

National Inquiry into Missing and Murdered Indigenous Women and Girls

Closing Submissions of the Government of the Northwest Territories

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I INTRODUCTION

1. During the Family Hearings in Yellowknife, we heard the stories of families from the Northwest Territories (NWT) who have experienced the tragedy of a missing or murdered love one. First and foremost, we wish to acknowledge and remember these women and girls and their families.

2. The underlying issues contributing to the crisis of violence against Indigenous women and girls and LGTB2S peoples are not simplistic. There are structural barriers, cultural biases, and practical concerns regarding service delivery.

3. In her testimony, Dr. Pertice Moffit spoke of a “culture of violence and silence” in the North¹. In her analysis, this culture is based on “historical trauma, violence that is normalized, gossip as a tool for silence, community retribution, family and community values and self-preservation.”²

4. These are complex issues to tackle, and there is no single solution. The evidence in the National Inquiry illustrated the need for an interconnected web of programs and services that must be highly functional and responsive if it is to meet the needs of all Indigenous women and girls, and minimize opportunity for violence and victimization.

5. The Northwest Territories is dealing with this complex issue within its own specific context. It is made more challenging given the size of the territory and the remote nature of the communities that the Government of the Northwest Territories (GNWT) serves. The NWT is also dealing with a legacy of trauma that is very real within our communities. The trauma stems in part from colonization and the residential school system. The government is looking for ways to heal and reconcile a historical relationship.

¹ National Inquiry into Missing and Murdered Indigenous Women and Girls. Transcripts from St. John’s Hearings, Parts II & III, Vol. XVI. “Sexual Exploitation, Human Trafficking & Sexual Assault”. October 16, 2018. at pg. 76

² *Ibid*

6. Based on the evidence presented at the hearings, the GNWT has identified four key areas of focus:

- i. Service Delivery in Remote Communities:* The Northwest Territories is a jurisdiction with a small population, distributed over a very large geographic area. Our communities are small, spread out and remote. At many of the hearings, we heard how remoteness can create vulnerability.
- ii. The need for person-centered and trauma informed services:* Those affected by violence need access to services and programs that take into account individual circumstances, and can adapt to provide meaningful support in a holistic way.
- iii. Supporting Indigenous Solutions:* Indigenous Communities are seeking to be directly involved in the development and delivery of services and programs. This would ensure services and programs are culturally safe, culturally relevant and culturally sensitive.

7. **Accountability:** Many parties raised the issue of accountability. There is a concern that there may be difficulty with implementation of non-binding recommendations, and a stalling of meaningful change.

8. It is not the intent of these submissions to address each and every topic raised in the hearings. It would be impossible to provide thoughtful analysis of each topic within the allotted page count. Rather, our approach will be to consider the programs and services that the GNWT currently offers, and examine how they fit within the four themes identified above. We will highlight areas where we think the NWT is a leader. We will also identify areas that need improvement and change, and will indicate our willingness to work with our Indigenous partners and communities, and with Canada, to improve what we do and how we do it.

ii. THE NWT CONTEXT

9. The Northwest Territories (NWT) covers 1.17 million square kilometers³ and has a population of 44,541.⁴ Over half of the population is located in 32 smaller communities, with the remainder, approximately 20,834, located in the territory's only city, Yellowknife.⁵

³ Legislative Assembly of the Northwest Territories: "NWT Map".



Map of the NWT

i. Demographics

10. Compared to the provinces, the Northwest Territories has a proportionally large Indigenous population, comprising Inuit, First Nations and Metis populations with distinct cultures and distinct needs. These factors must be considered when designing programs and services in our communities.

11. Approximately 51% of the NWT's population is indigenous and 49% is non-indigenous.⁶ Excepting the Yellowknife area, Indigenous Peoples constitute the majority. The Indigenous population constitutes approximately 79% of the Beaufort Delta region, 72% of the Sahtu region,

⁴ NWT Bureau of Statistics: "Northwest Territories Population July, 2018".

⁵ NWT Bureau of Statistics: "Population Estimates by Community".

⁶ NWT Bureau of Statistics: Indigenous Peoples 2016 Census".

69% of the Dehcho region, 55% of the South Slave region, 92% of the Tłıchǫ region, but only 24% of the Yellowknife Area.⁷

ii. Statistics on Violence

12. We cannot examine the statistics relating to women in the NWT without acknowledging the high rates of violence against women, particularly family violence. In 2016, the NWT had the second-highest rates of violence in the country.⁸ This demonstrates the importance of the issue for the GNWT and the people we serve. Recognizing that these statistics indicate a social crisis, the GNWT is committed to taking the steps necessary to address violence.

13. A by-product of high rates of violence is the so-called “normalization” of violence in our communities. This in turn leads to the “culture of silence” that we heard about at the family hearings in Yellowknife⁹, and from Dr. Pertice Moffitt, who observed this in her research¹⁰.

iii. Remoteness

14. Road access to communities in the Northwest Territories varies significantly:

- 12 communities have uninterrupted year-round road access;
- 7 communities have all weather road access with seasonal disruptions;
- 10 communities have winter road access only, including all 5 communities located in the Sahtu Region and 3 of the 4 communities in the Tłıchǫ Region (with Behchoko being the exception); and
- 4 communities (Paulatuk, Sachs Harbour, Uluhaktok, and Lutselk’e) have no road access whatsoever.¹¹

15. Communities without year-round road access must rely on local resources, or must access services on a fly-in basis at dramatically increased cost. As noted, remoteness has been identified as an indicator of vulnerability. Challenges created by remoteness must be addressed in service design and delivery.

⁷ NWT Bureau of Statistics: “Summary of NWT Community Statistics 2018”.

⁸ NWT Bureau of Statistics: “Women in the NWT – Summary”. September, 2018.

⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls: Transcripts from Yellowknife Hearings, Part 1, Volume 40. January 23, 2018. at pg. 79 & 81.

¹⁰ *Supra* note 1 at pg. 77

¹¹ Information provided by Department of Infrastructure, GNWT on October 16, 2018.

iv. Consensus Government

16. Like the provinces, the three branches of government of the Northwest Territories – the Legislative, Executive and Judicial – each have their own roles and independent spheres of authority.¹² However, there are significant differences between the GNWT and the provincial governments. Perhaps most importantly, the Northwest Territories is one of two Canadian jurisdictions, along with Nunavut, with a consensus system of government instead of one centered on party politics.

17. In the Northwest Territories consensus government, all Members of the Legislative Assembly (MLAs) are elected as independents by the voters in their constituency or riding. Following a general election, the 19 elected MLAs hold a Territorial Leadership Committee to choose a speaker, premier and six ministers from amongst themselves. The remaining 11 MLAs, known as regular members, form an “unofficial opposition.”¹³

18. All legislation, major policies, and proposed budgets pass through standing committees comprised of regular members before coming to the House for approval. This gives members a chance to make changes and put their “fingerprints” on initiatives before they are made public, unlike in other systems.¹⁴

19. Further, the composition of the current Legislative Assembly reflects the Indigenous majority of the NWT, with an Indigenous majority in the Chamber as a whole, and with five of seven Cabinet members, including the Premier, being Indigenous.

v. Languages

20. The NWT *Official Languages Act* recognizes eleven official languages, including English, French and nine Aboriginal languages, and requires the GNWT to provide services in the Indigenous languages of a community or region.

¹² Legislative Assembly of the Northwest Territories: *18th Legislative Assembly of the Northwest Territories: Members' Handbook*. at pg. 19.

¹³ Legislative Assembly of the Northwest Territories: *One Land, Many Voices: Creating the New Northwest Territories*. 2011. at pg. 14.

