



# Indigenous Justice Strategy

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## Introduction

In January 2021, the Minister of Justice and Attorney General of Canada was mandated with developing, in consultation and cooperation with Indigenous partners, provinces, and territories, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the justice system.

Aligned with this mandate, from 2021-2024, Canada worked with First Nations, Inuit and Métis community members, representative organizations and governments, as well as provincial and territorial governments, to develop a federal Indigenous Justice Strategy that would provide a basis for continued collaborative action. Based on these engagement conversations and on reports submitted by First Nations, Inuit, and Métis governments and organizations, Canada developed a [Key Elements Consultation Draft](#) as a proposed foundation for an Indigenous Justice Strategy. The Indigenous Justice Strategy is the culmination of, and the first step in responding to these engagement and co-development processes.

Its 26 action items represent areas of priority identified by Indigenous partners, across distinctions, based on engagements, for addressing systemic discrimination and overrepresentation of Indigenous people in the justice system. Distinctions-based chapters set out priorities for action from First Nations, Inuit and Métis co-development partners. The Indigenous Justice Strategy, including its priority action items and its distinctions-based chapters, are considered interconnected. In this document, references to “Indigenous” or “First Nations, Inuit, Métis” partners include First Nations, Inuit, Métis governments and representative organizations, as well as Indigenous Treaty Partners and Self-Governing Indigenous governments.



## Vision

Based in holistic, trauma-informed understandings of justice, the Indigenous Justice Strategy aims to implement progressive and transformative reforms throughout the justice system to meaningfully address systemic discrimination and the overrepresentation of First Nations, Inuit, and Métis people in contact with the Canadian justice system. The Indigenous Justice Strategy acknowledges that Indigenous understandings of justice are notably rooted in healing, wellness, respect and community.

The Indigenous Justice Strategy seeks to contribute to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and is a vehicle for further advancing First Nations, Inuit and Métis self-determination and the revitalization of First Nations, Inuit and Métis laws and legal systems. The Indigenous Justice Strategy recognizes that nation-to-nation, government-to-government relationships with First Nations and Métis, and Inuit-Crown relationships are essential to moving forward, and commits Canada to work in partnership on concrete action to fulfill the distinct justice priorities of First Nations, Inuit and Métis through ongoing consultation and cooperation with Indigenous governments and representative organizations, and collaboration with provincial and territorial government partners.

The Indigenous Justice Strategy is central to ending the ongoing legacy of colonialism that includes laws, policies and approaches that translate into negative outcomes for First Nations, Inuit and Métis people in contact with the Canadian justice system. The Indigenous Justice Strategy signals Canada's intention to make space for new and innovative systems. The Indigenous Justice Strategy is one step on the path of reconciliation and healing for current and future generations.



## Principles and goals

### Self-determination

The Indigenous Justice Strategy seeks to support First Nations, Inuit and Métis peoples' exercise and full enjoyment of their rights to self-determination and self-government, including facilitating and increasing their involvement in developing, maintaining and implementing their own jurisdiction, laws, governing bodies, programs and services in the areas of justice and public safety. The revitalization of First Nations, Inuit and Métis culture, language, institutions, laws, customs, and practices are essential for safety, prevention, rehabilitation and healing.

### Collaborative relationship

The Indigenous Justice Strategy recognizes and reflects the importance of regular, meaningful, good-faith and ongoing collaboration between First Nations, Inuit and Métis governments and representative organizations, and provincial, territorial, and federal governments, to effect long-term, transformative and sustainable positive change.

### Distinctions-based approach

The Indigenous Justice Strategy contributes to implementing the UN Declaration by taking a distinctions-based approach. The Indigenous Justice Strategy respects the diversity of First Nations, Inuit and Métis laws and legal systems, the self-determined needs and priorities of First Nations, Inuit and Métis governments and representative organizations, as well as the needs of First Nations, Inuit and Métis people interacting with the Canadian justice system. A distinctions-based approach includes acknowledgement that Indigenous Modern Treaty Partners have a unique relationship with Canada and provinces and territories as a result of their Modern Treaties, which must guide Treaty Partners approach. A distinctions-based approach also acknowledges that, as described in the UN Declaration, Indigenous peoples have the right to participate through representatives chosen by themselves in accordance with their own procedures.



### **Justice as wellness**

The Indigenous Justice Strategy seeks to advance transformative measures that respect and support First Nations, Inuit and Métis understandings of justice, including the need to restore individual and collective wellness.

### **Holistic approach**

The Indigenous Justice Strategy seeks to advance First Nations, Inuit and Métis self-determination by embracing understandings of justice grounded in First Nations, Inuit and Métis cultures, customs, laws and legal systems and institutions. The Strategy includes a focus on the revitalization of First Nations, Inuit and Métis cultures, societies, families and relationships and advocates for holistic approaches to justice aimed at addressing the root causes of violence, injustice and the need to restore individual and collective wellness. This includes an acknowledgement of the different perspectives related to histories, places and relationships with lands and environment, which are central to many Indigenous legal systems and concepts of justice.

### **Strength based, trauma-informed, culturally safe and appropriate intersectional approach**

The Indigenous Justice Strategy seeks to uphold the dignity of First Nations, Inuit and Métis people in their interactions with the justice system and all preventative, rehabilitative and healing services and supports. The Indigenous Justice Strategy seeks to recognize the unique circumstances of First Nations, Inuit and Métis people with intersecting identities, including seniors, women, youth, children, persons with disabilities and 2SLGBTQQIA+ people, noting this requires distinct cultural care and healing to reduce rates of recidivism. First Nations, Inuit and Métis governments and representative organizations are best positioned to provide such cultural care and healing. The Strategy takes into consideration the specific needs, experiences, identities, abilities and knowledge of these individuals and communities and will seek to take an inclusive and intersectional approach that considers the social determinants of intersecting identities.





### **Access to justice**

The Indigenous Justice Strategy seeks to reduce barriers to justice and provide more Indigenous-led, culturally safe and appropriate, trauma-informed, justice supports for First Nation, Inuit and Métis people navigating the Canadian justice system. The Indigenous Justice Strategy recognizes that the drastic overrepresentation of First Nation, Inuit and Métis people in the Canadian criminal justice system is a crisis that requires a transformational approach to access to justice.

### **Administration of justice**

The Indigenous Justice Strategy seeks to advance the priorities of First Nations, Inuit and Métis communities to reclaim jurisdiction over the administration of justice in collaboration with the provinces and territories, and revitalize First Nations, Inuit and Métis laws, legal orders, legal institutions, legal systems and traditions.

### **Long-term and predictable funding**

The Indigenous Justice Strategy acknowledges that First Nations, Inuit and Métis governments and representative organizations require access to ongoing, long-term and stable financial resources in order to fulfil their roles and responsibilities and ensure peoples' wellbeing and ability to thrive.

### **Accountability**

The Indigenous Justice Strategy acknowledges that accountability is key in meeting the transformative goals of the Indigenous Justice Strategy. Actionable and sustained implementation of the Indigenous Justice Strategy should include co-developed evaluation tools and frameworks that reflect First Nations, Inuit and Métis ways of knowing, understanding and healing.



## Implementation

The Government of Canada will implement the Indigenous Justice Strategy in consultation and cooperation with First Nations, Inuit and Métis, including Indigenous Modern Treaty Partners and Self-Governing Indigenous Governments. Distinctions-based chapters set out priorities for action from First Nations, Inuit and Métis co-development partners and inform the way in which the Indigenous Justice Strategy will be implemented.

