

Chapter 7

The Missing and Murdered Indigenous Women Crisis: Technological Dimensions^{##}

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Abstract

This article considers how digital technologies are informed by, and implicated in, the systematic and interlocking oppressions of colonialism,

^{##}This chapter is an adapted version of an article originally published in a 2016 special issue of the *Canadian Journal of Women and the Law*. It has been reprinted in this Handbook with permission of the University of Toronto Press (<http://utpjournals.press>) © *Canadian Journal of Women and the Law* 2016. The 2016 special issue in which the original version appeared was focused on a then-forthcoming Canadian National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG). The article was based primarily on the available Canadian literature at the time. It was intended to encourage the NIMMIWG to consider the technological dimensions of the crisis that has led to the deaths and disappearances of thousands of Indigenous women and girls in Canada. The NIMMIWG, which was besieged by controversy throughout its mandate (see e.g. Ward, 2019; Rabson, 2019), released its final report in 2019 (NIMMIWG, 2019). The report itself was met with controversy because, among other things, it described (in our view accurately) the disappearances and murders of Indigenous women as a “Canadian genocide” (Barrera, 2019). Apart from several mentions of the use of social media as a tool for addressing the crisis (NIMMIWG, 2019, Vol 1b, p. 158), and calls for improved internet access for Indigenous peoples (NIMMIWG, 2019, Vol 1b, p. 186), the report did not contain any detailed analysis of other technological dimensions of the crisis. Given the lapse of time since the original article was published, this chapter must be read as a snapshot of the issues at the time it was originally written. As the other chapters in this Handbook demonstrate (in particular Carlson and Frazer’s chapter), considerable additional research and scholarship in a number of areas relevant to the areas covered have been produced since the piece was originally published. We have attempted to flag some of this new material at relevant points throughout the document. Nonetheless, we believe that its intersectional approach and inclusion of state use of technologies of violence and surveillance against Indigenous and other equality-seeking communities continue to be important pieces of the puzzle in understanding and responding to technology-facilitated violence and abuse.

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misogyny, and racism, all of which have been identified as root causes of the missing and murdered Indigenous women crisis in Canada. The authors consider how technology can facilitate multiple forms of violence against women including stalking and intimate partner violence, human trafficking, pornography and child abuse images, and online hate and harassment and note instances where Indigenous women and girls may be particularly vulnerable. The authors also explore some of the complexities related to police use of technology for investigatory purposes, touching on police use of social media and DNA technology. Without simplistically blaming technology, the authors argue that technology interacts with multiple factors in the complex historical, socio-cultural environment that incubates the national crisis of missing and murdered Indigenous women and girls. The article concludes with related questions that may be considered at the impending national inquiry.

Keywords: Indigenous women and girls; online hate and harassment; human trafficking; state surveillance; DNA testing; sexual violence

Introduction

While violence against women (VAW) affects a broad spectrum of women and girls in Canada, Indigenous women and girls¹ are particularly vulnerable (Canadian Women's Foundation, 2014; UN CEDAW, 2015, p. 3). A conservative estimate suggests that there are more than 1,100 missing and murdered Indigenous women and girls in Canada (RCMP, 2014, p. 3).² Root causes of this crisis include interlocking systemic oppressions such as colonialism, misogyny, and racism. Meaningfully addressing VAW against Indigenous women and girls, then, means not limiting the conception of violence to individual acts but, rather, considering such violence in its broader social, historical, and colonial context. As a starting point, this requires acknowledging the ways that sexual violence is, as Sarah Deer (2009) writes, "deeply embedded in the colonial mindset" and "part and parcel of colonization" (p. 150).

Another body of emerging Canadian research focuses on the role that technology plays in VAW (e.g., Fairbairn, Bivens, & Dawson, 2013; Fairbairn,

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2015), including specific research that documents how digital communications technologies are used to facilitate the trafficking of Indigenous women and girls (UN, 2000, p. 41;³ Sethi, 2007). Without simplistically blaming technology, this article suggests a need to explore the ways that technology interacts with other factors in the complex historical, socio-cultural environment that incubates the national crisis of missing and murdered Indigenous women and girls.

