



CAP International submission for the report of the United Nations Special Rapporteur on Violence Against Women on Violence Against Indigenous Women and Girls

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CAP International is a coalition of 35 frontline NGOs from 27 countries that provide direct support and assistance to women and girls victims of sexual exploitation. **Indigenous Women and girls and women and girls belonging to the most discriminated and vulnerable communities are overrepresented among the more than 16 000 women and girls that CAP International members support.** Many of our member organisations have been founded by or work with communities leaders and survivors of prostitution and trafficking for the purpose of sexual exploitation.

In drafting this submission, CAP International considered the **1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others**, the 1979 *CEDAW Convention* and the 2007 *UN Declaration on the Rights of Indigenous Peoples*.

Trafficking for the purpose of sexual exploitation and prostitution, a manifestation of gender-based violence disproportionately targeting Indigenous women & girls (IWAG)

Data show **Indigenous Women and Girls are between 2 and 22 times overrepresented in prostitution** compared to their proportion in the general population:

- In Western **Canadian** cities, 50-90% of women in prostitution are from Indigenous communities, while they represent 4% of women in Canada¹. Children from First Nations represent 90% of victims of sexual exploitation while counting for 10% of the population².
- In the **USA** – In Minneapolis City (Minnesota), Native American represent 24% of women on probation for prostitution while representing 2% of the population. The ratio is 33% to 8% in Anchorage (Alaska), 50% to 8% in South Dakota³. In Hawaii, 64% of victims of prostitution identify themselves as wholly or partially Native Hawaiian, while less than 34% of the total population is Native or mixed race⁴.
- In **India**, in Nat Purwa (Uttar Pradesh) populated mainly by the Nats tribe, 70%⁵ of women are in prostitution from childhood. In Sagar Gram (Madhya Pradesh), 100,000 women and girls from the Bacchara caste are victims of intergenerational prostitution⁶. In the urban brothels of India, most women and girls in prostitution are from the Dalit caste or tribal or minority communities⁷. The practice of Devadasi, a ritualistic tradition in which women and girls are

¹ Louie D., *Sexual Exploitation Prevention Education for Indigenous Girls*, *Canadian Journal of Education*, 2018

² Kingsley C. & Mark M., *Sacred lives: Canadian Aboriginal children and youth speak out about sexual exploitation*, Vancouver: Human Resources Development, 2001: <https://publications.gc.ca/collections/Collection/RH34-12-2000E.pdf>

³ Farley, M., Matthews, N., Deer, S., Lopez, G., Stark, C. Hudon, E., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, 2011: <https://www.niwrc.org/sites/default/files/documents/Resources/Garden-of-Truth.pdf>

⁴ Roe-Sepowitz D. and Jabola-Carolus K., *Sex Trafficking in Hawai'i: Part III*, 2020

⁵ Kumar R., "A tainted tradition", *The Hindu*, 2013: <https://www.thehindu.com/features/magazine/a-tainted-tradition/article4533189.ece>

⁶ Safi M., *The Indian village where child sexual exploitation is the norm*, *The Guardian*, 2019: <https://www.theguardian.com/global-development/2019/jan/14/indian-village-where-child-sexual-exploitation-is-the-norm-sagar-gram-jan-sahas>

⁷ Interview with Meena Varma, *International Dalit Solidarity Network Director* (2020). See their submission to UN SR on contemporary forms of slavery: Input to thematic report on forced marriage, 2012:

<https://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/fedonavsariantrustids.pdf>

dedicated to a life of sexual servitude to priests and temple followers, affects Dalit women and girls (93%) and Adivasi women and girls (7%)⁸.

Prostitution perpetuates and fuels racist and sexist stereotypes about Indigenous women and girls

Colonialism, imperialism, and extractivism are deeply **based on a process of dehumanization** of the other presented as "savage" and "primitive" for not exploiting the resources of their land⁹. The **dissemination of sexist, racist, and exoticizing representations** of Indigenous Women and Girls - that persists today – enables to justify their exploitation and the establishment of the prostitution system. **Indigenous women and girls are thus the victims of a "sexualized racism"** that justifies in the collective imagination their overrepresentation in prostitution. According to Suzanne Jay, co-founder of Asian women for Equality in Canada *"Prostitution makes racism sexy. Prostitution formalizes women's subordination by gender, race, and class. Poverty, racism, and sexism are inextricably connected to prostitution. Women are purchased because they are vulnerable because of lack of educational options, and because of previous physical and emotional harm. They are purchased based on toxic ethnic and racial stereotypes"*. Consequently:

