



# SHINING THE SPOTLIGHT

NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER

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## A Message from the CEO

From grassroots communities to the international stage, in the halls of justice and by the rivers and lakes of Canada—each is a stage, a platform, for the Native Women's Association of Canada. The stories you will read in this issue of Shining the Spotlight shine a light on NWAC's growing influence and impact.



It's taken a long time to get here, and I couldn't be prouder. We have an extraordinarily dedicated team of qualified people working on very important files and programs, like the missing and murdered women and girls file.

Armed with the knowledge, views, and perspectives of family members and survivors gleaned through sharing circles, our MMIWG Department has prepared a report with recommendations on safety for the federal government. The Department also curated the art exhibit in our new headquarters. The art pieces by First Nations, Métis, and Inuit women artists from across the country not only honours our lost and stolen family members but also underscores the importance of ensuring the safety of Indigenous women, girls, Two-Spirit, trans, and gender-diverse people.

The genocide perpetrated upon Indigenous Peoples in Canada has led to high Indigenous incarceration rates. It's led to high incidences of sexual assault of



A Message from the CEO (CONT.)

Indigenous women. That's why the recent *R v Brown* decision by the Supreme Court of Canada is such a landmark decision. The Supreme Court urged Parliament to enact legislation that holds extremely intoxicated people accountable for violent crimes to protect vulnerable victims, particularly women and children.

Our legal team is working hard to balance two interests: the first is to avoid contributing to Indigenous overincarceration rates given that intergenerational trauma as a result of colonization has led to extreme substance misuse among Indigenous people; and the second is to advocate for laws and policies that favour victim-centred and healing frameworks such as resiliency lodges. It's critical that NWAC continue to collaborate with the Justice Department to help reform the criminal system's treatment of Indigenous accused and victims.

Internationally, NWAC has built a strong relationship with many actors on the world stage, including the United Nations, the Organization of American States, and the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework. NWAC attended the meeting as part of Canada's virtual delegation. We also attended the 15th session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. Through these and other avenues, NWAC is highlighting the human rights issues occurring in Canada and thus advocating for meaningful change for our people.



A Message from the CEO (CONT.)

Other important files we are working on that you will read about in this issue range from our work to promote adequate housing as a right in Canada; to help shape environmental policies and programs, especially those that involve water; to build the skills for Indigenous women entrepreneurs; and to promote and reclaim our traditional languages through the Heritage Language Project.

The work that NWAC is doing in all these spheres, and more, is a testament to the dedicated team we have built here at NWAC. With more secure and stable funding and guided by the goals of a new President, who is very experienced in grassroots. Community issues, NWAC is poised to take the number-one spot as a national Indigenous organization in the country.

Lynne Groulx  
*Lynne Groulx*



## Communications Department: New Websites, New Building, and New President



### WEB DEVELOPMENTS

This spring the Communications Department launched a new [website](#) featuring a policy page that outlines NWAC's different units and houses easy-to-understand accessible content. Another key addition is the [Knowledge Centre](#) page, which serves as a hub for resources to promote the social, economic,

cultural, and political well-being of Indigenous women, girls, and gender-diverse people. This page includes toolkits, press releases, factsheets, and more. Be sure to check this section out if you haven't already!

We also launched our [Art Gallery](#) page, displaying some of the world's finest collections of Indigenous art from across the Americas. Art pieces are now also available for viewing and purchase.



Communications Department (CONT.)

During this launch, we also activated two microsites: **NWAC STBBI** (sexually transmitted and blood-borne infections) and **NWAC Cannabis**. Both sites include trauma-informed, Indigenous-focused resources.

