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BRIEF 36

Trafficking at the Intersections:

Racism, Colonialism, Sexism, and Exploitation in Canada

Western | Centre for Research & Education on Violence Against Women & Children

LEARNING NETWORK

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INTRODUCTION

[1] We place "human trafficking" in quotations marks at the outset of this Brief in recognition that this term may carry a range of meanings and connotations among readers.

[2] Although we have predominantly elected to use the term "experiencers" throughout this Brief, "survivor(s)" and "victim""victimization" may also appear when those terms are more directly applicable to the context at hand or directly reflect the language used in the publication being discussed.

[3] Throughout this Brief our use of the term "women" is inclusive of cisgender, two-spirit, and transgender women and girls.

[4] By Indigenous, we refer to First Nations, Métis, and Inuit people in Canada. Our choice to capitalize this term is in keeping with conventions most commonly used by our colleagues and Resource Group members. We have followed this convention except when directly quoting the work of others, where we retain the original words of the author(s).

Over the past several years, public attention toward "human trafficking" in Canada has gained an increasing and much deserved intensity.[1] Efforts from activist organizations, service providers, scholars, and experiencers[2] has brought to light long-standing social problems relating to sexual and labour exploitation in Canada and in other parts of the world.

The need to effectively support experiencers and eradicate the root causes of this exploitation has likewise provoked challenging discussions about the historical legacies and social structures that shape the practice of "human trafficking," as well as the frameworks through which the issue itself is commonly understood.

This Brief highlights an aspect of "human trafficking" that is tacitly acknowledged but typically overlooked in contemporary public discourse: the intersection of sexual violence with systemic racial and colonial violence. Although no *single* framework can provide definitive insight into such a complex issue, this Brief demonstrates how racism and colonialism are recurring factors in sexual exploitation of women[3] in Canada, including what is referred to as "human trafficking." Critical awareness of these interconnections is therefore essential to addressing the broader issue.

It is important to recognize that human trafficking "can happen to anyone" and that it can consist of non-sexual forms of exploitation (such forced labour and organ removal). However, the sexual violence experienced by Black and Indigenous[4] women, and women of colour, takes place because of racism, sexism, and an ongoing system of colonization. This fact warrants a *specific* discussion of how human trafficking takes place at the intersection(s) of racialized, gendered, and colonial oppression within Canadian society. Many experiencers,

activists, academics, and front-line service workers are already leading the way in this discussion (see e.g. Bourgeois, 2015; Hua, 2011; Santini & Lam, 2020; Ontario Native Women's Association [ONWA], 2019; Pietsch, 2014).

This Brief seeks to highlight and contribute to that discussion in the following respects:

- Examining how human trafficking connects with broader systems of structural oppression, such as racism, colonialism, and sexism, and how these intersecting forms of oppression affect the lived experiences of Black and Indigenous women and women of colour in Canada.

- Summarizing current advocacy and scholarship explaining how society's values, ideas, and power relations have come to normalize the sexual violence experienced by Black and Indigenous women, and women of color, in human trafficking.

- Situating human trafficking and intersecting oppressions within a broader historical and sociological context—and drawing upon these factors to critically assess various strategies for anti-trafficking advocacy and policy.

For centuries, the prevailing ideologies and policies of Canadian society (and the Global North, more generally) have served to stigmatize and dehumanize Black and Indigenous women, and women of colour, through direct and indirect means. Human trafficking in Canada is inextricably bound to these processes. A commitment to eradicating human trafficking must therefore entail a commitment to anti-racist and anti-colonial struggle and allyship. To that end, meaningful and effective

solutions must confront the ways that heteropatriarchy, racism, and colonialism are inscribed in human trafficking—not only in the perpetration of the crime itself but also the ways it is imagined, discussed, and prosecuted in Canadian society.

We write this Brief as white-passing settlers primarily addressing other settlers and working within the comforts of class, sexual, geographic, racial, and academic privilege. Our analysis is accordingly expressed through the language and ways of knowing of our individual positions. We hold no pretension that such a perspective affords a definitive understanding of the realities of racism, sexism, colonization, or human trafficking in Canada. Rather, our hope is that by highlighting the social-structural connection between human trafficking and systemic racism and colonialism, this Brief may serve as a useful *contribution* to the ongoing task of identifying and ameliorating the root causes of human trafficking specifically and of gender-based violence more broadly.

Speaking directly about the role that social service providers may serve in addressing issues of human trafficking, Ran Hu (2019, p. 435) writes,

" *As we commit our work to social and structural justice, we bear the responsibility to disrupt the singularity, (mis)representativeness, and othering in the dominant construction of knowledge. This task is neither easy nor comfortable but worthwhile"* – Ran Hu

It is in this spirit that this Brief calls in fellow settlers to reflect upon their own responsibilities in concealing or revealing, reinforcing or disrupting the perpetration

of racial and colonial injustices—both in the context of human trafficking and in society overall.

Lastly, it is our hope that any gaps or shortcomings in this work (due either to constraints in scope or limitations in our own perspectives) will provoke further analysis into, and expansion upon, the complex intersectional nature of this social issue. We also encourage readers to learn about other forms of human trafficking that are not addressed here (e.g. forced labour), how these phenomena operate both domestically and globally, and how they too intersect with systems of racial, colonial, class, and sexual oppression.

Heteropatriarchy refers to social systems "in which heterosexuality and patriarchy are perceived as normal and natural, and in which other configurations are perceived as abnormal, aberrant, and abhorrent" (Arvin, Tuck, & Morrill, 2013, p. 13). Indigenous scholars and activists have drawn particular attention to the way that the naturalization of heteropatriarchy facilitates the broader settler-colonial project (Simpson 2017).

Heteropaternalism refers to "the presumption that heteropatriarchal nuclear-domestic arrangements, in which the father is both center and leader/boss, should serve as the model for social arrangements of the state and its institutions" (Arvin, Tuck, & Morrill, 2013, p. 13). This kind of "paternalism" extends beyond individual feelings of condescension. It informs a politics of colonial control over women's bodies, communities, sovereignty, knowledge, and lands (Arvin, Tuck, & Morrill, 2013).

Conceptualizing Human Trafficking

Legal and Social Context

Depending on the perspective and experiences of each reader, the term "human trafficking" may connote a vast range of implicit ideas. A few comments concerning the conceptualization of human trafficking in the present Brief, as well as a discussion of some prevailing definitions, are therefore in order.

