

Recommendations related to Structural Racism



accompanying document to "How do we solve Structural Racism? A 5X5 review"

OVER THE PAST 30 YEARS, various inquiries and commissions have all described the violence that Indigenous peoples continue to face as a result of ongoing colonialism in Canada. More than 1,000 recommendations have emerged from these initiatives, identifying issues related to structural racism and inequality and providing solutions, hundreds of them.

Below are a select number of these solutions, framed in five themes, (1)Representation in Society; (2)Public Education and Awareness; (3) Institutional Change; (4) Addressing Policing and the Justice System; and (5)Indigenous Self-Determination. These recommendations and calls to action are from the following reports/inquiries: National Inquiry into Missing and Murdered Indigenous Women and Girls Final Report (2019); Report of the Aboriginal Justice Inquiry of Manitoba (1991)*; Report of the Royal Commission on Aboriginal Peoples (1996); Report of the Ipperwash Inquiry (2007); and the Truth and Reconciliation Commission Reports & Calls to Action (2015).

(1) Representation in Society

Missing and Murdered Indigenous Women and Girls Inquiry (2019)

Call 5.10: We call upon all governments to recruit and retain more Indigenous justices of the peace, and to expand their jurisdictions to match that of the Nunavut Justice of the Peace.

Call 5.12: We call upon federal, provincial, and territorial governments to increase Indigenous representation in all Canadian courts, including within the Supreme Court of Canada.

Call 6.1: We call upon all media, news corporations and outlets, and, in particular, government funded corporations and outlets; media unions, associations, and guilds; academic institutions teaching journalism or media courses; governments that fund such corporations, outlets, and academic institutions; and journalists, reporters, bloggers, film producers, writers, musicians, music producers, and, more generally, people working in the entertainment industry to take decolonizing approaches to their work and publications in order to educate all Canadians about Indigenous women, girls, and 2SLGBTQQIA people. More specifically, this includes the following:

- i. Ensure authentic and appropriate representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, in order to address negative and discriminatory stereotypes.
- ii. Support Indigenous people sharing their stories, from their perspectives, free of bias, discrimination, and false assumptions, and in a trauma-informed and culturally sensitive way.
- iii. Increase the number of Indigenous people in broadcasting, television, and radio, and in journalist, reporter, producer, and executive positions in the entertainment industry, including, and not limited to, by:
 - providing educational and training opportunities aimed at Indigenous inclusion; and
 - providing scholarships and grants aimed at Indigenous inclusion in media, film, and music industry-related fields of study.

iv. Take proactive steps to break down the stereotypes that hypersexualize and demean Indigenous women, girls, and 2SLGBTQQIA people, and to end practices that perpetuate myths that Indigenous women are more sexually available and "less worthy" than non-Indigenous women because of their race or background.

Report of the Aboriginal Justice Inquiry of Manitoba (1991)

4. Judges invite Aboriginal communities to express their views to the court on any case involving an offence or an offender from their community.

7. At least one-half of the Aboriginal staff of each institution be able to speak an Aboriginal language.

9. Community assessments of parole applicants be done by Aboriginal parole officers who understand the applicant's community.

10. Aboriginal parole officers be hired in Aboriginal communities.

(2) Public Education and Awareness

Missing and Murdered Indigenous Women and Girls Inquiry (2019)

Call 1.9: We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.

Call 2.7: We call upon all governments to educate their citizens about, and to confront and eliminate, racism, sexism, homophobia, and transphobia. To accomplish this, the federal government, in partnership with Indigenous Peoples and provincial and territorial governments, must develop and implement an Anti-Racism and Anti-Sexism National Action Plan to end racist and sexualized stereotypes of Indigenous women, girls, and 2SLGBTQQIA people. The plan must target the general public as well as public services.

* For the purposes of this document, the recommendations in the Report of the Aboriginal Justice Inquiry of Manitoba have been numbered.

