

Experiences of Aboriginal Women involved in Street Prostitution in Saskatchewan: A Case Study

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ABSTRACT

Many Aboriginal women in Canada go missing each year and many of them are engaged in the sex trade industry. Thus far, little has been done to prevent this trend. This study is aimed at filling this gap by exploring and highlighting several challenges confronted by Saskatchewan (Saskatoon) Aboriginal women who are engaged in sex work. Existing literature indicate an overrepresentation of Aboriginal women involved in sex work, their experiences of abuse while working on the street, and their lack of adequate protection from law enforcement agents and members of the Canadian Criminal Justice System (CCJS). The overall theoretical framework of this thesis is intersectionality theory with focus on the compound oppression faced by Aboriginal prostitutes due to the intersection of gender, race, and socio-economic class. This study examines the reasons for Aboriginal women's overrepresentation in street prostitution, their experiences while working on the streets, and how they are treated by the CCJS. The three main questions addressed in the study are: a) Why are Aboriginal women overrepresented in the sex trade industry in Saskatchewan?; b) Do Aboriginal women involved in prostitution confront violence from clients and other members of the society? If so, why?; and c) Do Aboriginal women sex workers receive protection and justice from law enforcement agents and members of the CCJS? If so how, and if not, why? First, these questions are explored through semi-structured, open-ended interviews with two Aboriginal women who have been involved in street prostitution in Saskatchewan. Second, content analysis of three court transcripts of cases where men were charged with violence towards Aboriginal women working in the sex trade in Saskatchewan is conducted. The results of this study indicate that Aboriginal women are highly overrepresented in the Saskatchewan sex trade for reasons that include: a) childhood sexual abuse and b) lack of options due to the multiple oppression of the intersection of gender, race, and class. And that Aboriginal sex workers encounter severe violence and abuse on the street including rape and death with limited protection and justice from the CCJS due to multiple forms of oppression as racialized women living in poverty. The study's results provide an understanding of how the intersection of race, class and gender impact the experiences of Aboriginal women in the sex trade industry. The study's findings also allow for the recommendation of strategies for dealing with these issues and preventing these trends from continuing in the future.

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1. BACKGROUND

While working on my Bachelor of Arts (Honors) degree in Sociology, I became engrossed in social issues affecting women and racial minorities throughout the world. I was particularly interested in issues affecting minority women as this group seems to be more disadvantaged when compared with others. Issues affecting Aboriginal women in Saskatchewan, in particular, interested me because growing up in rural Saskatchewan near several reserves; Aboriginal people were the minority racial group with whom I was most familiar.

Once I completed my Bachelor's degree, I began working with students, many of whom were Aboriginal, who were going back to school to upgrade their secondary education. It is my role in my workplace to provide different forms of counseling to these students in order to make their educational experience as rewarding and uncomplicated as possible. I also support the students through academic career paths counseling, as well as assisting them in applying for financial support through the different government funding opportunities. While most of these students have never engaged in sex work, they have faced issues similar to those experienced by women involved in sex work, including poverty, drug addiction, spousal abuse, and experiences of childhood abuse. In addition to my current work, I also recently spent two years as a voluntary board member of an organization in Northeast Saskatchewan that provides support for abused women which enhanced my knowledge of the subject.

Based on my work with students both on and off reserves in Northeast Saskatchewan, it became apparent to me that the current situation that many Aboriginal people are living in Saskatchewan is unfavorable. For instance, the housing conditions in which many Aboriginal people live both on and off of reserves are substandard and the situation of Aboriginal women in particular is deplorable. Many Aboriginal women experience extreme forms of spousal abuse and are treated as second class citizens not only by the mainstream society, but also in their own homes and communities. Many young Aboriginal girls also experience high rates of childhood sexual abuse which can have devastating effects on a child's well-being. This is also an issue that I am familiar with as my mother experienced years of sexual abuse while growing up as a child.

The various highlighted experiences gained over the years, influenced my decision to focus my graduate studies on something related to issues affecting Aboriginal women in Saskatchewan. The topic of Aboriginal women involved in sex work became my focus because of the overrepresentation of Aboriginal women involved in this lifestyle. Once I started looking into the sex trade industry in Saskatchewan, I found not only the issue of overrepresentation, but also the indecent way that sex workers are treated on the streets and in the society. I felt that this was a serious social issue that needed to be examined in detail and, for this reason, chose this as the focus of my graduate research.

1.1 Sex Work in Canada:

Since the beginning of civilization, there have been groups of people who have been marginalized and oppressed by other groups. One of such oppressed groups in most societies and cultures are women. For centuries, women have been subordinated by men and society at large and have not had equal opportunities and status in society. Examples of this include voting rights, as women gained the right to vote much later than men did in most countries, as well as the wage gaps experienced by many women in today's workforce (Seager, 2003). Some groups of women are more marginalized in society than others and one significantly marginalized group of women are Aboriginal women involved in the sex trade industry.

According to Neufeldt and Guralnik (1994), prostitution refers to the exchange of sexual services for money. However, this view is very limited considering the scope of prostitution. Prostitution takes many forms, among which are street prostitution, brothel prostitution, private sex workers, and those in escort services. There is a hierarchy that exists in the sex trade industry which means that some forms of sex work are considered to be less acceptable than other forms (Harcourt, 2005; Jeffrey & Sullivan, 2009). Street prostitution, which is at the bottom of the hierarchy (Jeffrey & Sullivan, 2009), involves sex workers walking the streets, approaching and/or waiting to be approached by clients (Harcourt, 2005). Sex workers also work in brothels, which are private establishments set up with private rooms where clients seek out sex workers (Harcourt, 2005). There are also private sex workers who are contacted in advance and meet their clients in a private location (Harcourt, 2005). At the top of the sex trade hierarchy is the escort service

through which clients contact sex workers in advance to set up a “date” with an escort (Harcourt, 2005). Next, are the private sex workers who conduct their business in private locations such as brothels, escort agencies, hotels, or homes of either the client or the sex worker (Sex Work in Canada, 2013). And many of the clients who hire sex workers at the top hierarchy of the sex trade are willing to pay well and treat the women with respect (Sex Work in Canada, 2013).

In addition to the various forms of prostitution in Canada, people who take part in the sex trade industry come from diverse backgrounds. According to Sex Work in Canada (2013), “people involved in the sex industry in Canada and most other high-income countries come from diverse backgrounds encompassing a range of ages, sexual orientations, gender expressions, education and income levels, as well as racial and ethnic backgrounds” (p. 1). Despite these varieties in forms of prostitution and groups of people taking part in the industry, this research focuses on Aboriginal women involved in street prostitution in particular. This is due to the fact that Aboriginal women are disproportionately overrepresented in street-based prostitution (Saskatoon Downtown Youth Center Inc. [EGADZ], 2008; Sex Work in Canada, 2013; Sikka, 2009). Even though street-based sex work is not the most common form of prostitution in Canada, it is the form of prostitution that is at the bottom of the sex trade hierarchy. The women who take part in this form of sex work are often disadvantaged both before and during their involvement in the industry (Sex Work in Canada, 2013). Therefore, throughout the rest of this thesis, when the terms prostitution, sex work, sex workers, etc. are used, they refer to street-based sex work in particular.

Prostitution is not illegal in Canada, but many activities involved in prostitution are. For instance, communicating and soliciting for the purposes of prostitution are illegal in Canada. According to Section 213 (1) of the Canadian Criminal Code (2013):

Every person who in a public place or in any place open to public view (a) stops or attempts to stop any motor vehicle, (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person, for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction (p. 190).

According to Section 213 (2) of the Canadian Criminal Code (2013), “public place includes any place to which the public have access as a right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view” (p. 190). It is clear from these statements that, while the act of prostitution itself is legal in Canada, communicating for the purpose of prostitution in a public place is illegal. Procuring and living off the avails of prostitution, and keeping a common bawdy house, are also illegal activities associated with prostitution. Specifically, the Criminal Code of Canada (2013) Section 212 (1) states that:

Every one who (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada, (b) inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution, (c) knowingly conceals a person in a common bawdy-house, (d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute, (e) procures or attempts to procure a person to leave the usual place of abode of that person in Canada, if that place is not a common bawdy-house, with intent that the person may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada, (f) on the arrival of a person in Canada, directs or causes that person to be directed or takes or causes that person to be taken, to a common bawdy-house, (g) procures a person to enter or leave Canada, for the purpose of prostitution, (h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally, (i) applies or administers to a person or causes that person to take any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower that person in order thereby to enable any person to have illicit sexual intercourse with that person, or (j) lives wholly or in part on the avails of prostitution of another person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years (p. 189).

In Canada, an indictable offence is more serious than a summary conviction offence. According to the Canadian Oxford Dictionary (2004), a summary conviction offence is, “a relatively minor criminal offence tried by a magistrate and without a jury or preliminary hearing” (p. 1558). Summary conviction offences are normally tried in provincial and territorial courts (Duhaime, n.d.). An indictable offence is “a more serious criminal offence, such as murder, which is triable by way of indictment” (Barber (ed.), 2004, p. 770). Indictable offences are tried in the Supreme Court or Court of Queen’s Bench (Duhaime, n.d). Section 197 (1) of the Criminal Code of Canada (2013), defines a

common bawdy-house as “a place that is (a) kept or occupied, or (b) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency” (p. 174). As Section 212 (1) of the Criminal Code of Canada (2013) states, any of the above mentioned actions associated with prostitution, including the act of persuading or causing someone to take part in sex work, as well as living off the money made by another person involved in sex work are all illegal activities in Canada. Also illegal, is any activity involving the importation of persons into or out of Canada for the purpose of prostitution (Criminal Code of Canada, 2013), which is known as sex trafficking.

While there are some women around the world who consent to prostitution for different reasons, most women do not take part willingly as is discussed throughout this thesis. Most women who take part in sex work have either been tricked into doing so or have no other option (Seager, 2003). Those who have been tricked into sex work are forced against their will by sex traffickers to take part in prostitution. Forced prostitution is defined as:

the recruitment or abduction (through the use of force, fraud, or coercion), harboring and transportation of a person for the purpose of commercial sex act and/or the subjection of such a person to involuntary servitude, peonage, debt bondage, or slavery-like situation (UN Protocol) (Elabor-Idemudia, 2003, p. 122).

According to Seager (2003), at least seven hundred thousand women and children are trafficked out of poor regions of the world every year. In fact, “up to half a million women and children are thought to be trafficked into Western Europe [alone] each year” (Seager, 2003, p. 57). As this data indicates, there are large numbers of women and children who are forced or tricked from their homes to enter into some form of sexual slavery. However, for the purpose of this research the focus is solely on women who have taken part in the sex trade due to limited options, rather than those who have been tricked to take part in sex work. Many women take part in sex work because they have no other option or way to financially support themselves (AI, 2004; Kuokkanen, 2008).

As youths under the age of 18 years cannot consent to take part in sex work in Canada, the subjects of the study are limited to women 18 years and older. The Criminal Code of Canada (2013), Section 153.1 (2), defines “consent” as, “the voluntary agreement of [an adult person over the age of eighteen] to engage in the sexual activity in question” (p. 128). According to the Criminal Code of Canada (2013), Section 212 (4),

Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months' (p.190).

Prostitution, in one form or another, has existed in the world market for centuries. In fact it was even present during biblical times (Ezekial 16:15 Holy Bible). Despite the long history of prostitution, it has never come to be seen as an acceptable profession (Razack, 2002). Prostitution is considered a dishonorable profession by most people and the women who take part in it are considered to be undesirable and degraded (Razack, 2002). This is still the case today in most societies, including Canada, although some feminists consider it to be erotic labour that can be a "liberatory terrain for women" (Chapkis, 1997, p. 1).

1.2 Need for the Study:

While women of all racial and ethnic groups, class, and other groups take part in sex work around the world, it appears to be more common among racialized minority women (Elabor-Idemudia, 2003) and the poor (Jeffrey & MacDonald, 2006). This is evident in Saskatchewan and Saskatoon specifically. Aboriginal women are highly overrepresented in the Saskatchewan sex trade industry (EGADZ, 2008). Although Aboriginal people make up 3.8 % of the entire Canadian population, they represent 14.9 % of the population of Saskatchewan (Statistics Canada – 2006 Census – Table 3). In Saskatoon, 9.3 % of the total population of 230,855 are of Aboriginal descent (Statistics Canada – 2006 Census – Table 2). According to the Saskatoon Downtown Youth Center Inc., commonly known as EGADZ (2008), 197 of Saskatoon's 244 active sex trade contacts (women who are admittedly involved in sex work) are of Aboriginal ancestry. EGADZ (2008) reports an additional 99 possible sex trade contacts (women who are believed to be involved in sex work). Of these possible sex trade contacts, 76 are of Aboriginal ancestry (EGADZ, 2008). From these numbers, it becomes obvious that, while Aboriginal people make up only 9.3% of the Saskatoon population (Statistics Canada – 2006 Census - Table 2), Aboriginal women make up 80% of women involved in sex work in Saskatoon. Thus, Aboriginal women are highly overrepresented in the sex trade industry in Saskatoon,

Saskatchewan. In view of their high representation in the Saskatchewan sex trade, coupled with the low socio-economic status held by many Aboriginal women (Canada without Poverty, 2012), it is argued through the application of an intersectionality theoretical lens that Aboriginal women involved in the Saskatchewan sex trade are compounded by their race, class, and gender in engaging in the industry (AI, 2004). The intersectionality theory further posits that because of the low socio-economic status held by Aboriginal women involved in sex work, coupled with their racial minority status as Aboriginal women, they are prone to mistreatment from their clients (AI, 2004).

In fact, the high level of mistreatment and violence against Aboriginal women in Canada has recently become a visible issue due to the large number of missing Aboriginal women over the last several decades. According to Amnesty International (AI) (2004), 500 Aboriginal women have gone missing in Canada since 1985, with an average of about 25 Aboriginal women going missing per year. The Native Women's Association of Canada (NWAC) (2010) suggests a total of 582 cases of missing and/or murdered¹ Aboriginal women in Canada, with 115 Aboriginal women and girls who are missing and 393 who have died as a result of murder or negligence. Considering that there are only 600,695 Aboriginal women living in Canada (Statistics Canada 2006 Census), the number of missing women presents a great concern for all Aboriginal women in Canada. This is of particular concern for those involved in sex work as they are at an even higher risk of going missing or being murdered than other Aboriginal women (AI, 2004).

While the occurrence of missing and murdered Aboriginal women affects Canada as an entire nation, it has particular impact on Saskatchewan as a province. According to Sisters in Spirit (2008), as cited in Cooper and Salomons (2010), 13% of the missing Aboriginal women and girls in Canada are from Saskatchewan. As Saskatchewan only constitutes 3.1% of the total Canadian population (Statistics Canada, 2012), this is a significant percentage of the total number of missing Aboriginal women and girls. O'Neal (2009) states that "statistical evidence shows almost half of the missing persons in Saskatchewan are Aboriginal, yet they represent only 14% of the population as a

¹ It is important to note that while murder is discussed as a form of violence experienced by some Aboriginal women in the sex trade, this is only in extreme circumstances. Most of the violence encountered by Aboriginal sex workers does not result in murder.

whole” (as cited in Cooper and Salomons, 2010, p. 45). This data suggests that Aboriginal women in Saskatchewan are at a high risk of going missing or being murdered. Based on the numbers of missing and murdered Aboriginal women, it is evident that Aboriginal women involved in sex work confront violence. The number of missing and murdered women also suggests that the Canadian Criminal Justice System (CCJS) does not adequately protect or investigate crimes directed towards prostituted Aboriginal women.

1.3 Objectives of the Research:

The purpose of this study is to explore prevailing factors that cause Aboriginal women in Saskatchewan to become involved in sex work and to highlight their experiences, as sex workers, with both other members of society and the Canadian Criminal Justice System (CCJS). The intersectionality theoretical lens is used to explore the various forms of oppression faced by Aboriginal women because of their gender, race, and class. Based on this theoretical lens, the following proposition is explored in this study:

Aboriginal women are vulnerable to sex work and its associated violence with limited protection and justice from the CCJS, because of their disadvantaged position as racialized women who are economically disadvantaged.

In order to explore the validity of the study’s proposition, three areas are explored:

i. The overrepresentation of Aboriginal women involved in sex work in Saskatchewan. The main question to inform the exploration of this area is: *Why are Aboriginal women overrepresented in the sex trade industry in Saskatchewan?* To seek answers to this question, I ask:

a) What are your reasons for entering into the sex trade industry?

ii. Aboriginal women’s experiences (of violence) while working on the streets. The main question and its subsidiaries seek to understand women’s experiences on the streets as follows: *Do Aboriginal women involved in prostitution confront severe violence from clients? pimps? others? If so, why?*

- a) *What have been your experiences working in the sex trade?*
- b) *Do you encounter violence while working on the streets? If so, what specific types of violence have you encountered while working on the streets as a sex worker?*
- c) *Who are the perpetrators of such acts of violence?*

iii. Aboriginal sex workers' experiences in dealing with the CCJS. The main question is: *Do Aboriginal women involved in prostitution receive appropriate protection and justice from law enforcement agents and the CCJS? If so, how? If not, why?* To define what is meant by "appropriate"² protection and justice, I ask further questions:

- a) *Do you feel that members of the CCJS investigate cases when they are reported?*
- b) *Do you feel that the perpetrators of violence receive punishment from the CCJS?*

Several other sub-questions are raised in order to explore these experiences:

- a) *In your involvement with the sex trade industry, have you had any encounters with police, lawyers, judges, probation officers, or other? Please discuss.*
- b) *If previously arrested, please reiterate your experience(s) of being arrested?*
- c) *If you have ever been charged with a crime, please reiterate your experience(s).*
- d) *If previously incarcerated (i.e. jailed), please reiterate your experience(s).*
- e) *Have your experiences with the CCJS been positive or negative?*
- f) *In light of the large number of missing Aboriginal women in Canada, and from your own experiences on the street, do you, as an Aboriginal woman, feel that Aboriginal women involved in prostitution receive protection and justice from the CCJS? If so, please specify.*

These questions were designed to guide my thesis research project and each was explored with Aboriginal women involved in the sex trade because they are the ones who

² By appropriate protection and justice, I examine if the CCJS investigates reported crimes committed against Aboriginal sex workers and if the men who assault prostituted Aboriginal women are punished for their crimes.

are in the best position to explain how deeply they are affected by their involvement in the industry. Due to the fact that only two participants took part in the interview process, the interview data was supplemented with an analysis of three court transcripts of cases involving the victimization of Aboriginal sex workers in order to help deepen and inform the findings of the interviews. In the analysis of the transcripts, I attempted to answer the same questions that were addressed during the interviews.

Separate studies have been conducted on the experiences of Aboriginal women involved in the sex trade with members of society, such as clients and pimps and in dealing with members of the CCJS. However, there has been no combined study that looks at both of these types of experiences. In looking at the experiences that Aboriginal women have as sex workers in Saskatchewan, both with clients, pimps, and others, and in dealing with members of the CCJS in one combined study, this study provides a more complete analysis on issues impacting Aboriginal sex workers. In addition, this study focuses on Aboriginal sex workers in Saskatchewan specifically and much of the data is collected directly from the women who have had these experiences. It should be noted that the experiences of Aboriginal sex workers are not compared with those of non-Aboriginal sex workers because, according to Razack (2002), all prostituted women are racialized and thus treated similarly. However, there is something distinctive about Aboriginal women involved in the Saskatchewan sex trade, as highlighted and discussed in the next chapter.

By looking at the issues of Aboriginal women involved in prostitution from their standpoint, a better understanding of these issues will be generated. Specifically, analyzing issues of involvement in prostitution, experiences on the streets, and the treatment received from the CCJS offers a new form of knowledge and provides an alternative perspective to the existing knowledge claims of the dominant group of wealthy white males prevalent in existing literature (Chant, 2006; Collins, 1990; Reiman, 2004; Smith, 1990).

1.4 Outline of Chapters:

Chapter two entails a literature review of all three themes of this thesis, including: a) existing reasons for the overrepresentation of Aboriginal women involved in prostitution

in Saskatchewan; b) the dimensions of violence and abuse that Aboriginal women involved in sex work receive from members of the public; and c) the nature of limited protection and justice that these women receive from the CCJS. As already mentioned, the intersectionality theoretical lens has been adopted to explain the gender, racialization, and class dimensions of Aboriginal women's experiences in sex work and with the CCJS and explores how social characteristics, such as gender, race, and class contributes to social inequality. The gender dimension of these women's experiences is further analyzed with feminist theoretical lenses (specifically the pro-sex feminist perspective, the postcolonial feminist theory, and the feminist standpoint theory). The critical race theory is adopted to provide insight into the issue of racialization. Lastly, Marxist theory provides insight into the socio-economic dimension of the women's lives.

Chapter three describes the qualitative methodology adopted in the study. This includes both in-depth, open-ended interviews of two participants with experience working in the Saskatchewan sex trade and the content analysis of three court transcripts involving the victimization of Aboriginal women involved in the Saskatchewan sex trade. Chapter four contains the rich data attained from interviews with the two participants and their analysis. Chapter five provides an analysis of the data acquired through the content analysis of the three court transcripts. Chapter six entails the implications of the study findings for sex workers in terms of justice and human rights. Lastly, chapter seven provides recommendations for addressing the challenges confronting women in the sex trade and suggests ways of better dealing with these challenges.

1.5 Limitations of the Study:

There are numerous limitations to this study. One important limitation was finding Aboriginal women involved in sex work in Saskatchewan who were willing to participate in this research. Sharing their stories and describing reasons for entering into sex work, their experiences on the streets, and their experiences in dealing with members of the CCJS are not easy topics to discuss. The literature on this topic, discussed in Chapter 2, and the results of the data collection, both the interviews and content analysis of the court transcripts in Chapters 4 and 5 reveal, that many Aboriginal women involved in sex work experience severe forms of violence and abuse on the streets. In view of sensitive and

painful experiences confronted by sex workers, it is not surprising that they do not feel comfortable sharing their experiences in an interview format with a person they barely know.

In addition to this limitation, the ethics approval for this study was a lengthy process due to the sensitive nature and the risk involved. Once approval was granted, it was conditioned on holding interviews with the women over the phone rather than in person. While finding women to interview in person was already difficult, it proved even more difficult when participants were expected to answer personal questions over the phone without meeting the person they were speaking with. Initially, I intended to interview approximately twenty women, but due to numerous issues, I was only able to interview a total of two women. More than two participants were found, but due to the transient lifestyles led by many women on the streets, phone numbers either changed or were disconnected shortly after making initial contact. Sadly, one potential participant even passed away due to a drug overdose shortly before our interview was to take place. After looking into other studies conducted on Aboriginal women in Saskatchewan, I applied for consent to interview incarcerated women at the Pine Grove Correctional Institution. Unfortunately, due to the sensitive nature of my study, approval was not granted. Because of the limitations in finding research participants, a second data collection method was added to the study. The interviews comprise the primary data collection method, and the use of content analysis with court transcripts has been used as a secondary data collection method. These transcripts detail three separate court cases involving men who have violated Aboriginal women working in the sex trade.

Unfortunately, this also brought forward limitations. The use of three court cases for my content analysis was predicated on the fact that there were limitations placed on the use of court cases. Before access is granted to transcripts of court cases, such cases must have gone to the Court of Appeal and must have already been transcribed. Only a legal representative or a family member of either the complainant or the accused can request to have the recordings of trial cases transcribed. Only three such recent cases in Saskatchewan meet the stated criteria and were the only ones made available for my use.

A fourth limitation to the study is the lack of literature written on this topic in regards to the CCJS. While there is extensive literature written on the overrepresentation

of Aboriginal women in the sex trade and the experiences of Aboriginal women involved in sex work there is not a significant number of written works on the experiences of Aboriginal women with members of the CCJS. There is neither a significant amount of literature written on the topic that focuses on Saskatchewan specifically, nor from the standpoint of the women who have had these experiences.

Considering the limitations of this study, there is the opportunity for further studies on this and related topics. To improve future studies, it is important for more research participants to be recruited to take part in the interview process. With a greater number of participants represented in the study, society will be more likely to understand the daily experiences, standpoints, and perspectives of Aboriginal women involved in sex work. Recruitment of additional participants could be done through better collaboration with community workers. In fact, this collaboration could provide additional information to accompany the interviews with sex workers. While this study focuses on the standpoint of Aboriginal women involved in sex work, it would be interesting to interview non-Aboriginal female sex workers, as well as male sex workers, in order to compare their experiences on the street and with the CCJS to the experiences of Aboriginal female sex workers. It would also be interesting to explore the stories of law enforcement agents, as well as pimps and clients, through interviews bringing additional components to the study.

2. LITERATURE REVIEW

In this chapter, I look at the existing literature on the three thematic areas of discussion: the reasons for the overrepresentation of Aboriginal women involved in the sex trade, the violence encountered by Aboriginal women involved in sex work, and the experiences that Aboriginal women involved in sex work have in dealing with the CCJS. This thesis uses the broad theoretical framework of intersectionality theory to help explain these issues. Intersectionality theory focuses on the intersection of gender, race, and class and the impact of oppression that this intersection has on Aboriginal women in Saskatchewan. Based on the intersectionality theory, the theoretical perspective that informs this study is the following:

Aboriginal women are vulnerable to sex work and its associated violence with limited protection and justice from the CCJS, because of their disadvantaged position as racialized women who are economically disadvantaged.

This perspective is examined throughout analysis of this thesis to arrive at the appropriate conclusion of whether the variables of gender, race, and class contribute to the underlying reasons for the overrepresentation of Aboriginal women in sex work in Saskatchewan and the experiences (with clients and the CCJS) of Aboriginal women engaged in the sex trade.

2.1 The Issue of Overrepresentation:

There is limited literature on the experiences of Aboriginal female sex workers specifically in Saskatchewan, therefore, most of the literature included in this thesis focus on other parts of Canada and on Canada as an entire nation. There is also limited Canadian literature on how the prevalence of childhood sexual abuse impacts women involved in the sex trade and on the theoretical perspectives that focus on the issues related to prostitution as discussed throughout this thesis. I have, therefore, relied on American based literature to help fill the gaps in view of the fact that Aboriginal people in both Canada and the United States have dealt with similar issues of colonization, the American based literature used has a lot of relevance for explaining the issues in the Canadian context.

While anyone, anywhere in the world is at the potential risk of becoming involved in sex work, prostitution appears to be particularly common among minority women. According to Elabor-Idemudia (2003), “race and racial discrimination have been found not only to constitute risk factor [of sex trafficking] but may also determine the kind of treatment that women experience” (p. 116). For example, in Canada prostitution is fairly common among Aboriginal women (AI, 2004; Lowman, 2000; Nixon et al., 2002; Sikka, 2009). Aboriginal women involved in prostitution are particularly overrepresented in Saskatchewan, Manitoba, and British Columbia (Smyth, 2005). According to a study of Vancouver (BC) sex workers, more than 30% of the sex workers surveyed were Aboriginal, while Aboriginal people make up less than 2% of Vancouver’s population (AI, 2004). This is also evident in Victoria (BC), where Aboriginal women make up 15% of those involved in escort prostitution, but make up only 2% of the city’s population (Benoit & Millar, 2001). Similarly, research in Winnipeg (MB) has found that 50% of the total number of sex workers are Aboriginal, while comprising only 10% of the population (Sikka, 2009). This high level of overrepresentation is particularly obvious when examining statistics from Saskatoon (SK), where Aboriginal peoples make up 9.3 % of the population (Statistics Canada, 2006), while representing 80% of sex workers (EGADZ, 2008). Based on the highlighted statistics, it is obvious that Aboriginal women are overrepresented in the sex trade industry in Canada, and the province of Saskatchewan, and the city of Saskatoon, in particular.

Many people have difficulties understanding why so many women become involved in the sex trade. Most explanations focus on issues involving childhood trauma and victimization including sexual abuse, physical abuse, emotional abuse, and neglect (Benoit & Millar, 2001; Schissel & Fedec, 1999). Childhood sexual abuse entails a situation where “an older child, a youth or an adult uses a child or youth for his or her own sexual gratification” (Barriere, 2013, p. 16). Childhood physical abuse involves “any physical force or action that results in or may result in a non-accidental injury of a child” (Barriere, 2013, p. 14). Emotional child abuse involves “the constant oral attack of a child or youth by an adult that negatively affects the child or youth's self-worth” (Barriere, 2013, p. 13). Finally, child neglect is when “a caregiver fails to provide those

basic human needs that are necessary for a child/youth to grow into a healthy adult” (Barriere, 2013, p. 15).

Childhood sexual abuse has very strong effects on a person’s well being. In fact, experiences of childhood sexual abuse can even influence entry into prostitution. The majority of sex workers in Canada have been sexually abused as children (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). Of all the forms of abuse, sexual abuse tends to have the most significant impact on whether a youth will become involved in sex work (Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999).

According to Finkelhor (1994) and Lowman (1987), in Canada more than one in five girls and one in ten boys are sexually abused during their childhood. However, these numbers do not reflect the abuse that Aboriginal children in Canada receive. According to McIvor & Nahanee, 1998, as cited in Sethi (2007), “National data in Canada reveals that 75% of Aboriginal girls under the age of 18 have experienced sexual abuse, 50% under the age of 14, and almost 25% of those younger than 7 years of age” (p. 59). Sethi (2007) goes on to state that:

A study by Ontario Native Women’s Association (1989) found that eight out of ten Aboriginal girls have suffered some form of abuse- physical, sexual, psychological or ritual- in their communities and that these factors were associated with high rates of alcohol and drug use in these communities (Sethi, 2007, p. 63).

These numbers are even greater for those who become involved in the sex trade.

Lowman (1987) estimates that the numbers are twice as high among those who become involved in sex work. Satterfield (1981) and Chaleil (2002), as cited in Poulin (2003) found the numbers to be even higher, with between 75 – 80% of sex workers having been sexually abused during their childhood. McIntyre (1995), as cited in Nixon et al. (2002), also indicates that 82% of youth sex workers have been sexually abused before entering the sex trade. As these findings suggest, a majority of sex workers are sexually abused before entering into prostitution, and the abuse is one of the determining factors for entry into this lifestyle. Many young people who have experienced this kind of abuse run away from home or turn to the streets and sex work to get away from the abuse (Lowman, 1987; Schissel & Fedec, 1999). For example, one sex worker stated that “if I was going

to stay at home I was going to get screwed, so why not leave home and get paid for it” (Lowman, 1987, p. 104).

