



AFN Virtual Justice Series

Summary Report | December 31, 2024

October 2023

The Assembly of First Nations (AFN) hosted a series of four Virtual Justice Speaker Series panels in October 2023. This report summarizes the words of panelists, Knowledge Keepers, and Elders regarding the need for reclamation of First Nations legal traditions and laws.





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Background

The Assembly of First Nations (AFN) works to advance the collective aspirations of First Nations individuals and communities across Canada on matters of national and international concern

The AFN hosts two assemblies each year, where mandates and directives for the organization are established through resolutions directed and supported by the First Nations-in-Assembly (elected Chiefs or proxies from member First Nations). Every Chief in Canada is entitled to be a member of the Assembly, and the National Chief is elected by the Chiefs in Canada. The role and function of the AFN is to serve as a nationally delegated forum for determining and harmonizing effective, collective, and cooperative measures on any subject matter that the First Nations delegate for review, study, or response, or to advance the aspirations of First Nations.

In addition to the direction provided by Chiefs of each member First Nation, the AFN is guided by an Executive Committee consisting of the elected National Chief and Regional Chiefs from each province and territory. Representatives from five national councils (Knowledge Keepers, Youth, Veterans, 2SLGBTQQIA+ and Women) support and guide the decisions of the Executive Committee.

Indigenous Justice Strategy (History)

In January 2021, the Minister of Justice and Attorney General of Canada was mandated to develop, in consultation and cooperation with Indigenous partners, provinces, and territories, an Indigenous Justice Strategy (IJS) to address systemic discrimination and the overrepresentation of Indigenous people in the justice system.¹

On November 1, 2022, the Government of Canada, through the Minister of Justice and Attorney General of Canada, announced its commitment to advance reconciliation with Indigenous peoples and to develop, in consultation and collaboration with Indigenous partners, provinces, and territories, an IJS that is informed by the lived experiences of First Nations, Inuit, and Métis.²

Overview of AFN Engagement

Like many other Indigenous groups, organizations, and academic institutions, the AFN received funding under the Indigenous-led engagement stream coordinated by Justice Canada. The AFN's mandate is to advocate and work with Justice Canada to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy. The strategy is supporting through funding to assist regional and community-based, self-determined holistic approaches to justice that are grounded in First Nations principles, protocols, laws, and traditions, including ensuring the framework is consistent with the minimum standards in the *United Nations*

¹ Minister of Justice and Attorney General of Canada Mandate Letter (2021), <https://www.pm.gc.ca/en/mandate-letters/2021/12/16/minister-justice-and-attorney-general-canadamandate-letter>

² Engaging with Indigenous partners to address systemic discrimination and overrepresentation in the Canadian justice system (2022): <https://www.canada.ca/en/department-justice/news/2022/10/engagingwith-indigenous-partners-to-address-systemic-discrimination-and-overrepresentation-in-the-canadianjustice-system.html>



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Declaration on the Rights of Indigenous Peoples (UN Declaration).³ The AFN is in its final year of a three-year project to develop a First Nations Justice Strategy.

The AFN is in the final year of the three-year engagement process which included two National Justice Forums (National Forum) and the establishment of an AFN Chiefs Committee on Justice (CCoJ). The first National Forum in March 2021 was held alongside the AFN National Forum on Policing and Justice. The second National Forum was held virtually in April 2022. The CCoJ was established to provide advice and direction on matters related to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.⁴ The inaugural meeting of the CCoJ was held on September 21st-22nd, 2023, in Victoria, B.C. At this meeting, Chiefs, Committee members, and their representatives, provided guidance on the development of the strategy and AFN's recommendations to Justice Canada.

Introduction

During the April 2022 National Forum, the AFN gathered participants from across the country to discuss how to redirect the conversation on justice away from conventional notions of restorative justice toward the reclamation of First Nations legal traditions and laws. The discussion centered on three key themes:

1. Revitalization of Indigenous Legal Traditions
2. Reclamation of First Nations Jurisdiction over Justice Systems
3. First Nations Legal Traditions and the Canadian Criminal Justice System

At the July 2023 Annual General Assembly in Halifax, Nova Scotia, First Nations-in-Assembly passed Resolution 48/2023, *Revitalization of Indigenous Laws and Legal Orders*. The terms of Resolution 48/2023 include:

1. Call upon the Government of Canada to support First Nations initiatives to revitalize their traditional justice practices by adequately funding an innovative First Nations-led approach to justice and healing that is meaningfully informed by the sacred Knowledge Keepers and oral traditions of First Nations.
2. Direct the Assembly of First Nations to continue engagement with First Nations and national or regional Indigenous organizations to determine options to support all First Nations as they seek to revitalize their legal practices and traditions and, where requested, work with all First Nations and required internal and external partners in their co-development of processes that will revitalize Indigenous laws and traditional justice systems where mandated to do so.

In the introduction to the resolution, First Nations-in-Assembly outlined elements that create the imperative for change, including how Canada's justice system and legal institutions are rooted within colonial systems that result in ongoing systemic injustice. The resolution also called attention to Canada's failure to recognize Indigenous laws,

³ AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*.

⁴ AFN Resolution 11/2022, *Establishing a Chiefs Committee on Justice*



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traditional justice systems and methods of justice, and Indigenous institutions. This failure, along with deeply embedded systemic racism, continues to contribute to harm for Indigenous Peoples and prevents healing. Resolution 48/2023 acknowledged that meaningful change would require understanding and recognition of the important history of Indigenous laws and legal systems. It noted that:

- ✓ Indigenous legal systems and methods of justice are diverse and resilient, and are derived from sources such as sacred law, natural law, deliberative law, positivistic law and customary law.
- ✓ Indigenous law pre-dates and exists independently of Canada's Aboriginal law.
- ✓ Traditional justice systems are being used internationally to implement transitional justice and culturally appropriate judicial forums.
- ✓ Traditional systems are often referred to by other terms, such as "customary," "informal," "community-based," "grassroots," "Indigenous," and "local."
- ✓ Knowledge of traditional justice and healing processes comes from Knowledge Keepers who obtained their expertise through oral traditions and transmit it for use by future generations; true healing comes from grassroots initiatives and must revitalize and integrate traditional and historic First Nations justice practices, cultures and traditions.
- ✓ Decolonization and Indigenization of justice is a legal evolution that is required to make space for Indigenous law and jurisdictions to operate alongside Canada's common law and civil law systems.
- ✓ Indigenous Peoples require capacity to support this transformation beyond existing oppressive regimes.
- ✓ Traditional justice and healing practices that intertwine with modern justice practices could provide that space.

Virtual Justice Speaker Series

To further dialogue and gather input on these important topics, the AFN hosted a four-part series of virtual panels in October 2023. The Virtual Justice Speaker Series (VJSS) featured Indigenous women, 2SLGBTQIA+ peoples, youth, Knowledge Keepers, Elders, leadership, Chiefs, and legal practitioners to discuss First Nations laws, legal systems, and restorative justice initiatives.

Building on the April 2022 gathering and 2023 mandate from First Nations-in-Assembly, panelists shared their own lived experiences working within the Canadian criminal justice system. They also shared knowledge of Indigenous law, legal traditions, and restorative justice. Each panelist was invited to share their perspective on the gathering's themes to foster relevant and timely discussion. Following the individual presentations, participants engaged with panelists during a question-and-answer session.

Please note that the following is not a verbatim transcription of the discussions but a summary according to themes, topics, and modes of discussion. Except for brief quotations, the panelists' words have been paraphrased for clarity and organization.



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Panelist Biographies

The AFN extends its gratitude to each of the speakers for sharing their knowledge, wisdom, and insights on these important topics.

Panel 1 (October 5, 2023) – Youth, Women, and 2SLGBTQIA+

Teddy Manywounds (Tsuut'ina First Nation)

Teddy is a two-spirited person who was raised on the east side of Tsuut'ina, on what is known as Two Crossings Road. From the age of 22, Teddy spent time in New York City, and following graduation from Parsons School of Design and The New School for Design, worked in the fashion industry. In that time Teddy had the chance to experience many cultures, experiences, panels, talks, socials, and engagements which have given them a perspective they continue to imbue to their First Nation(s), while also striving to be the best representation of First Nations communities.

Currently, Teddy is the Director of Justice for G4 Stoney Nakoda, Tsuut'ina Tribal Council. Within Teddy's goal and scope of providing the tools and resources that would create inclusive equity for First Nations, they also strive to provide safe, respectful, equitable, and responsible spaces for women and girls. Through sharing circles and moments of healing, Teddy wants to elevate First Nations voices through engagement, while engaging in a manner that recognizes traditional practices. Through experiences and perspective, Teddy wishes to continue to build societies, families, and communities into a future the ancestors would smile upon.

Roman Skye Buffalo-Yaghi (Samson Cree Nation)

Roman is from Samson Cree Nation in Maskwacis, Alberta, and is currently residing in Edmonton.

Roman has worked on the AFN's National Youth Council since 2019, diligently representing the Council's efforts to promote and support youth voices from across the region. Currently, Roman is the AFN Youth Council's representative for the Policing and Justice portfolios.

Roman is fluent in English and is re-learning Cree. Roman is currently working full-time to support re-entry into University/College to study Criminal Justice and Law. Roman plans to eventually join local law enforcement to work their way up to become a homicide detective to help their own community as they are very passionate about MMIWG2S+ and bringing justice to the families.

Bonnie Cole (Whitefish River First Nation)

Bonnie was born and raised on the Whitefish River First Nation in Ontario. She is Ojibwe and has lived in Akwesasne with her husband for the past 39 years. Bonnie was called to the Bar in Ontario in 2012 and is currently a practicing lawyer. She operates her own law and consulting practice. Prior to her law career Bonnie was a manager in social welfare and long-term care for twenty years.



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Bonnie served as legal counsel to the Mohawk Council of Akwesasne from 2012-2021, where she advised, with Council, various programs and services and served as a prosecutor for six years. She negotiated with provincial and federal governments on Akwesasne Court recognition, revenue-sharing agreements and participated in self-government negotiations.

Additionally, Bonnie has assisted community members with individual matters and provided orientation and training to new members of Akwesasne boards, commissions and committees. She was a prosecutor in the Akwesasne court for 6 years and has supervised and mentored law students from McGill University, University of Ottawa, York University and Queens University and served as Pro Bono supervisor on projects undertaken by Queens University Faculty of Law. She has lectured at the University of Ottawa, McGill University and Queens University. Bonnie graduated from Carleton University with a bachelor's degree with a major in psychology and is also a graduate of the University of Ottawa, Faculty of Law.

Panel 2 (October 12, 2023) – Knowledge Keepers

Dr. John Borrows (Chippewa of the Nawash First Nation)

Dr. John Borrows [B.A., M.A., J.D., LL.M. (Toronto), Ph.D. (Osgoode Hall Law School), LL.D. (Hons., Dalhousie, York, SFU, Queen's & Law Society of Ontario), D.H.L. (Hons., Toronto), D.Litt. (Hons., Waterloo), F.R.S.C., O.C.], is the Loveland Chair in Indigenous Law at the University of Toronto Law School. John is a member of the Chippewa of the Nawash First Nation in Ontario, Canada.

His publications include, *Recovering Canada: The Resurgence of Indigenous Law* (Donald Smiley Award best book in Canadian Political Science, 2002), *Canada's Indigenous Constitution* (Canadian Law and Society Best Book Award 2011), *Drawing Out Law: A Spirit's Guide* (2010), *Freedom and Indigenous Constitutionalism* (Donald Smiley Award for best book in Canadian Political Science, 2016), *The Right Relationship* (with Michael Coyle, ed.), *Resurgence and Reconciliation* (with Michael Asch, Jim Tully, eds.), *Law's Indigenous Ethics* (2020 Best subsequent Book Award from Native American and Indigenous Studies Association, 2020 W. Wes Pue Best book award from the Canadian Law and Society Association). He is the 2017 Killam Prize winner in Social Sciences and the 2019 Molson Prize Winner from the Canada Council for the Arts, the 2020 Governor General's Innovation Award, and the 2021 Canadian Bar Association President's Award winner. He was appointed as an Officer of the Order of Canada in 2020.

Dawnis Kennedy (Roseau River Anishinaabe First Nation, Treaty 1 Territory)

Minawaanigogizhigok, also known as Dawnis Kennedy works at the Manitoba Indigenous Cultural Education Centre. She is an activist and a Yellowhead Research Fellow. Dawnis holds a Bachelor of Law from the University of Toronto, and a Masters of Law and Society focused on Aboriginal rights and Indigenous Laws from the University of Victoria. As a graduate student and a Trudeau Scholar, she has focused on Anishinaabe *Onaakonigewin* (Ojibwe Law) and culture-based education. She has been called on as a legal expert by the National Inquiry into Missing and Murdered Indigenous Women and Girls, by First Nations with regard to Child Welfare and Family Law from the perspective of Anishinaabe *Onaakonigewin* and Harvesting Regulation and Relational Laws of the Anishinaabe. She has also been



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called upon to articulate practices of Anishinaabe education, offer testimony as a legal expert regarding Anishinaabe legal traditions and family law, and support youth seeking connection in community.

