

Provincial Independent Study Option Course
Grade 9 Canada in the Contemporary World (10P)
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Grade 9 Social Studies
Reading Booklet Module 2
Democracy and Governance in Canada
DO NOT WRITE IN THIS BOOKLET



MODULE 2: LAW, ORDER, AND GOOD GOVERNANCE

LESSON 1: THE LEVELS OF GOVERNMENT IN CANADA

Government in Canada

When Canada confederated in 1867, the Fathers of Confederation had to decide on a style of government that would suit the new country. They looked to the British and American models as a basis for Canada's government.

- Great Britain has a style of government that is known as a *unitary* or *legislative* style. This is a style of government with only one level of government passing laws for the entire country.
- The system of government in the United States (whose land mass is approximately 39 times larger than that of Great Britain) is known as a *federal* system. In a federal style of government, law-making powers are divided between a central (often called federal) government responsible for the entire country, and local governments responsible for specific regions of the country.

The Canadian government in 1867 decided that the best system of government for the new country would be a *federal* system. Once again, a federal system is a style of government where two or more *levels* of government are given specific responsibilities (like health care or defence) and are responsible for passing laws for their areas of responsibility. In Canada, the federal government is based out of Ottawa—the nation's capital—and provincial governments are based out their respective provinces. Canada's three territories are governed by territorial legislatures.

Federal and Provincial Governments

The *British North America Act* (which you learned about in Module 1) created the country of Canada and gave Canada its system of government. The *BNA Act* also outlines and defines the responsibilities of each level of government.

The Fathers of Confederation wanted a strong federal government. The powers of the federal government are listed in Section 91 of the *BNA Act*. Under Section 91, the federal government is given the right to make laws on subjects such as the following:

- Trade
- Defence
- Criminal laws
- Banks
- Fisheries
- First Nations
- Taxation

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The federal government was also given the right to disallow or reject any provincial law that it thought to be against the interests or welfare of the entire country. This particular right demonstrates that the Fathers of Confederation wanted the federal government to be stronger than the provincial governments.

The second level of government was called the provincial government. Each province has its own government to make laws for matters within that province. Section 92 of the BNA Act gives the provinces the right to make laws on matters such as the following:

- Property
- Civil rights
- The sale and license of alcohol
- Cities
- Mines
- Forests

Section 93 gives the provinces the right to make laws regarding education.

The Fathers of Confederation believed that the federal system of government was necessary for a large country like Canada. They believed that the federal government must be strong enough to look after the interests of all Canadians, while the provincial governments were set up to handle local matters. They believed that this system of governance would allow people with different languages, religions, and concerns to live and work together in peace.

Municipal Governments

Canada expanded quickly after Confederation and cities began to develop. As city populations increased and Canadians became more urban, there was the need for another level of government to address the needs of people at the local level. Provincial governments have created municipal governments to address these needs. Of the three levels of government, municipal governments have the closest contact with individual citizens. They are often responsible for areas such as snow removal, garbage collection, and firefighting.

First Nations Governments

First Nations Peoples were self-governing for thousands of years before Europeans came to Canada. Both France and Britain established colonies in Canada. These colonies made regulations for the fur trade and set up military alliances with the First Nations people. Initially, there was a relationship of equality.

Around 1820, the relationship between First Nations Peoples and the European settlers began to change. The new settlers quickly realized the potential of Canadian land. They had very different lifestyles than the First Nations and they did not recognize the sustainable way that the First Nations used the land. The Europeans focused on short-term gain from resources.

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In 1800, loggers and settlers began to intrude on areas that First Nations used to survive. In Ontario, waves of immigrants were filling in the backwoods, clearing the land, starting farms, and in the process occupying hunting territories and driving away the game. The government therefore decided that a new policy was needed. The government decided that a new policy was needed because the First Nations were resisting the changes that were occurring. The First Nations Peoples wanted to hold on to their independence, but the government felt it was no longer possible to co-exist as independent nations.

Through the Numbered Treaties, First Nations were encouraged to abandon their traditional ways of hunting and trapping in favour of permanent settlement and farming. To encourage this change, the government offered money, tools, supplies, and schools to educate the young. It also offered special tracts of land called *reserves*, where First Nations could live once they left their traditional hunting grounds.

The Indian Act



Note:

The word *Indian* in the following section is used only when talking about government rights. *Indian* is a government label for First Nations people who are recognized as Status Indians. The word *Indian* is considered inappropriate and should only be used when talking about government legislation.

After most of the treaties were signed, the federal government passed the *Indian Act*, which made First Nations people wards of the state. In Canadian courts, wards of the state are usually children or people who cannot function in a normal way. As wards of the state, the government was seen as the parent or guardian of all Indian people.

Think about what it meant for First Nations people to be considered wards of the state alongside children and incapacitated people. Take a moment and write your thoughts on this.

The *Indian Act* defined who was and who was not an Indian:

- A woman who married an Indian also was considered Indian. She could live on the reserve and receive Status Indian rights.
- A Status Indian woman who married a non-status man would automatically lose her status rights.
- The "half-breed" Indians, such as the Métis, were not considered Status Indians.

The *Indian Act* also stated the following:

- Indians were not allowed to sell their reserve land without permission from the government.
- The government was able to allow timber to be cut and removed from Indian land. The government believed that it owned the resources on Indian land.
- Indian peoples who broke the law were answerable to Canadian laws.
- Indians who left the reserves without a pass (permission) could be charged.
- Anyone who sold liquor on a reserve could be charged.

The *Indian Act* gave the Canadian government a lot of power over First Nations groups. First Nations people were treated as children, with little control over their lives. However, there was one decision Indians could make that would change their relationship with the government. They could become enfranchised. This means they could give up all Indian rights and become regular citizens. If an Indian chose to become enfranchised, he or she would no longer receive assistance from the government. In addition, this person would have to move off the reserve, leaving her or his family behind.

Many First Nations, Métis, and Inuit people, in the past and today, object to the restrictions imposed by the *Indian Act*. Since 1969, First Nations, Métis, and Inuit Peoples and the federal government have sought a new relationship. In 1991, Georges Erasmus, then National Chief of the Assembly of First Nations, said, "We want our own justice system, control over the environment, fisheries, game, and the things that happen on our lands." Part of this new relationship is a focus on First Nations, Métis, and Inuit Peoples' self-determination. There has been a strong movement in First Nations, Métis, and Inuit communities focused around self-determination, such as regaining self-government and land.

Self-Determination

What is self-determination? At an individual level, self-determination is the power a person has to control his or her own life and make his or her own decisions. At a collective level, self-determination is the power of a group of people to make decisions and take action to ensure their continued existence as a distinct group. In other words, self-determination is the power to ensure the group's cultural continuity.

Many First Nations, Métis, and Inuit people feel that they should control their own programs and institutions. In most cases, programs and institutions are not serving the needs of the community. By having control over things like schools, the needs of individual communities can be met. This is an example of self-determination.

Indigenous Self-Government

What does Indigenous (First Nations, Métis, and Inuit) self-government look like? Here are some examples:

- Canada has made agreements with many First Nations communities to create self-government.
- Nunavut is negotiating a public government.
- As of 2013, the Métis people now have the right to make land claims to the government.

Many negotiations for self-government are done at the same time as land claims are being made. Self-governments today are similar to municipal-style governments. Self-government agreements involve topics such as rights to natural resources, education, economic growth, jobs, and moving towards stand-alone self-governance. Let us take a closer look at one example.

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Economic growth is an important part of Indigenous self-government. The James Bay Cree and Inuit peoples in Quebec made an agreement with the federal government, which led to the creation of companies and alliances with private companies involving industries such as fisheries, software, airlines, construction, and clothing. The Nunatsiavut government in Newfoundland and Labrador now has business in fisheries, quarries, real estate, and mining. The Sechelt First Nation of BC has businesses in fishing, logging, tourism, salmon farming, land leasing, and gravel extraction. These are just a few examples of Indigenous economic growth through self-government.

Indigenous peoples are becoming more and more involved in self-determination and, as a result, they will continue to have an impact on Canada's affairs in the years to come. As always, there are challenges that need to be overcome in order to do this.

Summary: The Levels of Government

Take a look at the table below. Notice the different areas each government has power over. Keep in mind that Indigenous government is negotiated on a case-by-case basis.

