

# HUMAN TRAFFICKING and INDIGENOUS WOMEN and GIRLS

Where are we & What can we do?

March 29<sup>th</sup>, 2023

Hosted by: METRAC: Action on Violence  
Andrea Collins-Fitzpatrick, Legal Director

---

## Guest Presenters:

Seneca Longclaws, Lawyer, Beddome and Longclaws Law Corporation

Steven Hunter, Lawyer, Beddome and Longclaws Law Corporation

**METRAC**  
ACTION ON VIOLENCE



**flew** Family Law  
Education for Women  
Women's Right to Know

**fodf** Femmes ontariennes et  
droit de la famille  
Le droit de la femme à savoir



## Land Acknowledgment

We acknowledge that this land is the traditional territory of many nations including the Huron-Wendat, Haudenosaunee, and the Mississaugas of the Credit. Today, the meeting place of Toronto is still home to many Indigenous people.

We honour all the First Nation, Metis and Inuit people living on this land. We recognize the traditional territories on which our organization is located, and on which our programs and trainings take place.

## Disclaimer

This webinar is for general information purposes only and is not legal advice. The legal information and answers provided by our presenters in the Q&A are not intended to be used as legal advice for a specific legal problem.

This webinar was recorded on March 29<sup>th</sup>, 2023 and based on the research and consultations for the legal information resource “Human Trafficking and Sexual Exploitation: Booklet for Indigenous Women and Girls.” The statistics provided in this webinar and legal resource booklet were taken from the 2019 Statistics Canada report. For updated statistics please refer to the 2021 Statistics Canada report.

# About METRAC

- ▶ **Our History**

- ▶ **METRAC: Action on Violence started in 1984**

- ▶ **Our Mission**

- ▶ METRAC works to end gender-based violence across communities through education, research and policy.

- ▶ **METRAC PROGRAMS**

- ▶ Safety
  - ▶ ReAct: Youth (Outreach and Education)
  - ▶ Community Justice

Join our email list to get tools, updates, information and more @ [onefamilylaw.ca](http://onefamilylaw.ca) & [owjn.org](http://owjn.org)

## Community Justice Program

- provides accessible legal information and education for women, youth and others and service providers

## Ontario Women's Justice Network (OWJN) [www.owjn.org](http://www.owjn.org)

- legal information for women survivors of violence or abuse

## Family Law Education for Women (FLEW) [www.onefamilylaw.ca](http://www.onefamilylaw.ca)

- women's rights and options under Ontario family law
- in 14 languages, accessible formats, online and in print

## About our Presenters

### Seneca Longclaws

Seneca Longclaws is the President and Senior Lawyer of Beddome and Longclaws Law Corporation. She graduated from the Faculty of Law at the University of Manitoba in 2008 and received her Call to the Bar in 2009. Seneca's practice has included working in not-for-profit organizations, solo practices, mid-size firms and recently, as partner in a law corporation. She has focused on serving First Nation governments, tribal organizations, Indigenous peoples and self-represented and unrepresented litigants. Seneca has extensive experience in a broad variety of areas of law, including Aboriginal law, Indigenous law, corporate law, business and organizational development, employment law, residential abuse claims, wills and estates, family law, and criminal matters. She has taught law and social work students through the Legal Help Centre as well as legal assistants through Red River College. Seneca grew up in Winnipeg and is a proud member of the Waywayseecappo First Nation. She is the mother of two.

## About our Presenters

### Steven Hunter

Steven Hunter is a proud member of the Kithithkatchewanung First Nation. The non-traditional name for the community is Dauphin River First Nation. He spent his early years living in the surrounding community and then moved up north to The Pas where he completed middle and high school by 1998. Shortly after graduating he moved to Winnipeg. He started a family and then began his educational journey at the University of Manitoba in 2005. By 2013, he had obtained a 4 year advanced B.A. in Economics with a minor in Philosophy and a Juris Doctor degree. He completed his articles in Brandon and then came back to Winnipeg to find employment closer to his kids. He began working for the Beddome & Longclaws Law Corporation prior to the law's firm incorporation. He has been practicing law with the firm since November of 2017. His areas of work are almost exclusively in child protection and civil litigation.

