Intersecting Realities

Indigenous Women, Decarceration, and Inuit Justice in Canada



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PAUKTUUTIT
INUIT WOMEN OF CANADA

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PREPARED FOR
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INTRODUCTION

In 2024, we proudly celebrated our 40th anniversary, a significant milestone that reflects both our journey and the enduring challenges faced by Inuit women, girls, and gender-diverse individuals, whether they reside in Inuit Nunangat or urban environments. The enduring impacts of forced relocation and settlement have severed vital ties to ancestral lands, culture, and traditional ways of life, imposing assimilative pressures and depriving Inuit women, children, and gender-diverse Inuit of basic rights and services.

Inuit Nunangat, far from being a remote wilderness, is a cherished homeland, yet it remains unrecognized and misunderstood within the broader Canadian context. The ongoing exclusion and marginalization of Inuit in political realms, Indigenous consultations, and Canadian society perpetuates harm against Inuit communities. Pauktuutit's mandate is to highlight these realities and showcase the richness of Inuit culture, history, and contemporary experiences while tirelessly advocating for the needs and priorities of Inuit women, girls, and gender-diverse Inuit.

Inuit Nunangat, far from being a remote wilderness, is a cherished homeland, yet it remains unrecognized and misunderstood within the broader Canadian context.

Through collaborative partnerships, advocacy initiatives, and community engagement, Pauktuutit envisions the next four decades as a period of profound transformation and revitalization for Inuit communities, driven by the resilience and determination of Inuit women, girls, and gender-diverse Inuit.

EXECUTIVE SUMMARY

THE JUSTICE SYSTEM IN CANADA HAS LONG BEEN A SITE OF SYSTEMIC INEQUITY and discrimination against Indigenous peoples, particularly Indigenous women, girls, and gender-diverse individuals. Colonialism continues to manifest in various forms, including the overrepresentation of Indigenous peoples in prisons, the prevalence of gender-based violence, and the systemic racism embedded within legal and law enforcement institutions. This report aims to address these critical issues through a comprehensive overview of historical contexts and contemporary challenges.

The term "Indigenous" is used throughout this report to encompass the diverse experiences and identities of Inuit, First Nations, and Métis peoples. Additionally, due to the lack of Inuit-specific data in some instances, "Indigenous" is used. Despite this broader usage, it is of utmost importance that the voices of Inuit are not lost, as this report is particularly advocating for Inuit justice. Ensuring that Inuit perspectives are highlighted and prioritized remains a central focus of our recommendations and analyses.



Are Elders involved in Inuit justice?

Yes 78%
No 22%

The final recommendations are structured to align with the broader themes explored in this report: the colonization continuum, the transition of colonization as incarceration, the systemic roots of mass incarceration of Indigenous women, decarceration, and Inuit justice and legal principles.

The *Colonization Continuum* reflects the enduring impact of colonial practices and policies on Indigenous peoples. This historical trajectory has led to the marginalization, dispossession, and systemic disenfranchisement of Inuit communities, setting the stage for contemporary injustices and ongoing colonization.



Colonialism continues to manifest in various forms, including the overrepresentation of Indigenous peoples in prisons, the prevalence of gender-based violence, and the systemic racism embedded within legal and law enforcement institutions.

The *Colonization and the criminalization of Indigenous peoples* highlights the direct and indirect pathways through which ongoing colonial structures have perpetuated the criminalization of Indigenous peoples. The socio-economic marginalization and cultural disintegration caused by colonialism have left many Inuit individuals exposed to involvement with the justice system.

Systemic roots in the mass incarceration of Indigenous Women explores how Indigenous women face compounded structural barriers that result in their disproportionate incarceration rates. These barriers, rooted in intergenerational trauma, poverty, and systemic racism, necessitate targeted interventions that address the specific needs and circumstances of Indigenous women.

Decarceration emphasizes reducing reliance on incarceration by promoting alternative community-based approaches to justice. These strategies are vital for fostering healing and rehabilitation in line with Indigenous values and traditions.

Inuit Justice provides a culturally grounded framework for addressing crime and conflict. These principles prioritize restorative justice, community involvement, and the integration of traditional knowledge and practices.

Inuit Wisdom provides a brief overview of the current understanding of Inuit justice. This understanding was built by responses from over 200 Inuit and is critical to the formation of justice for Inuit.

These sections collectively underscore the multifaceted and deeply entrenched nature of the injustices experienced by Inuit, necessitating a holistic and culturally responsive approach to justice for Inuit and other Indigenous communities. It is imperative that initiatives like the Indigenous Justice Strategy seize the opportunity to integrate Inuit voices and effect tangible, sustainable change in the lives of Inuit.

THE COLONIZATION CONTINUUM

COLONIALISM IN CANADIAN HISTORY IS OFTEN DEPICTED AS A PAST EVENT; however, it is an enduring structure (Wolfe, 2006). Canada and other settler states continue to strengthen and consolidate control over Indigenous peoples by centralizing decision-making processes, eliminating opposition, dividing Indigenous groups, and concentrating power within the Canadian government.

The narrative of settler colonialism has justified a range of colonial policies, from forced relocations and the establishment of Residential Schools to the surveillance and control of Inuit communities. These policies have inflicted profound harm, disrupting traditional ways of life, breaking up families, and imposing poverty and dependence on Inuit communities.

The narrative of settler colonialism has justified a range of colonial policies, from forced relocations and the establishment of Residential Schools to the surveillance and control of Inuit communities.

Settler colonialism suggests that lands were empty, ignoring the genocide of Indigenous peoples who today "have descended from the 2-5% of Indigenous peoples who survived" (Amadahy & Lawrence, 2009, p. 106). This near-complete ethnic cleansing created the empty lands imagined as *terra nullius* for settlers (Gordon & Ram, 2016).

Settler discourses continue to reproduce colonial ideologies, failing to recognize settler colonialism, not Indigeneity, as the source of violence and conflict. Concepts like *terra nullius* and the Doctrine

of Discovery persist in Canada's legal and political systems (Rollo, 2018). Terra nullius is rooted in the belief that Indigenous peoples are "too 'uncivilized' to constitute sovereign nations" (Schaefli & Godlewska, 2014, p. 234).

Terra nullius is reinforced by hiding the fact that colonialism "destroyed almost one-quarter of the earth's population within 150 years" (Amadahy & Lawrence, 2009, p. 106). Colonial ideas of progress justify the occupation of Indigenous lands and peoples who are seen as primitive and lacking rights (Edmonds, 2019).

In 1837, the British Parliament acknowledged the violence in the colonies and determined a debt was owed to Indigenous peoples to be repaid through colonial policies such as education and protection (Great Britain, 1837, p. 120). The British Empire believed assimilation was the best way to help Indigenous peoples, leading to more colonial violence.





As Canada emerged from the British North American Act, it was clear that the 'Indian problem' required further intervention. The *Indian Act*, created the same year as Canada, replaced earlier laws to establish a framework for the continued control and elimination of Indigenous peoples. The notion of the 'Indian problem' frames Indigenous peoples as deviant or dysfunctional, justifying ongoing colonial administration in their lives and communities.

Though the *Indian Act* was introduced in 1876 to manage the 'Indian Problem,' Inuit were not considered Indian (Schwan & Lightman, 2015, p. 15). The colonial government believed it had a guardianship responsibility, and paternalist and violent policies were enacted across Inuit Nunangat. Relocation and surveillance over Inuit homes became central aspects of colonial policy.

Before settler colonialism, Inuit lived in Inuit Nunangat on the land, ice, and sea for 5000 years and were "nomadic, self-reliant, and self-governing"

Before settler colonialism, Inuit lived in Inuit Nunangat on the land, ice, and sea for 5000 years and were "nomadic, self-reliant, and self-governing" (Crawford, 2014, p. 345). Communities were small kinship groups where everyone was valued for their contribution (QIA, 2013, p. 18). Colonial policies coerced Inuit to settle in government towns to facilitate administration and assimilation (Crawford, 2014). Colonialism transformed Inuit Nunangat, bringing structures of European supremacy, and viewing the land, animals, and people as exploitable resources.