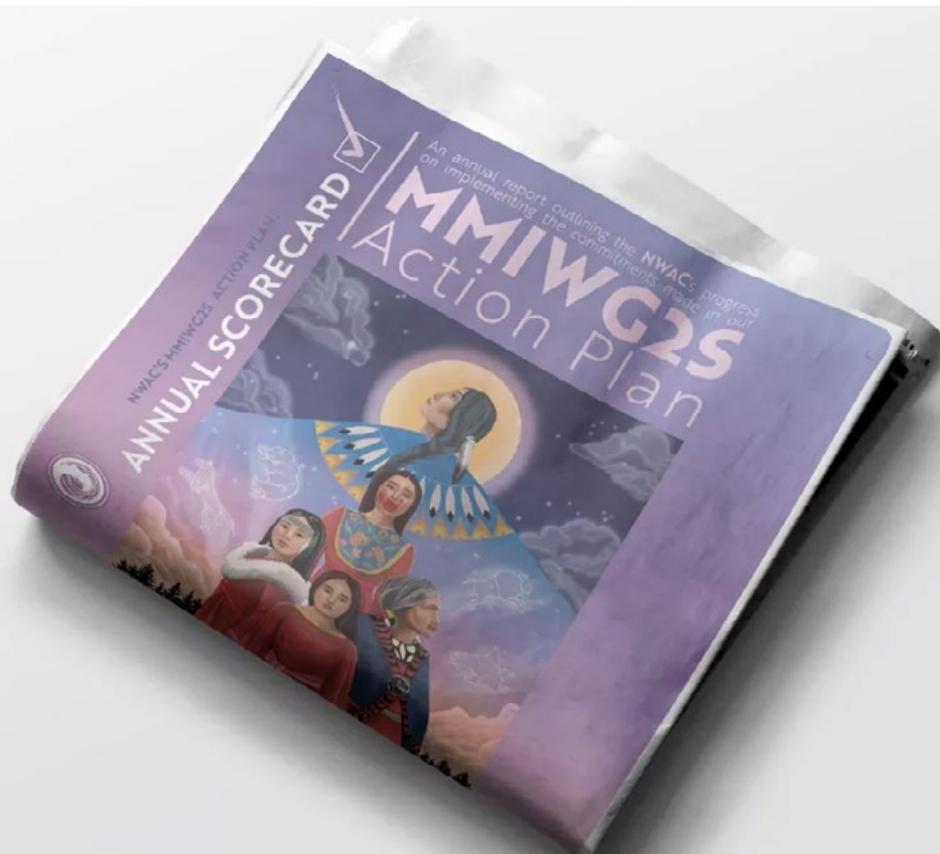
The STBBI microsite provides toolkits for parents and caregivers, factsheets, conversation starters with children, toolkits for workplaces, handouts, definitions of consent and gender-inclusive terminology, and more.

The Cannabis microsite now serves as an educational tool for, and by, First Nations, Inuit, and Métis people. We engaged with urban, rural, and remote Indigenous communities to identify priorities and gaps for Indigenous women and gender-diverse people regarding cannabis public health education.



## NWAC PRESS ENGAGEMENTS

In early June, **we announced** that Canadians believe government's efforts to protect Indigenous women have been poor, according to a recent Nanos Research poll. It was made public on June 3—the third anniversary of the final report of the National Inquiry into Missing and Murdered Indigenous Women, Girls, and Two-Spirits+ (MMIWG2S+), which determined the violence to be part of an ongoing genocide. The



NWAC's 2022  
MMIWG2S Scorecards

Communications Department (CONT.)

announcement date also marked a year after the government released a national action plan to address the tragedy.

We also **released our annual report card** for the Government of Canada's efforts in addressing the national action plan to address MMIWG2S+ and violence. The results, conducted by another Nanos survey, showed there has been little progress.

In mid-June, we held our **grand opening** for our new building, the Social, Cultural, and Economic Innovation Centre. We also officially launched our uniquely Indigenous Cafè Bouleau and a national artisan gallery and boutique, Artisanelle. Media members were invited before the public event, both of which were hugely successful.

This month, we **announced the election of our new NWAC president**, Carol McBride, following our annual general assembly on July 16. Ms. McBride is a former Algonquin leader from Timiskaming First Nation, in northwestern Quebec. Her focus for her three-year term as a president is to ensure the Calls for Justice of the National Inquiry into MMIWG2S+ are enacted by decision-makers at all levels.