The first part of this article draws on feminist critiques that demonstrate how technology is culturally coded with existing forms of discrimination and, perhaps unsurprisingly, can intensify existing inequalities.⁴ The second part focuses on digital communications technologies, exploring their role in both facilitating and responding to VAW. We consider existing research on human trafficking, online pornography and child sexual abuse images, and online hate and harassment, particularly as they relate to violence against Indigenous women and girls. We also consider how social media can be used for outreach, support, and community organizing as well as for facilitating access to the national inquiry and its processes. The third part of the article explores some of the complexities related to police use of technology for investigatory purposes, touching on police use of social media and DNA technology. The two sections in this part highlight, where possible, situations in which a focus on the particular technology identified fits within previously identified root causes of the crisis of missing and murdered Indigenous women and girls and supports or undermines reforms recommended by international human rights bodies, such as the UN Committee on the Elimination of Discrimination against Women (CEDAW). The conclusion suggests related questions that could be considered at the impending national inquiry.

Cultural Encoding of Technology

Feminist critics note that the institutions, practices, and artifacts of modern technology can reflect and reinforce stereotypes about women and other equality-seeking groups (Oldenziel, 2001; Wajcman, 2009). As Judy Wajcman (2009) notes, “different childhood exposure to technology, the prevalence of different role models, different forms of schooling, and the extreme gender segregation of the job market” all contribute to a mutual shaping of gender and technology that has ultimately led to a “taken-for-granted association of technology with men” (pp. 143–145). Furthermore, disparities of “wealth, power, agency, [and] sovereignty” in technological and scientific processes have entrenched stereotypes of women and minorities as passive consumers of technology rather than as agents of technological progress (Haraway & Goodeve, 1999, p. 157; Oldenziel, 2001, p. 128). These and other stereotypes can reinforce the unfounded belief that women and minorities are “technically incompetent or invisible in technical spheres” (Wajcman, 2009, p. 144).

Evaluating how technology can contribute to discrimination against Indigenous women and girls will require engaging with the “power relations of capitalism, nationalism, colonialism, and imperialism” that animate Western science and technology (Hill Collins, 2001, p. 278). Addressing barriers to

technological access and agency in Indigenous communities also requires interrogating gendered and colonial understandings of technological competency, progress, and innovation.⁵ Deconstructing the rhetoric of male mastery and control in technology, a domain often associated with the “tools of work and war,” (Wajcman, 2009, p. 144) and considering how and why the technology sector can prove unwelcoming and even hostile to women and minorities will also prove particularly important for future equality projects (Subramaniam, 2003, p. 937).

Further work is needed to assess whether and how technological inequality may be implicated in technologically facilitated violence against Indigenous women and girls. In the interim, strategies for mitigating the effects of culturally encoded discrimination in technology may include advocating for increased access to high and higher-speed internet in Indigenous communities, evaluating the benefits and challenges of online Indigenous community building, and addressing critical skills gaps among vulnerable individuals and those who may be new to navigating online and digital spaces (First Nations Technology Council (FNTC), 2015). The Assembly of First Nations’ e-community initiative and the First Nations Technology Council both offer examples of ongoing work in these critical areas, although increased federal funding for Indigenous technology projects is needed (FNTC, 2015). Perhaps most importantly, meaningfully addressing the root causes of discrimination and violence against Indigenous women and girls that constrain their right to participate as equals both online and offline is critical.

Violence Against Women and Digital Communications Technologies

In its 2015 report on missing and murdered Indigenous women, CEDAW stresses the need for Canada to take all forms of violence against Indigenous women seriously (para 210). In exploring the role of digital communications technologies in facilitating VAW, we have often relied on broader feminist work that “draws attention to the way that systems of gendered inequality enable and support physical, sexual and psychological violence against women and girls worldwide” while also recognizing the ways in which systemic forms of oppression such as racism, colonialism, and homophobia affect and inform such violence (Fairbairn, 2015, p. 231). Recognizing that sexual violence against Indigenous women and girls is a function of racism and sexism necessitates an intersectional analysis. As Pam Palmater (2016) writes,

It is also important to note that violence against Indigenous women and girls is committed almost exclusively by men (Indigenous and non-Indigenous), which makes this a very gender-specific issue. This is about gendered, sexualized violence. Indigenous women and girls are victims because they are Indigenous and because they are female (p. 258).

In addition, meaningfully addressing violence against Indigenous women and girls also requires paying careful attention to the role of the state and state actors in creating conditions ripe for, and perpetuating, such violence. This means understanding such violence as a product of “colonialism, which has [among other things] pushed many Indigenous women to the margins of their own cultures and Canadian society as a whole” (Amnesty International, 2004, p. 8). It also means scrutinizing existing state policy and (in)action, as well as further proposed state interventions, as potential tools of patriarchy, racism, colonialism, and other forms of oppression (INCITE!, n.d.). For example, state policies around status, land holding, and rights of residence on reserves that are implicitly premised on sexist presumptions also frequently propagate heteronormativity (Simpson, 2014, pp. 13, 33) framed around “Anglo-American conceptions of family, home, desire, and personal identity” (Rifkin, 2011, p. 8).

