



## Moving From Colonial Violence to the Rights of Sex Workers

According to the Legal Status of Women in Alberta, amendments to the Criminal Code in 1908 and in 1921, found those guilty of an indictable offense anyone who “being the keeper of the house, tent or wigwam, allows or suffers any unenfranchised Indian woman to remain in such house...with the intention of prostituting herself therein.” This over-inflated rhetoric is reflected in recent legislative changes. Bill C-36, commonly referred to by its title: *Protection of Communities and Exploited Persons Act* reinforces the very colonial policies enacted decades before.

Written into the legislation is the erroneous view that the morality, human rights and the dignity of the entire community—the whole Canadian social fabric-- is endangered by prostitution and by the purchase of sexual services. Alternately, sex workers are constructed as inherently immoral, exploited and as deserving of such scrutiny.

- Some of the statements written into Bill C-36:
  - “it is important to protect human dignity and equality of Canadians by discouraging prostitution...”
  - “Whereas it is important to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution”
  - “Whereas the Parliament of Canada is committed to protecting communities from the harms associated with prostitution.”
- The focus on prostitution and human trafficking in Indigenous communities actually obscures the real sites of violence and state-sanctioned trafficking in the lives of Indigenous women, girls and two-spirited people. The legacy of colonial violence includes the growing number of Indigenous children in state care due to the lack of access to safe and adequate housing on reserve, as well as the extreme poverty that exists in Indigenous communities.

“The indigenous community who had to pay for wood on their own land in order to eat that was my community. Those were my family members.”

-Naomi Sayers, panelist

“Must Steal Wood to Eat--Indians” is the actual title of a newspaper article written in the *Toronto Star* in 1955 which describes the land claims of a South Bay band on Manitoulin Island. The entire band had “been reduced to a state of extreme poverty”” according to the article,

because the department of Indian Affairs had refused to deal with the band's treaty claims. As a result, the entire band had been forced to pay for the wood on their land in order to eat and stay warm. "They put us in the position to steal the wood to cook our food to keep us warm."

State-sanctioned human trafficking of Indigenous women and girls is present in on-going colonial policies including the growing number of indigenous children in state care due to the lack of access to safe and adequate housing as well as the extreme poverty that exists in Indigenous communities.

Current political rhetoric not only ignores the impact of colonial policies such as the intergenerational legacy of the residential school system, but also conflates trafficking with prostitution. A recent example is the recommendations made by the *Truth and Reconciliation Commission (TRC)* which holds colonial policy—residential schools and poverty in Indigenous communities--as somehow distinct from the issue of missing and murdered Aboriginal women. Rather, prostitution is viewed as the sole problem that causes human trafficking to take place.

The report of the TRC fails to put prostitution in historical context—that is, the Sixties scoop, the legacy of residential schools, violence against Indigenous women and the impact of colonial policies including the criminalization of prostitution—were the real projects of the colonial state. The Sixties Scoop and residential schools are actual sites of human trafficking that were sanctioned by the state with the sole purpose of "getting rid of the Indian problem."

Bill C-36 contributes to the ongoing criminalization of prostitution and the increased political rhetoric surrounding human trafficking. While human trafficking designates women who are forced to sell sex, Indigenous women who choose to engage in sex work—because they want a better life or a better-paying labour option--are often viewed as exploited and trafficked.

The over-broad definitions of "trafficking" void of a critical or anti-colonial analysis "creates victims where there are none." The result of these kinds of policies is that they actually further the ongoing colonial project in the name of saving and protecting Indigenous women. Where prostitution is viewed as human trafficking, this often leads to criminalization of not only Indigenous sex workers, but their families and communities.

Indigenous women and girls may also be forcibly removed from their homes and communities because sex workers are viewed as trafficked victims. Family members may be criminalized in a number of scenarios—for instance, merely driving a sex worker to a place of employment may be viewed as a form of human trafficking under current legislation. This sends a clear message, if you choose sex work, you will be punished and the structural conditions that cause violence against Indigenous women and girls remains unresolved.-