Impacts of Digital Communications Technologies in relation to the Missing and Murdered Indigenous Women Crisis  
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Prepared for Missing and Murdered Indigenous Women Symposium  
University of Ottawa  
(30-31 January 2016)

While violence against women (VAW) affects a broad spectrum of women and girls in Canada, indigenous women and girls are particularly vulnerable, resulting in more than 1100 missing and murdered indigenous women and girls in Canada. Systemic factors such as colonialism, misogyny, and racism have been identified as root causes of the missing and murdered indigenous women crisis. Emerging research is focusing on the role technology plays in VAW, including research showing how digital communications technologies are used to facilitate the trafficking of indigenous women and girls. Without simplistically blaming technology, this paper suggests a need to explore the ways that digital communications technologies interact with other factors in the complex historical, sociocultural environment that incubates the national crisis of missing and murdered indigenous women.

Part I briefly explores the role of digital communications technologies in facilitating VAW, specifically touching on human trafficking, online pornography and child sexual abuse images, and online hate and harassment. Part II explores potentially positive trajectories for using digital communications technologies to address root causes for this crisis, touching on outreach/support/organization, investigation by authorities and facilitating the accessibility of the inquiry and its processes (recognizing that each of these carries with it potential downsides that require careful thought). Parts I and II highlight, where possible, situations in which a focus on digital communications technologies fits within previously identified root causes and recommended reforms relating to the crisis of missing and murdered indigenous women. The Conclusion suggests specific questions for consideration at the impending inquiry.

I. DIGITAL COMMUNICATIONS TECHNOLOGIES AS FACILITATORS OF VAW

In its 2015 report on missing and murdered indigenous women, CEDAW stressed the need for Canada to take all forms of violence against indigenous women seriously. In exploring the role of digital communications technologies in facilitating VAW I rely on broader feminist work that “draws attention to the way that systems of gendered inequality enable and support physical, sexual and psychological violence against women and girls worldwide,” while also recognizing the ways in which systemic forms of oppression such as racism, colonialism and homophobia affect and inform such violence. In addition to international standards and definitions of VAW that are broad enough to include acts perpetrated through
technology, there is increasing evidence of policy shifts toward specifically recognizing and addressing the role that technologies can and are playing. These shifts have led to initiatives focused on cyber-violence and its differential impacts on women and girls from diverse communities. More research is needed to understand the particular impacts of cyber-violence on indigenous women and girls, particularly in the following three areas.

A. Human trafficking – CEDAW recommended that Canada “pay special attention to the needs and situation of aboriginal women in prostitution” and to conduct studies to better understand and develop mechanisms to combat trafficking of aboriginal girls and women. Since the data about domestically trafficked persons is at best partial (due in no small part to the frequent characterization of the trafficking of indigenous women as an issue of sex work or prostitution), an understanding of the scope of the issue is sometimes gained through analysis of other statistics. These include statistics showing that Aboriginal girls and women are over-represented in prostitution and that 60% of sexually exploited youth are Aboriginal. Developing a better understanding and a concrete action plan for addressing the ways in which indigenous girls and women are recruited into and kept in human trafficking will also require understanding the role of digital communications technology in those processes.

Research shows that digital technologies, such as the internet, are used to facilitate human trafficking of young people in a variety of ways. Traffickers use the internet to recruit indigenous girls, especially those in rural communities, often with promises of a job and the excitement of life in the city, but with the goal of isolating them from family and community, thus rendering them more vulnerable to being trafficked. Traffickers also use the internet, including social media platforms such as Craigslist and Facebook to “advertise” sexually trafficked youth. Traffickers communicate with trafficked youth using mobile technologies and track their activities by checking these young people’s text histories and phone logs.