¹⁴ *Ibid*

21. The NWT Bureau of Statistics 2009 NWT Community Survey indicated that there were about 7,200 people living in the NWT who can converse in an Indigenous Language, representing about 38 percent of Indigenous residents at the time.¹⁵

22. The importance of language was emphasized in Calls to Action of the Truth and Reconciliation Commission (TRC). In response to the Calls to Action, the GNWT committed to working actively to nurture and promote Indigenous Languages, in partnership with Indigenous Governments and communities.¹⁶

23. In the context of Missing and Murdered Indigenous Women and Girls, access to services in an Indigenous language may result in a more meaningful and supportive response to an individual in crisis. It may also lessen the impact of isolation in our remote communities. Many witnesses also drew the link between connecting with culture and language, and healthy communities, similar to the findings of the TRC.¹⁷

24. In 2017, the GNWT tabled the Northwest Territories Aboriginal Languages Framework, building upon the 2010 “10-year NWT Aboriginal Languages Plan”, and setting out a reinvigorated plan for strengthening Aboriginal languages across the Northwest Territories. This framework sets out a clear direction for the NWT to revitalize Aboriginal languages and improve access to services in Aboriginal languages.¹⁸

25. The GNWT has established an Aboriginal Languages Secretariat (ALS) within the Department of Education, Culture and Employment (ECE) to enhance the revitalization and protection of Aboriginal languages throughout the NWT. The ALS provides support to regional language communities, Teaching and Learning Centres (TLCs) and Aboriginal Language and Culture Based Education (ALCBE) programs. The ALS also has a corporate leadership role when it comes to the promotion and revitalization of the nine official Aboriginal languages, and it works closely with GNWT departments and agencies.

¹⁵Department of Education, Culture and Employment: *Northwest Territories Aboriginal Languages Plan A Shared Responsibility*. GNWT. October 2010. at pg. 6.

¹⁶ *An Update to 'Meeting the Challenge of Reconciliation: The Government of the Northwest Territories response to the Truth and Reconciliation Commission Calls to Action'*. GNWT. March, 2017. at pg. 8.

¹⁷ Truth and Reconciliation Commission of Canada. *Calls to Action*. 2015. See Calls to Action 13-17.

¹⁸ Department of Education, Culture and Employment: *NWT Aboriginal Languages Framework: A Shared Responsibility*. GNWT. May 2017

26. The ALS also offers support to regional Indigenous governments in the development and implementation of their five-year Regional Aboriginal Language Plans.¹⁹

27. Recently, Aurora College announced the launch of the Aboriginal Languages Revitalization Certificate, developed in partnership with the University of Victoria. The program, to be offered in Yellowknife in a series of 6-day blocks, will develop knowledge and strategies to support language revitalization for individuals and communities.²⁰

II JUSTICE SERVICES

28. The Department of Justice (DOJ) has its headquarters in Yellowknife, where the majority of its employees reside. There are also twelve regional or community offices. Many services are provided on a regional basis, with services being delivered on a regular basis on a fly-in or drive-in basis, or remotely using phone or internet. We will highlight aspects of our Justice Services that are unique to the NWT, and that may provide context to the Commission as they develop their recommendations.

i. Policing in the NWT

29. There are no territorial or municipal police services in the NWT. Policing is provided by the RCMP through a Policing Services Agreement between the GNWT and the RCMP,²¹ and the Minister of Justice establishes policing priorities for the RCMP each fiscal year as contemplated in that agreement.²²

30. Each community has an opportunity to influence policing practices, specific to their community needs, through Policing Action Plans. The Policing Action Plans are jointly developed by the RCMP and community leadership. Priorities are developed based on the specific needs of each community, taking into consideration the available financial and human resources.

¹⁹ Department of Education, Culture and Employment: *NWT Indigenous Languages Action Plan: A Shared Responsibility 2018-2022*. GNWT.

²⁰ See the Aurora College Webpage at <http://www.auroracollege.nt.ca> >

²¹ *The Northwest Territories Territorial Police Service Agreement*. April 1, 2012.

²² Department of Justice: *NWT Policing Priorities 2016-2017*. GNWT.

31. All 33 communities have participated in the setting of policing priorities with the RCMP for the past four fiscal years. Each year policing priorities and plans are re-visited and revised as deemed necessary by the community and the RCMP. This mechanism helps foster better relationships between community members and RCMP, which could encourage residents to report violence and seek assistance.

32. RCMP policing activities are reported to community leadership and DOJ through monthly reports. Community leadership may choose to share these reports publicly or with other leaders, including MLAs.

33. Working together enhances communication between partners and increases the level of commitment towards achieving local goals. Community governments benefit by being active partners and having a direct role in making their community a safer place to live.

ii. Role of Public Prosecution Services (PPSC) in the NWT

34. At the Calgary hearings, John Phelps spoke about the work of the Public Prosecution Service of Canada (PPSC), the federal prosecution service.²³ In the provinces jurisdiction over criminal prosecutions rests with the provincial Crown, but in the three territories all *Criminal Code* offences are prosecuted by the PPSC. In practical terms, this means that the GNWT has less input into when and how offenders are prosecuted compared to the provinces. For example, the GNWT cannot directly inform policies about what types of offences should be considered for referral to a community justice forum.

iii. Alternative Justice

35. There are two specialized courts in the NWT: a Wellness Court and a Domestic Violence Treatment Options Court (DVTO). These courts are alternatives to conventional court, and they focus on the offender and their underlying reasons for offending, and incorporate rehabilitation into the court process. The Territorial Court plays a critical role in the operations of both of these specialized courts.

²³ National Inquiry into Missing and Murdered Indigenous Women and Girls: Transcripts from Calgary Hearings, Part II, Vol. I, "Government Services" at pg. 52.

a. Domestic Violence Treatment Options

36. The Domestic Violence Treatment Options Court allows people who have used violence against a spouse or partner to take responsibility for their behaviour by entering a guilty plea, and then receiving support and counselling before they are sentenced. Prior to sentencing the program provides intervention by a team to help educate the participants on healthy relationships for the long term. The program is delivered over the course of eight weeks and participants are required to attend one 2-hour group session each week. After successful completion of the program, the sentencing judge will take into consideration the participant's meaningful steps to making long-term change. The DVTO Court was first implemented in Yellowknife in 2011, and has since expanded to Hay River and Behchoko.

b. Wellness Court

37. The Wellness Court Program is a judicially supervised court program designed to address the conditions that may contribute to re-offending. Like the DVTO, it also requires offenders to take responsibility by entering a guilty plea, and then allows for intervention before the sentencing stage. Program participants have underlying mental health problems, addictions, or cognitive challenges that contribute to their criminal behaviour, resulting in repeat offending and reoccurring jail sentences. The purpose of the Wellness Court Program is to help these offenders to move beyond re-offending and to successfully integrate into their communities. The participants are supported in developing a healthier life and tools to address the issues underlying their behaviour. The Program gives offenders a chance to change, while still holding them accountable. In addition, a key component of Wellness Court is linking individuals to programs and services – a housing needs, counselling, community programs – in a person-centered way.

c. Integrated Case Management

38. The Integrated Case Management (“ICM”) Program is a good example of a person-centered, holistic approach to justice for individuals with complex needs.

39. ICM Working Group partners work to identify systemic service and policy barriers that individuals encounter when accessing various services throughout Yellowknife. The ICM Working Group partners include Health and Social Services; Education, Culture, and Employment; the NWT Housing Corporation; and the Northwest Territories Health and Social Services Authority.

40. The ICM Program aims to create, foster and deliver a coordinated, collaborative, multi-departmental and person-centered approach that removes barriers and streamlines services for individuals with complex needs accessing multiple services in Yellowknife.

41. An Administrative Assistant, three Pathfinders and a Manager are on staff. A two-year intern Pathfinder started with the team on June 11, 2018.

42. The ICM pilot project supports the goals identified in a number of GNWT reports and strategies,²⁴ GNWTs response to the Calls to Action from the TRC report,²⁵ and various reviews and strategies that call for stronger integrated service management and a need for interdepartmental collaboration.

d. Community Justice Committees

43. Community Justice Committees support communities to develop alternatives to the criminal justice system such as diversion programs, community service options, and crime prevention programs. Committees consist of community volunteers and a community justice coordinator.

44. Community Justice Committees are established under the NWT *Youth Justice Act*²⁶, and provide key services under the federal *Youth Criminal Justice Act*²⁷. While the formal appointments of the committee members fall under legislation relating to youth offenders, committees in the NWT commonly facilitate diversion options for adults as well.