Dawnis is *Waabizheshi* (Marten) Clan of the Anishinaabe Nation and descendant of Canadian settlers. She is dedicated to reclaiming traditions both in her life and in her work. She is a second-degree Midewiwin (Way of the Heart) person and was raised as *Ogichidaakwe* (Warrior woman/Woman of a Big Heart) by the Ogichidaa Society and Elders of her home community *Bagwaanishkoziibing*. Dawnis is dedicated to the pursuit of Mino-bimaadiziwin (Good Life). She seeks and creates opportunities to live life from her heart. She builds on the good choices that her family, mentors, and friends made in their lives: their choices to work hard, raise their families, put down alcohol, help their relatives, support the people, and reconnect to Midewiwin - living the ways of life, languages, and traditions that our ancestors sent forward to us. In the footsteps of all her ancestors, Dawnis continues to learn and to grow, taking joy in this good life and supporting others seeking to do the same.

Panel 3 (October 19, 2023) - Leadership

Elder Barney Batiste (Matachewan First Nation)

Knowledge Keeper Barney Batiste is a past Chief of the Matachewan First Nation. He is a Knowledge Keeper with the Chiefs of Ontario, the Assembly of First Nations, and the Nishnawbe Aski Nation. Barney worked with former Supreme Court of Canada Justice, Honourable Frank Iacobucci, by looking at laws and justice in the North, especially as it relates to the lack of First Nations representation on juries. Barney helped in the production of the Iacobucci Report, an experience that made Barney realize we are working within a broken system. Barney has a sincere interest in trying to correct the wrong in all areas of the justice system. He is tired of breaking a law to make a law.

Former Regional Deputy Grand Council Chief Travis Boissoneau (Nishnawbe Aski Nation)

Travis was the Regional Deputy Grand Council Chief (RDGCC) and was elected in June of 2021 to the Leadership Council Executive of Anishinabek Nation. At Anishinabek Nation, he held the portfolios of Intergovernmental Affairs/Aboriginal Treaty Rights, Health & Healing, and Justice. Prior to his election to RDGCC, Boissoneau was the Chief Administrative Officer for Nishnawbe Aski Nation. In this position he gained an in-depth insight into political advocacy, legislative process, program and service delivery, and management. His efforts have focused on justice and policing and, as Chair of Justice for the Chiefs of Ontario and Justice Lead for Anishinabek Nation, there have been heavy advocacy efforts on the Enforcement and Prosecution of First Nation Laws. He continues to work toward strengthening relationships with the Provincial Government. His efforts are intended to ensure community safety for Ontario First Nation communities.

Travis is the proud father of two daughters and two sons. He cherishes learning from and teaching his children values to ensure that culture, language, and traditions are being passed on to the next generations. He exercises his treaty and inherent rights and does so responsibly and ethically, always ensuring safety and conservation efforts. He regularly educates young harvesters and mentors them throughout the process to ensure the next seven



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generations are equipped to harvest responsibly and ethically. His Dodem (Clan) is *Ajijaak/Zhaake* (Crane) and his name "*Misko Anemki*" means "Red Thunder" in *Anishinaabemowin*.

Doris Bill (Kwanlin Dün First Nation)

Doris served three terms as Chief of Kwanlin Dün First Nation (KDFN). She worked to improve outcomes for vulnerable people and became a strong voice on matters relating to housing, women's issues, youth inclusion, children in crisis, people facing trauma and addictions, and community safety. She also led and supported the Nation as it continued to unlock the potential of its Final and Self-Government Agreements and, in 2020, KDFN enacted its Lands Act, a key piece of legislation allowing citizens to protect, access and benefit from Settlement Land. Before becoming Chief, she worked as a journalist. Over her 30-year career, she became one of the most recognized faces in the North. She used her skills to mentor youth and First Nations people.

Doris worked with KDFN citizens on the establishment of the first Community Safety Officer program in Canada. She worked with other leaders and levels of government to create a plan to house vulnerable people called Safe at Home. She is Co-chair on the Yukon Advisory Committee on the National Inquiry into MMIWG2S+ and helped create the strategy in response to the Inquiry's Calls for Justice. In 2020, Doris presented a resolution to end discrimination at the AFN, resulting in an independent review and recommendations for improvement. She aided in the establishment of the Yukon Youth Summit. She was recently appointed as Vice-Chair to the Yukon Residential Schools Missing Children Project and as Chair of the Yukon Housing Corporation.

Doris was born in Whitehorse and has multi-generational family roots in the area. She grew up in permanent care in Inuvik, and then went to school in Alberta, but returned to Whitehorse to make her home and establish her career in the late 1980s.

Panel 4 (October 26, 2023) – Legal Practitioners and Restorative Justice

Patti Bova (Akwesasne Mohawk Nation)

Patti is the Indigenous Court Worker (ICW) for the Akwesasne Community Justice Program (ACJP). She has been with ACJP for 14 years, first in the capacity of the Youth Liaison Worker before becoming the ICW seven years ago. Patti's educational background is in Native Studies, where she attended Algonquin College (1 year) and Trent University (4 Years). Most of the Patti's training has been achieved through her employment at ACJP. Patti provides guidance and support to Indigenous people as they navigate the justice system. Additionally, Patti is an Independent Gladue Writer for the Province of Quebec.

Patti is a Mohawk woman from the First Nations community of Akwesasne. She is Wolf Clan. Patti recently celebrated 13 years of marriage to her husband Taylor, who is also Mohawk from Akwesasne and from the Bear Clan. They share three wonderful children together, ages 15, 10 and 6, all bearing Mohawk names. Having been born and raised in her community, and currently raising her family in Akwesasne, Patti is wholeheartedly invested in the work they do at ACJP for their community members.



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Amanda Chapman (Pine Creek First Nation)

Amanda is the Acting Community Justice Manager with the Southern Chiefs' Organization. She is Anishinaabe from Pine Creek First Nation and has been a resident of Brandon, Manitoba, for the past 20 years. Amanda is a mother of two adult sons and one beautiful granddaughter. Amanda received her Business Administration Diploma with a specialization in Management, from Assiniboine Community College (ACC), is a proud graduate of the Southern Chiefs' Organization and Assiniboine Community College's inaugural Restorative Justice Certificate Program. Amanda is a former Community Justice Worker and is excited to be back with the Southern Chiefs Organization's justice department.

Leahan Parrot (Nishnawbe Aski Nation)

Leahan is a Restorative Justice Advocate with Nishnawbe-Aski Legal Services and recently took on the role as manager of the Restorative Justice Department in the East. She started working for Nishnawbe-Aski Legal Services in October 2000 and understands Restorative Justice has an important history, having been practiced by Nishnawbe since time immemorial. Over the past 23 years of dedicated service to her communities she has enjoyed being part of a hard-working team that strives to promote community-based justice systems to all NAN (Nishnawbe-Aski Nation) members.

Kenneth Sackney (Constance Lake First Nation)

Kenneth is registered with the Constance Lake First Nation community, but his familial roots are established in Fort Albany. After years working in Sudbury, Kenneth returned to Fort Albany to embark on a journey to discover his identity as an Indigenous young man and learn about his history.

In 2017, Kenneth was recruited by Nishnawbe-Aski Legal Services Corporation to work in the Youth Intervention program, primarily focusing on probation, youth, and prevention in Fort Albany, and eventually to also facilitate Restorative Justice referrals. In his work at Nishnawbe-Aski Legal Services, he has been able to use his own life experiences to better advocate for and assist clients as they navigate the justice system.

In 2021, Kenneth relocated to Thunder Bay and began working with West NAN Communities, where he noticed inconsistencies between the Thunder Bay/Kenora Crown offices and those in the James Bay coastal communities of Ontario. He assisted in developing a Thunder Bay Multi-Agency Crown Protocol by providing input as a worker to streamline the process of diverting to restorative justice, making the process more transparent and giving agencies time to advocate for restorative justice for clients outside the courtroom.



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Chapter 1: Wisdom to Guide Us

The AFN Virtual Justice Series was honoured to welcome Dr. Gwen Point (Stó:lō First Nation) and Mike Muswagon (Norway House First Nation) as Knowledge Keepers to offer their wisdom and guidance to panelists, staff, and participants. They guided each session with prayer to open the virtual circle and provided concluding reflections and blessings to close the circle. Their insights and contributions were invaluable to these conversations. This chapter highlights the wisdom of the Knowledge Keepers to open hearts and minds to the messages that were shared by the panelists.

“If what you are doing is right—what you are doing is good—what you need, the people you need, will come.”

Knowledge Keeper Gwen Point invited all to come to the circle with open minds and hearts, and to accept the blessings she shared. She generously shared a Stó:lō song that was given to her people, which gives strength to others to carry on with the difficult work First Nations peoples are facing. She shared that what is being talked about is not easy and will take all levels of people locally, regionally, and nationally to bring minds together.

“We have to make sure that what we do today is reflective of our principles.”

Both Knowledge Keepers asserted that with everything going on in communities here and around the world, protocols mean something. When people are asked, they should drop things to be present. Knowledge Keeper Mike strongly encouraged participants to learn their language, which is their connection to Mother Earth. As a commercial fisher, he never starts his work without giving thanks and putting something down out of respect for what the land and waters give him to make his living.

“We are a bundle of sticks, hard to break”.

The Knowledge Keepers brought attention to the large number of participants at the gathering. They stated that though people might not see change for a long time, coming together is the first step. All people need to encourage each other and lift each other up. Even showing up and being present for these sessions will impact the next seven generations. They advised that all leaders, including those of past generations, had supporters who guided and helped them. They emphasized the importance of the available resources for participants to draw from, including wise people, the work that has come before, and technology. For the AFN Knowledge Keepers, it is important to embark on these journeys together – we should not be alone.

“Ask the ancestors to join us. This will strengthen everything we do.”

The Knowledge Keepers strongly encouraged all, especially young people, to keep talking and being part of these conversations. The youth contribution is important to the future to keep people strong as they move forward.



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Chapter 2: Deepening the Dialogue - Stories

Building on the guidance of the Knowledge Keepers, this chapter presents several stories shared by panelists as they considered the complexities and challenges of the current justice systems. The power that rises from the sharing of stories sparks reflection on ancestral teachings that remain with First Nations today. These teachings inform work that is underway to rebuild, renewal, revitalize, reclaim, and reconcile. Each story shared by the panelists showcased how their personal or professional journeys have driven them to action to bring about necessary changes in the justice system.

"It's important for us to share stories about justice and about traditions and traditional law so that intergenerational harm doesn't persist in the next generations."

– Teddy Manywounds

Dawnis Kennedy

Dawnis spoke on how she wanted to understand her peoples' laws, Anishinaabe *Onaakinogewin*. She described taking tobacco out to a tree and saying: "I want to know our law. I don't know how I will learn it, but I want to learn. I want this for myself, for my family, my community and for the world because it's a gift that was meant for us."

She said her prayer was answered, but not in a way she clearly understood. She became sick, unable to sleep, and ended up having to return home. She was put out on the land and there Dawnis started the journey of learning *Anishinaabe Onaakinogewin* from the land and spirit. The first thing that happened from Dawnis' fasting vision was being confronted by her childhood trauma. She felt she had to look at it, confront it, and look past it to understand what the spirit was asking her to do – come home.

She chose to leave school, leave her studies, and go home to be with her grandmother. She spent every moment of the the last months of her grandmother's life at her side. While Dawnis cared for her, her grandmother shared stories that helped show Dawnis a connection to the teachings she was receiving about who she was and about life from the perspective of someone getting ready to journey home. According to Dawnis, this experience brought her to the pipe.

Roman Buffalo-Yaghi

Roman recalled being in Halifax at an Annual General Assembly (AGA) and seeing that the homeless community primarily lived around the downtown core on a small plot of grass next to a church and city hall. This community had been providing general upkeep of that area in return for being able to survive and live there. Roman compared this situation to that of Edmonton, where at least 2% of the population are unhoused, 48% of which is Indigenous.

Roman works in downtown Edmonton and shared stories of seeing their brothers and sisters walking around trying to survive. Edmonton has some of the harshest winters, which Roman said is on their mind much of the time. They



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shared that shelters are full, hospitals are overwhelmed, and reform programs have months-long waitlists. People are met with fear, disgust, and racism by the local police—kicked out of malls for trying to feel safe and escape the cold. Roman described personally being followed up and down aisles in stores and the racism that is felt in those situations. Roman said that it makes them feel like vermin just for trying to survive in a colonial world set against them as a 2SLGBTQIA+ Indigenous person.