Call 10.1: We call upon the federal, provincial, and territorial governments, and Canadian law societies and bar associations, for mandatory intensive and periodic training of Crown attorneys, defence lawyers, court staff, and all who participate in the criminal justice system, in the area of Indigenous cultures and histories, including distinctions-based training. This includes, but is not limited to, the following measures:

- i. All courtroom officers, staff, judiciary, and employees in the judicial system must take cultural competency training that is designed and led in partnership with local Indigenous communities.
- ii. Law societies working with Indigenous women, girls, and 2SLGBTQIA people must establish and enforce cultural competency standards.
- iii. All courts must have a staff position for an Indigenous courtroom liaison worker that is adequately funded and resourced to ensure Indigenous people in the court system know their rights and are connected to appropriate services.

Ippeewash Inquiry (2007)

27. The provincial government and Treaty Commission of Ontario should work with First Nations organizations and educators to develop a comprehensive plan to promote general public education about treaties in Ontario. The provincial government and Treaty Commission of Ontario should also work with local governments and school boards, First Nations, and community organizations to develop educational materials and strategies that emphasize the local or regional character of treaty relationships.

28. The Ministry of Education should establish formal working relationships with Aboriginal organizations to promote more Aboriginal perspectives and content in the elementary and secondary school curricula.

29. The Ministry of Education and Treaty Commission of Ontario should work with Aboriginal organizations, school boards, and teachers associations to develop appropriate, classroom-ready teaching tools and resources about Aboriginal history, treaty and Aboriginal rights, and related current events.

51. Federal, provincial, municipal, and First Nation governments should actively promote public education and community information about significant Aboriginal protests. The OPP should also actively promote public education and community information.

Royal Commission on Aboriginal Peoples (1996)

5.4.1: Public education on Aboriginal issues be based on the following principles:

- (a) Building public awareness and understanding should become an integral and continuing part of every endeavour and every initiative in which Aboriginal people, their organizations and governments are involved and in which non-Aboriginal governments and stakeholders have a part.
- (b) Public education should involve both the sharing of information and a process of interaction, leading in time to a shared sense of advocacy and of public support.
- (c) Non-Aboriginal organizations and corporations should establish internal mechanisms to make themselves aware of the distinctive needs of Aboriginal people whom they serve or employ and to ensure that they respond to those needs.

5.4.11: Federal, provincial and territorial governments make public education an integral part of all programs that affect Aboriginal people and ensure that it is delivered in collaboration with Aboriginal organizations.

5.4.12: The federal government ensure that the history and present circumstances of Aboriginal peoples are communicated to immigrants and to persons becoming Canadian citizens.

Report of the Aboriginal Justice Inquiry of Manitoba (1991)

8. Cross-cultural training programs and ongoing refresher courses be mandatory for all corrections staff.

13. Cross-cultural education components of all police training courses be reviewed and strengthened, and this process actively involve members of the Aboriginal community, resource persons and recognized experts.

14. All police officers be rotated through cross-cultural education programs, and periodic refresher programs be provided as part of the regular professional development programs of all police departments.

17. Federal, provincial and municipal governments, individually or in concert, with the assistance and involvement of Aboriginal people, establish formal cross-cultural educational programs for all those working in any part of the justice system who have even occasional contact with Aboriginal people.

Truth and Reconciliation Commission (2015)

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
- ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
- iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
- iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.

63. We call upon the Council of Ministers of Education Canada to maintain an annual commitment to Aboriginal education issues, including:

- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
- ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
- iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
- iv. Identifying teacher-training needs relating to the above.

86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including information about the Treaties and the history of residential schools.

(3) Institutional Change

Missing and Murdered Indigenous Women and Girls Inquiry (2019)

Call 1.7: We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsper- son, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal. The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws. The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

Call 5.7: We call upon federal and provincial governments to establish robust and well-funded Indigenous civilian police oversight bodies (or branches within established reputable civilian oversight bodies within a jurisdiction) in all jurisdictions, which must include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, with the power to:

- i. Observe and oversee investigations in relation to police negligence or misconduct, including but not limited to rape and other sexual offences.
- ii. Observe and oversee investigations of cases involving Indigenous Peoples.
- iii. Publicly report on police progress in addressing findings and recommendations at least annually.

