



SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN
HUMAN TRAFFICKING AND MMIWG2S+

Five Policy Research Papers on Missing and Murdered Indigenous
Women, Girls, Two-Spirit, Transgender, and Gender-Diverse People

NATIVE WOMEN'S ASSOCIATION OF CANADA





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INTRODUCTION

BACKGROUND

Human trafficking involves recruitment, transportation, harbouring, and/or exercising control, direction, or influence over a person's movements. This is done to manipulate them, typically through sexual exploitation or forced labour (Canada 2020). The nature of this crime means it is challenging to track victims and witnesses who face many barriers to getting help from law enforcement. The victims, who are primarily women and children, are deprived of their everyday lives and compelled to provide labour or sexual services, through a variety of coercive practices, often for the direct profit of their perpetrators (Canada, 2020).

Human trafficking is an offence under the *Criminal Code of Canada* and the *Immigration and Refugee Protection Act*. Anyone can experience human trafficking, although Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people (WG2STGD) represent most people implicated in human trafficking in Canada. Moreover, Indigenous WG2STGD people (Canada, 2020), along with individuals who

are or have had involvement with the child welfare system (Canada, 2020) and who are socially or economically disadvantaged, are particularly at risk (Canada, 2020). In Canada, the highest cases of human trafficking tend to occur in major urban centres, areas of increased travel, and near the U.S.–Canada border. Proportionally, 62% of all human trafficking incidents were reported in Ontario and 10% were reported in Nova Scotia, despite the fact that the respective populations for these provinces accounted for 39% and 3% of the Canadian population in 2021 (Government of Canada, 2022). Additionally, the full scope of sociocultural factors and stigmatization of sex work and substance use and the added layer of harmful stereotypes only serve to obfuscate this complex issue further.

The Native Women's Association of Canada (NWAC) is a leading voice on research and policy for Indigenous women, girls, Two-Spirit, transgender, and gender-diverse (WG2STGD+) people, particularly as it pertains to the systemic, structural, and institutional issues that, including health care, contribute to their ongoing genocide. NWAC continues to conduct research, produce toolkits, and share resources that prioritize the needs of Indigenous WG2STGD people, especially



when addressing systemic issues that contribute to the ongoing crisis of missing and murdered Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people (MMIWG2S+). NWAC has a proud history of research and policy that seeks to address the ongoing crisis of MMIWG2S+ and anti-Indigenous racism on Turtle Island and Inuit Nunangat. NWAC's 2021 *Our Calls, Our Actions* plan was a direct response to the inaction of the Government of Canada's national action plan. Moreover, NWAC developed 65 concrete actions that speak to the specific and unique needs of Indigenous communities in Canada that are "holistic," "decolonizing," and "trauma-informed" (NWAC, 2021, p. 9). Our analysis and recommendations in this research project respond to the *National Inquiry Calls for Justice* and our own call to action plan.

Our call to action plan addresses the systemic issues related to MMIWG2S+, and recognizes that distinct Indigenous identities, cultural safety, and a trauma-informed approach must be upheld and respected in order to achieve substantive equality and human rights, a decolonized approach to health care, the inclusion of families and survivors, self-determination, and Indigenous-led solutions and services (NWAC, 2021). More specifically, within the plan is a call to address the interjurisdictional issues within the justice system that create, sustain, and perpetuate inequities amongst Indigenous WG2STGD people.

One of the issues requiring further exploration and closely tied to the MMIWG2S+ genocide is human trafficking. If all levels of government neglect or ignore the MMIWG2S+ genocide or do not work to actively to end the genocide, this will only continue to facilitate and bolster human trafficking.

This project aims to determine how different government branches can work together to address this issue. The three major areas or government departments currently taking up initiatives to address human trafficking include the Justice Canada, the RCMP, and Public Safety Canada. In determining what this collaboration process might look like, we also draw attention to how these current initiatives can be improved to be more inclusive and safer for Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people.





This research project aimed to address the following:

1. What are the current interjurisdictional issues within human trafficking and how are they connected to the MMIWG2S+ genocide?
2. How do these issues affect frontline service providers?
3. How has the federal government pivoted since the National Inquiry was initiated, conducted, and reported on?
4. What collaboration between federal departments is necessary to address the interjurisdictional issues of human trafficking?
5. What can various government branches do to improve their collaborations and close current loopholes perpetuating human trafficking and the MMIWG2S+ genocide?





MMIWG2S+, NWAC, AND ADDRESSING THE TRC AND CALLS TO ACTION

NWAC's analysis and recommendations in this research project respond directly to the *National Inquiry Calls for Justice* and our call to action plan. This research project is an important element of the continued journey toward truth and reconciliation and the need for additional support for those who are survivors of the MMIWG2S+ genocide. We have created a toolkit for policymakers at all levels of government, which offers recommendations to close interjurisdictional loopholes and improve collaborations across levels and departments.

This project speaks to the following recommendations posed in NWAC's call to action plan:

- Advocate for and assert our legal right to self-determination and to be adequately resourced.
- Police training: Develop training on Indigenous women and gender-based violence and MMIWG.
- Advocate for improved legal aid services and funding for children and youth.
- Advocate for and review changes in the alert system on missing Indigenous girls and women.
- Provide training and workshops to Canadians to improve their

understanding of Indigenous history and colonization (workshops for introductory, intermediate, and advanced levels) and develop an online program.

- Provide ongoing tracking of economic development and social indicators of health statistics and how MMIWG funds are spent with strategic partners to monitor government spending.
- Youth engagement program: Continue work on focused programs, policy, and youth engagement on MMIWG and causes of violence and prevention.

SUMMARY:

Human trafficking is the recruitment, transportation, or harbouring of persons for exploitation—typically falling into the category of sex work. For Indigenous WG2STGD people in Canada, who experience the highest rates of violence and exploitation, human trafficking is a significant issue that lacks awareness and attention; domestic trafficking in Canada has not received the same attention as international trafficking. Chronic systemic marginalization and colonization have sexualized and devalued Indigenous WG2STGD people, creating the conditions for violence against them and increasing their likelihood of experiencing exploitation and human trafficking (NWAC, 2018). Indigenous and non-Indigenous researchers have begun raising significant concerns about how this stance



impacts Indigenous WG2STGD people in Canada. These researchers argue that the trafficking of Indigenous WG2STGD people has remained invisible for the most part (Bourgeois, 2015). Given the increasing numbers of Indigenous WG2STGD people being trafficked across Canada, changing the federal government's response to domestic human trafficking is critical.

METHODS:

As outlined above, NWAC continues to be dedicated to the need for recognition of distinct Indigenous identities and cultural safety. Notably, a trauma-informed approach must be upheld and respected to achieve substantive equality and human rights, as well as a decolonized approach to health care, the inclusion of families and survivors, self-determination, and Indigenous-led solutions and services (NWAC, 2021).

This section outlines methodological frameworks for this research project, including the use of in-depth, semi-structured interviews, secondary source data, thematic analysis, and a framework incorporating CRGBA+ and free, prior, and informed Consent (FPIC), intersectionality, trauma-informed consent (TIC), and Two-Eyed Seeing/Etuaptmumk. Interviews were conducted, coded, and sent to each interviewee to ensure FPIC and TIC models were employed. To fulfil the purpose and aim of this research project, three semi-

structured, two-hour-long interviews were conducted, in addition to completing a literature review of secondary source literature addressing issues related to human trafficking.

Semi-structured interviews were conducted with three experts in the interjurisdictional issues in human trafficking and MMIWG2S+. We selected semi-structured over structured because this type of interview is focused but flexible (Fontana & Frey, 2004); researchers conducting semi-structured interviews follow a general guideline of open-ended questions but can also ask clarifying questions or probe for more information (Fontana & Frey, 2004). We asked each participant the same question, which created opportunities to capture different perspectives within intergenerational incarceration while allowing for space to probe and explore when an area of interest came up.

Participants were selected based on their expertise within the field of human trafficking. We endeavoured to find service providers and organizations specific to Indigenous experiences of human trafficking but were unsuccessful. We created a list of 12 semi-structured interview questions that explored some of the interjurisdictional issues of human trafficking (Appendix A). The interviews were conducted virtually between August 16 and September 9, 2022. The average length of the interviews by NWAC



staff was two hours. Interviewees were provided with the interview questions in advance and were given an honorarium as compensation for their time and expertise. One participant wished to remain anonymous. Interviews were recorded and transcribed using transcription software. Transcripts were then edited and sent to participants for approval.

The following methodological frameworks informed this research project:

CULTURALLY RELATIVE GENDER-BASED ANALYSIS (CRGBA+):

In line with NWAC's organization-wide implementation of culturally relevant, gender-based analysis+ (CRGBA+), the theoretical underpinnings of CRGBA+ informed this paper. Rooted in an intersectional, gender-diverse, Indigenous-focused, -led, and, -distinctions based approach, CRGBA+ provides a foundation to better advocate for the safety, empowerment, and self-determination of First Nations, Inuit, and Métis WG2STGD people. Therefore, the implementation of CRGBA effectively challenges the notions related to systemic patterns within experiences of human trafficking. Indeed, by applying these elements of CRGBA+, we can ensure our advocacy is rooted within NWAC's vision for an inclusive world that understands and respects the diversity and uniqueness of all Indigenous women and families.