In Roman's honest opinion, the Canadian legal and justice system is beyond saving and beyond repair. They feel that going back to First Nations teachings, traditions, and ancestry, and bringing that forward into the ways that communities will self-govern and self-revitalize is the most essential element in this process. The voices of 2SLGBTQIA+ communities also need to be addressed, and members of Roman's community asked them to emphasize the integral involvement of the 2SLGBTQIA+ community in the discussion.

They said the solution to First Nations justice is for First Nations to develop their own court systems, practice their own laws in their own territories, bring in restorative justice, decrease incarceration and reduce intergenerational trauma. New systems should be modelled based on healing, like those established in Denmark, Sweden, and Norway.

Leahan Parrot

Leahan shared the story of an Indigenous woman who had been the victim of a sexual assault. One day, a policewoman knocked on the woman's door, told her that a man had confessed to raping her 25 years ago and that she would have to go to court. The woman did not even remember that this happened to her. She was adamant that they had the wrong person. The police officer kept returning, and after several visits, the memory of the assault returned to her. She was heavily re-traumatized by the memories.

She requested immediately to deal with this situation through restorative justice; she had been through restorative justice before, and she knew exactly what it meant. When she proposed restorative justice to the police, they said no. She kept requesting it, escalating the matter as far as a meeting with the crown attorney, who also said no, even though she clearly explained her reasoning. She explained that she had been through the justice system many times, and that it never worked or was culturally appropriate. There were many other reasons why she did not want to go through the justice system again. Despite her continued requests for restorative justice to deal with this very significant harm that had happened to her, she was continually denied by the system. Finally, she told them that if she couldn't address these wrongs through restorative justice, then she would rather they drop the charges altogether. She explained that she wanted to look this person in the eye and explain to him what impact this had on her life. The assault had set her on a path of hardship and involvement with the law. She wanted to have a voice and to have full input into deciding what should be done to help her move forward in a good way.

In this part of the story, Leahan highlighted the irony of the injustice of this situation. Here was a grown woman who has had all this knowledge and positive experience with restorative justice, and yet she was told she was not responsible, capable, or smart enough to know what she needed. Leahan shared that she understands that the crown attorney and police wanted to protect her according to the systems that they know and live by. They wanted what is best for her in their view. Their take was that rape is bad and that bad requires punishment. Leahan wondered why they would not consider the woman's request, and she concluded that it was due to a lack of understanding.



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The circle took place, and the officer who was involved participated, and this turned out to be a wonderful thing, because that officer transformed after that circle, witnessing first-hand why Leahan had wanted restorative justice. She witnessed the healing and meaningful outcomes that took place. The officer has now become an advocate for restorative justice, and in turn, shared her experience with the crown attorney.

Kenneth Sackney

Kenneth shared that he has been through the court system himself, with his first appearance when he was 19 years old for a diversion process. He only needed three weeks to complete his program before he was released.

Later, as a facilitator, he would go to the circle and ask the attendees “so, what happened, in your own words?” For many, they had already spent two years in the program. Sometimes they were kids, 12 or 14 years old. They often couldn’t even remember what things were like for them two years earlier. He couldn’t imagine being in the court system for two years to complete a diversion, or, in some cases, two years to simply get offered a diversion.

There is more transparency now, according to Kenneth, but at the same time, he personally doesn’t like going to court. He still holds on to his experience as a 19-year-old. He was embarrassed. Kenneth’s overall goal is to lower the number of dockets and prevent youth from feeling that humiliation.

Teddy Manywounds

Teddy shared that, as a young Two-Spirit person, they experienced a lot of bullying due to colonial pre-conceptions on gender and identity. Thankfully, Teddy had a family who singularly knew how to show love, specifically towards them in their identity. This love gave Teddy the strength and ability to go into spaces to try to change folks and to make sure that people showed up in a way that respects others in their trauma.

In many ways the justice systems are pre-prescribed, according to Teddy. They neither acknowledge Indigenous nor Two-Spirit identities nor support the different ways and practices that First Nations know. For instance, Teddy mentioned the idea of a birds’ nest, taught by a Knowledge Keeper. Whenever they brought up the nest in provincial or federal meetings they were met with confusion, then intrigue. According to Teddy, a birds’ nest shows there is justice in this world because it makes sense, and it supports life and rebirth.

Rights and responsibilities within Teddy’s Nation are determined from the constitution that is in draft, and by the rights and responsibility charters on Tsuu’tina Nation. Teddy had assumed that everyone should have an education about First Nations rights, self-determination, and governance. Unfortunately, a lot of people, especially those in decision making roles such as federal ministers, do not receive these teachings.

Teddy believes that it’s important when negotiating to come prepared with an understanding of a complex system as to how all First Nations determine their rights, self-determination, and autonomy away from federal government practices.



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Elder Barney Batiste

Barney was involved in producing a Justice Centre in his town of Kenora in northern Ontario. When he first started, while they were in the town of Kenora, he and his family were by the lake, and he was looking around. They felt that they might be lost. There was an Indigenous gentleman walking around on the sidewalk, and he was picking up cigarette butts. He was looking across the lake. Barney explained that across the lake, one could see beautiful bush country.

Barney later went to a meeting where he was asked about constructing the justice system. He kept looking back across the lake in his mind. This individual was on remand, Barney found out later. The man had nowhere to go and was walking the streets. They had brought him from a far north community to go court in Kenora. So, Barney mentioned to his colleagues that this is what the story is all about: this individual, the injustice that is created when this person came to face his time in court, away from his home.

Barney argues that there are so many stories like that about people coming to court from the far north into the town of Kenora and other places, and finding themselves with nowhere to go, separate from their homeland.

Doris Bill

Doris shared that shortly after she became Chief, her community had a safety crisis. A young woman was murdered, as was an Elder. Women were sleeping with baseball bats by their beds. People were saying they felt unsafe walking down the streets. Doris struggled to deal with all of these issues. She felt that it would have been overwhelming for any Chief coming into office.

She brought in people whom she relied upon to help with the situation, working in justice. Her Justice Director had spent 22 years in the RCMP and is an Indigenous woman. Together, they started down the road of community safety, although at the time they hadn't realized they were doing that. They were simply asking questions and talking to people. They met people who had been completely traumatized by the events that were taking place, so Doris and her supporters utilized dialogue to try to get to the bottom of what was going on.

She is a firm believer that no one can solve community safety issues except for the members of a community themselves. She thinks that there is a need for honesty, as well. She feels that she has talked to people who seem to gloss over things. For Doris, there needs to be an acknowledgement that some of the issues in communities are caused by their own community members. Some of the drugs, alcohol, and bootlegging are done by people within her community. Some of the fentanyl distribution is happening by her own people. Doris argues that communities really need to come to grips with that.

Dawnis Kennedy

Dawnis was doing a paper on species at risk. She was feeling like she wasn't getting anywhere with it. She said that she and an associate, Clint Jacobs, went out to talk to the plants. They were tracking them with GPS. They came across a tiny pink flower and said, "this one is what we are looking for." It was so small.



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Dawnis described how she took tobacco in her left hand and placed it in front of the flower and introduced herself like she had been taught by her aunties, uncles, and grandparents when they harvested or gathered stones for sweat lodge. Her Elders would say "We don't ever take something because we decide to take. We ask for it. You can see which rock wants to come. They will make themselves known."

Dawnis was taught that if one doesn't feel confident, they should go with their Elders, who are like hands: they can advise which flowers or stones to pick. So Dawnis went with her family and said the following to the flower: "This is what we want. We want to know you, we want to stand up beside you, and we want you to have a place to be here always with us. That's why we're here."

Dawnis said that the little flower looked up at her and moved. And as they walked, they saw them standing up like that. Clint asked her, "what did you do? You found more than any of us." She explained that she had talked to them, and had offered tobacco. Much later he talked to her and told her, "We all offer tobacco now and we speak to those plants when we do our work. You did it." According to Dawnis, that interconnection is the greatest thing about her people's law.

Patti Bova

Patti had an individual come through her program twice. The woman had committed her second theft within the first year of the process. Nine months later, she was back. Patti asked her, "what happened?" As they investigated and learned more, it turned out that the woman was seeing a counsellor, and this was bringing up things from her life. The woman said, "I think I get a thrill from stealing." Patti asked her if she had talked to her counsellor about this. With the additional context provided there was a different recommendation for the individual, she successfully completed the program, and she has not come back.

Chapter 3: Current Programs, Activities and Practices

This chapter summarizes current programs, activities, and practices that show promise in reshaping justice systems to better serve Indigenous Peoples. While all panelists agreed that much work remains to be done, these examples highlight areas where Indigenous people working within justice systems are actively drawing on teachings, language, and traditions to guide their work. The success of these initiatives however often varies due to systemic barriers, structural challenges, and insufficient funding or support.

Most importantly, the examples and stories shared demonstrate how the needs of Indigenous Peoples affected by Canada's justice systems remain unmet. For Indigenous workers within the justice system, their knowledge, skills, experiences, and observations are critical to informing meaningful change that can significantly impact the lives of Indigenous people.

Panelists discussed the importance of gathering more information about the programs, activities, and practices across the country to enable further sharing and discussion. The examples shared in this report reflect only what was shared in the sessions in the time available. Omissions are unintentional.



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Indigenous Based Processes

First Nations Litigation

While panelists discussed litigation and legal processes that could be used by First Nations to create movement and change, these were not the preferred approaches. Legal options are often very costly. Underfunded and under-resourced programs create additional barriers and obstacles. Using litigation or similar tools requires First Nations to work within the existing non-Indigenous court system that fails to meet their needs and reflect their values as Indigenous Peoples. Panelists also felt that litigation was not the best way to resolve problems between conflicting parties. However, if there were no other options, it may be the only way forward for First Nations to achieve justice (recent class actions and tribunals are examples).

Canadian Court Framework Development

While this is not at an advanced stage of development, there is movement in Canadian case law and framework development that includes Indigenous laws and legal traditions. Dr. Burrows shared that, in the Canadian courts, there is discussion about incorporating Indigenous legal perspectives with Truth and Reconciliation as a standard.

Tsuu'tina Nation Legislative Development Process

Tsuu'tina Nation has created a Legislative Procedures and Technical Services Repository where laws are created through two streams: community-developed laws (Stream A) and leadership-driven laws (Stream B). They design the processes in strategic alignment to provincial and federal processes. As Teddy shared, this design anticipates the argument that First Nations laws do not follow familiar processes. Yet it prioritizes being First Nations-driven and developed. As an example, when Tsuu'tina First Nation enacted their Child and Family Services law, they implemented it using their jurisdiction rooted in Treaty. By taking the time to lay the foundation and identifying the source of their rights, Tsuu'tina was in a position of self-determination.

Tsuu'tina First Nation developed 12 Guiding Principles with community Elders. The principles are utilized together with legislative principles to ensure that these laws stay within these parameters. In addition, Teddy shared that they also use Treaty principles, youth acknowledgement principles, and recognition from Elders to make sure the process meets community needs. As Teddy Manywounds says, "[t]he process is inherently a First Nations process. From beginning to end, coming up and determining an objective that is gathering consensus from leaders and then developing these complex conversations with community to determine how is this law going to work."



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Indigenous Informed Processes

Community Safety Officer Program, Yukon

Doris was instrumental in the development of the Community Safety Officer program (CSO) in the Yukon, which began in 2017. The CSO is the outcome of the development of a culturally responsive program designed with the citizens of Kwanlin Dün First Nation to meet the needs of the people.

To achieve their goals, they took an interagency approach, involving RCMP, the City of Whitehorse, and any agencies who were connected to community safety. Their first step was an environmental scan to identify where the safety concerns were. With community members, they discovered aspects of community safety they were not aware of, such as areas where there was poor lighting, areas where people went to party, old buildings, and vehicles. Throughout this process, Doris stated that they continuously communicated with the citizens about safety, asking them what they knew and what they needed. It was the community who inspired the Community Safety Officer program. They said they felt safer when there was someone out there watching and patrolling at night, in addition to the RCMP.

According to Doris, The CSO is designated to liaise with the RCMP and does not enforce laws. Before the CSO was established, the RCMP would respond to emergency situations inconsistently and without meaningful interaction. Now, the CSO works with the RCMP to answer questions, provide referral, and support the safety of the community members. They are filling an important gap that existed between the RCMP and the community. It is a gap that often falls upon the First Nations leadership to fill. The CSO takes that pressure off and reduces reactionary responses to community crises and safety issues.

The CSO is built on relationship with the RCMP. In the beginning, the RCMP was skeptical about the program, but now they are the biggest champions. In the first year of the program, calls to the RCMP dropped by about 60%. The crime rate came down in a number of areas, resulting in savings of time and resources.

