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# A Qualitative Look at Serious Legal Problems – Métis Community

2022



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A Qualitative Look at Serious Legal Problems – Métis Community.

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## Acknowledgements

This project was undertaken by Proactive Information Services Inc., (Proactive) based in Western Canada, which was established in 1984 specifically to provide research and evaluation services to clients in the public and non-profit sectors. Proactive's clients include government departments, public sector agencies, Indigenous organizations, health authorities, school districts, community organizations, foundations, and other non-government organizations (NGOs) across Canada and internationally.

Larry Bremner, Credentialed Evaluator (CE), FCES, directed this project. Larry, who has worked in evaluation for more than 40 years, is proud of his Métis heritage and is passionate about issues of equity and access. He has worked throughout Canada, in many Indigenous communities, as well as in East Central and Southeastern Europe, Egypt, and Mongolia.

In 2012, Larry was elected National President of the Canadian Evaluation Society (CES) for a two-year term. Afterwards, as Past President, he represented CES on the international stage where he was the driving force behind the creation of the global EvalPartners network EvalIndigenous. In 2017, Larry received the CES Service Award, and in 2018, the Contribution to Evaluation in Canada Award. In 2019, he was inducted as a Fellow of the Canadian Evaluation Society, the Society's highest honour.

***We gratefully acknowledge that we live and work on the original lands of Anishinaabe, including; Cree, Oji-Cree, and Dakota peoples, on Treaty 1 Territory and the Homeland of the Red River Métis people.***

# Table of Contents

- Acknowledgements ..... 3
- Executive Summary ..... 5
- Section 1: Introduction ..... 7
- Section 2: Methodological Approach ..... 8
- Section 3: Results and Discussion of Findings ..... 10
  - A. Context..... 10
  - B. Individuals Experiencing Serious Legal Issues ..... 10
    - 1) Employment-Related Issues ..... 11
    - 2) Housing-Related Issues ..... 15
    - 3) Debt Related Issues..... 18
    - 4) Medical Related Issues ..... 20
    - 5) Neighbour-Related Issue ..... 22
    - 6) Summary..... 23
  - C. Service Providers ..... 23
    - 1) Legal Issues..... 24
    - 2) Referral Sources ..... 24
    - 3) Services and Supports..... 24
  - D. Summary..... 32
- Section 4: Conclusions and Implications ..... 32
  - 1) Summary..... 32
  - 2) Conclusions and Implications..... 34
- References ..... 35

## Executive Summary

The intent of this project was to identify serious legal issues that Métis individuals in northern Canada may encounter, how they deal with them and the impact the issues have on them. It is believed that experiences in Canada's North differ quite significantly from those in the South and these stories need to be heard. It is hoped that the results of this work will enhance understanding of the experiences these individuals encounter related to their serious legal problems.

Interviews were undertaken with ten individuals living in the Northwest Territories (NWT) who self-identify as Métis. In addition, five service providers were interviewed including an individual working in restorative justice, two individuals in different communities who work in victim services, a front line worker providing supports to individuals having complex needs and an individual working with victims of crime. The intent of the interviews was to identify the types of legal issues their clients were dealing with and how these issues were resolved. Furthermore, the service providers identified barriers clients encountered and the challenges they faced in providing services and supports.

According to the NWT Bureau of Statistics June 2021 estimates, the population of the NWT is 45,504. Approximately 50% of the NWT population is Indigenous. The largest Indigenous group is Dene (14,857), followed by Inuit (5,273) and Métis (2,594). The Territory is divided into six regions within which there are approximately 33 communities. Approximately half of the population lives in the City of Yellowknife (21,775) of which approximately 75% are non-Indigenous.

### **What types of problems have the participants experienced in the last three years?**

The Métis individuals interviewed experienced a range of issues related to employment, housing, challenges with neighbours, the provision of health care and dealing with the burden of debt. One theme that runs through all of the interviews is that these individuals have had to deal with discriminatory practices as part of everyday life.

Although the service providers identified legal issues ranging from mischief to sexual assault, the examples they provided echoed the same underlying themes of systemic discrimination and disrespect.

### **How have the participants tried to resolve their problems? What have been the outcomes of these efforts?**

Individuals approached Territorial organizations for resolution and, while some of their challenges were resolved, most were not. Those that were resolved resulted from personal determination and, in some cases, outside support. For those not resolved, individuals continued to struggle for resolution, while others have given up.

The service providers noted how people's confidence was often eroded to a point where they would become unable to be their own advocates. They also explained the importance of the NWT context,

including the small size of communities that frequently lacked resources and supports for those facing legal issues.

**Have the participants resolved their problems through recourse to the formal legal system? If not, why not?**

In some cases, resolution occurred as a result of ongoing contact and dogged determination rather than through the formal legal system. While there were instances of challenges that could be resolved through the formal legal system, the lack of financial resources and mistrust of the system itself, made it difficult for individuals to pursue formal legal action.

Service providers mentioned how individuals are confused and/or do not understand the justice system. The impact of colonization, residential schools and life experiences, including discrimination, have left many Indigenous people with a lack of confidence in themselves and mistrust in the justice system. Furthermore, the small size of many of the communities results in individuals not pursuing resolution in order to avoid community sanctions.

**What has been the impact of these problems on the participants – for example, financially, mentally and physically?**

These were serious legal issues for these Métis individuals who, in many instances, felt invisible and disrespected. The impact of each situation on the individuals and families was multi-faceted and severe, including negative impacts on their health and well-being, as well as their financial situation. According to service providers, people's confidence was often eroded to a point where they would become unable to be their own advocates.

The stories told by Métis people in the NWT speak to system failure, particularly regarding Indigenous peoples. The legacy of colonialism is pervasive and manifests itself in systemic racism and discrimination at many levels.

## Section 1: Introduction

In March 2020, the Department of Justice Canada (JUS) reached out to Proactive Information Services Inc. to gauge our interest in undertaking a community-based research project. The intent of the project was to identify what serious legal problems Métis individuals in Canada are encountering, what their legal needs are, how those needs are or are not addressed, as well as the health and economic impacts of these legal problems.

Since the early 2000s, legal needs surveys of the general population have been undertaken in Canada and in at least 15 other countries around the world, including the US, the UK, Australia, and a number of developing countries (OECD 2019). The Canadian survey was first championed by JUS over three cycles in 2004, 2006 and 2008 with multiple reports prepared. More recently, the Canadian Forum on Civil Justice ran a cycle of the survey in 2014, with questions added regarding the cost of resolving problems.

This report is intended to supplement the 2021 Canadian Legal Problems Survey (CLPS) that was developed and implemented by Statistics Canada on behalf of JUS and several other federal departments. The final sample for the CLPS was 21,170 people living in the ten provinces with an oversample of Indigenous people. To complement the CLPS, community-based researchers were contracted to conduct a series of qualitative studies to explore and report on the experiences of specific populations in different parts of Canada who have experienced a serious legal problem. This study fills an important gap in understanding the serious legal problems faced by Métis people in the NWT.

Originally, approximately 20 Métis individuals living in the NWT, who had encountered serious legal problems in the past three years, were to be interviewed and the work was to address:

1. What types of problems have the participants experienced in the last three years? If there has been more than one problem, are they interrelated?
2. How have the participants tried to resolve their problems? What have been the outcomes of these efforts?
3. Have the participants resolved their problems through recourse to the formal legal system? If not, why not?
4. What has been the impact of these problems on the participants – for example, financially, mentally and physically?

As stated earlier, there was a desire for this to be a community-based project. However, shortly after Proactive started the project, the global COVID-19 pandemic began to have a major impact on Canadian communities. As a result, travel restrictions and community lock-downs resulted in changes to the original plan. Travel to communities was no longer possible. Therefore, the original approach was revised to include ten instead of 20 interviews with Métis individuals who had experienced serious legal issues in the past three years. In addition, five service providers were interviewed to provide insights about the clients they serve. They were asked about:

1. The types of serious legal issues individuals encounter,
2. How individuals try to resolve their issues,
3. Barriers preventing individuals from resolving their issues,
4. How having to deal with these issues affected these individuals, and
5. Challenges that service providers face when helping individuals to deal with their issues.

