



SPECIAL CHIEFS ASSEMBLY
December 3, 4, 5, 2024, Ottawa, ON

Resolution no. 83/2024

TITLE:	Ensure Full Implementation of the Indigenous Justice Strategy First Nations Chapter
SUBJECT:	Justice
MOVED BY:	Chief Constance Big Eagle, Ocean Man First Nation, SK
SECONDED BY:	Chief Kelsey Jacko, Cold Lake First Nation, AB
DECISION	Carried; 2 opposed; 5 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.
- 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 the systemic anti-Indigenous racism and discrimination in Canada's justice system, resulting in over-criminalization, and over-representation of Indigenous peoples in correctional institutions.
- C.** 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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- D. In December 2020, the First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 07/2020, *Call for Reform to Address Institutional Racism in the Justice Systems*, calling for the development of a First Nations Justice Strategy (FNJS) to be led by the Chiefs of the AFN.
- E. In December 2021, the First Nations-in-Assembly passed AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timeline for the 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 FNJS.
- F. In July 2022, the First Nations-in-Assembly passed AFN 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 FNJS.
- G. In July 2024, the First Nations-in-Assembly passed AFN Resolution 15/2024, *Call for Renewed Support of the Co-Development and Implementation of the Indigenous Justice Strategy*, directing the 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 FNJS, that will be incorporated into a broader Indigenous Justice Strategy (IJS).
- H. 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 IJS.
- I. 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 Criminal Justice System and 2. Revitalization of First Nations Laws, Systems, and Legal Orders.
- J. Justice Canada has been working to co-develop distinctions-based (First Nations, Inuit and Métis) chapters to include in the IJS and intends to release the IJS by the end of 2024. In coordinating the distinctions-based chapters of the IJS, Justice Canada has opted for an approach favouring a high-level FNJS Chapter with no specific lines of action attached.

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

1. Support the Assembly of First Nations (AFN) to release a National First Nations Justice Strategy that is complimentary to the First Nations Justice Chapter of the Indigenous Justice Strategy (IJS), which will include the following components:
 - 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;

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- c. Recognize and respect First Nations legal justice systems, which include revitalization, recognition, and implementation of First Nations traditional laws, creation of First Nations laws, support for the administration of justice, enforcement of First Nations laws within First Nations; and
 - d. Consistency with the minimum standards in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and legal commitments of the Government of Canada in the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
 2. Call on the Government of Canada to ensure the IJS and First Nations Chapter reflects First Nations priorities, including:
 - a. The First Nations Chapter remains a distinctions-based chapter reflecting First Nations ways of understanding and priorities, and is not over generalized for consistency with the chapters of Justice Canada's other co-development partners.
 - b. Accountability and monitoring mechanisms to ensure the implementation of the strategy is regularly evaluated and adjusted as needed;
 - c. The Indigenous Justice Strategy, including the First Nations Chapter, remains an evergreen document so that adjustments can be made through collaborative approaches;
 - d. Supports long-term and predictable funding for the implementation of the IJS to reform the Canadian criminal justice system and support the revitalization of First Nations laws and legal systems;
 - e. Respects First Nations inherent right to self-government and jurisdiction over laws and legal systems as outlined in the UN Declaration and section 5 of the UNDA Action Plan.
 3. Reaffirm direction to the AFN to seek funding to support co-implementation of the IJS 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.

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