

Issue Update

Indigenous Justice Strategy and Justice Reform

History

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 (IJS) to address systemic discrimination and the overrepresentation of Indigenous peoples in the justice system. In April 2021, the federal budget included an investment of \$11 million over three years to support Indigenous-led community engagement, and collaboration between Indigenous groups and the government, as a first step towards developing the IJS in Canada. Although funding has been announced for the work on the IJS, development and implementation of a national IJS requires greater resources and political support.

AFN's recent advocacy

The AFN sought funding to carry out the mandate from Resolution 36/2021, *Call for Recommitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*. In March 2022, the AFN received a three-year funding commitment through Justice Canada's IJS program to create a Chiefs Committee on Justice and to carry out IJS engagement through national justice forums.

On April 7, 2022, the AFN held a National Forum on Restorative Justice to discuss the high-level themes of revitalization of Indigenous legal traditions, reclamation of First Nations jurisdiction over justice systems, and First Nations legal traditions and the Canadian criminal justice system. The Restorative Justice Forum included panellists and participants who discussed First Nations customary laws and legal traditions, First Nations courts, and creating effective restorative justice programs. There was also discussion on the need to revitalize restorative justice programs to better meet the needs of First Nations and develop strategies to reclaim First Nations legal traditions and laws.

In July 2022, First Nations-in-Assembly passed Resolution 11/2022, *Establishing a Chiefs Committee on Justice*, directing the AFN to establish a Chiefs Committee on Justice to provide advice and direction on matters relating to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.

Next Steps

The Justice Sector plans to host a Virtual Justice Speaker Series in Fall 2023. The Virtual Justice Speaker Series will build off discussions from the National Forum on Justice held in April 2022,

exploring key themes with panellists representing various perspectives. The speaker series will produce an updated report on the intersectional perspectives on key themes from the National Forum on Justice. This will provide the foundation for developing an AFN recommendation paper that will be submitted to Justice Canada as they begin to develop the IJS in 2024.

The AFN will continue discussions with the federal government regarding the development of a First Nations component to the IJS. The main objective of these discussions is to ensure that the IJS addresses issues of systemic racism within Canada's justice system, fuller implementation, and expansion of Gladue principles (including the establishment and funding of First Nations and Gladue Courts), improving jury selection processes, and recognizing First Nations' jurisdiction over justice.