



## **Sacred Circle**

*By Coast Salish artist from the  
Lyackson First Nation*

**Dylan Thomas**

**CIAJ**

Canadian Institute  
for the Administration  
of Justice

Listening. Learning. Leading.

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## A SIX-WEBINAR SERIES ON INDIGENOUS PEOPLES AND THE LAW

This free webinar series held in partnership with [Courthouse Libraries BC](#) has been designed to initiate discussion and pave the way to a major national [conference on Indigenous Peoples and the Law](#) to be held in Vancouver on November 17-19, 2021. The webinars aim to enrich the participants' knowledge of the subjects that will be component parts of the larger issues examined at the conference, providing attendees with in-depth knowledge so as to enrich the discussions that will take place.

The webinar series focuses on instances of the federal and provincial governments attempting to implement the Truth and Reconciliation Commission's Calls to Action. The question at the heart of this series is, when the TRC Calls to Action are made into legislation, do they meet expectations, and do they effectively address the harm that federal and provincial governments are called upon to repair? The webinars provide an opportunity for participants to learn the mechanics of implemented laws and consider the relationship between those laws and the purposes of the Truth and Reconciliation Commission's Calls to Action.

The speakers will explore how many Calls to Action have been implemented, what accounts for their slow rate implementation and completion. The speakers will also discuss the fundamental role of the United Nations Declaration of the Rights of Indigenous People in the efforts to affect "reconciliation" in Canada and the fulfilment of the Calls to Action. The following pages detail the content of the six upcoming webinars:

- 1 | **October 14, 2020:** Overview of the Progress of the Calls to Action
- 2 | **October 21, 2020:** The Next Stages of Indigenous Governance in Quebec
- 3 | **November 4, 2020:** Looking at BC's *Declaration on the Rights of Indigenous Peoples Act*
- 4 | **January 20, 2021:** *Act respecting First Nations, Métis and Inuit Children, Youth and Families*
- 5 | **February 17, 2021:** Investigating the *Indigenous Languages Act*
- 6 | **March 10, 2021:** Court Changes after the COVID-19 Pandemic and Indigenous Cultural Relevancy

**90-MINUTE WEBINARS FREE REGISTRATION (MANDATORY)**

<https://ciaj-icaj.ca/en/upcoming-programs/webinar-series-indigenous-peoples-and-the-law>

Registration is open until noon (Eastern Time) the day prior to each webinar

**START TIME ACCORDING TO DIFFERENT TIME ZONES IN CANADA**

PT: 12:30 pm MT: 1:30 pm CT: 2:30 pm ET: 3:30 pm AT: 4:30 pm NT: 5:00 pm

## OVERVIEW OF THE PROGRESS OF THE CALLS TO ACTION

1<sup>st</sup> Webinar: October 14, 2020

*In English, with simultaneous interpretation*

The first webinar opens the series with an overview of the current status of implementing the 94 Calls to Action across Canada. Attendees will learn of the challenges that lie on the path towards institutional change and to legislating the TRC's calls to action as well as crucial articles in UNDRIP.

Despite the historic importance of the TRC, responses to the Calls to Action have neither been swift nor numerous. Depending on which source is consulted the number of implemented Calls to Action remains low. To date, the range of fully implemented and completed Calls to Action ranges from 9-11 out of 94 since the final report of the TRC was released in 2015.

Further, while the TRC declared UNDRIP as the "framework for reconciliation" Bill C-262 An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of indigenous Peoples was not passed into law federally. Considering that legislating UNDRIP is treated by the TRC as both as a goal in itself as well as a guide continued reconciliatory change, the speakers will discuss the difficulties involved to have a Call to Action considered a failure, an on-going process of a success. Because many of the Calls to Action involve sustained efforts, their completion cannot be measured by tallying static benchmarks but by considering how far along since 2015 have the institutions at issue changed permanently?