Until 2021, when NWAC recommended the CRGBA+ framework, many research and policy tools had not done proper justice to the complex intricacies of settler-colonialism and its implications on Indigenous WG2STGD people (Sanchez-Pimienta et al., 2021). In contrast, an Indigenous gender-based analysis recognizes "the patriarchal histories, structures, and social norms imported from Europe that have been imposed on Indigenous communities since contact, which have had devastating consequences for their governance, community and family relations, with direct impacts on health and wellness" while also understanding "the specific cultural, geographical, historical, and spiritual contexts and strengths of diverse Indigenous [C]ommunities that have survived and resisted the imposition of patriarchal worldviews" (Sanchez-Pimienta et al., 2021, p. 11575). NWAC calls for a distinctions-based gender-based analysis that recognizes the uniqueness of Métis, First Nations, and Inuit people while noting their shared experiences of anti-Indigenous racism (AIR) in Canada (NWAC, 2020) and acknowledging the impacts and experiences "before colonization, early colonization and attempted assimilation, current social and political realities, and strategies and responses looking into the future" (Sanchez-Pimienta et al., 2021, p. 11577). CRGBA+ incorporates a reflective lens that signifies the importance of settler colonialism in the current experiences of human trafficking and sexual exploitation.



A CRGBA+ framework provides a critical structure to ensure that investigations into the connections between interjurisdictional issues of human trafficking and the MMIWG2S+ genocide recognize the various intersections that shape and complicate experiences of incarceration and racialized violence for Indigenous WG2STGD people.

FREE, PRIOR, INFORMED CONSENT (FPIC):

As per the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), this project strived to include the free, prior, informed consent (FPIC) model. FPIC is a process that focuses on self-determination among Indigenous Peoples, provides them with space to “[g]ive or withhold consent to a project that may affect them or their territories,” and “[c]onduct their own independent and collective discussions and decision-making” in an environment that is culturally safe, as well as “[d]iscuss in their own language, and in a culturally appropriate way, on matters affecting their rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage [tangible and intangible]” (Food and Agriculture Organization of the United Nations, 2016, p. 13). For this project, NWAC provided a consent letter to participants before each interview (Appendix B), interview questions before the interview

(Appendix A), and the final transcript to participants for their approval. We also gave participants the opportunity to view the way their interview was used in the paper.

INTERSECTIONALITY:

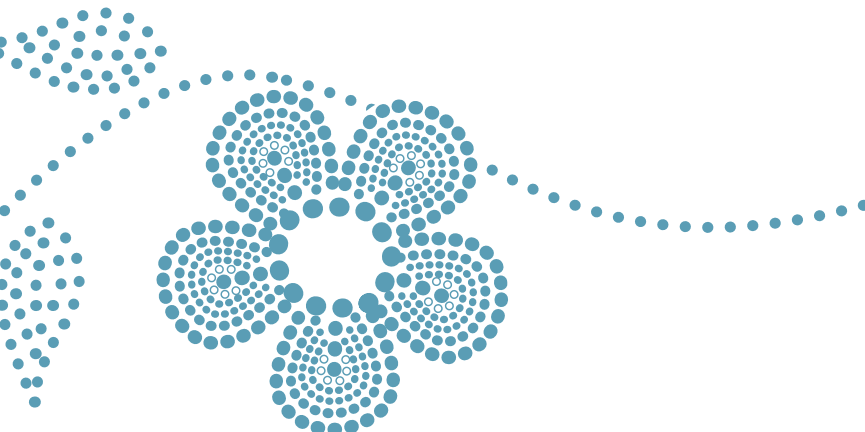
An intersectional approach was used throughout project development. Originally coined in 1991, Kimberlé Crenshaw defines intersectionality as “[a] lens, a prism, for seeing how various forms of inequality often operate together and exacerbate each other,” highlight human trafficking “[w]hat’s often missing is how some people are subject to all of these, and the experience is not just the sum of its parts” (Crenshaw, quoted in Steinmetz, 2018). In the context of MMIWG2S+ research, intersectionality recognizes the unique lived experience of each Indigenous person, noting perspectives based on gender, economic status, geographic location, and other factors. For Audre Lord (2007), “There is no such thing as a single-issue struggle because we do not live single-issue lives” (p. 138). Using intersectionality allows for exploring heteropatriarchy and settler colonialism and contributes to a strong correlation between race- and gender-based violence (Tuck, Yang, & Morril, 2013). This can be revealed through unhealthy family and parenting practices, including abuse and neglect among Indigenous WG2STGD+ people (Parsloe & Campbell, 2021).



This research project uses intersectionality to explore how factors such as income, geographic location, experiences of homelessness, and involvement within the child welfare system relate to Indigenous WG2STGD+ people's experiences with human trafficking.

TRAUMA-INFORMED CONSENT:

NWAC defines trauma this way: "A traumatic event can be a single event that occurred either recently, in the past, or a long-term and chronic experience" (NWAC, 2022). Therefore, trauma-informed care (TIC) "[i]s a strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma." It emphasizes "[p]hysical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment" (Center for Health Strategies, 2006). TIC should also "[a]im at ensuring environments and services are welcoming and engaging for service recipients and staff" (Trauma Informed Oregon, 2016).





According to the Center for Health Strategies, the following 10 steps are required for TIC:

- lead and communicate
- engage clients in planning
- train all staff
- create a safe environment
- prevent secondary trauma
- build an informed workforce
- involve clients in treatment
- screen for trauma
- use trauma-specific treatment
- engage partners

TIC was incorporated into this project through NWAC's dedication to teaching how AIR occurs during education, training, and practice levels. TIC is a crucial tool that all health services care providers require to provide the most kind, informed, and considerate care to Indigenous Peoples. Applying these criteria to experiences of human trafficking means allowing Indigenous Peoples to speak for themselves and be the experts on their needs. It also means acknowledging how intergenerational trauma, or traumatic experiences, influence the health and well-being of Indigenous Peoples, and seeking not to retraumatize individuals looking for support. Workplaces and staff should

be inclusive and culturally competent to address the needs of all clients.

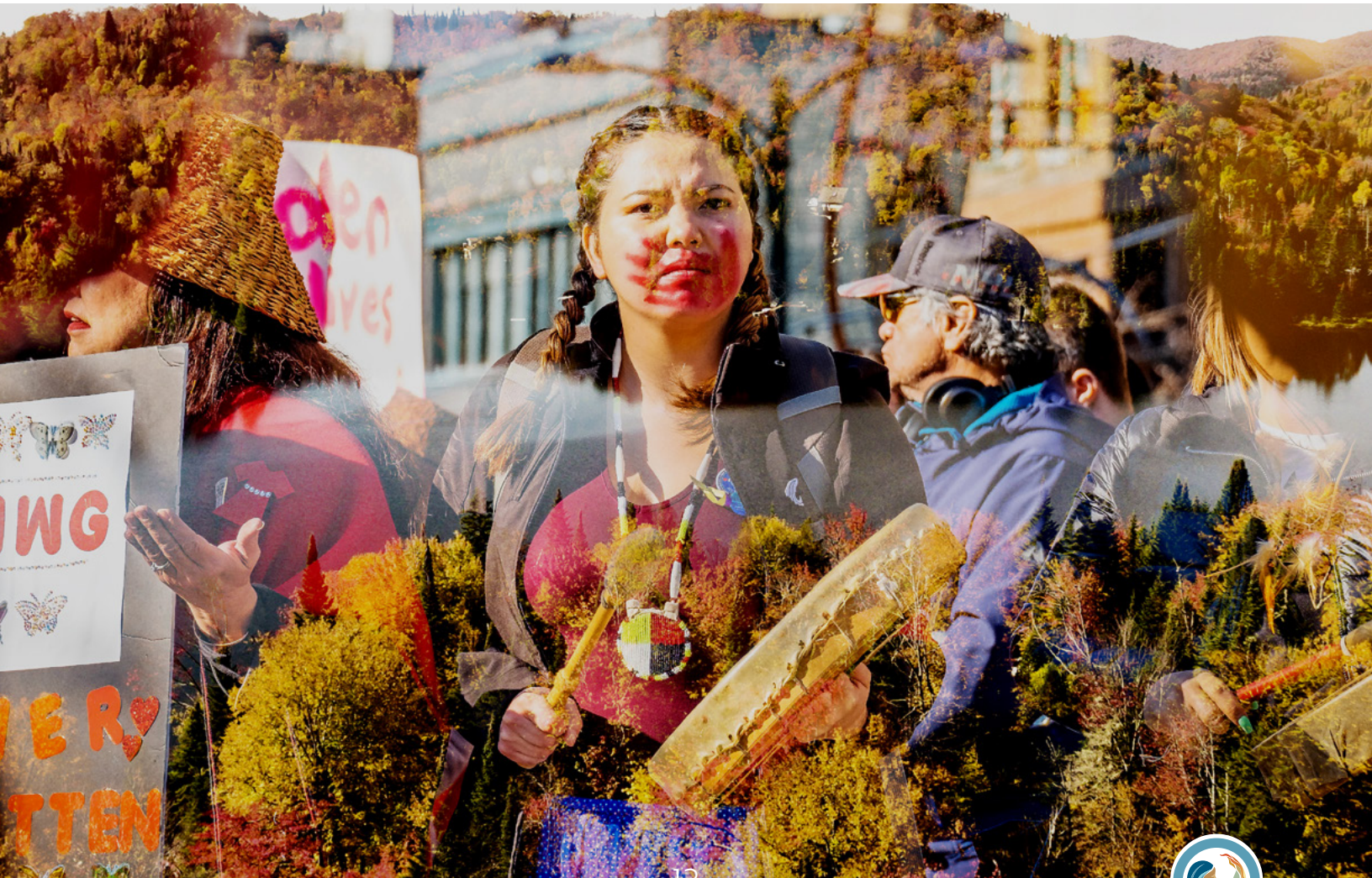
TWO-EYED SEEING/ ETUAPTMUMK:

