



MA MAWI WI CHI ITATA CENTRE
We all work together to help one another.

Committee on the Elimination of Discrimination Against Women
October 3, 2016
65th Session
United Nations, Palais des Nations, Geneva, Switzerland

Via email to: cedaw@ohchr.org

RE: CEDAW Review of Report from Canada – 65th Session (24 October – 18 November 2016)

Dear Members of CEDAW,

Ma Mawi Wi Chi Itata (Ma Mawi), translated from Ojibway means, *we all work together to help one another*. I am writing to you on behalf of Ma Mawi, from Treaty One land, in the heart of the Métis Nation. Since 1984, Ma Mawi has worked to support and rebuild Aboriginal families in Winnipeg, Manitoba, Canada – a city that has one of the world’s largest populations of Indigenous peoples. We are among the largest, longest serving Aboriginal-led agencies in Canada - leaders in Indigenous community-based care through 11 sites, more than 200 staff and volunteers and over 50 programs, including programs geared to countering sexual exploitation of our women and youth by supporting exit and recovery from the oppression of prostitution and trafficking. We know if you change the life of a woman through genuine, sustainable equality-based choices, there are immediate benefits to her family and community.

We wish to advise that we endorse the analysis and recommendations made to you from IWASI, SPACE, Sex Trade 101 and the Canadian Centre to End Human Trafficking in Canada, and we also make some key recommendations later in this letter. But, first we would like to support you, the CEDAW experts, in increasing your understanding of our reality and thereby appreciating the context in which we work every day in Canada.

The legacy of Canadian “residential” schools and the consistent present day human rights violations of Aboriginal women in Canada result in our women bearing the disproportionate burden of poverty amidst a continuum of violence. Indigenous women and youth are targets for sexual exploitation and sex trafficking - linked to the tragically high rate of missing and murdered Indigenous women. To understand the many forms of violence and related human rights violations that are inordinately harmful to

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Aboriginal women and girls, one must understand the legacy of colonialism, racism and socio-economic privileges still reverberating in Canada today. Indigenous women and girls are substantially over-represented in prostitution and sex trafficking in Canada. Sex industry purveyors are able to target indigenous women and girls as a result of root causes that contribute to their vulnerabilities, but also because there is a market to buy and sell them for sex and abuse.

This is not new information. The findings in the 1999 Report of the Aboriginal Justice Inquiry of Manitoba still ring true today: young Aboriginal women are often treated as objects with little human value beyond sexual gratification. Ma Mawi is a pioneer in Indigenous led services to experiential women (cis and trans) and children. Yes – children. We have seen the age of Indigenous youth drawn into the sex industry get younger and younger, due to buyer demand that will only be amplified by legalization of prostitution.

We are deeply disappointed that some of our civil society colleagues from whom you have also heard choose to ignore this intractable dimension of the sex industry in their call for legalization of prostitution in Canada.

Prostitution and sex trafficking of Indigenous women and girls are inextricably linked – each feeds the other – nourished by women’s inequality and violence against women. In Canada, many are inured to attitudes of entitlement that allow the buying and selling of women and girls along a continuum of violence – and the fact that the majority of youth trafficked are of Aboriginal origin. We see the damage done by privileged ‘john’ businessmen – including those who leave their office towers for a “lunch” that consists of commodifying the bodies and lives of our women and children. **RECOMMENDATION:** Forcible confinement, slavery, rape and the continuing child abuse inherent in the sex industry need to be clearly recognized as the result of entitled behaviour that regards children, girls and women as commodities. (<http://www.mamawi.com/sex-trafficking/>)

Without demand, there is no crime.

RECOMMENDATION: Current laws need to be further strengthened to uphold Canada’s constitutional promise of equality rights protection and equal benefit (Ss. 15, 28 and 35(1) of the *Constitution Act, 1982*) as well as promises Canada made through ratification of CEDAW (Article 6; CEDAW Gen Rec 19 at paras 12, 14). We urge the Committee not to deviate from this framing of prostitution and trafficking in national and international human rights law, notwithstanding some of the recommendations you will receive framed as sex workers’ rights. We are a service agency working directly with Indigenous women and families impacted severely by the sex industry, who will be more devastated for generations if the sex industry

advocates in Canada prevail. Please ask yourselves why so few Indigenous women are among the advocates who favour legalization of prostitution and please ask their spokespeople who present to you about emerging research on damage to prostituted women and girls in countries like The Netherlands and Germany. Currently in Canada we are starting to see – on the “frontlines” – how decriminalization of women and girls who are being sexually exploited through prostitution and trafficking, complemented by criminalization of the buyers of sex, is starting to make a positive difference. We claim our constitutional rights to equal benefit and protection in Canada. We are entitled to culturally appropriate and sustainable supports to exit prostitution. Governments in Canada are currently failing to fund on an adequate scale many of the community-based supports proven to be essential in assisting women and girls to exit and rebuild their lives, enabling them to make invaluable contributions to families, communities and the viability of our whole country.