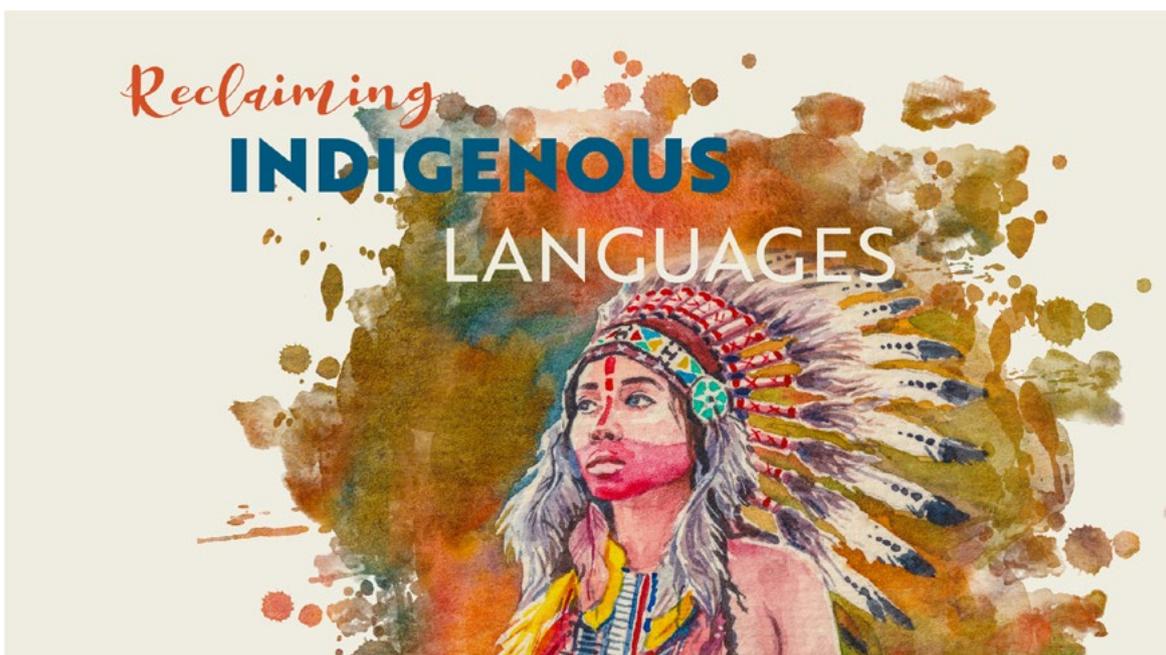


## Desire to Reclaim Indigenous Languages

Indigenous languages, once fluently spoken in Canada (also referred to as Turtle Island), have rapidly diminished as a result of colonization. In particular, the Indian residential schools suppressed Indigenous languages and culture but promoted Euro cultural and linguistic assimilation. Once these schools were closed, many children of Indigenous descent attended provincial English or French education systems, which only accelerated the loss of Indigenous languages.

The United Nations (UN) has established minimum standards for the world to follow regarding Indigenous people's survival, dignity, and well-being. In addition, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) has declared that Indigenous languages are dying.

But long before the UN and UNESCO announced the preservation of Indigenous languages, NWAC had a desire to reclaim Indigenous languages. Through the strategies developed by our female-run Indigenous-focused organization, we have dramatically intensified efforts to revitalize Indigenous languages—which inadvertently means rejuvenating culture. Thanks to the participation of community-sourced Indigenous Language Keepers, NWAC has been able to film, edit, and post videos on YouTube highlighting the different Indigenous languages, cultures, social traditions, and rights of passage. The initiative, sponsored by Heritage Canada, is called the Heritage Language Project.



## Shining the Spotlight on MMIWG

On the third anniversary of the release of the Final Report of the National Inquiry, NWAC's MMIWG Department has curated and installed a commemorative art exhibition honouring our lost and stolen relatives to the missing and murdered Indigenous women, girls, Two-Spirit, trans, and gender-diverse (MMIWG2S+) genocide. The art exhibition is located in the "vault" on the first floor of NWAC's new head office. It features art pieces made by First Nations, Métis, and Inuit women across Turtle Island and Inuit Nunangat.