45. Funding is available to all 33 communities in the NWT, and in the current 2018-19 fiscal year, 30 communities have accessed the funding. The Department continues to work with those communities that have not accessed funding to address issues that may be barriers to the establishment of a committee. Departmental staff continue to engage with community leadership

²⁴ See: *Government of the Northwest Territories Anti-Poverty Action Plan*. GNWT. February, 2014; and *Mind and Spirit: Promoting Mental Health and Addictions Recovery in the Northwest Territories: Strategic Framework 2016-2021*. GNWT. November, 2016.

²⁵ *Meeting the Challenge of Reconciliation: The Government of the Northwest Territories response to the Truth and Reconciliation Commission Calls to Action*. at pg.18.

²⁶ *Protection Against Family Violence Act*. S.N.W.T. 2003, c 31 NWT 2003, c 31

²⁷ *Youth Criminal Justice Act*. S.C. 2002, c 1 S.C. 2002, c 1

to explore ways to support crime prevention programs or initiatives in the communities, and in the interim program support continues to be provided through the Yellowknife program or in partnership with the committees based in nearby communities.

46. By continuing to work with each community to address their specific justice needs, the DOJ encourages the development of community-based solutions for minor criminal offences, assists in the development of crime prevention programs or initiatives, and offers contribution funding. The objective is to ensure that justice measures are responsive to community needs.

47. In 2017-18, Community Justice and Policing staff delivered three regional capacity-building training sessions. Training sessions were focused on capacity building in the areas of reintegration and victim offender mediation, and provided opportunities for collaboration with other GNWT programs and community stakeholders.

48. In response to feedback from community leadership, the GNWT has offered the option of two-year funding agreements starting in 2018/19. It is expected that this will promote program stability and continuity as communities will have greater confidence in funding levels.

iv. Access to Justice

a. Circuit Court

49. Justice J.H. Sissons began the tradition of holding court in the community of the offence while he served in the NWT between 1955 and 1966. This allowed the community to participate and allowed for understanding in the process. The tradition continues today in both the Territorial and Supreme Courts of the Northwest Territories, and proceedings 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.

50. The Territorial Court hears the majority of criminal cases that come into the court system. It holds preliminary hearings and non-jury trials in communities throughout the Northwest Territories, visiting them regularly on regional circuits. A limited number of non-criminal

matters are heard while on circuit, but the work predominately relates to criminal matters. Sittings are scheduled weekly in Yellowknife and frequently in Hay River, Inuvik and Fort Smith. In addition, the Territorial Court travels to 18 smaller communities several times each year. Court circuits are generally scheduled for one to five days at a time, depending on the caseload relating to the community.

51. The Supreme Court of the Northwest Territories is a superior court, and has jurisdiction in all civil and criminal matters arising in the Territories, except those expressly excluded by statute. The Court sits weekly in Yellowknife and travels on circuit to other communities throughout the NWT to hear civil and serious criminal cases with or without a jury. Sittings of the Supreme Court outside of Yellowknife are only scheduled when the need arises.

52. As we heard during the family hearings in Yellowknife, bringing court to small communities has both advantages and disadvantages for victims of violence. For instance, one witness talked about how difficult it was to be a witness or even attend a trial when the families of both victim and perpetrator are in same small room – often a community hall. As mentioned below, victim services providers are often best placed to offer supports during this type of situation. The GNWT acknowledges that the needs of victims and their families must be carefully considered in the context of circuit court, and we strive to provide the necessary supports, including victim service providers and community counselors, which are both discussed in greater detail later in these submissions.

b. Legal Aid Court Worker Program

53. The Court Worker program is an example of outreach and support for people in remote, northern communities.

54. The GNWT receives funding for the Aboriginal Court Work Program, and for public legal education, through the Access to Justice Agreement with the Government of Canada. The Aboriginal Court Work Program has been partially funded by Canada since 1978.

55. Court Workers are responsible for providing assistance and advice to people in conflict with the law or requiring assistance in legally related matters. Much of the work involves working 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.

56. For legal aid lawyers and staff, maintaining contact with clients can be challenging. Not all clients have access to a telephone or email. Many go out on the land with their families for extended periods of time throughout the year, and are simply unreachable until they return. Residents travel quite frequently throughout the territory in order to visit family, deal with medical matters or participate in cultural events. This makes Court Workers a vital liaison between counsel and their clients.

57. Court Workers have a strong knowledge of the resources available within the community, which allows them to refer clients to the appropriate agency. They also help clients complete applications and court documents, and ensure that they understand the court process. There are six regional Court Worker offices, and two offices in Yellowknife. Court Workers travel to almost all NWT communities, and are regularly available to meet with clients on a face-to-face basis.²⁸

c. Outreach Lawyer

58. The Outreach Legal Aid Clinic offers the public free weekly Yellowknife walk-in clinics, as well as regularly scheduled walk-in clinics in Behchoko, Dettah and N'dilo. The Outreach office sends mobile clinics into remote communities throughout the NWT, focusing on family law and elder issues. Clients are able to meet face-to-face with the Outreach lawyer when they are in the community, or telephone appointments can be scheduled at other times. The office also has one Court Worker. The Court Worker's duties are primarily to assist members of the public with their inquiries, conduct research and find legal information, and to assist the Outreach lawyer in delivering public legal education.

²⁸ Department of Justice: Community Court Workers Webpage. GNWT. Available at <https://www.justice.gov.nt.ca/en/community-court-workers/>

d. Application of Gladue/Ipeelee Principles

59. Although formal *Gladue/Ipeelee* report writing is not a service currently offered by the Department, the principles are well recognized and applied in the NWT courts. Specialized courts, community justice programs and pre-sentence reports prepared by probation officers all recognize these principles.

60. The NWT has one of the longest running community-based restorative justice programs for adults and youth in Canada, and continues to help communities build capacity to address their justice issues, including formal diversion from the courts and crime prevention initiatives. These programs help to address the systemic issues of discrimination highlighted in *Gladue/Ipeelee* by moving justice to the community level, where solutions can be found that are specific to the offender and their community.

61. During sentencing, the judge may order a pre-sentence report, which is prepared by a probation officer. This report gathers additional information about the offender to assist the court in the sentencing decision. The reports often involve discussions with the offender's family and others important to the offender, and with the victim of the offence. In the NWT there is a specific section of the pre-sentence report that refers to factors related to the accused as an Indigenous offender, including the legacy of residential schools, and other contributing circumstances. The report also highlights the supports available in the offender's community, to help craft community based sentences where appropriate.

62. Through these approaches the DOJ applies *Gladue/Ipeelee* principles in many areas of service delivery, to ensure its initiatives and programs not only comply with the *Gladue* and *Ipeelee* decisions, but respond more fully to the needs of NWT residents.

v. Corrections

i. Facilities and Programs Generally

63. The Department's Corrections Service offer a range of Indigenous programs designed to help offenders reintegrate into their communities. All NWT Corrections programs integrate Indigenous culture and traditions in their delivery, with the input of Elders, the Traditional Liaison Officers and First Nations Staff.

64. The Department continues to research, redesign and roll out programs that: better address the disproportionate number of Indigenous offenders in NWT correctional facilities, respond to prevalent issues requiring intervention, and take into account the average length of stay in custody. Ongoing reviews lead to program revisions, and staff are trained to deliver the modified programs.

65. There are three correctional complexes in the Northwest Territories:

- North Slave Correctional Complex (NSCC) in Yellowknife (Adult and Youth Units)
- Fort Smith Correctional Complex (Male and Female Units)
- South MacKenzie Correctional Centre (SMCC) in Hay River²⁹

66. The Corrections Service has implemented an evidence based Substance Abuse Management (SAM) program that addresses the primary needs of offenders serving shorter sentences. The SAM program, delivered in the NWT since 2016, recognizes the importance of Indigenous culture and traditions. During sessions Traditional Counsellors and Liaison Officers or Elders may attend the group to help participants reflect on their culture and heritage.