## Introduction

- Late 2021 METRAC and Beddome and Longclaws Law Corporation created a partnership to develop a legal resource
- Purpose is to provide legal information to Indigenous women and girls who are or at risk of being trafficked
- Project involved legal research, literature reviews, drafting booklet, consultations with service providers and victims/survivors, and graphic art by Indigenous artist
- Booklet being used in Ontario and Manitoba
- Webinar held to discuss Murdered and Missing Indigenous Women and Girls (MMIWG) and Human Trafficking, the responses to these grave concerns, what can be done, the booklet, and other resources



## Topics to be Covered

1. **MMIWG - Movement brought awareness but issue continues**
2. **MMIWG - Why does it continue?**
3. **Human trafficking and sexual exploitation - What does this mean?**
4. **Why are Indigenous women and girls victims of human trafficking and sexual exploitation at higher rates than non-Indigenous women and girls?**
5. **What can we do to address human trafficking and sexual exploitation of Indigenous women and girls? Where can people go for help?**

# MMIWG

- **National Inquiry took place to look into and report on all forms of violence against Indigenous women and girls**
- **Indigenous women and girls are vulnerable to violence**
- **What are the underlying causes for this vulnerability?**
- **Missing, murdered, death under suspicious circumstances, sexual assault, child abuse, domestic violence, bullying, harassment, suicide, and self-harm**

# MMIWG

- Indigenous women and girls have been devalued and ignored
- Stereotypes driven by colonialism, racism, misogyny
- Attitudes and understandings need to change
- Survivors had opportunity to tell their truths
- Shared with society through the report and education
- Created awareness however, violence continues

## Robert Pickton case

- 1978 to 2001, at least 65 women disappeared from Vancouver's Downtown Eastside
- Robert Pickton, operated pig farm in Port Coquitlam, charged with the murder of 26 of the women
- Convicted of 6 murders
- Pickton claimed to have murdered 49 women
- 2012 provincial government inquiry into the case concluded "blatant failures" by police
- Inept criminal investigative work, police and societal prejudice against Indigenous women and sex trade workers

## Fort Frances, Ontario

- **Border town in Ontario, across International Falls bridge is the USA**
- **Women and girls dependent on drugs are vulnerable**
- **Addiction and homelessness, it is all interconnected**
- **Predators are feeding off trauma the women and girls have experienced**
- **Women and girls are doing whatever it takes to get the drugs and vulnerable to being trafficked to obtain the drugs**

## Jeremy Skibicki - Winnipeg Serial Killer

- **Jeremy Skibicki was charged for threatening to kill two previous partners in recent years**
- **Charged with assaulting both of the women, one of the charges was stayed**
- **In December 2022, charged with the murder of four women, 3 were First Nation and one identified as Indigenous**
- **Facebook page linked to him had violent sentiments, anti-semitic, misogynistic and white supremacist material**
- **Remains of one of the victims were found at the Brady landfill north of Winnipeg**
- **Public outcry for a search of Brady landfill which has yet to happen**

## South Dakota

- From January 1st to January 26th, 2023, 26 South Dakotans have been reported missing
- 4 individuals have traditional Native American names
- Authorities are urging the public to report missing persons as soon as they are missing
- There is no requirement that a person needs to be missing for a specific amount of time to be reported as missing
- Of the current 135 missing persons reported in total in South Dakota, 80 are Native American

## **MMIWG - Why does this continue?**

- **MMIWG needs to be a larger societal concern, however, it has been convenient to ignore**
- **Colonialism, racism, stereotypes, little awareness and education, negative beliefs and attitudes, and Indigenous women and girls being devalued, all contribute to this tragedy continuing.**
- **Past and present cases have been ignored, little resources are put in to assist in solving these cases and there is not enough pressure from Canadian society to solve these cases**
- **5% of the Canadian population is Indigenous, if it's not happening to the non-Indigenous society at these rates how can Indigenous people address this issue on their own?**



## What is Human Trafficking?

Human trafficking is a crime where a person is controlled and exploited for the benefit of someone else. It involves activities, such as recruiting people, moving them from one place to another, or keeping them in a secret place for the purpose of exploiting them. Traffickers use different tactics such as force, threats, manipulation, blackmailing, etc, to make victims/survivors do things against their will, such as provide their labour or sexual services, marry someone they don't want to marry, or remove their organs. A trafficker can be one individual or part of a larger criminal network.