The MMIWG Department also conducted an in-person sharing circle on June 20 with 15 MMIWG2S+ families and survivors at our Chelsea Resiliency Lodge. The sharing circle event was held to gain a better understanding of how families and survivors define safety and what safety indicators can be adopted to monitor their ongoing safety concerns.

In this survivor-centred and trauma-informed space, family members and survivors felt supported and comfortable to share their knowledge, views, concerns, and perspectives on safety. We have used the information from this and other sharing circles to prepare a report, including nine recommendations, for Crown Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada.



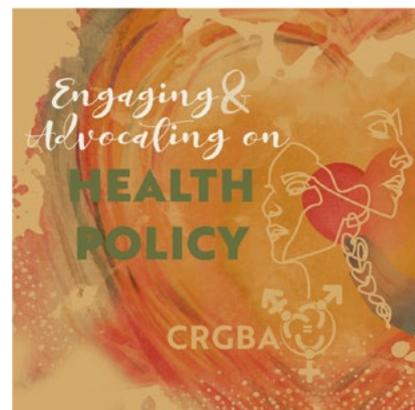
## Engaging and Advocating on Health Policy

With funding from the First Nations and Inuit Health Branch of Indigenous Services Canada, NWAC is bolstering our engagement and advocacy on health policy and research to ensure the rights of Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people are upheld. In part, this includes providing advice, guidance, and direction on issues that affect the health and wellness of the people that NWAC serves, and to ensure that this work is grounded in culturally relevant gender-based analysis (CRGBA).

NWAC strives to participate in advisory committees, working groups, and conferences, as well as monitor and attend House of Commons and Senate meetings. Most recently, we spoke on the administration and accessibility of non-insured health benefits at the Standing Committee on Indigenous and Northern Affairs and attended the meeting of premiers and national Indigenous leaders in Victoria, British Columbia.

NWAC also produces informational tools and materials that support our policy and advocacy work, as well as provide resources that support the well-being of Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people. Last year, we produced five resources:

- Resilience as Medicine: Balancing Mental Health and Indigenous Identity
- Anti-Indigenous Systemic Racism in Canadian Health Care Systems
- Impacts of COVID-19 On Indigenous Women and Gender-Diverse People
- Climate Change
- Over-Incarceration of Indigenous Women

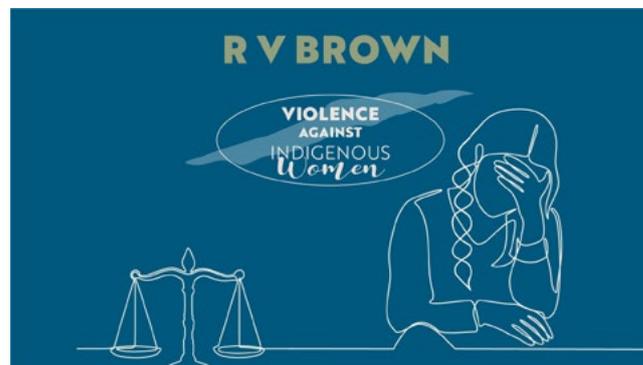


To expand on this work, we will be developing three factsheets and three policy briefs on a variety of topics. These include food insecurity, maternal and child health, navigating non-insured health benefits, Jordan's Principle, health inequities in rural/remote Indigenous communities, and how to implement CRGBA in health policy development.

We look forward to sharing more on these important resources as the year progresses!



## R v Brown: What This Means for Overincarceration and Violence Against Indigenous Women



The Supreme Court of Canada recently delivered on a landmark decision. In striking down section 33.1 of the *Criminal Code* as unconstitutional, the Supreme Court unanimously ruled that voluntarily taking intoxicating substances cannot replace the criminal intent required for a conviction.

