Meeting Survivors' Needs:

Gender-Based Violence against Inuit Women and the Criminal Justice System Response

Environmental Scan

ᐊᐅᖅᑐᑎᒋᑦ
ᐃᓄᐃᑦ ᐊᖏᓂᐃᑦ ᑲᓇᑕᒥ
PAUKTUUTIT
INUIT WOMEN OF CANADA

Meeting Survivors' Needs: Gender-Based Violence against Inuit Women and the Criminal Justice Response

Environmental Scan

Pauktuutit Inuit Women of Canada

and

Dr. Elizabeth Comack

Department of Sociology and Criminology

University of Manitoba

December, 2021

ISBN 978-1-988671-36-9

The Criminal Justice System in Nunavut, Inuvialuit, and Nunavik

Inuit never relinquished sovereignty over their homelands[1] and Inuit culture "remains strong and permeates all activities of northern life."[2] As colonialism advanced in the North, especially with oil, gas, and mineral companies moving into Inuit Nunangat to develop mega projects aimed at extracting the natural resources, Inuit organized to assert their right to influence decision making and negotiations surrounding these projects. Several land claim agreements were settled as a result: the James Bay and Northern Québec Agreement (1975); the Inuvialuit Final Agreement (1984); the Nunavut Final Agreement (1993); and the Labrador Inuit Final Agreement (2005). These agreements reinforced the rights of Inuit to land stewardship and self-determination.

Nevertheless, colonialism continues to generate considerable upheaval in the lives of Inuit, reflected in part in the high rates of crime and violence experienced in the regions. Inuit Nunangat has an overall crime rate that is six times higher and a violent crime rate that is nine times higher than the rest of Canada.[3] According to police-reported data, women in Inuit Nunangat are 11 times more likely to be victims of violent crime compared with other Canadian women.[4] The Canadian criminal justice system has been tasked with responding to these high rates of crime and violence.

The history of the criminal justice system in Inuit Nunangat is a colonial one. Both the police (RCMP) and the courts played a key role in ushering colonialism into the North. In the process, the colonial justice system was imposed on Inuit and "clashed violently" with traditional Inuit customs and means of conflict resolution.[5] But what form does the administration of criminal justice in Inuit Nunangat take in contemporary times? To what extent is the delivery of justice attentive to the unique needs and circumstances of Inuit, especially Inuit women who experience gender-based violence?

The three regions of Inuit Nunangat considered here—Nunavut, Inuvialuit, and Nunavik—share similarities in terms of how the criminal justice system operates. For instance, all three regions are governed by the Canadian *Criminal Code* and police, lawyers, and judges are actively involved in administering its provisions. As well, there is a similarity in the concerns and challenges encountered, especially given the language and cultural differences that prevail and the remoteness of so many Inuit communities. Nevertheless, how criminal justice is activated in each region is specific, featuring a complex interplay of criminal justice actors and agencies geared toward responding to crime and violence.

Criminal Justice in Nunavut

Covering an area of over 2 million kilometres, Nunavut is geographically the largest territory in Canada, representing 20% of the country's land mass. Comprised of a population of just over 38,000 people, it is also the most sparsely populated area in the country. Nunavummiut (residents of Nunavut) are located in 25 communities, none of which are accessible by road; with the exception of some summer access by ship, air travel is the only way to reach them. The largest community is Iqaluit, the territory's capital, with a population of 7,000. The vast majority (85%) of Nunavummiut identify as Inuit; Inuktitut is the first language for 70% of the residents.[6]

Nunavut came into being as a distinct, legally constituted jurisdiction in 1999. In addition to addressing "the imposition of Canadian sovereignty over Inuit people, waters, and land,"[7] a primary motivator in the creation of Nunavut was "to provide better justice outcomes for Inuit by approaching crime and addressing its root causes in a manner consistent with Inuit world views."[8] While policing is carried out by the RCMP, the Nunavut Department of Justice oversees the administration of justice in the territory. The Department's Divisions include the Court Services Division, the Community Justice Division, and the Corrections Division.[9]

Policing

Nationally, the RCMP promotes a commitment to upholding justice and the safety and security of all citizens by adhering to their core values of honesty, professionalism, compassion, respect, and accountability.[10] In particular, contributing to safer and healthier Indigenous communities is one of the RCMP's five strategic priorities.[11] This priority is actualized in a number of ways, including: promoting and encouraging the recruitment of Indigenous people as employees and police officers; working collaboratively with Indigenous communities; developing culturally competent police services; and promoting alternative, community justice initiatives for Indigenous people. The implementation of this strategic priority is overseen by the RCMP-Indigenous Relations Services and involves a number of programs and initiatives, including cultural competency training of RCMP officers.[12]

In Nunavut, the RCMP's V Division has 25 detachments that employ 131 regular members, three of whom are Inuit.[13] In keeping with RCMP policy, most officer postings in the territory are for a period of two to four years.[14] To address the force's commitment to developing culturally competent police services, V Division runs "Inuit Perceptions," a one-day cultural awareness seminar designed to orient officers to Inuit culture, customs, and beliefs.[15]

Despite the RCMP's commitment and initiatives to address safety and security in Indigenous communities, concerns have been raised with respect to policing in Nunavut, particularly in relation to the police response to gender-based violence.

One concern pertains to the cultural divide that exists between *qallunaat* officers and the communities they are mandated to serve. Addressing the provision of seminars such as "Inuit Perceptions," the National Inquiry on Missing and Murdered Indigenous Women and Girls noted that the matter of cultural competency of police officers is not simply "the completion of a course that one takes and then forgets, but, rather, the requirement for the development of a deeper understanding and knowledge of Indigenous history and contemporary challenges that is always evolving."[16] But the concerns that have been raised are even more extensive than just a matter of the cultural competency of police officers.

In February, 2017 the *Globe & Mail* began a series of reports on the issue of unfounded sexual assaults—those cases where women report to the police, but no charges are laid because the police do not believe a crime has occurred. In addition to publishing many of the women's stories, the *Globe* reported on data it had collected from police services across the country, including the RCMP. These data showed that police in Canada dismiss one out of every five sexual assault reports as unfounded, and that sexual assaults are nearly twice as likely as physical assaults to be

designated as unfounded. While larger cities in southern Canada tended to have lower than average unfounded rates, communities in the North were above the average. In Iqaluit, RCMP deemed 37% of sexual assault cases reported to them as unfounded (Yellowknife, NWT was also high, with an unfounded rate of 36%).[17]

The RCMP responded to the *Globe* series by undertaking a review of all sexual assault files from 2016 classified as unfounded and determined that "the results made it clear that changes are necessary."[18] Of 2,225 files, 1,260 (57%) were deemed to be misclassified and 284 (13%) were identified for further investigation. A sample review of 93 sexual assault cases from 2015 also found, "investigators consistently misinterpreted the unfounded category."[19] As well, the review team found issues with some investigations, including: "insufficient documentation of how a case was pursued or why it was classified as unfounded; inconsistent oversight to ensure investigations were conducted, documented and classified properly; and little knowledge of consent law by investigators."[20] The review indicated that stereotypes police held about how victims of sexual violence should act were reflected in the files: "some members equated inconsistencies in victims' statements with dishonesty, and demonstrated a general lack of awareness regarding how trauma might affect a victim's ability to recount events, or how instinctual and unconscious coping strategies may change or mask emotions."[21]

Several actions were proposed in light of these findings, including implementing a sexual assault training curriculum for officers that addresses the legal element of consent, focuses on trauma-informed investigative tools and approaches to gender-based violence, highlights common myths and stereotypes, reinforces victim rights and support services, and bolsters supervisory oversight and review.[22]

In addition to these concerns about the RCMP's response to sexual assault cases, other concerns have been raised that are more specific to policing in Nunavut. In an 18-page letter to the Civilian Review and Complaints Commission for the RCMP sent in June 2019, the Legal Services Board of Nunavut (LSBN) raised "significant concerns about systemic issues regarding the RCMP policing of communities in Nunavut."[23] In addition to the lack of officer training to ensure their cultural competency, the letter called attention to the quality of the service provided, the conduct of RCMP officers, repeated instances of unnecessary violence, and the lack of oversight in relation to maintaining RCMP conduct requirements and service standards.

The LSBN letter detailed numerous incidents, including ones that reflected a "particular pattern of poor service when it comes to women in domestic and sexual assault matters."[24] Several incidents were cited of Inuit women who called on police to respond to violence from their intimate partners, but to no avail. In one case, a woman was told to stop calling the RCMP. She was subsequently sexually assaulted by her partner.

The letter goes on to assert that RCMP officers in Nunavut "have not received adequate training in dealing with Inuit, particularly Inuit women, who have been victims of sexual assault"[25] and that "the force lacks sufficient policies or oversight, to prevent the ongoing re-victimization and re-traumatization of sexual assault survivors by the officers whose job it is to serve and protect our communities and residents."[26]

RCMP officers were also alleged to have engaged in "unnecessary and often gratuitous" violence against Inuit,[27] which "perpetuates an 'us vs. them' mentality both among Nunavummiut and police officers. Attitudes of hostility toward community members appear to be inherited by newer members of a detachment from the more senior members. Positive interactions and relationship building between the RCMP and the communities they serve is infrequent." The Legal Services Board maintained that, "The police cannot to their jobs properly in the face of such distrust and fear. And the communities suffer from having reduced access to police services."[28]

Moreover, the Legal Services Board noted that the law "places very strict limits on the power of police to enter a person's residence and arrest an individual when they are in their private dwelling,"[29] yet RCMP officers frequently breach Nunavummiuts' rights under the *Charter*. There is also a pattern of RCMP officers "demonstrating an indifference to following their policies in respect of ensuring the health and well-being of Inuit detainees."[30] The letter cited several examples of Inuit held in custody who did not receive required medical assistance, despite an RCMP policy "that immediate medical assistance must be sought when a person exhibits any signs of illness or injury."[31]

The letter pointed out that the vast majority of RCMP officers in Nunavut are "white southerners who do not speak Inuktitut and do not have a knowledge of – or history of living in – Inuit or indigenous or northern and remote communities."[32] This lack of cultural awareness and understanding has prompted "racist comments, attitudes and actions" on the part of police.[33]

In a follow-up letter sent in January, 2020, the Legal Services Board highlighted its ongoing concerns with regard to the RCMP's treatment of people in their custody, particularly Inuit women.[34] The letter cited two cases involving Inuit women. One woman was forcibly strip-searched by three male officers and then left naked on the cell floor. The other woman was told that police policy required her to wear a suicide gown while in custody. She refused to do so. After being strip-searched she was required to walk naked to her cell where she was left in that state. The letter stated, "while the practice around strip-searching especially involving women by male officers is egregious it reflects a larger more systematic disregard for the rights and dignity of the people, especially women, of Nunavut by the RCMP."[35]

In March 2020 the Civilian Review and Complaints Commission for the RCMP responded to the Legal Services Board by indicating that a review of the RCMP's Policies and Procedures regarding Strip Searches was underway, and that the Commission was committed to conducting a systemic review of RCMP policing activities in Nunavut.[36]

Similar concerns were revealed in a study conducted by Pauktuutit Inuit Women of Canada that included interviews with 11 Inuit women and nine service providers in Nunavut.[37] Respondents expressed concerns about the slow response time of RCMP officers, especially in smaller communities given that all of the calls are diverted to the police dispatch in Iqaluit. Others talked about the racialized assumptions that are often made about Inuit by officers and how the colonial history of police-Inuit relations has left a legacy of tension. This tension has created fear and distrust of the RCMP, and a reluctance of women to call on them when gender-based violence occurs. According to many of the participants, gender-based violence against Inuit women has

been "normalized" by police officers—as "the way the Inuit are"—and is therefore not taken seriously.[38] The lack of integration of officers into the community (complicated by the short duration of their postings), the limited policing experience of new recruits, and officers' lack of knowledge about Inuit culture and language were also prominent themes in the participants' accounts of the police response to gender-based violence in Nunavut.

The RCMP's V Division has been active in responding to these concerns. In 2021, the Division released a statement detailing reconciliation strategies and activities designed to "establish and build mutually respectful and beneficial relations within the territory."[39] Five strategic initiatives were spelled out:

1. Recruitment: specialized efforts to attract and recruit Inuit personnel;

2. Modernizing police services through programs and support: such as training Inuktitut speakers to work as operators in the Operational Communication Center;

3. Improving trust and promoting reconciliation: including a two-week, pre-deployment training session for all non-Inuit members transferring to the region to educate them in Inuit history, culture, and language and the establishment of a Family Violence Coordinator to provide support and network building with external partners in order to enhance the RCMP's capacity to assess and conduct domestic violence investigations in Nunavut;

4. Special constables: undertaking several art initiatives to honour the contributions that special constables have played in the RCMP's history in the North; and

5. Participation at cultural events and celebrations: documenting and enhancing the involvements of the 25 RCMP detachments in community engagement activities.

The Nunavut Court of Justice

The Nunavut Court of Justice (NCJ) is the only single-level or unified court in Canada. The Court was established in 1999 in conjunction with the creation of Nunavut. As a single-level court, the normally distinct functions of the superior court and provincial or territorial court are combined into one court. Justices of the NCJ are federally appointed and the court of appeal comprises a panel of judges drawn from the Nunavut Court and the courts of appeal of other jurisdictions who meet as required.[40] While the court hears family and civil matters, most of its work involves criminal cases.[41]

The overall intentions behind the Nunavut Court of Justice were to: (a) to provide substantive and procedural rights equivalent to those enjoyed elsewhere in Canada; (b) to provide court-based justice services in a fair and inclusive manner; and (c) to provide an efficient and accessible court structure capable of responding to the unique needs of Nunavut.[42]

With regard to the latter intention, several initiatives have been made to attend to the specific circumstances of Nunavummiut, including their geographically dispersed population and their Inuit culture and language. Circuit Courts, Justices of the Peace, Crown Witness Coordinators, Community Justice Committees, and the use of Inuit court workers, elders, and interpreters reflect this intention. With specific regard to gender-based violence, *Family Abuse Intervention Act* of

2006 marked an effort to fashion an Inuit-specific response to the problem. Nevertheless, each of these initiatives has been subject to challenges and concerns with regard to the delivery of justice for Nunavummiut.

Circuit Courts

Nunavut is divided into three regions: Qikiqtaaluq (Baffin Region) where Iqaluit is located; Kitikmeo (western Nunavut); and Kivalliq (central Nunavut). The Nunavut Justice Centre, which features three courtrooms, is located in Iqaluit. A Remand Court is held monthly via videoconferencing with persons detained in the Kivalliq and Kitikmeot regions. Videoconferencing is also available in 37 other locations for the purposes of entering an election or plea and sentencing hearings of Kivalliq and Kitikmeot prisoners where it is anticipated the accused will be sentenced to additional time in custody.[43]

Outside of Iqaluit, the other 24 Nunavut communities are served by "fly-in" circuit courts, the frequency of which depends upon the volume of charges and the size of the community. The dates for Circuit Courts are finalized a year in advance; however, the schedule is adjusted to address the volume and/or severity of charges to be considered. In 2017, for instance, there were 88 weeks of scheduled non-jury sittings of regular circuits into the communities of Nunavut (excluding Iqaluit).[44] According to the Nunavut Court of Justice website,

> Court is held in community halls, school gyms, and in other conference facilities as available. All court proceedings in the communities are interpreted for the public. Elders sit with the Judge in the courtroom and are given the opportunity to speak with the accused following sentencing submissions and prior to the passing of sentence.[45]

Evidence of cultural sensitivity by the Court is reflected in the provision of interpretation services, the large number of bilingual Inuit staff working with the Court (e.g. court workers and Crown witness coordinators), and the involvement of elders in sentencing. The Department of Justice Canada (2007) evaluation of the Nunavut Court of Justice found, "the use of elders' panels in sentencing was considered an important way for Court decision making to reflect community norms."[46] As well, the majority of counsel interviewed by the Department of Justice Canada evaluators indicated that the Court is "very aware of the life history of individuals, their ties to community and culture, and the rapid cultural changes which are affecting Inuit in Nunavut."[47]

Nevertheless, concerns have been raised with respect to the operation of the Circuit Courts. One concern is that the Circuit Courts are both time and travel sensitive. In order for a court to sit, a court party consisting of a judge, a clerk, a court reporter, a prosecutor, and at least one defence attorney must travel to a community. "Witnesses and court workers might also travel, as may interpreters, if they cannot be hired locally."[48] While court officials "may feel like they are constantly travelling, the feeling for those in many communities may be that they are constantly waiting."[49]

A Circuit Court may arrive in a community "as frequently as every 6 weeks, or as infrequently as every 2 years."[50] Infrequent circuits and repeated adjournments of cases can create considerable stress for victims, witnesses, the accused, and their families. As Scott Clark notes, "Waiting for closure from the court is stressful, especially in view of the fact that most communities are very

small, making avoidance of individuals involved in an incident difficult for victims and offenders alike."[51]

This stressful situation is especially evident when domestic violence is involved. As the Nunavut Tunngavik Incorporated notes,

> The gaps in time between circuits can mean that a couple involved in a domestic abuse situation may have to wait up to six months for the court to arrive and address the case in a first hearing and sentencing may not take place until a later circuit. In the interim, couples may have little choice but to endure the stress of remaining together in a potentially explosive and violent situation, typically with little or no counselling or other supportive programming.[52]

Stress may also be created when the couple has reconciled by the time their case is heard. "Re-visiting the incident in the stressful context of Court can be a negative experience for all participants. Remands to custody can also affect the family of the accused in that the accused is often held far from home and unable to provide economically and in other ways for the family."[53]

According to the Department of Justice Canada, common reasons for adjournment cited in case files include: lack of time on the court circuit; a not guilty plea has been entered and the case set over for trial; the Crown elects for a preliminary inquiry or trial; inclement weather; individuals (both accused and witnesses) not appearing for Court; or the defence requests an adjournment (e.g. unable to speak with client).[54] Key informants also cited other reasons, including: a shortage of defence counsel; travel logistics (especially with court party members coming from different locations); too few and inadequately trained court workers to prepare for trials; too few Justices of the Peace (JPs) to prepare for trials; too few JPs trained to conduct trials of summary conviction offences; and lack of resources for offenders (treatment facilities, community supervision, and alternative programs).[55] Added to the mix, frequent RCMP rotations can be a problem "as the arresting officer must often fly to the site of a trial."[56]