Human trafficking gained legal recognition by the United Nations in 2000. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, also known as the "Palermo Protocol," defined "human trafficking" according to three distinct elements:

1. **The Act** (*recruiting, transporting, sheltering, or receiving people*)

2. **The Means** (*the use [or threat] of force, coercion, fraud, or deception*)

3. **The Purpose** (*for sexual exploitation, forced labour, or organ removal*)

The *Canadian Criminal Code* (CCC) also outlaws human trafficking, which it defines as follows:

> *279.01(1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence.*

These definitions provide some important context for the present discussion since they specify the ways that states conceptualize "trafficking" as criminal offences. They also serve to distinguish these crimes from activities that often get conflated with human trafficking in mainstream discourse, such as smuggling and sex work. For example, elements such as "force," "coercion," "control," and "exploitation" within these laws provide a basis for distinguishing an individual's labour as *voluntary* versus *involuntary* and thus as a distinction between sex work and human trafficking (Parreñes et al., 2012).

However, while definitions like these provide a very general point of reference for discussing human trafficking, it is prudent to think beyond the "official" definitions proscribed by the state (or similarly interested transnational bodies), and to inquire about how human trafficking interconnects with other systems of violence within Canada—and perhaps with the operation of the state itself. This critical perspective is especially important where issues of sexism, racism, and colonialism are concerned, given the ways in which laws tend to reflect and reinforce the interests of dominant classes within society.

It is no coincidence that popular portrayals of human trafficking—and the laws themselves—make it easier to imagine individual pimps or criminal organizations as the culprits of human trafficking than it is to think of governmental or economic systems in these terms.

When discussing human trafficking in the present Brief, we therefore refer not solely to *crimes* that fit the above legal definitions but also to a broader *social problem* emerging under specific historical and social conditions. In addressing human trafficking as a social problem, our main focus is on understanding the structural basis for the violence commonly known as "human trafficking." We also examine the ideologies that have led some forms of exploitation and violence to be recognizable as human trafficking, while leaving other forms invisible—and ostensibly permissible—within Canadian society. Examining the structural oppressions surrounding the

Human Trafficking is not the Same as Sex Work

Adult individuals who voluntarily engage in sex work are not, according to the Canadian Criminal Code and UN protocol, being trafficked. The conflation of sex work with human trafficking has been described by a recent Ontario Government bulletin as a "myth": "if an adult chooses to engage in consensual, paid sex work on their own terms and is not controlled and exploited by another person, it is not considered human trafficking" (Ontario Ministry of Children, Community and Social Services [OMCSS], 2019). While experiencers of human trafficking may be forced into sexual exploitation, it does not follow that all sex workers are exploited or that their activities constitute a form of human trafficking.

issue of human trafficking provides critically important insight into the necessary obstacles and opportunities for getting "to the bottom" of this social problem (Goldman 1911). Moreover, it provides a more inclusive framework for recognizing and empowering the diverse stories of experiencers, whether their circumstances fit the dominant depictions or not.

In Canada, Racism, Colonialism, and Sexism are Intersecting Factors in Human Trafficking

A body of knowledge illuminates a striking racial and colonial dimension to human trafficking and sexual exploitation. Reports from experiencers, researchers, and advocates speak of how Black and Indigenous women, and women of colour, are particularly targeted for sexual exploitation and human trafficking (Bourgeois, 2015; Nelson-Butler, 2015; ONWA, 2016). Many have also directed a critical eye to "awareness" initiatives that ignore the racial and colonial dimensions of human trafficking, except for when it is politically or morally convenient (Network of Sex Work Projects [NSWP], 2018; Kempadoo, 2015; Sikka, 2020; Wilson & Obrien, 2016). This situation reflects the broader patterns of how systemic violence operates within Canadian society and throughout its history (ONWA, 2016).

We know that systemic violence often takes place along *more than a single "axis" of oppression* such as gender alone (cf. Crenshaw, 1989; Collins, 2000, 2017). Although women and girls comprise the vast majority of individuals who experience human trafficking, a view of this problem that is conceptualized *solely* as a consequence of heteropatriarchy carries the risk of obscuring the impact of other systemic factors as well (Nelson-Butler, 2015; Doezema, 2010; Gonzalez, 2017). Critical analysis must therefore be directed to the intersection of multiple oppressive systems that underlie human trafficking in Canada. These forms of social-structural violence are often interconnected. As such, Black and Indigenous women and women of colour experience human trafficking *as* Black women, Indigenous women, and women of colour—not "simply" as women.

How, then, might we better understand the social problems of human trafficking at the various intersections of racial, colonial, and heteropatriarchal violence? And how do we understand the processes by which this violence takes place?

In the following section, we spotlight some of the historical and social processes that make such exploitation *possible* in the first place, and the cultural myths and prejudices that have for too long rendered this violence *permissible* to the dominant society.

Human Trafficking in Canada is Primarily a Domestic Issue

It is widely assumed, perhaps based on portrayals in film, TV, and online media, that human trafficking in Canada is primarily orchestrated through the transnational movements of exploited women and children. However, research finds that reported instances of human trafficking are more commonly perpetrated "domestically" than internationally:

- In the majority of reported human trafficking cases in Ontario, the person trafficked is from Canada and was recruited *within* Canada (OMCSS, 2019).

- The Ontario government (OMCSS 2019), as well as various scholars in Canada (e.g. Kaye, 2017; Sethi, 2007, 2008; Sikka, 2010), have noted that many women and girls who have experienced trafficking were first recruited by someone they knew initially, such as friends, partners, or acquaintances. In some cases, these "recruiters" may be working in coordination with a more organized group of individuals, but this is not always the case.

- In Ontario and in Canada more broadly, only one third of reported human trafficking incidences between 2009–2016 were cross-border incidents (Ibrahim, 2018).

Despite these realities, international human trafficking remains the prevailing conception in Canada and has been used as justification for intensified surveillance, policing, and harassment of potential "traffickers" and their suspected "victims" (Santini & Lam, 2020). Rather than focusing attention and funding on community support, such myths direct much-needed resources outward to increased criminal and immigration restrictions that frequently target sex workers and low-income, racialized, and foreign individuals (Sikka, 2020).

