that it is important to give back to those whose land and resources are being extracted. Possible means of reinvestment include outright monetary donations, to be used as wished by the community; a commitment to supply social services (for both the community and extractive industry employees) to deal with drugs, depression, violence, etc.; skills training; safe employment opportunities for Aboriginals; funding the construction of a school or community centre, accompanied by special initiatives/programming for local youth; funding local law enforcement to deal with the influx of workers and receive proper training on recognizing and dealing with human trafficking cases. In the end, extractive industries can capitalize on this investment as well, as they are benefiting from the cultivation of future employees or building a more robust community.

(v) NGO's

NGO's serve as important watchdogs in the fight against human trafficking. They are on the ground activists and the government should build stronger relationships with these organizations. NGO's may have the data, resources, and tenacity to pursue projects or actions that local communities and governments may not want, or be able to. Collaboration between NGO's and Aboriginal community leaders in terms of educational awareness is also critical, as distrust of the Canadian government may hinder preventative approaches within Aboriginal communities from manifesting. A better understanding of local concerns and cultural sensitivity would propel trafficking prevention programs further as they respect local traditions, values and contributions on the part of Aboriginal communities.

Additionally, NGO's are able to mobilize national and international action and can support services and programs for multiple levels of society, such as police officers, immigration, government officials and the victims themselves. Extractive Industries could be compelled to work with NGO's as well, as a means of monitoring the happenings of these companies, especially in the more remote regions of Canada. Annual evaluations and reports could be submitted to the Government of Canada by NGO's as a way of holistically monitoring extractive industries - taking a ground-up approach rather than the top-down, scheduled visits of a government official. NGO's are a critical part of the solution and must be better supported and relied upon as part of a more effective collaborative strategy.

(vi) International Actions

In the end, human trafficking and sexual violence is a global issue. It is a transnational crime without regard for national borders and involves actors and buyers across all sectors, ethnicities, and regions. It is a crime that impacts every country. Without international collaboration, this crime will surely never be eradicated. Canada and the United States of America must collaborate efficiently so as to provide timely assistance to each other when combating the problem of human trafficking. Oftentimes, organized crime syndicates are responsible for human trafficking rings; sharing any intelligence gathered on these criminal networks could better facilitate the dismantling of these rings. Support for, the United Nations Office on Drugs and Crimes and their human trafficking and migrant smuggling efforts is also important. The UNODC employs the 3P approach of prevention, protection and prosecution, with various programs in place designed to address the factors that put individuals at risk for being trafficked, raise awareness, and ensure the proper implementation of laws, nationally and internationally. Overall, there exist many international efforts targeted at fighting human trafficking, and while a full discussion exceeds the scope of this paper, the most important point for consideration is that it will take a unified global effort to protect those most vulnerable and effectively end human trafficking and modern slavery.

Conclusion

> Having heard all of this you may choose to look the other way but you can never again say that you did not know.[300]

These were the words of William Wilberforce, a fierce abolitionist, who made a speech to the Westminster Parliament on May 12, 1789 calling for the abolition of slavery. After a 20-year campaign led by Wilberforce, the slave trade was outlawed in Canada and the rest of the British Empire in 1807, when the British Parliament passed *An Act for the Abolition of the Slave Trade*. This was a monumental success. Yet just over 200 years later, slavery remains a rampant issue, both domestically and globally. It is estimated that approximately 27 million people are currently enslaved worldwide, though this is a best-guess scenario.

Canada is not exempt. It too has its underground world of human trafficking. Even now as I write, an 18-year-old girl in Ottawa, Canada was sentenced to 6 ½ years in jail for trafficking young girls. At just 15 years of age, this girl recruited other teenagers via social media sites, drugged them and forced them into prostitution. She was found guilty of 27 charges, including procurement for the purpose of prostitution, human trafficking, making child pornography, sexual assault, child luring, uttering threats and unlawful confinement.[301]

And so it goes.

Worldwide, Indigenous communities are vulnerable to exploitation as they are often economically, politically, and culturally marginalized. The story is no different in

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[300] William Wilberforce, "Speech to Parliament", May 12, 1789; see Eric Mextas, *Amazing Grace: William Wilberforce and the Heroic Campaign to End Slavery*, 2007, New York: Harper.

[301] "Ottawa girl, 17, found guilty of prostituting other teens", CBC News. January 29, 2014. Web. Accessed November 12, 2014. http://www.cbc.ca/news/canada/ottawa/ottawa-girl-17-found-guilty-of-prostituting-other-teens-1.2514279

Canada. Sections I, II and III highlighted the innumerable injustices, both historically and presently, committed against Indigenous people and their communities, targeting their language, culture, religion, identity, and spirit. It has also revealed the immense impact on women, especially when living near an extractive industry. The historical trauma inflicted upon Indigenous peoples robbed them of their identity and their culture and encouraged their victimization, then and now. A national attitude of violence, racism, and indifference towards Indigenous populations remains, disguising the trafficking of Indigenous women behind veils of systematic oppression and colonial legacies. These factors collaborate to increase Indigenous women's vulnerability to being trafficked – low self-esteem, depression, identity confusion, drug and alcohol abuse, and even prostitution as a way to survive. And Canada sits idly by, indifferent towards their plight.