Language and cultural barriers are also a concern. Proceedings of the court are conducted primarily in English, despite many unilingual court participants, especially accused and victims. While the courts try to overcome this barrier with interpreters and court workers, "when interpreters are present but of low proficiency, the effectiveness of the provision of justice may be called into question."[57] As well as a language disparity, there are also cultural gaps, especially since particular English words (such as "guilty") do not have direct conceptual equivalents in Inuktitut.[58]

Another concern is the staffing complement of justices. While there are six positions on the Bench of the Nunavut Court of Justice, vacancies created by retirements meant that there were only four resident judges in 2017. Deputy Judges from southern Superior Courts may be called upon to assist the Court. In 2017, 60 Deputy Judges were called upon to assist the NCJ.[59] The Department of Justice Canada found that every lawyer interviewed for their evaluation was of the view that communities were better served by resident, as opposed to deputy, judges: "Factors commonly mentioned included resident judges' stronger understanding of Inuit culture, community expectations, and the background of individuals appearing before the Court (e.g. experiences of trauma, serious disabilities and so forth)."[60]

Justices of the Peace

In planning the Nunavut Court of Justice, the intention was to utilize resident Justices of the Peace (JPs)—ideally Inuit—to have a prominent role in the administration of justice. They were to handle summary conviction matters that had previously been managed by the NWT Territorial Court, thereby freeing up Nunavut judges to deal with more serious criminal cases, along with family and civil cases.[61] As well, "these locally-based JPs would reduce wait times for matters to be resolved during the circuit court, and improve accessibility (particularly linguistic)."[62] Justices of the Peace were therefore seen as having the benefit of expanding community participation in the administration of justice and, in their capacity as mediators of conflict, of playing "an important role in infusing traditional Inuit justice practices into their work."[63]

Primarily employed on a part-time basis, Justices of the Peace preside over "summary conviction matters arising out of territorial statutes, municipal bylaws, and selected criminal matters. The JPs regularly conduct first appearance and bail hearings and also issue warrants and summonses. In addition, they carry out various public functions such as conducting marriage ceremonies."[64]

The initial plan was also to have four different levels of Justices of the Peace in Nunavut: carrying out relatively straightforward administrative functions (such as administering oaths); conducting bail hearings and issuing search warrants; holding trials on summary matters, Nunavut statutes, and by-laws and hearings on breaches of conditional sentences, peace bond applications, and adjournment of child welfare hearings; and acting as Youth Court judges and issuing tele-warrants.[65] By holding Justice of the Peace court the day before the arrival of the Circuit Court, many matters could be cleared that would otherwise need to be addressed by the NCJ judges.[66]

Despite the initial intentions, problems have emerged in executing the Justice of the Peace program. The Department of Justice Canada evaluation found, "while the JP program continues to improve, it is still not meeting expectations."[67] Court personnel interviewed for the evaluation cited problems with the recruitment and training of JPs. Several cited the need for more than one Justice of the Peace in a community in order to prevent conflicts of interest; others expressed concerns about the need for better training on legal matters (such as bail hearings). Justices of the Peace were also experiencing a lack of administrative support (the assistance of a clerk to help maintain Court records and prepared documents for the NCJ). As well, Clark noted that in order for the system to work as envisioned, "JPs would have to be trained and qualified to at least level three, so they could conduct summary conviction trials in every community."[68] In 2011, however, Justices of the Peace with level three or higher authority were only resident in three communities (Arviat, Rankin Inlet, and Pond Inlet).

Crown Prosecutors

Unlike the provinces, where *Criminal Code* offences are prosecuted by the Attorney General of the province through the provincial Crown Attorney, in Nunavut (as well as the Northwest Territories and The Yukon) *Criminal Code* offences are prosecuted by federal prosecutors of the Public Prosecution Service of Canada (PPSC) on behalf of the Attorney General of Canada. As of March 2021, there were 45 PPSC employees working in the Nunavut Crown's office. In 2020-

2021, they worked on 3,165 files, the vast majority of which involved Criminal Code offences (3,110).[69]

Given that participating in criminal justice proceedings can be re-traumatizing for victims, the *Criminal Code* specifies a number of testimonial aids that Crown attorneys can request to accommodate victims' needs, including:

- some or all members of the public may be excluded during all or part of the court proceedings (section 486);
- victims and witnesses may have a support person close by when they testify (section 486.1);
- victims and witnesses may testify outside the courtroom by closed-circuit television or behind a screen so that they do not have to see the accused (section 486.2);
- upon application, the court shall appoint counsel to conduct the cross-examination of a victim of a sexual offence when the accused is self-represented (section 486.3); and,
- upon application, a publication ban must be ordered on any information that could identify victims of sexual offences (section 486.4). [70]

These testimonial aids were enhanced with the enactment of the *Canadian Victims Bill of Rights* in 2015, which established certain rights for victims of crime in four areas:

- **Information:** the right to request information about the criminal justice system and the services and programs available to them; the status and outcome of the investigation into the offence, where and when the proceedings will take place and their progress and outcome; and reviews and hearings relating to the conditional release of the accused.
- **Protection:** the right to have their security considered, to be protected from intimidation and retaliation, to have their privacy considered, to request that their identity be protected, and to request testimonial aids when appearing as a witness in proceedings.
- **Participation:** the right to convey their views about the decisions to be made that affect their rights and to present a victim impact statement and have it considered.
- **Restitution:** the right to have the court consider making a restitution order against the offender and to have that order enforced.[71]

Testimonial aids are especially pertinent in court proceedings that are held in small communities. Giving testimony in cases involving gender-based violence in a room filled with community members who are known to the victim and/or the accused can be a daunting experience. One option is to exclude the public from the court proceedings. However, interviews with Crown prosecutors in the territories found that applications to have the public excluded are quite rare. Several Crown prosecutors indicated that they were reluctant to make an application unless all other alternatives had been exhausted (such as the use of screens to shield the victim from the accused during her testimony or when the case could be heard later in the day when most of the community members would have left). Judges also appeared to be reluctant to order the exclusion of the public, as it runs counter to the common law principle of an accessible and open court. One testimonial aid is closed-circuit television (CCTV) or videoconferencing, where the victim/witness testifies in another room. This alternative, however, is only available in larger centres and even then,

technology challenges are often encountered (e.g. the quality of the video), which can potentially have an impact on how the testimony is perceived by the judge or jury.[72]

The Crown Witness Coordinator Program

The Crown Witness Coordinator Program was developed in 1991 to bridge the gap between Crown prosecutors and victims/witnesses as well as to address the divide between Indigenous cultures and the Canadian criminal justice system. There are 8 Crown Witness Coordinator (CWC) positions in the Crown's office in Iqaluit.[73]

CWCs act as a liaison between the Crown counsel and victims/witnesses of a crime. In keeping with the *Canadian Victims Bill of Rights*, they work to ensure that victims/witnesses understand the court process, their rights, and responsibilities and provide them with court updates and information on court outcomes. The CWCs travel with the Circuit Court, locating victims/witnesses in the community, assisting them in trial preparation, and providing support both during and after court. CWCs, for instance, will assess the requirements for testimonial aids during a victim's testimony. They will also provide translation services in Inuit languages to assist non-English speaking victims in communicating with the Crown. CWCs also refer victims/witnesses to supportive community services such as counselling, shelter, and travel assistance.[74]

An evaluation of the CWC Program found that one of the biggest challenges encountered by CWCs is in dealing with the trauma that most crime victims and witnesses have experienced. "Because the focus of traumatized individuals is on physical survival they are often afraid to testify against the accused. This instinct is reinforced by their own family, and the family of the accused, who often blame the victim for the abusive treatment they have endured." The CWC, therefore, "must deal with the victim's traumatic symptoms as well as the family dynamics of blaming and denial that surround and influence the victim."[75] The evaluation also pointed to challenges encountered with the Circuit Courts, given the limited amount of time spent in a community and the lack of physical resources for CWCs to meet confidentially with victims to prepare them for their testimony.[76] Nevertheless, respondents were of the view that the CWC Program has "humanized" the criminal justice process for victims and made it easier for them to participate in the proceedings, especially since CWCs "speak the same language as the victims and witnesses, and know the community dynamics and local family connections."[77]

One constraint that both Crown prosecutors and Crown Witness Coordinators confront in meeting the needs of victims of gender-based violence is their legal obligation to disclose to the defence any additional relevant information they receive from a Crown witness during interviews or other contacts (e.g. information inconsistent with prior statements, such as a recantation, or a reluctance to proceed with the case).[78] For this reason, the role of the CWC includes providing victims with referrals to community supports where they can access confidential counselling.

Community Justice Committees

Operated through the Community Justice Division, Community Justice Committees (CJCs) consist of local volunteers in each community who generally deal with low-level cases of violence and low-level crimes such as property offences; youth cases are diverted whenever possible.

Community Justice Committees are intended to take a restorative justice approach—"an approach to sentencing for criminal offences that takes victim input into account; victims and offenders meet face-to-face in a community setting instead of in a conventional court setting, and some form of restitution and (ideally) reconciliation occurs between the victim and offender."[79]

The RCMP can divert cases to a Community Justice Committee before a person has been charged with a crime. Cases diverted to the CJCs do not come before the Nunavut Court of Justice or Youth Court unless the diversion has been unsuccessful. In 2012/13, 137 cases were diverted to Community Justice Committees; of those, 92 were completed, 29 were pending, and 12 were referred back to court.[80] Cases can also be diverted to CJCs by Crown prosecutors on a post-charge basis.[81]

Evaluations of the Community Justice Committees conducted in Nunavut have found considerable support on the part of criminal justice personnel and community members alike for the essential role they play.[82] In large part, support for CJCs stems from their role as "a cultural bridge between a largely foreign Court and the communities in which they work."[83] Nonetheless, these committees have encountered a number of problems.

While Community Justice Committees operate in every Nunavut community, there is variation in the capacity of committees to handle cases.[84] Some committees have had difficulties in recruiting and retaining members, and there is also burn-out among committed community members. CJC members only receive an honorarium of $100 for their volunteer work, which the Nunavut Tunngavik Incorporated points out, "potentially saves the territory millions of dollars."[85] Another ongoing problem pertains to the lack of administrative support for the committees.[86]

While Community Justice Committees "are now one of the few channels through which Inuit participate in the administration of justice,"[87] Nunavut Tunngavik Incorporated has raised the issue of whether or not victims benefit from this process and receive the reconciliation they need:

> CJC members are supposed to help victims and offenders develop consensus-based plans that meet victim-identified needs in the wake of a crime. However, in traditional Inuit community justice practices, the offender was the only party usually given counselling. CJCs have followed this practice, only involving the victim when he or she agreed to participate.[88]

Significantly, in relation to gender-based violence, Community Justice Committees "deal with summary offences only; they do not have the federally derived legal authority to deal with sexual assaults, spousal violence, and any cases involving children."[89]

Despite their significant economic and social benefits, Community Justice Committees "continue to lack the support they need to grow into a more formal apparatus of the criminal justice system. Perhaps the clearest sign of this is the fact that the Community Justice division has been wrestling with the same training, support, recruitment, and retention issues for more than a decade."[90]

Inuit Court Workers

The Nunavut Court of Justice was also designed to include locally based Inuit Court Workers who would provide a strong Inuit presence in the legal system, working to support defence lawyers in communicating with clients (as they would be versed in Inuktitut or Inuinnaqtun) and case preparation and follow-up, as well as representing accused persons in bail hearings and trials and delivering legal education and information to the general public.[91]

Despite their potentially significant role in the administration of justice, the Court Worker Program appears to be continually plagued with problems. Two Department of Justice Canada evaluations found that court workers received inadequate training, were provided with inadequate resources (office space, telephones, file storage), and were not being fairly and reasonably compensated for their work.[92] These problems have led to a shortage of court workers throughout the territory. Although, in its 2016/17 Annual Report, the Legal Services Board of Nunavut indicated that there were 24 court workers working in the 25 Nunavut communities. Nevertheless, a recent assessment raised a number of concerns, including: the need for clearer roles and responsibilities of the court worker; adequate office space; the development and delivery of training to increase capacity; and a review of pay scales to ensure equitable salary and benefits.[93]

Legal Aid

The justice system in Nunavut relies heavily on legal aid lawyers to function. The Legal Services Board of Nunavut operates a legal aid clinic in each of the three regions (located in Cambridge Bay, Rankin Inlet, and Iqaluit). The Board also runs the Inuit Court Worker Program.
The Legal Services Board operates under the principle of presumed eligibility, "which means that individuals do not have to complete a legal aid application in order to receive the services of a duty counsel while in court."[94] Given the high levels of poverty in the territory, virtually all criminal cases are dealt with by legal aid (and some private bar lawyers operating under legal aid certificates).

In 2016/17, 16 staff lawyers and 30 private lawyers (four of whom were residents of Nunavut) handled criminal defense work in the territory, attending 269 circuit court weeks and 38 special sitting weeks (jury and judge alone trials) of the Nunavut Court of Justice. In addition to its regular hours of operation, the Legal Services Board answered 503 after-hours calls of individuals who had been arrested and 88 after-hours bail hearings.[95]

Concerns have been raised regarding the heavy caseloads carried by legal aid lawyers, the lack of administrative support, the stress associated with the constant travel involved with the Circuit Courts, and the challenge of working in a different cultural and linguistic setting.[96] The high turnover of lawyers is also a concern. Jessi Casebeer, a lawyer with several years' experience working in Nunavut, observes, "professionals move to the northern territories as a way of gathering work experience to bolster their careers, in order to secure better employment in the south."[97] As such, "The average turnover of a lawyer in Iqaluit is around two years with people staying at most three to five years; lawyers filter in and out." For Nunavummiut, this means encountering "Qallunaat removed from the community, unable to speak the language(s), mispronouncing names, and swooping in and out of their lives in the middle of episodes of trauma and violence."[98]

Another factor that has had an impact on the work of legal aid lawyers is the Supreme Court decision in *R v. Gladue*.[99]

In 1996 the Canadian Parliament added a new section to the sentencing principles outlined in the *Criminal Code*. Section 718.2(e) states that "all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders." The primary intention behind this addition was to address the over-incarceration of Indigenous peoples by reducing the use of incarceration as a response to crime. The *Gladue* case of 1999 was the first opportunity of the Supreme Court to consider s. 718.2(e). The case involved an Indigenous woman from British Columbia named Jamie Gladue who was charged with manslaughter in the death of her common law partner. In hearing an appeal on the case, the Court affirmed that s. 718.2(e) was remedial in nature and not simply a codification of existing sentencing principles. As such, it alters the method of analysis that judges are to use in sentencing an Indigenous offender.

In sentencing an Indigenous offender, judges must consider the unique systemic or background factors which may have played a role in bringing the person to court and the types of sentencing procedures and sanctions which may be appropriate in the circumstances because of their Indigenous heritage. This directive from the Supreme Court meant that sentencing judges would require extensive background information about the person (e.g. a history of residential school experience, child welfare removal, physical and sexual abuse, and other forms of trauma) as well as what an appropriate sentence might be. Subsequent to the Supreme Court decision, the courts have come to rely on "Gladue Reports" to provide this information.[100]

Gladue applies to virtually all cases in Nunavut, which has added to the lawyers' workload as detailed reports need to be compiled requiring extensive preparation time. As well, the passage of the *Family Abuse Intervention Act* (2006) led to more reporting of domestic violence and therefore more cases for the courts to deal with.[101]

Family Abuse Intervention Act

Over the past two decades, the Government of Nunavut has implemented legislation that is Nunavut-specific and founded on Inuit *Qaujimajatuqangit*. One of those pieces of legislation is the *Family Abuse Intervention Act* (FAIA), which was passed in 2006 and came into effect in March, 2008.

The intent of the FAIA is "to provide Nunavummiut with the tools to holistically intervene and to prevent abuse by focusing on the immediate need for safety, with simple and efficient processes that are consistent with Inuit values. The spirit and intent of FAIA is to prevent abuse and decrease the escalation of violence."[102] The Act provides for four different types of orders to protect against domestic violence and prevent the escalation of violence:

> *Emergency Protection Order (EPO)*: can be applied for through a Justice of the Peace and involves ordering an abusive family member to be removed from the home within short notice. The EPO may also grant the applicant custody of children and possession of the family home. The Order requires a reasonable likelihood that the abuse will be repeated or resume.

Community Intervention Order (CIO): can be applied for through a Justice of the Peace in order to restrain an abusive family member from committing abuse and directing the couple to attend traditional Inuit counselling with a specified traditional counsellor.

Assistance Order: is granted by Nunavut Court of Justice judges in cases in which family violence has occurred and there is a reasonable likelihood it will continue. These are restraining orders that impose different levels of restraint on the abusive family member (such as no communication or contact with the abused person).

Compensation Order: is granted through a Nunavut Court of Justice judge and requires the abusive family member to reimburse the applicant or any specified person for any monetary loss suffered or expense incurred as a result of family violence, including loss of income, damage to personal property, and expenses relating to new accommodation.[103]

The Community Justice Division of the Nunavut Department of Justice is responsible for implementing the Act, including ensuring access to two of the four orders available: Emergency Protection Orders and Community Intervention Orders. Justices of the Peace specifically designated as FAIA JPs hold the initial hearings and applications to vary the provisions.

The FAIA program is organized into five regions, each with a Justice Specialist that oversees the program and the work of 25 Community Justice Outreach Workers (one in each community). Contribution agreements are forged with the communities, which are responsible for hiring Outreach Workers.

Community Justice Specialists are responsible for supervising, monitoring, and supporting the delivery of the FAIA program in each region. They organize and facilitate training events and workshops for the Outreach Workers and train RCMP members to assist community members with Emergency Protection Orders if an Outreach Worker is unavailable. As well, Community Justice Specialists provide presentations to community groups and service providers regarding the FAIA. They also operate a 24/7 on-call number to assist with after-hours Emergency Protection Order applications.[104]

Community Justice Outreach Workers (CJOWs) are full-time, paid positions that are funded through the federal government's Aboriginal Justice Strategy on a cost-sharing basis with the Government of Nunavut. They assist with the EPO and CIO application process (filling out forms, facilitating hearings with a designated FAIA Justice of the Peace, and assisting with applications to vary, revoke, or challenge orders). They also "connect respondents with referrals for counselling services and provide safety planning, after-case and other referrals to health centres, Family Services, and the Victim Services Division as needed."[105] In addition, the Outreach Workers are responsible for coordinating the work of Community Justice Committees.