To keep our research efforts firmly anchored to Indigenous ways of knowing, we employed *Etuaptmumk* or "Two-Eyed Seeing" in this project. Indigenous and critical race scholars have long criticized Western research practices for perpetuating colonialism that can lead to the development of data, policies, and resources that are not only ineffective but harmful (Howell et al., 2016). Conceptualized by Mi'kmaq Elder Albert Marshall, *Etuaptmumk* is the ability to "see from one eye with the strengths of Indigenous Knowledge and Ways of Knowing and from the other eye with the strengths of Western knowledge and ways of knowing, and to use both these eyes together, for the benefit of all" (Bartlett et al., 2012). Both perspectives are positioned with equal importance and woven together. However, there is also a recognition that one approach may be more effective or appropriate than the other in certain instances. Indeed, there are significant and fundamental differences between Western and Indigenous ontologies. Wilson (2008) describes that the ontological approach of many Indigenous groups reflects a relational approach to reality and the world, which is, in turn, emphasized and held in the highest regard within Indigenous research methodologies.



In a literature review conducted by Wright et al. (2019), the authors identified six components that may be gleaned from the application of Two-Eyed Seeing when it is applied with integrity and respect. The six components include: authentic relationships, reciprocal research, relational accountability, Indigenous involvement, Indigenous methodology, and Western researchers deferring to Indigenous leadership. To garner these effects, a respectful integration of Indigenous and Western worldviews is required throughout the research process and not just at various

stages. As such, a simplistic application of Two-Eyed Seeing undermines the entire premise of the approach (Wright et al., 2019); employing intentional reflexivity that endorses both approaches is paramount. Two-Eyed Seeing is useful for exploring the interjurisdictional issues of human trafficking and the connection to the MMIWG2S+ genocide because it allows us to unpack colonialism bound up in the justice system while imaging solutions that are congruent with traditional practices and ways of being.



PARTICIPANTS FOR THIS RESEARCH PROJECT:

Participant A wishes to remain anonymous by name and professional information.

Participant 2 – Wendy Goldsmith

Wendy is an advocate/counsellor and Coordinator of Anti-Human trafficking at the London Abused Women’s Centre. She is also a trainer on working with sexually exploited youth for the Ontario Ministry of Children, Community and Social Services.

Participant 3 - Tanya Folkema

Tanya is an advocate/counsellor with the London Abused Women’s Centre.

LIMITATIONS:

Participants were recruited using the research team’s professional network and recommendations from academics in this field. Additionally, NWAC researchers conducted a thorough review of scholars, activists, and community leaders we considered to be experts. We encountered challenges in finding appropriate interviewees for the data collection portion of this research project. The most significant limitation to our findings is that all of our participants were located in Southern Ontario and are frontline service providers, and two participants currently work at the same organization. Despite this, our results speak to the interjurisdictional issues related to human trafficking in this high-risk area of the Canada–U.S. border.

While our findings may not be accurate for all areas of Canada, we believe they are a good indicator of a significant lack of support in the area of human trafficking and reflect the challenges of addressing human trafficking appropriately.



SECTION I: EARS TO THE SKY

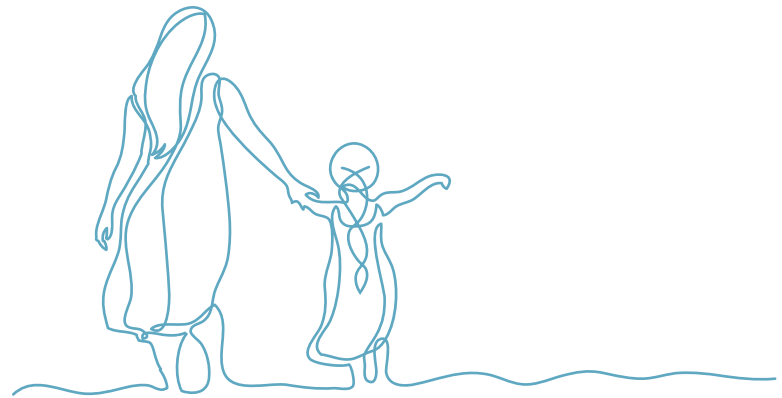
HUMAN TRAFFICKING IN CANADA

Common perceptions around human trafficking focus on the stereotype of an anonymous girl being trafficked and sexually exploited by an unknown male perpetrator, which is typically imagined as occurring outside of our country (Durisin & Meulen, 2021, p. 149). However, these general perceptions are inaccurate and do not reflect actual circumstances. Nine in 10 (91%) victims of police-reported human trafficking incidents between 2011 and 2021 knew their accused trafficker, while a relatively small proportion (9%) of victims were trafficked by a stranger (Government of Canada, 2022).

A trafficker tends to be someone close to the victim (e.g., boyfriend, friend, relative, or peer) (Canadian Centre to End Human trafficking, 2020). They employ a practical and psychologically manipulative technique known as “grooming” to make the victim more vulnerable to exploitation. Grooming involves providing basic needs such as food and shelter and meeting desires such as attention, money, gifts, and drugs (Baird, McDonald, & Connolly 2019, p. 9). Grooming can also involve aversive strategies such as deception, controlling movement or access to friends and family, uttering threats of physical violence, and withholding supply of drugs, alcohol, or money (Baird, McDonald, & Connolly 2019, p. 9). The effects of grooming include

lowered self-worth, cutting off access to support systems such as friends/family, and having a warped sense of safety and healthy behaviours.

In the following sections, we discuss the parallels between individual traffickers grooming their victims and how the state institutions set up conditions of vulnerability that function as grooming for unjustly marginalized groups, such as Indigenous WG2STGD people, and exacerbate the ongoing genocide.



CHILD WELFARE:

Indigenous children are over-represented in the child welfare system, making up 53.8% of all children in foster care. Nationally, Indigenous children only make up 7.7% of all children 14 years old and younger in Canada in 2021 (Needham, 2022, p. ?). This means that as of 2021, 15,919 Indigenous children are under foster care in Canada. In 2016, the Canadian Human Rights Tribunal ruled



that the federal government continues to discriminate against 163,000 First Nations children and youth by underfunding critical services, such as health and social services, including child welfare services (Ma et al., 2019, p. 1). Policies such as birth alerts and the over-surveillance of Indigenous Peoples contribute to greater disparities between Indigenous children's involvement with the child welfare system compared to the general population. Ultimately, research shows that Indigenous children are frequently brought into the child welfare system not because their families are placing them at risk but rather because their families are at greater risk of being identified by the child welfare system due to social exclusion, poverty, and substandard housing (Blackstock, 2007, p. 76). Indeed, federal funding formulas often promote removal rather than helping families keep their children at home by allocating unlimited funds for foster care rather than adequately funding preventative support programs (Blackstock, 2007, p. 74).

The connection between child welfare involvement and vulnerability to human trafficking is particularly concerning. A study involving 266 organizations that work with human trafficking survivors and sexually exploited women and girls in Canada reported that 51% of trafficked girls were or had been involved with the child welfare system, and 50% of trafficked girls and 51% of trafficked women were Indigenous (National Task

Force on Sex Trafficking of Women and Girls in Canada, 2014, p. 32). One U.S. study reported that 85% of trafficked youth have a history of involvement with child welfare and 75% have lived in foster care (Baird, McDonald, & Connolly, 2019, p. 9). Childhood maltreatment, ruptured family relationships, and adversity during childhood all place youth at an increased risk for human trafficking (Baird, McDonald, & Connolly, 2019, p. 9). These circumstances also lead to increased runaway behaviours, which place them in vulnerable settings, including homelessness. Unmet personal needs also increase their vulnerability to traffickers' manipulative behaviour and grooming practices.



