



INDIGENOUS YOUTH  
*Justice Toolkit*

level  
changing lives through law

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\*Titles in red are the justice issues identified by Indigenous youth in our survey process outlined on page 11

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## Oskánhe itwehse | We Are Walking Together

by Aura

Aura is an Onyota'a:ka (Oneida) artist, currently based in Tkaronto. She graduated from the University of Lethbridge with a BFA (Studio Art) and is a DTATI Candidate. Aura uses mixed media, beadwork, murals, art as healing, and digital Illustration to discuss intergenerational healing, identity, empowerment, and mothering. She looks to community to collectively explore personal storytelling and truth-sharing.





**Level. Changing Lives Through Law** is a charity on a mission to level barriers to justice by disrupting prejudice, building empathy and advancing human rights. We pursue our mission through outreach and public legal education initiatives, human rights research and events, and through specialized training and mentorship programs.

One of our priority target groups is youth, who we engage with through our Indigenous Youth Outreach Program(IYOP), and our Campus Chapter Program. We believe that empowering youth to become the next generation of leaders will help change the face of the justice system for the better.

To learn more about Level, visit our website at [www.leveljustice.org](http://www.leveljustice.org)

This Toolkit was developed by Level under the leadership of Lisa Del Col, Marleea Lagimodiere and Brittany Twiss

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About Level

# By Indigenous Youth, For Indigenous Youth

Level has heard from youth participating in IYOP, and has read the reactions from the youth who attended the Ontario Child Advocate's Feathers of Hope forum on Justice and Juries about a need for resources for First Nation, Métis and Inuit youth to navigate the justice system.

You can read more about this forum here:

[https://www.provincialadvocate.on.ca/reports/advocacy-reports/english-reports/JJ\\_En.pdf](https://www.provincialadvocate.on.ca/reports/advocacy-reports/english-reports/JJ_En.pdf)

There was emphasis on the resource being youth-led and culturally empowering. Level heeded these calls to action, and we have worked with Indigenous youth across the country to develop this toolkit. We thank these youth for participating, and for being the inspiring, resilient, bright, and engaged youth that they are!

We also thank the Department of Justice Canada, Calgary Foundation, RBC Foundation and Laidlaw Foundation for the financial support of this toolkit.



Department of Justice  
Canada

Ministère de la Justice  
Canada



RBC Foundation  
RBC Fondation



*Note: the contents of this toolkit do not necessarily represent the views of the Department of Justice, Calgary Foundation, RBC Foundation or Laidlaw Foundation*



## Legal Information, Not Legal Advice

The information in this toolkit is **legal information only**. It is general information about the law, and **not legal advice** or a replacement for legal advice.

## Note on Laws

The information in this toolkit is accurate and current to the best of our knowledge at the date of publication. Users of this toolkit should be aware that laws and court processes change frequently, sometimes without notice. The information about the different areas of law is an overview of the particular area and does not contain all information about each area.

## Note on Geographic Area

The information in this toolkit is from across different provinces and territories. While we did our best to include as much information about each location as we could, local information may be missing.

## Note on Source Materials/References

To maintain readability throughout the Toolkit, all source materials/references have been compiled into a list, contained on pages 85 – 88 of this document. Each section contains a reference to the specific page number for source materials applicable to that section. Where possible, hyperlinks to source material have been included in the Reference section.



If you have a legal issue, you are strongly encouraged to meet with a lawyer or duty counsel (a lawyer who works in a criminal court and helps those without a lawyer) to discuss your rights, options, and obligations.



# Trigger Warnings and Resources

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This toolkit discusses some serious topics that could trigger trauma. The justice system is not always a kind place, and we acknowledge some people may identify as survivors of the colonial system and may have been harmed by some of the topics covered in this toolkit.

If you need help, whether big or small, contact **Kids Help Phone**

Phone: 1-800-668-6868

Live Chat during their Live Chat Hours: <https://kidshelpphone.ca/>

Crisis Text Line: text CONNECT to 686868

You can also contact the **First Nations and Inuit Hope for Wellness Help Line**

Phone: 1-855-242-3310

Online chat at <https://www.hopeforwellness.ca/>

Both phone and online options open 24 hours a day, 7 days a week





# Project Background

## **PART 1: SURVEY AND RESEARCH**

In late 2017, Level facilitated an online survey with First Nations, Métis and Inuit youth from across the country. We asked them to identify the top justice issues that impact them and/or their peers. We used the results of the survey to develop the content of this toolkit. We also recruited a research team of law students to help Level research areas of law.

## **PART 2: INDIGENOUS YOUTH COUNCIL**

Following the survey period, we recruited an Indigenous Youth Council to help guide us in the development of the toolkit. We wanted the voices of youth to be heard and for the toolkit to be accessible and responsive.

## **PART 3: INDIGENOUS YOUTH ARTISTS**

In addition to the surveys and the Council, we recruited Indigenous Youth Artists to contribute their work to this toolkit. Level understands that individuals express themselves in different ways, and felt the inclusion of artwork would help give a voice to youth who express themselves artistically. Level is truly inspired by their talent.

## **PART 4: ELDER INTERVIEWS**

We consulted with Elders in various locations to learn from their wisdom. The importance of teachings and traditions with regard to justice will be incorporated throughout this toolkit.



# Meet the Indigenous Youth Council

The Indigenous Youth Council helped guide us in the development in this toolkit, providing valuable input, advice and feedback on the content and design.



**Josh Favel**

**Toronto, ON**

Josh is from Poundmaker Cree Nation, and is currently studying law at the University of Toronto. He is passionate about issues impacting Indigenous youth.



**Avianna Mackenzie**

**Rankin Inlet, NU**

Avianna is a Cultural Early Years worker at Tunngasuvvingat Inuit. She works with the ages 0-7. She teaches the Inuit Children about the Culture and traditions, to provide support for the child to find his/her identity as an Inuk living in Ottawa; and to understand where their strength, resiliency and ancestors came from.



**Ellena Neel**

**Vancouver, BC**

Ellena Neel is of Kwakwaka'wakw and Nuuchanulth descent. She has been working at Indigenous Non-Profit organizations with a focus on youth and art since 2013, and now works for Union of British Columbia Indian Chiefs. When not working, Ellena creates fashion forward regalia for herself and family.



**Kelsey Borgford**

**Nipissing First Nation**

Kelsey is a seventeen year old activist, learner, and creator from Nipissing First Nation who has a great passion for her community.

# Meet the Indigenous Youth Artists

In addition to Aura, our cover artist, we had the privilege of working with these talented youth, whose work you will find throughout this resource.



**Cleo Keahna**

Cleo Keahna is an actor, writer, and visual artist from the White Earth Anishinaabe. His visual art has been featured at Native Works for Chief Seattle Club and the Walker Point Center for the Arts in Milwaukee, WI.



**Marley Moose**

Marley was born in The Pas, Manitoba and currently lives in Winnipeg, Manitoba. She is Cree from Opaskwayak Cree Nation, and is 14 years old.



**Charli Dawn Marie Sparvier-Red Old Man**

Charli, age 11, is from the Siksika Nation and attends school in Calgary, AB. Charli is part Blackfoot and Cree and dances Jingle. She helped design her own regalia, and loves to paint, bead, play piano and help others. Her favourite subjects are math, art and gym.



**Evelyn Pakinewatik**

Evelyn is a Two-Spirit Ojibwe artist and filmmaker who was trained in traditional textile arts by their parents. They are dedicated to stories and the concept of community and found family, as well as the many visual interpretations of what love can be.

# Special Thanks: Elders, Researchers and Lawyers

## **ELDERS** who provided guidance and wisdom regarding justice and youth

**Verna McGregor**, Algonquin, Kitigan Zibi Anishinabeg

**David Serkoak**, Inuk from Nueltin Lake, southwest of Arviat, Nunavut

**Constance Simmonds**, Prince Albert, Saskatchewan & Senator, Toronto and York Region Métis Council

**Dr. Bob Phillips**, non-status Micmac, Toronto

**Hal Eagletail**, Tsuut'ina First Nation

## **STUDENT RESEARCHERS** who researched the areas of law identified in the surveys

**Emily Bonnell**, University of Ottawa Faculty of Common Law

**Carol Drumm**, University of Toronto

**Sarah Mack**, University of Ottawa Faculty of Common Law

**Kayla Fast**, University of Ottawa Faculty of Common Law

**Tawny Allison**, University of Ottawa Faculty of Common Law

## **LAWYERS** who provided review of the legal information for accuracy

**Heather Spence**, Mass Tsang LLP

**Rick Nathanson**, Assistant Crown Attorney

# Youth Artwork

## *Waase'aaban* by Evelyn Pakinewatik

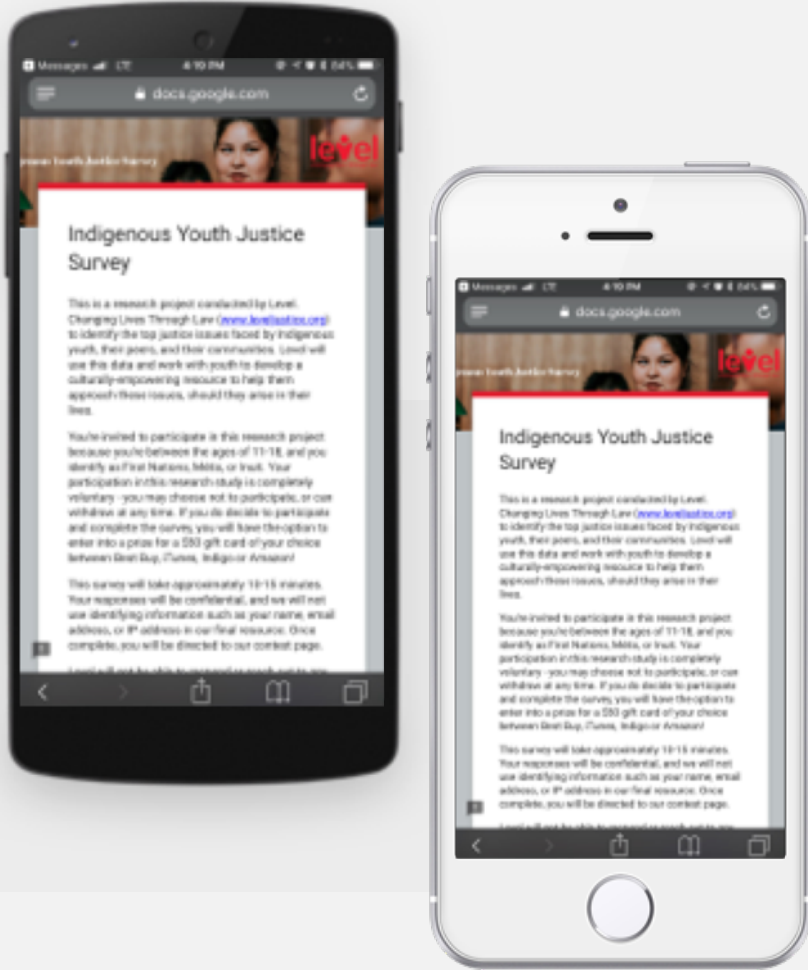
### *Artist's Description*

"I used colours that were inspired by my parents and my friends. The use of beadwork is directly inspired by my mother. I used watercolor paper and acrylic ink, which are both materials that I use for printmaking, and are very comforting to me. I also used paint markers, which make me happy.

This piece is about **growth and love and forgiveness**, and I feel that relates very strongly to the concept of justice. **True justice isn't really attainable without those three things.**"



# Setting the Scene: The Survey



The Indigenous Youth Justice Survey included the following questions:

- Identify the top five justice issues that impact or concern you or your friends (including such options as theft, assault, drugs & alcohol, police interactions, bullying)
- What are the three words you would use to describe the justice system?
- Who would you turn to for help if you faced legal trouble?
- What teachings influence you in your daily life?
- What qualities do you think make a great leader, mentor or ally?

