



*Office of the Provincial Advocate
for Children and Youth*

*Bureau de l'intervenant provincial
en faveur des enfants et des jeunes*

Feathers of Hope Forum Elevates the Voices of First Nations Youth on Inequitable Jury Representation

Thunder Bay, Ontario (November 18, 2014) – A delegation of First Nations youth from across Ontario are attending a forum entitled, “Feathers of Hope: Justice and Juries” to address the root causes behind the underrepresentation of First Nations people on juries.

Hosted by the Office of the Provincial Advocate for Children and Youth, this forum will be held from November 17-20th in the lead-up to “National Child Day,” recognizing the 25th anniversary of the United Nations Convention on the Rights of the Child.

“As First Nations youth, we have the right to fair treatment in the justice system,” said Samantha Crowe, a youth Amplifier from the Office of the Provincial Advocate and a member of Lake Helen First Nation. “There needs to be a community-anchored justice system that fits culturally for young people in order for perceptions to change and for all community members to live a better life and in safer communities.”

The issue of First Nations underrepresentation on juries is timely. The Supreme Court of Canada is hearing arguments in the case of Clifford Kokopenace, a First Nations individual who had his manslaughter conviction overturned due to inadequate representation by First Nations on the jury. The Supreme Court will examine the broader issue of First Nations representation on juries and what constitutes ‘reasonable’ efforts by the state to ensure equitable representation. The landmark ruling is expected in early 2015.

It is estimated that as many as 18 Coroner’s Inquests are stalled due to low numbers of First Nations individuals serving on juries. These inquests include the deaths of seven First Nations teens from Thunder Bay.

In 2013, the Honourable Frank Iacobucci, former Supreme Court Justice, released his independent review on First Nations representation on Ontario juries. The report identified a number of systemic, discriminating barriers prohibiting First Nations individuals from participating on jury pools including an overall negative perception of the justice system by First Nations people and an intimidating and discriminating jury recruitment process.

One of Iacobucci's recommendations called for the Office of the Provincial Advocate for Children and Youth to convene a forum and engage youth in this issue.

"With more than 180,000 individuals summoned every year for jury duty in Ontario, we must take a closer look at the reasons why First Nations individuals are not being represented on juries," said Provincial Advocate Irwin Elman. "If we are going to get this issue right, then we need to hear from those who are currently being excluded by the system, in particular the younger people whose futures will be shaped by whatever changes we make."

"In Ontario, we are facing great challenges as we seek to rebuild and restore the relationship between First Nations and the justice system. We know that we have work to do, and we need the energy and creativity of young people to help us find a way forward that acknowledges the failings of the past and builds on the needs and wisdom of our First Nations to create a justice system that works for all Ontarians. I am both honoured and grateful for your willingness to continue this important work together," said Premier Kathleen Wynne.

At the end of the "Feathers of Hope: Justice and Jury" forum, youth will present their proposed solutions to government officials, First Nations leaders, police, legal and other representatives at a "listening table."

"I am delighted that the 'Feathers of Hope: Juries and Justice' youth forum is taking place in Thunder Bay. I commend the Provincial Advocate for Children and Youth for sponsoring the forum and commend all the participants for their supporting the forum," said former Supreme Court Justice, the Honourable Frank Iacobucci and author of *First Nations Representation on Ontario Juries*. "Justice for all is fundamental pillar of an enlightened democracy and your deliberations will be contributing to a greater understanding of the subject."

A final report summarizing the experiences and solutions proposed by youth will be presented to the Ontario Juries Review Implementation Committee and First Nations communities in early 2015.

About the Office of the Provincial Advocate for Children and Youth

The Office of the Provincial Advocate reports directly to the Legislature and provides an independent voice for children and youth, including children with special needs and First Nations children. The advocates receive and respond to concerns from children, youth and families who are seeking or receiving services under the Child and Family Services Act and the Education Act (Provincial and Demonstration Schools). The Provincial Advocate may identify systemic problems involving children, conduct reviews and provide education and advice on the issue of advocacy and the rights of children.

The Office is guided by the principles of the UN Convention on the Rights of the Child and has a strong commitment to youth involvement.

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Quick Facts

- First Nations people makeup 23 percent of inmates in federal jails but represent only four percent of the overall population in Canada.
- Every year in Ontario, approximately 180,000 individuals are summoned for jury duty. The same jury roll is used for trials and Coroner's Inquests.
- One of the criteria for eligibility for jury duty requires that individuals speak English or French. For many First Nations individuals, their indigenous language is their primary language.

Quotes

"Young people bring a unique perspective to matters that affect everyone. It is critical that Aboriginal youth have an opportunity to make their voices heard. I applaud the Feathers of Hope forum for bringing youth together to generate dialogue, ideas and advice which can help address important justice issues affecting Aboriginal people."
-Madeleine Meilleur, Attorney General

"Engaging First Nations youth in discussions about the challenges in the current justice system is essential to moving forward with the recommendations made by the Honourable Frank Iacobucci. This forum, along with the appointment of Peshannakwut Jeff Kinew as a youth member of the Aboriginal Justice Advisory Group, provides young people with a voice. I commend these youth for sharing their experiences and proposing solutions that will help create a more responsive and equitable justice system." - David Zimmer, Minister of Aboriginal Affairs

"In my meetings with First Nations leaders, we all agreed that communications is key. We must have dialogue to ensure that the future of First Nations youth is one that moves towards success and prosperity. With First Nations being the youngest and fastest growing segment of the Canadian population, [their] input is crucial to identifying the root causes of the problems affecting First Nations youth and finding real solutions that will work, as the future is truly theirs." - Peter MacKay, the Minister of Justice and Attorney General of Canada

"It is inspiring to see our youth come together in recognition of 'National Child Day' to address the many challenges they face, including their experience with the Ontario justice system. We have fought for years to uncover the truth about the systematic exclusion of First Nations from the justice system and it is important we engage these young leaders as we develop solutions going forward." - NAN Deputy Grand Chief Alvin Fiddler and co-Chair of the Ontario's Juries Review Implementation Committee

"Thank you to the young participants of this forum for their energy, their resolve and their resilience. We need to pay close attention to their experiences and opinions, as any actions taken to improve the justice system must take into consideration their needs and realities." - Julian Falconer, independent counsel for the Implementation Committee