Emergency Protection Orders are more applicable when an applicant requires immediate protection. The applicant contacts the Outreach Worker, who then assists in completing the application. If granted by the Justice of the Peace, the RCMP would serve the EPO (which usually

applies for up to 90 days) to the perpetrator. If the order is violated the RCMP can lay a Failure to Comply charge.

Community Protection Orders can be applied for by people who are experiencing family violence "but wish to remain in the relationship. CIOs are applied for in non-emergency situations so people can address the root causes of the abuse, and undergo counselling and/or education. Both the applicant and respondent will see their chosen respective counsellor as outlined in the CIO."[106] Each party has the discretion to choose a traditional counsellor, elder, family member, professional counsellor, or a Community Justice Committee member.

Community Intervention Orders are a novel aspect of the Act. Outreach Workers connect with family members to discuss counselling plans, which becomes part of the formal plan presented to Justices of the Peace, who then decide whether or not to grant an order. An evaluation carried out in 2009, however, deemed the law to be "failing" since Community Justice Outreach Workers were considered unqualified and unable to carry out their duties.[107]

A subsequent evaluation in 2013 indicated that gaps remained in the training of Outreach Workers and in public education about the provisions under the law, which have led to underutilization of the Act's provisions, especially of intervention orders. In 2015-2016, for instance, there were 62 Emergency Protection Order applications; 59 were granted. There were *no* Community Intervention Order applications that year.[108] The Community Justice Division's 2015-2016 Annual Report on the FAIA noted that the Division "recognizes that the number of CIOs have been very low and need to be increased. Community Justice Specialists and CJOWs continue to promote and encourage CIOs."[109] However, data from a subsequent report indicate that the use of Community Intervention Orders continues to be troublesome; *no* CIO applications were recorded in 2017-18.[110] The Division cited a number of factors to account for this situation:

- As a voluntary process, both the applicant and respondent must be willing to attend counselling; respondents often decline to participate. If a counseling plan is in place both partners may decline to attend a hearing and proceed with a Community Intervention Order.
- Community Justice Outreach Workers often do not receive referrals for families experiencing abuse until it has become a crisis situation; as such, an Emergency Protection Order is required.
- The FAIA working group had been dormant and the Division had experienced a high level of staff turnover, including vacancies in the Community Justice Specialist positions and the FAIA manager position.
- Technological problems with the recorded phone line that facilitates the FAIA hearings also occurred, resulting in delays.[111]

In 2020, the Law Society of Nunavut and Pauktuutit Inuit Women of Canada conducted interviews with 38 women in seven Nunavut communities who have lived experience of gender-based violence to assess the effectiveness of the FAIA in responding to family violence, especially with regard to Emergency Protection Orders and Community Intervention Orders. While some of the women indicated that an EPO had provided them with safety and protection, at least in the short term, other women believed that EPOs were only meaningful if the perpetrator obeyed the order

and the RCMP responded quickly when an order was breached. Several women were unaware that Community Intervention Orders were available (which might explain their lack of use). Others were hesitant to turn to the legal system when gender-based violence occurred because of their lack of trust in that system and their belief that it favours perpetrators over victims.[112]

Community Intervention Orders are intended to help keep families together and incorporate traditional Inuit values. "With a CIO, both partners come together and, over a series of sessions, plan a course of action that could include addictions treatment, anger management or other such counselling with local elders or other qualified community members. The CIO is then approved by a justice of the peace which binds both parties to complying with the order."[113] However, as Pauktuutit President Rebecca Kudloo has noted: "it's often impossible to access mental health treatment programs for addictions and trauma in small communities, so community intervention orders might be an ineffective tool to stop violence."[114] Nunavut Tunngavik Incorporated also makes the point that individual counselling alone is not sufficient to address family violence: "Violence prevention ultimately requires deeper healing in the population through intentional, long-term services and supports."[115]

Nunavut Victim Services

Operated through the Community Justice Division, a team of four Victim Care workers offer support to victims of crime, providing general information about the criminal justice system, information about the victim's case, assistance in completing a Victim Impact Statement, emotional support in preparing to go to court, and referrals to community resources.[116] In addition to an email address and a toll-free help line (offered in both English and Inuktitut), victims are referred to the service by police, mental health workers, or Family Services. Gender-based violence—sexual and domestic assaults—represent the most common offences against Nunavummiut who seek support.[117]

Victim Services also engages in public education and awareness of victim issues and offers skills training to service providers and front-line workers (nurses, mental health workers, and police officers) who work with victims of crime.[118]

In addition, the *Victims of Crime Act*[119] established a Victims Assistance Fund, which is overseen by a Victim Services Coordinator and a Victims Assistance Committee. The fund supports community-based projects and activities that provide services and assistance to victims of crime, including: training of community resource workers; direct services that assist victims; public awareness and information relating to victims and the criminal justice system; and research relating to services to victims and their needs and concerns.[120] In 2015-2016, the fund supported a Women's Group in Coral Harbour, a Peer Victim Support Leader Training Program in Iqaluit, a Healthy Relationships program in Pangnirtung, and a Youth Cultural Healing Journey program for boys and for girls in Cambridge Bay.[121]

As well, the Nunavut Victim Travel Support Program provides funds for those impacted by violent crime (including victims, family members, and support persons) to travel and participate in court proceedings that are held outside their home communities.[122]

Crime Prevention Initiatives

In March, 2017 the Nunavut Department of Justice released its plan for a five-year crime prevention strategy. The plan is based on a public engagement that involved meetings in each of the 25 Nunavut communities in 2013 and 2014.[123] The strategy rests on a Crime Prevention through Social Development (CPSD) approach, which "focuses on building the skills in individuals and addressing the underlying factors in communities that lead to crime."[124] The CPSD approach is seen as being consistent with a number of Inuit values: *Inuuqatigiitsiarniq* (respecting others, relationships, and caring for people); *Tunnganarniq* (fostering good spirit by being open, welcoming, and inclusive); *Pijitsirniq* (serving and providing for family and/or community); *Aajiiqatigiinniq* (decision making through discussion and consensus); *Pilimmaksarniq/Pijariuqsarniq* (development of skills through observation, mentoring, practice, and effort); *Piliriqatigiinniq/Ikajuqtigiinniq* (working together for a common cause); and *Qanuqtuurniq* (being innovative and resourceful).[125] The strategy is also guided by the principle of being culturally relevant and responsive to community needs and a trauma-informed principle that recognizes the ongoing impacts of colonization.[126]

Several "target groups" are identified as being most at risk of "becoming involved with or being affected by crime": children and youth, elders, victims of crime, and individuals convicted of a criminal offence.[127] However, while the plan recognizes females as being at a higher risk of violent victimization than males (for example, the document cites a victimization rate of 7,236 for females and 4,734 for males for police-reported violent crime in the territories[128]) specific attention to addressing gender-based violence is absent.

Funding the Nunavut Justice System

Funding the delivery of justice in Nunavut is a joint responsibility of the Government of Nunavut and the Government of Canada. The Justice of the Peace Program is included in the annual budget of the Nunavut Department of Justice, while the Legal Services Board is funded through a cost sharing agreement between the Nunavut Department of Justice and the federal Department of Justice through an Access to Justice Services Agreement. Similar to the other provinces and territories, the cost share is divided 70% and 30% respectively.[129] However, the cost of service delivery is much higher in the North. For instance, Clark notes that the per capita expenditure for legal aid is 12.9 times higher in Nunavut than for Canada as a whole.[130]

Jessica Black also notes the distribution of financial resources within the Nunavut Department of Justice. Policing makes up the largest (42%) portion of the budget, followed by Corrections (41%) and Court Services (12%). Community Justice constitutes the smallest portion (5%) of the budget. In 2015/16 it cost an average of $558 per day to incarcerate someone in Nunavut. The average number of people in prison that year was 136, which meant that the government spent $75,888 each day or $27.7 million over the year to incarcerate Nunavummiut.[131]

The Department of Justice Canada's evaluation of the Nunavut Court of Justice found that a major concern expressed unanimously by all those interviewed was the serious shortages of community resources and programming, "specifically probation officers, social workers, mental health and addictions services, youth programs, and consistently strong Community Justice Committees."[132]

Clark notes, "the annual funds transferred from Canada to the Government of Nunavut—91% of the territory's total annual revenue—are never adequate to meet the increasing needs for justice, health, housing, education, and other social programs."[133] According to Clarke, "It is not unreasonable to say that Nunavummiut, especially those living in communities outside Iqaluit, do not receive the same level of justice services generally expected in Canada, nor are they being included fairly in the justice process."[134]

Criminal Justice in Inuvialuit

The Inuvialuit Settlement Region covers over 90,000 square kilometres of land that ranges from the shores of the Beaufort Sea to the Mackenzie River delta, the northern portion of Yukon, and the northwest portion of the Northwest Territories. According to the 2016 Census, the Inuvialuit population was 5,335 people, 62% of whom are Inuit.[135] The region is made up of six communities: Aklavik (630), Inuvik (3,400), Paulatuk (300), Ikaahuk/Sachs Harbour (125), Tuktoyaktuk (1,000), and Ulukhaktok (500). Inuvik is the regional centre of Inuvialuit. Three of those communities (Paulatuk, Sachs Harbour, and Uluhaktok) do not have road access.[136] The percentage of residents in these communities who speak an Inuktitut dialect ranges from 11.6% in Inuvik to 64.8% in Ulukhaktok, for an average of 28.5%.[137]

The Inuvialuit region negotiated a comprehensive land claim agreement with the Canadian government in 1984 that involved giving up exclusive use of their ancestral lands in exchange for rights in relation to the preservation of Inuit values and culture, equal and meaningful participation in the northern and national economy and society, and preservation of Arctic wildlife and environment.[138] The Inuvialuit Regional Corporation, headquartered in Inuvik, is charged with representing the collective interests of the population.[139]

All six of the Inuvialuit communities are located in the Northwest Territories. Policing is carried out by the RCMP's G Division. The Government of the Northwest Territories Department of Justice also has its headquarters in Yellowknife. Criminal justice is administered via the Courts of the Northwest Territories. As in the other Inuit Nunangat regions, Circuit Courts, Justices of the Peace, Court Workers, and Community Justice Committees are utilized. As well, several initiatives have been undertaken to respond to gender-based violence, including the *Protection Against Family Violence Act*, the Domestic Violence Treatment Options Program, and the NWT Victim Services Programs.

Policing

The RCMP's G Division in the Northwest Territories is divided into two districts, North and South, with 21 detachments (plus headquarters in Yellowknife). The Inuvialuit communities of Aklavik, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk, and Ulukhaktok each have an RCMP detachment.

Interviews conducted with 12 Inuit women and 16 service providers (including two RCMP officers) showcased some of the problems and challenges encountered with policing in Inuvialuit communities.[140] According to the study participants, the RCMP's G Division encourages a community policing approach by which officers are encouraged to go beyond their law

enforcement mandate and become more actively involved in the community. This approach, according to one of the officers interviewed, was especially relevant in smaller communities where police become a "one-stop shop." However, participants pointed out that a community policing model is difficult to implement because of the short duration of officer postings. Given the time it takes to establish relationships within the community, officers have only just begun to forge these relationships as their posting is coming to an end. In addition to the continual rotation of officers, participants noted that a spatial divide exists, since officers and their families live separate and apart from the rest of the community. As well, participants commented on the inexperience of new recruits and their lack of knowledge of Inuit and the colonial history of the region, which led to charges that police officers are racist in their dealings with Inuit. This divide between the police and the community was seen to create a lack of trust of police on the part of community members.

In terms of the police response to gender-based violence, Inuit women shared their experiences of police not responding in a timely manner when domestic violence breaks out, of being removed from their homes instead of the abuser, and of not being taken seriously when they express fears for their safety. Service providers also pointed to the need for police to undergo trauma-informed training to better understand how trauma affects those who are victimized by gender-based violence.[141]

In 2021, the RCMP's G Division released a statement describing its reconciliation strategy, which aims to "foster an environment of accountability and trust through collaboration and open communication with Indigenous peoples" as well as to "acknowledge and understand past events" that have had a bearing on police-Indigenous relations.[142] The strategy is embedded within an Annual Performance Plan framework that sets the direction and identifies initiatives aligned with the Truth and Reconciliation Commission's call to establish and maintain a mutually respectful relation between Indigenous and non-Indigenous people.[143] Activities included in the plan involve: exploring and defining the meaning of Reconciliation; exploring opportunities to understand Indigenous culture and historical impacts; practicing culturally-based activities focused on enhancing police-Indigenous relationships; and assessing information, data, and activities to identify where improvements can be made.

Courts of the Northwest Territories

The Northwest Territories has five separate courts that operate independently from the federal and territorial governments:

- *The Court of Appeal* involves a quorum of three judges that primarily sits in Yellowknife and hears appeals arising from judgments or decisions from the lower courts.
- *The Supreme Court* has jurisdiction over all civil and criminal matters. While the court is located in Yellowknife, it may also travel to other communities to hold trials.
- *The Territorial Court* deals with civil matters for claims of up to $35,000 and non-jury trials for most criminal charges as well as preliminary hearings on serious criminal offences. The Court has registries in Yellowknife, Hay River, and Inuvik and travels to many communities for court.

- *Youth Justice Court* hears criminal and summary conviction matters involving youth (aged 12 to 18 years). The Court has registries in Yellowknife, Hay River, and Inuvik and travels to other communities to hear cases.
- *Justice of the Peace Court* is the normal court of first appearance on all criminal matters and holds trials on offences under territorial statutes and municipal bylaws. The court may be held in any community and sits regularly in Yellowknife, Hay River, and Inuvik.[144]

Circuit Courts

Similar to the other regions of Inuit Nunangat, several of the NWT courts travel to outlying communities to hold Circuit Court. The Territorial Court, for instance, was scheduled to sit in all six Inuvialuit communities during 2020. Proceedings of the Court are interpreted into an Indigenous language "where required for an accused person or a witness, or where the judge considers that the public would benefit."[145]

A study of legal aid provision in the NWT conducted by the Department of Justice Canada found, "delays are not a significant factor in circuit cases. Even though, when clients plead not guilty in a circuit court, the case is usually adjourned to the next circuit date, most respondents felt that the court's policy is to minimize adjournments."[146] However, this policy was seen as creating pressure to complete all the cases in one sitting. In some small communities the dockets were 20 to 30 cases (including trials) that had to be completed in one day. With such a compressed schedule, lawyers had less time to speak with their clients and prepare their cases. Those interviewed believed that, "clients receive less support and explanation about the process, and their experience is often one of alienation and loss of confidence in a system they can't understand."[147] Most respondents in the study "felt that the main cause of a lack of confidence in the justice system is the lack of time its representatives spend in the communities."[148]

Justices of the Peace

Justice of the Peace Court is seen as "a way of making the courts accessible to smaller communities throughout the territory, and of ensuring timely processing of cases."[149] There are 36 Justices of the Peace; 29 live and work in communities outside of Yellowknife. Many JPs are able to conduct proceedings in the language of the particular community in which they serve.[150]

Justices of the Peace deal with summary criminal matters, especially when there are guilty pleas. Data gathered by the Department of Justice Canada showed that the vast majority of cases dealt with in the three registries where the court sits regularly entered a guilty plea: 100% in Inuvik; 96% in Hay River; and 44% in Yellowknife; 32% of the charges were for offences against the person.[151] Lawyers are typically not present in Justice of the Peace Court (save for bail hearings), which has raised concerns about the adequate representation of those who appear before the court.[152]

Crown Prosecutors

Similar to Nunavut, *Criminal Code* offences in the NWT are prosecuted by federal prosecutors of the Public Prosecution Service of Canada (PPSC) on behalf of the Attorney General of Canada. As of March 2021, there were 53 PPSC employees working in the NWT Crown's office. In 2020-

2021, they worked on 3,916 files, the vast majority of which involved Criminal Code offences (3,750).[153]

The Crown Witness Coordinator Program

The NWT Regional Office has 7 Crown Witness Coordinator positions.[154] CWCs carry out a similar role as in Nunavut, including: acting as a liaison between the Crown prosecutor and the victims/witnesses; ensuring that victims/witnesses understand the court process, their rights, and responsibilities; preparing victims/witness to testify in court and supporting them during the court process; providing them with court updates and information on court outcomes; and referring victims/witnesses to supportive community services.[155]

A CWC's description of his workload during one day of a five-day court circuit in the Inuvialuit region that occurred in February 2007 offers a window into the nature of the work carried out by the Crown Witness Coordinators:

I arrive at the Inuvik airport at 7:30 am to catch the 8 am court charter to Alkavik, NWT. We arrive in Aklavik and make our way to the Community Center, which will serve as the court house for the day. I spend the next hour meeting with witnesses on the day's trials. These meetings take place in the kitchen area of the center, or if that is being used by defence, a bench in an out of the way corner of the hall. I find the Crown witnesses by asking those I have just finished meeting with to point them out.

At 10:30 am, Territorial court is called to order. While the Court is running through the docket matters, I am prepping our witnesses. I meet with the son of the elderly complainant in a sexual assault prelim. He is also a Crown witness in this matter. He provided me with information regarding his mother's upbringing and culture and how having her testify in public against a male goes against her cultural and personal beliefs. We try to brainstorm different approaches we may be able to use. However, we still must have the elder describe the sexual assault in detail in front of her community.

I met with the complainant in a spousal assault file who indicated that she and the accused are still in a relationship. She was very emotional and did not want to proceed with the charges. I met with another of the Crown witnesses in this matter. He was incredibly upset that he had been subpoenaed. He indicated he was missing work and he had nothing of importance to say, though he was able to volunteer the information needed in his testimony. He advised that he would no longer cooperate with the RCMP or the Crown in the future. The other Crown witnesses were the parents of the accused. They appeared to be cooperative, though were very hesitant to "make things worse" for the accused.