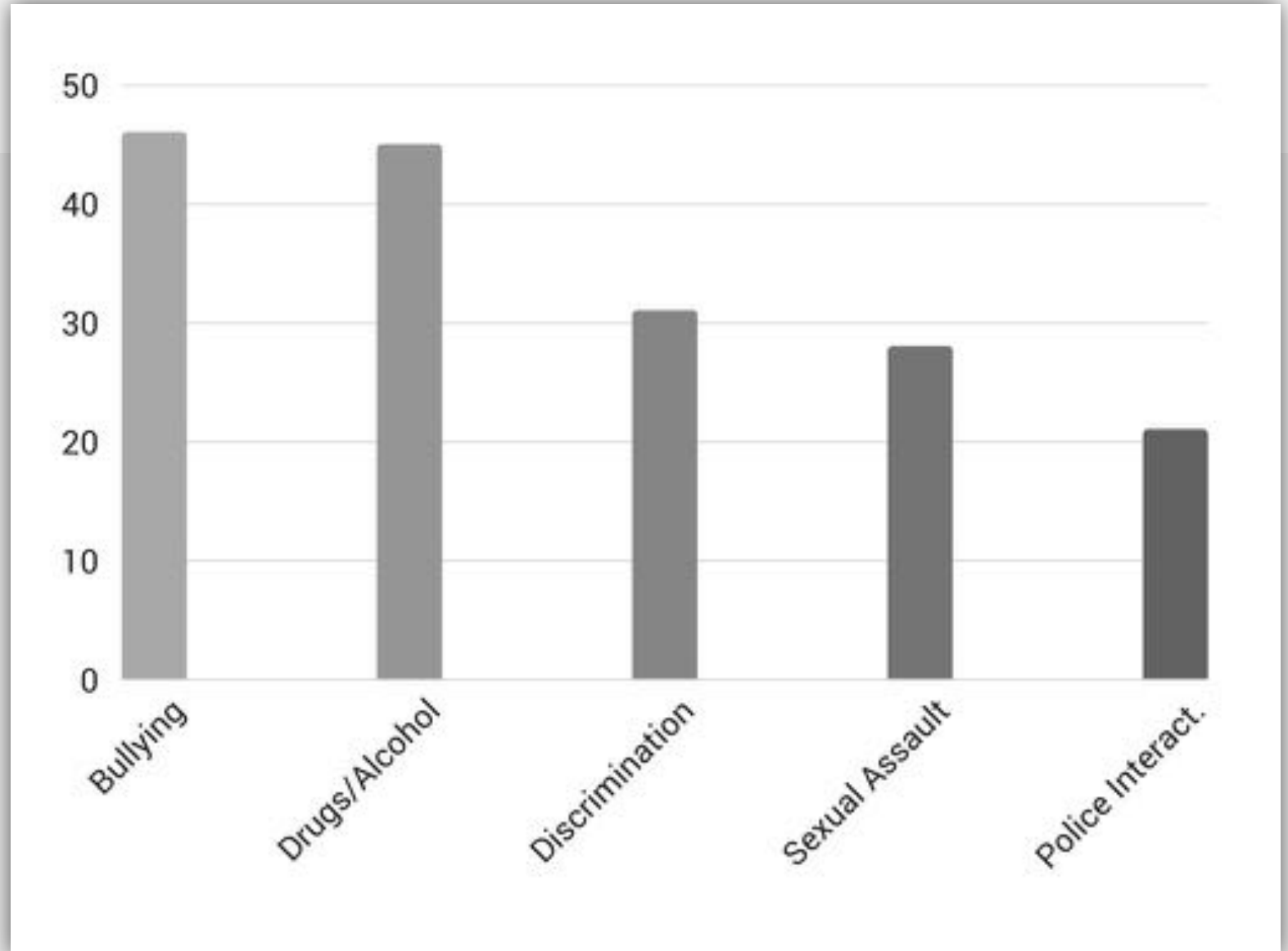
Special Thanks to Scholastic Education Canada for their support through our survey process, and for offering an education prize pack for teachers who facilitated our survey with students!

# The Results

The top five issues identified by the 108 youth survey participants were:

- **Bullying (46%)**
- **Drugs/Alcohol (45%)**
- **Discrimination based on race (31%)**
- **Sexual Assault (28%)**
- **Interactions with Police (21%)**

This resource will outline these areas of law including the rules, obligations and options available for Indigenous youth. It will also feature teachings from Elders about traditional aspects of the justice system.



# The Justice System

Youth participants of our survey used these words to describe the justice system. This shows that work is needed to make the justice system a more welcoming place for Indigenous youth.





# Efforts to Incorporate Indigenous Practices

There have been some efforts within the Canadian system to incorporate more traditional practices and make the justice system more inclusive. For instance, there is *Gladue* court (see the box to the right), and options including sentencing circles, which invites the person charged with the crime to work with Elders and community members to determine how to restore balance following an incident. There are also Indigenous courts in various locations across the country. Some examples include:

## **Wagmatcook Court, Nova Scotia**

- This court offers special programs, including Gladue court and a healing and wellness court.

## **Indigenous People’s Court, Ottawa, Ontario**

- This court focuses on alternative sentencing and diversion and incorporates smudging prior to starting sessions.

## **Aboriginal Family Healing Court Conferences in British Columbia**

- This specialized process for child welfare cases allows families, Elders and the Ministry of Child and Family Development to work together to create a Cultural Family History Healing and Wellness Plan.

## **Aboriginal Courtroom, Calgary, Alberta**

- This courtroom takes a restorative justice approach, and attempts to bring together traditional law and Canadian law. The Tsuu T’ina First Nation also uses this court for hearings and sentencing circles.

## **What is *Gladue* Court?**

*Gladue* is a special rule that applies to Indigenous Peoples in bail and sentencing. It came from a Supreme Court of Canada case regarding a young Indigenous woman named Jamie Tanis Gladue, and is meant to recognize the longstanding colonialism and racism faced by Indigenous Peoples in Canada.

*Gladue* tells judges to take into account the personal circumstances of the individual about to be sentenced, including family history, and to consider alternatives to prison, including community-based solutions like ceremonies, sentencing circles, and restorative justice. Before sentencing, the judge receives what’s called a “*Gladue* Report” about the individual, which outlines their personal history.

If you are Indigenous and facing charges, you are able to ask about *Gladue*. Ask your lawyer or duty counsel about your rights.

# Efforts to Incorporate Indigenous Practices

## Sentencing Circles and Restorative Justice



### What Is Restorative Justice?

- Restorative justice focuses on the belief that criminal behaviour will have a negative effect, not only on the victim(s), but also the community as a whole. In contrast, the Canadian Justice System focuses on the individual's obligations, rights, and punishment.
- Some communities use restorative justice practices to address the harm caused to victim(s) and the community while holding the wrongdoer accountable for their actions.
- Restorative justice aims to repair relationships and right the wrong, reducing the likelihood of re-offending.
- Many traditional values and principles have shaped the restorative justice practices in today's justice practices.

### What Are Sentencing Circles?

- Also known as healing circles, sentencing circles were historically used in Indigenous communities' justice systems.
- Sentencing circles bring together victim(s), wrongdoer(s), family members and community members to consider the loss experienced. Together, participants collectively determine the appropriate sentence for the wrongdoer(s) and make that recommendation to the judge presiding over the sentencing.
- Some outcomes include victim assistance programs, community service and family group conferencing.



# Youth Criminal Justice Act

## What is the Youth Criminal Justice Act?

The Canadian criminal justice system approaches matters involving youth differently, as it is believed that young people have special rights that should be protected. The *Youth Criminal Justice Act (YCJA)* takes special approaches to prevent further crime, to help young people re-enter society, and to ensure that youth receive meaningful consequences for their actions.

## When does the YCJA apply?

The *YCJA* applies to youth between the ages of 12 to 17 years of age at the time they are said to have committed the crime. If you are under the age of 12, there are still consequences to your actions, but the *YCJA* does not apply.

The *YCJA* applies to federal crimes, like assault or drug possession, but not provincial or territorial laws, like speeding.

## Do police and courts have to follow special rules under the YCJA?

The *YCJA* instructs police and courts to consider the use of alternatives to charging youth, including:

- Taking no further action after questioning;
- Giving informal warnings;
- Giving “cautions”, which are more formal warnings including letters and interviews at the police station; and/or
- Making referrals, where police refer individuals to attend special programs or services to help youth avoid further offences.

## Sentencing under the YCJA

Judges have different options when sentencing youth. These options include community-based sentences, where youth will serve their sentence in the community under strict conditions, and incarceration in a youth custody facility (prison).

Prison is usually only considered in violence-based crimes. Judges can also impose a mix of these two options.

The maximum sentence ranges between two and ten years, depending on the seriousness of the crime. It’s also possible for a judge to place an adult sentence on youth over 14 in situations involving serious crimes, such as murder.

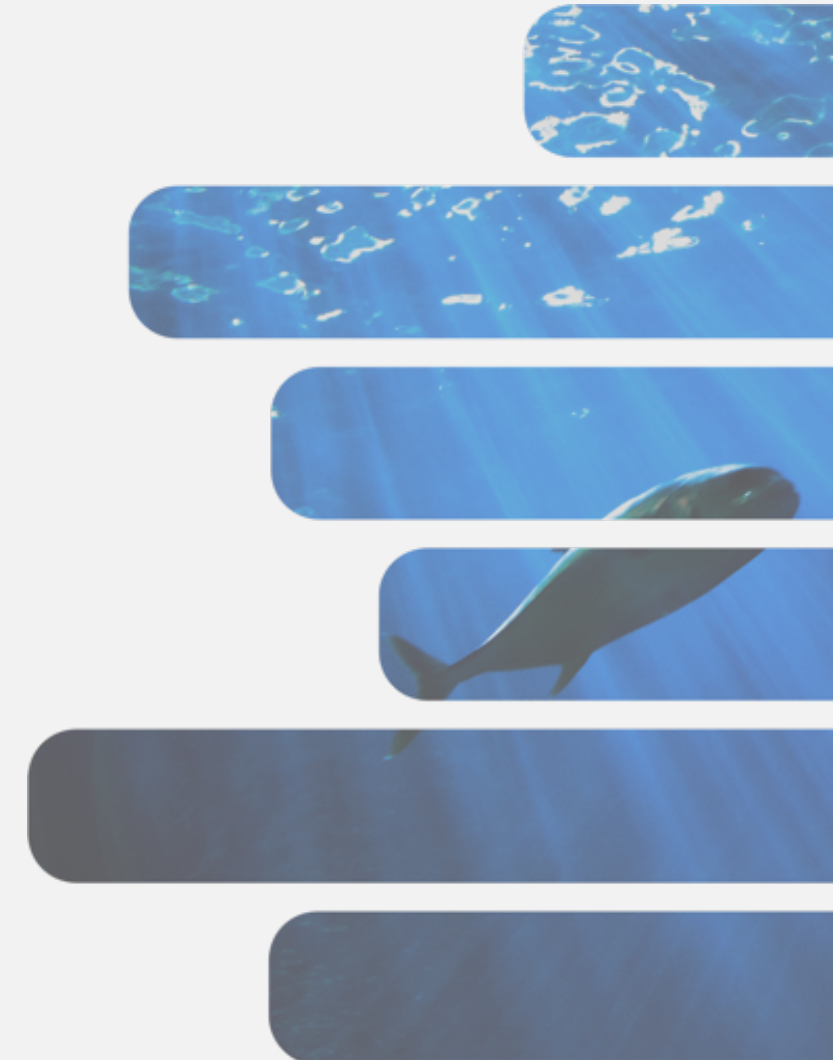
## Focus on Restoring Balance

One of the main focuses of the *YCJA* is to ensure that youth who have committed a crime can rehabilitate and re-enter the community with the support they need. When judges sentence youth, they often include a plan for support following the sentence, including working with a youth worker to take steps to ensure that the youth has the support he/she needs.

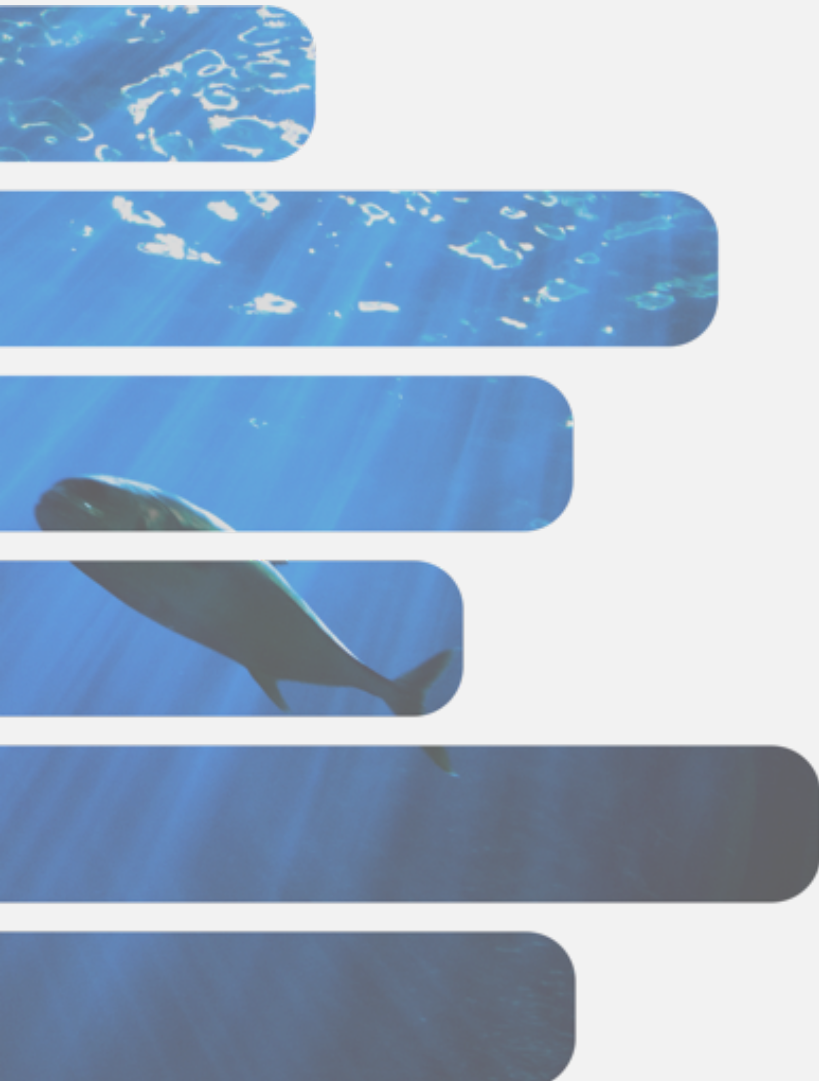
## Cree Story – The Granddaughter who was Eaten by a Big Fish

This is a story about Gookum (Cree word for "grandmother") and her mischievous granddaughter, Beulah. Beulah was a very curious little girl. She was always wandering off from the camp, looking for adventures. Gookum was always telling her to listen. One day, Gookum asked Beulah to get some water from the lake so she could make soup. "Whatever you do, don't go swimming in the lake alone," said Gookum. "Why not?" asked Beulah. "Because there is a giant fish in that lake, and he will catch you and swallow you up if you swim too far." "Eeeeeya, Gookum. I'm not afraid of a big fish."