Experiences of childhood physical abuse are also prevalent among sex workers, although not to the same extent as sexual abuse (Nixon et al., 2002). However, according to Schissel & Fedec’s (1999) study, this is only true for non-Aboriginal youth involved in sex work. In contrast, physical abuse is a significant predictor of involvement in the sex trade for youth of Aboriginal ancestry. The same can be said for psychological abuse and neglect. That said, while all types of abuse have a significant impact on women entering the sex trade, sexual abuse remains to have the largest impact (Schissel & Fedec, 1999). This study also explores other significant factors.

Other major factors that make Aboriginal women prone to enter into prostitution include various forms of oppression through gender, racial, and class positioning. According to Collins (1990), hooks (2000), and Rojas (2009) each of these factors intersects with one another to make oppression stronger. For instance, throughout history women have been oppressed by men, individuals of color or minority status have been oppressed by Caucasian people, and those in lower-income classes have been oppressed by those in higher classes. Thus, a person who holds more than one of these identities is oppressed at a higher rate than are those with only one or none. Consequently, Aboriginal women are oppressed by all three, as women of minority status and of low-income class. In Canada, Aboriginal people have also been oppressed through colonialism, wherein not only was their land taken away, but so was their self-respect and dignity (Anderson, 2000; Razack, 2002; Sikka, 2009; Smith, 2003). To this day, Aboriginal people in Canada are not treated as equals who deserve respect and because of this treatment; many people of Aboriginal descent continue to live in poverty with limited access to power (Canada without Poverty, 2012). Intersectionality theory posits that all of these factors contribute to Aboriginal women being liable to enter into the sex trade industry (Amnesty International, 2004; Sikka, 2009).

From the discussion of the issue of overrepresentation so far, it is obvious that Aboriginal women involved in the Saskatchewan sex trade are in a unique position compared with other women involved in sex work. To begin with, as highlighted in the previous chapter, even though the majority of sex work in Canada takes place in private

locations (Sex Work in Canada, 2013), Aboriginal women make up the majority of sex workers involved in street prostitution in Saskatchewan (EGADZ, 2008) which is at the bottom of the sex trade hierarchy (Harcourt, 2005). According to Meulen et al. (2010), the reason that Aboriginal women make up the majority of sex workers involved in street-based sex work is because of their Aboriginal ancestry. Thus, being Aboriginal leaves the women with few options in the sex trade (such as the escort service), other than street-based sex work.

Aboriginal women also experienced terrible abuses in the wake of colonization from European settlers and later from Aboriginal men in their communities which continues today (Anderson, 2000). Due to colonization, many Aboriginal children were forced into residential schools where they experienced horrific physical and sexual abuse. And, according to Chansonneuve (2005), due to this learned abuse, many Aboriginal people continue the cycle of abuse in their communities through lateral violence. Aboriginal girls in Canada experience high rates of childhood abuse today which informs their becoming involved in sex work. These various experiences go to show that, Aboriginal women involved in sex work in Saskatchewan are in unique and distinctive positions, reflected in their treatment and experiences on the streets.

2.2 Experiences of Aboriginal Sex Workers on the Street:

According to Alarcon (2013), Razack (2002), and Smyth (2005) and as highlighted by Amnesty International (2004), Aboriginal women involved in prostitution are at a high risk of experiencing violence on the job. The United Nations defines violence against women as “any act of gender-based 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 deprivation of liberty, whether occurring in public or private life” (Terry, 2007, p. 123). Many women in Canada engaged in prostitution frequently encounter ‘bad dates’ with clients where they are physically and sexually attacked and violated, with the worst outcome being murder (Benoit & Millar, 2001; Lowman, 2000; Nixon et al., 2002). In fact, “since Bill C-49³ was introduced in 1985 there has been an

³ Bill C-49, which is now section 213 of the Criminal Code, came into effect in Canada on December 28, 1985 to amend the Criminal Code. It “repealed section 195.1 and replaced it with a new provision,

increase in violence directed towards sex workers” (Smyth, 2005, p. 2). Moreover, it has been found that prostitution (particularly street prostitution) is one of the most dangerous occupations a person can have when it comes to experiences of violence and murder (Dalla et al., 2003; Lowman, 2000; Smyth, 2005). Dalla et al. (2003) further observe that “one of the eight most prevalent forms of global violence against women, as identified by Watts and Zimmerman (2002), is violence against prostituted women” (p. 1367). Similarly, Smyth (2005) claims that “sex workers face the highest homicide rate for any occupation in Canada. [In fact], more sex workers are killed than police officers” (p. 2). According to Quinet (2007) (as cited in Cooper and Salomons, 2010), 75% of serial murders are committed against sex workers.

There are many different forms of violence that are inflicted upon women involved in the sex trade including: rape, stabbings, choking, torture, and being run over by vehicles (Benoit & Millar, 2001; Nixon et al., 2002). In most cases, abuse is inflicted by pimps, clients, and those with personal relationships to the sex workers (Benoit & Millar, 2001; Nixon et al., 2002). However, the general public and even law enforcement officers perpetuate this vicious abuse as well (Benoit & Millar, 2001; Nixon et al., 2002). As will be addressed in the context of the different theories I discuss, a key reason for high rates of abuse occurs because, in many cases, it is possible to get away with it. Women involved in the sex trade have few rights, and the people who abuse these women seem to feel that they have the right, power, and/or status to violate these women and go unpunished (AI, 2004; Mies, 1998 (as cited by Kuokkanen, 2008); Razack, 2002).

Some researchers posit that violence is more commonly directed towards Aboriginal sex workers than non-Aboriginal sex workers (Lowman, 2000; Meulen et al., 2010). In fact, Brennan (2011), the NWAC (2010), and the Ontario Women’s Justice Network (OWJN) (2013) claim that Aboriginal women are three times more likely to experience both physical and sexual violence than are non- Aboriginal women. According to Statistics Canada (2006), as cited by the OWJN (2013), while all women are at a disadvantage compared with men, when it comes to experiences of violence and sexual

applicable to both clients and prostitutes, prohibiting solicitation that impedes or otherwise interferes with the use of streets and public places” (Robertson, 2003).

assault, Aboriginal women in particular experience a heightened threat of violence from their partners and other men than do non-Aboriginal women. Smyth (2005) also notes that youth and Aboriginal women involved in street prostitution are at higher risk of being murdered than others working the street. For instance, in Canada numerous Aboriginal women working in the sex trade (including Pamela George, Calinda Waterhen, and Shirley Lonethunder) were brutally attacked, raped, and murdered by clients (AI, 2004). Unfortunately, they represent just a few of the women whose deaths were made public. Many more deaths have gone unnoticed, which is evident by the more than 500 missing or murdered Aboriginal women in Canada, many of whom were involved in the sex trade (AI, 2004). Several of these women's stories are discussed in the data analysis chapter of this study to highlight the violence and exploitation that Aboriginal women involved in sex work encounter on the streets. In the next section, this thesis looks at whether or not Aboriginal women receive appropriate protection and justice from the CCJS.

2.3 Experiences of Aboriginal Sex Workers with the CCJS:

There is limited literature on how Aboriginal women sex workers experience encounters with law enforcement agents and other members of the CCJS. However, the literature that has been written suggests that these women receive little protection and justice from the CCJS. Due to the lack of literature, I look at the three court transcripts that are used as part of my analysis in Chapter 5 for additional support on this topic. Prostitutes are typically seen as 'disposable' members of society who do not deserve protection (AI, 2004; Razack, 2002; Sikka, 2009). According to Nixon et al. (2002) and Razack (2002), this treatment is even more common among Aboriginal than non-Aboriginal sex workers. Nixon et al. (2002) and Meulen et al. (2010), posit that Aboriginal sex workers are more likely to experience sexual harassment and assault by the police than are non-Aboriginal sex workers.

In fact, according to Ball (2013) and Gerald (2013), the U.S. Human Rights Watch released a Report in 2013 on the Royal Canadian Mounted Police's (RCMP) treatment of Aboriginal women involved in prostitution in British Columbia. The Report highlighted

evidence of both physical and sexual assault of prostituted Aboriginal women in RCMP custody, as well as their failure to protect Aboriginal women from violence.

Sikka (2009) makes the case that, “historical representations of the Aboriginal woman have often been linked to sexual availability and criminal activity” (p. 1). In fact, many law enforcement agents, especially the police, see Aboriginal people not only as a group undeserving of protection, but as a group of people from whom others should be protected (Harper, 2006). This is evident in the court transcripts of *Her Majesty the Queen v. Raymond Stonechild* when the victim’s drug use is discussed by the Crown counsel, the defense counsel, and the trial judge (2004). This is also apparent when the counsel for the Crown and trial judge discuss the fact that the victim of sexual assault, Christine Acoose, had a criminal record (2004). Thus, many women who are prostitutes and experience violence from clients are seen by the CCJS as consenting to the violence because they knowingly put themselves in positions of danger (*Her Majesty the Queen v. Stephen Kummerfield and Alex Ternowetsky*, 1996; Razack, 2002). In some cases, the violence directed towards them is even seen as permissible, and for this reason, goes largely unacknowledged (AI, 2004; Lowman, 2000; Razack, 2002). This is evident in the transcripts of *Her Majesty the Queen v. Stephen Kummerfield and Alex Ternowetsky* (1996) when both the defense counsel and the trial judge state that the victim, Pamela George, could not have been sexually assaulted because she was a sex worker.

This is also reflected in the lack of success in finding missing Aboriginal women involved in the sex trade. According to the United Nations Committee on the Elimination of Discrimination against Women, “Hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention” (Cooper & Salomons, 2010, p. 46). The lack of concern and limited action by the RCMP in regards to the disappearance of Aboriginal women in British Columbia was another issue brought forward by the U.S. Human Rights Watch Report (Gerald, 2013). This issue is in resonance with the three victims of John Martin Crawford who were murdered in Saskatoon, Saskatchewan. According to Goulding (2001), when the families of these women reported them missing, the RCMP did not take the families concerns seriously, and in two of the cases, the RCMP even refused to issue a missing person report (Goulding, 2001). The justification

is typically that most of the missing women involved in the sex trade did not have close contact with friends or family and tended to frequently move from one location to another (Harper, 2006; Lowman, 2000; Razack, 2002). However, Meulen et al. (2010), attributed this indifference to the stereotypes often held regarding the sexual availability of Aboriginal women. Amnesty International posits that “few police forces have specific protocols on actions to be taken when Indigenous women and girls are reported missing” (Harper, 2006, p. 35), which can lead to a lack of success in solving murder cases particularly when the victims are sex workers. According to Lowman (2000), between the early 1980’s and the early 1990’s in Canada, murder cases where the victims were street prostitutes were solved at a rate of 27%. Comparatively, all general murder cases in Canada between 1986 and 1997 were solved at a rate of between 77% and 85% (Lowman, 2000). As the data show, the rate for solving murders of women who are sex workers is not nearly as high as the rate for solving murders of other Canadian citizens. However, this is not only the case with prostituted women, but with Aboriginal people as a whole. According to NWAC (2010), “in 2010, the evidence indicated charges had been laid in only 209 of 393 cases (approximately 53%) involving Aboriginal people. This clearance rate for murder cases is dramatically different from the average clearance rate for homicides in Canada, which was reported by Statistics Canada at 84% in 2005” (Statistics Canada, 2005, as cited in NWAC, 2010, p. 27). The OWJN (2013), states that, “the increased risk of violence against Aboriginal women, and the substandard investigations into disappearances and acts of violence against them, is a form of discrimination and a violation of their rights” (p. 1).

Many of the negative experiences that Aboriginal sex workers have with law enforcement agents and other members of the CCJS can be explained by the power relations that exist. In Canada, members of the CCJS are in positions of authority, and expect to be treated with respect because of this clout. On the other hand, Aboriginal women involved in prostitution are often perceived by the CCJS as criminals (Harper, 2006; Sikka, 2009), unworthy of protection and justice (AI, 2004; Razack, 2002; Sikka, 2009). Due to these biases and perceptions, members of the CCJS often neglect to treat sex workers with respect (Sex Work in Canada, 2013).

2.4 Prostitution Laws in Canada:

In Canada, laws have been put in place to protect victims of violence. Unfortunately, according to Razack (2002), these laws are often not applied in cases where the victims work in the sex trade because sex workers are seen as entering into a contract with their clientele which permits violence. One definition of victim is “one that is acted upon and is usually adversely affected by a force or agent” (Merriam-Webster Online Dictionary, n.d.). Thus, this raises the key question of why laws that have been put in place to protect victims of violence are not used to protect women working the streets who have been victimized. According to Section 265 (1) of the Criminal Code of Canada (2013), violence and abuse are considered to be assaults, and:

A person commits an assault when (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly; (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs (p. 225).

This definition of assault covers a wide variety of forms of violence and abuse, including the violence and abuse that Aboriginal women working the streets frequently encounter (Benoit & Millar, 2001; Nixon et al., 2002). Specifically, section 266 of the Canadian Criminal Code (2013) states that “everyone who commits an assault is guilty of (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or (b) an offence punishable on summary conviction” (p. 226). Therefore, any act of violence, assault, threat, or attempt of violence or assault, from one person to another without the consent of that person is considered illegal.

In the matter of consent, according to Section 265 (3) of the Canadian Criminal Code (2013):

No consent is obtained where the complainant submits or does not resist by reason of (a) the application of force to the complainant or to a person other than the complainant; (b) threats or fear of the application of force to the complainant or to a person other than the complainant; (c) fraud; or (d) the exercise of authority (p. 225).

This part of the Criminal Code can be interpreted to mean that an act is considered an assault if: a) one has not willingly given permission to be treated in a violent manner, b) one has been threatened with abuse of themselves or another person, or c) if the

individual is in a position of subordination to the abuser. Therefore, if consent has not been granted the act of violence is legally considered to be an assault. There is nothing in the Criminal Code that states that these laws do not apply if the person who has been assaulted is a sex worker.

Women involved in the sex trade are assaulted and violated the same way that others are, in fact, they are violated and abused more often than most women (Dalla et al., 2003). Those who assault these women should therefore be punished in the same way that any other person who commits an assault is punished. However, this is not how violence towards sex workers is viewed in Canadian society (Sikka, 2009). Lowman (2000) and Razack (2002) argue that because sex workers sell their bodies for money, they are seen as giving consent to being violated and abused. This issue of consent presents a problem when it comes to cases of assault, particularly when complainants are prostituted women. For example, Section 265 (4) of the Canadian Criminal Code (2013) states that:

Where an accused alleges that he believed that the complainant consented to the conduct that is the subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defense, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief (p. 225-226).

As the above section indicates, even if the complainant objects, if the accused says that he believed that he had permission to treat an individual with abuse and violence, his or her statement will be taken into consideration. If the judge and jury believe this statement, it will be considered when determining the accused's punishment. Therefore, it becomes more difficult to prove that a woman involved in sex work did not willingly submit to forms of abuse and violence.

More specific forms of violence and assault that are encountered by women in the sex trade are also discussed in the Criminal Code of Canada (2013). Examples include assault causing bodily harm and aggravated assault. In the case of assault with a weapon causing bodily harm, Section 267 of the Criminal Code of Canada (2013) states that:

Every one who, in committing an assault, (a) carries, uses or threatens to use a weapon or an imitation thereof, or (b) causes bodily harm to the complainant, is guilty of an indictable offence and liable to imprisonment for a term not exceeding

ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months (p. 226).

Here bodily harm refers to, “any hurt or injury to a person that interferes with the health or comfort of the person and is more than merely transient or trifling in nature” (Criminal Code, 2013, p. 4). This includes any assault involving the use of a weapon or the threat of the use of a weapon and any assault that causes bodily harm to the victim. It is an important distinction from assault, because not all forms of assault cause bodily harm. In Section 268 (1), aggravated assault is defined as an assault that “wounds, maims, disfigures or endangers the life of the complainant” (Criminal Code, 2013, p. 226). In addition, “anyone who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years” (Criminal Code, 2013, p. 226). Therefore, to be considered an aggravated assault causing bodily harm, the perpetrator must physically hurt the victim.

Uttering threats is also considered assault. Specifically, the Canadian Criminal Code (2013), Section 264.1 (1) and (2) states that:

Everyone commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat (a) to cause death or bodily harm to any person (Section 264.1 (1)) is guilty of (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months (Section 264.1 (2)) (p. 225).

Also, Section 264.1 (1) and (3) asserts that:

Everyone who commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat (b) to burn, destroy or damage real or personal property; or (c) to kill, poison or injure an animal or bird that is the property of any person (Section 264.1 (1)) (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or (b) is guilty of an offence punishable on summary conviction (Section 264 (3)) (Criminal Code, 2013, p. 225).

As is evident, there are many laws that have been put in place to cover a wide variety of offences related to violence and assault to protect the victims of assault and to punish the perpetrators.

Just as there are different forms of assault defined in the Canadian Criminal Code (2013), there are also different forms of sexual assault, including: sexual assault with the use of a weapon, and aggravated sexual assault. To define sexual assault, it is

necessary to look at how the Criminal Code of Canada (2013) defines the term “assault” because all forms of sexual assault fall under this definition.⁴ Section 265 (1) of the Canadian Criminal Code (2013) defines sexual assault as follows:

A person commits a [sexual] assault when (a) without the consent of another person, he applies [sexual] force intentionally to that other person, directly or indirectly; (b) he attempts or threatens, by an act or a gesture, to apply [sexual] force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or (c) while openly wearing or carrying a weapon or an imitation thereof, he [sexually] accosts or impedes another person or begs (p. 225).

Moreover, Section 271 (1) of the Canadian Criminal Code (2013) asserts:

Everyone who commits a sexual assault is guilty of (a) an indictable offence and is liable to imprisonment for a term not exceeding ten years and, if the complainant is under the age of sixteen years, to a minimum punishment of imprisonment for a term of one year; or (b) an offence punishable on summary conviction and is liable to imprisonment for a term not exceeding eighteen months and, if the complainant is under the age of sixteen years, to a minimum punishment of imprisonment for a term of ninety days (p. 229).

When it comes to sexual assault with a weapon, threats to a third party, or causing bodily harm, Section 272 (1) also states that:

Every person commits an offence who, in committing a sexual assault, (a) carries, uses or threatens to use a weapon or an imitation of a weapon; (b) threatens to cause bodily harm to a person other than the complainant; (c) causes bodily harm to the complainant; or (d) is a party to the offence with any other person (Criminal Code, 2013, p. 229).

To elaborate further, Section 272 (2) indicates that:

[Such a person] is guilty of an indictable offence and liable (a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of (i) in the case of a first offence, five years, and (ii) in the case of a second or subsequent offence, seven years; (a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; (a.2) if the complainant is under the age of sixteen years, to

⁴ “[Section 265 (1)] applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault” (Criminal Code, 2013, p. 225).

imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of five years; and (b) in any other case, to imprisonment for a term not exceeding fourteen years (Criminal Code, 2013, p. 229-230).

Similar to aggravated assault, Section 273 (1) defines aggravated sexual assault as when someone “in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant” (Criminal Code, 2013, p. 230). Furthermore, Section 273 (2) of the Canadian Criminal Code (2013) elaborates:

Every person who commits an aggravated sexual assault is guilty of an indictable offence and liable (a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of (i) in the case of a first offence, five years, and (ii) in the case of a second or subsequent offence, seven years; (a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; (a.2) if the complainant is under the age of sixteen years, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years; and (b) in any other case, to imprisonment for life (p. 230-231).

It is important to note that just as women involved in the sex trade can be assaulted, they can also be sexually assaulted. The fact that a woman works in the sex industry does not mean that clients can force her to do anything against her will, even if she has been paid for her services. In fact, when it comes to any of the above mentioned forms of assault, including sexual assault, sexual assault with a weapon, and aggravated sexual assault, Section 277 of the Criminal Code of Canada (2013) posits that “evidence of sexual reputation, whether general or specific, is not admissible for the purpose of challenging or supporting the credibility of the complainant” (p. 235).

Regarding the issue of consent in cases of sexual assault, Section 273.1 (1) defines consent to mean, “The voluntary agreement of the complainant to engage in the sexual activity in question” (Criminal Code, 2013, p. 231). Thus, according to Section 273.1 (2) of the Criminal Code of Canada (2013):

No consent is obtained, for the purposes of [any of the above mentioned forms of sexual assault], where (a) the agreement is expressed by the words or conduct of a person other than the complainant; (b) the complainant is incapable of consenting to the activity; (c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority; (d) the complainant expresses, by

words or conduct, a lack of agreement to engage in the activity; or (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity (p. 231-232).

Also Section 273.2 of the Canadian Criminal Code (2013) states that:

It is not a defense to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where (a) the accused's belief arose from the accused's (i) self-induced intoxication, or (ii) recklessness or willful blindness; or (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting (p. 232).

Thus, in contrast to assault, in cases of sexual assault, if the victim says that he or she did not consent to the abuse the perpetrator can not receive a lesser punishment by claiming that he believed that his victim consented. Therefore, there is no justifiable reason that someone accused of sexually assaulting a sex worker should go unpunished.

As has been highlighted, the Criminal Code of Canada (2013) includes many laws that can be enforced to protect victims of violence and assault and to punish the people that inflict such violence and assault on their victims. In spite of these existing laws, Aboriginal women working in street prostitution are still victimized and brutalized with little protection or compassion from the CCJS (Razack, 2002). The experiences of both violence and lack of protection constitute "violations of women's human rights on a massive scale. This is because women have rights in all these areas, written down in the form of international human rights agreements and, in many countries, [including Canada], domestic legislation" (Terry, 2007, p. 3). Moreover, "the massive denial of basic human rights, including the right to life, to millions of the world's women does not seem to figure highly on government's agendas" (Terry, 2007, p. 7). In Canada, this appears to particularly be the case with Aboriginal women involved in the sex trade, as evidenced by the numerous Aboriginal women sex workers that have gone missing or been murdered (AI, 2004). Unfortunately, the Canadian government has done little to prevent this (NWAC, 2010).

Fundamentally, issues of violence and abuse encountered by Aboriginal women involved in sex work coupled with the lack of protection from the CCJS are a matter of human rights. According to Terry (2007), human rights can be defined in a number of ways and exist on different levels:

Legally speaking, they are embodied in national legislation and international treaties such as the Universal Declaration of Human Rights. But human rights are more than just legal matters. More broadly, a human right is a legitimate claim that an individual has on others, whether these 'others' are individuals, groups, societies or nation-states, which the 'others' have a duty to respond to. According to this view, it reflects a basic commitment to human solidarity. A more pragmatic view of rights is that they are legal and political tools that can be useful in struggles for social justice (p. 24-25).

Terry (2007) goes on to highlight the fact that:

The foundation for human rights was laid in 1948, when the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights (UDHR), setting out a vision and basic principles. Crucially for women's human rights is Article 2 which states that: 'everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of sex' (p. 27).

According to the Canadian Charter of Rights and Freedom (1982), every Canadian is entitled to fundamental human rights, including Aboriginal women involved in the sex trade. These women have a right to live life without abuse and violence and without fear of abuse and violence from their partners, pimps, clients, and the general public. They also have the right to protection and justice from the CCJS (Government of Canada). However, in many cases in Canada, human rights are not taken into account, and Aboriginal women involved in prostitution continue to experience violence and abuse while on the streets with little or no protection from the CCJS (Cooper & Salomons, 2010; Harper, 2006; Razack, 2002).

Amnesty International (2008) has addressed numerous significant women's human rights concerns in Canada by pointing to three particular barriers that stand in the way of protection and justice. First, Canada has not adequately applied human rights recommendations set out by the United Nations. Second, Canada has neither conducted enough research nor collected sufficient data on the fact that, contrary to popular belief, human rights protection has not been equally applied to all Canadian citizens (particularly women and minorities). Third, Canada has provided limited funding for programs set up to uphold women's human rights (AI, 2008). Although there have been a number of recommendations made to the Canadian government about how to address the issues and injustices that many minorities and women endure, little has been done (AI, 2008). It is obvious that the Canadian government has not been protective and accountable to

prostituted Aboriginal women, which is tantamount to a violation of their human rights.

According to Terry (2007):

Accountability – the principle that parties such as governments and large companies have a duty to uphold people’s rights – is central to human rights thinking. This idea that you can legitimately demand action from national and local government, companies and other bodies is what gives human rights much of their strength (p. 17).

Both the Canadian federal government and the provincial and territorial governments have a duty to uphold the human rights of all of their citizens, regardless of their gender, race, ethnicity, or occupation (Terry, 2007). This is a serious issue that requires action to be taken to protect the women who face possible violence and abuse confronting them on the job.

As indicated in the previous chapter, since Razack (2002) claims that all prostituted women are racialized and treated alike, the experiences of Aboriginal sex workers are not compared with those of non-Aboriginal sex workers. However, according to the intersectionality theory, the fact that Aboriginal women are more susceptible to sex work than non-Aboriginal women in Saskatchewan indicates that they are clearly marginalized and vulnerable. This, when compounded by the fact that Aboriginal women have even limited options for the type of sex work they take part in (Meulen, et al., 2010), shows that Aboriginal women are not only devalued in mainstream society, but also in the sex work subculture. According to UNICEF (2004), as cited in Farley and Lynne (2008), in addition to Aboriginal women being at “the bottom of the race and class hierarchies of life” in view of their multiple oppression, those involved in sex work are also at “the bottom of a brutal race and class hierarchy in prostitution itself” (p. 4). Meulen et al., (2010), claim that Aboriginal sex workers are even disregarded by the Western Sex Workers’ Rights Movement.

2.5 Theoretical Framework for the Study:

This thesis adopts an intersectionality theoretical framework that focuses on the intersection of gender, race, and class in Aboriginal women’s experiences of engagement in prostitution. Specific issues focused on include: a) the reasons for the overrepresentation of Aboriginal women involved in sex work in Saskatchewan, b) the

violence that Aboriginal sex workers encounter in the trade, and c) the lack of protection and justice that these women receive from the CCJS. Although intersectionality theory constitutes the broad theoretical framework of this thesis, additional theories such as feminist, critical race and Marxist theories focusing on the characteristics of gender, race, and class are used as well.

2.5.1 Intersectionality Theory:

The intersectionality theory investigates the many ways social groups are oppressed and marginalized. Intersectionality theory focuses on three main factors of oppression: a) race; b) gender; and c) class (Collins, 1990; Rojas, 2009). According to this theory, each factor overlaps the others to make oppression stronger (Collins, 1990; hooks, 2000; Rojas, 2009). For example, women are oppressed by men, people of color are oppressed by Caucasian people, and people living in poverty are oppressed by the wealthy. People who possess more than one of these social characteristics are oppressed more than those with only one or none of these identities (Collins, 1990; hooks, 2000; Rojas, 2009).

Aboriginal women in Canada, as women of a minority race and in many cases living in poverty (Canada without Poverty, 2012), often encompass all three of the characteristics addressed in intersectionality theory (Razack, 2002; Sikka, 2009). Through the intersection of these identity categories, minority women, such as Aboriginal women in Canada, are more likely to be oppressed, marginalized, and excluded from feminist and anti-racist discourses (Crenshaw, 1991). Feminism has tended to focus on the sole issue of patriarchy, while anti-racist discourses have tended to only focus on the issue of racism (Crenshaw, 1991). Because of the gaps between these two discourses, women of color are marginalized within both (Crenshaw, 1991). Crenshaw (1991) illustrates that “the concerns of minority women fall into the void between concerns about women’s issues and concerns about racism” (p. 1282). However, minority women often focus on concerns of race over those of gender (Rojas, 2009), and may experience group social pressure to do so. According to Green (2000) and Jackson (2000), this can be seen with Aboriginal women who have been accused of weakening the ‘greater’ cause of Aboriginal rights, in taking up the fight for women’s rights.

Intersectionality theory has relevance for explaining the issue of Aboriginal women engaged in prostitution and the violence and lack of justice that they confront. The majority of prostitutes are women (Vandiver and Krienert, 2007), most come from the low-income class (Jeffrey & MacDonald, 2006), and the majority of the prostitutes in Saskatchewan are Aboriginal (EGADZ, 2008). These factors are compounded even further by their experiences under colonization. Issues relating to colonization are discussed in detail in the next section, but briefly, during colonization, the goal of the European settlers was to assimilate Aboriginal people into the European way of life (Anderson, 2000), thus making them “white”. When this task proved difficult, the European settlers instead took over the lands of Aboriginal peoples segregating them into reserves away from the rest of the population and forcing Aboriginal children into residential schools (Anderson, 2000). The goal of residential schools was also to assimilate the children into the “civil” European way of living (Chansonneuve, 2005). The eventual goal was that the children would return home with their new “civility” and teach their parents and elders the lessons they learned (Chansonneuve, 2005). Unfortunately, these lessons were taught through extreme forms of abuse and shaming. Instead of going home to their families and teaching their communities to live as the Europeans, the children went home as broken individuals and, as adults, many continued the cycle of abuse with their own children (Alarcon, 2013; Chansonneuve, 2005).

These experiences of colonization, particularly residential schools, have made Aboriginal people internalize the racism and abuse they endured and ashamed of the color of their skin (Anderson, 2000). According to Anderson (2000), “internalized racism spreads like a disease through Native communities” (p. 106) and has also influenced Aboriginal men to treat the women in their communities with violence and abuse (Brownridge, 2003). In view of the compound oppression of being both Aboriginal and female, Aboriginal women have internalized racism and sexism, and have developed an even greater shame because of both their race and gender. The internalization of the compound oppression complex has led Aboriginal women to blame themselves for their disadvantaged position in society (Anderson, 2000). Having each of these identities (female, Aboriginal, poor) makes it more difficult for individuals to

function in the mainstream Canadian society and, for this reason, many have little choice but to engage in prostitution (AI, 2004; Kuokkanen, 2008; Sethi, 2007).

According to Crenshaw (1991), identities such as race and gender, intersect with one another in shaping political, structural, and representational dimensions of violence against women of color and of minority status. Therefore, violence towards a woman of color is seen as more acceptable than violence towards a Caucasian woman. According to Crenshaw (1991), there is a “sexual hierarchy in operation that holds certain female bodies in higher regard than others” (p. 1269). Aboriginal sex workers appear to be viewed as lower in the hierarchy than Caucasian women (Smith, 2003). Therefore, violence towards Aboriginal women involved in the sex trade is considered to be tolerable (AI, 2004; Lowman, 2000; Razack, 2002). This helps to explain why prostituted Aboriginal women experience violence on the streets. This also helps to explain why Aboriginal women involved in sex work do not receive an acceptable form of justice from the CCJS, as Aboriginal sex workers are frequently considered undeserving of the same protection and justice that other members of society receive (Sikka, 2009; Razack, 2002).