In the last 400 years, European men viewed Inuit homelands as terra nullius, claiming discovery of what they saw as empty lands (Hanrahan & Dosu, 2020, p. 59). The land was not seen as a place for settlement; instead, government, military, and economic interests claimed territory over the lives of Inuit from a distance (Payne, 2022, p. 355). Early explorers encouraged exploitation and brought Inuit Nunangat to the attention of evangelical missions, leading to the "total eradication of shamanism" and the fusion of "Inuit traditions, language, and culture" (Gadoua, 2010, p. 173).

As part of the colonial justification for the relocation and occupation of Inuit, the Canadian government engaged in "surveillance and visual

representations" of Inuit (Payne, 2022, p. 355). Early on, this surveillance was facilitated by resource development processes such as geological surveys, which communicated the potential wealth of Inuit Nunangat while dehumanizing Inuit and cataloguing their beliefs and bodies as features of an exploitable landscape (Predko, 2022).

Survey ships were another way Canada established its colonial presence in Inuit Nunangat (Predko, 2022). These ships brought scientists and North-West Mounted Police who had "broad administrative powers" and were the main representatives of colonial policy. Explorers and surveyors contributed to government representations of Inuit as primitive and exotic features of the colonial imagination (Glennie, 2019).

Inuit were viewed as dependent, child-like, and incapable of adapting to change. Colonial governments were torn between "an anxious need to govern Inuit in the face of heightened international Arctic presence and trepidation of the fiscal expense of providing welfare programs to Inuit" (Wakeham, 2014, p. 93).



Forced relocation and resettlement of Inuit were seen as the best way to address both concerns by decreasing the cost of colonial administration while populating strategic locations to strengthen Canada's claim to Inuit Nunangat or what would become known as Canada's Arctic region (Wakeham, 2014, p. 94).

Forced and coerced relocations were carried out by the North-West Mounted Police, who "were the only year-round government representatives" (QIA, 2013, p. 20) until World War II when "American military personnel moved into the

region" (QIA, 2013, p. 21). The American presence brought attention to the extreme deprivation forced on Inuit by the colonial government, including "poor living conditions and lack of medical services. (QIA, 2013).

The construction of the Distant Early Warning (DEW) Line in the 1950s brought lasting military settlements, environmental destruction, and violence (QIA, 2013, p. 21). Like other infrastructure built during surveys, resource exploitation, and military deployment, development during this time focused on surveillance and extraction, providing little support to Inuit (QIA, 2013, p. 21).

In 1964, the government "demolished traditional Inuit homes" claiming they posed a health risk (Schwan & Lightman, 2015, p. 15). Officials justified these actions by stating it was "more desirable to have a live and slightly disturbed" Inuit "than a dead one" (Schwan & Lightman, 2015, p. 15). Relocated communities were unable to return home as promised and in some cases found their belongings had been burned and qarmaqs (homes)destroyed (QIA, 2013). Deepening this crisis, the RCMP slaughtered Inuit qimmiit (sled dogs) on Baffin Island in the 1950s and 60s (QIA, 2013). Without sled dogs, Inuit were unable to hunt, travel, or move across the land (QIA, 2013).

The impact of forced settlement and coerced relocations caused irreparable harm to Inuit communities.



By the 1970s, almost all Inuit across Inuit Nunangat had been coercively relocated to government settlements (QIA, 2013). The Qikiqtani Truth Commission noted that settlement "imposed a new form of poverty and hindered access to the land and the country food that nourished" Inuit (QIA, 2013, p. 17).

The impact of forced settlement and coerced relocations caused irreparable harm to Inuit communities. Small kinship groups were relocated to larger communities, upsetting community dynamics; food sources were scarce; larger groups were forced to manage smaller hunting grounds; housing was poorly planned, ill-suited to the environment, and inadequate; and the land families were relocated to often differed greatly from their traditional lands (QIA, 2013).



Inuit were also subjected to Residential School policy, which took various forms across Inuit Nunangat, including missions, hostels, and boarding schools where children were far from home and unable to see their families for years (Gadoua, 2010, p. 169).

Children and families were separated by medical policies. Inuit were forcibly screened and sent south for treatment in isolation, away from their language and culture (QIA, 2013). Inuit who were sent away were often unable to see their families before being separated, and some never returned. Many Inuit died alone, and their families were never informed of the loss (QIA, 2013).

The history of colonialism in Canada is not a relic of the past but an enduring structure that continues to shape the lives and futures of Indigenous peoples,

particularly Inuit. These experiences are not well known across Canada, and the settlement of the Nunavut land claim agreement has led many to believe that Inuit enjoy a high degree of self-determination (Predko, 2022). In reality, "government and industry continue to shape outcomes for Inuit communities" (Predko, 2022, p. 80) and Inuit resistance has a long history and continues today (Tester & Irniq, 2008).



Together, the compounding impacts of forced settlement, colonization, exclusion, and isolation have contributed to gender power imbalances, intergenerational trauma, and frustration at the inequality between Indigenous and non-Indigenous society (Billson, 2006). Inuit traditions were developed within small communities where violence was easily curtailed by social measures (Billson, 2006). Today, Inuit live in large communities with multiple families under the duress of colonial occupation and assimilation; yet these structural factors are often overlooked (Billson, 2006).

The persistence of colonialism is evident in the continued implementation of policies by the state that undermine Indigenous governance, rights, and treaties, perpetuating the process of assimilation to erase Indigenous identities (Coulthard, 2014; Simpson, 2017; Truth and Reconciliation Commission of Canada, 2015). Today, the concept of distinctions-based approaches has become a standard model in government relations with Indigenous peoples in Canada. Initially, many Indigenous organizations championed this perspective, emphasizing its importance as a critical analysis of government policies and interactions with Indigenous communities to address the shortcomings of "one size fits all" policy approaches dominating government processes.

In the move to direct government accountability and engagement along the lines of distinctions, there is an underlying emphasis on defining Indigenous identity through discrete categories, which in turn can

create power imbalances between Indigenous peoples, as some groups are recognized while others are not. Tuhiwai Smith (1999) elucidates colonization as a form of violence, corroding Indigenous individuals' sense of self and well-being both internally and externally. The categorization of Indigenous peoples into three distinct groups—First Nations, Inuit, and Métis—without adequate consultation with community-based rights-holders fails to capture the full diversity and complexity of Indigenous identities and nations. The distinctions-based approach, still rooted in the Doctrine of Discovery and colonial assertions of sovereignty, overlooks the inherent authority of sovereign Indigenous communities to define their own identities and governance structures.

The dehumanization and categorization of Indigenous peoples have perpetuated exclusion and marginalization for over 100 years.

