

Northern Lights, Southern Justice: Charting a Course for Inuit-Focused Legal Services

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I. PREFACE

Held in May 2024 at the University of Manitoba's Faculty of Law, the Inuit Legal Clinic Summit brought together community members, stakeholders, and Elders to discuss the pressing need for an Inuit Legal Clinic in Winnipeg. The purpose of the summit was to explore community experiences with legal issues that span multiple jurisdictions and to assess the feasibility of establishing such a clinic. What we heard shed light on issues far greater than just legal matters.

Critical and recurring issues faced by Inuit in Nunavut led to the idea for the Inuit Legal Clinic Summit. Nunavummiut¹ encounter significant barriers to accessing justice when addressing legal issues outside of their territory. Whether Nunavut Inuit are living in southern Canada permanently, are transiently in the region to access goods and services, or have taken up temporary residence for other reasons including attending university, they may encounter linguistic, social, housing, and financial support challenges. These challenges can be exacerbated by cross-jurisdictional issues including the limited availability of Inuit specific resources and service providers, including legal service providers.

University of Manitoba's law school, Robson Hall, is dedicated to serving the public good and extending outreach resources to community-based initiatives that demonstrate legal needs. In partnership with Marc Kruse, the Director of Indigenous Legal Learning and Initiatives, the Summit was recognized as a valuable learning opportunity for both students and the University to expand their understanding of cross-jurisdictional legal issues faced by Inuit. Aspirationally, Robson Hall hopes to continue to support the development of legal resources for Inuit in Manitoba by providing access to justice through ongoing student support.

What was heard from attendees was that space was needed for Inuit voices to lead the way in shaping the vision of a clinic, which would truly serve the community and be grounded in cultural understanding and respect for Inuit Qaujimajatuqangit².

Throughout the summit, Elder Martha Peet, originally from Talurjuaq, Nunavut, listened, provided input, and kept her Qulliq lit. She provided

¹ Residents of the territory of Nunavut.

² *Infra* pg. 4-5 IQ principles.

opening and closing words at the in-person event and guided the writing of this final report.

A. *Qulliq*

A Qulliq is a seal oil lamp traditionally made from soapstone, which is sourced from various parts of Inuit Nunangat and carved into its half-moon shape. The process involves pounding seal blubber to extract oil, which is then placed in the groove of the lamp. Arctic cotton is used as a wick, and during the summer, enough cotton is gathered to last through the winter months.

The wick is shaped to ensure it burns evenly, providing the steady flame traditionally used for heating, lighting, cooking, drying and melting ice. The oil in the lamp typically lasts for one to two days. It takes a long time to cook meat over the lamp, making meals prepared this way a special treat. The lamp also serves a social function, as the food cooked over it is often shared with others.

Before going to sleep, the wick is pushed down to reduce the flame. This marks the time for storytelling, where tales of hunting, travel, and family history are passed down. The seal oil lamp is an essential part of daily life. Whether families move from one place to another or remain in a specific location, the lamp is always a treasured and portable part of their home.³

The Qulliq, as a symbol of warmth, sustenance, and connection, represents multiple aspects vital to Inuit culture. It serves as an integral part of the Truth-Gathering Process at events such as this Summit, embodying the values of community, resilience, and the sharing of knowledge from one generation to the next.

We thank Elder Peet for sharing her expert knowledge throughout this process. We were made richer by your presence and teachings.

³ Peet, Martha. *Qulliq Teaching*. Manito Ahbee Educational Program, 12 June 2021, <<https://www.youtube.com/watch?v=YNh4p3gRXRE>> (last accessed 26 February 2025).



An image of Elder Peet tending to the Qulliq at the Inuit Legal Clinic Summit in May 2024.

B. *Inuit Qaujimajatuqangit*

Inuit Qaujimajatuqangit⁴ are Inuit societal values that guide all aspects of social living. They are intended to be used across all sectors to guide respectful relationships, management practices, and governance. The following explanations of these principles are provided by Tunngasugit⁵:

1. **ᐃᓄᖅᑎᓯᖃᓴᓂᖅ**. Inuuqatigiitsiarniq - **Respecting others, relationships, and caring for people.** Inuuqatigiitsiarniq guides us to respect and care for other people and our relationships so that we can all live together in harmony. We are committed to addressing issues facing urban Inuit in a way that respects all those we work with.

⁴ Sometimes referred to as IQ principles.

⁵ Tunngasugit. *Inuit Qaujimajatuqangit: Traditional Inuit Values*. Tunngasugit. <<https://www.tunngasugit.ca/about/inuit-qaujimajatuqangit-traditional-inuit-values>> (last accessed 24 February 2025).

2. **ᑕᓐᓴᓐᓂᓐ** - Tunnganarniq - **Fostering good spirit by being open, welcoming and inclusive.** Tunnganarniq emphasizes the role being open, welcoming and inclusive plays in fostering positive relationships. We are dedicated to taking the time for people, making ourselves available and creating an environment where all urban Inuit are comfortable seeking support. Our centre also seeks to be inclusive through ongoing and open communication with stakeholders and the public.
3. **ᐱᓕᓕᓐᓂᓐ** - Pijitsirniq - **Serving and providing for family and/or community, or both.** This value is about serving and providing for family and community. It's about leading through doing for other people. It's about serving others for the greater good. We are here to serve urban Inuit. We do this in a way that cultivates service excellence.
4. **ᐱᓕᓕᓐᓂᓐ** - Aajiiqatigiinniq - **Decision making through discussion and consensus.** This value means decision making through discussion and consensus. Urban Inuit help guide our decision making. Our centre ensures Inuit are involved in our work.
5. **ᐱᓕᓕᓐᓂᓐ** - Pilimmaksarniq or Pijariuqsarniq - **Development of skills through practice, effort and action.** Pilimmaksarniq is about learning and mastering new skills through observation, mentoring, practice and effort. We are committed to looking for opportunities to encourage urban Inuit to acquire new skills.
6. **ᐱᓕᓕᓐᓂᓐ** - Piliriqatigiinniq or Ikajuqtigiinniq - **Working together for a common cause.** This value emphasizes working together for a common cause. Our centre recognizes there are many organizations and people dedicated to the well-being of urban Inuit. We are committed to listening to alternative perspectives. We also recognize the value of communication with the public, our key partners and stakeholders to build a sense of common purpose.
7. **ᓂᓐᓴᓐᓂᓐ** - Qanuqtuurniq - **Being innovative and resourceful.** Inuit highly value qanuqtuurniq, or being innovative and resourceful. We embrace qanuqtuurniq to ensure we consider all solutions to issues affecting our Inuit community. We are committed to practicing alternative problem-solving and lateral thinking. Our systemic advocacy work also provides us with

transient population, focusing on the cross-jurisdictional issues that arise as they navigate legal systems in Manitoba and Nunavut.

Due to socio-economic disparities and the enduring legacy of colonialism, access to justice for Inuit is often impeded by jurisdictional complexities and a lack of culturally relevant legal services. Inuit have faced forced relocations,⁹ residential schools,¹⁰ Eskimo experiments,¹¹ medical experiments,¹² the slaughter of sled dogs,¹³ and systemic discrimination. For some, this treatment has resulted in a lack of trust in non-Inuit institutions, including the legal system¹⁴.

There are several organisations in Winnipeg that serve Inuit, including:

1. Manitoba Inuit Association

- a. An organisation that represents Inuit in living in Manitoba, providing Inuit-specific resources and embodying Inuit principles and values in order to strengthen Inuit connection to culture, language, and

⁹ Pasternak, Shiri, and Tim Groves. *RCMP and Inuit Relocation*. RCMP Heritage Centre, <<https://rcmpheritage.ca/rcmp-history/indigenous-peoples/rcmp-and-inuit-relocation>>, at 1 (last accessed 24 February 2025).

¹⁰ *Ibid* at 14.

¹¹ Independent Uncompromising Indigenous. *Experimental Eskimos*. <<https://intercontinentalcry.org/the-experimental-eskimos/>> (last accessed 1 March 2025).

