



Indigenous Human Rights Strategy

External Review

REPORT

April 2022

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Summary

Through this project, the Alberta Human Rights Commission (AHRC) sought to develop an in-depth understanding of systemic issues that may exist within the organization, and which lead to practices that intentionally or unintentionally have deleterious impacts on Indigenous peoples.

Engagement of an independent third party with extensive experience in organizational assessments is intended to provide the Commission with the ability to ‘hold up the mirror’ in a candid and productive manner that leads to meaningful, inclusive, and culturally responsive enforcement of Indigenous human rights.

The Commission has recognized that anti-Indigenous racism exists, that few Indigenous people have chosen to file complaints, and that it has a small number of Indigenous people in the organization.

Those who participated in this review generally agreed that there is a need to strengthen Alberta’s human rights approach to ensure it is accessible, respectful, and culturally appropriate for Indigenous peoples. The system is complex, challenging to navigate, and often frustrating for both Indigenous and non-Indigenous complainants.

When asked what about their hopes, most respondents envisioned a better experience for Indigenous citizens who engage with AHRC. This inquiry is one of many steps as it is clear that there is still much work to be done.

“This is a great ... but understand it is only the starting point.”

The AHRC Indigenous Human Rights Strategy can provide the roadmap but requires meaningful Indigenous engagement in its development and implementation. The actions must be supported by timelines, accountabilities, and measurement criteria. The Strategy will only be meaningful if progress is monitored, measured, and reported.

Most respondents agreed that change is needed. Some called for processes that are more user friendly for all complainants, while others suggested that AHRC was making progress in understanding and addressing the needs of Indigenous peoples.

“Substantive changes will require a dedicated and sustained effort throughout the entire organization.”

Although AHRC does not have reliable statistics on Indigenous people who access their services, it is believed that the number is relatively small in comparison to the population. There are many reasons why Indigenous people do not utilize AHRC including a lack of awareness, challenges with accessibility, cumbersome processes, language barriers, and fear of being revictimized or retraumatized.

As the Commission forges a path forward in serving Indigenous peoples, one overarching message is that Indigenous communities, organizations, and individuals must be meaningfully involved. Initiatives must be Indigenous driven and Indigenous led. In mid-2021 AHRC established an Indigenous Advisory Circle whose engagement, advice, and guidance will be critical to developing and implementing change.

This Report presents what was heard from the internal and external participants who candidly expressed their concerns, recommendations, hopes, and advice. The key observations and recommendations are presented for consideration by AHRC as it seeks to be more inclusive and culturally responsive to Indigenous peoples.

The veracity and validity of the information gathered through interviews, an online survey, and engagement sessions has not been investigated or verified.

Key Observations Based on What Was Heard

The following concepts summarize what was heard from those who participated in interviews, engagement sessions, and the on-line survey.

Processes are difficult to navigate. The excessive complexity of the complaint process makes it inaccessible for some people. It is especially challenging for those who are unfamiliar with the terminology or do not have someone to guide them through procedures.

Complaint resolution timelines are excessive. The process is too slow, which impacts efficacy and meaning. Consideration should be given to creating a timelier complaint process that is simplified, involves fewer steps, and is streamlined throughout the entire system.

Practices are not always trauma informed. Although some AHRC staff have formal training in trauma-informed practices, all who engage with Indigenous peoples, including Tribunal members, should develop broad awareness of the impact of historical and present-day injustices.

Engaging with AHRC can be daunting. AHRC can be intimidating and overwhelming for anyone embarking on the complaint process. It is especially so for Indigenous people, whose historical experiences with government have not been constructive.

Being heard is critical. Those who have the courage to launch a complaint must have their right to be heard and respected. It is difficult to talk meaningfully about human rights abuses in a system that is formal, procedural, and legal in nature.

Language is a barrier. The lexicon of human rights is legal in nature, which is challenging for a person with no background in law. It is especially challenging for people who do not have higher education or whose first language is not English.

Decision making is administrative in nature. While many circumstances require judicial and/or administrative approaches to achieve resolution, there are options that may be more appropriate and acceptable for Indigenous peoples.

The system is not culturally relevant. Meaningful connections with Indigenous peoples must be accessible, equitable, and culturally appropriate. This requires availability of Indigenous staff and Elders as well as spiritual services and supports.

Communication needs to be strengthened. Most Indigenous people are unaware of the Commission, its work, and how and when it can be accessed. Outreach to communities is required to build awareness of human rights and AHRC.