2.5.1.1 Feminist Perspectives

In examining the gender dimension of the intersectionality theory, several additional theories within the feminist perspective help to explain why women are more likely than men to enter into sex work and confront violence, abuse, and limited justice once involved in the sex trade industry. Although there are male sex workers, the majority of prostitutes are women and prostitution continues to be a woman’s issue in particular (Vandiver and Krienert, 2007).

The issue of prostitution has been examined through different feminist lenses, including: the pro-sex feminist perspective, postcolonial feminist perspective, and feminist standpoint perspective. Each of these perspectives has been used to explain issues related to prostitution and are highlighted below.

Pro-Sex Feminist Perspective:

The pro-sex feminist perspective, also known as sex positive feminism, was first developed in the 1980's by women involved in the sex trade and has been used by feminist sex workers (O'Neill, 2001). Most pro-sex feminist women have chosen to work in the sex trade, despite having other options (Doezema, 2005; Nagle, 1997). Many of these women claim their involvement in prostitution is empowering (Fabian, 1997; Sheiner, 1997) and even enjoyable for some (Sprinkle, 1997). Fabian (1997) suggests that during pre-patriarchal times priestesses and other respected women used sex as a form of empowerment. In fact, sacred prostitutes used their sexuality to overthrow evil men and save humanity (Fabian, 1997). As a result of values brought about by Christianity, sex came to be seen as indecent and unclean (Fabian, 1997). Fabian (1997) explains that the "fall of man [was blamed] upon the sexual and seductive power of women" (p. 47).

Pro-sex feminists see the violence that is inflicted upon sex workers as coming from 'sex-negative' attitudes in society (Queen, 1997). They feel that in many societies throughout the world, particularly westernized societies such as Canada which have been influenced by patriarchal beliefs, the idea that sex work is dirty has become ingrained in people's minds (Fabian, 1997; Queen, 1997). As a result, sex workers are seen as dirty, disease-spreading, individuals, who deserve to be treated badly and their clients are similarly viewed as dirty and degraded people (Queen, 1997). These attitudes have led to feelings of shame and disgust for the men who access the sexual services of prostitutes. These attitudes also affect how men treat sex workers (Queen, 1997). In fact, Queen (1997) suggests that "when a prostitute sees a client, the presence or absence of respect has much to do with how sex-positive the client or customer is, as well as on each person's degree of self-respect and presence or absence of sexual shame" (p. 130). The more the men internalize how others see them in a negative way, the worse they treat sex workers (Queen, 1997). These same attitudes are held by members of the justice system (Queen, 1997). Queen (1997) notes that pro-sex feminists view the justice system as 'sex-negative' and explains that many police officers do not see violence directed towards prostitutes as a crime and go on to victimize sex workers themselves.

Pro-sex feminists posit that part of the blame of these negative attitudes toward sex work in society is due to how feminists view sex work as oppressing and degrading for women (Queen, 1997). Most pro-sex feminists argue that instead of focusing on these issues, feminists should focus on the fact that sex workers are being victimized and should fight for safer laws to help sex workers rather than abandoning them (Pheterson, 1989). Pro-sex feminists feel that if sex work came to be accepted in society, clients would not feel as ashamed about their sexual desires and would treat prostitutes with more respect (Queen, 1997). It follows that, by having law enforcement officers provide more protection for sex workers, much of the violence directed towards prostitutes that is not related to their client's sexual shame would also stop.

The analysis to this point shows that the pro-sex feminist perspective offers interesting insight into the violence directed at women involved in prostitution and the lack of protection and justice that they receive from the CCJS. However, there are several areas of concern that exist within this perspective. First, the theory tends to focus on women who have willingly entered into the sex trade despite other options available to them. This does not represent the position of the typical sex worker who is involved in prostitution due to limited opportunities. Second, this perspective discounts the fact that most prostitutes come from violent and abusive childhoods (Queen, 1997), which has been supported by numerous studies (Benoit & Millar, 2001; Schissel & Fedec, 1999). Another concern relates to the fact that, while the pro-sex feminist perspective acknowledges that most prostitutes are women who have been oppressed in various ways (Doezema, 2001; Queen, 1997), it does not explain why Aboriginal women living in subordinated positions in Canada are overrepresented in this lifestyle. Because this appears to be the case, Aboriginal feminism suggests that, "issues [such as] colonialism, racism and sexism, and the unpleasant synergy between these three violations of human rights" (Green, 2007, p. 23) must be taken into account when discussing the situation of Aboriginal women in Canada. Therefore, other perspectives are explored for answers, including postcolonial feminist theory to examine colonialism and the feminist standpoint theory to further examine the intersection of race, gender, and poverty and how these characteristics shape the lives of minority women.

Postcolonial Feminist Theory:

Postcolonial feminist theoretical perspective focuses on ways that colonialism has affected the position of Aboriginal women. This theory suggests that Aboriginal women in Canada are highly overrepresented in sex work because of their experiences during colonialism. During the colonial period, merchants (most of whom were men) from the industrialized nations of the world conquered many underdeveloped nations, usurped their lands, took advantage of the material goods of the nations, and introduced patriarchy (the rule of men) to the people of conquered nations (Anderson, 2000; Cooper & Salomons, 2010; Sikka, 2009). In fact, ever since Europeans first stepped on North American soil, they oppressed and marginalized Aboriginal people by usurping their land, eventually segregating them from the rest of the population onto reserves, and forcing Aboriginal children into residential schools (Anderson, 2000; Cooper & Salomons, 2010; Sikka, 2009). According to Chansonneuve (2005):

The purpose of residential schooling was to assimilate Aboriginal children into mainstream Canadian society by disconnecting them from their families and communities and severing all ties with languages, customs, and beliefs. To this end, children in residential schools were taught shame and rejection for everything about their heritage, including their ancestors, their families, and especially, their spiritual traditions (p. 5).

Chansonneuve (2005) states that “the impacts of disconnection and shaming were compounded by the physical and sexual abuse many children experienced at these schools, often by multiple perpetrators and for many, in the entire duration of their childhood” (p. 5). The current conditions of Aboriginal people in Canada are often explained by the existence of residential schools and the abuse that took place in these schools (Chansonneuve, 2005). It is the belief of postcolonial feminists that not only the treatment that occurred at residential schools, but also the trauma of being taken away from their families at a young age, have greatly impacted the lives of many Aboriginal people in Saskatchewan today (Chansonneuve, 2005).

While this abuse has affected many Aboriginal people in Canada, it has especially been difficult for Aboriginal women. Before Europeans first came to North America, Aboriginal women of most tribes were treated as equals with the men and there was very little abuse in existence (Anderson, 2000; Smith, 2003). According to Anderson (2000)

and Smith (2003), many Aboriginal communities were matriarchal, wives owned properties, and in some cases female chiefs ruled the people. However, when the colonizers came into contact with the Aboriginal people of the 'New World', they imposed patriarchal European ways of life onto them (Anderson, 2000; Sikka, 2009; Smith, 2003). As a result, men treated women in highly misogynistic ways and women were considered to be the property of men (Sikka, 2009; Smith, 2003). Since the period of colonization, Aboriginal women were no longer treated with respect and became subordinated to not only men, but to white society in general (Anderson, 2000; Sikka, 2009).

Aboriginal women were often viewed by the European settlers as highly sexualized and often used this as an excuse to take part in extra marital affairs with young Aboriginal women and girls (Anderson, 2000). This depiction of Aboriginal women as morally-lacking and "easy" continues today. In fact, according to Anderson (2000), "Native girls begin to hear racial/sexual slurs from an early age, often before they even understand the terms themselves" (p. 105). Anderson (2000) claims that, "these negative images of Native women are so ingrained in the Canadian consciousness that . . . it is easy to see how Native women might begin to think of themselves as 'easy squaws'" (p. 106). These racist stereotypes led many Aboriginal women to internalize racism and develop self-hatred (Anderson, 2000) which has persuaded some to take part in sex work.

This history of colonialism in Canada has made Aboriginal women more apt to be abused and, given few other options, pushed many to become involved in sex work (AI, 2004). Once engaged in sex work, they are likely to experience violence and abuse (AI, 2004; Razack, 2002; Smyth, 2005), as well as limited justice (AI, 2004; Razack, 2002). This treatment is also due to the way colonizers portray Aboriginal people as a group of people who deserve the violence they receive and who 'society's members' need to be protected from (Harper, 2006). During the colonial period, Aboriginal women confronted a lot of violence from the European settlers (Anderson, 2000). In fact, throughout the colonial period, colonizers often portrayed Aboriginal women as 'uncivilized squaws' who could be sexually assaulted without fear of punishment (Anderson, 2000; Sikka, 2009). For example, Aboriginal women were sexually assaulted by government agents, as well as officers of the North West Mounted Police (Razack,

2002). This colonial portrayal continues to exist in modern day perceptions of Aboriginal women involved in prostitution (Anderson, 2000; Smith, 2003). As a result, many Caucasian men see themselves as superior to prostituted Aboriginal women and, just as their ancestors did, feel that they can do whatever they want to these women, as is evident from the analysis of the court transcripts in Chapter 5. From the transcripts, it is evident that though times have changed, many negative beliefs regarding Aboriginal women have not.

The unequal power relations between men and Aboriginal women, not only in mainstream 'white society', but also in Aboriginal communities, continue to exist today (Brownridge, 2003). At present, many Aboriginal women are treated in violent ways by Aboriginal men (Brownridge, 2003). In fact, the domination of Aboriginal women by Aboriginal men has become so ingrained and normalized among the different Aboriginal communities in Canada that, when abused women come forward to report their experiences with violence, especially domestic violence, they are in many cases shamed, banished from their communities, and abandoned by their loved ones (McGillivray & Comaskey, 2004; Proulx & Perrault, 2000). According to Brownridge (2003), one explanation for this continued domination of women by men of Aboriginal ancestry is that Aboriginal males feel oppressed and devalued by Caucasian people. In turn, these men oppress and devalue Aboriginal women to feel more powerful and valuable (Brownridge, 2003).

The lack of justice that Aboriginal women, including sex workers, who have been victimized in Canada receive is another indication of women's subordination and human rights abuse within society (Terry, 2007). In many Canadian criminal cases involving people of Aboriginal ancestry, cultural sensitivity has been taken into account (Razack, 1994). This involves the understanding that colonization has made the lives of Aboriginal people in Canada very difficult and has contributed to their being more likely to break the law (Razack, 1994). While this is a good step in dealing with the impact of colonization on Aboriginal people, unfortunately, the focus has only been beneficial for Aboriginal men, but not women (Razack, 1994). This is evident in cases where Aboriginal women are involved in prostitution. Many of these women have had horrifying experiences of violence and victimization, but few seem to have received

adequate protection and justice from the CCJS (Razack, 2002). Aboriginal women's experiences of colonization are not taken into consideration, but such experiences are considered when it comes to Aboriginal men who are often responsible for the violence (Razack, 1994). Aboriginal men have been given lighter sentences than would normally be the case because they have had a difficult time dealing with the effects of colonization (Razack, 1994). Aboriginal women have had as many or more challenges to face because of colonization compared to their male counterparts, but are still experiencing violence and victimization from men (Brownridge, 2003). Because of this, it appears that Aboriginal women's experiences are not being taken into consideration, and they are not receiving the justice that they deserve for the abuse they have received. This is how gender and race intersect to further oppress Aboriginal women in Canada.

Feminist Standpoint Theory:

Like postcolonial feminist theory, feminist standpoint theory views certain groups in society as having more power and domination over other groups (Collins, 1990; Smith, 1990). However, this theory is different from other theories within the feminist perspective in that it focuses on the stories and experiences of these disadvantaged groups from their own insider perspectives (Collins, 1990; Smith, 1990).

Disadvantaged groups consist of categories of people in every society who are marginalized and oppressed by other groups of people. Because of their marginalization and oppression, people in some social groups have experiences that are different from those who make up other social groups. These different experiences are very important to feminist standpoint theorists because people with different experiences have different views or perspectives of the world and the social issues that affect these groups (Collins, 1990; Smith, 1990). Standpoint theory was first used in feminist analysis by sociologist Dorothy Smith in the 1980s and 1990s and has been modified by other theorists, including Patricia Hill Collins. Smith's work focuses on the standpoint of women while Collin's work focuses on the standpoint of women of color. Women and people of color are marginalized and oppressed in society and, therefore, have different experiences that need to be taken into account so as to ensure that the perspectives of every social group are included in the study of society (Collins, 1990; Smith, 1990).

Most sociological issues have been studied by white, middle-class, educated men, and the experiences of people who have been marginalized and oppressed have been largely ignored (Smith, 1990). In fact, according to Glenn (2007), sociology has tended to take an assimilationist framework by taking the standpoint of the hegemonic groups as representing all individuals. In this way, the perspectives of the masses are often left unheard, although the masses are supposed to constitute very important parts of sociological analysis (Nielson, 1990). Consequently, many theorists feel that it is necessary to understand a social situation or problem from the perspective of those most affected. In fact, Nielson (1990) argues for a feminist standpoint epistemology wherein the members of a society who have been marginalized and oppressed, such as Aboriginal women in Canada, know the world differently than do those who have not been marginalized and oppressed. The positions of Aboriginal women in society and the experiences they have had enables them to provide more in-depth insights on many issues than the dominant members of society who have not had these or similar experiences.

Dorothy Smith is a pioneer of the feminist standpoint theory (Calhoun, 2007) which she uses in her research to show how society and issues in society are experienced by women. Smith believes that it is very important to understand society and social relations from the perspective of women. For centuries, women have been oppressed and marginalized by men and, because of this, women have had different experiences that affect how they see the world (Smith, 1990). Smith (1990) proposes that sociological research needs to be reorganized in order to make “our direct embodied experience of the everyday world the primary ground of our knowledge” (p.19). This suggests that, as sociologists, everything we study should be taken from our own knowledge and perspectives. Because women and men have different experiences, it is important for social issues to be studied from the standpoint of both genders. However, it is not only our gender that separates our experiences; one’s race also has an effect on how one experiences the world.

Women of color are oppressed and marginalized at an even higher rate in society than Caucasian women because they are oppressed both as women and as minorities (Collins, 1990; hooks, 2000). One theorist whose work focuses on this issue is Patricia Hill Collins. Collins focuses on the experiences of black women. She argues that taking

the standpoint of white women “obscures the more specific standpoint or experience of black women” (Calhoun, 2007, pp. 313). She believes that, “insight into society comes from those who are multiply oppressed – poor black women” (Buroway, 2007, pp. 37). For this reason, it is important for society to be studied from the standpoint of these women, whose perspectives should be taken more seriously by the discipline of sociology.

Feminist standpoint theory can be used to better understand the position of Aboriginal women involved in sex work in Saskatchewan. In my study, it is important to look at the reasons for the overrepresentation of Aboriginal women in Saskatchewan involved in sex work and the violent behavior and the inadequate justice that they confront from the standpoint or perspective of Aboriginal women who are or have been involved in the sex trade. The experiences and knowledge of these women are very important, and it is important that stories of their experiences be heard so as to use their knowledge in understanding society and social issues. After all, no one knows or understands the experiences that Aboriginal women involved in prostitution confront better than these women themselves. Like feminist standpoint theory, critical race theory also looks at how certain identities, particularly race, affects how people experience the world.

2.5.1.2 Critical Race Perspective:

Critical race theory is used in this study to highlight the racial dimension of the intersectionality theory. This theoretical perspective focuses on the ways that different races are perceived and the social inequalities that exist throughout the world due to these perceptions of race (Zamudio et al., 2011). In fact, critical race theory “foregrounds race as the central construct for analyzing inequality” (Zamudio et al., 2011, p. 2). According to Zamudio et al. (2011), it is the belief of critical race theorists that, “racial inequality permeates every aspect of social life” (p. 3). This theory helps to explain the social inequalities experienced by Aboriginal women involved in sex work, including their overrepresentation in the trade, the violence and abuse they encounter as a result of this involvement, and the underprovided protection and justice that they receive from the CCJS, because they are Aboriginal.

There are several themes that are common to the beliefs of critical race theorists as highlighted by Delgado and Stefancic (2012). The first theme is that racism is a “common, every day experience of most people of color” (Delgado & Stefancic, 2012, p. 7). Therefore, most individuals who are of a minority race experience racism. But this common occurrence of “everyday racism” is seldom acknowledged, making it difficult to alleviate (Delgado & Stefancic, 2012). Racism continues to exist in every part of the world and is evident in the case of Aboriginal women involved in prostitution. The factors that affect these women, including their overrepresentation in sex work, the violence they receive on the streets, and the lack of protection they receive from the CCJS, have become common practice in Canada resulting in desensitization with little being done to address these issues. This is evident from the number of cases involving missing and murdered Aboriginal women in Canada.

A second theme is that the “system of white-over-color ascendancy serves important purposes, both psychic and material, for the dominant group” (Delgado & Stefancic, 2012, p. 7). This means that racism has positive benefits for the dominant or Caucasian members of society, “Because racism advances the interests of both white elites and working-class Caucasians, large segments of society have little incentive to eradicate it” (Delgado & Stefancic, 2012, p. 8). This is the case with Aboriginal people in Canada who have been exploited by the dominant members of society since the time of colonization (Zamudio et al., 2011). Similar to postcolonial feminist theory, critical race theory focuses on history, specifically colonialism, and the stratified relationships that developed amongst the members of different races during colonization:

These colonial processes divided the world between conquered and colonizer, master and slave, white and non-white (i.e., other). It included the development of an ideology, and processes of spreading that ideology, to justify colonization. From these past relationships, legal practices, ideologies, and social mores, emerged the construction of racial difference as natural and fixed” (Zamudio et al., 2011, p. 4).

Critical race theorists “see contemporary racial inequality as an outgrowth of a history of oppression” (Zamudio et al. 2011, p. 5). As discussed above with respect to postcolonial feminist theory, during the time of colonization, Aboriginal women were exploited and sexually abused by the European colonizers and this acceptance of “sexual use” has

continued into modern day society (Razack, 2002). This helps to explain why members of the society feel that they can treat Aboriginal women involved in sex work with violence and abuse and why the CCJS does little to protect these women.

A third theme of critical race theory is the notion of “social construction” which is the belief that “race and races are products of social thought and relations” (Delgado & Stefancic, 2012, p. 8). This means that races are “not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather, races are categories that society invents, manipulates, or retires when convenient” (Delgado & Stefancic, 2012, p. 8).

Olneck (1995) notes that:

Ethnic identities are not inheritances or preservations but are, rather, on going active constructions that emerge out of interactions among groups within social-political and symbolic contexts. The nature of those identities depends upon the interpretations parties make of their interactions (p. 318-319, as cited by Ladson-Billings ed., 2003, p. 3).

As this statement suggests, the concept of “race” is used throughout society to explain certain social situations and to influence certain beliefs. The dominant members of the society, consisting mostly of wealthy Caucasians, apply the ideology that certain races are inferior when viewing certain behaviours within society (Delgado & Stefancic, 2012). For instance, Aboriginal women involved in sex work are seen by the dominant members of society as inferior and often as deserving the abuse and violence they receive (Razack, 2002).

A fourth and final theme of critical race theory is that “minority status brings with it a presumed competence to speak about race and racism” (Delgado & Stefancic, 2012, p. 8). This belief is shared with feminist standpoint theory, which argues that people who are oppressed in society (e.g., people of color), have different perspectives on social issues because they have different experiences than those of wealthy white males. Like feminist standpoint theory, critical race theorists posit that it is important for minorities to tell the stories of their experiences from their own perspectives in order to effectively combat racism and racial inequality (Zamudio, et al., 2011). “One of the greatest contributions of critical race theory is its emphasis on narratives and counter stories told from the vantage point of the oppressed” (Zamudio et al., 2011, p. 5). Therefore, it is

important for Aboriginal women involved in sex work to narrate their experiences so that the rest of society will be able to understand what they truly experience.

It is clear that critical race theory provides useful insights into why Aboriginal women involved in prostitution in Saskatchewan are overrepresented in the sex trade industry, why they encounter violence on the streets, and why little is done by the CCJS to protect them. According to critical race theorists, all of these issues are linked to their race. Mies (1998) states that “racism has always played a central role in [the way Aboriginal women involved in sex work are treated], not only because of these women’s assumed ‘exotic sex appeal’ but because they can be used as objects of sadism and violence with relative impunity” (as cited by Kuokkanen, 2008, p. 221). Therefore, Aboriginal women are overrepresented in the Saskatchewan sex trade because they are at a disadvantage relative to others in Canada in view of their race. Once working on the streets, Aboriginal women sex workers are further disadvantaged because of how other members of society view them. While it can be argued that race is only a concept, the concept has a powerful impact on social relationships and the lives of many people throughout the world. So far I have discussed the impacts of gender and race, and their intersection on members of society. However, it is not only gender and race that impact the way people are treated. One’s class also has a strong impact on the way one is treated and viewed throughout the society.

2.5.1.3 Marxist Theory:

In order to highlight the class dimension of the intersectionality theory, Marxist theory is adopted. According to this theory, one’s class (generally determined by income, education and employment) has a strong influence on whether or not one will become involved in sex work (Jeffrey & MacDonald, 2006). For example, people who live in poverty are much more likely to take part in sex work than are people with middle or upper-class incomes (Jeffrey & MacDonald, 2006).

Marxist theory focuses on the negative aspects of capitalism and the social relationships between classes within capitalist societies, specifically the relationships that exist between the haves and the have-nots (Ritzer & Goodman, 2004). In Marx’s *labor theory of value*, “he argued that the profit of the capitalist was based on the exploitation

of the laborer” (Ritzer & Goodman, 2004, p. 25). Marx viewed the wealthy members of society as exploiting the working class members. As a result of this exploitation, the wealthy members of society flourish, while the working class members remain in a fixed state without improvement (Ritzer & Goodman, 2004). In addition, the working class members of society are also alienated by this exploitation:

Alienation occurs because capitalism has evolved into a two-class system in which a few capitalists own the production process, the products, and the labor time of those who work for them. Instead of naturally producing for themselves, people produce unnaturally in capitalist society for a small group of capitalists (Ritzer & Goodman, 2004, p. 27).

Based on this, it is evident that a large group of working class people work to make a small group of capitalists wealthy. For Aboriginal women involved in prostitution, the exploitation and alienation of capitalism began as early as the time of colonization.

Zeitlin (2001) describes alienation:

The process [of alienation] begins with separation of [people] from their means of production and subsistence. [People] are alienated from their property and therefore compelled, if they are to avoid starving, to sell their labor power to the capitalist entrepreneurs awaiting them (p. 142-143).

During the time of colonization, the European colonizers came to the Americas and took the land away from the Aboriginal people (Anderson, 2000; Razack, 2002; Sikka, 2009). The Aboriginal people were then left with no means of survival and had no choice but to be moved to the reserve lands according to the laws put in place by the colonizers (Anderson, 2000; Razack, 2002; Sikka, 2009). This is still the case today. In Canada, and specifically Saskatchewan, the majority of Aboriginal people live in poverty (Canada without Poverty, 2012).

Women also comprise the majority of people living in poverty. According to Chant (2006), 70% of the world’s poor are women. Because Aboriginal people and women are two social groups that are likely to live in poverty in Canada, it is very likely for Aboriginal women, members of both these disadvantaged groups, to live in poverty. Thus, from the Marxist perspective the effects of poverty make Aboriginal women prone to take up sex work as a means for survival (AI, 2004; Kuokkanen, 2008).

In addition to the uneven economic benefits, Marxist theory also posits that, “The laws of a state or nation are made to serve the interests of those with power, rather than to

promote the well-being of the whole society” (Reiman, 2004, p. 173). This was true during the time of colonization and is still true today. This is evidenced not only in the overrepresentation of Aboriginal women in sex work, but also the poor treatment of these women. Marxist theory supports the position that Aboriginal women involved in sex work constitute the lowest class in the Canadian society; not only because of their low-income, but also because of their occupation. As a result, prostituted Aboriginal women are devalued and treated with violence and abuse. Kuokkanen (2008) claims that “the sexual exploitation of indigenous women is integrally linked to their economic inequality and lack of political power both in dominant and in their own societies” (p. 220). For this same reason, Aboriginal women are unlikely to receive appropriate protection and justice from the CCJS. Like feminist standpoint theory and critical race theory, Marxist theory also posits that the knowledge and value systems of society come from one social group in particular, the upper-class (Chant, 2006; Reiman, 2004). Consequently, the knowledge and values of society’s lower-class members are unheard. This needs to change in order to change the social situations in which they live.

Intersectionality theory is used as the broad theoretical framework of this thesis to understand how through the intersection of gender, race, and class Aboriginal women are: a) overrepresented in the sex trade, b) treated with violence and brutality, and c) seldom receive protection and justice from the CCJS. In addition, several other theories related to gender, race, and class provide additional insight into these social issues. For instance, the discussion of the pro-sex feminist perspective, postcolonial feminist theory, and feminist standpoint theory highlight the oppression that women experience throughout the world. In addition, critical race theory focuses on the oppression that people of color and minorities experience in comparison with Caucasian people. Lastly, Marxist theory helps explain how people living in poverty are voiceless and exploited by the wealthy members of society. The next chapter looks at the methodology that is adopted for the data collection for this study.

3. METHODOLOGY

3.1 Introduction:

My study adopts a qualitative methodological approach. This approach is similar to the feminist standpoint epistemology that was introduced by Dorothy Smith to show how societal issues and social relations are viewed from a woman's perspective. The feminist standpoint theory was also used by Patricia Hill Collins to analyze the experiences of African American women. My thesis highlights the experiences of Aboriginal women involved in prostitution, as only they are able to express their feelings and experiences based on insider perspectives. The use of in-depth interviews with Aboriginal women involved in sex work is the primary data collection method. The second data collection method is content analysis of transcripts of court cases involving Aboriginal women sex workers who were victimized.

3.2 Interviews:

The primary research instrument used is semi-structured, open-ended, in-depth interviews with Aboriginal sex workers in Saskatchewan. This instrument is used in order to explore experiences that women may encounter in sex work. The use of in-depth interviews is important because it allows the researcher to access the thoughts and understandings of the participants. My goal in the interviews was to engage in a "conversation with purpose" (Burgess, 1984, as cited in Mason, 2002, p. 62), where the participants felt relaxed and were not pressured to supply information they did not feel comfortable sharing. According to Mason (2002), with in-depth interviews, "meanings and understandings are created in an interaction, which is effectively a co-production, involving researcher and interviewees (p. 63). This means that through the interaction between the researcher (myself) and the participants (Aboriginal women involved in sex work) we are able to put together and organize an understanding of their experiences from their perspectives. This could not be done by asking participants to simply answer questions (e.g., a survey); it could only be accomplished through a discussion of related topics, where the participants are able to describe, in-depth, their feelings and experiences. Semi-structured interview questions served to guide the interview process

and further questions were incorporated into the discussion as deemed necessary. The questions included in the interviews were divided into several sub-sections depending on the nature of the theme being explored. The themes included: a) the reasons underlying the overrepresentation of Aboriginal women in the Saskatchewan sex trade, b) experiences that Aboriginal sex workers encounter, directly or indirectly on the street, and c) experiences of Aboriginal sex workers in interacting with members of the CCJS. The list of questions is included in *Appendix A*.

Due mostly to the sensitive nature of the topic, I found only two participants willing to share their stories. The participants consisted of two Aboriginal women, each over the age of 18 years, who were involved in street prostitution in Saskatchewan at some time in their lives. The interview process consisted of one-on-one, in-depth telephone conversations. The narrations were audio-taped and subsequently transcribed and analyzed. Permission to use audio tapes was sought from the participants prior to the interview process after explaining that the recordings would only be used for research purposes and accessible only by the researcher. Both confidentiality and anonymity were maintained throughout the research process, as participants were assigned pseudonyms to hide their identities. The participants' real identities were only known to me.

3.3 Subjectivity in Research:

Since the discipline of Sociology was introduced into academics in the 19th century, there have been many debates about how sociologists should undertake the task of studying society and social relations (Halfpenny, 2006). For the most part, social researchers have had the desire for sociology to be like the natural sciences, and for this reason, traditional positivist methodologies, such as quantitative research, have been based on the idea of objectivity⁵ and value-neutrality⁶ (Halfpenny, 2006). Issues of validity and reliability have also been important to quantitative research because the study measures exactly what it claims to measure, and makes efforts to ensure that similar results are produced every time the study is conducted (Halfpenny, 2006).

⁵ Objectivity involves studies based on empirical observations, and are considered to be factual (Marshall, 1998).

⁶ Value-neutrality refers to the notion that in order for research to be objective, and thus scientific, the researcher must be unbiased and detached from the research project (Thomas, 1993).

However, the idea that research has to be quantitative and take an objectivist position in order to be considered valid and reliable has been confronted and rejected by contemporary qualitative methodologies including feminist standpoint theorists, who argue for the significance of subjectivity in the study of social relations and social reality (Nielson, 1990).

This thesis entails the use of qualitative research, and is thus subjective, because it uses in-depth interviews (method) and analysis of discussions (data). Subjectivity involves the idea that the participants provide important contributions in terms of knowledge to the study of society and social issues (Nielson, 1990), including issues relating to prostitution. Further, a great deal can be learned through discussion of experiences (Neilson, 1990). Subjectivity has come to be seen, now, more than ever, by social researchers as significant to the study of society and social reality. Evidence of this can be seen in the way that social researchers are incorporating subjectivity into both the understanding and communication of social issues.

Most of the existing knowledge of social issues comes from the perspective of affluent white males, thereby leaving out the voices of women, people of color, and the poor, etc. (Chant, 2006; Collins, 1990; Reiman, 2004; Smith, 1990). However, the experiences and knowledge of these marginalized groups are just as significant as those of white males. Therefore, it is important that their stories and experiences be heard and included in knowledge creation within the social system (Collins, 1990; Delgado & Stefancic, 2012; Smith, 1990). Many contemporary qualitative methodologies, including feminist methodologies and, standpoint theory in particular, argue that the best way to do this is from the perspectives of those who have been marginalized and oppressed in society (Collins, 1990; Smith, 1990). These feminist methodological approaches not only look at the experiences of the oppressed and marginalized through their insiders' perspectives but also present the co-generated information to the public using the subject's perspectives. This helps to liberate and emancipate the subjects from their disadvantaged positions in society (Collins, 1990; Smith, 1990). It is clear that subjectivity is imperative to the understanding of social issues. No one knows or understands the experiences of oppression better than those who have been subjected to the oppression themselves.