The implementation of many of the priority actions and distinctions-based priorities will also require the cooperation of federal, provincial or territorial governments. Additionally, implementation of many of the priority actions will need to be informed by the specific context in different parts of Canada. For these reasons, a cornerstone of the Indigenous Justice Strategy includes supporting the establishment of collaborative Indigenous-Provincial/Territorial-Federal tables to coordinate and implement shared regional priorities related to justice and wellness.

Canada will work with Indigenous partners through representatives chosen by themselves, in accordance with their own procedures and governance structures, and with provinces and territories as deemed appropriate by those jurisdictions, to establish these tables as soon as functionally possible.

It is through these proposed tables that Canada will work with First Nations, Inuit and Métis to support the advancement of priority actions and distinctions-based actions as agreed by partners in each jurisdiction and as identified in co-developed First Nation, Inuit and Métis chapters, notably by prioritizing work and by developing cost estimates.

It is acknowledged that the specific form that actions might take, roles partners might play, and timelines for action, will require agreement between First Nation, Inuit and Métis, including Indigenous Modern Treaty Partners and Self-Governing Indigenous Governments, provincial and territorial governments and the federal government, as appropriate, at the regional level (e.g. within a given province or territory). It is also acknowledged that implementation will depend on each party's capacity and the jurisdiction. It is also



possible that amendments to Modern Treaty, Self-Governing (MTSG) agreements may be required in certain circumstances.

It is acknowledged that governance and accountability are critical elements for supporting positive justice and wellness outcomes with Indigenous partners. Canada will work with partners to determine appropriate evaluation tools for reporting, monitoring and evaluation of the Indigenous Justice Strategy's implementation.

Canada supports the proposal of additional regional priority actions that members of regional tables identify as necessary for addressing overrepresentation and systemic discrimination and related justice matters, in addition to the Priority Actions in the Indigenous Justice Strategy.

Justice Canada (JUS), Public Safety Canada (PS), the Royal Canadian Mounted Police (RCMP), Correctional Service of Canada (CSC), the Parole Board of Canada (PBC), Indigenous Services Canada (ISC), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Statistics Canada will work together to support the implementation of Priority Actions and distinctions-based priorities as agreed with First Nations, Inuit and Métis through the proposed regional tables.

## **Priority actions**

### **Collaborative relationship and accountability**

#### **Priority Action 1 (JUS)**

In consultation and cooperation with First Nations, Inuit and Métis, develop and prioritize the implementation of distinctions-based and self-determined justice needs, including First Nations, Inuit and Métis distinction-based priorities.





### **Priority Action 2 (JUS, PS, CSC, RCMP, ISC, CIRNAC)**

Establish and support Federal-Provincial-Territorial-Indigenous tripartite and Federal-Indigenous bilateral justice-related tables for the implementation of the Indigenous Justice Strategy, for the purpose of:

- a)** undertaking administration of justice negotiations
- b)** undertaking discussions on the revitalization of Indigenous laws and legal orders
- c)** prioritizing region-and community-specific action items for justice service reform
- d)** supporting and undertaking program and service integration
- e)** identifying potential legislative amendments or creation of new legislation
- f)** other relevant actions needed to implement the Priority Actions

Seek to allocate ongoing resources and administrative support for such tripartite or bilateral tables.

### **Priority Action 3 (JUS)**

In consultation and cooperation with First Nations, Inuit and Métis, seek to establish governance, accountability and reporting mechanisms for Indigenous Justice Strategy implementation, including indicators to measure progress, that reflect First Nation, Inuit and Métis ways of knowing and understanding, which is supported by data collection and reporting methods that prioritize First Nations, Inuit and Métis data sovereignty and governance.

### **Priority Action 4 (JUS, PS, CSC, RCMP, Statistics Canada)**

In consultation and cooperation with First Nations, Inuit and Métis, work on the advancement of data sovereignty through distinctions-based data collection, disaggregation and disclosure of data related to justice services and programs, including interactions and experiences of First Nations, Inuit and Métis individuals with justice systems and institutions.

### **Priority Action 5 (RCMP, CSC, PBC, JUS, PPSC)**





Work with and, where possible, support First Nations, Inuit and Métis to identify, implement or develop and deliver training and learning models for cultural learning for justice system practitioners to build and improve awareness of the histories, cultures and circumstances of First Nation, Inuit and Métis peoples, including the ongoing effects of colonialism.

### **Long-term and predictable funding**

#### **Priority Action 6 (JUS)**

Simplify Justice Canada funding models to reduce administrative burden and support more flexible, predictable, sufficient, distinctions-based and community-controlled justice research and programming. Explore the application of Justice Canada funding models to provide for institutional needs including infrastructure.

#### **Priority Action 7 (JUS)**

In consultation and cooperation with First Nations, Inuit, Métis and (where applicable), in collaboration with provinces and territories, undertake a distinctions-based, regionally-focused needs assessment and costing analysis to identify gaps in existing justice services for future service and program funding.


#### **Priority Action 8 (JUS, PS, CSC, ISC)**

In consultation and cooperation with First Nations, Inuit, Métis and (where applicable), in partnership with provinces and territories, seek to explore options to expand existing justice programs and initiatives (or facilitate creation of new programs and initiatives) that are designed and delivered by First Nations, Inuit and Métis.

### **Justice and wellness**

#### **Priority Action 9 (JUS, PS, ISC, CIRNAC)**





Work with and where possible, support First Nations, Inuit and Métis, and work with provinces and territories, to research, develop and expand use of distinctions-based, culturally safe and appropriate programming to support First Nations, Inuit and Métis processes that promote rehabilitation, reintegration and healing.

#### **Priority Action 10 (JUS, PS, RCMP)**

Increase access to First Nations, Inuit- and Métis-led, culturally safe and appropriate and trauma informed victim services and supports by supporting:

- multisectoral partnerships in order to provide wrap-around, comprehensive and meaningful support to keep all Indigenous victims, survivors and families of MMIWG2S+ safe, help them navigate the systems they are engaged in, and advocate for their needs and rights
- continuous and accessible community-led healing programs
- partnerships and strengthened collaboration between First Nations, Inuit and Métis and all levels of government and various justice agencies to identify and implement actions (policies, law reform, directives) that will reduce the harm experienced by First Nations, Inuit and Métis people who are victims and survivors of crime when engaged in the justice system, as well as addressing the inter-sectoral and inter-jurisdictional challenges that impact their ability to access justice

#### **Priority Action 11 (JUS, CSC, RCMP, PBC)**

Expand the hiring of, and seek to allocate appropriate resources for, First Nations, Inuit, and Métis who hold cultural knowledge, including Elders, Knowledge Keepers and other community members to work within Justice institutions. This includes exploring options to facilitate work within justice institutions to provide distinctions-based and culturally safe and appropriate support to First Nations, Inuit and Métis people interacting with the Canadian justice system.

#### **Priority Action 12 (JUS)**



In consultation and cooperation with First Nations, Inuit and Métis and in collaboration with provinces and territories, explore establishing or expanding integrated, holistic Indigenous Community Justice Centres to provide culturally-safe and appropriate, distinctions-based and trauma informed wrap-around case management and supports that facilitate community reintegration, healing and access to justice for Indigenous people.

#### **Priority Action 13 (CSC, JUS)**

Explore expanding First Nations, Inuit and Métis control and access to community-run alternatives measures pre and post sentencing for First Nations, Inuit and Métis people in the Canadian justice system to support distinctions-based, culturally safe and appropriate responses to justice that promote healing and wellness.

### **Administration of justice and access to justice - policing**

#### **Priority Action 14 (JUS, PS, RCMP)**

Support First Nations, Inuit and Métis communities in accessing professional, dedicated, responsive, policing services and strengthening relationships between police and communities.