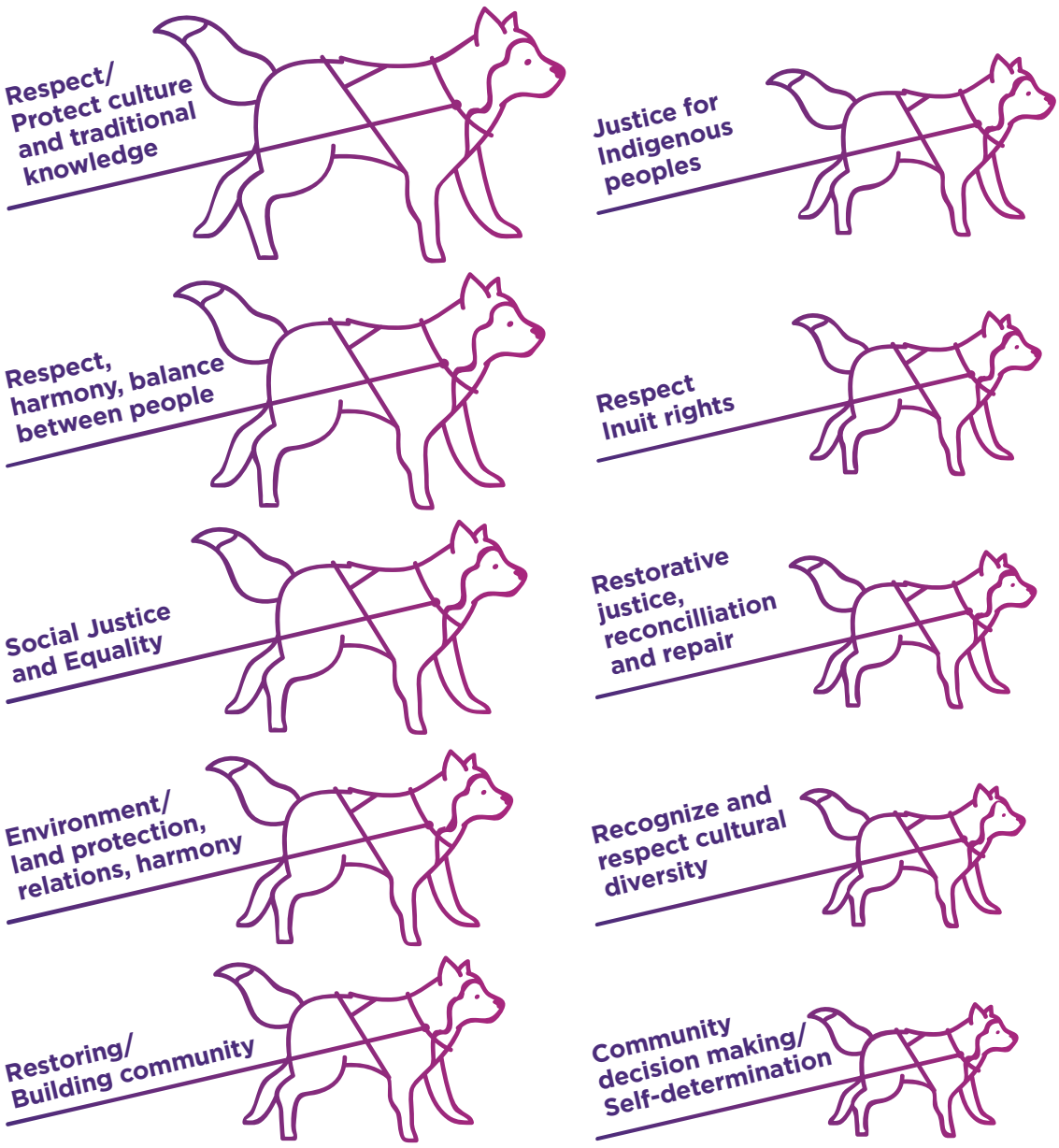
In the context of Inuit communities, this distinctions-based framework often fails to account for the diverse realities and needs within Inuit populations themselves. For instance, Inuit living in urban centers may face different challenges compared to those in Inuit Nunangat. This lack of nuanced understanding can lead to inadequate support and resources. Inuit women, for example, face some of the highest levels of violence in Canada and lack adequate shelter services. This often forces many to leave their communities in search of safety, increasing their risk and causing disconnection from their culture, community, and support networks.

Additionally, the distinctions-based approach may overlook the varying degrees of infrastructure development, economic opportunities, and health services available across different Inuit regions. While the Inuit Nunangat encompasses a vast geographic area with common cultural ties, each region—Inuvialuit, Nunavut, Nunavik, and Nunatsiavut—has distinct historical experiences, governance structures, and community needs. The assumption of a monolithic Inuit identity can lead to policies and programs that do not adequately address these regional differences, perpetuating inequalities and hampering the effectiveness of interventions.

The dehumanization and categorization of Indigenous peoples have perpetuated exclusion and marginalization for over 100 years. Governments continue to justify divisive policies aimed at maintaining control; vigilance and advocacy to protect and promote the rights and sovereignty of Indigenous peoples must be rooted in the understanding of colonization as a continued process.



Meaning of Inuit Justice



COLONIZATION AND THE CRIMINALIZATION OF INDIGENOUS PEOPLES

ONE OF THE EARLIEST INQUIRIES INTO INDIGENOUS ISSUES, the *Royal Commission on Aboriginal Peoples* (RCAP), was established in 1991 following a series of acts of Indigenous resistance that highlighted the government's inability to effectively address Indigenous people's rights and needs (Campbell & Wellman, 2020). The RCAP's research and recommendations in 1996 aimed at restructuring the relationship between Aboriginal and non-Aboriginal communities. Similarly, the Aboriginal Justice Inquiry of Manitoba in 1991 concluded that cultural oppression, social inequality, loss of self-government, and systemic discrimination, which are legacies of the Canadian government's treatment of Aboriginal people, are interwoven and critical in explaining the overrepresentation of Aboriginal people in Manitoba jails (Aboriginal Justice Implementation Commission, 2001).

Indigenous children and youth are significantly overrepresented in the child welfare system across Canada.

Additional inquiries, such as the *Commission of Inquiry into Matters Relating to the Death of Neil Stonechild* and the *Ipperwash Inquiry* into the death of Dudley George, have reached similar conclusions. They found that the relationship between Indigenous peoples and state agents, particularly the police, is marked by tension, suspicion, and racism. This fraught relationship has led to the disproportionate detention and incarceration of Indigenous individuals (Wright, 2004; Wortley & Roswell, 2007). These inequities are not limited to criminal law but are also evident in ongoing disputes over treaty rights, land claims, and hunting and fishing rights.

Moreover, Indigenous children and youth are significantly overrepresented in the child welfare system across Canada. This overrepresentation is a stark indicator of systemic inequities and the enduring impacts of colonialism. According to a study on child welfare services, Indigenous children are three times as likely to be investigated by child protection

services compared to their white counterparts, and more likely to be placed in care once investigated (The overrepresentation of First Nations children in the Ontario child welfare system, n.d.). Reports have shown that this issue is pervasive across various regions, with Indigenous children facing disproportionate rates of removal from their families and communities (Government of Newfoundland and Labrador, 2021).

Despite the enshrinement of Indigenous rights in the *Canadian Charter of Rights and Freedoms*, Indigenous people continue to fight for recognition and for their rights to be respected in decisions that impact them (Campbell & Wellman, 2020).

Research illuminates the lasting impact of colonial violence within Canada's criminal justice system, particularly on Indigenous communities, consistently revealing discriminatory practices at every stage of the legal process, from bail denial to sentencing disparities when compared to non-Indigenous individuals (Bracken et al., 2009; Barker et al., 2015). Despite attempts to address these issues, entrenched systemic inequities underscore the limitations of current approaches in rectifying the colonial injustices deeply embedded in the Canadian justice system (Zinger, 2023).



Monture (2006) asserts that the criminalization of Indigenous populations operates as a deliberate tool of colonialism, perpetuating the marginalization and control of Indigenous communities. Expanding on Monture's insights, it becomes evident that the increasing rates of Indigenous incarceration reflect systemic injustices rooted in colonial violence rather than indicative of inherent criminality.

Historically, Indigenous peoples have been removed from settler society under the guise of ensuring the protection of both Indigenous peoples



and settlers, and to create closed spaces where Indigenous peoples would be subjected to the teaching of "civilization" (Fortier & Wong, 2018). In government-controlled reservations and settlements, Indian Agents and the North-West Mounted Police/RCMP enacted "genocidal legislation that sought to contain Indigenous populations to particular plots of land, destroy languages, eliminate cultural traditions, and physically remove children from their communities" (Fortier & Wong, 2018).