- Black girls are "adultified" and sexualized: Black girls and teenagers between the ages of 5 and 14 are considered "less innocent" than their white peers¹⁰, echoing the racist imaginary of Black women's femininity in the South during slavery, seen then as aggressive and hypersexualized. Sex buyers' responses suggest that women in prostitution in the US are disproportionately young women and black¹¹.
- Asian women are perceived as small and wanting to be dominated embodying a certain "lost femininity" in the West^{12,13}. As a sex buyer indicates on the website *DateMe*¹⁴: *"First of all, I must admit that I have a fetish for little Asian girls... From the moment we met, she treated me like a king, fulfilling my deep, dark desires, while focusing on my every need... "*

The overrepresentation of Indigenous women and girls is a consequence of the numerous violations of their fundamental rights and specific contexts that exacerbate their vulnerabilities to prostitution

The over-exposition of Indigenous Women and Girls to prostitution results from combined patriarchy and colonization, which led to the destruction of their alternatives. Today, mining or agroforestry affects the territories. **Exacerbated factors of vulnerability** to prostitution of women and girls include:

- **The exploitation of economic distress** - In Darwin (**Australia**), Indigenous women, nicknamed "Long-Grassers", are "paid" by sex buyers in cigarettes, beer, children's clothes, or food directly¹⁵. In **Kenya**, the dispossession of ancestral lands from the Ogiek hunter-gatherer community by extractive industries has resulted in the loss of livelihoods, exacerbated poverty rates, limited access to education, and increased prostitution of women and girls¹⁶.

⁸ Anti-Slavery International, *Women In Ritual Slavery: Devadasi, Jogini And Mathamma In Karnataka And Andhra Pradesh, Southern India, 2007*: https://idsn.org/wpcontent/uploads/user_folder/pdf/New_files/India/WomeninRitualSlavery.pdf

⁹ Pineda E., Moncada. A., *Violencias y resistencias de las mujeres racializadas en los contextos extractivistas mineros de América Latina*, Observatorio Latinoamericano y Caribeño, 2018

¹⁰ Epstein R., Blake J. J., Gonzalez T., *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, Center on Poverty and Inequality Georgetown Law, 2018: <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>

¹¹ Demand Abolition, *Who Buys Sex? Understanding and Disrupting Illicit Market Demand*, 2018

¹² Staszak, J., *L'imaginaire géographique du tourisme sexuel*, *L'Information géographique*, vol. 76, 2012

¹³ Mohd Ramli A., "Contemporary criticism on the representation of female travellers of the Ottoman harem in the 19th century: A review," *Intellectual Discourse* 19 (2011): 265

¹⁴ Dr O'Connor M., Breslin R., *Shifting the Burden of Criminality, an analysis of the Irish sex trade in the context of prostitution law reform*, SERP The Sexual Exploitation Research Programme UCD 2020: https://www.drugsandalcohol.ie/33385/1/Shifting_the_Burden_Report.pdf

¹⁵ Toohey P., "Long-grassers: Indigenous women trade sex for food and cigarettes", *News*, 2013: <https://www.news.com.au/national/paul-toohey-darwin/news-story/9d05c8824501106d8e4423128d243afd>

¹⁶ *The Ogiek and National Development Processes*, Ogiek: <https://www.ogiek.org/indepth/ind-kenyas-castaways.htm>

- **Homelessness** - In the **United States**, 90% of Native American women victims of prostitution or trafficking have been homeless at some point¹⁷. Over two-thirds of Native Hawaiian women and girls in prostitution have been homeless at some point in their lives¹⁸. In **Botswana**, the deportation of the San Indigenous community to IDP camps, as a result of diamond mining and tourism projects in 2002, led to exacerbated alcoholism and prostitution of women¹⁹.
- **Previous exposure to sexual violence** - In Minnesota (**United States**), 79%²⁰ of Native women in prostitution report having been sexually abused as children by four abusers on average. In Vancouver (**Canada**), nearly 82% of Indigenous women in prostitution interviewed revealed that they had been sexually abused as children²¹. In **New Zealand**, 19 out of the 20 women in prostitution supported by the organization Wahine Toa Rising²² were victims of sexual abuse as children.
- **Addiction to alcohol and drugs** - In **Vancouver (Canada)**, 82% of the 100 First Nations women in prostitution interviewed expressed a need for treatment for alcohol or drug dependency²³.

The Abolitionist Model as best practice to prevent Indigenous women and girls' exposure to violence as well as to assist and protect the victims

Our field experience has taught us that the Abolitionist Model is pivotal in decreasing and suppressing the prostitution and trafficking for sexual exploitation and protecting the victims, being the only model that recognizes sexual exploitation as a form of violence against women and an obstacle to gender equality. Sweden, Norway, Iceland, Canada, France, Northern Ireland, Ireland, and Israel have all adopted and implemented abolitionist policies.