67. As it is recognized that many people taken into custody are removed from their community, Elder visits are coordinated for all adult and youth facilities to help offenders stay connected to their culture and with their communities. Some facilities house inmates from Nunavut, and Inuit Elder visits are organized to support these offenders.

ii. North Slave Correctional Complex Adult Unit

68. The Adult Unit has one traditional counsellor position. NSCC facilitates one-on-one traditional counselling with inmates upon referral by the case manager. The facility has three traditional areas for the delivery of programs to inmates by a traditional counsellor: one area situated inside the facility with the other two located within the secure perimeter. These areas are used for smudging, one-on-one counselling and sharing circles.

²⁹ Department of Justice: Correctional Facilities Webpage. GNWT. Available at: <<https://www.justice.gov.nt.ca/en/correctional-facilities/>>

iii. North Slave Correctional Complex Youth Unit

69. The teachers regularly review current events and culturally relevant topics with the young offenders. From January to March 2017 and with the funding support of the NWT Literacy Council, the teachers at the Youth Unit conducted a snowshoe making workshop with the youth. The Youth Unit also contracts with a local Elder to spend time with the offenders as part of the facility's school schedule, engaging in cultural activities such as mitten and moccasin making and leading ceremonies such as smudging and Healing Circles.

iv. Fort Smith Correctional Complex

70. FSCC staff take inmates out on the land. Outings can be day trips to either the camp that is owned by the facility or to a lake or river. Staff may invite local Elders to attend the event to share traditional knowledge about being on the land with the inmates.

v. South Mackenzie Correctional Centre (SMCC)

71. At SMCC a team of six staff is dedicated to providing culturally relevant programming and case management to all inmates. SMCC facilitates one-on-one traditional counselling with inmates upon referral by the case manager. The facility has a traditional pre-treatment healing program to help Indigenous offenders with the transition to structured programs. Elders are a significant part of the facility's programming.

72. The "Red Road to Freedom" program at SMCC provides a culturally appropriate approach to addressing identified needs relative to substance abuse. The program is delivered by the two Traditional Counsellors and Liaison Officers.

vi. Section 81 of the Federal Corrections and Conditional Release Act

73. During the Hearings on Policing and Criminal Justice Oversight in Quebec City, several witnesses referenced section 81 of the Federal *Corrections and Conditional Release Act*. This provision allows for Indigenous offenders to serve a sentence in their community, or in an alternative facility such as a healing lodge. In particular, the evidence in Quebec City was that that section 81 sentences are underutilized and underfunded in the federal context.³⁰

³⁰ For example: National Inquiry into Missing and Murdered Indigenous Women and Girls: Transcripts from Quebec City Hearings, Parts II & III, Vol. VII, "Criminal Justice Oversight and Accountability". September 19, 2018., at pg. 57 & 110 -111.

74. During the Quebec City Hearings, the Native Women’s Association of the NWT suggested that territorial and provincial Governments explore amendments to their respective *Corrections Acts* (or equivalents) to allow the territorial/provincial equivalent of section 81 sentences.³¹

75. This same issue was raised in the Truth and Reconciliation Commission’s Calls to Action.³² The GNWT supports the TRC call for federal, provincial, and territorial governments to implement and evaluate community sanctions that provide realistic alternatives to imprisonment for Aboriginal offenders,³³ and the Department of Justice has significantly advanced the process of replacing the territorial *Corrections Act* with a new statute that will, among other reforms, replicate sections 75-81 of the federal *Corrections and Conditional Release Act*.

vii. Probation Services

76. Probation Officers play a key role in supporting offenders in transitioning from a correctional facility back to their community, and ensuring they have access to aftercare supports. In the NWT this includes connecting an offender with the needed resources in advance of their release. Dependent on the needs of the individual, these supports can include counsellors, Elders, on the land programs, income support, housing, and educational and employment programs.

III COMMUNITY BASED VICTIM SERVICES

77. During the Government Services hearings in Calgary May 28 – June 1, 2018, the GNWT presented a witness, Ms. Leanne Gardiner, to provide information about the Northwest Territories Victim Services Program. The GNWT chose to highlight this program because it is a model that allows for community based, person-centered services.

³¹ *Ibid* at pg. 152.

³² *Supra* note 17 see Call to Action 31.

³³ *Supra* note 25 at pg. 16.

78. The NWT Victims Services Program is a community-based service, delivered by community organizations as opposed to public servants.³⁴ The GNWT funds community-based victim services providers who offer victims of crime and tragedy person-centred emotional support, practical assistance and referrals. It is based on the needs of the individual, and is not “incident-specific”. The services provided are designed by individual communities to meet local needs. All NWT residents have access to the Victim Services Program, either in person or by phone.

79. In 2018/19, eight community-based organizations (CBOs) submitted proposals and are each funded for full-time staff members who deliver victim services. All eight CBOs are either exclusively Indigenous or have significant Indigenous representation on their governing bodies. Three of the eight receive additional annual funding to hire staff to serve nearby communities from a regional centre. A Ministerial appointed Victim Assistance Committee reviews funding requests from CBOs and makes recommendations to the Minister for disbursements from the Victims Assistance Fund that would support additional services, such as specialized staff training, counselling for victims and their families, and travel for the families of homicide victims to attend trial.

80. The CBOs develop program models to meet community needs. They hire the staff they feel are best suited to do the work. Many of the front-line staff are long-term residents of the community and speak the Indigenous language. They all help victims with safety planning, are connected to local supports, and refer clients to culturally appropriate services. While all programs provide the same type of service, the exact method of delivery is different in each community, reflecting the community’s unique needs and available services.

81. Frequently working with Crown witness coordinators employed by the PPSC, victim services workers provide court orientation, help with victim impact statements, and provide information about resources such as testimonial aids. On consent of the judge, a victim services provider may be present as a support person while a victim testifies. Unlike a Crown witness

³⁴ *Supra* note 23 exhibit 6

coordinator, victim services providers may assist clients who are not participating in the court system but who want information and support after a crime or tragedy has occurred.

82. NWT residents do not need a referral to access the Victim Services Program. An MOU with the RCMP sets out how members responding to calls will tell victims how they can access the program.³⁵ Victim services providers and the RCMP are encouraged to maintain close working relationships to promote cooperation and good will.

83. The GNWT provides the CBOs with a wide range of optional training and supports, such as help with job descriptions, training about new legislation, and free professional counselling for front-line staff. The GNWT also collects statistics to monitor program use, identify trends, and develop new supports for front-line staff.

84. The logistics and expense of providing services in 33 communities spread over a vast area presents challenges. Remoteness is a factor for the Victim Services Program, as many communities are accessible only by air or seasonally by boat or over winter ice roads. Victims of crime and tragedy in communities without resident victim services providers are served from a regional centre, usually by phone.

85. CBOs design annual work plans which include significant consultation with partner agencies and community leaders, and they plan the programming and funding for each year to align with community priorities. Because each region is different and has implemented victim services in slightly different ways, there can be inconsistencies in the job descriptions, work hours, and professional training requirements of front-line providers.

i. Victims Assistance Fund

86. The Victims Assistance Fund (VAF) is a special-purpose fund established by subsection 11(1) of the NWT *Victims of Crime Act*, and resourced with revenue from victim fine surcharges imposed by the courts. A committee appointed by the Minister of Justice recommends disbursements from the fund to support community-based projects and activities that provide services and assistance to victims of crime.

³⁵ *Ibid* exhibit 5

87. Through the Inquiry process, the GNWT has come to learn that local community organizations may not be fully aware of the funding available for these types of programs, and we commit to doing more outreach and communications in this regard.

88. This past year was the second year that the Native Women's Association of the NWT, the sponsoring organization for Yellowknife Victim Services, received funding from the VAF to provide assistance to family members of victims of homicide, so as to allow them to attend the trial of the individuals accused in the loss of their loved ones. This funding is intended to support the healing process of families who have experienced the tragedy of the loss of a family member by homicide.

89. The Inuvik Justice Committee, sponsoring organization for Inuvik Victim Services, was also successful in accessing VAF funding in 2017/18 for a project to support a public outreach effort regarding Elder abuse. A harm prevention and wellness program for Elders was developed. Local youth were brought in to assist with the coordination of the event.