I met with the four Crown witnesses, all youth, in an uttering threats file. We reviewed the trial process and the importance of their candid, truthful testimony. I described to each the available testimonial aids available to youthful witnesses. I met one on one with the youthful witnesses. They were very nervous about having to testify but seemed more confident once they

understood the trial procedures and knew who would be asking the questions and the types of questions they would likely face (i.e. open-ended vs. leading).

During the lunch hour, I met with the elderly complainant in the sexual assault preliminary inquiry at her home (RCMP presence was necessary for safety reasons). She [was] very nervous and did not want to have to face the accused, a man she had helped raise from childhood. We focused on the differences between the preliminary inquiry and the trial. She was not happy to discover that she would have to testify twice. I escorted her to the community center, where court was being held in the auditorium. As there were no private rooms available in the community center I sat with her in her vehicle until the file was called for the prelim. While we were waiting in the vehicle, I described the types of questions she could expect from the two different lawyers. As this was a sexual assault file, I described the importance of using the names of the body parts involved. At this she became very upset, and indicated she would not use those words in front of her children and community, as they were considered dirty words. I explained the reasons why the court needed to know exactly what happened during the assault. However, she was still not willing to use those words. When the file was called, we proceeded from her vehicle into the community center. The elderly complainant testified well and was able to clearly recall the incident. She refused to say the words of the body parts used, but the accused was still committed to stand trial. In total, there were 6 scheduled trials, 2 preliminary inquiries, and 19 witnesses prepared.

When court closed for the day, the court party were driven to the Aklavik airstrip, where the court charter was waiting to take us to Fort MacPherson. We arrived in Fort MacPherson at 4:30 pm and checked into a bed and breakfast for the night. I had arranged to meet with the Victims Services Coordinator at his office at 7 pm for the evening's meetings. During the course of the evening, I met with a complainant in a spousal assault file, a young complainant in a sexual assault file and with the complainant in a spousal sexual assault file.

At 9 pm, the day is done and I return to the bed and breakfast where I brief the Crown Prosecutor on the witness meetings.[156]

Legal Aid

The Legal Aid Commission of the NWT provides legal aid services to eligible persons as well as public education about the law. Under the *Legal Aid Act*, at least one lawyer must "accompany the Territorial Court on all circuits where a lawyer may be required for the delivery of legal aid."[157] Presumed eligibility services constitute the majority of the legal aid services provided on the court circuits.[158]

In addition to providing legal representation in court, legal aid is delivered via a weekly Outreach Legal Aid Clinic in Yellowknife as well as mobile clinics to remote Inuvialuit communities.[159] Legal support to people who are in custody, under arrest, or the subject of an investigation is also offered by Brydges Service, a 24-hour telephone service. Translation services are available on this service.[160]

Court Workers

The Legal Aid Commission runs a Court Worker Program (funded by the Aboriginal Court Work Program) in seven NWT communities, including Inuvik.[161] Court workers also accompany the Circuit Court to the outlying communities, such as Ulukhaktok and Paulatuk.[162]

Court Workers are seen as providing "a cultural and social bridge"[163] as they work "closely with accused persons, community justice committees, lawyers, probation officers, court staff, police, clients, the public at large, and other stakeholders within the justice system."[164] In criminal matters, their activities include: locating and maintaining contact with accused and witnesses; interpreting cultural, community, and family dynamics pertinent to a case; and assisting clients in completing legal aid applications.[165] Since Court Workers "have a strong knowledge of the resources available within the community" they are in a good position to refer clients to an appropriate agency.[166]

Court Workers have been found to play a key role in the Justice of the Peace Courts since "under most circumstances, lawyers do not appear in JP courts."[167] They provide information to the court relevant to sentencing, and in some cases have done trial work on behalf of clients. On circuit, "there is less of a requirement to do work in court on behalf of the client as a lawyer is always present."[168] However, lack of Court Worker resources has been raised as an issue. For instance, they "often have no privacy in which to interview clients and, in some instances, have used their hotel rooms, where it was feasible."[169]

As in other Inuit Nunangat regions, concerns have been raised for more clearly defined and delimited roles for Court Workers and providing appropriate training to support them in their work.[170]

Community Justice Committees

Operated via the Community Justice and Policing Division of the NWT Department of Justice, Community Justice Committees (CJCs) made up of local volunteers handle matters involving minor criminal offences that are diverted from the court system on the recommendation of Crown Counsel or the RCMP. The committees are intended to "empower communities to find solutions to the crimes that affect them, and provide a means by which youth and individuals accused of minor offences can avoid a permanent criminal record."[171]

While jurisdiction over criminal prosecutions in the provinces rests with the provincial Crown, in the NWT all *Criminal Code* offences are prosecuted by the federal Public Prosecution Service of Canada, which means that the Government of the NWT "cannot directly inform policies about what types of offences should be considered for referral to a community justice forum."[172] Most of the offences dealt with by Community Justice Committees, therefore, involve theft, mischief, breaking and entering, alcohol and drug offences, vandalism, and minor assaults—and not those relating to gender-based violence.

When a matter is diverted to a Community Justice Committee, the perpetrator does not receive a criminal record. Factors such as "the seriousness of the offence, the impact to and feelings of the victims, and the offender's criminal history and attitude towards the charges" are considered in deciding whether to divert a case.[173] The perpetrator must also accept responsibility for the offence

and be willing to participate in the community justice process. Community Justice Committees typically will hear from all persons involved with the offence and attempt to arrive at a resolution satisfactory to all parties. A restorative approach is adopted that can include: community service work; restitution to repair damaged or loss of property; counselling for drug, alcohol, or relationship problems; apologies to those victimized; curfews; and avoiding contact with the victims or certain places. Failing to comply with these measures can result in the case being sent back to the courts.[174]

Community Justice Committees operate in each of the six communities in Inuvialuit. The Inuvik Justice Committee, for instance, has been in operation since 1992. Like other CJCs, the committee deals with less serious offences, and adopts a restorative justice approach in which "the offender and victim meet to acknowledge the harms cause by the actions of one against the other in a supportive setting." The wrongdoer then "makes amends to the victim and community by a variety of means decided upon by the board and the justice coordinator."[175]

Protection Against Family Violence Act

In 2003 the Government of the NWT passed the *Protection Against Family Violence Act*, which came into force in 2005.[176] The Act makes provision for Emergency Protection Orders and Protection Orders for victims of family violence, defined as abuse that is physical, sexual, emotional, or financial that causes harm or fear of harm to a person or their child(ren).

Emergency Protection Orders (EPOs) are granted when family violence has occurred and there is an immediate danger to persons and property. An EPO can be issued by a Justice of the Peace in an *ex parte* hearing (i.e. only the applicant gives evidence). The Order can contain a number of provisions, including: restraining the abusive person from communicating with the applicant or other specified persons; granting the applicant exclusive right to occupy a residence; and instructing police to remove the abusive person from the residence. Emergency Protection Orders are in place for up to 90 days.

Protection Orders (POs) apply when family violence has occurred, the situation is not an emergency, and protection is required for longer than 90 days. A Protection Order is granted only after a hearing in front of a judge and can include a wider range of provisions than an Emergency Protection Order. For instance, the judge can order the respondent to attend counselling, to cover the costs of repairing the damage caused by the violence, or medical, dental, and counselling costs incurred by the applicant.[177] Failure to comply with the provisions outlined in an EPO or PO can result in a fine of up to $10,000 and/or imprisonment of up to six months.

In addition to these provisions under the *Protection Against Family Violence Act*, those experiencing family violence can apply for a Peace Bond (in criminal court) or a Restraining order (in family court). While a Peace Bond order requiring an abusive person to have no contact with the victim can apply to non-family intimate partner relationships, a Restraining Order applies to married or common-law relationships.[178]

Emergency Protection Orders are typically initiated in the NWT by an applicant contacting the local RCMP detachment or phoning the toll-free line of the Allison McAteer House, a women's

shelter in Yellowknife. On average, about 65 EPO cases are confirmed by a Justice of the Peace each year.[179]

In a study conducted by Pertice Moffitt and her colleagues on the nature of EPOs in the NWT, women who had gone through the process of applying for an EPO said that they found it to be "arduous," although the support from shelter staff helped to facilitate that process. The study found that most of the women reported "that the EPOs had positive outcomes in terms of providing relief from the violence and abuse that was occurring." However, EPOs did not act as a deterrent in cases where women experienced more severe and frequent violence from their partners.[180]

Domestic Violence Treatment Options Program

The Northwest Territories court system also features two alternative court processes. The Wellness Court, which sits only in Yellowknife, "aims to deal with the issues behind the offending behaviour" by providing "monitored treatment and community service support for chronic offenders with mental health issues, addictions, or cognitive challenges."[181] The Domestic Violence Treatment Options Court (DVTOC), which was first implemented in Yellowknife in 2011, is part of a program that "integrates counselling and therapy opportunities with the court process for individuals who have used violence in their relationships, and recognize the need to change their behaviour."[182]

When a charge involving domestic violence is laid by police, the first hearing of the matter is scheduled in DVTO Court. Crown and defence counsel can also recommend cases for referral to the program. The accused is released on an undertaking and directed to report to Probation Services to undergo a risk assessment to determine their suitability for the program. In order to participate in the DVTO program, however, the offender must first accept responsibility by pleading guilty before the DVTO court.

If accepted, Probation Services oversees the participant as they complete an eight-week group program (involving a two-hour group session) to learn about the dynamics of intimate partner relationships and skills and tools to assist in maintaining non-violent relationships. Participants may also access additional counselling to work on other factors impacting their relationships, such as alcohol and drug addiction. If the participant fails to comply with the program requirements or chooses to withdraw, they are sent back to the DVTO Court. On successful completion of the program, the participant must still appear before the court for sentencing, albeit with the judge considering the progress they have made in completing the program, often resulting in a reduced sentence.

Access to the Domestic Violence Treatment Options Program, however, is limited. In 2020, for instance, the DVTO Court was scheduled to sit only in Yellowknife and Hay River.

NWT Victim Services Programs

The NWT Victim Services Programs provide "referrals, information, assistance and support to victims of crime—both report and unreported."[183] Eight programs exist in the NWT, one of which is located in Inuvik and operated out of the Inuvik Justice Committee office. The Inuvik program has two full-time Victim Services Providers that provide outreach (usually by telephone) to the

other Inuvialuit communities. These staff "help victims with safety planning, are connected to local supports, and refer clients to culturally appropriate services."[184]

Under a Memorandum of Understanding between the RCMP G Division and the NWT Department of Justice, RCMP officers are directed to refer all victims to Victim Services, including contacting Victim Services to attend if the victim requires immediate assistance. Victim Services then provides support in relation to "information about the court process and shelters; referrals to counselling and other community services; assistance with Victim Impact Statements and property issues; and court accompaniment and support."[185]

While the programs offer a community-based service delivered by community organizations (as opposed to government agencies) and offer victims of crime "person-centred emotional support, practical assistant and referrals" that is "based on the needs of the individual, and is not 'incident-specific,'"[186] concerns have been raised as to the provision of services to remote Inuvialuit communities.

> Program funding levels are not sufficient to allow travel by air. Road and ice road travel is not always possible when victims' calls for support are received, given safety considerations. It is an ongoing challenge to provide a consistent level of victim services regionally, especially in the most remote Beaufort Delta region communities of the NWT.[187]

Another program that provides emergency financial assistance to NWT victims of serious violent crime is the Victims of Crime Emergency Fund. The fund covers the cost of emergency travel, food, clothing, childcare, accommodation, counselling, medical expenses (such as eyeglass replacement), and repairs to secure the safety of the victim's residence. Family violence and assault are two of the most common referrals received by the NWT Victims Services.[188] Between 2015 and 2020, the fund provided a total of nearly $240,000 to 330 victims.[189]

A 2020 evaluation of the NWT Victim Services Program found that it was generally responsive to victims' needs by helping them to navigate the justice system and referring them to appropriate services, providing information relating to their rights and the legal system, responding to their safety concerns and safety planning, and providing emotional support.[190] The evaluation, however, also highlighted the limited capacity of the program to support victims in more remote communities and to provide timely access to supports. Some of the Victim Services workers who were interviewed, for instance, spoke of the challenge in providing emotional support over the phone during a time of crisis. RCMP officers who were interviewed believed that emotional support was most needed immediately after incidents of intimate partner violence had occurred, when the victim was most anxious and in a state of shock.[191]

Criminal Justice in Nunavik

Nunavik (meaning "great land" in Inuktitut) covers a territory of some 507,000 square kilometres that is bordered by Hudson Bay to the west, Hudson Strait to the north, and Ungava Bay and Labrador to the east. The region makes up one-third of the province of Québec. Of the 12,090

inhabitants of the region, 90% are Inuit who live in 14 villages: Kuujjuarapik, Umiujaq, Inukjuaq, Puvirnituq, Akulivik, Ivujivik, Salluit, Kangirsujuaq, Quartaq, Kangirsuk, Aupaluk, Tasiujaq, Kuujjuaq, and Kangirsualujjuaq. There are no road links between the communities or with southern Québec.[192] Almost all Nunavimmiut (99%) are able to converse in Inuktitut; 98% indicate Inuktitut as their mother tongue.[193]

As a political entity, Nunavik came into being with the signing of the James Bay Northern Quebec Agreement in 1975. The Kativik Regional Government was created in 1978 to deliver public services to Nunavimmiut, with each of the 14 villages providing services in relation to health and hygiene, town planning and land development, public services, traffic and transportation, recreation, and culture. Makivik Corporation, located in Kuujjuaq, the administrative capital of the region, represents Inuit of Northern Québec and is responsible for managing the financial compensation from the Agreement on behalf of the Inuit beneficiaries.[194] The Corporation's mandate includes operating business enterprises and generating jobs, engaging in social economic development, improving housing conditions, and protecting Inuit language and culture.[195]

Policing in Nunavik is carried out by the Nunavik Police Service (formerly the Kativik Regional Police Force) and the Sûreté du Québec. Justice services are delivered via an itinerant court model. Court Workers, local Justice Committees, and the Sapummijiit Crime Victim Support Centre provide support to Nunavimmiut who are impacted by crime and violence. In 2019 the *Commission on Relations between Indigenous Peoples and Certain Public Services in Québec* released its report.[196] While the report is useful for documenting the criminal justice services provided to Indigenous communities in Québec—including Nunavik—it also provides evidence of systemic discrimination in the criminal justice system, including its response to gender-based violence.

Policing

Following the signing of the James Bay and Northern Quebec Agreement, an agreement was made between the Sûreté du Québec (SQ) and Indigenous communities to implement an Aboriginal police program. Indigenous applicants who successfully completed the program became special constables within the SQ. In 1996, following on the implementation of the First Nations Policing Policy (administered by Public Safety Canada), the Kativik Regional Police Force (KRPF) was created. Renamed the Nunavik Police Service (NPS) in 2021, the NPS delivers regular policing services to the 14 villages of the region (KRPF n.d.). The SQ continues to hold responsibility for intervening in crisis situations (such as an armed person) and investigating major crimes (such as murder). It has a station in Kuujjuaq, which houses SQ investigators and an Aboriginal Liaison Officer, both of whom work closely with the NPS.[197]

Policing in Nunavik has come under scrutiny from a number of sources. As part of the investigations conducted in relation to the National Inquiry on Missing and Murdered Indigenous Women and Girls, Saturviit Inuit Women's Association of Nunavik organized a gathering of victim's families and regional representatives in April 2016. During the gathering, concerns were raised that police were disrespectful and judgmental and that "most officers come to the North with negative preconceived ideas about Inuit, and thus show racist behaviour that affects their ability to serve the community."[198] Participants also believed, "police officers coming to Nunavik lack the appropriate skills and knowledge to work in the North. Most of them are very young and

thus do not have the life and work experience they need to work with communities that face serious social issues."[199] High staff turnover, lack of integration of officers into the communities, slow response times, and language differences were also seen to affect the quality of police service being provided. These same concerns were raised in a study conducted by Pauktuutit Inuit Women of Canada that included interviews with 11 Inuit women and six service providers in Nunavik.[200]

One promising initiative in which the Nunavik Police Service has been participating is the Puvirnituq Mobile Intervention Team (MIT). Started in May 2019, the project is an initiative of *Saqijuq* (meaning "a change in wind direction" in Inuktitut), which is endeavouring to create collaborative interventions between community and criminal justice services to curb alcohol and drug use in Nunavik with a view to reducing crime and violence and the resulting over-criminalization of Nunavimmiut.

The MIT pairs a police officer and psychosocial support worker to intervene in crisis situations that have a high risk of violence, using de-escalation and pacifying techniques to handle the situation. In addition to reducing the use of detention and the need for institutional services, the MIT has the benefit of improving the effectiveness of NPS officers by drawing on the expertise of the support workers in resolving crisis situations in a non-violent way. An evaluation of the program found three main grounds for intervention: suicide crisis situations (35%); domestic or family violence (14%); and children at risk (11%). Some 7 out of 10 clients (69%) are women. Respondents were of the view that the MIT has improved the quality of policing services and increased the levels of trust and cooperation in the community.[201]

The Québec Court System

The Court of Québec is broken down into three divisions: civil, criminal and penal, and youth. The Criminal and Penal Division of the Court hears all criminal proceedings—excluding cases tried before a judge and jury and more serious offences (such as murder) that are considered by the Superior Court—and penal proceedings for offences under municipal and provincial statutes.

In the Nunavik region, the courts function using the "itinerant court model."[202] The seat of the judicial district is Amos. The court visits nine Nunavik communities. While Kuujjuaq and Puvirnituq have permanent facilities in which to hold court, the itinerant court is held in rented facilities in the other villages. The Superior Court may also hold trials with judge and jury in Kuujjuarapik, Kuujjuaq, and Puvirnituq.[203]

Judges of the Court of Québec provide the services of the itinerant court. In 2016/17, 16 judges were assigned to cover Nunavik.[204] Typically, the itinerant court travels to each region for a period of one week, sitting for one or two days in a community before it moves to other communities in the same territory.

