

New language, old problem: Sex trafficking of American Indian women and children

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"In comparison to other racial and ethnic groups, Native women remain the most frequent victims of physical and sexual violence in the U.S. and in Canada. In the U.S., their rate for sexual assault and rape in 2000 was 7.7 per 1,000 women versus 1.1 for White women, 1.5 for African American women, 0.2 for Asian women, and 0.6 for Hispanic women. Over 30% of Native women have experienced an attempted or completed rape in their lifetimes, versus 17.9% of Whites, 18.8% of African Americans, and 6.8% of Asians (Tjaden & Thoennes, 2006)."

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

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The selling of North America's indigenous women and children for sexual purposes has been an ongoing practice since the colonial era. There is evidence that early British surveyors and settlers viewed Native women's sexual and reproductive freedom as proof of their "innate" impurity, and that many assumed the right to kidnap, rape, and prostitute Native women and girls without consequence (see Deer, 2010; Fischer, 2001; Smith, 2003; Waselkov & Braund, 1995). Today, major centers for sex trafficking include cities near rural, high-poverty First Nations reserves, American Indian reservations, and Alaskan Native communities.¹ The FBI recently noted, "There have been traffickers and pimps who specifically target Native girls because they feel that they're versatile and they can post them [online] as Hawaiian, as Native, as Asian, as you name it" (Hopkins, 2010).

The U.S. and Canada have only recently classified human trafficking as a form of slavery subject to major penalties. In 2000, the U.S. passed the Trafficking Victims Protection Act (TVPA), the first nation to criminalize human trafficking. One section of the TVPA focuses explicitly on sex trafficking, making it illegal to "recruit, entice, or obtain a person to engage in commercial sex acts, or to benefit from such activities" (see 18 U.S.C. § 1591 and 22 U.S.C. § 7101, 7102, and 7105). Also in 2000, Canada, the U.S., and 115 other nations signed the United Nations Convention of Member States' Palermo Trafficking Protocol, which criminalized sex and labor trafficking. Canada ratified the Protocol in 2002, and the U.S. did so in 2005 (United Nations Office on Drugs and Crime, 2008). As of August 2011, forty U.S. states had also passed sex trafficking legislation (Polaris Project, 2011). This legal reframing of the sale of human beings for sexual purposes has resulted in new research and new efforts to address it.

In our discussion, we summarize published materials on the commercial sexual exploitation of indigenous women and children in the U.S. and Canada and the legal issues related to their protection. We begin with a brief discussion of the

unique vulnerability of Native women and children. This is followed by a summary of research with Native women and girls in the sex trade. Next, we discuss gaps in legal protections and victims support services. Drawing on these, we conclude with implications for professionals.

The unique vulnerability of Native women and children

To understand the vulnerability of today's Native women and children to sex traffickers in the U.S. and Canada, one must first understand their historical experiences. In the United States, military troops overseeing the nation's westward expansion targeted Native women for sexual assault, sexual mutilation, and slaughter (Brown, 1970). To secure access to Native lands, the U.S. and Canadian governments implemented relocation and assimilation policies and banned Native peoples' traditional religious practices, languages, and cultural activities (Palys, 1996; Takaki, 1993; Yellow Horse Brave Heart & LeBruyn, 1998). Native women's status and traditional roles were negated when the governments of both countries required Native children to be placed in residential boarding schools, and again when Native children in the U.S. and Canada were removed from their families without parental consent for adoption into White homes (Johnston, 1983; Kreisher, 2002). As late as the mid-1970s, thousands of Native women were involuntarily sterilized by U.S. and Canadian government health workers (Grekul, Krahn & Odynak, 2004; Lawrence, 2000).

