

**Assessing Legal Issues and
Challenges Faced in
Indigenous Legal Advocacy
During the COVID-19
Pandemic:
An Interim Report**



**INDIGENOUS BAR
ASSOCIATION**
— ASSOCIATION DU
BARREAU AUTOCHTONE —

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Overview

- This report provides a summary of the key findings from a 2020 survey done to assess the legal issues and challenges faced in Indigenous legal advocacy during the COVID-19 global pandemic. This document should be considered an interim report as the research is ongoing. The findings are based on 122 surveys, which were completed by lawyers working in Indigenous legal advocacy in Canada.
- While Indigenous communities continue to exercise legal agency and self-determination during the pandemic, it is also clear that the already discriminatory social and legal conditions created by the settler state well before the COVID-19 crisis have worsened during the pandemic and are presenting significant barriers to Indigenous rights and well-being. Conversations about this pandemic need to centre intersectional realities and meaningfully engage with the ways that systems of oppression such as settler colonialism, heteropatriarchy, ageism, and ableism are interconnected forms of violence that contribute to the structural socio-legal vulnerability of Indigenous peoples.
- The pandemic has also negatively impacted lawyers (many of whom are part of Indigenous communities), which raises additional concerns about the well-being of those in the legal profession, especially those who are minoritized.
- The pandemic has intensified structural inequalities within the legal profession and concerns exist about how well Indigenous clients can be served in this challenging context.

Contents of This Report

1. Introduction	p.3
2. About the Project	p.4
3. About the Survey	p.4
4. Summary of Key Findings	p.6
5. Future Directions	p.12
6. Additional Resources	p.13

1. Introduction

With the spread of COVID-19 into Canada, very early on, Indigenous leaders, medical experts, and health officials were urging politicians and health authorities to recognize and take seriously the specific impacts that the virus could have on Indigenous people. Indigenous communities are already chronically under resourced in terms of social infrastructure, for example with housing shortages,² lack of safe drinking water,³ food security issues,⁴ and inadequate healthcare access and supports.⁵ While these issues are pronounced in remote and reserve contexts, urban Indigenous communities also face distinct structural issues including housing discrimination and discrimination in accessing healthcare.⁶

In spite of these structural challenges produced and sustained by the settler colonial state, Indigenous people have, and continue to, exercise agency and self-determination during the pandemic. However, it has also become clear over the past year, that health, economic, political, social, and legal disparities in Canada (and beyond) have worsened during the pandemic, including deepening disparities between Indigenous and non-Indigenous people.⁷ This pandemic is centrally about structural inequalities. We are concerned about the impacts of COVID-19 on Indigenous communities and want to acknowledge those who have passed, who have been unwell, and who are dealing with mental health issues during these difficult times. In this report, we focus on the intimate connections between health and law – not only do Indigenous people have rights to health, but the use of law, when conceptualized and practiced in discriminatory ways, can compromise the well-being of Indigenous people and peoples.⁸

“Law,” in the context of this pandemic, is most often invoked in the general Canadian imaginary in relation to federal, provincial, and territorial emergency response acts, and in relation to public health orders and fines. Indigenous people and communities can be impacted by those legal mechanisms, but are also dealing with additional distinct legal realities during this crisis, for example, concerns about racial profiling and surveillance,⁹ ongoing discrimination in the criminal justice system, specific realities in Aboriginal law (e.g., elections disruptions, jurisdictional issues, developing and enforcing emergency plans for Indigenous communities), and additional realities regarding Indigenous legal orders and the complexities of navigating legal pluralism during a pandemic.¹⁰ Settler legal rules, precedent, processes, rights, and barriers are contentious in terms of navigating everyday legal issues during a pandemic, and pandemic-specific legal issues add an extra layer of complexity to already multifaceted socio-legal challenges for Indigenous peoples and communities.

We acknowledge that everyone has faced challenges during this pandemic and that law has been practiced in some constraining circumstances over the past year – *however, it is clear* that these challenges are being experienced very unevenly in relation to Indigeneity, race, gender, sexuality, class, ability, and age.¹¹ **With the findings in this report, we aim to document the ways that the pandemic has been used to justify the ongoing undermining of Indigenous rights by the settler state.** We use rights here to refer to the collective rights of Indigenous nations (inherent, Treaty, and Aboriginal rights), including statutory rights (for instance law-making rights under *Indian Act* by-laws, the *First Nations Land Management Act*), as well as the rights of Indigenous individuals to not face legal decisions via systems predicated and built upon white supremacy. The

participants in this research have some distinct challenges in advocating for Indigenous clients during the pandemic, and there are also clear and concerning patterns that demonstrate the legal well-being of Indigenous peoples is being undermined during the pandemic and that there will be longer term repercussions that disproportionately affect Indigenous communities.

2. About the Project

The extent and impacts of this pandemic on Indigenous well-being and rights needs to be closely examined both during, and after, this pandemic (if there is an identifiable endpoint). We hope to contribute to this work through a focus on Indigenous legal advocacy, which we understand to mean those who are working in support of the legal agency and self-determination of Indigenous people, communities, and nations.

This project is a partnership between the Indigenous Bar Association and researchers at the University of Saskatchewan. The objective of our research is to:

1. Assess the legal issues that Indigenous communities are facing during the COVID-19 pandemic; and
2. Assess the challenges that legal advocates working with Indigenous clients are facing during this pandemic.

We hope that this work will contribute to better supporting Indigenous communities and promoting meaningful legal reform in Canada.

