

# The Polar Barristers

## Access to Justice

The Law Society of Nunavut (LSN) is committed to building connections and using a collaborative approach to better respond to the legal needs and interests of all Nunavummiut. In 2011 a resident member of the LSN put forward a motion to strike an Access to Justice Committee to address the growing demand for legal services and the question of whether Nunavut had enough legal professionals to meet the needs. The motion was approved, and the Access to Justice Committee was formed.

One of the first activities of the Committee was to produce a preliminary report on access to justice in Nunavut. They conducted a review of access to justice literature nationally, engaged key stakeholders in Nunavut in discussions regarding access to justice within Nunavut, and explored possible funding sources for further research. A report on the findings was drafted in 2012.

An outcome of the report, the Access to Knowledge Initiative, was adopted by the LSN membership during its 2014 Annual General Meeting. The objective was to provide legal and law-related information with support to all Nunavummiut, Under this Initiative, several public legal education and information resources



have been developed. This included the development and delivery resources to help Nunavummiut understand the Nunavut Court process such as a glossary of terms for victims, complainants and other witnesses. To help provide context as to what to expect when someone gets arrested, a flow chart of the court process was developed and an accompanying video was launched in November 2011 in partnership with the Government of Nunavut Department of Justice's Community Justice division. Additional print resources, available for download, cover the topics of human rights, employment, eviction and youth.

A formal Access to Justice Program was launched in 2016. Through this Program, the LSN strives to provide Nunavummiut with relevant resources and information that will help increase their understanding of their rights and get the legal help they need.

Although the Access to Justice Committee has now gone dormant, the LSN's efforts to address access to justice has continued through two significant Access to Justice projects. The Family Violence Prevention project and Prevention of Harassment project are the first projects of that size and funding. More so, the Family Violence Prevention project was the first to have a research component and a public awareness campaign. The Prevention of Harassment project runs over a four-year period.

### FAMILY VIOLENCE PREVENTION<sup>1</sup>

In the spring of 2019, Pauktuutit Inuit Women of Canada and the Law Society of Nunavut joined forces to undertake a project that would break the silence on family violence in Nunavut. The aim of the project was to better understand the effectiveness of the Family Abuse Intervention Act (FAIA). The overall goal was to better understand the needs of Inuit women dealing with family violence and the legal barriers they face.

The project consisted of research that was conducted late fall 2019 into early winter 2020. The research consisted of face to face interviews with women with lived experience as well as focus groups with service providers. Engagement was planned for seven communities across Nunavut. Unfortunately, the global pandemic meant that the final community visit had to be postponed.

The research gathered was documented in a Preliminary Report that contained recommendations for consideration by key stakeholders. Research findings also informed a follow-up public awareness campaign that launched March 8th 2021 – International Women's Day. The goal of the awareness campaign is to break the silence and help end family violence in Nunavut. A number of Public Legal Information and Education recourses were developed with the following key messages:

- **Standing together, let's break the silence on family violence & abuse in Nunavut**
- **Know the signs – tell someone**

The public awareness campaign will run for one full year.

A Final Report is currently in the works and will be released early summer. However, the Final Report does not signify the end of this work. There are a number of key

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<sup>1</sup>Funding for this research project was generously provided by the Law Foundation of Ontario through its Access to Justice Fund, as well as the Department of Justice Canada.

steps that will be needed going forward: the public awareness campaign had broken the silence, the research and recommendations have identified legal and other supports available to those experiencing family violence, but work is needed to ensure that those supports are available in all communities. It is also critical that stakeholders work together to build capacity of community members to help each other, both formally and informally. These steps will require a comprehensive effort from all sectors of the community.

This project is only a small part of a more significant long-term effort. It is hoped that it has created an evidence base for future policy-making. The project has documented facts and first-hand experiences that should help decision makers understand the depth of the challenges. This understanding can underpin implementation of programs and policies to reduce the incidence of family violence and improve access to justice for all Nunavummiut

## PREVENTION OF HARASSMENT<sup>2</sup>

The Prevention of Harassment project addresses two main issues; sexual harassment in the workplace in Nunavut and other forms of harassment and gender-based violence issues that are more relevant to the unique context in Nunavut. The main objective is to support the 'elimination of gender-based violence and harassment' in Nunavut that will include a trauma-informed approach.

Given the significant geographic challenges to providing legal information and legal services in the territory, the project aims to assist in filling this gap. It will achieve this by providing legal information and making available legal advice in the territory in a way that is relevant for the different communities. This means that the project will address both sexual harassment and harassment in the workplace as well as other forms of gender-based violence that are tailored to the needs and realities of smaller communities.

Throughout fall of 2019 a number of meetings with various non-legal organizations were held to learn about the work they were doing and steps they have taken to prevent sexual harassment and harassment in the workplace. The project team also wanted to better understand their needs and to determine which Public Legal Education Information (PLEI) resources were required to ensure accessible legal advice and information.

From the information gathered, the LSN, with the support of ilinniapaa Skills Development Centre and Borden Ladner Gervais LLP, identified the need for community-based workshops and supporting PLEI resources to be designed and delivered in diverse communities. Coinciding with the community workshops, free legal advice clinics will be held providing the much-needed access to a lawyer and legal advice.

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<sup>2</sup>Funding for this project was generously provided by the Department of Justice Canada under its Justice Partnership and Innovation Project.





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— Gloria Song

Presently four PLEI resources are currently available electronically: a Poster, an Information Sheet for Service Providers, a Wellness Booklet and a Guide for Employers.