Colonial systems and institutions, including "education, social welfare, health care, police, and justice," continue to enact colonial violence while blaming Indigenous peoples themselves for this violence (McGuire, 2023). For Inuit, this colonial violence targets familial relationships, severely disrupting Inuit families and culture through the removal of children to Residential Schools, hospitals, and the "placement of Inuit children and youth in Qallunaat homes through fostering and adoption" (Johnston, 2018).

The history of child welfare policies in Canada has had a profound impact on Inuit communities, perpetuating cycles of institutionalization and systemic discrimination.

Indigenous children who are removed from their families, communities, and culture are not only subjected to assimilation, but they are also subjected to systemic neglect and often denied the necessities of life (Stefanick & Tait, 2024). While colonial institutions hold Indigenous peoples accountable for the oppression and violence of the state, governments are removed from responsibility and allowed "to provide band-aid solutions" (McGuire, 2023).

The history of child welfare policies in Canada has had a profound impact on Inuit communities, perpetuating cycles of institutionalization and systemic discrimination. Historically, Indigenous peoples, including Inuit, were subjected to the policies of Indian Residential Schools, which aimed to assimilate Indigenous children by removing them from their families and communities. These institutions operated as Total Institutions, where children were isolated and subjected to strict control to erase their cultural identities (Rand, 2011).

This legacy of forced assimilation has continued through modern child welfare systems, which have been described as a re-creation of Residential Schools (Bleau et al., 2022). In 2021, census data revealed that almost

54% of all children in state care are Indigenous, with rates rising to 80-90% in central Canada and Inuit Nunangat (Stefanick & Tait, 2024). This overrepresentation is a direct result of colonial policies that continue to prioritize the removal of Indigenous children from their communities rather than addressing the underlying socio-economic issues and providing support to families.

McGuire (2023) points to these strategies as the "shifting nature of colonialism" through "the covert use of policy, law, and criminalization to eliminate Indigenous peoples through death/suicide, illness, and institutionalization within child welfare systems, youth custody centres, or criminal justice systems" (p. 16). Numerous authors have pointed to violence against Indigenous peoples within state institutions as part of a "broader system of colonial harm" that "removes Indigenous persons from societal purview" (McGuire, 2023, p. 14).

In the landmark 1999 decision in *R v Gladue*, the Supreme Court of Canada declared Indigenous mass imprisonment a "crisis" within the Canadian legal discourse, although this issue had been documented for decades (Arbel, 2019). The Court interpreted section *718.2(e)* of the *Criminal Code*, introduced in the 1996 reforms, which instructs sentencing judges to consider all available sanctions other than imprisonment, particularly for Aboriginal offenders. The Court identified this provision as remedial, aimed at addressing the high rates of Indigenous incarceration, and provided a clear directive for the judiciary to seek remedies for this systemic issue. The Court's recognition of the problem as a "crisis" underscored the magnitude and gravity of the overrepresentation of Indigenous peoples within the Canadian prison system, attributing it to factors such as widespread racism, systemic discrimination, dislocation, poverty, substance abuse, and lack of education and employment opportunities (Arbel, 2019).



The detachment from the historical context of colonialism has facilitated the continued and routinized oppression of Indigenous peoples through the legal system (Arbel, 2019). Furthermore, while both decisions acknowledge systemic prejudices and the legacy of Residential Schools, they do not hold the legal system accountable for the colonial violence that underpins Indigenous mass imprisonment. Consequently, the legal system remains complicit in perpetuating the trauma, violence, and harm inflicted on Indigenous communities (Arbel, 2019).

The detachment from the historical context of colonialism has facilitated the continued and routinized oppression of Indigenous peoples through the legal system

The level of seriousness of the offense has been a pivotal consideration in many judicial decisions, notably in cases such as *Brown*, *Hansen*, *Altiman*,



McWatters, and *Awasis*. In these instances, trial judges have often cited the seriousness of the offense as a primary reason for deviating from the principles outlined in *R v Gladue*. For example, in *Brown*, the judge dismissed the offender's Indigenous status as moot due to the severity of the crime committed (R v Brown, 2005). Similarly, in *Awasis*, the judge emphasized that public protection needed to take precedence despite the influence of Gladue factors (R v Awasis, 2015). Judges in *Hansen* and *Altiman* referred to *paragraph 93, section 13* of the original *Gladue* decision, arguing that serious offenses warrant comparable sentences for both Indigenous and non-Indigenous offenders. The judge in *Altiman* further noted that given the nature of the crime, incarceration was the only option, suggesting that the offender's community would likely impose the same sentence (R v Altiman, 2019).



The challenge of sentencing Indigenous individuals convicted of serious offenses is well-documented in the literature, emerging as a significant conceptual hurdle in the application of Gladue sentencing provisions (Milward & Parkes, 2011). This issue dates back to the early interpretations of the *Gladue* decision, where courts often prioritized the seriousness of the crime over Indigenous circumstances, largely influenced by the undue emphasis on *paragraph 93, section 13* of *Gladue*. However, the Supreme Court in *Ipeelee* clarified that the distinction between serious and non-serious offenses should not influence the application of Gladue factors.

The Court stated that the *Criminal Code* does not differentiate between serious and non-serious crimes and lacks a legal test for determining what constitutes a serious offense (R v Ipeelee, 2012). Milward and Parkes (2011)



argue that minimizing the reach of *Gladue* for serious offenses effectively nullifies its remedial purpose, denying its benefits to the very Indigenous people who need it most—those facing incarceration.

Despite the intentions behind *Gladue* and its subsequent interpretation in *Ipeelee*, both cases ultimately failed to challenge the colonial foundations of Indigenous mass imprisonment. Nichols' critique highlights that mainstream analyses have insufficiently addressed the colonial origins and perpetuation of carceral power in North America, leading to a depoliticized and bureaucratized approach to Indigenous incarceration (Arbel, 2019; Nichols, 2020).

Fanelli (2021) delineates the disproportionate representation of Inuit within the Canadian criminal justice system, particularly among homeless populations in urban centers, attributing this phenomenon to forced relocation and institutional deficiencies. The justice system, framed as a venue for offenders to access necessary assistance, often relies on biomedical models of mental illness, disregarding the relational and contextual understanding of well-being prevalent in Inuit communities (Ferrazzi & Krupa, 2016).



The Canadian criminal justice system misses the mark by prioritizing individual culpability and not working to address systemic issues such as environmental exploitation and social injustice

Individual-focused approaches to justice and healing perpetuate colonialism and fail to acknowledge the collective nature of colonial trauma (Crawford, 2014). Taiaiake Alfred (2009) similarly critiques the emphasis on individual testimony and clinical frameworks, advocating for a collective understanding of historical trauma and its enduring impact on Indigenous communities.

Correctional Investigator Howard Sapers (2022) has also critiqued the notion of treatment in prison, highlighting the deleterious impact of the physical conditions of imprisonment on individuals' mental health. Sapers (2022) contends that prisons, premised on control with a fundamental punishment philosophy, often exacerbate mental health struggles by resorting to security-driven responses. While Sapers (2022) specifically addresses mental health concerns in federal prisons, provincially, Canadian prisons are notorious for lacking programming entirely (Office of the Correctional Investigator [OCI], 2017).

The Canadian criminal justice system misses the mark by prioritizing individual culpability and not working to address systemic issues such as environmental exploitation and social injustice (Hanrahan & Dosu, 2020). Despite attempts to integrate Indigenous perspectives into legal proceedings, conventional court practices frequently sideline Indigenous values and ignore the broader social context of crime (Hanrahan & Dosu, 2020).



Risk assessments, pervasive within the criminal justice system,

Role of Inuit Elders



significantly influence decisions regarding bail, sentencing, parole, and community supervision conditions (Kyne, 2024). These assessments often overlook Indigenous perspectives and research methodologies, perpetuating institutional discrimination and subjecting Indigenous offenders to further colonialism within the justice system (Kyne, 2024).