We also suggest that there is a need to interrogate the role of technology in, and as a product of, this complex grid of interlocking oppressions that shape violence against Indigenous women and girls. In addition to international standards and definitions of VAW that are broad enough to include acts perpetrated through technology,⁶ there is increasing evidence of national and international policy shifts toward specifically recognizing and addressing the role that technologies can and are playing (see e.g., APC, 2015; Government of Ontario, 2015; Status of Women Canada, 2013; Harris & Woodlock, this volume; Coombs, this volume; Henry & Witt, this volume). These shifts have led to initiatives focused on cyberviolence and its differential impacts on women and girls from diverse communities (see e.g., Fairbairn & Black, 2015; Estable & Meyer, 2015; Harris & Woodlock, this volume; Ferreira, this volume). More research is needed to understand the particular impacts of cyberviolence on Indigenous women and girls, particularly in the following four areas.

Stalking and Intimate Partner Violence

Digital communications technologies “complicate how women experience violence as well as how they are able to protect themselves” (Mason & Magnet, 2012, p. 107; see also Harris & Woodlock, this volume; and Louie, this volume). Survivors of VAW increasingly report being stalked through technological means, such as through global positioning systems, electronic records, web search engines, text messaging, and social media platforms that enhance abusers’ ability to monitor their victims (Mason & Magnet, 2012, pp. 107–108; Southworth, 2005, p. 5; see also Harris & Woodlock, this volume). In 2013, SafetyNet Canada reported that 98% of surveyed Canadian anti-violence workers have indicated that they had “supported women and girls who have been threatened and/or intimidated via technology,” while 72% provided support to women and girls whose online accounts had been hacked. As a result, anti-violence workers have serious concerns around privacy and confidentiality when communicating with women and girls using technology, and 84% discuss technology safety plans with women and girls, which might include the way that abusers can misuse technology (Safety Net Canada, 2013; see also Vitis,

this volume; and Louie, this volume). While the degree to which Indigenous women and girls experience stalking by technological means is not well-documented (for further discussion of technology-facilitated violence against Indigenous peoples see Carlson & Frazer, this volume), as discussed in the next section of this chapter, there is evidence to suggest that those exploited by traffickers may be subject to technological surveillance and monitoring (Mason & Magnet, 2012, p. 107).

Human Trafficking

CEDAW has recommended that Canada “pay special attention to the needs and situation of aboriginal women in prostitution” and conduct studies to better understand and develop mechanisms for combatting trafficking of Aboriginal girls and women (CEDAW, 2015, para 217 (u)–(w)). Although the data about domestically trafficked persons are at best partial (Sethi, 2007, p. 58), other statistics, including those showing that Aboriginal girls and women are over-represented in prostitution (Sethi, 2007, p. 59; NWAC, 2014, pp. 8–9; CEDAW, 2015, para 98) and that 60% of sexually exploited youth are Aboriginal (Sethi, 2007, p. 59), help to shed light on the scope of the problem. Developing a better understanding and a concrete action plan for addressing the ways Indigenous women and girls are recruited into and kept in human trafficking will also require understanding the role of digital communications technologies in these processes.

Digital communications technologies, such as the internet and mobile devices, are used to facilitate human trafficking of young people in a variety of ways. Traffickers use the internet to recruit Indigenous girls, especially those in rural communities, often with promises of a job and the excitement of life in the city. Recruitment often proceeds with the goal of isolating young women from family and community, thus rendering them more vulnerable to being trafficked (Sethi, 2007, p. 60; Roos, 2013, pp. 21, 25). Traffickers also use the internet, including social media platforms such as Craigslist and Facebook to “advertise” sexually trafficked youth (NWAC, 2014, p. 56; BC Ministry of Public Safety, 2011, pp. 8–9), although it is now a crime in Canada to knowingly advertise the sexual services of others (*Criminal Code*, ss. 286.4, 286.5(1) (b)).⁷ Traffickers communicate with trafficked youth using mobile technologies and track their activities by checking these young people’s text message histories and phone logs (Thorn, 2015, pp. 17–31).