When people in the community were surveyed about the CSO in 2022, 95% of the people said they felt safe. The CSO program has been a great success and has paid for itself over and over. The criminal justice system is used to looking at things from only one perspective. First Nations people are capable of developing programs to meet their needs and the CSO is an example of this fact. The results have been very positive, drawing national and global interest.

Yukon Community Safety Officer (CSO) Community Environmental Assessment

Doris Bill, who was instrumental in getting the Community Safety Officer (CSO) program in place, received many calls and requests from communities across Canada who wanted to get a similar program in place. The reality is that this is not currently possible due to the lack of funding and lack of political commitment for legislative change. The CSO program does not fit anywhere within existing legislative enforcement regimes like the RCMP, so it creates funding challenges.



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In the Yukon, there has been a commitment of funding (\$200,000/community) to do the critical environmental assessments that Bonnie described as one of their first steps in the CSO process. The environmental assessment is required for the communities to get a CSO program off the ground. The additional frustration is that it has been difficult to get the federal government to come to the table to ensure that the programs will be supported once the assessments are done and communities are ready to move to the next step.

Doris and others are working to support other communities across the Yukon to implement CSO programs. This work requires meaningful partnership with the federal government, Yukon government, and First Nations to get the program stable and operational.

Whitehorse-RCMP Letter of Expectation

The Letter of Expectation grew from the work of building and implementing the CSO program in Whitehorse. The success of the CSO program led to increased trust and respect in the relationships between Indigenous communities and the RCMP, through the work of the safety officers. Bonnie shared some of the hurdles they crossed to get to this activity, including working with RCMP to shift their mindset and support initiatives that are grown from the communities. As the Indigenous initiative achieved success, it was important for Indigenous community leaders to advocate for and protect their program when Yukon Justice wanted to bring it in under their system. The Letter of Expectation with the RCMP outlines how the RCMP will work with the community. Bonnie recognizes that, in the North, there is always going to be a need for the RCMP because it is the only large enforcement body; however, she believes that if we can build these programs across the territory, the RCMP can start to focus on larger issues, like the illegal drug dealings that plague communities.

Bill C-92, An Act respecting First Nations, Métis and Inuit children, youth and families

Several responses were shared regarding questions about Bill C-92 and how First Nations can work toward establishing their own child welfare laws while addressing issues that may arise when replacing existing jurisdictions. This includes issues that could emerge from the type of legislative processes chosen by the First Nation.

From Bonnie Cole's perspective, the most important approach First Nations can take is talking with the community about the issues and gathering their input on community priorities and solutions. For example, if they want to move towards a law, then what are they drawing on? To determine this, she uses a visioning process. She says:

“Child welfare is a juggernaut, it’s this huge bureaucratic thing that doesn’t even serve the families it’s intended to serve. It serves itself and the courts and they defer to it so many times. I think going forward if you were to look at child welfare development, do your own based on what you need, based on your own customs and traditions and fight for it. For children and for yourselves. I don’t take a lot of stock in a federal or delegated type of approach—it’s always lacking in some respects. Stakeholders, first, foremost, and always.”



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Teddy is currently working with Stoney Nakoda Nation in Alberta, where they are utilizing a legislative process that prioritizes the involvement and input of the whole community. He explained:

"I am guiding the legislative process of drafting the child and family services for the Stoney Nakoda. We have a child welfare law in Tsuu'tina that takes away delegation from the province. What I'm doing is drafting first and foremost from meetings with leadership to determine what a legislation would support. Would it support the services, programs, system parents, Elders—what are the different eco-systems that are implicated in this and by this? That would support the system that ultimately supports the child and family system. Draft a legislative objective, it gives us all a focal point of where it is we are wanting to go.

Next, taking it to community Elders to see if the legislative objective meets the parameters from their point of view, understanding that the objective has to have consensus. So that the collective is acknowledged, the objective is not to fully write your legislation, it's to give you a blueprint or foundation to write your legislation.

Then you need to have conversations, consensus, and a proper engagement so that the law you've created for your lands is what supports the system on your Nations. It's done in an adequate way that respects what your people require. Identify how this legislation will be supported. Legislative procedures and technical services department mechanisms for the laws that stabilize our economy and the practices.

With Bill C-92 we are afforded the ability to create our own practices and laws on our Nations. It has a resounding impact especially on justice."

Indigenous Based Systems

Kenora Community Justice System (KCJS)

Travis Boissoneau points to the Kenora Community Justice System, which opened in early 2023, which is involved in law-making, adjudication and enforcement. The KCJS began as a collaboration between the Ontario government, courts, and First Nations, including Nishnawbe Aski Nation. The new system intends to address long-standing critical concerns for Indigenous people in Ontario, including over-representation in the criminal justice system, recidivism, and an overall the lack of culturally responsive and appropriate supports and services available. The system is designed to include wrap-around services and aftercare, healing aspects, specific programs for youth, and



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specialized programming. There are three other similar justice systems in place in Ontario; this is the first to be co-developed with Indigenous communities and leaders.

Akwesasne Court

Akwesasne's court is called "Court Without Borders." Several panelists shared this as a best practice. It is the first court in Canada which operates under an independent Indigenous legal system, separate from the federal framework (source: www.akwesasne.ca/justice/akwesasne-court/). Panelist Bonnie Cole was part of the Akwesasne court system and shared:

"I want to share a story about early on when I became prosecutor in Akwesasne court. We have our own court of law. I had an interaction with one of our police constables. He said, 'why would I write tickets to that court? The real court is over there.' I had to stop him and say, 'Why would you do that? Why can't you write it here and we can deal with [it] here, so we can address the issue and talk more about the effects of what this person is doing versus sending this person over there and getting some points on their license. Now you're in the system and now there's the risk of more points or losing your insurance. I'm not convinced that is the best outcome.' Over time, we had these discussions and I found after a time the constable in question starting writing all of the tickets to our court."

As Bonnie shares, the Akwesasne Court Law has its flaws, but importantly, draws on the people in the community and the teachings and principles of the community. These principles are:

1. *Sken:nen* (peace)
2. *Kasatstensera* (strength)
3. *Kanikonri:io* (the good mind).

The principles are meant to guide the reading of the law, its implementation and its use. The principles guide the court in determining how to deal with matters that come before them. It has unique features that draw on the community's culture and history and legal traditions. For example, a judge has flexibility in their approach to decision-making in a court case. Instead of immediately identifying a remedy or punishment, they can consider how the individual who created a harm, can bring balance and restore harmony to the community through actions that serve to make things right and directly benefit the community. When reclaiming laws and Indigenous legal traditions, these are the practical realities that must be faced.

Like many of the other programs and examples shared, the Akwesasne Court struggles with a lack of resources. It is still in development and with access to adequate resources and support it will continue to grow. Bonnie believes the



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court will look completely different in years to come. She states that, "it will be stronger and more reflective of the community, and it will no longer struggle with the lack of trust that causes people to run to the outside system when they do not get the answer they want from our own court."

Indigenous Organizations and Programs

Indigenous Community Policing

Several panelists shared Indigenous community policing as effective and worthwhile; however, there are frustrating elements that need to be addressed for it to function in a way that truly respects and supports Indigenous communities, including individuals who aspire to be Indigenous police officers (or law enforcement leaders, or associate staff). Further comments can be found in the sections: What's Needed to Strengthen the Current Systems? and What are the Clear Gap Areas?

Indigenous Guardians

Indigenous Guardians work to use their own laws as Indigenous people to engage in education and restoration. Dr. Burrows expressed his support of such programs, stating that, "if someone is doing something on the land that's not consistent with the land's health, [action is taken] under their own laws and they are cross-deputized with provincial laws to ensure the health of the land."

Great Lakes Indian Fish and Wildlife Council

This council was formed in 1984 and represents 11 Ojibwe Nations in Minnesota, Wisconsin, and Michigan. Dr. Burrows informed the gathering that off-reservation Anishinaabe have a right to a relationship with their relatives in harvesting, replenishing, and conserving those resources. If non-Indigenous people are negatively impacting that right, some members have the right under cross deputization to apprehend the individuals in question. They have the power to act to ensure that non-Indigenous people are living in accordance with those laws. Education is the biggest piece, so that all residents, whether they are Indigenous or non-Indigenous, live in accordance with Anishinaabe law. The council uses their online newspaper to tell stories about relationships with wild rice, maple sugar, and other Anishinaabe teachings.

AFN Justice Department and National Youth Council

The AFN's Justice Department has a wealth of talent that can be used to help First Nations with policy development, resolution drafting, and other technical supports. The AFN's National Youth Council is an example of how youth are provided with rich and meaningful opportunities to engage on topics that affect their lives, such as justice and law. As Roman shared, "Immersive programming is better than reading thousands of pages of bylaws." The support for youth to be connected to dialogues about Indigenous law and justice was highlighted by several panelists.



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Nishnawbe Aski Nation (NAN) Legal Services

Nishnawbe Aski Nation (NAN) Legal Services' focus shifted to pre-charge restorative justice with the goal of skipping the court process and addressing incidents outside the traditional justice system. NAN Legal Services has developed protocols with the Nishnawbe Aski Police Service to better serve their clients. The agreement was signed in February 2022, and training sessions were provided to the officers on a weekly basis. They are now in the process of creating an identical protocol with the Ontario Provincial Police for the Northwest Region and hope to implement it in all detachments that serve NAN communities. Referrals for restorative justice come through crown attorneys. They also pre-charge specialized restorative justice for sexual assault and domestic violence as well as community bylaws restorative justice. NAN Legal Services supports them in developing and enforcing community bylaws.

NAN Legal Services was part of the team of agencies who worked to develop the Thunder Bay Multi-Agency Crown Protocol. The protocol is intended to streamline the process of diverting to restorative justice, making it more transparent and allowing agencies time to advocate for restorative justice for clients outside the courtroom.

Now, after a year of working together, NAN Legal Services and the Crown are aiming to train all 200 officers on restorative justice.

Akwesasne Community Justice Program (ACJP)

Akwesasne Community Justice Program (ACJP) is a referral program providing trauma-informed supports and guidance for diversions, bails, and Gladue reports. ACJP works with individuals to help them identify the root causes of their negative behaviour. In doing so, they believe they are better able to determine solutions to meet the unique and often complex needs of their clients. Throughout the process, the staff at ACJP are available to support, guide, and advocate for their clients.

ACJP is also involved in developing protocol agreements. Their hope is to continue with work in collaboration with their clan mothers and eventually set a precedent that results in an agreement with the federal Crown to have certain files, such as for non-reporting, diverted to their court. Additionally, they are working on a protocol agreement on diversions related to domestic and sexual offense through a specialized court.

The ACJP participates in round tables to build and strengthen relationships, such as the Native Round Table in Valleyfield, and Bench and Bar Users Committee in Cornwall. They also participate in block training with local police and work with defense teams to help them understand Gladue factors and to build alternatives to custody.

Akwesasne Clan Mothers

The Clan Mothers in Akwesasne support the Akwesasne Community Justice Program and have worked with staff to build processes of collaboration among and between clans. ACJP created a book called, *The Haudenosaunee Restorative Justice and Practitioners Handbook*. Patti shares that the handbook was created to support the staff with Haudenosaunee knowledge to guide their practice, including traditional concepts and ways of managing conflict. The handbook is used by staff when building Gladue reports for clients. The ACJP are very protective of the content of the handbook in the face of requests by lawyers and judges who have seen its use in cases. For the ACJP



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and the Haudenosaunee, it is imperative to protect these concepts—they outline justice as it was done prior to colonization—until those working in western systems show a deeper understanding and respect.

Additionally, the Clan Mothers offer aftercare support when a client has completed the program. They maintain an open-door policy for clients to access referral or guidance. Their services are available to all community members, even if they do not have a charge.

Southern Chiefs Organization (SCO) – First Nations Court Workers Program

The Southern Chiefs Organization (SCO) is based in southern Manitoba and includes Nations in Treaty territories 1-5. Panelist Amanda Chapman works with court workers who have a great deal of experience working in the system and identifies that there are certain ways that court workers operate that make them more (or less) effective. Experienced court workers have significant knowledge about the justice system, the clients, and their histories. Ideally, an effective court worker will build quality, trusting relationships with their clients and with those who are already working in the system.

The SCO also provides services based on the needs of communities in their regions. For example, in the Dauphin region, a wraparound program is needed to address repeat offenders and build aftercare services. In Swan River, the needs are related to homelessness and crimes related to those who are homeless. Efforts there focus on creating shelters, critical in the face of brutal winter temperatures.

Along with efforts to explore community-driven justice initiatives with First Nations in the region, the organization is working to introduce the eagle feather and smudging to support their clients, based on information gathered and lessons learned.

First Nations Initiatives and Practices

Canupawakpa First Nation

Canupawakpa First Nation is working with the Southern Chiefs Organization to develop a community wellness program. The program was inspired by a series of videos with Elders who spoke about the importance of their culture and ceremony and how to move forward with healthier decisions. They were able to secure funding to develop this program and their hope is that both adults and youth in every community in the Southern Chiefs Organization will be able to benefit from it. As part of this process, they hold sharing circles with trained mental health workers.