RECOMMENDATION: We urge CEDAW to conclude that the federal law should not be amended to decriminalize the buyers of sex and to regulate prostitution and trafficking as an acceptable form of employment. Recommending decriminalization to Canada would abandon Indigenous women and children trapped in extreme forms of discrimination actualized through sexual exploitation by reframing this violence as a legitimate form of work and perpetuate the fiction that genuine choices can be made to engage in such “work”. Nothing could be further from the truth that we see in our communities every day. Genuine equality based choices require genuine options, and in this, Canada is currently failing Indigenous women and girls.

Trafficking is an under-reported crime and Canada lacks a comprehensive system of data collection. **RECOMMENDATION:** New, innovative programs need to be developed in consultation with the agencies directly serving Survivors of the sex industry. For example, law enforcement agencies need to develop cooperative, coordinated efforts to document the prevalence and scale of licensed and unlicensed establishments where trafficking is enabled: strip clubs, illegal massage and body rub parlours. Predators must be stopped from entering our children’s bedrooms through computers and other electronic devices. More resources are needed to educate youth, parents and guardians on the horrible associated risks and realities.

We urge you to listen when Indigenous women who are survivors and leaders speak out on the realities of the sex industry in Canada. Their voices are often silenced by a well-financed sex industry under the rubric of worker's rights.

We very much appreciate that the CEDAW Committee recognized Canada's *Protection of Communities and Exploited Persons Act* as a law that "reflects a fundamental paradigm shift toward the treatment of prostitution as a form of sexual exploitation and violence that disproportionately and negatively impacts on women and children, especially aboriginal women and girls" (at para 9 of 2016 CEDAW List of Issues). We note that the Government of Canada has acknowledged the Committee's finding (please see <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>).

We have every expectation that Canada's Prime Minister Justin Trudeau, who is also the Minister of Intergovernmental Affairs and the Minister of Youth, with Minister of Justice and Attorney General Jody Wilson-Raybould, the Hon. Dr. Carolyn Bennett, Minister of Indigenous and Northern Affairs, and the Hon. Patty Hajdu, Minister of Status of Women, will continue to be guided by – and to ensure that their colleagues in the Canadian government are guided by – national and international laws on prostitution predicated on gender equality and women's human rights, which must be implemented so that Aboriginal women and girls in Canada can actually live their rights, free from the violence of sexual exploitation.

RECOMMENDATION: We need a balance of prevention programs, meaningful interventions for offenders, criminalization for perpetrators and public education to ignite a culture shift that no longer normalizes the buying and selling of Indigenous women and girls.

RECOMMENDATION: We also respectfully suggest that the CEDAW Committee – and the government of Canada - take a closer look at the sources of funding in Canada, and in countries that have legalized prostitution, behind presentations from some civil society organizations in Canada that promote decriminalization of purveyors and buyers in sex industry businesses. Supporting expansion and legalization of the sex industry is support for a never-ending open season of exploitation opportunities to profit from the bodies of women and children – the majority being of Aboriginal origin, in many parts of Canada.

I was invited by Her Excellency Ms. Rosemary McCarney to speak at the 32nd Session of the UN Human Rights Council earlier this year, in support of Canada's "Preventing and Responding to Violence of Indigenous Women" resolution. This was an important opportunity to identify the human rights violation and extreme form of violence against Indigenous women evident in all forms of sexual exploitation in prostitution and sex industry businesses.

RECOMMENDATION: On behalf of the Ma Mawi Wi Chi Itata Centre, I wish to make this final recommendation, drawn from my remarks to the Human Rights Council.

There is hope, the Centre to End Human Trafficking in Canada was launched in 2016 to work with Canadian stakeholders to collaborate, coordinate efforts to change laws, develop services and build the capacity of the sector through roundtables, research and voices of Survivors. I firmly agree with the Centre: all forms of sexual exploitation will stop when we achieve equality and one essential step to achieving this is to expose and criminalize those who purchase sex and decriminalize those who sell and offer services. I am honoured to be part of the Canadian community committed to these goals for the safety, protection and leadership of Canadian women and girls.

Respectfully submitted,



Diane Redsky
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cc iwraw-ap@iwraw-ap.org