


Indigenous justice

Crim/INDG 419

SFU


Keeping it Legal

- The law is something that has been used against Aboriginal peoples to undermine their interests and exploit their resources



Instrument of State Power

- The RCMP were the people who took your children away




Defending Corporations

- When disputes arise, why are the police always on the other side?





Never Defending Indigenous Land


KILLED



Dudley George, 1995
by the **ONTARIO POLICE**







Problem? What Problem?


- Where is the CJS when you need it?
 - e.g., from Helen Betty Osborne to the Highway of Tears and Missing Women

CANADA

Home / Canada

1,000 native women murdered, missing in Canada over 30 years: RCMP

The RCMP revealed Thursday that nearly 1,000 aboriginal women have been murdered or gone missing in Canada in the past 30 years.



© WPA/REUTERS FOR THE CANADIAN PRESS/GETTY IMAGES

A girl in the foreground looks at a document as she stands in front of a memorial display for missing and murdered aboriginal women. Sources: a young girl from Lac Seul, who found 1000 in February 2018.


Accountability Missing

- Where is the CJS when you need it?
 - e.g., from Helen Betty Osborne to the Highway of Tears and Missing Women
 - e.g., never any charges regarding Mount Polley dam

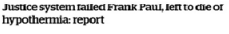

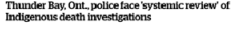
No BC Charges in Mount Polley Disaster as Investigation Misses Deadline

Deadline for laying provincial charges will pass without a conclusion to the three-year probe.

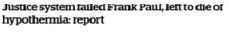

By Christopher Chong
2 Aug 2017 | TheTyee.ca





What happened exactly? How do other stakeholders view the accident? In both instances that this type of high-profile case can be brought out so long" asks Andrew Sage.



Discriminatory Treatment

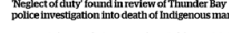
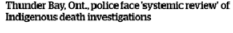
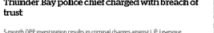



Mistreatment in Custody

- Mistreatment in custody
- Sometimes it seems there is no CJS accountability

Poor Investigation of Deaths








Failed them at every turn

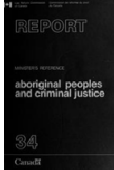
“The relationship between Canada’s Aboriginal people and the Canadian justice system has been an enduring and comprehensively documented problem, the complex product of disadvantaged socio-economic conditions, culturally insensitive approaches to justice, and systemic racism. Over the years, numerous public inquiries, task forces and commissions have concluded that Canada’s justice system has failed Aboriginal people at every stage. Aboriginal people have expressed a deep alienation from a system of justice that appears to them foreign and inaccessible.”


-- Government of Canada


Reports, Reports, Reports



**Bridging the cultural divide: a...
Royal Commission on Aboriginal Peoples**








Commission on First Nations and Métis Peoples and Justice Reform


Over-representation of Indigenous people in federal prisons reaches 'disturbing' historic high

Correctional investigator calls for bold and urgent actions to address increasing over-representation

Chantal Bouchard / CBC News, Posted Jan 21, 2022 2:02 PM ET | Last Updated January 21



Canada falling Black, Indigenous prisoners as overrepresentation persists: report



Correctional Investigator of Canada Dr. Ivan Zinger speaks during a news conference to discuss the 2021-22 annual report, in Ottawa, on Tuesday, Jan. 1, 2022. THE CANADIAN PRESS/Justin Tang

An Indigenous Right (UNDRIP)

- **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.

Aboriginal People/s and the Law

- *Indians and the Law* (SolGen, 1967) was the first contemporary federal document to identify “over-representation” as a problem
- Indigenous people add ...
 - adversarial relations with police/state
 - an imposed, foreign justice system

On the CJS Side ...

- Solutions offered:
 - Indigenization: More Indigenous people in the CJS
 - Accommodation: Allow for Indigenous programming in CJS contexts
 - Parallel Systems: Diversionary programs where Indigenous people are diverted to Indigenous programs run by Indigenous people/communities
 - Independent Systems: Nation-based justice systems based on Indigenous law/principles

Jonathan Rudin of TALS



Recent Initiatives in BC

VANCOUVER SUN

Ian Mulgrew: First Nations justice moves forward

ESQUG WHITE: "From the over-policing of our people to the criminalization of structural poverty, we cannot consent to anything less than a massive overhaul of our justice system."

Ian Mulgrew Jan 16, 2022 - 4 days ago - 3 minutes read - 19 Comments

