

Fourth World Journal



Stealing native women's “unceded” bodies

*Aboriginal Women's Action Network address to
the People's Tribunal on Commercial Sexual
Exploitation address to the People's Tribunal
on Commercial Sexual Exploitation, March 18 -
20, 2011, Mohawk Territories (Montreal QC)*

Cherry Smiley
Aboriginal Women's Action Network

My English name is Cherry Smiley. I come from the Nlaka'pamux or Thompson Nation from the Southern Interior of BC and from the Diné or Navajo Nation from the South West United States. I would like to acknowledge that we are on Mohawk Territories and to thank the Mohawk people for allowing me as a visitor on their lands. I'm here today to speak on behalf of a mighty group of women warriors, the Aboriginal Women's Action Network, or AWAN. We are a group of Native women based out of Vancouver BC on unceded Coast Salish territory. Let me talk a little bit about what “unceded” means, because we hear

that word thrown around occasionally, sometimes a lot. “Unceded territories” means the land was never surrendered, abandoned, transferred, traded. The same concept applies across BC and Canada, lands were never legally surrendered, transferred, traded, or given.

Today, when someone takes something from someone without permission, you call that “stealing.” When Canada was stolen from its rightful caretakers, it meant; it means, that our ways of life, our knowledge and experiences and laws that have served us since time immemorial, are deemed to have no value. My way of life, my knowledge and experiences and laws have no value – it was decided that I, we, as native women, have no value. And this is where we will start the discussion.

AWAN was established in 1995 in response to a pressing need for an Aboriginal women’s group to provide a much needed voice for Aboriginal women’s concerns regarding governance, policy making, women’s rights, employment rights, violence against women, Indian Act membership and status, and many other issues affecting Aboriginal women today. We are an all-volunteer, unfunded, independent feminist group of Aboriginal women from many nations that share common experiences as native women, and that share an analysis of prostitution as inherently racist, a tool of colonization, and a form of violence against women. Most recently, we have taken a stand against the total decriminalization and/or legalization of prostitution.

As Aboriginal women, we are whole-heartedly invested in the issue of prostitution; this is not

simply an “issue of the moment” for us. This is not something we study on the way to our PhDs and then disregard, this is not something we write about, and think about, then forget about. We are women who have been prostituted, we are daughters and sisters and friends of prostituted women, we are women who have never been prostituted, but who accept the responsibility to speak out for and with those women we know and love and those women we don’t know and love who are being harmed as we speak.

The male demand for access to the bodies of women and girls creates and fuels the market that allows pimps, brothel owners, and traffickers to profit off our backs. AWAN sees the trafficking of women and children for sexual exploitation as inseparable from prostitution, trafficking is the process; it is the forced movement of women and children and prostitution is the result of that movement and we know this from our collective experiences. Our people and our women and children have been forced to move from our traditional homelands, from our territories onto government-created reserves and church-run residential schools, now from and now from reserves into cities, white foster homes, and jails where we continue to struggle against racism, sexism, and violence.

We use the term “prostituted women”, not “sex worker”. Despite what some may say, the term “sex work” does not create a level playing field where men and women, white women and Native women, are equal economically, socially, or otherwise. “Sex work” *degender*s prostitution and silences the experiences and knowledge of Native women and attempts to hide the real truth, the inequality and hatred, that funnels women and

girls into a capitalist system of prostitution that puts profit first, at any cost, that puts men and their interests first, at any cost. And this inequality is real, it's there whether we choose to acknowledge or ignore it. And we can see it right now, I can acknowledge it right now, in this room, as I stand here before you, hundreds of kilometers and thousands of miles from my homelands, speaking to you all in a language that is not mine because I am not fluent in my own language. I stand here, speaking to you in a foreign language, a product of residential school. And I stand here before you, having to ask you to please consider my life and my knowledge and my sisters' lives and my sisters' knowledge as something that is valuable.