Not Simply a "Risk Factor": Racial and Colonial Oppression are the Ongoing Context for Trafficking in Canada

Colonialism
is a policy or practice in which political power from one territory exerts control over another territory, occupies it with settlers, and exploits it economically. ("colonialism," 2010; Feminist Northern Network [FemNorthNet], 2016).

Settler Colonialism "is a distinct type of colonialism that functions through the replacement of indigenous populations with an invasive settler society that, over time, develops a distinctive identity and sovereignty" (Barker & Lowman, 2015). In Canada, this is perpetuated through the forced disconnection of Indigenous Peoples "from their land, culture, and community" (FemNorthNet, 2016).

Police and government reports and fact sheets have readily highlighted the "risk factors" that leave young women vulnerable to exploitation, and strategies that "traffickers" will use to prey upon them. For instance, awareness campaigns warn of traffickers recruiting directly outside and inside shelters, group homes, schools, etc. with promises of personal affection and attention, an escape from poverty, or protection from abuse (e.g. Government of Canada, 2012; Human Trafficking National Coordination Centre [HTNCC], 2010, 2013; National Crime Prevention Centre [NCPC], 2013). However, human trafficking also entails the continuation of a long history of racialized sexual violence, oppression, and labour exploitation that often goes unacknowledged in white settler societies like Canada. We are less prepared to acknowledge the ways that our own racially and culturally marginalizing policies have shaped, and *are currently shaping*, this violence and its targets in the first place (Nelson-Butler, 2015; Canadian Alliance for Sex Work Law Reform [CASWLR], 2019; Kempadoo, 2008, 2015; Sikka 2010). Sarah Hunt (2010, p. 27) strikes directly at the heart of this matter when she asks,

> *If human trafficking is about forced movement, exploitation, and the misuse of power in controlling the bodies of marginalised people, who has control over the movement, labour and bodies of Indigenous girls and women in Canada?"*
> – Sarah Hunt

Such a question upends the dominant conception of "human trafficking" as an individual crime and demands that we also examine its perpetration at the systemic and institutional level.

The legacy of exploitation and white supremacy faced by Black, Asian, and Indigenous Peoples is thoroughly documented. So too is the role that the trans-Atlantic slave trade, indentured servitude, forced family separation, and various genocidal policies against Indigenous Peoples have had in shaping the prevailing economic and political structure of North, Central, and South American societies. Sexual violence perpetrated against racialized persons in the context of these practices is also a part of this colonial legacy. In the United States, for instance, the kidnapping, enslavement, and exploitation of African Peoples was a defining factor in its economic and political development as well as its racial and sexual hierarchies. Under these conditions, Black women and girls were subjected to pervasive sexual abuse by White slaveowners, both by the slaveowners themselves and through "forced breeding" with Black male slaves (who also faced extreme sexual violence) (Nelson-Butler, 2015, p. 1473). Cheryl Nelson-Butler (2015) explains that "slavery gave America an ideology for the systemic depiction and use of Black women as designated sexual deviants or targets of sexual abuse" (p. 1471). This is also true for Canada, where domestic slavery in the British-controlled colonies of New France and Nova Scotia normalized the sexual and labour exploitation of Black women and girls (Maynard, 2017, pp. 23–24).

What often goes unrecognized is the historical significance of Indigenous slavery and sexual violence to the Canadian settler-colonial project (Maynard, 2017; Sikka, 2010). Anette Sikka (2010) describes how

> Aboriginal persons were bought and sold as chattel in Canada until the abolition of slavery throughout the British Empire in 1834, and the legacy of slavery has endured with respect to Aboriginal women in a particular way. The assertion of ownership over Aboriginal women has manifested itself as a right for others (white male settlers) to determine the appropriate "use" and value of Aboriginal women (p. 7–8).

The violence—including sexual violence—that the colonial project imparted upon Indigenous Peoples was normalized through the propagation of degrading cultural and sexual myths concerning Indigenous women and men. The cultural and spiritual destructiveness of state-led programs such as the Indian Act, the prevalence of intergenerational trauma, the theft on Indigenous lands, and the marked overrepresentation of Indigenous Peoples in both prisons and foster care stand as the contemporary manifestations of this terrorism (Ferland et al., 2012; ONWA, 2016, 2017; Reclaiming Power and Place 2019). In light of the way these conditions reinforce an imposition of violence, exploitation, and the coercive control of Indigenous Peoples' movement by the settler nation-state, Robyn Bourgeois (2015) has argued that "by its own legal and conceptual definitions of human trafficking, the Canadian state has long been complicit and continues to be directly complicit in the human trafficking of indigenous women and girls" (p. 1433. See also Hunt, 2010).

Canada's "reckless and destructive" removal of Indigenous children from their families provides a case in point (Canadian Human Rights Tribunal [CHRT], 2019). Like the residential school system and the Sixties Scoop before it, the current "Millennium Scoop" has led to the forced separation of children from their parents, siblings, and culture— except in even greater numbers (CBC Radio, 2018).

Today, there are more Indigenous children in the care of the state than at the height of the residential school era (Palmater, 2018).

Indigenous children comprise nearly half of the children (aged 14 and younger) in Canada's foster care system, despite making up only 7% of that population nationally, and among the 11,700 Indigenous children in foster care, less than one-half live with at least one adult who identifies as Indigenous (Turner, 2016, pp. 1, 7).

Compounding the cultural harm and isolation accomplished by the forced separation of families is the violence that children have experienced under this "care." For example, a report by the Representative for Children and Youth in British Columbia finds that "a quarter of reported incidents of sexualized violence that occurred in care placements were perpetrated by the child or youth's foster parent," while another one-third of these incidents was perpetrated by another child in the same placement (Turpel-Lafond, 2016, p. 2).

Chattel Slavery
is a form of slavery in which the ownership of individuals is legally expressed in terms of the personal possession of an owner. Under this system, slaves may be bought and sold as commodities, as was the case in the transatlantic slave trade.

Thus, explains Pamela Palmater (2018, para. 13),

> " _Indigenous children in care are the most vulnerable to abusive foster parents, sexual predators, manipulative traffickers and a society that has long ignored the sexualized violence committed against Indigenous women and girls."_
> – Pamela Palmater

These current realities echo historical colonial incidences and eras but are rarely identified as such. This invisibilizes patterns of victimization that are age- and gender-defined, as well as explicitly racialized.