Clearly, technology is only one factor interacting with a variety of root causes that render Indigenous girls and women disproportionately vulnerable to human trafficking. Sethi (2007) identifies several root causes that must be addressed: the inter-generational impacts of colonization (including increased sexual abuse, violence, substance abuse, and suicide rates), a lack of awareness and acknowledgment of sexual exploitation, poverty, isolation, racism, gangs, gaps in services, and insufficient housing (pp. 61–65). International studies also demonstrate that being young, female, poor, socially or culturally excluded, and under-educated, as well as coming from “dysfunctional” families and having experiences with state institutions such as the child welfare system, increase vulnerability to being targeted by traffickers (NWAC, 2014, pp. 13–14). Furthermore, socio-economic marginalization,

criminalization, systemic discrimination, child welfare institutional policies, vulnerability to prostitution and trafficking, colonialism, racism (including racial stereotyping by law enforcement institutions and officials), lack of safe transportation, and state failure to “address the prevalence of all forms of violence against aboriginal women” have all been identified as root causes of the missing and murdered Indigenous women crisis itself (CEDAW, 2015, para 102–131; BC Ministry of Public Safety, 2011, pp. 4–5).

In an increasingly technology-facilitated society, understanding the role that technology plays in relation to identified root causes of trafficking Indigenous women and girls and the crisis of missing and murdered Indigenous women and girls could play an important role in responding meaningfully. One might consider what role, if any, internet service providers are playing as well as the roles they can and should play⁸ in addressing the use of their services for the purposes of human trafficking (particularly in light of recent *Criminal Code* amendments to prohibit knowingly selling the sexual services of others) and with respect to online pornography, hate, and harassment (*Criminal Code*, ss. 286.4, 286.5(1) (b)). As noted below, models for internet service provider responses already exist in other areas.

In the context of online child sexual exploitation, for example, Bell, Telus, Rogers, Shaw, MTS All stream, SaskTel, Vidéotron, and Aliant are part of the multi-sector Canadian Coalition against Internet Child Exploitation (CCAICE), along with the Royal Canadian Mounted Police’s (RCMP) National Child Exploitation Coordination Center and the Department of Justice. The CCAICE’s mandate is to “devise and implement an effective national strategy to help address the problem of online child sexual exploitation” (Canadian Center for Child Protection (a), n.d.). One of the CCAICE’s undertakings is Cleanfeed Canada, an initiative that blocks “customer access to non-Canadian websites that are hosting child pornography” to “reduce Canadians’ exposure to child abuse images and create a disincentive for those who access and distribute child pornography” (Canadian Center for Child Protection (b), n.d.).

In the context of alleged copyright infringement, the federal government has also encouraged voluntary initiatives by internet service providers. In 2015, federal legislation went into effect that “formalized a voluntary industry-based practice that has been in place for several years” (Office of Consumer Affairs, 2015). Pursuant to the *Copyright Modernization Act* (2012), copyright owners can send a notice of alleged infringement to the internet service provider of a user believed to be infringing copyright. The service provider is obliged to forward this notice to its customer and confirm to the copyright holder that this notice has been sent (Office of Consumer Affairs, 2015). Although the Act does not require a user to respond in any particular way, the system creates an incentive (whether rightly or wrongly) for users to remove allegedly infringing content.⁹

Impact of Online Pornography and Child Abuse Imagery

Some research suggests that the widespread dissemination of “hard-core, body-punishing sex in which women are demeaned and debased” should be understood

as a legitimator of VAW (NWAC, 2014, citing; Dines, 2013). As a prime source of information for young people, messaging on the internet can shape young people's expectations of themselves and others and contribute to the conflation of sex with violence (Tankard Reist, 2016; see also Keene, this volume). Widespread availability of violent pornography may also facilitate the desensitization and increased interest in depictions of escalating levels of violence, including child sexual abuse (Bailey, 2007, p. 98). Moreover, online inculcation of youth with mainstream representations of thin, white, heterosexualized femininity can negatively affect girls' and young women's self-esteem and sense of belonging (Steeves, 2015, pp. 163–167). Research also suggests that these same representations often form the basis for peer harassment online, the consequences of which are discussed later in this chapter (Bailey, 2015, pp. 35–36). For these reasons, responses should not only target individual perpetrators but also focus on the impacts of commercial practices and online advertising that shape the online environments in which girls and women participate.