Obviously, technology is but one factor interacting with a variety of root causes that render indigenous girls and women disproportionately vulnerable to human trafficking. Sethi identifies the inter-generational impacts of colonization (including increased sexual abuse, violence, substance abuse and suicide rates), a lack of awareness and acknowledgment of sexual exploitation, poverty, isolation, racism, gangs, gaps in services and insufficient housing as root causes that must be addressed. International studies also demonstrate that vulnerability to recruitment is exacerbated by being young, female, poor, socially or culturally excluded, and under-educated, as well as coming from dysfunctional families and having experiences with state institutions such as the child welfare system. Further, lack of safe transportation, socioeconomic marginalization, criminalization, systemic discrimination, child welfare institutional policies, vulnerability to prostitution and trafficking, colonialism, racism (including racial stereotyping by law enforcement institutions and officials) and state failure to “address the prevalence of all forms of violence against aboriginal women” have all been
identified as root causes of the missing and murdered indigenous women crisis itself.\textsuperscript{20}

In an increasingly technologically facilitated society, understanding the role that technology plays in relation to identified root causes of trafficking indigenous women and girls and of the crisis itself could play an important role in responding meaningfully. For example, one might consider what role internet service providers ought to play in addressing the use of their services for purposes of human trafficking, as well as with respect to online pornography, hate and harassment.

\textbf{B. Impact of online pornography & child abuse imagery} – Some research suggests that the widespread dissemination of “hard-core, body-punishing sex in which women are demeaned and debased”\textsuperscript{21} facilitated by the internet needs to be understood as a legitimator of VAW. As a prime source of information for young people, messaging on the internet can shape young people’s expectations of themselves and others, including in relation to the conflation of sex and violence.\textsuperscript{22} It may also facilitate desensitization and increased interest in depictions of escalating levels of violence, including child sexual abuse.\textsuperscript{23} Moreover, online inculcation of youth with mainstream representations of thin, white, heterosexualized femininity can negatively affect girls’ and young women’s self esteem and sense of belonging.\textsuperscript{24} Research also suggests that these same representations often form the basis for peer-to-peer harassment online,\textsuperscript{25} the consequences of which are discussed in part C below.

\textbf{C. Online hate and harassment} – CEDAW identified stereotyping as one of the root causes of the missing and murdered indigenous women crisis in part because stereotypes of indigenous women that depict them as “prostitutes, transients or runaways … [living] high risk lifestyles” undermine public and law enforcement willingness to treat these cases seriously.\textsuperscript{26} For this reason, they recommend that Canada take measures to address racism and sexism “with a view to eliminating negative stereotypes against aboriginal women.”\textsuperscript{27} Racist and misogynist stereotypes familiar in offline spaces are also reflected in online spaces, sometimes with greater vitriol that some attribute to the apparent anonymity of online spaces, as well as the “mob mentality” they can facilitate.\textsuperscript{28} Moreover, sexually violent online attacks, such as rape threats, are disproportionately targeted at women,\textsuperscript{29} and indigenous persons in Canada and internationally are targeted with extreme and hateful stereotyping and threats can lead to withdrawal from online participation and, in extreme cases, to suicide.\textsuperscript{30}

Research shows that being targeted by online hate and harassment (sometimes inaccurately mislabeled “cyberbullying”), whether or not the target knows the perpetrator,\textsuperscript{31} can lead to a variety of negative effects similar to those previously documented in relation to offline spaces, including low self-esteem, a lack of sense of belonging, depression, anxiety, fear of/withdrawal from public spaces and, in extreme cases when combined with other kinds of factors, suicide.\textsuperscript{32} Existing research showing how racism can undermine sense of belonging and self esteem in
ways that facilitate the sexual trafficking of indigenous women and girls, as well as research suggesting the prevalence of bullying in northern communities, and the potentially acute impacts of online harassment in the context of smaller communities underscores the need for further research to better understand the particular impacts of online hate and harassment on indigenous women and girls. Online hatred and harassment for indigenous women and girls can be grounded in interlocking sources of oppression, including colonialism, misogyny, racism and homophobia. These kinds of attacks can work to undermine the self-esteem and self-worth of indigenous girls and women, contributing to an environment that enhances vulnerability to trafficking and exploitation.

It is also important in this context to craft and implement measures responding to online hate and harassment in ways that do not inadvertently disadvantage indigenous women and girls by, for example, exposing them to greater risk of criminalization.

