

Written Submission – Human Trafficking and Bill 251

**Prepared by the Ontario Native Women's
Association (ONWA) for consideration by the
Standing Committee on Justice Policy**

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Executive Summary

Conclusions regarding Bill 251: *Anti-Human Trafficking Strategy Act, 2021*:

ONWA would like to recognize the leadership of the Ontario government and the continued commitment to addressing human trafficking and ensuring that Indigenous women and girls have the supports and services that meet their needs.

Firstly, ONWA is supportive of the extension of restraining orders to greater than 3 years if the situation warrants it. ONWA is also pleased to see this legislation acknowledge the importance of an Anti-Human Trafficking Strategy being Survivor-Centred, Human rights-based, Intersectional, Culturally Responsive, and Trauma-informed. It is important that these principles are written into the law. They are foundational to work being done with survivors of HT in a good way.

Also, ONWA approves of the inclusion of wording around the need for an Anti-Human Trafficking Strategy to be informed by diverse sources of evidence. ONWA relies on both data, and the voices of trafficking survivors, to make sure our programming and supports remain true to what is needed within each community that we serve. For example, ONWA's program assessments identify gaps, barriers, and successes. This ensures that the program continues to adapt to the changing needs of Indigenous women and youth that are affected by human trafficking and sexual exploitation. This living program model ensures that ONWA continues to develop meaningful and purposeful programming that supports survivors across the life span.

All systems must work together to protect children from exploitation. In the absence of other societal mechanisms to ensure children are never subjected to exploitation, the proposed legislation allows both police and child welfare to intervene. Generally speaking, ONWA has no interest in increasing the powers of child welfare agencies. However, with cases of human trafficking, all existing systems must work together to protect children and youth. This includes the child welfare system.

The proposed legislation provides a part of the necessary systems change required to support Indigenous women and girls exiting human trafficking and sexual exploitation. By connecting mandated agencies (child welfare agencies) to service providers through this proposed legislation, we hope this Act will be an opportunity to bring change to systems that are currently broken.

Human Trafficking and Bill 251

1. Ontario Native Women's Association and Membership

The Ontario Native Women's Association (ONWA) is a not-for-profit organization established in 1971 to empower and support Indigenous women in Ontario through research, advocacy, policy development and programs and services that focus on local, regional, and provincial needs. ONWA's programs and service delivery models focus on Indigenous women and family centered approaches that are built on the foundation of culture, strength-based and trauma-informed practices, and service adaptation to meet client needs. ONWA specializes in survivor-led engagements, program development, and wrap-round service needs identified such as targeted programming that addresses the unique needs of domestic violence, sexual violence, trauma, and grief and loss and how this connection intersects to human trafficking and MMIWG.

ONWA is a membership organization that encompasses either Chapters or Councils in the province of Ontario. Being a membership organization means that ONWA provides Indigenous women pathways for support, capacity building, and development opportunities to collectively influence both national and provincial policies and legislation. ONWA communicates with our Indigenous women's Chapters and Councils on pertinent issues impacting Indigenous women. This occurs through our Annual General Assembly (AGA), resolutions put forward annually at the AGA, and through membership engagements. ONWA frequently hosts community engagements on program design, development, and feedback on implementation to have living programs that respond to Indigenous women's needs.

2. Human Trafficking and the Normalization of Violence

The marginalization, racism and violence Indigenous women and girls face are part of the legacy of colonialism. Colonialism has resulted in previously strong, self-sustaining Indigenous communities being eroded. Economic bases, lands, governments, cultures and religious practices have been systematically undermined. The resultant intergenerational trauma, coupled with more recent constructs including Indigenous residential and day schools, has fostered poverty, substance abuse and violence within Indigenous communities. These issues are exacerbated by the fact that the non-Indigenous community fails to understand the underlying reasons for what is happening. These circumstances combine to create an environment ripe for the development of human trafficking. Physical, emotional, psychological violence, and financial vulnerability creates an environment where Indigenous women are targeted.