HOUSING:

Indigenous Peoples in Canada also face disparities in housing quality, geographical location and access to services, employment, and education opportunities. Indigenous Peoples were reported to be much more likely to have past or current experiences of unsheltered homelessness than non-Indigenous people (Government of Canada, 2022). According





to the 2021 Census, Indigenous Peoples were more likely than the non-Indigenous population to live in crowded housing and multigenerational households and nearly three times more likely to live in a dwelling needing major repairs (Government of Canada, 2022). Housing inadequacies are also higher for Inuit people, who experience crowding at a rate of 40.1%; as well, 26.2% live in a dwelling needing significant repairs in 2021 (Government of Canada, 2022). Access to safe drinking water remains a persistent and systemic barrier to equality for Indigenous Peoples in Canada. As of January 2023, 29 First Nations communities are currently affected by 33 long-term drinking water advisories (Government of Canada, 2017). Living in poor housing conditions, such as houses with overcrowding, mould, or structural defects, is associated with an increase in infectious and respiratory diseases, chronic illness, injuries, and poorer mental health (Government of Canada, 2022).

Among women and gender-diverse people, in a 2021 study by Schwan et al., over 75% reported being survivors of abuse or trauma, 27.8% had experiences with the child welfare system, and over 10% had been trafficked (45). Precarious housing, substance use, history of violence, childhood maltreatment, isolation and mental illness have all been shown to increase the likelihood of being targeted by traffickers (Baird, McDonald, & Connolly, 2019, p. 9; Government of Canada, 2022, p. 8).

DISCONNECTION FROM LAND AND COMMUNITY:

Indigenous Peoples, particularly those living in remote, Northern areas, may be more likely to reside in multiple communities in order to access education, employment, medical care, and other services. While 44.3% of Indigenous Peoples in Canada live in major urban centres, 53.7% live in smaller, rural, or remote communities, on reserves, or in the Northern areas (Government of Canada, 2022). The data gap for the proportion of the Indigenous population that is living in multiple communities is due to the Census, which only considers an individual's usual (primary) residence. The migration of Indigenous people to urban centres may contribute to Census inaccuracies (Rotondi et al., 2017, p. 7). A study of the Indigenous population of Toronto found that the 2011 Canadian Census underestimated the size of the population by a factor of 2 to 4 (Rotondi et al., 2017, p. 2). The displacement of Indigenous people from their home communities can also occur due to environmental factors, climate change, the oil or mining industry, and access to safe water, where they may get relocated to major urban centres, usually much farther south.



Not only does non-consensual relocation put an individual in an unfamiliar environment, isolated and far away from their community and cultural support systems, but urban areas also pose more significant risks for human trafficking. Indigenous people living in major urban centres were about twice as likely as their non-Indigenous counterparts to have been victims of a violent crime in 2019 (9.7% versus 4.2%) (Government of Canada, 2022). The higher violent crime rates, poverty, substance use issues, and proximity to traffickers in urban centres contribute to increased vulnerability for Indigenous WG2SGD people to human trafficking.

All of these factors are due to circumstances imposed on Indigenous Peoples by the Government of Canada and other federal, provincial, and municipal partners.

CANADA'S RESPONSE TO HUMAN TRAFFICKING:

In 2019, Public Safety Canada and Emergency Preparedness for the Government of Canada published a *National Strategy to Combat Human Trafficking 2019–2024* (Government of Canada, 2019). This plan intended to strengthen Canada's response to human trafficking and address gender-based violence through increased funding to frontline organizations. The intent was also to raise awareness through targeted campaigns, namely with the Royal Canadian Mounted Police (RCMP), and make amendments to the *Criminal Code* to improve criminalization efforts. The strategy recognized the need for a "whole-of-government" approach, partnership, and coordination between federal partners. The federal government's approach to the prevention of human trafficking is focused on increased public awareness, and enhancing police coordination and response to threats of domestic and international criminal activities. Notably, human trafficking cases take almost twice as long as other violent adult criminal court cases (Government of Canada, 2022). The sheer amount of time that victims must engage in court with their trafficker adds to the barriers that Indigenous WG2STGD people face when seeking help from police. In addition to the excessive length of court cases, most human trafficking cases are dismissed, discharged, stayed, or withdrawn and are less likely to result in a guilty decision compared to violent offence charges (Government of Canada,



2022). Canada does not allow police to include the ethnicity of anyone involved in the crime, which means it is challenging to uncover the experiences of Indigenous WG2STGD people in these matters.

In 2000, the United Nations created a protocol to prevent, suppress, and punish human trafficking. Since then, the Canadian government has taken some action to address the issue of human trafficking at a federal level. For example, there have been updates to the *Criminal Code*, additions to the *Immigration and Refugee Protection Act*, and an amendment to the *Criminal Code* to prosecute Canadians for trafficking while outside of Canada. Despite these actions, a myriad of interjurisdictional issues within Canada continue to create loopholes for traffickers and perpetuate violence towards Indigenous WG2STGD victims. In Canada, multiple levels of government departments are involved in the human trafficking fight, but none are specifically responsible for this nationwide issue. The federal government departments involved in Canada's human trafficking response include the Royal Canadian Mounted Police (RMCP), Justice Canada, and Public Safety Canada. Issues with interjurisdictional loopholes are labelled "jurisdictional wrangling," and result in a gap in services and rights (MMIWG2SLGBTQQIA+ *National Action Plan: Urban Path to Reclaiming Power and Place, Regardless of Residency*, 2021, p. 24). Interjurisdictional loopholes can be closed with organizational changes at the federal level and collaboration across all levels of government.

In the context of ending human trafficking and violence against Indigenous WG2STGD people, all jurisdictions must develop creative approaches and work together to address the gaps caused by jurisdictional wrangling. Rights to safety are portable and must be upheld regardless of jurisdiction.

SECTION II: EARS TO THE GROUND

Throughout the interview process, our participants repeated similar sentiments. We have organized these into four themes.

Government Institutions Create Vulnerabilities for Indigenous Peoples and Human Trafficking:

In our interviews with participants, each revealed that many of the interjurisdictional issues within human trafficking that are linked to the MMIWG2S+ genocide are rooted in the systemic oppression of Indigenous WG2STGD people. Participants purported that state-led institutions like the child welfare system, the penal system (including police), and the lack of safe and affordable housing create circumstances where Indigenous Peoples are more vulnerable to experiencing human trafficking. Consistent concerns were raised about how the child welfare system and disconnection from family make it difficult for children to be tracked and easy for traffickers to recruit them. These institutions work as tools of colonialism—and thus colonialism can be understood as grooming. When the State removes





children from their families, communities, and culture via the child welfare system and forces them to travel for education in order to access health care, this means that the children may look for other connections or supports. Without the guidance or care of their family, they can be vulnerable to predators and traffickers.

PARTICIPANT A

They come from different communities, and sometimes they've had 10 to 20 [child welfare] placements before coming to us. Sometimes you have to investigate almost to follow up and find where the youth are coming from, what services they've received, and what services work for them. Sometimes even to understand their indigeneity. A lot of times, we will receive documentation for folks and they won't even be marked as Indigenous when they are Indigenous. I think that's a huge problem. That's the biggest thing that I'm seeing, it's just like inconsistency within reporting, and communication.

PARTICIPANT B

They prey on vulnerabilities, right? So, they're looking for whatever is vulnerable. We know that Indigenous women and girls are probably the most vulnerable in our society. They go to group homes. More recently with COVID, they lure them online and they tell them everything that they want to hear in that moment.

I think police don't do a good enough job. We're trying to school them up, but it's not an easy job. They work in silos too. I'm amazed at how many times I call the police about various things. And they say, "Well, that's not my department." Why are you the police then?

PARTICIPANT C

I think that when you're experiencing isolation (both relationally, culturally, and any other regard) and when you're isolated, I think that what I see is people really looking for that connection.





THE CANADIAN CRIMINAL JUSTICE SYSTEM DOES NOT EQUAL JUSTICE IN HUMAN TRAFFICKING:

All the participants identified that how the criminal justice system is currently constructed is ineffective in preventing or dealing with issues of human trafficking for Indigenous WG2STGD people. They said there is an overfocus on criminalization by the justice system, which is significantly out of touch with what survivors of human trafficking need, such as support, safety, self-determination, and reconnection to family.

Traffickers know how to use the loopholes within the system to their advantage. Also, the criminalization of victims prevents survivors from coming forward to seek help. In addition, the problems with policing in Canada are pervasive, and participants said it is difficult for organizations to maintain relationships with police. Reasons for this include: the deep-seated connection between colonialism and the creation of the police; victims are often prosecuted; there is no incentive to become involved with the police; and Indigenous WG2STGD people are more likely to mistrust the police and are not comfortable coming forward. Finally, we learned there are many barriers to supporting survivors due to the interjurisdictional disconnections within policing. Survivors may be put into more danger when engaging with police because they may have to travel back to the jurisdiction where the trafficking occurred.

PARTICIPANT A

I feel like a lot of times we have this idea of who gets to be a victim and who gets that support. When we have this idea of who gets to be the victim, then our services are designed to fit that person.

We're seeing survivors being prosecuted but to my knowledge, like they're supposed to be protected from crimes that they may have committed, while they while they were being exploited. But I don't always see that happening whether it be like carrying weapons, or dealing drugs, or recruiting other women. I don't think it's effective. Especially for Indigenous Peoples because they don't fit what police view as the perfect victim.

