



SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN
HUMAN TRAFFICKING AND MMIWG2S+

A Toolkit for Government Policymakers

NATIVE WOMEN'S ASSOCIATION OF CANADA

INTRODUCTION

A significant factor in the Missing and Murdered Indigenous Women, Girls, Two-Spirit and Gender-Diverse People (MMIWG2S+) genocide is the rate at which Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse (WG2STGD) People experience human trafficking (HT) and sexual exploitation. Chronic systemic marginalization and colonization have sexualized and devalued Indigenous WG2STGD Peoples, creating the conditions for violence against them and increasing their likelihood of experiencing exploitation and human trafficking (NWAC, 2018). This toolkit speaks to the continued journey toward Truth and Reconciliation and the need for additional support for those who are survivors of the MMIWG2S+ genocide.

CALLS TO JUSTICE AND OUR RECOMMENDATIONS

Within Canada's Department of Public Safety's National Strategy to Combat Human Trafficking, there is a recognition that HT and sexual exploitation are strongly linked to the disproportionately high rates of violence against Indigenous Women and Girls¹. Additionally, there is a government-wide commitment to "be responsive to the Calls for Justice" within the National Inquiry. Below, policymakers will find highlighted the Calls pertinent to four overarching areas of interjurisdictional issues in HT, with suggested actionable recommendations for implementation. These are based on literature reviews and interviews conducted as part of a five-policy paper series on the MMIWG2S+ genocide. [The full paper on which this toolkit is based can be found here.](#)

¹ Sufficient data is unavailable from the federal government sources related to folks who do not identify within the man/woman binary that is bound up within the carceral system. Therefore, in aspects of our referencing of some literature we are limited to using terminology like men and women but understand this is not an accurate representation.



	CALL TO JUSTICE	RECOMMENDATIONS
CHILD WELFARE AND HOUSING	<p>4.1 We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA People by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.</p>	<p>Development of a dedicated task force with representatives from different regions and jurisdictions that will address the current interjurisdictional issues. This group will also work to address policy changes as they happen and consider what implications they could have across jurisdictions.</p>
	<p>4.6 We call upon all governments to immediately commence the construction of new housing and the provision of repairs for existing housing to meet the housing needs of Indigenous women, girls, and 2SLGBTQQIA People. This construction and provision of repairs must ensure that Indigenous women, girls, and 2SLGBTQQIA People have access to housing that is safe, appropriate to geographic and cultural needs, and available wherever they reside, whether in urban, rural, remote, or Indigenous communities.</p>	<p>Increased capacity for housing in Canada is critical. We call for special considerations or a policy to prioritize Indigenous WG2STGD People who have been trafficked and have applications for supportive housing programs . Housing programs need to offer security and privacy in a way that recognizes the unique experiences of HT survivors. Particular attention needs to be paid to improving housing initiatives in rural and remote areas so that individuals who want to escape the risks of HT in urban centres can do so.</p>





	CALL TO JUSTICE	RECOMMENDATIONS
CHILD WELFARE AND HOUSING	<p>4.7 We call upon all governments to support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second-stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA People who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation. All governments must ensure that shelters, transitional housing, second-stage housing, and services are appropriate to cultural needs, and available wherever Indigenous women, girls, and 2SLGBTQQIA People reside.</p>	<p>There remains a need for funding for temporary housing programs specific to survivors of human trafficking and those doing sex work. Special care must be considered when developing spaces to ensure they are Indigenous focused and culturally grounded . Cultural considerations must be at the forefront of policy development, including providing space and resources for traditional medicines and having access to Traditional Knowledge Keepers and Elders for consistent and ongoing support.</p>
	<p>12.9 We call for the establishment of a Child and Youth Advocate in each jurisdiction with a specialized unit with the mandate of Indigenous children and youth. These units must be established within a period of one year of this report. We call upon the federal government to establish a National Child and Youth Commissioner who would also serve as a special measure to strengthen the framework of accountability for the rights of Indigenous children in Canada.</p>	<p>There is a need for more Indigenous-specific and culturally safe services within child welfare programs and policies. These services need to recognize HT as a unique problem area and develop practices that address interjurisdictional issues . Child Welfare Programs must identify the specific needs of Indigenous Children and Youth and work to ensure their safety within the context of intergenerational trauma. Connection to family and culture is critical to preventing grooming from predators.</p>



**SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL
ISSUES IN HUMAN TRAFFICKING AND MMIWG2S+**



	CALL TO JUSTICE	RECOMMENDATIONS
POLICE	<p>9.5: We call upon all police services for the standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA People are thoroughly investigated. This includes the following measures:</p> <p>iii. Improve coordination across government departments and between jurisdictions and Indigenous communities and police services.</p> <p>vii. Lead the provincial and territorial governments to establish a nationwide emergency number.</p>	<p>Development of policies and procedures for police to work interjurisdictionally. There must be a particular focus on the nuances of HT and, therefore, the development and broad deployment of training and access to mentorship and support for police departments . Training and support must consider the ongoing and historical effects of colonialization on Indigenous Peoples and how Canada’s history of genocide is implicit within HT.</p> <p>A full review of the emergency number (hotline), including increased transparency regarding processes and follow-ups (how hotline caller information is being used, report follow-up rates), potentiality review; format usefulness; application to MMIWG2S+.</p>
	<p>9.7 We call upon all police services to partner with front-line organizations that work in service delivery, safety, and harm reduction for Indigenous women, girls, and 2SLGBTQQIA People to expand and strengthen police services delivery.</p>	<p>An HT liaison is assigned in each police department in each region that is responsible for sustaining relationships with front-line organizations that support HT survivors.</p>
	<p>5.6 We call upon provincial and territorial governments to develop an enhanced, holistic, comprehensive approach for the provision of support to Indigenous victims of crime and families and friends of Indigenous murdered or missing persons.</p>	



**SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL
ISSUES IN HUMAN TRAFFICKING AND MMIWG2S+**



	CALL TO JUSTICE	RECOMMENDATIONS
CRIMINAL JUSTICE SYSTEM	14.5 We call upon Correctional Service Canada to apply Gladue factors in all decision making concerning Indigenous women and 2SLGBTQQIA People and in a manner that meets their needs and rehabilitation.	Prosecutors and judges must consider Indigenous HT survivors' experiences and the colonial context in which HT occurs. The right to non-discriminatory court processes and appropriate rehabilitation must be upheld.
	5.18 We call upon the federal government to consider violence against Indigenous women, girls, and 2SLGBTQQIA People as an aggravating factor at sentencing, and to amend the Criminal Code accordingly, with the passage and enactment of Bill S-215.	
	10.1 We call upon the federal, provincial, and territorial governments, and Canadian law societies and bar associations for mandatory intensive and periodic training of Crown attorneys, defence lawyers, court staff, and all who participate in the criminal justice system in the area of Indigenous cultures and histories, including distinctions-based training.	<p>Inclusion of the challenges colonialism and interjurisdictional issues pose to HT in training.</p> <p>Training should be created by the end of 2023 in conjunction with non-governmental organizations at all levels and HT survivors and be implemented by 2024.</p>



**SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL
ISSUES IN HUMAN TRAFFICKING AND MMIWG2S+**



	CALL TO JUSTICE	RECOMMENDATIONS
DISCOURSE AND EDUCATION AROUND HT	<p>4.3 We call upon all governments to support programs and services for Indigenous women, girls, and 2SLGBTQQIA People in the sex industry to promote their safety and security.</p> <p>These programs must be designed and delivered in partnership with People who have lived experience in the sex industry. We call for stable and long-term funding for these programs and services.</p>	<p>Increased funding for Indigenous-specific organizations that support individuals in the sex work industry.</p> <p>Canada’s sex work laws be amended as they are prohibitive and often function backwards to their intention. The current laws push sex workers into dangerous situations by criminalizing many aspects of their job.</p>
	<p>8.1 We call upon all transportation service providers and the hospitality industry to undertake training to identify and respond to sexual exploitation and human trafficking, as well as the development and implementation of reporting policies and practices.</p>	<p>Investment in and scaling up of NWAC’s Safe Passage initiative allowing for increased reporting capabilities of unsafe events.</p> <p>Hospitality industry and Transportation industry training development and implementation that can be distributed nationwide.</p>
	<p>11.2 We call upon all educational service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.</p>	<p>HT awareness programs added to health and sexual education curriculums across the country.</p>



SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN HUMAN TRAFFICKING AND MMIWG2S+

The toolkit is a direct response to the ongoing MMIWG2S+ genocide and helps enable policymakers to implement the National Inquiry's Call to Justice and further speaks to NWAC's Calls for Action Plan to continue ongoing health, policy, research, training, and programs to support the inclusion of families and survivors, self-determination, and Indigenous-led solutions.

This toolkit was created as part of a larger project, "Funding Proposal to Commission Five Policy Research Papers on Missing and Murdered Indigenous Women, Girls, and Two-Spirit People," funded by Crown-Indigenous Northern Affairs Canada (CIRNAC).





SYSTEMIC INEQUITIES AND INTERJURISDICTIONAL ISSUES IN
HUMAN TRAFFICKING AND MMIWG2S+

A Toolkit for Government
Policymakers

NATIVE WOMEN'S ASSOCIATION OF CANADA