Interviews with individuals were undertaken in-person and virtually. All interviews with service providers were undertaken virtually. The process and approaches will be described in greater detail in the methodology section.

## Section 2: Methodological Approach

Given the extensive work Proactive has undertaken in the NWT, the decision was made to approach communities and organizations in the Territory regarding their interest in partnering with this project. It was believed that experiences in the North differ quite significantly from those in the South and these stories need to be heard. Between November 2020 and March 2021, local Councils and Territorial organizations were contacted multiple times and, while some indicated a willingness to partner, for a variety of reasons, including COVID-19, the partnerships did not occur. Given travel restrictions and the impact of COVID-19, it was decided to wait until early Fall 2021 in order to travel to NWT and undertake the interviews in-person.

However, since the pandemic was still ongoing in September 2021, JUS suggested a change to the approach based on what was being done for another project. Given travel restrictions, lockdowns and the impact of the virus on some communities, travel to the planned communities was not possible. It was suggested that interviews could be done virtually. However, relationship building is viewed as being an important ethical aspect of Indigenous evaluation and is the foundation for Indigenous inquiry (Wilson, 2008; Kovach, 2009). Building meaningful, trusting relationships with Elders and other Indigenous community members requires large amounts of time (Bremner 2020). This was not possible as the interviewer needed to spend time in the community and could not do so. Therefore, it was decided that, if this were to be a community-based approach, someone from the community, who is known, trusted and respected should undertake the interviews. This would also ensure that the interviewer understood and would practise community protocols while listening to the stories.

Multiple individuals were contacted throughout October 2021 to identify an individual who was known throughout the Territories and had the expertise to undertake the interviews. The ideal candidate was identified and agreed to undertake the interviews with the ten Métis individuals. She was provided an overview of the project and in turn made suggestions regarding the interview instrument which was subsequently revised. This individual is a Chipewyan/Métis born and raised in the NWT, as was her mother, grandmother and the generations before. She is related to many people in the South Slave,



along with the Chipewyan/Dene communities in northern Alberta and Saskatchewan. Along with learning Traditional Knowledge from her family and community members, she also has completed multiple certificates and degrees in Western educational institutions. She was the ideal person to undertake the interviews with individuals experiencing serious legal issues over the past three years.

The interviews with the ten individuals began in November 2021 and were completed in January 2022. The interviews took approximately one hour each and individuals interviewed received an honorarium for their time and as a token of appreciation. Three interviews were done in-person, while the remaining seven were conducted by phone.

All ten individuals identified as Métis. Of the ten individuals, two identified as ‘status Métis’<sup>1</sup> and one identified as ‘Dene Métis.’ Four of those interviewed were Elders. Seven of the individuals interviewed were female. Interviewees’ ages ranged from mid 30s to late 70s. Those interviewed lived in a number of small communities in the NWT. The communities have not been identified to protect the identity of the interviewees. Furthermore, the names used in reporting are not the actual names of the interviewees; they have been changed to protect their anonymity, as have some details of their stories.

The interviews with the five service providers took place between November 2021 and February 2022. They included an individual working in restorative justice, two individuals in different communities who work in victim services, a front line worker providing supports to individuals having complex needs and an individual working with victims of crime. The service providers were located in and worked in a number of communities in the NWT. Again, the names used in reporting are not the actual names of the interviewees; they have been changed to protect their anonymity, as have some details of their stories.

## **Limitations – Author’s note**

The results from the individual interviews, while not generalizable to the whole population, do reflect incidents that these Indigenous individuals have experienced. Their experiences and perceptions represent their realities and may or may not reflect what other Indigenous people experience in the NWT. However, these are their stories, about their realities, their challenges and how they have been dealt with. We have witnessed many of these truths through our work in Canada’s North.

The importance of stories is reflected in the approach to this report. Stories are a powerful and culturally appropriate means of revealing reality. Therefore, the information is presented through story with a concluding section identifying the cross-cutting themes and implications.

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<sup>1</sup> It was pointed out, by the interviewer, that there are a number of individuals “*in the NWT who grew up as Métis and recently received Indian Status. While they qualify as Indians under the Indian Act, they still maintain Métis identity for a variety of reasons.*”

## Section 3: Results and Discussion of Findings

### A. Context

One must keep in mind the context of the NWT throughout this discussion. According to the NWT Bureau of Statistics June 2021 estimates, the population of the NWT is 45,504. Approximately 50% of the NWT population identify as Indigenous. The largest Indigenous group is Dene (14,857), followed by Inuit (5,273) and Métis (2,594).

Almost 50% of the NWT population (21,775) reside in Yellowknife, the NWT's only city, and approximately 75% of the residents of Yellowknife are non-Indigenous. While Indigenous residents make up 23% of the Yellowknife population, they account for 91.5% of the homeless population (source: *2021 Yellowknife Point – In – Time Homeless Count At A Glance*). Furthermore, 62% reported that one or more of their parents attended residential school.

The territory is divided into six regions within which there are approximately 33 communities. While some communities in the Southern part of the NWT are accessible by road, others are only accessible through air, ferries, and/or winter ice road.

While a number of communities, ranging from fewer than 50 to 1,000 residents, have year round all-season road access, there are fewer amenities and services available compared to larger communities in Southern Canada. Other isolated communities are accessible only by scheduled or charter flights for most of the year. Some are accessible for a short time using ice roads. These communities range in size from 100 to 500 residents who receive their groceries and other supplies by air shipment. Communities on the Mackenzie River are supplied by an annual barge that delivers dry goods, non-perishables and other items ordered by community members.<sup>2</sup>

### B. Individuals Experiencing Serious Legal Issues

There were a number of serious legal issues reported during the interviews. These were issues that individuals perceived to be legal in nature and serious to them. The following discussion provides insights into the nature of the issues, how they were dealt with, and the impact on the individual.

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<sup>2</sup> Source: <https://www.gov.nt.ca/careers/en/smaller-road-accessible-communities>.

## 1) Employment-Related Issues

### a) Louise

#### The Issue

Louise<sup>3</sup> is a Métis woman in her late 40s, who worked in a school setting for a number of years but lost her job. A few years ago, it was decided to upgrade the educational qualifications for her position to require a Master's Degree. Louise did not have a graduate degree; however, she has a background in both Social Work and Teacher Education. In addition, she had many years of service in her position, had received positive evaluations from her supervisor, and had an excellent relationship with the students. However, she was told that unless she upgraded her education, she would not be permitted to keep her position. She believes that her termination was *“done in a disguise ... [and was] a slap in the face.”*

Louise believes those making the decision to upgrade the qualifications were, *“listening to the experts,”* from Southern institutions who did not have the *“values of Indigenous people in governance and education.”* As stated by Louise, *“education level does not always translate to providing the best services to the Indigenous student population.”* Louise indicated that the majority of students at the school are Indigenous. She also stated that her position was initially created to provide students with a local Indigenous person to enhance graduation levels in the community.

Coincidentally, one of the service providers interviewed mentioned Louise. She stated; *“we had someone in the school who was excellent.”* She was Indigenous, had a strong connection with and was trusted by the students. She *“really helped the kids with healing ... if they were not acting normally she would bring them into her office and talk to them.”* The service provider mention how she had received *“very sensitive cases from her – sexual assaults, abusive partners, stabbing, family difficulties.”* Since she has been replaced the service provider has not received any referrals as *“it takes having someone in the position who is trusted by students.”*

#### Was the Issue Resolved?

Louise was offered the possibility of taking educational leave to upgrade her qualifications to a Masters level. However, this was unrealistic as she is helping to raise a grandchild. If she took educational leave she would have to move hundreds of kilometers away from home and her grandchild. Furthermore, as the sole income earner, she was unable to take a reduction in income. In an attempt to retain her position, Louise wrote letters to the local Member of the Legislative Assembly (MLA) and other political leaders to request they take up her cause.