90. Another need identified by the CBO in Inuvik is young parents struggling and feeling overwhelmed and isolated. Often these young individuals find it difficult to stay in school as they deal with the challenges of new parenthood. A community-based program was developed with a specific focus on school age young parents. The program included both parents, regardless of their relationship status, and the children. The focus was on self-care, budgeting, healthy relationships, parenting skills, child development and growth.

91. The Native Women's Association of the NWT and other parties to the Inquiry have identified a need for resources like Elders, Grandmothers, and other knowledge keepers to undertake healing work in Indigenous Communities. The VAF may have resources to offer such initiatives. If a community group or organization wishes to make a proposal, the Committee would consider the request and make a recommendation to the Minister.

92. Ms. Gardiner testified that community members are often best placed to design solutions that work for their communities. There are a number of innovative initiatives in the NWT involving women's groups or hobby groups that have the effect of offering victim support for women experiencing family violence. The GNWT emphasizes that flexibility and creativity in service delivery are key components to creating safer communities. Where possible, the approach is to support community-designed solutions.

ii. Victims of Crime Emergency Fund

93. The Victims of Crime Emergency Fund (VCEF) is a program that provides limited emergency financial assistance to NWT victims of serious violent crime. Family violence and assault are two of the most common referrals received by NWT Victim Services. The funding received for the VCEF is vital to assisting individuals impacted by such crimes. Given the financial realities victims of family violence often face, something as simple as a cell phone with "minutes" can enhance the safety of an individual or family. Emergency travel (where not otherwise covered), emergency food, clothing or self-care items, emergency childcare, accommodation, counselling, emergency repairs to secure the safety of the victim's residence, and some limited medical expenses (e.g. eyeglass replacement) are also funded.

iii. Support for Service Providers

94. The Coordinator, NWT Victim Services is the first point of contact for all eight community-based Victim Services Programs, and provides supports including orientation and training of new providers. Training requirements for new victim services providers is similar to other jurisdictions respecting the legal processes, court preparation, and court witness accompaniment, but each community has a unique context in terms of service provision and the programs available. Many victims come with multiple needs, and referrals and advocacy have a large role in supporting those needs. Troubleshooting and finding the most appropriate support for clients when things are not working is a constant pressure.

95. The NWT Native Women's Association plays a key role in providing services to victims, particularly in the Yellowknife area. The GNWT values their input into how the program is funded and run. We noted during the hearing process that the NWT Native Women's Association is seeking better access to "after-care" and supports for their victim services

workers, who often experience undue stress, trauma, and vicarious trauma, as a consequence of supporting persons in crisis. The GNWT wishes to highlight that support for counselling and other types of support and aftercare is available to our providers, including those working with the Native Women's Association of the NWT, and we ensure the providers are aware of the availability of that support. The GNWT will compensate any "out of pocket" expenses associated with aftercare or wellness for our victim services providers.

96. The GNWT has also submitted a request to Justice Canada for additional funding for a more effective, responsive, support system for those responding to suicides in their communities.

IV FAMILY VIOLENCE IN THE NWT

i. GNWT Response to Family Violence

97. The GNWT is committed to continually improving our response to family violence. We need to protect victims and their children while holding perpetrators of violence accountable for their actions, but at the same time providing opportunities for them to find the healing that they need. As previously noted, the GNWT recognizes the gravity of this issue in our jurisdiction. The statistics are compelling, and demand action by all stakeholders to better protect women and girls. We need to support changes in attitude across our communities and in our homes.

98. We also recognize that it takes courage to step forward and disclose violence, particularly in the context described by witnesses that family violence is often normalized and victims are silenced.³⁶ The GNWT provides a range of supports in all communities to help families when they are ready to take this step, with supports such as our Victim Services Program, community counselling, shelters, DVTO, and access to services in Indigenous languages. GNWT programs and services are offered at the community level, usually as person-centred services in response to the needs identified by the victim.

99. Under the authority of the Social Envelope Deputy Ministers Committee, representatives of the Departments of Executive and Indigenous Affairs; Municipal and Community Affairs;

³⁶ *Supra* note 9 and 10.

Health and Social Services; Education, Culture and Employment; Justice and the NWT Housing Corporation, are working together to develop a Comprehensive GNWT Approach for Action Against Family Violence. The goal of this work is to identify best practices, align existing GNWT work, and identify priority areas for investment over the coming decade. The Approach for Action will align existing work being done by or on behalf of the GNWT, and will recommend future actions, including a proposed governance structure for implementation.

100. The first phase of this work is focused on research and analysis, and will result in a summary of findings based on evidence and interjurisdictional analysis of best practices. Consultation with northern researchers, including Dr. Pertice Moffitt is in process, with the hope of having preliminary results by mid-2019. In her testimony at the St. John's hearing Dr. Moffitt highlighted the need for northern research.³⁷ The GNWT agrees that research is essential to understanding the needs of those affected by family violence.

101. The second phase of the work will be a strategic stakeholder consultation on the results of the research to obtain meaningful guidance on balancing the research-based evidence with front-line voices and lived experience of Northerners. This work will commence after the first phase is complete, with the objective of a final report in the 2019/20 fiscal year.

102. The GNWT believes our Victim Services Program is a positive model that has many successes, but we continually seek to improve our services. One way of achieving this is to focus on simple and non-intimidating methods of accessing services, to avoid potential barriers for an individual seeking help. Victims have also identified a need for a range of overlapping supports and service providers. While some victims would like to be helped by a person they know in their community, others want to be connected to regional or territorial support systems in order to avoid social pressure or gossip within their community. Whenever possible, we aim to provide person-centered services that address individual needs, recognizing that they are varied and can change over time.

³⁷ *Supra* note 1 at pg. 109, 110.

ii. Violence Shelters

103. The Territorial Family Violence Shelter Network consists of the following shelters:

- Alison McAteer House, Yellowknife
- Family Support Centre, Hay River
- Sutherland House, Fort Smith
- Inuvik Transition House, Inuvik, and,
- Aimayunga Women and Emergency Foster Care Shelter, Tuktoyaktuk³⁸

104. Shelters provide safe refuge, support and information to women and their children who are in danger and in need of shelter from any form of abuse. These shelters are funded through our Health and Social Services Authorities by way of contribution agreements. Three shelters have two-year agreements, but the two largest have three-year agreements in place.

105. While at the shelter women and children are offered emotional support, crisis intervention, safety planning, advocacy, and information on topics such as the cycle of violence, healthy relationships, parenting and grief and loss. The shelter provides a safe, non-judgmental and supportive environment to help women to become active agents in their own lives and make their own choices. Women and children are often referred to a shelter through such service providers in the community as victim services providers, nurses, social workers, community counsellors and the RCMP, but they can also self-refer. The GNWT trains social workers and community counsellors to take a person-centered approach to assisting individuals seeking refuge from violence, or in assisting anyone seeking a safe place to stay. In communities without a resident community counsellor or social worker, community nurses are often the first point of contact, but every region has a victim services provider who can be reached by phone. Both victim services and shelter phone lines are staffed on a 24/7 basis.

iii. Travel to a Shelter:

106. The GNWT Health and Social Services Authorities are financially responsible for providing round trip travel for women and children fleeing family violence and abuse who are accessing a family violence shelter.

³⁸ *Supra* note 1 at pg. 87.

107. There is no “hard and fast” rule governing eligibility to receive round trip travel to a shelter. Staff with the Authorities work with women to explore options (including accessing a shelter) and to create safety plans. Travel is determined on a case by case basis.

- A woman wants to leave her community to access a shelter can contact the local community counsellor or social worker.
- The mandate of the Community Counselling Program (CCP) includes family violence.
- The CCP Standards encourage staff to take a client-centered approach to care, recognizing that there are many reasons that women access a shelter, many reasons that they may go back to an abusive partner, and that this cycle may repeat many times before a woman is ready to leave an abusive situation permanently.