### **Administration of justice and access to justice - corrections**

#### **Priority Action 15 (JUS, PS, RCMP, CSC)**

In consultation and cooperation with First Nations, Inuit and Métis and in collaboration with provinces and territories, seek to develop, expand and implement integrated, holistic, distinctions-based and culturally safe and appropriate case management and wrap-around supports for First Nations, Inuit and Métis people in custody to support reintegration and healing.

#### **Priority Action 16 (CSC, PS, JUS)**





In consultation and cooperation with First Nations, Inuit and Métis, explore the development of equitable funding models that prioritize and increase the provision of community-led correctional services to Indigenous offenders including healing lodges (that is, s. 81 of the *Corrections and Conditional Release Act* S.C. 1992, c. 20).

**Priority Action 17 (CSC, PS, JUS)**

In consultation and cooperation with First Nations, Inuit and Métis, explore the expansion and support of community-administered correctional services that are designed and delivered by First Nations, Inuit and Métis.

**Priority Action 18 (CSC)**

In consultation and cooperation with First Nations, Inuit and Métis and in collaboration with provinces and territories, review and amend current tools used for security classification in institutions, and Gladue reports for sentencing and parole, to reduce barriers and address issues of systemic discrimination.

**Priority Action 19 (CSC)**

In consultation and cooperation with First Nations, Inuit and Métis, develop a national gang-exit strategy in federal correctional institutions, to be implemented and independently led by Indigenous organizations to provide distinctions-based intervention and reintegration support for high-risk First Nations, Inuit and Métis people who wish to exit gang life.

**Priority Action 20 (JUS, CSC)**

In consultation and cooperation with First Nations, Inuit and Métis and in collaboration with provinces and territories, examine the accessibility of Gladue services with a view to developing options for national standards on the production of Gladue reports to reduce barriers to accessing Gladue services.





## **Administration of justice and access to justice - revitalization and enforcement**

### **Priority Action 21 (JUS, PS, ISC, CIRNAC)**

Consult and cooperate with First Nations, Inuit and Métis on potential changes to federal policy and fiscal frameworks for the negotiation of tripartite or bilateral agreements to facilitate adequate and effective enforcement, prosecution and adjudication of First Nation, Inuit and Métis laws (for example, through modern treaties, self-government agreements and other constructive arrangements).

### **Priority Action 22 (JUS, CIRNAC)**

Consult and cooperate with First Nations, Inuit and Métis on potential changes to federal policy and fiscal frameworks for the implementation of modern treaties, self-government agreements and other constructive arrangements in order to facilitate adequate and effective enforcement, prosecution and adjudication of Indigenous law.

### **Priority Action 23 (JUS, PS, RCMP, CIRNA, ISC)**

Ongoing negotiation and implementation across Canada of tripartite or bilateral agreements to facilitate adequate enforcement, prosecution and adjudication of local First Nations, Inuit and Métis laws (for example, through modern treaties, self-government agreements and other constructive arrangements).

### **Priority Action 24 (JUS)**

Support First Nations, Inuit and Métis governments and representative institutions to build capacity to revitalize and operationalize their laws, legal systems and legal institutions, including through research and knowledge-exchange and to interconnect these with the broader Canadian justice system, as appropriate.



## **Administration of justice and access to justice - legislation**

### **Priority Action 25 (JUS)**

Consult and cooperate with First Nations, Inuit and Métis on potential legislative options to create, review or amend legislation to address systemic discrimination against and overrepresentation of Indigenous people in the Canadian justice system.

### **Priority Action 26 (JUS)**

Consult and cooperate with First Nations, Inuit and Métis on potential legislative options to recognize and enable First Nations, Inuit and Métis peoples to exercise jurisdiction in relation to administration of justice, including enforcement, prosecution and adjudication of First Nation, Inuit and Métis laws.

## **Our gratitude**

We are deeply grateful for the involvement of all Indigenous people, including First Nations, Inuit, and Métis governments, Indigenous Modern Treaty partners and Self-Governing Indigenous governments, Indigenous representative organizations, urban and rural Indigenous communities, Indigenous women's and intersectional organizations, Friendship Centres, and the Indigenous participants who are or have been incarcerated as well as municipal, provincial and territorial governments. We appreciate those who supported the work of the inquiries. Without their participation and invaluable contributions, the Indigenous Justice Strategy would not have been possible.

We give special thanks to the participants who volunteered their time and shared their personal and lived experiences with us.





## First Nations priorities chapter

The First Nations chapter of the Indigenous Justice Strategy seeks to identify and provide specific First Nations' priorities. It is acknowledged that First Nations and Canada will need to collaborate with provincial and territorial governments to successfully advance the following priorities on a regional basis to effect long-term and sustainable positive change. The First Nations chapter is a fully integrated section of the Indigenous Justice Strategy that will be implemented in tandem with shared priorities and actions and may also inform the way in which shared priority actions are implemented – for greater certainty, neither supersedes the other as they are meant to be complementary. The First Nations chapter of the Indigenous Justice Strategy is meant to be evergreen, allowing for agreed upon adjustments and periodic updates depending on identified needs.

The first part of the First Nations chapter sets out the relationship structure, including two main overarching foundational themes on which this chapter is rooted:


- Collaborative relationship and accountability
- Long-term and predictable funding

The second section of the First Nations chapter provides the substance of what interventions are necessary. These priorities are meant to provide a starting point for First Nations to prioritize on a regional basis what is most needed to serve their people. The First Nations chapter provides a framework for two complementary paths:

- Revitalization of First Nations laws and legal systems
- Reform of the Canadian criminal justice system

As part of the work to reform the Canadian criminal justice system, the First Nations chapter explores four different directions for reform:

- Justice and wellness
- Administration of justice and access to justice – policing

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- Administration of justice and access to justice – corrections
  - Administration of justice and access to justice – legislative reforms

Finally, the First Nations chapter is inclusive of Indigenous Treaty Partners and Self-Governing Indigenous governments and recognizes that Treaty Partners and Self-Governing Indigenous Governments have a unique relationship with Canada and provinces and territories because of their Treaties and agreements, which must guide Treaty Partners' approach. This unique relationship will help guide the implementation of the Indigenous Justice Strategy and the First Nations chapter.

### **Collaborative relationship and accountability**

The Collaborative relationship and accountability priorities listed below provide guidance on relationships and governance involved in overseeing implementation. They are dedicated to advancing the objectives of the Indigenous Justice Strategy.

Evaluation and performance management of the Indigenous Justice Strategy and First Nations chapter is key to determining the effectiveness of the priority actions. Quantitative data can help provide an impartial metric to understand the impact of policy changes, while qualitative data can help provide insight into the nuances of why some policy changes may be more effective than others, avoiding focus only on a cost-benefit analysis.

Additionally, First Nations are at various levels of readiness and work to implement the Indigenous Justice Strategy and the First Nations Chapter will be informed by these considerations. As such, any evaluation tools will need to account for difficulties in comparison.

1. Partner with First Nations, provinces and territories, to take a distinctions-based and self-determined justice approach to regional implementation of the Indigenous Justice Strategy and First Nations priorities.
2. Consistent with Priority Action 2 of the Indigenous Justice Strategy, partner with First Nations, and collaborate with provinces and territories as applicable,



through regionally-based Federal-First Nations bilateral or trilateral tables to develop plans of action to implement the Indigenous Justice Strategy and First Nations chapter.