Federal Government: Makes laws for the entire country.	
Passes laws in the following areas:	
<ul style="list-style-type: none"> ■ Trade and commerce ■ Currency and coins ■ Postal service ■ Taxation ■ Defence (military) ■ Banking 	<ul style="list-style-type: none"> ■ Navigation and shipping ■ Fisheries ■ First Nations and reserves ■ Citizenship ■ Criminal law ■ Customs and duties
Indigenous Government: Makes laws for their First Nation, Métis, or Inuit group, usually for their reserve/area.	
Each individual Indigenous government may pass laws or is working towards making changes in the following areas:	
<ul style="list-style-type: none"> ■ Education ■ Lands Resources Justice ■ Policing Child Welfare 	<ul style="list-style-type: none"> ■ Social Programs ■ Health Care ■ Environmental Issues
Provincial Government: Makes laws for its province.	
Passes laws in the following areas:	
<ul style="list-style-type: none"> ■ Education ■ Hospitals ■ Prisons ■ Courts ■ Liquor ■ Vehicle and driver licensing 	<ul style="list-style-type: none"> ■ Direct taxation ■ Marriage ■ Public works (highways) ■ Municipal governments ■ Health Insurance (Medicare)
Municipal Government: Makes laws for its local area.	
Passes laws in the following areas:	
<ul style="list-style-type: none"> ■ Fire protection ■ Sewer and water service ■ Police protection ■ Public libraries ■ Parks, swimming pools, arenas 	<ul style="list-style-type: none"> ■ Public transit ■ Animal and pet control ■ Ambulance services ■ Snow removal/road upkeep



LESSON 2: THE CANADIAN SYSTEM OF GOVERNMENT

Our System of Government

- Representative democracy
- Constitutional monarchy
- Federal system of government
- Party system

Let's go over each of these four terms used to describe Canada's government.

Canada is a representative democracy. This means that the people govern the nation. In ancient Greece, where the ideals of democracy began, each eligible voter participated in making every decision that affected society. In a modern country like Canada, such direct involvement by each citizen would be impossible. Instead, citizens elect representatives who act on their behalf. This authority to act on behalf of the citizens lasts until the next election. During elections, voters decide whether to keep their current representatives or to elect new ones. This makes elected representatives accountable (responsible) to you, the voter.

Canada is also a constitutional monarchy. This means that a monarch (a king or queen) is our head of state. As of the writing of this course, the monarch of Britain and Canada's current head of state is Queen Elizabeth II,

our queen since 1952. Queen Elizabeth does not rule directly over Canada (or even England for that matter). In fact, she has little power. Her role is a mostly a symbolic one; however, the Queen does have a lot of power through influence and the media. For example, during her visit in 2010, the Queen attracted a crowd of 100,000 people for Canada Day on Parliament Hill in Ottawa. In addition, she has the power to call up/meet with politicians both here in Canada as well as in Great Britain and other countries. The monarch lives in Britain and visits Canada every few years. The Governor General is the representative of the monarch here in Canada.

As you learned in the previous lesson, Canada has a federal system of government, meaning different levels cooperate together in the governance of the country.

Canada is also classified as a party system of government. Most of the people who represent Canadians in the federal, provincial, and sometimes municipal governments belong to a political party. A political party is a group with common beliefs, ideas, and plans about the best way to govern. The major political parties working at the federal level of government are the Liberal Party, the New Democratic Party, the Conservative Party, the Green Party, and the Bloc Québécois. Some smaller parties include the Marijuana Party, the Marxist-Leninist Party, and the Pirate Party.

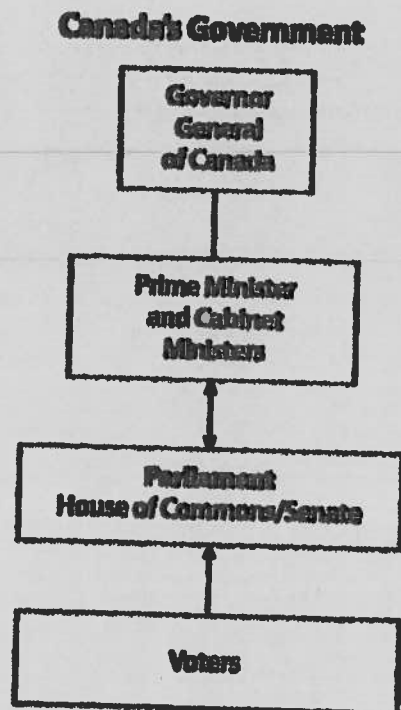
The Federal Parliament

What is "Parliament"? The term refers to three things:

- 1. A meeting of the members of the federal government in which decisions are made**
- 2. A building in Ottawa from which Canada is governed (the Parliament Building)**
- 3. Canada's governing structure**

This lesson will focus on the third definition—Canada's governing structure. At the national level, Canada is governed by a Federal Parliament, which is made up of three groups:

- **Governor General**
- **Senate**
- **House of Commons**



The House of Commons.

The House of Commons (sometimes called the Lower House) is the part of Parliament that is made up of Canada's elected representatives. These representatives are called Members of Parliament (MPs). During a federal election, Canadians vote and choose an MP to represent their constituency (area) when they take their "seat" in Ottawa. There are a total of 308 MPs in the House of Commons. Each MP that goes to Ottawa gets a "seat" in the House of Commons and votes on whether or not to approve new laws.

Most MPs belong to a political party. The political party that wins the most seats in an election becomes the governing party of Canada, and the leader of that political party becomes the country's prime minister.

The prime minister chooses a cabinet (a group of the prime minister's closest advisers) from other elected members in his or her party. These people become ministers of certain government departments like Immigration, Defence, or Aboriginal Affairs.

The Governor General is appointed (chosen, not elected) by the monarch on the advice of the prime minister. The Governor General's role is symbolic. She or he is the monarch's representative in Canada, and performs a number of ceremonial acts, including the following:

- Opening Parliament and reading the Speech from the Throne
- Giving Royal Assent (approval) to bills
- Appointing officials
- Greeting foreign leaders and dignitaries
- Formally acknowledging Canadians for their contributions with awards and medals

The Senate

The Senate is sometimes called the Upper House and senators are appointed by the Governor General on the recommendation of the prime minister. Once appointed, members of the Senate may serve until they are 75 years of age. Each member of the Senate is selected to represent his or her home region, and a specific number of senators must be appointed from each province and territory.

The role of the Senate is to review the legislation passed by the House of Commons, recommending changes and adjustments. On some occasions, the Senate will reject legislation.

Do Learning Activity 2.2

LESSON 3: THE FEDERAL GOVERNMENT OF CANADA

The Three Branches of Government

Here is an overview of the three branches of the federal government. Notice how the powers and responsibilities are divided among each branch:

The Executive: Introduces and/or proposes laws
Includes: <ul style="list-style-type: none"> ■ Governor General ■ Prime Minister ■ Cabinet
The Legislative: Makes laws
Includes: <ul style="list-style-type: none"> ■ Governor General ■ House of Commons ■ Senate
The Judicial: Interprets laws
Includes: <ul style="list-style-type: none"> ■ Supreme Court ■ Federal Judges

The Executive Branch: Proposing New Laws

The executive branch of government consists of the monarch (who is represented in Canada by the Governor General), the prime minister, and the cabinet. The role of the Governor General is a symbolic one. This branch of the government can propose laws be made but it does not make laws. (The legislative branch makes laws.)

The Governor General

The Governor General holds office (keeps the job) for five years, and has the following responsibilities:

- Acts as an advisor to the government
- Offers advice and support for government actions
- Encourages or warns the government about its actions
- Gives Royal Assent (approval) before any bill can become a new law

The Prime Minister

The prime minister holds office for a maximum term of five years and may remain prime minister based on the outcome of the next election. Canadian voters do not directly choose the prime minister. In this country, the prime minister is the person who is the leader of the party with the most seats in the House of Commons.