In *R v Brown*, the accused consumed the hallucinogen psilocybin (in the form of magic mushrooms) and alcohol, ran naked into a neighbour's home, and assaulted her. Mr. *Brown* was acquitted when his trial judge found he was not able to control his body's actions and could not have intended to commit the offence beyond a reasonable doubt. The judge struck down section 33.1 as unconstitutional. However, Mr. *Brown* was convicted on appeal.

Section 33.1 states that a person who enters a self-induced intoxication state cannot use the common law's non-mental disorder automation defence to avoid criminal responsibility for assault they commit while intoxicated to an extreme degree (far beyond drunkenness). The Supreme Court struck down this law in *Brown* because it violated the principles of fundamental justice and the presumption of innocence guaranteed by sections 7 and 11(d) of the *Charter*—violations that are not justified pursuant to a *Charter* section 1 analysis. "The legitimate goals of protecting the victims of these crimes and holding the extremely self-intoxicated accountable, compelling as they are, do not justify these infringements of the *Charter* that so fundamentally upset the tenets of the criminal law," reads the decision.

*R v Brown* (CONT.)

The “self-induced intoxication” defence is meant to be used in extreme and rare cases when it can be proven “that a person is not even capable of forming the mental element required to commit the crime,” and has lost choice or control over their actions. So, to be convicted for a general intent criminal offence, the Crown must prove the accused both committed the offence and intended or reasonably foresaw their action’s consequences. The Supreme Court ruled unanimously that without voluntariness, an accused cannot be found guilty of a general intent crime. However, the decision leaves a gap in the law: a person charged with assault can now argue extreme intoxication to avoid criminal responsibility.

Parliament tabled Bill C-28 a week after the decision came out, and NWAC intends to consult with the Justice Department to advocate for a law that responds to Indigenous Peoples’ experiences facing systemic discrimination in the criminal justice system. In its 104-page ruling, the Supreme Court urged Parliament to enact legislation that holds extremely intoxicated people accountable for violent crimes, to protect vulnerable victims, particularly women and children. This is significant because what we see too often is that the criminal justice system fails survivors of all forms of violence, especially survivors of sexual violence.

Indigenous women and girls are at a disproportionate risk and face among the highest rates of violent and non-violent victimization of all population groups in Canada. The rate of sexual assault self-reported by Indigenous women was more than triple that of non-Indigenous women, and rates of victimization by a stranger were still over twice as high in Indigenous communities. It is more important for the criminal justice system and the actors within it to fully understand this defence and pursue justice for women and girls.



*R v Brown* (CONT.)