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<sup>3</sup> The reader should remember that none of the names used in the discussion are the real names of the individuals interviewed.

Louise's position was posted and put out for competition; however, there were no successful candidates. The MLA inquired about the circumstances surrounding this position to the Minister of Education, after which Louise was offered an informal interview. Louise was subsequently told she was not successful in the interview. After another competition was run and there was a successful candidate from the South.

A second position was added and a competition has been posted. Louise has not applied, as she was told she did not qualify for the position. Louise is confused that, despite being provided positive evaluations each year, she is no longer able to qualify for the position.

Louise believes there needs to be increased communication between government and the local community when changes occur, so the changes comply with community standards. The Indigenous culture/community needs to be a significant part of decision making when it comes to Indigenous student success. Louise believes there is a need for government to better educate themselves about the Indigenous population, the mechanisms of colonization, and the goals of the Truth and Reconciliation Commission (TRC).

## **Personal Impacts**

Louise indicated that she finds this topic difficult to verbalize. Being forced to leave her position has had a number of negative impacts on her. The loss of income has had a negative impact on her ability to move forward and to purchase a home. She now lives in a basement apartment in a relative's house. Louise has been seeking permanent employment for some time now; however, there are currently no permanent positions open in her field of expertise in her community. Louise also feels that she is letting the students down by not being there for them.

### **b) Shirley**

#### **The Issue**

Shirley, a Métis Elder in her mid-60s, spoke about the decision her organization made to discontinue a post-secondary program in which she had been teaching. Shirley was informed in Spring 2021 that she would be moved to a student upgrading program. Given Shirley has graduate degrees with many years of teaching at the post-secondary level, she was alarmed about being moved to teach an upgrading program at the high school level.

#### **Was the Issue Resolved?**

As it turned out, no students applied for the program and Shirley was left in a position that no longer functioned. She believed she did not have anyone she could turn to. She started looking for new employment. She eventually found employment in the community where a relative is living and has moved there. She believes her employment situation is strongly related to the systemic racism that

Indigenous women and men face in the world of work. She suggested that decisions being made often stem from colonial thinking – that Indigenous ways of relating to people are absent in the work world. Shirley believes there is little understanding in a system that fails to recognize the struggles of Indigenous workers in a Western-oriented system. Shirley has felt discriminated against in many ways during her employment, despite the many policies and protocols that are set up to prevent discrimination from occurring. She also noted that discrimination is difficult to prove.

## **Personal Impacts**

Shirley indicated the “*invisibility*” she experienced was both “*mentally stressful and debilitating*”. She felt geographically and intellectually isolated. She also felt socially isolated and attributed her situation to “*lateral violence*” and “*ignorance*” by her peers and management. To make matters worse, she experienced that same lack of support at the community level and felt financially stressed as she was also supporting a disabled relative living in another community.

### **c) Thelma**

#### **The Issue**

Thelma, a Métis Elder in her late 50s, with post-secondary education, has worked for the Territorial government for many years. Over the years, Thelma has attempted to secure managerial positions within the departments she has worked. Every time she has applied, she has been passed over. She said that the position is frequently given to a non-Indigenous person having fewer years of experience and often new to the North. Thelma stated she has seen how managers “*change job descriptions for their buddies.*” It was suggested that this issue is widespread across the North and often a topic of conversation in the coffee room or hallway.

Thelma sees her lack of advancement as inherently tied to discriminatory practices. She believes there is a split between Southern thinking and Northern thinking that has not been successfully resolved in government. She sees Indigenous Northerners stuck at lower levels on the pay scale, while the non-Indigenous individuals move freely and rapidly from one level to another.

#### **Was the Issue Resolved?**

Thelma believes there is no one she can speak with who will address the discrimination she feels when applying for managerial positions. She has attempted to bring this to different avenues<sup>4</sup> available to government employees, but to no avail. She has stopped contacting people about specific situations,

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<sup>4</sup> The Government of the NWT (GNWT) has a number of policies and programs that are intended to foster a more diverse workplace. These include, but are not limited to; the Government of the NWT Diversity and Inclusion Unit, the Indigenous Career Gateway Program, Indigenous Employees Advisory Committee and the Indigenous Management Development and Training Program.

although she casually mentions it at times to a supervisor or another colleague. She has also tried *“sucking it up and playing their game.”*

After years of applying for different positions, Thelma was recently offered a *“developmental transfer assignment;”* that is, training to move into a managerial position. Thelma is not sure what will occur after completing this transfer assignment, although she believes she is guaranteed a position afterwards.

## **Personal Impacts**

Thelma feels both *“frustrated and helpless”* in her pursuit of gaining managerial training and/or positions. She sees people new to the North arriving and being advanced regularly to higher positions. While Thelma would like to be vocal about the experiences she has had in the government, she is of two minds on how to deal with it. If she speaks out, she feels she may face retribution, yet if she does not speak out, she then suffers in silence and nothing changes. While she feels discriminated against, she does not know of any solutions that will bring the discrimination to an end.

### **d) Earl**

#### **The Issue**

Earl is a Dene/Métis man in his late 60s who had been working as a counselor for a First Nation for many years. When his colleague retired, he was given her client files and shortly after that, he was fired by the Band Manager. According to Earl, one of the reasons provided to him for his firing, was that he was working with a Métis client. He said that under the organization’s policy they do not turn away clients. He would even see non-Indigenous clients without a problem. He felt that the Band Manager was discriminating against a specific Métis client and that, to him, this was racism.

#### **Was the Issue Resolved?**

Earl thought about getting a lawyer to start a civil suit against the First Nation; however, he ended up not doing anything. He said he was *“kind of in shock”* that this would happen to him after all the years he worked there. He stated that it is difficult to deal with conflicts in a small community where everyone is related either through blood or marriage. *“There are family or friend affiliations that interfere with decision-making.”*

Earl was provided with eight weeks’ pay when he was fired. Upon hearing of his situation, the local Métis Council hired him. He still wonders about hiring a lawyer to bring a lawsuit against the First Nation for wrongful dismissal. However, he is not sure if it is too late to start litigation proceedings. If he brought it to the justice system, he would also have to pay his own employment lawyer and he was not in a financial situation to do so. Furthermore, the realities of COVID interfered with timelines to proceed

with his complaint “as offices were closed and talking to people about his situation was complicated,” given the close relationships within the community.

## **Personal Impacts**

Earl stated his situation has been bothering him and has affected him both mentally and emotionally. He also has stress-related medical issues as a result of this situation that he continues to address.

### 2) Housing-Related Issues

#### a) Teresa

##### **The Issue**

Teresa is a Métis Elder in her early 60s, who has been on disability for a number of years while awaiting knee replacement surgery. Teresa had been working in a permanent government position, prior to being “*put on disability*.” As a part of the disability program, she qualifies for the home fuel subsidy program that provides fuel to seniors 65 years and older, along with persons on disability. Qualified applicants receive fuel subsidies not exceeding \$2,900 per year. When Teresa applied, she was under 60 years old and was immediately denied this subsidy due to her age, despite providing appropriate documentation from her physician confirming her disability.

##### **Was the Issue Resolved?**

Teresa wrote to the staff responsible for the fuel subsidy program on several occasions. She also called a number of times. Teresa is not an assertive person and was not sure to whom she could turn for help given the refusal. Instead, she spent the last few years contacting the staff responsible for the program requesting the fuel subsidy for which she qualified as a result of her disability. Teresa believes, “*she wore them down*,” as she now receives the fuel subsidy, which helps with home heating while she is on disability.