A lot of the time, the focus when we're talking about human trafficking is really out of touch with what survivors need.



PARTICIPANT C

There's not one of us that can do it on our own. It's almost impossible to maintain any meaningful relationship with a police service outside of London (where there is a human trafficking unit) and maybe the OPP detachment that specializes in human trafficking.

Part of [the problem] is time, but I'm just thinking of women that I've advocated for who have had things happen in smaller jurisdictions, or maybe OPP or very small police services, and their lack of understanding human trafficking or not having specialized units and them legitimately not getting it.

In terms of partnerships, I do feel like something needs to be done on the policing level. Although I'm also really cognizant that a lot of human trafficking victims want nothing to do with policing. Part of the strategy inherently makes an ill-informed assumption that our justice system can protect and adequately support victims.

PARTICIPANT C (CONT.)

If a survivor does come forward and wants to report human trafficking, they're moved around often, I mean, sometimes I'm going to girls who don't even know necessarily where they are. For instance, if they come to us, here in London, but maybe the trafficking happened in St. Catharines or Niagara Falls, it can be convoluted and intimidating, you know? Especially, if a woman engages here and is essentially told, "Oh, well, it didn't happen in London, so you need to go back to St. Catharines or Niagara Falls (to report to police)."

Understandably, a lot of Indigenous Peoples don't necessarily trust police. They have 150 years of reasons not to trust policing.

**FRONTLINE WORK AS THE BEST
FORM OF PREVENTION AND
IMMEDIATE ACTION:**

Our participants identified that they believe the efforts made on the frontline are the best strategies for dealing with human trafficking. However, they experience several challenges that prevent them from doing their work to the best of their ability. Some of these challenges include insufficient funding or support from all levels of government. Interviewees said





that the needs of frontline organizations are largely overlooked in favour of increasing funding for police. Another emerging theme was developing and sustaining partnerships within their jurisdiction and beyond. They also said that the lack of partnerships currently creates challenges that disproportionately affect Indigenous WG2STGD people.

PARTICIPANT C

It has to trickle down to organizations like us who know what to do with the money. Who can create safe houses and other supports and services. Because right now we're operating on a shoestring.

PARTICIPANT B

I think that there's a huge disconnect when you're on the ground level. You hear about all the policies and what not; then you go a little bit lower, and you have some amazing advocates who are really trying to pave the way, but when you're on the ground, it's like, help!

Sometimes it is exhausting. And I think that's also why you lose touch with what's happening at the federal level. It's hard sometimes to contribute to this kind of discussion, because it does sound nice but how do we actually bring that to the ground? I just come back to, we need more funding and more education.

PARTICIPANT B

There's not one of us who can do it on our own. We need to prioritize partnerships within our community and surrounding area.

I think that it is a combination of so many intersecting factors in terms of vulnerability. So, that's where I find it frustrating that what has gone almost completely unexamined are the men who are purchasing these girls and women. I think that we absolutely legitimize the men's entitlement to women and girl's bodies.



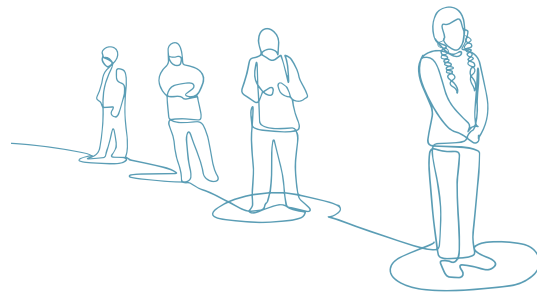
THE NEED FOR SAFETY ACROSS ALL DOMAINS:

Our participants expressed their frustrations with providing safe and appropriate frontline services for people impacted by human trafficking. Issues such as age limits for child welfare involvement, overuse of homeless shelters and hotels/motels, and shortages of suitable temporary housing for victims and spaces for providers to meet with individuals impacted by human trafficking prevail due to lack of appropriate services. Hotels are often used as a temporary solution for housing victims; however, hotels and motels are known to be problematic and are commonly exploited by traffickers. Due to the lack of services and funding for safe spaces to take individuals fleeing human trafficking, particularly for youth, organizations must often rely on using public businesses like motels and hotels, where traffickers are active. Indeed, unstable housing and lack of meeting basic needs set Indigenous WG2STGD people up to be targets of traffickers.

PARTICIPANT A

The housing crisis. That's another issue. I think like another thing I see is when there's no space for them in foster care. There's no space for them in group homes, and they get placed into hotels. So, you're taking this youth who has complex needs and has been trafficked, and you're putting them in a motel.

There's youth who are really young being trafficked, and then finding a space for them in the community is really hard.



PARTICIPANT B

So safety is always the first thing. And I'm glad you said that. Because, you know, not all these women and girls want to get away from their trafficker. So that's sometimes the starting point right there.

So, CAS was just given this power to be able to apprehend a 16- or 17-year-old for 12 hours, and the intention of that is to be able to just remove them from the situation and say, "Hey, what's going on? Can we help you?" The problem is if you were the CAS worker, where would you take that kid because the call is going to come at two or three or four in the morning ... to go to a Tim Hortons to talk about this stuff. Like we don't have safe spaces.



PARTICIPANT C

Shelters are often not the safest place for women and girls to be who've experienced being trafficked. It can pose danger to others who are in the shelter, too. So, it's really complex. You know, there's a lot of complexities to the experience, which I think speaks to the depths of the trauma. And we don't have enough safe houses.

Potentially, that woman might never have shown up again, to get that information, right. So even when we have people doing really great work, I think that the other thing is recognizing sometimes you get the survivors for such a short amount of time, because there's fear right there. Even if they escape it, there are threats to their life, to their family's lives there. Yeah, it's just, it's so complex.

I know that when police are working in human trafficking and they get a girl who's 16 and she has nowhere to go, the last thing they want to do is put her up in a hotel, for obvious reasons, right? They want to bring her somewhere and she might be in that moment willing, and there's nowhere to take them.





PRIORITY AREAS TO ENACT CHANGE:

One of the intended outputs of our research interviews was to explore priority areas to enact change and prevent human trafficking. Our participants shared their perspectives on funding allocation, and all agreed that municipal programming best supports individuals and families in their respective communities. Nevertheless, they are all underfunded.

Public education and awareness of human trafficking were mentioned by all participants, who emphasized the lack of understanding from the public around human trafficking in Canada due to media representations and the complexity of human trafficking. Human trafficking occurs in nearly every part of Canada. However, it can be “invisible” or go unnoticed, and calls for help can be met with stigmatizing or negative responses from peers, professionals, and family members. Given that this is a common and ingrained issue, our interviewees emphasized the importance of public education for all Canadians to support those at risk of human trafficking and of the need for non-stigmatized support to survivors. Proper education and awareness may help to stop human trafficking from going unnoticed and thus interrupt the trafficking process. There is also the need to develop better policies and procedures for professionals dealing with instances of human trafficking. All of our interviewees praised the National Human Trafficking Hotline for being safe, anonymous, and beneficial due to its national scope.

PARTICIPANT A

Municipal [change is the most important] because I think that they do such great work raising public awareness and also working with those rights in their community to develop those networks of care.

But there has to be a federal response. There has to be. That’s where the money has to come from. Because this is a nationwide problem. So there has to be national money. But there have to be provincial responses and local responses.

In traditional services, there’s a lot of tokenizing that happens. Not really listening. It’s like checking a box. You know, we’ve done that, we’ve listened to this person, we’ve done this but how are you actually [holding them accountable]?

There needs to be more cohesiveness if you will, or else there won’t be change. Because it can’t be all on the Indigenous organizations to be doing this hard work. It takes a community. I don’t know where that shift comes from. Maybe holding more traditional organizations accountable for who you employ, what policies you have, and how you actually implement those policies.



PARTICIPANT B

I think the Feds should take the lead because they've got the money. And I think they should give direction to the province. Then I think the province should give the money to community resources that are proven to work in supporting women and girls.

When I think about Indigenous women and girls, I think there has to be special priority to those agencies, those groups, maybe they're even loose groups that don't have a name or a face yet, but they're helping women and girls. I think they need to make sure that they are given priority.

We know that when someone's being trafficked, it could be a janitor, it could be a maid, it could be a teacher, it could be a brother, it could be anybody that she discloses to first and if that is not met with some kind of positive response, then she may never disclose again, and she might just simply return to that and who knows what will happen after that. So education is really important.

PARTICIPANT B

Because I think that prevention piece is where we need to hear Indigenous people's opinion. We need to have their input in terms of criminal justice system. We've learned from our survivors committee that our criminal justice system does not mean justice for many, many victims. It means re-victimization. It means being disappointed by institutions and people who say they want to quote unquote, "save them and help them." And then they're further hurt by it, and in significant ways. I think it's about amplifying their voices, collecting those stories, collecting that information, and really pushing like saying, "Hey, our people represent half of sex trafficking victims, yet, we don't have a safe house, or we don't have enough or we have not been given the proper portion of the pie."