Eabametoong First Nation's Restorative Justice Committee

Many panelists expressed the need to respect the diversity of Indigenous Peoples and their Nations across the country and elsewhere. For example, the long-range plan at NAN (Nishnawbe Aski Nation) is to expand restorative justice into the communities they serve, knowing that they must respect that every community will have their own way of delivering restorative justice based on their needs, traditions, languages. Eabametoong has created their own restorative justice committee and is working with the support and guidance of NAN.



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Teslin Inland Tlingit First Nations Deadly Aunties

Bonnie Cole's work with the Community Safety Officer program has led to adaptations and new developments in communities who are eager to get similar supports in place, despite the barriers of funding. One such program, the Deadly Aunties, was initiated in Teslin, Yukon. While it is not exactly like the CSO, it is a program that is meeting a need in the community and offers a demonstration of the ingenuity of First Nations working together to find solutions.

Tk'emlúps te Secwepemc Mushroom Harvesting Plan

Following a fire on a mountain near Kamloops on Elephant Hill in 2017, the local First Nations people, understanding that fungi come back strongly after a fire, developed a harvesting plan. They submitted this plan to the province, who was initially reluctant. Once the plan was implemented, the province agreed that the First Nations' stewardship was critical to the plan's success. The plan involved land management, harvesting protocols, and safety information. Non-Indigenous people were welcomed to harvest mushrooms for a fee with the expectation that they would follow the guidelines set out in the plan. The Nations provided some supplies and information to visitors to encourage and educate them about respectful harvesting and land use.

Tsilhqot'in Gold Mine Environmental Assessment

In 2014, the Tsilhqot'in people carried out an environmental assessment to examine how the proposed Prosperity Gold-Copper Mine would impact them and their environment. Community members, families, Elders, and Clans sat with scientists and concluded that the negative impacts to their community would be significant in the short- and long-term and that the mine should not be allowed.

White Earth Recognition of Manoomin (Wild Rice)

Dr. John Borrows provided the example of the White Earth Nation. In 2018, the White Earth Reservation, home of the Chippewas of the Mississippi, issued a resolution to the state to legally protect manoomin (wild rice). Manoomin is a staple for the Nation, harvested for sustenance and ceremony. In their issuance of Rights of Manoomin Ordinance (December 31, 2018) they state: "we recognize that to protect manoomin and our people, we must secure their highest protection through the recognition of legal rights for the protection of manoomin."

Haida Gwaii Relationship with Waters

When they were challenged with trying to protect their lands, they invited the waters to live in accord with their laws. They also engaged with other people living in the territories to look for a common cause in creating solutions that were better for the long-term health of all the people and their environment including the animals, plants, fish.



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Territorial Jurisdiction over non-Indigenous Residents

Dr. Borrows provided several examples of Nations exercising jurisdiction in their lands over non-Indigenous people. In the Chippewa community, Sioux of St Marie on the north peninsula of Michigan, employment is set through the Sioux tribes' economic authority. The Sioux of St Marie enjoy the ability to have non-Indigenous people live in accordance with their laws because they have set the agenda with their economic enterprise. The strength of their economy has created a way for non-Indigenous people in the area to start living in accordance with Indigenous law. On Westbank First Nation, located close to Kelowna, British Columbia, many non-Indigenous people reside on their reserve. These residents have the right to participate in taxation, waste collection and other services accommodated by Westbank First Nation. These are positive examples demonstrating non-Indigenous people abiding by Indigenous laws.

Navajo Reservation Jurisdiction

The Navajo in the United States have their own police force and court system exercising their inherent right to govern these matters. For example, the Navajo issue their own speeding tickets to anyone caught speeding on the reservation, whether part of the Navajo Nation or not. Additionally, if one is on Navajo territory, the state or federal courts cannot act against it. To challenge the infraction, one must do so in the Navajo court.

Traditional Knowledge Keepers and Practices

Dr. Borrows shares that, based on Indigenous laws and traditions, creating better relationships involves not only human kin but relations with all living beings. In communities across Canada, Indigenous peoples still practice their laws regularly. To do this requires a level of understanding and legal literacy that opens people up to learn that Indigenous laws and practices are much more than mere expressions of culture and heritage. These laws help guide our daily interactions, problem solving, and decision-making. This is all an integrated interconnection between our traditions and present practices of law and governance.

Below are some activities informed by traditional practices shared by panelists. These can inspire further discussion on ways that Indigenous justice and law should inform development and change. Across many presentations, mentorship and practical experience for young people was highlighted.

Sharing Circles

Teddy shared the following:

"I try to build [sharing circle] and implement that on my First Nation. . . . [F]or my Elders when I ask, 'how do I conduct engagement in a way that is representative of our traditional practices?' they let me know about a sharing circle. In a circle, everyone is equal and acknowledged and everyone gets an opportunity to participate. Also learned from Elders is that there is no such thing as a dumb question and no such thing as looking dumb."



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Ceremonial Learning

While fasting, Dawnis was shown how the pipe she had been given connected to the law she was learning about. Her teachings came from a four-year apprenticeship where she learned about her people, homelands, clan systems, and governance systems. During her work with Elders and Knowledge Keepers, Dawnis understood the transformation and social issues in her community. She worked to co-create educational courses on law and governance, and researched treaty-making traditions among the Anishinaabe Peoples. In this ceremonial way of learning she recognized that the ancestors thought about law very differently than people learn about in Western education.

Seven Grandfather/Grandmother Teachings

Several panelists shared these teachings as part of their understanding and practice. Dawnis learned them through Midewin ceremony and from time with Knowledge Keepers and Elders. They are described as values and used in many settings, including justice systems, health, and education.

Dr. Borrows shared:

I'm also positive that they come from the rivers, from the sun, the grass. In other words, these teachings are through societies—also through the earth's force and power to help us understand. These teachings correlate to physicalities [sic] like rivers, movement of sound, sun. They also come through how people can live with one another. I see them all over our school boards in classrooms and schools. Coming through from many directions. But there is beauty that comes from Miidewin teachings. Grateful for all ways that those teachings can inform us.

Traditional Adoption Laws

Dawnis works with traditional Knowledge Keepers and has studied in the Canadian legal system. She identifies the practices in Indigenous communities that are still seen today, such as Anishinaabe adoption laws. Dawnis adds further detail of this practice stating that, "we don't cut ties or deny relationships with birth parents. It doesn't displace the parents or community from the child."

Indigenous Training and Education

Cultural Competency Training – Ontario Indigenous Justice Division

For the past six years, the Indigenous Justice Division has been providing cultural competency education to all aspects of justice, including the law society, policing, police officers, leaders, RCMP, and crown attorneys. The program has been developed to provide a level of education and awareness about Indigenous Peoples and justice. Barney has worked with this program and feels it has helped to shift thinking among those who have taken the training.



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"If we are given the resources to develop a program that is tailored to our communities, I think you will start to see some of those crime stats start to come down."

–Bonnie Cole

Chapter 4: Foundations for Indigenous Law and Justice

This chapter explores the foundations and sources of Indigenous law and justice through the perspectives, experiences, and understandings of the panelists, who acknowledge that they represent only a small portion of the diverse Indigenous Peoples on these lands. Their stories are shared with the intention to spark further remembering and sharing of stories.

Describing Indigenous Law

"There needs to be stronger recognition of what the role of Indigenous people is in trying to draw attention to the laws of the earth: Akinomaagewin. Aki means the earth, nomaage means to point toward and take direction from, which means to learn by seeing the earth as our teacher. That's who our real professors are; our cases are written on the earth, the archive of the law is written on the rocks, in the clouds, the water, the trees." – Dr. John Borrows

To renew, reclaim, or revitalize laws, panelists caution that one must first understand what Indigenous law is, from the roots of each Indigenous Nation. Understanding Indigenous law creates the powerful connection to enacting and living those laws, or in other words, implementing those laws with all the responsibilities that accompany them. In the Anishinaabe language, the word for law is a verb, Inaakonige. It is recognized that verbs in the English language mean "doing something". Dr. Borrows illustrates that when verbs are defined with markers such as time, place, type of actions, reasons for action and so on, then begins a process of creating standards for actions, and this in turn begins a process of measuring those actions.

As a simple example, 'to cook', or 'cooking' can be defined by stating who is cooking, "I am cooking", and further defined by adding greater detail about the action, such as: "I am cooking for a memorial feast on my First Nation." Behaviour, while highlighted in the English language, contains the essence of responsibility in one's First Nation. What may not be stated, but could be understood by those with a greater depth of cultural understanding is:

"I am cooking to help the mourning community, by helping with the ceremonial feast that ensures the loved one is taken care of spiritually, that the family is comforted and loved, and that the community heals from this loss."



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Also implied is the responsibility to make sure that all the ingredients and supplies needed to cook the food with the protocols that have been taught, and to have the food ready for when the feast begins.

The measurement of those actions is the completion of this role and corresponding responsibility, and evaluators may be women from the community who are observing and working alongside. These evaluators may recognize knowledge or skill gaps and realize that their own role and responsibility requires them to help fill those gaps so that actions are carried out successfully. In time, these lessons will help other young people as they take actions related to cooking, and so on.

It is a simple example, but illustrative of how Indigenous laws are not contained in just those places people have come to recognize as justice or law places or things (jails, courts, legislatures, police, and so on) based on English and western terms. Indigenous laws are living spirits, practiced traditions, guiding protocols, ways of being and living. They are teachings and stories, some in their original languages, others in English, that have endured, adapted and continued just as humans have, through the trauma and resilience of many generations.

Dawnis Kennedy's journey to learn Anishinaabe law resulted from attending the western education system to study colonial settler law. The lessons did not resonate with her, and she found herself returning to her grandmother, where she began the process of learning with Elders through language and ceremony. Dawnis shared, "It made me realize that the ancestors thought about law in a very different way than I have been trained in a western way."

Panelists shared that their understanding of Indigenous laws revealed the importance of making sense to those who are expected to follow them. Teddy shared the instruction he received from Elders was to observe the way robins built their nests: following the pattern of the sun. Through this understanding it becomes apparent that Indigenous laws create predictability and order for humans in the ways they interact with others, including those who are not human.

Dr. Burrows stated, "Tradition is not just about preserving what was once-upon-a-time important to our people. It is about preserving and enacting [law] in the present, which places us sometimes in conflict or disagreement with others." He emphasized that Indigenous cultures are not frozen in time before or after the signing of treaties, or in moments during colonization; they are dynamic, fluid, ever-changing, and adapting. Elder Gwen Point named the panel discussions as a tangible example of how bringing knowledge together is an action guided by the responsibility to create systems that grow from Indigenous wisdom about justice and law.

The Historical Traumas

"When we talk about justice we also have to be talking about healing." –Travis Boissoneau

Sharing the foundations of Indigenous law and justice requires establishing these understandings in the context of harmful generational impacts of colonization. Also called transgenerational or intergenerational trauma, the impacts originating in the historical subjugation and oppression of community and family continue to be felt in the present day. Ongoing formal and informal policy and practices create measurable increased risks for Indigenous



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peoples across Canada. The connection between intergenerational trauma and Indigenous experience with the colonial settler justice system is undeniable.

Panelists were unanimous in noting that the profound impacts of colonization continue to harm Indigenous individuals, families and communities. The panelists provided many examples of the ways that the current colonial justice system and laws do not make sense in their current state. Panelists spoke of the challenges to bring about the changes needed, which include the need to emphasize wholistic approaches to healing for the individual, family, and community.

Panelists discussed how they learned that the intricacies and depths of Indigenous laws are woven into land and ceremony. This approach to learning gives greater meaning to the need to protect this knowledge while Indigenous people heal and reconnect. Circles, which are intrinsic to Indigenous ways of thought and being, have been shared with western systems and transformed into restorative justice practices, which hold promise. Yet, these practices fall short when the processes neglect the foundational wholistic elements interwoven with land and ceremony mentioned above. As Leahan Parrot shared: “restorative justice has been practiced by Anishinaabe since time immemorial.”

The state of partial or superficial understanding about Indigenous ways of knowing, or even misunderstanding, may lead to poorly conceived approaches. When panelists were asked to share their thoughts about what some have described as overly harsh consequences in Indigenous justice practices, they felt that this was indicative of misunderstanding. Moreover, panelists shared that colonial practices already have a harsh impact on Indigenous people, which results in never-ending cycles of harm both in and out of the justice system. When Indigenous people continue in these cycles, their opportunities to reconnect and realize their power in accordance with their ancestors’ teachings are greatly diminished.