The fact that qualitative research adopts subjective methodologies does not mean that the information generated is not valid and reliable. Subjective studies can be both valid and reliable, but in ways different from objective studies. Thus, while objective studies involve the observation of a sample of people and generalizing the findings to an entire population, the goal of subjective research is to learn about the experiences of specific groups of individuals. In this research, the goal is to learn about the experiences of Aboriginal women involved in prostitution and to gain knowledge of their experiences. The data collected from the women are not taken as empirical evidence that can be applied to all women in this position, but rather as viewpoints or perspectives from women who share similar experiences (Thomas, 1993). Therefore, the results of the data collected from the interviews can not be generalized to explain the experiences of all Aboriginal women involved in the Saskatchewan sex trade. However, the data do provide valuable insights into the experiences of the particular women participating in the study. This research is therefore inductive, rather than deductive, in that it “begins from particular observations from which empirical generalizations are made, and these generalizations then form the basis for theory-building” (Marshall, 1998, p. 304). Marshall (1998) claims that analytic induction is particularly common in sociological studies that use qualitative methodology such as in-depth interviews:

This method requires that every case examined in a piece of research substantiates a hypothesis [or proposition as used in this study]. The researcher formulates a general hypothesis from observation of initial cases; investigates subsequent cases in the search for a negative instance; and reformulates the hypothesis to cope with those confounding cases that are encountered (p. 304).

Subjective studies are both valid and reliable, bearing in mind that the study is of a particular group of people with experiences and perspectives that are significant and not focusing so much on whether or not the findings of the study can be generalized to an entire population. The purpose of using interviews in this study is that the experiences that Aboriginal women involved in prostitution have is important, and I feel it is necessary that their experiences be heard based on their own standpoints and perspectives. Moreover, insights from the narration of their experiences in the sex trade industry will be useful in validating or discounting the propositions made to guide this study.

3.4 Content Analysis:

In order to help support and inform the findings of the in-depth interview process this study adopted content analysis as a second data collection method. According to Hsieh and Shannon (2005), qualitative content analysis involves “the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (p.1278). Elo and Kyngas (2007) posit that “content analysis allows the researcher to test theoretical issues in order to enhance understanding of the data” (p. 108). The authors go on to note that, “content analysis can be used to develop an understanding of the meaning of communication (Cavanagh, 1997) and to identify critical processes (Lederman, 1991); as it is concerned with meanings, intentions, consequences and context (Downe-Wamboldt, 1992)” (Elo and Kyngas, 2007, p. 108-109). The court transcripts of three court cases involving men who have violated Aboriginal women involved in sex work in Saskatchewan were analyzed.

Unfortunately, there were limitations to the use of court cases because it is only possible to access transcripts of cases that have previously been transcribed. There were only three Saskatchewan cases that met this criterion in recent years, and thus, these were the only ones made available to me. The content of each court transcript was meticulously studied. Information generated from examining and analyzing different aspects of the court transcripts was then compared with data derived from the interviews. For instance, to study the experiences of violence encountered by Aboriginal women involved in sex work, crimes that were committed against the victims were documented. Specific themes that arose during the court proceedings for each of the three cases were also documented especially the perceptions that seemed to be held by members of the CCJS regarding the victims of the crimes, and whether or not the victims provided consent. The verdicts and sentences received by each of the men responsible for the crimes were also analyzed as a way to understand whether or not Aboriginal women involved in prostitution receive appropriate protection and justice from the CCJS.

Content analysis is adopted as a supporting data collection method for several reasons. First it is used because of the difficulty in finding research participants who are of Aboriginal ancestry and who were at one point in their lives involved in the sex trade in Saskatchewan. This is not an easy group of women to contact, nor is the topic one that

many people feel comfortable talking about. Another reason is related to a weakness or concern connected with the interview process. Specifically, because participants are often told in advance about the nature of the study and its intended hypothesis, they tend to unintentionally pattern their answers in support of the research hypothesis (Singleton & Straits, 2005). Therefore, there is a chance for biased information being provided, which is commonly referred to as reactive measurement (Singleton & Straits, 2005).⁷ Therefore, to eliminate the potential for reactive measurement, this study included the analysis of three court transcripts of three separate court cases involving men who have violated Aboriginal sex workers in Saskatchewan. This is not only to corroborate the experiences that my research participants claimed to have had while on the streets, but also to give a firsthand account of how the CCJS deals with situations like these.

There are many reasons for why researchers integrate multiple data collection methods. For instance, Mason (2002) states that “sometimes, documents are used to verify or contextualize or clarify personal recollections and other forms of data derived from, for example, interviewing and observation” (p. 108). Furthermore, “documents and visual data may provide an alternative angle on, or add another dimension to, your research questions” (Mason, 2002, p. 109). In fact, Singleton and Straits (2005) recommend that there should be an integration of data collection methods in most research projects. That is, “given the limitations and biases inherent in each of the main approaches – indeed, inherent in all research procedures – the best way to study most research topics is to combine methodological approaches” (Singleton & Straits, 2005, p. 381). In this study, two data collection methods were adopted. The first, which is interviewing, is discussed in the following chapter.

⁷ According to Singleton and Straits (2005), this is “an effect whereby the process of measurement itself, due to people’s awareness of being studied, produces changes in what is being measured” (pp. 569).

4. ANALYSIS OF INTERVIEW DATA AND FINDINGS

4.1 Introduction:

As discussed in Chapter 1, there are three main objectives to this thesis project, including: a) the reasons for the overrepresentation of Aboriginal women involved in sex work in Saskatchewan, and specifically Saskatoon, b) the experiences Aboriginal women involved in the sex trade industry have with clients and others in society, and c) the experiences that these women come across with members of the CCJS. My study first examines these themes through in-depth interviews conducted with two Aboriginal women who have worked in the sex trade industry in Saskatchewan.

In the interviews, both women shared information on their cultural background and upbringing, their children, and current and past relationships with men. Questions relating to these demographics are significant as they help us to understand their reasons for involvement in the sex trade industry. The participants were also asked about their alcohol and drug use as these factors often impact on women in the sex trade industry. Both women also shared information on their experiences in living and working on the streets, and in dealing with the CCJS.

The first respondent chose to use the pseudonym “Cassie”. Cassie is in her mid-forties. She is of Metis heritage and currently works for an organization in Saskatchewan that deals with Metis women with human immunodeficiency virus (HIV) and hepatitis C. Cassie has been interviewed numerous times over the years regarding her involvement in sex work and has even taken part in documentary films. She has a wide array of knowledge and feels very comfortable sharing stories from her past experiences. She has six adult children and eleven grandchildren. Cassie is married and has been with her husband for several years.

The second respondent chose the pseudonym “May”. May is in her late twenties. She is of Aboriginal ancestry and is currently upgrading her high school education. May spent years of her life, not only working the streets, but also living on the streets in different cities in Saskatchewan. May has never taken part in an interview before this one and has never really talked about her past with many people other than those on the streets. While she also has a wide array of knowledge on the subject, as she has

experienced it firsthand, she does not yet feel completely comfortable sharing all of her experiences freely. Like Cassie, May also has a large family. However, May's five children, ranging from eleven to three years in age, are much younger. May is also involved in a relationship with a man with whom she has lived for several years.

4.2 The Overrepresentation of Aboriginal Women Involved in Sex Work in Canada:

In order to explore the first objective of this research, the reason for the overrepresentation of Aboriginal women involved in prostitution in Saskatchewan, I examine two themes: a) experiences of childhood abuse, specifically sexual abuse; and b) the compound oppression of Aboriginal women based on the intersection of gender, race, and poverty. Both of these themes help to explain why Aboriginal women are susceptible to involvement in sex work in Saskatchewan. To begin with, I look at experiences of childhood abuse.

4.2.1 Respondent's Experiences of Childhood Abuse:

As with many women involved in sex work (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999), both Cassie and May endured dysfunctional childhoods which influenced their involvement in the sex trade industry. When Cassie was six years old, her father left the family. As a result, her mother had to raise five children on her own with no means of financial support. Cassie had little contact with her father after that. By the age of seven Cassie's mother was found to be unfit for parenting. Cassie and her siblings were then placed into foster care. By this time, Cassie had already been sexually abused numerous times. She remembers random men around the house when she was little. She recalls men sticking their hands up her dress and, at five years old, a man lying on top of her. According to the literature, these are common childhood experiences for women involved in sex work (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). According to McIvor and Nahanee (1998) as cited in Sethi (2007), childhood sexual abuse is also quite common among Aboriginal girls. This helps to explain the overrepresentation of Aboriginal women involved in prostitution.

Through her teenage years, Cassie was assigned to a social worker. Cassie recounts that the social worker was an abusive and racist woman who made her life more complicated than it needed to be at such a young age. The social worker was verbally abusive to Cassie and her siblings and would frequently tell them things like, “You people don’t know how to take care of yourselves, you’re all drunks” (Cassie, personal communication, June 13, 2011). According to Cassie, when she referred to ‘you people’, she meant Aboriginal people. According to the critical race perspective, people tend to believe stereotypes about different groups of people based on their race (Delgado & Stefancic, 2012). This is evident in the comment made by Cassie’s social worker, suggesting that all Aboriginal people are incapable of caring for themselves. She also told Cassie, “you’re going to end up being a whore just like your mother” (Cassie, personal communication, June 13, 2011).

In Cassie’s first foster care experience, she and her siblings were forced to eat their food on newspaper laid out for them on the porch with the family dog, while the foster family ate at the kitchen table. At that point, Cassie began to believe that, “there must be something really horrible about us . . . first, my dad left, nobody on the reserve liked us, we got sang to as half-breed all the time” (Cassie, personal communication, June 13, 2011). After this experience, Cassie and her siblings lived in numerous foster homes before being sent back to live with their mother. Unfortunately, they did not stay at home for long as Cassie’s mother was abusive to her children and was still involved in a lifestyle of drugs and alcohol.

As a teenager, Cassie ran away from numerous foster homes and eventually became pregnant for the first time at the age of sixteen. Shortly after this, child protective services tracked her to her mother’s home in Alberta. Because she was under the age of eighteen years and a ward of the government, she was brought back to Saskatchewan and placed in a group home until she gave birth to her child. The same social worker that demeaned Cassie as a child told her that she would have to give her baby up for adoption. With no support from her parents and nowhere to turn, Cassie reluctantly signed away her rights as a parent. After this, Cassie’s social worker no longer kept track of her and Cassie turned to a life on the streets for the next thirteen years.

Like Cassie, May also experienced a childhood full of abuse and neglect. Most of her younger years were spent between her mother's home, foster homes, and group homes. May was sexually abused as a young child by a male babysitter who was looking after her and her siblings. May said that she remembers the abuse taking place and her step-father walking into the room. Her step-father quickly turned around and left. He never mentioned the incident to either May or her mother. Unfortunately, it probably would not have made much of a difference if he had told her mother, considering she had often sold May to men for money to support her drug dependence.

Her experiences in foster care were no better. She remembers one foster parent, a man, who would go to her room most nights to rape her. He had sexual intercourse with her and would use objects to abuse her as well. Meanwhile, his wife would be fast asleep downstairs, apparently unaware of what was happening. Even with the horrible abuse that her mother subjected her to, when May would run away from her foster homes, she would return to her mother. May's mother was heavily involved in drugs, with cocaine as her drug of choice. She prostituted May and her sister at a young age for drug money and also prostituted herself to men that she would meet at the bar.

At the age of eleven or twelve, May started her life on the streets. She would hang around with other girls her age and sleep in groups in the park. Each of the girls in the group had suffered childhood experiences similar to May's. All of the girls were avoiding their parents who were frequently drunk or high and abused them often. It was at this same age that May began to work in the sex trade as a means of supporting herself on the streets of Prince Albert.

Based on the narratives of both Cassie and May's experiences as children, it is evident that they experienced abusive childhoods that may have influenced their involvement in prostitution. As highlighted in the literature, a large number of persons involved in sex work in Canada are violated and abused as children (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999), with childhood sexual abuse having the greatest impact on becoming involved in sex work (Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). According to postcolonial feminists, this childhood abuse can be traced to residential schools. As mentioned in Chapter 2, Aboriginal children were taken away from their parents' homes

and forced into residential schools where many experienced physical and sexual abuse (Chansonneuve, 2005). This abuse impacted not only how these children saw themselves, but also how others came to see them as sexual objects. These attitudes led many Aboriginal children to be violated both physically and sexually, which may have influenced some to enter into sex work. According to Lowman (1987), many girls who are used sexually during their childhood turn to sex work as it is all they know. However, while childhood sexual abuse does have a strong correlation to involvement in sex work, there are many people who experience childhood sexual abuse without becoming involved in the sex trade industry. Therefore, other factors must be explored.

4.2.2 Multiple Forms of Oppression Influencing Involvement in Sex Work:

A second factor that helps to explain the rationale behind the overrepresentation of Aboriginal women involved in prostitution in Saskatchewan is the compound oppression that Aboriginal women experience through the intersection of gender, race, and class positioning in society. According to the intersectionality framework, which includes highlights of feminist standpoint, critical race, and Marxist perspectives, minority women, such as Aboriginal women in Canada, experience multiple forms of oppression and experience the world differently than do people with only one of the above mentioned characteristics (e.g., gender, race, or class) (Collins, 1990; hooks, 2000; Rojas, 2009). Aboriginal women are oppressed as Aboriginal people compared with Caucasian people, as women compared with men, and in many cases as those living in poverty (Canada without Poverty, 2012) compared with the middle-class and wealthy. Each of these factors contributes to the experiences of these women and how they view the world (Collins, 1990; hooks, 2000; Rojas, 2009).

To begin with, I look at how race is used as a form of oppression in Saskatchewan. Growing up Metis, Cassie never felt like she belonged anywhere. She did not fit in with the Aboriginal children on the reserve because she was not fully Aboriginal. Her mother never taught her about her Cree background and was told not to teach her the language. She did not fit in with Caucasian people who she believed viewed her as Aboriginal and, therefore, someone they could not accept. When Europeans first arrived in North America, they segregated Aboriginal people onto reserves and eventually forced

Aboriginal children into residential schools (Chansonneuve, 2005). These actions set in motion a division between Aboriginal people and non-Aboriginal people. This division made life particularly difficult for Metis individuals like Cassie. As a child, Cassie remembers feeling ashamed, “I walked with my head down, I was humiliated, I was ashamed, I was ashamed of being a half-breed, I was ashamed of being brown, I was ashamed of being a girl” (Cassie, personal communication, June 13, 2011). She remembers, “My [paternal] grandma used to take a fingernail brush to scrub our skin every night in our bathtub” (Cassie, personal communication, June 13, 2011). She went on to say, “I always thought she hated me, the color of my skin, you know, because that’s why I thought they [her father’s family] were white, I remember I called her *kokum* once, she beat the living tar out of me” (Cassie, personal communication, June 13, 2011). *Kokum* is the Cree word for grandma. Cassie describes these experiences as feeling displaced, “I was displaced as a Metis person, I was displaced as an Indian, um, in fact even the word ‘Indian’, people say no, Aboriginal, I say no, I’m an Indian, you know, with Metis roots” (Cassie, personal communication, June 13, 2011). It is apparent that Cassie dealt with years of rejection, rejection because of her race and her gender. She felt as though she had no where to belong.

This is supported by intersectionality theory, the broad theoretical framework of this study, as well as the supporting theories, including the postcolonial feminist theory, the feminist standpoint theory, and the critical race theory. To this day, Aboriginal people are not treated equally in Canadian society as a result of the oppression and exploitation that has occurred since the time of colonization. In this way, most people of Aboriginal descent live in poverty (Canada without Poverty, 2012) with limited rights, as is supported by the postcolonial feminist and critical race theories. Aboriginal women and girls are rejected in society even more so than their male counterparts, not only because of their race, but also because of their gender. In many Aboriginal communities today, women and girls do not carry the same respect as their male counterparts and are often treated with little respect and dignity (Brownridge, 2003; McGillivray & Comaskey, 2004; Proulx & Perrault, 2000). This is evident in both Cassie and May’s experiences in relationships with men.

Both Cassie and May have had relationships with men that were very dysfunctional and abusive. Cassie was involved in relationships with several men who were both physically and emotionally abusive to her. She had partners who would beat her, cheat on her, and one boyfriend even went so far as to urinate on her in front of a group of people at a party. Cassie believes that his intention was most likely to belittle her and show everyone, including Cassie herself, that she belonged to him.

Like Cassie, May too has had a number of abusive relationships. When May was only 15 years old, she began a relationship with a man who would become the father of four of her children. He was nearly 40 years old at the time they met, making him 25 years her senior. May entered a common-law relationship with this man that lasted nearly seven years. May described him as a very abusive man, both physically and emotionally. Not only did he beat her physically, he also manipulated and controlled her.

Like May's former partner, her current spouse is also considerably older than she is, about twenty years her senior. During the past four years, there has been one instance of physical abuse inflicted upon May by her partner that involved her partner choking her. There have also been several instances of emotional abuse. The emotional abuse May described consisted of her partner telling her that the only thing she is good at is providing oral sex and that this is why she was so good at being a prostitute. He has also told her that she should just go back to the streets and sex work because it is the only way she will make anything of herself and her life.

From the experiences that both Cassie and May have had with their relationships over the years, it is clear that they have both experienced severe abuse, particularly emotional and physical abuse. According to the postcolonial feminist theoretical perspective, these types of abuse were not common before the time of colonization (Anderson, 2000; Smith, 2003). Before colonization, Aboriginal women were recognized as equals to Aboriginal men (Anderson, 2000; Smith, 2003). However, during the time of colonization, patriarchy was introduced into Aboriginal communities and male dominance became a common occurrence (Anderson, 2000; Sikka, 2009; Smith, 2003). Women came to be viewed as the property of men and these attitudes are still apparent today, especially in the case of prostituted Aboriginal women (Sikka, 2009; Smith, 2003). As this evidence suggests gender, in addition to race is an important contributing factor in

oppression for many. However, there are other issues that contribute to oppression in addition to gender and race, such as living in poverty.

Both Cassie and May were very young when they started their families. Cassie was only sixteen when she had her first child and May was seventeen. Having large families and having children at a young age is a common experience for young Aboriginal women and girls in Canada. According to Quinless (2012):

Fertility rates of First Nations teenage girls under 20 years of age have remained high since 1986, being at least seven times higher than that of other Canadian teenagers, according to an analysis of aggregated fertility indicators. More importantly, the fertility rate for First Nations girls under the age of 15 is estimated to be approximately 18 times higher than that of other Canadians (Guimond and Robitaille, 2008) (p. 23).

Quinless (2012) goes on to discuss the impacts that having children at a young age can have on Aboriginal women:

Early motherhood can increase the vulnerability of First Nations women who are already at a socio-economic disadvantage. Research suggests that having children while in their teens can increase the vulnerability of young First Nations women resulting in increased dependence on income assistance, levels of low income and poverty, academic under-achievement, reduced employability, and lone parenthood (p. 23).

It is clear that having children at a young age greatly impacts the lifestyle of young Aboriginal women living in Canada and adds to their already oppressed existence in Canadian society.

Both Cassie and May grew up as minority girls living in poverty. As discussed in the previous section describing their childhood experiences, both women were raised by single mothers who did not have much money. May's mother even sold May and her sister to men to help pay for her drug habit. In addition, both Cassie and May lived on the streets at some point in their lives. According to the Marxist theory, poverty has a very strong influence on the way people are treated in society and can also influence entry into the sex trade (Jeffrey and MacDonald, 2006). Once involved in sex work, many women remain on the streets due to substance addiction.

Substance abuse is a common factor for those living on the streets and working in the sex trade (Farley et al., 2005; Ward & Day, 2006). In fact, according to Cusick and Hickman (2005), substance abuse is more frequently used among women involved in

street prostitution than among other forms of sex work. Strega et al. (2009) argue that, “street sex work is different from other forms of sex work and usually involves a combination of sex work for money and the exchange of sex for food, drugs, or a place to stay” (p. 42). Women involved in street prostitution are highly marginalized (Strega et al., 2009), and many often misuse substances to survive sex work (Farley, 2004). Nadon et al. (1998) and Nuttbrock et al. (2004) claim that substance abuse is one of the key reasons why people continue with this lifestyle. This is evident in both Cassie and May’s experiences.

In her interview, Cassie admitted that she became an alcoholic when she was eleven years old and at the age of sixteen to seventeen, she went from alcohol abuse to using both street and prescription drugs. Cassie’s drug of choice changed as the drugs on the streets of Saskatoon changed and she was eventually using heroin and cocaine. But, Cassie never gave up her use of alcohol during all of the years she spent on the streets. At times, alcohol was the only substance she abused; at other times she abused alcohol as well as narcotics. Cassie stated in her interview that she drank so much during certain points in her life, that at times, “I even drank to die” (Cassie, personal communication, June 13, 2011). When Cassie was pregnant with her sixth child, she was so heavily addicted to both heroin and cocaine that she even used drugs in the hospital right before she gave birth to her son. Cassie said that at the time she just wanted to die, as “I didn’t want to bring any more hurt or babies into this world” (Cassie, personal communication, June 13, 2011). It took Cassie numerous attempts at sobriety, and fortunately, Cassie is now sober and has not used alcohol or drugs in several years.

May also had a past that consisted of years of alcohol and drug abuse. May started using narcotics at the early age of twelve, just before her thirteenth birthday. In fact, May even started using narcotics before she began smoking cigarettes. When asked about her drug of choice, May responded, “pretty much everything, I did crystal meth a couple times, like a few times, but I never got addicted to it, but I was hooked on coke, ritalin and morphine, and whatever I could get my hands on basically. I was using codeine, sleeping pills . . .” (May, personal communication, March 27, 2012). May’s drug of choice was morphine, but she would do just about anything that was available. May

would use morphine intravenously; in fact, her addiction to morphine grew so strongly that today she is now on a methadone program.

The methadone program, or methadone maintenance treatment, as referred to by the Ministry of Health (2002), is the most commonly used form of treatment for people addicted to opiates (Ministry of Health, 2002). According to the Ministry of Health (2002), “Methadone itself is a long-acting synthetic opioid agonist, which is prescribed as a treatment for opioid dependence. People who are dependent on opioids may be dependent on either oral or injectable forms such as heroin (diacetylmorphine), morphine or hydromorphone” (p. 2). The Ministry of Health (2002) goes on to say that methadone lightens the symptoms of withdrawal from opiates, “Methadone works by alleviating the symptoms of opioid withdrawal. A stable and sufficient blood level of methadone stems the chronic craving for opioids” (p. 3). The methadone treatment program is, therefore, designed to ease people off their addiction to opiate drugs and helps diminish the cravings of these drugs, which with the help of addictions counselling, can eventually lead to sobriety.

May has had some difficulty with her sobriety but, for the most part, she has been sober for nearly two years, with the help of the methadone. Today, May is still working on her recovery and is positive that someday she will live a life completely free of alcohol and drug abuse. From both Cassie and May’s stories, it is clear that alcohol and drug addiction is a common characteristic of women involved in sex work. Both women began abusing substances at an early age, Cassie before she began to work in prostitution, and May after she was already involved in sex work. In many cases, women use alcohol and drugs to help deal with their pain, the pain of their past experiences, as well as the pain of the experiences they go through on the streets (Farley, 2004). Unfortunately, addiction is one of the main contributing factors to women remaining on the streets (Nadon et al., 1998; Nuttbrock et al., 2004).

As already stated, one of the objectives of this thesis is to understand the reasons for the overrepresentation of Aboriginal women involved in sex work in Saskatchewan. Based on the literature discussed in Chapter 2, the proposition regarding this objective is that Aboriginal women are overrepresented in the sex trade industry because of experiences of childhood abuse, particularly childhood sexual abuse, as well as multiple

forms of oppression that Aboriginal women experience in Saskatchewan through the intersection of gender, race, and poverty. Based on the experiences of both Cassie and May, this proposition is supported.

Both Cassie and May, similar to many other women involved in sex work (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999), have experienced severe forms of abuse as children and this abuse has evidently contributed to their involvement in prostitution. This is further supported by the postcolonial feminist theoretical perspective, in that Aboriginal women and girls are often mistreated by men, by their families, by their communities, and by Canadian society as a result of issues raised during the time of colonialism, such as patriarchy and abuse that have persisted to this day (Brownridge, 2003; McGillivray & Comaskey, 2004; Proulx & Perrault, 2000). This history of colonialism has not only made Aboriginal women prone to abuse, but because of this abuse they are also susceptible to enter into sex work (AI, 2004).

Cassie and May have both experienced multiple forms of oppression due the fact that they are women, racial minorities, and because they grew up in poverty. Each of these factors has contributed to their entry into sex work, which is supported by the overall theoretical framework of the intersectionality theory. Supporting the intersectionality theory are the postcolonial feminist, feminist standpoint, critical race, and Marxist perspectives, respectively. These findings are likewise applicable to the first part of the theoretical perspective of this thesis, as it looks at whether or not Aboriginal women are likely to enter the sex trade because of the intersection of gender, race, and class. The next section looks at the experiences of Aboriginal sex workers on the streets.

4.3 Respondent's Experiences on the Streets:

The second objective of this study is to understand the experiences that Aboriginal women involved in sex work encounter on the streets from clients and others in Saskatchewan. According to the literature on this topic, many women involved in prostitution experience frequent physical and sexual abuse by their clientele (Benoit & Millar, 2001; Lowman, 2000; Nixon et al., 2002). The literature also states that, in terms of experiencing abuse and violence, street prostitution is one of the most dangerous

occupations a person can have (Dalla et al., 2003; Lowman, 2000; Smyth 2005). For this reason, Cassie and May were both asked questions regarding their experiences with working on the streets in the sex trade industry. They were asked their reasons for entering the sex trade as well as about the violence, if any, they encountered while on the streets.

Feminist standpoint theorists believe that in order to truly appreciate a social issue, it is essential to understand the issue from the perspective of those most affected (Collins, 1990; Smith, 1990). This position is also supported by the critical race perspective (Delgado & Stefancic, 2012). Therefore, for this study to understand the experiences of Aboriginal women involved in the Saskatchewan sex trade, it is essential to hear these stories from women who have actually had these experiences. The importance of standpoint is also a significant aspect of the pro-sex feminist perspective as it was first introduced and later enhanced by women involved in prostitution (O'Neill, 2001).

Not every experience that women involved in sex work have on the streets is negative. During her interview, Cassie talked about an outreach worker who approached her on the streets of Saskatoon and ultimately became very significant in Cassie's recovery from alcohol and drug addiction. He gave Cassie the love and support that she so desperately needed at the time and became a true friend. Cassie appreciated his friendship so much, that she, in turn, provided him with love and support as well.

Cassie also remembers a woman, whom she had never met before and has never seen since, coming up to her on the street and hugging her. This simple act of affection and respect has meant so much to Cassie, "I don't know who she was, I was talking about her earlier today and you know, I felt, I could feel her hug and I am so grateful. Someday I pray that I can meet her again" (Cassie, personal communication, June 13, 2011).

When May was about sixteen years old, a man came up to her on the street and told her that she reminded him of his daughter, "There was one guy that said I reminded him of his daughter, he couldn't believe it, he said he was driving home and noticed me, and he said he thought about his little girl, and he gave me sixty bucks and he was like go home and buy yourself something to eat" (May, personal communication, March 27, 2012). May thanked the man for the money and has never forgotten the kindness that he showed her that night.

It is clear that both Cassie and May have had good experiences with some of the people they have come in contact with. These small gestures meant so much to Cassie and May and they will remember these moments for the rest of their lives. Unfortunately, these small acts of kindness are not common occurrences, which is evident from their interviews. Most of their experiences on the streets are quite negative and, in many instances, quite violent.

4.3.1 Respondent's Reasons for Entering the Sex Trade:

Cassie was in her late teens when she first entered the sex trade. Her daughter had just been taken away by Child Protective Services and Cassie was very depressed. She and her partner decided to move back to Saskatoon and they both moved in with his sister. After staying at his sister's for a while, Cassie overheard her boyfriend and his sister having a discussion. Cassie recalls hearing his sister say, "Well, if she's going to fucking stay here, she's going to work" (Cassie, personal communication, June 13, 2011). Cassie thought this meant that they were going to find her a job. One night, shortly after overhearing this conversation, Cassie's boyfriend and his sister dressed her up and put her out on the street and forced her to work her first client. Coincidentally, her boyfriend's sister had known Cassie's mom in the past and threatened to kill her mother if she didn't work the streets as a prostitute and bring the money home to her. Cassie listened to the woman and worked the streets. After three weeks, Cassie could not take this treatment anymore and fled.

A few years later, Cassie began to drink heavily and made the decision to go back to the streets. At the time, she did not see any alternative for herself and decided to make the best of a bad situation, "this time I went and found relatives I knew were out there and I hooked up with them and became the 'whore extraordinaire'. And just like that, I made a vow that if I'm bad, I'm going to be the best damn bad you've ever seen" (Cassie, personal communication, June 13, 2011). She felt that she had no other options and decided that she would choose her lifestyle on her own terms rather than being a victim who was forced to do things against her will.

Like Cassie, May was also initially forced to take part in sex work. May was only a young child when her mother would sell her and her older sister to men for drug money.

May was forced to do whatever these men wanted her to do. After several years of being sold to men by her mother, at the age of eleven, May began to run away from home to live on the streets of Prince Albert. In turn, she began to hang around with a group of young girls. Many of these girls worked the streets for money and taught May how to do the same. May decided that, if she was going to be forced to have sex with men, she might as well make the money for herself instead of letting her mother take it.

Both Cassie and May were forced to enter into prostitution against their will, Cassie by her boyfriend and his sister, and May by her mother. Cassie and May were not given the opportunity to make this decision for themselves. Both women did eventually choose to remain in the sex trade, but as a result of limited options. Unfortunately, once involved in the sex trade, Cassie and May each experienced severe violence and abuse on the streets.

4.3.2 Respondent's Experiences with Violence on the Streets:

As with what seems to be a common occurrence for many women involved in sex work (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005), Cassie and May both experienced different forms of brutality on the streets. When Cassie was with her first client, she tried telling him that she did not want to take part in the act but she was forced to do so against her will, "I remember the first trick held my head down when I was crying and trying to tell him that these people made me do this" (Cassie, personal communication, June 13, 2011). It appears as if this man did not respect Cassie any more than the people who forced her into sex work. In fact, he contributed to the abuse by holding her down and not letting her head up until she performed oral sex on him. After only her first experience in the sex trade, Cassie had already been sexually assaulted. Unfortunately, the abuse continued from there.

Cassie was raped twice by men she had known previously, who were not her clients. Both assaults took place in her home. One of these rapes took place when Cassie was passed out and, as a result she became pregnant. Cassie said at the time she was still learning boundaries and trusted people. After these experiences, that changed.

