



Fact Sheet

Responding to the Aboriginal community

The Aboriginal Justice Strategy

Legal Aid Ontario (LAO) has adopted an Aboriginal Justice Strategy to help meet the needs of First Nations communities across Ontario. The strategy is designed to remove barriers to accessing justice; address the lack of aboriginal representation within LAO's management, as well as the need for increased aboriginal legal representation; and improve services on aboriginal-specific legal issues.

Programs and initiatives

Partnering with the aboriginal community, LAO supports programs that integrate traditional native practices and customs with the justice system, and that address the over-representation of First Nations people before the justice system who require legal aid assistance.

Community Justice Program

Since 2001, LAO has partnered with the Ontario Federation of Indian Friendship Centres, the Ministry of the Attorney General and the Department of Justice to develop and implement the "Community Justice Program." Available in five friendship centres and one reserve community, this initiative administers culturally based, pre and post-charge programs for aboriginal youth, adults, and families who are in conflict with the law and, where appropriate, provides meaningful alternatives dispositions that address the needs of victims and offenders.

Healing circles

Traditional healing circles bring offenders together with victims, family members, community representatives, elders, and social services providers in a safe, supportive and non-adversarial setting. With the assistance of trained restorative justice workers, the members of the circle non-judgmentally discuss the offences and their impact on the victims and the community.

The outcome is generally a sentencing plan that reflects the best interests of the victims, the community, the offender and addresses the root causes of the crimes. The plan, which is filed with the courts, is agreed upon and supported by all members of the healing circle.

Healing circles:

- re-integrate participants into the community;
- promote active responsibility of the offender and his/her family;
- repair relationships;
- promote reconciliation among parties.

Talking together: protecting children and youth

Using traditional aboriginal restorative justice in conjunction with court processes, the Talking Together program works to reduce the number of Aboriginal children and youth being removed from their communities. The program increases the capacity of communities to minimize the risks to children, resolve protection issues, and find solutions that reflect the needs of the children and the wider community.

Although Aboriginal people represent only 1.7 per cent of the Ontario population, they account for 5.3 per cent of LAO's child protection certificates.

The Talking Together program is an innovative method of dispute resolution based on traditional circles held in First Nations communities. Family members, community representatives, community elders and social service agencies come together with restorative justice workers to discuss the situation of a child at risk. Collectively, the circle decides on a plan of care that is filed with the court and supported by the child's home community.

The Talking Together Program, which is administered by Nishnawbe-Aski Legal Services, is being used in six northern Ontario communities: Mishkeegogamang, Wahgoshig, Timmins,

Pikangikum, Weagamow and Cat Lake. LAO welcomes the partnership with the Ministry of Children and Youth Services for the delivery of this important program.

Gladue court services: promoting justice

The Gladue court, located in Toronto's Old City Hall, provides culturally-based interpretation and administration of justice that not only considers the needs of Canada's First Nations peoples, but also addresses the root causes of the offenders' behaviour.

Building on the success of the court model, LAO has partnered with [Aboriginal Legal Services of Toronto](#) to expand Gladue court services to non-native courts in Toronto and Brantford where Aboriginal people appear. Gladue caseworkers provide reports at the request of defence counsel, crown prosecutors, or judges, on the life circumstances of an Aboriginal offender and appropriate sentencing recommendations.

Gladue panel standards

Lawyers who represent Aboriginal clients in criminal matters must now meet the Gladue panel standards. Legal aid lawyers belong to different kinds of panels, depending on their legal expertise; for example, there are family panels, immigration panels, etc. The Gladue panel standards require knowledge of the application of Gladue principles, awareness of resources for Aboriginal clients, and compliance with best practices for the representation of an Aboriginal client in a criminal proceeding.

This standard complements other points in the Aboriginal Justice Strategy action plan; taken together, these initiatives are intended to improve the quality of service received by LAO clients.

Aboriginal offenders continue to be over-represented in Canada's correctional facilities. Though Aboriginal people made up 3.1 per cent of the adult population, they made up about 18 per cent of all inmates sentenced to provincial/territorial custody.

Statistics Canada, 2007/2008

Questions?

For more information on this topic contact media@lao.on.ca