So, Beulah went off to collect the water. Oh, it was a nice warm day. The sun shone brightly. A squirrel chattered as she walked along the path. "Go away, silly squirrel. I am busy." A butterfly flew around the girl. She ran around in circles trying to catch the butterfly until it flew away. "I am really hot now," Beulah said to herself. Finally, Beulah came to the lake. She went to the big rock where Gookum had showed her to stand to get water. She dipped her buckets in the lake. They filled up quickly. Those buckets were heavy now. She had to be very careful when she carried them to the shore, they were so heavy. With a cup, she scooped out the little sticks and leaves that floated on the top. She was ready to carry them back now.



## Cree Story – The Granddaughter who was Eaten by a Big Fish - Continued



Carrying the buckets made Beulah tired. She lay down next to the water, in a nice spot on a large flat rock. The sun shone on her. She was very hot, so she took off her shirt. A blue jay landed in a tree next to the path. The blue jay squawked at her. "You noisy old bird. Stop disturbing me." The blue jay flew away. Beulah decided to have a quick swim, just to cool off before she took the water back for Gookum. She removed all of her clothes and dived in. The water was nice and cool. Beulah was a good swimmer. She decided she would swim out as far as she could. As she swam out, Beulah saw a huge silver flash in the water. It was a great big fish, and with one gulp, it swallowed her whole! Beulah found she was trapped in the stomach of the huge fish Gookum had warned her about. "Oh no," she cried. "I should have listened to Gookum!"

Beulah had been gone a long time. Gookum thought that she had found an adventure and forgotten to get water. There was no point in worrying about her — there were chores to be done around camp. She cut wood and made dinner. When Beulah wasn't home by night, Gookum was worried, but she knew the little girl was able to take care of herself in the woods. The next day, Beulah still was not back. Gookum needed food, so she gathered the fishing net and went down to the lake. She caught six fish.

One was a huge creature that stretched as long as her arms and more. That big fish would feed a whole family for a week. She started cutting up all the fish. When she finally got to the big fish, she slid the knife into the belly. Beulah jumped out, very much alive. At first, Gookum was startled, but she quickly realized it was Beulah, who was covered head to toe in slimy, sticky fish innards. She shook her head at Beulah, and began to laugh at her. "I told you, I told you not to swim in the lake." Beulah bowed her head and said nothing. She just went to the lake to clean off all the smelly fish slime.

## **Elder Teaching: Love and Respect**

**Q: What do you feel is the most valuable teaching regarding justice?**

**A: Love and respect - for yourself and for our traditional teachings. You cannot respect yourself if you cannot respect traditional or modern laws. Love is what bonds the universe and all living things; everything is bound by love. Without love, you are a poison amongst the living things. Feel the power and energy of love. Our connection to living things will always be there.**

- Elder Hal Eagletail

# Traditional Teaching:

## Inuit Piqujangit – Communal Laws/Principles

*Piqujat (communal laws)* focus on the ways which a person is expected to behave and live their life as an Inuk. The framework identifies the cultural laws through *Inuit Qaujimagatuqangit* – beliefs, laws, principles, values, knowledge and attitudes. Some Inuit Piqujangit include the following:

### *Inuuqatigiitsiarniq*

Showing respect and a caring attitude for others. When people consider their relationship to people and behave in ways that build this relationship, they build strength both in themselves and in others and together as a community. This is foundational to Inuit ways of being.

### *Tunnganarniq*

Being welcoming to others, being open in communications and inclusive in the ways of interacting. Demonstrating this attitude is essential in building positive relationships with others.

# Alcohol: Overview of the Law

## What is unlawful alcohol possession and consumption?

In British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Saskatchewan, and Yukon the legal age for drinking alcohol is 19 and anyone under the age of 19 is a minor. In Alberta, Manitoba, and Quebec, the legal age for drinking alcohol is 18 and anyone under the age of 18 is a minor.

If you are a minor, it is illegal to have, drink, or purchase alcohol. Under many provincial *Liquor Licence Acts*, a minor unlawfully possesses alcohol when they have both knowledge of the alcohol and have exercised some measure of control over it.

This includes:

- having the alcohol in your actual possession;
- keeping the alcohol in someone else's possession for your own use;
- having alcohol in your home; and/or
- keeping the alcohol in another person's home to drink.

Unlawful alcohol possession is a provincial offence and not a criminal offence. Provincial offences are considered less serious, but can still carry serious consequences, such as heavy fines and sometimes imprisonment. Although the fines vary widely depending on the incident, the general amount for a first offence of unlawful alcohol possession is around \$70.00.

## Dry Communities

In addition to provincial laws, there are some reserves that have enacted bylaws that restrict alcohol. These are sometimes known as "dry reserves." Under the *Indian Act*, the council of a band may make by-laws that:

- ban the sale and manufacture of alcohol on the reserve;
- prohibit anyone from being intoxicated on the reserve; and
- ban the possession of alcohol on the reserve.

If any person on the reserve violates any of the bylaws, a peace officer or superintendent can seize the alcohol. All other provincial liquor laws also apply on reserves, like age of majority, etc.



# Storytelling: Alcohol



## Amanda and Larissa

Amanda and Larissa are high school students. This weekend they have decided to throw a small party at Amanda's house to celebrate her eighteenth birthday. The two decide that to throw a good party they should supply snacks, and people can bring their own booze if they would like.

Amanda decides that as it is her birthday she would like to celebrate with a couple drinks. As she is only one year away from turning nineteen and looks mature, Amanda decides that she could probably get away with purchasing alcohol with a fake ID. Amanda phones her twenty-year-old cousin, who looks a lot like her, and asks if she can borrow her driver's licence. Her cousin agrees, and Amanda swings by her place to pick it up.

Amanda walks into the liquor store and picks up a six-pack of beer and a bottle of wine. She goes to the check out and shows the cashier the fake ID. When the cashier asks her the date of her birthday Amanda cannot remember her cousin's birthday. The cashier calls over the security guard and/or the police.

## What if:

### **The security guard or police issue Amanda a ticket?**

Under provincial Liquor Licencing Acts, Amanda can be ticketed and fined for attempting to buy alcohol with a fake ID. The fine for a first-time offence is generally \$100. After receiving the ticket, Amanda has three options.

**OPTION 1:** Amanda can pay the ticket. This means that Amanda is pleading guilty and paying the fine. As it is a provincial offence and not a criminal offence, this will not result in any kind of record.

**OPTION 2:** Amanda can fight the ticket in court. She can oppose the fine in court if there are grounds to do so, and/or ask to have the fine reduced.

**OPTION 3:** Amanda ignores the ticket, and does not pay it. This is equivalent to pleading guilty. An unpaid ticket could impact her ability to renew or obtain a drivers' licence or impact her credit score, which could have impact on future plans, including impacting her ability to rent an apartment.



# Drugs: Overview of the Law

## What is drug possession?

Drug possession is the crime of carrying or personally storing illegal drugs, either for your own use or otherwise. You can be found guilty of drug possession if you have both knowledge of the drug's presence, and had a "measure of control" over the drug. This includes:

- having drugs in your actual possession (example: in your pocket or backpack);
- having a friend hold on to your drugs for you
- having drugs in your home; and/or
- storing drugs in your locker

Different drugs fall into different categories and sentences vary depending on the amount of drug and type of drug (ex: cocaine would be more serious than marijuana). In some cases, if you possess enough of a drug it could be assumed that you have it to sell and you could be charged with the more serious crime of possession for the purpose of trafficking.

## What is drug trafficking?

Trafficking is a more serious charge than possession, and means to sell, distribute or make drugs available to others.

You could be charged with possessing drugs for the purpose of trafficking if you are found with a large amount of a drug. Additionally, it's possible you could be charged if you also have items that imply you are distributing drugs, like baggies or a scale.

## What are the penalties for possession and trafficking?

There are varying penalties for possession, and they depend on the circumstances and the nature of the drug. For example, in the instance of possession of a small amount of marijuana, for a first-time offender, the prosecutor may treat it as a less serious offence, called a "summary conviction".

The maximum penalty for drug possession is a fine of \$1,000 and six months in prison if it is your first offence.

There are, however, mandatory minimum sentences with regard to some drug charges. If you are found guilty of trafficking or possession for the purpose of trafficking, and certain additional factors are present, like if you committed the offence near a school, you may face a minimum of one or two years jail time.



# Storytelling: Drugs

## Dylan and Kendra

Dylan and Kendra were invited to Amanda's birthday party. They are not really into drinking but would like to have a little fun. They are tired of smoking weed and decide that it would be a good occasion to try mushrooms. Kendra knows a student at school who sells drugs and tells Dylan that she will pick some up for them. Dylan agrees and Kendra phones her dealer to arrange a time to pick up the mushrooms.

Kendra stops by the ATM to get some cash and then meets her dealer by the Seven-Eleven. She hands him the cash and he hands her a small plastic bag.



## What if:

### **The police see the interaction and go over to investigate?**

If the police have reasonable grounds to believe that Kendra and Dylan are participating in illegal activity, like selling or buying illegal drugs, the power of search is enacted, which means police can search them both for safety reasons and for evidence of the crime in question.

## What if:

### **The police want to search Kendra?**

The police can search Kendra's bag if:

- they are placing her under arrest and believe the bag has evidence of the crime (ie. drugs); or
- she consents to being searched.

If Kendra is being placed under arrest, she has a right to counsel and the right to remain silent. See the section on Police Interactions for more information on this.

## What if:

### **The police find the drugs?**

The police can confiscate the drugs, arrest Kendra and her dealer, and charge Kendra with possession and the dealer with trafficking.

## Marijuana Law Changes

Possession of small amounts of recreational cannabis by adults will be legal in Canada as of October 17, 2018. However, the legal age will be the same age as outlined in the Alcohol section of this Toolkit, and it will still be illegal for minors to possess marijuana.

# Elder Teaching: Health & Wellness

We need to focus on traditional alternatives to justice over prison; the entire community suffers when even one of our people are jailed. We need to build relationships between all Indigenous Peoples so we can remember where we came from and focus on recovery of that memory and that identity. Focus on the sacredness of the human heart, connect with your culture. By connecting with your culture and spirit, you get continuity. Restorative justice is the best way forward.

- Elder Constance Simmonds



## **Traditional Teaching: Seven Grandfather Teachings**

**Many communities have adopted some form of the seven guiding principles as a moral stepping stone or cultural foundation. Adaptations in each community have been made to suit each community and their values. The teachings, however, share similar concepts of abiding by moral respect for all living things.**

**Some of the Seven Grandfather Teachings will be discussed further in this resource.**



# Impaired Driving: the Law

## What is impaired driving?

Impaired driving is driving after you've been drinking or using drugs, and is punishable under multiple laws with varying penalties depending on the situation.

If you are caught driving drunk or high, but haven't hurt anyone, you will have your licence suspended and could be sentenced for up to five years in prison. Although the judge has some discretion in determining the exact sentence there are minimum sentences the judge must assign:

- for a first offence, there will be a fine of at least \$1,000,
- for a second offence, you will be imprisoned for at least 30 days
- for each subsequent offence, you will be imprisoned for at least 120 days

## Impaired Driving Causing Harm

If you drive drunk or high and you hurt someone, you will lose your licence and could be sentenced up to ten years in prison.

## Impaired Driving Causing Death

If you are driving drunk or high and you kill someone, you will lose your licence and could be given a life sentence.

## Legal Limits

Every province and territory in Canada has rules that prohibit driving if one has a blood alcohol content above 0.08 (80 mg of alcohol in 100 mL of blood). In every province and territory, penalties can be applied to drivers whose blood alcohol content is above 0.05. The following provinces/territories are an exception to this general rule:

- Quebec – the provincial BAC limit is 0.08
- Yukon – the territorial BAC limit is 0.08
- Saskatchewan – the provincial limit is 0.04

Recently, federal laws were passed which introduced specific limits on cannabis consumption. Under the federal law, you are considered impaired by cannabis if your blood cannabis content registers over 2 nanograms per milliliter of blood.

So far, Alberta and Saskatchewan are the only provinces that have passed provincial laws regarding cannabis consumption while driving. Alberta set a limit of 2 nanograms, but Saskatchewan has adopted a zero tolerance policy meaning that no one is allowed to drive after consuming cannabis. Other provinces have not yet passed laws, but follow the federal limits set above.