A practical perspective on ways to heal trauma was shared by Teddy Manywounds. Teddy sees the importance of the reclamation and learning of Indigenous languages, as well as becoming refined in new non-Indigenous languages. As Indigenous people continue to become proficient in these languages, space is cleared to create and reclaim laws and practices in ways that can be defined to others in English and in Indigenous languages. From this basis, First Nations exercise law and jurisdiction, in their own terms and in their languages. The focus of these efforts is not on assimilation but strengthening that which has survived over generations of hardship: the living spirit of Indigenous laws, the source of those laws, and the enduring nature of the treaty relationship. Indigenous law is an action that calls on practitioners to “breathe life into it, and stand with it”, as Bonnie Cole shared.

Protecting Knowledge

“Law in a Western sense was understood as coercion because human beings can’t be depended on to be good. Our laws come from a totally different world view. We have a balance. We could be really great, or the opposite of that. We have our spiritual uncle, Nanabush show us all of that. He gets into all kinds of trouble but



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he's also heroic and can get himself out. We have that view of creation as good, life as good; we can take ourselves out of that or into that as of our own choosing."

–Dawnis Kennedy

Panelists shared that ongoing and authentic involvement of Indigenous peoples begins with treatment as humans who have worth and value, and respecting that Indigenous peoples come from ancient wisdom that enabled life in accordance with systems of law for millennia: humans sharing space with all other relations. In this era of truth and reconciliation, there is a growing openness to learning about Indigenous peoples and their diverse cultures, languages, and customs. At the same time, First Nations are in a time of renewal and regeneration. The spirit of knowledge is awakening through intergenerational gathering and sharing of stories, songs, and experiences that build skills on the land, with the waters, and with those more-than-human relations. The awakening is resulting in an understanding of justice and law from the diverse perspectives of those ancestors. Beyond understanding, is the recognition of the need for movement and momentum—of taking action. And beyond this, practitioners working in justice systems talked about the ways that they are taking action to protect this knowledge from those who are intrigued or curious but lack the foundation for understanding the source. This process then becomes an example of the ways to implement Indigenous laws.

Patti Bova gives the example of her Mohawk Nation, one of the Six Nations under the Haudenosaunee Confederacy: she describes that, not only is it their way of thinking and feeling, but also an intuitive way to problem-solve. They take a holistic approach when dealing with all aspects of the human form, such as mental, physical, spiritual and emotional, factoring in their connections and relations to land and other beings, such as those their actions can impact around them. Their shared values and principles contribute to the concept of self, such as thinking collectively, considering the future generations, consensus and decision-making, considering all points of view, sharing the labour and benefit of that labour, duty to family, clan, nation, confederation, and creation—a strong sense of self-worth without being egotistical, being mindful and observant of their surroundings and how they may be impacting that. Everyone is an equal and full partner in society no matter their age.

Everyone has a special gift that can be used to benefit the larger community. Haudenosaunee laws and philosophies have the Great Law of Peace which can be described as a set of policies and procedures outlining how the confederacy and its members conduct themselves. It has approximately 117 wampums defining protocols, roles and responsibilities on how to proceed during significant events, times of conflict, and when relating to one another. Since time immemorial and to present day the Great Law of Peace has been recited annually throughout the confederacy. Typically, this is a week-long event and it's done in the language.

It is their philosophy that the people are responsible to teach and ensure that values, beliefs and customs are adhered to when using the three guiding principles of peace, power and righteousness. Peace does not mean to be merely absent of conflict, but to actively strive to put thoughts and emotions in harmony with the Great Law of Peace, which is a good mind. Righteousness refers to the shared ideology of the people, using their purest and most unselfish mind when addressing matters. The purpose is to foster the power of the mind to resolve complex issues, rather than resorting to conflict. The expectation is for everyone to use these guiding principles to discuss, arbitrate, and negotiate to move forward in positive and healthy ways.



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The Commitment to Action

"Juris means law, and diction means speaking. Living our law is contagious. If someone is recipient of humility, honesty, courage there will be a desire to find residence with someone who is teaching those. The Seven Grandmothers (Grandfathers) – love, truth, wisdom, honesty, courage, humility, respect – we should be inculcating these into our relationships as part of our law. If we aren't doing that, we will have a hard time finding that outside of our communities. This is vital to the resurgence and revitalization of our laws." – Dr. John Borrows

Commitment to action is needed, not just by federal and provincial justice partners, but also by Indigenous leadership and community members. Panelists who are present-day practitioners in the justice system continue to carry out their responsibilities to the ancestors' teachings about law in simple and profound ways, such as prayer or use of protocols or teachings, and through the inclusion of knowledge and language keepers. Patti shared that in her Nation, the Great Law of Peace is still recited annually, over the course of days, in the Haudenosaunee language, as a regular affirmation and reminder of the laws guiding the way to move on this land, and with one another. To Patti, "It is our philosophy that the people are responsible to teach and ensure that our values, beliefs and customs are adhered to when using the three guiding principles of peace, power, and righteousness."

As Indigenous peoples grow in their understandings of the ancestors' wisdom and reconnect to their languages and practices, panelists assert that they will see more examples of ways that people and Nations are naturally following the teachings. Dr. Borrows is encouraged by the curiosity of Indigenous peoples and the natural desire to integrate knowledge about Indigenous justice and laws into personal actions, and by doing so opening meaningful spaces for stories to be shared, dialogues to occur, and collaboration to be nurtured.

Panelists appealed to all Indigenous peoples to support leadership and organizations as they work toward urgent changes for community members, many of whom are in a dire state of survival. For those who have been called to this work, the Elders on this panel have encouraged the need to work together, using all the wisdom and skills available to create systems based on Indigenous laws and justice. The examples shared by panelists from across Canada are demonstrating positive outcomes. Throughout the presentations there was a consistent message that, with sufficient resources, Indigenous peoples are capable and willing to create systems that make sense and respond to the needs of communities and their members.



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The Sources of Laws

"In reclaiming our laws and our ways we need to ask questions such as: Do we need to be in alignment with the Canadian system? Is that the only way, to accept delegated authority from the federal government or crowns?" –Bonnie Cole

Panelists shared that the foundations of Indigenous justice and laws are individuals and communities, the sources of which are in story and song, ceremony, the environment, and through relationships. The sources of Indigenous laws do not recognize human-made boundaries or borders, but rather roles and responsibilities within those laws that move and adapt with the present moment.

The sources of law were described by panelists in two ways: The first arises from creation and the sacred law that instructs people how to live, as humans, on this earth. The other source points to enduring inherent and treaty rights. People are encouraged to grow their understanding of both as they create systems that allow people to live their laws and determine their rights.

Dawnis Kennedy shared her thoughts about how these sources are intertwined:

"I don't think our Inaakonigewin (sacred law) is human-made. It is [rather] that recognition of life and all of the beings that come together to make life, all of creation that was here to make life, before us. The harmony they naturally follow is what we each have to learn as humans. It is my belief that our ancestors bound us to something that we were bound to from the get-go anyway. They weren't deciding something new and putting themselves ahead of something. They were acknowledging something they had forgotten that was sacred. They put their best minds and hearts together to do that. They were reminded of the harmony that exists in creation and can exist and was meant to exist between us. They lifted that up. That is our treaty and that is our law. And that is how they can bind us generation after generation. Not something in their heads, but something they recognize as necessary for life and for the continuation of life and mino bimaadiziwin."



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Chapter 5: What is Needed to Strengthen the Current Systems?

This chapter outlines the perspectives of panelists as they considered what is needed to strengthen current systems. The information is presented according to each panelist, whose perspective is grounded in their work and experiences.

While the panelists' perspectives varied, common themes emerged from their responses:

- Learning and education should be directed by Indigenous people and communities.
- Education, awareness and training of non-Indigenous people working in justice systems.
- Greater understanding of Indigenous justice and law.
- Respect and commitment by justice partners to engage in the change needed.
- Willingness to collaborate and listen to Indigenous people with respect, humility and openness.
- Focus on healing, truth, and reconciliation in justice systems.
- Offer restitution, recognition, and resourcing and be willing to step aside to allow Indigenous communities to bring their systems to life.
- Honour and validate Indigenous knowledge and wisdom, without taking ownership of it.

Panel Perspectives

Dr. John Borrow

It is important for First Nations and other Indigenous peoples to tell their stories. "Our laws should be the standards by which we judge other stories," Dr. Borrow shared. According to him, stories should be how communities measure what is important in the extended clan, kin, families, and others, as to how people are behaving with one another. Resurgence is seeing Indigenous stories as key in this respect. It puts those stories at home, drawing out law from community life, the environment, and individuals in the clans and communities.

There are many sources of law. Dr. Borrow shared that Canada has many legal traditions happening at the same time. Indigenous Law and practices are trans-systemic. Where they are in place, they have to be recognized in their own communities, and they need to be harmonized within Canada. The Supreme Court is working towards that in different ways. Many pathways exist to ensure First Nations laws are allowed to flourish. This requires understanding through education and work in specific contexts. These laws can be thought of in many different scales from many different sources. They emerge and exist through inherent ways of practicing and doing in First Nations communities, so those Nations can be self-determining. Finally, according to Dr. Borrow, Peace and Friendship Treaties allow for this to happen.



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Law is contextual. Dr. Borrows asserted that it comes from different places, cultures, and practices, and Nations need to consider that when they try to harmonize. Dr. Borrows argued that they cannot simply start with a list or generalized abstract ideas. Laws must emerge from the earth, air, water—the context. Nations have the freedoms and responsibilities to take charge of their stewardships and relationships.

Canada's colonial constitution. Courts have historically proceeded under *terra nullius*, conquest, and unilateralism—this has changed somewhat. Courts now know that this is not part of First Nations law. And yet they still treat Indigenous people as second-class citizens when making new laws.

The need to enjoy reconciliation. Dr. Borrows asserted also that First Nations must continuously reconcile themselves with the earth—as the source of Indigenous laws. He cites the need to draw that out across many disciplines. First Nations peoples need to find ways to sustain the greater laws—the earth's laws—as fellow beings that come first in the way people think through these inter-relationships.

Thinking through how First Nations laws apply. Dr. Borrows argued that not just on reserve, but in provinces and across Canada, First Nations laws should be influencing international regimes. He shared that one can see this in case books where Canadian courts are developing such frameworks. Intersocietal meaning is of its own kind: not just common law, or international law, but flowing also from Indigenous law. According to the Supreme Court of Canada, in [Van der Peet](#), “a morally and politically defensible conception of [Indigenous] rights will incorporate both legal perspectives [European and Indigenous].”

Continuing to learn. As First Nations go about their lives through generations, there is much to relearn regarding what the older teachings are about, in relationship to the earth, according to Dr. Borrows. People have conversations with others about how they might think through new information that arises. For instance, if there is an insight to be taken from another culture, how can people find ways to harmonize that with their own culture? Dr. Borrows suggested that First Nations are additive, not trying to shut down or be exclusive in the ways of being in the world. This idea of being humble is to try to understand that there is still so much that people don't understand.

Teddy Manywounds

Continue to educate and invigorate the youth. Teddy shared that the youth and those who haven't learned the traditions need to be engaged and taught these ways of life. The traumatic effects of residential schools prevented stories from being passed down in many places, but that doesn't mean the knowledge doesn't exist. According to the Elders whom Teddy has learned from, the knowledge—and the knowledge of justice especially—is represented by natural law, and how people exist in the surrounding world. He shared that according to the Elders, justice is what supports the good, in a common-sense way, to uphold balance and correct imbalance where it is found in First Nations communities. Teddy shared the importance of getting involved, and listening to the stories of those who have dealt with the RCMP and/or have been involved with or incarcerated by the Canadian justice system. Further, there is a need to encourage all to be involved in the systems that affect Indigenous peoples. Sharing in conversations not only supports the development and implement of practices but it also serves as a form of representation, and representation matters.

Amplify voices collectively. Teddy shared that First Nations must determine their nation-to-nation relationships with Canada and the provinces, so they can build the systems that support the people who need them, so everyone can live in a happy, healthy and beneficial way.



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Educate government partners who do not understand.

Navigating Relations. Understanding why some people will not give consensus is important, according to Teddy. Collaborators must mitigate expectations and make sure that opposing views are included and therefore foundationally supported. It is very difficult to gather a resounding consensus on a First Nation. Many do not wish to get involved or talk to their Chief and Council due to the ongoing effects of intergenerational trauma experienced by so many. This trauma causes people to silence themselves and silo themselves away from traditional practices.

The Treaties give provisions that are able to sustain First Nations. First Nations can create the economic viability to write their own tax laws, legislation, and supports programs. This, according to Teddy, can help First Nations to break away from the need to depend on Indigenous Services Canada (ISC).

Teddy also asserts that public safety and security are mechanisms for economic viability on all First Nations. When a police force is integrated in a foundational way, people will want to come and do business on that First Nation. Teddy shares that the most successful Costco in Canada exists in their Nation. Teddy believes they would not have been as successful if they hadn't supported their police forces since 1991. Previously, the relationship they had shared with police forces had not been a good one. The difference now is the force has many members from the community who want to make a difference. It helps to have such a commission in your First Nation.