108. Women and children who come to the shelter from another community are guaranteed a return ticket to their home community and access to this transportation when they choose to leave the shelter.

109. For regions that do not have shelters (Dehcho, Sahtu, and Tłı̨chǫ)³⁹, the Department of Health and Social Services continues to work with the relevant Health and Social Services Authorities to support the development of family violence protocols and response teams to provide support to women and children impacted by family violence. Currently, the Dehcho and Tłı̨chǫ regions have completed protocols and are focused on training and implementation. The Sahtu has also recently completed their protocol. The Department continues to support implementation and training on the protocols.

iv. Additional Family Violence Initiatives:

Shelter Zero-based Analysis

110. The Department of Health and Social Services has completed a zero-based funding exercise which will help to determine funding requirements and an equitable funding model for family violence shelters.

³⁹ *Ibid*

Shelter Awareness Campaign:

111. The Department of Health and Social Services is working with shelters to create a shelter awareness campaign. The goal of the campaign will be to raise the profile of the five Family Violence Shelters, create awareness about the services provided by shelters, explain how to access shelters, and highlight that shelters are a Territorial resource.

Territorial Family Violence Shelter Network:

112. The goal of the Network is to enable NWT family violence shelters to collaborate with each other to build their capacity to serve women and children fleeing family violence.

Children Who Witness Abuse Program:

113. The shelters located in Yellowknife, Hay River and Fort Smith provide emotional supports to children who have witnessed or experienced violence. The delivery varies depending on the specific shelter or community, but typically focus on group based supports and workshops. There is work planned to examine the feasibility of expanding this program to other shelters.

NWT Community Counselling Program (CCP):

114. The mandate of the CCP is to deliver community based counselling and supports for mental health, addictions and family violence. Positions are located in 19 communities across the NWT. Services to communities without a resident counsellor are provided by telephone or scheduled fly-in visits. The CCP offers counselling support as well as community collaboration, wellness information, and referral to more specialized services.

“What will it take?” Social Marketing Campaign:

115. The GNWT has created a campaign aimed at changing attitudes and beliefs about family violence. The campaign consists of community level workshops and a series of videos aimed at dispelling commonly held myths about family violence.⁴⁰

⁴⁰ See Department of Health and Social Services: “What Will it Take?” Webpage. GNWT. available at <<https://www.hss.gov.nt.ca/en/services/what-will-it-take>>; and HSS Communications Youtube Channel available at: <<https://www.youtube.com/channel/UCjZMhzcPc7skTLNfjI9TCgw>> .

v. *Emergency Protection Orders*

116. The *Protection Against Family Violence Act*⁴¹ provides emergency and long-term protection orders for victims of family violence. The Act also allows emergency access to assist a person who may be the subject of family violence.

117. At the Hearings in Winnipeg, Dr. Allen Wade testified that the NWT’s legislation is a progressive approach that moves away from “after the fact” interventions.⁴² Dr. Wade’s study advanced the GNWT’s commitment to evaluating the effectiveness of our systems to protect against family violence. The recommendations from Dr. Wade’s report, particularly around the importance of social response and language⁴³, were applied to improve services for victims.

118. Individuals can apply for an emergency protection order (EPO) at any time by contacting the local RCMP detachment, or by calling the YWCA’s Alison McAteer house. To date the majority of applications have been made through the YWCA. About 70% of applications result in a judicially confirmed EPO. DOJ meets regularly with the YWCA and RCMP to discuss issues related to the EPO process. The YWCA and RCMP each provide their staff with regular training to help victims apply for EPOs.

119. DOJ continues to assist with research into family violence trends and the efficacy of responses. In her testimony, Dr. Pertice Moffit mentioned a current research project examining EPOs in the Northwest Territories⁴⁴. This project is independent of the GNWT, and is funded by the RCMP’s National Crime Prevention Services. We look forward to the results of the research, which we will use to make legal tools more effective for victims of family violence.

vi. *Programming for Men*

a. *A New Day*

120. “A New Day” is part of the GNWT’s commitment to provide ongoing support programs for men who use violence in their intimate relationships. It requires men to make a serious commitment to attend meetings, talk about their experiences, and use their new skills.

⁴¹ *Supra* note 26.

⁴² National Inquiry into Missing and Murdered Indigenous Women and Girls. Transcripts from Winnipeg Hearings, Parts II & III, Vol. XIV, “Child & Family Welfare”. October 5, 2018. Exhibit 56 at pg. 4.

⁴³ *Ibid.*

⁴⁴ *Supra* note 1 at pg. 109, 110.

121. “A New Day” is a challenging program that requires a serious ongoing commitment from participants; it is not a drop-in program or individual counselling, and it is not mandated through the courts as a punishment. It is a voluntary program that aims to help men change their behaviour. Men who want to sign up contact the John Howard Society to arrange an appointment with a counsellor. Men who are in custody at NSCC and are interested in the program can register to meet with the counsellor when they next visit the correctional centre. Counselling groups meet weekly.

b. Other community programs

122. The Arctic Indigenous Wellness Foundation runs an urban land-based healing camp near in Yellowknife Multiplex. The camp focuses on teaching, mentorship, and support with traditional ceremonies, traditional food preparation, language revitalization, traditional tool making, on-the-land teachings, medicine teachings, sweat lodges, traditional counselling, and cultural gatherings.⁴⁵

123. The Safe Harbour Day Shelter in Yellowknife provides drop-in services for people who need a safe place during the day.

124. The Homelessness Assistance Fund (HAF) provides emergency one-time funding to individuals and families experiencing housing crises within the NWT. The program partners with referral agents within community agencies to focus on providing assistance to people to move out of this condition of crisis state. Emergency funding support can be utilized to keep a household from becoming homeless or to assist a household in accessing housing. Secondly, a person can access funding for travel assistance to return to their home community or another community where they will no longer be homeless.

⁴⁵ The Arctic Indigenous Wellness Foundation (AIWF) is a self-determined traditional wellness initiative with the mandate of culturally reviving traditional and indigenous based healing services and practices in the north. AIWF offers cultural programming and advocacy with a focus on indigenous health and wellness. See the AIWF webpage available at <https://arcticindigenouwellness.org/>.

V HEALTH AND SOCIAL SERVICES

125. The Department of Health and Social Services has an extensive mandate. The Department works in cooperation with the three Health and Social Services Authorities to offer preventative and intervention programs, services and health care in each community.

126. Often it is health and social services personnel, such as community counsellors, community nurses and community social services workers, along with victim services providers, who are the first point of contact for individuals in crisis. People in these roles must be knowledgeable about services available, and how to access them.

127. In 2016, the GNWT released a document entitled “Building a Culturally Respectful Health and Social Services System”.⁴⁶ A key element is ensuring that all aspects of the health and social services system are culturally respectful and safe for everyone, particularly for Indigenous peoples whose healthcare needs are too often seen through a lens of racial discrimination. This also includes respecting Indigenous understandings of health and wellness and finding ways to accommodate traditional healing in the healthcare system.

128. Cultural safety is a key part of reconciliation between Indigenous and non-Indigenous Canadians. In fact, the Truth and Reconciliation Commission’s Call to Action Report makes a specific recommendation calling upon all levels of government to “provide cultural competency training for all health care professionals”⁴⁷.

129. While over 50% of the NWT’s population is Indigenous, it is apparent from disparities in population health outcomes that the health and social services system has not been effectively meeting the needs of Indigenous peoples. This has to change, and the GNWT, together with our partners, is taking action. Given the principle of “nothing about us without us”, we are working in partnership to build a system that is respectful and reflective of the cultures and people we serve. To date we have begun working on the following initiatives:

⁴⁶ *Building a Culturally Respectful Health and Social Services System*. GNWT. October, 2016.