II. POSITIVE TRAJECTORIES

A. Outreach, support & organization – CEDAW recommended development of initiatives to foster indigenous pride, self esteem, and cultural identity, as well as measures to promote positive portrayals of indigenous women in media and educative and public communications initiatives to address the devastating impacts of colonialism, racism and misogyny. Further, CEDAW and other organizations and researchers have strongly supported development and distribution of meaningful awareness campaigns on a variety of issues including procedures for reporting violence to the authorities, and to build community capacity to address issues of healthy relationships, sexual exploitation and trafficking (including recruiting tactics of traffickers). Digital communications technologies, such as the internet, can be used for outreach, support, organization and education around the issues raised by CEDAW, NWAC and others. Websites and other forms of social media platforms are being used by a variety of public interest groups, community organizations and governments to address issues of sexual exploitation, stereotyping, youth violence, sexual health and indigenous cultures, rights and histories (including providing and raising awareness of culturally relevant services for indigenous community members). Ensuring that the information and services provided are grounded in experience and cognizant of the diversity of experience of indigenous women and girls will be key to meaningfully building on these kinds of initiatives.

B. Investigation – CEDAW recommended a number of measures to improve policing and justice mechanisms in order to address the disproportionate number of unresolved cases relating to missing and murdered indigenous women. The RCMP is using social media platforms to raise public awareness and open space for tips in relation to unsolved cases. Whether technologically powered investigative tools such as the RCMP’s #MMIW will yield results in terms of locating missing women or solving unresolved murders remains to be seen. It has, however, become an
online point for raising awareness of the crisis, including commentary on pre-
inquiry consultations.\textsuperscript{51} Moreover, these sorts of initiatives could act as a signal to
missing indigenous girls and young women that they are important, which was a
priority identified by frontline workers interviewed by NWAC in 2014.\textsuperscript{52}

\textbf{C. Accessibility of inquiry and its processes} – CEDAW recommended both that
improvements be made in indigenous women’s access to justice, as well the
convening of a national inquiry and development of a national action plan.\textsuperscript{53} Digital
communications technologies can and should be used to publicize and facilitate
access to the impending inquiry, its goals, processes and results for those for whom
physical presence is not possible. Recognizing that technologized participation
should not become a substitute for physical presence and that those living in very
remote communities, as well as in poorer sections of some urban centres may have
restricted access to the internet,\textsuperscript{54} online communication relating to the inquiry
translated into multiple languages could contribute to the goal of improved
accessibility and transparency. Technologically facilitated access, however, must
also be tempered by respect for the dignity and integrity of families and victims,
including the maintenance of the level of privacy and confidentiality they may desire
in relation to their stories.

\textbf{CONCLUSION & QUESTIONS FOR CONSIDERATION}

Research shows that digital communications technologies, such as the internet,
interact with other socio-cultural and historical forces in ways that expose
indigenous women and girls to vulnerabilities recognized as root causes of the
missing and murdered indigenous women crisis in Canada. These technologies can
also be used as tools for addressing the crisis and root causes underlying it, as well
as to enhance public access to the impending inquiry.

To that end, questions that the inquiry might consider include:
(1) how are digital communications technologies being used to facilitate sexual
trafficking of indigenous girls and women, to disseminate violent pornography, and
to distribute online hate and harassment aimed at indigenous women and girls?
(2) how are internet service providers responding to these uses of their platforms?
(3) what further steps can be taken to diminish use of digital communications
technologies for these purposes?
(4) how can digital communications technologies be harnessed for purposes of
raising public awareness, education, and privacy-respectful investigation?
(5) how can the impending inquiry make use of digital communications
technologies to expand access to its goals, processes and results?

\textsuperscript{1} I have chosen to use the term “indigenous women and girls” in this paper to refer
to women and girls who are part of the first peoples of Canada, including First
Nations, the Inuit and the Métis. Some research refers to Aboriginal women and
girls and where I quote from such research, I maintain those terms.