This research is national in scale and is comprised of two phases: 1) an online survey, and 2) remotely conducted interviews. The online survey was conducted in the summer of 2020, and the interviews are being undertaken in the summer of 2021. The survey allowed for a larger scale assessment of the issues, and the interviews are intended to enable in-depth discussions to address gaps from the survey results and provide an update on assessing legal issues approximately one year after the online survey.

3. About the Survey

The online survey was distributed to 510 potential respondents, which included Indigenous and non-Indigenous lawyers working in the area of Indigenous legal advocacy.¹² Potential participants were identified through a public online search and after the survey initially went out, an invitation was also sent to the Indigenous Bar Association [IBA] membership and was requested to be sent to the Canadian Bar Association [CBA] Aboriginal Law group. The survey was open/live online from June 11 to July 3, 2020. A total of 122 surveys were completed,¹³ providing a completion rate of 24.5% (which is a satisfactory rate, especially given the context with the pandemic).¹⁴

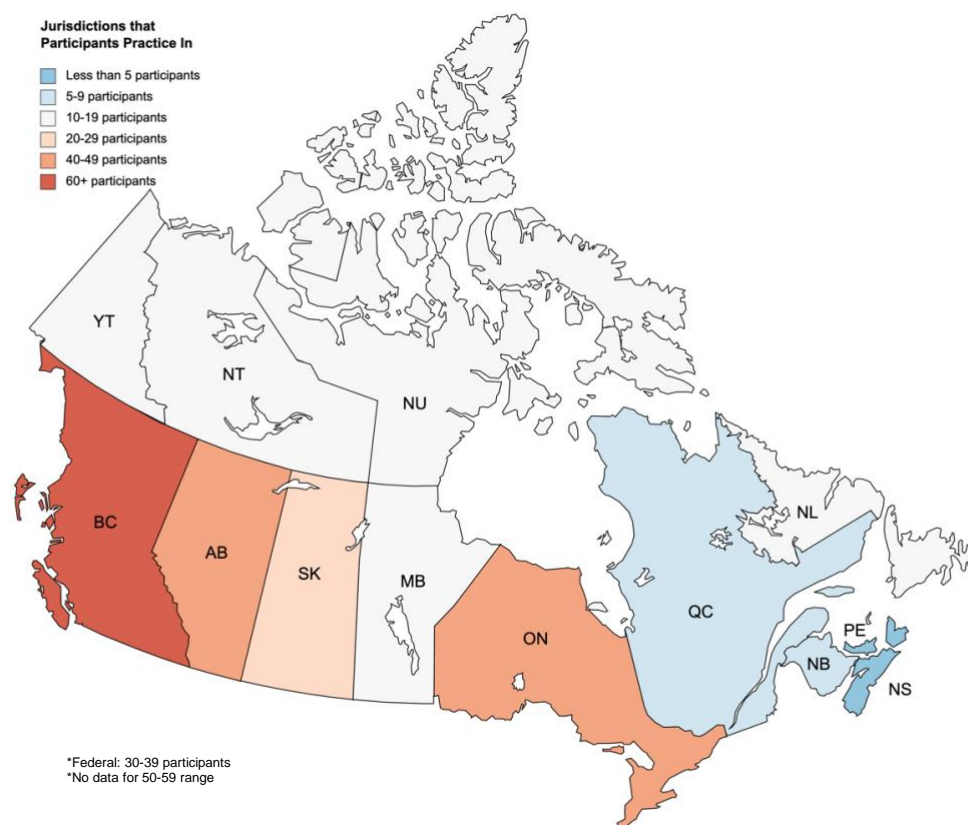
The survey included closed and open-ended questions. The open-ended questions were coded and then entered into the quantitative data set, which was analyzed using SPSS.¹⁵ All identifying information from open-ended responses were removed for the purposes of maintaining participant confidentiality.

Key information about **the survey respondents**:

- 66% identified as non-Indigenous.
- 56% identified as women.
 - Of the Indigenous respondents, 53% identified as women.¹⁶
- 89% of respondents worked at a law firm and 66% worked as both a barrister and solicitor.
- Of those who answered the question, 72% of respondents worked at firms where the percentage of the firm's workload in Aboriginal law comprises 76-100% of the total work done at the firm.
- The majority (75%) of respondents indicated that Aboriginal law comprises 76-100% of their personal workload.
- Regarding Indigenous clients being served, the most common response was Band Councils/First Nation governments (41%), followed by First Nations individuals (21%).
- Regarding legal advice being given, Aboriginal and Treaty rights (28%) and governance (26%) comprised a large portion of the work being done.¹⁷

Regarding **jurisdiction(s)** that respondents worked in, British Columbia was selected the most often, followed by Ontario and Alberta. Of the 122 participants, they selected a total of 295 jurisdictions (as many respondents worked in multiple jurisdictions) (see Figure 1).

