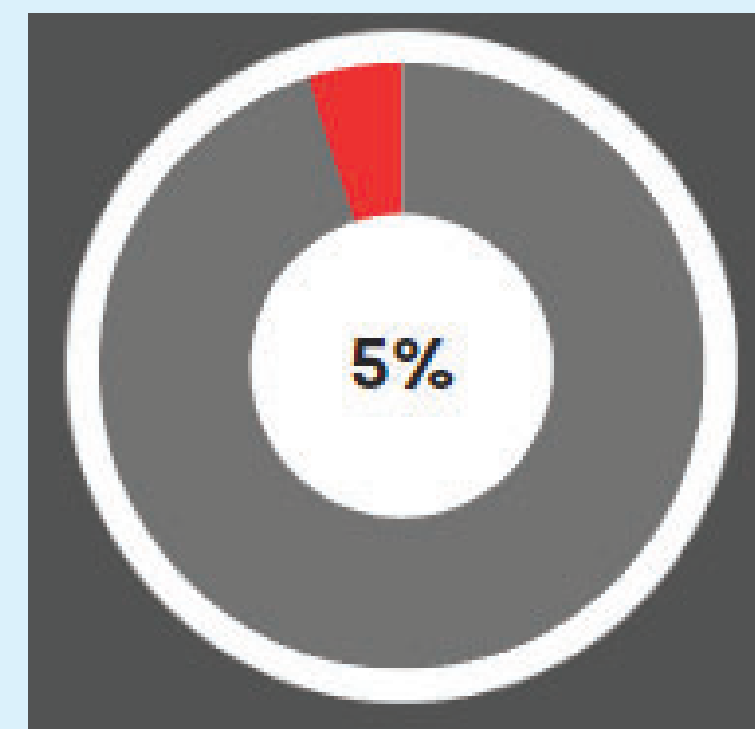


Indigenous Incarceration Rates & Systematic Racism in Canada

Systematic racism is not dependent on individual prejudice or discriminatory acts, but rather on the **systemic biases, power imbalances, and historical legacies** that shape and perpetuate racial inequities over time, often resulting in marginalized and disadvantaged outcomes for racial and ethnic minority groups.

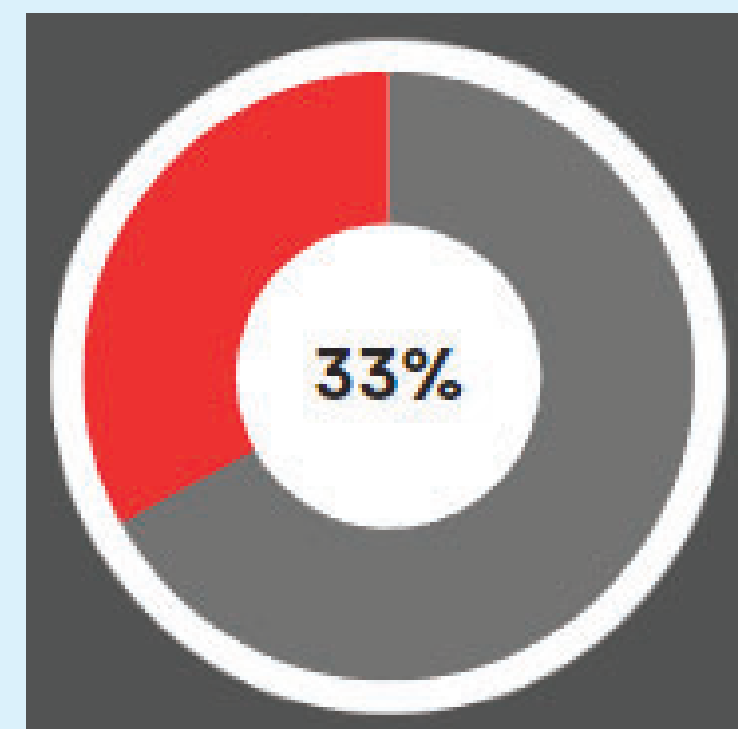
Such negative outcomes can permeate **education, criminal justice, healthcare, housing, employment, and political systems.**