¹² CBC News. 'We are not monkeys': Inuit speak out about skin grafts done without consent in 1970s, Kieran Oudshoorn, May 14, 2019 <<https://www.cbc.ca/news/canada/north/inuit-skin-grafts-nunavut-experiment-1.5128279>> (last accessed 1 March 2025).

¹³ Quebec Human Rights and Youth Rights Commission. *Qikiqtani Truth Commission: Thematic Reports and Special Studies 1950–1975*. Quebec Human Rights and Youth Rights Commission, p. 20, para 2 <https://www.qtcommission.ca/sites/default/files/public/thematic_reports/thematic_reports_english_rcmp_sled_dog.pdf> (last accessed 24 February 2025).

¹⁴ Armos, Nicole, et al. *Experiences of Indigenous Families in the Family Justice System: A Literature Review and Perspectives from Legal and Frontline Family Justice Professionals. Fear & Distrust*, 3.1.3. <<https://www.justice.gc.ca/eng/rp-pr/jr/eiffjs-efasjf/p4.html>> (last accessed 24 February 2025).

community while living in urban and rural areas in Manitoba¹⁵.

2. Tuungasugit

- a. Tunngasugit was founded in 2017 in response to the Inuit community's need for support in transitioning to urban life in Winnipeg. Dedicated to advocacy and cultural connection, the center has grown from a single staff member to a full team, now serving over 1,200 Inuit. Operating in an 18,000-square-foot facility, it hosts gatherings, workshops, and community programs. Committed to breaking barriers and fostering inclusivity, the center continues to create a space where Inuit culture and identity are celebrated¹⁶.

Nikki Komaksiutiksak, Chief Executive Officer of Tunngasugit, says there is a “*huge need for Inuit-specific legal services in Winnipeg*”.¹⁷

Despite the presence of organizations serving Inuit in Winnipeg, there remains a significant gap in culturally competent legal services tailored to their needs. The limited availability of Inuit court workers, Gladue report services, and specialized legal service providers underscore the need for an Inuit-specific legal clinic in Winnipeg. Such a clinic will provide essential support to Inuit community members navigating the legal system, ensuring their rights are protected while receiving culturally informed legal information and/or representation.

The following information was collected on Inuit access to justice services in Manitoba:

¹⁵ Manitoba Inuit Association, *Who We Are*, Manitoba Inuit Association <<https://www.manitobainuit.ca/manitoba-inuit-association>> (last accessed 24 February 2025).

¹⁶ Tunngasugit, online: *Welcoming Winnipeg's Urban Inuit* (2023) <<https://www.tunngasugit.ca/>>.

¹⁷ Phone call 20 October 2023 with Nikki Komaksiutiksak.

Civil/Administrative Law

“The lack of awareness and recognition of health issues of people with mental health needs requires increased health service integration so that special care and other consultation can occur with primary care and coordination with agencies like the Public Guardian and Trustee Office of Manitoba as the substitute decision-maker about care, support, and advanced care planning. While this integration sounds like a reasonable approach, the additional advocacy required for Inuit clients adds another layer of required knowledge and expertise and the ability to work collaboratively across jurisdictions.”¹⁸

Family Law and Child Protection Law

“...in Manitoba, one out of every ten Inuit children is being followed by Manitoba CFS (Lavoie et al., 2022). While the reason for this remains unclear, other scholars have demonstrated the connection between racism and the overrepresentation of Indigenous Peoples and youth in CFS service data (Sinclair, 2016; Duthie et al., 2019). Under the Inuit Child First Initiative Program, the MIA hired an Inuk registered social worker to review the Manitoba-Nunavut CFS arrangement, currently managed by the Metis CFS Authority. Given that the MIA has grown to include significant health and social programming, it was determined by its Board of Directors that Inuit child and family policy and programs in Manitoba should fall under the jurisdiction of the MIA now that there is the capacity to manage this area within the organisation.”¹⁹

Criminal Law

“For Inuit, a recent study documented that on average, 12.6% of Inuit in Manitoba had been charged (but not necessarily convicted) of a crime, and that 6.5% of Inuit had been the victim of a crime (Lavoie et al., 2022), and that Inuit experience higher rates of mental health problems than the general population (Kielland et al., 2014). Authors of the study outline this can be associated with a context of rapid social, cultural, and economic

¹⁸ Clark, Wayne et al. “Trends in Inuit health services utilisation in Manitoba: findings from the Qanuinnngitsiarutiksait study.” *International Journal of Circumpolar Health* Vol. 81,1 (2022): 2073069. doi:10.1080/22423982.2022.2073069 at page 22.

¹⁹ *Ibid* at page 19.

change (Kral et al., 2011), which can be magnified by social exclusion and disadvantage (Lavoie et al., 2022, p. 14).”²⁰

A. Zeroing in on the Issue

Practicing as a criminal defence lawyer in Nunavut for over five years, predominantly in the Kivalliq Region, Victoria Perrie notices a persistent trend—one that other counsel in the region have long recognized. Nunavut Inuit continue to face significant barriers in accessing justice when dealing with legal challenges in another jurisdiction. While generic legal services exist in Manitoba, many clients struggle to access them. Uncertainty about where to turn, language barriers with counsel and legal aid applications, and fears of not being understood remain common obstacles. These cross-jurisdictional legal issues are often complex and difficult to resolve. The ongoing lack of Inuit-specific legal services in Winnipeg exacerbates these challenges, leaving individuals feeling isolated and unsupported as they navigate the legal system.

Initial conversations with stakeholders across Canada revealed that the lack of Inuit-specific legal services and the corresponding need was not just an issue in Manitoba. Similar challenges were faced by Inuit in other centres, including Ottawa, Edmonton, and Montreal, as they are central regional service hubs for the Qikiqtani and Kitikmeot populations. Letters of support for an Inuit legal clinic began coming in. Of note are the following quotes from some of the letters:

Nunavut Court of Justice, Former Chief Justice Neil Sharkey

“Inuit served by your clinic, where Inuktitut is always spoken, would feel more ‘at home’ than they would being clients within a wider legal aid client base. I think that this comfort factor cannot be overstated: it promotes trust between client and counsel; it also helps prevent communication issues between client and counsel - which in our hectic criminal dockets and civil chambers can often be critical to the proper outcome of an individual case... I see your little clinic as a big initiative in terms of access to justice of Inuit in a challenging urban environment.”

University of Manitoba, Faculty of Law, Co-Authored Letter by Marc Kruse, Director of Indigenous Legal Learning and

²⁰ *Ibid.*

Services; Natasha Brown, Director of Access to Justice & Community Engagement; and Richard Jochelson, Dean of Law

“As a law school, we recognize the importance of initiatives like the National Summit in advancing legal knowledge and excellence within the legal profession. It is imperative that the wider Inuit community is consulted and invited to participate in every step of the process of establishing an Inuit Legal Clinic. This Summit is required to ensure the Clinic is supported by the Inuit community at large and ensure we are meeting our obligations under the many reports and inquiries, including the Truth and Reconciliation Commission.”

Legal Services Board of Nunavut, Teena Hartman, Chief Executive Officer

“Nunavut Legal Aid recognizes the unique legal and cultural needs of the Inuit community in Manitoba. However, as our jurisdiction is limited to Nunavut we are often unable to provide the necessary representation and support to Inuit individuals residing outside our region. The creation of an Inuit Law Clinic in Winnipeg would be a critical piece addressing this crucial gap in services. The inability to represent Inuit clients in Manitoba has been a concern for us and we wholeheartedly endorse your efforts to address this issue. The establishment of the Inuit Law Clinic Initiative is an important step forward, not only in providing access to justice for the Inuit community but also ensuring the protection and preservation of Inuit cultural values in a legal context.”

Government of Nunavut, Minister of Justice, Stephen Mansell, Deputy Minister of Justice

“The Nunavut Department of Justice supports the establishment of a legal clinic for urban inuit in Manitoba... we agree that it is important to ensure that Inuit in Manitoba who come into contact with the law have access to quality, culturally relevant legal assistance.”