In 1991, Cassie had the most terrifying experience of her life that resulted in her leaving the streets and the sex trade for good. Cassie was working in Regina at the time

and had been picked up by a client. She felt a disturbing vibe from the man almost immediately:

He picked me up and he took off through Regina into the industrial area, I knew something was up with him, [he was] creepy, and I wanted to get out. [But] he just took off and the doors locked automatically, and uh, I couldn't get out . . . and he was driving out of the city and all I could see, like was the industrial lights behind me. And I'm hitting him, I'm hitting him with all I had and then I took the gear shift and I slammed it into park. It didn't really stop, it slowed down some, but enough so I popped the door open and I got out. He drove over my legs, but I popped right back up and ran out of desperation (Cassie, personal communication, June 13, 2011).

Cassie was terrified for her life and began to run back towards Regina. As she ran, there was a truck heading down the road towards her. In order to avoid Cassie, the truck drove into the ditch, around Cassie, and continued driving past her and the man that was chasing her. The man caught up with her and Cassie began to fight him with all of her might, "so we were fighting, I was fighting with him, but I was losing energy because, of course, I'm a woman, a drug addicted woman, undernourished" (Cassie, personal communication, June 13, 2011). Then, Cassie remembered hearing that if a woman was ever in a situation such as this, she should use the strongest part of her body, her legs:

So I dropped on my ass and I just started kicking, and I still had my high heels on. I was kicking and kicking and kicking, and uh, he was dragging me, he got a hold of my legs and he was dragging me. I was trying to dig my hands into the, the gravel and, and grab weeds and . . . he was dragging me and, and then all of a sudden he let go and I realized there was a car coming towards us again, towards the city. So he went running towards this car and he was standing there, still standing there arrogantly, and that car went by him. When the car got near me I jumped on its hood. Yeah, I jumped on its hood and I just started yelling, "I'm not getting off this hood, you gotta drive me into, you gotta drive me into town, you gotta drive me into town. Just drop me off at the end of the fucking city (Cassie, personal communication, June 13, 2011).

The man driving the car kept going towards the city with Cassie on the hood. Once they reached the edge of the city, he pulled over, let Cassie in the car, and drove her home. Cassie remembers praying throughout this entire experience and truly believes that the client she was with that night had intended to kill her. Cassie went to the city police and they looked into the situation. But they never found the man responsible for attempting to take her life. Because of this and the other violent experiences that Cassie faced during her thirteen years on the streets, she feels very lucky to be alive today.

Like Cassie, May also experienced numerous violent episodes while working on the streets. In fact, according to May, most of her experiences with clients were violent:

Like, I'd say, like out of 10 of them [clients], I'd say like 7 of them would treat you bad in one way or another, like there is very few of them that are, that will just give you your money, do what they're supposed to do and that's it. They try to rip you off, they get rough with you, they just, you know, they don't give a shit because you're just a hooker to them, you know? Yeah, there was lots of times, like a few times I got the money first and then all of a sudden the guy thinks its okay to choke me (May, personal communication, March 27, 2012).

May had numerous encounters with violence and abuse while involved in sex work on the streets of Saskatchewan. In fact, there were several instances where her life was in grave danger. She recalled one episode with a client in Saskatoon:

He took me down in an alley in Saskatoon outside the old Albany and uh, he tried to rape me in the back alley there and he ended up beating the shit out of me like really bad. I stabbed him to get away from him . . . I had to. I had little scissors in my sock and I stabbed him. He said, "you fucking bitch, you want to stab me, I'll fucking . . .", he tried to get the scissors from me, but I had it clinched in my fist as tight as I could and I knew if I let go, he was going to use it on me. I ended up getting away from him, and he tried dragging me and taking off my pants in the back alley right there, but it was just becoming daylight . . . it was early in the morning and a firefighter was going into the fire hall . . . and I think that's what might have scared him off (May, personal communication, March 27, 2012).

May was nearly raped and could have been killed had she not taken action to protect her life. I asked May why she carried the scissors and she said she carried them around just in case she needed them. She had been in enough violent situations to know that a woman needs to be prepared. Like Cassie, May endured numerous violent episodes while on the streets. Another similarity to Cassie's story was one particular episode that was so severe and terrifying that it made May leave the street life and sex work.

Only a couple years ago, in Saskatoon, May had been picked up by a client that had apparently just been ripped off by another sex worker. The client convinced May to go into his house for some cocaine and said he would pay her for sexual services. She went with him, but regrets it to this day. As soon as she entered his house, he began to choke and rape her, "he forced me to give him oral sex without protection and then he forced my clothes off and he was, well he was choking me so bad I couldn't breathe, and I was just screaming" (May, personal communication, March 27, 2012). During this attack, the

man kept telling May that he was going to teach her how to be a good girl. She was terrified and believed that he was going to kill her. She screamed as loud as she could in the hope that someone would hear her, but this did not stop him from beating and raping her:

like I started screaming loud enough I guess, somebody must have heard 'cause in the middle of him, like, trying to get on top of me and stuff and then he ended up pulling, he only entered me once and then he said, "okay, like suck my cock", whatever, so I started giving him head and I was crying and then all of a sudden there was banging on the door and I thought it was his friend coming to help him (May, personal communication, March 27, 2012).

As soon as May had the opportunity, she ran screaming for help:

He got up and he went, and he led me backwards towards the door. He was naked and so was I, and when he got to the door, I jumped up and ran to the window and I pulled the curtains to the side. There was a bunch of cops outside and I started screaming and banging on the window and I was like, "help me" (May, personal communication, March 27, 2012).

Thankfully, the police had responded quickly when someone in the neighborhood heard May's cry for help. They arrested May's attacker and helped May get home safely. This violent episode was a turning point in May's life. After this experience, May began to clean up her life. She worked on dealing with her addictions and left the sex trade.

The second objective of this thesis is to see if Aboriginal women involved in sex work experience severe forms of abuse and violence from clients and other members of society. Based on the literature discussed in the second chapter (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005), the proposition regarding this objective is that Aboriginal women involved in the sex trade industry do experience severe abuse and violence on the streets. From the experiences of both Cassie and May, this proposition is supported. Although Cassie and May's experiences can not be generalized to explain the experiences of all prostituted Aboriginal women, based on both Cassie and May's narratives of their experiences on the streets, it would appear that prostituted women are prone to experience violence and abuse. Both Cassie and May were violated as young children by different men who came into contact with them, including foster parents and babysitters. Both Cassie and May were abused by their

significant others and violated by clients. In fact, both women described experiences where clients attempted to take their lives.

Several of the theories discussed in Chapter 2 blame the maltreatment that sex workers receive from their clients on negative attitudes in Canadian society. The pro-sex feminist perspective blames the abuse confronted by prostituted women on the fact that Canadian society has 'sex-negative' attitudes (Queen, 1997). This means that sex and sex work are perceived as immoral and unclean (Fabian, 1997). Sex workers as well as the men who pay for their services are also perceived as unclean (Fabian, 1997; Queen, 1997). As a result of these 'sex-negative' attitudes, the clientele of sex workers feel embarrassed about their sexual needs and take these feelings of embarrassment out on the women they have hired (Queen, 1997). More specifically, they often take out their frustrations on these women by violating and abusing them (Queen, 1997).

Like pro-sex feminism, several of the other perspectives discussed suggest that society sees Aboriginal prostitutes as being sinful and unclean (Anderson, 2000). However, instead of focusing on 'sex-negative' attitudes, postcolonial feminist perspective looks at negative attitudes attributed to Aboriginal women in Canada due to their gender and critical race theory focuses on the issue of race. As discussed in Chapter 2, during the time of colonization, Aboriginal women were used sexually by the white colonizers and this portrayal of Aboriginal women as sexual objects is still present in Canada today in the case of Aboriginal women who are prostitutes (Smith, 2003). Therefore, it appears that when men hire Aboriginal women for sexual purposes they feel that they can treat them anyway they want because the women are not worthy of their respect. This lack of respect fits in with Marxist perspectives in terms of the lower social class held by Aboriginal sex workers (Smith, 2003). The overall theoretical framework of this thesis, the intersectionality theory, takes from all of the discussed theories and focuses on the relationship and roles played by gender, race, and class in contributing to their violent experiences on the street.

Intersectionality theory, with support from feminist standpoint theory, indicates that Aboriginal women involved in prostitution are oppressed by their gender, their race, through poverty, and for being sex workers (AI, 2004). Therefore, these women are negatively viewed by mainstream society. Due to these various forms of oppression, they

do not seem to be portrayed as respectable members of society and are often treated with violence and abuse. This supports the second part of the overall theoretical perspective of the thesis, as it looks at whether or not Aboriginal women involved in sex work encounter violence on the streets because of the intersection of gender, race, and class.

In summary, based on the two interviews conducted, women in the sex trade have a multitude of abusers. They are violated on a regular basis and have few people in their lives that support them. One such support that all people living in Canada should have is that from the CCJS. In the next section, I explore the relationship between sex workers and the CCJS to see if they have this support.

4.4 Respondent's Experiences with the CCJS:

The third objective of this thesis is to see whether or not Aboriginal sex workers receive protection and justice from the CCJS. To study this objective, both Cassie and May were asked questions regarding their personal experiences and encounters with law enforcement agents and members of the CCJS. According to the literature written on this topic, sex workers are often not considered deserving of protection and justice (AI, 2004; Lowman, 2000; Razack, 2002; Sikka, 2009). AI (2004) and Razack (2002) note that the reason for this is because prostituted women are viewed as knowingly put themselves in positions of danger. Based on this, it is my proposition that Aboriginal women do not receive adequate protection and justice from the CCJS.

Standpoint feminists believe that it is imperative that the issues surrounding Aboriginal sex workers' experiences with the CCJS be taken from the standpoint of the women with practical experiences. This theory looks at the fact that certain groups in society, such as white males, have more power and authority over other groups (Collins, 1990; Glenn, 2007; Smith, 1990), including Aboriginal women involved in the sex trade. For this reason, Aboriginal women may receive different forms of treatment from the CCJS than their male clients. Like the feminist standpoint theory, the pro-sex feminist perspective also looks at the experiences these women have based on their own stories. It is the view of the pro-sex feminist perspective that women involved in prostitution do not receive the protection and justice they ought to have from the CCJS because of the 'sex-negative' attitudes held by the CCJS (Queen, 1997). In contrast, the postcolonial feminist

theoretical perspective suggests that members of the CCJS are likely to view Aboriginal women involved in prostitution as criminals rather than victims and, therefore the violence they encounter is permitted (Razack, 2002; Sikka, 2009).

Both Cassie and May had numerous encounters with law enforcement agents and members of the CCJS, many of which were as a result of their involvement on the streets. However, they also had encounters due to other factors not involving their life in sex work. While many of these encounters were negative, some were also positive.

From one of Cassie's experiences with a law enforcement agent, it is obvious that she was viewed differently by the CCJS because of her involvement in sex work and was judged based on this fact. When Cassie's young daughter was sexually abused by her grandmother's boyfriend, Cassie pressed charges against him. Unfortunately, the CCJS did not handle the situation as required and as expected. About a week after filing the charges, a police officer came to tell Cassie the results, "like about a week later, a female cop by the way, showed up at my door and said, 'Well, we're not charging him because it's her word against his and he's denying it.' I said, 'Fuck, of course he's denying it man, I thought you were supposed to do something'" (Cassie, personal communication, June 13, 2011). The fact that the police were actually considering the man's story over the story of Cassie's daughter is quite troubling. She was a four year old child who said that she was being abused by an adult male. The fact that all he had to do was deny the crime is very unfortunate. The young girl's words should have been given greater value and should have been enough to have the crime investigated extensively. Perhaps the police officer's next comment sheds some light on why it was not. Cassie recalls, "I remember arguing with her and she said, 'well, he also said that you were a prostitute'" (Cassie, personal communication, June 13, 2011). The fact that a young victim's mother was a prostitute seemed to erase the possibility of this crime taking place. One must consider if this situation would have been handled differently if Cassie had been viewed as an upstanding citizen. In this particular case, the CCJS failed Cassie and her daughter. Not only did they not protect the young girl, but it seems as if they refused to protect her because of the lifestyle led by her mother.

Shortly after the conversation took place between Cassie and the police officer, Cassie decided to take matters into her own hands, "I remember the rage I felt, um, what I

did was I . . . one night I got a sitter. I went to a friend's [house] and I borrowed her dad's shotgun and I was going to my mom's, now she lived in the next town over" (Cassie, personal communication, June 13, 2011). Cassie had full intentions of taking the life of the man who abused her daughter that night, but it seems as though fate intervened:

The cops pulled me over on the highway and asked "where are you going Cassie?" Because I was well known, I was the drunk, [it was a] small community, and I said, "Well I'm going to my mom's". [The officer asked,] "What for?" [And, I said,] "I'm gonna go wash clothes", but it was a shotgun in the duffel bag. And he said, "You know what? Maybe you should skip washing clothes tonight", I said, "No, I think I got to get this done", and he said, "You know what Cassie, your daughter needs you, let us drive you home". And he didn't ask what was in the bag, they just, you know, I got in the car, they drove me home, like I thought I was going to jail. But they drove me home and he said, "Cassie, just stay home". He said, "You've got to take care of your girl" (Cassie, personal communication, June 13, 2011).

Cassie believes that being pulled over that night was an answer from God. After having this conversation with the police officer, Cassie realized that he was right and that the best thing she could do was take care of her daughters. Shortly after that, Cassie packed up her daughters and moved back home to Saskatchewan. Although this was an unfortunate situation that was initially handled very poorly by the CCJS, the law enforcement agent who pulled Cassie over that night was looking out for the best interest of Cassie and her daughter.

As previously highlighted, Cassie was raped twice during her years of involvement on the streets. She never went to the police about either of the assaults, "both times I was silent, and you know, it's been brought up, 'well, don't you think you should charge them?' Why? So I can go through the humiliation?" (Cassie, personal communication, June 13, 2011). It is Cassie's belief that if a woman is on the streets, or involved in a risky lifestyle, then she cannot be raped in the eyes of the justice system. She did not want to go through the court system to have that thrown back in her face.

Like Cassie, May has also had both positive and negative experiences in dealing with members of the CCJS. But unlike Cassie, according to May, most of her experiences were fairly neutral:

The police have been really understanding too, like, there are some police that are hard, but most of them seem to understand when it comes to working girls, like I

don't know if it's because they work in vice and they've seen all the shit the girls go through . . . And I've talked to cops, in fact there was one officer that was really really good. There's a couple that I've had talks with, because they use to see me walking around the streets, they knew what I was doing, they know all of our names down there, and they all [would ask], "why don't you just get off the streets now?" They knew what I was doing and you know, but they couldn't charge me because they had no proof, but they would tell us, "you can't just stand on the corner [May] because we're going to take you in". And I told them, "you guys can't do nothing, I'm not even doing anything, I'm just standing here", and we'd have our little arguments, but they were good about it. Yeah, they were pretty much understanding (May, personal communication, March 27, 2012).

Most of the law enforcement agents that May came into contact with on the streets treated her decently. In fact, she has even had positive, respectful encounters with law enforcement agents.

In the case where she had been picked up by the client and taken back to his place and violated, she really appreciated the way the police handled the situation. As you will recall from an earlier section, May was being raped and choked by a man when they heard a banging on his front door. When she managed to get away and opened the front room curtains to scream for help, she saw law enforcement agents out front, "and then those cops kicked the door in and they started like beating him" (May, personal communication, March 27, 2012). May is very grateful for the way the police handled this situation:

They [the police officers] were really understanding, like I was embarrassed because I was naked in front of them and plus what they'd seen and stuff and he, [one of the officers,] was like, "don't be ashamed, it's not your fault, even though you may have jumped into the vehicle, you know for money, he still had no right to do what he did to you" (May, personal communication, March 27, 2012).

This law enforcement agent did not judge May for being a sex worker. He saw her as a victim of sexual assault who needed protection and that was the way he treated her. This is the way all victims should be treated, regardless of their lifestyle choices. Because of the treatment of this situation, May has taken a positive view of the CCJS.

Unfortunately, not all of May's experiences with the CCJS have been respectful.

Also discussed earlier was an incident in which May was violated by a man in a back alley near the old Albany Hotel in Saskatoon and stabbed the man in order to protect herself. She ended up seeing this man about a month after the attack, "I ended up seeing

that guy walking down 20th street and I recognized him right away. I said [to my boyfriend], ‘that’s the fucking guy right there, that’s the guy that did that to me’, and we were right by the police station” (May, personal communication, March 27, 2012). After reporting the crime, a law enforcement agent followed May outside the station and began to get mad at her:

And then that cop started yelling at me because I went to report him. I said, “this guy tried to rape me and when he beat me up he did this . . .”. And [the police officer] said, “Why didn’t you report him before?” I said, “I was scared”, I said, “I had warrants out”. And he was like, “oh yeah, right”. He said, “How do you know that you aren’t just seeing things?” And I was like, “oh my God”, I tried to explain myself, and he wouldn’t listen to me (May, personal communication, March 27, 2012).

The police officer not only refused to believe May’s story, but also disrespected her by asking her if she was just seeing things. The conversation went on:

And then that guy was saying, “I’ve never seen her before in my life”. And the cop [said to May], “Why should I believe you? You just come in here and tell us that this guy tried to rape you . . .”. And I was like, “I know, I know for a fact . . .”. And he was like, “were you drinking that night?” And I was “it doesn’t matter, I know, I know it was him, like I know it”. Because like, who the fuck is going to forget somebody’s face like that? (May, personal communication, March 27, 2012).

Understandably, this would be a difficult situation for a police officer to handle. It would have been her word against his, but this officer did not even seem to want to hear May’s side of the story. He did not ask any questions that could help prove her story. He preferred to assume that she was drunk and made the story up. The police officer not only refused to believe May’s story, but even went so far as to protect the accused:

And he let that guy get away, and he protected that guy from my buddies that were outside, and he started giving me shit and he said, “you got the guys out here, are you trying to get a person fucking killed?” He’s like, “what’s wrong with you?” And I said, “I’m not getting anybody involved, I’m trying to get you involved”. And then he told that guy, “You better watch it buddy, because these guys don’t fool around” and was yelling at my buddies to get out of there and leave that guy alone and he helped that guy get home (May, personal communication, March 27, 2012).

The police officer treated May as the perpetrator and her assaulter as the victim. He did not seem to care about what happened to May and that she had nearly been raped. It appears that he viewed her as a sex worker who did not warrant his protection, which, according to the literature (Razack, 2002; Sikka, 2009) appears to be the way many

members of the CCJS view prostituted women. The intersectionality theory also supports this situation as Aboriginal women involved in sex work are devalued because of their race, gender, and their involvement in sex work (AI, 2004). According to this theory, these factors, individually and combined, made the law enforcement agent less likely to believe her story relative to that of the Caucasian male abuser.

The third objective of this thesis is to see if Aboriginal women involved in sex work receive protection and justice from the CCJS. My proposition regarding this objective based on the literature reviewed (AI, 2004; Razack, 2002; Sikka, 2009) is that Aboriginal women involved in the sex trade industry do not receive suitable support and justice from the CCJS. Based on the narratives of both Cassie and May, this proposition can be said to have merit. Cassie and May both had positive and negative experiences in dealing with members of the CCJS. This can be expected as the experiences depend on individual members of the CCJS, rather than the CCJS as a whole. However, when looking at the experiences, it is obvious that many of their experiences were negative. Both women were treated with disrespect by members of the CCJS because of their involvement on the streets and in prostitution.

Many of the theoretical perspectives highlighted in this thesis help to explain these negative encounters. According to the pro-sex feminist perspective members of the CCJS, like the majority of the Canadian society, have 'sex-negative' attitudes (Queen, 1997). For this reason, many members of the CCJS do not see violence directed towards women involved in the sex trade as a crime (Queen, 1997) and, therefore, seldom do anything to protect them.

Postcolonial feminists see members of the CCJS as holding a negative view of Aboriginal women involved in prostitution and, therefore, deserving of the abuse they receive (Harper, 2006; Razack, 2002). In fact, the CCJS tends to see prostituted Aboriginal women as criminals rather than as victims and, therefore, as people that they need to protect members of society from rather than provide protection to (Harper, 2006).

As the theoretical framework of this thesis, intersectionality theory looks at Aboriginal women involved in prostitution as being impacted upon in numerous ways. They are oppressed through their race as Aboriginal, which is supported by the critical race theory, their gender as female, which is supported by the theories relating to the

feminist perspective, and because they often live in poverty (Canada without Poverty, 2012), which is supported by the Marxist theory. In addition to these forms of oppression, they are oppressed by being involved in the sex trade and, therefore, are seen negatively by members of the CCJS (AI, 2004). Due to these multiple forms of oppression, Aboriginal women involved in sex work are portrayed as disreputable members of society and undeserving of protection and justice from the CCJS (Razack, 2002; Sikka, 2009). This supports the third part of the theoretical question regarding the intersection of each of these social factors as contributing to the way Aboriginal sex workers are treated by the CCJS.

Based on the interviews held with Cassie and May, all three propositions of this thesis are supported. First, the overrepresentation of Aboriginal women involved in sex work evidently results from a combination of factors, including: a) experiences of childhood abuse, and childhood sexual abuse in particular; and b) compound oppression experienced within society that includes devaluation on the basis of race, gender, and class. Second, it is clear that Aboriginal women involved in prostitution are likely to experience severe forms of violence and abuse from clients and others in the society. Third, inadequate protection and justice from the CCJS is evident in examples from both Cassie and May. While the experiences of these two women can not be generalized to explain the experiences of all prostituted Aboriginal women in Saskatchewan, these particular women's experiences are very significant to understanding these issues. Furthermore, the overall theoretical perspective of this thesis is also supported. It is clear that the intersection of gender, race, and class contributes to Aboriginal women being prone to take part in sex work, to experience abuse and violence on the street, and to receive limited protection from the CCJS. To further support this study's propositions and gather additional data, content analysis of three court case transcripts are studied. These transcripts, describing men who have violated Aboriginal women involved in sex work in Saskatchewan offer an additional source of data to investigate this study's propositions. By looking at the violence and abuse that the men in these court cases directed towards Aboriginal women in the sex trade and the way that the CCJS dealt with these crimes, one will be able to confirm the widespread experiences that both Cassie and May have had in regards to their experiences on the streets and with the CCJS.

5. CONTENT ANALYSIS OF COURT TRANSCRIPTS

5.1 Introduction:

In this chapter I also look at the three chief objectives of this study, but this time I do so through the use of content analysis of three separate and distinct court transcripts to support the data generated from the interviews conducted. The three court cases that were studied include:

- i. *Her Majesty the Queen v. Raymond Stonechild,*
- ii. *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky and*
- iii. *Her Majesty the Queen v. John M. Crawford.*

The first court case is that of *Her Majesty the Queen v. Raymond Stonechild*. Stonechild was charged with committing a sexual assault on the then pregnant Christine Acoose on June 27, 2001 in Regina, Saskatchewan.⁸ This 2004 trial took place in Saskatoon, Saskatchewan from February 2nd to the 6th, before the Honourable Madam Justice C.L. Dawson.

The second court case is that of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, two young men from middle class homes. These men were attending their first year of university when they murdered Pamela George. According to Volume 21 of the Court Transcript of this trial, Kummerfield and Ternowetsky were charged with first degree murder.⁹ This trial took place in the latter part of 1996 and early 1997 in Regina, Saskatchewan before the Honourable Mr. Justice Malone, approximately a year and a half after the murder of Pamela George was committed.

The third court case is that of *Her Majesty the Queen v. John M. Crawford*. Crawford was charged with three counts of first degree murder for the killing of three Aboriginal women in Saskatoon, Saskatchewan in the mid-1990's: Shelly Napope, Calinda Waterhen, and Eva Taysup. The judge for this trial was the Honourable Mr. Justice David Wright.

⁸ (Her Majesty the Queen v. Raymond Stonechild, 2004).

⁹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

In each of the cases, I look at the victims of the crimes to help support the first objective of understanding the reasons why Aboriginal women are overrepresented in the sex trade industry in Saskatchewan. For the second objective related to whether or not Aboriginal women involved in sex work experience brutality on the streets, I examine the crimes committed against these women. Finally, to study the third research objective of whether or not Aboriginal women involved in prostitution receive protection and justice from the CCJS, I assess specific concerns of the court proceedings for each case. These concerns include the CCJS' perceptions towards the victims and the way the issue of consent is portrayed in the court proceedings. I also look at the verdicts and sentences received by each of the men responsible for the crimes.

5.2 The Overrepresentation of Aboriginal Women Involved in Sex Work:

The victims of the crimes in each of these court cases were studied to look at the first objective of this thesis, which is to understand the reason for the overrepresentation of Aboriginal women involved in sex work in Saskatchewan. Some of the information about the victims was taken directly from the court transcripts, other information was gathered from literature written on the specific crimes. The literature suggests that this overrepresentation exists because of experiences of childhood abuse (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon, et al., 2002; Schissel & Fedec, 1999) and compound oppressions faced by minority women, such as Aboriginal women in the Canadian society (Collins, 1990; hooks, 2000; Rojas, 2009). Previous interview analysis supported this objective and data from these three court cases were examined to see if they are in agreement.

By looking at the victims of the crimes and the lives they have led, a better understanding of the reason why these women entered into prostitution, as well as why Aboriginal women as a social group are so highly overrepresented in the sex trade in Saskatchewan was made possible. As previously noted, the victims in these three court cases include Christine Acoose, Pamela George, Shelly Napope, Calinda Waterhen, and Eva Taysup, all of whom share a common past as sex workers.

Christine Acoose was a young Aboriginal woman. At the time of the incident, she was 19 years old and seven months pregnant with her second child. According to the

court transcripts, Christine left her parents home at the age of 14 and had been living on her own in Regina since then.¹⁰ Christine had been in an abusive relationship at the time and her partner convinced her to leave her family, something that she later regretted¹¹. She was undereducated, with less than a grade 10 education,¹² homeless, and had battled a drug addiction for years. Christine would stay with random friends for as long as they allowed and would then move into another friend's home.¹³ During this time, she was working the streets as a sex worker to earn money for her drug addiction and had very little contact with her family.

Transcripts indicated that at the time of the trial of *Her Majesty the Queen v. Raymond Stonechild*, which was three years after the incident had taken place, Christine left the streets and was trying to get her life on track. She was seeing her three children regularly, had started school to upgrade her education, and was on the methadone program to help her overcome her drug addiction.¹⁴ Christine also had hopes of getting her children back once she completed methadone treatment.

Amnesty International (2004) stated that Pamela George was 28 years old at the time of her murder. She was of Saulteaux ancestry and grew up in the Sakimay First Nation with her family that she was still close to at the time of her death.¹⁵ Pamela was also the mother of two young daughters, whom, according to the Victim Impact Statement made by Pamela's mother, Ina George, were nine and three years old at the time of her death and had a close relationship with their mother.¹⁶

Shelly Napope was only 16 years old at the time of her murder (Goulding, 2001). Shelly's early years were spent on the One Arrow Reserve, but her family moved to Saskatoon when she was about seven years old (Goulding, 2001). Shelly did not adjust well to school life and would run away to the streets every chance she got (Goulding, 2001). Shelly started using drugs very early on and was placed in numerous foster homes and was sentenced to Kilburn Hall¹⁷ numerous times during her young years. However,

¹⁰ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹¹ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹² (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹³ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹⁴ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹⁵ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹⁶ (Her Majesty the Queen v. Raymond Stonechild, 2004).

¹⁷ Kilburn Hall is "a facility for young offenders in Saskatoon, SK.

she would always retreat back to the streets of Saskatoon, which is where John Martin Crawford found her (Goulding, 2001).

Like Shelly Napope, Calinda Waterhen was also drawn to the streets of Saskatoon. She was 22 years old when she was murdered by Crawford. She was the mother of one young daughter who she gave birth to while incarcerated at the Pine Grove Correctional Facility¹⁸ (Goulding, 2001). A month after her daughter was born, Calinda was released from prison and went to stay with her father and step-mother. Shortly after that, she left her daughter with her father and returned to the streets of Saskatoon, never to be seen again by her family (Goulding, 2001).

Eva Taysup was 27 years old at the time of her murder (Goulding, 2001). She was born on the Yellow Quill First Nation, but moved with her family to Nut Mountain (Goulding, 2001). Eva eventually moved to Saskatoon by herself, met a man, and had four children with him. The stress of the young family led to the end of her relationship with her partner and her children left her care and were raised by family members (Goulding, 2001). Shortly after this, Eva retreated into the street life in the city of Saskatoon where she was approached by Crawford and murdered (Goulding, 2001).

The lives of each of these women are quite similar to one another, as well as to the lives of Cassie and May, the interview participants whose experiences were discussed in the previous chapter. As stated, the first objective of this thesis project is to understand the reasons why Aboriginal women are overrepresented in the sex trade industry in Saskatchewan. Based on the literature discussed in Chapter two, especially the writings of Benoit and Millar (2001), DeRiviere (2005), Lowman (1987), Nixon et al. (2002), and Schissel and Fedec (1999), childhood abuse is a common predictor of one becoming involved in sex work, especially childhood sexual abuse (Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). From the data derived from the interviews, it is clear that both Cassie and May experienced childhood sexual abuse. Unfortunately, the childhood experiences of the victims studied through the court transcripts are unknown therefore, I cannot use this theme to help explain their entry into sex work. Therefore, I turn to the second theme to help explain this overrepresentation, which are the multiple

¹⁸ Pine Grove is a correctional facility for women near Prince Albert, SK.

disadvantages of Aboriginal women in the Canadian society. Based on the literature (AI, 2004; Sikka, 2009), it can be said that Aboriginal women are overrepresented in the sex trade industry in Saskatchewan because of various forms of oppression that Aboriginal women experience through gender, racial, and class positioning in the Canadian society. Analysis of the court transcripts revealed that it is noticeable that these women experienced multiple forms of oppression. All of the victims were women, oppressed by men. For instance, from the information gathered in the trial of *Her Majesty the Queen v. Raymond Stonechild*, Christine admitted to being abused by her former partner. As discussed in the previous chapter, both Cassie and May also experienced emotional and physical abuse in past relationships with men. Also like Cassie and May, most of the victims were single mothers. This suggests that they most likely did not have strong support from previous partners. All of the victims were also of Aboriginal ancestry, and oppressed by those of European descent. For example, from the court transcripts and additional literature studied, it is evident that most of the victims grew up on Saskatchewan reserves segregated from the rest of the population. Growing up on reserves also contributes to the fact that all of the victims were also poor, as does the fact that they were all young and undereducated, and thus, likely oppressed by the middle-class and wealthy. Because these women are multiply disadvantaged by their gender, race, and socio-economic class they have fewer options in life than do individuals who only comprise one of these social characteristics. Consequently, according to the intersectionality theory, the intersection of these factors contributes to Aboriginal women being prone to become involved in sex work (AI, 2004; Sikka, 2009). Therefore, based on the analysis of the court transcripts, as well as additional literature regarding the victims of the crimes, the proposition that the intersection of gender, race, and class contributes to the overrepresentation of Aboriginal women in the Saskatchewan sex trade is supported. This perspective also makes up the first part of the theoretical question of this thesis, which, based on the data, is supported.