Something good that's come out of the strategy is the National Human Trafficking Hotline. That has been mentioned by our group of survivors too. It feels much less scary because they can make an anonymous report, they can give tips, they don't have to ever talk to someone again. That can be kind of dipping the toe in the criminal justice system without having to jump right in. So, I do think that is great. I personally would love to hear what some of the results are of that hotline. But the fact that that's a national hotline, I think is really important. We don't have one for every province, that would not be helpful.



SECTION III: CHALLENGES

Throughout the interviews, our participants shared their stories and the challenges of those supporting survivors of human trafficking in a frontline capacity. Because of recruitment challenges, we could not interview any experts that work from a policy perspective. However, the dominant issues brought forward mirror the interjurisdictional issues identified in the National Inquiry into Missing and Murdered Women and Girls and within academic scholarship and informal conversations among our professional networks. For this discussion, we will be reiterating the interjurisdictional challenges, noting which government departments are responsible for the area of concern, and connecting those challenges with how these issues have been called for in the Inquiry. Finally, we will make recommendations based on the Inquiry's Calls to Justice and how different departments and jurisdictions can work together to address human trafficking issues.

CONDITIONS OF VULNERABILITY CAUSED BY COLONIALISM:

The first issue that participants identified was related to how government-based institutions with deep colonial roots, like the child welfare system, fundamentally create conditions where Indigenous WG2STGD people are more vulnerable to experiencing human trafficking. Additionally, the ways that these institutions are set up (regionally,

municipally, provincially, federally) create interjurisdictional challenges that become particularly problematic in light of human trafficking's unique circumstances and dangerous qualities. Indeed, current child protection policies and practices are rooted in colonial efforts to assimilate Indigenous Peoples and carry out cultural genocide. Our participants shared examples of current child apprehension practices that make Indigenous children ideal targets and vulnerable to human traffickers. For example, children sent to foster or group homes are often disconnected from their families, community, and cultural identity. Without solid connections and relationships, they are vulnerable to being taken advantage of by predators and traffickers.

Because the child welfare system is siloed across Canada, it can be challenging to follow children crossing borders and jurisdictions. Without clear strategies to share knowledge between departments, children go unsupported and can be susceptible to further violence and risk. Their cultural identity can also be lost within this process—much like what was seen during the Sixties Scoop and what advocates are now calling the millennium scoop (Sinclair, 2007, p. 66). The lack of communication and collaboration is similar but inextricably linked to the MMIWG2S+ genocide. The interjurisdictional issues in the Inquiry mirror policy disputes and lack of cooperation (*Reclaiming Power and Place*, 2019, Vol. 118) that our participants identified in this investigation.





Similarly, our participants shared that the lack of safe shelter and housing appropriate for human trafficking survivors creates issues for those looking to escape. The housing crisis in Canada disproportionately affects Indigenous Peoples (Government of Canada, 2022). Furthermore, WG2STGD people are less likely to access mainstream shelters, drop-in spaces, public spaces, or other homeless-specific services and are more likely to rely on relational, precarious, and dangerous supports to survive (Schwan et al., 2020). Because of the trauma endured while experiencing human trafficking, survivors face a number of psycho-social challenges, including precarious housing. The Pan-Canadian Women’s Housing and Homelessness survey found that one in 10 women experiencing homelessness report being involved in human trafficking (Schwan et al., 2021, p. 45). Frontline

organizations seeking appropriate housing solutions for their clients face many challenges in finding appropriate housing for survivors. Our participants shared that the shortage of available housing is especially problematic for survivors of human trafficking and results in organizations relying on dangerous methods such as using public businesses like motels/hotels where traffickers are active. “Some shelters refuse trafficking victims because they believe the dangers will be greater than those associated with conjugal violence. Additionally, trafficking victims may be refused by other shelters because they have not experienced conjugal violence” (Richard-Guay & Hanley, 2014, p. ?). Human trafficking survivors require special consideration to access safe and affordable housing that is not reflected in social housing registries.



Survivors of human trafficking should be exempt from lengthy waitlists for government-subsidized housing. It is also crucial that trauma-informed and culturally safe housing initiatives be created, particularly for those involved with human trafficking.

The federal department responsible for the policy and procedural choices within child protection and children's welfare is the Ministry of Families, Children, and Social Development. In 2016, the Ministry officially recognized it had been discriminating against Indigenous children who are in government care (Ma et al., 2019, p. 210) but has yet to address these issues concretely. Blackstock (2007) states: "The federal government knows about the record numbers of First Nations children in care, it is aware that the only reason why First Nations children are overrepresented in child welfare care is neglect fueled by poverty, poor housing and substance misuse, and it acknowledges that the federal funding approach contributes to the growth rate of children coming into care" (pp. 76–77).

While these declarations and policy changes are made at a federal level, laws and regulations are actualized and executed at a provincial level. The philosophical and tangible differences between provinces can be great, and depend upon resources and each province's political and geographic context. These differences become significant within the context of

human trafficking and the movement that is inherent within it. For children implicated within the child welfare system, anchored within a specific province, and then experiencing human trafficking, where they could potentially cross provincial borders, there are very few mechanisms and procedures to reconnect them in a new location. Additionally, our participants identified that when policy changes happen at the federal or provincial level, there can be a significant disconnect in how the policies affect municipalities and communities. What is needed is improved communication and transparency between all levels of government and within those jurisdictions.

LACK OF POLICE COOPERATION AND COMMUNICATION AT ALL LEVELS:

The fractured nature of policing jurisdiction in Canada and the structures that divide responsibilities municipally, regionally, provincially, federally, and internationally create and sustain loopholes that perpetuate issues with human trafficking. The nature of this work means that police often work in silos and are limited by the procedures and policies of the department. Over the past three decades, there have been increasing calls for more integrated approaches to policing. The importance of procedures and adequate information-sharing technology has also become pronounced (Bichard, 2004, p. 129).



However, Sanders and Henderson (2021) found that deeply seeded divisions in protocols and practices prevent the uptake of information-sharing technologies and databases. Our participants felt that the lack of cooperation has severe implications for survivors of human trafficking because of the movement associated with trafficking. For example, we heard the challenges of trying to support individuals who have been moved across municipal and provincial borders and when they attempt to work with the police. Survivors are often told they cannot receive support because the crimes did not happen within a specific jurisdiction. They may also be told that they must return to the region where the trafficking started.

Because departments do not have strategies to cooperate or work together, survivors can face life-threatening circumstances and the traumatic effects of returning to regions where the trafficking started. This fracturing also makes it difficult for frontline organizations to work with police and best support their clients. Due to the dispossession of land, Indigenous communities are further away from city centres and, therefore, must travel further to medical treatments, schools, and employment. The lack of employment opportunities, lack of transportation, and high cost of basic needs in rural and remote Indigenous communities facilitate pathways into homelessness and barriers

from exiting it for Indigenous WG2STGD people (Van Berkum & Oudshoorn, 2015). This can lead to Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people go missing or be murdered or trafficked—not to mention all the challenges they face when they move to unfamiliar urban areas and the added risks for violence and substance use issues. The majority, 86%, of human trafficking incidents were reported in metropolitan areas compared to the overall incidence of violent crimes in metropolitan areas, which are 58% (Government of Canada, 2022).

The federal department responsible for governing the legal and criminal justice system (including policing) and victim services in Canada is the Justice Canada. The history of policing in Canada is entrenched within its colonial legacy and the erasure of Indigenous Peoples. Policing in Canada was explicitly created to police Indigenous Peoples (Steckley, 2016, p. 56). The Northwest Mounted Police was a quasi-military force modelled after British police forces. It was designed to “keep order” in the Northwest regions of Canada, to control the Aboriginal and Métis populations, and to facilitate the transfer of Indigenous territory to the federal government with (in theory) minimal bloodshed (Bell & Schreiner, 2018, p. 122).



From 1894 to the 1960s, Indian Agents had the legal power to remove Indigenous children from their community forcibly. They were closely linked to the police, issuing search warrants for children who escaped from residential and day schools (Steckley, 2016, p. 56). Indian Agents wielded tremendous power over Indigenous Peoples. They enforced the removal of their right to practise their language, culture, ceremony, and traditional food production, and their autonomy to travel and pursue economic opportunities (Steckley, 2016, p. 56).

The end of the Indian Agents did not mean an end to their influence, as colonialism continues today in Canada's government and criminal justice system. The tenuous relationship between Indigenous Peoples and policing in Canada is inherently implicated in the interjurisdictional issues of human trafficking. Because of this pervasive lack of trust with police and the increased likelihood that they will be criminalized, survivors of human trafficking do not feel comfortable approaching the police with information about trafficking. Even if a WG2STGD person did feel compelled to report trafficking to the police, some areas and municipalities do not have human trafficking units that are trained or have the resources necessary to support human trafficking survivors. The rates of conviction for human trafficking cases are only 12%, which is much lower than that for sex trade charges (13%) or violent charges (48%) (Government of Canada, 2022). This leads to victims not

coming forward because they know it will not benefit themselves or ensure their safety. It is common for victims to either be unable to or not feel comfortable disclosing their attacker's identity, and 52% of all human trafficking cases had no accused person identified (Government of Canada, 2022).