##### **Personal Impacts**

Teresa indicated that having to “*fight*” for the fuel subsidy was “*frustrating and tiring*.” She was often angry that she was being refused what she felt was her right. The refusal cost her an additional \$2,900 a year, which cut into her disability pension. Teresa assists her daughter and grandchildren, which stretches her already tight budget. She noted that the fuel subsidy would have alleviated her budget constraints immensely.

## b) Edgar

### The Issue

Edgar is a Métis Elder in his late 70s who owned his home until a rare weather event caused excessive damage to his home. He and his wife immediately moved in with one of their adult children and started the process of establishing how to reconstruct their home. There were no realtors in his community, so he contacted a realtor from Yellowknife to assess the damage and viability of his house. He paid a fee of \$500 for the home inspection and was informed the house was condemned and that they could not return to it.

Edgar and his wife spent the next three months living with a family member who lives in public housing. At the end of the three-month period, the housing manager approached their relative to say that having relatives in her home was against housing policy and that she could be evicted. Edgar and his wife had nowhere to go.

Edgar and his wife are both on disability pensions, so he approached public housing. He was provided a rental unit in local housing units built for disabled persons. His income was assessed and he was told he had to pay \$1,280 per month for the unit. He was told that this was to be a short-term, six-month lease because he owns property and those living in the disabled senior units cannot own property. During this time, Edgar was tasked with trying to figure out how to re-establish himself in his own home, or to get rid of it. He contacted the people responsible for the Housing program to see if he could get help reconstructing his house. However, during the three months he was living with a family member a significant rainstorm occurred, causing the ceiling of his home to collapse, destroying walls and furniture.

### Was the Issue Resolved?

Edgar was eventually told that the NWT Housing Corporation would purchase his home for the sum of \$53,000; however, they were going to charge him for the removal of the structure which would leave him with \$25,000. He stated that his house was assessed at \$180,000 six years ago, before the weather event. Edgar continued to negotiate for a more appropriate sum of money so that he could purchase a new home for him and his wife; however, he was told that the \$25,000 deal was a *“take it or leave it”* decision. Edgar then approached his local Member of the Legislative Assembly (MLA) to see if they could take this issue to the NWT Legislative Assembly and the NWT Housing department on his behalf.

Edgar’s lease was coming to an end and he had no money for a down payment on a new home in the community. Edgar felt his only recourse was to take the \$25,000 to get rid of his property and to remain in the housing unit. He continues to address his situation with NWT Housing Corporation regarding his rent. He stated his monthly rent assessment is based on gross income which means he pays approximately \$900 more per month than if they assessed it at net income. He stated he had a meeting



with the community's new Housing Superintendent in mid-November 2021 regarding his issue. He feels the meeting provided him more hope that his situation will be resolved to his liking. The local community Métis Council has also taken up his case and is working on his behalf to provide Edgar with a more respectful resolution to his situation, particularly given he is an Elder in the community.

## **Personal Impacts**

This situation has had a major impact on Edgar. The complications regarding the house and the ultimatum caused Edgar a great deal of stress. He had a heart attack in the spring of 2021. He is financially stressed, as he provides financial help to two of his children who also live in public housing. He now pays approximately \$1300 a month in rent, a cost he did not have before. For Edgar, the impacts have been physical, emotional, mental, spiritual, and financial. Edgar is now on heart medication. He indicated that this situation has affected his whole family, not just him and his wife. Edgar is disheartened that government can treat an Elder so disrespectfully. He is a person who worked for government for over 40 years, was self-sufficient all of his life, with a paid off mortgage. He would have liked the NWT Housing Corporation to pay him at least the full amount of his home's assessment.

Edgar would like his life to return to his previous life. He would like his own home with no mortgage to pay. However, given he is almost 80 years old, he does not feel he has the energy or finances to bring himself to that place again.

## **c) Mary**

### **The Issue**

Mary is a Métis single parent in her 30s who lives in a public housing unit. Over this past year, she continually received extremely high power bills. She found this puzzling, as she believes she is mindful of electricity and does not over-use power. She contacted the housing unit to have them assess the functionality of her appliances, water heater, and furnace. This was done, and she was told that all of her appliances are energy efficient. She then contacted the power corporation and asked them to check her meter to see if that was running properly. The power company checked and stated that the meter was working properly. The power company continued to send her higher than usual power bills. Mary is on a fixed income and was unable to sustain these bills, as well as the household expenses of a single parent.

### **Was the Issue Resolved?**

Mary continued to contact the power company and requested that they change her meter. She believed the meter was the issue with her power bills. The power company refused this request and insisted the meter was working properly. Mary found a local leader who was willing to help. That person contacted the power company headquarters and requested that there be a full investigation on what was causing

these high power bills. The power company sent a representative with another meter, which was exchanged for Mary's meter. Mary continued to get high electricity bills with the new meter, so she contacted both the housing manager and the power company insisting something was wrong. Mary even contacted a friend who had a similar housing unit and they compared electrical usage from month to month. According to Mary, her friend's electrical bills were much lower.

After many discussions between the housing manager, the power company and the local leader who advocated for her, Mary was moved to a different housing unit. She now has a smaller housing unit and does not appear to have the same electrical issue.

## **Personal Impacts**

Having to fight the system made Mary angry. She felt that the organizations and individuals she dealt with do not believe she has the ability to think for herself. Furthermore, she believes they did not take her seriously. According to Mary, many people feel and act this way because she lives in a low income public housing unit, is a single parent, and is on a fixed income. She should not have had to spend so much time and energy trying to get people to listen to her. She indicated that she spent months trying to get them to address her concerns and the only solution was to move her. Mary would like to be taken seriously and experience a more humane response when she has concerns that need to be addressed.

### **3) Debt Related Issues**

#### **a) Diane**

##### **The Issue**

Diane is a Métis woman in her mid-50s who was adopted out as a part of what is known as the "Sixties Scoop".<sup>5</sup> She grew up away from her culture in an urban part of Southern Canada. She returned to the home of her birth parents a number of years ago to connect with her culture and extended family. Her return has seen mixed results of connecting with both her family and culture. Her adoption also had mixed results, which complicates the story of her return even further.

Diane left a failed union where children were involved and is now dealing with child support obligations that her current financial situation cannot sustain. She is coping with inter-jurisdictional orders, from a Maintenance Enforcement Program that requires her to pay approximately \$170 per month in addition to her delinquent child support payments. She has been unemployed for the past three years and is dependent on income assistance to survive. She currently owes over \$10,000 for child support which she is attempting to pay back with a monthly stipend from her income assistance.

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<sup>5</sup> In Canada, provincial and territorial child welfare authorities began to apprehend large numbers of Indigenous children, taking them away from their families and placing them for adoption with non-Indigenous parents. This became known as the "Sixties Scoop" although it continued into the 1980's.

Diane remarried shortly after returning to her birth parents' community. Her husband was employed; however, he lost his job due to the impact of COVID. A few years ago, while he was employed, they bought a house that needed extensive renovations. Attempts were made to secure a place in a home ownership renovation program; however, these attempts were unsuccessful. Diane and her husband returned to their home which was barely habitable.

As they are on income assistance, neither have the ability to keep up with the mortgage payments, the child support payments, the enforcement fees, and daily living costs. Diane's husband's income is garnished to pay debts he had prior to their relationship. They are heavily in debt and have been attempting to find a solution to stabilize their financial situation.

### **Was the Issue Resolved?**

Diane is trying her best to pay what she can each month to one of her debts. This gets her behind with the other debts and she has to regularly contend with debt collectors and threatening eviction notices.

Diane would like to hire a lawyer, but does not have the financial capability to do so. She would like the lawyer to assist her in negotiating reasonable payments for child support, the administration fees to the Maintenance Enforcement Program, or to the bank that holds her mortgage. Diane is attempting to represent herself when dealing with the debt collectors and the lawyers who frequently contact her for payment.