Figure 1: Jurisdictions



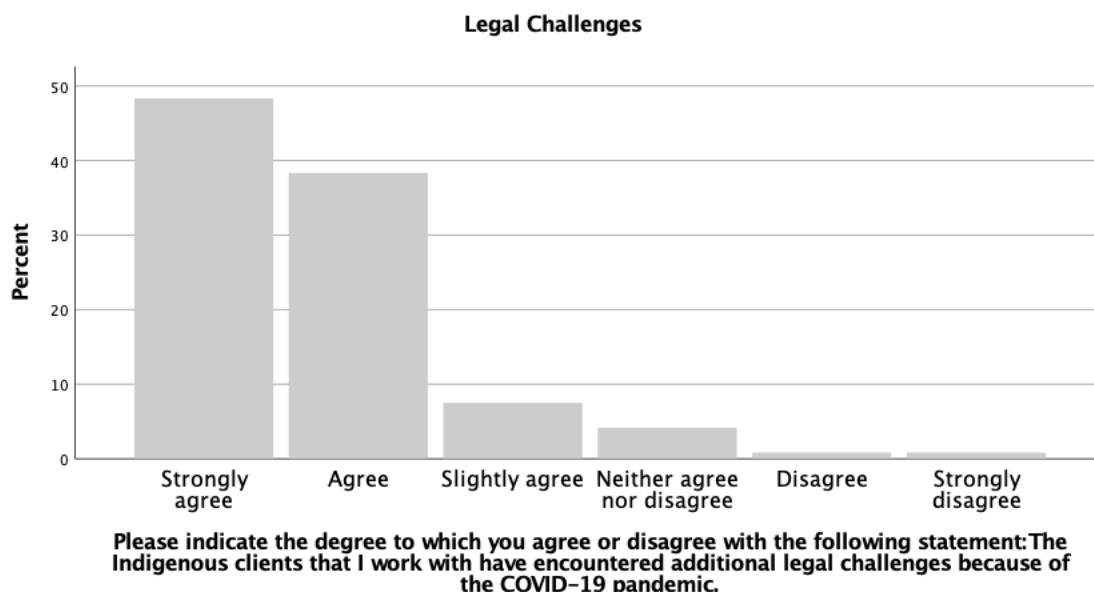
It is noteworthy that there are several gaps from Phase 1 of this research, such as jurisdictional or regional gaps, underrepresentation of certain areas of law, and underrepresentation of people who identify as Two-Spirit, queer, and non-binary. We are attempting to address these gaps in Phase 2, along with shifting the recruitment of participants to focus primarily on the experiences of Indigenous lawyers.

4. Summary of Key Findings

Legal Challenges

Overwhelmingly, participants were concerned that **the pandemic is causing additional legal challenges for Indigenous clients, with 85% of participants strongly agreeing or agreeing** (see Figure 2).

Figure 2: Legal Challenges

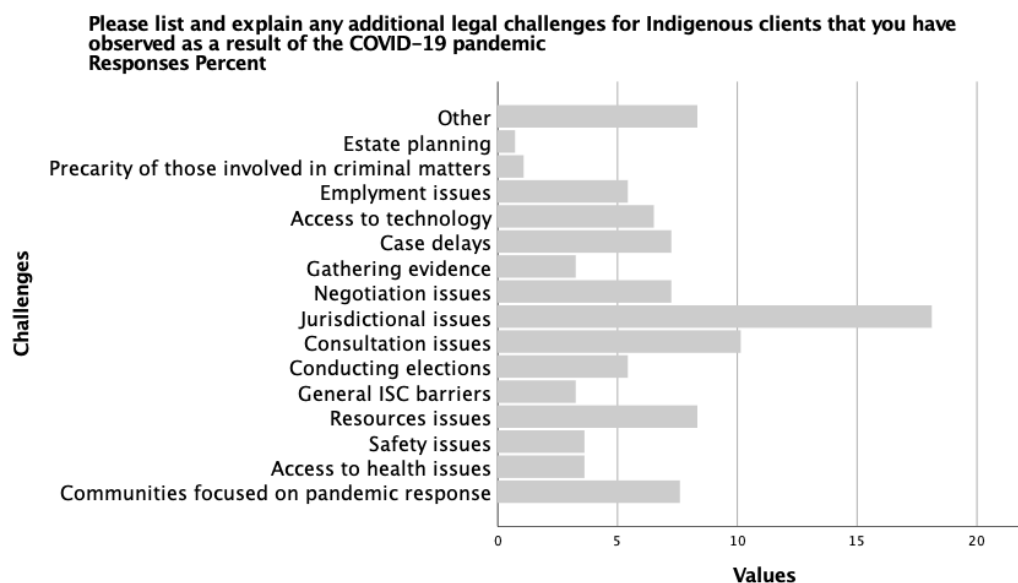


When asked to list and explain additional legal challenges, 113 of the 122 respondents provided an open-ended written response and numerous legal challenges were noted by respondents. Coding complex legal issues is challenging, particularly because many of the issues are interconnected but the themes in Figure 3 provide a sense of what was discussed most often, as well as the breadth of issues. **The most commonly discussed issue was jurisdictional issues (18%), followed by consultation issues (10%).** Many of these legal issues existed well before the pandemic and are now being experienced in distinct ways during the pandemic. For example, case delays have been exacerbated, *Indian Act* election processes have been convoluted because of the need for physical distancing, and jurisdictional disputes especially over who has the right to decide who can come into Indigenous territories during the pandemic, have been amplified. Other legal issues noted are distinct to the pandemic, for instance communities needing to shift their focus to pandemic responses, and uneven access to technology when legal proceedings moved to online formats.

“Consultation was de-prioritized to stimulate ‘essential services’ and reboot economy while FNs complied with Health Orders to keep their communities safe. Economy is being used to justifyingly infringe FN rights” – an Indigenous man.

“In litigation, the Crown has repeatedly indicated that they cannot make commitments on timelines due to all resources being diverted to the COVID-19 response. This means further delay for clients, many of whom have been put through legal processes that already afford the Crown with considerable time to respond to claims (significantly more time than ordinary litigants are afforded). Due to the pandemic and vulnerability of Elders, it has not been possible to gather oral history evidence necessary to advance claims” – a non-Indigenous woman who identified as a visible minority.