Online Hate and Harassment

CEDAW (2015) identified stereotyping as one of the root causes of the missing and murdered Indigenous women crisis, in part because stereotypes of Indigenous women that depict them as “prostitutes, transients or runaways ... [living] high risk lifestyles” undermine public and law enforcement willingness to take these cases seriously (paras 137–140; see also MediaSmarts, n.d.; Jiwani & Young, 2006, pp. 898900). For this reason, CEDAW recommended that Canada adopt measures to address racism and sexism “with a view to eliminat[ing] negative stereotypes against aboriginal women” (205, para 219(b)). Racist and misogynist stereotypes familiar in offline spaces are also reflected in online spaces, sometimes with greater vitriol. Such vitriol is sometimes attributed to the apparent anonymity of online spaces as well as to the mob mentality that they can facilitate (Bailey, 2010, p. 24). Moreover, sexually violent online attacks, such as rape threats, are disproportionately targeted at women (Bailey, 2013, p. 723; Fairbairn, 2015, p. 230; West Coast LEAF, 2014, p. 5; Dunn, this volume). Indigenous persons in Canada and internationally are also targeted with extreme and hateful stereotyping and threats that can lead to withdrawal from online participation. In combination with other facts in extreme cases, such online abuses can lead to suicide (Angus, 2013; Carlson, Farrelly, Frazer, & Borthwick, 2015, pp. 2–3; Chapin, 2015; Oboler, 2012).

Online hatred for, and harassment of, Indigenous women and girls is grounded in interlocking oppressions, including colonialism, misogyny, racism, and homophobia (Jiwani & Young, 2006; Razack, 2000; Warman 2006; Warman 2006a; West Coast LEAF, 2014, pp. 68–69). These kinds of attacks can work to undermine the self-esteem and self-worth of Indigenous girls and women, contributing to an environment that can exacerbate vulnerability to other forms of victimization (NWAC, 2014, p. 19).¹⁰ Research shows that being targeted by

online hate and harassment (sometimes inaccurately mislabeled “cyber-bullying”¹¹) is associated with a variety of negative effects similar to those previously documented in relation to offline spaces, whether or not the target knows the perpetrator (Fairbairn, 2015, p. 234; Safety Net Canada, 2013a). Online hate and harassment can undermine self-esteem and lead to a lack of sense of belonging, depression, anxiety, fear of or withdrawal from public spaces, and, in extreme cases when combined with other kinds of factors, suicide (Bailey, 2014; Caltabiano & Torre, 2013, p. 31). Existing research showing how racism can undermine a sense of belonging and self-esteem in ways that facilitate the sexual trafficking of Indigenous women and girls (Sethi, 2007, p. 63), as well as research suggesting the prevalence of bullying in northern communities (Brownlee, Martin, Rawana, Harper, Mercier, Neckoway & Friesen, 2014, p. 45) and the potentially acute impacts of online harassment in smaller communities (Burkell & Saginur, 2015, pp. 146–152), underscores the need for further research to better understand the particular impacts of online hate and harassment on Indigenous women and girls.

It is also important to craft and implement measures that respond to online hate and harassment in ways that do not inadvertently disadvantage Indigenous women and girls by, for example, exposing them to greater risk of criminalization. Recent experiences relating to the nonconsensual distribution of intimate images and sexting suggest the need for restraint in using criminal law responses (particularly against youth), lest girls and young women, who are the primary targets of these offenses, be recast as the culprits under legal regimes originally designed to protect them (CBC News, 2015; Stillman, 2016). This is an especially important concern with respect to Indigenous women and girls who are disproportionately and increasingly criminalized in Canada¹² a stark reminder of the risks of relying on a criminal justice system that is rooted in racism, colonialism, and misogyny and that systematically over-criminalizes and under-protects Indigenous women and girls (Amnesty International, 2004; Palmater, 2016).

Outreach, Support, and Organization

CEDAW (2015) has recommended developing initiatives to address the devastating impacts of colonialism, racism, and misogyny by fostering Indigenous pride, self-esteem, and cultural identity. CEDAW (2015) has also encouraged measures to promote positive portrayals of Indigenous women in media and educational and public communications initiatives (para 219(d)). Furthermore, CEDAW and other organizations and researchers have strongly supported the development and distribution of meaningful awareness campaigns on a variety of issues, including procedures for reporting violence to the authorities as well as community capacity building to acknowledge and address issues of healthy relationships, sexual exploitation, and trafficking (including the recruiting tactics of traffickers) (CEDAW, 2015; Sethi, 2007, p. 67; NWAC, 2014, pp. 20–21; BC Ministry of Public Safety, 2011).