If you are under the age of 21, or a novice driver in a graduated licensing program (G1, G2, M1 or M2), **you are not allowed to have ANY drugs or alcohol in your system.** There is a “zero tolerance” policy.

# Storytelling: Impaired Driving



## Amanda

It's getting late and Amanda wants to wrap the party up. She has been drinking but thinks she is sober enough to drive her friends home. She loads her friends in the car and begins on her way. On her way, she swerves the car. She gets pulled over by the police.

## What if:

### The police ask her to perform a roadside sobriety test or submit a breath sample?

If police have a suspicion that a driver is impaired, they have the right to investigate. Amanda must perform the road side test and/or submit a breath sample. Amanda may be also asked to take a breathalyzer test and she must comply. Refusing to do so can result in an immediate suspension of her license, and criminal charges that are as serious as driving drunk. If she fails the test, she will be arrested. She then has the right to immediately contact a lawyer.

## What if:

### Amanda fails the sobriety test or her breath sample shows alcohol in her blood?

Amanda will have her licence immediately suspended and faces a fine. As she is under 21, she cannot drive while having any amount of alcohol in her blood.

## What if:

### Amanda is charged with drunk driving?

Under the *Criminal Code of Canada*, impaired driving is punishable under multiple offences with greater penalties depending on how drunk the driver is and how much harm they caused (outlined on previous page).

## Sobriety Tests, Breath Samples and Breathalyzers

There are different tools police can use to test those they suspect of impaired driving:

- **Sobriety Tests:** these are roadside tests, where police ask the driver to perform certain tasks, like balancing, walking straight, etc.
- **Breath Samples:** officers measure alcohol in the breath by using a handheld device that gives ranges of the amount alcohol present in an individual.
- **Breathalyzer:** This is device located at the police station that measures a more precise reading of blood alcohol content.



# Addictions: Resources

Alcohol and/or drug addictions are difficult to cope with for individuals, as well as their families, friends and communities. Addictions can have a lasting impact on relationships and mental health. If you or someone you love is struggling with addiction, there are resources available to help you or your loved one. First and foremost, you can talk to an Elder or trusted adult about your concerns. There are also several organizations that can provide assistance to you or your loved ones, whether you are experiencing problems with addiction, or looking for support because a loved one is impacted. Here is a list of a few examples from across Canada. For a more comprehensive list, follow this link: <http://www.bit.ly/2A6N98I>

## Traditional Healing Centres

**Young Spirit Winds Youth Treatment Program**

**Maskwacis, AB**

Toll Free: 1-877-585-2219  
780-585-2219

**Niwichihaw Aboriginal Addiction Counselling Service**

**Reed Deer, AB**  
403-340-2463

**Spirit Bear Center**

**Abbotsford, BC**

604-864-0553

**Urban Native Youth Association**

**Vancouver, BC**  
604-254-7732

**Native Addictions Council Manitoba**

**Winnipeg, MB**  
204-586-8395

**Whiskey Jack Treatment Centre**

**Norway House, MB**  
204-359-8995

**Rising Sun Treatment Centre**

**Eel Ground, NB**  
506-627-4626

**Lone Eagle Treatment Centre**

**Richibucto, NB**  
709-497-8995

**Tree of Peace Friendship Centre**

**Yellowknife, NWT**  
867-873-2864

**Mi'Kmaw Lodge**

**Eskasoni, NS**  
902-379-2267

**Eagle's Nest Recovery House**

**Shubenacadie, NS**  
902-758-4277

**Igloolik Municipal Social Services Alcohol and Drug Awareness Program**

**Igloolik, NU**  
867-934-8825

**Nimkee Nupigawagan Healing Centre**

**Muncey, ON**  
519-264-2277

**Anishnawbe Health Toronto**

**Toronto, ON**  
416-360-0486

**Sagashtawao Healing Lodge**

**Moosonee, ON**  
705-336-3450

**Native Council of Prince Edward Island**

**Charlottetown, PEI**  
902-892-5314

**Walgwan Centre**

**Gesgapegiag, QC**  
418-759-3006

**Mawiomi Treatment Services**

**Maria, QC**  
418-759-3522

**White Buffalo Youth Centre**

**Prince Albert, SK**  
306-764-5250

**Ekweskeet Healing Lodge**

**Onion Lake, SK**  
Toll Free: 1-866-314-1740  
306-344-2094

**Kwanlin Dun FN Jackson Lake Healing Camp**

**Whitehorse, YK**  
867-633-7800

**Champagne and Aishihik FN Wellness Program**

**Haies Junction, YK**  
867-634-4200





# Addictions: Resources

## Provincial/Territorial Resources

### Alberta (Addiction Helpline, Alberta Health Services)

Toll-Free: 1-866-332-2322

Provincial Phone Number: 780-427-7164

### British Columbia (Alcohol and Drug Information and Referral Service)

Toll-Free: 1-800-663-1441

Provincial Number: 604-660-9382

### Manitoba (Addictions Foundation of Manitoba)

Adult services: 1-855-662-6605

Youth services: 1-877-710-3999

Provincial Phone Number: 204-944-6200

### New Brunswick (Addiction Centres, Department of Health)

Provincial Phone Number: 506-674-4300

### Newfoundland and Labrador (Addictions Services, Department of Health and Community Services)

Toll-Free: 1-888-737-4668

Provincial Phone Number: 709-729-3658

### Northwest Territories (Department of Health and Social Services)

Toll-Free: 1-800-661-0844

Provincial Phone Number: 867-873-7037

### Nova Scotia (Addiction Services Offices, Nova Scotia Health Authority)

Toll-Free: 1-866-340-6700 (Halifax Regional Municipality)

Provincial Phone Number: 902-424-8866 (Halifax Regional Municipality)

### Nunavut (Kamatsiaqtut Help Line)

Toll-Free: 1-800-265-3333

Provincial Phone Number: 867-979-3333

### Ontario (Drug and Alcohol Helpline, ConnexOntario)

Toll-Free: 1-800-565-8603

Provincial Phone Number: 519-439-0174

### Prince Edward Island (Addiction Services, Health PEI)

Toll-Free: 1-888-299-8399

Provincial Phone Number: 902-368-4120

### Quebec (Drugs: help and referral)

Toll-Free: 1-800-265-2626

Provincial Phone Number: 514-527-2626

### Saskatchewan (HealthLine, Ministry of Health)

Toll-Free: 811 or 10877-800-6600

Provincial Phone Number: 306-766-6600

### Yukon (Alcohol and Drug Services, Health and Social Services)

Toll-Free: 1-800-661-0408, Ext. 5777

After hours: 1-800-661-0408 Ext. 8473

Provincial Phone Number: 867-667-5777

## Urgent Helplines

### Kids Help Phone

Phone: 1-800-668-6868

Live Chat during their Live Chat Hours:

<https://kidshelpphone.ca/>

Crisis Text Line: text CONNECT to 686868

### First Nations and Inuit Hope for Wellness Help Line

Phone: 1-855-242-3310

Online chat at:

<https://www.hopeforwellness.ca/>

Both phone and online options open 24 hours a day, 7 days a week

# Elder Teaching: Healing and Community

**The Justice System is intimidating and confrontational. We should balance this with restorative justice and need to evolve. Canada has an aging population; we need our young people to be able to take on leadership positions in our society. At the current rate of youth incarceration, we are cutting off potential contributors to society and communities.**

**There is a focus on this concept of “good vs. evil.” But this doesn’t fit in traditional understanding. In the traditional understanding we are all here on our own journey and sometimes we fall off. The concept of labelling somebody as “bad” is harmful. For example, a youth stole a car and injured a girl. The lawyer negotiated that the youth come together with the grandmothers and grandfathers in the lodge. His relatives were also invited into the circle. The ceremony was not meant to single him out, but was an opportunity for the community to voice their views and talk about how the youth’s actions impacted them. For Indigenous Peoples, you might commit a crime in isolation, but you heal in community.**

**Punishment, on its own, misses opportunity for growth.**

- Elder Verna McGregor.

# **Traditional Teaching:**

## **Seven Grandfather Teachings - Humility and Bravery**

### ***Humility – represented by the Wolf***

**For the wolf, it is the ultimate shame to be an outcast because the wolf lives for his pack. The teaching of humility is knowing that you are a sacred part of creation. Humility teaches one to live life selflessly. While finding a balance within oneself and all living things, you are to respect your place. In addition, one is asked to carry their pride with their people and praise the accomplishments of all.**

### ***Bravery – represented by the Bear***

**Bravery is represented by the bear because the mother bear will have courage and strength when protecting her young, and she demonstrates how to live a balanced life. Bravery is finding one's inner strength to face life's difficulties while having the courage to be yourself. One is brave if they defend their beliefs and what is right for their community, family and self. To do so, individuals are to make positive choices and make decisions with conviction.**

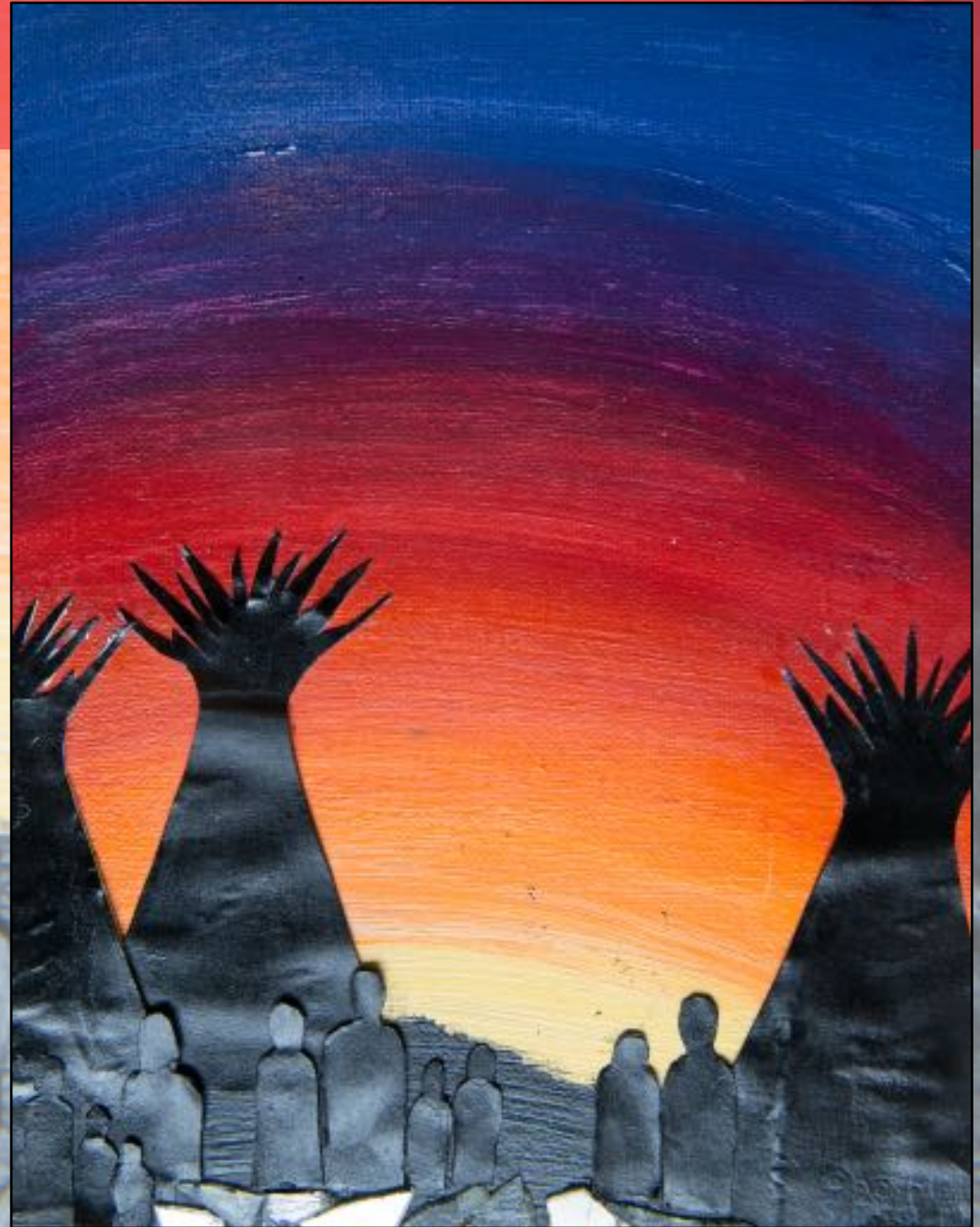
# Youth Artwork

## *Hope*

*by Charli Sparvier*

### ***Artist's Description***

*Hope is represented through the sunrise and sunset, Indigenous communities and youth are represented by the people and the teepee's. The mirrors and glass placed at the feet of everyone represent breaking barriers.*



# Bullying

## What is Bullying?

Bullying happens when someone purposely and repeatedly says or does hurtful things to someone else. There are different types of bullying, and can include:

- **Physical:** can be in the form of pushing, hitting, kicking, punching, spitting, or damaging a person's belongings
- **Verbal:** name-calling, teasing, threats
- **Social:** rumours, gossip, excluding others from group activity
- **Cyberbullying:** the use of technology to intimidate harass others (threatening/mean texts, embarrassing posts on social media, sharing personal information with others online)

**Some people think bullying is just part of growing up and a way for young people to learn to stick up for themselves. However, bullying can have long-term physical and psychological consequences**



## What are the possible impacts of bullying?

- Loss of confidence
- Withdrawing from family, friends and hobbies/activities
- Physical side effects, like upset stomach and headaches
- Anxiety and panic attacks

- Insomnia (not being able to sleep)
- Exhaustion
- Nightmares
- Suicidal thoughts
- Violence towards others

**Bullying can have a lasting impact on the bully themselves: it has been shown that if a bully continuously gets away with their behavior, their violence and aggression can continue into adulthood. These individuals have a higher chance of getting involved in dating aggression, sexual harassment and criminal behaviour later in life.**

## Is Bullying Illegal?

Bullying can be more than just a traumatic experience; it could also be against the law. Here are some examples of when bullying crosses into illegal territory:

- **Criminal Harassment or threats:** this is when repeated harassment leads to someone fearing for their own safety;
- **Extortion:** this is when someone threatens to share personal information of another to get that person to do what he/she wants;
- **Assault:** this is when bullying enters a physical realm, where violence and bodily harm come into play; and/or
- **Sharing intimate photos:** if someone shares intimate photos of you without your consent, there are many charges that person can face, including crimes called *distribution of intimate images* and *voyeurism*. If the person in the photo is under the age of 18, the person who shares the photo could also be charged with distributing *child pornography*.