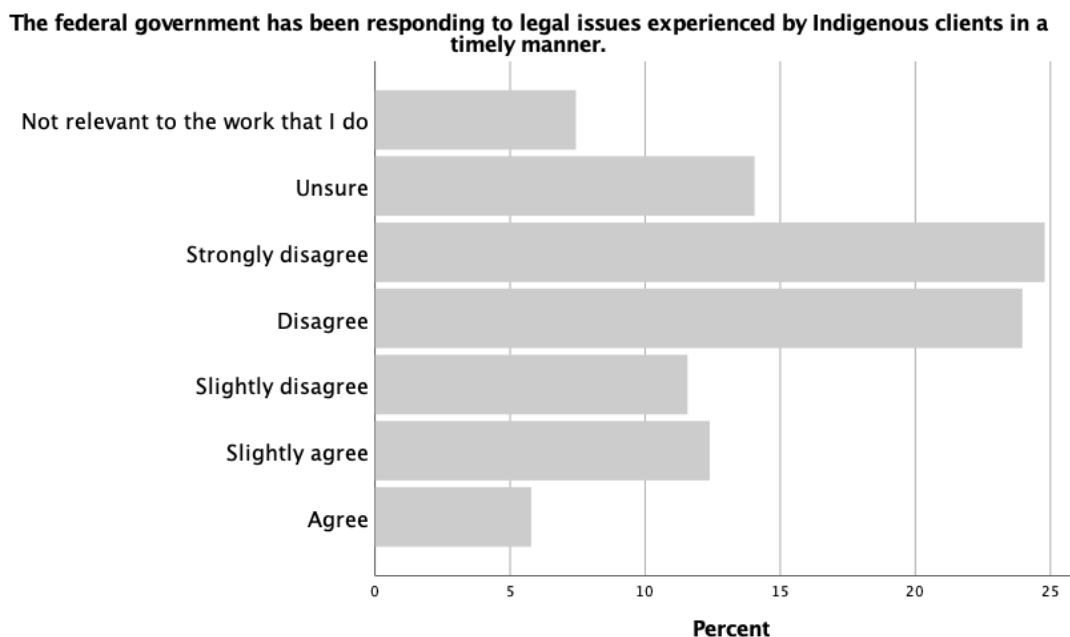
Figure 3: Detailed Legal Challenges



It is noteworthy that **estate planning and criminal matters, while discussed less, are still important to understand**. They are under-represented in the responses as the majority of survey respondents give legal advice in the areas of Aboriginal and treaty rights and governance. Again, this gap is being examined in phase 2 of our research.

When asked **if the federal government has responded to legal issues experienced by Indigenous clients in a timely manner, there were few respondents who agreed** (and no one “strongly agreed,” see Figure 4). The responses were generally similar when asked specifically about the timeliness of provincial and territorial government responses.

Figure 4: Federal Government Response



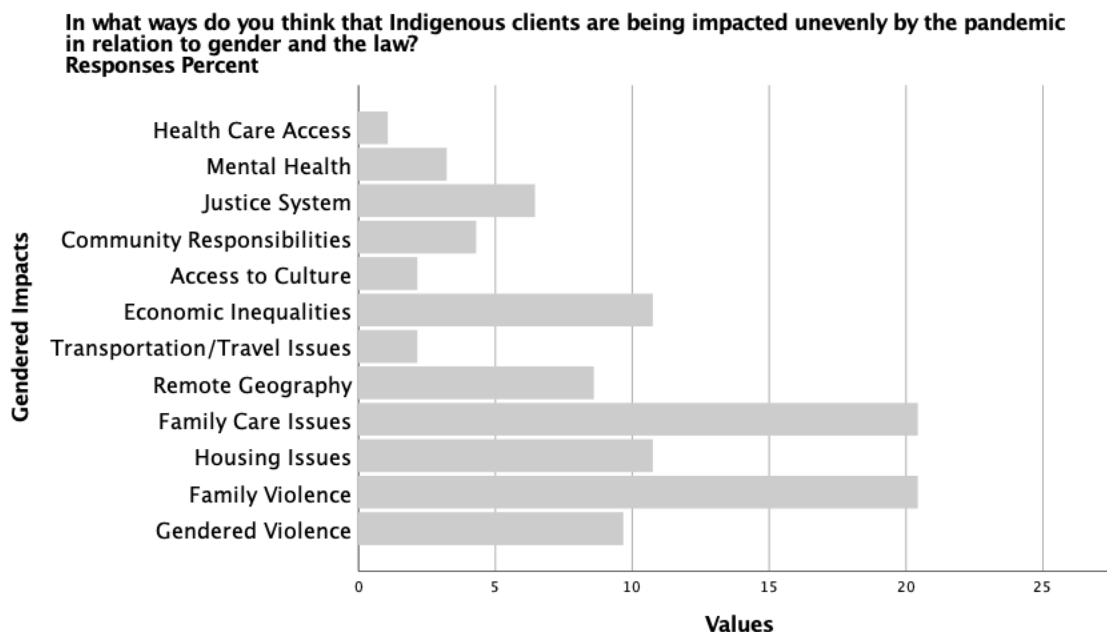
Concerning the COVID-19 Indigenous Community Support Fund created by the federal government, for those respondents (86 participants) who indicated that it was relevant to their work, 37% were unsure if it was helpful, while 36% “slightly agreed” and 13% “agreed” that it was helpful (no one “strongly agreed”). Upon reflecting on this data, it would be best to hear from communities themselves about the usefulness of government COVID-19 supports such as the Indigenous Community Support Fund.