5.3 Experiences of Violence:

I now turn to the second research objective of this study regarding experiences of violence and abuse amongst sex workers. Existing literature illustrates that prostituted

women frequently encounter physical and sexual violence on the streets (Benoit & Millar, 2001; Lowman, 2000; Nixon et al., 2002; Smyth, 2005). Based on this literature, I assert that Aboriginal women working in the sex trade industry in Saskatchewan experience violence and abuse from their clients.

Feminist standpoint theory indicates how in every society people of certain social groups are treated differently from those of other social groups (Collins, 1990; Nielson, 1990; Smith, 1990). This different treatment influences the experiences that people have and the way they see the world (Collins, 1990; Nielson, 1990; Smith, 1990). Therefore, there are many different ways of looking at social issues in the society. However, as supported by critical race and Marxist perspectives, it is important to look at social issues from the standpoints of those who have been the most affected by them (Chant, 2006; Delgado & Stefancic, 2012; Nielson, 1990). For this reason, I describe the crimes committed from the victim's perspectives as closely as possible. For instance, in the case of *Her Majesty the Queen v. Raymond Stonechild*, I relied on the examination and cross-examination of the victim (Christine Acoose), to inform the study of what happened to her on the night she was assaulted.

In the trial, Christine Acoose stated that she was visiting two friends the night the assault took place and left their home at approximately 4:00 am. Transcripts show that she cut through the back alley on her way home and that Stonechild approached her to solicit her services.¹⁹ At first, Christine agreed to his proposition:

I cut through the back alley and I ran into that guy [Stonechild] and he had come up to me and asked for a cigarette and asked if I was a money-maker and I said, "yeah". And he asked if I wanted to make any money and I said, "yeah", and we talked about doing something. We walked into the back alley – [behind my friend's] house at the back there and we were going to get at it and he wouldn't give me any money and that's when – well he started getting rough. He started choking me and punching me.²⁰

This is a significant statement made by the victim, as it shows how she admits to agreeing to perform sexual services on the accused, but then changed her mind when he refused to pay her in advance.

¹⁹ (Her Majesty the Queen v. Raymond Stonechild, 2004).

²⁰ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 90).

Transcripts reveal that the defense counsel asked Christine questions regarding the agreement between her and Stonechild during the cross-examination. She said that he wanted a “half and half”, which is oral sex followed by sexual intercourse.²¹ Christine said that she only agreed to oral sex and told Stonechild that “I can’t do lays because I was – I just told him I couldn’t do lays”.²² Christine thus fully admitted to both the Crown and defense counsel that she had initially made an agreement with Stonechild for paid sex. Nevertheless, when Stonechild became rough and refused her the payment, she changed her mind. Any woman, including a sex worker, has the right to change her mind at any point during a sexual contact.

Stonechild’s true intentions became evident when Christine was asked by the Crown counsel to continue to tell her story of what happened the night of the assault:

Well we were talking, he was flashing me money and he had his pants unzipped. We went to the ground, we were going to start and I asked for the money and he wouldn’t give me any, so he pushed me on the ground, was taking off my pants, and I tried to scream and he was just choking me, I couldn’t scream. And he started punching me and I was blacking out, I was just seeing stars because he was hitting me and choking me and I was trying to scream and he was just grabbing me and stuff and he found that I was pregnant. And he said, “Oh, you’re a pregnant bitch”, and everything and he was like, “Be quiet. I don’t care if I do another 17 years”. And then I was still fighting and I – I yelled out for Penny and Chuck a couple of times, and the last – the third call they came.²³

The narrative above indicates that Stonechild was not willing to pay Christine for the services he wanted, but had every intention of taking what he wanted from her against her will. He became very violent with her and beat her. In all probability, he would have continued to beat her until he was able to rape her had he not been interrupted by Christine’s friends. Fortunately, the interruption occurred before the assault could go any further.

When asked by the Crown counsel about the injuries sustained during the attack, Christine replied that she had been punched about five or six times in the face, mouth, and the back of her head,²⁴ which resulted in numerous injuries. She stated that “I had teeth loose, I had a fat lip, a black eye and bumps on my head. And on my neck I had

²¹ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 147).

²² (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 155).

²³ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 92-93).

²⁴ (Her Majesty the Queen v. Raymond Stonechild, 2004).

some bruises too”.²⁵ The bruises on her neck were from when Stonechild was choking her, which he began after she began to scream out for help. Christine said that she could not breathe while he was choking her and that “I thought I was going to die”.²⁶

During the Crown counsel’s examination of Christine, she was asked if any part of Stonechild’s body was exposed or had penetrated her. Her response was that although his penis was exposed, no part of Stonechild’s body had penetrated her.²⁷ During the defense’s cross-examination, the question about penetration was repeated. When she replied in the negative for a second time, the defense counsel brought forward the transcript of the interview between Christine and Officer Callander. The transcript showed that when Christine was asked this same question by the officer during the investigation that she replied, “No, just his finger [entered] my vagina, not his penis”.²⁸ Christine confirmed this statement with the defense counsel, stating that yes, his finger did in fact enter her vagina, but that his penis did not and that she was confused by what the court meant. Specifically, she asserted that “I was thinking we were just talking about his penis today. I didn’t think his finger was important”.²⁹ This statement is significant because sexual assault includes penetration with anything (including his finger) and is not confined to sexual organs.

All of the information provided by the victim tells a story of heinous violence and abuse committed against her by Stonechild. Using the pro-sex and postcolonial feminist perspectives, it is possible to explain why this act took place. For instance, transcripts show that Stonechild was ashamed of having anyone know that he was paying for sex.³⁰ As discussed, the pro-sex feminist perspective explains this behaviour because of Canada’s ‘sex-negative’ mind-set (Queen, 1997). This theory states that society sees sex workers and their clients as unclean and immoral (Fabian, 1997; Queen, 1997). Consequently, the client feels sexual shame about their behaviour, often leading them to take this shame out on sex workers through forms of abuse (Queen, 1997). Therefore,

²⁵ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 108).

²⁶ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 108).

²⁷ (Her Majesty the Queen v. Raymond Stonechild, 2004).

²⁸ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 181).

²⁹ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 181).

³⁰ (Her Majesty the Queen v. Raymond Stonechild, 2004).

because Stonechild felt shame in hiring a prostitute to fulfill his sexual desires, it is possible that he violently abused Christine to contend with his feelings of shame. The postcolonial feminist perspective looks at the situation somewhat differently. That is, instead of focusing on the shame that Stonechild felt in regards to hiring Christine due to society's 'sex-negative' attitudes, the assault occurred due to the way that society views Aboriginal women (AI, 2004). Aboriginal women have been treated with contempt by the Canadian society since the days of colonialism, and in some cases, are still viewed by many as wild women undeserving of respect (Mies, 1998, as cited in Kuokkanen, 2002). This is more pronounced when it comes to Aboriginal women involved in the sex trade (Smith, 2003). These beliefs regarding Aboriginal women have become ingrained in the Canadian society, not only by Caucasian members, but also by Aboriginal men (Brownridge, 2003). According to postcolonial feminists, the power that Aboriginal men have over Aboriginal women is now normalized and Aboriginal men can choose to treat their female counterparts with violence and abuse with little disagreement from their communities (McGillivray & Comaskey, 2004; Proulx & Perrault, 2000).

Both of these theories help to explain why Stonechild committed the violent act against Christine. Regardless, only Christine can accurately describe what she went through the night of the assault and how she has felt since that night. For this reason, all of the information regarding the assault was taken from the victim herself through the excavation of court records. For the purpose of this research, it is very important that as much of the information as possible be taken from the victims themselves, as the experience of the crime is their story to tell, this is supported by the feminist standpoint theory. Unfortunately, for the next two trials studied, it was not possible to take the story from the words of the victims, as the victims did not survive the crimes committed against them. Therefore, the descriptions of the crimes are taken from the court proceedings that report the words of investigators, the accused, and other witnesses.

The second court case studied was that of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*. In this case, the victim of the crime, Pamela George, was met with an untimely death the night of her attack. I have tried to put together an explanation of what happened to her based on the injuries that she received, as well as based on stories told and shared by both of the accused during the

examinations and cross-examinations. The accused, Kummerfield and Ternowetsky, did not confess to the murder of Pamela George, but they did admit to committing a violent and brutal attack.

First, I look at the injuries sustained by the victim during her attack that ultimately led to her death. According to Dr. Escanlar, an expert witness called by the Crown to testify on the injuries received by the victim, Pamela had bruises around her neck, which looked as if someone had placed their hand around her neck in order to choke her.³¹ She also had bruises on her chest, shoulders, and legs, and scrapes on her stomach area.³² She had injuries to her collar-bone, forehead and nose, and a left jaw abrasion as well.³³ Dr. Escanlar also stated that Pamela endured head injuries from the attack, which caused her death: “the injuries to her brain caused by the beating were irrecoverable and caused her death within a time frame of between thirty minutes and four hours after they were inflicted”.³⁴ It is obvious that Pamela endured numerous serious injuries that show she was brutally assaulted, and that these injuries ultimately led to her death. That said, the injuries that Pamela suffered were not the only explanation of what happened to her on that fatal evening.

According to Ternowetsky, the evening started off with he and Kummerfield drinking heavily and deciding amongst themselves that they would like to hire a sex worker, “we drove out and went to look for a hooker”.³⁵ When their first attempt at picking up a woman failed, Kummerfield and Ternowetsky devised a plan to make their next attempt more successful.³⁶ Specifically, they decided that one of them would hide in the trunk of the car as they believed a woman would be more likely to go with one man, rather than two.³⁷ With Ternowetsky in the trunk, Kummerfield picked up Pamela George and proceeded to drive out of the city towards the airport. Once they reached an area off a gravel road near the airport, Kummerfield stopped the car, popped the trunk

³¹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

³² (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

³³ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

³⁴ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 60).

³⁵ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3858).

³⁶ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

³⁷ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

open, and got out of the car.³⁸ Pamela also left the car and saw Ternowetsky getting out of the trunk and began to panic. According to Ternowetsky, “she just, she was basically – she went hysterical”.³⁹ Kummerfield stated that Pamela then started to move away from the car as she asked them what was going on.⁴⁰ Subsequently, Kummerfield said he looked away for a moment and when he looked back, Ternowetsky and Pamela were walking back to the car.⁴¹ He claimed that he did not remember Ternowetsky pulling Pamela back to the car; however, Pamela had bruises with finger marks around her wrists suggesting that she was dragged back to the car.⁴²

Once back in the car, Pamela asked the men what they wanted, and Kummerfield replied, “head”.⁴³ With both men in the front seat of the car with her, she proceeded to perform oral sex on Kummerfield first, followed by Ternowetsky.⁴⁴ While George was performing oral sex on Ternowetsky, Kummerfield left the vehicle.⁴⁵ Shortly after leaving the car, Kummerfield came back and opened the passenger door and told George to leave.⁴⁶ Ternowetsky told Kummerfield to “let her finish”, but Kummerfield proceeded to drag George out of the car.⁴⁷ According to Kummerfield, he pulled George out of the car by the neck of her jacket,⁴⁸ but Ternowetsky said that he pulled her out by her hair,⁴⁹ which is corroborated by her injuries that showed that Pamela was missing chunks of hair from her head.⁵⁰ Kummerfield asserted that when he was pulling Pamela out of the car “her feet got caught on the car and she kind of fell out, and she got up, and she said something, and I hit her in the face”.⁵¹ Later in the trial he said that she fell

³⁸ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

³⁹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3876).

⁴⁰ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴¹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴² (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴³ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3880).

⁴⁴ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴⁵ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴⁶ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴⁷ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3568 and 3883).

⁴⁸ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁴⁹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵⁰ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵¹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3569).

down when he hit her.⁵² When Ternowetsky was asked by the defense counsel how many times Kummerfield had hit Pamela, he answered that he thought that Kummerfield had hit her three times, but he was not sure.⁵³ According to Kummerfield, he proceeded to push Pamela down the road away from the car, stating that, “I grabbed her and pushed her from behind, away from the car, and it was hard but it was, she wasn’t falling down, she was kind of walking and I was pushing her from behind”.⁵⁴ He then went on to say that, “and then I pushed her away from the car, and she turned around, and I hit her again”.⁵⁵ Kummerfield told his counsel that he hit Pamela in the face leading her to fall onto her knees, and that he then went back to the car.⁵⁶

At that point, Pamela was very upset and was yelling, and according to Ternowetsky, Kummerfield punched her again.⁵⁷ Kummerfield then said:

She fell down, and I think I punched her again when she was down. I don’t remember the actual – the only act of hitting her I remember is that one, like the one in the mouth, but I – I have a feeling that I hit her more when she was down. I think I did, but I can’t say, I can’t remember the actual act of that happening.⁵⁸

Ternowetsky said that the last thing he remembers Pamela saying was, “‘but I promise’, she said she wasn’t going to tell or whatever”.⁵⁹ Kummerfield and Ternowetsky both said that they got into the car and left Pamela walking down the road alone at the scene where they had attacked her.⁶⁰ From Kummerfield and Ternowetsky’s accounts of the crime, it is clear that these two men treated Pamela George with severe violence. They gave no explanation for why they treated Pamela with such abuse. She was an Aboriginal woman working in the sex trade, and it appears as if they saw her as a commodity and as something they could use and throw away. Further, neither of them seemed to have any sense of remorse for the violence they committed against her.

⁵² (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵³ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵⁴ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3570).

⁵⁵ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3571).

⁵⁶ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵⁷ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

⁵⁸ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3887).

⁵⁹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 3889-90).

⁶⁰ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996).

These behaviours and attitudes Kummerfield and Ternowetsky had toward Pamela can be explained using the postcolonial feminist perspective. During the time of colonialism, the colonizers took over the lands and the people and treated Aboriginal women in highly sexist and degrading ways (Sikka, 2009; Smith, 2003). Since then, Aboriginal women have never regained their respect and are still subordinated, not only by men but also by Canadian society as a whole (Anderson, 2000; Sikka, 2009). Some men seem to feel superior to Aboriginal women and believe that they can do whatever they want to them, particularly prostituted Aboriginal women. This same attitude can be viewed in the third court case I examine.

John Martin Crawford's victims, Shelly Napope, Calinda Waterhen, and Eva Taysup, were not left alive to tell their stories either. Thus, the accounts of the crimes committed against these women, in the court case of *Her Majesty the Queen v. John M. Crawford*, are taken from the transcripts which describe the injuries inflicted upon the victims that were derived from their remains. I also look at the recorded conversations between Crawford and his friend, William Corrigan, who became a police informant. Finally, a first-hand account of the murder committed against Shelly Napope as given by Corrigan who was present during the crime is assessed.

Dr. Ernie Walker, renowned forensic anthropologist, examined the remains of the three victims. The only information that could be taken from the remains of the first two victims, Shelly Napope and Calinda Waterhen, was that they were young Aboriginal women that had died two years before their remains were discovered.⁶¹ The situation was somewhat different in the case of the third victim, Eva Taysup. Specifically, Dr. Walker's examination of Miss Taysup's remains showed that, "the deceased had a fractured jaw and a fractured rib with the injuries appearing to have occurred just before death. As well, it appeared that the left forearm had been sawed off prior to the burial".⁶² This evidence was significant because it not only suggested the work of a serial killer, but it also showed that violence and brutality were likely committed against each of the victims. This discovery sent the police in search of William Corrigan, who had been a

⁶¹ (Her Majesty the Queen v. John M. Crawford, 1996).

⁶² (Her Majesty the Queen v. John M. Crawford, 1996, p. 91).

police informant a couple years earlier and had talked to the police about the missing women as he was present during one of the murders.⁶³

Corrigan agreed to meet with Crawford while being recorded by the Saskatoon police, and in these recordings Crawford admitted to the three murders. When discussing the murder of Shelly Napope, Crawford admitted to stabbing her to death.⁶⁴ Crawford also made comments regarding her identification, “yah they got her. They took her dental records . . . I was supposed to go back there and knock out her teeth . . . but I never did do that”.⁶⁵ As one can see, Crawford clearly admitted to the murder of Shelly Napope and a first hand account of what Shelly experienced the night of her death will be discussed shortly.

When talking about Calinda Waterhen’s murder, Crawford stated, that: “This one here I did it there at the bushes. I took her into the bushes. We were sniffing, and I hit her over the head”.⁶⁶ Once again, Crawford admitted to killing his second victim, Calinda Waterhen.

Crawford went on to discuss the murder of Eva Taysup, asserting that, “The only one I’m worried about is the one that was buried with two blankets”,⁶⁷ and that “if the hairs came off on it, it would be her hair . . . it’d take years for them to figure [it] out”.⁶⁸ He also made the statement that “if they found the cord they wouldn’t find my fingerprints . . . that’s three years in the . . . ground”.⁶⁹ Crawford’s statements provide strong evidence that he murdered Eva Taysup. Thus, he provided Corrigan and the police (through the recording) with details about the way he left her body, which helped to prove that he was in fact the perpetrator of the crime. Crawford also told Corrigan, “You know the cement place “P” and 11th Street? Killed ‘em there. That’s where it happened . . . one was going to yell rape . . . she said ‘you didn’t pay me enough’ . . . and I choked her”.⁷⁰ When Corrigan asked Crawford which woman it was that he had done this to, Crawford told

⁶³ (Her Majesty the Queen v. John M. Crawford, 1996).

⁶⁴ (Her Majesty the Queen v. John M. Crawford, 1996).

⁶⁵ (Her Majesty the Queen v. John M. Crawford, 1996, p. 95).

⁶⁶ (Her Majesty the Queen v. John M. Crawford, 1996, p. 97).

⁶⁷ (Her Majesty the Queen v. John M. Crawford, 1996, p. 93).

⁶⁸ (Her Majesty the Queen v. John M. Crawford, 1996, p. 94).

⁶⁹ (Her Majesty the Queen v. John M. Crawford, 1996, p. 94).

⁷⁰ (Her Majesty the Queen v. John M. Crawford, 1996, p. 96-97).

him that it was Eva Taysup.⁷¹ When discussing the murder of Eva Taysup, he also said that, “I didn’t have sex with her on the blanket. I jus’ covered her up an’ then covered her up again and put a cord around her”.⁷² Moreover, Crawford told Corrigan about the sex that had taken place during the time of the murders: “they found . . . the bodies . . . all the sperm . . . is gone”.⁷³ These statements are significant because Crawford not only admitted to the murders, but he also admitted to having sexual intercourse with the victims. Later discussion of the murder of Shelly Napope will show that Crawford’s sexual interaction with the victims were all most likely acts of sexual assault. In addition, when Corrigan asked Crawford why he had decided to kill the women, Crawford replied, “They made me mad and I killed them”.⁷⁴ He went on to say “then I dragged their bodies into the bush”.⁷⁵ According to Corrigan, Crawford strangled both Calinda and Eva.⁷⁶ As one can see from each of the statements made by Crawford to Corrigan, he admitted to murdering the three women. When asked why he committed these murders, his only response was that they made him mad. This is very significant because it not only shows that he killed three young Aboriginal women involved in sex work, but that the murders were all violent and involved sexual relations that were most likely sexual assault. This was corroborated by Corrigan’s first hand account of the murder of Shelly Napope.

Corrigan told the police that he was with Crawford during the night of a murder that had taken place in 1992. During this time, Crawford would pick Corrigan up with his mother’s car and drive around the city of Saskatoon, frequently picking up young Aboriginal women for sexual services.⁷⁷ One of these drives led Crawford to pick up Shelly Napope, a young Aboriginal woman who was a sex worker. The two men found Shelly walking down a back alley behind the Albany Hotel. Crawford knew Shelly from the streets and started up a conversation, convincing Shelly to go along with them.⁷⁸ Crawford then drove Shelly and Corrigan out of Saskatoon to the Moon Lake District.⁷⁹

⁷¹ (Her Majesty the Queen v. John M. Crawford, 1996).

⁷² (Her Majesty the Queen v. John M. Crawford, 1996, p. 94).

⁷³ (Her Majesty the Queen v. John M. Crawford, 1996, p. 93).

⁷⁴ (Her Majesty the Queen v. John M. Crawford, 1996, p. 96).

⁷⁵ (Her Majesty the Queen v. John M. Crawford, 1996, p. 96).

⁷⁶ (Her Majesty the Queen v. John M. Crawford, 1996).

⁷⁷ (Her Majesty the Queen v. John M. Crawford, 1996).

⁷⁸ (Her Majesty the Queen v. John M. Crawford, 1996).

⁷⁹ (Her Majesty the Queen v. John M. Crawford, 1996).

Upon reaching the destination, Crawford told Corrigan to leave the vehicle. Corrigan left the car and walked about 25 yards away from where the vehicle was parked while Crawford and Shelly remained in the car.⁸⁰ Corrigan then stated that he heard an argument between Crawford and Napope and that he saw Crawford hitting Shelly repeatedly with a closed fist and choking her, during which time Shelly was screaming.⁸¹ Corrigan then saw Crawford and Shelly remove their clothing and begin to have sexual intercourse. Following the sexual activity, Corrigan went back to Crawford's car.⁸² When Corrigan returned, he found Shelly naked and crying in the front seat of the car while Crawford was getting dressed.⁸³ Corrigan said that it looked as if Shelly had a fat lip from being hit by Crawford and that "she was pretty shaken up".⁸⁴ Corrigan also stated that, "she wanted to go home and told John that she wasn't going to press charges against him for rape".⁸⁵ Crawford then told her to "shut the fuck up".⁸⁶ Shelly kept asking to go home and repeated to Crawford that she was not going to press charges against him.⁸⁷ Crawford then got out of the vehicle and told Shelly to "get out of the car and come with him into the bush where they'd do it again and then he'd take her home".⁸⁸ Shelly slowly left the vehicle, still naked and proceeded to walk into the bush with Crawford.⁸⁹ According to Corrigan, once in the bush, Crawford punched Shelly in the stomach "at one point it looked like he had punched her in the stomach because she – when I looked over I kind of looked over and she was bent over . . . And he seemed to be more or less lifting her, kind of dragging her further in".⁹⁰ Corrigan then heard Shelly scream and got out of the car and followed them into the bush to see what was going on.⁹¹ He found Crawford standing over Shelly with a knife in his hand and Shelly lying on the ground bleeding from her stomach.⁹² Shelly was dead and appeared to have six or

⁸⁰ (Her Majesty the Queen v. John M. Crawford, 1996).

⁸¹ (Her Majesty the Queen v. John M. Crawford, 1996).

⁸² (Her Majesty the Queen v. John M. Crawford, 1996).

⁸³ (Her Majesty the Queen v. John M. Crawford, 1996).

⁸⁴ (Her Majesty the Queen v. John M. Crawford, 1996, p. 343).

⁸⁵ (Her Majesty the Queen v. John M. Crawford, 1996, p. 344).

⁸⁶ (Her Majesty the Queen v. John M. Crawford, 1996, p. 344).

⁸⁷ (Her Majesty the Queen v. John M. Crawford, 1996).

⁸⁸ (Her Majesty the Queen v. John M. Crawford, 1996, p. 345).

⁸⁹ (Her Majesty the Queen v. John M. Crawford, 1996).

⁹⁰ (Her Majesty the Queen v. John M. Crawford, 1996, p. 346).

⁹¹ (Her Majesty the Queen v. John M. Crawford, 1996).

⁹² (Her Majesty the Queen v. John M. Crawford, 1996).

seven stab wounds.⁹³ It is evident that there was a great amount of violence used by Crawford against his victims during these murders as the women were sexually assaulted, beaten, choked, and one of them stabbed.

The second objective of this research is to come to an understanding of the experiences that Aboriginal women involved in sex work encounter and whether or not these experiences consist of abuse and violence from clients and others in society. Based on the literature, the proposition regarding this objective is that Aboriginal women involved in prostitution in Canada experience severe abuse and violence on the streets from their clientele and others (Benoit & Millar, 2001; Lowman, 2000; Nixon et al., 2002; Smyth, 2005). Analysis of the three court transcripts regarding the crimes committed against the women support this proposition. Stonechild wanted sex from Christine Acoose, and for some reason thought that it was his right to take it, even if it meant beating and attempting to rape a pregnant woman. This behaviour was also evident in the way that Kummerfield and Ternowetsky treated Pamela George. Here, they picked her up, drove her out of the city and proceeded to have her perform oral sex on both of them. They then beat her repeatedly and left her to die. The women Crawford murdered, Shelly Napope, Calinda Waterhen, and Eva Taysup, were sex workers that he apparently believed did not deserve his respect. Because the transcripts studied focus on specific cases of male client violence directed toward Aboriginal female sex workers, the concept of being abused by other members of society was not explored. However, from the analysis of the interview discussions in the previous chapter, both Cassie and May experienced abuse from their clients, as well as other members of society. In fact, Cassie was raped by two men who were not her clients in her own home. Both Cassie and May also experienced abuse at the hands of their partners and both women had clients who attempted to take their lives.

Throughout the world, people of certain social groups are oppressed by others (Collins, 1990; hooks, 2000; Rojas, 2009). As is supported by the feminist perspective, women are oppressed by men, while critical race theory supports the idea that people of color are oppressed by Caucasians. In addition, Marxist theory demonstrates how people living in poverty are oppressed by the middle and upper-classes. Finally, the

⁹³ (Her Majesty the Queen v. John M. Crawford, 1996).

intersectionality theory suggests that the intersection of these social characteristics (gender, race, and class) contributes to Aboriginal women in Saskatchewan as being multiply oppressed, which is the reason for the violent and abusive treatment they encounter (AI, 2004). This supports the second part of the overall theoretical question of this thesis that seeks to understand whether or not Aboriginal women involved in sex work experience violence on the streets because of the intersection of their gender, race, and class. In the next section, I examine how Aboriginal women involved in sex work are treated by members of the CCJS and whether or not they receive protection and justice.

5.4 Experiences with the CCJS:

I now turn to the third objective of this research, which is to see if Aboriginal sex workers receive appropriate protection and justice from the CCJS.⁹⁴ In order to study this objective, I look at issues that arose during the court proceedings, which are classified into two themes. The first theme involves the perceptions that members of the CCJS display of the victims during the court proceedings. The second theme focuses on the issue of consent, which came up during the trials because of the fact that the victims were all involved in sex work. To help explore this objective, I also look at the sentences and verdicts received by each of the perpetrators in the three court cases. As discussed previously, the literature on this subject represents the CCJS as not providing adequate protection and justice to Aboriginal women who are prostitutes (AI, 2004; Razack, 2002; Sikka, 2009). Based on this literature, I argue that Aboriginal sex workers do not receive adequate protection and justice from the CCJS.

5.4.1 The CCJS' Perceptions of Sex Workers:

The first theme that is studied uses the court proceedings to examine the perceptions that members of the CCJS display toward the victims of the crimes. In the case of *Her Majesty the Queen v. Raymond Stonechild*, John Stoesser (counsel for the Crown) only

⁹⁴ By appropriate protection and justice, I examine if the CCJS investigates reported crimes committed against Aboriginal sex workers and if the men who assault prostituted Aboriginal women are punished for their crimes.

briefly described the violent incident which took place between the accused and the victim. Stoesser also introduced the complainant, Christine Acoose, to the judge and jury in a less than appealing way:

The incident is focused on what Crown has alleged in the Indictment to be the victimization of a young woman who, at that time in her life, lived there and was caught up in the community of that neighborhood. You'll learn that she was at that time 21 years old, an age that many other people are just sort of getting started in life, but she at her age 21, you'll learn, had been on her own for seven years. She had been on her own since age 14. A full one third of her life. And in the course of that time she had come to be in trouble with the law as a young person and as an adult, a young adult. She had evolved a dependence on drugs in that lifestyle and you'll learn that at this time that she was pregnant seven months with her second child, all at age 21. This is the bleak context in which this story will unfold.⁹⁵

This opening statement made by the Crown counsel portrays Christine Acoose, the victim of sexual assault, as having an unsavory lifestyle. He talked about her past criminal experiences, her drug abuse, and the fact that she had multiple children at a young age. It is not clear why the Crown counsel chose to introduce these negative details, as it is the job of the defense counsel to portray the complainant in a negative light. However, using the postcolonial feminist perspective it is not unexpected that the Crown counsel negatively portrayed his client because this is the way many Canadians would view her (AI, 2004; Lowman, 2000; Razack, 2002). Due to the fact that she was young, Aboriginal, and involved in prostitution, she does not likely fit the profile of what many people would consider a victim. In his opening statement, the Crown counsel went on to describe what happened on the night of the assault:

You'll hear from her that on a pretext, the accused person stopped her, engaged her in conversation and propositioned her, flashing money. Money for sex. Money. And the money had its desired effect, the money got her attention. She was interested in it and they talked about it. Christine Acoose will tell you how that talking ended and how the sexual violence started.⁹⁶

As one can see from this statement about the effects that the money had on the victim, it appeared as if she could not help herself once the money was visible. Looking again to the postcolonial feminist perspective, the comment made by the Crown counsel is supported by the beliefs of the Canadian society regarding Aboriginal women involved in

⁹⁵ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 36-37).

⁹⁶ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 38).

sex work (Mies, 1998, (as cited in Kuokkanen, 2008); Lowman, 2000; Razack, 2002). Specifically, she is portrayed as uninhibited and unable to control herself (Anderson, 2000) when faced with both money and sex. Yes, the victim was a sex worker and yes, she had sex with men for money, but this did not make the crime committed against her any less despicable, nor does it make her a reckless criminal who could not help herself. I argue that Christine was not justly portrayed as a victim. That is, the Crown counsel should have portrayed her lifestyle as unfortunate, but not as being her fault or her choice. She was doing the only thing she could at the time to survive, which led to her actions being judged by her own counsel.