If you are being bullied in ways that cross into the illegal activity outlined above, you can report the incident to police, or go online to report it to Cybertip: <https://www.cybertip.ca/app/en/report>

# — Bullying: Sentences for Criminal Offences

When bullying enters one of the criminal spheres outlined on the previous page, there are consequences. See below for more information on the consequences of bullying-related offences. Keep in mind that the courts may take your age into account if the *Youth Criminal Justice Act* applies to you, and may also take into account Indigenous heritage by applying special measures during sentencing.

## **Criminal Harassment**

- Depending on the severity of the crime, and the history of the perpetrator, those who are found guilty of criminal harassment can face a fine, probation, or jail time up to a maximum of 6 months.

## **Threats/Online Extortion**

- Depending on the severity of the crime, and the history of the perpetrator, those who are found guilty of threats of this nature can face a fine, probation, or jail time up to a maximum of 18 months.

## **Assault**

- Depending on the severity of the crime, and the history of the perpetrator, those who are found guilty of assault can face a fine, probation, or jail time up to a maximum of 5 years.

## **Sharing intimate images online**

- Depending on the severity of the crime, and the history of the perpetrator, those who are found guilty of cyberbullying can face a fine, probation, or jail time up to a maximum of 5 years.

# Storytelling: Bullying



## Jane and Chelsea

Jane and Chelsea attend the same high school. Jane is in grade 11, and Chelsea is in grade 9. Since the beginning of the school year, Jane has been bullying Chelsea, always picking on her, calling her names, making fun of her in front of their classmates and playing “keepaway” with Chelsea’s belongings. After months of this behaviour, Chelsea reports Jane to a teacher, and Jane gets suspended for three days.

This angers Jane, and the bullying gets worse. She starts to threaten Chelsea through texts, saying that she’s going to beat her up. Jane also gets her hands on an intimate photo that Chelsea shared with her partner, and tells Chelsea that she’ll post it online if Chelsea doesn’t give her \$500. When Chelsea refuses to give Jane any money, Jane posts the photo to a public Facebook page.

## Is what Jane is doing considered illegal?

There are several possibilities for Jane’s conduct to be considered illegal:

- She could face charges for criminal harassment for her threatening physical harm via text;
- She could face charges of extortion by threatening to share the photo if Chelsea didn’t pay her the money;
- The posting of the photograph could result in criminal charges, including child pornography, considering Chelsea’s age; and
- If Jane acts on the threats of violence, she could face assault charges.





# Bullying: What Can You Do?



## What if you're being bullied?

Being bullied sucks! It's hurtful, scary and confusing. When bullying is aggressive and physical, it can be dangerous. If you're being bullied, here are some things to do:

- Try to stay calm and remove yourself from the situation (walk away, end the online conversation, etc).
- Confide in someone you trust, like a friend, parent, teacher, Elder or mentor. If you do not have someone you trust, call Kids Help Phone or the First Nations and Inuit Hope For Wellness Help Line (phone numbers on page 5 of this toolkit).
- Spend more time with people who make you feel good about yourself.
- Keep track of the bullying (write it down, save text messages, take screencaps of online bullying).

- Recognize the signs of depression, including sadness, always wanting to be alone, poor concentration, sleeping problems. If you have these symptoms, seek help from someone you trust, or reach out to a help line.
- If you feel unsafe, find help!

## What if your friend is being bullied?

If someone you care about is being bullied, there are some things you can do to help:

- Listen to and support your friend.
- Tell the bully to stop, if you feel safe to do so.
- Lead your friend away from the situation if it's taking place in front of you.
- Find someone to help stop a situation, like other friends/students or an adult.
- Write an anonymous letter describing the situation and leave it with a trusted adult.

Consider self-care and reaching out to an Elder or community leader to see if a community circle could help resolve the bullying situation. Often, bullies are experiencing their own pain. Involving the community may help restore balance.

## **Elder Teaching: Guiding Spirit**

**From our traditional teachings, there are consequences or fear factors – if you break the law, you will need to face consequences. People will often test boundaries, and not stop and think before getting into trouble. Science calls this “consciousness”, but we call it a guiding spirit that tells us right from wrong. We all need to nurture and strengthen that guiding spirit, and teach youth how to listen to it.**

**- Elder Hal Eagletail**

# Traditional Teaching: Medicine Wheel

(from an Ojibwe perspective)



The Medicine Wheel represents all things connected within the circle of life. There is said to be over 100 different traditional teachings about the medicine wheel, each with its own purpose. Generally, the Medicine Wheel focuses on seven aspects within each of the four quadrants. The four quadrants can represent many things such as four directions, four elements, four medicines, and four seasons, to name a few. The Medicine Wheel teachings from an Ojibwe perspective will be discussed in this resource.



# Sexual Assault: Introduction

**Warning: this topic is of a highly sensitive nature, and could trigger trauma for sexual assault survivors. If you need immediate support, please contact Kids Help Phone or the First Nations and Métis Wellness Hotline outlined on page 5 of this toolkit.**

Sexual Assault is a serious offence that disproportionately impacts Indigenous communities, especially women and girls. Historically, Indigenous communities were centered on women in what is called a “matriarchal society.” For example, women were central in many Turtle Island creation stories. Settler communities arrived, and brought with them their systems focused on men at the center (called a “patriarchal society”). With colonization, residential schools, and this focus on patriarchy, there was a decrease in the value of women. This has unfortunately led to increased violence against women and girls, which is a cycle that continues today.

- Paraphrased from Ontario Native Women’s Association’s Community Guide to End Violence Against Aboriginal Women



# Sexual Assault: Overview of Consent

In Canada, sexual assault covers a broad range of activities, and includes all unwelcomed sexual activity, such as touching, grabbing, fondling, kissing, and intercourse. Sexual activity is only legal when both parties consent.

## What is Consent?

Consent is giving permission to another person to participate in sexual activity with you. Sexual activity is only legal if people make their consent clear, either through words or actions. People can also change their minds at any point during sexual activity and remove consent.

Saying nothing or not doing anything to stop another person during activity **DOES NOT** equal consent. There are also some instances where you could be found unable to give consent. This includes:

- If you are so drunk or high that you aren't fully aware of what's happening or the consequences of your actions
- Being unconscious (sleeping or passed out)



If there is no consent, then the activity in question is sexual assault. Consent is **ALWAYS REQUIRED** throughout the activity. Just because you gave consent or had consent from someone one time doesn't mean there is automatic permission for another time down the road. **Consent must be given each and every time.**

# Sexual Assault: Age and Consent

There are rules with regard to age when it comes to consent. You have to be a minimum age to consent to sexual activity, which is generally 16 years of age in Canada. However, for youth between the ages of 12-15, there are some exceptions, called “close in age” rules. Here are the rules:

- No one under the age of 12 can legally provide consent
- 12-13 years olds can only give legal permission to sexual activity with a person who is less than 2 years older than them
- 14-15 year olds can only give legal permission to sexual activity with a person who is less than 5 years older than them
- 16-17 year olds can give legal permission to sexual activity to anyone who is older than them by any number of years

**BUT: NO ONE**, regardless of age, can give legal consent to someone who is in a position of authority/power or trust over them if that person uses their power to convince another to engage in sexual activity with them – this can include a doctor, coach, teacher, lawyer, guardian, etc. An example of this is if a teacher says you’ll only pass a class if you engage in sexual activity (kissing, touching, intercourse, etc.) with them. This is an abuse of power, and is illegal.

# Sexual Assault: Overview of the Law

## What is Sexual Assault?

In Canada, sexual assault is any sexual activity without consent. This can include anything from unwanted kissing, touching, groping, fondling, or forced intercourse (also known as rape). There is no separate “rape” charge under the *Criminal Code of Canada* – this is covered under the sexual assault law.

## What are the penalties for sexual assault?

Penalties for sexual assault depend on the age of the perpetrator and the severity of the situation. The maximum jail time for the more serious crimes is ten years. However, there are situations where the punishment can be more severe. For instance, if there were weapons involved in the scenario, prison terms could increase to life imprisonment.

## When can sexual assault happen?

Victims of sexual assault can be any gender, and it can happen between people of the opposite sex or the same sex. Even married people can be victims of sexual assault from their spouse or partner.

If you were a victim of sexual assault, remember it is not your fault. It does not matter:

- what you were wearing;
- whether you were flirting;
- whether you initially consented, but changed your mind part way through;
- whether you previously engaged in sexual activity with someone;
- whether you shared intimate photos or texts with someone;
- whether you had too much to drink.

None of these factors matter with regard to sexual assault, and none of these means “you were asking for it”. **Only yes means yes.**



# Sexual Assault: Reporting

## How Do I Report Sexual Assault?

It can be scary to report sexual assault, especially if the person who committed the act against you is someone you know. It's important to confide in someone you trust, like a friend, adult, or Elder to get the support you need to take any next steps.

There is no time limit to report sexual assault. You can report months or years afterward. However, the sooner the incident is reported, the more likely the police would be able to gather reliable evidence.

If you decide to report immediately after an incident, you should try to preserve as much evidence as possible. This may include:

- not showering or bathing;
- not changing or throwing away your clothes;
- not washing your hands or combing your hair; and
- not cleaning/moving things around the scene the assault took place

You may be asked to undergo a physical examination as part of the investigation if you report within 12 days of the incident. Depending on the extent of the assault, a nurse who is specially trained in this type of examination would conduct the exam (note: these nurses are not available in all locations across the country. However, other nurses/medical staff will still be able to conduct the examination).





# Storytelling: Sexual Assault



## Diana, Kirk, Jonathan and Max

Diana, Kirk, Jonathan and Max are all 15 years old and attend the same high school. On Friday night at a party, Diana has a lot to drink, and ends up getting drunk. She and Kirk duck into an unoccupied bedroom to make out. Diana removes some of her clothing, but passes out. After she passes out, Kirk takes a photograph of her topless. He leaves her in the room to return to the party. Later that evening, Kirk shows Jonathan and Max the photograph on his phone. Jonathan and Max ask Kirk to text the photograph to them, and he does.

Jonathan and Max then share the photograph with friends and classmates through text, email and Snapchat. By the end of the weekend, the photograph of Diana has been shared hundreds of times, and everyone at school has seen it. Diana is embarrassed, and does not want to attend school anymore. She decides not to say anything to her parents, but a friend of her older brother's alerts him to the photos, and he tells their father, who calls the police.

## Was sharing the photo illegal?

Yes. Even though all of the youth involved are minors, Kirk, Jonathan and Max could face a number of charges including child pornography. If found guilty, could face probation or jail time.

## What if:

**Kirk continued to kiss, touch or engage in sexual behaviour with Diana after she passed out?**

As you will recall, consent is required for all sexual activity, and the law says anyone who is not conscious (awake) would not have the capacity to consent. If Kirk had continued, he could be charged with sexual assault

## What if:

**Kirk and Diana previously engaged in sexual activity? Would that mean Kirk would have consent from Diana this time?**

No. As mentioned previously, consent is required each and every time.

# Sexual Assault: Investigation & Trial



## Investigation

- **Filing a police report:** when you report, you start the investigation process. You can either report to police directly by phone or in person, or by attending a hospital and reporting the incident there, where police will be contacted. The police will ask you to provide a statement, which is sharing what happened. The police may ask you to go to the station and provide a videotaped statement, and may also ask you to write out your statement.
- **The investigation:** the police will investigate the claim, including interviewing the suspect and any potential witnesses.

## Trial

- **Submitting the file to the Crown:** after the investigation, the police will forward the file to the Crown prosecutor, and the Crown prosecutor will decide whether to proceed with the case. The Crown will consult the survivor throughout this process, and the input of the victim will be considered by the Crown.
- **The Trial:** if the case proceeds to court, you will be called to describe your experience as a witness in the trial. This may mean facing the perpetrator in court.
- Filing a report is a personal choice for victims of sexual assault; it can be very difficult to have to relive the experience. However, some victims feel empowered to have their story heard in court – it all depends on the person. Regardless, having the proper support system in place is important.