## THE NEXT STAGES OF INDIGENOUS GOVERNANCE IN QUEBEC

2<sup>nd</sup> Webinar: October 21, 2020

*In French, with simultaneous interpretation*

Our second webinar will examine the successes and struggles of the Indigenous People in Quebec to exercise autonomy and self-governance. The speakers will consider how the current and historic circumstances of Quebec's stance towards the Canadian federal government impacted the province's relationship with the Inuit and First Nations that share its borders. The webinar will also address the impact of the province's disruption of the Indigenous gender dynamics on the governance systems of the Inuit and First Nations in Quebec.

Quebec is home to strong Indigenous nations. There are 55 Indigenous communities that comprise 14 northern Inuit and 41 First Nations municipalities. Their relationship to Canada, Quebec and the country's assertion of sovereignty and imposition of residential schools differs from Indigenous experiences outside the province. This is particularly true for the Inuit in the province, their treatment by both the provincial and federal governments, the applicability of the *Indian Act* to them and the latter encroachment of the state into the north.

Of the many examples of strong Indigenous leadership and governance, the James Bay and Northern Quebec Agreement signed in 1975 stands out as the first "modern treaty" in Canada that rearranged land control and ownership, economic development between the state, as well as created social and governmental institutions for the members of the Indigenous communities party to the agreement.

The second half of 2019 saw the distinct struggles of the Indigenous People in Quebec highlighted in the public eye. The National Inquiry for Missing and murdered Indigenous Women and Girls (NIMMIWG) released, along with its final report in the summer of 2019, a supplementary report focusing solely on Quebec and the struggles of Indigenous women and girls in the province. In autumn of the same year the *Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec: listening, reconciliation and progress* released its report on systemic racism in the province.

Holding the webinar a year after the release of these important reports allows the speakers and attendees to consider the impact of those works along with the responses from the provincial government and Indigenous leadership alike to see what the next steps for progress may be.

## LOOKING AT BRITISH COLUMBIA'S DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

3<sup>rd</sup> Webinar: November 4, 2020

*In English, with simultaneous interpretation*

The third webinar in the series will discuss the implementation of the *United Nations Declaration of the Rights of Indigenous People* (UNDRIP/the Declaration) in British Columbia. The speakers will cover the importance of the rights set out in UNDRIP, the legislated mechanism to give effect to those rights in British Columbia and what crucial changes the law will bring for Indigenous People in the Province.

While the summer of 2019 saw the federal attempt to legislate UNDRIP fail under the private member's Bill C-262 An Act to ensure that the law of Canada are in harmony with the United Nations Declaration on the Rights of indigenous Peoples put forward by the NDP MP Romeo Saganash, British Columbia passed the [\*Declaration on the Rights of Indigenous Peoples Act\*](#), implementing the Declaration in the Province.

Holding the webinar roughly a year after the provincial Act comes into force will allow speakers and attendees to consider how the Act is being interpreted by courts and used by Indigenous People. The speakers will detail the breadth of the new law's provisions and what change is required in the Province to give full effect to its purpose of ensuring that "the laws of British Columbia are consistent with the Declaration" to give effect to the rights of self-determination, economic development, protection of culture through practices, languages, education, media and religion, environmental rights and land rights, and protection for vulnerable groups such as elders, women and children enshrined in UNDRIP.

## DISCUSSING THE PROMISES AND PROBLEMS WITH THE ACT RESPECTING FIRST NATIONS, MÉTIS AND INUIT CHILDREN, YOUTH AND FAMILIES

4<sup>th</sup> Webinar: January 20, 2021

*In English, with simultaneous interpretation*

The fourth webinar in our series will look at the federal government's answer to the Calls to Action addressing child welfare with the new [Act respecting First Nations, Métis and Inuit children, youth and families](#). Holding the webinar little more than a year after the law's coming into force allows for a review of the Act's use by Indigenous communities and its interpretation by courts. Attendees will therefore learn about the issues that animate the purpose of the Act, the measures it puts in place to achieve its goals, the developing caselaw and to what degree the Act has begun to bring changes to the welfare of Indigenous children.

Important amongst the new measures provided in the Act are the expanded criteria of the best interest of an Indigenous child which recognizes the importance of the relationship to "child's cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs." The Act also affirms that the inherent right to self-government is contained in s.35 of the Constitution Act 1982 and provides a mechanism for Indigenous communities to assert jurisdiction and pass and enforce laws in relation to child and family services.