It is also important to note that Indigenous women have long been uniquely impacted by colonial laws, policies and practices that distinctly impact them based on their gender. Direct links have been drawn between the disproportionate rates of violence that Indigenous women continue to face today and the paternalistic policies emerging from colonization that both shifted and

disrupted gender-based roles and responsibilities¹. Indigenous women in Canada experience higher than average rates of violent victimization including homicide², sexual assault³ and family violence⁴. A recent report notes that most adult Indigenous domestic homicide victims were female (73%), and that 80% of Indigenous child victims (age 17 years and younger) were female.⁵ Constant violence perpetrated against Indigenous women and girls has contributed to a “normalization of violence” which teaches young Indigenous women to accept this as part of their lives. In 2017, Statistics Canada reported that 28% of Indigenous youth (aged 15+) reported being victimized in the previous 12 months, compared to 18% of non-Indigenous youth. Indigenous females had an overall rate of violent victimization that was double that of Indigenous males, and close to triple that of non-Indigenous females.

When it comes to human trafficking, Indigenous women and girls are often dependent upon their traffickers for their most basic needs. As a result, they are often living in poverty lacking food, accommodation, and safety. They are susceptible to violence at the hands of both their traffickers and their clients and remain reluctant to report assaults to the police for fear of further undermining their already precarious economic positions.

Ontario is a hub for human trafficking, with the most police-reported incidents of human trafficking in the country occurring within the province in 2019, accounting for approximately 55 per cent of all police-reported incidents of human trafficking nationally. The average age of recruitment into sex trafficking is approximately 13 years old.

3. ONWA’s Experience on Human Trafficking of Indigenous Women

Since 2012, ONWA has engaged with women who have lived experienced of human trafficking to honour their voices, recognize the expertise of survivors, and build a knowledge base of survivor experiences and needs. Women who have survived human trafficking should be empowered to inform strong policy development, and mechanisms should be implemented to ensure that survivor expertise is heard. This survivor engagement and expertise has allowed ONWA to make effective recommendations on policy development, as well as program design, delivery and evaluation.

¹ Ontario Native Women’s Association. 2016. Sex Trafficking of Indigenous Women in Ontario. <http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>

² Statistics Canada. 2016. *Homicide in Canada, 2016*. <https://www.statcan.gc.ca/daily-quotidien/171122/dq171122b-eng.htm>

³ Statistics Canada, 2014. *Self-reported sexual assault in Canada, 2014*. <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>

⁴ Burcycka, M. and Conroy, S. 2017. *Family Violence in Canada: A statistical profile, 2015*. <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14698-eng.pdf>

⁵ Juristat Bulletin. Trafficking in persons in Canada, 2019 (May 2021) <https://www150.statcan.gc.ca/n1/pub/85-005-x/2021001/article/00001-eng.pdf>

In 2018, ONWA engaged over 3,360 community members and service providers, including 250 self-identified Indigenous human trafficking survivors. The truth, honesty, and courage of the storytelling that was heard resulted in the creation of a model to comprehensively address the needs of Indigenous women and girls who are survivors, or are at risk, of human trafficking.

What ONWA learned from these engagements is that:

- Work needed to be done with anyone that is at significant risk, currently involved, or survivors of Human Trafficking and sexual exploitation across Ontario. This is inclusive of trans and two-spirited women and girls.
- Indigenous women need to negotiate their safety to meet their basic needs.
- Indigenous children and youth are being sexually exploited, and there is a failure of systems to meet their needs.
- The existing legal frameworks do not always support the safety of Indigenous youth. The expectation that youth need to be responsible for their own safety is a serious risk
- There are often systemic failures which subject Indigenous women and children to risk. The relationship between child welfare and human trafficking is complex. In our engagements with survivors we heard many stories. In some instances, the abuse was not identified by any service provider and children experienced horrific childhood exploitation. In other instances, sexual exploitation began after child welfare became involved. In complex situations, there are often no easy solutions. We do know that children must be protected from exploitation. This will involve systems working together to protect and ensure safety for Indigenous children. This includes police and child welfare.