In comparison to other racial and ethnic groups, Native women remain the most frequent victims of physical and sexual violence in the U.S. and in Canada. In the U.S., their rate for sexual assault and rape in 2000 was 7.7 per 1,000 women versus 1.1 for White women, 1.5 for African American women, 0.2 for Asian women, and 0.6 for Hispanic women. Over 30% of Native women have experienced an attempted or completed rape in their lifetimes, versus 17.9 % of Whites, 18.8% of African Americans, and 6.8% of Asians (Tjaden & Thoennes, 2006). Alaska's Native women represent approximately 15% of the state's female population ages 15-54, yet accounted

for 36% of the state's 2000-2004 domestic violence victims and 44% of its sexual assault victims (Institute of Social & Economic Research, 2004). In Anchorage alone, the 2000-2004 rate of sexual assaults for Native women was five times that of African American women and seven times the rate of White women (Rosay, 2010). In Minnesota, a 2010 statewide survey of high school students found that 17% of 12th grade American Indian girls reported sexual assault by a dating partner and 25% reported physical assault by a dating partner (MN Student Survey Interagency Team, 2010).

Native women in Canada face similar exposure to physical and sexual violence. In 2009, 13% of all Native women aged 15 and older living in Canadian provinces reported violent victimization and were almost three times more likely than non-Native women to report having been a victim of a violent crime, regardless of whether the perpetrator was a stranger, acquaintance, or spouse (Brennan, 2011). Some research suggests that perpetrators are disproportionately non-Natives. In Anchorage, Alaska, almost 58% of perpetrators in reported sexual assaults against Native women have been non-Natives (Amnesty International, 2007). Though the evidence is not conclusive, two studies based on national crime victim data have identified White males as common perpetrators of sexual violence against Native women in the U.S. (Bachman, Zaykowski, Kallmyer, Poteyeva, & Lanier, 2008; Greenfeld & Smith, 1999).

Researchers have termed the accumulated impact of these historical experiences "generational trauma," with increasing levels of trauma response and stress passed from parent to child over consecutive generations (Palacios & Portillo, 2009; Yellow Horse Brave Heart & DeBruyn, 1998). Generational trauma has been identified as a major contributor to Native communities' extremely high rates of poverty, violent victimization, depression, suicide, substance abuse, and child abuse (Evans-Campbell, 2008; Kingsley & Mark, 2000; Yellow Horse Brave Heart & DeBruyn, 1998). It has also been implicated in generational prostitution and child trafficking in Native families (Lynn, 1998; Pierce, 2009). Generational trauma

in combination with prior physical and/or sexual victimization can further intensify Native women's and youths' vulnerability to traffickers, especially traffickers that portray the sex trade as a quick path to empowerment and financial independence (Bortel, Ellingen, Ellison, Phillips, & Thomas, 2008; Kingsley & Mark, 2000; Pierce, 2009; Saewyc, MacKay, Anderson, & Drozda, 2008; Sethi, 2007).

Other factors increasing vulnerability to sex traffickers

Similar to research findings on sexually trafficked women and children in other countries, U.S. and Canadian studies have found that traffickers deliberately target homeless and/or poverty-impacted Native women and children who are desperate to meet their survival needs (Clawson, Dutch, Solomon, & Goldblatt Grace, 2009a; Pierce, 2009; Saewyc et al., 2008; Urban Native Youth Association, 2002). Forty percent of Canada's Native children and 31% of Native children in the U.S. live in poverty (Campaign 2000, 2006; Wright, Chau, & Aratani, 2010). At Covenant House, Alaska's largest shelter for runaway and homeless youth, 40% of the youth served in 2008 were Native (Martin & Meléndez, 2009). About 20% of rural Minnesota's homeless youth ages 12-17 were Native in 2009, though they represented only 1% of the regional youth population (Wilder Research, 2010).

Some research has found that traffickers focus on particularly vulnerable Native women and youth, including those with limited ability to recognize exploitation because of mental illness, substance abuse, and/or fetal alcohol spectrum disorder/FASD (Benoit & Millar, 2001; Boland & Durwyn, 1999; Farley & Lynne, 2000; Pierce, 2009). Canadian studies have also found that some pimps deliberately seek out Two-Spirit (transgender) youth who have run away from home to escape homophobic abuse and/or violence. Doubly marginalized by their race and their gender identity, these youth often encounter severe violence on the streets, and, as a result, are extremely vulnerable to a pimp's offer of protection (Kingsley & Mark, 2000; UNYA, 2002).