Digital communications technologies, such as the internet, can be used for outreach, support, organization, and education around the issues raised by CEDAW, the Native Women's Association of Canada (NWAC), and others (Cole, 2010, pp. 7, 120–121). Websites and social media platforms are already being used in positive ways¹³ by public interest groups, community organizations, and governments to address issues of sexual exploitation,¹⁴ stereotyping,¹⁵ youth violence,¹⁶ sexual health,¹⁷ and Indigenous cultures, rights, and histories (including providing and raising awareness of culturally relevant services for Indigenous community members).¹⁸ Ensuring that the information and services provided are grounded in experience and cognizant of the diversity of experience of Indigenous women and girls will be key to meaningfully building on these kinds of initiatives (NWAC, 2014, p. 44).

Accessibility of Inquiry and Its Processes¹⁹

CEDAW (2015) has recommended that Canada improve Indigenous women's access to justice, convene a national inquiry, and develop a national action plan (paras 167–72, 219(f), 220(a)–(b)). Digital communications technologies can and should be used to publicize and facilitate access to the impending inquiry, its goals, processes, and results for those for whom physical presence is not possible. Technologized participation should not become a substitute for physical presence, and it must be recognized that those living in very remote communities as well as in poorer sections of some urban centers may have restricted access to the internet (Bailey, Burkell, & Reynolds, 2013, p. 199). Keeping these limitations in mind, online communication relating to the inquiry, which should be translated into multiple languages, could still enhance the accessibility and transparency of the inquiry and its work. Technologically facilitated access, however, must also be tempered by respect for the dignity and integrity of families and victims, including the maintenance of the level of privacy and confidentiality they may desire in relation to their stories.

Police Use of Technology in Investigations

CEDAW (2015) has recommended a number of measures to improve policing and justice mechanisms to address the disproportionate number of unresolved cases of missing and murdered Indigenous women and girls (para 217). The police in particular, the RCMP use a variety of technologies in conducting investigations more generally. In this section, we focus on two of them: social media platforms and DNA collection programs.

The RCMP uses social media to raise public awareness and open a new space for tips related to unsolved cases. Whether technologically powered investigative tools such as the RCMP's #MMIW campaign will yield results in terms of locating missing women or solving unresolved murders remains to be seen (Tucker, 2015).²⁰ However, it has become an online point for raising awareness

of the crisis, including commentary on pre-inquiry consultations (Tucker, 2015). Moreover, these sorts of initiatives could act as a signal to missing Indigenous girls and young women that they are important, which was a priority identified by front-line workers interviewed by the NWAC in 2014 (NWAC, 2014, pp. 54–55).

Specialized RCMP units across Canada have started to use DNA technology and voluntary DNA collection programs to investigate violence against Indigenous women and girls. Some DNA collection programs target vulnerable women themselves. For example, the Alberta RCMP's Project KARE was established in 2003 in response to unsolved murders in the Edmonton area (Alberta RCMP, 2015; Edmonton Journal, 2008; Ferris, 2014, p. 75; Who Cares, 2012). The RCMP's KARE/Pro-Active Team actively solicits hair samples, next-of-kin information, and other personal data from women it describes as being engaged in "vulnerable lifestyles" (Alberta RCMP, 2015). Many of the women enrolled with Project KARE are street-level sex workers who are recruited on strolls. Targeted women provide their DNA samples and personal information to plainclothes police teams in unmarked vans. Field officers build trust with project participants, offering women water and condoms and providing information about support services in the community. All women enrolled with Project KARE must sign a consent form that states that collected data will only be used to identify bodily remains or investigate crimes where the registrant has been victimized (Who Cares, 2012, 00h:13m:10s). These privacy assurances have likely contributed to Project KARE's high enrollment rates. Nonetheless, as Corporal Joe Verhaeghe of Alberta's Project KARE acknowledges in a documentary entitled *Who Cares*, proactive DNA collection "provides the police with information should [women] go missing.... but does not make them safer" (Who Cares, 2012, 01h:15m:10s).