DISCONNECTION BETWEEN THE "JUSTICE" SYSTEM AND WHAT SURVIVORS NEED:

The third interjurisdictional issue presented by our participants is that justice for survivors is not possible because of the lack of cooperation across jurisdictions and levels of government. Within their discussions, there were two areas of focus: funding and criminalization. Participants shared various views on where funding should be allocated and what level of government should be responsible for deciding and distributing these funds. These dissecting views point to the lack of transparency and confusion about which departments are responsible for funding in different areas.

The *National Strategy to Combat Human Trafficking* calls for a whole-of-government approach but offers no breakdown of how the responsibility to fund and govern will be divided. While our participants offered different opinions on where funding ought to come from, they did agree that the funds were misappropriated by police and law enforcement instead of what is truly needed on the ground.





We could not find a complete breakdown of funds allocated to human trafficking frontline organizations, nor would it be feasible to report on the human trafficking departments of each law enforcement agency within this project's scope. What is needed is a focus on prevention, and given the large percentage of Indigenous WG2STGD people implicated in human trafficking, the prevention efforts need to have a decolonizing focus. Additionally, current statistics and data on human trafficking are not available, and the true scope of the problem is not well represented. Having an accurate picture of the who, where, and how human trafficking is happening in Canada is crucial for funding and providing appropriate services; therefore, improved research and data collection that uses decolonizing methodologies is paramount.

Funding allocations and distributions for human trafficking are not clear. Our search for funding for national and provincial programs and initiatives yielded few results. For example, in the 2021 Federal Budget, there is a reference to funding allocated to gender-based violence, but we found no mention of human trafficking specifically. The *National Strategy to Combat Human Trafficking* notes that the strategy is supported by an investment of \$75 million over six years to "implement an enhanced suite of initiatives that will strengthen Canada's response and fill critical gaps." However, there is no breakdown of the funding streams, budgeted amounts, or

projects other than the National Hotline. The lack of consensus by our participants on how human trafficking initiatives should be supported mirrors the lack of transparency by Public Safety Canada.

The other focus of our discussion was how the mechanisms or tools within the justice system often criminalize the survivors of human trafficking. Our participants working on the frontlines told us that as survivors come forward in search of support (often for safe housing, food, clothing, and reconnection to home, family, and community), the only pathways are through the police or law enforcement. Our participants clearly indicated that the way the criminal justice system is constructed is ineffective in either preventing or dealing with human trafficking. Fear of criminalization and working within the justice system is a barrier for individuals seeking support. This is particularly the case for Indigenous WG2STGD people, who, under the colonial state, are not recognized or valued, and thus not seen as victims.

Indigenous Peoples experience incarceration at a disproportionate rate compared to non-Indigenous and make up 32% of the population in prisons, with the rate climbing (Office of the Correctional Investigator, 2021). The Indigenous population in federal institutions rose from 20% of the total inmate population in 2008–2009 to 28% in 2017–2018 while representing only 4.1% of the overall Canadian population (JusticeCanada, 2020).



When Indigenous people are arrested for any crime(s) for which they are being tried, they are more likely to be prosecuted, serve longer sentences, and spend more time in solitary confinement (Bell & Schreiner, 2018, p. 118). When considered within the context of colonialism and the number of Indigenous persons affected by intergenerational trauma and poverty, the nature of these crimes can be seen as crimes of survival. Within the context of human trafficking, survivors are often coerced into criminalized behaviour due to their lack of agency. In turn, they may be reluctant to seek the support of the police for fear of arrest.

With rates of recidivism and inter-generational incarceration disturbingly high among Indigenous Peoples, it is clear that the justice system is ineffective in following through on its claims to reconcile the injustices towards Indigenous Peoples. Existing tools like Gladue Reports have many challenges, such as requiring individuals to share traumatic events, which often include crimes of survival that can be more incriminating and pose additional barriers (Dickson & Smith, 2021, p. 35). The *National Strategy to Combat Human trafficking* acknowledges that changes to the justice system are necessary and claim that amendments to the *Criminal Code* will happen within the five-year span. Thus, cooperation and communication between the Justice Canada and Public Safety Canada are paramount.



HOW HUMAN TRAFFICKING IS FRAMED AND TALKED ABOUT WITHIN DOMINANT DISCOURSE/ NARRATIVE:

The final issue identified by participants spoke to who shapes the dominant discourse around human trafficking in Canada and how the different levels within government shape narratives about who is likely to be trafficked and why. The complexity of human trafficking is neglected by both media and the policies put in place by the federal government. This fuels a lack of understanding about what human trafficking is, what it looks like, who is often implicated, and how to safely intervene with the public, thereby creating barriers and amplifying danger to human trafficking survivors. A significant source of the problem is that in Canada human trafficking is often understood as an international rather than a domestic issue. This contributes to the lack of awareness that Indigenous WG2STGD people experience trafficking at a much higher rate than non-Indigenous women. This phenomenon is grounded in the race- and gender-based violence towards Indigenous WG2STGD people that has been normalized through colonialism. Understanding how autonomy and most human rights have been stripped away from Indigenous Peoples since the onset of colonization reveals patterns akin to that of human trafficking.



Human trafficking is a broad issue that encompasses many different scenarios; often, reports will not account for all forms. Sexual exploitation can occur despite no travel, and a victim can be trafficked repeatedly out of the same place. Politicians, media, and governments often conflate sex work and human trafficking. In this way, adult WG2STGD people engaging in sex work are reduced, infantilized, and presented as lacking awareness or agency, where the prevailing stereotype of a racially threatening male criminal persists as the perpetrator (Durisin & Meulen, 2021, p. 147; Millar & O’Doherty, 2020, p. 35). The discussion of sex work is often seen as controversial and brings up

moral beliefs which create more tension and stigmatize the individuals involved. Frontline organizations that depend on external funding get caught between needing to appeal to funder ideals or supporting sex workers, leaving some human trafficking survivors without access to services due to personal moral stances. As Durisin and Meulen argue in their 2021 report, “The perfect youth victim, who has been evoked in both federal and provincial policy as well as public debates, thus serves to legitimize the development of new or modified legislation that imposes greater restrictions on WG2STGD Peoples’ bodily autonomy, freedom of movement, and income generating activities in a



context where anti-sex work laws have been found to be harmful” (p. 146). In 2013, the Supreme Court of Canada ruled in *Bedford v Canada* that key prostitution laws were unconstitutional, validating long-standing claims by sex workers and allies about the harmfulness of the anti-sex work provisions in the *Criminal Code* (Durisin & Meulen, 2021, p. 149). Anti-trafficking efforts become proxies for anti-prostitution policies that have been clearly shown to harm adult sex workers and potentially youth (Durisin & Meulen, 2021, p. 146). Indeed, the shift to child sexual exploitation in Canadian policy debates legitimizes the ongoing criminalization of sex work and undermines sex workers’ demands for social, economic, and legal justice (Durisin & Meulen, 202, p. 146).

The implementation of the *National Strategy to Combat Human Trafficking* is led by Public Safety Canada, which is Canada’s policy lead on anti-human trafficking efforts. Within the prevention pillar of the department’s *National Strategy to Combat Human Trafficking* is an element that includes efforts to “increase public awareness of human trafficking, and build capacity in strategic areas to prevent human trafficking from occurring in Canada and internationally.” The issues shared by our participants are reflected in the words and statements within this policy. For example, they state that the national strategy will strengthen Canada’s response to human trafficking. We heard over and over again that it is well known across service areas

and jurisdictions that human trafficking is a huge, largely preventable, issue, and as such, efforts should be proactive and preventative in nature, not as a response.

Our participants felt that the first step in prevention was to educate young Canadians and focus on gender and race-based violence towards Indigenous WG2STGD people. Furthermore, there is a need for more education about the complex nuances of trafficking and the power structures that shape the experiences of traffickers. It is essential to recognize that the act of trafficking is also a process of criminalization that is inherently linked with social determinants of access and power. The education sector is governed at a federal level by Employment and Social Development Canada. Therefore, a collaboration between this department and that of Public Safety Canada is critical to eliminating human trafficking in Canada. Additionally, within the strategy, there is a commitment to “be responsive to the Calls for Justice in *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, as human trafficking and sexual exploitation, have been strongly linked to the disproportionately high rates of violence against Indigenous Women and Girls.” However, it has been over three years since this policy was published, and our participants have not witnessed the necessary changes.



CONCLUSION AND RECOMMENDATIONS

Having listened to our expert interviewees' experiences, needs, and concerns and employing a gender-based and distinctions-based analysis, we saw many connections between the challenges on the front lines and the interjurisdictional issues happening at every level of government. Overcoming these challenges will not be easy and will require a reframing of government that allows for improved cooperation and communication. The list we created should ease this transition and expedite the Calls to Justice made four years ago. Using the four thematic categories we created from our participant responses, we have identified some corresponding calls and offer tangible recommendations that will address both the Calls to Justice and the interjurisdictional issues of human trafficking that are laid out in this paper.