Advocates, experiencers, and scholars have identified a direct connection between foster care institutions and the targeting of Indigenous girls for sexual exploitation:

> The criminalization of young Aboriginal girls often begins in the care facilities, which in turn facilitates their entry into the sex trade. Many girls' first point of entry into the criminal justice system is a charge for an offence committed within a care facility. Girls may be charged with assault on a staff member or other "violent" offences and are then remanded to detention centres, where they come into contact with sexually exploited youth and [human trafficking] recruiters (Sikka, 2010, p. 9).

Hence, it is important to recognize how the pathways into human trafficking are marked at each stage by colonial control over Indigenous youth from one of its institutions to the next (e.g. foster care and group homes, youth detention centres, federal prisons).

This process is far from a simple one. First of all, it is far from simple because each individual's story—both their lived experience and social location—is different, and deserving of recognition, honour, and dignity specific to that person. Secondly, it is not simple because the historical and social context in which these experiences take place are impacted by a web of colonial, class, sexual, racial, and gender oppressions. For instance, in a study on street sexual exploitation in Winnipeg, researchers interviewed local organizations serving experiencers of human trafficking (Seshia, 2005). Participants identified a myriad of common factors that contribute to a person's involvement in exploitative sex:

- Poverty, homelessness, and precarious housing
- The legacy of residential schools and the continuation of colonialism, and racism
- Lack of stability and being placed in multiple care homes
- Childhood physical, emotional, and/or sexual abuse
- Sexism, gender discrimination, and discrimination against Two-Spirit/ transgendered people
- Pimps and peer pressure
- Generational sexual exploitation (i.e., having a parent or family member who was or is sexually exploited)
- Effects of low self-esteem (Seshia, 2005, p. 14)

An intersectional analysis of human trafficking presents the challenge and promise of recognizing the unique combinations of factors that shape each experiencer's story, while also drawing critical attention to systems of violence that underly these "common factors."

In other words, while the refrain that "it can happen to anyone" is nonetheless true in the strictest sense, a deeper analysis is needed in order address *how* and *why* human trafficking appears to "happen to" Black and Indigenous women and girls, and women and girls of colour, in different proportions, and through different processes, than others (Native Women's Association of Canada [NWAC], 2014; Philips 2015). Such an analysis must extend its scope beyond individual-level "risky behaviours" and abstract socio-demographic "risk factors" of experiencers (e.g., NCPC, 2013). It also must extend beyond a paradigm of simply criminalizing "perpetrators" and "johns" who, whatever may be said of their moral conduct, do not alone produce the conditions of racial, colonial, sexual, and economic dehumanization that lie at the historical and systemic roots of human trafficking in Canada (Bernstein, 2010; Bryant-Davis and Tummala-Narra, 2017; Nelson-Butler, 2015; Kempadoo, 2008, 2015; Kaye, 2017).

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Yamikani Msosa's Learning Network webinars provide an in-depth conversation about the connections between sexual violence, state violence, and healing from collective and individual sexual abuse and trauma for Black survivors of violence.

- *Roots and Resistance: Sexual Violence and Anti-Black Racism* explores historical, social and economic barriers faced by Black survivors.

- *Roots and Resilience: Exploring Healing Centred Engagement and Pleasure with Black Survivors of Sexual Violence* explores principles of healing centred engagement and resiliency.

Systemic Marginalization and the Contradictions of Invisibility, Stigma, and Victimization

The racial, gendered, sexual, and colonial factors shaping human trafficking in Canada are intersectional in nature, and their combined effects are often manifested in contradictory, unjust ways. For instance, when Black and Indigenous women, and women of colour, encounter personal hardship, these troubles are treated as the moral failings of the individual *as well as* a negative reflection of their ethnic or cultural background (Collins, 2000). Racialized women appear to be overrepresented among experiencers of human trafficking yet have often been left out of mainstream discourse about anti-trafficking policy.

Thus, the racial and colonial dimensions of human trafficking are hidden in plain sight—visible when their corrosive effects on marginalized communities and individuals provide governments a justification for expanded state surveillance and regulation, but invisible when matters of broader social change, decolonization, and empowerment of those communities are at stake.

To grasp the historical context for these contradictions, it is worth briefly reflecting upon how contemporary conceptions of human trafficking have been influenced by the "white slavery" campaigns of the early 1900s (Doezema, 2010). It is also necessary to examine the kinds of dehumanizing racial scripts that warp the ways consent, victimhood, and agency are ascribed to Black and Indigenous women and women of colour, and justify discriminatory (or outright exclusionary) immigration and labour policies in North America (Dua, 2007; Hua, 2011; Kempadoo, 2008).

The White Slavery Campaign

"White slavery" campaigns emerged around a moral panic that white middle-class European women were being captured and trapped in "prostitution" in the urban centres of Canada, the United States, and Europe. Policies aimed at rescuing women from their (archetypically foreign, Black, or Indigenous male) captors were buttressed by abolitionist arguments against chattel slavery, as well as an objectifying emphasis upon the virginity, youth, and, above all, the *whiteness* of the victims (Dozema, 2010, p. 27).

However, this moral concern did not extend to "the pervasiveness of sex trafficking of Black women and girls" at the time (Nelson-Butler, 2015, p. 1490). Instead, its motives were tied to fears of racial/cultural 'others'—"'foreign impurities'… to white racial purity" (Dozema, 2000, p. 44; Hua, 2011, p. 36). Racialized and class concerns over increasingly uncontrolled movement of white women and of non-indentured South Asian men[5] influenced the formation of laws intended to protect women from the corrupting influence of the racialized 'other' and the "darkness and temptation of city streets" (Sikka, 2020). Within this rhetoric, "womanhood"—that is, *white womanhood*—has been constructed as directly and necessarily imperilled by a society of race inclusion and diversity. Witness, for instance, the United States' Page Act and Mann Act, which targeted Chinese immigrants as the racialized culprits of "white slavery" (Hua, 2011). Around the same time, Saskatchewan's 1912 Act to Prevent the Employment of

[5] i.e. those not controlled by state and economic entities under the "Coolie" system, a system of unfree labour that came to prominence after the abolition of slavery in the British Empire. In Canada, this system involved the transport and exploitation of indentured workers, predominantly from Asia, to perform hard labour under slave-like conditions.