3. Seek to allocate resources and administrative support for such regional trilateral tables or bilateral tables.
4. Partner with First Nations, provinces and territories to develop indicators to measure progress for the implementation of the Indigenous Justice Strategy and First Nations priorities, such as a performance management framework, informed by disaggregated data including gender-based and distinctions-based, to provide regular or cyclical assessment.
5. Partner with First Nations, provinces and territories to develop ongoing cultural training for justice system practitioners to improve awareness of and sensitivity to the history, culture and circumstances of First Nations people, including the ongoing effects of colonialism and the unique circumstances of First Nations individuals with intersecting identities, such as 2SLGBTQIA+ people.

### **Long-term and predictable funding**

The Indigenous Justice Strategy seeks to build upon existing programs and supports in order to address the overrepresentation of First Nations in the justice system and to support the revitalization of First Nations laws and legal systems. First Nations advocate that any future funding to support the Indigenous Justice Strategy and First Nations Chapter must enhance current funding and respect the need for long-term, predictable and adequate funding for First Nations justice programs, and that this is essential to fully support the work being done.

6. First Nations seek funding frameworks related to the First Nations Chapter that include wrap-around services, prevention, alternative justice, safe spaces in communities, community wellness, diversion, and post-sentencing care. Explore new funding models that provide flexible, predictable, and community-




controlled funding with reduced administrative burdens in the application and reporting processes.

7. In consultation and cooperation with First Nations, undertake a regionally focused First Nations justice needs and costing analysis and environmental scan of existing services and programs to identify gaps and needs for future service and program funding.
8. In consultation and cooperation with First Nations, seek to expand existing justice programs and initiatives, and explore creating new programs and initiatives, that are designed and delivered by First Nations and First Nations organizations for First Nations people.
9. Explore the application of Justice Canada funding models to provide for institutional needs, including infrastructure.

### **Path one: revitalization of First Nations laws and legal systems**

Path one involves retracing the footsteps of First Nations ancestors, gathering the knowledge of First Nations Elders and Knowledge Keepers and where appropriate, First Nations legal experts, and sharing information among First Nations, to guide the way forward. This path seeks the recognition of First Nations' legal systems and jurisdiction in relation to the administration of justice, including the enforcement, prosecution and adjudication of First Nations laws.

10. Consult and cooperate with First Nations on potential changes to federal policy and fiscal frameworks to support the negotiation and implementation of tripartite or bilateral agreements to facilitate adequate and effective enforcement, prosecution, and adjudication of First Nations laws.
11. Partner with First Nations to develop measures to support First Nations-led research, knowledge exchange, and capacity-building to revitalize First Nations laws and legal traditions.

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12. Create guidelines for appropriate criminal justice system responses to First Nations land and resource protection which respects First Nations traditional laws and responsibilities.
  13. Consult and cooperate with First Nations on potential legislative options to recognize and enable the exercise of First Nations' jurisdiction in relation to administration of justice, which could include options for a legal framework to enforce, prosecute and adjudicate First Nations laws, through the Canadian justice system at the discretion of First Nations.

### **Path two: reforming the Canadian criminal justice system**

The overrepresentation of First Nations in the criminal justice system is a serious and complex issue rooted in systemic racism and the legacy of colonialism. A fulsome, comprehensive 360-degree review of existing practices will support an effective reform of the Canadian criminal justice system.

Accordingly, path two looks to reform the Canadian criminal justice system while reflecting First Nations views, such as walking the circle in all four directions. This path outlines access to justice themes in four directions:

#### **Direction one: justice and wellness**


First Nations recognize that justice and wellness are very much interrelated; as such, the concept of justice must be viewed broadly to include all aspects of health and wellbeing of individuals, communities, and the environment. Interventions to address the overrepresentation of First Nations peoples must begin from a place of prevention, whereby trauma and healing supports, youth programming, and cultural connection are prioritized. The premise of this work is to seek to ensure wrap-around supports are available for First Nations individuals within the justice system at every point of contact, including: while they are before the Court, participating in a diversion program, while in custody on remand, serving sentence in the community or in a custodial institution, and post-release from custody.



Considering justice as wellness means that, when First Nations are before the justice system, it is necessary to go deeper than the surface, to identify individual needs and factors which may have brought them before the courts (Gladue factors) and link them up with appropriate supports, in a manner that is inclusive of First Nations individuals with intersecting identities such as 2SLGBTQIA+ people. First Nations individuals before the court may be dealing with various challenges including mental health and addictions, Fetal Alcohol Spectrum Disorder (FASD), poverty, lack of housing, and trauma.

Wrap-around supports must also be available to First Nations individuals who are impacted by crime, including victims of violence and survivors, and families of missing and murdered First Nations peoples. Overall community safety is also a key component of justice and wellness.

14. Partner with First Nations, and provinces and territories, to research, seek to develop, or expand the use of distinctions-based and culturally-tailored programming to support First Nations justice processes that promote rehabilitation and healing.
15. Partner with First Nations, and provinces and territories, to seek to expand access to culturally responsive, First Nations community-led, trauma-informed victims services and supports, including support for the families of missing and murdered First Nations women, girls, gender diverse people, men and boys.
16. Partner with First Nations, and provinces and territories, to seek to develop strategies to expand hiring of First Nations Elders and Knowledge Keepers to work within justice institutions to provide First Nations with culturally appropriate support when interacting with the justice system.
17. Seek to support, in partnership with provinces and territories, Indigenous Community Justice Centres to provide culturally sensitive wrap-around supports, such as referrals to address social determinants of justice, with particular attention to addictions, mental health, FASD, Child and Family Services involvement, sexual exploitation, and gang-involvement.


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18. Partner with First Nations, and provinces and territories, to explore options to expand control and access to community-run alternative measures pre and post sentencing for First Nations people in the Canadian justice system to support culturally appropriate justice responses, healing, and wellness.
  19. Partner with First Nations, and provinces and territories, to explore options for 2SLGBTQQIA+ peoples to have access to low-barrier support services and cultural supports when interacting with the justice system.

### **Direction two: policing reform**

First Nations have expressed that they are overpoliced in urban areas, underserved or receive inadequate services by police in some communities, particularly on reserve and in remote communities, and that First Nations police services are underfunded.


Building trust and creating partnerships between police services and First Nations communities are essential to improving outcomes and fostering a more respectful and equitable justice system. This is particularly important in the context of MMIWG2S+ and how police services respond to survivors and families, and for how they investigate missing and murdered First Nations women, girls, and 2SLGBTQQIA+ people. In particular, building trust and creating partnerships with 2SLGBTQQIA+ communities are essential to improving outcomes and fostering a more respectful and equitable justice system.


20. Partner with First Nations, and provinces and territories, to seek to support access to culturally responsive policing, notably by building respectful working relationships between police services and First Nations through increasing cultural knowledge and understanding history of the First Nations being served.
21. Partner with First Nations, and provinces and territories, to seek to develop standard protocols, policies and practices for police services, with the objective of ensuring that cases reported by First Nations people, especially in cases of MMIWG2S+, are thoroughly investigated.

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22. Partner with First Nations, and provinces and territories, to explore options to create civilian First Nations advisory committees for police services or police divisions to advise detachments serving First Nations peoples.

### **Direction three: corrections and conditional release**

Corrections and conditional release are downstream criminal justice processes whereby First Nations individuals who have end up incarcerated, due to a constellation of social-economic factors, systemic inequality, discrimination, and lack of supportive services, are overrepresented and require meaningful supports.

