

provided
to members
on Jan 20/17
meeting



Est. 1990

Yellowknife
Women's Society

December 19, 2016

**TO: Kevin O'Reilly, MLA Frame Lake
Chair, Standing Committee on Rules and Procedures**

On behalf of the Yellowknife Women's Society (YWS), we would like to submit our input into your public consultation on the review of the Members' Conduct Guidelines (the Guidelines) for Members of the Legislative Assembly (MLAs) of the Northwest Territories.

The YWS strongly encourages the Standing Committee on Rules and Procedures to consider any and all recommended changes to policy, including the Guidelines, using a Gender-Based Analysis+ (GBA+) lens. The key tenets of GBA+ analysis is the assessment of the potential impacts of policies, programs, services and other initiatives, giving consideration to intersecting identity factors such as gender, income, sexual orientation, language, age, education, ethnicity, ability, and culture.¹ Consideration of these intersecting identity factors during policy development and implementation is critical to preventing disproportionate impacts on already marginalized or vulnerable groups.

For example, the YWS considered the question posed during the public consultation process, of whether a ban should be implemented on individuals running for office if they have committed a serious criminal offence, with a GBA+ lens. The YWS is concerned that the effects of such a ban would be disproportionately punitive to Indigenous peoples in the Northwest Territories. Across Canada, Indigenous people make up 25% of admissions to correctional services, while representing only 3% of the total Canadian population. When broken down by gender, Indigenous women made up 38% of the total of Canadian women in correctional services. The inverse is seen in the rates of incarceration for non-Indigenous people, whose rates of incarceration are decreasing.² The increasing rate of incarceration for Indigenous people is directly related to the legacy of colonization and residential schools and their lasting impacts. Efforts to understand this link have increased in recent years, including by the Federal Office of the Correctional Investigator.³ Indigenous individuals running for election, especially women, already face several barriers, and implementing a ban on running for office after jail time has been served would only serve to further disadvantage Indigenous candidates.

¹ Status of Women Canada (last modified May 13, 2016). *Gender-Based Analysis Plus*. Available online at <http://www.swc-cfc.gc.ca/gba-acis/index-en.html> Accessed December 2016.

² Statistics Canada (last modified March 2016). *Adult correctional stats in Canada*. Available online at: <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14318-eng.htm> Accessed December 2016.

³ Government of Canada (last modified September 2013). *Aboriginal Offenders – A Critical Situation*. <http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022info-eng.aspx> Accessed December 2016.



Est. 1990

Yellowknife Women's Society

The YWS is of the opinion that a culture of ethical conduct must be modeled by all Members of the Legislative Assembly, and that Members must be forthcoming and respectful in identifying potential breaches directly to one another and to the public, through the Legislative Assembly or transparent processes of conduct review. We believe that the Members of the 18th Legislative Assembly responsibility is clear in their commitment not to condone acts that are "dishonest, or which exploit, slander, or discriminate against others."⁴ The YWS also feels that there is also a role for both the media and the public in ensuring that MLAs uphold the Conduct Guidelines. The ability of constituents and citizens of the NWT to hold their elected officials accountable and express their displeasure or disapproval directly to these individuals or through an established process is integral to a well-functioning political system.

In the instances where ethical breaches are egregious and must be adjudicated in some manner, the YWS supports the use of an independent adjudicator to review the case. This independent adjudicator can be tasked with reviewing the case, and providing a recommendation for MLAs, who then would engage in a consensus-based disciplinary hearing. We strongly support a model that evaluates breaches in a case by case basis, rather than implementation of a rigid system of well-stocked penalties and sanctions, due to the fact that rigid systems of this nature (e.g., zero-tolerance rules, three strikes laws) have been shown to unfairly disadvantage people who are members of marginalized groups. The YWS does not have a specific recommendation for where an independent adjudicator would sit at this time. The interim report provides a starting point for discussion; however, we think that more information, such as statistics on the frequency of breaches in ethical conduct by MLAs, and a comprehensive jurisdictional scan of models that could be potentially adapted to the NWT, is needed in order to inform such a decision.

Thank you for consideration of our submission.

Regards,

Anusa Sivalingam, Board Chair
Yellowknife Women's Society

Bree Denning, Executive Director
Yellowknife Women's Society

⁴ 18th Legislative Assembly of the Northwest Territories. *Members' Conduct Guidelines*.