ONWA's subsequent report, *Journey to Safe Spaces*, provided clear recommendations for change. The recommendations from survivors provided the basis for ONWA's crisis program *Courage for Change Program* for survivors of human trafficking. An expansion of *Courage for Change* is underway to cover 12 different sites across the province. *Courage for Change* is survivor-led and ensures that survivor voices are paramount to the design and delivery of community supports and services that aim to ensure the immediate safety of Indigenous women and girls who work in the sex trade or are experiencing human trafficking. Culture is at the centre of all the work that ONWA does, and Indigenous survivors of trafficking have made clear that cultural practices and culture-based supports are central to a healing journey.

ONWA provides the only long-term, intensive case management and support for survivors and women who are entrenched and at significant risk. *Courage for Change* supported 176 Indigenous women and youth to successfully exit human trafficking from 2017- 2019. Within the last year (2020), ONWA has seen a 37% increase in exits, and over a 23% increase in pre-exit planning and intensive case management. 279 Indigenous women accessed addiction treatment with over 3,725 street-based contacts to Indigenous women at significant risk, entrenched and survivors of human trafficking.

4. Intersection of Human Trafficking, Indigenous Youth, and the Child Welfare System

ONWA's Breaking Free from Family Violence (BFFV) Program works closely with Indigenous women and their families to directly address the gaps and vulnerabilities created by the child welfare system. In Canada, 52.2% of children in foster care are Indigenous, but account for only 7.7% of the child population according to Census 2016.⁶ In Ontario, more than 11,700 children and youth are in the care of children's aid societies.⁷

Human trafficking is a point of emphasis in the child welfare system due to the high risk of exploitation for Indigenous children and youth involved with child welfare. The child welfare system accesses risk and vulnerability indicators based on suspected or identified issues like poverty, neglect, and children who witness violence. Often, the result of assessments and investigations leads to the apprehension of children and youth from their families into care placements.

The BFFV model supports Indigenous women in a culturally rooted, holistic way, so that they can navigate through the complex systems encountered when experiencing violence and involvement with child welfare. The focus of the program is on prevention, early intervention, crisis management and ongoing aftercare to support families in staying together and focuses on family reunifications.

Another core aspect of the program model is the development of key community partnerships with other service providers across sectors to create culturally safe systems for Indigenous women and their families. Services were available at nine (9) program sites across the province in nine (9) different communities. The Program Sites worked collaboratively across the province, through regular networking activities to ensure program consistency and success with 6 Flow-Through Sites located in Fort Erie, Sioux Lookout, Midland, Hamilton, Thunder Bay, Toronto and 3 ONWA sites located in Timmins, Kenora, and Ottawa. The Breaking Free from Family Violence Program has been successful at promoting and supporting family unity and providing the necessary prevention, intervention and aftercare supports so that child welfare involvement does not occur. The combined totals from 2018 to 2020 have resulted in 137 family reunifications with over 286 children reunified.

5. Commentary on Bill 251: *Anti-Human Trafficking Strategy Act, 2021:*

ONWA would like to recognize the leadership of the Ontario government and the continued commitment to addressing human trafficking and ensuring that Indigenous women and girls have the supports and services that meet their needs.

⁶ Statistics Canada. 2016 Census of Population. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/index-eng.cfm>

⁷ <https://news.ontario.ca/en/release/1000055/ontario-taking-steps-to-better-prepare-and-support-youth-leaving-care>

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6. Further Recommendations

ONWA has a mandate to empower and support Indigenous women, and central to this a focus is on ensuring the safety of Indigenous women from violence. Indigenous survivors of human trafficking have human rights that need to be affirmed, and foundational to these rights are the need for housing and safety. Therefore, based on ONWA's expertise in addressing violence and human trafficking, the following recommendations are put forth:

Addressing Social Determinants of Health and Systems that impact upon Indigenous Women and Girls

Housing

There is a continued need to address many of the systemic issues that Indigenous women face that hinders their ability to remain safe. The provision of Housing opportunities is key to ensure that Indigenous women and girls have safe spaces. This involves increasing access to emergency

housing including scattered site units and supports for Indigenous women who are experiencing violence or human trafficking.