23. Partner with First Nations, and provinces and territories, to develop measures to support culturally informed wrap-around supports for First Nations people at every point of contact with the justice system. This could include supports from initial police contact to remand and bail processes, sentencing, incarceration, conditional release processes and post-release, as well as supports to victims' and offenders' families.
  24. Explore the development of a long-term and equitable funding model for existing and future community-led section 81 healing lodges.
  25. Partner with First Nations, and provinces and territories, to explore the delivery of community-administered correctional services, including those delivered by First Nations governments or representative organizations.
  26. Partner with First Nations, and provinces and territories, to identify culturally safe and appropriate approaches to correctional institution policies, including the security classification process, to eliminate barriers and address systemic discrimination. As a first step, this could include a review and report on existing systems.
  27. Partner with First Nations, and provinces and territories, to develop an approach to decarceration within the justice system. This could include developing a First Nations decarceration strategic framework.
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28. Partner with First Nations, and provinces and territories, to support First Nations individuals who wish to exit gang life.
  29. Partner with First Nations, and provinces and territories, to conduct a review and develop national standards on the production of Gladue reports.

#### **Direction four: legislative reform**

Legislative reform is another key area on the path to reforming the existing criminal justice system. First Nations leaders and organizations have expressed their commitment to work alongside all levels of government on legislative options, including to create new legislation, address existing legislative issues or gaps, and amendments to existing legislation.

Through the impacts of colonialism First Nations have faced significant harms including racism and discrimination, disproportionate impacts, cultural and language impacts, and threats to individual and collective rights. As a result of the colonial roots of Canadian laws, there is deep mistrust that current legislation will not respect the rights of First Nations, including human rights. Legislative reform should ensure that laws are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

30. Consult and cooperate with First Nations on legislative options to create, review or amend legislation to address systemic discrimination against, and overrepresentation of First Nations within the Canadian justice system.
31. Consult and cooperate with First Nations on legislative options to recognize and enable First Nations to exercise jurisdiction in relation to administration of justice, including enforcement, prosecution and adjudication of First Nation laws.

#### **Conclusion**

The Indigenous Justice Strategy and the First Nations chapter seeks to confront the overrepresentation and systemic discrimination faced by First Nations peoples within the



Canadian criminal justice system through reforming the existing system and revitalizing First Nations laws and traditional justice systems in a current context. The development of the First Nations Justice Strategy reflects the guidance received through national engagement with First Nations individuals across Canada on how to properly address the unique, intersectional challenges of First Nations women, girls, 2SLGBTQQIA+ people, men, and boys within the criminal justice system. It also acknowledges the significance of the accessibility and availability of First Nations justice services to all First Nations individuals, regardless of where they may reside within Canada.

The first path identified by the First Nations chapter: revitalization of First Nations laws and legal systems, involves finding the collaborative path forward through the gathering of knowledge from Elders, Knowledge Keepers and, where appropriate, First Nations legal experts, and sharing information among First Nations. It seeks to ensure that First Nations legal structures have authority to effectively enforce, prosecute and adjudicate First Nations laws. The second path of this First Nations chapter: reforming the criminal justice system, aims to comprehensively review and reform the Canadian criminal justice system that has, and continues to, perpetuate innumerable harms onto First Nations peoples. The four directions through which the current criminal justice system needs to be examined include: justice and wellness, policing reform, corrections and conditional release reform, and legislative reforms.

Successful implementation of the Indigenous Justice Strategy and the First Nations chapter requires a distinctions-based and regional approach, collaborative relationship and accountability, as well as long-term and predictable funding. Due to the hundreds of diverse First Nations in Canada, a distinctions-based approach that recognizes self-determination is essential for both respect and implementation of unique First Nations traditions, history, forms of justice, cultures, identification, and ways of knowing. Accountability and collaboration, then, acts as a support to advance the goals of the Indigenous Justice Strategy and the First Nations chapter.

In walking these two parallel paths, it is important to acknowledge the resilience and wisdom of First Nations ancestors who continue to guide the way forward and walk alongside First Nations.





## Inuit priorities chapter

To be transformative, the Indigenous Justice Strategy requires intentionally moving beyond existing processes, systems and practices when appropriate. It is acknowledged that Inuit Treaty Organizations and Canada will need to collaborate with provincial and territorial governments to successfully advance the following priorities to effect long-term and sustainable positive change.

### 1. Infrastructure

This section outlines the infrastructure priorities in Inuit Nunangat related to justice. Infrastructure is critical to the safety of communities. Improving access to housing, shelters and transitional housing as well as community recreational spaces is important for reducing interactions with the justice system, preventing crime and supporting rehabilitation of offenders. In addition, well-resourced Inuit Justice Centres will help improve access to justice for Inuit.

- 1.1 Continue to partner with Inuit to implement housing-related Inuit modern treaty obligations, and through the Inuit-Crown Partnership Committee (ICPC), continue to partner with Inuit to implement the 2019 Inuit Nunangat Housing Strategy co-developed by Inuit and Canada, which notably recognizes that a continuum of housing is crucial to sustainable housing provision and identifies expansion of transitional and supportive housing as an expected outcome.
- 1.2 Improve access to culturally relevant justice services in Inuit Nunangat and urban centres and seek to expand existing justice programs and services to include support for Inuit Community Justice Centres for the provision of Inuit-based justice services to address the needs of those interacting with, or at risk of interacting with the justice system, in partnership with Inuit, and provinces and territories.



## 2. Supporting Inuit community wellness

This section highlights prevention and wrap-around supports to help prevent crime and support community wellness. Prevention supports outlined in this section reflect the holistic nature of crime prevention and identify solutions for improving Inuit health and wellbeing.

**2.1** Support, expand and deliver culturally tailored programming to improve community wellbeing, crime prevention and healing, in partnership with Inuit and provinces and territories. This could include:

- Inuit-led community initiatives focused on intergenerational trauma and healthy relationships to help break cycles of family violence and distress and prevent crimes related to family violence
- Inuit-specific programs whose objective is to improve access to the full continuum of services for mental health and substance use disorders, and interventions and services for preventing and treating traumatic stress in Inuit children, youth and adults
- Inuit-specific wrap-around services to support healing and coping skills for children who have experienced adversity
- Inuit-led education initiatives on topics, including but not limited to mental health, substance use, disabilities, and healthy relationships for Inuit youth in Inuit Nunangat and urban centres to help address risk factors for criminality

**2.2** Support access to justice for Inuit with disabilities, with specific regard for Inuit with Fetal Alcohol Spectrum Disorder (FASD), within the criminal justice system, in partnership with Inuit and provinces and territories.

**2.3** To help prevent traumatic experiences during childhood, Canada will co-develop an Inuit-specific, long-term equivalent to Jordan's Principle whose focus shall include support for wrap-around services that systematically prevent adversity or support healing and coping skills for children who have experienced adversity.



- 2.4 Develop Inuit-led measures to help prevent Inuit women, girls, 2SLGBTQIA+ people and other vulnerable people from being trafficked, in partnership with Inuit and provinces and territories.
- 2.5 Canada will work with Inuit and other justice stakeholders to improve Inuit-specific data collection, with one of the objectives being to help evaluate Inuit interactions with the justice system, including both as accused and as victims.
- 2.6 Partner with Inuit, and provinces and territories to develop screening and assessment protocols and guidance to ensure Inuit have access to diagnostic services for mental health and disabilities, including FASD.

### 3. Improving access to justice

The following section on improving access to justice focuses on interventions and actions to address systemic barriers for Inuit within the Canadian justice system. Actions seek to improve access to the Canadian justice system, including by creating supports for those requiring assistance navigating it.