Commitment to Reconciliation is unclear. It is not apparent if AHRC has adopted the Truth and Reconciliation Commission Calls to provincial governments or articles of the United Nations Declaration on the Rights of Indigenous Peoples.

There is minimal awareness of the AHRC Indigenous Strategy. Developed in mid-2021, the Strategy addresses issues identified in this Review. However few respondents were familiar with the document and if development was Indigenous-informed.

The Indigenous Advisory Circle is an important resource. It is critical that AHRC engages the IAC in the strategy, policy development, document review, and other aspects of the Commission's work with Indigenous peoples.

Recommendations

These recommendations serve to address the many voices who expressed their hopes for a better experience for Indigenous people who engage with AHRC.

The first step in forging a path informed by reconciliation is to candidly identify issues, as that which is not named cannot be addressed. In holding the mirror up and recognizing that elements of the AHRC process do not work for Indigenous peoples, there is an opportunity to embark on a path to develop an environment where everyone feels welcome, safe, and supported.

It is important that the voices of those who had the courage to speak candidly are heard, as evidenced by meaningful changes in how AHRC works with Indigenous peoples and communities.

The following recommendations are presented for consideration by AHRC. Bulleted numbers are provided for ease of reference and do not in any way signify prioritization.

Communication and Engagement

1. **Establish a presence in communities.** Many Indigenous people, whether in urban or rural locations, are not familiar with AHRC. Continue to build relationships with communities to build mutual understanding, trust, and strong relationships. Attend community events and engage both in-person and virtually.
2. **Communicate effectively.** Ask communities how information is most effectively disseminated. Utilize multiple channels for communication based on community needs. Engage translators to ensure information and materials are provided in the languages requested by communities.
3. **Establish liaison roles.** Create community liaison positions as these can be the first line of contact for Indigenous people accessing AHRC. Liaisons must be culturally competent, have extensive experience with the complaint process, and ideally possess proficiency in Indigenous languages.
4. **Establish leadership relationships.** Proactively develop connections between senior AHRC leadership and Indigenous leaders to build trusting relationships.

Awareness

5. **Implement the TRC Calls to Action.** In 2015 the Truth and Reconciliation Commission put forth 94 Calls to Action to all governments and institutions. Utilize these, and the Articles of the United Nations Declaration on the Rights of Indigenous Peoples, to develop meaningful strategies and action plans.
6. **Mandate meaningful internal understanding.** It is critical that all in AHRC, including the Tribunal, engage in mandated annual formal training focused on building cultural competency and awareness of the history of Indigenous peoples in Canada. Recognizing how the past informs the present and the ongoing injustices faced by Indigenous peoples is the first step in reconciliation.
7. **Engage Indigenous Elders and Knowledge Keepers.** AHRC staff and the Tribunal will benefit from the advice and guidance of Indigenous traditionalists and wisdom keepers. These community members should be present for engagements and meetings where complainants request support and spiritual guidance. The presence of Elders and Knowledge Keepers can be beneficial as advocates for community members and helpful as liaisons for all parties.
8. **Build cultural competency.** Collaborate with the Indigenous Advisory Circle, Indigenous communities, Elders, and Knowledge Holders to explore opportunities for AHRC staff and Tribunal members to engage in experiential opportunities to learn about Indigenous culture and protocols.

Accessibility

9. **Provide assistance with the complaints process.** Provide assistance to people who are having difficulty understanding or navigating the process. Ideally, this includes one-to-one conversations and guidance.
10. **Address technological barriers.** Many Indigenous people do not have access to technology or the ability to travel to AHRC. A non-technology-based approach is required to address the specific needs of these complainants.
11. **Create a more user-friendly system.** Utilize plain language, accommodate literacy levels, and provide alternatives to on-line processes. Accommodate oral statements as an alternative to written submissions.

Responsiveness

12. **Engage Indigenous Elders and Knowledge Keepers.** AHRC staff and the Tribunal will benefit from the advice and guidance of Indigenous traditionalists and wisdom keepers. These community members should be an important resource for the Commission in enhancing its responsiveness to Indigenous peoples.
13. **Utilize trauma-informed approaches.** The goal is to minimize harm to the people AHRC serves. This results in more effective interactions and mitigates the risk of service providers unintentionally re-traumatizing the people they serve.
14. **Indigenize the complaints process.** Engage the Indigenous Advisory Circle in developing policies, procedures, and approaches that address the unique needs of Indigenous people who access AHRC. Ensure that interactions and services are culturally appropriate. Consider creating Indigenous-specific processes and procedures in all aspects of AHRC activities.