**METRAC: Action on Violence**

# What is Human Trafficking?

There is a formal definition of human trafficking under International Law.

**“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”**

**The Actions, carried out by specific means for a specific purpose.**

## What is Sexual Exploitation?

**Sexual exploitation refers to: coercing or deceiving someone to have sex or perform sexual acts for something of value (money, food, drugs/alcohol, transportation, etc.).**

**Speak Out: Stop Sex Trafficking**

# Human Trafficking and Sexual Exploitation: The Internet

- The “*Protecting Canadians from Online Crime Act*” makes it illegal to publish, distribute, transmit, sell, make available or advertise an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct.
- Online luring is a term used to describe when someone communicates with a child online for sexual purposes.
- Sextortion is a term used to describe when someone “coerce(s) youth into sending sexual images or engaging in sexual acts via camera-enabled devices and then blackmail them with the threat of distributing the sexual images/videos if they do not pay money or provide sexual images/videos.”
  - Canadian Centre for Child Protection, “Emerging Issues: Protect Kids Online.ca.”

# The Criminal Code and Human Trafficking

For human trafficking, the Criminal Code makes it illegal to:

1. Communicate with underage people for trafficking purposes;
2. To traffick in persons;
3. To receive any material benefits from human trafficking;
4. Withhold or destroy documents for the purpose of trafficking;
5. All of these actions where it concerns underage persons; and,
6. Imposes mandatory minimum sentences for doing those things.

# Criminal Code RSC 1985

The Canadian Criminal Code deals with crimes committed within Canadian borders. With respect to human trafficking, this statute has been amended to allow for the prosecution of Canadian citizens and permanent residents for human trafficking committed in other countries.

This legislation makes it illegal to:

1. Communicate with underage people for trafficking purposes;
2. To traffick in persons;
3. To receive any material benefits from human trafficking;
4. Withhold or destroy documents for the purpose of trafficking; and
5. All of these where it concerns underage persons; and
6. Imposes mandatory minimum sentences for doing those things.

# Criminal Code, RSC 1985

It is illegal for someone to lure a child for the purposes of human trafficking, it is illegal to human traffick, it is illegal to receive a material benefit from human trafficking, it is illegal for a person to withhold crucial documents to get a person to comply, there is a legal definition of “exploitation” for the purposes of defining these activities, it is illegal to do any of these things to children, it is illegal for Canadian citizens and permanent residents to do these in other countries, and there are mandatory minimum sentences for doing these things.

---

## Targets of Human Trafficking:

- Young women and girls
- Indigenous and racialized women and girls
- LGBTQIA2S+ youth
- Homeless youth
- Indigenous women and girls are severely over represented in sexual exploitation and trafficking compared to the general Canadian population



# Why are Indigenous Women and Girls Victims of Human Trafficking and Sexual Exploitation?

- Colonization
- Residential Schools
- 60's scoop
- Intergenerational trauma
- Domestic violence
- Drug and alcohol issues
- Abuse
- Poverty
- Gender inequity
- Discrimination
- Racism
- Lack of opportunities

# Why are Indigenous Women and Girls Victims of Human Trafficking and Sexual Exploitation?

- 
- Child and family services systems
  - Breakdowns in Indigenous families
  - Children being raised away from their families and culture, causing vulnerability

# Reasons that Lead to Human Trafficking and Sexual Exploitation of Indigenous Women and Girls

- 
- Low self-esteem
  - Child and family services
  - Being unaware
  - Survival
  - Trauma and mental health
  - Addictions
  - The internet

# The Law dealing with Human Trafficking in the Indigenous context

In Canada, the Canadian Criminal Code deals specifically with this issue.

---

The various provinces have programs which specifically address this topic. Manitoba has laws which deal with this horrible crime and the situations which arise from it. This includes a no contact order which does not require the alleged perpetrator to be notified until the order is granted.