Another PLEI resource currently being developed is a series of short informational videos that will help individuals identify harassment, understand what to do if experiencing workplace harassment and provide resources. These videos will be hosted on the LSN's website, page and shared through the workshops. The first video on violence in the workplace is currently available for viewing.

Additional community workshops are being planned looking to fall 2021. Future workshops are being developed in consideration of COVID-19 travel and social gathering restrictions as well as community readiness to host events and workshops.

#### **LAW SOCIETY OF NUNAVUT ACCESS TO JUSTICE CO-REPRESENTATIVES**

Gloria Song, Access to Justice Coordinator with the Law Society of Nunavut, and Victoria Perrie, Criminal Lawyer with Nunavut Legal Aid, serve as the Law Society of Nunavut's Access to Justice Co-Representatives. This involves advancing the Law Society of Nunavut's access to justice efforts and representing the Law Society of Nunavut in national discussions on access to justice such as the National Action Committee on Access to Justice in Civil and Family Matters, started by Beverly McLaughlin, former Chief Justice of the Supreme Court of Canada, with representatives from each province and territory.

Gloria and Victoria also represent the Law Society of Nunavut at the Federation of Law Societies of Canada's Access to Justice Exchange Group. The purpose of those discussions is to share information, resources, lessons learned, and best practices about access to justice from across all jurisdictions.

Gloria previously served as a poverty and civil law counsel for the Legal Services Board of Nunavut at the Kitikmeot Law Centre based in Cambridge Bay, and currently leads international engagement at Polar Knowledge Canada, while also pursuing a PhD in Law on access to justice in Nunavut. Prior to serving as the Access to Justice Co-Representative, Gloria was the Co-Chair of the Access to Justice Committee from 2016 to 2018. From there she transitioned into her current role.

For Gloria, she sees her role as Co-Representative of the Access to Justice Program as an opportunity to get people thinking more about what justice means to them, and what they would like justice to look like.

"The phrase access to justice, from my perspective, does not necessarily always resonate with the public. I want to draw the connections between access to justice and the social issues that are of concern to Nunavummiut. For me, access to justice is about helping people live the life they want, and self-determination," says Gloria.

She sees access to justice in Nunavut as being broader than making court processes more efficient, or increasing the number of lawyers; instead, she would like to see access to justice as being directly linked to Inuit self-determination, and for Nunavut as a whole to thrive as a territory. A big part of this means having more Inuit lawyers to lead these discussions. "It's crucial to increase representation of Inuit in the legal professional community," she says. "I'm serving this role now, but I would really love to have Inuit

colleagues take over and really push these efforts for justice."

Victoria came to become the other half of the Access to Justice Co-Representative through a posting sent out by the LSN. Reflecting on the many access to justice issues she witnessed everyday in her criminal practice in the Kivalliq region, she was motivated to put her name forward. Shortly after, she was appointed earlier this year to the role by the Executive Committee.

For Victoria, it is important to have someone actively engaged in the practice of law and working with clients in Nunavut. "Only by being present can one relate active and ongoing issues and developments in access to justice in the territory," says Victoria. "As a Metis Iskwew, it is important to me that Indigenous issues are at the forefront of the access to justice progress. Particularly in Nunavut, where the majority population is Inuit. It is important to me that Inuit issues are put first, and Inuit themselves are the ones guiding any access to justice progress and development on their territory."

"I think something that is very important to access to justice in Nunavut is finding ways for communities to heal. Many don't find that the carceral system brings justice, and instead creates further rifts in communities. Creating a system where all community members have access to justice in a way that heals and supports is imperative," says Victoria.

Truth and Reconciliation Commission call to action No. 50 stresses the importance of access to traditional justice and laws. In the colonial justice system in Nunavut, Inuit Qaujumajatuqangit is often referred to. As Inuit know, their laws are complex and cover all aspects of life. "It is my hope that the access to justice program in Nunavut can take Call to Action No. 50, and create safe spaces for Nunavummiut to learn about, interact with, and create resources founded in Inuit law, that work for their communities. Call to Action No. 50 has a long way to go in NU, and I hope this program will foster progress of Inuit legal systems," says Victoria.

Looking to the future and what's next for Victoria in her role, "I would like to see an access to




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justice council of regional representatives comprised of adults, young people, and elders, be formed to guide any access to justice initiatives in the territory. I would like to see our actions and progress be directed by this council. I would like to hear from these representatives what the access to justice issues are in their communities and what is important to them. 'Nothing about us, without us' is an appropriate adage," says Victoria.

"I look forward to hearing what access to justice initiatives are taking place in other areas of the country, specifically those taking place within a decolonial framework, incorporating local Indigenous laws and worldviews to create change. I look forward to connecting with National Indigenous representatives on these issues and bringing information on these initiatives back to the council to see what concepts might be beneficial to Nunavummiut."

Both Gloria and Victoria share the same sentiment of their desire to see themselves being replaced in this role by an Inuk. "I feel an Inuk would be far more knowledgeable and closer to Inuit law," says Victoria. "I would like to have Inuit lead the direction of how they would like to see access to justice in Nunavut; an Inuk from Nunavut would be best placed to know the context and needs of the territory – that's why I'd love an Inuk to take over this role," says Gloria.

Gloria and Victoria look forward to hearing from Nunavummiut on what access to justice issues need attention in Nunavut. They are both committed to working collaboratively with the community and key stakeholders going forward. "While I have many ideas on what could be beneficial for Nunavut, local consultation will inform if those ideas are worth progressing," says Victoria.

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— Victoria Perrie



Please note that the Law Society of Nunavut is the governing body of the legal profession in Nunavut and does not provide legal services or advice to the public.

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