Collaboration

15. **Engage with other organizations.** An effective way to inform Indigenous peoples of their human rights and how to access AHRC is through organizations that provide services to Indigenous peoples.
16. **Consult with Indigenous organizations.** Entities that work closely with Indigenous people have a deep understanding of the unique needs of their clients. Seek their advice and guidance in understanding the requirements of Indigenous peoples.
17. **Source best practices.** Organizations focused on Indigenous clients can be a rich source of wise practices and may help AHRC to develop culturally appropriate strategies, policies, and processes.

Resources

18. **Embed trauma informed approaches into policies and procedures.** Implementing trauma-informed practices creates a safe environment for those seeking Commission services.
19. **Review and revise all documentation related to the complaints and Tribunal process.** Address gaps that may arise for Indigenous complainants and respondents. Engage the Indigenous Advisory Circle in a review and revisions to documentation and processes.
20. **Review all policies and procedures.** Closely examine reference documents that guide the Commission's work. Engage the Indigenous Advisory Circle in a comprehensive review and revisions required to address the needs of Indigenous peoples.
21. **Increase AHRC funding.** Implementing an effective Indigenous strategy requires training, communication, administration, and people, all of which require financial supports.
22. **Increase Indigenous representation.** Hire more Indigenous employees in all areas of AHRC. Ensure Tribunal appointments include Indigenous members.
23. **Monitor and measure.** Engage the Indigenous Advisory Circle and Indigenous communities, organizations, and individuals in strategic planning. Commit to implementation of strategies, goals, and action plans. Regularly review progress and make course adjustments to continue moving forward in a good way.

Methodology

The review was conducted between October 2021 and January 2022. The project scope included:

- A review of internal documents and approaches related to policies, programs, procedures, and operations in the context of complaints, decision-making, Tribunal processes, and communications.
- Internal engagement of AHRC staff through structured interviews.
- External engagement of Elders-Knowledge Keepers, Individuals, and Organizations through structured interviews.
- Internal and external engagement of Indigenous regional representatives, organizations, police services, partners, post-secondary institutions, Government of Alberta, AHRC employees, Commission Members, and AHRC Indigenous Advisory Circle Members through a structured online survey.

An on-line anonymized survey link was sent via email, individually, to 106 invited participants whose names and email addresses were provided by AHRC. AHRC invited Indigenous Advisory Circle members to provide additional names to be interviewed or surveyed. Fourteen people, whose coordinates were provided by AHRC, were invited to participate in a structured interview. All engagements were conducted remotely to accommodate pandemic restrictions.

Some invitees elected to have others in their organization participate in the interviews and the on-line survey.

Interview Statistics

# of Invitations sent November 30	# of interviews completed as of January 10, 2022	No response to invitations	# of reminders sent to schedule / reschedule
14*	12	2	13

* The scope of work outlined 10 interviews. Subsequently AHRC provided 14 names for interviews.

Online Survey Statistics

# of Invitations sent December 1	# of survey starts	# of respondents who completed the survey	# of weekly reminders sent
106 3 bounces; 103 successful deliveries	151	33	Six – sent weekly from December 6 to January 10

All engagement of participants was conducted virtually.

The thematic analysis of the interview and on-line survey data encompassed:

1. Familiarization through reading the whole data set and identifying emerging themes.
2. Coding the raw data to identify features and themes.
3. Sorting the coded data into potential themes and collating data within each theme.
4. Refinement of the themes to identify inter-relationships and sub-themes.
5. Identifying recommendations for consideration by AHRC.
6. Producing a report using data extracts while preserving a sampling of the anonymized verbatim interview data.

Documentation provided by AHRC was reviewed through the lens of potential gaps in addressing the needs of Indigenous peoples.

An interim progress report was provided to AHRC on December 10, 2021.

Interviews and Survey - Summary of What Was Heard

It is strongly recommended that the complete data be read set as presented in the Online Survey Results and Interview Results sections of this Report. The graphs and candid comments from participants present a complete picture of experiences, perceptions, and recommendations from those who were invited to participate in this Review.

