



SOCIAL CONNECTEDNESS
FELLOWSHIP PROGRAM

INDIGENOUS YOUTH RESTORATIVE JUSTICE

*Addressing overrepresentation in the
Canadian Criminal Justice System*

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EXECUTIVE SUMMARY

The over-incarceration of Indigenous people in Canada is a crisis that begins earlier than adulthood as Indigenous youth (under 18) represent a disproportionate number of children behind bars. Based on 2016-17 statistics, Indigenous youth account for a staggering 46 percent of admissions to correctional services whilst encompassing a mere 8 percent of the total Canadian youth population. Despite a reduction in overall youth incarceration rates by 33 percent since 2012/2013, the proportion of Aboriginal youth admitted to correctional services has increased from 21 percent in 2006/7 to 37 percent in 2016/2017.¹ This contradictory trend indicates the failure of the *Criminal Justice System* to mitigate Indigenous overrepresentation, thereby necessitating reconsideration of how to address the crisis.

This report emphasizes acknowledgement of colonialism as the propagator of inherent social issues plaguing Indigenous communities that exacerbate their propensity to encounter the law. Consequently, evaluation of the *Criminal Justice System's* attempt to address Indigenous overrepresentation reveal inefficiency in the application of *section 718.2(e)*, the *Gladue* principles, and instead focuses on sentencing only. Attention to pre-sentencing procedures and intersectional individual and environmental risk factors commonly identified as correlates of youth offending - such as high levels of poverty, family conflict, lower levels of education, substance abuse and psychological/emotional problems - is markedly missing. Furthermore, correctional services fail to effectively curb recidivism or aid reintegration of Indigenous youth due to the lack of knowledge and use of Indigenous healing methods. Thus, the report first recommends implementation of *Gladue* principles throughout the legal process, not just during sentencing, but be required by statute such that effective diversionary measures for Indigenous youth are considered. Following are program recommendations focused on early intervention and prevention of Indigenous youth involvement with the law and Indigenous restorative justice programs for reintegration after prison to prevent recidivism. Finally, the report asserts the need for collective education on Indigenous history and colonialism to truly begin dismantling the long legacy of discrimination which fuels Indigenous over-incarceration.

¹. Statistics Canada, Adult and Youth Correctional Statistics in Canada, 2016/2017, (Canada, June 19, 2018).

INTRODUCTION

A defining feature of every stage in Canada's *Criminal Justice System (CJS)* is Indigenous overrepresentation. An overlooked issue of national priorities is that this crisis continues to be ill-addressed. With every annual publishing of *Adult and youth correctional statistics in Canada* by Statistics Canada, "Indigenous youth continue to be overrepresented in the correctional system" remains a key finding.² The youth context of Indigenous overrepresentation is of special concern because the introduction of the *Youth Criminal Justice Act (YCJA)* in 2002 is widely believed to have provided significant relief since overall youth incarceration rates in Canada have declined. However, this positive impact has failed to include or affect Indigenous youth as their disproportionate rates of incarceration persist.

This report explores the crisis by analyzing current overrepresentation mitigation measures undertaken by the *CJS* and highlighting the nature of Indigenous youth's interaction with the law from pre-arrest to post-prison. Critical to the research is the validation and inclusion of Indigenous voices in explaining the severity of this crisis and how it can be mitigated. Supporting experiential information from Indigenous men and women who have served time and are dedicated to reintegration, the paper utilizes interviews with political actors, clinical coordinators and prison consultants, as well as critical literature review, to examine the issue. Following this analysis are policy, program and public recommendations directed to members of parliament and specific ministries to address Indigenous youth over-incarceration and to defend the rights of Indigenous people.

² Statistics Canada, *Adult and Youth Correctional Statistics in Canada, 2016/2017*, (Canada, June 19, 2018).