This systemic oversight has severe repercussions, particularly for Indigenous women and girls (Lawson, 2020). They are disproportionately exposed to colonial violence within the justice system, evidenced by their higher rates of victimization and incarceration compared to non-Indigenous populations (Lawson, 2020). The existing risk assessment tools are predominantly developed and validated based on non-Indigenous

populations, thus lacking cultural relevance and sensitivity to the unique circumstances of Indigenous peoples. This results in assessments that do not accurately reflect the risks or needs of Indigenous offenders, leading to biased outcomes that exacerbate their marginalization.

Revising risk assessment practices to incorporate Indigenous perspectives is imperative for dismantling the colonial structures that perpetuate discrimination within the criminal justice system. Mandatory minimum sentencing policies exacerbate this cycle, particularly in cases of domestic violence (Lawson, 2020). These policies often strip judges of the discretion needed to consider the unique circumstances and backgrounds of Indigenous offenders, resulting in disproportionately harsh penalties that do little to address the root causes of their behaviour. This rigidity contributes to the overrepresentation of Indigenous individuals in the prison system and perpetuates the cycle of incarceration.

Moreover, the overrepresentation of Indigenous youth in the criminal justice system reflects broader systemic issues, including inadequate mental health support and culturally insensitive interventions (Gray



et al., 2016; Ferrazzi & Krupa, 2016). Indigenous youth are more likely to encounter mental health challenges, often stemming from historical trauma, systemic racism, and socio-economic disadvantages. However, the support systems in place frequently fail to provide the culturally appropriate care and resources needed to address these issues effectively.

Indigenous youth are more likely to encounter mental health challenges, often stemming from historical trauma, systemic racism, and socio-economic disadvantages.

The criminal justice system's reliance on interventions that do not consider Indigenous cultural contexts further alienates these youth, making rehabilitation and reintegration more challenging. Programs and policies often lack input from Indigenous communities and fail to incorporate traditional healing practices that could offer more effective and respectful ways of addressing the needs of Indigenous youth.

A recent investigation revealed the significant overuse of Structured Intervention Units (SIUs) in Canadian correctional institutions, particularly at the Hamilton-Wentworth Detention Centre in Ontario (Coyle & Omstead, 2022). SIUs were designed to offer a more humane approach, emphasizing mental health support and social interaction. However, in practice, they often replicate the conditions of solitary confinement, which was officially abolished in Canada in 2019. Despite these reforms, the introduction of SIUs has perpetuated similar practices.

Between November 2019 and August 2021, 1,732 inmates, equivalent to 8.4% of the prison population, were subjected to SIUs, with many enduring prolonged stays exceeding intended durations (Canadian Inmates Still Face Isolation Amounting to Torture, Experts Say, 2022). Indigenous inmates are disproportionately impacted by SIUs. Systemic biases and a lack of culturally appropriate interventions lead to higher placement rates for Indigenous individuals in these units.

This systemic issue is especially concerning for Indigenous women, who face compounded challenges within correctional facilities, including heightened rates of violence, inadequate access to culturally appropriate support services, and a lack of recognition of their unique rehabilitative



The overrepresentation of Indigenous peoples within Canada's criminal justice system signifies a manifestation of colonial violence and systemic injustice rather than mere criminal behavior.

needs. Nearly 50% of SIU placements in Canadian federal institutions, are Indigenous inmates (Zinger, 2023), reflecting ongoing failures in the justice system to address their unique needs adequately.

The criteria for SIU placement are often opaque and reflect underlying prejudices rather than an objective assessment of risk. Prolonged isolation in SIUs can cause severe psychological effects, including anxiety, depression, hallucinations, and suicidal ideation. The lack of meaningful human contact and environmental stimulation exacerbates existing mental health conditions and creates new ones, yet mental health-related concerns are typically a reason for SIU placements.

The overrepresentation of Indigenous peoples within Canada's criminal justice system signifies a manifestation of colonial violence and systemic injustice rather than mere criminal behavior. Addressing these entrenched issues necessitates a comprehensive understanding of past and present colonial interventions and culturally sensitive approaches to justice reform and mental health interventions. Only through concerted efforts to dismantle these systems can meaningful progress towards justice and healing within Indigenous communities be achieved.

SYSTEMIC ROOTS IN THE MASS INCARCERATION OF INDIGENOUS WOMEN

IN JUNE 2019, THE *NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS* identified the ongoing criminalization of Indigenous women as another iteration of colonial practices, such as Residential Schools and the Sixties Scoop. The *National Inquiry* highlighted that the overrepresentation of Indigenous women in Canadian prisons is intimately tied to colonization, specifically through violence, poverty, and disruption of family and community life (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019).

Indigenous scholars assert the necessity of holistic and integrated understandings of trauma outcomes. The concept of "historical trauma," as coined by Brave Heart, describes the consequences of numerous attacks that accumulate over generations, undermining the collective well-being of a people (Bombay, Matheson, & Anisman, 2014). This concept has been applied in the Canadian context by both the Truth and Reconciliation Commission and the *National Inquiry*. Imprisonment of Indigenous people in Canada has generated multiple sources of trauma and points of resistance and resilience.

Indigenous scholars assert the necessity of holistic and integrated understandings of trauma outcomes.

Institutions such as Residential Schools, segregated hospitals, the child welfare system, and prisons have imposed various forms of confinement on Indigenous people, each with distinct yet interconnected impacts. Prisons, in particular, have exemplified the removal of individuals from their communities, restriction of freedom, and coercive rehabilitation (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). The *National Inquiry's* final report notes that one of the reasons Indigenous women are overrepresented in the Canadian prison population is their disproportionate experience of violence, a direct consequence of colonialism both within and outside the penal system.



The overrepresentation of Indigenous women and girls in Canada's justice system is deeply concerning, with Indigenous women constituting 40% of federally sentenced inmates and Indigenous girls representing 60% of total female youth admissions to custody (Justice Canada, 2020; Malakieh, 2020). This disproportionate representation is entrenched within a cycle of violence, poverty, and institutionalization, perpetuating a dire state of insecurity, and exposing Indigenous women and girls to exploitation and abuse (Lawson, 2020; Canada Privy Council Office, 2019).

Moreover, racial and gender biases, compounded by economic challenges, result in heightened police scrutiny towards Indigenous women, leading to overcharging and pressure to plead guilty (Lawson, 2020). Within prisons, Indigenous women also face disproportionate violence, experiencing violent intervention five times more often than their non-Indigenous counterparts (Lawson, 2020; Barker et al., 2015). The impact is particularly severe for Indigenous girls, who are more likely to suffer from developmental delays, mental health issues, and suicidal ideation.

Elspeth Kaiser-Derrick's book, "Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women" (2019), examines sentencing cases involving Indigenous women and highlights significant systemic issues in their legal proceedings. Analyzing 177 cases, her research found that 136 Indigenous women chose to plead guilty. This high rate of guilty pleas suggests systemic pressure on these women to accept charges without undergoing a fair trial. The book underscores how the legal system often neglects the unique extenuating circumstances faced by Indigenous women, such as socio-economic challenges, historical trauma, and systemic discrimination. By focusing on punitive measures rather than addressing the root causes of their involvement in the criminal justice system, the cycle of incarceration is perpetuated, failing to offer meaningful support or solutions that could mitigate the underlying issues contributing to their criminalized behavior.

Pathways into crime for Indigenous women often stem from experiences of abuse and trauma, compelling them to resort to criminalized behavior for survival. However, these factors are frequently disregarded in legal proceedings. Examining the cases of Roxanne Simms and Deborah Kedni, as detailed by Kaiser-Derrick (2019), offers profound insight into the challenges Indigenous women encounter within the legal system.