# Some Statistics on Human Trafficking

---

- Canada is a source, transit, and destination country for human trafficking
- Difficult to accurately measure
- Hidden crime that is often not reported and goes unpunished
- Tends not to be prosecuted as often as other crimes

## Some Statistics on Human Trafficking, cont'd

---

- 2019 Statistics Canada report, 95% of trafficked people were women
- Women under the age of 25 represented 70% of all cases.
- Indigenous women and girls are more affected

## Some Statistics on Human Trafficking, cont'd

### . Where is this happening?

- Ontario accounted for 66% of all human trafficking incidents reported between 2009 and 2019
- Human trafficking incidents reported by police in urban centres
- 85% of human trafficking incidents reported in Canada in 2019 were in large cities with populations of 100,000 or more
- Higher number of human trafficking incidents in large cities partly attributable to a higher demand for sexual services

## Some Statistics on Human Trafficking, cont'd

- Not all trafficking is done for sexual exploitation. Component of human trafficking is forced labour.
- Victims can be found in: domestic care giving, sweatshop factories, construction, farming or landscaping, fisheries, hotel or tourism industries, panhandling, janitorial services, and restaurant services.
- Human trafficking can occur wherever the demand for these services exists



## Some Statistics on Human Trafficking, cont'd

Research about human trafficking in Manitoba pointed out that :

1. There is a connection between people coming out of the provincial Child and Family Services (CFS) system and those who were trafficked. Lack of connection to a family was found to be a major factor and this factor is exacerbated by the current CFS system being reactive to human trafficking rather than proactive.
2. Substance abuse treatment opportunities are in high demand with a short supply.
3. Online activities leading to difficult situations with human trafficking.

# What can we do about this?

---

- Awareness
- Education
- These create an understanding of what the problem is and what it involves.

# What can we do?, cont'd

## The Four P's of Human Trafficking

- **Prevention** — Preventing and combating human trafficking through public awareness and education campaigns, poverty reduction, and discouraging demand for the labour or services of trafficked persons
- **Protection** — Protecting and assisting those who have been trafficked by providing physical safety, legal information, and protection of their privacy and identity
- **Prosecution** — Prosecuting the traffickers, training law enforcement and other authorities on how to identify traffickers, and protecting the rights of trafficked persons
- **Partnerships** — Promoting cooperation and partnerships in order to effectively meet the goals of protection, prevention, and prosecution

# Education on the subject

In early 2020 the Canadian Women's Foundation developed a hand gesture which became known as the “Signal for Help”. This was to allow for victims of domestic violence to silently call for help. This signal is found on the next slide.

Research has found that 1 in 3 people in Canada are aware of the signal. There are stories of this being used successfully to get the attention of law enforcement or other authorities but the same problem with underreporting these incidents makes it hard to truly understand how much this is helping.



*1. Palm to camera and tuck thumb*



*2. Trap thumb*

**THE  
VIOLENCE  
AT HOME  
SIGNAL  
FOR HELP**

***Use this signal to ask  
for help on a video  
call without leaving  
a digital trace.***

***If you see this sign on  
a video call, find out  
how to help above.***

# What can you do if you are being trafficked or exploited?

**First and foremost, get yourself to a place of safety and away from that situation.**

If you need help, talk to someone you trust such as an adult, Elder, teacher, or service provider. There are various programs and services to help put an end to human trafficking and help the victims and survivors of human trafficking.

**Attend programs and services where you can take programs that help you:**

- Realize your self worth
- Learn how to practice self love and nurture
- Work on getting rid of the shame, guilt and humiliation that you may feel
- Have open and safe discussions with other victims and survivors to help you realize you are not alone and can share your story.

# What to do if you are being trafficked or exploited in Manitoba?

---

Manitoba has created laws to deal with human trafficking and exploitation. This includes *The Child Sexual Exploitation and Human Trafficking Act*. Under the Act, an adult or child who is at risk of being trafficked or being trafficked can apply for a protection order to keep the people away who are trying to traffick and exploit them. The process to apply is quick, simple and inexpensive. The traffickers are not told that the order is being applied for until the order is granted and given to the trafficker.

# Manitoba cont'd

The following people can apply for the protection order:

- an adult victim of human trafficking,
- a parent or guardian of a child victim of human trafficking or child sexual exploitation, and
- a Child and Family Services Agency, the appropriate CFS authority, or the director of Child and Family Services, if the child is in care.

The following information is provided in order to get the protection order:

- human trafficking or child sexual exploitation has occurred,
- there is a belief that it will continue, and
- that the victim needs protection.