ISSUE & EVIDENCE

The Intergenerational Impact of Colonialism

Understanding the multi-faceted issue of Indigenous overrepresentation in the *CJS* first and foremost requires framing it in the context of colonialism.³ Settlers arriving in Canada viewed the Indigenous people as an impediment to their modernization pursuit. As a result, ensuing Canadian governments implemented pre-meditated policies to systematically eradicate the nation's supposed "Indian Problem."⁴ Modern colonialism's entrenchment of childhood and intergenerational trauma is exemplified by the violent assimilation attempt of Indigenous youth through the Residential School System. The "Sixties Scoop" agreement (1965) between the Federal Crown and Child Welfare Services allowed a "well intentioned but profoundly uninformed child protection bureaucracy to 'scoop' thousands of Indian children that were found to be in need of protection off Indian reserves and place them in non-Indigenous homes."⁵ The culmination of such policies, in conjunction with the criminalization of Indigenous culture and traditions, alienated Indigenous people to the periphery of Canadian society. Ultimately, this has embroiled Indigenous communities in a vicious cycle of profound self-reinforcing social ailments born from isolation.

Despite the *Royal Commission on Aboriginal Peoples (1996)* highlighting the causative function of colonialism in Indigenous over-incarceration, mainstream views regarding their overrepresentation remain fixated on contemporary socio-economic inequalities.⁶

³ The Royal Commission on Indigenous Peoples, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa: Supply and Services Canada, 1996).

⁴ Rudolph C Rýser, *Indigenous Nations and Modern States: The Political Emergence of Nations Challenging State Power* (New York: Routledge, 2012).

⁵ *Brown v Canada (Attorney General)*, 2013 ONSC 5637, (2014).

⁶ Jonathan Rudin & Kent Roach, "Broken Promises: A Response to Stenning and Roberts' 'Empty Promises'" (2002).

Although criminal activity levels across all demographics are influenced by socio-economic factors, the methodical marginalization of Indigenous people resulted in the “fundamental breakdown in the social order in Indigenous communities of a magnitude never known before,” according to Indigenous Judge Turpel-Lafonde.⁷ It cannot be denied that current social and economic problems “never existed pre-colonization and even in the first few hundred years of interaction,”⁸ along with intergenerational, untreated mental health issues. These problems combined further aggravate Indigenous interaction with the *CJS*. The manifestation of this is seen in the disproportionate characterization of Indigenous young offenders by intersectional individual and environmental risk factors commonly identified as correlates of youth offending, such as high levels of poverty, family conflict, lower levels of education, substance abuse, and psychological problems.⁹

Essentially, intergenerational trauma requires intergenerational healing. The lack of sufficient and effectual reparations for past oppression only compounds unresolved grievances. Born into established racism and increasingly growing up with a loss of identity, Indigenous youth today bear a burden that exacerbates their involvement with the *CJS*. Native men at *Maison Waseskun*, a healing center in Quebec that utilizes Indigenous principles of restorative justice and works in conjunction with *Correctional Services Canada (CSC)*, emphatically reflected that disassociation from their culture was a key reason for “losing their way.”¹⁰

⁷ Mary Ellen Turpel, “Reflections on Thinking Concretely about Criminal Justice Reform” in Richard Gosse, James Youngblood Henderson & Roger Carter, eds, *Continuing Poundmaker and Riel’s Quest: Presentations Made at a Conference on Indigenous Peoples and Justice* (Saskatoon: Purich Publishing, 1994).

⁸ Ibid.

⁹ Jackson, Nate. Sage Publications. “Policy Issues Regarding the Over-representation of Incarcerated Aboriginal Young Offenders in a Canadian Context”. (2014).

¹⁰ Native residents at *Maison Waseskun Healing Center*, focus group with Shaista Asmi, Montreal, Canada (August 2019).

Such is the continued impact of assimilationist strategies, whereby Native languages and traditions are passed on less and less because many older generations want to protect their future generations from the differentiation and racialized treatment they endured. Therefore, addressing the Indigenous youth over-incarceration crisis in Canada necessitates the fundamental acknowledgement that a major contributor is colonial legacy.

Evaluation of the Criminal Justice System's Response to Indigenous Overrepresentation

Following the release of the *Royal Commission on Indigenous Peoples* landmark report, the Parliament introduced *section 718.2 (e)* to the *Criminal Code* to address the over-incarceration crisis by focusing on sentencing.¹¹ The provision mandates “particular attention to the circumstances of Indigenous offenders” during sentence proceedings. Despite Alan Rock, the Justice Minister at the time, making clear the incentive of this section to be mitigation of Indigenous over-incarceration,¹² ambiguity regarding the practical implementation of it arose in the *CJS*.