B. Nunavut Lawyers' Responses

A survey was administered to lawyers practicing in Nunavut between October 30, 2023, and November 13, 2023, with a focus on those with extensive experience and who accept Nunavut Legal Aid certificates, to

understand the cross-jurisdictional legal issues their Nunavummiut clients experience. Ten respondents, with a range of experience from 1 to 17 years in the territory (and most between 8-13 years), provided insights into the challenges faced by Inuit navigating legal matters across jurisdictions. Due to the small size of the legal community and the potential for identifying individuals, the survey collected primarily qualitative data, reflecting the personal experiences and observations of the respondents. Given the small size of the legal community and the potential for identifying individuals, quantitative data was not collected to ensure anonymity and protect the privacy of those involved. The survey responses highlighted the difficulties stemming from interactions between different agencies and courts, serving opposing parties residing outside Nunavut, and the complexities involved in transferring charges and enforcing family law orders across jurisdictions. These are their responses.

A. Family Law Challenges

The most common challenges in the area of Family Law include:

- Serving opposing parties who live outside Nunavut
- Different agencies and courts interacting across jurisdictions
- Nunavut Legal Aid eligibility

One lawyer highlighted the challenges that arise when different agencies and courts interact across jurisdictions. In one case, a child from Nunavut was apprehended by Métis Family Services while on medical travel in another province. Legal advocates in Nunavut were unable to intervene effectively because no one was called to the bar in Manitoba, creating significant delays and stress for the family. The lawyer noted that having a designated legal service with both cultural and legal competence in multiple jurisdictions would have resulted in a faster and more effective resolution.

Another lawyer described challenges in serving opposing parties who live outside Nunavut. Since non-residents do not qualify for Nunavut Legal Aid, they must apply through their own province's Legal Aid system, which then transfers the case to Nunavut. This process is often confusing for individuals unfamiliar with the system, leading to missed responses, delays, or a lack of legal representation altogether. The lawyer suggested that a dedicated legal clinic could assist clients in navigating this complex process and provide immediate legal assistance. The lawyers surveyed identified three key challenges:

B. Criminal Law Challenges

Many lawyers noted that Nunavummiut frequently encounter legal issues outside the territory, particularly in gateway cities such as Yellowknife, Winnipeg, and Ottawa. The most common challenges include:

- **Clients charged while traveling** – Individuals may face charges while on medical travel, often without knowing how to access legal support.
- **Outstanding warrants in other jurisdictions** – Missed court dates outside of Nunavut can result in lingering warrants, creating long-term legal complications.
- **Legal aid eligibility barriers** – Many clients do not qualify for legal aid in southern jurisdictions, leaving them without representation.

Lawyers also reported that Nunavummiut facing criminal charges outside the territory often struggle with legal system inconsistencies. One lawyer described a client from Sanikiluaq who was charged in his home community while already on a release order from Winnipeg. His conditions required him to reside at a specific address in Winnipeg, which was no longer an option due to the new charges. Before the lawyer could secure bail in Nunavut, they had to navigate a complex and slow-moving process to modify the Winnipeg release order—an issue that could have been resolved more efficiently with a designated legal contact in Manitoba.

C. Broader Systemic Issues

Beyond individual cases, lawyers identified recurring interjurisdictional legal challenges in several areas:

- **Criminal matters** – Complexities in transferring charges between jurisdictions often force Nunavummiut to choose between pleading guilty or leaving charges unresolved indefinitely.
- **Family law enforcement** – Difficulties in enforcing child support and maintenance orders when parties reside in different jurisdictions.
- **Mental health law** – Gaps in jurisdictional accountability for mental health patients receiving care in southern hospitals.
- **Access to legal records** – Barriers to obtaining records from third-party organizations, including U.S.-based tech companies, for legal proceedings in Nunavut.

- **Medical travel complications** – Clients stranded in southern cities due to missed flights, with no clear recourse for securing return travel.

One lawyer recounted the case of a Nunavummiut woman charged under s. 77 of the Criminal Code after an altercation with her common-law partner on a flight for medical travel. The plane was forced to land in Ontario, where she was detained for several months. She was only able to transfer her case back to Nunavut by pleading guilty, despite the severity of the charge being disproportionate to the actual incident. The lawyer argued that if she had been traveling by bus instead of by plane, she likely would not have faced such serious charges, demonstrating the inconsistent application of the law across different jurisdictions.

D. Proposed Solutions

Lawyers consistently emphasized the need for structural changes to improve access to justice for Nunavummiut facing cross-jurisdictional legal issues. Some proposed solutions include:

- A dedicated legal aid presence in major cities (i.e., Winnipeg, Ottawa, Yellowknife) to assist Nunavut clients with charges or legal matters outside the territory.
- Improved collaboration between provincial and territorial legal aid services to streamline access to representation for Nunavummiut outside the territory.
- Specialized legal support for medical travelers to prevent legal entanglements that arise while individuals are temporarily in another jurisdiction.
- Clearer procedures for interjurisdictional charge transfers to prevent Nunavummiut from being forced into guilty pleas due to administrative barriers.

Lawyers emphasized that implementing these solutions would significantly improve access to justice for Nunavummiut, ensuring they receive fair legal representation no matter where they are.

III. CASE STUDY

This report shares several anonymized case studies to provide real-world examples of the challenges Nunavummiut face when navigating legal systems in other jurisdictions. These are individual stories that illustrate the

complex issues discussed in the broader analysis. By presenting these narratives, we aim to move beyond abstract concepts and offer concrete instances of the systemic barriers and personal hardships encountered. To ensure client confidentiality, I ask that readers approach these stories with sensitivity and discretion, refraining from attempting to identify individuals or sharing details outside of this context. These case studies should be viewed as learning tools, offering valuable insights into the lived experiences of Inuit clients and highlighting the critical need for culturally competent legal services. I invite you to read these stories with an open mind, reflecting on the challenges presented and considering how the proposed solutions could address the issues raised. The following case studies provide a glimpse into the realities faced by many.

E. The Experience

Matthewsie,²¹ an Inuk stay at home husband and father of eight, moved to Winnipeg from Chesterfield Inlet²² in 2024 with his family. He moved to take care of the children and support his wife as she attended college. He spoke and understood English reasonably well and had no previous contact with the justice system or family services interventions.

About a month after moving to the River Heights area of Winnipeg, Matthewsie came into contact with the Winnipeg Police Service. They had been called to his home by a neighbour. He recalls feeling very confused as he was being taken into custody. Once detained, he had a difficult time securing counsel and was in remand for about a week before he spoke with a lawyer.

Matthewsie's lawyer had difficulties securing a release plan. He had no place to stay except the family home, but the crown sought no-contact conditions with his wife and do-not attend conditions to the family residence. Eventually Matthewsie was able to find a place to stay for a short time and a Release Order was processed with the consent of the crown. A few weeks after his release, his conditions were changed, permitting him to return home.

²¹ The name used is not the legal name of this individual. A pseudonym is used to protect their privacy.

²² This is not the community this individual is from, but is a community of similar size and service availability. The community is changed to protect this individual's privacy.

Soon after returning home, Matthewsie was picked up on breach charges. His counsel was able to secure his release, again with no contact and do-not attend conditions. His lawyer suggested he go to the Salvation Army for shelter. Matthewsie tried to get to the shelter at 180 Henry Avenue but was shocked by what he found outside. Being from a small community in Nunavut with no liquor stores, he had never been exposed to the level of drug and alcohol intoxication which he found afflicting some people around the shelter. He was afraid and did not feel safe.

Looking to go where he could feel safe but not breach his conditions, Matthewsie walked to the Uqutaq Medical Boarding Home near Polo Park Shopping Centre. Uqutaq²³ is a Nunavut Inuit operated medical boarding home in Winnipeg. Nunavummiut transiently in the city for medical appointments stay there and are able to access services designed for them.

Matthewsie said Uqutaq was the only place he felt comfortable because there were other Inuit around, he could speak his language, and be around his culture. For five days Matthewsie slept outside on the bench in front of Uqutaq. During the day he would try to keep busy by walking around. He had enough cash to buy food for the first two days. After that, he would pick up sandwiches and coffee from the boarding home which were provided to medical travel guests.