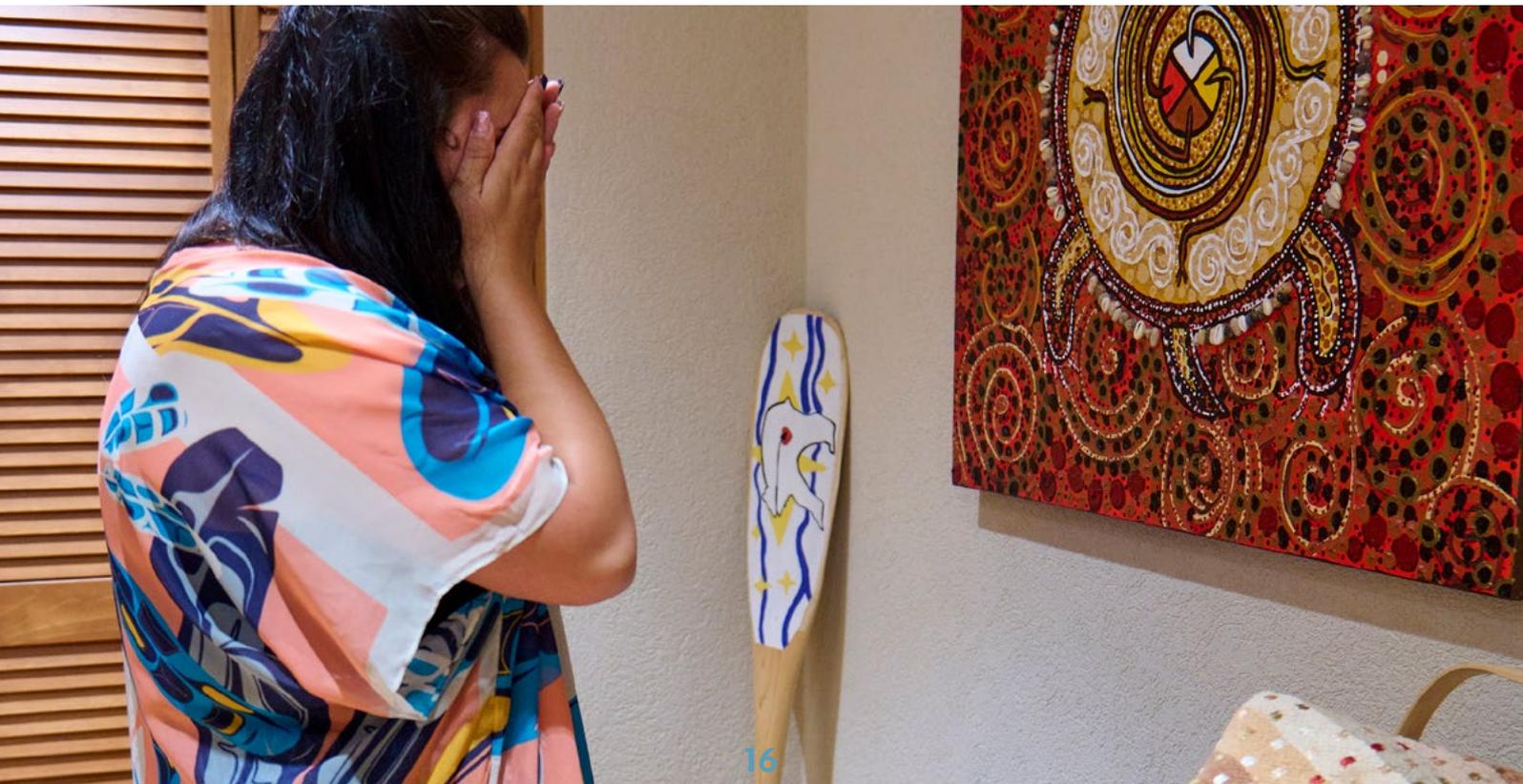
### **NWAC NECESSARILY BALANCES TWO INTERESTS.**

The first is to avoid contributing to Indigenous overincarceration rates. An Indigenous person addicted to illegal substances as a result of intergenerational colonization trauma requires different legal responses than a non-Indigenous person. Criminalizing extreme substance misuse as an offence will disproportionately impact Indigenous Peoples, perpetuating overincarceration.

Higher crime rates reported by police serving Indigenous communities can be mainly attributed to greater levels of mischief, common assault, and disturbing the peace (which sometimes includes offences of public intoxication).

These three offences accounted for a relatively small share of police-reported crime in non-Indigenous communities (23%), but more than half (58%) of crime reported in Indigenous communities. Other factors that might influence the high rates of mischief and disturbing the peace include the small size of communities where incidents such as these may more readily come to the attention of the police. It is also important to note that these specific offences are related to mental health and substance use conditions, which are proportionally more frequent among Indigenous populations due to colonial harms, including Indian residential schools, the Sixties Scoop, Indian Act inequities for women, discriminatory child welfare funding, and elevated poverty rates.

NWAC'S second interest is to advocate for laws and policies that favour victim-centred and healing frameworks responding to Indigenous women, girls, and gender-diverse people's unique vulnerability to violence. NWAC is primarily concerned with future cases involving those who are accused and/or victims, because they bring unique and systemic social histories that engage *Gladue* and reconciliation principles.



*R v Brown* (CONT.)

NWAC's consultations with the Justice Department present an opportunity to reform the criminal justice system's treatment of Indigenous accused and victims. *Gladue* and reconciliation principles guide these efforts.