6 CEDAW, *supra* note 2 at 52.

7 Fairbairn, *supra* note 4 at 231.

8 For example, the Article 1 of the UN Declaration on the Elimination of All Forms of Violence Against Women defines VAW to mean “any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.” Article 2 states that VAW includes: “physical, sexual and psychological violence within the family; child sexual abuse; dowry-related violence; marital rape; female genital mutilation; rape and sexual abuse; sexual harassment in the workplace and educational institutions; trafficking in women; and forced prostitution”: UN Declaration on the Elimination of All Forms of Violence Against Women, A/RES/48/104 (20 Dec 1993), online: [http://www.un.org/documents/ga/res/48/a48r104.htm](http://www.un.org/documents/ga/res/48/a48r104.htm), cited in Native Women’s Association of Canada, “Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews: Final Report” (Ottawa: 2014) at 6, online: [http://www.nwac.ca/wp-](http://www.nwac.ca/wp-).


Sethi, *supra* note 5 at 57.


*Ibid* at 59.


Thorn, *ibid* at 21, 31.

Sethi, *supra* note 5 at 61-66.

NWAC, *supra* note 8 at 14.

CEDAW, *supra* note 2 at 25-32, 52. See also: BC Public Safety, *supra* note 16 at 4-5.

Dines, cited in *ibid* at 48.


Ibid at 58.

Bailey, J. “Twenty Years Later Taylor Still Has It Right: Section 13 of the CHRA’s Continuing Contribution to Equality” The Supreme Court of Canada and Social Justice: Commitment, Retrenchment or Retreat, Sheila McIntyre and Sanda Rodgers, eds. (Markham, Ontario: Supreme Court Law Review and LexisNexisCanada, 2010) [Bailey, 2010].


Research demonstrates that digital communications technologies are also used to facilitate or maintain previously established abusive relationships: Fairbairn, supra note 4 at 2; SafetyNet Canada, Assessing Technology in the Context of Violence Against Women & Children: Examining Benefits & Risks. (BC, 2013).

schools” (James Cook University, Research Online, Australia), online: http://researchonline.jcu.edu.au/30071/1/30071_Caltabiano_and_Torre_2013.pdf.

33 Sethi, supra note 5.


36 For further discussion, see: Jiwani, supra note 26 and Sherene Razack, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George” (2000) 15 Can JL & Soc 91. Online communication of hatred toward Aboriginal peoples and Aboriginal women in particular was the subject of several successful complaints under the now-repealed s. 13(1) of the Canadian Human Rights Act. See for example: Warman v Kouba 2006 CHRT 50; Warman v Western Canada for Us and Bahr 2006 CHRT 52. See also: West Coast Leaf, supra note 29 at 68-69.

37 NWAC, supra note 8 at 19, refers to low self esteem as one factor increasing vulnerability to trafficking, a factor compounded for indigenous women and girls by poverty, lack of education and colonial practices.

38 Application of criminal approaches to instances of non-consensual disclosure of intimate images by peers can lead to criminalization of girls and young women. For example, one BC teen girl was convicted of child pornography offences for sharing another girl’s intimate images with a friend: CBC News, “Victoria sexting teen given conditional discharge” (27 April 2015), online: http://www.cbc.ca/news/canada/british-columbia/victoria-sexting-teen-given-conditional-discharge-1.3050679.

39 CEDAW, supra note 2 at 58.

40 Ibid at 54.

41 See, for example: Sethi, supra note 5 at 67; NWAC, supra note 8 at 20-21, 37, 73; BC Public Safety, supra note 16 at 4-5.


44 See, for example: MediaSmarts, “Common Portrayals of Aboriginal People”, online: http://mediasmarts.ca/diversity-media/aboriginal-people/common-portrayals-aboriginal-people.

45 See, for example: www.youthagainstviolenceonline.com.

46 See, for example: www.nativeyouthsexualhealth.com.

47 See, for example: www.ncct.ca; www.nwac.ca; www.pauktuuitit.ca.
48 NWAC, supra note 8 at 44.
49 CEDAW, supra note 2 at 4, 54-5.
51 See: https://twitter.com/hashtag/mmiw?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Ehashtag.
52 NWAC, supra note 8 at 55.
53 CEDAW, supra note 2 at 40-1, 58.