The Supreme Court of Canada consequently tried to use the case of *Gladue* to provide clarifications for *section 718.2 (e)*. A monumental proceeding in Canadian history is the case of Jamie Gladue, a 19-year-old Native woman who was charged with murder after stabbing her abusive husband when he tried to rape her sister. During her trial, the issue of *section 718.2 (e)* went to the Supreme Court of Canada and the application of it to grant her a conditional

¹¹ Jackson, Nate. Sage Publications. “Policy Issues Regarding the Over-representation of Incarcerated Aboriginal Young Offenders in a Canadian Context”. (2014).

¹² House of Commons, Standing Committee on Justice and Legal Affairs, Minutes of Proceedings and Evidence of the Standing Committee on Justice and Legal Affairs, 35th Parl, 1st Sess, No 62. (17 November 1994).

sentence was appealed because she was not living on a reserve, despite being both Native and pregnant at the time.

Senator Kim Pate, a renowned advocate on behalf of imprisoned youth, explained that the defense of using *Gladue* principles as sufficient acknowledgement of Native status fails because Jaime Gladue herself “never got the benefit of it” since she was assumed guilty and charged for manslaughter despite all contrary evidence.¹³ The failed implementation of *section 718.2 (e)* has manifested into the misguided and ineffective interpretation of “somehow requiring new kinds of reports instead of ensuring that current pre-sentencing reports have robust analysis of how people’s backgrounds impacted where they are.”¹⁴ This has ultimately led to “more people ending up in the system rather than fewer.”¹⁵

Beyond prevalent endorsement of the *YCJA* due to reduction in overall youth incarceration rates, some investigators eagerly indicate its success in addressing the issue of Indigenous youth overrepresentation too since their incarceration rates have also decreased in absolute terms.¹⁶ With greater scrutiny however, it is found that although the total number of Indigenous youth behind bars has decreased, the *proportion* of them incarcerated compared to Caucasian youth, has increased.¹⁷ This overrepresentation is seen at every stage of the *CJS*, including remand custody, sentenced custody and probation.¹⁸ Evidently, the *YCJA* has not helped Indigenous youth and their over-representation in the *CJS* persists. The problem is not

¹³ Kim Pate. (Senator), interviewed by Shaista Asmi, Montreal, Canada (July 2019).

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Statistics Canada, Adult and Youth Correctional Statistics in Canada, 2016/2017, (Canada, June 19, 2018).

¹⁷ Ibid.

¹⁸ Jackson, Nate. Sage Publications. “Policy Issues Regarding the Over-representation of Incarcerated Aboriginal Young Offenders in a Canadian Context”. (2014).

limited to sentencing; therefore, the solution cannot be confined to it either.

Indigenous Youth Experience in the Criminal Justice System

Given the historically exploitative relationship between Indigenous people and law enforcement, Indigenous youth possess a strong distrust of the legal system even before they personally have any interaction with it.¹⁹ This pre-existing fear and hatred, in conjunction with the natural proclivity for adolescent anti-authoritarianism,²⁰ exacerbates the propensity for defiance or non-cooperation, consequently increasing chances of arrest. In interviews with several Indigenous men and women currently on parole, a common and critical theme was instances of childhood trauma involving the police.²¹ From being forcefully taken away from their families and put into often abusive foster care, to mistreatment and disrespect upon casual interaction, Indigenous youth see and experience the police as a threat rather than protection. These experiences are no longer subject to the uncertainty of spoken testimonies as video footage proof of police violence and misconduct against Indigenous youth as recent as within the last couple of months have surfaced.²²

Moving to post-sentencing experiences, *Correctional Services Canada* is the federal government agency responsible for the incarceration and rehabilitation of offenders. Thus, it is an integral part of the *CJS* where fundamental issues underlying overrepresentation are brought to light when re-adaptation programs attempt to address causes for misconduct.

¹⁹ Native residents at Maison Waseskun Healing Center, focus group with Shaista Asmi, Montreal, Canada (August 2019)

²⁰ Kim Pate. (Senator), interviewed by Shaista Asmi, Montreal, Canada (July 2019)

²¹ Native residents at Maison Waseskun Healing Center, focus group with Shaista Asmi, Montreal, Canada (August 2019).

