



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

Resolution no. 14/2024

TITLE: Call for Co-developed Decarceration Strategy and Full Implementation of the Correctional Investigator's Recommendations

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 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - iii. 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.
 - iv. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- 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

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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 Office of the Correctional Investigator's report, *Ten Years Since Spirit Matters: A Roadmap for Reform (Ten Years Since Spirit Matters)*, tabled with Parliament on November 1, 2023, found that although there were overall declines in the incarcerated population in recent years, Indigenous over-representation has risen at an unabated pace increasing by 40.8%.
- D. Despite accounting for approximately 5% of the adult population, Indigenous Peoples are significantly overrepresented in the federal correctional system, accounting for 28% of all federally sentenced individuals, and 32% of all individuals in federal custody.
- E. Most alarmingly, the overrepresentation of Indigenous women in federal corrections has increased from approximately 32% to 50% over a 10-year period.
- F. The Correctional Investigator recommended in *Ten Years Since Spirit Matters* that Correctional Services Canada (CSC) co-develop indicators and outcomes to reduce Indigenous over-representation in federal corrections with Indigenous stakeholders, including Elders and community leaders, and that CSC report yearly and publicly on measurable performance indicators, results, and outcomes. It was also recommended that several Ministries work jointly to develop and implement a national Indigenous decarceration strategy.
- G. The National Inquiry into Missing and Murdered Indigenous Women and Girls' Call for Justice 14.1, called on CSC to take urgent action to ensure Indigenous women, girls, and 2SLGBTQQIA+ peoples have options for decarceration through facilities described under section 81 and 84 of the *Corrections and Conditional Release Act*.
- H. As noted in the AFN's 2024 Calls for Justice Progress Report, Public Safety Canada has failed to take action in implementing most of the National Inquiry's Calls for Justice related to Corrections and Policing.
- I. Justice Canada and the AFN are currently co-developing a National First Nations Justice Strategy with the aim to reform the existing criminal justice system and revitalize Indigenous legal systems.
- J. Given the crisis levels of over-representation, urgent action must be taken to work with relevant Ministries to co-develop a national First Nations Decarceration Strategy that specifically targets this issue head on.

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

1. Call on Public Safety Canada (PSC) to fully implement all recommendations from the Office of the Correctional Investigator's (OCI) Ten Years Since Spirit Matters report (OCI Report).
2. Direct the Assembly of First Nations (AFN) to advocate in support of the recommendations in the Auditor General's Report on the First Nations and Inuit Policing Program.
3. Direct the Assembly of First Nations (AFN) to advocate in support of the OCI's recommendation in *Ten Years Since Spirit Matters* to "redistribute a significant portion of the current resources within the federal correctional system to Indigenous communities and groups for the care, custody, and supervision of Indigenous Peoples."

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4. Call on PSC to fully implement all of the relevant National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice concerning justice, policing, and corrections.
5. Direct the AFN to advocate and work with the Minister of Public Safety and all relevant ministries to urgently co-develop a strategic framework to develop and implement a national First Nations Decarceration Strategy, to address the overrepresentation of First Nations individuals in federal custody.
6. Direct the AFN to seek out appropriate funding and resources to advocate for a national First Nations Decarceration Strategy.
7. Direct the AFN to consider developing, incorporating, and aligning the First Nations Decarceration Strategy into the AFN's work on the Indigenous Justice Strategy.

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