In Vancouver, Aboriginal women are over-represented in street prostitution. We know this is no accident; this is not simply a coincidence. This is because the racist, patriarchal, capitalist colonizers have created systems, like the Canadian government, the reserve system, the church, the foster care system, the so-called "justice" system, and the education system that devalue us as Aboriginal women and that work to further exploit our lands and resources. These systems create conditions where Aboriginal women and girls struggle in and against a society that has been trying for the past 519 years to exterminate us. These systems attempt to funnel our mothers, sisters, and daughters into the institution of prostitution so we can be raped, harmed, and murdered systematically by men. Our lands and children have been stolen, we have been forcibly removed from our territories and corralled onto reservations, into residential, jails, and foster

homes, our languages, cultures, and traditions have been outlawed, and we have been legislated wards of the state, all in attempts to take, control, and exploit what rightfully belongs to us as Aboriginal women. The system of prostitution is just another addition to this list.

There are some people out there, mostly white men that want to legitimate prostitution as work. They say, “Never mind the overwhelming rates of physical violence and murder, johns are good guys that are just lonely”. They say, “Never mind the verbal abuse that happens with every trick, they really are just dirty squaws and whores”. They say, “Never mind the woman that go missing”, as if my sisters just disappear into thin air. They say, “Never mind the average age of entry into prostitution is 14 or 15 years old”. “Never mind because they deserve it because they are women and girls and because they are native women and native girls”. This is what THEY say about US. WE denounce those racist assumptions and say Aboriginal women are smart and strong and proud, and we know what we want. This is what we demand and nothing less:

- Real choices for women and girls. A choice between unlivable welfare, a job that pays an unlivable wage, and the institution of prostitution on stolen native land in a culture that tell girls from birth that our bodies are for men’s pleasure is no choice.
- We want men to make better choices and to stop the demand for paid sex, because the systems that work to oppress all women and that oppress native women in particular are created and sustained by individual men.

THESE are the people that have choice: the men, and they can choose not to buy a woman's body, not to rape, not to watch pornography.

- As Native women we recognize the contradiction but given the choice between negotiating with the state or unregulated capitalism, we believe pushing the state to create legislation that works towards harm elimination, not harm reduction, gives us the greatest chance of not only survival, but life.

When people support the legalization of prostitution, they tell us that we do not matter. ** They tell us that being raped by strangers for pay is as good it will get for us and that it does not matter if we die. We do not accept this; AWAN women do not and will not accept this, despite a decision made recently by an Ontario court in late September of 2010. This decision struck down three laws that criminalized prostitution in the province of Ontario. We know that Canadian laws have not always worked for us as Aboriginal women and have been painfully slow to respond to our needs for life, liberty, and dignity.

Unfortunately, Canadian laws are the laws that we have been forced to contend with. The ruling by Justice Susan Himel in Ontario [Bedford v. Canada September 28, 2010 *] takes away what little protection women had from johns, pimps, and brothel owners and instead allows these very men the legal right to abuse women without consequence and to benefit from women's inequality. The decision to strike down the prostitution laws eliminates laws that could have been revised and advanced for women's protection

by decriminalizing the selling of sex and criminalizing the buying sex, a model of legislation commonly referred to as the Swedish or Nordic Model of prostitution law. This legislation decriminalizes prostituted women and criminalizes the johns, pimps, and brothel-owners with hefty fines and potential jail time, while offering prostituted women the services they need to get out, including housing, livable social welfare, job training, and counseling services. A large-scale public education campaign that educates the public about prostitution as a form of violence against women is an integral part of the legislation, and has been proven to be successful in the 11 years it has been implemented in Sweden. So successful in fact, that other Nordic countries have followed suit. Given this, we want people to educate themselves further about the Nordic model of prostitution law and we want you to support that model.

- We want you to listen to us and speak with us, not for us.
- We want a collective definition of freedom. We want you to know your freedom is tied to ours, and ours to yours. As Native women, we refuse to let the patriarchy separate us as women in this fight for the freedom and safety of all women, worldwide, and we ask you to do the same.
- We want you to organize and advocate to your government for a guaranteed livable income,

safe and affordable housing, women-only detox and recovery centres on demand, and comprehensive medical services.