Female Labour in Certain Capacities made it a crime for any "Japanese, Chinaman, or other Oriental persons" to hire a white female employee (Backhouse, 1999, p. 136).[6] Enakshi Dua (2007) provides a detailed study of how policies concerning the regulation of female Asian migrants served a significant role in the racialized politics of Canada's nationalistic project (i.e. its national identity, demography, and culture), as well as in capitalist expansion within the country. These policies, Dua (2007) demonstrates, were buttressed by the common perception "that Chinese women who were in Canada worked as prostitutes" (p. 451).

In the context of a growing purity movement and a nation-state desperately incapable of reconciling its ongoing legacy of racism (a context not dissimilar to our own today), "the White sex slave also provided the perfect opportunity to trivialize the continued exploitation and systemic oppression of Black laborers" (both men and women) (Gonzalez, 2017, p. 137). The movement was thus free to target Japanese and Chinese immigrants and Black and Jewish men as its alleged principal culprits (both as "traffickers" and buyers of sexual services), reinforcing sexualized racial stereotypes of white innocence and Black/Jewish/Asian depravity (Nelson-Butler, 2015; Dozema, 2010; Dua, 2007; Gonzalez, 2017; Hua, 2011). These narratives also function to implicitly differentiate upper- and middle-class white women (those with sexual purity) from "other" women.

Ultimately, the white slavery campaign "had a lasting effect for the construction of victimhood in the coming anti-trafficking movement," shaping the prevailing moral and racial imagination of what trafficking "victims" and "offenders" look like, how they behave, and where they come from (Gonzalez, 2017, p. 137; Wilson & O'Brien, 2016). As Cassandra Mary Frances Gonzalez (2017 , p. 144) states,

> " *Black women in the sex trade are more likely to be arrested, assaulted by pimps, johns, and sometimes law enforcement, work in lower-paid positions in the sex economy, and are neglected in the dominant anti-trafficking and anti-violence movements. The hypersexualization of Black women's bodies—bodies that were sites of racialized sexual lust and hatred for decades—render them incompatible with the ideal trafficking victim."*
> *– Cassandra Mary Frances Gonzalez*

We can observe the "perplexing," contradictory impact of these constructions at various intersections of the heterosexist, racist, and colonial stigma ascribed to women and girls (Arvin, Tuck, & Morril, 2013; Green, 1975). Sikka notes that "Aboriginal women and girls rarely fall within the 'victim' ideal," so their experiential testimony is more likely to be met with either skepticism or paternalism (Sikka, 2010, p. 201; Hu, 2019).

The Racialized Construction of "Demand"

While calls to "end the demand" for sex *work* have been voiced by some advocates as a strategy for indirectly curtailing sexually exploitive *human trafficking* (and simultaneously decried as harmful by people who do sex work [NSWP, 2018]), it is clear that a deeper structural analysis is required in order to understand the way that sexist and

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The digital exhibit *Canada's Oldest Profession: Sex Work and Bawdy House Legislation* explores the geography and history of sex work legislation in Canada since the 19th century. In addition to addressing the "White Slave Panic" in Canada, it also traces the application of prostitution laws to the policing of burlesque and strip clubs in Toronto, police raids on Toronto bathhouses throughout the 1980s–2000s, and the legislation of Bill C-36.

[6] Section 1 of the Act states: "No person shall employ in any capacity any white woman or girl or permit any white woman or girl to reside or lodge in or to work in or, save as a *bona fide* customer in a public apartment therefore only, to frequent any restaurant, laundry or other place of business or amusement owned, kept or managed by any Japanese, Chinaman or other Oriental person" (S.S. 1912, C.17, S.1.; Backhouse, 1999: 136). This statute was upheld by the Supreme Court of Canada in 1914 *Quong Wing v The King* (1914 SCR 440), and was only fully repealed in 1969 (Backhouse, 1999).

racist stereotypes have come to produce a *particular* "demand" for racialized women and girls (Nelson-Butler, 2015; Pietsch, 2014). The cultural production of "demand" at the intersection of race and human trafficking operates *not only* within a context of patriarchal domination; it also operates as a function of economic marginalization and racial myth-making, fetishization, and degradation. Where this "demand" affects Indigenous women and girls specifically, it is also inextricable from the colonial "demand" for Indigenous land and resources (Bourgeois, 2015). Understood through the abstract logic of a market economy, the language of curtailing consumer "demand" (i.e. stigmatizing individual "johns") risks obscuring the underlying forces that white supremacy, heteropatriarchy, colonialism, and capitalism exert in the lives of human trafficking experiencers.[7]

In her extensive analysis of "The Racial Roots of Human Trafficking" in America, Nelson-Butler (2015) addresses the racist parallels between the sexualization of young Black and Indigenous women and girls:

> In the United States, both racialized sexual fetish and racial animus fuel the market in which mostly white men purchase commercial sex with people of color, including minors. While Black children are most likely to experience some form of sex trafficking, other children of color are similarly at a higher risk than their white counterparts. Native Americans in particular argue that a strong connection exists between colonization and a persistent targeting of native people for prostitution. The sexual stereotypes that were used to justify colonization persist today as Native American minors are targeted for sexual exploitation (p. 1483).

Nelson-Butler's description of the "racialized sexual fetish and racial animus" ascribed to Black and Indigenous women and girls corresponds closely with the situation in Canada as well (2015, p. 1483). In Canada, as in the US, the "Jezebel" stereotype established during slavery continues to construct Black female sexuality as "innately oversexed and overly fertile," thus paradoxically denying Black women's sexual agency while at the same time positing them as complicit in the sexual exploitation they encounter (Nelson-Butler, 2015, p. 1470). In a similar fashion, colonial stereotypes of Indigenous women such as "the Queen," "the Indian Princess," and "the Squ*w"[8] perpetuate the sexual fetishization, subjugation, and commodification of Indigenous women (Arvin, Tuck, & Morril, 2013; National Inquiry into Missing and Murdered Indigenous Women and Girls [NIMMIWG], 2019).

The vulgarity of the stereotypes discussed above are surpassed only by the cruelty that they have served to perpetuate, for these ultimately provide the ideological lens through which the interpersonal and structural violence visited upon the bodies of Black and Indigenous women, and women and girls of colour, come to be calculated as permissible in the minds of exploiters (and some within the general population). The conclusions of the *Reclaiming Power and Place* report (2019) make clear that, in Canada, the stigma, objectification, and marginalization concomitant with this abuse ultimately fulfils a broader function of legitimizing violent colonial conquest: both the sexual conquest of individual women of colour and the genocidal conquest of Indigenous societies and lands more broadly (Arvin, Tuck, & Morril, 2013; Bourgeois, 2015, 2018; NIMMIWG, 2019). In Canada, neither the impacts of human trafficking on individual experiencers nor the broader social problem of human trafficking can be adequately addressed without full recognition of this violence.

