



## What is the history of this issue and how does it impact First Nations?

The overrepresentation of First Nations people in Canada's justice system has been a long-standing issue, the cause of which is intrinsically linked to settler-colonialism reinforced through legislation such as the *Indian Act*. Historically, justice within and among First Nations have always been administered in accordance with each nation's customs, traditions, and legal orders. Yet, the legacy of Canada's colonial laws and policies which banned First Nations' customary legal practices ultimately promoted inequitable socio-economic circumstances for First Nations people, leading to exponentially increased chances of having to interact with Canada's justice system.

For example, in January 2020, the federal government announced that despite efforts to curb the overrepresentation of First Nations, Inuit, and Métis peoples under federal sentences, persons with First Nations, Inuit, and/or Métis ancestry now make up over 30% of people in the prison system despite comprising only about 5% of the population.

## How has the AFN's recent advocacy affected this area?

The most recent AFN mandates regarding this work have come through Resolution 07/2020, *Calls for Reform to Address Institutional Racism in the Justice System*, which calls for the AFN to advocate for increased funding for Gladue reports, enhanced training for Gladue writers, and the implementation of Gladue principles across Canada's justice system. In addition, Resolution 06/2020, *Support for Advocacy on Systemic Racism in Canada*, directs the AFN to urge federal and provincial governments to take concrete steps to prevent, combat, and eradicate systemic racism, racial discrimination, and intolerance in many of Canada's institutions including the criminal justice system.

Stemming from these mandates, the AFN has advocated for the development of an Indigenous Justice Strategy to address discrimination and the overrepresentation of Indigenous Peoples in the justice system, to which the federal government positively responded to in January 2021 through its supplementary mandate letters. The Justice sector is focused on advocating for reform to the criminal justice system as well as support for the establishment of First Nations led and culturally appropriate alternatives to the existing justice system.

*The AFN is the national organization representing First Nations citizens in Canada.*

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## Where do we hope to go in the future?

The AFN is in discussions with experts and leadership to develop forums to discuss strategies for addressing the over-representation of First Nations in the criminal justice system. Central to this will be the revitalizing of First Nations legal orders and the implementation of First Nations justice models. Supporting the assertion of First Nation jurisdiction laws and the justice systems is a significant step forward in fulfilling the right to self-determination and self-governance and is recognized by international legal instruments like the UN *Declaration on the Rights of Indigenous Peoples*.

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