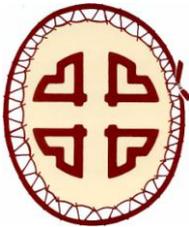


# *Progress from the Past*



CBHSSJB presentation  
Cree Justice Symposium  
January 27 – 29, 2009



## **RCAP report (1993)**

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- states that the current Canadian justice system has failed Aboriginal people
  - because of a different world view between the dominant culture and Aboriginal people
  - and differences in the substantive content of justice and the process for achieving justice



## Alternative models

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- resolution through peacemaking
- Talking Circle (mediation) & other Circles
- Combination of “regular” laws and Cree peacemaking values
- Joint project between Crees & Quebec Justice Department could be instituted
- A way of deciding the best way to handle criminal cases



## Current justice system

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- Punishment with attempts at fairness/ rehabilitation – controller vs controlled type of relationship
- Separation of Church and State is constitutionalized so spirituality is not part of dispute resolution



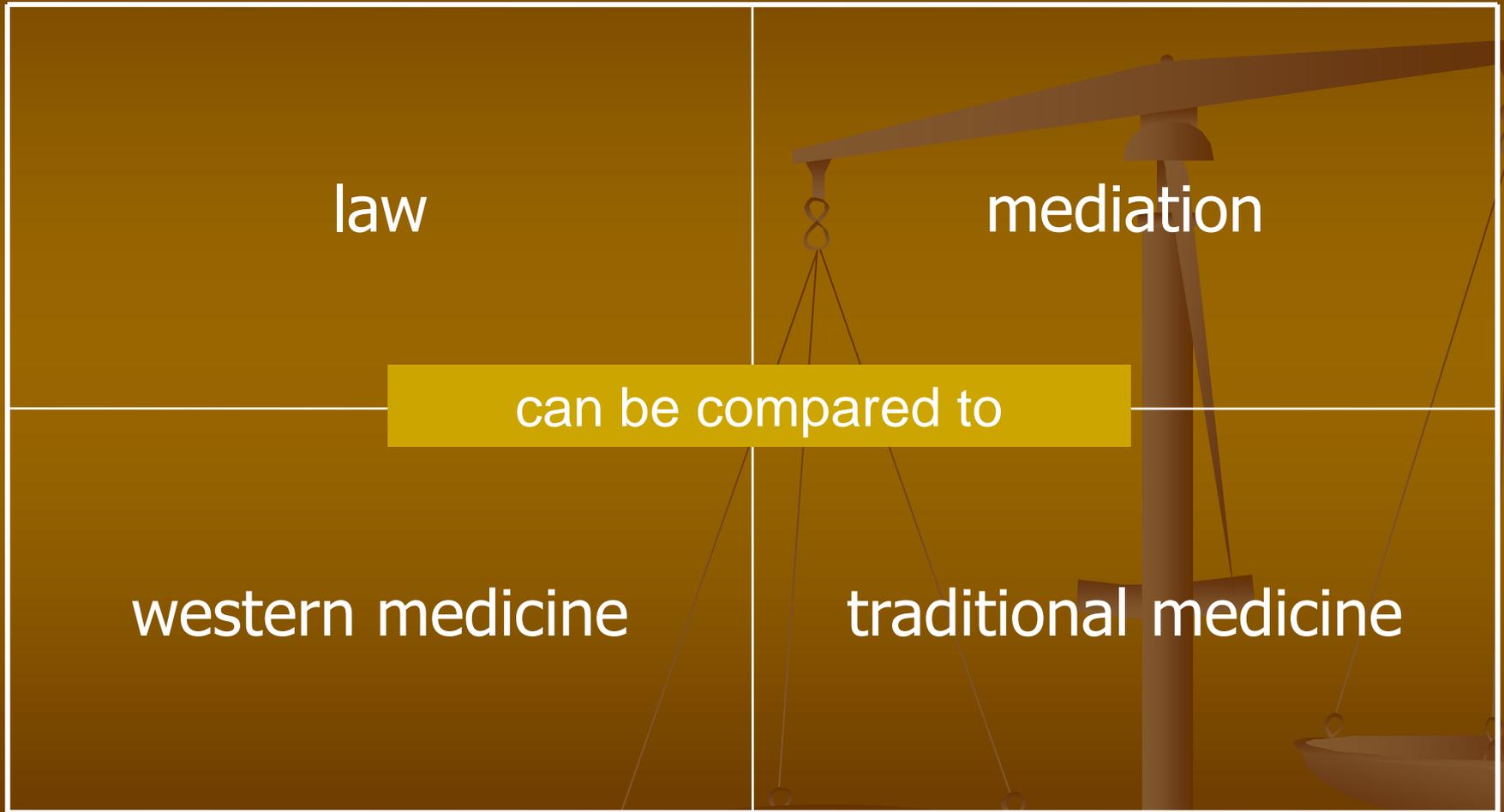
## **Aboriginal view**

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- Deviant behaviour as something that requires healing for all involved including the community as a whole
- Emphasis should be on the criminal action and the consequences rather than blaming individuals
- Primary goal is to restore health of the community with the aim of social and spiritual harmony