⁴⁷ *Supra* note 17 Call to Action 23.

i. Care for Pregnant Women and Families

130. The 2016-2019 mandate for the GNWT was tabled in the Legislative Assembly on March 3, 2016. As part of the commitment to community wellness and safety, the mandate affirms that the GNWT will continue implementing our early childhood development strategy, “Right from the Start”⁴⁸, by “[d]eveloping options to enhance access to birthing services and pre- and postnatal care, including development of a territorial midwifery model.”⁴⁹

131. In 2017 DPRA, a consulting firm working on behalf of the GNWT, released a Stakeholder Engagement Report⁵⁰ which informed the development of recommendations intended to help improve the quality of perinatal care available to NWT families by increasing access to midwifery services and further integrating midwifery into the existing NWT framework of perinatal care.

132. The recommendations are based on an analysis of the findings of the Report and with the following system objectives in mind:

- Ensure cost-effectiveness and sustainability of the NWT perinatal care system;
- Improve the cultural suitability of pregnancy, birth, postnatal care, sexual reproductive health, new born and well-woman care;
- Enhance and support midwifery integration into the primary community care teams and hospitals;
- Enhance the capacity of community health centres to provide high quality and culturally capable care to women, babies and families in the community; and
- Improve the accessibility of midwifery care to socially at-risk women and vulnerable populations.

133. The GNWT has accepted the recommendations from the report, and we are currently working to strengthen and expand midwifery services in the NWT.

⁴⁸ See the Right from the Start webpage, available at <https://www.rightfromthestart.ca/>

⁴⁹ *Mandate of the Government of the Northwest Territories 2016-2019*. GNWT. March, 2016. at pg. 24

⁵⁰ *Midwifery Stakeholder Engagement*. GNWT. August, 2017.

134. In addition, The Indigenous Health and Community Wellness Division at the Department of Health and Social Services is funding the Northwest Territories Health and Social Services Authority, Fort Smith Region, to host an Indigenous Doula/Maternal Support Pilot Training in 2018/19. The intention of this program is to prioritize the training of local community members to deliver Indigenous-centred programming grounded in Indigenous cultural beliefs and values, and incorporating both traditional and modern maternal care practices.

135. More specifically, staff from the Healthy Family Program, Midwifery Program and Fort Smith Metis Council are working together to explore the potential for providing greater support for families pre and postnatally through a collaborative initiative. The collaboration is proposing the training of local community members to become maternal support workers/doulas.

136. The training will focus on the mother's birth experience, her family, her community and her role with the maternal support worker. The training will emphasize support for creating a healthy pregnancy, birth, postnatal and early parenting period, relationships and Elder traditional knowledge.

ii. Mental Health and Addictions

a. GNWT Commitments

137. The GNWT has established a focus on mental health and addictions to contribute towards overall community wellness and safety. In her testimony Dr. Cindy Blackstock discussed the need for “culturally appropriate services...that [are] community driven”.⁵¹

138. On November 2, 2016, the Mind and Spirit Mental Health and Addictions Strategic Framework was tabled in the Legislative Assembly to guide work in the area from 2016–2021.⁵²

139. The GNWT has committed to enhancing access to culturally-appropriate programs and services, and will develop a comprehensive mental health and addictions framework that:

⁵¹ *Supra* note 42 at pg. 87.

⁵² *Supra* note 24.

- Prioritizes improvements to outpatient mental health services with a particular focus on youth mental health services in schools and the broader community;
- Addresses gaps in integrated community-based services; and
- Enhances treatment options at local and regional levels, including aftercare.

140. The framework sets the stage for the development of three action plans (Mental Health, Addictions, and Children & Youth Mental Wellness) that will prioritize improvements to outpatient services with a focus on youth mental health services in schools and communities, address gaps in integrated community based services, and enhance treatment options – including aftercare – at local and regional levels.

141. The first of these Action Plans, the Child and Youth Mental Wellness Action Plan, was tabled during the Fall Session of 2017⁵³. It outlines five major objectives: improving mental health literacy among children, youth and families; fostering a supportive environment to protect the mental wellness of children and youth; creating a capable and skilled community of adults to support the mental wellness of children and youth; improving access to mental wellness services and programs for children and youth; and improving mental wellness programs and services through the use of locally relevant data and perspectives.

b. NWT Community Counselling Program

142. The NWT Community Counselling Program (CCP) is delivered by the three Health and Social Services Authorities, and provides on-the-ground access to services in all of the regions. Trained counsellors are available to provide support to residents of all ages for issues relating to mental health, addictions and family violence. CCP counsellors also provide assistance or referrals to other more specialized services and supports (i.e. facility based addictions treatment). Counsellors are located in 19 communities. In the other 14 communities, counsellors provide phone support and in-person counselling on a fly-in basis.

⁵³ Ibid

c. Out of Territory Treatment Services:

143. For more complex therapeutic cases for children, youth, adults and families that cannot be managed within the NWT, the Department of Health and Social Services hold contracts with residential facilities and agencies located in the south.

d. Facility-Based (inpatient) Treatment for Addictions:

144. The Department of Health and Social Services has contracted with four treatment centres to provide services for individuals requiring facility based addictions treatment:

- Poundmaker's Lodge, St. Albert, Alberta
- Fresh Start Recovery Centre, Calgary, Alberta
- Aventa Centre of Excellence for Women with Addictions, Calgary, Alberta
- Edgewood, Nanaimo, British Columbia

145. The GNWT agrees with the evidence presented that local and regional treatment options, including aftercare, are the best option. As mentioned, the GNWT is committed to enhancing these services as part of a comprehensive mental health and addictions framework.

iii. Child and Family Services

146. The Report of the Director of Child and Family Services, tabled in the Legislative Assembly in October 2018⁵⁴, discussed trends that represent the kinds of change that we want to see in child protection in the NWT, and indeed, across Canada:

- More children and youth receiving services are remaining in the care of their parents, while the proportion of children being removed from their homes and communities is decreasing.
- The number of children and families receiving prevention services is rising, while the number of those receiving protection services is falling.
- More families facing challenges in caring for their children are being helped through Voluntary Service Agreements.
- The number of children in the permanent custody of the Director has decreased by over 37% (244 to 152) since 2008-09.

⁵⁴ Annual Report of the Director of Child and Family Services (including years 2007-2008 to 2017-2018). GNWT. October, 2018.

147. While these are hopeful and promising trends, they do not diminish the importance of responding to the findings contained in the Office of the Auditor General’s (OAG) report, tabled in the Legislative Assembly on October 23, 2018.⁵⁵

148. Since the last OAG audit of Child and Family Services in 2014, the GNWT created the “Building Stronger Family Action Plan”⁵⁶ to guide work to transform our system. Under this plan we took a number of actions to better serve and support children, young people and their families.

149. The recent OAG audit and our own internal audits have shown that the actions we are taking are the right ones, but we have been falling short in the implementation of these foundational changes to our system. These shortcomings can have consequences for clients in our system – and for staff – and we must improve how we are managing and resourcing these changes.

150. The GNWT has taken action in four areas to address issues identified by the Auditor General: continuing to build a culture of quality, investing in human resources, building staff capacity, and engaging with our partners.

151. It is clear we continue to face significant challenges, and there is much more work to do. We heard evidence at the Winnipeg hearings that many jurisdictions are facing similar challenges within their child protection systems. Witnesses identified many areas where changes can and should be made. We look forward to the Commission’s recommendations on these issues.

152. As part of our ongoing commitment to quality improvement, we will continue working with our staff, stakeholders, communities, Indigenous leaders, and of course, the families we serve, to make the changes needed for a stronger Child and Family Services system.

⁵⁵ *Department of Health and Social Services and Health and Social Services Authorities Independent Auditor’s Report*. Office of the Auditor General of Canada. October, 2018.

⁵⁶ *Department of Health and Social Services: Building Stronger Families: An Action Plan to Transform Child and Family Services*. GNWT. August, 2014.

iv. Aboriginal Custom Adoption

153. The Indigenous communities of the Northwest Territories have long-standing traditional practices with respect to custom adoption. Custom adoption is a process by which one Indigenous family privately arranges with another to adopt a child, following the rules and traditions of their own community and culture. In an effort to streamline the process of providing legal recognition for custom adoptions, the NWT enacted the *Aboriginal Custom Adoption Recognition Act*, which came into effect in 1995.