The prime minister is the acting head of government, the leader of the nation, and the leader of a national political party. He or she

- represents his political party when speaking
- talks to Canadians (through the media) about national issues
- is in charge of Cabinet meetings
- selects cabinet members
- answers questions in the House of Commons
- seeks the approval of the Governor General for senators and judges (this is generally considered to be symbolic approval)
- can request an election, but the Governor General makes the final decision
- meets with foreign delegates who come to Ottawa
- visits other countries representing Canada
- represents Canada at international meetings

The Cabinet

Cabinet members are called "ministers" and are chosen by the prime minister from among the members of his or her political party (either elected to Parliament or serving in the Senate). The cabinet minister becomes head of a government department, such as National Defence or Finance. He or she

- asks members to draw up proposals for new laws to be sent to Parliament
- assumes responsibility for the actions of his or her department
- ensures the department is effective and efficient
- presents the department budget to Parliament for approval
- represents the department in speeches given to the public and in Parliament

The Legislative Branch: Approving New Laws

The legislative branch of the government is made up of the monarch (represented by the Governor General), the House of Commons, and the Senate. This branch of government can make, change, or repeal (cancel) any federal law. A proposed law that is put forth by the House of Commons or the Senate is called a bill.

The Governor General

The Governor General is the Monarch's representative in Canada. The Governor General swears in the Prime Minister and signs documents on the Monarch's behalf. He or she is very active in Parliament to ensure that Canada remains a democracy and is in both the executive and legislative branches of the government. The Governor General spends a lot of time working with the Prime Minister.

The House of Commons

The House of Commons is made up of Members of Parliament who are elected from 308 constituencies (areas) across the country. These MPs "sit" in the House of Commons and are referred to as "The Honourable Member from..." Our province, Manitoba, sends 14 MPs to the federal Parliament in Ottawa. Members of the House of Commons have the responsibility to

- deal with governing the major issues of the day
- participate in federal law-making by taking part in debates and deliberations
- sit on parliamentary committees that investigate and review bills
- maintain close contact with their constituents (the people who live in their home constituency)
- discuss policy and strategy with fellow party members

Senate

The Senate is the appointed part of Parliament. Senators are chosen by the prime minister and may remain in the Senate until they reach the age of 75. Within the legislative branch, the Senate acts as a house of "sober second thought" to all proposed bills. Members of the Senate

- review all legislation passed in the House of Commons
- reject, pass, or make recommendations for bills that are being considered in the House of Commons
- introduce, debate, and pass bills (with the exception of "money bills"), and then send them to the House of Commons

The Judicial Branch: Interpreting the Law

The judicial branch of government consists of the Supreme Court and nine federal judges. In Canada, the judicial branch is kept separate from the legislative branch of government. This ensures that the government must obey its own laws, since it cannot both *make* and *interpret* laws. Therefore, the judicial branch only interprets the laws that are made by the government.

The Supreme Court

The Supreme Court is the highest court in Canada. Once a case has been heard by the Supreme Court, the decision is final. This court has authority over all areas of law in Canada. The Supreme Court will make statements about how laws should be used in the court. All other courts must follow this decision. This allows Canada to have a more uniform court system.

In addition, the Supreme Court will sometimes change the way laws are interpreted. Remember Jeannette Corbiere Lavell? When the Supreme Court heard her case, they decided that the *Indian Act* went against the *Canadian Charter of Rights and Freedoms*. Since the Charter is in the Constitution, this law has higher authority than the *Indian Act*. The Supreme Court ruled that Indian women should have the same rights as Indian men. Bill C-31 made these changes.

The Supreme Court has nine judges: one Chief Justice and eight puisne judges. The Supreme Court of Canada has the responsibility to

- hear appeals from provincial supreme courts
- hear cases involving difficult points of law or problems of national importance

Federal Judges

In 1971, the Federal Court of Canada was created to improve Canadian laws. It has a Chief Justice and 36 judges. In 2013, there were 31 judges working full time, as well as four supernumerary (extra) judges and six clerks.

The Federal Court of Canada was originally organized as one court and divided into a trial division and an appeal division. In 2003, these became two courts: the Federal Court and the Federal Court of Appeal. While based in Ottawa, the judges of both courts conduct hearings across the country. Federal courts have the ability to rule over the following types of cases:

- The subject is covered under the Constitution.
- Federal law applies to the case.
- The Federal Court has been asked to take the case.

Important national topics the federal government hears include the following:

- | | |
|---------------------------------------|---|
| ■ Communications | ■ Immigration |
| ■ Criminal law | ■ Currency |
| ■ Foreign trade and relations | ■ Unemployment |
| ■ Defence | ■ First Nations, Métis, and Inuit Peoples |
| ■ Parole and penitentiary proceedings | ■ Citizenship appeals |
| | ■ Copyright proceedings |



Do Learning Activity 2.3

Leadership in Canada

Canada has three levels of government, and leaders are either elected through our democratic process or they are appointed. Let's look at some of the Canadians in power.

Federal Government Leaders

These individuals represent all Canadians. They are either elected, like the prime minister, or appointed, like the Governor General.

- Prime Minister
- Governor General

Provincial Government Leaders

These individuals represent the people of their province, Manitoba.

- Premier of Manitoba
- Lieutenant-Governor (the Monarch's representative in Manitoba)
- President of the Manitoba Métis Federation
- Assembly of Manitoba Chiefs

National First Nations, Métis, and Inuit Leaders

These leaders represent First Nations, Métis, and Inuit Peoples in Canada.

- Assembly of First Nations Grand Chief
- Métis National Council President

Who are the leaders of your local area? Who is the mayor of your city or town; the reeve of your municipality? Who is the chief of your First Nations community?

The Canadian Electoral Process

How do we choose our leaders in Canada? You have learned that Canada is a democracy: we elect our leaders. Let's go a little deeper and look at how the electoral process works in this country.

There is only *one* citizen in Canada who is over 18 years of age and who *cannot* vote—the Chief Electoral Officer. As the head of Elections Canada (the independent organization that oversees federal elections), the Chief Electoral Officer is not allowed to vote because he or she must remain politically neutral. The officer's job is to ensure that federal elections in Canada are conducted in a fair and reasonable manner for all Canadians.

Elections Canada is responsible for overseeing the electoral process. As a citizen, you can contribute to elections by voting, campaigning for a candidate, and even running for an elected position yourself.

In order to ensure that elections reflect the views, ideas, and values of Canadians, six features must be present.

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1. Universal adult suffrage	This means <i>ALL</i> citizens who are 18 or older must have the right to vote.
2. Regular elections, limited tenure	This means that there should be a set limit as to how long a government may govern until it is required to call another election. In Canada, the federal government is required to call an election within five years of being elected.
3. Freedom to form parties and challenge elections	This means that as a citizen of Canada you have the right to form a <i>new</i> political party and dispute the outcome of an election if you think it was not conducted properly or fairly.
4. Fair campaigns, no legal or violent impediments	This means that elections should run smoothly and without riots, intimidation, or other forms of violence.
5. Secret and free balloting	Voters should vote in secret with no cost attached.
6. Votes counted and reported fairly	Elections Canada performs this function in our country.

Elections determine which parties will have members sitting in the House of Commons and how many MPs will be from the various political parties. Elections send messages to political parties telling them whether they need changes in their approach, leadership, and ideas.

Election Countdown

Let's look at the actual process of electing our leaders at the federal government level:

1. The government calls an election	The Governor General dissolves Parliament and an election date is set. <i>Elections Canada</i> needs at least 36 days to prepare the election.
2. <i>Elections Canada</i> opens offices	Once an election is called, regional offices are opened in each riding. These offices will send information to all eligible voters and set up polling stations.
3. Candidates submit nominations	Anyone who wishes to run for one of the 308 available Parliament seats must collect signatures of support from her or his community and submit a cash deposit to <i>Elections Canada</i> .
4. Campaigning	To gather votes, candidates broadcast information to the public, advertising the personal qualities that make them effective leaders, as well as the policies they would put into practice if elected. Campaigning can include setting up informational websites, using social media, distributing pamphlets, delivering public speeches, or broadcasting television and radio ads.
5. Advance voting	People who are in jail, in a hospital, or outside the country on military duty have polling stations brought to them so that they may cast their ballots. The general populace may also vote several days in advance of election day.
6. Election day	Polling stations are open for voters. Preliminary voting results are available after the polls close.
7. After election day	Results are validated and ballots are recounted if necessary. The winning candidate in each riding is declared. The 308 Canadian citizens who have been democratically elected take their place in Parliament to lead the country. The Chief Electoral Officer publishes a report on the election.