Indigenous Incarceration Rates



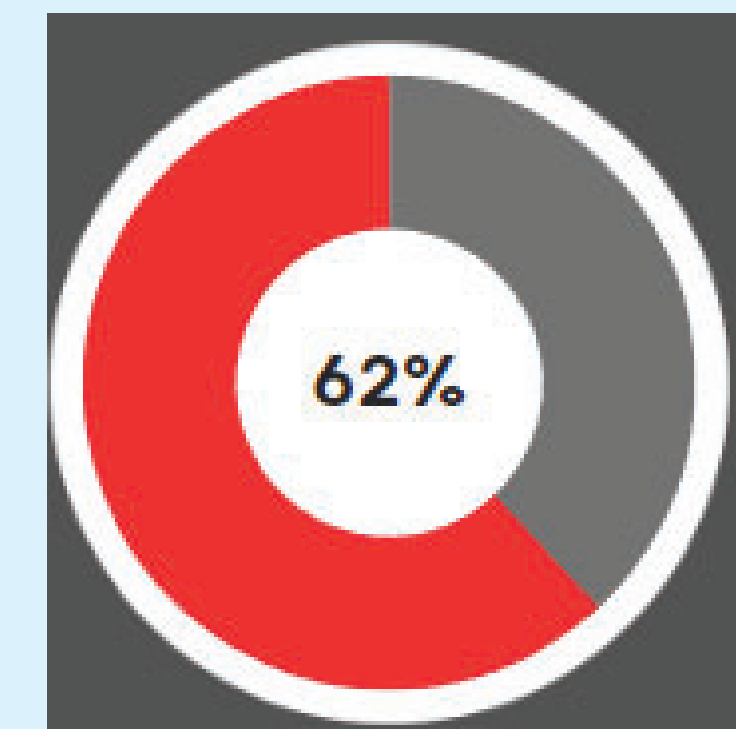
Indigenous peoples make up 5% of Canada's population.

(2021 Census - Statistics Canada)



Indigenous peoples make up **one third** of admissions to custody

(2021 Statistics Canada - Adult and Youth Correctional Statistics)



Indigenous women made up **62%** of female youth admissions to custody.

(2021 Statistics Canada - Adult and Youth Correctional Statistics)

The Roots of the Issue

Colonial Legacy: forced assimilation, land dispossession, and the residential school system have undermined Indigenous cultures, languages, and ways of life perpetuating a power imbalance and systematic marginalization.

Discriminatory Legislation: Laws, such as the Indian Act, have restricted Indigenous self-determination, limited land rights, and undermined cultural practices.

Socioeconomic Challenges: Indigenous communities face higher rates of poverty, unemployment, inadequate housing, limited access to healthcare, and educational disparities. Indigenous women also face higher rates of violence and reduced access to essential services, such as shelters and healthcare.

Systematic Racism in Canada's Justice System

Systematic discrimination has been identified by the Supreme Court of Canada within the criminal justice system, including **policing, courts, and prisons.**

1. **Indigenous and black** people are **stopped** by the police **4-5 times** more often than non-Indigenous people.*
2. Indigenous peoples are **targeted** more often by the police, which leads to more time in front of **courts**.**
3. Indigenous peoples are seen as **less worthy victims** by the police, are more likely to have their **credibility questioned**, receive **less support** from the police when required or **ignored** altogether.**
4. Indigenous peoples are **denied bail** more frequently and **spend more time behind bars** than non-Indigenous prisoners.***

*<https://spvm.qc.ca/en/PDQ20/Local-News/14853>

** National Inquiry into Missing and Murdered Indigenous Women and Girls, 2017

*** Shelley Trevelyan, The Over-Representation of Indigenous People in the Criminal Justice System, 2019 + Office of the Correctional Investigator, 2012



Indigenous Response

The Indigenous response to systematic racism in the Canadian justice system has been multifaceted.



1. Some Indigenous communities have established their **own justice systems** and **courts** that blend Indigenous legal traditions and principles with Canadian law.
2. Many Indigenous communities have implemented **restorative justice programs** as alternatives to the traditional punitive justice system. These initiatives prioritize **healing**, and **community involvement** to address the causes of crime.
3. Indigenous individuals and communities have pursued **legal options** to challenge systemic racism. The Supreme Court of Canada's decisions in cases like **R. v. Gladue** and **R. v. Ipeelee** have recognized the overrepresentation of Indigenous peoples in the criminal justice system

Canada's Response

The Truth and Reconciliation Commission's **'94 Calls to Action'** include several aimed at ending inequalities within the justice system.

Calls to Action: 30 and 38 both commit to eliminating overrepresentation of Aboriginal people and youth in custody.

What's Happening:

Since January 2016, Canada has allocated funding, created programs and introduced policies that would:

- contribute to addressing systemic barriers.
- increase the involvement of Indigenous communities in rehabilitating offenders.
- reduce the risk of future harm.

Calls to Action: 39 and 41 both commit to national action plans and inquiries into criminal victimization of Aboriginal people, as well as the disproportional victimization of Aboriginal women and girls.

What's Happening:

In 2021, Canada and its Indigenous partners released a national action plan to address causes, and commit to the end, of violence against Indigenous women and 2SLGBTQQIA+ people.