- **In criminalising all forms of pimping, procuring, trafficking, and the purchase of sex, the Abolitionist Model leads to a decrease in trafficking.** In Sweden, among the top five countries with the highest gender equality index²⁴, the abolitionist legislation adopted in 1999 led to a significant decrease in trafficking. According to police phone tapings, trafficking rings have moved out of the country leaving **Sweden to become a “dead market”**²⁵. In **France**, the 2016 Law was followed with a **54% increase in proceedings against pimps and traffickers**. By discouraging the demand, as stated in Article 6 of the Palermo Protocol, Sweden and France are addressing the root cause of sexual exploitation and **reducing the number of perpetrators and consequently the number of victims**.
- **In decriminalising victims of prostitution and trafficking, the Abolitionist Model guarantees them better protection and access to justice**, including better conditions to testify and obtain protection:

¹⁷ Farley M., Deer S., Golding J., Matthews N., Lopez G., Stark C., Hudon E., *The prostitution and trafficking of American Indian/Alaska Native women in Minnesota, American Indian and Alaska native mental health research*, 2016

¹⁸ Roe-Sepowitz D. and Jabola-Carolus K., *Sex Trafficking in Hawai'i: Part III*, 2020

¹⁹ Survival International, "Archbishop Tutu condemns Bushman evictions", *Survival International*, 2006: <https://www.survivalinternational.org/news/2016>

²⁰ Farley, M., Matthews, N., Deer, S., Lopez, G., Stark, C. Hudon, E., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, 2011: <https://www.niwrc.org/sites/default/files/documents/Resources/Garden-of-Truth.pdf>

²¹ Femmes Autochtones du Québec, *Les filles autochtones et l'exploitation sexuelle*, 2020 <https://www.faq-qnw.org/wp-content/uploads/2020/04/Me%CC%81moire-de-Femmes-Autochtones-du-Que%CC%81bec-sur-l'exploitation-sexuelle-des-mineurs.pdf>

²² Interview with Ally Marie Diamond, prostitution survivor, founder of Wahine Toa Rising (New Zealand)

²³ Farley M. & Lynne J. & Cotton A., *Prostitution in Vancouver: Violence and the Colonization of First Nations Women*, *Transcultural psychiatry*, 2005

²⁴ WEF, *These 10 countries are closest to achieving gender equality*, 2019: <https://www.weforum.org/agenda/2019/12/gender-gap-equality-women-parity-countries/>

²⁵ Swedish Government Report, *The Ban against the Purchase of Sexual Services. An evaluation 1999-2008*, 2010

- In **France**, since 2016, no victim of trafficking and prostitution has been criminalised compared to 2 000 annually before the law.²⁶ In 3 years, victims received seven more times financial reparations than when they were criminalised²⁷. In **Sweden**, the number of testimonies from trafficked and prostituted persons raised allowed by better cooperation with the police²⁸.
- **On the contrary**, in countries criminalising persons in prostitution, victims lack access to justice and protection. In the **UK**, there were more convictions against victims than against pimps and brothel keepers²⁹. In Lebanon, victims of trafficking and prostitution are more frequently arrested than the pimps who exploit them³⁰.
- It has to be underlined that **only the combination of decriminalization of victims and criminalization of pimps and sex buyers enable real protection of the victims**. In New Zealand, where the sex trade is legalised, migrant women and girls detaining a temporary visa found in the sex trade may face deportation to their country of origin³¹, weakening migrant women victims' rights.³²

²⁶ FACT-S, *La Situation de la Prostitution en France Analyse des associations de terrain sur l'impact de la loi du 13 avril 2016 et recommandations pour une phase II, 2021*

²⁷ IGAS, *Evaluation interministérielle de la loi du 13 Avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées, 2020*

²⁸ Socialstyrelsen, *Prostitution in Sweden, 2003*

²⁹ House of Commons, Home Affairs Committee, *Prostitution, Third Report of Session 2016- 2017, 2016:*

<https://publications.parliament.uk/pa/cm201617/cmselect/cmha/26/26.pdf>

³⁰ BBC News, *Lebanon: Pimps, prostitutes and refugees, March 2017*

https://www.youtube.com/watch?v=8ZqHUBkLv4E&feature=emb_title&ab_channel=BBCNews

³¹ See Article 19 of the Prostitution Reform Act (2003) and Stuff, *Immigration NZ stops more illegal sex workers from entering the country, 2020:* <https://www.stuff.co.nz/business/118864187/immigration-nz-stops-more-illegal-sex-workers-from-entering-the-country>

³² *Ibid*