# Sexual Assault: Supports and Resources

If you are a victim of sexual assault, know that you are not alone. There are supports across the country that are available to you. Reach out to the organizations below, and ensure you surround yourself with a circle of support consisting of friends, family, Elders and community members. You can also find additional resources at this link: <http://www.bit.ly/2pNpJix>

**Métis Child and Family Services Society**  
Edmonton, AB  
780-452-6100

**Mokami Women's Centre**  
Happy Valley Goose Bay, NL  
709-896-3484, ext. 205

**Ontario Native Women's Association**  
Thunder Bay, ON  
807-623-3442

**Regina Treaty/ Status Indian Services Inc - Indian Residential School Resolution Health Support Program**  
Regina, SK  
306-522-7494

**Cold Lake Native Friendship Centre**  
Cold Lake, AB  
780-594-7526

**Native Women's Association of the Northwest Territories – Victim Services**  
Yellowknife, NWT  
867-873-5509

**Native Women's Resource Centre of Toronto – Sexual Violence Response Team**  
Toronto, ON  
416-525-9653

**Liard Aboriginal Women's Society**  
Watson Lake, YT  
867-536-2097

**WAWAW Rape Crisis Centre**  
Vancouver, BC  
604-255-6344

**Antigonish Women's Resource Centre – Pagtnkek Project**  
Antigonish, NS  
902-863-6221

**Abegweit First Nation Mi'Kmaq Wellness Centre**  
Mount Stewart, PEI  
902-676-3007

**Namgis First Nation Victim Assistance Program**  
Alert Bay, BC  
250-974-5356  
Emergency After Hours: 250-974-7133

**Waycobah Family Healing Centre**  
Whycocomagh, NS  
902-756-3440

**Aboriginal Survivors for Healing**  
Charlottetown, PEI  
902-368-8498

**Ka Kni Kanichihk's Heart Medicine Lodge**  
Winnipeg, MB  
204-953-5820

**Cambridge Bay Community Wellness Centre/Women's Shelter**  
Cambridge Bay, NU  
867-983-2133

**Native Women's Shelter of Montreal**  
Montreal, QC  
514-933-4688

**Manitoba Keewatinowi Okimakanak (MKO) Mobile Crisis Response Team**  
1-844-927-LIFE (5433)

**Kamatisiaqtut Baffin Crisis Line**  
Iqaluit, NU  
1-800-265-3333

**Piwapan Women's Shelter**  
La Ronge, SK  
306-425-3916  
24-Hour Crisis Line: 306-425-4090

**Gignoo Transition House**  
Fredricton, NB  
506-458-1236  
Toll Free: 1-800-565-6878

**Mokami Women's Centre**  
Happy Valley Goose Bay, NL  
709-896-3484, ext. 205

## Urgent Helplines

**Kids Help Phone**  
Phone: 1-800-668-6868  
Live Chat during their Live Chat Hours:  
<https://kidshelpphone.ca/>  
Crisis Text Line: text CONNECT to 686868

**First Nations and Inuit Hope for Wellness Help Line**  
Phone: 1-855-242-3310  
Online chat at  
<https://www.hopeforwellness.ca/>  
Both phone and online options open 24 hours a day, 7 days a week

# **Elder Teaching: Equality**

**Youth need to push themselves and each other to understand that they are capable of things beyond what they believe or have been led to believe by others. They need to focus on equality and an understanding that you're no better or worse than anyone else on the planet. If you are equal, you see others as equals. Give to the community, and the community will give back to you. Recognize equality, and value it.**

## **Traditional Teaching: Medicine Wheel - East**

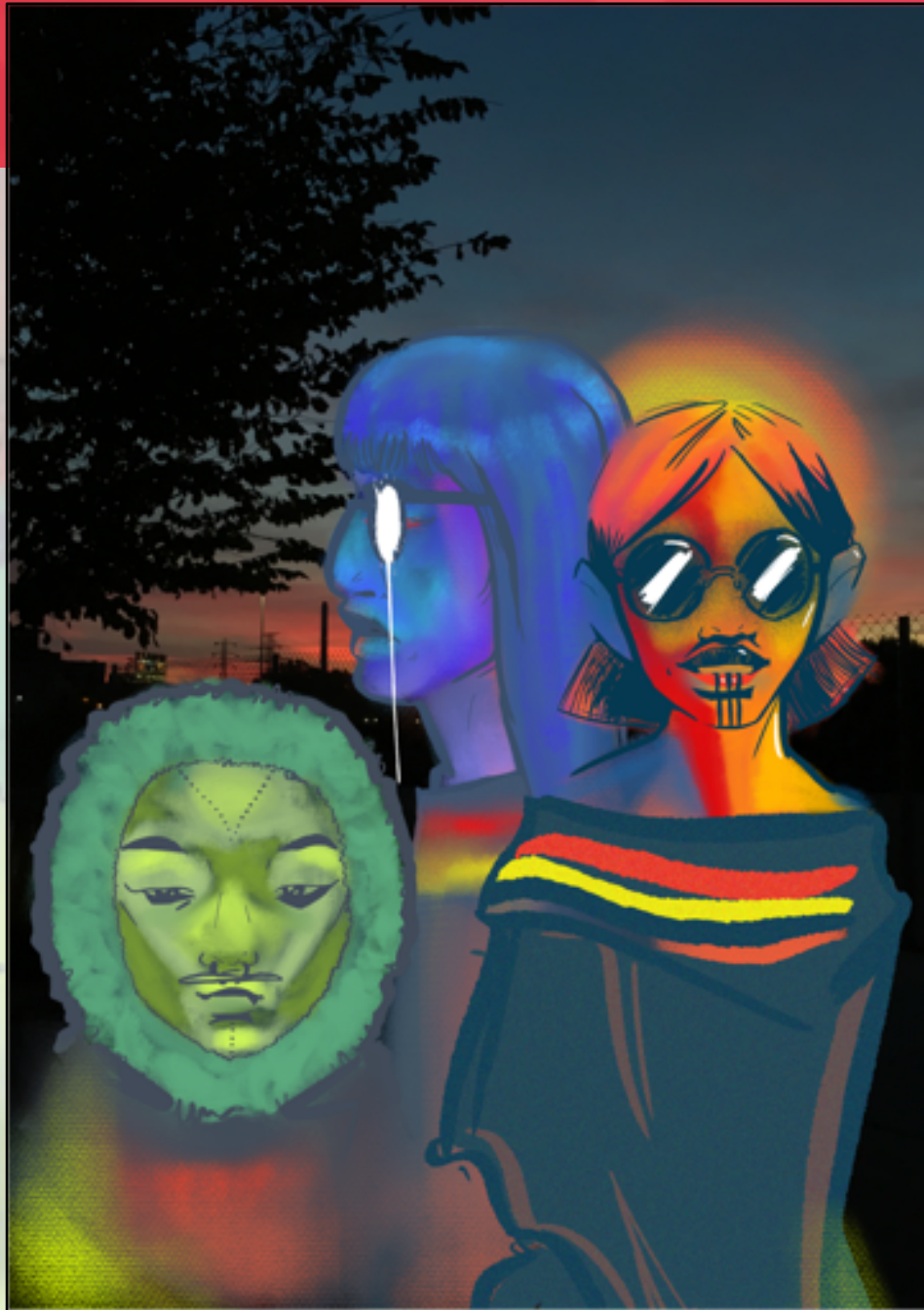
**The east is yellow and represents sunrise, spring and new life. Our spirit begins its physical journey in the world from the east. Our minds begin to shape and form. Following natural law is of great importance, as it will never lead us astray. The medicine from the east direction is tobacco.**

## **Traditional Teaching: Medicine Wheel - South**

**The south is red and represents summer and adolescence. Everything thrives here, and is a time of nurturing all of creation. The southern direction urges us to take care of our spirit. Be mindful in struggles and remember our humble beginnings as children. The medicine from the south direction is cedar.**

# Youth Artwork

## *reGeneration* by Cleo Keahna



### *Artist Description:*

*"[This work displays] three points within a matrilineal descent gather against the Toronto skyline at dawn. It represents matriarchy, with renewal, rebirth, and finding ourselves through matrilineal descent."*



# Interactions with Police:

## When can a police officer stop me?

A police officer may approach you on the street or come to your home, work or school and ask to speak with you at any time. If you do not want to talk with the officer they must let you go unless they are doing the following:

1. Arresting you
2. Detaining you
3. Writing you a ticket
4. You were pulled over while driving a car or bicycle

**HOWEVER:** while it's true that if none of these criteria apply, you would not be *legally* required to speak with the officer, *in reality*, it's best to cooperate and not resist these interactions. This is especially true if you resist physically, as you could be charged with resisting arrest or assault of an officer. It's best to cooperate with police, keeping track of as much information about the interaction as possible, and consult a lawyer for your options following the interaction.

# Interactions with Police:

## How Should I Interact With A Police Officer?



### What to do:

- Be polite;
- Tell police what you are doing before taking any action. For example, if you are reaching for something in your pocket or glove compartment such as ID you should first get permission from the officer. Even simple actions such as pulling up your pants should be communicated to officers if the interaction is tense; and
- If you believe that a police officer is searching you illegally, you should tell them that you object to the search, but still cooperate to avoid altercations.

### What not to do:

- Do not lose your cool, remain calm;
- Do not lie - you may be charged with obstruction of justice or obstruction of police;
- Do not refuse a roadside breathalyzer test. If you refuse you may be charged with an offence; and
- Do not fight the police, do not try to run, do not try to hide something from them. All of these actions could lead to criminal charges.



# Storytelling: Interactions with the Police



## Joey and Carly

Joey and Carly are high school students. During free period they decide they want to go to the mall to go shopping. While walking towards the mall a police officer asks for Joey's ID and requests to speak with him. Carly says Joey is not required to do so; however, Joey does not know if Carly is correct and thinks he has done something wrong.


## What if:

If Joey is not being arrested, being detained, being written a ticket or pulled over when driving a vehicle or bicycle, then Joey is not required to stay and talk with the officer, answer their questions or provide identification. If he feels his rights are being violated, he should verbally communicate this, but also keep his safety in mind, and cooperate with police. He can speak to a lawyer following the interaction if he feels his rights have been violated.

## Why might a police officer stop me?

Just because a police officer stops you, questions you or interacts with you does not mean that you are in trouble or that the police officer suspects that you have done something wrong. A police officer may stop and talk to you on the street without having a legal right to detain you. In this case, it is your choice if you want to speak with the officer or answer all, some or none their questions. Some reasons that an officer may be interacting with you include:

- The police officer may be concerned for your well-being and looking to offer assistance
- If the police officer knows you they may want to check in with you
- If you have witnessed a crime



**Note: Generally anything you say to a police officer can be used against you in court. If you lie to a police officer in any circumstances, you can be charged with the criminal offence of obstruction of justice.**

# When am I required to answer a police officer's questions and provide identification?

## *When driving a car or bicycle*

### **If you are driving a car or bicycle the police may stop you:**

- to determine whether you have consumed drugs or alcohol;
- if they have seen or suspect you to have committed a driving offence such as failure to stop at a stop sign; or
- they may stop you to verify that your insurance and registration are up to date.

### **If you are asked for your name, address, drivers licence, registration or insurance:**

- Provide this immediately. If you do not provide this information you risk being charged with an offence or arrested.
- Before reaching for these documents let the officer know where they are located and ask for permission to reach for them.

### **If you are stopped in your car or bicycle you:**

- do **NOT** have a right to speak with a lawyer before answering questions or providing documentation.
- Additionally, a police officer may require you to do a roadside breathalyzer test and you do **NOT** have a right to speak with a lawyer prior to completing the test.
- If the police ask you to complete a breathalyzer test *after* they have taken you into custody and have taken you to the police station, then you **DO** have a right to first speak with a lawyer.

### **If you have been involved in a motor vehicle accident you must answer police questions for the accident report and you must provide identification.**



# When am I required to answer a police officer's questions and provide identification?

*When you are being detained*



## **Overview: What does it mean to be detained?**

You are being detained as soon as a police officer restricts your freedom, either physically or psychologically (if you feel their words imply you are not free to go). If you are detained, then you are not free to walk away from a police officer that has stopped you.

### **If you are being detained:**

- The officer should first tell you why you are being detained and then can require you to identify yourself; and
- You must provide identification but you are not required to answer police questions.

### **If you are unsure you should ask the following questions:**

- “Am I being detained?”
- “Am I free to go?”

## When Can a Police Officer Detain Me?

A police officer may only legally detain you if they have grounds to suspect that you have been involved in an illegal activity.

If you are being detained you have an immediate right to know why you are being detained and also to contact a lawyer and your guardian. You do not need to answer police questions when you are being detained but you should comply with their instructions.

## What happens if I am Detained?

If an officer tells you that you are being arrested or detained, you have an immediate right to:

- Know why you are being arrested or detained;
- Be informed of your right to contact a lawyer\*;
- Be provided with a phone to contact a lawyer or a friend or family member who can provide the contact information of a lawyer (you are entitled to more than one phone call if it is necessary to contact a lawyer);
- Speak with your lawyer in private; and
- Contact your parent or guardian and have them with you while you talk to police (if you want).