²² Thomas Piller, "Pelican Narrows RCMP officer relocated, reassigned during video investigation", Global News (July 2, 2019), <https://globalnews.ca/news/5454186/pelican-narrows-rcmp-officer-videos-arrests-uttering/>.

A clinical coordinator at one of Montreal's youth re-adaptation centres emphasized several reasons for Indigenous youth over-incarceration ranging from the lack of support services for youth experiencing mental health conditions or social vulnerabilities pervasive in their communities, to ineffective rehabilitation programming after serving time.²³

As social services in Indigenous communities are very limited in terms of resources and abilities, their youth often get transferred to facilities far from home for correctional services. While there are social and youth aid workers in Northern regions, there are currently insufficient qualified service providers to effectively cope with numerous serious issues affecting Aboriginal communities, including alcoholism, substance abuse and mental health issues. "They don't send the most qualified people there.... Our society has not done well in terms of respect and services to these communities" said the clinical coordinator.²⁴ Qualified and experienced professionals are often not willing to move to work in these remote regions due to inadequate incentivization from federal or provincial governments.²⁵

Counsellors and coordinators of larger city correctional facilities struggle to obtain critical health information required to create effective, individualized plans for a transferred Indigenous youth's rehabilitation program due to the inconsistent health recording systems across regions and overworked staff in Indigenous communities. Difficulty obtaining information extends from courts as well since many cases are classified "confidential" and youth re-adaptation centres have to overcome arduous administrative hurdles to access information relevant for creating intervention plans.

²³ Clinical coordinator at Montreal Youth Readaptation Center, interviewed by Shaista Asmi, Montreal, Canada (June 2019).

²⁴ Ibid.

²⁵ Ibid.

Article 19 of the laws that govern all Quebec institutions requires document transmission within 72 hours, but evidently the provision is “not followed or even known about.”²⁶ A key issue is conflict between youth protection and youth offender laws such that, for example, if a youth had tried to kill himself multiple times, the re-adaptation center would not be informed of this crucial information by youth protection services as he is now classified as an offender as opposed to being under protection. “Do you know how drastically it changes the intervention and treatment we put in place for a youth if he has attempted suicide? He wants to kill himself and we have no idea,” the coordinator expressed. This is of extreme concern especially with Indigenous youth due to the high suicide rates amongst their demographic.²⁷

Restorative Justice Practice

According to the *Department of Justice Canada Research and Statistics Division’s* meta-analysis report on *The Effectiveness of Restorative Justice Practices*, “Restorative justice programs are a more effective method” of improving victim satisfaction, increasing offender restitution compliance and decreasing recidivism compared to “traditional criminal justice” non-restorative approaches.²⁸ The last 40 years has seen increased integration of restorative justice practices in the development of Canada’s *CJS*, but it is no new phenomenon. Restorative justice is a fundamental tenet of the Indigenous justice system that has functioned for centuries prior to Western or settler jurisprudence.

The premise of restorative justice is that, “Criminal behaviour is primarily caused by the

²⁶ Ibid.

²⁷ Ibid.

²⁸ Latimer, Dowden and Muise. Department of Justice Canada. “The Effectiveness of Restorative Justice Practices: A Meta-Analysis”. (2001).

alienation of certain members from society,”²⁹ and it violates the people and relationships within society, thereby necessitating an inclusive method for collaborative reconnection and recovery.

The importance of cultural restorative justice practices for Indigenous people is unanimously emphasized by various stakeholders in the reintegration process. Speaking from experience, Indigenous men at *Maison Waseskun* and Indigenous women at the *Elizabeth Fry Readaptation Center* expressed the vitality of Indigenous healing methods such as circles and sweat lodges, in addressing and overcoming their issues. Many spoke of the lack of these resources in prison being a great struggle; those at *Maison Waseskun* owed their entire recovery to the cultural restorative justice practices prioritized there.³⁰ At this Native healing centre, a program exemplifying Indigenous principles of restorative justice is *Waseya Family Healing* which brings together offenders and their families for intensive healing and therapy grounded in cultural ceremonies and medicine.³¹ Programs such as this foster an emotionally secure and open environment to allow intergenerational healing as family members release long suppressed feelings and share forgiveness. Therefore, restorative justice seeks to ensure offenders return to their communities with a positive state of mind rather than harbouring unresolved issues. Restorative justice is a collective responsibility because it benefits everyone in the society.