- 3.1 Improve access to justice for Inuit involved in the criminal justice system and facilitate fair, just, equitable and culturally relevant treatment. This could include partnering with Inuit and provinces and territories to:
  - support Inuit-led court navigator services to guide and support individuals interacting with the justice system including accused and victims
  - explore options for Inuit led legal aid and to support Inuit access to culturally appropriate legal aid
  - enhance access to the interpretation and translation of materials into Inuktitut for all justice-related services
  - support the creation of facilities in Inuit communities that facilitate access to justice by providing videoconferencing and other telecommunications technology that can be used in place of in-person appearances



- review policies and procedures to support the reduction of preventable delays in the justice process
- 3.2** In partnership with Inuit, and provinces and territories, develop and implement Inuit-specific cultural competence and awareness training for justice personnel in Inuit Nunangat, (for example, Crown attorneys, defence lawyers, court staff, justices of the peace, judges and correctional services workers).
  - 3.3** Develop and implement measures that increase the recruitment and retention of Inuit in justice-related professions, in partnership with Inuit and provinces and territories, and stakeholders.
  - 3.4** Reduce barriers, in partnership with Inuit, and provinces and territories, to access Gladue services in Inuit Nunangat, including by developing and implementing measures to support recruitment, training and retention of Gladue writers, reviewers and trainers.
  - 3.5** Design and expand victim supports, in partnership with Inuit, and provinces and territories, to better ensure the provision of culturally appropriate services and supports for Inuit in urban centres and in Inuit Nunangat.

#### **4. Policing**

The following section outlines actions related to ensuring policing services are culturally relevant and responsive to Inuit community needs. In Nunavut, Nunatsiavut and Inuvialuit Settlement Region, policing services are delivered by the RCMP. In Nunavik, the Nunavik Police Service delivers policing to the region.

- 4.1** In partnership with Inuit, and provinces and territories, support Inuit-led crisis intervention initiatives intended to provide at-risk individuals with relevant services and supports.
- 4.2** In partnership with Inuit, and provinces and territories, support access to professional, dedicated and responsive policing services in Inuit Nunangat. This could include:




- improving police dispatch services and police response times
- providing services in Inuktitut in regions where demand exists
- improving resourcing for police services in Inuit communities to help improve safety

**4.3** Partner with Inuit, and provinces and territories, to develop and implement Inuit-specific cultural competence and awareness training to help eliminate systemic racism in the justice system, including by improving training for law enforcement.

## **5. Corrections**

The following section includes actions related to the corrections system with a focus on culturally specific supports for rehabilitation and healing of incarcerated Inuit and reintegration supports that focus on reducing recidivism and preventing revictimization.

- 5.1** Partner with Inuit to develop and implement training about Inuit culture, history and society to help improve knowledge and understanding of Inuit among federal corrections personnel.
- 5.2** Develop options with Inuit and provinces and territories to address systemic policy and resourcing barriers related to funeral visits, family visitation, Elder visitation, Inuktitut language and accessing Inuit-led programming in corrections, with the objective of helping ensure that Inuit are able to remain connected to Inuit culture and society while incarcerated in corrections institutions.
- 5.3** Partner with Inuit, and provinces and territories to expand the use of Inuit-specific processes that support rehabilitation, reintegration and healing of Inuit offenders in the corrections system and Inuit transitioning out of incarceration. This includes exploring ways to increase Inuit access to Inuit-specific rehabilitative programming and services in the language they understand, including an Inuit equivalent of healing lodges.

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- 5.4 Partner with Inuit, and provinces and territories on information sharing about Inuit who are incarcerated or on mandatory release to help provide for the continuity of rehabilitative programming and services to reduce recidivism.
  - 5.5 Partner with Inuit to support section 81 of the *Corrections and Conditional Release Act* for correctional services and centres that are based on Inuit values and practices for healing and reintegration into the community, in particular through on-the-land programs in Inuit Nunangat.
  - 5.6 Support reintegration plans brought forward by Inuit communities under section 84 of the *Corrections and Conditional Release Act*, including support for conditions of release, transitional housing and other needs of the offender, in partnership with Inuit and provinces and territories.

## 6. Inuit-led justice interventions

This section seeks to support Inuit-led interventions in the justice system including work on revitalization of Inuit legal and justice concepts, Inuit diversion and restorative justice programming, and on-the-land programming.

- 6.1 In partnership with Inuit, and provinces and territories, support the revitalization of Inuit legal and justice concepts. This could include supporting Inuit Treaty Organizations in conducting research and community engagement related to Inuit laws and legal practices.
- 6.2 Partner with Inuit to support the development and expansion of Inuit-specific diversion and restorative justice programming.
- 6.3 Partner with Inuit, and provinces and territories to support and expand Inuit-specific on-the-land programming, integrated with the criminal justice system, for crime prevention, rehabilitation and healing.
- 6.4 Partner with Inuit, and provinces and territories, to facilitate support for Inuit-led Community Justice Centres to provide services for Inuit involved in the justice system, such as:



- Inuit-specific justice and healing services
- Inuit-specific Gladue report writing services
- coordination of translation and interpretation services
- justice navigation services
- guidance and supports for those seeking pardons or record suspensions
- meeting spaces for legal consultations and to conduct hearings

## **7. Supporting Inuit self-determination and jurisdiction**

This section addresses Inuit self-determination and the recognition of jurisdiction over administration of justice, the implementation of justice-related obligations under Inuit modern treaties, and the use of the ICPC to advance Inuit priorities in the Indigenous Justice Strategy.

- 7.1** Partner with Inuit Treaty Organizations, and provinces and territories, to support Inuit self-determination in relation to administration of justice. This could include consulting and cooperating on potential legislative options to recognize and enable Inuit to exercise jurisdiction in relation to administration of justice.
- 7.2** Canada to continue to partner with Inuit Treaty Organizations to implement justice-related Inuit modern treaty obligations.
- 7.3** Canada and Inuit will utilize the ICPC as a mechanism for implementing, reporting on, monitoring and evaluating Inuit-specific Indigenous Justice Strategy commitments.

## **Métis priorities chapter**

Canada will work in consultation and cooperation with Métis through representatives chosen in accordance with their own procedures and governance structures and will need



to collaborate with provincial and territorial governments to successfully advance the following priorities to effect long-term and sustainable positive change.

The Métis chapter of the Indigenous Justice Strategy is meant to be evergreen, allowing for agreed upon adjustments and period updates depending on identified needs.

### **Foundational principles**

Consistent with the vision expressed in the Indigenous Justice Strategy, the Indigenous Justice Strategy and the Métis priorities chapter are intended to be interconnected. Their visions, principles, and priority actions are intended to be complementary and the content in one should not be read to derogate from the other.

The following foundational principles will be the lens through which the Indigenous Justice Strategy and the priority actions in this chapter will be interpreted and implemented from a Métis specific perspective.

**Métis self-determination, rights and reconciliation:** The Indigenous Justice Strategy recognizes and respects Métis rights to self-determination and self-government. In particular, the Indigenous Justice Strategy recognizes:

- a.** that Métis self-determination and self-government is crucial for the wellbeing and preservation of Métis culture and society, including community, families and children
- b.** that Métis self-government is central to all justice work and the revitalization of Métis laws, legal systems and institutions, and culture is necessary in all prevention, rehabilitation, and healing services and supports
- c.** the importance of revitalizing Métis legal orders, laws, and concepts of justice and advancing the recognition of Métis jurisdiction over the administration of Métis justice

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- d. that Canada and Métis will continue to jointly determine which initiatives will be co-developed, and that co-development will be considered the default approach to laws and policy impacting the rights and interests of Métis
  - e. that reconciliation between the Government of Canada, provincial and territorial governments, and Métis is the goal of, and guides, the Indigenous Justice Strategy.
    - a. The Government of Canada will work collaboratively with provincial and territorial governments to support Métis in revitalizing their laws, legal systems and institutions, and advancing the recognition of Métis jurisdiction over the administration of justice
  - f. that the United Nations Declaration on the Rights of Indigenous Peoples is a universal international human rights instrument with application in Canadian law
  - g. that the implementation will be supported by legislative, policy, and programmatic initiatives consistent with Canada's commitment to reconciliation

**Métis inclusion and Métis specific:** The Indigenous Justice Strategy will be inclusive of the unique needs of Métis, supporting Métis designed, developed and delivered justice-related programs and services.