To date, nothing has helped Diane and her husband; they continue to face threats of foreclosure on their property, as well as a mounting child support debt. Diane approached the legal aid office to see if she could get assistance with sorting out the legalities of her debts. She was advised that the legal aid office was in conflict due to the foreclosure from the bank that holds her mortgage. Diane attempted to search elsewhere for a lawyer to assist her with her situation. However, she indicated that she was unable to obtain a lawyer who could deal with her complex case.

Diane contacted the Office of the Ombudsman to discuss their situation. The Ombudsman provided Diane with places she could go to address her concerns. According to Diane, she wanted the Ombudsman to challenge certain bills and Acts that relate to her situation, but they were reluctant to do so. She believes there was a *"profile bias due to the Sixties Scoop story."*

Diane and her husband continue to live with little income, mounting debts and a house that badly needs renovation. They did attempt to sell the house; however, the housing market in their community is stagnant.

Diane finds it *"impossible to make it through hoops"* and believes *"there is no transparency in decision making."* She does not know what she can do to access programming that is available to the public. She said that people should *"not have to be poor to access help."* Diane said that COVID has complicated the process further, making it even harder to access the services she needs.

## Personal Impacts

Diane said while this situation has affected her detrimentally, she *“has not wavered spiritually”* and she knows who she is. She said this whole situation is debilitating. While she recognizes she is facing these difficulties, it is not just her – *“there are others in similar situations.”* Diane also believes she feels strong enough to work for change. According to Diane, a complicating factor is that she returned to a community where she is viewed as an outsider. She sometimes has *“survivor’s remorse,”* as she was given access to a good education through her adoption and living away from her birth parents’ community. She said that she feels community members are working against her as they have not fully accepted her back into the community.

### 4) Medical Related Issues

#### a) Peter

##### The Issue

Peter, who is in his 50s, identifies as both Métis and status Indian.<sup>6</sup> Peter is dealing with some issues he believes are related to the discrimination of Indigenous people. Although Peter has the ability to address his concerns, he stated that he often vacillates between fighting for his rights and submitting to the colonial system. He spoke at length about how *“colonization has impacted his life at almost every turn.”* He believes people who move to his community from *“down South”* need to be educated in understanding Indigenous history and land claims. He said that all government employees (including the Royal Canadian Mounted Police [RCMP] and judicial system) should have sensitivity training prior to gaining employment in the NWT. According to Peter, *“Indigenous people have trauma and, if outsiders are not aware of the history or trauma, they can write a person off.”* Outsiders who do not understand Indigenous people’s history often revert to calling the police, or a security guard when Indigenous people are trying to access services. He said, *“they see life through a colonial perspective.”*

Peter is dealing with concerns regarding recurring medical treatment. This issue requires him to deal with the medical profession in his community, as well as travel to other medical facilities outside the community. To date, he has interacted with three doctors. According to him, the first two did not listen to him and did not want *“to give me the time of day.”* The third doctor did listen and *“gave me good advice”* which helped him with his situation.

Peter recently had to travel to a medical referral outside his community. When he arrived at the hospital for treatment, he was told he would have to pay for the treatment because, unbeknownst to him, his health care card had expired. Peter stated that his health care card number has never changed and he

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<sup>6</sup> As noted earlier, the interviewer indicated that there are a number of individuals *“in the NWT who grew up as Métis and recently received Indian Status. While they qualify as Indians under the Indian Act, they still maintain Métis identity for a variety of reasons.”*

had not checked the card for an expiration date. He did not receive a renewal notice as he does not have a computer and he stated that NWT residents receive their renewal notice by email.

After he received his medical treatment, he was ushered to the finance department and issued an invoice for services rendered. Peter is on a fixed income and has little money for luxuries or the extra bills that occur. Peter was unable to provide the payment and has since been “*harassed*” by the finance department to pay to outstanding debt.

Peter is now receiving calls from a collection agency as he attempts to straighten out his health care card. He feels this treatment is a reaction to a belief that he “*gets everything for free,*” because he is an Indigenous person. Peter has lived in the NWT all of his life and has not changed his address, so he cannot understand why the health centre would view him other than a NWT resident.

### **Was the Issue Resolved?**

Peter continues to get calls from collection agencies and is still struggling with renewing his health care card. The collection agency is threatening to take his tax refund to cover the cost of the invoice along with the collection agency fees. Since Peter lives on a fixed income, extra bills put him in a difficult position. He lives alone and does not have any means of accessing other financial support.

Peter often relies on several relatives to escort him to the health centre. He noted that if he brings his Indigenous relative with him, he encounters the same obstacles he does when requesting services. However, when he brings his non-Indigenous relative with him, the response is more favourable and he is successful in getting the help he needs. Peter now asks the relative who is more effective, to help him in the different situations he has to address. Peter said he now knows when he needs an Indigenous escort or a non-Indigenous escort.

### **Personal Impacts**

Peter believes “*the Canadian way is to pay your own way*” and that people “*see me as scamming the systems.*” The way he is treated makes him “*feel less than other people.*” Peter is a poor person and does not need the added expenses or the added burden of dealing with stress. He does not have the energy to deal with discrimination every time he tries to access services. As he noted, “*[it is] taxing on us to stay strong*” and “*being humble and mentally tough is eroded by the system.*” Peter “*felt dirty and unworthy*” when dealing with these different systems. He believes “*I am equal to them*” and should be treated as such.

Peter feels that he needs to “*work out generational respect for authority without questioning it.*” He learned from his grandparents that “*the doctor is boss, the cop is boss, the priest is boss, the nurse is boss, the administration is boss.*” Learning this from the generations before him who had to deal with the impact of colonization and the removal of self-empowerment means that, at times, he can be assertive and, at times he just “*kind of agrees*” with these people. He said with the inherited trauma, he

can be naïve and think that people have his best interest at heart. He also said that, at times, *“instead of being angry [I want to] insist my dignity be recognized.”*

## 5) Neighbour-Related Issue

### a) Frankie

#### The Issue

Frankie is a Métis woman in her late 50s with adult children and a grandchild still living at home. She has been living in her home for many years. She has other adult children who do not reside there, but do visit on occasion, as do other friends and family.

Frankie lives next door to a residence that has a large number of dogs on the property – both inside and outside the house. At one point, the neighbour had sled dogs that were tied and used for dog mushing. However, more recently, stray dogs have been taken in by the neighbour and left to wander loose throughout the day. Safety is a concern to Frankie and her family as the loose dogs approach her in a menacing way. Over the past two years, this behaviour increased and due to this elevated behaviour, she attempted to have this issue addressed. It was finally resolved, so she can now sit outside her house, or go for a walk, without the fear of being attacked.

#### Was the Issue Resolved?

Frankie contacted the local RCMP, the town by-law officer, as well as the mayor and town council about this issue. She said that the RCMP indicated that, unless a crime is committed, they could not address her concern about the dogs. The RCMP suggested she work through the town hall to have her concerns addressed. Frankie indicated that the town advised her about a process that must occur in order to apprehend the nuisance dogs, as well as address the number of dogs on a property. The current town by-law allows for no more than two dogs on a property. Her neighbour’s property had many more than two dogs.

Frankie stated that, regardless of what avenue she took to have the situation resolved, nothing changed. She eventually decided to post her concerns on Facebook to warn others about the dogs. Several other town people joined in the conversations with their stories, but to no avail. Some individuals posted videos of the dogs aggressively approaching them as they walked by that property. Frankie contacted a Northern newsmaker, but was told that stories already had been published about this situation. She continued to post on the community Facebook page to warn walkers in the area. Frankie is also concerned about retribution if she approached her neighbours. She learned to watch for loose dogs and avoided walking in the neighbourhood. Frankie also put up a privacy fence, so that she could sit outside without the fear of being attacked.

After several others wrote replies to her Facebook post, Frankie was told the by-law officer that the town set in motion a plan to remove the dogs. She was advised that many of the dogs were recently removed from the property.