Simms, a Inuk woman, found herself embroiled in a legal battle after being charged with aggravated assault against her former partner. The verdict delivered by Judge Donald S. Luther raises significant questions about the fairness and impartiality of the judicial process, particularly concerning Indigenous women.

The circumstances surrounding Simms' case reveal a complex narrative of survival amidst severe adversity. Simms had returned to what was formerly her shared apartment with her ex-partner to retrieve her personal belongings. This attempt quickly escalated into a violent confrontation when her former partner, who had a significant physical advantage over her, brutally assaulted her. During the confrontation, Simms acted in self-defence, which ultimately led to her being charged with aggravated assault.



Pathways into crime for Indigenous women often stem from experiences of abuse and trauma, compelling them to resort to criminalized behavior for survival.

Several critical factors that contributed to the altercation emerged during the proceedings but were not adequately considered in the judicial decision. Notably, Simms' former partner struggled with alcohol and substance abuse issues, which significantly influenced his violent behavior. An email presented during the trial revealed that he had initiated the violence. Despite this, the court's focus remained on Simms' actions rather than the broader context of the incident.

The power dynamics at play were starkly asymmetrical, with Simms being at a distinct disadvantage not only physically but also socio-economically and psychologically. Her history of trauma and the immediate threat to her safety were overlooked in the judicial process.

As Kim Pate (2018) highlights, women who use force to protect themselves or others, especially when a weapon is involved, often face the full,

Who's involved in Inuit Justice?



The lack of nuanced understanding of the intersecting factors influencing Indigenous women's interactions with the law perpetuates a cycle of victimization and criminalization, reinforcing systemic inequalities.

disproportionate weight of the law. This systemic bias criminalizes women more swiftly and severely, disregarding the context of self-defence. Pate states, "Due to differences in the average size and strength of men and women, if a woman engages in hand-to-hand combat with a male attacker, she is likely to end up severely injured or dead. Women who respond to physical threats by picking up a frying pan, knife, or even an attacker's gun are likely to be charged and considered more deserving of blame than the attacker" (Pate, 2018, p. 1).

Simms' case highlights the persistent challenges Indigenous women face within the criminal justice system. Their experiences, marked by historical trauma, socio-economic disadvantage, and systemic discrimination, are frequently misunderstood or ignored. The lack of a nuanced understanding of the intersecting factors influencing Indigenous women's interactions

with the law perpetuates a cycle of victimization and criminalization, reinforcing systemic inequalities.

Pate (2018) further emphasizes that women charged with reactive or defensive force often do not pursue a legal defense, commonly pleading guilty. This is partly due to the trauma of involving their children as witnesses, as Pate explains, "The vast majority of women charged for using reactive – usually defensive – force, don't pursue a legal defense and are likely to plead guilty. Sometimes it is because the only witnesses to the attack or abuse are their children, and they do not want to subject their children to the trauma or shame of publicly testifying" (Pate, 2018, p. 1).

Recognizing the intersectional nature of their experiences and their strength and resilience is an essential step towards achieving equitable justice outcomes for Indigenous women.

Simms' experience is reflective of these broader systemic issues. The judicial process failed to consider her history of trauma and the immediate threat to her safety. Indigenous women, like Simms, are disproportionately affected by these biases, which compound their socio-economic and psychological disadvantages.

Similarly, Kedni's conditional sentencing by Judge Bernadette E. Schmaltz reveals systemic flaws perpetuating the cycle of criminalization for Indigenous women. Kedni's case exemplifies the recurrence of criminalization as she first entered the justice system as a youth. Despite this history, Schmaltz's judgment lacks a narrative that contextualizes Kedni's struggles within broader systemic factors. Instead, the focus is primarily on Kedni's continued alcohol consumption without addressing the underlying issues driving her alcohol use. Schmaltz's oversight in the application of Gladue analysis neglects the unique circumstances and needs of Indigenous offenders, perpetuating a cycle of punitive measures rather than facilitating rehabilitative interventions. Moreover, the conditional nature of Kedni's sentence, contingent on her sobriety, presents a precarious situation given her history of substance abuse, potentially exacerbating her challenges rather than addressing them.

These cases, along with others outlined in Kaiser-Derrick's book, underscore the urgent need for systemic reforms within the justice system to address the root causes of Indigenous women's overrepresentation in the criminal justice system. Recognizing the intersectional nature of their experiences and their strength and resilience is an essential step towards achieving equitable justice outcomes for Indigenous women.

DECARCERATION

THE CANADIAN CRIMINAL JUSTICE SYSTEM DISPLAYS SIGNIFICANT DISPARITIES in incarceration rates between Indigenous and non-Indigenous populations. The over-representation of Indigenous, particularly Inuit, individuals is alarming. According to 2020/2021 data, Indigenous women are incarcerated at a rate 15.4 times higher than non-Indigenous women, and Indigenous men at a rate 8.4 times higher than their non-Indigenous counterparts (The Daily, 2021). The discrepancy extends to youth, with 2.3% of Indigenous young women experiencing incarceration compared to 0.2% of non-Indigenous young women (The Daily, 2021). Additionally, despite making up only 4% of Canada's population, Inuit individuals account for 5% of the total inmate population, underscoring systemic issues (Fanelli, 2021).





Decarceration holds profound implications for addressing colonial violence and the overcharging of Indigenous peoples, recognizing crime can be a survival mechanism within Indigenous communities. By challenging the overrepresentation of Indigenous individuals in prisons and detention centers, decarceration aims to dismantle structures perpetuating colonial violence and prioritize healing, reconciliation, and community-based solutions. This approach necessitates a comprehensive examination of the historical and ongoing impacts of colonialism

on Indigenous peoples, demanding systemic reforms to address poverty, trauma, and systemic discrimination.

Furthermore, examples from other countries provide compelling evidence of the effectiveness of decarceration in addressing systemic injustice and reducing crime rates. Countries that prioritize robust social support systems, including universal healthcare and parental leave, have demonstrated lower incarceration and crime rates compared to those like the United States (van der Kolk, 2014). By investing in family support and childcare, these countries mitigate the risk factors associated with mental health issues and criminal behavior, prioritizing prevention, and rehabilitation over punishment.

While the application of *Gladue* aims to mitigate systemic inequalities ingrained in the Canadian justice system, the implementation often falls short of embodying true decarceration principles. The discretion of individual judges in applying Gladue factors may be influenced by personal biases, conscious or unconscious, leading to inconsistent outcomes. Research has shown that Indigenous offenders still face harsher sentencing outcomes compared to their non-Indigenous counterparts, highlighting the limitations of relying solely on judicial discretion to address systemic injustice (Bracken et al., 2009).

Today, the use of Gladue Reports, intended to provide context on an Indigenous offender's background, often results in longer sentences rather than meaningful rehabilitation.

Today, the use of Gladue Reports, intended to provide context on an Indigenous offender's background, often results in longer sentences rather than meaningful rehabilitation. Corrections Canada frequently interprets these reports as evidence of a higher likelihood to reoffend, thereby denying early release to Indigenous inmates (LaForme, 2021). Risk assessment, rooted in a colonial framework, disproportionately categorizes Indigenous individuals as high-risk, failing to capture the complex realities of their circumstances (Kyne, 2024). This systemic discrimination further marginalizes Indigenous communities within the criminal justice system, perpetuating cycles of injustice.



The impact of colonization on Inuit communities has been profound, disrupting traditional values and leaving individuals disenfranchised within an unfamiliar system. The incompatibility of Westernized systems with Inuit values exacerbates challenges, leading to destructive coping mechanisms and social disempowerment (Burkhardt, 2000; McMillan, 1995). Despite this, Gladue factors are often misinterpreted as specialized needs requiring rehabilitative services exclusively available in the prison setting.