Matthewsie was again picked up on breach charges. This time, his lawyer was able to secure a space for him at Red Road Lodge.²⁴ His lawyer assisted him with transportation to the Lodge so he would not have to navigate the neighbourhood of Higgins and Main on foot and alone. Reflecting on his time at Red Road Lodge, Matthewsie said “at times, I was scared. At times, I was nervous. At times, I was happy. You know, it's like I was going up and down with my emotions too. The fact that there are so many drugs [around] there, I couldn't handle being there.” He recalls feeling very safe, welcome, and cared for inside the Lodge, but going outside was nerve wracking.

Throughout each release, Matthewsie's wife begged counsel and family services for him to be permitted to return home. She needed him there to take care of the children while she was in school and sometimes did not

²³ Sakku Investments. *Uqutaq Medical Boarding Home*. Sakku Investments <<https://www.sakkuinvestments.ca/company/uqutaq-medical-boarding-home>> (accessed 24 February 2025).

²⁴ Red Road Lodge, <<https://redroadlodge.ca/>> (last accessed 24 February 2025).

understand why he was taken away. She didn't have any other family or support system in the city to rely on. Her education suffered throughout this period.

Soon after his last release, Matthewsie, his wife, and his eight children made the decision to return to Nunavut. The repeated police interventions and no contact conditions made it difficult for the family to thrive in Winnipeg.

Counsel submitted a remote appearance request so Matthewsie could attend his court hearings remotely. The court approved his request. Had the court not approved his request, Matthewsie would have had to pay the following approximate fees to attend his court date:

Round trip airfare from Chesterfield Inlet to Winnipeg ²⁵	\$4,699.16
Two nights in a Hotel ²⁶	\$460.18
Approximate taxi fare ²⁷	\$60.00
Meals while in Winnipeg ²⁸	\$223.90
TOTAL:	\$5,443.24

Today, Matthewsie is back in Chesterfield Inlet awaiting his next court date. He is hopeful for a resolution which will permit him to remain without a criminal record. Matthewsie reflects on his time in Winnipeg as confusing and stressful. He said that being able to work with counsel who understood the unique circumstances of Nunavut Inuit made a significant difference in a system where he did not feel comfortable or seen. When asked what could be done to support other Inuit facing similar issues in the future, he suggested curating an environment that would make Inuit feel comfortable,

²⁵ Total cost of an economy ticket with CalmAir, <<http://www.calmair.com>> Retrieved on February 23, 2025.

²⁶ Total cost for a two night stay at Canad Inns Polo Park in Winnipeg, retrieved on February 23, 2025.

²⁷ Taxi fare estimated based on two round trips from the airport-hotel and hotel-court.

²⁸ Canada Revenue Agency. *Appendix B: Meals Allowances (April 2024)*. Canada Revenue Agency, 2024. <<https://www.canada.ca/en/revenue-agency/corporate/about-canada-revenue-agency-cra/travel-directive/appendix-b-meals-allowances-april-2024.html>> (last accessed 24 February 2025).

having Inuktitut translators available, and having more lawyers who understand Inuit.

F. The Takeaways

Matthewsie provided the above interview to be included in this report. He wanted his experience to be used to improve services for Nunavut Inuit in Winnipeg. Matthewsie's experience provides valuable insights into some of the difficulties Inuit encounter when navigating the justice system and surrounding services. The following non-exhaustive list are some of the key takeaways from Matthewsie's experience for consideration in development of an Inuit Legal Clinic, based on Matthewsie's experience:

1. Inuktitut translation services;
2. Community navigator services for transient Inuit seeking release on bail;
3. An environment that increases feelings of ease, perhaps by including cultural references;
4. Culturally competent service providers;
5. Inuit courtworkers to assist in navigating the court and court processes;
6. Community education for Inuit on where and how to access legal services in Winnipeg; and
7. Specialized social services to support individuals' emotional and psychological state while they progress through the court process.

IV. NEEDS ASSESSMENT FOR INUIT LEGAL SERVICES IN MANITOBA

In 2023, Natasha Ellis, a lawyer at Trippier Law, and Victoria Perrie wrote a report examining the legal needs of Inuit in Manitoba. The report detailed the province's small Inuit population and the much larger transient population, primarily medical visitors. It reviewed justice and non-justice service providers, finding a lack of Inuit-specific legal resources. Her important findings are duplicated here.

The report presented concerning data on the disproportionately high rates of Inuit involvement in the child welfare and criminal justice systems as well as highlighted significant gaps in the collection and accessibility of data on Inuit in Manitoba. With an estimated resident population of

1,500,²⁹ compounded by the transient population, the assessment underscored an urgent need for a central hub to provide culturally competent legal support tailored to the Nunavut Inuit community in Manitoba.

A. Key Issues

The following were identified as key issues in the initial Needs Assessment.

- 1. Inaccurate Population Data:**
There are discrepancies between reported census data and actual population estimates for Inuit in Manitoba. This misalignment complicates efforts to understand the community's true needs and limits the ability to accurately plan and allocate resources.
- 2. Lack of Specific Data on Inuit:**
There is insufficient data on Inuit who travel to Manitoba for medical, educational, or legal purposes. This data gap prevents an accurate understanding of the demands placed on legal and social services, hindering effective policy and service development.
- 3. Lack of Inuit-Specific Legal Resources:**
There is a critical shortage of legal resources tailored to the Inuit community in Manitoba. While organizations such as the Manitoba Inuit Association focusing on non-legal services, and Tuungasugit providing limited assistance in child and family services, there is a clear need for Inuit-specific legal services. Tuungasugit's CEO has emphasized the "huge need" for these services in Winnipeg.
- 4. Absence of Inuit Court Workers:**
While Manitoba has the Indigenous Court Worker Program, at the time of writing the Needs Assessment there were no Inuit Court Workers available in the province. This is a significant gap in legal support, as Inuit navigating the justice system deserve culturally competent assistance.

²⁹ Lavoie, J. G., et. al. (2021). Understanding Manitoba Inuit's social programs utilization and needs methodological innovations. *The International Indigenous Policy Journal*, 12(4) <https://www.researchgate.net/publication/358232116_Understanding_Manitoba_Inuit's_Social_Programs_Utilization_and_Needs_Methodological_Innovations> at 13.

5. **Absence of Inuit-Specific Gladue Report Services:** At the time of writing the Needs Assessment, there were no Inuit-specific *Gladue* report services in Manitoba. *Gladue* reports are essential for considering the unique cultural and systemic factors affecting Indigenous offenders during sentencing. The lack of these services results in Inuit not receiving fair and informed consideration at the sentencing stage.
6. **Absence of Indigenous Justice Programs:** While general Indigenous justice initiatives exist in Manitoba, at the time of writing the Needs Assessment, there were no targeted programs for Inuit legal issues. The absence of Inuit-specific justice services further exacerbates the challenges facing Inuit in the justice system.

“At this time, there are zero Inuit Court Workers in Manitoba, which is a significant problem. According to Manitoba Justice, there are ten Indigenous justice programs funded by the federal and provincial governments with the goal of supporting community-driven prevention, diversion, and reintegration services. However, there appears to be no interest in establishing specific Indigenous justice programs or services for Inuit in Manitoba.” – Natasha Ellis

B. Overrepresentation and Underreporting

1. **Overrepresentation of Inuit Children in Child and Family Services:**
 - a. Inuit children are disproportionately represented in Manitoba’s child welfare system. One in every ten Inuit children is involved with Manitoba Child and Family Services (CFS).³⁰ This overrepresentation underscores the urgent need for culturally appropriate services and support for Inuit families.
2. **High Rates of Criminal Charges and Victimization:**
 - a. Inuit in Manitoba face disproportionately high rates of involvement with the criminal justice system. Specifically, 12.6% of Inuit are charged with crimes, and 6.5% are

³⁰ *Ibid*, at 14.

victims of crime.³¹ These statistics reflect broader social and systemic issues that need to be addressed through targeted interventions.