Call 9.1: We call upon all police services and justice system actors to acknowledge that the historical and current relationship between Indigenous women, girls, and 2SLGBTQQIA people and the justice system has been largely defined by colonialism, racism, bias, discrimination, and fundamental cultural and societal differences. We further call upon all police services and justice system actors to acknowledge that, going forward, this relationship must be based on respect and understanding, and must be led by, and in partnerships with, Indigenous women, girls, and 2SLGBTQQIA people.

Call 9.2: We call upon all actors in the justice system, including police services, to build respectful working relationships with Indigenous Peoples by knowing, understanding, and respecting the people they are serving. Initiatives and actions should include, but are not limited to, the following measures:

- i. Review and revise all policies, practices, and procedures to ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous Peoples, including victims and survivors of violence.
- ii. Establish engagement and partnerships with Indigenous Peoples, communities, and leadership, including women, Elders, youth, and 2SLGBTQQIA people from the respective territories and who are resident within a police service's jurisdiction.

iii. Ensure appropriate Indigenous representation, including Indigenous women, girls, and 2SLGBTQQIA people, on police services boards and oversight authorities.

iv. Undertake training and education of all staff and officers so that they understand and implement culturally appropriate and trauma-informed practices, especially when dealing with families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

Call 9.4: We call upon non-Indigenous police services to ensure they have the capacity and resources to serve and protect Indigenous women, girls, and 2SLGBTQQIA people. We further call upon all non-Indigenous police services to establish specialized Indigenous policing units within their services located in cities and regions with Indigenous populations.

- i. Specialized Indigenous policing units are to be staffed with experienced and well-trained Indigenous investigators, who will be the primary investigative teams and officers overseeing the investigation of cases involving Indigenous women, girls, and 2SLGBTQQIA people.
- ii. Specialized Indigenous policing units are to lead the services' efforts in community liaison work, community relationship building, and community crime-prevention programs within and for Indigenous communities.
- iii. Specialized Indigenous policing units, within non-Indigenous police services, are to be funded adequately by governments.

Call 12.4: We call upon all governments to prohibit the apprehension of children on the basis of poverty and cultural bias. All governments must resolve issues of poverty, inadequate and substandard housing, and lack of financial support for families, and increase food security to ensure that Indigenous families can succeed.

Call 13.2: We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.

Royal Commission on Aboriginal Peoples (1996)

5.4.2: Bodies that represent or serve both Aboriginal and non-Aboriginal people:

- (a) be proactive and innovative in promoting understanding of Aboriginal issues; and
- (b) review their own activities to ensure that they contribute to cross-cultural understanding and enhance relations with Aboriginal people.

Report of the Aboriginal Justice Inquiry of Manitoba (1991)

1. The federal and provincial governments establish a process to review all proposed legislation for its potential effect on the rights of Aboriginal peoples.

12. Police departments designate youth specialists and provide specialized training to all officers involved in the administration of the Young Offenders Act.

Truth and Reconciliation Commission (2015)

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

(4) Addressing Policing and the Justice System

Missing and Murdered Indigenous Women and Girls Inquiry (2019)

Call 5.3: We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQIA people

Call 5.9: We call upon all governments to ensure that protection orders are available, accessible, promptly issued, and effectively serviced and resourced to protect the safety of Indigenous women, girls, and 2SLGBTQQIA people.

Call 5.14: We call upon federal, provincial and territorial governments to thoroughly evaluate the impact of mandatory minimum sentences as it relates to the sentencing and over-incarceration of Indigenous women, girls, and 2SLGBTQQIA people and to take appropriate action to address their over-incarceration.

Call 5.18: We call upon the federal government to consider violence against Indigenous women, girls, and 2SLGBTQQIA people as an aggravating factor at sentencing, and to amend the Criminal Code accordingly, with the passage and enactment of Bill S-215.