The Role of Political Parties

A political party is a group of people who share many of the same ideas about how a country should be run. Some parties, like the Bloc Québécois, focus exclusively on a specific region of Canada. Other parties want to enact rapid social change, such as the Christian Heritage Party or the Green Party. Most parties are centred on a particular political ideology. Examples of political ideology include the following:

- **Liberalism**

Political beliefs that favour progress and reform

- **Conservatism**

Political beliefs that favour limited government and taxation, preserving the best in society, and opposing radical changes

- **Socialism**

Political beliefs that favour a strong governmental role in the economy and daily life of citizens

Political parties may be centred on a combination of several of these qualities. If a party receives enough votes in an election, it will go on to form the government and create new policies based on its beliefs and ideas.



Do Learning Activity 2.4 and Assignment 2.1

LESSON 5: JUSTICE AND LAW IN CANADA

The Rule of the Law

"Law" is a very short, one-syllable word that we use all the time. Perhaps it is so familiar that we sometimes use it carelessly and confuse its real meaning.

When we speak of the "rule of the law" we do not mean the police. We are thinking about the basic principles of our system of government.

The rule of the law means

- no one, regardless of their power or position, is excused from obeying or "above" the law
- everyone is equal in the eyes of the law, regardless of race, beliefs, gender, or wealth
- the government must obey the law just like its citizens
- the freedom of any individual can be limited only by the government, and only in ways that have been agreed upon democratically (through bills passed in Parliament)
- the law protects our lives and our property from one another's anger or greed

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In a democracy, laws are rules and regulations that people have agreed upon so that we can all live in peace and order. Every law limits (in some way) what a person may do. At the same time, every law protects an individual's freedom.

The Justice System in Manitoba

Making, interpreting, and enforcing law is one of the main purposes of government. In 1867, when Canada became a country, the Constitution Act gave the federal government the right to control all criminal law. At the same time, the provinces were given the authority to

- create open courts that would settle legal disputes
- solve disputes involving both civil and criminal law
- punish anyone found breaking the law through a fine, a penalty, or imprisonment



Notes:

The following definitions have been provided to help you with some terms:

- Civil law deals with the protection of private rights (issues such as personal injury, trespassing, and divorce).
- Criminal law deals with offences against society as a whole (crimes such as murder, arson, sexual assault, theft).

The Department of Justice in Manitoba has existed since the province joined Confederation in 1870. Originally known as the Department of the Attorney General, its name was changed to the Department of Justice in 1989 to reflect the larger and expanded role of the department.

Manitoba Justice is responsible for overseeing justice in Manitoba. The department provides public safety and security services. It is composed of the following major operating divisions:

Manitoba Prosecution Service	Responsible for seeking legal action (such as jail time or fines) against criminal offenses
Courts	Responsible for determining innocence and guilt in civil and criminal disputes
Corrections	Responsible for housing violent or dangerous offenders (criminals), and offering educational and counselling services in order to rehabilitate prison inmates
Community Justice	An alternate program to the criminal justice system that has offenders work with social groups in order to make amends for the harm against their victims and the community

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In addition to our core criminal justice responsibilities, Manitoba Justice is responsible for other services, including:

- Office of the Chief Medical Examiner
- Public Trustee
- Law Enforcement Review Agency

According to its website, Manitoba Justice also provides funding to a number of arm's length bodies including the following:

- Human Rights Commission
- Legal Aid Manitoba
- Law Reform Commission

Youth Criminal Justice

When Canada first confederated in 1867, children and teenagers who were arrested for criminal acts were tried as adults. They went through the same court system, received similar sentences for similar crimes, and they went to the same holding cells when awaiting trial. Since that time, the government has passed several acts that change the way it deals with criminal offenses by youths:

1908: *The Juvenile Delinquents Act*

Under the *Juvenile Delinquents Act*, people under 18 who committed crimes were not considered criminals. They were "misdirected and misguided children." Youth sentences were aimed at rehabilitation. Because the guidelines were not specific, youth were being given very different sentences for similar crimes. This caused a lot of criticism and the system was viewed as being unfair.

1984: *The Young Offenders Act*

The *Young Offenders Act* of 1984 applied to young people aged 12 to 17. Youth of this age group were considered responsible for their actions and could be charged with criminal offenses. However, they were tried in a "youth court" separate from the adult criminal courts (unless the offender was involved in a very serious crime and considered a danger to society). Once a sentence was completed, all criminal records were destroyed. This was to allow the youth a fresh start when she or he turned 18 and was considered an adult.

2003: *The Youth Criminal Justice Act*

While the *Young Offenders Act* (YOA) provided a separate court system to deal with child and teenage offenders, some questioned whether it was appropriate to send youth to courts and correctional facilities at all. People wondered whether young adults would benefit more by serving time in their community.

In response to these concerns, the *Youth Criminal Justice Act* replaced the *Young Offenders Act*. Under the new guidelines of the YCJA, police officers investigating criminal incidents can refer youth offenders to community programs. Violent or repeat offenses are still handled by the youth court system; however, a judge must consider community-based sentences as a first option. The overall aim of the YCJA is to rehabilitate young offenders for re-entry into society.

The main points of the YCJA include:

- If a person is found guilty in a youth court, the judge can give an adult sentence if needed. Before the YCJA, offenders had to go to adult court to receive adult sentencing.
- For serious offences (for example, murder), offenders aged 14 and up must attend an adult court. The age used to be 16.
- Sentencing is more focused on alternative methods (for example, warning letters to parents/guardians, meetings with police, and community service programs).
- Victims of youth crimes are allowed access to the sentence/verdict for the offender as well as access to the court records.
- Young offenders released from jail must be supervised constantly for a period of time.

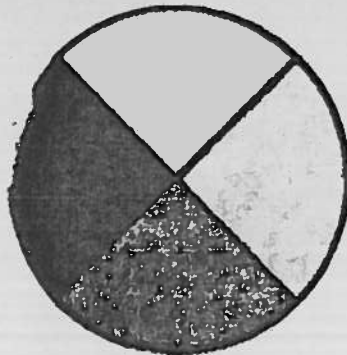


Do Learning Activity 2.5

LESSON 6: TRADITIONAL FIRST NATIONS GOVERNMENT AND WAYS OF LIFE

The Medicine Wheel

To understand pre-contact (or traditional) forms of government in different First Nations groups, we first need to understand how their societies were organized. While each First Nation was unique, there were some commonalities among groups. One example of this is the Medicine Wheel.



The Medicine Wheel is shaped like a circle that represents all of the different cycles of life. The four directions of the Medicine Wheel also represent a variety of ideas and perspectives that are common among the Indigenous peoples of North America.

For example, each of the four parts of the circle represents an element: earth, water, air, and fire. It is through the circle that Indigenous Peoples support environmentalism and stewardship of the land. For First Nations Peoples, the land is Mother Earth and all things in life come from her. Therefore, it is very important to take care of Earth and preserve it for future generations.

Each quadrant of the medicine wheel has a colour. These colours differ from group to group for their personal Medicine Wheels, but the four basic colours are recognized by most groups. These are yellow for east, red for south, black for west, and white for north.

The four directions east, south, west, and north each correspond to a different phase of life for all people. East is birth or beginnings. Just as the sun rises in the east at the start of each new day, the early years of life are found in the eastern quadrant. The physical aspect of the person is found in the east, as each newborn grows and discovers her or his abilities and learns to work for the good of the community. Spring is the season of the east direction.

South is the direction of youth and early adulthood. This is the mental aspect of the person. Our physical bodies are developed and the focus is on mental growth. Developing relationships and finding our place in the community are important tasks that are accomplished in this quadrant. Summer is the southern season.

West is the direction of adulthood. The emotional aspect of the individual resides in the west quadrant. People have their place in the community at this point in their lives. They are now the leaders and the providers. Autumn is the western season.

North is the direction of the elder. North represents the spiritual aspect of the individual. Elders are the teachers who share the wisdom of the group with the children and youth. Elders carry the teachings and provide guidance and support to all the other members of the group. Winter is the northern season.

Traditional First Nations Peoples were cyclical in nature, as were many aspects of life. Cyclical means that life's major events were repeated over and over again. This was due to the closeness of First Nations societies to the natural world. These included the cycles of day to night, season to season, and hunting. This way of life was adopted in societies as a whole.

First Nations Governments

Each of the diverse First Nations groups in Canada had their own unique forms of government. Nomadic groups tended to have fluid or loosely organized systems of government, whereas sedentary societies tended to have more rigid and class-based forms of government.



Note:

The following definitions have been provided to help you with some terms.