## Personal Impacts

Frankie indicated that this situation is not traumatizing. However, she was disturbed to see these dogs chasing children. She was also frustrated with living in an area where dog control is such an issue. She said she felt that all she could do was put up a barrier to protect her family and learn to live with keeping watch for the dogs.

## 6) Summary

There are many similarities in the stories being told. These individuals spoke of their experiences dealing with discrimination and the way it has affected their lives. These were serious legal issues for these individuals who, in many instances, felt invisible and disrespected. There was a belief these feelings are a result of a colonial approach that still exists and disrespects Indigenous people.

*I am hoping the Justice Department sees that Indigenous people still have a lot of trauma and healing to do from the impact of colonization. I found, through my career, and personal experience, that many Indigenous peoples have a passive/ aggressive method of dealing with trauma and the conflict they encounter. ... I think that comes across in many of the interviews. It is also important to note that although some are also very willing to tell their story, others do not want to tell anyone - due to lifelong trust issues with the helping profession. ... The element of outsider plays a big role, I think more so for people in the NWT, where communities are smaller, and there are obvious distinctions between Indigenous and non-Indigenous. Outsiders have more work to do to become accepted community members ... Many Indigenous still don't trust the motives of newcomers to communities.*

*- Interviewer Insight*

These stories show us how, many times, Indigenous individuals are faced with a difficult dichotomous decision; to play the game or not! The voices we have heard talk about the frustration and their decisions to become assertive or to remain passive. Decisions made by others have deeply affected their lives and those of their loved ones. Decisions that seem to lack clarity and transparency result in distrust. Decisions made by individuals and organizations often do not take into account the realities of the community and their impact on the individuals. This appears to be the ongoing legacy of colonialism that continues to haunt our daily lives as Canadians.

## C. Service Providers

As mentioned earlier, five service providers were interviewed. The interviewees included; an individual working in restorative justice, two individuals in different communities who work in victim services, a

front line worker providing supports to individuals having complex needs and an individual working with victims of crime. Pseudonyms have been used for the service providers interviewed.

## 1) Legal Issues

As one would expect, given the different positions of the service providers interviewed, they deal with a wide range of issues, though many relate to criminal matters. The issues include;

- Mischief charges
- Assault
- Driving Under the Influence (DUI)
- Sexual assault
- Assault with a weapon
- Impact of Residential Schools' abuse
- Break and enter
- Confinement
- Family law issues
- Addictions
- Mental Health
- Domestic Violence
- Rental Court Hearings

## 2) Referral Sources

As one might expect, there are a number of different referral sources, given the diverse nature of the service providers' work and the communities in which they work. While some individuals self-refer to access the supports they need from the service providers, others are referred by a variety of organizations and individuals. For example, some of the justice-related referral sources include youth justice court, adult court, territorial and/or federal Crown prosecutors' offices and legal aid as well as the RCMP. Examples of community-based referral sources include community counselling, first responders, schools, Territorial government departments, and hospitals and health centres. Furthermore, family and friends also refer family members and friends/acquaintances whom they believe are in the need of support.

## 3) Services and Supports

### a) Restorative Justice

**Helen**

**Issues**



While Helen sees a range of problems, the most frequent ones include;

- mischief charges, - an argument happens and someone wants to settle a score and breaks a fence or kicks in a door
- property damage
- assault charges
- DUIs.

She does not work with crimes against children or crimes that are sexual in nature; those stay in the court. She receives referrals from the Crown Attorney and the RCMP.

Helen explained that individuals committing their first offence are referred to the restorative justice program. The charges will be pending, but if the individual successfully completes the program, the Crown Prosecutor will withdraw the charge. Helen explained that the intent of the program is to help *“keep people out of the system, not to criminalize people who just make mistakes.”* The program provides individuals with the opportunity to learn a skill as opposed to being punished.

Helen works closely with the RCMP who are *“very receptive to restorative justice practices”*. For example, if a person slashes someone’s tires and the RCMP are confident that they know who it is and that it is a first-time offence, the RCMP will refer the individual to the restorative justice program. Then the RCMP have six months to press charges. Helen works with the offender and the victim, who has the right to participate. Possibly, the victim just wants the tires replaced and paid for, as well as an apology. Helen explained that *“the idea with restorative practices is that you are not judged. There is a space to get a person sorted out.”* When Helen hosts a circle, both victim and offender attend and they can bring support people or send an advocate to the circle. Sometimes Helen invites Elders. For example, when a school window is broken, a representative from the school would be a victim, but others who are affected would be invited to the circle. Helen tries to come to a resolution of understanding and repair the harm. When successful, Helen submits her report and the offender does not have to go to court.

In a different scenario, if the individual is caught and charged, then Helen has to go to court. Again, if it is a first-time offence, the Crown Prosecutor can suggest the person is diverted to an alternative process. The charge is there, but when Helen submits her report, the Crown Prosecutor can withdraw the charge. It was suggested that this approach *“keeps people out of the court system and steered on the right path.”*

If the person committing the offence appears at court, and is on the docket, then Helen meets the lawyer and/or a representative from legal aid. The individual is now in the system and will have to wait for the next court session to set a date for a plea. If they plead guilty, time is spent figuring out whether they wish to proceed in the restorative justice program or not. The lawyers will check with Helen as to the status of the offender in the restorative justice program. If the offender is not participating in the program, the charge then stays in the court and goes to probation.

Helen made the point that *“our RCMP are really open to restorative practices and eager to be involved in community. They are a real asset!”* Helen believes she can approach RCMP any time to talk about clients and the RCMP check in on clients and their progress.

### **Barriers and Personal Impact**

Helen spoke of an instance where someone received a letter from an organization that the recipient could not understand. The person’s first language was Dene and the letter was in *“bureaucratic language.”* He brought the letter to her as he had to speak to the accusations, but he did not understand them. She went as a support person. *“The NWT has 11 official Indigenous languages and access to translation services is usually available for example in a hospital – the person can dial a 1-800 number to speak with a translator.”* In this case, the organization did not provide this service.

Helen believes that one of the barriers is the lack of confidence people have in themselves; *“some people are quick to give up. They feel they are not worthy of a better outcome.”*

### **Challenges**

Helen suggested that there is a need for more restorative practices in the NWT. Given the large Indigenous population, the impact of residential schools and inter-generational trauma, there is a need for more opportunities *“to connect with the culture and heal.”* She mentioned that there is a need for transition programs from jail back into the community. *“People go back to community and place of trauma and we expect something different ... people go back to what they know.”*

### **b) Providing Victims with Services and Supports**

There are 11 territorial victim services offices across the Territory that serve all communities. They are community-based and have Program Coordinators to cover the different areas of the Territory. As stated by Helen, the focus is to *“help victims of crime or tragedy”* and they deal with *“any type of crime under the Criminal Code.”* They work for the victim *“not the RCMP or the Crown.”*

## **Sophie**

### **Issues**

Sophie indicated that she deals with *“any type of crime under the Criminal Code, sexual assault, Residential Schools’ abuse, assault with a weapon, break and enter, confinement, family issues and concerns.”* Sophie explained that the majority of clients are women who are victims of spousal abuse, domestic assault, confinement, and secondary victims, such as family members who are dealing with trauma such as suicide or a parent of a child who has been assaulted. Confinement is normally not a

crime where you see male victims. *"If [a person] stands in a doorway and stops you from leaving that's confinement, that's usually with a larger, stronger person, so typically you don't see a woman offender."*

Sophie travels to a number of communities and described a scenario that sometimes occurs. The RCMP are called to a residence because of an abusive partner. This results in the offending individual not being permitted to come in contact with the victim. However, this sometimes puts the victim in a precarious position as the offender may be the main income earner or support for children. When this occurs Sophie tries to *"work out with the courts – not really work around the order – but how to be helpful to the victim."*