Existing research on Native women and youth in the sex trade

In the U.S., very little research has been published on the sex trafficking or commercial sexual exploitation of Native women and youth. What exists is specific to two states, Minnesota and Alaska. A number of publications have addressed the trafficking and prostitution of Native women and youth in Canada, but in both countries, most of these describe small local studies, are produced by organizations serving victims, or are press releases and interviews citing law enforcement personnel. To date, no U.S.-based research has been published in peer-reviewed journals.

Estimating prevalence

The small number of published materials, their geographically-limited nature, and the absence of rigorous population-based studies prevent a good estimate of how many Native women and youth experience sex trafficking. Even so, similar findings across these publications suggest that this group is over-represented among trafficking victims. In a 2006 statewide survey, 14 Minnesota human services providers, nurses, and law enforcement personnel reported working with a total of 345 Native victims of sex trafficking over the previous three years (Minnesota Office of Justice Programs, 2007). Fewer Native cases were reported in later years' surveys (MN-OJP, 2008; 2010), which may be due to service providers' increased awareness of TVPA criteria for classifying victims and non-victims. It may also be due to dissimilar respondent cohorts. However, an analysis of 2007 prostitution arrest data in the county encompassing Minneapolis found 24% of arrests to be of Native women, more than twelve times their representation in the county's population (Martin & Rud, 2007). Two reports to the Minnesota Legislature noted that Native women were being sexually trafficked in the state and were particularly vulnerable to traffickers (Bortel et al., 2008; MN-OJP, 2008).

In 2009, the Minnesota Indian Women's Resource Center (MIWRC) published *Shattered Hearts: The commercial sexual exploitation of American Indian women and girls in Minnesota*. The report was based on several data sources: a review of published literature from the U.S. and Canada; analysis of MIWRC's client intake data from three of its social services programs collected over a six-month period; roundtable discussions with 30 tribal and urban providers of crisis services to Native women and youth; and secondary analysis of statewide homelessness and student survey data. Close to half of the 95 women and girls (47%) entering MIWRC programs reported knowing someone in prostitution, most frequently a personal friend or family member; 28% knew someone who sold other people for sex (the language used in the questionnaire), usually described as a "boyfriend." More than one-third (39%) had traded sex for something of value, most frequently money, drugs/alcohol, or shelter. Of the women and girls who had traded sex, 42% did so before the age of 16. Almost half (47%) had been sold by another person when still a minor: 20% by a family member, 18% by a "boyfriend," and 11% by a person described as "a pimp" (Pierce, 2009). Women and girls in the sample did not report if they were sold on or off reservation. In another Minnesota study, a preliminary analysis of 105 interviews conducted by Prostitution Research & Education (PRE) and the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) with prostituted adult Native women showed that many reported being lured into prostitution at age 12-13 (Rickert, 2011). Two-thirds had been used in prostitution by up to 300 men, and one-third had been used by 400 to 1,000 men. Almost all (95%) reported wanting to escape prostitution (Matthews, Farley, Lopez, Deer, & Starke, 2010).

In a qualitative study encompassing 22 communities across Canada, researchers received reports in some areas that 90% of children in the sex trade were Native (Kingsley & Mark, 2000). Research with prostituted women and youth in various urban areas of Canada found from 14-63% to be Native though that group represented only 1-3% of the general

population (Assistant Deputy Minister's Committee on Prostitution and Sexual Exploitation of Youth, 2001; Benoit & Millar, 2001; Farley & Lynn, 2000). Other studies of prostituted adult women in Vancouver, BC found that 24-52% were Native (Cler-Cunningham & Christensen, 2001; Farley & Lynne, 2005; Farley, Lynne, & Cotton, 2005).