3. Mental Health Challenges:

- a. Inuit in Manitoba experience higher rates of mental health issues, often exacerbated by social exclusion and rapid cultural changes.³² These mental health challenges further complicate interactions with legal and social systems, highlighting the need for integrated support services that address both legal and health needs.

4. Limited Data Collection by Legal Aid and Other Services:

- a. Legal Aid Manitoba does provide publicly available disaggregated data on Indigenous clients. This prevents a clear understanding of the needs and outcomes for Inuit accessing legal services. Additionally, community organizations do not consistently collect demographic data, further hindering efforts to assess and address Inuit-specific needs.

5. Inconsistent Reporting Practices:

- a. Aggregated data collection practices, which group all Indigenous groups under the broad label of "Aboriginal" or "Indigenous," prevent the collection of specific data on Inuit. This lack of precision in reporting makes it difficult to advocate for targeted resources and support for the Inuit community.

6. Underreported Engagement with Courts:

- a. There is minimal reporting on court decisions and engagement statistics for Indigenous individuals, particularly Inuit. This underreporting makes it difficult to

³¹ *Ibid.*

³² Lavoie, J.G., Clark, W., McDonnell, L., Toor, J., Nickel, N., Anang, P., Kusugak, M.A., Evaluardjuk-Palmer, T., Brown, N., Voisey Clark, G., Wong, S., and Sanguins, J. "Inuit Mental Health Service Utilisation in Manitoba: Results from the Qanuinnngitsiarutiksait Study." *International Journal of Circumpolar Health*, vol. 83, no. 1, Dec. 2024, p. 2413228. doi:10.1080/22423982.2024.2413228. Epub 14 Oct. 2024. PMID: 39402730.

evaluate how Inuit are treated within the justice system and track outcomes accurately.

C. Identification

Without proper identification, individuals are unable to access housing, banking, and other essential services. For individuals relocating to Manitoba, obtaining identification can be challenging.³³

Manitoba Health has a three-month waiting period before individuals can apply for a Manitoba Health Card.³⁴ Many Inuit arrive in Manitoba with their RTI number, beneficiary card, or territorial ID bearing a photo, but some health service providers do not accept this as identification.³⁵

Manitoba Public Insurance requires a guarantor signature to secure ID if there is no other way to prove identity. Barriers arise because there are specific requirements, such as having known the applicant for at least 2 years, have held a valid Manitoba license or Manitoba Identification card for the last 2 years and be a Canadian Citizen.³⁶

There is a pressing need for easier access to identification services, as it is essential for securing legal services, including applying for legal aid.

"When you're supporting someone through a legal process, one of the first questions you should ask is, 'What form of identification do you have?' Because that immediately reveals all the barriers that come with not having the right ID."- Nikki Komaksiutiksak -Chief Executive Officer Tunngasugit Inc.

³³ Brandon, J., and Peters, E., *Aboriginal Migration*, Canadian Centre for Policy Alternatives 2014 <https://www.policyalternatives.ca/wp-content/uploads/attachments/Aboriginal_Migration.pdf>.

³⁴ *Moving to Manitoba*, Government of Manitoba, <<https://www.gov.mb.ca/health/mhsip/movingtomanitoba.html#section-one>>.

³⁵ Summit Participant.

³⁶ *Declaration of Guarantor for Applicant Photo and Manitoba Residency* (Winnipeg: Manitoba Public Insurance, December 2024), <<https://www.mpi.mb.ca/wp-content/uploads/2022/10/GuarantorDeclaration.pdf>>.

Unique identification issues exist where Manitoba Child and Family Services process the removal of Inuit children from their families. We were told that cases are ongoing where families, especially from Northern Authority, are struggling to find displaced children. This issue today reflects the 1960 scoop where children were forcibly removed from their communities.³⁷

“We are playing catch-up with the rest of the Indigenous nations in Canada.”- Nikki Komaksiutiksak, Chief Executive Officer, Tunngasugit Inc.



Elder Martha Peet, Marie-Josée Lafleur of Lafleur and Associates, and Natasha Ellis of Trippier Law present on a panel at the Inuit Legal Clinic Summit in May 2024.

D. IQ and the Colonial Legal System

Although a judge may reference specific Inuit Qaujimajatuqangit (IQ) in their rulings, there is little case law that explicitly incorporates these principles in a consistent and meaningful way. This is partially due to the

³⁷ Hanson, Erin. “Sixties Scoop.” Indigenous Foundations, <https://indigenousfoundations.arts.ubc.ca/sixties_scoop/> (last accessed 24 February 2025).

fact that IQ principles do not translate easily into legal concepts that practitioners of common law would readily grasp. Another contributing factor is that non-Inuit and even some Inuit lack a deep understanding of Inuit Qaujimagatuqangit, some due to the erosion of their cultural knowledge as a result of historic and ongoing colonization.

In practice, judges often interpret IQ principles flexibly, using them to support their own policy preferences or to justify their decisions.³⁸ This may be done without Elder guidance, and without a deep understanding of Inuit culture or an appreciation of how these values have evolved and continue to shape contemporary Inuit communities. This approach can have adverse effects.

Elders with deep knowledge of IQ need to lead the initiative of conceptualizing how IQ principles should be implemented in legal spaces. Integrating IQ, where appropriate and with Elder³⁹ guidance, into legal settings is one way to develop a sense of belonging to their community. While common law has slowly begun to include Indigenous principles in their rulings and obiter dicta, there remains a lack of understanding in courts about the diversity between Indigenous legal orders from nation to nation.⁴⁰

E. *The Manitoba Connection*

Manitoba is a key destination for Kivalliq Inuit seeking services. Each year, approximately 15,000 Inuit medical travelers come to Manitoba.⁴¹ The Inuit community in Manitoba, estimated to number at least 1,500 people, has experienced significant fragmentation⁴². This is primarily due to the

³⁸ Don Couturier, *Judicial Reasoning Across Legal Orders: Lessons from Nunavut*, 2020 *45-2 Queen's Law Journal* 319, 2020 CanLIIDocs 3872, <<https://canlii.ca/t/ts2q>>, retrieved on 2025-01-11

³⁹ Elders, in our usage, are defined as a community identifies, community embedded, and recognized knowledge carrier. Being an Elder is a legible form of power across Indigenous communities.

⁴⁰ *Ibid.*

⁴¹ Manitoba Inuit Association, online: *Annual Report 2018-19* at 8 <https://www.manitobainuit.ca/wcm-docs/docs/reports/mia_annual_report_2018_2019.pdf>.

⁴² McDonnell L, Lavoie JG, Clark W, et al. Unforeseen benefits: outcomes of the Qanuinnngitsiarutiksait study. *Int J Circumpolar Health*. 2022;81(2008614):1-

long-lasting effects of colonialism, the detrimental impacts of residential schools, the erosion of Inuit self-determination and economies, and unmet infrastructure needs in Nunavut⁴³. One in five Inuit in Manitoba relies on the province's income assistance program, pointing to a likely issue with food insecurity. Additionally, an average of 12.6% of Inuit in Manitoba have been charged with a crime (though not necessarily convicted), and 6.5% have been victims of crime⁴⁴. Furthermore, one in ten Inuit children in the province are involved with Manitoba Child and Family Services, either seeking help to improve parenting skills or for child protection reasons⁴⁵

“Many of the issues faced by Inuit visiting and living in Manitoba have been ignored within the legal system and are easily overlooked. According to health researchers, the estimated population of Inuit residing in the province of Manitoba is closer to 1,500, with approximately two-thirds residing in Winnipeg.” – Natasha Ellis, Lawyer at Trippier Law

The intersection between law and health is critical, especially as traditional legal knowledge is often tied to the systems that house and care for Inuit elders. Understanding this complex relationship is essential to addressing the needs of Inuit in Manitoba and ensuring they receive the support and services they deserve.

F. Inuit Legal Clinic Summit

The Summit brought together stakeholders from across Nunavut, Ottawa, and Manitoba to have candid discussions about cross jurisdictional legal issues. Over two days, a series of plenary discussions were held, led by Inuit, service providers, academics, and lawyers. Following the larger plenary discussions, small breakout rooms held more intimate and guided conversations. This allowed everyone to provide feedback in a smaller group

10. doi: 10.1080/22423982.2021.2008614.