Gendered Legal Issues

Participants were also asked about gendered legal concerns during the COVID-19 pandemic. The majority (57%) indicated that they were unsure or not knowledgeable in this area. **Of those who were sure/felt knowledgeable to assess gender, 85% indicated that they have concerns about uneven gendered impacts of the pandemic.** The majority of these respondents identified as women and as Indigenous.

For those who indicated that there are gendered issues during the pandemic, **the issues most often mentioned were** family violence (20%), family care issues (20%), housing issues (11%), economic inequalities (11%), gendered violence (10%),¹⁸ and remote geography (referring to remote locations and communities) (9%) (see Figure 5 for the full range of responses). The legal profession is also not exempt from gendered power dynamics and issues concerning gendered impacts on the legal profession during the pandemic are discussed further below.

Figure 5: Gendered Impacts



"Indigenous women are simply impacted unevenly in everything in 'normal' times. This inequity is amplified by the pandemic's effects on any sense of 'normalcy'" – an Indigenous woman.

"Women generally tend to shoulder the majority burden of childcare, and so experience even greater difficulties engaging in impact assessments that have inflexible timelines" – a non-Indigenous woman.

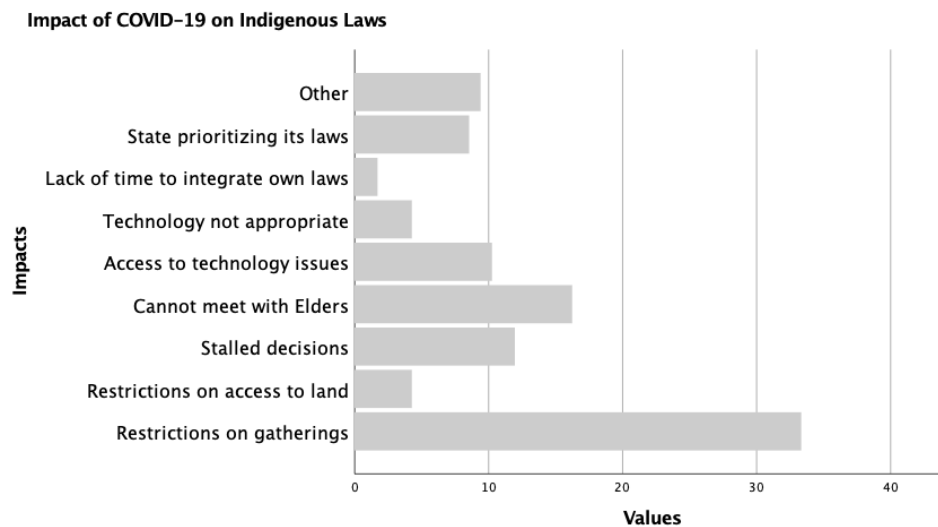
"Stay-at-home orders have increased the prevalence and severity of intimate partner violence. More women have lost their jobs and lost income than men. Women are generally expected to take on more responsibility for childcare while also working in paid employment, and the pandemic has heightened these expectations while increasing the difficulty of juggling both work and childcare at home. The law generally fails to recognize and account for how these issue[s] disproportionately impact women" – a person having Indigenous and non-Indigenous ancestry who did not specify their gender.

Indigenous Laws

Of the respondents who felt they were sure or knowledgeable to speak about COVID-19 and Indigenous laws, **80% were concerned that Indigenous clients were experiencing additional legal challenges drawing on their own legal traditions during the pandemic.**¹⁹ The most commonly discussed issue (33%) was that the gathering restrictions were impacting the ability to use Indigenous laws. Respondents were also concerned about Indigenous clients not being able to meet with Elders (16%), having decisions stalled because Indigenous legal processes could not be

followed (12%), facing access to technology issues when trying to virtually engage in Indigenous legal traditions (10%) (further some respondents expressed concerns that technology was not appropriate for some Indigenous legal processes [4%]), facing the reality that the state prioritizes its laws (9%), not being able to access the land/traditional territories for Indigenous legal processes (4%), and lack of time to integrate Indigenous laws into decision-making processes (2%) (see Figure 6).

Figure 6: Impacts on Indigenous Laws



“We are doing a lot [of their legal revitalization work] online, which influences who can participate and who cannot. I’m seeing people really come together to support one another, and also some fatigue around how to work in these times. I’m seeing how challenging it is to come together to discuss important issues because we can’t have face to face time so old grievances are just resting, waiting to be dealt with” – an Indigenous woman.

When asked if the federal, provincial, and territorial government responses to the legal issues faced by Indigenous clients has meaningfully accounted for Indigenous peoples’ own legal traditions as sources of law for responding to challenges created by the COVID-19 pandemic, the most common responses selected were “disagree” and “strongly disagree.” Concerning the federal government, 28% disagreed and 27% strongly disagreed. Regarding the provincial and territorial governments in the region one works, 29% disagreed and 25% strongly disagreed.

“I have concerns that some of the legislative and social policy decisions in place (i.e. social distancing, quarantine) may impact on Nation’s abilities to draw on their legal traditions. For example, harvesting restrictions, holding ceremonies, implementing cultural care and traditional governance models (i.e. Elders Councils)” – an Indigenous woman.