Mental health issues play a significant role in incarceration, yet the current diagnostic approach often neglects social determinants of psychological suffering, perpetuating misdiagnosis, and mistreatment (Greenberg, 2013). Decarceration seeks to rectify these disparities through restorative justice practices, diversion programs, and culturally sensitive legal proceedings tailored to the unique circumstances of Indigenous peoples.

Moreover, decarceration recognizes that Indigenous involvement in criminal activity often stems from systemic injustices and survival instincts. Historical traumas, such as dispossession of land and forced relocation, have contributed to cycles of poverty and social instability within Indigenous communities, underscoring the need for holistic approaches to crime prevention.

In essence, decarceration represents a paradigm shift in addressing Indigenous incarceration, emphasizing reconciliation, community support, and systemic change. By recognizing the historical and ongoing impacts of colonial violence and prioritizing Indigenous voices and experiences, decarceration offers a transformative approach towards justice that fosters healing, resilience, and empowerment within Indigenous communities.

INUIT JUSTICE

EXPANDING AND COMMITTING TO INUIT-LED, CONTROLLED, AND OWNED JUSTICE SYSTEMS is essential for achieving decarceration outcomes. These systems are uniquely equipped to address the specific histories of trauma experienced by Inuit individuals, families, and communities within the Canadian justice system. By inherently incorporating culturally relevant practices and values, Inuit-led justice systems ensure a more holistic approach to justice, emphasizing healing, reconciliation, and community harmony.

Inuit-controlled justice systems empower Inuit communities by granting them the authority to design and implement justice practices that reflect their cultural values and legal traditions, advancing their inherent right to self-governance.

Traditional Indigenous justice mechanisms, such as circle sentencing, community-led rehabilitation programs, and restorative justice processes, offer alternatives that focus on healing rather than punishment, addressing the root causes of criminal behavior and intergenerational trauma. Inuit-controlled justice systems empower Inuit communities by granting them the authority to design and implement justice practices that reflect their cultural values and legal traditions, advancing their inherent right to self-governance.

This self-determination is crucial for Inuit sovereignty and autonomy, fostering a sense of ownership and responsibility over the justice processes

within their communities. Committing to Inuit-owned justice systems also acknowledges the historical and ongoing injustices perpetuated by the mainstream Canadian justice system against Inuit peoples. By supporting these systems, Canada can begin to rectify the systemic biases and discrimination that have disproportionately affected Inuit communities. This commitment requires policy changes, funding, and genuine collaboration and partnership with Inuit leaders and organizations to ensure these justice systems are adequately resourced and supported.

In summary, Inuit-led, controlled, and owned justice systems are vital for creating outcomes that are more just, equitable, and reflective of Inuit cultural practices and values. By addressing historical traumas and promoting self-determination, these systems can lead to more meaningful and sustainable justice for Inuit communities in Canada. Despite supposed advancements in recognizing Indigenous legal perspectives, systemic issues persist. Indigenous peoples are disproportionately represented in the Canadian prison system. Since April 2010, the Indigenous incarcerated population has grown by 44%, while the non-Indigenous incarcerated population has decreased by 13.7%.

Ways to preserve Inuit justice





Contemporary Inuit justice faces numerous challenges exacerbated by historical injustices, colonial structures, and systemic biases within the Canadian legal framework. The imposition of Western legal paradigms onto Inuit communities has further complicated the landscape of Inuit justice. Concepts of guilt, prosecution, and punitive sentencing often clash with Inuit principles of restoration, community healing, and cultural revitalization. The Western emphasis on individual culpability overlooks the interconnectedness and communal dimensions inherent in Inuit justice.

Cultural loss and alienation are pressing concerns within Inuit communities, profoundly impacting their interactions with the legal system.

Cultural loss and alienation are pressing concerns within Inuit communities, profoundly impacting their interactions with the legal system. Historical trauma, forced assimilation, and the erosion of traditional practices have contributed to a disconnect between Indigenous peoples and mainstream justice mechanisms, exacerbating feelings of marginalization and disenfranchisement. Considering these challenges, calls for decolonization, decarceration, and cultural revitalization have gained momentum within Indigenous advocacy circles. Recognizing the inherent value of Indigenous legal systems, there is a growing movement to reclaim, preserve, and integrate traditional knowledge and practices within the Canadian legal landscape.

The Canadian justice system is largely punitive, focusing on punishment and incarceration to ensure public safety and deter crime. This approach often results in the removal of individuals from their communities and families, further perpetuating cycles of marginalization and disenfranchisement. In contrast, Inuit justice principles emphasize restoration, reconciliation, and the maintenance of social harmony. Inuit justice prioritizes community involvement and collective responsibility. Key concepts, such as Piqujaq (customary law), Maligaq (statutory law), and Tirigusuusiit (prohibitions), highlight the roles of Elders and community leaders in upholding and interpreting the law. This fosters a sense of collective accountability and ensures that justice processes are deeply rooted in cultural and social contexts.

Efforts to reclaim shamanic traditions and spiritual practices reflect a broader push for cultural reclamation and Inuit self-determination.



The introduction of Christianity and Western legal frameworks disrupted traditional Inuit justice, leading to significant cultural loss and alienation. For instance, the condemnation of shamanic practices, which were integral to maintaining social order and mental health, has been linked to increased social problems, including high rates of suicide. These disruptions underscore the need to recognize and reintegrate Inuit justice traditions to address contemporary issues effectively. Recognizing and incorporating Inuit and Indigenous justice practices is not merely an act of cultural respect but a crucial step towards reducing the overrepresentation of Indigenous peoples in the justice system. Efforts to reclaim shamanic traditions and spiritual practices reflect a broader push for cultural reclamation and Inuit self-determination. These initiatives seek to address the root causes of social dysfunction and promote holistic approaches to justice that honour Inuit worldviews and values.

Impact of Inuit Justice

"I think promoting Inuit social participation gives us a greater role in community decision-making."

"I think it promotes Inuit self-governance and enhances our capacity for self-governance."

"Inuit justice may face challenges in integrating with Western legal systems, leading to conflicts and discrepancies in legal processes."

"The Inuit justice system generally emphasizes community participation and decision-making rights, and through the participation of community members in court hearings and decision-making processes, transparency and fairness in the judicial process are ensured, and community autonomy is enhanced."

"Limited resources and infrastructure in some Inuit communities may hinder the effective implementation of traditional justice practices."

"I think the positive impact is the promotion of reconciliation and the negative impact is the inability to deal with serious crimes, such as murder or rape, where restorative justice may not provide an effective solution."

Furthermore, integrating offenders into the community rather than alienating them was a cornerstone of Inuit justice. This communal approach fostered social harmony and cohesion, often eroded by the Western justice system's focus on individual guilt and punishment. The psychosomatic elements of traditional law, which emphasize mental and spiritual well-being, deserve further exploration and integration into contemporary legal practices. Studies on Inuit cultural identity highlight the dramatic changes in cultural skills and values over recent decades, further complicating the reintegration of Inuit justice. The erosion of traditional knowledge and practices has exacerbated feelings of alienation and loss within Indigenous communities, contributing to the overrepresentation of Indigenous people in the criminal justice system.



Current restorative justice models, cultural competency training for legal professionals, and collaborative partnerships between Indigenous and non-Indigenous stakeholders often fall short as the Canadian mindset continues to view colonization as a historical event and incarceration as a means of ensuring safety. There is an immediate necessity to push for decarceration and to promote the understanding that colonization is ongoing. When colonization is recognized as an ongoing issue, Indigenous voices, values, and aspirations are acknowledged, allowing Canada to move towards a more just and inclusive legal framework that respects the rights, dignity, and sovereignty of Indigenous peoples.

INUIT WISDOM

THIS YEAR, PAUKTUUTIT INUIT WOMEN OF CANADA CONDUCTED AN EXTENSIVE SURVEY to gather input from Inuit on their perspectives regarding Inuit justice. With over 200 responses, the survey provided valuable insights into the community's views and experiences with Inuit justice. To ensure authenticity, the first question asked participants if they identify as Inuit, disqualifying any respondents who answered "no."