[7] It also distorts important distinctions between sexual *exploitation* and sex *work*, as well as the distinction between the "buying" of women versus the commercial exchange of sexual services. A more fruitful approach can be observed in Nicole Pietsch's (2014) uses of the "supply" and "demand" relation as a starting point for identifying key "push" and "pull" factors across numerous spheres of social life (socio-cultural, economic, political, and psycho-social).

[8] Use of the "S-word" has been rejected by Indigenous groups across Canada and the United States. For a detailed explanation and FAQ discussing why this term has been rejected, see Mathias (n.d.). For a detailed examination of how this term functions in the oppression of Indigenous women, see Green (1975). For a general summary of acceptable and problematic language pertaining to Indigenous Peoples, see Swiftwolfe (2019).

A "Rescue Politics" Approach to Human Trafficking Does Not Serve the Interests of Marginalized Women and Girls

The above analysis illustrates that "human trafficking" in Canada has deep and complex connections to the exploitation and stigmatization of racialized, Indigenous, and Black bodies—connections that persist to this day through the inequitable power relations that Indigenous communities and communities of colour experience in their interactions with the Canadian state and its institutions. These inequities are reinforced by racial prejudice and myth-making, which in turn determine which persons are *visible* and *knowable* as "victims" in the first place, and which are not.

Too often, the strong moral dichotomies between "trafficker" and "victim" give a distorted, simplistic conception of how trauma and violence manifest in human trafficking.

> *While the harm caused by individual forms of sexual violence and exploitation surely ought not be downplayed, the depiction of human trafficking in binaries of "good" and "evil"* ***actors*** *obscures the root systemic causes of human trafficking.[9]*

The notion that patterns of violence against Black and Indigenous women, and women of colour, should be viewed as "crimes," but not as "a sociological phenomenon" (as former PM Stephen Harper once asserted) masks the complicity of settlers in perpetuating those very systems (CBC, 2014; Singh, 2014).

Indeed, recognition of ongoing systemic oppression has compelled advocates and researchers to raise concerns over the unintended consequences that the prevailing "rescue politics" and criminal justice focus in anti-trafficking policy may have for marginalized communities (McGrath & Watson, 2018; Sikka, 2020).

The discrimination and violence experienced by Indigenous, Black, Queer, and economically marginalized communities within the criminal justice and child welfare systems is well documented (Maynard, 2017).[10] Anti-trafficking strategies must therefore entail a critical awareness of how neoliberal (i.e. market-based and individualized) and carceral (i.e., prison-based and punitively oriented) solutions to human trafficking may serve to intensify the political, economic, and colonial subjugation of lower class and non-white individuals (Bernstein, 2007, 2010, 2012; Sikka, 2020). Providing law enforcement with increased discretion to surveil and arrest suspected "traffickers" without substantial reform of these institutions carries a considerable risk of compounding rather than ameliorating this harm. Likewise, vesting white settler institutions such as NGOs, governments, or even social service providers with the mandate to "rescue" victims of human trafficking carries risks of unintended individual and social impacts that bear consideration.

Below, we discuss five things that fellow settlers may want to consider when engaging in, or with, public awareness campaigns on human trafficking.

[9] Additionally, evidence suggests that a large proportion of recruiters and "traffickers" have themselves been sexually victimized (Sikka, 2010).

[10] This is also the case for those experiencing mental health issues and addictions.

Learn More:

Political conversations about the criminalization of sex work, and the relationship of sex work to human trafficking and heteropatriarchy, are polarized among Indigenous and non-Indigenous feminists alike (Bourgeois, 2018).

The final report on the National Inquiry into Missing and Murdered Indigenous Women and Girls, _Reclaiming Power and Place_, presents a "Deeper Dive" discussing Indigenous feminists positions on these issues, and how these positions are informed by a critical analysis of white supremacy, heteropatriarchy, and settler colonialism (pp. 656–671).

[11] Robyn Maynard (2017), for instance, provides a detailed examination of how state violence has functioned in perpetuating the subjugation of Black and LGBTQ2S individuals within Canada, as well as case-study examples of how this violence impacts the lives of Black women specifically. Works of LGBTQ scholarship, such as those by Douglas Janoff (2005), Lynly Egyes (2017), and Stephen Owen et al. (2018), likewise provide insight into the ways that homophobia and violence in law enforcement shapes the sense of mistrust that members of the Queer community may have toward police.

1. **White settler–led prevention and awareness campaigns designed to protect "sex-trafficking victims" by prosecuting or stigmatizing "johns" may produce unintended harms and dangers for people who do sex worker.**

Where public discourse and social policy are concerned, settler-led campaigns that conflate human trafficking with the sex trade stand to narrow the discourse on human trafficking to matters of individual crime and exploitation and away from broader structural issues such as those discussed throughout this Brief. This is especially true of campaigns where law enforcement, detainment, and incarceration constitute the go-to solutions for addressing human trafficking.

To the extent that human trafficking campaigns primarily focus on prosecuting the exploitation of (heterosexual) female sexual labour by (heterosexual) males, they risk fortifying the kinds of heteronormative and heteropaternalist politics discussed above, and marginalizing individuals whose circumstances and/or identity do not fit within this framework (Hebert, 2016; Schwarz et al., 2017). Thus, while settler-led "anti-sex trafficking" policies aim to eradicate the violence and exploitation depicted as inherent in the sex trade, sexual violence taking place in other human trafficking contexts such as forced labour, domestic service, or state-sanctioned foster care are de-prioritized as matters of social policy and public concern. Those who do fit within a pre-established "victim" framework are described as often unaware that they are being trafficked and therefore dependent upon the intervening power of the state or of (white, settler) humanitarian

organizations to rescue them (e.g. HTNCC, 2013).

