

Criminal

How to fight systemic injustice against racialized, Indigenous people | Angelique EagleWoman

By Angelique EagleWoman



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(June 8, 2020, 12:39 PM EDT) -- For Indigenous and racialized lawyers and judges, the experience of racial profiling occurs when entering courthouses and being seen as either an offender or a victim. On page 22 in the "Guide for Lawyers Working with Indigenous Peoples" a joint project of The Advocates' Society, the Indigenous Bar Association and the Law Society of Ontario, it is noted that there has been and continues to be a distrust in the Canadian legal system by Indigenous peoples for good reasons:

"As the law has developed in Canada, many Indigenous peoples have grown to distrust Canadian legal systems and the professionals working within them. From Indigenous perspectives, the law was only designed and meant to be enforced against Indigenous peoples, and never designed or meant to serve them. One need only review the disproportionately high levels of Indigenous children and families involved with Child and Family Services, or the overrepresentation of Indigenous peoples in the criminal justice system and in our jails and prisons, as examples of the consequences of a lack of cultural competency. The history and impact of attempts at colonialization, the dispossession of land and forced relocation, including the Indian Residential School System, form a demonstrable basis for the distrust." From this flows the need to implement the Truth and Reconciliation Commission's 94 Calls to Action and the recommendations of the Royal Commission on Aboriginal Peoples (RCAP).

As recent events are developing, it has become very apparent that honest discourse is required on the systemic injustices and racism experienced by racialized and Indigenous peoples in Canada. Black people deserve to be safe from police violence and deserve to be treated fairly in all aspects of life. All people should have a good quality of life, rather than a few elites whose property and interests are protected by law enforcement.

For Indigenous peoples, these conversations have to include: Implementing the Truth and Reconciliation Commission's 94 Calls to Action; changing the curriculum in elementary through graduate schools on the history of Canada and teaching the truth on land ownership by Aboriginal peoples; enforcing the rights of Aboriginal peoples without setting up convoluted judicial tests on whether an Aboriginal right pre-existed European contact; protection of Indigenous women from police and others who would do them harm; addressing the Missing and Murdered Indigenous Women & Girls National Inquiry Final Report recommendations and an end to delaying the Action Plan; providing a pathway for Indigenous children to stay in Indigenous homes when removed from their parents; providing educational facilities in the home communities of Indigenous peoples so that teenagers don't have to travel by themselves far from their homes for a high school diploma; and the equitable sharing of resources and return of stolen Aboriginal lands. As aptly stated, "There can be no peace or harmony unless there is justice." RCAP (1996).

Many communities around the world are mourning the killing of George Floyd and demanding justice through prosecution of those four police officers who killed him. One of the last audible words from Floyd as his life was being taken from him was, "mama." Indigenous mothers are grieving with black mothers and understand the pain of losing a loved son through police brutality. It is time to do better because we all know better.

There must be accountability for racist acts. It is time to choose to either be anti-racist or be held accountable as someone included in those who perpetuate, cover up and deny racism. There is no middle ground and no longer can a person state, "I'm not racist" as if that is neutral ground. There is no neutral ground. The ground stewarded for centuries by Indigenous peoples prior to colonization demands truthfulness, justice and a good life for all.

This is part two of a two-part series. Part one: Floyd shines light on systemic injustice against racialized, Indigenous people.

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