⁴³ Lavoie JG, McDonnell L, Nickel N, et al. Understanding Manitoba Inuit's social programs utilization and needs: methodological innovations. *Int Indig Policy J.* 2021;12 (4): doi: 10.18584/iipj.2021.12.4.13690.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

setting. The conversations in these smaller rooms were recorded and transcribed in preparation for this report.

G. Key Insights and Considerations

The following key points were derived from discussions and break out sessions that took place among participants at the Inuit Legal Clinic Summit. To maintain confidentiality and respect the privacy of all contributors, we have deliberately chosen to omit any personal attribution or identification. The ideas and suggestions presented here are a collective representation of the diverse perspectives and experiences shared during the summit. Confidentiality was integral to the Summit as candour is important to our findings.

Indigenous Engagement with Settler Colonial Systems: Indigenous nations, including Inuit, have engaged with settler colonial systems for centuries. The concept of "pure Indigenous law" often reflects a colonial perspective rooted in common law. A more meaningful approach would involve framing Inuit Qaujimagatuqangit (IQ) within the context of Inuit ways of being and knowing, particularly as they relate to legal issues that govern Inuit lives.

Pamphlets and Informational Resources: Pamphlets and informational resources should do more than guide individuals through legal challenges; they must provide a deeper understanding of available resources. While the need for an Inuit legal clinic is evident, there is a critical gap in understanding how to authentically integrate IQ values into legal practice. This requires the involvement of Inuit Elders and knowledge keepers to ensure that these values are respected and applied correctly. The clinic must not be extractive; rather, it should serve as a positive and supportive resource for Inuit.

Reconnecting Inuit to Cultural Practices: The clinic should address individual legal concerns, but it must also create opportunities for Inuit to reconnect with their traditions, knowledge, and cultural practices. A holistic approach will strengthen community ties and create pathways to revitalizing these essential ways of knowing.

Interprovincial Representation: The clinic should advocate for Inuit legal interests across provincial and territorial boundaries.

Interdisciplinary Approach: Collaboration across various fields of expertise is vital. The clinic should bring together legal professionals, academics, and community leaders to ensure a comprehensive approach.

For example, partnering with health and social work organizations can help develop programming and resources that address broader community needs.

Academics and Students: There are a limited number of academics in Canada with expertise in Inuit law. A partnership with Robson Hall Faculty of Law could provide law students an opportunity to offer legal services to the community under the guidance of legal professionals and community leaders. Engaging students in this work would help bridge knowledge gaps within the Manitoba legal profession and build capacity for the integration of IQ into the common law system. This internship experience would also serve to educate students on the importance of respecting and understanding IQ.

Interjurisdictional Concerns: The clinic must be mindful of jurisdictional complexities both within the legal system and across Indigenous governance structures.



The Qulliq lit on the head table in the Robson Hall Moot Court room. Displayed on the projector screen in the background is the Inuit Legal Clinic Summit Agenda.

H. Challenges

Participants at the Summit identified the following challenges in undertaking an Inuit legal clinic.

- 1. Limited Educational Opportunities:** There is a lack of interjurisdictional education options related to Indigenous legal

traditions, which limits opportunities for both students and legal professionals to learn and apply IQ principles effectively.

2. **Practical Application of IQ:** Translating IQ principles into everyday legal practice remains a significant challenge. Legal practitioners must understand how these principles can be applied in contemporary legal contexts.
3. **Training and Staffing:** Effectively training students, lawyers, and clinic staff to incorporate IQ values requires continuous learning and adaptation. It is essential to build capacity in a way that ensures these values are understood and applied appropriately.
4. **Fluidity of Indigenous Legal Orders:** Indigenous legal traditions, including IQ, are fluid and dynamic. Mobility is a key feature of many Indigenous legal systems, and this flexibility must be incorporated into legal practice to respect and reflect the lived realities of Inuit.⁴⁶
5. **Language Barriers:** Language is a crucial element in connecting with the community and understanding Indigenous legal orders. It is important to acknowledge the diverse dialects within Inuit communities and ensure that translations and communications reflect these nuances.
6. **Diversity Among Communities:** It is vital to recognize that Inuit communities are not monolithic. Each community has its own unique traditions and practices. As such, informational materials should be tailored to reflect the diversity of language, culture, and legal needs across different communities.
7. **Core Needs and Legal System Burden:** Addressing core community needs can reduce the burden on the legal system. When foundational needs are met, such as housing, health, and community support, reliance on the formal legal system may decrease, resulting in a less strained system overall.

⁴⁶ The concept of “mobility” and ILO is explained and explored throughout this text. Freya Kodar, John Borrows' “Freedom and Indigenous Constitutionalism: Critical Engagements”, 2019 3-2 *Lakehead Law Journal* 100, 2019 CanLIIDocs 3775, <<https://canlii.ca/t/spvc>>, retrieved on 2025-01-11.

I. Additional Case Studies

Marie Josée Lafleur, Lawyer at Lafleur & Associates and panelist at the Summit, provided multiple real-life examples of Inuit experiencing cross jurisdictional legal issues from her years of criminal defence practice in Nunavut and the greater Ottawa-Gatineau regions. Her reflections showcase the benefit of having a lawyer who is knowledgeable on issues facing Nunavummiut and familiarity with the Nunavut legal system while operating in a southern Canada jurisdiction. Here, we will share the examples she provided with modified names and jurisdictions to ensure client confidentiality.

“We need to know the real truth, and this is what the real truths are.” -Marie-Josée Lafleur, Member of the Law Society of Nunavut since 2016.

LUC

Luc's case exemplifies the importance of addressing even minor legal issues promptly to prevent them from escalating. Luc was in Ottawa for medical treatment when he was charged with a minor offense—stealing an iPod. Although this charge seemed relatively insignificant, failing to address it properly could have serious consequences. After the incident, Luc was released from the police station and given a court date, but due to his medical situation, he needed to return home. He made the choice to fly back, unaware that he needed legal assistance, as he didn't have an assigned lawyer. When the court date arrived, Luc was unable to attend, and his failure to appear in court resulted in a warrant being issued for his arrest.

This seemingly small issue snowballed into a larger problem. The next time Luc needed to fly for medical treatment, he was stopped at the airport because of the arrest warrant. Unable to board his flight, he was detained by the police. Since Ottawa authorities would not come to retrieve him due to the distance, Luc was left in a difficult situation, facing arrest in his own community. He could potentially be arrested again, creating a vicious cycle that would be difficult to break without legal intervention.

RANDY

Randy went to Ottawa to see his sister. He has a drinking problem back home. Randy got a little drunk with his friends. He blacked out. Next thing you know, and he's at the police station. He has no clue how he got there

but is told he is there because he had committed sexual assault upon a family member.

A bail hearing was scheduled for Randy, during which the issue of sureties was raised. Typically, in such cases, sureties are individuals who agree to support the accused financially and ensure their appearance in court. These individuals usually attend the hearing to assist in the process. However, in Randy's case, the sureties were unable to attend the bail hearing in Ottawa. This posed a challenge that required creative solutions, as those assisting with the case had the authority to support the process across jurisdictions such as Ontario and Manitoba.

In this situation, Randy's parents, who resided on King Island, faced communication difficulties due to a storm that disrupted phone lines and internet access. This made it challenging for them to participate in the hearing. Ultimately, the police station facilitated the parents' participation by allowing them to attend remotely, ensuring that the bail hearing could proceed.

Without prior knowledge of the facilities and procedures at the RCMP station, the process may not have moved forward as smoothly. In the absence of sureties, Randy could have remained in Ottawa. However, following the bail hearing, he was released.

The next issue was how Randy would return home. Due to the loss of his return ticket, and the inability of his parents or community organizations to afford a new one, there was a significant challenge regarding his travel arrangements. Ultimately, arrangements were made for Randy to return home, though the cost of the flight remained a debt to be addressed.

This situation highlights the importance of understanding and addressing the conditions of release for individuals involved in legal proceedings. Clear communication and a full understanding of release conditions are essential to avoid breaches, which are common in criminal records. Many breaches could be avoided with proper clarity regarding the terms of release.