- A **nomadic society** is one that moves from place to place, usually seasonally, within a well defined territory. They generally follow the seasons and game for hunting.
- A **sedentary society** is one that stays in one place and establishes permanent settlement; often they are farmers and/or have a stable food source.

The Cree: A Nomadic Society

In First Nations societies, the family was the basic unit of government. Among the Cree, who were nomadic, a hunting band had two adult male hunters and their immediate families. They made and enforced their own rules and punished wrongdoing without interference from any outside body. The leader of the group changed with the needs of the people, and laws were not strictly enforced. If people did not like the way the group lived, they could simply leave. This type of government is called **egalitarian**. This means that all members of the group were treated equally. There was no special status among the people. Land ownership and property were not important, nor was any type of inheritance. The leader of the group was the person whose abilities best suited the needs of the group at the time—perhaps the best hunter, food gatherer, or fisherman for that season or cycle.



Note:

The Cree First Nations live in north-central Canada, including Manitoba. There are four cultures and dialects of the Cree language: Swampy, Plains, Woodlands, and Moose Cree.

The Huron: A Sedentary Society

The four Huron tribes of central Ontario were sedentary and did not move from place to place. Their basic political unit was a larger family unit called a **clan**. A clan was made up of several families descended from a common female ancestor, about 400 people in all. The Huron had village and tribal councils, as well as an annual assembly attended by representatives from all four Huron tribes. Each of these councils had specific responsibilities, but they could not interfere in the affairs of another clan. The senior women in the tribe would choose the political leaders. The position of leader, or **chief**, went to men in a certain family. Men who were chosen as chief usually had a reputation for generosity, maturity, and, in some cases, experience as a successful warrior.

Although chiefs were highly respected, they were not seen the way our political leaders are today. Just as one animal does not hold power over another, so too was it in First Nations philosophy that one person does not hold power over another. First Nations communities were societies of equals, split generally into families instead of classes.



Note:

The Huron lived in farming communities. Like the Iroquois, they grew beans, squash, and corn (the three sisters). The Huron also gathered wild foods and hunted animals.

Government of First Nations People

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One major point of difference between today's Canadian government and the pre-contact, traditional forms of government of First Nations people is the method of decision making. We generally accept the idea of majority rule. To First Nations Peoples, the idea of majority rule would seem tremendously unfair. In their opinion, it is not right to force people (the minority) to accept a course of action they do not believe in. When a decision had to be made in First Nations society, there would be discussion until a consensus (complete agreement) was reached.

LESSON 7: FROM TREATIES TO SELF- GOVERNMENT

Anishinaabe View of Law

Anishinaabe law is rooted in relationships. With each relationship comes responsibility, duty, and rights. Relationships among individuals, groups, and outside groups (other tribes or First Nations) had different responsibilities and rights. It was each person's duty to honour these rights and responsibilities. Before the coming of the Europeans, treaties were practiced by First Nations groups. This is an example of rights and responsibilities with outside groups.

Whenever the Anishinaabe people entered into a treaty with another First Nation, it was rooted in Anishinaabe law. Treaties were viewed as social contracts with ongoing obligations. It was a living agreement that changed with the changing needs of the two parties, not a rigid contract with set terms. Treaties were also made between parties who were socially, economically, and politically independent of one another. They were contracts between equals. One of the purposes of treaties was to ensure peaceful coexistence between nations, where each party had obligations to the other. In times of need, these treaties were used to provide assistance, to share in the gifts of mother Earth. In addition, there was a belief that if you had wealth (more than you needed), then you should share it with others. This way, when you are in need, others will share with you. This is a balance found in the Medicine Wheel teachings.

Soon after the arrival of the Europeans, treaties began between First Nations groups and the new arrivals. The Anishinaabe entered into fur trade treaties with Europeans. The Europeans, including the Hudson's Bay Company, followed Indigenous legal traditions and protocols when trading with the Anishinaabe. They grew to understand that treaties were not a one-time agreement. They were a living document that evolved as the needs of the parties evolved. (Think about how paper agreements are different from this.) Treaties created expectations on each group that, when met, the treaty would evolve as the relationship between each group was met.

Misunderstandings In Treaty 1

In Treaty 1, the Queen was referred to as mother and the Anishinaabe were the children of the Queen. The Anishinaabe understanding of kinship responsibility went beyond the European idea of duty to the Queen, whom the government referred to as mother in the agreement. In Anishinaabe understanding of kinship, the mother is responsible for equal treatment of all her children, to care for them, be kind to them, to love them, so that they can have a good life. The Anishinaabe felt that in calling the Queen "mother", she was making a promise to care for the Anishinaabe people as a mother would care for her children.

In addition, when Treaty 1 was negotiated, Anishinaabe traditional protocols were acknowledged. This means that the government recognized Anishinaabe law and that all the understandings you have just read about were recognized by the Anishinaabe as being part of the contract. There was an expectation on how the relationship between the Anishinaabe and the Crown would evolve and that each group would work towards meeting these expectations.

Another important misunderstanding was how each group viewed the land. The Anishinaabe relationship with Mother Earth defined what they could and could not negotiate in Treaty 1. The land was not something that could be bought or sold as it could not be owned. In fact, the Anishinaabe people believe that they belong to the Earth, as do other First Nations groups. This relationship to the Earth makes it clear that the Anishinaabe entered into Treaty 1 with the understanding of sharing what mother Earth provides. This means that Treaty 1 was not an exchanging of ownership.

There is much more that could be said on this topic. If you are interested, please go to your public library or buy a book on the topic. One such book is *Breathing Life into the Stone Fort Treaty: An Anishinaabe Understanding of Treaty One* by Aimée Craft. Much of the information you have just read about the Anishinaabe view of law came from this book.

The Numbered Treaties, 1871-1875

The first five of the eleven Numbered Treaties were signed by First Nations in Manitoba. These treaties covered most of the province, along with areas of Ontario and Saskatchewan. Some Manitoba First Nations also signed Treaties 6 and 10. The government's intent was to secure land for settlers (farming), the railroad, and industrial development. The government felt that the signed treaties meant that the First Nations were selling the rights to their land.

When the treaties were signed, the government offered to give the First Nations other land in exchange for giving up their rich land. In reality, this other land did not belong to the government.

Generally, Treaties 1, 2, and 5 included First Nations groups giving up land in exchange for reserve areas in the amount of 160 acres of land for each family of five. For larger or smaller families, that land would be apportioned based on the ratio of 160:5. (This means 32 acres per person.)

In Treaties 3 and 4, reserve land was allotted in the amount of 640 acres per family of five, a ratio of 640:5. This amounted to 128 acres per person, more than 4x the land given in Treaties 1 and 2.

The First Nations also agreed to maintain peace between themselves and the European settlers coming into the area, and they agreed not to interfere with the property of European settlers.

In the treaties, the government agreed to maintain a school on each reserve, to prohibit the sale of liquor to the First Nations people, and to pay an annual annuity of \$3.00 per person.

Cash gifts were given to each person after the treaties were signed in the amount of \$3.00 for Treaties 1 through 3 and \$12.00 for Treaties 4 through 6. These monies were not part of the negotiated treaties, but were considered as gifts to the people who took part in signing.

First Nations Peoples retained the right to hunt and fish on any land in the ceded area that was not occupied by European settlers. The reserve areas were also each given farm animals and farm implements to use but they did not own them. This means that the farm animals could not be sold or killed for food. This is an example of the unequal relationship as a result of the Numbered Treaties. It was the hope of the government that the people would follow the example of the incoming settlers and become farmers on their reserve lands.

The government also agreed to deal with any instance where European settlers chose land that was part of the reserve. The government could give the reserve land to the settlers, provided that the First Nations were compensated with an equal amount of land somewhere else.

The Indian Act, 1876

After Confederation in 1867, the Canadian government expanded westward. The First Nations Peoples living on the Prairies were viewed as standing in the way of expansion and progress. Between 1871 and 1875, five of the Numbered Treaties were signed by First Nations groups, in which they ceded (gave up) their traditional lands to the federal government. Once all the treaties were signed, the government created the *Indian Act* to create one set of laws regarding First Nations groups.

Take a few minutes to think about what you have already learned about the *Indian Act*. Do you remember what you read in

- Module 1, Lesson 4? Here, you read about Bill C-31, which changed the *Indian Act* because the act did not treat Indian women the same as men.
- Module 2, Lesson 1? Here, you were introduced to the *Indian Act*. You learned about how Indians became wards of the state, the definition of who was and was not an Indian, and some other information about the *Indian Act*.