Equity for Indigenous policing, however, is governed by the FNI Policing Program with year-to-year funding at the discretion of the government of Canada, Teddy shares. Their First Nations police officers, for example, make 20% less than average, with \$1M less pension over a 25-year career than they would in any other police force. They cannot have specialty units or canine units and cannot hire a lawyer as a First Nations police service, not being allowed to have dispatch services. If you call 911, it takes 15-20 minutes to get through dispatch to send an officer because the program has terms and conditions and policies that govern the practices of security and public safety on First Nations lands.

Roman Skye Buffalo-Yaghi

In Roman's words: "Change is hard." For example, clarifying that they identify as a Two-Spirit person, Roman Skye Buffalo-Yaghi, discussed their concerns regarding terminology, when considering their own and their peers' experiences as members of 2SLGBTQIA+ communities. Due to bullying while living away from Maskwacis, Roman lost the ability to speak Cree fluently by the 3rd grade and has seen so much injustice while living in different communities across Canada, that they struggle to imagine the colonial justice system fairly acknowledging, respecting, or incorporating Indigenous perspectives.

Roman posed the question: when one looks at traditional systems and ways of thinking, how do they resonate with Canadian legal systems? Are they doable, are they going to be welcomed? There might be hesitation about things that are new. Roman suggested thinking about how change impacts those who are marginalized. How do systems include new concepts in reclamation? Having lived and grown up in advocacy work, Roman said that they have walked and marched in many places and across many miles. They shared that colonial aspects still hinder and hurt First Nations peoples. But Roman has also been incredibly impressed with work done by Indigenous people within communities, especially the youth, and with how much has been achieved in the face of colonial intergenerational trauma.



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Roman highlighted ongoing issues with mental health and the issue of children being taken away from their families. For example, if one considers the Indian Child Welfare Act (ICWA), it is federal law which governs the removal and out-of-home placements of Indigenous children. Roman watched their own sister be removed from their home. They have watched other siblings be removed from their home. Their family has also taken in countless children who were removed from other First Nations families. In light of the 2022 Supreme court challenge to the attempt to remove this act, Roman asks, how do communities keep children connected with their tribes and families after they were systemically removed after no evidence of abuse or neglect?

Involving youth in the discussion. Roman emphasized the importance of giving opportunities for engagement sessions or education within the school, providing the tools and necessary information that will assist them in bringing these ideas to life. Especially marginalized youth like those in 2SLGBTQIA+ communities. Reaching out to youth council or even establishing youth council if one doesn't have one. Roman had to do their own research to learn what the specific traditions and ceremony laws were from their Treaty areas. Education would go a long way, in their words.

Patti Bova

Non-Indigenous stakeholders need to recognize and acknowledge the core differences in worldviews between Indigenous and western or European worldviews with an open understanding that Indigenous peoples have very opposite approaches to address matters that are tied into respective cultural teachings. This, according to Patti, means respecting that each Nation has very different cultural practices, which can't be confined into a one-size-fits-all approach when incorporating changes in the justice system.

Cultural training for non-Indigenous personnel has to be targeted to the specific, unique areas needed, as each Indigenous community has their own teachings, traditions, sacred items and processes which all need to be respected. For example: not all Nations consider the eagle feather as a symbol to be utilized in place of the Bible when sworn into court to testify. Not all Indigenous nations smudge or use the same standardized approach when opening prayer. Engaging with communities that are in close proximity to the court jurisdiction is where one should go to get proper training.

Patti shared that understanding the concept of time, when translating Indigenous justice concepts, so that non-Indigenous folks can relate to them, means that the goal is the positive outcome and the healing plan, not the deadline. It is important to understand that this is individualized and that the time frame will differ because not everyone is the same and of the same cultural beliefs and morals. Many, if not most, First Nations people are struggling with some form of trauma and negative behaviours associated with that trauma (often attached to unhealthy coping mechanisms). No one knows the time frame to break that learned behaviour but there must be a goal in mind. When matters are diverted to Patti's program, defense counsels want something quick. But these things take time.

Courts need to know that they don't get to put stipulations on the file, such as 'they have to do this many community service hours,' or 'they have to pay this restitution.' Courts don't get to stipulate what the client is going to do. There is a panel of community members and they work with the individuals on what their underlying issues are, not what courts think they should do.



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Leahan Parrot

It's important that they understand because the reality is that the colonial form of justice is in charge right now, according to Leahan. They are in control. That is who First Nations get their referrals from: crown attorneys and police; so, it's important that they understand First Nations ways.

They need to see restorative justice as a legitimate approach to dealing with harms, crimes, and offenses. The most impactful way First Nations can go about translating justice concepts into terms that non-Indigenous people (and therefore the non-Indigenous justice system) can understand, is to invite them, said Leahan. People don't understand what people don't understand, so some crown attorneys will tack on what they feel a person should do in addition to the agreement they came up with in restorative justice. Leahan feels that is not right. Restorative justice means trusting that the people directly involved with what happened know what they need to move forward. It includes everyone, the person harmed, the person who harmed, and the affected community. Work is being done with crown attorneys in the east, according to Leahan. It's consisted of many conversations and training over a long period of time.

Effectively work with non-Indigenous people and justice systems. Leahan shared that people should continue to develop protocols and advocate for cultural training, block training, awareness, restorative justice training, facilitator training, and the sharing of stories. There are many other programs and services First Nations offer their members, including: legal aid, Gladue, bails verification, and youth intervention; there are challenges and successes in all.

Communities are empowered and take control of restorative justice by implementing it. Restorative justice is much more beneficial in terms of all the reasons why Indigenous people are overrepresented in the justice system to begin with. It's a very powerful and meaningful process. Leahan wishes it were like New Zealand where restorative justice became legislation. But the problem is money, understanding, and a lot of work.

Amanda Chapman

Good working relationships between court workers and the courts are important, according to Amanda. Court workers advocate for the clients that come in. They meet with judges and can have great working relationships where the judges may invite them into the chambers. Judges ask questions about clients and can seek recommendations about what should be done with clients. There is a lot of effective communication, in Amanda's experience.

Amanda suggested training opportunities, like the Walk a Mile in my Shoes campaign, to invite non-Indigenous personnel—judges, Crown, duty—together with court workers and community justice programs and build from there. This shows them lived experience from another point of view. Amanda shared that one can't really understand another person's experience until they have walked a mile in their shoes.

Duty counsels make the accused plead guilty to get a lesser sentence if they want to get out of jail, according to Amanda. Duty counsel gives that as an only option. Then they are remanding all the time, in custody then being remanded over and over. Sometimes their appearance is waived.

Gladue reports. One man told Amanda that the Crown was trying to give him 20 years in jail, and his lawyer wasn't



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helping him. Amanda asked if he'd had a Gladue report done. He said yes, but the Gladue writer had only asked him two questions. So, Amanda dropped off Gladue questions for him and asked him to answer as best he could. She told him to write in paragraph form. He wrote her 16 pages, so Amanda scanned it and emailed it to the crown and his lawyer.

Amanda shared that advocates are needed who will bring the lawyers and inmates together to ensure that the lawyers represent the inmates properly. "Oh, you're guilty". That's their attitude, in Amanda's view, so they won't feel the need to try to represent folks to the best of their abilities. Amanda noticed an inmate who couldn't contact their lawyer; the lawyer wouldn't call them back. Amanda reached out but the lawyer wouldn't respond to her calls either. Many complain that their lawyers won't listen to them.

Counselling happens for all youth. Amanda shared that "we all have intergenerational trauma" but that some people are better equipped to heal from it. She sends all upcoming members of the younger generation to counselling and has noticed that many have been assessed for ADHD, a symptom of trauma. Any sanctions or alternative measures should always require counselling with traditional, spiritual aspects, in Amanda's view.

Kenneth Sackney

Inconsistency with crown attorneys. Kenneth compared it to when he used to work in Kashechewan, Attawapaskitat, and Moose Factory. He feels he had been spoiled working with Kapuskasing and Timmins. When they received referrals from those offices, he would get them a month before court, if not quicker, which allowed them to complete a diversion before the first appearance. This is what he expected when he moved to Thunder Bay. But when he first got there, he noticed with shock that (while acknowledging the impact of COVID-19) referrals would arrive two years after they'd been in court.

Docket sizes and backlog are quite long. Kenneth shared that some crimes shouldn't be on the docket. They should be solved right on the spot by working with the police in a timely way.

Reduce travel load so workers can serve the people more effectively.

Community integration should be the next focus. What happens when they're done with those incarcerated in the systems? Kenneth tries to keep up with his clients, but because they give referrals non-stop it's challenging to reach out and maintain contact to see if they're still doing ok. Unfortunately, they have to work with the next cases as well.

Elder Barney Batiste

Find out where this is working. Elder Barney was asked by someone in the courts recently, "What's the worst of the worst?" The response: "Same, but more violence". Barney believes that the system is in a huge mess. Maybe people should listen to First Nations, he shared. The broken homes, the drugs that had come from the south—and First Nations police inability to prosecute contribute to these problems.

A need for collaboration. Barney shared that people will not win one case at a time. People need each other. He



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shared that he has been working on this since 1976. Recently, the province held a collaborative table to deal with prosecutors. Two months ago, Barney shared, solicitors and attorney generals came to that table “willing to listen”. During the meeting, they all said “yes, yes,” over and over, while nodding. Then they left, and the cabinet changed not long after. Barney said that he feels angr, and that it is unacceptable to, once again, re-educate a new cabinet.

Method of forgiveness. Barney thinks that for some people in First Nations some of their charges should be expunged. There should be forgiveness. But he wonders about situations when a Chief and Council forgive a person for what they have done on the First Nation—would urban areas accept that and also give that person a pardon? He asked panelists to think about the situation: there are so many cases in the North that if r there were some form of pardon, would allow a person to start their life over. Barney learned that when they were trying to find jurors for court sessions, many people in the North had a criminal record and therefore couldn’t sit on a jury. So, he asked, why not pardon some of these injustices so they can carry on with their life?

Support First Nations leaders in their endeavours. They can’t do it alone because it’s a heavy job, Barney shared. He challenged First Nations communities to be welcoming places, healing places, places that people talk about when they say it takes a community to raise a child. Barney describes sitting once where he could see his First Nation down the road. There was a person who had completed a 21-day program. Barney remembers thinking along with the others that this person had probably learned little in that short program, and therefore nothing had really changed, and where would the person go now, and was the community any safer?

Changing to meet the times, for example social service programs and court work programs. Barney feels that there needs to be collaboration with government partners. Barney said he sees situations where people are put in positions without credentials, and are therefore set up for failure. In his view, NADAP needs to change. In some places the workers have become complacent.

Bonnie Cole

Bonnie noted that the level of Indigenous incarceration and representation in the child welfare system in this country is frightening, and not getting any better. She was not convinced that delegated power would be a solution. She saw Gladue reports as too little, too late, since a person will have already been through the justice system and now face charges and jail time. Bonnie believes that First Nations need to ask whether they need to be in alignment with the Canadian system. Do they need to accept delegated authority from provinces, federal governments, or crown authorities? Bonnie is a proponent of First Nation laws and court systems addressing issues in their own communities, and highlighted that reclaiming traditional laws is a part of a decolonial mindset.

Government lawmakers making decisions by, for, and on behalf of First Nations communities has to stop. Bonnie lamented that the cycle of re-education of government officials is perpetual. When new governments are elected or a cabinet is shuffled, First Nations begin educating governments again, from scratch.

Canada has benefited from this land immensely. The debt is in the trillions from what they took from this country and from the Indigenous peoples that are here. If Nations were to live without the Indian Act (and Bonnie thinks this should be a huge demand and expectation and right of every First Nation in this country) that tax exemption should



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carry everywhere, Indian Act or no Indian Act. For the simple reason that so much has been taken from First Nations communities and continues to be taken today. the Ring of Fire (an area primed for mineral resource extraction in Ontario) is still an active issue, and resource extraction in the Prairies continues.

The *Indian Act* is an impediment but cannot be wiped away until there are assurances that rights are retained and protected in some other way or format, Bonnie shared. The biggest issue is the price that First Nations peoples have paid for this land and the horrendous disservice done to its original peoples.

Get clarity. Bonnie suggested using specific outcome-driven exercises that clarify the intentions of legislative initiatives, and then measure their effectiveness. She shared that it's best to start with the outcomes first. What outcome is sought? What is the intent? Then work back from there. She suggested putting the proposed legislation in a chart and mapping it out to see if it is consistent with what was intended. If the legislative purpose doesn't match the outcome, the purpose was incorrect.

Travis Boissoneau

Step back and do an environmental scan, Travis suggested, on what is occurring within the Nations and across the territories of 39 communities, most of which utilize the non-Indigenous justice system. One reason for the need for this dialogue is over-representation. The constant focus is on punishing those who may have broken law versus healing.