Sophie is continually thinking about the safety of her female clients to help prevent further violence. *"We must be aware that this is a vulnerable time [for them]."* Sophie stated this is especially true if the client wants to go back to the offender as some women have been killed in the past. One of the resources they utilize is the Ontario Domestic Assault Risk Assessment tool. The perpetrator's score indicates a potential risk of reoffending. If the individual has a high score, *"we highly recommend the person stay in a shelter."* If possible, they try to ensure the victim gets *"extra protection around the doors and windows, have family stay with them, ensure they have a safety phone, and look at possible ways as to how we might help them get out of the community."*

When victims are involved with the formal criminal justice system, Sophie provides them with support as they don't usually have a lawyer. As noted by Sophie, the Crown Prosecutor is not a lawyer for the victim; their job is to prosecute, based on the *Criminal Code*. The Crown Prosecutor may not support the victim's preferences or what is healthiest for the victim, to the point where victims have been jailed or threatened with jail for not testifying. *"Even if the victim doesn't want to cooperate, our job is to work with them and protect them in the best way we can."*

Individuals not dealing with the formal criminal justice system address their situations informally by dealing with family or friends. According to Sophie, the events that are likely to be dealt with informally might include; trauma, sudden death, and suicide. Sophie made the point that, if someone is coming to victim services, they are dealing with their issue. Sophie suggested that *"someone not going through the court process does not mean they are not dealing with the issue. It may be a misconception of what people do before they get to the court process. They may not go to the RCMP or victim services or legal aid, that doesn't mean they aren't dealing with keeping themselves safe."*

### **Barriers and Personal Impact**

Sophie believes some individuals *"have difficulty in reaching out for outside support because of experience with discrimination."* She suggested that sometimes it is difficult to take the first step and *"when the first step is not respected, [they] may give up."* Sophie noted that the integrated response system among organizations is much more helpful in getting services. *"You have to make sure when they leave, they don't leave without a plan. So, the person just isn't shuffled onto the street."*

## Challenges

Housing is a challenge. Sophie provided an example of an individual who is living in public housing with an abusive partner. The RCMP will remove the abusive partner; however, the remaining individual still has to pay the same rent, although the partner no longer lives there. This will not change unless the abusive partner takes himself off the lease. The partner still living in the rental can file for divorce or sign a document saying she is no longer in a common law relationship. However, if she has medical and health benefits from the relationship, she is not likely to sign the document. Another challenge with housing is if the abusive partner decides to come back, housing will not allow them to “*change the locks or do anything that would help to keep the door from being kicked in.*”

Sophie suggested that another challenge is that:

*there is stigma around the word ‘victim’. People will say ‘I am not a victim.’ Victim means something happened without your consent which was a crime, it’s not that you aren’t dealing with this in a strong way. You didn’t want this to happen and it harmed you, but there’s a stigma behind the word ‘victim.’ Sometimes with people, depending on the size of the community, they are related to the Victim Services worker or they are afraid of retribution.*

## Lucy

### Issues

Lucy works directly with victims of domestic violence and sexual assault. She explained that her work is to help victims better understand the justice system. While the RCMP will help, the information on where the victim is living is not always current. As a result, one of the biggest hurdles is finding people who may have left the community. “*Some people are reluctant to answer the phone or we don’t have the number. ... When calling Band Offices, [you have to be careful because] it can be too personal. [We] sometimes look in day shelters and women’s shelters.*” When the victim is found, they are contacted and brought up to date on their case. Lucy explains what the plea is and whether they have to go to court to testify. She works with victims to help to prepare them for court.

If the victim does go forward and goes to court, Lucy continues to provide the victim with information and support until the trial is closed. According to Lucy, her role is “*about working with the victims of crime and trying to give them the information, so they can make the best decision in their interests.*”

### Barriers and Personal Impact

According to Lucy, for a variety of reasons, some victims do not want their case to go forward. In small communities, the victims want to maintain their relationships in the community. Victims of “*domestic violence are reluctant to go through the system ... sometimes [at the] last minute and they are fearful. Especially women don’t want to testify. The outcome is difficult.*”

Lucy suggested that sometimes you know a person's history and what they struggle with. She provided an example of a young woman who is *"fighting to get kids back, fighting to get sober."* This individual had made *"great efforts to change, but it's a huge battle and she had to leave a community to get help. She was homeless in her community and all the other tragedy that goes with it."*

## **Challenges**

For Lucy, it is challenging when victims do not understand that she is not their lawyer. *"[I am] just a support who shares information for them to base decisions on."* She works with women who do not want to testify and explains the *"pros and cons of dropping cases."* While she explains the law to victims, she believes it would be best if the victims had their own advocate; a victim's advocate similar to a children's advocate. *"We are trying to be honest, but sometimes it would be nice if someone else could talk to them and prepare them differently for court."*

Lucy believes it would be helpful if victim service providers could spend more time in the communities to support the people. She also believes that an expansion of restorative justice programs/services is important as *"maybe we can stop people from going to jail."*

## **Sharon**

### **Issues**

Sharon provides support to persons with complex needs. She tries to help them navigate the justice system as they often have challenges, such as mental health, addictions, and cognitive challenges that makes it difficult for them to access services. As stated by Sharon, her focus is on working with individuals to help them *"resolve issues they couldn't resolve on their own through the provision of support and connections."*

Sharon provided an example of working with a young woman who has severe mental health and addictions challenges. This individual has been involved in the justice system, usually as a victim. However, she has been charged with assault. She has been in and out of the psychiatric unit and has memory problems. Sharon communicates with her lawyer, reminds her about court dates, and drives her to court.

In another instance, Sharon is providing support to a person who is deaf and mute. This person can only communicate through writing or signing. She has been a victim *"her partner almost killed her,"* but then she assaulted him and has been charged. However, according to Sharon, there is no one in the justice system who signs, which makes communication extremely hard, resulting in Sharon working as the middle person between the former victim, now the accused, and the justice system.

Sharon also mentioned another scenario in which she has provided support to an Indigenous victim who would be testifying in a historic sexual assault case. Sharon met with the victim a number of times

prior to court. Sharon also got the victim a translator and accompanied her to court. Given the original charges were withdrawn, the lawyer wanted to be sure that the victim would not withdraw charges again. Sharon believes that *“because of having a support person there, she [the victim] was able to go through with it. If we weren’t around, I’m not sure [she would have].”*

## **Barriers and Personal Impact**

Sharon mentioned the people she works with have *“a lot of distrust.”* At Rental Court Hearings,<sup>7</sup> Sharon sits beside them and helps them. She is asked to attend *“not because they didn’t know what they were doing, but because they didn’t think they would be believed.”* She has been told that *“they don’t speak to me like that when you’re not there.”* They believe that, without her there, *“the process is more threatening, punitive, and they are not being taken at their word.”* Sharon noted that *“having someone there changes how the conversation goes.”*

## **Challenges**

According to Sharon, it would be helpful if there were *“somebody to explain what everything means. What it means if you do this or if you don’t show up. For example, if they miss it again, there is a warrant or a breach.”* She goes on to suggest that it would address a challenge if there were a support person in Housing *“who can help you through the Rental Court Hearing”* and who can explain the repercussions and what the individual’s rights are.

Another challenge is dealing with domestic violence/intimate partner violence. She said that, if you are an intimate partner, there are measures in place; *“you can get an emergency protection order,”* but if you are not an intimate partner there is nothing that can be done immediately. For example, a person with mental health and addictions issues lives with his mother. He becomes involved with a woman who also has addictions issues. This is affecting his mother and her residence, but Sharon cannot do anything immediately, like getting an emergency protection order, because the woman is not an *“intimate partner.”*

Sometimes timelines present a challenge. *“Sometimes we do not know that the person is involved until we see the name on the court docket.”* People who know Sharon do not have a problem contacting her and talking to her. However, others sometimes are too embarrassed, do not tell her initially, and then panic.