# Law vs Mediation





## Medicine

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- In cases of psychological or spiritual hurts, western medicine tends to treat symptoms with prescription drugs
- Traditional medicine seeks to heal the pain using spiritual knowledge to deal with the root cause
- “Medicine” in the traditional Aboriginal sense means anything that will help to promote healing



# Justice

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- The justice system based on laws with a European history locks away the offenders and does little to rehabilitate them
- Restorative justice is another way to deal with a crime whose aim is to “restore” the relationships of all affected, to fix the damage that has been done, and to prevent a reoccurrence of the crime



## Differences

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- Just as there are times when western medicine is needed
- and times when traditional medicine is more appropriate,
- there are times when we need the court system and,
- there are times when restorative justice can be more effective.



## **Restorative justice is an option**

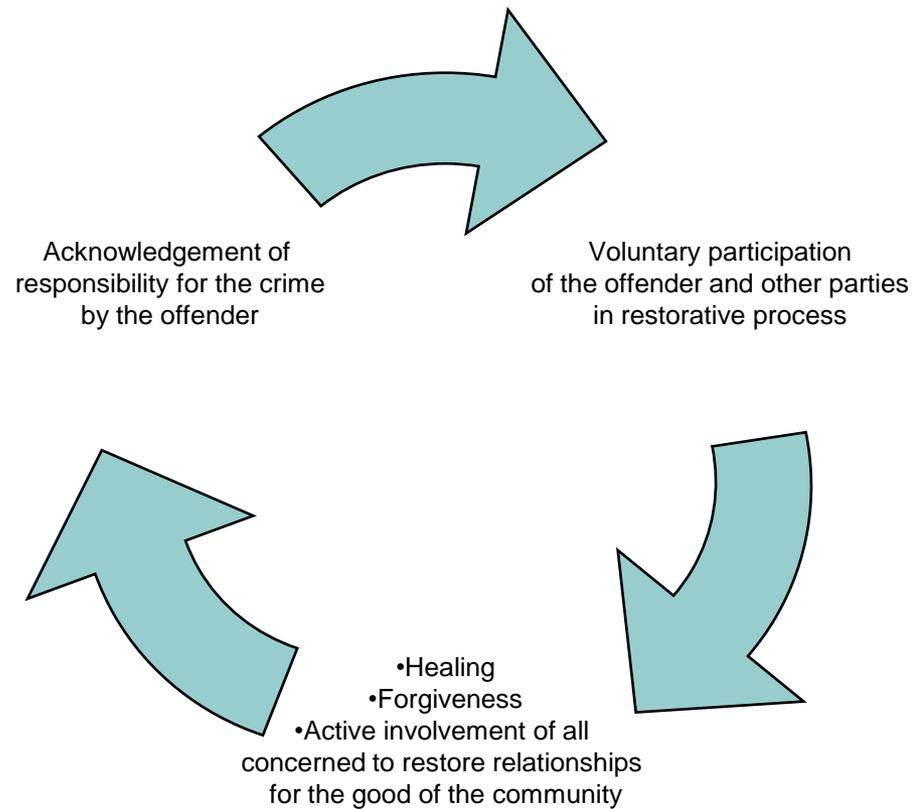
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- when the offender has been tried in a court of law and has been found guilty of the offence as charged
- If the offender and other parties agree to participate voluntarily in the process
- Trained facilitators and an established program are available



# Restorative justice

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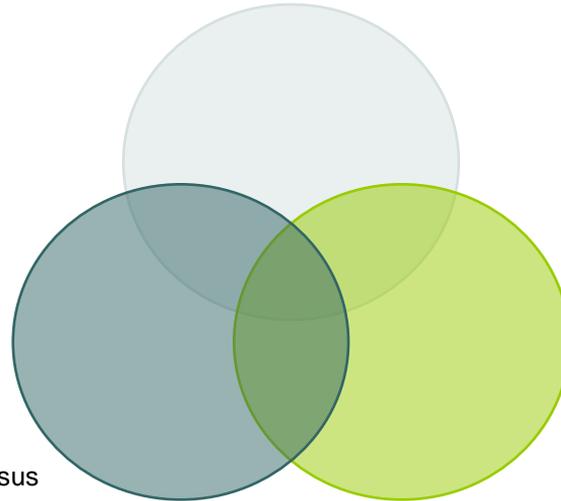




# Hallmarks of Restorative Justice

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Offender admits responsibility of the crime



Restitution reached by consensus

Parties agree to participate



## Processes

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- Can be several different ways such as victim/offender mediation, sentencing circles, and/or family group conferencing
- Facilitated by knowledgeable people who focus on the process and not the content
- Involves all affected parties to eventually come to a consensual solution



## **Benefits of a restorative justice process**

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- Less likelihood of repeat offences
- Every voice that needs to be heard is heard
- Communities can deal with cases faster than what the circuit court allows
- It will help us to learn and reinforce our values
- Aligned with the Cree values of respect and concern for community cohesion.

● END