Call 9.6: We call upon all police services to establish an independent, special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous Peoples within their police service. This special investigation unit must be transparent in practice and report at least annually to Indigenous communities, leadership, and people in their jurisdiction.

Ipperwash Inquiry (2007)

38. Police services in Ontario should promote peacekeeping by adopting the following objectives when policing Aboriginal occupations and protests:

- a. minimize the risk of violence at occupations and protests.
- b. preserve and restore public order.
- c. facilitate the exercise of constitutionally protected rights.
- d. remain neutral as to the underlying grievance.
- e. facilitate the building of trusting relationships that will assist the parties to resolve the dispute constructively.

63. The OPP should maintain its Native Awareness Training and related police/Aboriginal relations initiatives as a high priority and devote a commensurate level of resources and executive support to them.

69. The Ministry of Community Safety and Correctional Services should issue a directive to all police services in Ontario, including the OPP, requiring police officers to report incidents of racism or other culturally insensitive behaviour by other officers to their supervisors.

70. The OPP should establish an internal process to ensure that racist and other culturally insensitive behaviour by police officers is dealt with publicly.

Report of the Aboriginal Justice Inquiry of Manitoba (1991)

2. The Manitoba Court of Appeal encourage more creativity in sentencing by trial court judges so that the use of incarceration is diminished and the use of sentencing alternatives is increased, particularly for Aboriginal peoples.

3. The Criminal Code be amended to provide that cultural factors be taken into account in sentencing, and that in the meantime judges be encouraged to take this approach.

6. The number of Aboriginal people employed in correctional facilities and correctional programs be at least proportionate to the population of Aboriginal people in the province of Manitoba.

11. The police consider alternatives to the laying of charges in all cases involving Aboriginal youth and, when appropriate, exercise their discretion to take no legal measures or to take measures other than laying a charge.

15. Any police recruits displaying racist attitudes be screened out of training, and police officers who display such conduct after joining the force be required to take further training or, if necessary, be formally disciplined or dismissed.

16. All statements taken by police officers be either audio or video-recorded. If the contents of a transcribed statement are challenged, or some tribunal wishes to hear how certain words were expressed, the tape or video can be played.

Truth and Reconciliation Commission (2015)

30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

(5) Indigenous Self-Determination

Missing and Murdered Indigenous Women and Girls Inquiry (2019)

Call 12.1: We call upon all federal, provincial, and territorial governments to recognize Indigenous self-determination and inherent jurisdiction over child welfare. Indigenous governments and leaders have a positive obligation to assert jurisdiction in this area. We further assert that it is the responsibility of Indigenous governments to take a role in intervening, advocating, and supporting their members impacted by the child welfare system, even when not exercising jurisdiction to provide services through Indigenous agencies.

Call 7.1: We call upon all governments and health service providers to recognize that Indigenous Peoples – First Nations, Inuit, and Métis, including 2SLGBTQQIA people – are the experts in caring for and healing themselves, and that health and wellness services are most effective when they are designed and delivered by the Indigenous Peoples they are supposed to serve, in a manner consistent with and grounded in the practices, world views, cultures, languages, and values of the diverse Inuit, Métis, and First Nations communities they serve.

Report of the Aboriginal Justice Inquiry of Manitoba (1991)

5. Aboriginal communities be encouraged to develop the best method of communicating their concerns to the court in a manner that is respectful of the rights of the accused, and of the dignity and importance of the proceedings.

Learn More:

- [How do we solve Structural Racism? A 5X5 Review by the Yellowhead Institute \(2020\)](#)

Referenced Reports:

- [National Inquiry into Missing and Murdered Indigenous Women and Girls Final Report \(2019\)](#)
- [Report of the Aboriginal Justice Inquiry of Manitoba \(1991\)](#)
- [Report of the Royal Commission on Aboriginal Peoples \(1996\)](#)
- [Report of the Ipperwash Inquiry \(2007\)](#)
- [Truth and Reconciliation Commission Reports & Calls to Action \(2015\)](#)