Another issue which came forward during the trial of *Her Majesty the Queen v. Raymond Stonechild*, was brought forth by the counsel for the defense. In particular, the key issue was that Christine never told the police officers during her initial interview that she was a sex worker.⁹⁷ In fact, she did not tell the police about her involvement in the sex trade until months later when she was preparing for the preliminary trial. When asked by the Crown why she did not disclose this information sooner, she replied:

Because I was scared they wouldn't believe me and just slough it off thinking she deserved it. She was just a little hooker or something like that, that's how I felt. That's why I was scared to tell, thinking nobody would believe me. I was thinking they'd just throw it out of court saying that she deserved it.⁹⁸

It is significant that Christine was able to express her reasoning for not initially telling the police about her involvement in prostitution. Christine's feelings are supported by comments made in Cassie's interview, as discussed in Chapter 4. In her interview, Cassie discussed the fact that she was raped on two separate occasions by men she had known previously. Cassie did not report either incident of assault to the police because, like Christine, she also felt that she would either not be believed by the CCJS or that she would be blamed for the assaults because of her involvement in sex work. It is unfortunate that a woman involved in the sex trade has to disclose this fact if she is assaulted by someone. What the victim does for a living should not affect whether the perpetrator of the crime is found guilty or not guilty or whether or not her story is

⁹⁷ (Her Majesty the Queen v. Raymond Stonechild, 2004).

⁹⁸ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 120).

believed by members of the CCJS. In Christine's case, the police were quite respectful to her, but it is difficult to believe that they would have treated her with the same level of respect had they known from the beginning that she was a sex worker, as sex workers are often not seen as human beings deserving respect (Harper, 2006; Razack, 2002).

Christine certainly did not think they would, nor did the Crown counsel who brought it up in his address to the court, "I have some grave doubts whether if the police had heard it out, whether they even would have charged".⁹⁹ The statement made by the counsel for the Crown is significant in support of the victim, and is supported by several of the perspectives used in this thesis. As has been noted, pro-sex feminists view society, as well as the CCJS, as having 'sex-negative' attitudes, which means that society views not only sex work, but also the women who take part in this lifestyle as tainted individuals who do not deserve protection or justice (Queen, 1997). The postcolonial feminist and critical race theories also assert that society has negative attitudes about Aboriginal women involved in sex work. However, they differ in that they come from a different source. According to these theories, society's negative attitudes come from the way Aboriginal people, particularly Aboriginal women, were treated during the period of colonization and how these negative attitudes continue to exist today (Anderson, 2000; Zamudio et al., 2011).

The issue of the perception of Aboriginal women involved in sex work by members of the CCJS also comes up in the trial of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*. In this trial, Fox, a counsel for the defense used terminology that blamed Pamela for being a sex worker, stating that, "the fact of the matter is that Pamela George was working as a prostitute. That's what she did. It may not be pleasant but that's the reality of the situation".¹⁰⁰ As one can see from this comment, he was blaming Pamela for putting herself in danger. Therefore, had she not been a sex worker, she would not have been put in this position, and would likely still be alive today.

During this trial, a friend of the men testified that he was told by Kummerfield that Kummerfield and Ternowetsky had threatened Pamela that if she did not perform oral

⁹⁹ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 414).

¹⁰⁰ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 4632).

sex, they would kill her. When discussing the possibility of sexual assault, Fox made the statement that, “and again, knowing what the occupation of Pamela George was, it did not make any sense that a statement like that would be made”.¹⁰¹ This is another key comment because Fox was saying that the men would not have had to threaten Pamela because she was a sex worker, and therefore that she could not be sexually assaulted. The fact is that any woman, regardless of her occupation, can be sexually assaulted, and in extreme cases be put in a position of fearing for her life, and be coerced to perform sexually for fear of her life. The statement Fox made about how she could not have been threatened to perform sexual services shows that he was blaming the victim because of what she did for a living and using this to take the blame away from the offenders.

Few issues arose when analyzing the court transcripts of *Her Majesty the Queen v. John M. Crawford*. In fact, the victims Shelly Napope, Calinda Waterhen, and Eva Taysup did not seem to be perceived negatively by anyone involved in this trial due to their involvement in sex work. For the most part, those from the CCJS involved in the trial (Judge, Crown counsel, and defense counsel) were very respectful of the victims. In contrast to the other two trials examined, the members of the CCJS did not appear to judge the victims based on their lifestyles.

In fact, in his sentencing address, Justice Wright talked about the way the victims were disregarded during the trial:

I begin by observing that in the latter stages of this trial the victims seemed to have been largely forgotten. I don't suggest that that was due to any callousness on the part of anyone but, in my observation, that's what happened. These were three young women of Native ancestry who happened to be prostitutes. They had families, friends, and lives, although perhaps not very good lives, but they made decisions for themselves. They lived as they wished, although in many cases, I suspect, as necessity dictated, but they were lives.¹⁰²

This demonstrates how Justice Wright recognized that the focus of the trial was on Crawford and the violent crimes that he committed and that little attention was given to the victims of his crimes. While it is important to focus on the crimes committed by Crawford, it is also very important to focus on the victims of those crimes who lost their

¹⁰¹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 4634).

¹⁰² (Her Majesty the Queen v. John M. Crawford, 1996, p. 86).

lives through his actions. Justice Wright continued in his sentencing address as to why Crawford targeted the women he did:

It appears to me that Mr. Crawford was attracted to his victims for four reasons; one they were young; secondly they were women; thirdly they were Native; and fourthly they were prostitutes. They were persons separated from the community and even their families and their separation from the community and their families was only exacerbated by the fact that they were living as prostitutes. The Accused treated them with contempt, brutality, he terrorized them, he violated them sexually, he confined them and ultimately he killed them. He seemed determined to destroy every vestige of their humanity. He left three of them naked and lying on the ground. There is a kind of ferocity in these actions that reminds me of a wild animal, a predator.¹⁰³

Thus, Justice Wright stated that Crawford targeted his victims because they were in disadvantaged and displaced positions in the society, a comment supported by the intersectionality theory which is the overall theoretical framework of this thesis. Crawford's victims were disadvantaged by their age, their gender, their race, and their class and because they worked as sex workers. This statement made by Justice Wright is momentous as it helps to explain why all Aboriginal women involved in the sex trade in Saskatchewan are treated the way they are. It shows how they are devalued in the society by their gender as women compared with men, by their race as Aboriginal people compared with Caucasian people, and by their occupation as sex workers compared to those with respectful occupations in the society. In sum, these women were multiply disadvantaged and oppressed in Canadian society, and it appears that for this reason many clients of sex workers believe that they can be treated with violence, abuse, and disrespect, and why they generally do not receive adequate protection and justice from the CCJS.

In the first two court cases discussed, *Her Majesty the Queen v. Raymond Stonechild* and *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, it is apparent that the members of the CCJS who took part in these trials had negative perceptions of the victims because of their involvement in sex work. For instance, the counsel for the defense in the trial of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky* went so far as to blame Pamela

¹⁰³ (Her Majesty the Queen v. John M. Crawford, 1996, p. 87).

for the violence and brutality that led to her death because she was a sex worker. However, these negative perceptions are not evident in the third court case, that of *Her Majesty the Queen v. John M. Crawford*, which is significant because it shows that not all members of the CCJS view sex workers negatively.

5.4.2 The Issue of Consent:

The second theme is the way the issue of consent is portrayed in the court proceedings. The issue of consent did not come up during the trial of *Her Majesty the Queen v. John M. Crawford*, therefore I will not discuss this case here. However, in the cases of *Her Majesty the Queen v. Raymond Stonechild* and *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, the issue of consent comes up because the victims were sex workers.

In the case of *Her Majesty the Queen v. Raymond Stonechild*, the issue of consent is raised by the defense counsel and is later commented on by Justice Dawson. In this particular situation, Christine was treated with respect and understanding by Justice Dawson. Justice Dawson brought her concerns forward during her address to the defense counsel:

The only other thing, that I had some concern about it, and I'll let you address this Mr. Struthers, was the suggestion that on her own evidence at this trial she consented to having sex. I mean, clearly there was evidence she consented and then her evidence clearly was that she withdrew that consent and expressed it to him. And that was not put to the jury in your submissions. I think leaving them with the impression that – that she was not entitled to withdraw the consent. That once she consented, it was consent throughout and that was one that concerned me.¹⁰⁴

This is a significant comment made by Justice Dawson because it notes that just because a woman initially gives consent to sexual activity does not mean that she cannot change her mind. Ultimately, any woman, even one who is being paid for her services, can change her mind at any point during sexual activity. Justice Dawson went on to say that because of this comment made by the defense, she would have to discuss the issue of consent with the jury:

I will have to instruct them on consent, and that consent may be withdrawn and cannot be caused by force. I will also have to point out to them that I think her

¹⁰⁴ (*Her Majesty the Queen v. Raymond Stonechild*, 2004, p. 414-415).

evidence clearly was that she said she – and I think I have this, she agreed to something and then said she agreed to fellatio and then eventually withdrew her consent and expressed that.¹⁰⁵

She continued to highlight the importance of consent with the jury, stating during her address that:

I tell you as a matter of law, a person may withdraw his or her consent to sexual activity and if the withdrawal or the refusal is expressed by words or action, there is no consent in law. Of course it is up to you to review the evidence of Miss Acoose that is relevant, and it will be up to you to determine what the facts are.¹⁰⁶

As should be the norm in all similar cases, Justice Dawson took the issue of a woman's consent very seriously and she did not even consider the matter of Christine being a sex worker as making any difference.

Unfortunately, in the trial of *Her Majesty the Queen vs. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, Pamela George was not shown the same respect when the issue of consent was raised by the trial judge. Here, Justice Malone also addressed the issue of consent with the jury and whether or not the evidence suggested that Pamela George did or did not consent to sexual activity with the two accused. In this discussion, he reminded the jury that Pamela was a sex worker “bearing in mind that the evidence indicates that she indeed was a prostitute”.¹⁰⁷ This assertion implies that she must have given consent and could not be sexually assaulted. The Crown counsel raised these issues regarding consent:

Further you made reference, on that, to the fact that she is a prostitute, and almost leaving an inference that that should somehow have relevance to the issue of whether or not she consented, and again I would refer The Court to section 276 of the code which would indicate that previous sexual activity of a person should not have a bearing on whether or not they are capable of giving consent, and I think The Court perhaps ought to correct that, in my respectful submission.¹⁰⁸

Justice Malone's response to the concerns raised by the Crown regarding these statements he made on the subject of consent was, “Thank you, Mr. Miazga. I am not going to recall

¹⁰⁵ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 418-19).

¹⁰⁶ (Her Majesty the Queen v. Raymond Stonechild, 2004, p. 424).

¹⁰⁷ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 4825).

¹⁰⁸ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 4833).

the jury on those matters”.¹⁰⁹ It is obvious that the judge was not concerned about whether or not he was leading the jury to believe that Pamela consented to the sexual activity with the accused.

Given the highlighted events and utterances during the court proceedings of this trial, it is evident that Pamela was treated with little respect because she was a sex worker. In most parts of this trial, she was viewed only as a sex worker and seen as responsible for her assault due to her lifestyle. In fact, several members of the CCJS involved in this trial, including the defense counsel and the Judge made statements during the trial to the effect that Pamela’s involvement in sex work was an issue to be considered. Additionally, both took this statement further, implying that because consent is naturally implied, as a sex worker she could not have been sexually assaulted. Pro-sex and postcolonial feminists would have presumed that these comments be made (Queen, 1997; Razack, 2002). As discussed, pro-sex feminists conceive that members of the CCJS have ‘sex-negative’ opinions that make them view all sex workers as deserving the violence they receive because they are contaminated individuals in society (Queen, 1997). Similarly, the postcolonial feminist perspective sees the negative attitudes as attributed to the fact that Aboriginal women have been viewed as unclean since the time of colonization and warrant violence because of these beliefs (Smith, 2003). Unfortunately, because these women are viewed as unnatural and defiled, it seems they are viewed as not only having given consent to the sexual violence they encountered, but were also deserving of the violence they received. In the next section, I look at the verdicts and sentences given to the offenders in each of the cases discussed.

5.4.3 Verdicts and Sentencing of the Men Responsible for the Crimes Committed:

I will now look at the verdicts and sentences given to each of the men responsible for the crimes that have been examined. The verdicts and sentences, when considered with the themes of the issues arising from the court proceedings previously discussed, support the argument of whether or not Aboriginal women involved in sex work in Saskatchewan receive appropriate protection and justice from the CCJS.

¹⁰⁹ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 4834).

In the case of *Her Majesty the Queen v. Raymond Stonechild*, the jury found Stonechild guilty of sexual assault as charged.¹¹⁰ This guilty verdict is vital, not only because it shows that the jury believed the story of the victim (versus the accused), but also because it displays the jury's belief that an Aboriginal woman working in the sex trade can in fact be sexually assaulted. Up until this point in the trial, this concept was not supported by the perceptions of several of the members of the CCJS, as discussed in the previous section.

After going through all 27 of Stonechild's previous convictions (10 for violent crimes), the Crown determined that Stonechild should be charged as a Dangerous Offender according to Section 753(1) of the Criminal Code of Canada. Sentencing then went through a Dangerous Offender hearing, which Stonechild managed to extend for numerous years by firing his counsel every couple months. In fact, Stonechild was not convicted until February 28, 2008, nearly seven years after committing the crime against Christine Acoose. When Justice Dawson finally refused to give Stonechild any more time, his sentence was determined:

The Crown has proven each and every essential ingredient in this application to my satisfaction, beyond a reasonable doubt. Therefore, I have no other option but to designate Mr. Stonechild a dangerous offender pursuant to s. 753 of the *Code* and he is hereby designated. Mr. Stonechild is hereby sentenced to imprisonment in a penitentiary for an indeterminate period.¹¹¹

As the sentencing shows, both the Crown counsel and the trial judge took the crime committed against Christine Acoose very seriously, and because of this, Christine received justice for the crime committed against her.

Unfortunately, in the trial of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, Kummerfield and Ternowetsky did not receive the verdicts or the sentences that are typical for the type of crime committed (Criminal Code of Canada, 2013). In his statement to the court, Mr. Miazga, counsel for the Crown, highlighted the motivation for Kummerfield and Ternowetsky's crime against Pamela George:

This crime took place because of some evaluation of Pamela George's life by the two accused for whatever reason. Obviously whether that reason is attributed to her

¹¹⁰ (*Her Majesty the Queen v. Raymond Stonechild*, 2004).

¹¹¹ (*Her Majesty the Queen v. Raymond Stonechild*, 2004, p. 102).

race or to her gender or to her occupation, one I guess can never know for sure, but I would suggest to you that one of those is a foundation for this motivation.¹¹²

This statement made by the Crown is consistent with intersectionality theory, as it shows the counsel's belief that it was either Pamela's race, gender, or the fact that she was a sex worker that provoked Kummerfield and Ternowetsky to treat her with the violence and brutality that led to her death.

Although the Crown felt that the motivation behind the actions of the accused was significant, Justice Malone did not appear to see the significance when he stated, "I do not know what basic instincts motivated the accused to do what they did. In my opinion it matters little".¹¹³ However, although Justice Malone did not agree with the Crown's perspective, he finally admitted that it was a heinous crime that warranted punishment when he went on to say, "the circumstances of the offence are such that they cry out for the most severe penalty within the guidelines set by the Saskatchewan Court of Appeal to be imposed".¹¹⁴

When it came to the verdict for Kummerfield and Ternowetsky, the jury found them both "not guilty of second-degree murder, but of manslaughter".¹¹⁵ When Justice Malone sentenced the accused, he stated that:

In my opinion the case authorities that have been referred to indicate that the Court of Appeal in circumstances such as those before me have set the maximum sentence to be imposed for manslaughter to be ten years. The sentences in excess of this have always had aggravating factors that are not present here, such as previous convictions for manslaughter or lengthy criminal records. It is the practice in this Province to take into account the time served prior to trial when imposing sentence and to double it on the basis that it was served under strict conditions, and in this case which allowed only one-half hour per day outside of secure confinement. Accordingly, I sentence each of the accused to serve a term of six and a half years in a Federal Penitentiary. This is effectively a sentence of ten years.¹¹⁶

¹¹² (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 11).

¹¹³ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 62).

¹¹⁴ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 62).

¹¹⁵ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 5023).

¹¹⁶ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 64).

The Crown counsel requested that the Court “impose the provisions of Section 743.6 of the Criminal Code”,¹¹⁷ which states that the offender must serve at least one half of their sentence before they can be released on parole. Justice Malone agreed to this provision:

In my opinion the actions of the accused that I’ve referred to earlier are of unusual violence, brutality or degradation and require me to strongly express society’s denunciation of the circumstances giving rise to this offence. Accordingly, I direct that each accused serve one-half of the sentence I have just imposed before being released on full parole.¹¹⁸

By the end of the trial, Justice Malone finally seemed to express the heinous acts of violence committed against Pamela George. Unfortunately, this realization came too late for a verdict that was warranted by the accused. Both of the accused men violently beat a woman to death, which most certainly followed sexual assault. Consequently, they should have received a verdict of guilt for murder in the first degree and sentenced to 25 years in prison following the guidelines set forth in the Criminal Code of Canada (2013). Rather, they received a guilty verdict of manslaughter, for which they would serve at least five years in prison, of which they had already served three and a half years while awaiting the trial. In the end, Pamela’s death did not receive justice against the accused. Unlike this case, the judge in the case of *Her Majesty the Queen v. John M. Crawford*, took the crimes that Crawford committed very seriously from the onset of the trial.

During his sentencing address, Justice Wright discusses the brutality of the murders and of Crawford himself:

This is one of the most disturbing cases I’ve ever had. These were horrifying murders. This Accused should never be allowed to leave prison. I am limited by law to increasing the periods in which he is ineligible for parole to twenty-five years, and I have absolutely no hesitation in doing so. I would make it longer if I could. So I am increasing his period of ineligibility to twenty-five years as to each of the convictions for second-degree murder and, as I have noted, that is the maximum I can give. They will be served concurrently with his sentence for first degree murder.¹¹⁹

¹¹⁷ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 65).

¹¹⁸ (Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky, 1996, p. 65).

¹¹⁹ (Her Majesty the Queen v. John M. Crawford, 1996, p. 88).

From Justice Wright's statement, it is evident that he was disgusted with the crimes committed by Crawford and applied the harshest sentence possible for his actions. In the end, Crawford received 25 years in prison with no chance of parole. While 25 years does not seem nearly long enough for crimes of this magnitude, it is the severest sentence that can be given to someone in Canada (Criminal Code of Canada, 2013). For this reason, Shelly Napope, Calinda Waterhen, and Eva Taysup did in fact receive justice from the CCJS.

The third objective of this thesis is to see whether or not Aboriginal women involved in the Saskatchewan sex trade industry receive appropriate protection and justice from the CCJS. Existing literature about Aboriginal women involved in sex work in Canada, although limited, argues that Aboriginal women do not receive the protection and justice that they are worthy of from the CCJS (AI, 2004; Razack, 2002; Sikka, 2009). Key issues arising during the court proceedings including negative perceptions that some members of the CCJS displayed regarding the victims, the issue of consent, and the verdicts and sentences received for the accused each support this proposition. These three highlighted cases, coupled with the interviews held with Cassie and May, reveal that there are always both positive and negative results when dealing the CCJS. As discussed in Chapter 4, this is expected as the experiences do not depend on the CCJS as a whole, but rather as individual members of the CCJS. Like most of the victims discussed in the court transcripts, although Cassie and May (interview participants) both had positive experiences, many of their experiences were negative and both women were treated disrespectfully by members of the CCJS. This is supported by the pro-sex feminist, postcolonial feminist, and critical race perspectives, as well as the overall theoretical framework of the intersectionality theory. From the pro-sex feminist perspective, it is evident that the CCJS does not have a highly regarded outlook on prostituted women. In other words, because of society's 'sex-negative' stance, many have been taught to believe that sex workers are unclean individuals who deserve to be treated badly (Fabian, 1997; Queen, 1997). Due to this societal outlook, sex workers who have been abused are not seen as victims who are worthy of protection and justice, but rather as criminals that the society needs to be protected from (Harper, 2006). The postcolonial feminist and the critical race theories have a similar outlook on the reason

why Aboriginal women involved in prostitution are treated without respect from the CCJS. According to these theories, the reason is not because of ‘sex-negative’ attitudes, but rather negative attitudes that can be attributed to the victims’ Aboriginality (Mies, 1998, as cited in Kuokkanen, 2008). Since the time of colonization, Aboriginal women have been portrayed as uncivilized individuals who can be treated in anyway one chooses without consequence (Anderson, 2000; Sikka, 2009). In the framework of intersectionality theory, because the victims of these crimes were women, of minority race, and lived in poverty they were multiply oppressed and were not regarded by the CCJS as worthy of respect and justice (Razack, 2002). This theory again supports the third part of the overall theoretical question, which is that the intersection of gender, race, and class make Aboriginal women involved in sex work in Saskatchewan prone to receive little protection from the CCJS.

Although not always the case, it is often true that Aboriginal sex workers do not receive adequate protection and justice from the CCJS. For instance, in the trial of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alexander Dennis Ternowetsky*, Kummerfield and Ternowetsky clearly did not receive the punishment that was warranted and Pamela George’s death therefore did not meet with justice from the CCJS. However, in both of the other cases involving *Her Majesty the Queen v. Raymond Stonechild* and *Her Majesty the Queen v. John M. Crawford*, the members of the CCJS involved all seemed to have taken the crimes committed against the women very seriously and played their parts well in giving justice to the victims and appropriate punishment to the perpetrators.

6. IMPLICATIONS OF STUDY FINDINGS

6.1 Introduction:

Sex work has existed all around the world for thousands of years. In fact, we know that prostitution even existed during biblical times (Ezekial 16:15 Holy Bible). However, despite its long history, it has never been viewed as tolerable by most societies and cultures. My interviews, analysis of court transcripts, and the existing literature support the idea that women in the sex trade are treated negatively.

While anyone, any where in the world, is at potential risk of becoming involved in the sex trade, there are certain factors that contribute to one becoming involved in this lifestyle. From the literature discussed in Chapter 2 and the findings of the interview data with Cassie and May in Chapter 4, it is apparent that the experience of childhood abuse is one of the main contributing factors of entry into the sex trade industry (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999), particularly childhood sexual abuse (Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). For instance, both Cassie and May experienced severe forms of childhood abuse and neglect. Taking this to the extreme, when May was a young girl, her mother even sold to her to men for sexual purposes. Other characteristics of both of these women is that they were taken away from their mothers, separated from their families, and placed in frequently abusive foster homes at a young age.

As discussed throughout this thesis in regards to intersectionality theory and data from both the interviews and analysis of court transcripts, it is clear that the various systems of oppression (e.g., poverty, race, and gender) also contribute to entry into the sex work lifestyle. In addition to childhood sexual abuse, poverty continues to be one of the main reasons that people become involved in sex work (Jeffrey & MacDonald, 2006). The implication of the negative impact of poverty is supported by Marxist theory (Jeffrey & MacDonald, 2006). Consistently, in Canada, the majority of sex workers come from the low-income class. Based on previous analysis, it should be no surprise that due to the high rates of poverty among these demographics (Canada without Poverty, 2012), the majority of sex workers in Saskatchewan are minorities, and specifically of Aboriginal descent (EGADZ, 2008). The postcolonial feminist and critical race theories explain this

relationship. Specifically, both theories look at the impacts that colonialism has had on Aboriginal people (e.g., residential school experiences). It should also be no surprise that the majority of sex workers are women (Vandiver & Krienert, 2007), as women make up the majority of individuals living in poverty (Chant, 2006). According to Lochhead and Scott (2000), “Women are at a greater risk of poverty than men, especially if they are a visible minority. A woman’s economic security is tied, first, to her connection to man/men, and, second, to her level of education” (as cited in Harlinton, 2004, p. 5). Harlinton (2004) claims that, “Sex is often the price that women pay for opportunities and survival when there are no alternatives to escape poverty (Larkin, 2000). Selling sex is a monetary reaction to gendered economic disparity and an economic system that ‘commodifies everything’ (Ishida, 1994: 11)” (p. 5). Thus, there are specific factors that contribute to one’s entry into a lifestyle of sex work. In short, poverty is a main contributing factor, as is one’s race and gender.

This thesis looks at the impacts that childhood abuse, particularly childhood sexual abuse and the multiple forms of oppression faced by Aboriginal women in Canadian society have contributed to involvement in sex work. This idea was supported by interviews with both respondents. However, these factors cannot be generalized as an explanation for why all Aboriginal women who are prostitutes become involved in sex work.

As is evident from the findings of the interviews and analysis of court transcripts, women who have been forced into prostitution and those who have given their consent to sex work often face risky situations. This is obvious in the Canadian society, where sex workers are frequently abused and violated, typically by their clients (Benoit & Millar, 2001; Nixon, et al., 2002). One reason why it is believed that women involved in prostitution are treated with such violence and abuse is because of their low social status in the society (AI, 2004; Kuokkanen, 2008). Not only are these women oppressed because of their race, gender, and low social standing, but also because of the fact of their lifestyles on the streets (AI, 2004).

Low status in society also contributes to the way that members of the CCJS view women involved in sex work (Kuokkanen, 2008). In many cases, Aboriginal women working on the street are not seen by members of the CCJS as deserving of protection,

but rather as those that others need protection from (Harper, 2006). They appear to be viewed as criminals who are making other peoples' lives difficult just by being out on the street, and the CCJS typically does not protect criminals. Yet the fact remains that their rights need to be protected in accordance with the Canadian Charter of Rights and Freedoms.

This thesis looks at the implications of the data produced through: a) in-depth interviews with two women of Aboriginal ancestry who have been involved in sex work in Saskatchewan; and b) analysis of three court transcripts of trials where men have brutally violated Aboriginal women involved in sex work in Saskatchewan.

6.2 Identifying the Problem:

Although in Canada sex work is not illegal, there are many activities associated with sex work that are illegal. For instance, Section 213 (1) of the Criminal Code of Canada (2013) indicates that soliciting and communicating for the purpose of prostitution are illegal in Canada. The problem with this law is that in most cases, it is the sex worker who is arrested and charged, while clients often get away with a mere warning. A study conducted by the Community – University Institute of Social Research at the University of Saskatchewan examined charging and sentencing patterns in Saskatoon, Saskatchewan under Section 213 of the Canadian Criminal Code, asserting that:

Seventy-three men and women were charged under CC 213 in 2000. All CC 213 charges laid against women were for selling sex, while all charges laid against men were for buying sex. No men were charged with selling sex. More than three times as many women than men were charged (fifty-six women with fifty-eight offenses versus seventeen men) with communication for the purpose of prostitution” (Harlingten, 2004, p. 10).

These findings underscore how women are disproportionately charged with crimes related to sex work compared to men. A possible reason for this is that the women providing the services are viewed as the greater evil because if they did not engage in prostitution there would be no clients (Harlingten, 2006). On the other hand, if there was no demand for the service, it is likely that “supply” would diminish (Harlingten, 2006).

As noted, many of the women providing these services are often victims of sexual abuse that originate in childhood and sell their bodies on the streets due to lack of

options. A key point from the interview findings in Chapter 4 and analysis of court transcripts in Chapter 5 is that Aboriginal sex workers often live in poverty, are undereducated, and are given few chances for engaging in respectable employment. Further, it is evident from the interview findings and analysis of court transcripts that it is common for those working on the street to become regular users of highly addictive drugs, which does nothing to positively change their situation. For these reasons, once violated, many women working the streets do not feel comfortable seeking help from members of the CCJS.

In addition, many women in the sex trade industry who have been violated by their clients do not come forward and report this treatment because they feel that they will either not be believed by the CCJS (due to their type of work), or be told that they warrant the harsh treatment they have experienced. Evidence for this is provided from the interview with Cassie, as well as in the statement made by Christine Acoose during the trial of *Her Majesty the Queen v. Raymond Stonechild*. Consequently, negative beliefs are compounded by the way the issue of missing Aboriginal women in Canada has been dealt with (AI, 2004). For instance, many families of these missing women have been told by the CCJS that they can not track their missing loved ones because of their lifestyles (Goulding, 2001). It is believed that many of these women lived transient lifestyles with no strong connection to family, friends, or the community. From the interviews and analysis of court transcripts, I have discovered that this is not necessarily the case, and that prostituted Aboriginal women do tend to keep in close contact with friends and family. Unfortunately, a great deal of damage has been done in the images society portrays of Aboriginal female prostitutes. Society's view of Aboriginal women on the streets has to change.

6.3 Implications:

It is clear that Aboriginal women are highly overrepresented in the sex trade in Saskatchewan and that there are many reasons for this overrepresentation. This study demonstrated how factors such as gender, race, and low-income class status are key factors. This puts Saskatchewan Aboriginal women at a major disadvantage, because they are women, Aboriginal, and are prone to live in poverty. The poverty levels

amongst Canada's Aboriginal people are presently very high (Canada without Poverty, 2012). Canada without Poverty (2012) suggests that this occurs because many: a) live on reserve land; b) have low levels of education (56% of the adult Aboriginal population in Saskatchewan has less than a grade 12 education) (Sask Trends Monitor, 2008); and c) confront high rates of unemployment (59% employment rate for those aged 25-54 years) (Sask Trends Monitor, 2012). Thus, Aboriginal people need to be encouraged to relocate from these reserve lands to urban centers where they can access education and employment. Aboriginal people must also be encouraged to remain in school until they graduate and be encouraged to further their education. In addition, Aboriginal adults that have been out of school for years should be encouraged to attend adult education programs where they can upgrade and earn their high school diplomas and then move on to post-secondary education or be given assistance in finding employment. Once access to education and employment opportunities is improved, the issue of poverty will decrease. It is only after the issue of poverty has been resolved that the race and gender barriers will be minimized.

Not only are Aboriginal women overrepresented in sex work in Saskatchewan due to the contributing factors of poverty, race, and gender, but the majority of women involved in sex work have also been abused as children. The experience of childhood abuse particularly childhood sexual abuse, has a very strong impact on a woman's entry into the sex trade (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999). During childhood many women who have been abused have been taught what people, particularly men, want and what they are willing to do to get it (Lowman, 1987). It is apparent from the literature (Lowman, 1987) and the interview with May that years of childhood sexual abuse can make some women feel that they may as well be paid for the services that they have been forced to perform. To counteract this, programs need to be put into place to help children of abuse, particularly Aboriginal children of abuse, as Aboriginal children tend to be abused at higher rates (Sethi, 2007).