However, Indigenous youth are yet to be provided with any significant cultural

²⁹ Achtenberg, Melanie. Correctional Service Canada. “Understanding restorative justice practice within the Aboriginal context”. (2015).

³⁰ Native residents at Maison Waseskun Healing Center, focus group with Shaista Asmi, Montreal, Canada (August 2019).

³¹ John Wilcocks (Coordinator), Maison Waseskun, meeting with Shaista Asmi, Montreal, Canada (August 2019).

programming in *Correctional Services Canada (CSC)* facilities. The clinical coordinator at a Montreal youth re-adaptation centre asserted that all correctional centre interventions, be it a re-adaptation facility or halfway house, are generalized programming based on “white psychology,” void of Indigenous healing knowledge or processes. Unsure whether their programs are effective for Indigenous youth, coordinators “just hope for the best.”³² Thus, while federal legislation such as *The Criminal Code* and *YCJA* purportedly support restorative justice practices, the government’s practical implementation of it falls short of positively impacting the very people from whose culture the philosophy is drawn.

RECOMMENDATIONS

Actors common to all the following recommendations are *Members of Parliament* who deliberate and decide passage of laws and policies, in addition to determining provincial budget and finances for the implementation of them. These recommendations apply to *Senators* as well, as they can re-allocate provincial funds to certain priorities.

POLICY	
Recommendation	Require by statute that actors in the earlier stages of the criminal justice process such as police, bail courts and probation officers comprehensively examine <i>Gladue</i> factors to exercise effective discretionary course of conduct and effective implementation of <i>section 718.2 (e)</i> .
Responsibility	Minister of Justice
Rationale	A focus on sentencing solely has been ineffective in reducing Indigenous over-representation. As Senator Kim Pate explained, <i>Gladue</i> principles have failed to be implemented, which impacts the treatment of Natives

³² Clinical coordinator at Montreal Youth Readaptation Center, interviewed by Shaista Asmi, Montreal, Canada (June 2019).

	<p>in the <i>CJS</i>³³. Prison Consultant, Lee Chapelle, asserted that pre-sentencing treatment of detainees plays an important role in their realization and choice to work on themselves and avoid recidivism.³⁴ For Indigenous people this specifically entails respect and sensitivity for their cultural identity in light of racism being a key instigator for aggression and misconduct. An effective restorative justice system that focuses on helping Natives not want to commit crime again would not only reduce incarceration rates, but would also reduce the funds being poured into maintaining detention facilities, whilst increasing public safety and well-being.³⁵</p>
Method	<p>Build in checks that verify understanding and application of the <i>Gladue</i> principles. Establish mandatory education and training for all criminal justice system personnel regarding <i>Gladue</i>. Reform the classification system used in pre-sentencing reports written by probation officers such that they explicitly address how Native status was taken into consideration. This entails confirmation of how <i>section 718.2 (e)</i> was effectively endorsed in determining what happened, what can be done now, rehabilitation approach options and “risk” profiles of Indigenous youth.³⁶ Incorporate segments in the pre-sentencing report that must be completed by police, crown prosecutors, and bail courts to verify and explain how this was done at every stage of the criminal justice process, for the judge to take into consideration when sentencing.</p>

POLICY	
Recommendation	<p>Create a comprehensive <i>Indigenous Youth Justice Strategy (AYJS)</i> that oversees the implementation of the program recommendations that follow below for early intervention and reintegration by focusing specifically on Indigenous youth over-incarceration push and pull factors.</p>
Responsibility	<p>Minister of Justice Minister of Families, Children and Social Development</p>
Rationale	<p>Unique factors sustain Indigenous youth’s disproportionate involvement with the law and as evidenced in the aftermath of the <i>YCJA</i>, a generalized legislation fails to include or impact them specifically. Thus, efforts tailored to the distinct reality of Indigenous youth is necessary to begin</p>

³³ Kim Pate. (Senator), interviewed by Shaista Asmi, Montreal, Canada (July 2019).

³⁴ Lee Chapelle. (Prison Consultant), interviewed by Shaista Asmi, Montreal, Canada (August 2019).

³⁵ Kim Pate. (Senator), interviewed by Shaista Asmi, Montreal, Canada (July 2019).