You may contact a lawyer that you know. If you do not know a lawyer, you can access “Duty Counsel” which is a 24/7 service that will provide you with a free lawyer. The police are required to provide you with the phone number.

If you have contacted a lawyer or your guardian, the police officer may continue to ask you questions but you are not required to answer them:

- You have a right to remain silent after contacting your guardian or lawyer.
- You do not need to choose between calling a lawyer or calling your parent/guardian; you have a right to contact both.
- You may also contact a friend or family member who can provide contact information for a lawyer.
- If you are being arrested or detained, police officers have the right to search you in a reasonable manner.

# When can a police officer search me?



**While Being Detained Without Arrest:** the police have the right to conduct a pat-down search of you for weapons if they believe that their safety or the safety of others is at risk. Some examples of when an officer may detain and search you include:

- if they find you in a place where they were searching for drugs, and they have reason to believe you have drugs on you;
- if they find you in a vehicle where people are transporting or consuming alcohol, and they have reason to believe that you have alcohol with you; and/or
- if they have reason to believe that you have an illegal weapon or a weapon that was used to commit an offence and that weapon might be removed/hidden if they take the time to get a warrant.

**While Being Stopped in Your Car:** the police do not have an immediate right to search your car. They may, however, look into your windows with a flashlight. They may search your car if looking in your windows provides them reasonable and probable grounds to suspect that you have alcohol, drugs or evidence to a crime in your car and that it would be removed should they wait to obtain a search warrant.

**While Being Arrested:** the police can search you to ensure their own safety or the safety of the public, or to find evidence of the offence they are arresting you for. They may also search the area where they arrested you which may include your car.

Any evidence collected during an illegal search cannot be used against you in court.

## Overview

**A police officer can search you if:**

- You give them permission;
- They have a search warrant;
- You are being arrested; and/or
- You are being detained (which means being questioned, but not under arrest).

## HOWEVER

Even if you believe that the police are conducting an illegal search, you should tell them that you do not consent and speak to a lawyer as soon as you are able to do so. However, a search may still be conducted without your consent. If you are being searched without your consent you should **NOT physically resist, as this could make matters worse.**

# Storytelling: Interactions with the Police



## Sarah, John and Amanda

Sarah and John were attending Amanda's house party with some friends. Amanda offered to drive some people home, even though she had a few drinks that evening. Sarah and John were tired and didn't want to take the bus so they accepted a ride from Amanda. While driving her friends, Amanda swerved and gets pulled over by the police. The police indicated that they will need to search the car and the passengers for alcohol.

**Remember: Police only have a right to search you if you give consent, you are being arrested, being detained, or they have a search warrant.**

**If you have been stopped in your car the police do not have an immediate right to search your car. They may however look into your windows with a flashlight.**

**OPTION 1:** Sarah, John and Amanda can consent to the police search.

**OPTION 2:** If Sarah, John and Amanda do not consent the police can look into the windows using a flashlight. The police may search you if they have reasonable and probable grounds to suspect that you have alcohol in the car and may search you if they find you in a vehicle where people are transporting or consuming alcohol and they have reason to believe that you have alcohol with you.

# Interactions with Police

Can police search me, my bag or my locker when I am at school?



Your locker at school is considered the property of the school and may be searched by school authorities or by police with the permission of school staff at any time.

**If you are on school property and school staff have a reason to believe that you have broken a school rule:**

- School staff can conduct a search on their own or in the presence of a police officer.

**If the school has some reasonable suspicion that drugs or weapons may be on school grounds:**

- School staff may request that police bring sniffer dogs into the school to search students, their backpacks and their lockers.

**The standard of reasonable expectation of privacy that you are entitled to is lower in your school than it is in public places or private homes.**



# Interactions with Police: Can I film the police?

Legally, you are free to film the police so long as your filming does not interfere with the officers lawful execution of their duties. However, you should exercise your judgment and keep your personal safety in mind in these scenarios.

- **Anyone in Canada can film the police. There is no law that prohibits citizens from filming in public spaces and no laws that prohibit citizens from filming police officers in public or private spaces.**
- **Canadian law does prohibit people from interfering with a police officer's lawful execution of their duties. Filming does not, in and of itself, constitute interference. Without a search warrant a police officer cannot legally make you unlock your phone or delete any photos or videos. Police officers also do not have a legal right to seize your phone, unless you are under arrest. However, always use your judgment and assess your personal safety in the moment.**



# Elder Teaching: Connections

**There needs to be more Inuit tradition brought into the justice system. For instance, in the case of conflict in the community, ensuring that all of those impacted by a crime come together and connect through culture is of utmost importance. When judges have taken this into consideration and allowed for alternatives to sentencing, it has led to great results.**

**Working together on restoring the community is the best way to ensure that a perpetrator of a wrong understands the harm and reconnects with the community. All service people (police, teachers, nurses, etc.) stationed in Inuit communities need to make great efforts to connect with the community – attend church, community events, funerals, celebrations, etc.**

**Connection is key to building trust.**

– Elder David Serkoak

# Traditional Teaching: Potlatch

*“Potlatch” means “to give”*

For the people who speak Kwakwaka'wakw, a person is considered rich and powerful when they give most away. Potlatches continue to play an important role in Kwakwaka'wakw community life today. Some important occasions that the potlatch ceremony marks in the community are marriage, naming children, passing on rights and privileges or inheritance, and mourning those who have passed away. It was a system also participated by many nations of BC, each nation having their own practices and traditions in potlatch.

Potlatch also publicly recognizes structure and status, brings comfort to those who have lost a loved one, recognizes family lineage and restores one's reputation in the community after a humiliation. It was an economical system that carried our traditions, relationships and a way to "legalize" any work to be done by the families. Today, potlatch involves feasting, singing, and dancing. Although the types of gifts have changed throughout history, the tradition of gift giving is still a unique aspect of the ceremony.



# Métis Laws of the Buffalo Hunt

Also known as “Rules of the Prairies”. These rules were created as a way to govern Métis communities during buffalo hunts; however, the rules also became an important part of Métis culture outside of these practices. The Laws of the Buffalo Hunt organized the community, outlined prohibitions and identified subsequent offences if a member disobeyed the rules. These rules reflected the importance of honesty and are an example of communities’ traditional commitment to caring for each other, especially weaker members.

# Youth Artwork

## *“Community of the Youth” by Marley Moose*

*“This artwork is painted with watercolor and a Micron 0.5 pen for the Line art . I chose to incorporate community and youth because it’s different from what I usually do in my paintings.*

*Powwows are what put the **community together to celebrate our culture** while being together with family doing the native dances our ancestors did long ago.”*



# Reminder: Trigger Warnings and Resources



This toolkit discusses some serious topics that could trigger trauma. The justice system is not always a kind place, and we acknowledge some people are survivors of the colonial system and may be personally impacted by some of the topics covered in this toolkit.

If you need help, whether big or small, contact **Kids Help Phone**

Phone: 1-800-668-6868

Live Chat during their Live Chat Hours: <https://kidshelpphone.ca/>

Crisis Text Line: text CONNECT to 686868

You can also contact the **First Nations and Inuit Hope for Wellness Help Line**

Phone: 1-855-242-3310

Online chat at <https://www.hopeforwellness.ca/>

Both phone and online options open 24 hours a day, 7 days a week



# Discrimination: Overview of the Law

## What is Discrimination?

Discrimination is an action or a decision that results in the unfair or negative treatment of a person or group, for reasons such as their race or age.

## What are Human Rights?

Human rights define what we are all entitled to, which includes the the right to own property, the right to equality and dignity, and to live free from all forms of discrimination. Canada has many human rights laws to make sure that people and governments respect and protect your rights. Human rights do not have to be earned; they are automatic.

## What are the effects of Discrimination?

Discrimination can cause stress, mental health issues, and physical health issues. Youth facing discrimination might miss school, begin using drugs or alcohol, or acting out in order to cope with the discrimination.



# Discrimination: Are There Laws To Protect Me?



There are provincial and federal laws to protect human rights. Discrimination is taken very seriously by both the federal government of Canada, and all of the provincial/territorial governments in Canada.

## Federal Anti-Discrimination Laws That Protect Me

Main Piece of Legislation: the **Canadian Human Rights Act**

- Applies to employers and service providers who are under the control of the federal government (example: banks, airports, fisheries)
- This Act protects you from being discriminated against because of your:

- race,
- national or ethnic origin,
- colour,
- religion,
- age,
- sex,
- sexual orientation,
- gender identity or expression,
- marital status,
- family status,
- genetic characteristics,
- Disability; and
- conviction for an offence that has been pardoned or record has been suspended.

Other Canada-wide laws protecting you from discrimination are found in certain laws, including *Canada Labour Code, Employment Equity Act, Canadian Charter of Rights and Freedoms*



## NOTE:

This guide will discuss Ontario's laws, but you should know that each province and territory has their own human rights laws protecting you from discrimination.



**Other discrimination protection legislation in Ontario include:**

- *Accessibility for Ontarians with Disabilities Act*
- *Employment Standards Act*
- *Labour Relations Act*
- *Occupational Health & Safety Act*
- *Pay Equity Act*
- *Workplace Safety and Insurance Act*

## Provincial Anti-Discrimination Laws That Protect Me

### Main Piece of Legislation in Ontario: the ***Ontario Human Rights Code***

- Other provinces provide similar protections in certain social areas.
- It is a provincial law that gives everybody equal rights and opportunities without discrimination in areas such as jobs, housing and services.
- The goal of Ontario's Human Rights Code is to outlaw actions that amount to harassment or that discriminate against people because of race, sex, disability, age etc.
- All other Ontario laws must agree with the Code, unless there is special permission not to adhere to the law.



## Example: Rights under the *Human Rights Code* in Ontario

### What are my rights under the *Ontario Human Rights Code*?

- You have the right to be free from discrimination in five social areas based on one or more grounds.

These areas are:

- Employment;
- Housing;
- Services;
- Unions; and
- Professional associations and contracts.

- This means that nobody in any of these five areas is allowed to discriminate against you based on your citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment). There are few exceptions to this rule.
- Your rights under the Code are not violated unless the discrimination occurs in one of the social areas based on one or more of the protected grounds.

# Storytelling: Discrimination and the Ontario Human Rights Code



## Jackson

Jackson was walking home after school one day. While walking through a park there was a family sitting at a picnic table. As he passed by the family, one of them made a racial comment. Jackson did not respond but called his friend Sue when he got home. Sue suggested that Jackson should file a human rights complaint but Jackson is unsure if that would be the appropriate way to handle this.

Although the family member's statement was racist, wrong and hurtful, the *Ontario Human Rights Code* does not apply in this situation because the discrimination did not occur in a government-controlled situation. Remember, the five social areas protected under the Code are employment, housing, services, unions and vocational associations and contracts.

**What if the racial comment was made by Jackson's boss at his job?**

The Code would apply!

# Prohibited Grounds of **Discrimination**

You are not allowed to be discriminated against based on certain characteristics (called “prohibited grounds”) which are real or perceived.

“**Perceived grounds**” refers to when someone discriminates against you under one of the protected grounds because they believe you have a certain characteristic even though you might not actually have that characteristic. For example, if someone is discriminating against you because they think you are gay, you are still protected under the Code even if you are not gay.

The **Ontario Human Rights Code** protects against discrimination on the following grounds:

- Race
- Colour
- Ancestry
- Creed (religion)
- Place of Origin
- Ethnic Origin
- Citizenship
- Sex (including pregnancy, gender identity)
- Sexual Orientation
- Age
- Marital Status
- Family Status
- Disability
- Receipt of Public Assistance (in housing)
- Record of Offences (in employment)

# Storytelling: Discrimination in Employment



## Kelly

Kelly is a 16-year-old Indigenous woman. She sees that a grocery store in town is hiring a cashier and she submits a job application for the position. James, the owner of the grocery store, calls Kelly and tells her to come in for an interview. He tells her over the phone that he is very impressed with her previous work experience and would like to meet her in person. After they meet in person, James asks Kelly if she is Indigenous. When Kelly answers, “yes” he asks her if she drinks alcohol or uses drugs. She says no, and James says, “I’m not so sure about that.” He tells Kelly that this position involves working long hours and is not suitable for someone with small children. He asks Kelly if she has any children and tells her that he doesn’t want to hire someone who is going to have children while working at the store. One week later, James calls Kelly and tells her that he gave the job to someone else.

- In this situation, Kelly has been discriminated against due to her Indigenous ancestry, sex and family status. Every person has the right to equal treatment in employment without discrimination based on Code grounds. This means that employees, independent contractors and volunteers all have the right to be free from discrimination in their employment.

