



# Access to Justice

## Family Violence Prevention

### ACCESS TO JUSTICE FOR FAMILY VIOLENCE IN NUNAVUT

### PHASE I RESEARCH – REPORT IN BRIEF

## ABOUT THE PROJECT

In the spring of 2019, Pauktuutit Inuit Women of Canada (Pauktuutit) and the Law Society of Nunavut (LSN) joined forces to undertake a project that would break the silence on family violence in Nunavut. The goal was to better understand the needs of Inuit women dealing with family violence and the legal barriers they face. The project consisted of a research study that would inform

a follow-up public awareness campaign. With guidance from an advisory committee and with the support of both government and community-based partners, Pauktuutit and the LSN aimed to better understand the effectiveness of the *Family Abuse Intervention Act (FAIA)*.







## WHAT IS FAIA?

The *Family Abuse Intervention Act*, S.Nu. 2006, c.18 (FAIA) is legislation intended to provide tools for interventions to prevent family abuse and minimize the escalation of abuse. The Act provides a civil process for obtaining orders separate from the criminal justice system.

Under FAIA, applicants may ask for a Community Intervention Order (CIO). This order can require abusers, or both the abuser and victim, to get traditional Inuit counseling to deal with family violence.

Another option is to request an Emergency Protection Order (EPO). This type of order can restrain the abuser (as the respondent) from engaging in certain behaviours, compel the abuser to leave the home temporarily, or to refrain from contacting the victim.

## APPROACH

Over a period of four months, qualitative data was gathered through 38 interviews with individual Inuit women with lived experience, along with seven focus groups consisting of Inuit and non-Inuit service providers. A Preliminary Report shares their stories and perspectives on family violence in Nunavut and the legal system as it relates to the FAIA. Interviews and focus groups were held in the following communities:

- Iqaluit
- Kinngait (Cape Dorset)
- Pangnirtung
- Kugluktuk
- Cambridge Bay
- Rankin Inlet
- Arviat



# KEY FINDINGS

## *Role of Inuit society*

An early emerging theme was the important role of Inuit society. The interviews revealed that women with lived experience often turned to the family and community first for help or support. This included turning to Elders for more traditional Inuit Qaujimajatuqangit (IQ) advice and guidance. The stories shared by these women interviewed spoke to how often the support offered by the family, community and Elders were not aligned.

Inuit service providers also echoed the importance of the role of Inuit society as it relates to dealing with family violence. In their opinion, the way forward must carefully incorporate Inuit Societal Values: the legal system and the Inuit way must continue to a common path to come together.

## *Impacts on family members and relationships*

The stories shared by the women with lived experience indicate that family violence is not only experienced between intimate partners, but can include children, siblings and elder abuse. Participants felt that supports and counselling for all types of family relationships are necessary in order to break the cycle of violence.

## *Factors that contribute to family violence*

Alcohol and drugs were mentioned by numerous participants as factors contributing to, or exacerbating violent situations. Concerns were expressed that there are not enough resources in Nunavut to adequately deal with addiction problems.



## *Implementation of FAIA provisions*

Emergency Protection Orders (EPOs) were seen as helpful by some interviewees. However, Community Intervention Orders (CIOs) were infrequently used. Concerns raised about FAIA included the following:

- Women were not always aware of the options available to them
- Length of time it takes to get an order
- Participants may not understand the legal processes
- There was not always enough communication about what was happening during the process
- Fear of reprisals from the abuser or other community members for resorting to the legal system
- Respondents may not comply with the orders

## *Trust*

Some women said that they do not trust the legal system, given previous negative experiences. Other women feel the legal system may help the abuser more than them. They expressed concerns about RCMP response times to calls reporting abuse or breaches of EPOs. Some of the Inuit service providers noted differences between the legal system and the Inuit way, which may not foster trust.

## *Additional supports and follow up needed*

The interviews and focus groups highlighted the need for other community support systems that would help family members participating in the FAIA processes. These include the following:

- Emergency housing or shelters for both abusers who may be ordered out of the home as well as for women and children fleeing violence.
- Information about assistance available under FAIA as well as other programs to be provided at shelters and community spaces.
- More programs to be provided to meet the specific needs of women and children.
- Inuit-specific healing services and wellness programs.
- Family support and social workers with appropriate trauma-informed, culturally sensitive training who can provide follow up to family members.



## Need for a holistic approach

Both the women with lived experience and the service providers expressed their views on the need for more than a law to solve family violence in Nunavut. The problem of family violence is complex and requires a more holistic approach.

"Inuit [have a] way of dealing with family violence. And it's not in the policies, unfortunately... I think it's a goal that Nunavut should be aiming for... to have a vision for... that offender or victim and the family to be dealt with, you know, in a more holistic way."

—Woman with lived experience

## Strength and survival

Despite experiencing family violence, many Inuit women have found strength and ways to survive their situation. The women interviewed found creative ways to help each other, such as making safety plans with their neighbours or family members when they need to ask for help. Shelters also helped women learn about the law and other supports to deal with family violence.

## Building on successes

It is equally important to note that positive stories were also shared from both women with lived experience and service providers. While there are obvious gaps in the system, FAIA has offered support to women experiencing family violence. These successes have been captured and shared in the report. Learning from these experiences will be invaluable to bridge the gaps.

Pauktuutit and the LSN are committed to continuing to work with the stakeholders going forward, both governmental and non-governmental. There will be support for their efforts to collaboratively address the issues and work towards solutions. Service providers, the community, Elders and families need to work together, as one, to end family violence in Nunavut. Inuit Societal Values must be a key practiced moving forward.