³⁶ Ibid.

	addressing overrepresentation. Although the initial phase of doing research and development for this strategy will take time and effort, not only are Indigenous people owed this dedication and respect, but the monumental long-term societal benefits must be understood. Addressing and alleviating inherent struggles in Indigenous communities will embolden Canada’s prosperity and productivity whilst finally starting to make amends for colonial legacy. It will be a landmark achievement for contemporary Senators, Members of Parliament and legislators.
Method	Identify and validate the push and pull factors through data analysis and research. Convene federal and provincial groups in charge of administering the strategy, which must include Indigenous youth and peoples representatives in decision-making roles. Devise actionable methodology for enacting intervention and reintegration programs that also comprise evaluation metrics to determine efficacy in helping Indigenous youth and families. The prioritization of developing and implementing this strategy should be pushed by members of parliament, namely for resource and manpower allocation.

PROGRAM	
Recommendation	Provide early Intervention and prevention programs that focus on mental, physical and social health issues facing Indigenous youth.
Responsibility	Minister of Families, Children and Social Development Minister of Health
Rationale	Indigenous youth support programs are critical in reducing the propensity of them offending in the first place. ³⁷ Currently, such programs are sparse and have limited resources. Thus, despite the dedicated work of few, the impact does not suffice in mitigating Indigenous overrepresentation in the <i>CJS</i> . Implementation of these programs cost less than maintenance of prison and correctional systems ³⁸ whilst making significant, critical improvements to the lives and rights of Indigenous youth. Thus, not only does it begin intergenerational healing, but it is also fiscally optimal. Investing in empowering the future of the Indigenous community, rather than keeping them behind bars is imperative for a collectively progressing Canada.

³⁷ Kim Pate. (Senator), interviewed by Shaista Asmi, Montreal, Canada (July 2019).

³⁸ Ibid.

Method	<p>Conduct community based research to identify specific mental, physical and social health issues affecting Indigenous communities and create region/population specific plans for addressing them. This entails the collaboration of health professionals, Indigenous healers and teachers due to the multi-faceted nature of these issues. Availability, accessibility, efficacy and implementation of necessary intervention and support mechanisms must be determined and enacted. The mental health aspect of the program needs to address intergenerational psychological and emotional issues such as depression and anger. The physical health aspect requires optimizing the nutrition and development of Indigenous children, especially considering the remote and extreme climate regions many live in. The social health aspect of the program needs to encourage communication between community members, teach cultural traditions and build trust with law enforcement to repair relationships of animosity. Finally, children have to be provided with positive outlets such as creative or team activities and opportunities to pursue career/life interests.</p>
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PROGRAM	
Recommendation	Provide restorative justice and Indigenous-based reintegration support and healing programs for Indigenous youth in the <i>CJS</i> .
Responsibility	Minister of Indigenous Services Minister of Crown-Indigenous Relations Minister of Justice
Rationale	<p>The primary purpose of correctional services is to reduce recidivism and ultimately bolster public health and safety. As such, investing in dedicated re-adaptation services that help the victims, individuals charged and their community repair relationships with one another is crucial. This includes mental and spiritual rehabilitation that allows Indigenous youth to understand why they got into trouble with the law, address those issues and resolve to seek betterment of their lives and community. Their reduced recidivism consequently decreases adult incarceration rates and thereby allows funds which would have been poured into the adult prison system to be diverted to national development priorities.</p>

Method	Institute individualized programming for every Indigenous youth, ³⁹ as done in Native men healing centers, ⁴⁰ that strongly emphasizes cultural needs and methods. This is because regaining connection to cultural identity and healing has been expressed as the fundamental mechanism for self-improvement amongst Native men and women interviewed in correctional services. Collaborate with Native elders who have knowledge of restorative justice principles that existed thousands of years prior to colonial law and create programs in conjunction with <i>Correctional Services Canada</i> for Indigenous youth across all regions. Invest resources to establish centres and ensure accessibility to these centres for both male and female Indigenous youth.
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PUBLIC	
Recommendation	Advance cultural and historical education.
Responsibility	All provincial education ministries/departments
Rationale	Public awareness, acknowledgement and understanding of the impact of colonialism is critical in trying to make amends for it. This is especially powerful at the young education stage in disrupting the breeding of racism, due to how impressionable children are. Thus, there needs to be a focus on reducing bullying, racism and mental health issues among the future generations of Indigenous youth, which will translate to less money and resources being spent on Indigenous mental and social health rehabilitation in the long-term. Learning Indigenous history teaches children the importance of respect and social connectedness.
Method	Review current Indigenous history inclusions in provincial education curriculums and evaluate the comprehensiveness, sensitivity and limitations of it with Indigenous knowledge keepers and ethics professionals. ⁴¹ Consequently, determine necessary improvements required in respective provincial educational curriculums (for example Ontario is far behind British Columbia) and push Members of Parliament to prioritize these amendments so that adept programming is introduced