One of the reasons Indigenous Peoples are overincarcerated is the disconnect between Western criminal law principles and the guiding norms and principles animating Indigenous legal orders. Indigenous legal orders engage principles that favour healing, rehabilitation, Elder mediation, and restorative justice.

Where an Indigenous accused's conduct is informed by colonial harms and intergenerational traumas, the sentencing judge must consider *Gladue* principles and avoid incarceration where appropriate. Where Indigenous women, girls, and gender-diverse people are vulnerable to violence, justice system participants must also prioritize victim healing and recovery.

### SOURCES:

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*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.* (2019). Accessed from <https://www.mmiwg-ffada.ca/final-report/>

*R. v. Brown*, 2022 SCC 18.

Victimization of Indigenous Women and Girls. (July 2017). Department of Justice Canada. Accessed from <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2017/docs/july05.pdf>



## On the International Front

June was a busy month for NWAC's International Department!

Given NWAC's strong relationship with our sisters and brothers in the Americas, our secretary, Chief Lynne Kenoras Duck Chief, attended the IX Summit of the Americas from June 6–8 in Los Angeles. The theme of the virtual Summit was "Building a Sustainable, Resilient, and Equitable Future."

At the health and wellness working group session, we advocated for a trauma-informed approach to health and wellness; for land-based resiliency; and for ensuring that Indigenous Peoples are stewards and custodians of their own digital data.

The Convention on the Rights of Persons with Disabilities (CRPD), which was adopted by the United Nations General Assembly on December 13, 2006, stipulates: "[T]he States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention." NWAC was honoured to attend the 15th session of the Conference of States Parties to the CRPD (COSPI5), which took place at the United Nations Headquarters in New York from June 14–16, 2022. The overarching theme was "Building Disability-Inclusive and Participatory Societies in the COVID Context and Beyond."



On the International Front (CONT.)

NWAC drafted a shadow report and was on the list of speakers for general debate at the conference. We highlighted that helpful infrastructure like access to the internet can also replicate colonizing inequities, with significantly reduced access for Indigenous Peoples, especially for those who live in northern and remote communities.

NWAC also discussed the need to be inclusive when it comes to policy development in Canada. Due to the unique intersections of gender, Indigenousness, and disability, disabled Indigenous women and gender-diverse people are often left out of important policy conversations. This reinforces barriers and limits possibilities for change. We are working hard to ensure that all Indigenous Peoples can actively participate and thus ensure their economic and political self-determination.

The fourth meeting of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework took place virtually from June 21–26, 2022, in Nairobi, Kenya. NWAC attended the meeting as part of the Canadian virtual delegation, and made progress on developing a standalone target for Indigenous Peoples. We will continue to monitor Canada's commitments on the international stage and to advocate for meaningful change.



## Economic Development

With the arrival of the summer solstice and National Indigenous Peoples Day, this time of year we have much to cherish, be thankful for, and celebrate—including the work of the Economic Development Department. Our goal is to improve the economic condition of Indigenous women, girls, and gender-diverse people.

To this end, the department launched phase two of the ESDC-funded project “CRGBA Capacity Building for Investment Readiness Partners.” We are also organizing three engagement sessions (originally titled “Commerce and Culture from an Indigenous Perspective: Empowering through Equitable Entrepreneurship”) with over 45 Indigenous women, Two-Spirit, and gender-diverse people on entrepreneurship and small business ownership.

Through this work, the department is developing an in-depth understanding of our client’s funding needs and the barriers they face in starting or expanding their business.

### These sessions will also:

- help NWAC and other social purpose organizations develop a better understanding of the connection that exists between small business owners and entrepreneurs and their indigenous values, family, and culture
- make social purpose organizations more responsive to the needs of Indigenous entrepreneurs and small business owners, to better match their programs and services to the needs of the Indigenous women, Two-Spirit, and gender-diverse people’s business community



Our department houses another exciting program called #BeTheDrum. This incubator program is funded by Canada Economic Development for Quebec Regions. It was developed to build the skills of Indigenous women entering the sphere of business, management, and entrepreneurship.

Economic Development (CONT.)

