



Indigenous Justice Strategy

What We Learned Report:
Summary

Wave 2 Justice Canada-Led
Engagement

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Executive Summary

Wave 2 engagement sessions on the Indigenous Justice Strategy (IJS) spanned 13 in-person conversations and 14 virtual sessions across all provinces and territories in Canada. In total, more than 500 individuals participated from Indigenous communities and grassroots organizations, as well as members of the judiciary, policing representatives, and municipal, provincial/territorial representatives.


The primary objective of the IJS engagement is to: **Develop a culturally appropriate strategy informed by Indigenous ways of knowing and healing that includes concrete recommendations for action to address systemic discrimination and the overrepresentation of Indigenous people in Canada's justice system.** Justice Canada further recognizes the need to consider distinctions between First Nations, Inuit across Inuit Nunangat, and Métis, going forward in relation to the IJS.

Wave 1 of the IJS engagement gave us a deeper understanding of the issues and barriers facing Indigenous people across the country. It highlighted many areas that the current justice system could adapt, change, or add to that would improve justice outcomes for Indigenous people. It also helped outline the circumstances that allow for Indigenous justice systems to be restored and supported in communities.

Wave 2 focused on the **unique challenges and opportunities faced by regions across the country.** Throughout the sessions, a list of **actionable priorities** were identified as critical to improve justice outcomes for Indigenous people.

Conversations focused on the two main themes that have been identified throughout the IJS engagement dialogues:

1. Reforming the current justice system, including:
 - prevention
 - policing
 - courts
 - diversion

- 
- corrections
 - reintegration

2. Supporting Indigenous justice systems, including supporting:

- Indigenous communities in exploring their own laws, legal systems, and traditions
- the recognition and enforcement of Indigenous laws
- communities in establishing and managing their own justice-related institutions and services
- urban Indigenous people in accessing culturally appropriate services and legal systems

Theme 1: Reforming the Current Justice System

Nine areas of reform were identified across Wave 2 engagement sessions.

Court and Sentencing Reform

We heard programs that focus on helping and healing rather than punishment are key to improving outcomes for Indigenous people within the justice system. Examples include pre- and post-charge diversion, Elder services and counseling, and access to Indigenous courtworkers. To make these programs successful, all courtworkers and members of the judiciary must be trained in alternative measures and Indigenous legal considerations. We also heard that accountability in the court system must be integrated: people need a way to request reviews of decisions made regarding their cases and treatment in colonial courts. In addition, traditional justice mechanisms such as mandatory minimum sentences, conditions of bail and parole, and correctional facilities must be complemented with community-based Healing Lodges, mental health and addictions services, and Sentencing Circles.



Social Determinants of Justice

Participants noted that the word “justice” does not have a direct translation in most Indigenous languages and instead, emphasis is placed on community wellness, balance, and restoration of peace. “Justice” for Indigenous people includes housing, Child and Family Services support, language revitalization, and greater support for healing from intergenerational trauma.

Wellness and Prevention

Participants focused on prevention and early intervention opportunities to reduce contact with the justice system rather than simply improving outcomes post-contact. Programs that support access to cultural activities, land-based learning and healing, and youth mentorship and community connection, were cited as necessary elements of the IJS.

Barriers to Support

We heard it is important that programming for Indigenous people not only exists but also be accessible, especially to those who need it most. Cultural programming for incarcerated individuals was cited as necessary, yet participants noted it is often withheld. One way to help reduce barriers to support would be to offer more in-depth, region-specific cultural competency training delivered consistently by Indigenous trainers. Additionally, programs that consider logistics issues such as transportation and childcare offer more accessible supports to a wider audience. Finally, participants shared that navigating the various avenues of support can be challenging because programs and services struggle to share data across agencies, often creating gaps in care because people do not know where to go next for continued help.

Intervention, Aftercare, and Healing

People leaving correctional facilities or addictions and wellness programs require transitional supports, including housing, job hunting, follow-up care services,



transportation to appointments, and reintegration planning for successful community healing. Communities want to support their own citizens in times of change or crisis, but cite a lack of capacity (including infrastructure, funding, and official recognition by provincial agencies) as a barrier to providing that care. In many instances, we heard that a hub model that provides wraparound supports accessible through one location and one central support worker would allow for more effective long-term healing.

Funding

Funding touched every conversation we had on every topic. Participants voiced frustration with the lack of sustainable, long-term funding available needed to develop and grow community-based and grassroots programs. We heard funding shortages lead to an inability to recruit and retain staff, to build and maintain buildings, and to meet demand for the services being provided. Current funding mechanisms are inefficient and complicated, often leading to programs and services competing for limited funds rather than finding effective ways to collaborate. Requirements for applications and reporting on funding streams waste time, budgets, and resources that can be applied more efficiently to direct, frontline support.

Victim services

While many conversations centred around the needs of people accused, charged, and convicted of crimes, participants highlighted the need for the IJS to consider the needs of victims and families. Services focused on reintegration and rehabilitation must involve victims and their supports in decisions regarding returning to the community. In cases of domestic abuse, emphasis should be placed on keeping the victim(s) of abuse in their own homes and communities and removing the offender, rather than uprooting families to shelters that are often located far from community and familiar supports.

Policing

Participants spoke to the importance of the Royal Canadian Mounted Police (RCMP) and provincial and municipal police working to improve relationships with Indigenous people and communities, as well as the desire for Indigenous Nations to police their





own lands and people. Relationships with established police forces can be improved through better cultural awareness training, hiring more Indigenous police officers, working with local community organizations when attending calls related to mental health or domestic disturbances, attending cultural activities, and investing in community policing practices. Legislative support and reliable funding is needed to develop and implement Indigenous community safety programs.

Educational Reform

We heard that the current provincial curricula, both for elementary and high school education, do not include enough Indigenous history and context, and this gap in the education system leads to a lack of awareness and sensitivity to Indigenous experiences across the country. Participants felt that if all students in Canada were more aware of Indigenous issues, Indigenous people would be better understood and treated with more respect and empathy. In addition, participants highlighted a need to help Indigenous students succeed in school, including personalized success plans, support for children who have experienced trauma or are living with Fetal Alcohol Syndrome Disorder, and better preparing them for education outside of their communities. Finally, we heard that youth, and particularly Indigenous youth, should be taught about the justice system to improve comprehension and to increase their ability to advocate for themselves successfully.

Table 1. Suggested actions from all dialogues

Suggested actions from all dialogues	Count of suggested actions
Court and Sentencing Reform	315
Social Determinates of Justice	176
Wellness and Prevention	123





Barriers to Support	115
Intervention, Aftercare, Healing	100
Funding	63
Victim Services	45
Policing	43
Educational Reform	35

Theme 2: Supporting Indigenous Justice Systems

While participants in Wave 2 of engagement primarily commented on the reform of the current system and provided related suggestions and actions, participants did highlight that simply reforming the current system is a short-term solution, and that real change will only be meaningful and sustainable through Indigenous self-determination, self-governance, and self-administration of justice. We also heard a need for greater tools to enforce Indigenous laws and the importance of knowing that these laws will be upheld by both law enforcement and courts, and participants expressed interest in working with law enforcement and with provincial and federal governments.

It is imperative that we continue to have conversations that encourage partners to share their ideals, visions, and hopes for future Indigenous-led justice systems so that we can continue to work collaboratively towards a long-term, sustainable solution.





Table 2. Suggested actions by theme

Theme	Count of suggested actions
Reforming the current system	708
Supporting Indigenous justice systems	307