Now would be a good time to review these two sections to refresh your memory.

The *Indian Act* was government legislation that had a clear goal—the assimilation of Indians into Canadian culture. This means that the government wanted all First Nations to become a part of Canadian society, to give up their way of life as well as their cultural beliefs.

At the same time, this legislation put Indians at the bottom of society. Indians did not receive equal treatment to other Canadian citizens.

- Indians could not buy or sell their land, or the animals they used on their land.
- Reserves had a government representative called the Indian Agent. This man was in charge of the reserve. If a person died, the Indian Agent would decide how this person's belongings would be distributed. If a law was broken, he could send an Indian to jail.
- The Pass System was also used on reserves. Indians could not leave the reserve without a pass given to them by the Indian Agent. It would limit where Indians could go, what they could buy, and how long they were allowed to leave. If they did not have a pass or did not follow the rules of the pass, they could go to jail.
- Traditional ceremonies, such as the potlatch and sun dance, were outlawed. Indians were no longer allowed to travel and meet in large groups.
- First Nations did not receive equal educational opportunities. Many did not receive more than a basic education and could not go to university or learn a trade.
- The Métis were not recognized as being Indian and therefore did not receive rights as Status Indians.

There are many other restrictions that were put on First Nations. This unfair treatment has been compared to apartheid (separation based on race) in South Africa after the Second World War. Here, Black people were separated from the rest of society. They were treated unequally, resulting in a distinct advantage for the White minority group in power. If you are interested in this topic, Google the words "apartheid South Africa" or "apartheid Canada" to learn more about this period.

Self-Government for First Nations, Métis, and Inuit Peoples in Canada

In 1951, the *Indian Act* was changed to remove certain bans. For example, First Nations were legally allowed to practice religious ceremonies such as the powwow and potlatch.

After 1951, and especially by the 1960s, First Nations people began to challenge the restrictions imposed by the *Indian Act* and started talking about their inherent right to self-government. *Inherent* in this case means that First Nations peoples were *always* self-governing and they never willingly gave up that right. In 1960, First Nations people finally gained the right to vote without having to give up their Indian status.

During the 1970s and 1980s there was a gradual transfer of governing power to First Nations band councils as well as the development of regional First Nations organizations. Two of these organizations are the Manitoba Keewatinook Inainew Okimowin (MKO) and the Southern Chiefs Organization. Both are in Manitoba.

First Nations Self-Government

So, what exactly does self-government look like for First Nations? As we move to this chapter of governing history, three models have been proposed:

1. **Sovereign State Model:** This would mean complete separation and independence from Canada. Few First Nations people favour this model. For many smaller communities, it would be impractical.
2. **Municipal Model:** First Nations communities would have governing powers like those of a town or city. They would control their own education, justice, child welfare, and culture. Many First Nations people have rejected this model because it does not give them enough governing power.
3. **Quasi-Provincial Status:** The federal government would continue to be responsible for areas such as banking, postal system, and foreign affairs. Issues such as taxation, lands, and criminal law would be under the jurisdiction of the First Nations communities themselves. This seems to be the path that self-government will take. This model appears to be the most favoured by First Nations people themselves.

In addition to First Nations self-government, there is also Métis and Inuit self-government. Here are a couple of examples.

Inuit Self-Government

One of the largest land claims and a model of Indigenous self-government is the creation of Nunavut in Canada's Arctic region. The people of the Inuit Tapirisat determined in 1977 that they would work towards the creation of a separate territory for the Inuit people.

In 1979, the Inuit Land Claims Commission explained the details and their position. The group was chaired by John Amagoalik, who became the first Premier of the new territory when it came into being in 1999.

The idea was taken to Canadian Parliament by Peter Ittinuar, the first Indigenous Canadian elected since Louis Riel. In 1982, the Northwest Territories asked its people to vote on the question of separating into two territories. The majority of people voted to separate.

In November of 1982, the federal government agreed in principle to the separation. On April 1, 1999, the new territory of Nunavut came into being in Canada. Nunavut contains one-fifth of the entire land mass of Canada. The government functions in the same way as the other territorial governments, but its population is mostly people of Inuit descent.

Métis Self-Government

When Manitoba became a province in 1870, the government promised to give the Métis children land in the amount of 5565 square kilometres. Part of this promised land is present-day Winnipeg.

In 1981, the Manitoba Métis Federation and the Native Council of Canada acted together in starting a land claim lawsuit against the Manitoba provincial government. Their argument was that the government was acting unconstitutionally in proposed amendments to the Manitoba Act.

In 1987, the case went to court and the Métis won. The Province of Manitoba appealed and this time the provincial government won. The Métis then took the case to the Supreme Court of Canada. This court ruling agreed that the Province of Manitoba and the Government of Canada did not fulfill sections 31 and 32 of the Manitoba Act and therefore acted unconstitutionally. Now, the Métis could apply for permission to make land claims.

As a result, the Métis people are now able to make land claims against the Province of Manitoba.



Do Learning Activity 2.6 and Assignment 2.2

LESSON 8: CURRENT ISSUES AFFECTING CANADA'S FIRST NATIONS, MÉTIS, AND INUIT PEOPLES

First Nations, Métis, and Inuit Population in Manitoba

In 2006, the population in Canada was 31,241,000 and the First Nations, Métis, and Inuit population was 1,172,785. This means that about 3.8% of the population in Canada was First Nations, Métis, and Inuit. In 2006, the Manitoba First Nations, Métis, and Inuit population was over 15%. This means that for every 100 people in Manitoba, 15 of them are First Nations, Métis, or Inuit.

Statistics Canada Manitoba Census Data		
	1996	2006
Total Manitoba Residents	1,100,295	1,133,515
First Nations Residents	82,990	100,640
Métis	46,195	71,805
Inuit	360	565

Justice in Manitoba

Filing a Complaint

When any citizen is concerned about the results of a court case or law enforcement, she or he may make a complaint. This complaint can go through as many as four steps. If the problem is not resolved at one step, the complaint moves on to the next step.

1. First, the complaint is reviewed. If it meets the criteria, it is accepted and can move to step 2.
2. Then, the complaint is investigated and a report is created.
3. If a resolution does not happen, the complaint is then taken to a review panel of up to five judges.
4. If the review panel feels the case is very serious, then an inquiry committee is formed.

Only the most serious cases go to an inquiry committee. Today, you will explore one of the most serious inquiries in Canadian history: the Aboriginal Justice Inquiry (AJI), which was formed in April of 1988. Why was this inquiry made? To understand the inquiry, we need to understand the two cases that caused it to happen.

Case #1: Helen Betty Osborne

Let us travel to northwestern Manitoba to a place called The Paa. This town is near Clearwater Lake, one of three truly blue lakes in the world. It is a place of beauty, where you can go fishing, hunting, hiking, or camping and enjoy the rugged beauty and the northern lights. Historically, it is the place where European fur traders met First Nations trappers to do business.

It is also a place where there was serious injustice. In The Paa, there lived a 19-year-old Cree girl named Helen Betty Osborne. The eldest of 12 children, Helen hoped to one day move back to her home community of Norway House to become a teacher. It was an early, cold November morning in 1971, and as Helen walked down the street, four men in a car pulled up to invite her to a party. They were named Lee Colgan, Dwayne Johnston, James Houghton, and Norman Manger. Helen refused, and then was forced into the car. The next morning, the police found Helen's body near Clearwater Lake.

The RCMP questioned all of Helen's friends, who were all First Nations people. They had no leads. Then, in May of 1972, the police received an anonymous letter naming three of the four men involved in Helen's death. The police searched the car used in the kidnapping and found blood, hair, and a piece of clothing. Then, another informant told the police the name of the fourth man. The four men refused to answer any questions the police asked them and so they were let go. There was not enough evidence to convict them.

Over 10 years later, in 1983, the case was reviewed by the RCMP in Thompson. Many people were interviewed, including two of the men who were involved in Helen's death (Colgan and Johnston). Fortunately, a number of people who heard these stories came forward to make statements. In October of 1986, these two men were charged with murder. Colgan traded immunity in exchange for testifying against Johnston and Houghton. In 1987, the court set Colgan free. Houghton was acquitted (he went free) and Manger was never charged. Johnston was the only one to pay for the crime. He received life in prison.

In this case, there were many people who could have come forward about the crime. Instead, it took 16 years to bring justice and only one person was sentenced for this crime. Did you know the following?