This callousness cultivates an environment conducive to exploitation. Extractive industries only help fuel this. It breeds a culture of hegemonic masculinity, which is fueled by a sense of power, domination, and greed. The very nature of extraction itself is an industry of violence, one that destroys what is natural and takes what it wants. Statistics have revealed the rise in crime, violence, and prostitution that accompany extractive industries and their "man camps". A society that normalizes the violence against Indigenous communities would thus not concern themselves with the heightened vulnerability of Indigenous communities and women to trafficking, prostitution, racism and violence that is associated with extractive industries.

But it happens. Time and time again. And with every new extractive industry project that arises, be it the Northern Gateway Pipeline of 2015, the Keystone XL Pipeline that was recently approved by the US House of Representative (though failed to gain Senate approval) or mining in the circumpolar region of the North, the reality will continue to be that Indigenous communities are at risk to human trafficking, exploitation, and violence. There are a myriad of methods to mitigate the risks. Educational programs and public awareness are one of the best solutions, especially when delivered in a culturally appropriate manner. Increased engagement and collaboration with Indigenous communities is another key method of mitigating the risks, as the communities are the frontline for defense. The Canadian government and its legal system must undergo significant reforms to combat human trafficking and remedy the plight of Indigenous communities. Increased funding, better social services, drastically changing the socioeconomic status of Indigenous communities (such as lifting them out of poverty, providing better shelter, utilities, employment opportunities) as well as a comprehensive overhaul of human trafficking and Indigenous legislation are among the few suggestions for beginning to remedy the current state of affairs. NGO's should be engaged with more, as watchdogs for injustices and provision of support. Internationally, global cooperation needs to continue in order to address this issue transnationally.

My objective was to connect three widely different elements and demonstrate how they are connected, to what end, and what can be learned accordingly. While I present a fairly comprehensive argument concerning the connection between Aboriginal women, sexual violence and trafficking, and extractive industries, I

recognize that there remains much more research to be done. It was not my intention to do a “deep-dive” into any one particular area but instead to convince the reader that these elements intersect, how, and to what end. It is my hope that others take this research further. Much more research needs to be done on the sexual violence and trafficking of Aboriginal women to bring this issue the attention it deserves. What structural issues need to be adjusted? Can long-term cultural change be achieved? What types of preventative measures need to be pursued? Additionally, there needs to be a more thorough examination of extractive industries to present not only their perspective but to analyze their strategies and responses. Are man-camps a best practice or a dehumanizing practice? How can or do extractive industries empower local communities and work with them as partners? What are areas for improvement? To what degree of accountability are extractive industries held to? What should be the role of government? These are just some of the many areas for further exploration.

As a society, Canada needs to shift its attitudes and behaviours held towards Indigenous peoples. No longer can we allow these issues to continue. There should not exist a need for the #AmINext Campaign or for a national inquiry into missing and murdered indigenous women. It is the Government’s duty to protect the people and it is our duty as members of society to shine a light on its failure to do so. It is also our duty to speak up for those who are ignored when they try to speak for themselves. This is a call to action and while you may choose to do nothing you can never again claim ignorance. Canada is a symbol of hope. It was the “Promised

Land" for those seeking freedom, playing a crucial role in the Underground Railroad for slaves fleeing the United States. Many within Canada maintain their country stands up for the inalienable rights and dignity of all people. It is time for us to reclaim this. We must bring to the light the injustices that have taken hold in our country, injustices we have allowed to continue unimpeded for centuries. It is time for Canada to live up to its image as a land of the True North strong and free.[302]

[302] Perrin, *Invisible Chains,* 239-240.

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Appendix

According to the report, “Stopping the Sexual Exploitation of Children and Youth” published by Ministry of Public Safety and Solicitor General of British Columbia, the factors associated with an increased risk of sexual exploitation include:

- Alcohol or drug abuse or exposure to parental substance abuse
- Poverty or unemployment
- Sexual, physical or emotional abuse, or neglect
- Low self-esteem and insecurity
- Lack of sense of belonging
- Mental health, learning or cognitive disabilities
- Systemic factors, such as racism and the impact of the destruction of Aboriginal identity and culture
- Running away or being forced to leave home at an early age
- Unsupervised and uninformed Internet usage
- Sexual orientation