**Everyone has the right to be free from discrimination when applying for a job. As an employee, you have the right to be free from discrimination throughout all areas of your job, including: training, transfers, promotions, dismissal and layoffs, rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.**

## **Exceptions:**

*Employers can ask whether you have been convicted of a federal offence for which you have not received a pardon. Also, an employer can require that you speak English fluently only if it is a genuine job requirement.*

# Storytelling: Discrimination and the *Ontario Human Rights Code* Protected Social Area:



## Taylor

Taylor is a 14-year-old Indigenous youth who walks into a clothing store to do some shopping. She is with two of her friends, who are both white, and they have all been browsing the accessories near the front of the store. Taylor's friends have been trying on necklaces and earrings, and Taylor has been taking photos of them. The girls decide not to buy anything and leave the store. Suddenly, a security guard from the mall approaches the girls and begins questioning them about their visit to the store. He asks them whether they have stolen any of the accessories they had tried on. All three girls insist that they have not taken anything. The security guard allows Taylor's two friends to leave but tells Taylor to come with him. He makes Taylor empty her purse and her pockets. When he doesn't find anything, he questions Taylor for thirty minutes, calling her names and accusing her of lying. Taylor hears him muttering something about Indigenous people under his breath.

## Services



In this instance, Taylor has been discriminated against because of her Indigenous ancestry. This behaviour is not allowed under the *Code*. Everyone has the right to be free from discrimination when receiving goods or services or using facilities.

This right applies to: stores, restaurants and bars; hospitals and health services; schools, universities and colleges; public places; amenities and utilities (such as recreation centres, public washrooms, malls and parks); services and programs provided by municipal and provincial governments (including social assistance and benefits, public transit and policing); services provided by insurance companies; classified ads in a newspaper; and businesses, government, and community agencies Ontario.

# Harassment: A Form of Discrimination

Harassment is a form of discrimination. This means comments or actions that are unwelcome to you or should be known to be unwelcome.



## Harassment Includes:

- Comments;
- Jokes;
- Name-calling; and/or
- Behaviour or the display of pictures that insult or offend you.



### Harassment in Housing

- Everyone has the right to be free from harassment in housing due to *Code-protected* grounds. Harassment in housing requires a pattern of behaviour or more than one incident. For example, a landlord's repeated demeaning comments about a tenant using a wheelchair could be harassment in housing.

### Harassment in Employment

- You have the right to be free from humiliating or annoying behaviour in the workplace that is based on one or more *Code* grounds. Harassment in the workplace is also prohibited under the *Occupational Health and Safety Act*.

### “Poisoned” Work Environment

- You might feel that your workplace is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on a *Code* ground. When comments or behaviour of this kind have an influence on others and how they are treated, this is known as a “poisoned environment.” A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an ordinary person would see the comments or conduct resulting in unequal or unfair terms and conditions.



## Jennifer

Jennifer is a 17-year-old Indigenous youth. She has been working at a gas station in her town for six months. Her supervisor is impressed with her work and has written several positive performance reviews about Jennifer during this time. One day he calls Jennifer into his office and tells her that a supervisor position has recently opened. He is considering promoting Jennifer and another employee.

He tells Jennifer that he will choose her if she agrees to go on a date with him. Jennifer politely says no, and the supervisor begins touching her leg and telling her she will receive a very good raise if she goes on the date. Jennifer says no and leaves the office feeling very uncomfortable. One week later, the supervisor tells Jennifer that he gave the promotion to another employee. Over the next several months, he continues touching Jennifer inappropriately and begs her to go on dates with him. Jennifer feels scared at work and complains to the general manager, who brushes her off and says, “boys will be boys.”

The supervisor’s behaviour is called sexual harassment and is unacceptable under the Code. Sexual harassment means comments or actions based on sex, sexual orientation, gender identity or gender expression that are unwelcome to you or should be known to be unwelcome. They may include humiliating or annoying conduct. Harassment requires a “course of conduct,” which means that a pattern of behaviour or more than one incident is usually required for a claim to be made.

## What Is Sexual Harassment?

Women and men have the right to be free from sexual and gender-based harassment. Sexual harassment includes unwelcome sexual contact and remarks, leering, inappropriate staring, unwelcome demands for dates, requests for sexual favours, spreading sexual rumours (including online), and displays of sexually offensive pictures or graffiti.

The comments or conduct do not have to be sexual in nature. Someone may tease or bother you because of gender-based ideas about how men or women should look, dress or behave. If you are a trans person, you are protected from degrading comments, insults or unfair treatment because of your gender identity or gender expression.

## What should I do if I’m being sexually harassed?

You have the right to be free from unwelcome advances or requests for sexual favours made by a boss, supervisor or a co-worker. The *Code* also protects people if they experience a threat of retaliation or punishment for rejecting advances.

If you are being harassed at work and have concerns about your safety, alert someone you believe can help you. This could be a co-worker, manager, your employer, police, local community agencies and/or women’s shelters. You can also contact your local Ministry of Labour office to report incidents of workplace harassment or violence.

# Duty to Accommodate



## What is the Duty to Accommodate?

The duty to accommodate requires that the most appropriate accommodation for a disability be determined and provided, by either an employer, service provider, or landlord, unless this causes undue hardship. Accommodation is considered appropriate if it results in equal opportunity to enjoy the same level of benefits and privileges experienced by others.

## What does accommodation look like?

Accommodation might look different for everybody. The accommodation process is a shared responsibility; everyone involved should co-operatively share information and consider potential solutions. Although you have a duty to assist in getting appropriate accommodation that will meet your needs, you are not responsible for coming up with a solution yourself or making the necessary changes yourself. It is the accommodation provider's responsibility to do this, with your cooperation. After accommodation is provided, you are expected to fulfill the essential duties or requirements of the job, tenancy, or taking part in a service.



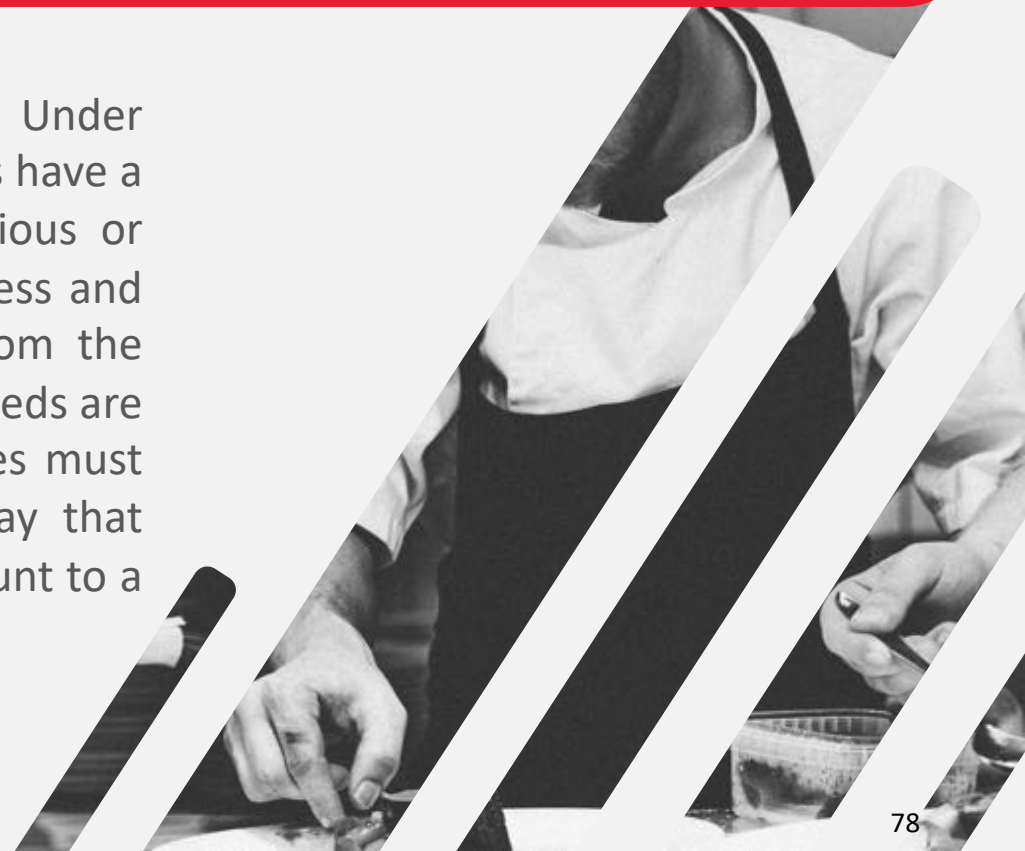
# Storytelling: Duty to Accommodate



## Eric

Eric is a 17-year-old Indigenous youth and works at a restaurant as a cook. Eric has hair he keeps long for cultural and spiritual reasons. When needed, he ties it back in a ponytail, braid or bun. The restaurant has a policy that anyone working there must keep short hair. The restaurant is concerned that long hair could end up in customers' food by mistake. Eric tells his manager that cutting his hair would violate his connection to his Indigenous customary practices and sacred laws. The manager understands and allows Eric to keep his hair long, provided that he wears a hairnet in the restaurant. The restaurant decides that the hairnet is a good solution. They later change their policy to allow anyone with long hair to use a hairnet rather than having a short hair policy.

This is an example of an employer exercising an accommodation. Under the Code, employers and unions, housing providers and service providers have a duty to accommodate the needs of people with sincerely held religious or spiritual beliefs to make sure they have equal opportunities, equal access and can enjoy equal benefits. It would be unfair to exclude someone from the workplace or activities in the workplace because their *Code*-protected needs are different from the majority. Employment, housing, services and facilities must be designed inclusively or adapted to accommodate people in a way that promotes full participation. Failure to provide accommodation may amount to a violation under the *Code*.



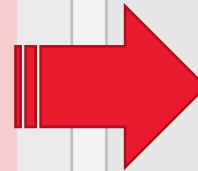
# What Do I Do If I Am Being Discriminated Against?



## How Do I Know if What I Experienced was Discrimination?

To establish discrimination under the *Ontario Human Rights Code*, a person must show three things

- they have a personal attribute (ground) protected by the *Code* (for example, an Indigenous youth is followed and harassed by security in a mall. The protected ground in this case could be age or ancestry.);
- they experienced negative treatment in one of the five social areas (for example, an Indigenous person is denied rental housing in an apartment because of their ancestry. Housing is a social area protected under the *Code*.); AND
- the protected personal attribute (ground) was a factor in the negative treatment (for example, an Indigenous person does not get the same level of medical care in a hospital because of stereotypes about Indigenous Peoples).



## If I Experienced Discrimination, Where Can I Go for Help?

Ontario's human rights system has three parts:

- A. the Human Rights Legal Support Centre;
- B. the Human Rights Tribunal of Ontario; and
- C. the Ontario Human Rights Commission.

These are separate organizations that deal with human rights complaints in different ways. If unsure where to start, contact the Human Rights Commission, and they will point you in the right direction.

# How Do I File a Complaint with the Tribunal?

## Ontario Human Rights Tribunal

### You will need to do the following:

- You must fill out an application form to file a complaint with the Human Rights Tribunal of Ontario. The forms to fill out an application can be found online with an “Applicant’s Guide” to assist you with the process.
- To file a complaint with the Canadian Human Rights Commission, you need to contact them by telephone first to get a complaint package. They can be contacted toll free: 1-888-214-1090 or TTY toll free: 1-888-643-3304.

### You are not required to do the following:

- You do not need to pay anything to file a complaint. You don't need to hire a lawyer or get other legal assistance. However, if you decide to hire legal help, you are responsible for paying the associated costs.

### What Will Happen After I File My Complaint?

- After your complaint is filed, several things can happen. The person or organization that you filed your complaint against (the “respondent”) will have a chance to write a response to your application which they will file with the Tribunal. When this happens, the Tribunal will review both your complaint and the other party’s response and decide what to do next.
  - Option 1: Mediation
  - Option 2: Hearing at the Tribunal



# For Those Outside of Ontario

## I Don't Live In Ontario. Where Do I Go For Help?

- British Columbia, Ontario and Nunavut are the only three provinces/territories in Canada that have a human rights Tribunal.
- However, every province and territory in Canada has a Human Rights Commission where you can make complaints about discrimination you faced.
- The rules and process for filing a complaint and resolving an issue might be different for each province/territory.
- The available remedies or solutions in each region might also be different.

## What Else Should I Know If I Don't Live in Ontario?

- For the most part, the human rights laws in each of the ten provinces and three territories are very similar. But there are differences between the prohibited grounds in each province as well as the social areas that the human rights *Codes* cover. Consult a lawyer or contact your province or territory's Human Rights Commission for more information.

## **Traditional Teaching: Medicine Wheel – West**

**The west is black and represents fall and adulthood. It is the time for harvest, and much of the physical journey is over. We should focus on our emotions and hearts and appreciate the fruits of life. The medicine from the west is sage.**

## **Traditional Teaching: Medicine Wheel – North**

**The north is white and represents winter and the elder years. It is a time to slow down, take care of your spirit, and reflect on being a child, youth and adult. It is a place of wisdom, and you are encouraged to share your stories and teachings. The medicine from the north is sweetgrass.**

# **Elder Teaching: You are Enough**

**With all of the issues identified in this toolkit (drugs & alcohol, bullying, sexual assault, interactions with police and discrimination), the root of the problem is often linked to trauma: both internal and intergenerational. Youth should connect to their culture so how they conduct themselves in the world and how they feel about themselves as human beings remains one and the same. This is where they will find their strength and their health and wellness.**

**Youth should also remember this: who you are is good enough. Don't settle for anything less.**

- Elder Constance Simmonds

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