Once working the streets, many Aboriginal women encounter additional abuse and violence. For instance, May's experiences showed, on average, seven out of ten clients treated her violently. It is also clear from both interviews and court transcripts that Aboriginal women working the streets have been beaten, choked, raped, faced attempted

murder, or in the worst cases been murdered by their clients. From the pro-sex feminist perspective it would be argued that the reason sex workers continue to confront brutality, violence, and abuse is because women who perform sexual services for money and their clients are condemned by society (Queen, 1997). This condemnation leads to feelings of sexual shame on the part of clients, which influences mistreatment of sex workers (Queen, 1997). If society would take a different view of sex work and the women who engage in this profession, their clients would not be so ashamed for paying for these services and would treat the women with more respect and less violence (Queen, 1997). The only way that these societal attitudes will change is if the laws dealing with sex workers change. Rather than being viewed by the CCJS as criminals that need to be policed, women involved in prostitution should be seen as victims who are doing their best to survive. Change must begin with the Canadian government and the CCJS, before anything can be implemented in society as a whole.

Because women involved in sex work know the dangers of getting into a car with a stranger, they are often viewed by society and the CCJS as knowingly putting themselves into positions of danger. Consequently, according to Razack (2002) and from the court transcripts it is evident that some view this as a contribution to their own victimization and lack of protection. Analysis of the three court transcripts in this study revealed that the role of victims as prostitutes was discussed in two out of the three cases. The fact that the victim was a prostitute even influenced the verdict and sentencing in the case of *Her Majesty the Queen v. Stephen Tyler Kummerfield and Alex Dennis Ternowetsky*. The victims of the crimes in the court transcripts were seen by numerous members of the CCJS as being at fault for the abuse they encountered because they were sex workers. Specifically, the issue was that they initially consented to sexual activity with the perpetrators before the assaults took place. These attitudes that sex workers can not be assaulted need to be challenged because any woman who has been sexually assaulted has rights and should be treated with respect, regardless of her occupation. If the CCJS begins to take abuse against Aboriginal women who are prostitutes more seriously and all victims of abuse equally then society will also start to take these concerns more seriously and clients may become less likely to abuse prostituted women. As it stands, the violence experienced by Aboriginal women sex workers on the streets with little protection and

justice from the CCJS are human rights issues. It is necessary that the Canadian government look at these issues seriously and as a priority, with the goal of making the lives of these women better.

It should be noted however that efforts are being made in the right direction by local grass-roots organizations. For instance, in Saskatoon, Saskatchewan, there is an organization called the Saskatoon Downtown Youth Centre Inc., (better known as EGADZ). This centre has been operating since 1990 with its focus on “hard to serve” youth. The term “hard to serve” youth refers to youth that are “less than 20 years of age, who ‘hang out’ more than three days a week downtown and are addicted to the streets although they may not live on the streets” (EGADZ, 2010, p. 3). Thus, EGADZ focuses on at-risk youth who are likely to live a life on the streets, which could lead to a higher likelihood of drug addiction and involvement in the sex trade. The key goal of EGADZ is to support positive lifestyle changes (EGADZ, 2010). EGADZ functions by providing space for youth to engage in activities away from the streets, as well as offering recovery therapy for the problems that initially led them to the streets (EGADZ, 2010). The centre also has outreach staff that spends time on the street making connections with youth and providing them with needed support (including young people involved in the sex trade) (EGADZ, 2010). The centre also offers a number of other services to at-risk youth, including support for education, employment and work readiness, teen parenting, as well as health and nutrition programs (EGADZ, 2010).

The Saskatoon Downtown Youth Centre Inc. focuses on providing numerous services needed to live a well-adjusted, healthy lifestyle away from the negative aspects of the streets (EGADZ, 2010). They focus on issues such as youth education, employment opportunities, and counseling, as well as providing a safe place of support where youths are respected as individuals rather than judged based on their street involvement (EGADZ, 2010). More initiatives such as this one need to be developed. While it is extremely important that there is a centre which focuses on youth involvement in street life, there also need to be organizations that focus on helping adults get out of the street life, including: addictions counseling programs, personal therapy, and support of education and employment opportunities. With more organizations providing services to adults, it will be possible to reach more at-risk individuals. It could also potentially

impact the attitudes of society as a whole, allowing for a better understanding of the experiences of vulnerable people and see them as victims who need love and support rather than criminals creating a dangerous environment.

From all indication, there are positive steps being taken to help Aboriginal women in Saskatchewan not only to exit the sex trade industry, but also to get help while still involved in prostitution. Unfortunately, there are currently limited actions being taken. In order for effective changes to actually take place, action must be taken by the Canadian government and the CCJS specifically. Until the laws regarding these women and their lifestyles are amended to not see them as criminals, the society's views and treatment of these women will continue to remain the way they have been for years.

7. RECOMMENDATIONS AND CONCLUSION

This chapter provides recommendations for how the Canadian government could be dealing with the overrepresentation of Aboriginal women involved in sex work in Saskatchewan. In addition, it addresses ways the government should diminish the violence these women face on the street and the way that crimes against these women are dealt with by the CCJS. This chapter also concludes by providing an overview of the content of this thesis.

7.1 Recommendations:

As discussed throughout this thesis, the current situation of Aboriginal women involved in sex work in Saskatchewan is unfavorable and unacceptable. Aboriginal women are highly overrepresented in the sex trade industry in Saskatchewan, and Saskatoon specifically (EGADZ, 2008). Based on the data from the interviews and court transcripts collected in this study, as well as the existing literature, it is believed that many prostituted Aboriginal women in Saskatchewan encounter violence on the streets (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005) and limited protection from the CCJS (Harper, 2006; Razack, 2002; Sikka, 2009). It is imperative that the Canadian government do something to resolve these issues.

Under current legislation, Canada has adopted the legalization of sex work, which means that either the act of sex work itself, or acts associated with sex work are legalized, and therefore, unlikely to result in criminal charges (Smyth, 2005). However, while the act of sex work itself is not illegal in Canada, many acts associated with sex work, such as communicating for the purposes of prostitution in a public place, keeping a common bawdy house, and living off the avails of prostitution are illegal (Section 213 of the Canadian Criminal Code, 2013). With the current laws, it is evident that legalizing sex work is not working in Canada. The problem still persists and women are still experiencing violence.

According to Jeffrey and Sullivan (2009), the Canadian government is currently unaware of how best to deal with issues involving prostitution, stating that “at present the Canadian polity is mired in philosophic, moral and political divisions over the acceptability of sex work and these are limiting the search for practical ways of

addressing urgent social problems” (p. 58). Therefore, it appears that because the Canadian government does not want to be viewed as accepting prostitution, little is being done to protect the women involved in this lifestyle.

Jeffrey and Sullivan (2009) further argue that Canada has a “two tiered” system for dealing with the issue of prostitution, one for women who work on the street and one for women who work in private establishments:

The street trade is the most frequent target for law enforcement officials and has been the subject of much policy angst over the last two decades. However, the indoor trade is in effect tolerated in many areas of the country; a number of municipalities regulate “dating”, “escort” or “massage” businesses on the grounds that these businesses do not actually involve sexual services (Lowman 2005a; Lowman 2005b; Bruckert et al., 2003; Lewis and Maticka-Tyndale, 2000). Thus, in reality, Canada has a “two-tiered” system for managing the sex trade (Lowman, 2005a) – it is criminalized and tolerated/regulated (Jeffrey and Sullivan, 2009, pp. 58).

According to Jeffrey and Sullivan (2009), the reason for this “two-tiered” system is due to the fact that street prostitution takes place in the open, and community members are therefore, more likely to address the issue, as they do not want prostitution in their neighborhoods. Whereas, other forms of prostitution are not nearly as visible, and therefore do not receive the same level of public attention. But regardless of the attention received, women are being violated and little is being done by the Canadian government.

However, on December 20, 2013, in response to the Attorney General of Canada v. Bedford, the Supreme Court of Canada struck down the anti-prostitution laws that have been present in Canada for years (“Supreme Court strikes down”, 2013). The Supreme Court of Canada gave Parliament one year to write a new legislation, provided that the new laws take the violence and abuse directed towards sex workers into consideration (“Prostitution: Should it be legal”, 2014). Parliament is looking at two options, “the Nordic model vs. the Dutch model” (“Prostitution: Should it be legal”, 2014, p. 1). According to the Globe and Mail (“Prostitution: Should it be legal”, 2014), while the Supreme Court of Canada seems to favor the Dutch model, it looks as if the Canadian government favors the Nordic model.

The Nordic model, which is currently used in Sweden, Norway, Finland, and Iceland (“Prostitution laws”, 2014) utilizes the criminalization of sex work. This means that the

act of prostitution itself, as well as every act associated with sex work, is illegal and can result in criminal charges. First implemented in Sweden in 1999, the Nordic model approaches the criminalization of sex work by decriminalizing the act of selling sex, while the act of purchasing sex is criminalized (Smyth, 2005). Therefore, it is not illegal to sell sex, but it is illegal to purchase sex. This means that in all cases of prostitution, only the clients can be charged, not the sex workers. The reason for this approach is because the Swedish government acknowledges that sex work is typically, “male violence against women and children” (Smyth, 2005, pp. 8). The Swedish government also provides services for women wishing to leave the sex trade industry (Smyth, 2005).

The Dutch model, which is obviously used in the Netherlands, adopts the approach of decriminalizing prostitution. With the decriminalization of sex work, this means that sex work and acts associated with it are not necessarily legalized, but that a person will not be charged with either the act of sex work itself or acts associated with sex work. In the Netherlands, voluntary sex work has been legalized, but the laws regarding those involved with involuntary sex work have been strengthened (Smyth, 2005). This means that women who willingly take part in sex work can do so without any legal consequence, as can their clients, provided that the woman is not being forced against her will. Whereas the people involved with the forced sex trade, that is, those who force women against their will to participate in sex work will be criminalized, not including the woman herself who has been forced.

Both the Nordic model and the Dutch model are valuable approaches to dealing with issues relating to prostitution. From the data collected, it is obvious that many women involved in the sex trade are violated and abused by their male clients. The hope of the Nordic model is that if punishments against these men are made harsher, perhaps these men will be less likely to treat sex workers with violence and abuse (Smyth, 2005). However, in my opinion, making the laws against the clients harsher, alone, will not solve the problem. In fact, as discussed by pro-sex feminists, it could make clients even more resentful towards sex workers, which could result in more violence directed towards women in the sex trade. For this reason, I do not feel that this is the approach that should be taken by the Canadian government. Instead, I feel that the Canadian government should adopt the Dutch model by decriminalizing prostitution.

The Dutch model makes the act of sex work itself legal without any involvement from the criminal justice system. The Netherlands government has also initiated a policy that, “sex workers have legal and employment rights, access to health care and legal services, and pension plans” (Smyth, 2005, pp. 9). It appears that the Netherlands government is attempting to provide labor laws to sex workers so that they have all of the rights of a person in any other occupation. This is a step in the right direction because not only are women allowed to participate in sex work without legal ramifications, but they are also shown respect in their occupation. By decriminalizing the act of sex work on both the part of the sex worker, as well as the client, it takes away all legal ramifications involving sex work, which means that sex workers will not have to go to remote locations with their clients out of fear of being caught by the police. Taking this action will minimize the likelihood of client mistreatment of women whose services they are purchasing.

Jeffrey and Sullivan (2009) posit that the Canadian government has been in debate for years over the issue of sex work, and that the debate is divided into two perspectives. According to Jeffrey and Sullivan (2009), the first perspective focuses on, “prostitution as a form of violence against women, ‘a form of exploitation in and of itself’” (p. 60). The second perspective focuses on “prostitution among consenting adults which can be seen as a form of work” (Jeffrey & Sullivan, 2009, p. 60-61). The first perspective on this topic, that prostitution is typically accompanied by some form of violence against women, is supported through the data collected in the interviews and court transcripts, as well as existing literature (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005). Based on the findings of this study, the position is taken that the only possible choice is to accept sex work, when it takes place between consenting adults, as a form of work. Instead of focusing on the legal ramifications of sex work, the Canadian government needs to accept that sex work has been in the world market for centuries and that it is not going away any time soon. Rather, the emphasis must be directed to make laws that protect women involved in sex work and to make their jobs as safe as possible. After all, women involved in prostitution are Canadian citizens with the same rights of all other citizens and these rights need to be upheld, including their right to

a safe work environment (Terry, 2007). Therefore, it is recommended here that the best way to do this is by decriminalizing prostitution in Canada.

To help alleviate the abuse that sex workers receive from their clients and make it easier for victims of violence to come forward to the CCJS without fear of being charged or judged because of their lifestyles, services (such as those discussed in Chapter 6) must be put in place. Women involved in sex work should be supported while on the street, as well as if and when they choose to leave the street. Programs related to education and work placement, as well as others such as counseling and substance abuse treatment programs should be implemented to enable the women to leave sex work and reintegrate into the mainstream society (Pheterson, 1989).

It is also recommended that service providers and other organizations partner with the CCJS not only because partnerships like this help women in sex work, but because it will also provide a working relationship between those living on the streets and members of the CCJS (Pheterson, 1989). This could feasibly make those at-risk more comfortable with seeking help from law enforcement agents. Moreover, it will provide law enforcement agents with a different perspective on what women in the sex trade experience on a regular basis, as well as partners to whom they can access information in dealing with people living on the streets.

The final recommendations are in regards to future research. I would like to see a comparative study be done to see if there is any difference between the experiences on the streets and with the CCJS between Aboriginal and non-Aboriginal women involved in sex work. Although the opportunity to do so was not possible in this thesis due to lack of interview participants, this would be a valuable endeavor. As has been frequently noted throughout this study, Aboriginal women are highly overrepresented in the sex trade industry in Saskatchewan and many Aboriginal women encounter violence on the streets and limited protection and justice from the CCJS. It would be interesting to see if non-Aboriginal women meet the same experiences. This additional research would provide a researcher with the opportunity to explore the racial dimension of the experiences of women involved in prostitution. In order to explore the gender dimension, it would be interesting to do a comparative study involving female and male sex workers to see if

there is any difference between the experiences of men and women involved in sex work both on the street and with members of the CCJS.

Another area of interest that I would like to see receive attention in the future is for members of the CCJS, particularly law enforcement agents, to be interviewed regarding their experiences in dealing with sex workers on the streets. I am interested in understanding their explanation for why they do not provide sex workers with the protection and justice for which they are entitled. It would also be interesting to explore the stories of clients through interviews, regarding their reasons for the way they treat sex workers which would bring an additional component to the study.

7.2 Conclusion:

Aboriginal women in Saskatchewan face compound oppressions because they are women of a minority race and typically part of the low-income class (Canada without Poverty, 2012). This oppression, in combination with other contributing factors such as childhood abuse (especially childhood sexual abuse) (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon et al., 2002; Schissel & Fedec, 1999), has led to an overrepresentation of Aboriginal women in the Saskatchewan sex trade industry (EGADZ, 2008). Once involved in sex work, Aboriginal women are prone to experience abuse and violence at the hands of the people who take advantage of their services, as well as other members of society (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005). Furthermore, these women are also unlikely to receive the protection and justice they need from the CCJS to live safely (Harper, 2006; Razack, 2002; Sikka, 2009).

The purpose of this study was to look at these three separate, but related issues. Specifically, the first objective was to come to an understanding of why Aboriginal women are so highly overrepresented in the Saskatchewan sex trade. The study's second objective was to be aware of the experiences that Aboriginal women involved in prostitution have on the street. Finally, the third objective was to become familiar with these women's experiences with members of the CCJS.

The existing literature makes it clear that there is unquestionably an overrepresentation of Aboriginal women involved in sex work in Saskatchewan

(EGADZ, 2008). The reasons for this overrepresentation are often associated with experiences of childhood trauma and abuse, such as childhood sexual abuse (Benoit & Millar, 2001; DeRiviere, 2005; Lowman, 1987; Nixon, et al., 2002; Schissel & Fedec, 1999), as well as living in poverty with few options of advancement (Jeffrey & MacDonald, 2006). There has also been literature written on the experiences that Aboriginal women involved in sex work have on the street, including the different forms of violence that these women are prone to encounter (AI, 2004; Benoit & Millar, 2001; Nixon et al., 2002; Razack, 2002; Smyth, 2005). In addition, there has been a small amount of literature (Harper, 2006; Razack, 2002; Sikka, 2009) focused on how Aboriginal women interact with members of the CCJS and the lack of support they receive when coming forward about the abuses that they have experienced. However, most of the literature has examined these issues within separate studies, and there has been very little written on the combination of these experiences. Nor has much been written from the standpoint of women involved in sex work or on specific information about the Saskatchewan sex trade.

Within the literature, there are numerous theories that help explain each one of the issues discussed in this study. My primary focus is intersectionality theory, which I have used as an overall theoretical framework. The intersectionality theory helps to understand the numerous types of oppression that Aboriginal women in Saskatchewan experience due to their gender, race, and class (AI, 2004). As discussed numerous times throughout this thesis, Aboriginal women are often oppressed as women by men (Jenainati & Groves, 2007). This social relationship is studied by several theories related to the feminist perspective, including the pro-sex feminist, postcolonial feminist and feminist standpoint perspectives. Aboriginal women are also oppressed as minorities by Caucasian people (Delgado & Stefancic, 2012; Zamudio et al., 2011). This social relationship is explored through the critical race theory. Finally, Aboriginal women, who frequently live in poverty (Canada without Poverty, 2012) are often oppressed by those in the middle and upper-classes (Ritzer & Goodman, 2004). This social relationship is studied by the Marxist theory. Each of these theories is discussed below.

The pro-sex feminist perspective supports the fact that prostituted women are prone to violence on the street and little protection from the CCJS (Queen, 1997). The reason

that the pro-sex feminist perspective conceives that these issues exist in the Canadian society is due to the fact that the Canadian society is 'sex-negative'. This means that the Canadian society sees sex work and the individuals involved in it as unclean, including sex workers as well as the men who pay for their services (Queen, 1997). Consequently, these negative societal portrayals can lead clients of sex workers to feel ashamed of themselves and of their sexual desires. From the pro-sex feminist perspective, it is this shame that persuades them to take their repressed feelings out on the sex workers in violent ways (Queen, 1997). Members of the CCJS do little to protect these women, because they too see sex workers as contaminated and as undeserving of protection and justice (Queen, 1997).

The postcolonial feminist theory supports the fact that not only are Aboriginal women in Saskatchewan prone to become involved in sex work and likely to encounter violence and limited justice and support from the CCJS as a consequence of colonization (Anderson, 2000). During the period of colonization, Aboriginal women's status was taken away, and they were regarded as impure individuals who deserved to have violence inflicted upon them (Smith, 2003). Unfortunately, this negative portrayal has continued to exist in modern day society when it comes to prostituted Aboriginal women (Smith, 2003).

According to the feminist standpoint theory, factors such as gender, race, and class have resulted in Aboriginal women having different experiences from many others in society. As only Aboriginal women involved in prostitution can truly describe their experiences, it is significant from the perspective of feminist standpoint theorists, that these particular issues be studied from the standpoint of Aboriginal women involved the sex trade.

The focus of the critical race theory is race, and the social relationships that exist in society due to the concept of race. As a result, this theory suggests that all social inequalities in the world exist because of race and the perceptions of different races (Zamudio et al., 2011). According to this theory, the key issues that affect Aboriginal sex workers (overrepresentation, violence, lack of protection) is due to the way Canadian society perceives these women (Zamudio et al., 2011). Specifically, society perceives

them as deserving of violence and little protection because of the historical representation of Aboriginal people (Zamudio et al., 2011).

Marxist theory focuses on the social inequalities that exist in society due to income and class (Ritzer & Goodman, 2004). This theory argues that people living in poverty are exploited and alienated by the wealthy due to capitalism (Ritzer & Goodman, 2004). Therefore, because Aboriginal women typically live in poverty, they have few options but to take part in prostitution as a form of economic survival (Jeffrey & MacDonald, 2006). Once involved in sex work, they experience abuse and violence and little protection and justice due to sexual exploitation (AI, 2004).

As discussed, based on the intersectionality theory (the overarching framework) and the other key theories utilized in this analysis (pro-sex feminist, postcolonial feminist, feminist standpoint, critical race, and Marxist perspectives) to support this fundamental perspective, the overall theoretical perspective of this thesis is:

Aboriginal women are vulnerable to sex work and its associated violence with limited protection and justice from the CCJS, because of their disadvantaged position as racialized women who are economically disadvantaged.

As discussed throughout this thesis, Aboriginal women in Canada are prone to take part in sex work and to be victims to violence on the street with limited protection from the CCJS because of the intersection of their gender, race, and class (AI, 2004). Because Aboriginal women encompass all of these social characteristics, they are at the bottom of the social hierarchy in Saskatchewan, and are therefore disrespected by other Canadian citizens (Kuokkanen, 2008). Evidence for this has been suggested throughout the theoretical discussions and research findings. Therefore, the theoretical perspective is supported.

The issue at hand is that Canada as a nation and Saskatchewan as a specific province have a situation where Aboriginal women are highly overrepresented in the sex trade, are treated with numerous forms of violence and abuse by their clients and other members of society, and receive limited protection and justice from these abuses from the CCJS. Thus, it is absolutely necessary to hear about the experiences of the women based on their unique insider standpoints. Only these stories can truly provide insight into the experiences that women who are Aboriginal sex workers have had. For this reason, this

study adopted two qualitative methodological approaches. The first and primary approach was the use of semi-structured, open-ended interviews with women who have been involved in the sex trade. The second methodological approach was content analysis of related court transcripts, which was used to support the interview data.

The interview participants of the study consisted of two Aboriginal women over the age of 18 years who have been involved in street prostitution in Saskatchewan. Both women were asked questions regarding their cultural background and upbringing, as well as other topics such as their children, spouses, and alcohol and drug abuse. The reason for asking questions based on these demographics is to not only to get to know about the women and the lives they have led, but also to gain an understanding for their entry into sex work and why they remained in sex work for a period of their lives. Respondents were also asked questions related to their experiences on the street and their experiences in dealing with the CCJS.

Both interviews resulted in data that was rich in detail and which supported the propositions of the study. For instance, both women experienced childhood abuse and multiple forms of oppression in Canadian society, which they believed contributed to their entry into sex work. Another key point was that they had encountered violence, including numerous instances of being beaten, choked, raped, and facing attempted murder. When asked about their experiences with the CCJS, the interviewees expressed how in some cases members of the CCJS treated them with respect and compassion. However, in most circumstances this was not the case and they did not receive the respect, protection, and justice that they were entitled.

Content analysis was also used as a second data collection method. Here, transcripts from three separate court cases involving men who have violated Aboriginal women involved in sex work in Saskatchewan were analyzed to help corroborate the findings from the interviews. For each of the cases, the victims of the crimes were studied to help explain the reason for the overrepresentation of Aboriginal women in sex work in Saskatchewan and the crimes were studied to detail the experiences of violence encountered by these women. Finally, to support the interview data about experiences dealing with the CCJS, concerns about the court proceedings from each case were raised and the verdicts and sentences assigned to each perpetrator were analyzed.

The court case data that was collected was also rich in detail and did in fact support the findings from the interviews. Like the interview data, analysis of the court transcripts also supported the propositions. Not only were the women who were prostitutes multiply oppressed, but they were also treated violently by their clients. In fact, in two of the three court cases discussed, the men actually murdered their victims. Unfortunately, in most instances, the women were not provided the justice of which they were worthy of by the CCJS. While the data collected from the interviews and court transcripts cannot be generalized to explain the experiences of the entire population of Aboriginal women in Saskatchewan who are prostitutes, the findings were nonetheless significant as they provided valuable insight into the experiences of Aboriginal women involved in the Saskatchewan sex trade industry.

Throughout this study, the women involved in sex work that experienced violence and abuse on the streets and inadequate respect and protection from members of the CCJS have been referred to as victims. To be more clear, they are victims because in most cases they were abused as children and introduced into sex work at young ages, victims in that they have encountered years of violence and abuse at the hands of men who hire them for sexual gratification, and victims in the sense that numerous Aboriginal women involved in this lifestyle have been murdered. Rather than being victims that need to be saved, these women are survivors. Many have survived years of abuse at home and on the street and are worthy of society's love and respect. Ultimately, they deserve to be treated with dignity and to receive justice for the crimes that they have encountered.

Based on these findings, it is obvious that there are serious social issues in Saskatchewan in regards to prostitution. However, it is not the existence of prostitution itself that is the problem. The real issues are the experiences that sex workers encounter on the street. Many Aboriginal women encounter abuse and neglect as young girls which makes them more likely to take part in sex work. Once working the street, they are prone to experience violent behaviour from their clientele, as was shown throughout the interview discussions and analysis of court transcripts. As if this is not bad enough, they also often do not receive respect and justice from members of the CCJS (as seen in the interviews and court transcripts). These issues need to be taken seriously and changes

need to be made in order to help make the lives of these women safer and free from violence and abuse. As sociologists, it is necessary to bring issues as this out into the open and to try to make a difference.

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Personal Interviews:

Cassie, personal communication, June 13, 2011.

May, personal communication, March 27, 2012.

APPENDICES

A1. Interview Questions:

a). Ice Breaker Questions:

I started off the interviews by asking each research participant,

1. *How do you wish to be referred to for this research?*

I wanted the participants to choose what pseudonym they wanted to use. Next, I asked them to share information about their lives with me. This included statements such as,

2. *Tell me a bit about yourself.* (and)

3. *Please tell me about your cultural background and upbringing.*

I asked questions like this to help break the ice in the interview before starting with the more difficult questions. I wanted the research participants to feel comfortable answering my questions as though we were having a conversation rather than an interview. I also felt that finding out about the participants upbringing would help identify the reasons for their entry into sex work.

b). Demographics:

Next I asked more specific questions regarding demographics, such as:

4. *Date of Birth?*

5. *Do you have any children? How many? How old are they?*

6. *What is your marital status? If married, how long have you been married?*

How does your spouse feel about your involvement in sex work?

I also asked about experiences with residential schools to help tie in their experiences to my theoretical analysis.

7. *Did you or someone close to you attend a residential school? If so, what impact did that have on you?*

I also asked questions related to alcohol and drug use.

8. *Do you drink alcohol?*

9. *Do you use drugs? If so, what kinds of drugs do you use?*

10. *Do you smoke? If so, for how long have you smoked?*

c). Questions Regarding Experiences with the CCJS:

The next sub-section of questions included in the interview focused on their experiences with the Canadian Criminal Justice System. These included, but were not limited to:

- 11. In your involvement with the sex trade industry, have you had any encounters with police, lawyers, judges, probation officers, or other? Please discuss.*
- 12. If previously arrested, please reiterate your experience(s) of being arrested?*
- 13. If you have ever been charged with a crime, please reiterate your experience(s).*
- 14. If previously incarcerated (i.e. jailed), please reiterate your experience(s)?*
- 15. Have your experiences with the Canadian Criminal Justice System (CCJS) have been positive or negative.*
- 16. In light of the large number of missing Aboriginal women in Canada, and from your own experiences on the street, do you, as an Aboriginal woman, feel that Aboriginal women involved in prostitution receive protection and justice from the Canadian Criminal Justice System? If so, please specify.*

d). Questions Regarding the Issue of Overrepresentation:

- 17. What are your reasons for entering into the sex trade industry?*

e). Questions Regarding Experiences with Violence on the Streets:

The next sub-section of interview questions focused on the research participant's experiences in working on the streets in the sex trade. I asked the following questions:

- 18. What have been your experiences working in the sex trade?*
- 19. Do you encounter violence while working on the streets? If so, what specific types of violence have you encountered while working on the streets as a sex worker?*
- 20. Who are the perpetrators of such acts of violence?*

e). Questions Regarding the Future:

The final question I asked during the interview process was regarding the research participant's plans for the future.

21. What are your plans for the future? Do you have any specific goals and aspirations that you hope to accomplish in the short term or later in life?

A2. Consent Form:

Experiences of Aboriginal Women involved in Street Prostitution in Saskatchewan: A Case Study

My name is Brandy Wicks. I am a graduate student in the Department of Sociology at the University of Saskatchewan. I can be reached at (306) 873-3245.

The purpose of this research is to better understand the reasons why Aboriginal women are highly overrepresented in sex work in Canada, to understand the experiences of violence that Aboriginal women have while working in the sex trade, as well as experiences in dealing with the Canadian Criminal Justice System.

You are invited to participate in this research project. While, there is no direct benefit to you in participating in this research, the research will assist in making society aware of the fact that Aboriginal women are highly overrepresented in sex trade in Canadian society, and will also make society aware of the experiences that Aboriginal women involved in sex work in Canadian society encounter in regards to violence on the streets and treatment from the Canadian Criminal Justice System.

Your participation in this research is completely voluntary. You are free to refuse to take part, and you may refuse to answer any questions or may stop taking part at anytime. If you agree to take part, I would like to spend some individual time with you, for about one hour in length, to discuss your experiences while working on the streets as a sex worker as well as your experiences in dealing with the Canadian Criminal Justice System. You will be asked different questions related to each of these issues, as well as questions related to experiences of abuse during your childhood to help explain entry into the sex trade. With your permission I will audio-tape the interview and take notes throughout the interview.

There are risks to this research, including the fact that you may find some of the questions very personal. You may feel a bit uncomfortable in answering some of the questions, as many are at a very personal level. But I will take care to minimize these risks.

Every precaution will be taken to protect your confidentiality and privacy of the records and data pertaining to you. No one outside of the research team will have access to any of the data collected. After this research is completed, the data, including tapes and notes, will be stored in the office of my supervisor under lock and key, and will be destroyed after 5 years.

While the data from your personal interview, including direct quotations, will be published and presented at conferences, your identity will be kept confidential through the use of a pseudonym. Your actual name and any personal identifying information will not be used.

If you do not understand anything that is being asked of you, or anything to do with the contents of this form, the researchers are available to provide an explanation. Questions relating to this research project are welcome at any time. Please direct any questions to Brandy Wicks, the researcher, or Patience Elabor-Idemudia, Ph.D., the Supervisor, at the following addresses:

Brandy Wicks
P.O. Box 733
Tisdale, Sask. S0E 1T0
(306) 873-3245
brw275@mail.usask.ca

Dr. Patience Elabor-Idemudia
Department of Sociology
University of Saskatchewan
Saskatoon, Saskatchewan
S7N 5A5
Campus Tel: (306) 966-6933

This research has been reviewed and approved by the University of Saskatchewan's Behavioural Research Ethics Board on March 12, 2011.

If the purpose of the research changes, you will be informed immediately by the researcher and will have the opportunity to change your decision to participate in the research project.

Once the interview is completed, and prior to the data being included in the thesis, you will be given an opportunity to review the transcript of your interview, and to make any changes that you see necessary.

I have read the statements included in this consent form, have had the opportunity to discuss my concerns and questions with the researcher, and fully understand the nature of my involvement in this research project as a research participant.

I also acknowledge that I have received a copy of the consent form for my own personal records.

_____ Date: _____

Research Participant

_____ Date: _____

Researcher