³⁹ Clinical coordinator at Montreal Youth Readaptation Center, interviewed by Shaista Asmi, Montreal, Canada (June 2019).

⁴⁰ John Wilcocks (Coordinator), Maison Waseskun, meeting with Shaista Asmi, Montreal, Canada (August 2019).

⁴¹ Ermine, Sinclair and Jefferey. Indigenous Peoples’ Health Research Centre. “The Ethics of Research Involving Indigenous Peoples.” (2004).

	and teachers are trained to share it with students across the country. The programs must be a natural component of all children’s education and begin at the stage when history classes are first introduced.
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PUBLIC	
Recommendation	Expand cultural sensitivity training.
Responsibility	Minister of Employment, Workforce and Labour
Rationale	This is geared towards those who have finished school and are in a professional or real world setting. It is often the older generations that are unwilling or struggle to accept their prejudice or biases. Such education and awareness would improve the quality of relationships - between all and between Indigenous and non-Indigenous employees - which is directly correlated to productivity and cooperation. ⁴² This would consequently generate social and economic benefits for society collectively.
Method	Review current practices in organizations that offer best practices and limitations on this type of training. Based on these evaluations, set mandatory standard requirements for knowledge and skills to be administered prior to beginning employment. Provincial and federal government must implement a mandatory requirement for organizations to be certified of this training in order for them to be able to hire and employ people.

IMPACT & CONCLUSION

The findings and recommendations in this report aim to support the advocacy and work being done to effect change in the lives and rights of Indigenous youth. SCSC should maintain communication and relationships with various actors invested in the restorative justice of Indigenous youth who were contacted during the course of this research, including clinical

42 Holt-Lunstad, Julianne. “Fostering Social Connection in the Workplace”. American Journal of Health Promotion. (July 2018).

counsellors, Senators, coordinators at healing centres and especially the Native men and women that were willing to share their personal experiences in hopes of helping youth. These actors should remain updated and be consulted regarding advancing advocacy movements for Indigenous youth. The guidance from Jane Buchanan at Human Rights Watch was valuable to this research project and continuing such meaningful partnerships with human rights advocates bolsters our efforts in pursuing change. Moreover, collaboration with *Maison Waseskun* in building further programs such as computer literacy will allow long-term sustainable impact to be made in the lives of Indigenous men who seek to rebuild their lives.

The temporal and spatial limitations of this project meant that primary research was only conducted in Quebec. As such, further research across Canada as well as into different Indigenous populations is required to inform further specific recommendations to address Indigenous youth over-incarceration. Additionally, a focus on Indigenous women's reintegration to learn about their particular needs would be a critical next step given the national lack of attention and resources for the reintegration of Indigenous women, who face the most prominent overrepresentation in the *CJS*.

This report delved into different facets of the Indigenous youth experience to find systemic shortcomings both inside and outside the *CJS* that perpetuate overrepresentation. The *YCJA* is generally deemed to be effective given the overall decline in youth incarceration rates. However, individual statistics pertaining to Indigenous youth overrepresentation are neglected since their disproportionate representation in the *CJS* continues to grow as insufficient efforts are undertaken to address it. These include the ineffective understanding and implementation of *Gladue* principles in the pre-sentencing process, which escalates

Indigenous incarceration rates, as well as the very limited implementation of proven practices, such as Indigenous healing and restorative justice practices in correctional programs, to tackle recidivism. The remediation of such issues is contingent on the fundamental acknowledgment of the traumatic intergenerational impact of colonialism and the dedication to sincerely make amends. Deserving the respect and services to heal from decades of harm, Indigenous people and its youth have the utmost right to thrive on their lands.

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