The James Bay and Northern Quebec Agreement had implications for the administration of criminal justice in the region. The Agreement specified that judges and all other persons designated to dispense justice on their territory must be cognizant of Inuit customs, as well as their way of life. Rules of procedure and sentencing must also take these factors into account, as well as facilitate access to interpretation and document translations services in Inuktitut.[205] As such, during

the itinerant court, "interpreters translate proceedings into the language of those involved, either systematically or at the request of a party."[206]

A report by the Québec Bar Association on the itinerant court, however, found "overflowing court dockets and insufficient staff and resources to process cases."[207] Despite an increase in the court calendar from 36 to 47 weeks a year, hearing delays continued to be an issue. Weather conditions account for some of the delay. "In some Nunavik communities, it's not uncommon for weather to prevent the travelling court from visiting communities for months, even years, at a time." The report also noted an insufficient number of court interpreters and Court Workers.[208]

Crown Prosecutors

The prosecution of *Criminal Code* offences in Québec is the responsibility of the Director of Criminal and Penal Prosecutions (DCPP), which acts under the authority of the Québec Attorney General and Minister of Justice. In 2016/2017, 11 prosecuting attorneys were assigned to cover Nunavik as well as the Eeyou (Cree) territory.[209] The Québec Commission, however, raised the issue of high turnover and lack of experience of prosecutors. Between 2005 and 2018, 116 prosecutors worked in the itinerant courts in Northern Québec. They were on the job for an average of 16.5 months, each visiting the territory less than six times. The majority of prosecutors had been members of the Bar for less than five years.[210] In December 2018 the decision was made to remove the only prosecutor position based in Nunavik. Three prosecutors based in the Abitibi region now provide those services.[211]

Legal Aid

The Community Legal Centre of Abitibi-Témiscamingue covers the territory of Northern Québec. While the Centre had an office in Kuujjuaq, it was closed in March, 2019 when the one staff lawyer left and the position could not be filled. Legal aid is therefore provided by staff located in Val-d'Or, some 1300 kilometres away, who visit the region and can be contacted by telephone. Legal aid lawyers also accompany the itinerant court when it travels to Nunavik.[212]

Defence lawyers surveyed by the Québec Commission deemed the process of obtaining legal aid to be problematic for Indigenous peoples, especially given the language barriers, the distance that a potential beneficiary must travel for an eligibility appointment, and difficulties in providing the documentation required to justify support.[213]

Services parajudiciaires autochtones du Québec (Native Para-Judicial Services of Québec)

Services parajudiciaires autochtones du Québec (SPAQ) was established following negotiations between the Québec government, First Nations, Métis, and Inuit over 35 years ago.[214] The organization is made up of nine associations, including the Kativik Regional Government in Nunavik. SPAQ runs two programs: Native Court Workers and Native Community Reintegration Officers.

The Court Workers offer legal assistance to Indigenous adults and youth in their dealings with the criminal justice system as victims, witnesses, or accused. Counsellors provide advice and assistance "to ensure their just and fair treatment in a judicial process unfamiliar with the ways and customs of Native people."[215] They network with prosecuting attorneys and defence lawyers

and may also be called on to provide judges with information on the resources available in communities. Staff may also draft Gladue Reports and help train and supervise paralegal workers on how to draft the reports.[216] In the Nunavik region, Court Workers are located in Kuujjuaq and Kuujjuarapik.[217]

Community Reintegration Officers work with Indigenous people who are serving their sentence in the community, assisting them to ensure they fulfill their correctional plan.[218] In the Nunavik region, Reintegration Officers are located in Kuujjuaq, Salluit, Puvirnituq, and Kuujjuaraapik.[219]

Local Justice Committees

Since 2000, the Makivik Corporation has promoted the development of local Justice Committees in the region. The number of committees has grown from an initial six—in the communities of Kuujjuraraapik, Salluit, Puvirnituq, Quaqtaq, Kangirsuk, and Aupaluk—to ten—with Inukjuak, Kuujjuaq, Kangiqsualujjuaq, Kangiqsujuaq, and Akulivik signing on. The Makivik Justice Program oversees these 10 local Justice Committees, which are made up of between five and eight locally-appointed members, and one coordinator "who is responsible for the intake of cases, case management, relations with the court and local resources, and the organization of all activities by the committee."[220]

The objectives of the Makivik Justice Program are:

- Helping administer justice using culturally adapted approaches, which put emphasis on healing individuals, families, and the community and dealing with the underlying causes of crimes (for both youth and adults);
- Responding to crimes and conflicts in a way that recognizes the Inuit culture, values, ways, and knowledge;
- Empowering Inuit that have been affected by a crime or conflict (victims, families, offenders, community) in offering help and solutions which build their resilience, increase their sense of dignity, and consider the safety of the community.[221]

The justice committees are "the only justice interveners in Nunavik that work with all parties involved in a crime or conflict (victims, offenders, families and surrounding resources)."[222] While the roles and responsibilities of a justice committee may vary depending on the needs and priorities of each community, "their goal is to offer an alternative to or complement the structures of the existing system."[223]

The committees are involved at a number of points along the criminal justice continuum:

Diversion: The Alternative Measures Program (AMP) was introduced in 2001 and then revised in 2015.[224] "This program is exclusively for Indigenous people in Québec and gives people who have been accused of a criminal offence an opportunity to take part, if they agree, in a supervised reconciliation and reparation process." The objectives of the program are to "promote greater community involvement in the administration of justice" and to "allow communities to re-establish the required traditional intervention practices for their members."[225]

The Nunavik Justice Committees play an important role in implementing this diversion program. Their goal is "to address the crime with the participation of the victim if possible to offer guidance and non-formal counselling by justice committee members and to involve the offender in community events to repair harm cause to the victim and community."[226]

In order to be eligible for diversion, an accused must accept responsibility for their actions and show a willingness to receive help to address the causes of the crime. Justice Committees organize a variety of different activities to assist the person in this process, including sewing circles, activities on the land, fishing and berry picking to support community members, meeting with the victim to discuss the event and apologize, and traditional guidance to deal with the cause of their actions.[227] The charges are suspended by the Crown Prosecutor while this process is underway. Once the accused has completed the measures recommended by the Justice Committee, charges are withdrawn.

While those accused of sexual offences are excluded from the program, some provisions have been made to include domestic violence offences.[228] For instance, "If a couple is struggling with violence in their relationship and they don't want to go through the system, they can approach the justice committee to work with them."[229]

One concern is that the diversion program relies on referrals received from the criminal justice system; "it is the DCPP [Director of Criminal and Penal Prosecutions] that that decides whether to send an accused to the AMP and whether to accept measures proposed by the justice committee."[230] In 2016-17, for instance, only 39 cases out of some 13,000 charges filed were referred to the Justice Committees in Nunavik. The low number of referrals has been explained by the limited list of offences that can be referred to the Committees (e.g. administration of justice offences, which are numerous in Nunavik, are not subject to referral) and the high level of turnover of Justice Committee members.[231]

Sentencing: Justice Committees normally meet with the accused and with the victim before sentencing. In some communities (Inukjuak and Aupaluk) the committee has been asked to make sentencing recommendations, which typically focus on "rehabilitation, reparation and healing and considers the community's safety."[232] Justice Committees are also involved in the preparation of Gladue Reports to assist at the sentencing stage. Makivik Corporation is contracted by Justice Québec to prepare Gladue Reports for Nunavik offenders, enabling Inuktitut-speaking writers to be hired and trained.[233] According to Lyne St. Louis and Vivien Carli:

> Gladue reports are crucial as they allow the justice committees to identify resources that would help the accused deal with the underlying causes of his/her crimes, it encourages judges to consider the social issues related to the criminal behaviours and to search for 'creative' sentences that could help the accused deal with his/her past and avoid reoffending. It increases knowledge and understanding about the history of the Inuit and the impact of policies of assimilation.[234]

In 2016 Gladue Reports were ordered in 60 Nunavik cases. In 90% of those reports, "offenders recall sexual assaults or abuse in their pasts. In about 85 percent of reports, it's the first time that person has disclosed abuse."[235]

The Québec Commission, however, raised the issue of the under-use of Gladue Reports in the province. It takes two to four months to compile the report, so they are not ordered unless the sentence is likely to be more than four months. Because the vast majority of Indigenous offenders are repeatedly sentenced for minor offences that carry shorter sentences, "Gladue reports are of no use" to them.[236] Witnesses before the Commission also raised the concerns that report writers are under-paid and inadequately trained.[237]

Post Sentencing: The Justice Committees are involved after sentencing in terms of offering "non-formal counselling, traditional activities and guidance" to those on probation or house arrest.[238] They also offer support to those released from detention. "Offenders are asked to establish a life plan that will help them live a healthier life and to address the issues that brought them in front of the justice system."[239]

Justice Committees are seen as playing an important role in community mobilization and crime prevention in that their purpose is "to restore a greater sense of responsibility by bringing back traditional ways of dealing with crime and conflict that connects people."[240] Lyne St. Louis and Phoebe Atagotaaluk elaborate on some of the elements that make Justice Committees more successful in guiding Inuit community members who have come into conflict with the law onto a better path:

- They are not in a position of power. They are seen as equal. Inuit are often intimidated by authority figures.
- They are naturally trauma-informed, having gone through collective traumas.
- They create an environment of trust and safety.
- They offer counselling in their own language (Inuktitut).
- The are guiding and directing, but not ordering. They give their words of wisdom but respect the independence and encourage the autonomy of the client.
- They let clients talk about themselves and listen deeply without interrupting, so individuals can hear their own story and start identifying needs.
- They listen without judging or blaming.
- They accompany the individual in a quest for long-lasting solutions, they don't find the solutions for them.
- They believe that relapse is not failing. It is a temporary step back to move forward with more assurance. They believe that by helping them to get back up on their feet and learn from their fall, they will recover and gain more strengths.
- They use stories and metaphors to teach.
- They share their time and country food with individuals, out on the land. They are generous.
- They remain present, available whether the Court case is on or over.[241]

Nevertheless, the Committees are not without their challenges. For one, they "continuously have to prove to the criminal justice system that it [sic] is worthy of its trust."[242] This challenge is complicated by the high turnover of staff in judicial and correctional systems in the province as

well as the lack of communication that often occurs between the itinerant courts (with their busy schedules) and the Committees.[243]

Another challenge encountered is underfunding of the Committees. According to data obtained by the Québec Commission, the total budget allocated by the Québec Minister of Justice to the 26 existing Justice Committees in the province, not including those of the Eeyou (Cree) Nation, remained unchanged between 2008–2009 and 2014–2015. It was then reduced slightly before being raised to $734,500 in 2017–2018.[244] The Justice Committees also receive an additional budget from the Department of Justice Canada. In 2017–2018, the budget allocated by both levels of government totalled $2.4 million. Nunavik's 10 Justice Committees shared a total annual budget of $1.35 million in 2017–2018. This budget had to cover the coordinators' salaries and all of the Committees' activities, which amounted to $134,800 per Justice Committee.[245]

Saturviit Inuit Women's Association has also cautioned that the local Justice Committees should not become "mere facilitators of Western legal practice" and that "Inuit women have a significant role to play in maintaining social harmony, so their knowledge and skills must be recognized, valued, and mobilized."[246]

Crime Victims Assistance Centres

Crime Victims Assistance Centres (CAVACs) are non-profit organizations that are governed by the *Act Respecting Assistance for Victims of Crime*.[247] Their free, confidential services are provided to victims of any crime and their close relations, whether or not the victimization has been dealt with by the criminal justice system. Witnesses of a crime can also benefit from assistance provided by these organizations.[248]

The Nunavik Sapummijiit Crime Victims Assistance Centre is a CVAC with offices in Kuujjuaq, Salluit, Kuujjuarapik, Inukjuak, and Puvirnituq. Agents also travel to other communities in the region and attend Circuit Court. The role of these victim support agents is to:

- Inform victims of their rights, recourses, and available compensation programs;
- Accompany victims throughout the judicial process and prepare them to testify in court;
- Provide technical assistance for completing forms and make referrals to specialized and local community resources;
- Attend the sitting of the itinerant court;
- Assist in cancellation of a residential lease due to violence or sexual assault.[249]

All of the Sapummijiit agents are Inuit and services are provided in Inuktitut and English. In October 2017 the Kativik Regional Police Force signed an agreement with the Centre to ensure that police officers make victims aware of the services it provides.[250]

Systemic Discrimination

The Commission on Relations between Indigenous Peoples and Certain Public Services in Québec was triggered by reports by several Indigenous women in Val D'Or, Québec that they had been subject to physical and sexual assault by members of the Sûreté du Québec.[251] The mandate of the Commission was to shed light on the issues that characterize relations between Indigenous peoples

and the providers of certain public services, including the criminal justice system, throughout Québec.[252] As Commissioner Viens noted:

> In concrete terms, the mandate consisted of assessing whether the treatment of Indigenous peoples in the delivery of public services was marked by violence or discriminatory practices. The underlying question was to determine whether Indigenous peoples were treated differently by public services due to their distinctive characteristics, and whether this generated injustices, particularly with respect to the services provided, and hindered them in exercising their rights.[253]

In his 488-page report, the Commissioner made the point of distinguishing between direct, indirect, and systemic discrimination. ***Direct discrimination*** is "the negative treatment of a person on the basis of his or her belonging to a particular societal group, and the bias, prejudice or stereotyping that are directed, consciously or unconsciously, toward this group." ***Indirect discrimination*** refers to "the inequitable effects that may result from the application of apparently 'neutral' laws, policies, norms and institutional practices on a person or group of people." ***Systemic discrimination*** combines both direct and indirect discrimination and "is characterized as being widespread and institutionalized in a society's practices, policies and culture." Moreover, "Systemic discrimination can impede individuals throughout their entire lives and its effects can persist over multiple generations."[254]

Based on an investigation that heard testimony from 765 witnesses, Commissioner Viens concluded that "the justice system has failed in its dealings with Indigenous peoples"; it "discriminates against Indigenous peoples in a systemic way, whether they are victims or accused."[255]

Systemic discrimination was evident at a number of points along the criminal justice continuum, including:

Access to justice: "Inherent language barriers, limited access to interpreters, and the flagrant ignorance of the main actors in the judicial system as to the history and culture of Indigenous peoples" constitute major obstacles to the accessibility of services for Indigenous peoples.[256]

Pre-trial detention**:** While the release of an accused pending trial is the rule rather than the exception in Canadian law, Indigenous people are more likely to remain incarcerated at the appearance stage or following a bail hearing. They are also overrepresented in pre-trial detention and generally held for a longer period before trial. In Nunavik, the pre-trial detention rate reaches 30% compared to 10.5% for non-Indigenous accused in the province.[257] Those who are detained are transported from Nunavik to Amos, which "could easily take eight to ten days" from the time of arrest. The *Criminal Code*, however, specifies that a bail hearing should be held within three days.[258]

Making bail and release conditions**:** When a person is accused of a criminal offence, the judge may decide to release them pending trial on certain conditions, such as a curfew or a ban on consuming alcohol. If the accused breaches the conditions, they may be incarcerated for the rest of the proceedings, charged with another criminal offence, or forfeit the money that was posted as

bail. Inuit are less likely to be released on bail (54% versus 68% for non-Indigenous people) and the conditions of release are often "unreasonable, even unrealistic." For instance, forbidding the accused to be in the presence of the victim is nearly impossible to respect in small communities, as is abiding by drug and alcohol consumption restrictions with few resources in the accused's community.[259] As a consequence, administration of justice offences made up 35% of charges against Indigenous people in Québec in 2016; breach of conditions involving Inuit accounted for 52% of those charges.[260]

***Guilty pleas*:** According to several Commission witnesses, Indigenous people often feel forced to plead guilty. "A number of systemic elements prompt them to act in this way; the leading one being ignorance of their rights."[261] Wanting to be released from detention, lawyers suggesting a guilty plea would be easiest, and misinterpretation of what pleading guilty means (did you do it?) are other factors.[262]

***Correctional Services*:** Indigenous offenders are usually incarcerated thousands of kilometres away from their family and community and face significant cultural and language barriers, and limited programs and services. The situation is of particular concern for Inuit. The ratio of Inuit prisoners was 64 per 1,000 residents in 2015–2016, which is 16 times higher than the ratio for the non-Indigenous group (4 per 1,000) during the same period. Inuit also accounted for more than half (59.4%) of the average Indigenous daily population in Québec institutions in 2015–2016.[263] The situation is especially dire for Inuit women. At the LeClerc Correctional Facility for Women, "most Inuit women speak neither English nor French. Unable to communicate in anything but Inuktitut, they experience an immense solitude that weighs heavily on their mental health." Of the 10 suicides that occurred at Le Clerc in a three-year period, half involved Inuit women.[264]

***Intermittent sentences*:** Imposing sentences that are served on weekends enables the offender to remain in their community and maintain contact with family and children. Given the absence of an adequate facility in which to serve their weekend sentence, however, "it is almost impossible for Nunavik residents to benefit from this measure."[265]

Transfers: Indigenous inmates undergo a considerably higher number of transfers from institution to institution than non-Indigenous inmates during the time they are detained; 19% of Inuit prisoners are transferred four or more times during their time within the correctional system.[266] Transfer to another correctional facility means undergoing a strip search on leaving the first facility and another when entering the second one, transportation in a patrol wagon during which both hands and feet are manacled, a high risk of losing personal effects during the move, and then having to adapt to a new place, new correctional personnel, new rules and methods, as well as new cellmates.[267]

Gender-based violence: In the course of documenting evidence of systemic discrimination in the criminal justice system in Québec, the Commission addressed the issue of gender-based violence, which was presented by witnesses before the Commission as a "complex and widespread problem" in Indigenous communities.[268] Commissioner Viens noted, however, that, "there are no recent data on the prevalence of family violence in Indigenous communities in Québec."[269] As well, "there is

a significant gap between the number of actual sexual abuse cases and the number of cases reported."[270]

Several reasons were cited for the under-reporting of gender-based violence, one of which is the "climate of mistrust" in the justice system that prevails. "To Indigenous eyes, the system is defined by a failure to solve issues and support victims. This is particularly so when it comes to domestic violence and sexual assault."[271] Even when a case is reported to police, "the system does not meet needs or provide a sustainable solution. Worse, the system causes further trauma due to lengthy court delays, several hearing date postponements and geographical distance from services."[272] At bottom, Commissioner Viens maintained that victims of gender-based violence "do not feel safe testifying in a system that they do not understand and that is foreign to them."[273]

The Commissioner also pointed to the "fundamental incompatibility" between the Canadian criminal justice system and Indigenous conceptions of justice. For instance, Indigenous methods for resolving disputes are based on a holistic understanding that is "centred on accountability, reparation and healing rather than punishment, which seems to be the thrust of the government's justice system." As well, Indigenous dispute resolution focuses on "dialogue, respect, consensus and non-judgment" and elders, family, and other community members are critical to the process. Moreover, while Indigenous conceptions of justice are focused on "individual and collective accountability," the Canadian criminal justice system "is concerned only with individual responsibility."[274]

Taking Stock

The Canadian criminal justice system has been tasked with responding to the inordinate rates of crime and violence in Inuit Nunangat, rates that are symptomatic of the much deeper social and economic issues generated by the colonial encounter with *qallunaat*. While much of the operation of the criminal justice system in the North is a replication of what transpires in southern Canada, gestures have been made towards attending to the unique circumstances and needs of Inuit, particularly in the form of Inuit Court Workers, Justices of the Peace, Crown Witness Coordinators, and Community Justice Committees, as well as drawing on the knowledge of elders in the sentencing process. Those initiatives, however, have been subject to a host of problems and challenges.