The Legal Profession

Overwhelmingly, participants were feeling supported by their employers in their Indigenous legal advocacy work,²⁰ however this should not be misinterpreted to mean that there are no challenges. **When asked if they found it difficult to serve Indigenous clients during the COVID-19 pandemic, 59% of responses fell on the “agree” side of the question.**²¹ It is also important to consider here that those who were/are facing significant barriers in doing their work may not have the time or energy to engage in this research.

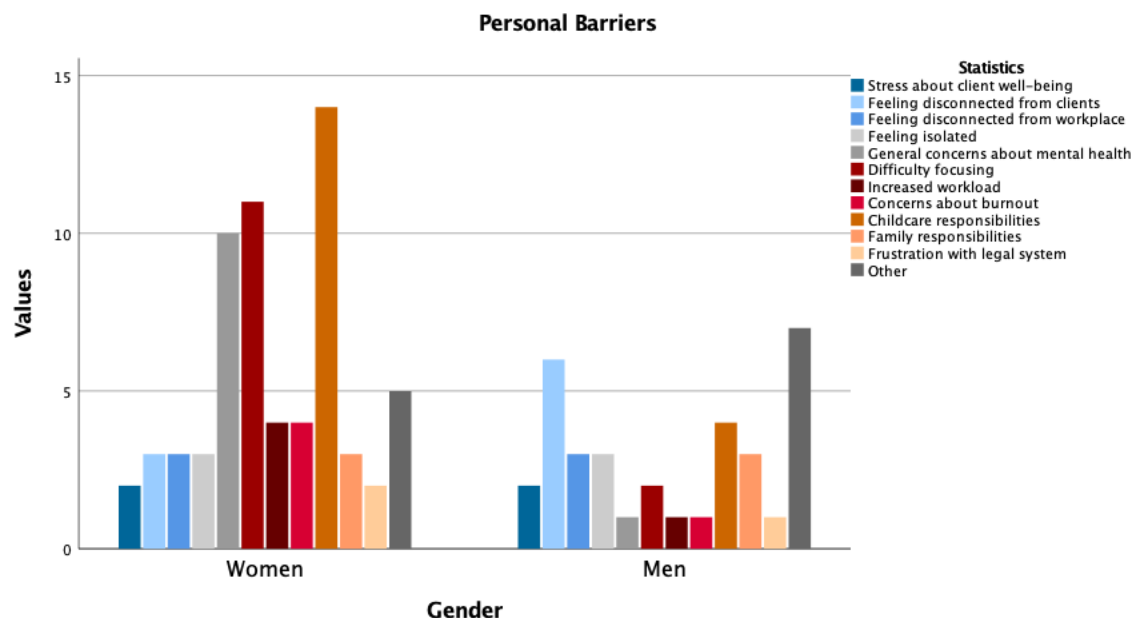
Many (though not all) of the participants noted that they as lawyers had access to many privileges (like technology access), compared to some of the challenges their clients were facing. Of those who indicated that they experienced difficulties in serving Indigenous clients, **the barriers most discussed were: not being able to meet face to face (35%); and clients not having access to technology (19%).**²² The first issue of not being able to meet face to face presents challenges for relationship building, which is important with Indigenous clients, as well as for most lawyers across practice areas. However, the situation for Indigenous clients is worsened by their having less access to technology to be able to meet virtually with lawyers. It is important to note that part of the chronic under-funding of Indigenous nations and communities prior to the pandemic is a structural issue wherein basic state legal obligations such as housing and adequate infrastructure for technology access are not being met. This digital divide has become especially pronounced during this pandemic where there has been a social shift towards a heavy reliance on virtual and remote work. Challenges with technology were regularly noted throughout the survey.

The survey also asked participants **if they have experienced any *personal* challenges during the pandemic, which has made it more difficult to do their work. The majority (60%) of the responses fell on the “agree” side of the options.**²³ For those who agreed, they were asked to elaborate and gendered patterns in the responses were evident (see Figure 7). Women and men did note similar barriers²⁴ but women in particular were more likely to write about increased childcare responsibilities, having difficulty focusing, and also noted mental health concerns more often than the men. The latter could be that women were more willing to speak openly about their frustrations, but the responses also point to concrete challenges that women were/are facing in their work from home lives. Indigenous lawyers were also more likely to note that they were facing challenges and these findings speak to broader concerns about equitable supports for minoritized lawyers.

“as a single parent, being responsible for home schooling and care during the day has significantly impaired my ability to assist clients in general” – a non-Indigenous woman.

“I have been working remotely, I have been caring for and home schooling my child, taking care of dependents, and working. I have a close relationship with my clients and want to devote as much time to them and their needs, especially when their needs may be heightened during this pandemic. It is a difficult balance both personally and professionally” – an Indigenous woman.

Figure 7: Personal Barriers



5. Future Directions

As noted above, Phase 2 (one-on-one interviews) of this research is currently underway. The findings from that research will be combined with a more detailed analysis of the survey findings in a final report. The final report will provide further information about the research findings and deeper analysis of the issues.

This interim report highlights the multiple ways that Indigenous rights are being undermined during the COVID-19 pandemic. Further, the impacts of this pandemic on Indigenous rights and well-being expose inequities within Indigenous communities, with preliminary findings suggesting children, Elders, people with disabilities, women, and people who are Two-Spirit, queer, and have gender diverse and non-binary identities are most vulnerable to pandemic restrictions and accessing legal advocacy during the pandemic. Future conversations need to centre these intersectional realities and meaningfully engage with the ways that systems of oppression such as settler colonialism, heteropatriarchy, ageism, and ableism are intimately interconnected forms of violence that contribute to the structural socio-legal vulnerability of diverse populations of Indigenous peoples.

