

Truth, Reconciliation and Justice

**Presented by
Kimberly Murray
Assistant Deputy Attorney General
Aboriginal Justice
Ontario**

Truth

When you talk about truth, whose truth are you talking about?

Elder Dave Courchene, p. 12 – TRC Executive Summary



Truth

We need to ensure that “the scars remain visible” to guard against unintentional or deliberate forgetting.

Keavy Martin

Truth

Why is truth-telling important?

- Restores Indigenous dignity and identity
- Documents Indigenous stories
- Corrects misrepresentations of the past
- Prevents public denial of events
- Raises societal awareness
- Supports conditions favourable to healing for survivors
- Promotes remembrance of tragedies
- Makes recurrence less likely.

Frederico Lenzirini

Reconciliation

Truth and Reconciliation Commission:

...reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour



Reconciliation

IS NOT

Forgive and Forget



Reconciliation

IS TO

Remember and Change

Remember



Remember



Remember



Remember



Remember



Remember



Remember



Change

- By hearing your story, my story can change
- By hearing your story, I can change

Change

Create a New Vision of a Shared Future

There can be no doubt that the founders of Canada somehow lost their moral compass in their relations with the people who occupied and possessed the land...while we can not change history, we can learn from it and we can shape our common future...This effort is crucial in realizing the vision of creating a compassionate and humanitarian society.

Senator Gerry St. Germaine - June 11, 2009

Change

Rebuild Trust

The most significant damage is to the trust that has been broken between the Crown and Aboriginal Peoples. That broken trust must be repaired.

Change

Apologize



Justice

Reconciliation and the Law

The Truth and Reconciliation Commission of Canada (“TRC”) has made 94 “Calls to Action”. Of those, 33 expressly call for provincial action, 15 of which specifically target the justice sector.

Justice



The Debwewin Committee is led by co-chairs

- Nishnawbe Aski Nation (NAN) Grand Chief Alvin Fiddler and
- Assistant Deputy Attorney General, Policy Division, Irwin Glasberg

“As this Report will demonstrate, there is not only the problem of a lack of representation of First Nations peoples on juries that is of serious proportions, but it is also regrettably the fact that the justice system generally as applied to First Nations peoples, particularly in the North, is quite frankly in a crisis. If we continue the status quo we will aggravate what is already a serious situation, and any hope of true reconciliation between First Nations and Ontarians generally will vanish. Put more directly, the time for talk is over, what is desperately needed in action.”

Honourable Frank Iacobucci

Justice

First Nations Representation on Ontario Juries

- In 2011, the Honourable Frank Iacobucci was appointed by Order-in-Council to conduct a review and make recommendations to:
 1. Ensure the representation of First Nations persons living on reserve communities on the jury roll.
 2. Strengthen the understanding, cooperation and relationship between the Ministry of the Attorney General (MAG) and First Nations on this issue.
- On February 26, 2013, the Attorney General received his Report. It called on government to respond to 17 recommendations aimed at enhancing First Nations representation on the jury roll and related gaps in the system.

Justice

First Nations Representation on Ontario Juries

- The Report highlighted the need to:
 - Enhance relationships between First Nations and MAG through a government-to-government relationship.
 - Raise awareness of the justice system and of jury processes.
 - Increase participation of First Nations reserve residents in the jury system.
- Justice Iacobucci documented an urgent need to improve First Nations' experiences with the justice system in the north.

Justice

First Nations Representation on Ontario Juries

- The Attorney General of Ontario issued a public statement committing to immediately work to address the Report's two recommendations:
 1. To appoint an Implementation Committee to oversee the review and implementation of the Report's recommendations. This committee has been named the "Debwewin" Implementation Committee.
 2. To establish an Advisory Group on broader matters affecting First Nations and the justice system (AJAG).

Justice

New Aboriginal Justice Division in MAG

- The AJD provides justice policy, legal and program advice to the Attorney General.
- It also leads and oversees the development of new programs and services to support Aboriginal peoples in the justice system.
- The division acts as the ministry's primary contact for Aboriginal leaders, partner ministries and stakeholders on a broad scope of Aboriginal justice matters.

Justice

Aboriginal Justice Division

Mission Statement

To support reclamation of Indigenous legal traditions and strengthen justice for Indigenous peoples within Ontario

Vision Statement

A transformative and unified circle of justice rooted in sovereignty, self-determination, reciprocity and reconciliation.

Aboriginal Justice Division

Core Functions as identified through strategic planning:

- Lead Government's response to implementing the Iacobucci recommendations;
- Address key Aboriginal justice issues in Ontario;
- Foster new, respectful and collaborative relationships between MAG and Aboriginal peoples and communities;
- Oversee MAG's existing programs;
- Lead the development of new programs and services for Aboriginal peoples in collaboration with Aboriginal peoples and communities; and
- Work to implement the TRC's "Calls to Action".

Justice

Volunteer Jurors for Coroner's Inquests

- On Debwewin's advice, the Nishnawbe Aski Nation (NAN) led a pilot project to seek on-reserve volunteers who could potentially serve as jurors at coroner's inquests in the judicial districts of Thunder Bay and Kenora.
- The pilot surpassed its original goal and over 400 volunteers have come forward.

Truth, Justice and Reconciliation

We need to:

- **acknowledge** the history of our relationship to date
- **take responsibility** for our role in what has happened
- **take action** to move from a relationship of violence and separation to one of mutual respect and dialogue

Only by connecting the truths of the past with the ideals of justice can we move towards reconciliation.