Major centers for victim "recruitment"

In 2007, the U.S. Attorney identified Minnesota's port city of Duluth as a major center for sex trafficking (Browning, 2007). In the *Shattered Hearts* roundtable discussions, advocates reported Native women and girls trafficked into prostitution in Minneapolis and Duluth. Tribal and urban advocates from Northern Minnesota reported Native girls being trafficked through "strip shows" at small rural bars during hunting and fishing seasons (Pierce, 2009). In 2010, the FBI and the Anchorage Police Department's sex crimes unit alerted Alaska tribes and villages that sex traffickers were targeting young girls from rural Alaska Native communities attending Alaska Federation of Natives conventions and other Native events in Anchorage (DeMarban, 2010). The APD noted that one-third of the women arrested for prostitution were Native (Hopkins, 2010), and its Vice Unit reported that pimps were luring girls from rural Alaska to Anchorage and subsequently forcing them into prostitution (DeMarban, 2010; McBride, 2011).

In Canada, Vancouver and other large cities throughout British Columbia have been identified as major centers for the sex trafficking of Native women and children (Cler-Cunningham & Christensen, 2001; Farley & Lynne, 2005; Farley, Lynne, & Cotton, 2005; Kingsley & Mark, 2000). Recently, the Winnipeg Police Department and the Assembly of Manitoba Chiefs described the trafficking of Native women and children into prostitution in Winnipeg as a critical problem (Assembly of Manitoba Chiefs, 2010; CBC News Canada, 2010).

Traffickers' methods of "recruitment"

Participants in MIWRC's *Shattered Hearts* roundtables reported recruitment by pimps, often gang-affiliated, as a common way through which adolescent Native girls were entering the sex trade in Minnesota. Some pimps were using "finesse" methods: first approaching girls at party houses on reservations or at pow-wows, then posing as generous boyfriends, girlfriends, or kindhearted older adults. Various strategies were used to lure Native girls to urban areas: offering road trips, shopping trips, free places to stay, and "modeling" or "dancing" jobs. Once isolated from all sources of support, victims were pressured or forced to begin prostituting. In urban areas, women or girls already under a pimp's control were being sent out to recruit young Native girls at parties, schools, youth programs, and relatives' homes (Pierce, 2009). Research in Canada also found pimps luring Native girls from reserves by promising work in "dance shows," then quickly routing them into prostitution (Sethi, 2007).

In both Canada and Minnesota, researchers also found pimps using "guerilla" methods to force Native women and youth into prostitution, maintain control over them, and prevent escape attempts. These methods included assaults by male and female gang members, gang rapes, and threats to harm or kill family members (Native Women's Association of Canada, 2007; Nimmo, 2001; Pierce, 2009). Though Native gangs have been implicated in the sex trafficking of Native women and youth in both countries, participants at the *Shattered Hearts* roundtables also reported African American and Latino pimps and gang members trafficking Native girls into prostitution in northern Minnesota and in the Minneapolis/St. Paul metropolitan area (Pierce, 2009).

Legal protections and victim supports

Because the central purpose of this paper is to summarize research on sex trafficking of Native women and girls, we include only a brief discussion of laws to highlight gaps and inadequacies.²

Gaps in legal protections

Protection and support of victims hinge upon legal definitions. In U.S. and Canadian federal law, sexually trafficked minors are automatically considered to be victims, but trafficked adults are required to prove that the trafficker used force, fraud, or coercion to become eligible for victim services. The U.S. law also requires the victim to assist with prosecution of the trafficker "in every reasonable way" (see 22 U.S.C. § 7102(8), 2000; 22 U.S.C. § 7105(b)(1)(a)). In the U.S., successful prosecution of traffickers under the TVPA is difficult because defense counsels frequently use pornographic photos, videos, and witness testimony to demonstrate a victim's "voluntary participation" (Leidholdt, 2007). Advocates have argued that the life of a trafficking victim frequently depends upon their compliance with their traffickers' demands, so requiring victims to prove their innocence is unreasonable (Neuwirth, 2008). Canadian law also requires trafficked adults to prove inducement, but recognizes a broader set of means that include threat, deception, abuse of power or of a position of vulnerability, and giving or receiving of payments or benefits to achieve the consent of a person having control over another person (see Barrett, 2011 p. 2). In addition to the federal law, forty U.S. states have passed state laws criminalizing sex trafficking. However, these vary in criteria for establishing victimization. For example, Arizona law (see AZ 13-1307) requires adult victims to prove the trafficker used force, fraud, or coercion (Polaris Project, 2011). In contrast, Minnesota does not require victims of any age to prove the means by which they were induced. Instead, the behavior of the trafficker is the basis of criminal charges (see MINN. STAT. § 609.321, subd. 7a, 2009).