We call on legal practitioners and settler government policy and decision-makers to meaningfully engage in conversations about Indigenous rights and well-being during the pandemic. We do so on the expectation of future pandemics and ongoing health crises that will limit/constrain the ability of lawyers to represent their clients. While we have focused on lawyers working in Indigenous legal advocacy, given the nature of our own work and the accessibility issues around conducting research, we hope those conversations will happen with Indigenous people and communities. The response to this pandemic (and past pandemics²⁵) by the settler state of Canada should have been more attentive to the specific rights of Indigenous peoples and nations

and included more diverse perspectives in legal deliberations and decision-making. The present and the future are opportunities to embrace *structural* change that centres the agency, self-determination, and well-being of Indigenous people, rather than having these profoundly difficult times in our shared history be moments where inequalities and violence are heightened.

6. Additional Resources

Included here a list of some additional resources that we have come across in our research. Please note that the views in all of these resources do not necessarily reflect the views of the project team.

Source	Available At
Aboriginal Law Report, First Peoples Law	https://www.firstpeopleslaw.com/aboriginal-law-report
Aboriginal Lawyers Forum, CBA	https://www.cbabc.org/Sections-and-Community/alf/News
Arbutus Law Group	https://arbutuslaw.ca/covid-19/
Assembly of First Nations	https://www.afn.ca/coronavirus/#link
Canadian Bar Association	https://www.cba.org/Membership/COVID-19
CLEO Connect	https://cleoconnect.ca/cleo-covid-19-supports/
First Nations Land Management Resource Centre	https://labrc.com/emergency-support/
Gowling WLG	https://gowlingwlg.com/en/insights-resources/articles/2020/covid-19-and-indigenous-communities/
Indigenous Bar Association	https://indigenousbar.ca/
Indigenous Laws in response to COVID19	https://vimeo.com/426009096
Lawyers Assistance Program of BC	https://www.lapbc.com/
Nishinawbe Aski Nation Website	https://www.nan.ca/?s=covid
OKT Law	https://www.oktlaw.com/resources-to-assist-first-nations-in-responding-to-the-covid-19-pandemic/
OsgoodePD COVID-19 Webinar Series	https://www.osgoodepd.ca/upcoming_programs/osgoodepd-covid-19-webinar-series-2/
Repository of Canadian COVID-19 Emergency Orders	https://www.intrepidpodcast.com/blog/2020/3/19/repository-of-canadian-covid-19-emergency-orders
United Nations	https://www.un.org/development/desa/indigenouspeoples/covid-19.html
Women Lawyers Forum, CBA	https://www.cbabc.org/Sections-and-Community/Women-Lawyers-Forum
Yellowhead Institute	https://yellowheadinstitute.org/covid19/

¹ Snyder, Assistant Professor, Indigenous Studies and Women's and Gender Studies, University of Saskatchewan; Lafond, President, Indigenous Bar Association [IBA]; Anderson, PhD Student, Indigenous Studies, University of Saskatchewan; Roe, President, Indigenous Bar Association Law Student Scholarship, IBA Member; Lambert, Associate Professor, Indigenous Studies, University of Saskatchewan; Metallic, Assistant Professor, Chancellor's Chair in Aboriginal Law and Policy, Schulich School of Law, Dalhousie University, IBA Member.

² See Native Women's Association of Canada, *First Nation's Housing Strategy: Indigenous Women, Girls, and LBGTQ2S: Engaging a National Framework for Housing Policy Final Report* (2018) online: <https://www.ohchr.org/Documents/Issues/Housing/IndigenousPeoples/CSO/NWAC%20%20First%20Nations%20Housing%20Strategy.pdf>.

³ See Lori EA Bradford et al., "Drinking water quality in Indigenous communities in Canada and health outcomes: a scoping review" (2016) 75:1 *International Journal of Circumpolar Health* 1.

⁴ See Priscilla Settee & Shailesh Shukla, eds., *Indigenous Food Systems: Concepts, Cases, and Conversations* (Toronto: Canadian Scholars, 2020).

⁵ See Yvonne Boyer, *Moving Aboriginal Health Forward: Discarding Canada's Legal Barriers* (Saskatoon: Purich Publishing, 2014).

⁶ See Evelyn Peters & Chris Andersen, eds, *Indigenous in the City: Contemporary Identities and Cultural Innovation* (Vancouver: UBC Press, 2013); Ashley Goodman, "'They treated me like crap and I know it was because I was Native': The healthcare experiences of Aboriginal peoples living in Vancouver's inner city" (2017) 178 *Social Science & Medicine* 87; Mary Jane Logan McCallum & Adele Perry *Structures of Indifference: An Indigenous Life and Death in a Canadian City* (Winnipeg: University of Manitoba Press, 2018).

⁷ See GB Pimentel & MVC Ormanza, "The impact of COVID-19 on Indigenous communities: Insights from the Indigenous Navigator" (2020) *The International Work Group for Indigenous Affairs (IWGIA) and the International Labour Organization (ILO)*, <https://www.forestpeoples.org/sites/default/files/documents/The%20impact%20of%20COVID-19%20on%20indigenous%20communities%20%20Insights%20from%20the%20Indigenous%20Navigator.pdf>; Tamara Power et al., "COVID-19 and Indigenous Peoples: An imperative for action" (2020) 29:15-16 *Journal of Clinical Nursing* 2737.