Net Promoter Score

Perhaps the most revealing of the questions posed to interview and online survey participants is:

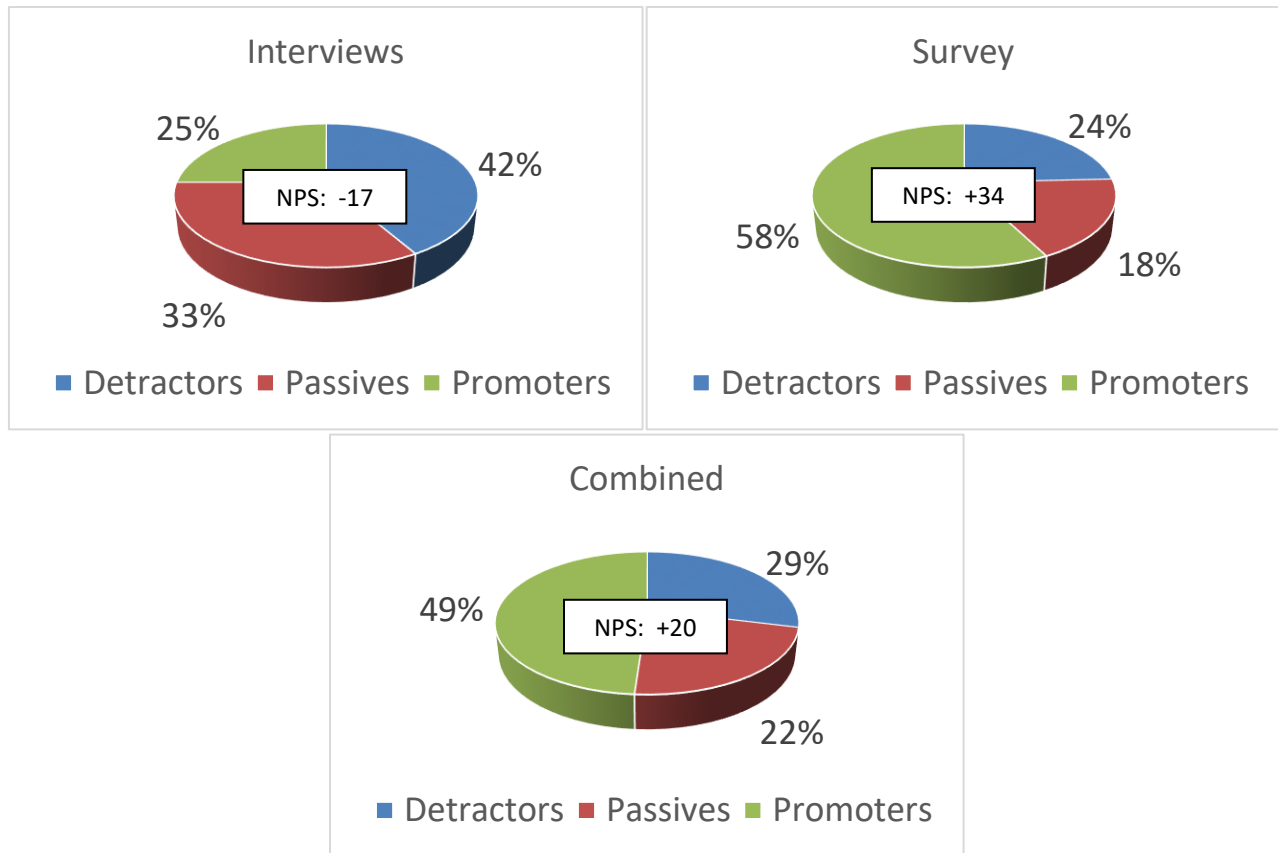
On a scale of 1-10, where 10 is the highest, how likely would you be to recommend AHRC to Indigenous people who have human rights complaints?

This is a quantitative question, calculated through a Net Promoter Score. Responses are grouped as follows: Promoters (score 9-10) are strong supporters of AHRC; Passives (score 7-8) are satisfied but unenthusiastic about AHRC; Detractors (score 0-6) view AHRC poorly.

The NPS can range anywhere from -100 to +100. The score is calculated by subtracting the percentage of detractors from the percentage of promoters.



A positive NPS (>0) is generally considered as good, although ideally an organization strives to earn a high score.



Respondents offered explanations for their answer to the Net Promoter Score question, including:

- Not wanting to contribute to further discrimination or distrust.
- AHRC is the only avenue to pursue complaints.
- AHRC is the right option but requires one to be knowledgeable about the system and processes and some people will require an advocate and guide.
- Understanding the process is very challenging, time-consuming, and cumbersome but is the best legal avenue to address discrimination.
- Some Indigenous people have been retraumatized and revictimized by AHRC.
- Concern that AHRC can adequately and appropriately meet the needs of Indigenous people.