To date, we have over 250 members and over 900 participants signed up for our business workshops in 2021. Sessions this year include the following:

**May 30** – over 30 Indigenous women signed up for the growth mindset workshop “Sharing strategies to raise your confidence and find your happiness and step into your potential” with Jasmine Seeley, an Ojibwe woman from Hiawatha First Nation



**July 6** - business branding workshop “Shared modern and innovative ways to build brand value and increase visibility of our unique and traditional business projects” with marketing expert Ayla Coltman

**July 27** – business workshop on small business and wholesale management and ecommerce strategies with distinguished entrepreneur Michalee Lazoe, CEO/Founder of Sequia Soaps



## Indigenous Women's Perspectives on Adequate Housing

Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people across Canada face long-standing challenges to accessing adequate housing options. Challenges involve the accessibility, affordability, and quality of available housing.

With funding from the Office of the Federal Housing Advocate (which is part of the Canadian Human Rights Commission), the Executive Policy team conducted a literature review on the research that NWAC has undertaken in the areas of housing, poverty, and homelessness. From these 13 previous reports, we highlighted findings and recommendations for addressing ongoing housing issues experienced by Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people.

On June 14, 2022, NWAC met with Marie-Josée Houle, Federal Housing Advocate, to discuss ongoing housing challenges experienced by Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people. During this meeting, we discussed future opportunities to work with her office to promote housing as a right in Canada. As an independent watchdog, the Federal Advocate and NWAC can work together to pressure the federal government to act and address Indigenous housing and homelessness issues in Canada.



## **Environmental Unit:** Ensuring the Perspectives of the People We Serve Are Part of Decision Making

### **IDENTIFYING FISH HABITAT RESTORATION PRIORITIES**

The Environment Unit's core mandate is to ensure that the perspectives of Indigenous women, girls, and gender-diverse people are part of decision-making processes, legislation, policies, and programs that help to shape environmental policy outcomes in Canada from coast to coast to coast. In this regard the unit has been involved in a series of engagement sessions related to wave two of the Department of Fisheries and Oceans' proposed approach for identifying **fish habitat restoration priorities**. The contributions of Indigenous women, girls, and gender-diverse people will help the department develop a framework for Identifying these priorities.

### **PLANNING FOR COP 15**

During the month of July, the unit was engaged in two briefing sessions with representatives from Environment and Climate Change Canada (ECCC) on the outcomes of the fourth meeting of the **Open-Ended Working Group OEWG-4** on the post-2020 global biodiversity framework. OEWG was held in Nairobi, Kenya, June 21–26, 2022. ECCC is currently preparing for negotiations during OEWG-5, which will take place in Montreal in December 2022. The unit is involved in ongoing discussions with ECCC to ensure that Indigenous rights and gender considerations are adequately represented in **targets 21 and 22** of the global biodiversity framework.



Environmental Unit (CONT.)

## NAVIGABLE WATERS

Following the launch of our navigable waters website, the unit has collaborated with Transport Canada to ensure that NWAC could contribute to the proposed policy approaches for adding navigable waters to the *Canada Navigable Waters Act* and schedule. NWAC's contribution will focus directly on ensuring that all decisions related to the Act consider adverse impacts on Aboriginal or treaty rights. Beginning in August, the Unit will engage Indigenous stakeholders through a national conversation to canvass ideas and make recommendations that could guide Transport Canada's proposed policy approach to the Act.

## PLANNING FOR COP 27

The United Nations Climate Change Conference (UNFCCC, *Conference of Parties, COP 27*) will be hosted by Egypt, in Sharm el-Sheikh from November 7–18, 2022. NWAC has been invited to be a part of the Canadian delegation. We will send two representatives to COP 27 to ensure that the voices of Indigenous women, girls, and gender-diverse people are included in key Canadian decisions.

Regarding our role at COP 27, NWAC has already begun preliminary discussions with representatives from ECCC. Leading up to and in preparation for COP 27, NWAC will be involved in the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform from November 1–4, 2022.



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*Thank you for reading*