⁸ Law is a determinant of health that can positively impact well-being if an individual or community is supported by a given legal order. However law can also compromise well-being if faced with legal barriers and discrimination (see Angela Pinzon-Rondon, et al., "Association of Rule of Law and Health Outcomes: An Ecological Study" [2015] 5 *BMJ Open* 1; OBK Dingake, "The Rule of Law as a Social Determinant of Health" [2017] 19:2 *Health Human Rights* 295). Métis legal scholar and now Senator, Yvonne Boyer, has raised concerns about Canadian law as a negative determinant of health for Indigenous people and has advocated for Aboriginal and treaty rights to health that are grounded in Indigenous knowledge and laws (see Boyer, *supra* note 5).

⁹ Simon Lambert & Robert Henry, "Surveilling Indigenous communities in a time of pandemic" (2020) 18:3 *Surveillance & Society* 422.

¹⁰ In this report "Aboriginal law" is used to refer to Canadian laws about Indigenous rights whereas "Indigenous law" is used to refer to Indigenous peoples' own legal orders and laws.

¹¹ This is clear from our own research, as well as research done by others on the pandemic. See CARE, COVID-19 Could Condemn Women to Decades of Poverty: Implications of COVID-19 on Women's and Girl's Economic Justice and Rights (2020) CARE International, https://care.ca/wp-content/uploads/2020/04/CARE-Implications-of-the-COVID-19-Pandemic-on-Womens-and-Girls-Economic-Justice-and-Rights_30-APRIL-2020.pdf; Sulzhan Bali et al., "Off the back burner: Diverse and gender-inclusive decision-making for COVID-19 response and recovery" (2020) 5:5 *BMJ Global Health* e002595; FM Estrel et al., "Pandemia da Covid 19: Refletindo as vulnerabilidades a luz do gênero, raça e classe" (2020) 25:9 *Ciência & Saúde Coletiva* 3431; Chaneesa Ryan, Hollie Sabourin & Abrar Ali, "Applying an Indigenous and gender-based lens to the exploration of public health and human rights implications of COVID-19 in Canadian correctional facilities" (2020) 111:6 *Canadian Journal of Public Health* 971; *supra* note 7.

¹² We defined lawyers to include those who are practicing and non-practicing (but still working in the area of Indigenous legal advocacy), as well as articling students.

¹³ 123 surveys were completed, however, through open ended questions it became clear that one respondent did not meet the eligibility of working with Indigenous clients in the area of Indigenous legal advocacy.

¹⁴ This number excludes those who opted out and were ineligible. For general discussion about online survey response rates see: Patrick C. Hardigan, Claudia Tammy Succar & Jay M Fleisher, "An Analysis of Response Rate and Economic Costs Between Mail and Web-Based Surveys Among Practicing Dentists: A Randomized Trial" (2012) 37 *Journal of Community Health* 383; Jessica Daikeler, Michael Bosnjak & Katja Lozar Manfreda, "Web

Versus Other Survey Modes: An Updated and Extended Meta-Analysis Comparing Response Rates” (2020) 8:3 Journal of Survey Statistics and Methodology 513 (though it is noteworthy that these sources do not account for the use of surveys during the pandemic).

¹⁵ Statistical Package for the Social Sciences software for coding and analyzing quantitative data.

¹⁶ This includes people who selected “Indigenous” as well as “having both Indigenous and non-Indigenous kinship.” The latter was used to acknowledge that people sometimes have multiple family backgrounds that they identify with, some of which are non-Indigenous, that people might speak to when introducing themselves. There was also an open-ended space for participants to self-identify though that detailed information is removed here for the purposes of anonymity.

¹⁷ Followed by employment law (13%), human rights law (13%), other law (11%), child welfare law (6%), and criminal law (3%).

¹⁸ We used the coding of “family violence” to refer to violence experienced by women and children in domestic contexts (the responses were focused on women and children), and used “gendered violence” to refer to violence experienced by Indigenous women and girls in other contexts, for example including gendered colonial violence related to “man camps.”

¹⁹ It is noteworthy that the Indigenous participants were significantly more likely to speak to gendered impacts and to the impacts on Indigenous laws, compared to the non-Indigenous participants.

²⁰ 62% “strongly agreed” and 19% “agreed” that their employer has been supportive of their work in Indigenous legal advocacy during the pandemic. There do not appear to be any patterns where respondents working at law firms that do *not* specialize in Aboriginal law are being less supportive.

²¹ 3% strongly agreed, 23% agreed, and 34% slightly agreed.

²² Additional barriers included: clients needing to prioritize health, that it is harder to build relationships when not face to face, delays, lawyer access to resources, personal barriers, that state law is colonial in nature and purposefully creates limitations, and fatigue/stress.

²³ 15% strongly agreed, 19% agreed, and 26% slightly agreed.

²⁴ These patterns were in relation to the gender binary.

²⁵ For example, most recently, during the 2009 H1N1 influenza pandemic, Indigenous people made up 27.8% of hospital admissions during the first wave of the outbreak, despite comprising 4.3% of the population in Canada. It is cautioned that the numbers were likely higher, as only the most severe cases were being reported and because of inconsistent documenting of Indigeneity by health officials (3) (National Collaborating Centre for Aboriginal Health [NCCAH], *The 2009 H1N1 Influenza Pandemic among First Nations, Inuit and Métis Peoples in Canada: Epidemiology and Gaps in Knowledge* [2016] online: <http://www.nccah-ccnsa.ca/Publications/Lists/Publications/Attachments/174/NCCAH-FS-InfluenzaEpidemiology-Part01-Halseth-EN-Web.pdf> at 3).