RCMP units also collect voluntary DNA samples to assess and exonerate suspects in criminal investigations of violence against Indigenous women and girls (CBC News, 2013; Matas, 2011). For example, following the sexual assault and murder of 11-year-old Teresa Robinson, RCMP investigators requested DNA samples from all men living on the remote Garden Hill First Nations reserve in northeastern Manitoba (CBC News, 2016). Officers expected to register about 2,000 Indigenous men and boys aged 15–66 as part of the ongoing Garden Hill investigation. The project is the largest voluntary DNA collection operation in Manitoba and, when conducted, was estimated to be the largest voluntary DNA collection project conducted by the RCMP nationwide (Globe & Mail, 2016).

While voluntary DNA collection aids criminal investigations and can offer closure to grieving families, collection programs do not address the root causes of violence against Indigenous women and girls such as colonialism, misogyny, and racism. Furthermore, such programs divert attention away from harmful colonial practices by the state and the responsibility of the state to end violence against Indigenous women and girls. In this regard, Andrea Smith's (2015)

description of the state's response to violence in native communities in the United States seems apt:

[U]nder the guise of colonial paternalism, the state deems it necessary to carefully monitor and surveil the violence within native communities in order to once again save native peoples from themselves. Of course, in this constant "seeing" of violence within native communities, the state hides from view the fact that most such violence is a direct result of state policy. What must not get seen is the inherent violence of the state itself. (p. 30)²¹

Moreover, voluntary DNA collection programs raise important questions about the appropriate balance between police investigatory powers and the privacy rights of marginalized community members. The technological externalities of these programs merit critical evaluation (Magnet, 2011, p. 18). Further inquiry and RCMP transparency around these and other issues will be critical so long as voluntary DNA collection remains part of the RCMP's strategy for investigating violence against Indigenous women and girls.

Conclusion and Questions for Consideration

Digital communications technologies, such as the internet, interact with other socio-cultural and historical forces in ways that expose Indigenous women and girls to vulnerabilities recognized as the root causes of the missing and murdered Indigenous women crisis in Canada. While these and other technologies can be used as tools for addressing the crisis and the root causes underlying it, and for enhancing public access to the inquiry, they also raise serious issues related to the dignity and privacy of Indigenous women and girls and their communities that must also be taken into account. Most importantly, any analysis of, and response to, technology's impact on this crisis must recognize the interlocking effects of racism, sexism, and colonialism in the lives of Indigenous women and girls as well as the state's role in perpetuating this violence and its responsibility to end it.

To this end, questions that the inquiry might consider include:

- how are digital communications technologies being used to facilitate sexual trafficking of Indigenous girls and women, to disseminate violent pornography, and to distribute online hate and harassment aimed at Indigenous women and girls;
- how are internet service providers responding to these uses of their platforms and services;
- are the *Criminal Code* prohibitions on advertising the sexual services of others being enforced and, if so, how often and against whom;
- what further steps can be taken to diminish the use of digital communications technologies for these purposes;

- how can digital communications technologies be harnessed for the purposes of raising public awareness, education, and privacy-respectful investigation;
- how can the impending inquiry make use of digital communications technologies to expand access to its goals, processes, and results; and,
- with respect to the mass collection of DNA by law enforcement authorities:
 - should voluntary DNA collection remain part of the law enforcement strategy in investigating violence against Indigenous women and girls;
 - are voluntary DNA dragnets an effective investigation tool or do they detract resources from more community-respecting policing strategies better deserving of public trust (Vonn, n.d.);
 - how might voluntary DNA collection affect registrants in the future as the role and value of biometric data changes in Canada;
 - what safeguards are in place to prevent DNA and personal data from being mishandled or used in unrelated RCMP investigations²²; and
 - how robust are consent provisions and how can subjects remove their data from RCMP indices?²³

Notes

1. We have chosen to use the term “Indigenous women and girls” in this article to refer to women and girls who are part of the first peoples in Canada, including First Nations, the Inuit, and the Métis. Some research refers to Aboriginal women and girls, and where we quote from such research, we maintain these terms.
2. The RCMP statistics focus only on police-reported incidents. A lack of record keeping means that concrete statistics are difficult to find.
3. Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking in persons as “the recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction or fraud, of deception, of abuse of power of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over other persons, for the purpose of exploitation,” including sexual exploitation, forced labor, and slavery.
4. Thanks to an anonymous peer reviewer for this eloquent way of expressing this concern.
5. As Wajcman (2009) notes, “During the late nineteenth century, mechanical and civil engineering increasingly came to define what technology is, diminishing the significance of both artefacts and forms of knowledge associated with women. This was the result of the rise of engineers as an elite with exclusive rights to technical expertise” (p. 144). See also Oldenziel (2001), stating “What counts as technology or who is to be considered a technologist goes to the heart of contemporary feminist inquiry” (p. 128).
6. See e.g., Articles 1–2 of the *Declaration on the Elimination of All Forms of Violence against Women* (UN GAOR, 1993), which defines violence against women (VAW) to mean “any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts,

coercion or arbitrary deprivations of liberty, whether occurring in public or private life” and includes “physical, sexual and psychological violence within the family; child sexual abuse; dowry-related violence; marital rape; female genital mutilation; rape and sexual abuse; sexual harassment in the workplace and educational institutions; trafficking in women; and forced prostitution.”