When asked how AHRC can help Indigenous people to access the range of services and programs, some responses included:

- Offer services in Indigenous languages by Indigenous employees.
 - Hire Indigenous people.
 - Create community liaison and advocacy roles.
 - Provide a safe and culturally appropriate environment for complainants to be heard.
 - Train staff on history.
 - Utilize plain language.
 - Provide human rights information to communities.
 - Ensure that strategies, policy development, systems, and procedures are Indigenous led.
-

Informant Knowledge of AHRC

70% of participants indicated they had a solid familiarity with AHRC’s programs and services. Those who expressed minimal familiarity explained that their association with the Commission was relatively recent, or that they had not experienced filing a claim. One participant did some research prior to the interview so had a better understanding of the services available. Another explained that they had made inquiries to more fully understand AHRC in the past but felt they were treated dismissively.

47% of participants, when asked if they could describe the trauma-informed approaches used by AHRC in its work with Indigenous people, responded that they did not know. Sixteen percent responded yes, thirty-one percent responded no, and seven percent responded maybe. Some AHRC staff have formal training in trauma-informed practices and others have built an understanding through the Truth and Reconciliation Commission and the National Inquiry into Murdered and Missing Indigenous Women and Girls. Informants conveyed the importance of building broad awareness within AHRC of the injustices, historical and present day, that Indigenous people experience.

Communication and Engagement

44% of participants do not feel that AHRC has been effective in its efforts to inform Indigenous people of their human rights and the complaints process.

One internal respondent explained that *“the AHRC will explain human rights and the complaints process to anyone who contacts us and engages in various educational initiatives.”* Others explained that, as most Indigenous people do not know about the Commission, it is unlikely they will proactively reach out unless and until they have a specific situation and have been directed to AHRC. A survey respondent explained *“I have worked in an Indigenous community setting for years and only know what I actively look into or research myself. No idea what is protected, how a complaint works, the processes involved, the adjudication methods, the next steps or monetary costs or outcomes.”*

“I work with Indigenous peoples and systems and even I am unaware of the human rights and complaints process as such I would speculate that Indigenous peoples have even less awareness that such various processes exist.”

When asked how AHRC can more effectively engage and communicate with Indigenous people, some responses included:

- Embed Indigenous peoples at all levels within AHRC.
- Meet with Indigenous peoples where they live; localize communications.
- Ask communities how they would like to be engaged.
- Create liaison roles.
- Increase awareness training internally at AHRC.
- Utilize the Indigenous Advisory Circle effectively.
- Host public webinars and information sessions, in-person or virtually.
- Create an Indigenous ombudsperson position.
- Consult with Indigenous organizations.

Accessibility

42% of participants, when asked how easy it is for Indigenous people to access and navigate the AHRC complaints resolution process, provided a rating of 5 or less. No respondent provided a rating of 9 or 10, and 42% indicated that they were not familiar with the process. The process is less accessible for marginalized people and for those who do not have access to the internet. It is also not culturally sensitive, is time consuming, presents language barriers, is geared to those with higher education, and requires technical skills.

The process is complex and can be overwhelming, which reduces the likelihood that complaints are made or not followed through. In addition, there is a significant backlog of complaints which exacerbates an already lengthy process. This may cause some people to abandon the process. The explanation of one respondent was echoed by others that “it just isn’t worth trying to submit a complaint because we know what the process is like.”

“There is an inquiry line...the complaint form is right online for anyone to access...if you don’t have access to a computer or the internet that might be a little more difficult...there could be more in-person services.”

60% of respondents answered “yes” when asked if AHRC’s systems and processes present barriers for Indigenous people. It was explained that the entire system is adversarial which is contrary to many Indigenous cultural norms. Online, written forms and technical language are a barrier to anyone with low literacy levels and for those who come from an oral tradition.

“The Commission does present barriers...language, cultural differences, historical distrust, etc.”

Complainants who are dealing with issues of intersectionality face unique challenges. These may include learning disabilities, homelessness, lack of functional literacy, and negative past experiences with governments and institutions that hold authority.

Needs Alignment

33% of respondents did not know if AHRC’s services for Indigenous people are timely and effective. 42 percent provided a ranking between 5-7 on a 10-point scale. Only three people ranked this question at an 8 or 9 on the scale. It was pointed out that the timelines are the same for all complainants.

“We have some services directed towards Indigenous people, but not right across the province, and it’s outdated.”

Although AHRC’s ability to complete files in a timely manner has improved in recent years, the process remains lengthy and the situation is exacerbated by a backlog of files. This is particularly problematic for complainants who are in crisis and who have not received updates on their complaint. In addition, respondents explained that the system does not accommodate the unique needs of Indigenous peoples.