GARY

Gary traveled to Ottawa on a medical escort with his spouse to receive treatment while their children attended appointments at the Children's Hospital. During their stay, an incident occurred in which security was called, and Gary was arrested after allegedly pushing an individual. Though

the situation remains unclear, Gary was released from the police station that same night under the condition of no contact with his spouse.

This development created significant challenges, as Gary had traveled to Ottawa to be with his spouse and children for important medical appointments, including his children's surgery. However, due to the no-contact condition, he was prohibited from returning to the boarding home where his spouse was staying.

Given the urgency of the situation, Gary's defense counsel was able to engage in communication with the relevant legal authorities. Ideally, if there had been access to a clinic or legal support services, such issues could have been addressed more efficiently. A lawyer could have sought to modify the conditions of release by contacting the Crown Attorney to expedite a resolution, ensuring that Gary could attend the appointments with his spouse and children.

In this particular case, Gary was fortunate to have direct access to defense counsel, who was able to effectively communicate with local law enforcement and explain the circumstances. As a result, the police were amenable to altering the conditions of release to allow Gary to return to his spouse. This highlights the importance of timely intervention and the role of legal clinics or support services in facilitating swift changes to conditions of release.

Additionally, there are cases where individuals are released under conflicting conditions, which can lead to confusion and potential breaches. For example, in Gary's case, the initial condition of no contact with his spouse conflicted with another condition that allowed for contact after a 24-hour "cool off" period. When Gary returned home, he mistakenly believed that the 24-hour period applied, only to be arrested upon police verification of his conditions, as they were not updated in the local jurisdiction.

GEORGE

George, while on medical leave, reached out to counsel, aware that he had an upcoming court date in his home community. His situation was complicated, as he was undergoing surgery for a broken leg. George's circumstances highlighted the importance of consistent legal support across communities, which was facilitated by the legal aid system. The contact point for legal aid reached out, and counsel, while on circuit, was able to engage with the Crown Attorney on George's behalf.

George's medical condition and surgery were critical factors in the discussions. Counsel, negotiating for a conditional sentence of 90 days under house arrest, inquired about George's options given his medical situation. The Crown indicated that the next court circuit date was four months away, meaning George would face onerous conditions for an extended period, potentially breaching the conditions in the interim. The goal was to address the situation efficiently while minimizing the impact of George's conditions.

A significant challenge in this case was the issue of duplicate charges and sentencing. Counsel observed that double sentences, particularly in cross-jurisdictional cases, could result in overlapping or duplicative charges, leading to a harsher overall sentence. An example of this occurred when George, after a high-speed chase, was arrested in both Quebec and Ontario. The Crown in Ontario sought a one-year sentence for theft, while George was facing another charge in Quebec, potentially leading to additional time in custody. Had the case been transferred between the two jurisdictions, it would have been more efficient, avoiding duplicate charges and offering a potential plea deal that could consolidate the sentences.

Over time, counsel identified a pattern of duplicate charges, particularly in cases involving Northern communities. In one such instance, a lawyer and Crown Attorney contacted counsel regarding George in custody, who had previously pled guilty to uttering threats in Iqaluit. Despite having already served a six-month sentence for the offense, George was facing additional consequences due to duplicate charges. Counsel had initially assisted George while in Iqaluit, and through careful review of the case and court records, was able to address the ongoing issues.

Takeaways

These examples show the complexities faced by Inuit involved in the criminal justice system, particularly in cases involving multiple jurisdictions. They highlight the challenges posed by minor charges escalating into more significant legal issues, as well as the complications that arise from cross-jurisdictional legal processes.

1. **Escalation of Minor Charges:** Minor charges can quickly escalate into more serious legal issues if not properly addressed. For instance, an individual may face a warrant for a minor charge in one jurisdiction, but if that charge originates in another province, enforcement can become difficult. This may lead to repeated arrests

without resolution. In such cases, one potential solution is to cancel the warrant without requiring intervention from the jurisdiction where the charge originated, thus preventing further complications.

2. **Show Cause Hearings and Bail Challenges:** In some cases, there may be no available sureties to attend bail hearings, making the process more difficult. Technological issues, such as unreliable phone and internet connections, can also hinder communication during hearings. These barriers create added challenges, especially when an individual loses a ticket or faces incarceration without available funds to return home to Nunavut. These situations emphasize the need for more accessible and reliable systems, as well as a clearer understanding of bail conditions.
3. **Understanding Legal Conditions:** Understanding and adhering to the conditions of release is crucial, as breaches can occur when conditions are not properly understood. This is often due to a lack of communication or conflicting conditions between provinces. It is essential that lawyers work together to clarify conditions, ensuring they are manageable and consistent across jurisdictions. Proper communication and file transfers between jurisdictions are necessary to ensure cases are handled effectively.
4. **Consistency of Legal Representation:** Consistency in legal representation is vital for individuals facing legal challenges. Community lawyers and legal clinics play a crucial role in ensuring that cases are resolved efficiently. Many legal matters, such as court appearances and case resolutions, can be handled remotely, which would reduce delays and prevent unnecessary charges. Legal clinics could help individuals attend court proceedings without leaving their communities.
5. **Double Charges Across Provincial Borders:** When individuals are charged in multiple jurisdictions for the same offense, it can lead to duplicate charges. Legal professionals must ensure that charges are not duplicated and that individuals are not unfairly penalized. Charges that have been dropped should be accurately reflected in the system to prevent unnecessary legal proceedings.
6. **Transfer of Jail Sentences:** In cases involving serious charges, it may be necessary to transfer charges or sentences to different jurisdictions, such as from southern provinces to Iqaluit. While such transfers are possible, understanding the mechanisms of both

systems is crucial to navigating this process effectively. Legal professionals need to be familiar with how the system works to ease these transfers and ensure individuals receive the support and services they need.

V. MODEL CLINICS

The following is a review of Justice resources in other Canadian jurisdictions that may assist in development of a model for an Inuit Legal Clinic.

A. *British Columbia*

Indigenous Justice Centers (IJC)

Indigenous Justice Centres (IJC) provide culturally relevant support, advice, and legal representation to Indigenous people at the community level, with 15 physical locations and one virtual centre across the province. In partnership with the BC First Nations Justice Council and local First Nations leadership, IJCs focus primarily on criminal law and child protection but also address community and cultural needs. Taking a holistic approach, they connect individuals to essential services like housing, mental health care, and employment. The centres aim to reduce incarceration, promote diversion from the justice system, support restorative justice practices, and improve Indigenous involvement in justice processes. They also make navigating the justice system easier by offering legal representation, Elder support, and outreach on legal literacy, while fostering community-driven solutions for justice.

Connects individuals with Elders and provides services irrespective of financial qualifications.

BC First Nations Justice Council. *Indigenous Justice Centres in British Columbia*. (2025), <<https://bcfnjc.com/indigenous-justice-centres-in-british-columbia/>>

B. *Ontario, Quebec, New York*

Akwesasne Mohawk Council

The Mohawk Council of Akwesasne is dedicated to supporting victims of crime and their families, particularly in navigating the complexities of living in a multi-jurisdictional environment. Through funding from the

Ministry of the Attorney General, they have established a Legal Aid Clinic Pilot Project aimed at providing essential legal assistance and connecting community members with critical resources not readily available locally. The Legal Aid Coordinator works collaboratively with a range of on- and off-reserve agencies to create a comprehensive resource directory, which includes programs and services that assist victims of crime, offer legal counsel, and support applications for Skennen (peace) Orders and Mediation within Akwesasne. By building this resource network, the project addresses the unique challenges faced by Akwesasne community members in a multi-jurisdictional setting, ensuring they have access to the help they need. The Council is committed to working with all of its Nation members including those off reserve to ensure they can access services and resources available.

The Akwesasne Mohawk Council operates across multiple jurisdictions (Ontario, Quebec, New York) with its own court system acknowledged by the federal government.