## NEXT STEPS

The immediate next step for the *Access to Justice for Family Violence in Nunavut* project will be to validate the findings. Pauktuutit and the LSN will share the findings with those who participated in the interviews and the focus groups to confirm what was heard, and what was captured as key findings. These findings provide for a better understanding of the legal barriers and needs of Inuit women dealing with family violence in Nunavut. With validation from the stakeholders, the findings and insights will then inform the development of a public awareness campaign that will bring this topic to the forefront, helping to break the silence on family violence in Nunavut.

At the completion of the public awareness campaign, a final report will be written capturing the findings from the entire *Access to Justice for Family Violence in Nunavut* project. The intent of the final report is to inform the critical next steps to break the cycle of family violence in Nunavut.

## BREAKING THE CYCLE OF FAMILY VIOLENCE

To break the cycle of family violence in Nunavut, the important role of Inuit society as it relates to dealing with family violence and Inuit Societal Values must be practiced; solutions must be culturally relevant and holistic. The legal system and the Inuit way must continue to build a common path together.

The women with lived experience who found the strength and courage to stand up and share their stories have broken the silence on family violence in Nunavut. Pauktuutit and the LSN stand beside them and commit to supporting them by continuing to collaborate with the stakeholders and ending the cycle of family violence in Nunavut – *Piliriqatigiinni* – working together for a common cause.



## RECOMMENDATIONS

Pauktuutit and the LSN are committed to continuing to work with the stakeholders and support their efforts to collaboratively find solutions to end the cycle of family violence in Nunavut. The project partners for this project cannot direct agencies and service providers to take action or make specific changes. Nonetheless the following proposed recommendations arise from the findings from the interviews and focus groups. If acted upon, these proposed recommendations may make a critical contribution to the collaborative and holistic approach that is recommended for going forward.

### 1. *Ongoing collaboration to address the recommendations*

To break the cycle of family violence in Nunavut, the important role of Inuit society as it relates to dealing with family violence and Inuit Societal Values must be practiced; solutions must be culturally relevant and holistic. The legal system and the Inuit way must continue to build a common path together; a collaborative, sustainable plan must be developed and implemented.

The Law Society of Nunavut's Access to Justice mandate is to build connections using a collaborative approach. This mandate will help us to better respond to the legal needs and interests of all Nunavummiut. The Law Society of Nunavut, with support from Pauktuutit, will continue to collaborate with stakeholders to assist with the implementation of the recommendations. This may be achieved through a proposed Working Group to end family violence – *Piliriqatigiinniq* – *working together for a common cause*.

### 2. *Community Service Providers*

Ensure continuous inter-agency cooperation and collaboration by providing holistic, team-based (wraparound) trauma-informed practices and follow-up for women and children who are fleeing violence.

Provide proactive outreach to families who are known to need support with information about FAIA, resources and supports to build relationships and trust before there is a crisis.

### 3. *Government of Nunavut – Department of Family Services*

Ensure continued funding support for preventative programs across Nunavut, such as Inunnguiniq Parenting Program, Wellness and Healing Groups for Inuit to reclaim their culture and traditional ways of being part of the healing process.

Provide ongoing in-depth, trauma-informed and meaningful cultural orientation training for social services and mental health workers. This can enhance the understanding of the root causes of gender-based violence in Nunavut and improve counselling outcomes.

Build the capacity of Inuit counsellors who live in the community who can provide trauma-informed counselling in Inuktitut and Inuinnaqtun.

Provide trauma counselling relapse prevention and access to treatment for men, women and families to reduce the escalation of violence.

Improve access to counselling for children involved in family violence. Provide them with mental health support and life skills to address inter-generational trauma.

Ensure that food vouchers and other necessities are available to adequately supply informal safe houses in communities where there are no shelters.

#### 4. Government of Nunavut – Department of Justice

Explore ways to further incorporate Inuit Qaujima-jatuqangit (IQ) in FAIA practices. Align practices with policy to improve communication, trust in the system, and the ability of Inuit community members to gain access to justice when family violence occurs.

Provide a Justice of the Peace in each regional time zone.

Inform community members about the overall process to apply for CIOs and EPOs – specifically the role of the Justice of the Peace, and timelines, when applying for an Order.

Invest in a new Community Justice Outreach Worker (CJOW) position dedicated exclusively to FAIA training in Nunavut to educate elders, traditional counsellors and other community members about the options available under FAIA and other legal options.

Provide more training for CJOWs who can assist people to apply for Community Intervention Orders to improve couple relationships, aligning with the Inuit Societal Values of keeping the family together and restoring harmony and balance (aajiiqatiglingniq).

Improve neutrality for applicants and respondents in filing EPOs by providing separate representation and guidance during the EPO process.

#### 5. Nunavut Court of Justice

Explore ways to mitigate delays in addressing breaches of conditions of Emergency Protection Orders and similar offences between circuit court visits to the community.

#### 6. Public Schools, High Schools, Youth Programs

Expand existing programs, and deliver education and support programs in all communities on healthy relationships, anti-bullying and peacemaking for Nunavut children and adolescents.

Identify and build awareness of opportunities for youth to take part in programs available to them.

Identify opportunities to support organizations and stakeholders who are delivering educational programs for youth on healthy relationships.

#### 7. RCMP

Explore opportunities to provide improved responses to domestic violence disputes.

Ensure ongoing, in-depth, trauma-informed and culturally sensitive training to understand the root causes of gender-based violence in Nunavut, and improve communication and trust between RCMP and community members.

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