7. The provision makes it an offense to “knowingly [advertise] an offer to provide sexual services for consideration,” although those who advertise their own services are immune from prosecution. While [Department of Justice \(2015\)](#) states it applies to intermediaries, [Adam \(2015\)](#) suggests that its application to a dating site is unclear.
8. For general discussions of technology company responsibility in relation to technology-facilitated violence, see Henry and Witt, this volume.
9. But for discussion of whether or not this incentive is based on a legitimate infringement claim, see [Geist \(2015\)](#).
10. [NWAC \(2014\)](#) refers to low self-esteem as one factor increasing vulnerability to trafficking, a factor compounded for Indigenous women and girls by poverty, lack of education, and colonial practices. For a general discussion of poly-victimization in the context of violence against women, see Broadbent & Thompson, this volume.
11. “Widespread use of the term ‘cyberbullying’ to describe a remarkable variety of situations and behaviours risks obscuring fundamental differences between those situations and behaviours. In particular, its application to situations of sexual, racial and other forms of online harassment can too easily eclipse underlying systemic structures of discrimination that expose members of particular groups to attack and violence” ([Bailey, 2014](#), p. 663, n 2).
12. While Aboriginal women and men make up only around 3 percent of the adult population in Canada, in 2008–2009, 35% of women admitted to custody identified as an Aboriginal person. In the same year, Aboriginal girls accounted for 44% of admissions to open or secure custody and 34% of admissions to remand ([Statistics Canada, 2011](#), pp. 36–37).
13. For further examples of the potentially positive role, technology can play in addressing violence against women and girls, see Harris & Woodlock, this volume; Lopes Gomes Pinto Ferreira, this volume; and Louie, this volume.
14. See e.g., Children of the Street Society <http://www.childrenofthestreet.com>.
15. See e.g., MediaSmarts, “Common Portrayals of Aboriginal People” <http://mediasmarts.ca/diversity-media/aboriginal-people/common-portrayals-aboriginal-people>.
16. See e.g., Youth Against Violence Line <http://www.youthagainstviolenceline.com>.
17. See e.g., Native Youth Sexual Health Network <http://www.nativeyouthsexualhealth.com>.
18. See e.g., Native Canadian Center of Toronto <http://ncct.on.ca>; Native Women’s Association of Canada <http://www.nwac.ca>; Pauktuuitit: Inuit Women Canada <http://pauktuutit.ca>.
19. Digital technologies and platforms were in fact employed in a variety of ways by the National Inquiry during its hearings ([NIMMIWG, 2019](#)).
20. See #MMIW, Twitter https://twitter.com/hashtag/mmiw?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Ehashtag.

21. Since the original publication of the article reproduced in this chapter, we have become aware of controversy surrounding false claims to Cherokee heritage made by Andrea Smith. We mean no disrespect by including this quotation from Smith's work, which so precisely describes the situation we are attempting to address with respect to police use of DNA technology. We apologize for any hurt inclusion of this quotation may cause.
22. See [Economic Action Plan, 2014](#) (creating five new DNA indices within the National DNA Data Bank for missing persons investigations and other humanitarian causes); [Ducette, 2015](#) (reporting that a voluntary donors index (VDI) could launch as early as the spring of 2017); [Public Safety Canada, 2014](#) (indicating that new DNA indices, including the VDI, would be subject to enhanced review and oversight procedures). In the meantime, it remains unclear where and how voluntarily provided DNA samples are currently indexed and stored.
23. See [Rondinelli, 2003](#) (noting those who opt-out of voluntary DNA testing may have their genetic information nonetheless "covertly obtained by authorities," potentially by testing abandoned items, such as discarded food and coffee cups, for residual DNA (p. 24)); [Vonn, n.d.](#) (this "DNA dragnet catch-22" may undermine consent provisions of voluntary DNA collection programs and prevent subjects from meaningfully opting out).

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