High staff turnover, lack of integration of officers into the communities, slow response times, and language differences affect the quality of police services being provided. Circuit Courts are confronted with the challenge of reaching isolated communities and overcoming language and cultural barriers while completing an overflowing court docket in a compressed schedule. Problems with the recruitment and retention of court personnel (judges, prosecutors, and defence lawyers) compromise the ability of the courts to offer culturally informed supports and services. Justices of the Peace, Court Workers, and Community Justice Committees are under-trained, under-resourced, and under-utilized. Justice is often served "from a distance" as legal aid lawyers, Court Workers, and Victims Services agents provide support via telephone rather than in-person.

Added to the mix, the costs of justice delivery are much higher in the North and there is a serious shortage of community resources and programming, leading some writers to conclude that residents of Inuit Nunangat "do not receive the same level of justice services" compared to the rest of the country[275] and that Indigenous peoples encounter systemic discrimination from the Canadian criminal justice system.[276] Moreover, while efforts have been made to introduce Inuit *Qaujimajatuqangit* into criminal justice processes and practices, concerns have been raised about the "fundamental incompatibility" between the Canadian criminal justice system and Indigenous conceptions of justice.[277]

These problems and challenges become even more pronounced when the issue of gender-based violence is brought to the fore. Several of the criminal justice initiatives—such as Gladue Reports and Wellness Courts—have been focused on addressing the circumstances of offenders as opposed to victims of crime. Local Justice Committees, while promising to integrate Inuit customary practices into criminal justice decision making, do not typically consider offences associated with gender-based violence, such as sexual and domestic assaults. Several jurisdictions have passed specific legislation, instituted specialized domestic violence courts, and established Victims Services to address gender-based violence. However, access to the specialized courts is restricted for Inuit women, Emergency Protection Orders and Community Intervention Orders are under-utilized and difficult to implement in small communities, and women living in remote communities face the challenge of accessing Victims Services when they need them. The lack of community-based resources and trauma-informed practices within the criminal justice system has also been cited as a problem—as has the "climate of mistrust" that prevails, inhibiting Inuit women from reporting experiences of gender-based violence.[278]

While this scan exposes some of the problems and challenges encountered in the operation of the criminal justice system in Inuit Nunangat, we need to know more. In particular, we need to learn the standpoints of Inuit women who turn to the criminal justice system when they experience gender-based violence. What are their needs in that regard? What challenges or barriers have they encountered? How do they imagine a more responsive criminal justice system?

Endnotes

[1] Nunavut Tunngavik Incorporated. 2014. *Examining the Justice System in Nunavut: Annual Report on the State of Inuit Culture and Society: 2013-2014*. Nunavut Tunngavik Inc, Iqaluit, NU. http://www.tunngavik.com/files/2014/10/2013-14-SICSAnnual- Report-ENG.pdf.
[2] Pauktuutit Inuit Women of Canada. 2006. *The Inuit Way: A Guide to Inuit Culture*. Ottawa: Pauktuutit Inuit Women of Canada, p. 6.
[3] Mathieu Charron et al. 2010. *Police-Reported Crime in Inuit Nunangat*. Ottawa: Statistics Canada, p. 10.
[4] ibid., p. 11.
[5] Zebedee Nungat. 1993. "Fundamental Values, Norms and Concepts of Justice – Inuit of Nunavik." *Aboriginal Peoples and the Justice System: Report of the National Roundtable on Aboriginal Justice Issues*. Ottawa: Royal Commission on Aboriginal Peoples, p. 88.
[6] World Population Review. 2020 "Nunavut Population 2020." https://worldpopulationreview.com/canadian-provinces/nunavut-population/; David Maytas. 2018. "Short Circuit: A Failing Technology for Administering Justice in Nunavut." *Windsor Year Book Access to Justice* 35: 379-400; Government of Nunavut. n.d.a. "Nunavut Infrastructure." https://gov.nu.ca/eia/documents/nunavut-infrastructure.
[7] Nunavut Tunngavik Incorporated, op. cit., p. 5.
[8] Jessica Black. 2017. *Tupiq Nappaqtauliqtuq: Meeting Over-Incarceration and Trauma with Re-Centering Inuit Piusiit*. The Gordon Foundation, p. 10.
[9] Nunavut Department of Justice. 2017. *Nunavut Crime Prevention Strategy. Five Year Strategy*. (March). https://assembly.nu.ca/sites/default/files/TD-302-4(3)-EN-Nunavut-Crime-Prevention-Strategy.PDF.
[10] Royal Canadian Mounted Police. 2006. "Mission, Vision and Values." (April 27). http://www.rcmp-grc.gc.ca/about-ausujet/mission-eng.htm.
[11] Royal Canadian Mounted Police. 2019a. "Strategic Priorities." (July 30) http://www.rcmp.gc.ca/prior/index-eng.htm#ac.
[12] Royal Canadian Mounted Police. 2019b. "Serving Canada's Indigenous People" (June 7) http://www.rcmp-grc.gc.ca/aboriginal-autochtone/index-eng.htm.
[13] CBC News. 2020. "RCMP Burnout May be Adding to Nunavut Policing Problems, says Territory's Top Cop." (June 9). https://www.cbc.ca/news/canada/north/rcmp-nunvut-burnout-1.5603800
[14] National Inquiry into Missing and Murdered Indigenous Women and Girls. 2018. *Truth Gathering Process Part 2 Volume 8 Institutional Hearings*. "Police Policies and Practices." Saskatchewan Hotel, Regina, Saskatchewan, p. 45.
[15] Public Safety Canada. 2015. "Inuit Perceptions (Synopsis) – Royal Canadian Mounted Police – 'V' Division" (March 1) https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plcng/ndx/snpss-en.aspx?n=498
[16] National Inquiry into Missing and Murdered Indigenous Women and Girls. 2019. *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Volume 1a. Ottawa, p. 685.
[17] Robin Doolittle. 2017. "Why Police Dismiss 1 in 5 Sexual Assault Claims as Baseless." *Globe & Mail* (February 3). https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/
[18] Royal Canadian Mounted Police. 2017. *The Way Forward: The RCMP's sexual assault review and victim support action plan*. (December). https://www.rcmp-grc.gc.ca/en/the-way-forward-the-rcmps-sexual-assault-review-and-victim-support-action-plan, p. 3.
[19] ibid., p. 3.
[20] ibid., p. 3.
[21] ibid., p. 4.

[22] ibid., p. 5.
[23] Legal Services Board of Nunavut. 2019. "Request for Review of RCMP in Nunavut." (June 13). https://www.documentcloud.org/documents/6937877-ATIPP-LSB1-Compressed.html, p. 2.
[24] ibid., p. 3.
[25] ibid., p. 5.
[26] ibid., p. 6.
[27] ibid., p. 6.
[28] ibid., p. 10.
[29] ibid., p. 10.
[30] ibid., p. 15.
[31] ibid., p. 14.
[32] ibid., p. 16.
[33] ibid., p. 16.
[34] Legal Services Board of Nunavut. 2020. "Two Recent Incidents of Strip Searching of Women by RCMP in Nunavut." (January 23). https://www.documentcloud.org/documents/6937878-ATIPP-LSB2.html.
[35] ibid., p. 2.
[36] Civilian Review and Complaints Commission for the RCMP. 2020. Letter to Benson Cowan, Chief Executive Officer of the Legal Services Board of Nunavut. (March 31). https://www.documentcloud.org/documents/6937879-Correspondence-to-Benson-Cowan-2020-03-31.html
[37] Pauktuutit Inuit Women of Canada and Elizabeth Comack. 2020. *Addressing Gendered Violence against Inuit Women: A review of police policies and practices in Inuit Nunangat*. (January). https://www.pauktuutit.ca/wp-content/uploads/Pauktuutit_Addressing-Gendered-Violence_English_Full-Report.pdf
[38] ibid., p. 63.
[39] V Division RCMP. 2021. "Reconciliation Strategy and Activities." https://www.rcmp-grc.gc.ca/en/nu/publications/v-division-rcmp-2021-reconciliation-strategy-and-activities.
[40] Scott Clark. 2011. "The Nunavut Court of Justice: An example of challenges and alternatives for communities and for the administration of justice." *Canadian Journal of Criminology and Criminal Justice* 53 (3), p. 345; Nunavut Tunngavik Incorporated. 2014. *Examining the Justice System in Nunavut: Annual Report on the State of Inuit Culture and Society: 2013-2014*. Nunavut Tunngavik Inc, Iqaluit, NU. http://www.tunngavik.com/files/2014/10/2013-14-SICSAnnual- Report-ENG.pdf.
[41] See: The Nunavut Court of Justice. 2018. *Sivumuappallianivut kajusivuq Our Journey Continues: A Statistical and Comparative Review of Court Operations in Nunavut 2017*. (December 31).
[42] Department of Justice Canada. 2007. *The Nunavut Court of Justice Formative Evaluation: Final Report* (January). http://www.justice.gc.ca/eng/pi/eval/rep-rap/07/ncj-cjn/nunavut-eng.pdf, pp. vi-vii.
[43] Government of Nunavut. 2018. *National Inquiry into Missing and Murdered Indigenous Women and Girls Closing Submissions.* (December 14). https://www.mmiwg-ffada.ca/wp-content/uploads/2019/02/Govt-Nunavut-Final-Written-Submission.pdf, p. 45.
[44] ibid., p. 48.
[45] Nunavut Court of Justice. n.d. "The Nunavut Court of Justice." https://www.nunavutcourts.ca/index.php/nunavut-court-of-justice
[46] Department of Justice Canada. op.cit., p. 33.
[47] ibid., p. 33.
[48] David Maytas. 2018. op.cit., p. 390.
[49] ibid., p. 391.
[50] Nunavut Court of Justice. n.d., op. cit.
[51] Scott Clark. 2011. op. cit., p. 350.

[52] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 25.
[53] Department of Justice Canada. 2007. op. cit., p.18.
[54] ibid., p. 20.
[55] ibid., p. 21.
[56] ibid., p. 22.
[57] David Matyas. 2018. op. cit., p. 391.
[58] Qikiqtani Truth Commission. 2013. *Paliisikkut: Policing in Qikiqtaaluk*. Thematic Reports and Special Studies 1950-1975. Iqaluit: Qikiqtani Inuit Association, p. 31.
[59] Nunavut Court of Justice. n.d., op. cit., p. 54.
[60] Department of Justice Canada. 2007. op. cit., p.39.
[61] ibid., p. 36.
[62] David Matyas. 2018. op. cit., p. 398.
[63] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 8.
[64] ibid., p. 8.
[65] Scott Clark. 2011. op. cit., p. 357; David Maytas. 2018. op.cit., p. 398.
[66] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 8.
[67] Department of Justice Canada. 2007. op. cit., p.36.
[68] Scott Clark. 2011. op. cit., p. 358.
[69] Public Prosecution Service of Canada. 2021. *Annual Report 2020-2021*. Ottawa. https://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/2020_2021/index.html.
[70] Report of the Coordinating Committee of Senior Officials Working Group on Access to Justice for Adult Victims of Sexual Assault. 2018. *Reporting, Investigating and Prosecuting Sexual Assaults Committed Against Adults – Challenges and Promising Practices in Enhancing Access to Justice for Victims*. Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety Conference, St. John's NFL/L. (November 15-16). https://scics.ca/en/product-produit/reporting-investigating-and-prosecuting-sexual-assaults-committed-against-adults-challenges-and-promising-practices-in-enhancing-access-to-justice-for-victims/
[71] *Canadian Victims Bill of Right* S.C. 2015, c. 13, s.2.
[72] Susan MacDonald and Lisa Ha. 2015. *Exclusion of the Public and Appointment of Counsel: Tools to Help Victim Witnesses in Canada's North*. Victims of Crime Research Digest No. 8. https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd8-rr8/p3.html.
[73] John Phelps. 2018. *Overview of the Public Prosecution of Canada (PPSC) Crown Witness Coordinator (CWC) Program*. Calgary Exhibit 2. National Inquiry into Missing and Murdered Indigenous Women and Girls Institutional Hearing – Government Services, Victim Services Panel, p. 2.
[74] ibid., pp. 2-4.
[75] Mary Beth Levan. 2010. *Final Report: Crown Witness Coordinator Program Sub-Study*. Ottawa: Justice Canada (March 29), p. 6.
[76] ibid., p. 27.
[77] ibid., p. 32.
[78] Public Prosecution Service of Canada. 2014. *Deskbook*. 2.5 Principles of Disclosure. https://www.ppsc-sppc.gc.ca/eng/index.html.
[79] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 20.
[80] ibid., p. 20.
[81] Department of Justice Canada. 2007. op. cit., p.46.
[82] Department of Justice Canada. 2007. op. cit.; Scott Clark Consulting Inc. 2004. *Review of the Nunavut Community Justice Program, Final Report*. Ottawa: Department of Justice Canada Research and Consulting Division.
[83] Department of Justice Canada. 2007. op. cit., p. 47.

[84] ibid., p. 46.
[85] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 21.
[86] Department of Justice Canada. 2007. op. cit., p. 47.
[87] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 21.
[88] ibid., p. 20.
[89] ibid., p. 20.
[90] ibid., p. 21.
[91] Department of Justice Canada. 2002a. *Nunavut Legal Services Study Final Report*. https://www.justice.gc.ca/eng/rp-pr/aj-ja/rr03_la14-rr03_aj14/rr03_la14.pdf, p. 75; Department of Justice Canada. 2007. op. cit., p.34.
[92] Department of Justice Canada. 2007. op. cit., p.46; Department of Justice Canada. 2002a. op. cit.
[93] Legal Services Board of Nunavut. 2017. *Legal Services Board of Nunavut 2016/17 Annual Report*. http://nulas.ca/wp-content/uploads/2018/07/LSB_Annual-Report-16-17-English.pdf, p. 23.
[94] Department of Justice Canada. 2002a. op. cit., p. vii.
[95] Legal Services Board of Nunavut. 2017. op. cit., p. 17.
[96] Scott Clark. 2011. op. cit.
[97] Jessie Casebeer. 2020. "A Northern Lawyer." *The Northern Review* 50, p. 191.
[98] ibid., p. 192.
[99] *R. v. Gladue*. 1999. 1S.C.R. 688.
[100] See: David Milward and Debra Parkes. 2014. "Colonialism, Systemic Discrimination, and the Crisis of Indigenous Over-Incarceration." In E. Comack (Ed.), *Locating Law: Race/class/gender/ sexuality connections* (third edition). Halifax and Winnipeg: Fernwood Publishing.
[101] Scott Clark. 2011. op. cit.
[102] Community Justice Division Department of Justice Government of Nunavut. 2019. *Family Abuse Intervention Act (FAIA) Annual Report 2017-2018*, p. 2.
[103] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 28.
[104] Community Justice Division Department of Justice Government of Nunavut. 2019. op. cit.
[105] ibid., p. 5.
[106] ibid., p. 3-4.
[107] Jane George. 2011. "Report: Nunavut Family Abuse Law 'Failing.'" *Nunatsiaq News* (March 11).
[108] Community Justice Division Department of Justice Government of Nunavut. 2017. *Family Abuse Intervention Act (FAIA) Annual Report 2015-2016*.
[109] ibid., p. 10.
[110] Community Justice Division Department of Justice Government of Nunavut. 2019. op. cit.
[111] ibid., pp. 6-7.
[112] Law Society of Nunavut and Pauktuutit Inuit Women of Canada. 2021. *Access to Justice for Family Violence in Nunavut*. https://www.lawsociety.nu.ca/en/research.
[113] Lisa Gregoire. 2016. "Nunavut Justice Department Promotes Remedies under Family Abuse Act." *Nunatsiaq News* (May 2).
[114] Cited in ibid.
[115] Nunavut Tunngavik Incorporated. 2014. op. cit., p. 29.
[116] Government of Nunavut. n.d.b. "Victim Services." https://www.gov.nu.ca/justice/programs-services/victim-services.
[117] Rogers, Sarah. 2017a. "Pick up the Phone if you Need Support, says Nunavut's Victims Services." *Nunatsiaq News* (August 18). https://nunatsiaq.com/stories/article/65674pick_up_the_phone_if_you_need_support_says_nunavuts_victims_services/.