Furthermore, state prostitution laws often conflict with the TVPA by criminalizing minors in prostitution. As of August 2011, seven states (CT, IL, MN, NY, TN, VT, and WA) had passed laws decriminalizing prostituted minors, but these vary as to which youth are eligible. Under New York's "Safe Harbour" legislation, sexually trafficked minors under age 16 may be adjudicated in Family Court as "persons in need of supervision" and assigned to

safe houses linking them to support services, but can still be prosecuted as delinquents if they have a prior prostitution arrest or were previously adjudicated in Family Court. Prostituted minors ages 16 and 17 are not eligible for diversion (Adcock, 2008). Minnesota's "Safe Harbor" legislation removes prostituted children under age 16 from the definition of "delinquent child," mandates first-time diversion for prostituted 16- and 17-year-olds, and allows prosecutors to continue diversion for minors entering the system a second time (ECPAT USA, 2011).

Investigations of sex trafficking involving American Indian reservations are especially complex due to jurisdictional questions. Robert Moossy, Director of the Human Trafficking Prosecution Unit in the Civil Rights Division of the U.S. Department of Justice, described a lack of TVPA training and/or coordinated efforts across multiple jurisdictions as generally problematic since local police are usually the first to encounter a victim (Moossy, 2008). On tribal lands, the federal government has jurisdiction over all major crimes, but Public Law 83-280 (commonly referred to as PL 280) mandated transfer of criminal jurisdiction on tribal lands to state governments in six states (AK, CA, MN, NE, OR, and WI). Only four tribal communities in those states were exempted. Alaska's Metlakatla Indian Community maintained tribal criminal jurisdiction, while Minnesota's Red Lake Reservation and Oregon's Warm Springs Reservation retained federal jurisdiction (Bureau of Indian Affairs/BIA, 2011).

PL 280 permitted "optional" states to assume complete or partial jurisdiction of crimes committed by or against American Indians on Indian lands, without consulting tribes. Ten states opted to do so (AZ, FL, ID, IA, MT, NV, ND, SD, UT, and WA) (BIA, 2011). A 1968 amendment of PL 280 required tribal consent for other states to assume jurisdiction. No tribes have agreed to this change, but PL 280 also allows states to return jurisdiction to the federal government. States have now returned criminal jurisdiction over more than 30 tribes to the federal government (Goldberg & Valdez Singleton, 2005). Summarizing this issue, Tatum (2003) noted, "a complicated web of federal statutes and

U.S. Supreme Court decisions has resulted in the federal, state, and tribal governments all possessing varying degrees of criminal jurisdiction over various people who commit varying types of crimes." This complexity has a tremendous impact on effective identification and protection of Native victims (Deer, 2010).

Adequacy of victim supports

While the TVPA provides for the protection and assistance of trafficking victims, such as safe shelter or housing, educational support, medical and mental health care, job training, and other social services (U.S. Department of Health & Human Services, 2004), these "Rescue and Restore" supports are restricted to international victims. In 2010, the Office for Victims of Crime funded six organizations to provide services to minor domestic sex trafficking victims only. Of these, GEMS and Safe Horizon/Streetworks in New York, SAGE in San Francisco, and Salvation Army/Anne's House near Chicago have shelters specifically designed for trafficked youth, totaling 53 shelter beds in three cities. The remaining two grantee organizations place domestically trafficked minors in traditional emergency shelters (OVC, n.d.). There is currently no dedicated federal funding for services to aid or protect domestically-trafficked U.S.-born adults (Irazola, Williamson, Chen, Garrett, & Clawson, 2009). Because they are offered fewer protections than international victims while the case is being heard, adult domestic victims often refuse to testify, fearing potentially lethal retribution by the trafficker (Strauss, 2010). Though a handful of programs, such as Breaking Free and PRIDE in Minneapolis, offer shelter, transitional housing, and support services to domestically trafficked adults, none receive federal trafficking dollars for these services.