In practical terms, law enforcement strategies that prosecute the _buying_ rather than the _selling_ of sexual services produce a pressure on buyers to remain anonymous and for exchanges to be driven "underground" and completed in cash. This can ultimately make screening clients and finding options for "safer indoor spaces to work" more difficult for people who do sex work, which leaves them more vulnerable to robberies and other forms of violence (CASWLR, 2019, p. 9). Lesbian, gay, bisexual, transgender, and two-spirit individuals who do sex worker (especially those that are Indigenous, Black, disabled, or migrants) are also placed in a position of particular vulnerability—both to clients, who recognize and may exploit the social marginalization of LGBTQ2S individuals, and to police themselves, whose history of violence toward rainbow and racialized communities remains a point of mistrust and potential danger.[11]

2. **Prevention, intervention, and awareness campaigns have frequently endorsed stigmatizing assumptions that subject economically, sexually, occupationally, and racially marginalized persons to increased harassment and surveillance.**

Several of the common "indicators" described in government and "public awareness" literature are frequently scripted along racial and class lines. For instance, citizens are encouraged to recognize such purported "signs" of human trafficking as:

- "Speaking neither English nor French"

- "Originating from foreign countries or

from another city or province"

- "Appearing hungry, gaunt, or malnourished"

- "Displaying a limited amount of clothing, of which a large proportion is sexual"

- Possessing "excess cash outside their financial means" or "expensive items but no basic necessities"

A trafficking "prevention" strategy based on the subjective reporting of untrained citizens is highly susceptible to implicit biases and discrimination toward people who may be poor, working class, LGBTQ2S, gender non-conforming, disabled, and/or non-white. It also tacitly endorses the profiling of these "others" in both private and commercial spaces. Racial stereotyping and profiling thus become significant lenses through which possible "indicators" of trafficking are assessed, and thus how officials (or citizen observers) interpret others' behaviours as either suspicious or law-abiding (Pickering & Ham, 2014). It is marginalized women who are most vulnerable to the potential (albeit foreseeable) negative outcomes of these policing strategies.

3. The economic and legal ramifications of state-based "protection" and "rescue" tactics can increase the already precarious circumstances of poor and migrant women.

At the intersection of race, migration, sexism, and sex work, women involved in sex work are often "under extra scrutiny" by law enforcement and border officials and face significant dangers of being "apprehended, harassed, detained, deported, and recycled back

into underground, criminalized activities" (Kempadoo, 2008). The use of these intrusive policing strategies bring to light additional issues of privacy, security, and safety of poor and migrant women who are involved in sex work—especially women from the Global South. Sex workers' rights groups have pointed out that migrant sex workers are less likely to report crimes if doing so carries the risk of raids or deportation (CASWLR, 2019). Moreover, in situations where exploitation is taking place, threats of exposure and subsequent deportation are frequently used as coercion tactics by "traffickers" against those they exploit (People's Law School, 2014).

Fears of outing, detention, eviction, or deportation at the hands of law enforcement are justified by numerous cases of police overreach in Canada (see Lam, 2018). For example, in the Spring of 2015, police investigations of human trafficking led to raids on twenty "massage parlours" in Ottawa. Although the raids garnered zero arrests for human trafficking, they did result in the detainment and deportation of eleven women on "immigration-related matters" (CBC, May 8, 2015).

The Ottawa raids illustrate how conventional "prevention," "protection," and "prevention" strategies within the criminal justice system may not have the desired efficacy. This is particularly the cases where individuals are seeking an escape from extreme poverty or marginalization. As Rhacel Parreñes, Maria Cecilia Hwang, and Heather Ruth Lee (2012) have pointed out, "the fact of the matter is that those informed of the risk of trafficking will still take the chance of migration because of the economic and social marginalization they confront at home" (p. 1026). In light of the current policies, advocates like Jean McDonald argue that "people swept up in human trafficking investigations should

be offered permanent residency and immediate immunity from deportation" (CBC May 11, 2015).

4. Human trafficking is frequently depicted in public awareness materials and news media as a form of "modern day slavery" (along with associated imagery of chains, shackles, and bonds), but this may distort rather than clarify the way that race, power, violence, and oppression operate in the actually-existing phenomenon of human trafficking.

This problem is not merely one of "appropriate" or "accurate" *terminology* but more deeply of how prevailing notions of "new slavery" can affect our perceptions of *who* the "victims" of human trafficking are and *how* they are victimized (Doezema, 2010; Gallagher, 2017; Nichols et al., 2018; Parreñas, et al., 2012; Weitzer, 2007). For instance, social service providers working with people who do sex report that allusions to slavery have the potential of mischaracterizing "typical cases of trafficking, exploitation, and commercial sex involvement more broadly," preventing service providers (as well as experiencers of trafficking themselves) from recognizing when a situation of human trafficking is currently taking place (Nichols et al., 2018, p. 81). Human trafficking cases occurring in our communities do not tend to reflect popular notions of "slavery" that would be identifiable to the public or service agencies. Moreover, many experiencers do not self-identify as "enslaved."

Feminist and anti-racist scholars and activists have argued that the

characterization of human trafficking as "modern-day slavery" risks obscuring and trivializing precisely those social processes that perpetuate colonial and neo-colonial oppression (Gonzalez, 2017; Kaye, 2017; Kempadoo, 2008, 2015).[12] Like the "white slavery" campaigns of the early 1900s, the discourse of "modern day slavery" draws its appeal from simplistic moral binaries (e.g. the heroic abolitionist crusader versus the depraved sex trafficker, the benevolent humanitarian NGO versus the greedy overseas corporation). Also like these erstwhile campaigns, "modern day slavery" diverts attention away from a white settler political economy that produces economic precarity and normalizes forms of sexual violence for human trafficking to occur in the first place (Kempadoo, 2015). Ironically, the symbolic (and often graphic) depictions of experiencers as "modern-day slaves" in trafficking awareness campaigns obscures the most instructive historical parallel between human trafficking and chattel slavery: that in each of these phenomena, the violent exploitation of racialized bodies facilitates the expansion of capitalism and colonialism on Indigenous lands (Bourgeois, 2015).

5. Supporting experiencers of human trafficking, especially those who are racially and sexually marginalized, must extend beyond "saving" victims from exploitation.

Work by Kamala Kempadoo (2015), Siobhán McGrath and Samantha Watson (2018), and Ran Hu (2019) demonstrate how "ideal victim" narratives construct racialized and migrant women as especially lacking agency—passive subjects to the "risky," impoverished, and abusive conditions in their home country or community. For instance,

[12] By "neo-colonial" we refer to the modern-day integration of colonial exploitation with free-market capitalism and globalization. Because this form of imperial power is exercised diffusely—as a hegemonic system rather than as property of any central political entity—it is both more thorough and more difficult to resist than past forms of colonial oppression (Nkruhmah, 1965; Sartre, 2001).