**Non-discrimination:** The Indigenous Justice Strategy will be responsive to the urgent need to end systemic discrimination against Métis in the justice system, including based on identity and its intersections with sexual orientation or gender identity or expression.

**Uphold Métis justice - a holistic approach:** The Indigenous Justice Strategy will advance the self-determination of Métis by embracing Métis understandings of justice. This will include a focus on revitalization of Métis culture, societies, families and relationships as well as a holistic approach to justice including prevention, healing, and rehabilitation supports and services. All actions, programs, and services need to address root causes of violence and injustice and address the need to restore individual and collective wellness. Indigenous Justice Strategy priority actions are holistic in nature and will be conducted through a Métis lens; this lens views actions as co-dependent and interconnected.



**Strength based, intersectional approach that uphold dignity:** The Indigenous Justice Strategy will uphold the dignity of Métis as they interact with the Canadian justice system and all preventative, rehabilitative, and healing services. The Indigenous Justice Strategy:

- recognizes the unique circumstances of Métis individuals with intersecting identities, including seniors, women, youth, children, persons with disabilities, and 2SLGBTQQIA+ people, that require distinct cultural care and healing, and Métis are best positioned to provide such cultural care and healing
- will respect and take into consideration the specific needs, experiences, identities, abilities, and knowledge of these individuals and communities with consideration for an inclusive and intersectional approach that considers the social determinants of intersecting identities

### **Section 1: Métis Priority actions as represented by the Métis Nation of Alberta, Métis Nation British Columbia, the Métis Nation of Ontario and Métis Nation Saskatchewan**

This section was co-developed with the Métis National Council, the Métis Nation of Alberta, the Métis Nation British Columbia, the Métis Nation of Ontario, as well as the Métis Nation-Saskatchewan.

In 2023, Canada and the Métis Nation of Alberta, the Métis Nation of Ontario and the Métis Nation-Saskatchewan signed separate updated Self-Government Recognition and Implementation Agreements which informed and continue the government-to-government relationship.

The Indigenous Justice Strategy recognizes Canada's nation-to-nation, government-to-government relationship with Métis and commits to working together in consultation and cooperation with Métis to implement this Strategy. This section will be interpreted and actioned by Métis through their chosen representatives in accordance with their own procedures.



This includes working with Métis, in consultation and cooperation, to take a distinctions-based approach to implementing the self-determined priorities and objectives outlined within the Indigenous Justice Strategy to address the overrepresentation of Métis in the justice system and to support the revitalization of Métis laws and legal systems.

While the Indigenous Justice Strategy is an important way in which Canada and Métis will consult and cooperate to address, in collaboration with relevant provinces and territories, the overrepresentation of Métis in the justice system and to support the revitalization of Métis laws and legal systems, Métis self-determined priorities and objectives related to justice and policing could also continue to be addressed through other forums, such as nation-to-nation, government-to-government instruments or agreements.

### **Collaborative relationship and accountability**

**Priority Action 1:** Consistent with Priority Action 2 of the Indigenous Justice Strategy, Canada will work in consultation and cooperation with Métis, and in collaboration with the provinces and territories as appropriate, through bilateral and trilateral justice-related tables to implement the Indigenous Justice Strategy and Métis Priorities, as well as to address, develop, create or implement other justice-related priorities. For greater certainty,

- regarding the Métis Nation-Saskatchewan, Canada will work in consultation and cooperation with Métis Nation-Saskatchewan, and in collaboration with the Province of Saskatchewan as appropriate, through bilateral or trilateral justice-related tables to implement the Indigenous Justice Strategy and Métis priorities, as well as to address, develop, create or implement other justice-related priorities
- this includes advancing the recognition of Métis jurisdiction over the administration of justice and addressing systemic discrimination against, and the overrepresentation of Métis in the justice system, as well as other relevant actions needed to implement the Indigenous Justice Strategy

**Priority Action 2:** Canada will consult and cooperate with Métis, and collaborate with provinces and territories, to address self-determined justice-related needs and priorities.



This includes exploring how negotiated agreements can be used to advance Métis jurisdiction in relation to the administration of justice and address systemic discrimination and overrepresentation of Métis in the justice system.

**Priority Action 3:** Continue to work to implement Métis Priority 9 of the *United Nations Declaration on the Rights on Indigenous Peoples Act* Action Plan, which calls for the conclusion of a Justice and Policing Sub-Accord through the Canada-Métis Nation Permanent Bilateral Mechanism. This includes exploring connections between this area of work and the work to implement the Indigenous Justice Strategy. The mechanism used to address the Action Plan and to implement the Strategy may be in the form of a sub-accord or a different method.

**Priority Action 4:** Consistent with Priority Action 4 of the Indigenous Justice Strategy, Canada will consult and cooperate with Métis to work on the advancement of data sovereignty and improve the capacity of Métis to control their own data.

**Priority Action 5:** Canada will consult and cooperate with Métis to work on the facilitation of disclosure of Métis-specific data collection resulting from justice services and programs operated by Canada, including interactions and experiences of Métis with justice systems and institutions. This includes increasing Métis participation in the development of data from the point of inception and increasing access to data controlled by Government of Canada departments, agencies, and Crown corporations that is relevant to Métis and its health, wellbeing, and ways of life.

**Priority Action 6:** Consistent with Priority Action 3 of the Indigenous Justice Strategy, Canada will consult and cooperate with Métis to establish co-developed governance, accountability, and reporting mechanisms for Indigenous Justice Strategy implementation. This could include indicators to measure progress that reflect Métis ways of knowing and understanding, and which are supported by data collection and reporting methods that prioritize Métis data sovereignty and governance.



### **Long-term and predictable funding**

**Priority Action 7:** Consistent with Priority Actions 6, 7 and 8 of the Indigenous Justice Strategy, Canada in consultation and cooperation with Métis, will seek to explore funding models that are flexible and predictable to support Métis self-determined needs and priorities as it relates to Métis-led justice programs and services.

### **Justice and wellness**

**Priority Action 8:** In consultation and cooperation with Métis, and in collaboration with the provinces and territories, work toward developing measures to support Métis self-determination, including Métis developed, delivered and managed justice services, programs and institutions grounded in Wâhkôtowin and Métis legal principles.

**Priority Action 9:** In consultation and cooperation with Métis, and in collaboration with the provinces and territories, work toward improving access to, and develop Métis-specific and Métis delivered services, supports and programs to Métis interacting with the Canadian justice system.

**Priority Action 10:** Consistent with Priority Action 5 of the Indigenous Justice Strategy, consult and cooperate with Métis, and collaborate with the provinces and territories, toward developing and implementing Métis-specific trauma informed cultural training for justice system practitioners to improve awareness of distinct Métis histories, cultures and circumstances. This includes specific training on the unique circumstances of Métis with intersecting identities, including seniors, women, youth, children, persons with disabilities, and 2SLGBTQIA+ people.

### **Administration of justice and access to justice - policing**

**Priority Action 11:** Consult and cooperate with Métis, and collaborate with the provinces and territories, to advance Métis policing and community safety priorities.

**Priority Action 12:** Consistent with Priority Action 5 of the Indigenous Justice Strategy, consult and cooperate with Métis, and collaborate with the provinces and territories, to



develop and deliver distinctions based, culturally safe, and trauma-informed training for justice and policing personnel.