Existing homeless and domestic violence shelters would appear to be a short-term solution if beds are available, but *Shattered Hearts* roundtable participants reported Native trafficking victims "hitting the wall" of inflexible policies and rules (often imposed by funders) that either prevented victims' entry or contributed to their rapid eviction.

These included barring anyone with a prostitution arrest, limiting lengths of stay to 30 days or less, requiring residents to be clean and sober at point of entry, enforcing strict schedules that did not permit victims accustomed to all-night schedules to adjust their sleep patterns, and requiring participation in group activities not appropriate for trafficking victims (Pierce, 2009; Williamson, Dutch, & Clawson, 2009). In the case of minor victims, it is also difficult for shelter staff to build any degree of trust with minor victims in the short time they are permitted to stay in a regular shelter (Clawson & Goldblatt Grace, 2007).

Research has found that women trafficked into prostitution report high levels of physical, sexual, and psychological violence (Raymond & Hughes, 2001). In the few studies examining experiences of trafficked and prostituted Native women and youth, participants consistently reported severe physical injuries, including stabbings, beatings, broken bones, spinal injuries, concussions, and fractured skulls, and psychological impacts including clinical depression, self-cutting, suicide, and post-traumatic stress disorder (Bohn, 2003; Farley & Lynn, 2005; Robin, Chester, & Goldman, 1996). Trauma-centered, long-term residential programs and support services have been identified as essential for sex trafficking victims' successful recovery (Clawson et al., 2009b), but there are no U.S. programs that address the unique safety, cultural and healing needs of sexually trafficked American Indians.

Implications for professionals

The lack of attention to victim healing is a particularly significant issue for Native victims, given the combined impact of generational trauma and the physical and psychological trauma resulting from life in the sex trade. Advocates attending *Shattered Hearts* roundtables voiced great frustration at mental health and other systems' lack of understanding when working with Native trafficking victims and identified two essential tiers of victim services. The first addresses emergency needs using a harm-reduction approach, such as street outreach, 24-hour "safe houses," and drop-in

programs where victims can be linked to emergency shelter, clothing, food, showers, medical care, and case management services without being required to make any sort of commitment. The second tier involves long-term, culturally centered, community-based, holistic services to help Native victims heal from severe trauma and obtain skills to rebuild their lives (Pierce, 2009). Canadian programs for trafficked Native women and youth have made similar recommendations, including long-term culturally-based shelter and transitional housing, intensive case management, support for mental and spiritual healing, substance abuse treatment, and opportunities to finish school and gain employment skills (Chansonneuve, 2010; UNYA, 2002).

Indigenous health practitioners have identified "cultural safety" as a critical factor in healing, defined as an environment that is spiritually, socially, emotionally, and physically safe. As one indigenous health worker explained, "It is about shared respect, shared meaning, shared knowledge and experience, of learning together with dignity and truly listening" (Williams, 1999). Programs working with sexually trafficked Native women and youth in the U.S. and Canada have emphasized the value of Native staff firmly grounded in their traditional cultures who have (1) in-depth understanding of historical trauma and the unique vulnerability factors, experiences, and needs of prostituted and trafficked Native women and youth; and (2) the ability to model and utilize culturally-based approaches to healing, providing compassionate, nonjudgmental support and unfailing affirmation of victims' worth, abilities, and right to make decisions about their own lives (Pierce, 2009; UNYA, 2002).

To improve Native trafficking victim identification and referral to appropriate intervention services, the advocates attending *Shattered Hearts* roundtables recommended in-depth training for tribal and urban professionals working with American Indian women and children. These include professionals from the areas of child protection, domestic violence and sexual assault advocacy, emergency and transitional housing, emergency and pediatric health care, law enforcement and juvenile justice,

chemical dependency treatment, and social services. The Minnesota Indian Women's Resource Center (MIWRC) currently provides basic training for these key stakeholders and is in the process of developing a full training curriculum.