Hu's (2019) study of ten New York-based anti-trafficking social service providers' online literature reveals some of the ways that support workers can unintentionally devalue the agency of their clients:

> In the present study, despite the extensive use of the strength-based term, survivor, the narratives were found to (re)produce the stereotypical ideal trafficking victim. For instance, the discursive emphasis across the narratives was often placed on survivors' experience of emotional suffering, physical violence, and a mental state of being extremely "disoriented" both in the home country and during trafficking. These discursive elements functioned as a system in constructing a victimized individual who was locked in multiple circles of violence and exploitation before being "saved" by a social service organization… Meanwhile, the place where survivors' agency was made discursively present was when they expressed gratitude to the [social service provider] or staff members (p. 433).

Here, a heteropaternalist ideology is seen to pervade even those organizations whose very mandate is to provide empowering services to individuals who have experienced, or may still be experiencing, violent and traumatic situations. Social service providers are not faultless in the perpetuation of power imbalances between institutions and experiencers, and in the dominant construction of the passive human trafficking "victim" (Hu, 2019). Rather, it is important to recognize the power that social service providers possess as "gatekeepers" of how the voices of experiencers are framed, and whether those voices are supported or distorted.

To the extent that social service providers do not "make space for diverse experiences, intersecting identities, complex feelings and emotions, and various ways of communication in survivors' storytelling," their work may be well-intended but also oppressive (Hu, 2019, p. 434). This is because it preserves the central conceit that the imposition of white settler society—its institutions, its traditions, and its ways of knowing—shall transform the lands, experiences, communities, and identities inhabited by the inferior, unfree "other" *for the better* (Bourgeois, 2015; Sikka 2020; Snajdr, 2013). Consequently, "the 'Wretched of the Earth' are spoken for and represented but rarely are they positioned as authorities on human trafficking and slavery or as voices in their own right" (Kempadoo, 2015, p. 18).

In summary, the "politics of rescue" can operate by foregrounding the racial and/or migrant background of trafficking experiencers, while leaving concealed and intact "the greater system that lies at the bottom of things" (Kempadoo, 2015, p. 16).

It recognizes race, but not *racism*; it recognizes "Indigeneity," but not indigeneity *to the land*; and it recognizes gendered violence, but not the fact that this violence is constructed differently in its intersections with white supremacy, settler-colonialism, and social class in Canada.

CONCLUSION

Through a combination of governmental, grassroots, academic, and advocacy projects, human trafficking has gained significant public attention within Ontario and across Canada. Likewise, the racial, colonial, sexual, and gendered dimensions of social inequality have also attracted public concern. However, with the exception of some advocacy, activism, and scholarship the discourse about human trafficking is all too often disconnected from a critique of racial and colonial oppression. Public policies prioritize law enforcement, support for victims, and individual vigilance, but leave matters of structural change, community and personal healing, and social justice under-explored. An effective fight against human trafficking must also work to ameliorate the underlying structural oppressions and historical legacies that have produced it.

As the Federal Government sets its sights on adding "empowerment" to its list of "pillars" in its *National Strategy to Combat Human Trafficking* (Government of Canada, 2019), it is worth reflecting upon some of the ways that past (and current) human trafficking campaigns could more productively and inclusively fulfil Canada's commitment to supporting the individuals and communities harmed by the kinds of exploitation currently criminalized as "human trafficking." An analysis of how this exploitation is shaped by intersections of Canadian racial, colonial, and sexual oppression reveals numerous harms and contexts to be addressed, and therefore constitutes an essential task in meeting that commitment.

In this Brief, we have argued that such a commitment must encompass the *intersecting* structures of sexist, racist, and colonial violence that shape human trafficking in Canada. Indigenous and Black women and girls, and women and girls of colour, appear to be particularly

targeted as experiencers of human trafficking but are often stigmatized or left invisible to the public discourse on this issue. An historical understanding of the roots of this marginalization can help to clarify where policies, campaigns, institutions, and "allies" can provide more effective support, and where they *must improve*—particularly when it comes to the (re)production of structural violence. This structural violence also includes the silencing and invisibilization of racialized and Indigenous voices and bodies concomitant with an ongoing legacy of colonial and racial exploitation.

There is also a need for responses that are trauma- and violence-informed, community based (Canadian Council for Refugees [CCR], 2018a, 2018b, p. 7), safe, "action driven," and centred around the person who has experienced trafficking (Ontario Coalition to End Human Trafficking [OCEHT], 2016, p. 5). Given the complex intersections of violence that shape the experience of trafficking, effective responses cannot be developed according to a "one-size-fits-all" model, much less a top-down state-led use of force. Noting on the intersection of trafficking and LGBTQ2S marginalization, Avi Boukli and Flora Renz (2019) explain that:

> Rather than utilizing potentially harmful and inherently exclusionary criminalization measures, stigmatizing public health inquiries, and war projects, we argue for an approach in which the key orienting concepts are not 'blame', 'exceptionality' and LGBT trafficking victims, but the harmful workings of systemic discrimination and inequality that operate, pre-exist and past-exist trafficking. (p. 85)

A similar argument is being made for the treatment of woman at any of the intersections discussed throughout this Brief. In contrast to the predominant

methodology of "rescue, interception, and prevention," led almost invariably by law enforcement officials (Parreñas, et al., 2012, p.1026; e.g., HTNCC 2010, 2013), advocates and academics have called for a more "holistic," strength-based approach to the problems of human trafficking (Rico, 2008, p. 14). In this vein, Ran Hu's (2019) research expresses a compelling "call-in" to social service providers:

> Ultimately, anti-trafficking [social service providers] and survivor leaders are in a unique position in the knowledge dissemination of human trafficking in that their professional and personal journeys as well as direct contact and close collaboration with trafficking survivors can potentially complement the knowledge production of trafficking with more elements of diversity, complexity, and therefore authenticity. An authentic representation of trafficking survivors and their lived experiences, however, cannot be accomplished without anti-trafficking leaders and peer advocates making tremendous efforts to make space for diverse experiences, intersecting identities, complex feelings and emotions, and various ways of communication in survivors' storytelling (p. 434).

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