[118] Nunavut Victim Services. 2017. *Nunavut Victim Services Annual Report 2015-2016.* Community Justice Division, Nunavut Department of Justice. https://assembly.nu.ca/sites/default/files/TD-300-4(3)-EN-Nunavut-Victims-Services-Annual-Report-2015-2016.pdf, p. 2.
[119] *Victims of Crime Act*. R.S.N.W.T. 1988, c. 9 (Supp.).
[120] Nunavut Victim Services. 2017. op. cit., pp. 3-4.
[121] ibid., pp. 5-6.
[122] ibid., p. 6.
[123] Nunavut Department of Justice. 2015. *Public Engagement Report for the Crime Prevention Strategy*. https://www.gov.nu.ca/sites/default/files/public_engagement_report_for_the_crime_prevention_strategy_english.pdf.
[124] ibid., p. 26.
[125] Nunavut Department of Justice. 2017. *Nunavut Crime Prevention Strategy. Five Year Strategy*. (March). https://assembly.nu.ca/sites/default/files/TD-302-4(3)-EN-Nunavut-Crime-Prevention-Strategy.PDF, p. 26.
[126] ibid., p. 5.
[127] ibid., p. 14.
[128] ibid., p. 41.
[129] Scott Clark. 2011. op. cit., pp. 359-60.
[130] ibid., p. 360.
[131] Jessica Black. 2017. op. cit., p. 37.
[132] Department of Justice Canada. 2007. op. cit., p. 24.
[133] Scott Clark. 2011. op. cit., p. 360.
[134] ibid., p. 361.
[135] Statistics Canada. 2016. *Aboriginal Population Profile Inuvialuit Region (Inuit Region) Northwest Territories*.https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/abpopprof/details/page.cfm?Lang=E&Geo1=AB&Code1=2016C1005086&Data=Count&SearchText=Inuvialuit%20region&SearchType=Begins&B1=All&GeoLevel=PR&GeoCode=2016C1005086&SEX_ID=1&AGE_ID=1&RESGEO_ID=1.
[136] Karin Taylor. 2018. *National Inquiry into Missing and Murdered Indigenous Women and Girls Closing Submissions of the Government of the Northwest Territories*. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/02/Govt-NWT-Final-Written-Submission.pdf, p. 4.
[137] NWT Bureau of Statistics. 2019. *Summary of NWT Community Statistics*. (September) https://www.statsnwt.ca/community-data/Summary%20of%20Community%20Statistics2019.pdf.
[138] Inuvialuit Regional Corporation. n.d.a. "Inuvialuit Final Agreement." http://www.irc.inuvialuit.com/inuvialuit-final-agreement.
[139] Inuvialuit Regional Corporation. n.d.b. "About." http://www.irc.inuvialuit.com/about-irc.
[140] Pauktuutit Inuit Women of Canada and Elizabeth Comack. 2020. op. cit.
[141] ibid.
[142] Royal Canadian Mounted Police. 2021. "G Division RCMP Reconciliation Strategy." https://www.rcmp-grc.gc.ca/en/nt/publications/g-division-reconciliation-strategy.
[143] Truth and Reconciliation Commission of Canada. 2015. *Final Report of the Truth and Reconciliation Commission of Canada, Volume One: Summary Honouring the Truth, Reconciling the Future*. Toronto: Lorimer.
[144] Government of the Northwest Territories. n.d.a. "Courts of the Northwest Territories." https://www.justice.gov.nt.ca/en/courts/.
[145] Karin Taylor. 2018. op. cit., p. 11.

[146] Department of Justice Canada. 2002b. *Legal Aid Courtworker, and Public Legal Education and Information Needs in the Northwest Territories Final Report*. https://www.justice.gc.ca/eng/rp-pr/aj-ja/rr03_la8-rr03_aj8/rr03_la8.pdf, p. 13.
[147] ibid., p. 12.
[148] ibid., p. 12.
[149] ibid., p. 4.
[150] Government of the Northwest Territories. n.d.b. "Justice of the Peace Court." https://www.nwtcourts.ca/en/courts/justice-of-the-peace-court/.
[151] Department of Justice Canada. 2002b. op. cit., p. 16.
[152] ibid.
[153] Public Prosecution Service of Canada. 2021. op. cit.
[154] John Phelps. 2018, p. 2.
[155] ibid., pp. 2-4.
[156] Mary Beth Levan. 2010. op. cit., pp. 65-66.
[157] Legal Aid Commission of the Northwest Territories. 2018/19. *Legal Aid Commission of the Northwest Territories Annual Report, 2018-2019*. https://www.justice.gov.nt.ca/fr/fichiers/commission-daide-juridique/Rapports%20annuels/Rapport%20annuel%202018-2019.pdf, p. 18.
[158] ibid., p. 18.
[159] Karin Taylor. 2018. op. cit., p. 13.
[160] ibid., p. 15.
[161] Legal Aid Commission of the Northwest Territories. 2018/19. op. cit., p. 5.
[162] ibid., p. 13.
[163] Department of Justice Canada. 2002b. op. cit., p. 24.
[164] Karin Taylor. 2018. op. cit., p. 13.
[165] Department of Justice Canada. 2002b. op. cit., p. 22.
[166] Karin Taylor. 2018. op. cit., p. 13.
[167] Department of Justice Canada. 2002b. op. cit., pp. 20 and 24.
[168] ibid., p. 12.
[169] ibid., p. 12.
[170] ibid., p. 25.
[171] Government of the Northwest Territories. n.d.c. "Community Justice Committees." https://www.justice.gov.nt.ca/en/community-justice-committees/.
[172] Karin Taylor. 2018. op. cit., p. 8.
[173] Government of the Northwest Territories. n.d.c. op. cit.
[174] ibid.
[175] Inuvik Justice Committee. n.d. "About." http://www.inuvikjusticecommittee.com/about.html.
[176] *Protection Against Family Violence Act*. S.N.W.T. 2003, c.24.
[177] Government of the Northwest Territories. 2017. *Family Law in the NWT: Rights, responsibilities, answers, information*. https://www.justice.gov.nt.ca/en/files/family-law-guide/Family%20Law%20Guide%202017.pdf.
[178] ibid., pp. 18-22.
[179] Government of the Northwest Territories. 2021. *Changing the Relationship Draft Action Plan: In response to the calls for justice on missing and murdered indigenous women, girls and 2SLGBTQQIA+ people*. https://www.gov.nt.ca/en/newsroom/gnwt-releases-draft-action-plan-address-calls-justice-missing-and-murdered-indigenous-women.

[180] Pertice Moffit, Debby Rybchinski, Heather Fikowski, and Lyda Fuller. 2020. The Nature of Emergency Protection Orders (EPOS) in the Northwest Territories, Canada: A Case Study. YMCA NWT. https://www.ywcanwt.ca/annual-reports-and-publications.
[181] Government of the Northwest Territories. n.d.d. "Wellness Court." https://www.nwtcourts.ca/en/courts/wellness-court/.
[182] Government of the Northwest Territories. n.d.e. "Domestic Violence Treatment Options Court." https://www.nwtcourts.ca/en/courts/domestic-violence-treatment-options-court/.
[183] Government of the Northwest Territories. 2017. *Family Law in the NWT: Rights, responsibilities, answers, information*. https://www.justice.gov.nt.ca/en/files/family-law-guide/Family%20Law%20Guide%202017.pdf, p. 23.
[184] Karin Taylor. 2018. op. cit., p. 18.
[185] MOU. 2008. "Memorandum of Understanding Between the Royal Canadian Mounted Police 'G' Division and Government of the Northwest Territories Department of Justice on Behalf of Victims Services Programs of the Northwest Territories." National Inquiry into Missing and Murdered Indigenous Women and Girls Calgary Hearings, Part II, Vol. 1, Calgary Exhibit 5 Gardiner. https://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/P02P01P0101_Calgary_Exh_5_Gardiner.pdf.
[186] Karin Taylor. 2018. op. cit., p. 18.
[187] NWT Victim Services. 2017. "Northwest Territories (NWT) Victim Services Program 2016-2017." National Inquiry into Missing and Murdered Indigenous Women and Girls Calgary Hearings, Part II, Vol. 1, Calgary Exhibit 6 Gardiner. https://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/P02P01P0101_Calgary_Exh_6_Gardiner.pdf.
[188] Karin Taylor. 2018. op. cit., p. 21.
[189] FWCO Management Consultants Ltd. 2020. *Victim Services Program Evaluation. Final Report*.
[190] FWCO Management Consultants Ltd. 2020. *Victim Services Program Evaluation. Final Report*, pp. 25-26.
[191] ibid., p. 27.
[192] Kativik Regional Police Force. n.d. "General Information." http://www.krpf.ca/en/about.
[193] Inuit Tapiriit Kanatami. 2018. *Inuit Statistical Profile 2018*. Ottawa. https://www.itk.ca/2018-inuit-statistical-profile-3/, p. 21.
[194] Arild Knapsog. 2017. "Roads to Autonomy: Similar paths, difference outcomes in two Inuit regions." Master's thesis. Department of Comparative Politics, University of Bergen, p. 37.
[195] Makivik Corporation. n.d. "Makivik Mandate." https://www.makivik.org/corporate/makivik-mandate/.
[196] Viens, Jacques (Commissioner). 2019. *Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, reconciliation and progress. Final Report.* Gouvernement du Québec. https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf.
[197] Saturviit Inuit Women's Association of Nunavik. 2018. *Justice in Nunavik Communities*. https://www.saturviit.ca/project/justice-in-nunavik-communities/, p. 8.
[198] ibid., p. 21.
[199] ibid., p. 22.
[200] Pauktuutit Inuit Women of Canada and Elizabeth Comack. 2020. op. cit.; see also: Jacques Viens (Commissioner). 2019. op. cit.
[201] Marie-Claude Barbeau-Le Duc. 2021. *Mobile Intervention Team (MIT) in Puvirnituq Detailed Report*.
[202] Jacques Viens (Commissioner). 2019. op. cit., p. 149.
[203] ibid., p. 150.
[204] ibid., p. 151.
[205] ibid., p. 145.

[206] ibid., p. 151.
[207] Sarah Rogers. 2015a. "Quebec's Justice System Must Adapt to the North: Report." *Nunatsiaq News* (January 28). https://nunatsiaq.com/stories/article/65674quebecs_justice_system_needs_to_adapt_to_northern_aboriginal_reality_r/.
[208] ibid.
[209] Jacques Viens (Commissioner). 2019. op. cit., p. 151.
[210] ibid., p. 316.
[211] Rogers, Sarah. 2018. "Nunavik Loses Kuujjuaq-based Prosecutor Position." *Nunatsiaq News* (December 5). https://nunatsiaq.com/stories/article/nunavik-loses-kuujjuaq-based-prosecutor-position/.
[212] Rogers, Sarah. 2019. "Only Nunavik-based Legal Aid Lawyer Now Based outside Region." *Nunatsiaq News* (April 8). https://nunatsiaq.com/stories/article/only-nunavik-based-legal-aid-lawyer-now-based-outside-region/.
[213] Jacques Viens (Commissioner). 2019. op. cit., p. 313.
[214] ibid., p. 161.
[215] Services parajudiciaires autochtones du Québec. n.d. "Programs." http://spaq.qc.ca/programs/?lang=en.
[216] Jacques Viens (Commissioner). 2019. op. cit., p. 161.
[217] Saturviit Inuit Women's Association of Nunavik. 2018. op. cit., p. 28.
[218] Services parajudiciaires autochtones du Québec. n.d. op. cit.
[219] Saturviit Inuit Women's Association of Nunavik. 2018. op. cit., p. 28.
[220] Lyne St. Louis and Vivien Carli. 2016. "Justice Committees in Nunavik: Promoting integration and restoring balance." https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-428.pdf, p. 12.
[221] Makivik Justice Program. n.d. "Makivik Justice Program." https://www.makivik.org/current/makivik-justice-program/.
[222] Lyne St. Louis and Vivien Carli. 2016. op. cit. p. 12.
[223] Jacques Viens (Commissioner). 2019. op. cit., p. 305; see also: Saturviit Inuit Women's Association of Nunavik. 2018. op. cit., pp. 25-27.
[224] Minister of Justice and Attorney General of Québec. 2015. *Alternative Measures Program for Adults in Aboriginal Communities*. https://www.justice.gouv.qc.ca/fileadmin/user_upload/contenu/documents/En__Anglais_/centredoc/publications/programmes-services/PMR_milieu_autochtone_ang.pdf.
[225] Jacques Viens (Commissioner). 2019. op. cit., p. 158.
[226] Lyne St. Louis and Vivien Carli. 2016. op. cit. p. 13.
[227] ibid., p. 13.
[228] Jacques Viens (Commissioner). 2019. op. cit., p. 159.
[229] Sarah Rogers. 2015b. "Making Justice Relevant, and Local, In Nunavik Communities." *Nunatsiaq News* (March 9). https://nunatsiaq.com/stories/article/65674making_justice_relevant_local_in_nunavik/.
[230] Jacques Viens (Commissioner). 2019. op. cit., p. 308.
[231] ibid., p. 309.
[232] Lyne St. Louis and Vivien Carli. 2016. op. cit. p. 14.
[233] Sarah Rogers. 2017b. "Community-Led Justice Plays a Key Role in Nunavik's Court System." *Nunatsiaq News* (November 24). https://nunatsiaq.com/stories/article/65674community-led_justice_plays_a_key_role_in_nunaviks_court_system/.
[234] Lyne St. Louis and Vivien Carli. 2016. op. cit. p. 15.

[235] Sarah Rogers. 2017b. op. cit.
[236] Jacques Viens (Commissioner). 2019. op. cit., p. 331.
[237] ibid., p. 330.
[238] Lyne St. Louis and Vivien Carli. 2016. op. cit. p. 15.
[239] ibid., pp. 15-16.
[240] ibid., p. 18.
[241] Lyne St. Louis and Phoebe Atagotaaluk. 2021. "Inuit Piusungat (Our Inuit Ways)." CAIJ volume 493. https://edoctrine.caij.qc.ca/developpements-recents/493/369138786/, p. 234.
[242] ibid., p. 20.
[243] ibid., p. 20.
[244] Jacques Viens (Commissioner). 2019. op. cit., p. 305.
[245] ibid., p. 306.
[246] Saturviit Inuit Women's Association of Nunavik. 2018. op. cit., p. 3.
[247] Makivik Justice Program. n.d. op. cit.
[248] Jacques Viens (Commissioner). 2019. op. cit., p. 152.
[249] Saturviit Inuit Women's Association of Nunavik. 2018. op. cit., p.12.
[250] Kativik Regional Police Force. 2017. *Agreement between the Sapummijiit Crime Victims Assistance Centre and the KRPF*. http://www.krpf.ca/en/news/sapummijiit.
[251] Jacques Viens (Commissioner). 2019. op. cit., p. 11.
[252] ibid., p. 21.
[253] ibid., p. 21.
[254] ibid., p. 203.
[255] ibid., p. 293.
[256] ibid., p. 311.
[257] ibid., p. 320.
[258] ibid., p. 320.
[259] ibid., p. 324.
[260] ibid., p. 325.
[261] ibid., p. 326.
[262] ibid., p. 328.
[263] ibid., p. 336.
[264] ibid., p. 348.
[265] ibid., p. 342.
[266] ibid., p. 343.
[267] ibid., p. 344.
[268] ibid., p. 120.
[269] ibid., p. 119.
[270] ibid., p. 121.
[271] ibid., p. 297.
[272] ibid., pp. 297-98.
[273] ibid., p. 298.
[274] ibid., p. 300.
[275] Scott Clark. 2011. op. cit., p. 361.
[276] Jacques Viens (Commissioner). 2019. op. cit.
[277] ibid., p. 300.
[278] ibid., p. 297.

Sources

Access to Justice Committee NWT Law Society. 2016. NWT Justice Services, Programs and Resources Inventory. (February). https://lawsociety.nt.ca/data/public/other/justice-inventory-final-29-feb-16.pdf.

Barbeau-Le Duc, Marie-Claude. 2021. *Mobile Intervention Team (MIT) in Puvirnituq Detailed Report* (February).

Black, Jessica. 2017. *Tupiq Nappaqtauliqtuq: Meeting Over-Incarceration and Trauma with Re-Centering Inuit Piusiit*. The Gordon Foundation.

Casebeer, Jessie. 2020. "A Northern Lawyer." *The Northern Review* 50:191-93.

CBC News. 2020. "RCMP Burnout May be Adding to Nunavut Policing Problems, says Territory's Top Cop." (June 9). https://www.cbc.ca/news/canada/north/rcmp-nunvut-burnout-1.5603800.

Charron, Mathieu, Christopher Penney, and Sacha Senécal. 2010. *Police-Reported Crime in Inuit Nunangat*. Ottawa: Statistics Canada.

Civilian Review and Complaints Commission for the RCMP. 2020. Letter to Benson Cowan, Chief Executive Officer of the Legal Services Board of Nunavut. (March 31). https://www.documentcloud.org/documents/6937879-Correspondence-to-Benson-Cowan-2020-03-31.html.

Clark, Scott. 2011. "The Nunavut Court of Justice: An example of challenges and alternatives for communities and for the administration of justice." *Canadian Journal of Criminology and Criminal Justice* 53 (3): 343-370.

Community Justice Division Department of Justice Government of Nunavut. 2019. *Family Abuse Intervention Act (FAIA) Annual Report 2017-2018*.

Community Justice Division Department of Justice Government of Nunavut. 2017. *Family Abuse Intervention Act (FAIA) Annual Report 2015-2016*.

Crnkovich, Mary and Lisa Addario with Linda Archibald. 2000. *Inuit Women and the Nunavut Justice System*. Ottawa: Research and Statistics Division, Department of Justice Canada.

Department of Justice Canada. 2002a. *Nunavut Legal Services Study Final Report*. https://www.justice.gc.ca/eng/rp-pr/aj-ja/rr03_la14-rr03_aj14/rr03_la14.pdf.

Department of Justice Canada. 2002b. *Legal Aid Courtworker, and Public Legal Education and Information Needs in the Northwest Territories Final Report*. https://www.justice.gc.ca/eng/rp-pr/aj-ja/rr03_la8-rr03_aj8/rr03_la8.pdf.

Department of Justice Canada. 2004. *Review of Nunavut Community Justice Program: Final Report.* http://www.justice.gc.ca/eng/rp-pr/aj-ja/rr05_7/rr05_7.pdf.

Department of Justice Canada. 2007. *The Nunavut Court of Justice Formative Evaluation: Final Report* (January). http://www.justice.gc.ca/eng/pi/eval/rep-rap/07/ncj-cjn/nunavut-eng.pdf.

Doolittle, Robin. 2017. "Why Police Dismiss 1 in 5 Sexual Assault Claims as Baseless." *Globe & Mail* (February 3). https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/.