The protection order can stop the following things from happening:

- the trafficker from following the victim or other person(s),
- the trafficker from contacting or communicating with the victim or other person(s), whether they contact the victim directly or another person about the victim,
- the trafficker from going near or into any place that the victim or other person(s) go to regularly (ex: their work, school or home), and
- the trafficker being able to keep the victim's things, pictures or documents.



# What to do if you are being trafficked in Ontario?

Ontario has created laws to deal with human trafficking and exploitation. This includes the *Anti-Human Trafficking Act, 2017*. The law allows people who are being trafficked or at risk of being trafficked to apply for a restraining order to protect themselves and their children from traffickers. This is an order from the court that will put restrictions on the trafficker's behavior. The order can last up to 3 years and can be renewed if necessary.

---

The following people can apply for a restraining order:

- A victim/survivor.
- A person with lawful custody of a victim/survivor who is a child.
- A person acting on behalf of a victim or someone who has custody of a child victim. The victim or the person with custody has to give their consent to the application.

# What to do if you are being trafficked in Ontario? cont'd

The court considers many factors when deciding whether to give a restraining order, such as:

- the ages of the victim/survivor and the respondent (the person against whom the victim/survivor wants a restraining order,
- the nature of the relationship between the victim/survivor and the respondent,
- the use of threats or other forms of intimidation,
- the use of force,
- the use of deception, fraud or other forms of coercion,
- whether drugs or alcohol were given to the victim/survivor to make them provide labour or services,
- control of the victim's access to alcohol or drugs,
- whether there was control of the victim/survivor's finances, ID documents etc.,
- keeping, selling, advertising or distributing explicit photos or videos of the victim/survivor.

The court can make orders such as:

- stopping the trafficker from, directly or indirectly, communicating with or contacting the victim/survivor or any other person specified in the order,
- stopping the trafficker from being within a specified distance of a place where the victim/survivor or someone else would be,
- making the trafficker return ID documents of the victim/survivor,
- not allowing them to carry weapons,
- stopping them from distributing explicit photos and videos of the victim/survivor and returning photos and videos.

# Resources

- **Ontario Ministry of the Attorney General:**

Free legal support for trafficked people or those at risk of being trafficked

[https://www.attorneygeneral.jus.gov.on.ca/english/ovss/human\\_trafficking.php](https://www.attorneygeneral.jus.gov.on.ca/english/ovss/human_trafficking.php)

- **Local Community Legal Clinics:**

Free legal advice and representation for low-income individuals

<https://www.legalaid.on.ca/legal-clinics/>

- **Legal Aid Ontario and Manitoba:**

Free legal advice and representation for low-income individuals

<https://www.legalaid.on.ca/>   <https://www.legalaid.mb.ca>

# Resources

- **Canadian Human Trafficking Hotline:**

Confidential, multilingual 24/7 service that connects victims and survivors with social services, law enforcement, and emergency services, as well as receives tips from the public.

<https://www.canadianhumantraffickinghotline.ca/> or 1-833-900-1010

- **Shelter safe:**

Information on Women's Shelters: <https://sheltersafe.ca/>

- **Victim Services Toronto:**

<https://victimservicestoronto.com/> or (416) 808-7066

# Resources

- **Talk4Healing:**

A culturally grounded, fully confidential helpline for Indigenous women available in 14 languages all across Ontario.

<https://www.talk4healing.com> or 1-855-554-4325 (1-855-554-HEAL)

- **Assaulted Women's Helpline**

Offers crisis counselling, emotional support, safety planning, and referrals to shelters and legal resources. Services are available 24 hours a day, 7 days a week, in many languages.

<https://www.awhl.org/> or 1-866-863-0511

- **Ontario Women's Justice Network**

Information on Human Trafficking and the Law:

<https://owjn.org/human-trafficking-and-the-law/>

Thank you!  
Questions?

---

Please fill out this survey!

<https://www.surveymonkey.com/r/BY9FHM3>

## Beddome and Longclaws Law Corporation

Office: 1-204-990-5195

Fax: 1-204-809-4504

Email: contact [@beddomeandlongclaws.com](mailto:contact@beddomeandlongclaws.com)

\*The legal services of James Beddome, Seneca Longclaws, and Steven Hunter are provided through Beddome and Longclaws Corporation.

### Main Office

Suite 335-200 Alpine Way

Swan Lake First Nation

Headingley, MB, R4H 0B7