- When defending the legalization or total decriminalization of prostitution, we want you to consider: What am I defending? Because you are defending a hateful, violent, capitalist industry that works to devalue all women but particularly native women, and why would you defend that? We want you to consider: Who am I defending when I advocate for the legalization or total decriminalization of prostitution? Because you are defending johns, pimps, traffickers, brothel-owners and their right to purchase women, and you are defending men that have no interest in women's equality because they profit directly from it.

Our freedom and safety as women and as Native women, Indigenous to this land, is possible and we won't be told otherwise. We are women who have survived over 500 years of attempted genocide and we know what we want, and what we want is an end to prostitution.

* Editor's note: Terri-Jean Bedford had been arrested for operating a brothel was joined by Amy Lebovitch and Valerie Scott arguing in a constitutional challenge to Canada's laws on prostitution filed in the Superior Court of Ontario in 2007. The defendants argued that the laws of Canada deprive "sex workers" their right to security by forcing them to work in secret. The Canadian

Criminal Code (sections 210, 212(1)(j) and 213(1)(c) prohibits public communication for the purposes of prostitution, operating a bawdy house or living off the avails of prostitution. Justice Himel's decision was affirmed on appeal resulting in the effective decriminalization of prostitution in Canada.

** Editor's note: Supporters of prostitution legalization argue that individuals engaged in prostitution choose their customers and the sex acts practiced and that prostitution is a kind of "sexual liberation." Researchers examining the consequences of prostitution around the world hold a different view. One study led by Dr. Melissa Farley concluded:

"None of these assertions was supported by this study. Our data show that almost all of those in prostitution are poor. The incidence of homelessness (72 percent) among our respondents, and their desire to get out of prostitution (92 percent) reflects their poverty and lack of options for escape. Globally, very few of those in prostitution are middle class. Prostitution is considered a reasonable job choice for poor women, indigenous women and women of color, instead of being seen as exploitation and human rights violation. Indigenous women are at the bottom of a brutal gender and race hierarchy. They have the fewest options, and are least able to escape the sex industry once in it. For example, it has been estimated that 80 percent of the street prostituted women in Vancouver, Canada, are indigenous women." (Farley, Melissa. Isin Baral, Merab Kiremire & Ufuk Sezgin (1998) Prostitution in Five Countries: Violence and Post-Traumatic Stress Disorder (South Africa, Thailand, Turkey, USA, Zambia)

About the author

Cherry Smiley is an abolitionist, artist, activist and feminist. She is a collective member of the Aboriginal Women's Action Network, an organization that is an independent voice against injustice to Aboriginal women. AWAN began in November 1995 as a result of concerns about the

hierarchical and patriarchal power structures, which can serve to silence Aboriginal women. Most recently, AWAN has taken a stand against the total decriminalization or legalization of prostitution. "The Aboriginal Women's Action Network (AWAN) was formally established in 1995 in response to a pressing need for an Aboriginal women's group to provide a much needed voice for Aboriginal women's concerns regarding governance, policy making, women's rights, employment rights, violence against women, Indian Act membership and status, and many other issues affecting Aboriginal women in contemporary society. The founding members of AWAN conceived of themselves as salmon swimming upstream with determined vision to create new life, and therefore, renewed hope and possibilities for our children. For members of AWAN the Salmon Nation's legacy of survival depends on an unwavering commitment to future generations, a commitment which serves to guide AWAN in our political involvement and quest for social justice for Aboriginal women and children."

Contact information

The **Aboriginal Women's Action Network** may be found on the World Wide WEB at:

<http://www.awanbc.ca/> and

<http://www.facebook.com/pages/Aboriginal-Womens-Action-Network/56634443935>

Citation for this Article

Smiley, C. (2011). Stealing native women's "unceded" bodies. *Fourth World Journal*, 10(1), 63-72.