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<sup>7</sup> Where the parties are unable to resolve a dispute themselves, they may make an application to bring the matter to a hearing and have the dispute resolved by a Rental Officer. The majority of disputes require that an application be made for the Rental Officer to provide dispute resolution service. (Source: Annual Report on the Activities of the Rental Officer April 1, 2020, to March 31, 2021).

## **Melva**

### **Issues**

Melva deals with a range of issues including housing, child protection, abuse or violence in the home, elder abuse and mental health issues. Melva also accompanies individuals if they need escorts when accessing services. Housing is a large issue in NWT regardless of whether it is the large homeless population in Yellowknife or *“a lot of people living in one house in small communities.”* Melva stated that addictions and mental health challenges are also issues with which she frequently has to deal.

Sometimes Melva will get a call from community resources about an individual. She will get the individual's consent and connect them with community supports such as Adult Services, Community Mental Health, Victim Services, Probation, or the Integrated Case Management Program (ICM). Melva emphasized that she does not refer without the individual's consent.

### **Barriers and Personal Impact**

Melva stated that it is sometimes a challenge to *“set them up with community resources which are lacking in the North.”* Again, one barrier she mentioned when dealing with addictions is the lack of community resources. There is the Arctic Indigenous Wellness Program, which she described as *“fantastic.”* She also noted there was another on-the-land treatment program that started recently and has been important. However, with the limited number of community supports, individuals with addiction challenges are sent to either Edmonton or BC for treatment. Melva made the point that people *“don't want to be sent out for treatment. When they hear they have to be sent out, they don't want to go to treatment. It is difficult to be away from your family.”*

Another barrier to individuals accessing services stems from their previous experiences in their home community; *“[they] didn't have a good experience or the person offering that service in the community is a family member or a friend.”* Given the size of some communities, there may be only one support person in the community and that person may not be Indigenous so the individual does not feel comfortable with that person. *“Just the environment of sitting in a room and the person is behind a desk, and four walls, that's not what they want. [They] want on the land treatment. That's the feedback I get. The service may be there, but [it is] not meeting their needs.”* Melva also explained that the Government of the NWT has undertaken a lot of work to provide access to services through *“on-line and apps people can use that the government has funded. But then you have to have a phone or internet, so that puts some limits on who can access.”*

Melva believes that having to deal with legal issues has been *“really hard on them.”* She mentioned that individuals *“have trouble navigating the system or accessing supports ... they have a hard time understanding the whole legal system.”* According to Melva *“a lot of people just give up because they are frustrated with the whole process.”* She believes they have limited knowledge of the legal process. A further complicating factor is that the language spoken, whether it be legal or medical, it is not

understood by the individual. As she noted, we need to speak *“in words that the everyday person can understand.”*

## Challenges

Melva believes there needs to be *“more access to legal aid for people who don’t have funds to access a lawyer.”* Furthermore, individuals need *“more supports to [help individuals] navigate the system,”* as well as additional case workers and parole officers. When thinking of the homeless population, she questioned, *“how do they get to court, how do they remember the day and time, was anyone able to get hold of them?”*

One of the challenges Melva identified was the sharing of information when working across jurisdictions. She noted that, *“if the individual has a parole officer or a lawyer, we have to have consent to talk to each other. I understand the reasoning, but sometimes this can be a big barrier. The whole purpose of communicating is to help that individual. If the individual is on board, why do we have all these barriers to communicate?”* She believes that people are still working in silos and not working together for the benefit of the individual.

## D. Summary

The service/support providers deal with individuals having a range of serious legal issues, many of which involve criminal matters. However, not surprisingly, many of the stories they told reflect what was heard from the Métis individuals interviewed. Again, service providers speak of individuals being confused and/or not understanding the justice system. The impact of colonization, residential schools and life experiences, including discrimination, have left many Indigenous people with a lack of confidence in themselves and mistrust in the justice system. In small communities, sometimes victims of domestic violence are hesitant to go forward with charges and risk community sanctions. There is a need for a victims’ advocate who works with victims to ensure they have a better understanding of the justice system and the process in which they are involved. The expansion of restorative justice is seen as a less punitive way of dealing with individuals who have committed a crime.

## Section 4: Conclusions and Implications

### 1) Summary

#### **What types of problems have the participants experienced in the last three years?**

The Métis individuals interviewed experienced a range of issues related to employment, housing, challenges with neighbors, the provision of health care and dealing with the burden of debt. One theme that runs through all of the interviews is the discriminatory practices with which they have had to deal. This reality is something they face as part of everyday life.



While the service providers identified issues, including criminal matters ranging from mischief to sexual assault, the examples they provided echoed the same underlying themes of systemic discrimination and disrespect.

### **How have the participants tried to resolve their problems? What have been the outcomes of these efforts?**

Individuals approached Territorial organizations for resolution and, while some of their challenges were resolved most were not. Those that were resolved resulted from personal determination and, in some cases, outside support. For those not resolved, individuals continued to struggle for resolution while others have given up.

The service providers noted how people's confidence was often eroded to a point where they would become unable to be their own advocates. They also explained the importance of the NWT context, including the small size of communities that frequently lacked resources and supports for those facing legal issues.

### **Have the participants resolved their problems through recourse to the formal legal system? If not, why not?**

While not resolved through the legal system, resolution did occur as a result of ongoing contact and dogged determination. While there were instances of challenges that could be resolved through the formal legal system, the lack of financial resources and mistrust of the system itself, made it difficult to pursue formal legal action.

Service providers mentioned how individuals are confused and/or do not understand the justice system. The impact of colonization, residential schools and life experiences, including discrimination, have left many Indigenous people with a lack of confidence in themselves and mistrust in the justice system. Furthermore, the small size of some many of the communities results in individuals not pursuing resolution to avoid community sanctions.

### **What has been the impact of these problems on the participants – for example, financially, mentally and physically?**

These were serious legal issues for these Métis individuals who, in many instances, felt invisible and disrespected. The impact of each situation on the individuals and families was multi-faceted and severe, including negative impacts on their health and well-being, as well as their financial situation. According to service providers, people's confidence was often eroded to a point where they would become unable to be their own advocates.

## 2) Conclusions and Implications

The range of legal issues in the NWT encompasses the issues that others in Canada face. However, the Territorial context creates its own tensions and often heightens the impact resulting from the legal issues faced by individuals.

The Métis individuals interviewed identified employment-related issues, the burden of debt, challenges with neighbours, as well as with the housing and the medical system. While, on the surface, these may not appear to be the most serious of legal issues, the impact of each situation on the individuals and families was multi-faceted and severe, including negative impacts on their health and well-being, as well as their financial situation.

While the issues presented were disparate, strong themes ran across all the stories. The individuals felt the impact of systemic discrimination on their lives. As a result, they felt invisible, disrespected, and powerless. They often confronted the choice of remaining passive or becoming aggressive in the face of discrimination and racism. A deep distrust of systems and of the people holding power over them was fostered or reinforced.

While the service providers identified issues ranging from mischief to sexual assault, the examples they provided echoed the same underlying themes of discrimination and disrespect. As a result, they noted that people's confidence was often eroded to a point where they would become unable to be their own advocates. They also explained the importance of the NWT context, including the small size of communities that frequently lacked resources and supports for those facing legal issues.

Justice is intended to be the servant of equity and fairness. The stories told by Métis people in the NWT speaks to system failure, particularly regarding Indigenous peoples. The legacy of colonialism is pervasive and manifests itself in systemic racism and discrimination at many levels.

Undoing the legacy of colonialism requires foundational change in systems - a multi-faceted and deeply challenging endeavour. However, supporting individuals who face the consequences of colonial systems and structures should be a priority for governments. Funding should be provided for resources, such as advocates for Indigenous people facing legal issues and language services for those attempting to navigate the system. Support for restorative justice and concerted efforts to enhance collaboration and information across systems are other promising avenues for improving the justice system. In addition, the uniqueness of the North needs to be recognized with more opportunities for the voices of Indigenous Northerners to be heard.

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