The survey included several key questions aimed at understanding the meaning of Inuit justice to individuals, their experiences with Inuit justice processes, and the roles of Elders and other community members in these processes. Participants shared firsthand accounts that highlighted the practical application of these practices. The results underscored the pivotal role Inuit Elders play in the justice process. Elders act as mediators and leaders, offering wisdom and guidance crucial for resolving conflicts and maintaining social harmony and cultural continuity. Respondents expressed deep respect for Elders, whose experience and knowledge are invaluable in the justice process.

In addition to Elders, other community members such as fishers, seamstresses, council members, throat singers, hunters, healers, and youth are integral to the application of Inuit justice. The survey also highlighted the importance of external supports, such as non-governmental



organizations, victim services, probation officers, and legal professionals, in supporting Inuit justice.

Respondents shared that a critical focus of Inuit justice is the promotion of social harmony and equity. Justice practices within the Inuit community aim to foster respect among individuals and ensure social equity. This restorative approach contrasts sharply with the punitive nature of many mainstream justice systems and offers a unique perspective that prioritizes community cohesion and mutual respect. Incorporating Inuit justice into Canada's legal framework would represent a significant step towards achieving justice and inclusion for Inuit.

Respondents shared that a critical focus of Inuit justice is the promotion of social harmony and equity.

Participants were asked about the impact of Inuit justice on the community, both positive and negative, to gauge its effectiveness and identify areas for improvement. Despite its strengths, Inuit justice faces several challenges. One significant challenge is handling complex criminal cases that may exceed its capacity. The modern legal

landscape requires additional resources and support to assist Inuit justice systems. Furthermore, the cultural roots of Inuit justice can sometimes lead to a lack of transparency and potential for division or bias within the community, potentially hindering the effectiveness of justice practices.

Inuit justice is a multifaceted system that deeply integrates cultural practices and traditional knowledge, emphasizing social harmony, respect, and environmental protection.



Resource redistribution and implementation difficulties present ongoing challenges for Inuit. Differing views on resource distribution can lead to conflicts and complications in administering justice. Moreover, the traditional approach to justice is challenged by modernization and could benefit from adapting to some modern social concepts. Integration with the mainstream justice system in Canada is another significant hurdle, requiring a balance between preserving traditional practices and adapting to modern legal standards.

Inuit justice is a multifaceted system that deeply integrates cultural practices and traditional knowledge, emphasizing social harmony, respect, and environmental protection. While it faces significant challenges in modern adaptation and resource needs, the commitment to preserving these traditions through education and collaborative efforts remains strong. Survey participants shared that the continuation of Inuit justice involves documentation, formal education, mentoring, and oral storytelling. Creating educational materials and incorporating them into formal education systems is essential for informing future generations about Inuit justice. Mentoring and oral stories are also vital for passing down knowledge, ensuring that traditional practices and values are preserved.

The findings of the survey underscore the importance of integrating cultural practices and traditional knowledge within the framework of justice. Decolonizing Indigenous justice necessitates adopting these approaches to empower Inuit and Indigenous peoples to assert sovereignty over their legal systems.

Moreover, participants revealed that the fundamental roles in Inuit justice include community members, especially Elders, Elder advisors, and knowledge keepers to ensure that traditional practices are upheld, and the community's values and principles are reinforced. The respondents highlighted the necessity of preserving cultural elements to ensure that justice practices are deeply rooted in the community's traditions. This includes recognizing the intrinsic connection between land relations and justice, which emphasizes the protection of the environment. This connection not only maintains the physical landscape but also preserves the cultural and spiritual ties that the Inuit have with their land.

Overall, the survey provided a rich and nuanced perspective on Inuit justice, reflecting the community's values, experiences, and aspirations for the future of their justice system. The results of the survey also supported the need for decolonizing justice through adopting community-centered approaches that empower Inuit to assert sovereignty over their legal systems. Incorporating Inuit justice into Canada's legal framework represents a significant step towards achieving justice and inclusion for Inuit. This approach acknowledges the resilience and legitimacy of Indigenous legal traditions and addresses the systemic failures of the current justice system.

RECOMMENDATIONS

THE FOLLOWING RECOMMENDATIONS EMPHASIZE THE IMPORTANCE of recognizing and addressing systemic racism, supporting Inuit-led initiatives and governance, enhancing cultural competency within the justice system, expanding diversion programs, and investing in Inuit justice, social services, and community resources:

1. **Implement the Calls to Action of the Truth and Reconciliation Commission (TRC):** Address socio-economic disparities, including improvements in education, healthcare, employment opportunities, and child welfare in Inuit communities. These measures are essential to reduce the risk of Inuit people becoming involved with the criminal justice system (Editorial Board, 2022).



2. **Implement Recommendations from the Royal Commission on Aboriginal Peoples (RCAP), TRC, and Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG):** Reform policing and ensure accountability. This includes establishing Inuit civilian police oversight bodies to monitor and report on police misconduct and negligence (Stelkia, 2020).
3. **Strengthen and Support Inuit Communities**: Lead initiatives that address the root causes of crime and incarceration. These initiatives should focus on culturally relevant and effective solutions, promoting healing and well-being (Burkhardt, 2000).
4. **Recognize and Support Inuit Governance Structures and Justice Systems:** Empower communities to address justice issues based on their own traditions and values.
5. **Develop and Implement Mandatory Cultural Competency Training:** For justice system personnel, including police, judges, and correctional officers. Training should be led by Inuit to ensure authenticity and effectiveness (Kaiser-Derrick, 2019).
6. **Provide Training on Anti-Racism, Cultural Competence, Trauma-Informed Services, and Gender-Based Violence:** For all levels of the justice system, from police officers to judges (National Inuit Action Plan on MMIWG).
7. **Increase Access to Diversion Programs:** Offer alternatives to incarceration, particularly for Inuit women and youth. Community-driven programs should address trauma, addiction, and mental health challenges in culturally appropriate ways (Zinger, 2023).
8. **Ensure Adequate Funding for Inuit Social Services:** Address the social determinants of crime and incarceration. These services should be developed by Inuit to meet the specific needs of their communities (PIWC Report).
9. **Provide Funding for the Development of Safe, Affordable Housing and Emergency Shelters:** For Inuit women and children experiencing violence. Addressing housing needs is critical for preventing violence and supporting recovery (PIWC Report).
10. **Develop Mechanisms to Collect and Monitor Data:** On the representation of Inuit in the justice system. Collect and report race-based demographic data to identify and address systemic inequities impacting Inuit communities (Stelkia, 2020).

11. **Promote Non-Carceral Models of Justice:** Support abolitionist movements advocating for decarceration and alternatives to incarceration.
12. **Ensure Equitable Access to Legal Aid Services:** Provide culturally competent support and advocacy within the legal system for Inuit individuals.
13. **Develop Inuit-Specific and Inuktut Services:** For both offenders and survivors to navigate the criminal justice system. Provide comprehensive support for healing and reintegration into the community.
14. **Recognize and Address Environmental Injustices:** Disproportionately affecting Inuit communities. Promote environmental stewardship, sustainability, and community well-being.
15. **Develop and Promote Inuit-Specific Public Education and Multimedia Campaigns:** Increase awareness of gender-based violence, its causes, and available support resources (National Inuit Action Plan on MMIWG).



By implementing these recommendations, Canada can move towards a justice system that not only acknowledges the historical and ongoing impacts of colonization but also actively works to rectify these injustices, promoting equity, healing, and self-determination for Inuit and Indigenous peoples.

By implementing these recommendations, Canada can move towards a justice system that not only acknowledges the historical and ongoing impacts of colonization but also actively works to rectify these injustices, promoting equity, healing, and self-determination for Inuit and Indigenous peoples.

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