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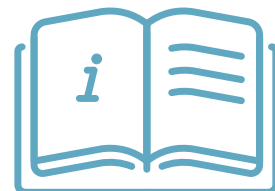




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INTERJURISDICTIONAL ISSUES IN HUMAN TRAFFICKING

SEMI-STRUCTURED INTERVIEW GUIDE



QUESTIONS

1. Are there any interjurisdictional issues that you are aware of regarding the federal government's approach to human trafficking?
 - a. Where do you see loopholes or gaps in how human trafficking initiatives are presented by the federal government and other services that sustain interjurisdictional issues?
2. Are you aware of any changes that the Ministry of Public Safety has made to their efforts to combat human trafficking since the National Inquiry into MMIWG was initiated, conducted, and reported on?
 - a. If no, what changes do you think should be made to their efforts?
3. Are you familiar with Public Safety Canada's five-year national strategy to combat human trafficking?
 - a. If no - In 2019 the department published the *National Strategy to Combat Human Trafficking*. Minister Ralph Goodale stated that "this strategy will strengthen Canada's response to human trafficking and support broader Government of Canada commitments, including preventing and addressing gender-based violence, and supporting the safety and security of Indigenous peoples."

Are you aware of any other government-led documentation that shapes the experiences of victims and survivors of human trafficking?

 - b. If yes - Are you aware of any specific initiatives that the federal government has taken on since developing the *National Strategy to Combat Human Trafficking* in 2019?
4. Do you know of any collaborations between federal ministries or departments aimed to address the interjurisdictional challenges between provinces/cities/regions?
 - a. What collaborations do you think are necessary or needed to bridge these gaps?

APPENDIX B

SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN HUMAN TRAFFICKING AND MMIWG2S+

QUESTIONS

5. What interjurisdictional issues make Indigenous Peoples more susceptible to human-trafficking? (e.g., are there adequate services for intersecting identities like 2S folks, northern Indigenous, Afro-Indigenous?)
6. Do you think there are gaps specific to Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people who are or have been victims and survivors of human trafficking?
7. What level (municipal, provincial, federal) do you see as being the priority to implement action immediately? What immediate action should be taken at that level?
8. What role do you see NWAC playing in the prevention and action against human trafficking of Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people in Canada?
9. What services/resources that are doing a good job bringing awareness and/or addressing Interjurisdictional issues in your opinion?
 - a) What do you think makes them successful?
 - b) Are there any pervasive issues that create challenges for service providers? Can you give a specific example in your department and/or industry.
 - c) What resources, services, knowledge, tools, etc. do frontline workers need access to that they don't currently?
10. Do you know of any actions taken by the government on this issue that have been effective? If there are ineffective actions being taken, why are they ineffective?
11. **(Interviewee-dependent)** Since 2012, when the federal government incited human trafficking efforts, what changes have you noticed on the ground, if any?
12. Is there something that we haven't discussed about interjurisdictional issues in human trafficking that you would like more people to know?



CONSENT INFORMATION LETTER

TITLE OF PROJECT: Five Policy Research Papers on Missing and Murdered Indigenous Women, Girls, and Two-Spirit People

Names, Titles, and Contact Information of Researchers

SUPERVISORS	PRINCIPAL INVESTIGATORS	VOLUNTEER
<p>Lee Allison Clark (she/her) Director of Health</p> <p>Native Women’s Association of Canada 120 Promenade du Portage Gatineau, QC J8X 2K1 Phone: 343-996-4852 lclark@nwac.ca</p>	<p>Marisa Blake she/her Senior Project Officer</p> <p>Native Women’s Association of Canada 120 Promenade du Portage Gatineau, QC J8X 2K mblake@nwac.ca</p>	<p>Katherine Birt (she/her) Volunteer</p> <p>Native Women’s Association of Canada 120 Promenade du Portage Gatineau, QC J8X 2K kbirt@nwac.ca</p>
<p>Elisha Corbett (she/her) Senior Project Officer-Environment</p> <p>Native Women’s Association of Canada 120 Promenade du Portage Gatineau, QC J8X 2K1 ecorbett@nwac.ca</p>	<p>Jessica Webb (she/her) Senior Project Officer</p> <p>Native Women’s Association of Canada 120 Promenade du Portage Gatineau, QC J8X 2K jwebb@nwac.ca</p>	

INTRODUCTION

You have been invited to participate in a two-hour interview to help with data collection on the following project *Interjurisdictional Issues in Human trafficking*. This project is funded through Crown-Indigenous Relations and Northern Development Canada (CIRNA). The Interjurisdictional Issues in Human trafficking project is one of five projects being conducted within the Native Women’s Association of Canada (NWAC) as part of our dedication and commitment to our Call to Action plan. NWAC continues to conduct and collect data surrounding the ongoing crisis of missing and murdered Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people (MMIWG2S+) to eradicate anti-Indigenous and gender-based violence against this group of people (WG2STGD). We thank you for honouring us with your time, knowledge, and solidarity.



NWAC is the leading voice on research and policy for Indigenous WG2STGD people, especially as it pertains to the systemic issues that, inclusive of health care, contribute to the ongoing genocide of MMIWG2S+. As per NWAC's Call to Action plan, which addresses the systemic issues related to MMIWG2S+, a recognition of distinct Indigenous identities, cultural safety, and a trauma-informed approach must be upheld and respected in order to achieve substantive equality and human rights, a decolonized approach to health care, the inclusion of families and survivors, self-determination, and Indigenous-led solutions and services (NWAC, 2021).

BACKGROUND

In 2021, NWAC made eight recommendations on the urgent need to investigate and eradicate systemic racism in health care policies and racism in health care, which is a significant issue as it pertains to the MMIWG2+ genocide. This research project looks to fulfill the work of NWAC's guiding principles and more carefully engage with the recommendations from this earlier research. This paper will use the examples of sexual health, pregnancy, and post-birth care, along with a culturally relevant gender-based analysis (CRGBA) data framework, to determine the best practices and measurement tools required to measure the cause and effects of MMIWG2S+ on the quality of reproductive care received by Indigenous WG2STGD people. This paper will also use a CRGBA data framework alongside these three examples to determine the best practices and measurement tools required to measure the outcomes that systemic racism in reproductive care health care has on the ongoing genocide of MMIWG2S+ for WG2STGD people. Finally, this paper will examine these three cases to address how to measure systemic racism within the education system, the training provided, and in medical practice.

YOUR PARTICIPATION

No formal approval from a research ethics board was required for this research, as per CINRA. However, NWAC acknowledges that participation in this type of research may be challenging due to the nature of the topics being explored. *All interviews will be virtual and a maximum of two hours in length. Participants in this interview can remain anonymous should they choose. With the explicit prior permission of interviewees, interviews will be recorded for transcription and accuracy purposes. All interviewees can participate without being audio-recorded.* Interviewees may choose to withdraw their participation at any point for any reason or request that their contributions be withdrawn and/or their transcript and audio-recordings be destroyed. All participants will be compensated for their time in the form of a \$475 honorarium. This will be



provided even to those who withdraw their consent following the interview. NWAC is committed to ensuring that interviewees are safe, feel comfortable, and are free to share their experiences and thoughts without judgment. If there is any way the research team can provide additional assistance to ensure these parameters, please let us know.

DISCLAIMER:

The content covered in the interviews will pertain to the ongoing genocide of MMIWG2S+ and may contain sensitive questions regarding the best ways to explore, collect data, and dis tribute. The topics may be complex or sensitive. Below are some resources if you wish to speak to a Grandmother or support line following the interview.

CRISIS LINES

Métis Crisis Line is a service of the Métis Nation British Columbia.

CALL 1-833-MétisBC (1-833-638-4722).

Hope for Wellness Help Line offers immediate mental health counselling and crisis intervention by phone or online chat.

CALL TOLL-FREE: 1-855-242-3310 or start a confidential chat with a counsellor at hopeforwellness.ca.

Indian Residential School Crisis Line is a national service for anyone experiencing pain or distress due to their residential school experience.

CALL TOLL-FREE: 1-866-925-4419.

Kuu-Us Crisis Line Society provides crisis services for Indigenous people across BC.

REACH THE ADULTS/ELDERS LINE at 1-250-723-4050; www.kuu-uscisisline.com.

NATIONAL WOMEN'S ASSOCIATION OF CANADA RESOURCES

National Women's Association of Canada Resiliency Lodges

Grandmothers (Available Mon-Fri 9 am-12 pm and 1 pm-4 pm (EST). All numbers are toll-free.)

Esther Ward
(Grandmother)
1-833-652-1381



Isabelle Meawasige
(Grandmother)
1-833-652-1382





SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN
HUMAN TRAFFICKING AND MMIWG2S+

Five Policy Research Papers on Missing and
Murdered Indigenous Women, Girls, Two-Spirit,
Transgender, and Gender-Diverse People

NATIVE WOMEN'S ASSOCIATION OF CANADA