154. This legislation creates a simple procedure by which an Indigenous custom adoption can be recognized through the issuance of a certificate, which the Registrar General of Vital Statistics then uses to register the adoption and issue a birth certificate in the child's adoptive name. Custom Adoption Commissioners are nominated by Indigenous organizations and communities, and Indigenous families who have custom adopted a child may apply to a Custom Adoption Commissioner to obtain a certificate. If the information is complete and the Custom Adoption Commissioner is satisfied that the child has been adopted in accordance with the community's customary law, the certificate is issued and deemed an order of the Supreme Court of the NWT. This system is unique to the Northwest Territories and Nunavut, and is premised on respect for Indigenous customs and on the goal of supporting of Indigenous families.

VI SUPPORT FOR SOCIAL RESEARCH

155. The current Mandate of the GNWT also includes a priority of Community Wellness and Safety: 4.4.4. *We will improve our social response to crime reduction by examining and analyzing social indicators, conducting research on what works to reduce crime and identifying any gaps in territorial programming.*⁵⁷

156. The Department of Justice is undertaking an examination of social indicators and a review of existing research into what works to reduce crime.

⁵⁷ *Supra* note 49

157. Approaches need to include:

- Better coordination and more effective interagency and interdepartmental actions at territorial, regional and local levels;
- More seamless delivery of programs and services within and outside institutions;
- Improving multi-disciplinary case management and support;
- Learning from best practices in other jurisdictions; and
- Focusing on repeat offenders.

158. Research will continue into 2019 with a report to be completed by the spring. During this process the Department will be working closely with other social envelope departments to identify gaps in policies and programs. Research will include:

- a review of current research, both in Canada and internationally,
- closer examination of social indicators for the NWT,
- lessons learned by the four-year pan-territorial crime prevention project,
- consideration of program and policy gaps identified through ICM and other initiatives, and
- a review of lessons learned through the Community Safety Strategy.

VII INDIGENOUS GOVERNMENTS AND SELF DETERMINATION

159. The GNWT recognizes that the Indigenous peoples in the Northwest Territories have governed themselves in a way that reflects their unique history and relationship to the land. This recognition lies at the heart of Aboriginal rights negotiations with Indigenous Governments and Organizations (IGOs) in the territory, and informs the negotiation of Indigenous self-government with these IGOs.

160. The GNWT is committed to negotiating agreements that recognize law-making powers for Indigenous governments over internal matters, such as culture, education and social programs for their citizens. The GNWT takes a flexible approach to the negotiation of Indigenous self-government. This flexibility is reflected in the fact that the GNWT has agreed to a variety of forms of self-government and relies on each specific IGO to identify the types of agreement and the scope of governance they wish to negotiate.

161. Various IGOs have chosen to negotiate a specific claims agreement, a comprehensive land agreement, resource and self-government agreement, or a standalone self-government agreement, and the GNWT supports the recognition of any of these options as modern treaties under section 35 of the *Constitution Act, 1982*. In the case of specific claims, an IGO and the federal government negotiate a Treaty Land Entitlement to establish a reserve, and self-government jurisdiction over that reserve in accordance with the federal *Indian Act*. Currently, there are only two *Indian Act* reserves in the NWT. In the case of comprehensive or standalone agreements, an IGO, the federal government and the GNWT can negotiate a self-government regime that serves a specific community or an entire region, and that serves only the IGO's own citizens in the community/region or delivers programs and services to all residents (i.e. Indigenous and non-Indigenous) in the community or region.

162. These agreements describe the structure of an Indigenous government, and define its jurisdictions, authorities and responsibilities. The negotiation of self-government can include a broad array of subject matters, including: the development of a constitution for the Indigenous government; elections; selection of leadership; citizenship; culture, heritage and language; housing; taxation; K-12 education; post-secondary education; early childhood education and out of school care; training; social services; health services; income support; child and family services; roads and traffic; local government infrastructure, including programs and services; economic development; tourism; child welfare; guardianship, trusteeship and adoption; wills and estates; administration of justice and policing; liquor; gaming; matters relating to labour, including industrial relations, occupational safety and health, labour standards and employment equity; marriage; policing; use, management, administration, control and protection of settlement lands; intergovernmental relations, including relations with other Indigenous governments; financial agreements and "own source" revenue; and implementation plans and financial arrangements relating to the agreement itself.

163. In the case of delivering social programs and services, the GNWT has also adopted NWT Core Principles and Objectives ("CPOs"). CPOs set out core principle and objective statements for the following social program areas: Early Childhood Education; Income Assistance; Social

Housing; Trusteeship; Guardianship; Child and Family Services; and Adoption. The Indigenous government and the GNWT are, in turn, required to create their own standards that are compatible with the NWT CPOs when delivering these social programs and services, to ensure they have the same fundamental characteristics throughout the territory. This approach provides Indigenous governments and the GNWT flexibility when designing these social programs, and in the case of the former, allows for the design of social programs in a way that is culturally relevant and reflects the circumstances and priorities of a particular Indigenous government.

164. The GNWT is currently engaged in Indigenous self-government negotiations with ten IGOs at the regional and/or community level. These negotiations are occurring in the context of both comprehensive and standalone self-government agreements.

165. Above all, the GNWT sees these agreements as enhancing the self-determination of these Indigenous people by recognizing their authority to design and deliver programs and services for their citizens in their communities/regions. For this reason, the GNWT sees the implementation of comprehensive and standalone self-government agreements as essential for the true attainment of Indigenous governance. Accordingly, the GNWT believes that the negotiation and implementation of these agreements will result in an effective and efficient system of government in the NWT, where residents successfully govern their own affairs and contribute to a strong and independent territory built on cooperation and partnership.

VIII SUPPORT FOR NATIVE WOMEN'S ASSOCIATION OF THE NWT

166. The only NWT Indigenous Organization with standing in the National Inquiry is the Native Women's Association of the NWT. The GNWT values our partnerships with local Indigenous Organizations, and supports the important work that they undertake in our communities.

167. The GNWT supports the four primary recommendations put forward by the Native Women's Association of the NWT, which are directed at all levels of Canadian leadership including the federal, provincial, territorial and indigenous governments, as identified in their oral submissions in Calgary:

1. We must acknowledge that violence against Indigenous women and girls including members of the 2SLGBTQ communities is a crisis that demands an urgent and active response.
2. We must re-establish, build and foster trust between all levels of government, service providers, communities and every one of the citizens they serve.
3. We must ensure that the purpose and objective of all government services is to be community and person centered.
4. We must establish meaningful positions of accountability to monitor and confirm the establishment and delivery of community and person-centered government services.

IX CONCLUSION

168. Violence against Indigenous women and girls is recognized as a national crisis. The GNWT agrees we need to find ways to make our communities safer and change attitudes.

169. As a government, we recognize the violence rates in in our own territory are unacceptable. We acknowledge that we must take action to better protect women and girls in the NWT from violence in their homes and communities.

170. The GNWT, as a relatively small government serving a majority Indigenous population, has the opportunity to be a leader in developing programs and services that are responsive, accessible and culturally relevant. We are seeking ways to better address the needs of women and girls who experience violence, and finding ways to heal individuals and communities to prevent the cycle from continuing.

171. We are listening closely to families' stories about what was helpful and what they think would have made a difference in their loved ones' cases. Acknowledging those tragedies, we have invested in policing, victim services, and supports for families.

172. Our intention in these submissions is to discuss our efforts to solve these complex issues by taking a multi-faceted approach. To address these issues holistically, we must coordinate between departments and service providers to provide the most person-centered response to violence that we can.

173. What we heard at the Hearings was that Indigenous peoples and communities are seeking to have their ideas heard, and to have the opportunity to bring them to life, with support from government. We look forward to working with our Indigenous partners as we move forward. We acknowledge that we have lots of work ahead of us, but also the opportunity to effect profoundly meaningful change.

174. Our government is looking forward to hearing the recommendations from the National Inquiry, which will reflect the voices of the women and girls we serve. We wish to thank the Commission for the opportunity to participate, and look forward to the much needed national conversation that will result from the hard work of the National Inquiry.

X APPENDIX

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