



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 15/2024

TITLE: Call for Renewed Support of the Co-Development and Implementation of the Indigenous Justice Strategy

SUBJECT: Justice

MOVED BY: Chief Roderick Gould Jr., Abegweit First Nation, PEI

SECONDED BY: Chief Joanne Miles, Flat Bay Mi'kmaq Band, NL

DECISION Carried; 6 Abstentions

WHEREAS:

- A. *The United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - ii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact First Nations Peoples, with various studies, reports, inquiries, and commissions pointing to systemic anti-Indigenous racism and discrimination in Canada's justice system, resulting in the over-criminalization, and over-representation of Indigenous Peoples in correctional institutions.
- C. The federal, provincial, and territorial governments of Canada have provided little progress in the implementation of the Calls to Action of the Truth and Reconciliation Commission and implementation of the National Action Plan and Calls for Justice in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+).
- D. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent concerns of the Canadian justice system.
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- E. There are also First Nations who have developed their own independent and interdependent First Nations justice systems and court systems
- F. There is a continued need for a coordinated approach to transforming the justice system by dismantling colonial justice structures and implementing First Nations legal orders and traditions, consistent with the minimum standards of First Nations self-determination and self-government in the UN Declaration and legal commitments of the Canadian government through the *United Nations Declaration Act* (UNDA).
- G. In December 2020, First Nations-in-Assembly passed Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice System*, calling for the development of a National First Nations Justice Strategy to be led by the Chiefs of the Assembly of First Nations (AFN).
- H. In December 2021, First Nations-in-Assembly passed Resolution 36/2021, *Call for a Recommitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, calling for the AFN to engage with Justice Canada and the Minister of Justice to set clear principles, funding, and guidelines for the co-development and eventual implementation of a First Nations Justice Strategy.
- I. In July 2022, First Nations-in-Assembly passed Resolution 11/2022, *Establishing a Chiefs' Committee on Justice*, calling for the AFN to create a Chiefs' Committee through Article 7(3) of the AFN Charter, whose objective is to provide guidance on the co-development and implementation of a National First Nations Justice Strategy.
- J. Justice Canada and the AFN carried out three years of concurrent engagement with First Nations stakeholders, regions, and legal scholars across Canada, to gather expertise and input into the development of the First Nations-specific components of an Indigenous Justice Strategy.
- K. The AFN submitted the *AFN Report on Recommendations for a First Nations Justice Strategy* to Justice Canada that culminates the three years of engagement activities to inform the creation of the justice strategy. The report presents two main recommendations: 1. Reform of the Canadian Justice System and, 2. Revitalization of First Nations laws, systems, and legal orders.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to continue working with Justice Canada and the Minister of Justice and Attorney General of Canada in the co-development and implementation of a National First Nations Justice Strategy, that will be incorporated into a broader Indigenous Justice Strategy.
2. Direct the AFN to draw from the report, *AFN Recommendations for a First Nations Justice Strategy*, to guide the co-development of a National First Nations Justice Strategy, which will include:
 - a. Regional and demographic considerations that recognize the diversity and unique situation for all First Nations in Canada;
 - b. Reform of the current criminal justice system aimed at helping to reduce or slow down the negative impacts of the justice system until revitalization work is established;
 - c. Revitalization of First Nations traditional laws, creation of First Nations laws, support for the administration of justice, and enforcement of First Nations laws within First Nations; and

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- d. Consistency with the minimum standards in the UN Declaration and legal commitments of the Government of Canada in the UN Declaration Act.
3. Direct the AFN to seek funding for the co-development and implementation of the National First Nations Justice Strategy, which includes support for the Chiefs' Committee on Justice and support of regional, community-based, and self-determined holistic approaches and regional strategies to justice that are grounded in First Nations principles, protocols, laws, and traditions.
4. Direct the AFN to ensure that the work with the First Nations Justice Strategy does not adversely impact existing community-based Justice systems and court systems.
5. Direct the AFN to work in collaboration and support regions developing their own First Nations regional justice strategies.

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