The speakers will detail the critiques levied at the Act regarding concerns for adequate and sustained funding as well as at the provision which seem to weaken the jurisdiction of Indigenous communities and organizations that the Act seeks to promote.

## INVESTIGATING THE INDIGENOUS LANGUAGES ACT

5<sup>th</sup> Webinar: February 17, 2021

*In English, with simultaneous interpretation*

The fifth webinar in the series discusses the *Indigenous Languages Act*. The webinar offers the opportunity to examine how Indigenous groups and communities have put the Act to use and the interpretation of the act by courts a year and a half after coming into force. Attendees will learn about the issues that animate the purpose of the Act, the measures it puts in place to achieve its goals, how the operative provisions are being put to use, the developing caselaw and to what degree the Act has begun to bring changes to the state of Indigenous languages.

The panellists will examine the instances in Canada where Indigenous languages have been declared as official languages, and how Canada can adopt a more pluralistic approach to languages and culture.

Enacted in the summer of 2019, the *Indigenous Languages Act* is the federal government's response to the four Calls to Actions made by the TRC that address the historic suppression and current threatened state of many Indigenous languages. The federal act responds to the calls for the federal government to enact a law that provides funding for the revitalization of Indigenous languages, to acknowledge that Aboriginal rights include language rights and to create and appoint in consultation with Indigenous groups an "Aboriginal languages Commissioner."

The speakers will detail the critiques levied at the Act by many Indigenous groups. It does not provide for a justiciable cause upon which a court-claim can be made. When compared to the Official Languages Act, the protections of the Indigenous Languages are weaker and less clear. There is no provision in the act that explicitly sets out a language right. The Act rather recognizes, but does not define, that s.35 includes Indigenous languages. The Act sparked particular controversy regarding its omission to provision regarding the official status of Inuktitut in Nunavut, which was argued for, to address issues on access to public services, particularly health services, in the territory.

## COURT CHANGES AFTER THE COVID-19 PANDEMIC AND INDIGENOUS CULTURAL RELEVANCY

6<sup>th</sup> Webinar: March 10, 2021

*In English, with simultaneous interpretation*

The sixth webinar in the series will go beyond the scope of the TRC's vision to consider how the vulnerabilities of the justice system exposed by the COVID-19 pandemic will impact Indigenous people in Canada. The webinar will address two issues: firstly, how, in the wake of the COVID-19 pandemic, Indigenous communities will be included in the gradual process of courts bringing their services online, and secondly, how can online court processes be adapted to remain culturally relevant for Indigenous Communities.

Throughout the ongoing COVID-19 pandemic there has been much discussion concerning the needs of courts to transform many in-person processes into online ones. The promise of online courts is a simpler, quicker and less costly justice system. However, the changes can also leave many who do not have access to or familiarity with the required technology in the same or worse position as before. The change will also have different impacts on Indigenous community members living in urban centres than those living in remote and northern regions.

The webinar will further cover the complications that the digitization of courts can bring regarding the use of culturally relevant Indigenous practices already in use by courts. The adoption of varying Indigenous practices in the justice system is a burgeoning and slowly growing phenomenon. Bringing courts online can entail practical issues such as the incorporation of smudging and holding of ceremony. Equally important are discussions as to how to effectively translate and use restorative and holistic dispute resolution practices with an online format. These issues will differ from court to court in consideration of each's norms and capacities.

A further consideration to this question that will be discussed is how will the COVID-19 pandemic impact the processes where Indigenous communities have established jurisdiction over the governance over their communities.



*Sacred Circle by Dylan Thomas*

**NEW DATES**

45<sup>th</sup>  
ANNUAL  
CONFERENCE

**VANCOUVER**  
NOVEMBER 17-19, 2021

# INDIGENOUS PEOPLES AND THE LAW

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**Honorary Chair:** Senator Murray Sinclair

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## Contact us

Please contact us for more information about our organization, the benefits of membership and how you can assist us with our mission.

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