

**Canadian Intervention at Human Rights Council Forum on Minority Issues:
Minorities in the Criminal Justice System
24-25 November, 2015**

Agenda Item 3: Challenges of Criminal Justice Systems in Addressing Minority Needs and Demands

Thank you Mr. President.

Canada welcomes this year's Forum with its focus on *Minorities in the Criminal Justice System*.

Canada is a multicultural, pluralistic society that values diversity. As Prime Minister Justin Trudeau stated upon the 44th anniversary of Canada's adoption of an official policy of multiculturalism, "Canadians have proven that a nation can be strong not in spite of our differences but because of them, and Canada's success is rooted in its unique approach to liberty through inclusive diversity."

Despite Canada's longstanding commitment to diversity and inclusion, challenges persist that require continued hard work and leadership at all levels of society to improve the situation of all groups. For today's discussion, we wanted to focus on the efforts Canada is undertaking to address the challenges of the overrepresentation of Indigenous Peoples throughout our criminal justice system – as victims, as well as offenders.

With respect to Indigenous Peoples, there are a disproportionate number of Indigenous offenders serving sentences in federal institutions (21%) compared to their overall number in the Canadian population (3%). Indigenous women are even more disproportionately represented among the federally sentenced women offender population. The reasons for these high rates are complex including challenging socio-economic conditions such as poverty, lack of access to quality education and employment opportunities, as well as the intergenerational impact of the Indian Residential Schools system.

One way Canada has set out to address this challenge is to develop a unique approach to Indigenous Corrections that is both culturally sensitive and inclusive of Indigenous communities, to provide the most effective correctional outcomes and contribute to the best possible public safety results. For example, a number of culturally appropriate interventions are available to Indigenous offenders as part of an Indigenous continuum of care of services including involving elders of the community to provide counselling and support through traditional ceremonies and using Indigenous staff to deliver culturally designed programs and offer case management support.

Canada also continues to develop and utilize evidence-based methods that facilitate effective rehabilitation, assessment and security classification of all offenders, including Indigenous offenders.

Inter-disciplinary and cross-jurisdictional measures are also needed to address the complex reasons for the over-representation of Indigenous youth in the justice system – which is even more disproportionate among girls. Canada's Youth Criminal Justice Act aims to ensure that alternatives to criminal charges and custodial sentences are used whenever appropriate, and that all available sanctions other than custody should be considered for all young persons, with particular attention to the circumstances of Indigenous youth.

In addition to legislative measures, the Government of Canada has established other initiatives to address this challenge, such as the Youth Justice Fund, which funds projects for Indigenous youth and other at-risk populations. The Government of Canada recognizes the importance of supporting Indigenous communities, especially helping youth get on the right path to ensure future prosperity.

Mr. Chair,

Canada is a cultural mosaic that draws strength from all its diverse groups. Canada will continue to work with countries, the United Nations, and civil society towards addressing minority needs and demands in our criminal justice system.

Question: We thank the Special Rapporteur for the best practices provided in her report on the human rights of minorities in the criminal justice system. We would ask the panelists to also share best practices in addressing minority needs and demands in the criminal justice system, taking into account the limited resources many countries face in this area and the need to maximize such resources.

Drafted: IOR/Lai

Consulted: GENEV, INAC, JLH, DoJ, PS, PCH

Approved: IOD