**Priority Action 13:** Consult and cooperate with Métis to develop measures to support Métis community safety and policing needs, notably to address the realities of Métis individuals and communities.

#### **Administration of justice and access to justice – corrections**

**Priority Action 14:** Consistent with Priority Action 20 of the Indigenous Justice Strategy, consult and cooperate with Métis, and collaborate with the provinces and territories, to reduce barriers and increase access to Métis developed and delivered Gladue services and programs in all justice processes that enable full consideration of the specific circumstances of Métis.

**Priority Action 15:** Consistent with Priority Action 11 of the Indigenous Justice Strategy, consult and cooperate with Métis, and collaborate with the provinces and territories, to expand the hiring of Métis who hold cultural knowledge, including Elders, Knowledge Keepers, and other community members to work within justice institutions and improve access to Métis-specific reintegration services and supports for persons with lived experience in the justice system. This could include co-developing Métis-specific supports, services and programs, and Métis-specific cultural programming.

#### **Administration of justice - revitalization and enforcement**

**Priority Action 16:** Consult and cooperate with Métis, and collaborate with the provinces and territories, to advance potential options for the development and implementation of Métis laws, Métis justice and legal systems and legal institutions, the recognition of Métis jurisdiction over the administration of justice, and the cooperative co-existence of Métis and Canadian legal systems.

**Priority Action 17:** Canada will seek to support Métis to build capacity to develop and implement Métis laws, including research, engagement, drafting, publication and



awareness, and other related matters to revitalize and operationalize Métis laws, legal systems and legal institutions.

### **Administration of justice and access to justice - legislation**

**Priority Action 18:** Consistent with Priority Actions 25 and 26 of the Indigenous Justice Strategy, Canada will consult and cooperate with Métis, and collaborate with the provinces and territories, on potential legislative options to:

- 1) recognize jurisdiction in relation to the administration of justice, including but not limited to the enforcement, prosecution and adjudication of Métis laws, and Métis legal systems and institutions
- 2) ensure consistency with the United Nations Declaration on the Rights of Indigenous Peoples
- 3) address systemic discrimination against and overrepresentation of Métis individuals in the Canadian justice system

**Priority Action 19:** Consistent with priorities expressed by Métis, consultation and cooperation pursuant to Priority Action 25 or Priority Action 26 of the Indigenous Justice Strategy will include exploring potential legislative options in relation to sentencing.

## **Section 2: Priorities of Red River Métis as represented by the Manitoba Métis Federation**

In 2021, Canada and the Manitoba Métis Federation signed the Manitoba Métis Self-Government Recognition and Implementation Agreement. In 2024, Canada and the Manitoba Métis Federation signed the *Red River Métis Self-Government Recognition and Implementation Treaty*, which informs and continues the government-to-government relationship between Canada and the Manitoba Métis Federation.



The Government of Canada will work in partnership with the Manitoba Métis Federation to achieve the following desired outcomes for the Indigenous Justice Strategy, as it relates to the Red River Métis represented by the Manitoba Métis Federation:

1. Revitalize Red River Métis laws, norms and practices
2. Reduce the number of Red River Métis involved in the criminal justice system
3. Prevent and reduce crime and enhance the safety and wellbeing of Red River Métis
4. Strengthen Red River Métis families and community to promote a strong People
5. Support the development and delivery of justice programs and initiatives by and for Red River Métis
6. Ensure that justice measures are culturally relevant and incorporate Red River Métis values, traditions and culture

The following priority action areas support these outcomes:

### **Collaborative relationship and accountability**

**Priority 1:** Partner with the Manitoba Métis Federation to advance Red River Métis capacity to collect, record, maintain and publish data that accurately distinguishes Red River Métis experiences with the justice system. This includes exploring data management protocols, further development of Manitoba Métis Federation data management systems and training options to promote accurate disaggregation of data by Red River Métis identity, including in relation to Red River Métis women, 2SLGBTQI+ persons, persons with disabilities and youth in care.

**Priority 2:** Consistent with Priority Action 2 of the Indigenous Justice Strategy, Canada will work with the Manitoba Métis Federation, and the province or provinces as appropriate, to implement the Indigenous Justice Strategy and the Red River Métis priorities, as well as to address, develop, create or implement other justice-related priorities. For greater certainty, Priority Action 2 of the Indigenous Justice Strategy will be implemented in



accordance with the principles and goals of the Indigenous Justice Strategy, including a distinctions-based approach.

### **Long-term and predictable funding**

**Priority 3:** In consultation and cooperation with the Manitoba Métis Federation, Canada will explore updating Justice Canada funding models to ensure greater flexibility and predictability in funding Red River Métis self-determined needs, priorities, programs, services, and other justice-related initiatives.

### **Justice and wellness**

**Priority 4:** Partner with the Manitoba Métis Federation and the province or provinces to develop measures to ensure that the unique culture and traditions of Red River Métis are respected by and integrated into the justice system, with the objective of improving Red River Métis access to justice and participation in culturally specific healing and rehabilitation programming.

**Priority 5:** Partner with the Manitoba Métis Federation and the province or provinces to develop measures to improve access for Red River Métis youth at risk, to holistic wrap-around services, mentorship programs, Red River Métis Elders, and safe community spaces.

**Priority 6:** Partner with the Manitoba Métis Federation and the province or provinces to develop measures to provide distinctions-based, culturally-appropriate, trauma-informed supports, such as Red River Métis Community Justice Support Workers, to assist Red River Métis, notably youth, in navigating justice services and legal processes – whether as victims or as accused – with a particular focus on northern and remote areas.

**Priority 7:** Partner with the Manitoba Métis Federation and the province or provinces to develop measures to expand control and access to community-run alternatives to sentencing for Red River Métis Citizens. These measures would support distinctions-based, culturally appropriate alternatives that uphold the role of Red River Métis Elders



and Knowledge Keepers, victims, and family in determining appropriate remedy for harms that have been done and which put the community at the heart of healing and rehabilitation.

### **Administration of justice and access to justice - policing**

**Priority 8:** Partner with the Manitoba Métis Federation and the province or provinces to develop Red River Métis safety policies for policing. This could include:

- creation of community safety boards under the guidance of Elders and Knowledge Keepers as determined by the Manitoba Métis Federation
- orientation and training for all police officers serving Red River Métis
- liaison between the Manitoba Métis Federation and the police
- ensuring allegations of police wrongdoing are appropriately investigated

**Priority 9:** Partner with the Manitoba Métis Federation and the province or provinces to advance Red River Métis policing and community safety priorities.

### **Administration of justice and access to justice – corrections**

**Priority 10:** Partner with the Manitoba Métis Federation to develop measures to ensure that Indigenous support services are provided in a manner that is Red River Métis specific and distinctions-based to improve access for Red River Métis in federal custody to culturally appropriate services in federal corrections institutions, with the objective of promoting healing for Red River Métis and addressing recidivism.

### **Administration of justice - revitalization and enforcement**

**Priority 11:** Partner with the Manitoba Métis Federation to develop measures to revitalize Red River Métis laws and practices, including Red River Métis traditional law, notably in the areas of prevention and restorative justice.



## Administration of justice and access to justice - legislation

**Priority 12:** Canada will consult and cooperate with the Manitoba Métis Federation on potential legislative options to address systemic discrimination against, and the overrepresentation of Red River Métis in the Canadian justice system, as well as potential legislative options to recognize and enable Red River Métis exercise of jurisdiction in relation to administration of justice, including enforcement, prosecution and adjudication of Manitoba Métis Federation laws.