Indigenous women's specific housing supports are desperately needed. ONWA's *Nihdawin "My House a Place Where I Live" Program* is a best practice of a highly successful model that meets the needs of Indigenous women in the city of Thunder Bay who are at risk of homelessness, and those experiencing homelessness. The *Nihdawin Program* provides culturally grounded services, geared to individual needs, to empower community members to achieve stability, self-sufficiency and attainable goals. Currently, the *Nihdawin Program* is only offered in one of ONWA's sites despite its proven success. Provincial expansion of this critical program would assist the high demand ONWA encounters of Indigenous women that require assistance in securing and maintaining housing that will ensure their safety and well-being and keep families together. Furthermore, there is a high need for more housing programs across the province to be designed, developed, and focused on Indigenous women; it is critical that these programs are implemented by Indigenous women's organizations wherever possible.

Transportation

Many Indigenous advocates and leaders have expressed their concerns regarding the lack of safe and affordable transportation options, especially with public transportation (ex: Greyhound) route cancellations. ONWA membership have also highlighted this issue when they say, "transportation is a barrier for people to attend traditional land-based teachings. There are financial barriers"⁸; and that "there is no public transit. That's the biggest barrier."⁹ Furthermore, we also heard from communities located in the Eastern region of Ontario that Indigenous women are being trafficked to access life sustaining needs, like medical appointments.¹⁰ The lack of transportation creates public safety issues for Indigenous women, and it also interferes with access to food, healthcare, childcare, education, and rights for visitations with children or families who may need care. For ONWA, safety for Indigenous women and girls who have experienced trafficking also includes addressing transportation issues. Transportation for Indigenous women encompasses having access to safe and affordable modes of transportation and infrastructure that eliminate the risk of experiencing violence. To achieve this, investments into safe transportation beyond "medical vans" must be made. Indigenous women and girls need access to safe and reliable transportation 24 hours a day, 7 days a week. Otherwise, they become targets for extreme levels of violence, including human trafficking.

⁸ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

⁹ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

¹⁰ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019.

Mental Health and Addictions Services:

There is great need for increased, barrier-free access to mental health and addictions services, including detox services. We know that mental health and substance misuse are a response to unresolved trauma where Indigenous women need mental health supports/services/programming that are grounded within wholistic cultural worldviews and Western practices to begin healing. The connections between trauma and addiction have been previously discussed by ONWA membership during engagement sessions.¹¹ Some community members indicated a need for addiction counsellors, and particularly the need for more female addiction workers.¹² Whereas other community members linked mental health to victim services, highlighting the need for more support to those who have experienced violence.¹³ ONWA's membership's comments illustrate the need for an expansion of mental health programs in all communities, regardless of their location or population.

Increasing access to culturally grounded and wholistic mental health supports, led by Indigenous women for Indigenous women, will directly lead to improved safety and help address other issues such as: poverty, addiction, crime, and incarceration. Traditional land-based methodologies allow for Indigenous women to connect with the land/water and rebuild their inherent relationships. This is extremely important when working with Indigenous women experiencing addiction as it reframes the relationship to substance misuse into a relationship with the land. Lastly, ONWA has also developed an extensive Mental Health and Wellness Strategy that is discussed in further detail below. The most important recommendations to support Indigenous women's mental health is to significantly and sustainably invest in Indigenous women's organizations and programs that are developed, designed, and delivered by Indigenous women.

¹¹ Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

¹² Ontario Native Women's Association. (2019). *Reclaiming our Role in Relationship: Relocating Indigenous women's centrality in the family, on the land, in the community and as the heart of her Nation*. ONWA Membership Engagement Report 2018/2019. p.22

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