The Phoenix Project, a partnership between MIWRC, the Division of Indian Work (DIW), the Minneapolis Police Department, and Hennepin County Juvenile Probation, has been identified as a promising practice (MN-OJP, 2008). The partnership is developing a formal referral mechanism for Native girls suspected of involvement in prostitution. Outreach workers from the partnership lead education sessions on healthy sexuality and weekly support groups for Native girls and boys at two Native-specific alternative high schools. If youth disclose risk of sexual exploitation during these outreach activities, outreach workers refer them to MIWRC and DIW adolescent drop-in programs, which offer culturally-centered "healthy relationships" education, ongoing support groups, and intensive case management. The programs also advocate for youth with county child protection workers and schools as needed, and link them to other programs and services to ensure safe shelter and basic needs. Because MIWRC's program has found that sexually trafficked Native girls rarely disclose their exploitation until they have been participating actively for 12-24 months, it offers up to three years of services to girls. The program has found that this "harm reduction" approach is especially important for victims that are emotionally bonded to a pimp and/or who do not view themselves as victims (Pierce, 2011).

Conclusions

Research on the trafficking of Native women and girls is scarce. A review of existing research and other documents highlights three main points: (1) domestic sex trafficking of Native women and youth is a critical problem in the U.S. and in Canada; (2) at least in some regions, this group is being targeted by sex traffickers; and (3) traffickers focus on Native women and youth in desperate situations and/or those that are especially vulnerable because of disability, addiction, or a stigmatized gender identity.

There is a critical need for additional research that is sensitive to Native cultural norms and historical experiences, but is larger in scope than existing studies. In particular, research is needed to estimate the full extent of the problem in geographic regions with large populations of low-income Native people, determine the primary characteristics and strategies of the traffickers in these areas, and determine the prevention and intervention services and supports that most effectively reduce Native women's and youth's vulnerability to sex traffickers.

The inadequacy of emergency housing and other support services is a critical barrier for victims, and there must be a higher level of agreement in federal and state laws regarding identification and treatment of victims. Legal protections for Native people were completely absent for many generations, which played a major role in generational trauma. Given this historical experience, it is unreasonable to require Native victims to prove their innocence. Instead, proof of victimization should be based upon the trafficker's actions. A legal framework must also ensure equal protection and long-term support for healing for all sex trafficking victims, regardless of age or country of origin. It is essential that tribes be included in collaborative planning by county, state, and federal law enforcement to resolve jurisdictional issues and improve identification and protection of sex trafficking victims. The research in Canada, Alaska, and Minnesota demonstrates that Native women and youth are often recruited on reservations but sold for sex in urban areas, so both tribes and urban Indian service providers must be active participants in planning law enforcement responses and the protection of trafficked Native women and youth.

Endnotes

1. This paper uses the universal term "Native" because Canada has multiple categories for describing its indigenous people (First Nations, Métis, and Inuit, as well as the all-encompassing term Aboriginal) and the U.S. has two (American Indian and Alaska Native). When describing women and children in the sex trade, we use the terms employed in the cited source to bypass the debate as whether or not all prostituted people are sex trafficking victims. Since "sex trafficker" and "pimp"

both describe individuals that sell other human beings for sexual purposes, we again use whichever term was employed in the cited document.

2. See the Resources page of this document for sources of in-depth information about current laws.

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Additional Resources

Sex trafficking legislation and current issues

The Polaris Project
P.O. Box 53315, Washington, D.C. 20009
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info@polarisproject.org

Safe Harbor legislation

Connecticut: Legislative summary by Connecticut Voices for Children, <http://www.ctkidslink.org/publications/jj11safeharbor.pdf>

Illinois: Legislative summary by End Demand Illinois/Polaris Project, http://www.caase.org/pdf/resources/IL_Safe_Children_Act_Summary_May_2010.pdf

Minnesota: Legislative summary by Ending Child Prostitution/Pornography and Trafficking (ECPAT), <http://ecpatusa.org/2011/07/details-on-the-minnesota-law/>