Akwesasne Mohawk Council, *Akwesasne Legal Aid Clinic*, online: <http://www.akwesasne.ca/justice/akwesasne-court/akwesasne-legal-aid-clinic/>

British Columbia is making strides with innovative legal aid initiatives that address the specific needs of Indigenous communities. The successes of the First Nations Justice Committee and the Akwesasne Mohawk Council serve as potential models for improving legal support in other regions, including Manitoba and Nunavut, where similar challenges exist. Emphasizing culturally informed practices and sovereignty can lead to more effective legal frameworks for Indigenous populations across Canada.

C. Saskatchewan

Saskatchewan Ministry of Justice: Stranded Individuals Policy

The policy establishes standards for transporting offenders, individuals, or young persons upon release from correctional facilities, particularly when they are outside their home communities, with the goal of ensuring their safe return. It addresses the needs of "stranded offenders," including those who lack financial means to return home after being released from court in another community. While the primary responsibility for travel costs lies with the individual, the Custody, Supervision and Rehabilitation Services (CSRS) may provide assistance in exceptional cases. The policy prioritizes safety and protection, coordinating with agencies like Social Services and

Indigenous programs to provide comprehensive support. It emphasizes cost-effective transportation options, including scheduled airlines and shared charters, and allows flexibility in transportation if requested by the individual, provided it does not exceed the cost of returning home. Case managers assist with transportation planning before release, and sentenced inmates are typically transferred to a facility near their home to reduce costs. For young persons, transportation is arranged to ensure they are placed in the care of a responsible adult or appropriate services. The policy includes accountability measures, such as audits and routine reviews, to ensure compliance and alignment with legal changes. Overall, the policy ensures that stranded individuals receive necessary support while prioritizing safety, collaboration, and cost-effectiveness.

Saskatchewan Ministry of Justice, *Assisting Stranded Offenders: Individuals* (Saskatchewan Ministry of Justice, 2020)
<<https://pubsaskdev.blob.core.windows.net/pubsask-prod/112869/320%252B-%252BAssisting%252BStranded%252BOffenders%252B-%252BIndividuals.pdf>>

VI. FINAL THOUGHTS FROM ELDER PEET

Reflecting on the Summit, Elder Peet recalled a powerful story from her upbringing, a time before settlers arrived, when Inuit lived nomadic lives across the land. Her parents were her first teachers, imparting practical knowledge through hands-on experience rather than formal education. They taught her essential survival skills, such as caring for the dogs, making bannock, and learning to hunt. This form of learning, grounded in action and experience, is fundamental to Inuit culture. Knowledge is passed down orally, with Elders sharing stories and traditions through lived experience.

This approach to teaching through participation and observation has always been central to Inuit ways of life. In much the same way, the summit fostered an environment where people learned from each other by sharing stories and experiences. It reflected the traditional Inuit method of knowledge transmission—listening, observing, and engaging in active dialogue. This approach offers valuable lessons for future initiatives, underscoring the importance of listening, collaboration, and learning through experience.

For Peet, the Summit highlighted the ongoing need for improved legal cooperation and understanding between Inuit communities and national legal systems. A central theme that emerged was the importance of communication within Inuit culture and the historical lack of it in legal processes. In the past, Inuit were often not informed of court dates, leading to a breakdown in trust with the legal system. Court proceedings were frequently carried out without adequate notice or preparation, and untranslated legal documents were handed out, which many community members could not understand. This lack of communication contributed to a deep mistrust of lawyers and government officials, which persists today.

“While progress has been made in improving communication—such as translating documents and allowing clients to meet with their lawyers prior to court—much work remains to be done.”- Elder Martha Peet

Effective communication is not merely about informing individuals of court dates, but about ensuring clarity, offering respect, and enabling individuals to prepare adequately. One significant turning point, as discussed in the summit, occurred in the mid-1980s when a local mayor demanded that government officials no longer visit communities unannounced or without proper preparation. This change reflected the importance of respecting local ways of life and ensuring that documents were translated and the purpose of visits clearly communicated in advance. It demonstrated how small, yet impactful, changes in communication practices can help restore trust and strengthen relationships.

Peet found that the summit underscored the value of inclusive, respectful environments where participants feel heard and supported. Many Inuit have shared experiences of being ignored or unsupported when interacting with the legal system, particularly in southern Canada. In contrast, the summit offered a welcoming atmosphere, where attendees, including elders, were treated with dignity and respect. This shift in approach is a reminder of the importance of creating spaces that prioritize inclusion and ensure that Indigenous voices are truly valued.

Inuit knowledge has historically been passed down through oral traditions and hands-on experience. This method of learning, based on action and observation, is deeply embedded in Inuit culture. The summit itself mirrored this approach, as it emphasized dialogue and the sharing of stories, allowing participants to learn from one another’s experiences. The

format of the summit reflected the traditional Inuit way of teaching and learning, where knowledge is imparted not through lectures, but through shared experiences and mutual respect.

Looking ahead, future summits should be held in different regions of Canada, particularly in northern communities where Inuit are most affected by the issues discussed. Hosting a Summit in places like Labrador, Iqaluit, or other northern regions would ensure that those directly impacted by legal challenges have the opportunity to participate and influence decision-making. Additionally, the practical needs of attendees must be considered. The high costs associated with traveling to southern Canada can create barriers for Inuit participants, and this must be addressed to ensure equitable access to these important discussions.

Finally, the preservation of Inuit oral traditions, especially storytelling, must be prioritized. As the Elder at the summit reflected, many of the traditional stories are now at risk of being lost, as fewer children are exposed to them. In a rapidly changing world, it is crucial to preserve these stories and cultural practices to ensure future generations remain connected to their heritage. By focusing on communication, respect, and cultural preservation, it is possible to move forward in a way that truly honors Inuit traditions while addressing legal and social needs.

VII. CONCLUSION

Lack of cross-jurisdictional legal services creates difficulties, which can lead to Inuit falling through the cracks. There is a clear need for a dedicated, independent legal clinic to address these issues and provide a space where Inuit voices can lead the way, shaping the vision of a clinic that would truly serve the community, grounded in cultural humility and respect. Such a clinic would be a step towards dismantling barriers faced by Inuit in an already complex and overwhelming legal system.

Increased legal collaboration and an understanding of Indigenous laws, alongside integration with colonial legal systems, is not just necessary—it is urgent. This is crucial for closing the vast knowledge gaps and finding effective, sustainable solutions to the legal challenges faced by Inuit. Central to this is the unwavering recognition and protection of Inuit identity, which is fundamental to the survival, dignity, and empowerment of Inuit communities.

Addressing the devastating impacts of forced displacement and the complexities of cross-jurisdictional legal issues is critical. Inuit are forced to navigate a fragmented legal landscape that often ignores or undermines their culture, language, and rights. Inuit do not just exist in the north. It is essential that legal access and systems evolve to meaningfully support Inuit cultural, social, and legal interests across all jurisdictions.

We are grateful to the attendees of the summit who provided us with two days of specialized insight into issues facing Inuit. Attendees included community members from Manitoba and Nunavut who responded to the organizers' calls for consultations. Represented community organizations included:

- Arctic Buying Company
- Catriona Dooley Law Office
- Kivalliq Legal Services
- Kivalliq Legal Services Board – President
- Lafleur & Associates
- Law Society of Nunavut
- Legal Aid Manitoba
- Manitoba Advocate for Youth
- Manitoba Human Rights Commission
- Manitoba Inuit Association
- Manitoba Justice
- Manitoba Law Foundation
- Manitoba NDP
- Minuk Law
- MP Lori Idlout's office
- Nunavut Law Foundation
- Nunavut Legal Services
- Nunavut Legal Services Board
- Perrie Law
- Public Prosecution Service of Canada
- Piquusilirivik
- RCMP Indigenous Policing Services
- The Law Society of Manitoba
- Tunngasugit Inc
- University of Manitoba
- University of Manitoba – Faculty of Law / University of Manitoba Community Law Centre

- Wolson Roitenberg Robinson

Several esteemed Elders from Manitoba and the Kivalliq region of Nunavut were also present, offering their wisdom and guiding the discussions and direction of the summit.



Several Summit attendees gather for a photo in the hallway at Robson Hall