- Statistics Canada reports that 1 in 3 First Nations, Métis, and Inuit women have reported being a victim. (Only 1 in 4 non-First Nations, Métis, and Inuit people report being victims.)
- Why do you think only one in four First Nations, Métis, and Inuit women make a report when they are victims of crimes?

- The court case you just read was very public. It was covered in the newspapers, the radio, and on TV. In this case, a First Nations woman (Osborne) was killed and only one of the four men involved in her death went to jail.
- Do you think this is fair?
- How do you think the First Nations communities felt about this case?
- Do you see any connections between this court case and the statistics on violence against First Nations, Métis, and Inuit people?

If you are interested in learning more about this topic, you should research it on the Internet or at your local library. Here are a couple of sources that may interest you:

- *The Life of Helen Betty Osborne: A Graphic Novel* (comic book)
- *Conspiracy of Silence* (movie)

Case #2: J. J. Harper

John Joseph Harper was the executive director of the Island Lake Tribal Council in northern Manitoba. He was a community leader.

- On March 9, 1988, Harper was in the Weston area of Winnipeg when he was shot by a police officer named Robert Cross.
- On March 10, 1988, the Police Department investigated and the Firearms Board of Enquiry found that Cross was not responsible for Harper's death. This was because of the determination that Harper had pushed down the officer and repeatedly tried to take the officer's gun.
- On March 24, 1988, J. J. Harper's brother filed a complaint against Cross.
- The inquiry lasted 12 days and the Judge decided that Cross was innocent because Harper had pushed down the officer and repeatedly tried to take the officer's gun.

The Aboriginal Justice Inquiry

On April 13, 1988, a Public Inquiry was created by the Province of Manitoba to look into

1. the J. J. Harper case and the Helen Betty Osborne case.
2. the way the justice system treats all First Nations, Métis, and Inuit people.

When the Aboriginal Justice Inquiry investigated the treatment of First Nations, Métis, and Inuit people in the justice system, it found the following.

- First Nations, Métis, and Inuit people are more likely to be
 - denied bail
 - detained
 - put in jail

- **First Nations, Métis, and Inuit people are being denied social justice in a number of ways.**
 1. **Systemic racism (racism in the government system). This can be seen in institutions such as**
 - the courts
 - the jails
 - the police
 2. **A lack of equality in areas such as**
 - the economy (jobs, poverty)
 - society (racism, lack of self-government)

The investigation was conducted within the justice system. In addition, the AJI travelled to over 36 First Nations communities in Manitoba to listen to the concerns of First Nations, Métis, and Inuit people. Other people also spoke out about the problems and concerns about the legal system. Most of the experiences reported were negative. They tell of an abusive relationship with the police, where protection is limited and First Nations, Métis, and Inuit people are often the victims.

In 1991, the Aboriginal Justice Inquiry reported that they had identified significant discrimination against First Nations, Métis, and Inuit people in all parts of the justice system. When arrested, First Nations, Métis, and Inuit people were more likely than non-First Nations, Métis, and Inuit people to be denied bail. First Nations, Métis, and Inuit people spent more time in pre-trial detention and had less access to lawyers. In Manitoba prisons, First Nations, Métis, and Inuit people accounted for almost 60% of the population.

The AJI concluded that 25 areas of the justice system needed to be reformed. These changes ranged from eliminating delays before trials to selecting juries that better represent First Nations, Métis, and Inuit communities. AJI also proposed creating a First Nations, Métis, and Inuit justice system that would work alongside the provincial system.

Today, many of the recommendations of the AJI have been acted upon:

- In March 2002, Keewatin Community College (now called University College of the North) in The Pas began offering a Northern Restorative Justice Program aimed at teaching students alternative approaches to managing and resolving conflicts in First Nations, Métis, and Inuit communities. These approaches are similar to traditional First Nations, Métis, and Inuit Peoples' conflict resolution.
- In 2013, 11% of Winnipeg's police officers were First Nations, Métis, and Inuit, a considerable increase since J.J. Harper's death in 1988.
- In 2000, the Aboriginal Justice Inquiry Child Welfare Initiative was created. From this, Child and Family Services was restructured and is working towards First Nations and Métis communities creating and delivering their own services for child welfare. Now, All Nations Coordinated Response Network (ANCR) works with families to provide children with the support they need, which focuses on culturally appropriate services for the child.

In most First Nations, Métis, and Inuit societies, inheritance and family lineage came through the matrilineal (the mother's) line. Recognizing the matriarch as a natural leader was a basic part of traditional First Nations, Métis, and Inuit life and gave women a powerful voice in the decision-making processes of day-to-day living.



Notes:

The following definitions have been provided to help you with some terms.

- European society was traditionally patrilineal. This meant that title and inheritance passed through the father. The head of a family was the father. In traditional First Nations society, the head of the family unit was the mother; society was matrilineal; the head was a matriarch.

Prior to colonization, First Nations women played a big part in the governance of their people from roles and responsibilities to the well-being of all. These values were not only found in the leadership roles practiced by both men and women, but also in the beliefs and values of all people within each society.

From society to society, all women were honoured and respected. While the role of women changed from society to society, all First Nations groups relied on women to pass on the beliefs and values of their people to their family members. Women led their people in social, economic, and political governance. For example, women could be responsible for property and land.

Women made an enormous contribution to the health, welfare, and economies of their tribal communities and in most cases were responsible for the day-to-day operation of these communities. They looked after the decision making, children, the elders, and made major decisions regarding raids, food preparation, planting, shelter, and clothing. Since that time, the quality of life and Status of First Nations, Métis, and Inuit women in Canada has sharply decreased.

Inequality between men and women in First Nations societies started to creep in during the fur trade. European men viewed women as property and not as equals. It was these men who refused to trade with women. Later, the Canadian government reinforced this sexism in the *Indian Act*:

- Only males met the definition of "Indian."
- First Nations women lost their status when they married a non-Indian man. Bill C-31 changed this in 1985.
- First Nations women were not allowed to take on leadership roles such as Chief or council members. They also could not vote. This law was removed in 1951.

The patriarchal society that the Europeans brought disrupted the First Nations societies. The relationships between women and their communities began to change as influences from European society crept in. The *Indian Act* itself harmed women and girls, placing them at the bottom of their society. Only the male line was recognized by the government, and only men could lead. These ideas were harmful in so many ways and the damage caused is still felt today.

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According to the National Collaborating Centre for Aboriginal Health, First Nations, Métis, and Inuit women today live at a lower socioeconomic status than other Canadian women. Why is this? Many historical events have shaped the condition of First Nations, Métis, and Inuit Peoples in Canada and, in particular, First Nations, Métis, and Inuit women. These are a few:

- Until 1985, marrying a non-status man cost a First Nations woman both her Status and her right to live on reserve. Thousands upon thousands of women were displaced from their homes and culturally isolated.
- The effects of the residential school system, including the destruction of culture and physical, emotional, and sexual abuse, have resulted in a widespread cycle of trauma and abuse affecting generations of First Nations, Métis, and Inuit women and men.
- In the 1960s, government policies emphasized removing First Nations, Métis, and Inuit children from their communities and placing them in non-First Nations, Métis, and Inuit people's homes. This trend, known as the "Sixties Scoop," caused the break-up of many families and resulted in lost identity and culture. Many children were also subjected to trauma and abuse.

The Government of Canada has recognized the lower socioeconomic status of First Nations, Métis, and Inuit women and in May 2005 funded the work of the Native Women's Association of Canada (NWAC) to address racial and sexual violence against First Nations, Métis, and Inuit women. Over a five-year period (2005-2010), the federal government provided \$5 million to NWAC in response to its Sisters in Spirit proposal.



Note:

Socioeconomic status has to do with your place in society based on social and economic factors.