Durrant, Chris. 2014. "'None of that Paper Stuff Works': A critique of the legal system's efforts to end domestic assault in Nunavut." *Appeal* 19: 43-62.

Fennario, Tom. 2015. "Imported Justice: A look inside Quebec's travelling court in Nunavik." APTN (March 15). https://aptnnews.ca/2015/03/18/imported-justice-a-look-inside-quebecs-travelling-court-in-nunavik/.

FWCO Management Consultants Ltd. 2020. *Victim Services Program Evaluation. Final Report*.

George, Jane. 2011. "Report: Nunavut Family Abuse Law 'Failing.'" *Nunatsiaq News* (March 11).

Government of Canada Research and Statistics Division. "Programming Responses to Intimate Partner Violence: Northwest Territories." https://www.justice.gc.ca/eng/rp-pr/jr/ipv-vpi/p7.html.

Government of the Northwest Territories. 2021. *Changing the Relationship Draft Action Plan: In response to the calls for justice on missing and murdered indigenous women, girls and 2SLGBTQQIA+ people.* https://www.gov.nt.ca/en/newsroom/gnwt-releases-draft-action-plan-address-calls-justice-missing-and-murdered-indigenous-women.

Government of the Northwest Territories. 2017. *Family Law in the NWT: Rights, responsibilities, answers, information*. https://www.justice.gov.nt.ca/en/files/family-law-guide/Family%20Law%20Guide%202017.pdf.

Government of the Northwest Territories. n.d.a. "Courts of the Northwest Territories." https://www.justice.gov.nt.ca/en/courts/.

Government of the Northwest Territories. n.d.b. "Justice of the Peace Court." https://www.nwtcourts.ca/en/courts/justice-of-the-peace-court/.

Government of the Northwest Territories. n.d.c. "Community Justice Committees." https://www.justice.gov.nt.ca/en/community-justice-committees/.

Government of the Northwest Territories. n.d.d. "Wellness Court." https://www.nwtcourts.ca/en/courts/wellness-court/.

Government of the Northwest Territories. n.d.e. "Domestic Violence Treatment Options Court." https://www.nwtcourts.ca/en/courts/domestic-violence-treatment-options-court/.

Government of Nunavut. 2018. *National Inquiry into Missing and Murdered Indigenous Women and Girls Closing Submissions.* (December 14). https://www.mmiwg-ffada.ca/wp-content/uploads/2019/02/Govt-Nunavut-Final-Written-Submission.pdf.

Government of Nunavut. n.d.a. "Nunavut Infrastructure." https://gov.nu.ca/eia/documents/nunavut-infrastructure.

Government of Nunavut. n.d.b. "Victim Services." https://www.gov.nu.ca/justice/programs-services/victim-services.

Government of Québec. 2017. *Do More Do Better: Government Action Plan for the Social and Cultural Development of First Nations and Inuit, 2017-2022*. https://www.autochtones.gouv.qc.ca/publications_documentation/publications/PAS/plan-action-social-en.pdf.

Gregoire, Lisa. 2016. "Nunavut Justice Department Promotes Remedies under Family Abuse Act." *Nunatsiaq News* (May 2).

Inuit Tapiriit Kanatami. 2018. *Inuit Statistical Profile 2018*. Ottawa. https://www.itk.ca/2018-inuit-statistical-profile-3/.

Inuvik Justice Committee. n.d. "About." http://www.inuvikjusticecommittee.com/about.html.

Inuvialuit Regional Corporation. n.d.a. "Inuvialuit Final Agreement." http://www.irc.inuvialuit.com/inuvialuit-final-agreement.

Inuvialuit Regional Corporation. n.d.b. "About." http://www.irc.inuvialuit.com/about-irc.

Kativik Regional Police Force. 2017. *Agreement between the Sapummijiit Crime Victims Assistance Centre and the KRPF*. http://www.krpf.ca/en/news/sapummijiit.

Kativik Regional Police Force. n.d. "General Information." http://www.krpf.ca/en/about

Knapskog, Arild. 2017. "Roads to Autonomy: Similar paths, difference outcomes in two Inuit regions." Master's thesis. Department of Comparative Politics, University of Bergen.

Laneuville, Pascale. 2015. *Bring Hope and Restore Peace: A study report on the life and concerns of Inuit women of Nunavik*. Saturviit Inuit Women's Association of Nunavik. https://www.saturviit.ca/project/bring-hope-and-restore-peace/.

Laneuville, Pascale. 2017. *Working Together for a Common Purpose: Summary Report of the Inquiry into Missing or Murdered Nunavimmiut.* Saturviit Inuit Women's Association of Nunavik. https://secureservercdn.net/198.71.233.204/p8e.ae8.myftpupload.com/wp-content/uploads/Saturviit_Missing-Women_English_Full-Report-1.pdf.

Law Society of Nunavut and Pauktuutit Inuit Women of Canada. 2021. *Access to Justice for Family Violence in Nunavut*. https://www.lawsociety.nu.ca/en/research.

Legal Aid Commission of the Northwest Territories. 2018/19. *Legal Aid Commission of the Northwest Territories Annual Report, 2018-2019*. https://www.justice.gov.nt.ca/fr/fichiers/commission-daide-juridique/Rapports%20annuels/Rapport%20annuel%202018-2019.pdf.

Legal Services Board of Nunavut. 2020. "Two Recent Incidents of Strip Searching of Women by RCMP in Nunavut." (January 23). https://www.documentcloud.org/documents/6937878-ATIPP-LSB2.html.

Legal Services Board of Nunavut. 2019. "Request for Review of RCMP in Nunavut." (June 13). https://www.documentcloud.org/documents/6937877-ATIPP-LSB1-Compressed.html.

Legal Services Board of Nunavut. 2017. *Legal Services Board of Nunavut 2016/17 Annual Report*. http://nulas.ca/wp-content/uploads/2018/07/LSB_Annual-Report-16-17-English.pdf.

Levan, Mary Beth. 2010. *Final Report: Crown Witness Coordinator Program Sub-Study*. Ottawa: Justice Canada (March 29).

Makivik Corporation. n.d. "Makivik Mandate." https://www.makivik.org/corporate/makivik-mandate/.

Makivik Justice Program. n.d. "Makivik Justice Program." https://www.makivik.org/current/makivik-justice-program/.

Matyas, David. 2018. "Short Circuit: A Failing Technology for Administering Justice in Nunavut." *Windsor Year Book Access to Justice* 35: 379-400.

McDonald, Susan and Lisa Ha. 2015. *Exclusion of the Public and Appointment of Counsel: Tools to Help Victim Witnesses in Canada's North*. Victims of Crime Research Digest No. 8. https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd8-rr8/p3.html.

Milward, David and Debra Parkes. 2014. "Colonialism, Systemic Discrimination, and the Crisis of Indigenous Over-Incarceration." In E. Comack (Ed.), *Locating Law: Race/class/gender/ sexuality connections* (third edition). Halifax and Winnipeg: Fernwood Publishing.

Minister of Justice and Attorney General of Québec. 2015. *Alternative Measures Program for Adults in Aboriginal Communities*. https://www.justice.gouv.qc.ca/fileadmin/user_upload/contenu/documents/En__Anglais_/centredoc/publications/programmes-services/PMR_milieu_autochtone_ang.pdf.

Moffit, Pertice, Debby Rybchinski, Heather Fikowski, and Lyda Fuller. 2020. The Nature of Emergency Protection Orders (EPOS) in the Northwest Territories, Canada: A Case Study. YMCA NWT. https://www.ywcanwt.ca/annual-reports-and-publications.

MOU. 2008. "Memorandum of Understanding Between the Royal Canadian Mounted Police 'G' Division and Government of the Northwest Territories Department of Justice on Behalf of Victims Services Programs of the Northwest Territories." National Inquiry into Missing and

Murdered Indigenous Women and Girls Calgary Hearings, Part II, Vol. 1, Calgary Exhibit 5 Gardiner. https://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/P02P01P0101_Calgary_Exh_5_Gardiner.pdf.

National Inquiry into Missing and Murdered Indigenous Women and Girls. 2019. *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Volume 1a. Ottawa.

National Inquiry into Missing and Murdered Indigenous Women and Girls. 2018. *Truth Gathering Process Part 2 Volume 8 Institutional Hearings*. "Police Policies and Practices." Saskatchewan Hotel, Regina, Saskatchewan.

Nunavut Court of Justice. n.d. "The Nunavut Court of Justice." https://www.nunavutcourts.ca/index.php/nunavut-court-of-justice.

Nunavut Court of Justice. 2013. *Ingirranivut Our Journey: A Statistical and Comparative Review of Crime and Court Operations in Nunavut 2000-2012*. (January 18).

Nunavut Court of Justice. 2018. *Sivumuappallianivut kajusivuq Our Journey Continues: A Statistical and Comparative Review of Court Operations in Nunavut 2017*. (December 31)

Nunavut Department of Justice. 2015. *Public Engagement Report for the Crime Prevention Strategy*. https://www.gov.nu.ca/sites/default/files/public_engagement_report_for_the_crime_prevention_strategy_english.pdf.

Nunavut Department of Justice. 2017. *Nunavut Crime Prevention Strategy. Five Year Strategy*. (March). https://assembly.nu.ca/sites/default/files/TD-302-4(3)-EN-Nunavut-Crime-Prevention-Strategy.PDF.

Nunavut Tunngavik Incorporated. 2014. *Examining the Justice System in Nunavut: Annual Report on the State of Inuit Culture and Society: 2013-2014*. Nunavut Tunngavik Inc, Iqaluit, NU. http://www.tunngavik.com/files/2014/10/2013-14-SICSAnnual- Report-ENG.pdf.

Nunavut Victim Services. 2017. *Nunavut Victim Services Annual Report 2015-2016.* Community Justice Division, Nunavut Department of Justice. https://assembly.nu.ca/sites/default/files/TD-300-4(3)-EN-Nunavut-Victims-Services-Annual-Report-2015-2016.pdf.

Nungat, Zebedee. 1993. "Fundamental Values, Norms and Concepts of Justice – Inuit of Nunavik." *Aboriginal Peoples and the Justice System: Report of the National Roundtable on Aboriginal Justice Issues*. Ottawa: Royal Commission on Aboriginal Peoples.

NWT Bureau of Statistics. 2019. *Summary of NWT Community Statistics*. (September) https://www.statsnwt.ca/community-data/Summary%20of%20Community%20Statistics2019.pdf.

NWT Victim Services. 2017. "Northwest Territories (NWT) Victim Services Program 2016-2017." National Inquiry into Missing and Murdered Indigenous Women and Girls Calgary

Hearings, Part II, Vol. 1, Calgary Exhibit 6 Gardiner. https://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/P02P01P0101_Calgary_Exh_6_Gardiner.pdf.

Pauktuutit Inuit Women of Canada. 2006. *The Inuit Way: A Guide to Inuit Culture*. Ottawa: Pauktuutit Inuit Women of Canada.

Pauktuutit Inuit Women of Canada and Elizabeth Comack. 2020. *Addressing Gendered Violence against Inuit Women: A review of police policies and practices in Inuit Nunangat*. (January). https://www.pauktuutit.ca/wp-content/uploads/Pauktuutit_Addressing-Gendered-Violence_English_Full-Report.pdf.

Phelps, John. 2018. *Overview of the Public Prosecution of Canada (PPSC) Crown Witness Coordinator (CWC) Program*. Calgary Exhibit 2. National Inquiry into Missing and Murdered Indigenous Women and Girls Institutional Hearing – Government Services, Victim Services Panel.

Public Prosecution Service of Canada. 2021. *Annual Report 2020-2021*. Ottawa. https://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/2020_2021/index.html.

Public Prosecution Service of Canada. 2014. *Deskbook*. https://www.ppsc-sppc.gc.ca/eng/index.html.

Public Safety Canada. 2015. "Inuit Perceptions (Synopsis) – Royal Canadian Mounted Police – 'V' Division" (March 1) https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plcng/ndx/snpss-en.aspx?n=498.

Qikiqtani Truth Commission. 2013. *Paliisikkut: Policing in Qikiqtaaluk*. Thematic Reports and Special Studies 1950-1975. Iqaluit: Qikiqtani Inuit Association.

Report of the Coordinating Committee of Senior Officials Working Group on Access to Justice for Adult Victims of Sexual Assault. 2018. *Reporting, Investigating and Prosecuting Sexual Assaults Committed Against Adults – Challenges and Promising Practices in Enhancing Access to Justice for Victims*. Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety Conference, St. John's NFL/L. (November 15-16). https://scics.ca/en/product-produit/reporting-investigating-and-prosecuting-sexual-assaults-committed-against-adults-challenges-and-promising-practices-in-enhancing-access-to-justice-for-victims/.

Rogers, Sarah. 2019. "Only Nunavik-based Legal Aid Lawyer Now Based outside Region." *Nunatsiaq News* (April 8). https://nunatsiaq.com/stories/article/only-nunavik-based-legal-aid-lawyer-now-based-outside-region/.

Rogers, Sarah. 2018. "Nunavik Loses Kuujjuaq-based Prosecutor Position." *Nunatsiaq News* (December 5). https://nunatsiaq.com/stories/article/nunavik-loses-kuujjuaq-based-prosecutor-position/.

Rogers, Sarah. 2017a. “Pick up the Phone if you Need Support, says Nunavut’s Victims Services.” *Nunatsiaq News* (August 18). https://nunatsiaq.com/stories/article/65674pick_up_the_phone_if_you_need_support_says_nunavuts_victims_services/.

Rogers, Sarah. 2017b. “Community-Led Justice Plays a Key Role in Nunavik’s Court System.” *Nunatsiaq News* (November 24). https://nunatsiaq.com/stories/article/65674community-led_justice_plays_a_key_role_in_nunaviks_court_system/.

Rogers, Sarah. 2015a. “Quebec’s Justice System Must Adapt to the North: Report.” *Nunatsiaq News* (January 28). https://nunatsiaq.com/stories/article/65674quebecs_justice_system_needs_to_adapt_to_northern_aboriginal_reality_r/.

Rogers, Sarah. 2015b. “Making Justice Relevant, and Local, In Nunavik Communities.” *Nunatsiaq News* (March 9). https://nunatsiaq.com/stories/article/65674making_justice_relevant_local_in_nunavik/.

Roil, John F. 2014. *External Review of Legal Aid in Newfoundland and Labrador*. https://www.gov.nl.ca/jps/files/publications-pdf-legal-aid-review-march2014.pdf.

Royal Canadian Mounted Police. 2021. “G Division RCMP Reconciliation Strategy.” https://www.rcmp-grc.gc.ca/en/nt/publications/g-division-reconciliation-strategy.

Royal Canadian Mounted Police. 2019a. “Strategic Priorities.” (July 30) http://www.rcmp.gc.ca/prior/index-eng.htm#ac.

Royal Canadian Mounted Police. 2019b. “Serving Canada’s Indigenous People” (June 7) http://www.rcmp-grc.gc.ca/aboriginal-autochtone/index-eng.htm.

Royal Canadian Mounted Police. 2017. *The Way Forward: The RCMP’s sexual assault review and victim support action plan*. (December). https://www.rcmp-grc.gc.ca/en/the-way-forward-the-rcmps-sexual-assault-review-and-victim-support-action-plan

Royal Canadian Mounted Police. 2006. “Mission, Vision and Values.” (April 27). http://www.rcmp-grc.gc.ca/about-ausujet/mission-eng.htm.

Saturviit Inuit Women’s Association of Nunavik. 2018. *Justice in Nunavik Communities*. https://www.saturviit.ca/project/justice-in-nunavik-communities/.

Scott Clark Consulting Inc. 2004. *Review of the Nunavut Community Justice Program, Final Report*. Ottawa: Department of Justice Canada Research and Consulting Division.

Services parajudiciaires autochtones du Québec. n.d. “Programs.” http://spaq.qc.ca/programs/?lang=en.

St. Louis, Lyne and Phoebe Atagotaaluk. 2021. “Inuit Piusungat (Our Inuit Ways).” CAIJ volume 493. https://edoctrine.caij.qc.ca/developpements-recents/493/369138786/

St. Louis, Lyne and Vivien Carli. 2016. “Justice Committees in Nunavik: Promoting integration and restoring balance.” https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-428.pdf.

Statistics Canada. 2016. *Aboriginal Population Profile Inuvialuit Region (Inuit Region) Northwest Territories*.https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/abpopprof/details/page.cfm?Lang=E&Geo1=AB&Code1=2016C1005086&Data=Count&SearchText=Inuvialuit%20region&SearchType=Begins&B1=All&GeoLevel=PR&GeoCode=2016C1005086&SEX_ID=1&AGE_ID=1&RESGEO_ID=1) .

Taylor, Karin. 2018. *National Inquiry into Missing and Murdered Indigenous Women and Girls Closing Submissions of the Government of the Northwest Territories*. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/02/Govt-NWT-Final-Written-Submission.pdf.

Tranter. 2019. “100 days in, Nunavut’s RCMP commander still focused on Inuit recruitment, building trust with communities.” *Nunatsiaq News* (May 27). https://nunatsiaq.com/stories/article/100-days-in-nunavuts-rcmp-commander-still-focused-on-inuit-recruitment-building-trust-with-communities/.

Truth and Reconciliation Commission of Canada. 2015. *Final Report of the Truth and Reconciliation Commission of Canada, Volume One: Summary Honouring the Truth, Reconciling the Future*. Toronto: Lorimer.

V Division RCMP. 2021. “Reconciliation Strategy and Activities.” https://www.rcmp-grc.gc.ca/en/nu/publications/v-division-rcmp-2021-reconciliation-strategy-and-activities.

Viens, Jacques (Commissioner). 2019. *Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, reconciliation and progress. Final Report.* Gouvernement du Québec. https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf.

World Population Review. 2020 “Nunavut Population 2020.” https://worldpopulationreview.com/canadian-provinces/nunavut-population/.

Legislation and Case Law

Victims of Crime Act. R.S.N.W.T. 1988, c. 9 (Supp.).

Protection Against Family Violence Act. S.N.W.T. 2003, c.24.

R. v. Gladue. 1999. 1S.C.R. 688.