Real commitment to legislative change is needed. Travis thinks it's incumbent on those who are doing the work to push for commitment, especially as Canada proceeds with an Indigenous Justice Strategy. These regulations and policies will effect real change. Boissoneau said that it is far too often that the work with partners is temporary, both provincially and federally, when the work should be sustained and permanent. Moving along in these journeys, whether justice or not, partners need to step up and acknowledge that real change potential exists in their own systems, where their laws should back First Nations laws, and their systems should support First Nations systems.

The New Policing Act, which communities support, will allow policing to become an essential service versus a program. Meaning Nations will have all the proper funding and all of the things that non-Indigenous services have, the amount of police officers, the legislative backing, etc. When police services were treated as a program, there was always a fight to have First Nations officers receive equal pensions to those of non-Indigenous officers. There was a need to litigate (at the expense of the First Nations), and ultimately to negotiate for Indigenous police to have access to the same pension benefits as non-Indigenous police.

Finding the resources and lobbying. If this challenge was removed, Travis thinks one would find that if a venue was made available in which to discuss justice, the community members would attend. Indigenous people are very capable of putting these frameworks together and having these discussions. Many Indigenous lawyers are finding ways to use the system to the benefit of First Nations in a way that understands Indigenous laws and the ways First Nations peoples approach them. Instead of jails, people are brought together, and they collectively work on themselves, rather than being put in pens.



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Doris Bill

Working strategically together to develop land-based treatment and healing. Doris feels very strongly that is where healing begins for Indigenous peoples. She firmly believes that one needs to be in a stable home if they are going to start down the road to treatment. In Yukon it's a little different, she shared, as they have modern day treaties there, though there are a few Indian Act bands who still go under that law.

Holistic views of communities will bring down the walls of departments, so people will no longer work in isolation of each other. People could all go down the road of land-based treatment, but where do they want the land-based treatment? Where should the facilities be and who will they serve? The majority of people are sent south to treatment centres across Canada. When they come home there is no aftercare. Aftercare, community safety, and housing go hand in hand. Wraparound services are needed for when a citizen has a major issue, with all the departments working with that individual rather than just one department. Departments must develop a plan to not just get individuals into treatment, but also determine what to do when they come out. Doris asserts that there needs to be change regarding how communities are envisioned. For too long, communities have relied on the western system or way of doing things and they need to get back to community. When the Community Safety Officer program was developed, she began to realize that when one does the necessary work at the front end, then, at the back end, one will see all those things, like crime rates and incarceration, begin to come down.

Real commitment from partners is needed. An example from Doris is a letter of expectation to the RCMP about how they work with First Nations in the community. Over the past 5 years, they sat at the Collaboration on Enforcement and Prosecution. They put forward First Nations laws, priorities and research, and told them why it should include enforcement of First Nations laws. It was a positive experience. But the regulations came out, and they didn't include these recommendations. First Nations collaboration did all the work, and now they have to submit this through the colonial processes again if they want it reconsidered.

Chapter 6: What are the Clear Gap Areas?

This chapter highlights areas that panelists identified as unaddressed and essential to the changes needed moving forward. Some of these gaps fall within the responsibility of First Nations, while others are clearly lie within the responsibility of the Canadian government. Panelists consistently emphasized the importance of respectful collaboration. Therefore, some of these gaps may be part of a shared responsibility.

Listen to First Nations Experience

- Roman Skye Buffalo-Yaghi and Teddy Manywounds: Witness, listen, and uplift voices from 2SLGBTQIA+ communities. There is much misunderstanding about what the Two-Spirit person is, and the challenges associated with involving the queer community's voice. There needs to be further discussion about how the community's voices will be included. Stop putting the experiences of that community on the back burner and bring them forward to have a voice.



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- Elder Barney Batiste: Provide support to communities that are quite capable of developing programs that meet their needs.
- Patti Bova: Duty counsel and lawyers are not always aware of how Indigenous justice workers could provide assistance, or how Indigenous justice workers could support them and their work.
- Elder Barney Batiste: The partners could look at what Indigenous court workers are doing, for example the Akwesasne Court, and some of the things being developed in that region.

Respectful and Reciprocal Relationship

- Travis Boissoneau (and others): Respect agreements and share knowledge. Non-Indigenous government members and workers should create and maintain sustainable chains of knowledge and education among themselves. First Nations representatives go through the processes with federal or provincial partners, believing they have created positive working relationships and having done all the work with communities, just to be informed that the government will not include those requests, or a cabinet will be shuffled.
- Travis Boissoneau: New contracts are being negotiated prior to the new Police Service Act coming into force. The federal government to this day is not coming to the table with equitable funding. As a result, the Indigenous Police Chiefs of Ontario took them to court. That is not a relationship. That is not a partnership. That is not a way to move forward as a collective. It is just nice words.
- Travis Boissoneau: The Collaborative Table, a tripartite agreement between the provincial and federal governments, was meant to deal with prosecutorial-related concerns and to assist with addressing issues in First Nations policing. Again, the federal and provincial governments promised nice things, but within 3-4 months the Ministers were vacated in cabinet changes.
- Elder Barney Batiste: All levels of government need to change their mindsets.
- Doris Bill: There is a lack of legislative commitment from partners in government. Those partners cannot, or refuse, to see how Indigenous-led programs can fit into the current federal system.
- Dr. John Borrows: Partners do recognize that Indigenous laws and practices will need to be effectively harmonized with Canadian laws.

Creating Space for Indigenous Self-Determination

- Dawnis Kennedy: There remain concerns about how Indigenous law is understood, misunderstood or limited by and within colonial law and its practitioners.
- Dr. John Borrows: Reasons and actions would be formulated differently in criminal justice systems if people learned from relationships seen in the more-than-human relations mentioned above, acknowledging other beings.



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- Dr. John Borrows: The colonial government does not yet see or acknowledge the importance of alignment and harmonization with what those broader relationships are. There is a different understanding of what law means. Given the lack of understanding, it becomes difficult to work on the revitalization of First Nations laws. There is no shared understanding at this time.
- Travis Boissoneau: Conversations in and across First Nations communities need to continue and thrive, otherwise First Nations will struggle to realize what Indigenous justice can look like. These conversations need funding support.

Appropriate Inclusion of Indigenous Knowledge

- Dawnis Kennedy: There are places where Indigenous and colonial law do not interface, for example, regarding hunting.
- Dawnis Kennedy: Often Indigenous law is not seen as an act of living law, but rather as culture or protocol or tradition, and this is a fundamental misunderstanding that should be corrected.
- Kenneth Sackney: The Crown's handbook about what should go to diversion needs to be updated. The stipulations only come in when it goes outside of their scope. Assault causing bodily harm, for instance, normally can not be diverted whatsoever. It is like their hands are tied. Indigenous case workers cannot divert because of the mandate to follow the book.

Ongoing Funding/Resourcing Challenges

- Not only for the court system or policing. The entire justice system. There are limitations when governments talk about justice, they strictly only have the mandate to talk about justice and not the entire system.
- The field of justice itself is not fully supported and funded by government partners.
- First Nations police cannot prosecute. First Nation police often have to call outside to the provincial police to come in and settle the case. When legislation is enacted to empower First Nations police, it will be a positive outcome going forward.
- It is imperative that training, building awareness, and working on relationships continues at all levels. This includes bringing First Nations people together to talk about laws and teachings.
- Even though some First Nations want to bring the Community Safety Officer Program to their community, the money is not there. The federal government cannot seem to find a way to fit it in.
- Gaps in direct services for clients pose a significant challenge (e.g., Gladue reports, travel costs, staff capacity). Aftercare is desperately needed.
- Training, Advancement, Parity and Equality are required for effective and meaningful Indigenous Policing.



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First Nations Own Learning

- Legal literacy is needed, which allows First Nations to practice, learn, read, and understand colonial law. If First Nations can build legal literacy, they can better analogize Indigenous law to things that are conventionally treated in the human world under criminal justice.
- Changing the mindset of the people—the social welfare mindset. It is a huge challenge.
- Some people have not been blessed with being raised in First Nations cultures. Justice as it is now doesn't acknowledge who First Nations are, the intergenerational trauma, the not knowing and the being disconnected.
- Intergenerational trauma silences, discourages, and limits Indigenous peoples.
- People don't understand their Gladue rights.
- Teaching from Elders. How do people heal vs punishing people? Justice means talking about healing.



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Conclusions

The AFN extends its gratitude to the Knowledge Keepers who guided the series, the panelists who gave their expertise, and the participants who attended the sessions and posed critical questions – all of which created meaningful and comprehensive discussions on First nations laws, legal systems, and restorative justice initiatives.

The themes discussed at the four-part VJSS were drawn from recurring topics raised during prior engagement sessions, including the AFN National Forum on Policing and Justice in March 2021 and the AFN National Justice Forum in April 2022. Resolution 48/2023, Revitalization of Indigenous Laws and Legal Orders, also emphasized the importance of these discussions by drawing attention to Canada’s deeply rooted systemic racism and failure to recognize Indigenous laws, traditional justice systems and methods of justice, and Indigenous institutions. These failures have contributed to the harming of Indigenous Peoples and prevention of healing.

- From the VJSS, the AFN will carry forward the following:
 - o Wisdom shared by the Elders and Knowledge Keepers
 - o Stories outlining the challenges and complexities of current criminal justice systems, weaving together personal and professional journeys into the actions that can be taken to insight change
 - o Programs and initiatives that show promising paths to reshaping existing justice systems, emphasizing the importance of gathering information on programs and experiences of Indigenous workers within justice systems to address inconsistencies in success brought on by systemic barriers, structural challenges, and insufficient funding or support
 - o A deeper understanding of First Nations laws and concepts of justice by exploring its foundations and the experiences of panelists
 - o Suggestions on how justice systems can be strengthened, with themes on education, respect, a willingness to listen, restitution and recognition, and honouring Indigenous wisdom and knowledge
 - o Greater awareness of existing gaps that must be addressed, some within the responsibility of First Nations, and others within the responsibility of the Canadian government

The insights, perspectives, and recommendations shared by a diverse group of speakers, representing youth, 2SLGBTQQIA+, women, men, Elders, Knowledge Keepers, legal practitioners, and legal scholars from First Nations across Canada, will inform the AFN’s recommendations paper for a First Nations Justice Strategy (FNJS). These contributions will also support the advancement of the Indigenous Justice Strategy and FNJS.



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Appendix

Evaluation of the Indigenous Courtwork Program

Government of Canada – Department of Justice, Evaluation Branch, Internal Audit and Evaluation Sector. March 2023

Link: <https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2023/eicp-epapa/index.html>

2022 National Justice Form Report

Assembly of First Nations. April 2022.

Link: <https://afn.ca/rights-justice/justice-policing/>

AFN Resolution 48/2023

AFN 44th Annual General Assembly, Halifax, Nova Scotia, July 2023

Link: <https://afn.ca/events/44th-annual-general-assembly/>

Books referenced by Dawnis Kennedy, in which she shares mentors and teachers whose work influenced her learning journey:

1. The Mishomis Book by Eddie Benton Banai (Anishinaabe)
This link provides a chapter summary of the book only, including some information about the 7 Grandfathers teachings as presented by Dawnis Kennedy. To order the book visit Good Minds Bookstore.
Link: <https://mishomisbook.wordpress.com/chapter-summaries/>
2. Two Families: Treaties and Government by Harold Johnson (Cree)
This link provides the introduction to the book only. To order the book visit Good Minds Bookstore.
Link: https://www.collectionscanada.ca/obj/g4/8/781895830293_12630in.pdf

Books shared by Dr John Borrows in which he reminds the people that First Nations books should be about how to measure what's appropriate in the stories and teachings:

1. Recovering Canada: The Resurgence of Indigenous Law (2002)
2. Drawing Out Law: A Spirit's Guide (2017)
3. Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples co-authors John Borrows, Larry Chartrand, Oonagh Fitzgerald, Risa Schwartz (2023)
4. Canada's Indigenous Constitution (2010)
5. Freedom and Indigenous Constitutionalism (2016)



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6. The Right Relationship: Reimagining the Implementation of Historical Treaties (2017)
7. Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings
editors Michael Asch, John Borrows, James Tully (2018)
8. Law's Indigenous Ethics (2019)
9. Wise Practices: Exploring Indigenous Economic Justice and Self-Determination co-authors John Borrows, Ryan Beaton, Robert Hamilton, Brent Mainprize, Joshua Ben David Nichols (2021)

Haudenosaunee Confederacy

Patti Bova indicated that this document is not shared widely, though it is used in her work. This link provides information about the Great Law of Peace and connects to the Haudenosaunee Confederacy should one wish to learn more. Link: www.haudenosauneeconfederacy.com/values



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