60% of respondents did not know how culturally responsive and accessible the Tribunal hearing process is for Indigenous people. Most said that, having never been part of that process, they could only speculate on how the Tribunal accommodates Indigenous complainants.

42% of respondents did not know if AHRC adequately addresses intersectionality issues of their Indigenous clients. Thirty-six percent responded maybe. There was uncertainty if the Commission uses the language of intersectionality but that it does consider overlapping systems of oppression.

“I am quite confident that the Commission addresses the needs of Indigenous people in a fair manner, though I have some doubts that this manner is particularly culturally appropriate.”

41% of respondents felt that AHRC ranks at the low to mid-range of the scale in their trust that the needs of Indigenous people are addressed in a fair and culturally appropriate manner. Sixteen percent did not know, and 33% offered a ranking between six and eight.

58% of respondents, when asked if AHRC is inclusive in representing Indigenous peoples on their staff or in members of the Tribunal, responded maybe or do not know. Twenty-nine percent responded negatively and thirteen percent felt that the Commission was inclusive in representing the Indigenous people internally. However, it was pointed out that the Commission has made efforts to becoming more diverse in its hiring practices and had engaged an Indigenous Advisory Circle.

Collaboration

Some AHRC staff have developed strong relationships with organizations and communities that work with Indigenous peoples. Many suggestions were provided for opportunities to collaborate or partner with other Indigenous and non-Indigenous organizations. Building strong relationships has multiple benefits. Other organizations can help disseminate information, direct their clients to AHRC, act as a liaison with communities, and be a source of wise and best practices.

“I believe this (collaboration), would be key to identifying strategies and improving the approach of AHRC, both in service provision and ensuring information is received by Indigenous communities.”

There are opportunities for AHRC processes and policies to better enable cross-jurisdiction collaboration, federally or provincially, on issues that are specific to Indigenous peoples.

Some suggestions included:

- Seeking the advice of the Indigenous advisory circle.
- Systemic investigations that cross jurisdictions.
- Exchange knowledge that can be mutually beneficial.
- Exchange policies and best practices.
- Continue to look for synergies with other Commissions across the country.

Internal Resources

Internal participants in this inquiry explained that while some staff have the knowledge to effectively address the needs of Indigenous people, this is generally a gap at AHRC. Some explained that the number of Indigenous people who access the Commission is low, likely because the system is intimidating and challenging to navigate, because people simply do not know that it is an option, or because they fear being further marginalized and retraumatized.

The Commission has made efforts to provide Indigenous awareness training to staff but there is a strong interest in more educational opportunities. This could include formal learning, storytelling, experiential on-the-land learning. All learning initiatives should be Indigenous-led. The Indigenous Advisory Circle can be a source of guidance in developing the scale and scope of knowledge required by AHRC staff and Tribunal members.

Expectations and Advice

The people who participated in this study expressed their appreciation for being included and have high expectations for meaningful results. Their hopes included:

- Recognition that there is much work still to be done.
- Sharing of the report and how the Commission will utilize it.
- A clear map forward that is Indigenous designed and Indigenous led.
- Coordination of activities with the Indigenous Advisory Circle.
- Focused and targeted strategies and action plans.
- Implementation of the Truth and Reconciliation Calls to Action and the Articles of the United Nations Declaration on the Rights of Indigenous Peoples.
- A commitment to more training about history, systemic racism, and unconscious bias.
- An increase in Indigenous staff and Tribunal members.
- Changes to policies and procedures.
- Engagement with external organizations who work with Indigenous people.
- Outreach to Indigenous communities and leaders, urban, rural, and remote.
- A streamlined, easy to understand and navigate, complaint process.

Participants also offered sage advice:

“This is a great start, but understand it is only the starting point.”

“This needs to be Indigenous led.”

“Be transparent.”

“Work with the Advisory Circle, Elders, and hire Indigenous people.”

“Elevate more Indigenous people into positions of leadership and decision making.”

“Substantive changes will require a dedicated and sustained effort throughout the entire organization.”

“Be aware of oral culture and barriers that written complaints processes present.”

“Include the 94 calls to action.”

“Hear from grassroots people about what human rights really mean.”

“The colonial system must change. Colonial attitudes must change.”

“There must be more responsiveness, communication, and accountability.”

“Be open minded and collaborative. Recognize that we (AHRC) are not experts in this area.”

“Have openness, compassion, and willingness to be critiqued...which is always difficult.”

Research and Report by

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