New York: Legislative text and discussion by New York County Lawyers Association, <http://www.nycla.org/PDF/Safe%20Harbour.pdf>

Washington: Legislative summary by National Center for Prosecution of Child Abuse, <http://www.ndaa.org/pdf/Update%20Express%20July%202010%20no2.pdf>

Working with American Indian sex trafficking victims

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In Brief: Sex Trafficking of American Indian women and children

Alexandra (Sandi) Pierce and Suzanne Koeplinger

The selling of North America's indigenous women and children for sexual purposes has been an ongoing practice since the pre-colonial era. "Generational trauma" resulting from a long history of genocide and oppression has been recognized as the major contributor to the high rates of poverty, substance abuse, child abuse, violence, and mental illness in Native communities (Evans-Campbell, 2008; Kingsley & Mark, 2000; Yellow Horse Brave Heart & DeBruyn, 1998). Generational trauma has been implicated in generational prostitution and child trafficking in Native families (Lynn, 1998; Pierce, 2009). The following summarizes findings of existing research and other documents on sex trafficking of Native women and girls in the U.S. and Canada.

In the U.S., research on sex trafficking of Native women and girls is limited but findings suggest that Native women and girls are over-represented among trafficking victims.

- In 2000, Native women's rate for sexual assault and rape was 7.7 per 1,000 women versus 1.1 for White women, 1.5 for African American women, 0.2 for Asian women, and 0.6 for Hispanic women (Tjaden & Thoennes, 2006).
- An analysis of 2007 prostitution arrest data in the county encompassing Minneapolis found 24% of arrests to be of Native women, more than twelve times their representation in the county's population (Martin & Rud, 2007).

Traffickers may be Native or non-Native, but both groups use two primary methods to "recruit" Native women and youth.

- The first is "finesse" pimping, posing as a boyfriend or woman friend, treating the victim with great kindness, offering a free place to stay, and when the victim feels obligated, insisting that she/he "help out" by prostituting (Pierce, 2009; Sethi, 2007).
- The second is "guerilla" pimping (often by gang members), using violence against the victim (including gang rape) and/or threatening violence against the victim's family (Native Women's Association of Canada, 2007; Nimmo, 2001; Pierce, 2009).
- Traffickers focus on particularly vulnerable Native women and youth, including those with limited ability to recognize exploitation because of mental illness, substance abuse, and/or fetal alcohol spectrum disorder/FASD (Benoit & Millar, 2001; Boland & Durwyn, 1999; Farley & Lynne, 2000; Pierce, 2009).

Legal protections and services to victims are limited in general, and even less available to American Indian women and youth.

- While domestically trafficked minors are automatically considered victims under the U.S. Trafficking Victims Protection Act (TVPA), adults must prove that they were induced to cooperate through force, fraud, or coercion (see 22 U.S.C. § 7102(8), 2000; 22 U.S. C. § 7105 (b)(1)(a)).
- Federally-funded adult victim services are restricted to international victims, and organizations currently receiving federal Office for Victims of Crime funding for services to domestically-trafficked minors are limited to Chicago, New York, and San Francisco (OVC, n.d.).
- Sex trafficking investigations involving American Indian reservations incur complex jurisdictional questions due to wide variation in federal, state, and tribal roles (Bureau of Indian Affairs, 2011; Goldberg & Valdez Singleton, 2005; Tatum, 2003). This complexity has a tremendous impact on effective identification and protection of Native victims (Deer, 2010).

This review suggests that tribes and urban Indian service providers should be involved in collaborative planning to better identify and protect Native victims. There must be stronger agreement between federal and state trafficking laws, and equal protection and services for all victims, regardless of age or country of origin. Current research is also extremely limited, and there is a critical need for culturally-responsive, systematic investigations.

See the full Applied Research paper: Pierce, Alexandra & Koeplinger, Suzanne. (2011, October). *New language, old problem: Sex Trafficking of American Indian women and children*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Available at: <http://www.vawnet.org>

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