Sisters in Spirit

In recognition of the fact that the number of missing and murdered First Nations, Métis, and Inuit women is a serious issue, in 2005 the Government of Canada established a \$10 million fund to assist in improving the response of law enforcement and the justice system to this crisis and to ensure safety within the community. In addition, this fund supported the Sisters in Spirit (SIS) initiative, run by the Native Women's Association of Canada. Sisters in Spirit works specifically towards improving conditions for First Nations, Métis, and Inuit women and girls so that they are more safe and secure. SIS is focused on the following two goals:

1. Spreading awareness about the issue of missing and murdered First Nations, Métis, and Inuit women through
 - workshops
 - media
 - education and action toolkits
2. Research:
 - Compiling statistics of violence and deaths of First Nations, Métis, and Inuit women and girls
 - Interpreting statistics to find causes of violence
 - Making suggestions for the prevention of violence

Sisters in Spirit has also established the following:

- A national, toll-free hotline to report missing First Nations, Métis, and Inuit women.
- A national registry of missing First Nations, Métis, and Inuit women.
- A support team for families of victims that
 - provides a list of community resources
 - helps the families access government resources



Do Learning Activity 2.7

LESSON 9: CITIZENSHIP PARTICIPATION

Being a Citizen of Canada

Our rights as Canadian citizens are established in the *Canadian Charter of Rights and Freedoms*. These rights include fundamental freedoms, equality under the law, and official language and minority education rights. These rights also include the freedoms of conscience and religion, of thought, belief, and expression, the freedom to peaceful assembly, and freedom of association.

Very often people speak of their rights. You may have heard someone in real life or at least on television say, "Hey, you can't do that—it's against my rights!" Have you ever heard anyone say, "I have to do this; it's my responsibility as a citizen."? Most likely, you have not.

People who take their role as a citizen responsibly are said to be participating in active democratic citizenship. Being a democratic citizen means that you are aware of your responsibilities and your rights and that you know how you can contribute positively to your society.

Even though the *Canadian Charter of Rights and Freedoms* has no official list of citizens' obligations, we as citizens of this country have responsibilities. We can all contribute to society in one way or another, depending on our talents, background, energy, and time. Each person can find some way of participating in public life, be it individually or as a group. Here are a few ways:

- Take notice of an issue and form an educated opinion—be politically aware.
- Write a letter to a politician or to a newspaper expressing your views on an issue.
- Start or sign a petition that aims to affect government policy.
- Take part in a demonstration or march in support of a cause.
- Boycott a company or industry whose policies you view as unfavourable.
- Join a political party (most parties have youth divisions where you can become a member at age 14).

...a member of a community group; there are a variety of organizations— school, church, labour, chambers of commerce, youth, ethnic/cultural, and so on.

- Join a lobby group—this is a group whose aim is to influence government policy.
- Become a member of a non-governmental organization (NGO). These are non-profit groups that are not associated with the government, and who aim to realize particular social objectives (one example is Greenpeace).

What are your responsibilities as a citizen of Canada? Most people agree that as a citizen you should

- participate in the political life of the country
- obey the law
- pay your taxes
- respect the rights of others

The responsibilities of being a citizen may seem overwhelming. Remember, being a citizen is a challenging role, but it is a necessary one. The quality of our government depends on citizen awareness. An informed, active citizen is the best asset to any democracy.

Being a Citizen of the World

Have you ever heard the term *global village*? A Canadian professor named Marshall McLuhan coined this term in 1964. McLuhan observed that electronic communication systems such as the telephone, radio, and television were allowing people around the world to share ideas and information, regardless of physical distance. People could easily learn about current events happening around the globe and, likewise, they could be influenced by actions taking place in far-off regions. People had become so interconnected it was as though whole countries had been reduced to being more like neighbouring houses in a small village.

Marshall McLuhan created the concept of the global village many decades before the Internet was created. How do you think this technology has affected McLuhan's argument about global interconnections?

As global citizens, we have global responsibilities. The difference is that our duties now are on a world scale. What are some of the responsibilities of a global citizen? Awareness of world issues is the first step. There are several issues in the world that affect all peoples regardless of what country they call home. These issues include the following:

- Racism
- Working conditions of labourers
- The plight of refugees
- The impact of international laws and treaties
- The effects of environmental change

According to Oxfam, a global citizen is someone who

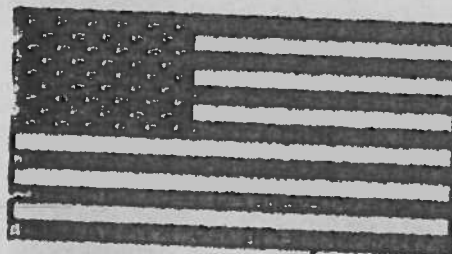
- knows about world issues and what he or she can do to contribute
- is an active member of local and global communities
- is responsible for his or her actions
- works towards a sustainable future
- promotes diversity

LESSON 10: DEMOCRATIC IDEALS IN CANADA

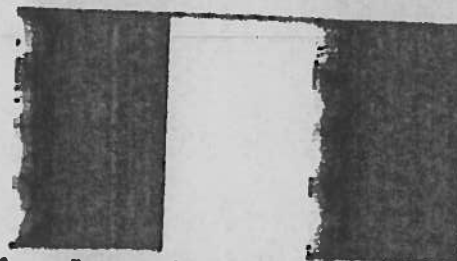
Democratic Ideals in Canada

The phrase *peace, order, and good government* is found in the first line of section 91 of the Canadian Constitution. This phrase has become meaningful to Canadians and defines Canadian values. Other countries have similar defining phrases in their constitutions. For example:

United States of America
"Life, liberty, and the pursuit of happiness."



France
"Liberté, égalité, fraternité."
 (Liberty, equality, fraternity)



"Peace, order, and good government" is a phrase that speaks of Canada's peaceful growth as a nation. Since Confederation in 1867, Canada has become a world leader in peacekeeping and conflict resolution; we are seen as a model of democratic ideals.

What do we mean by democratic ideals? An ideal is a perfect thing that is worthy of imitation; it is a model that one hopes to achieve. Democracy is a system of government in which the people hold power and delegate it to their elected representatives. So, a democratic ideal can be seen as follows:

Democracy
 System of government where the people elect representatives

Ideal
 A perfect model that is worthy of imitation

Democratic Ideal
 Canada: a peaceful, democratic country viewed as a world model

How have democratic ideals shaped our modern-day society in Canada? Canada has been a democratic nation since its creation in 1867. Our ideals of democracy have formed a country that is known nationally for its freedom and commitment to pluralism (the co-existence of groups with different ethnic, religious, or political backgrounds within one society) and known internationally for its commitment to peacekeeping and the broadening of democracy. Canada has become a model of democratic idealism. Consider these quotes from <canada4life.ca> about Canada:

■ **"In a world darkened by ethnic conflicts that literally tear nations apart, Canada has stood for all of us as a model of how people of different cultures can live and work together in peace, prosperity, and respect."**

(US President Bill Clinton, 1995)

- **"Canada is the only country in the world in which the majority is the moral guarantor of the minority."**

(Laurier LaPierre, CTV discussion, 2 July 1993)

- **"I am deeply moved by the warmth and courage of the Canadian people, which I felt so strongly during my recent visit to your country. Your support of the struggle against Apartheid restored me in my journey home and reassured me that many just people around the world are with us."**

(Archbishop Desmond Tutu of South Africa)

- **"Canada is probably the most free country in the world...where a [person] still has room to breathe, to spread out, to move forward, to move out; an open country with an open frontier...Canada has created harmony and cooperation among ethnic groups, and it must take this experience to the world because there is yet to be such an example of harmony and cooperation among ethnic groups."**

(Ukrainian dissident Valentyn Moroz, 1979)

The Advantages and Disadvantages of the Democratic Process

"It has been said that democracy is the worst form of government except all the others that have been tried."

This is a quote by a former British prime minister, Sir Winston Churchill. Most people take his quote to mean that there is no *perfect* form of government for society but that democracy is the best option overall. Traditionally, the purpose of democracy was to prevent tyranny. Tyranny is a system of government where the power to rule is in the hands of one person (or a very few), and where the leader has no responsibility to the people.

There is more than one form of democracy. In Canada, our democracy is called a *representative democracy*—a type of democracy where people elect government officials who then make decisions on their behalf.

There are definite advantages and disadvantages to our democratic system.

Advantages of democracy

- **Citizens have a voice in government because they elect their representatives.**
- **Citizens have a role in government because they influence their elected representatives, who in turn influence laws enacted by the government.**
- **Citizens may become part of government by running in elections for elected posts.**

Disadvantages of democracy

- The power in government rests with the majority (51%); it is possible that 49% of voters could be unhappy.
- Voter apathy (not caring): in the last few federal elections, participation by citizens has only been between 60 and 65%. In Manitoba, less than 60% of all residents voted in the federal elections.
- Voter apathy: if only 60% of citizens are bothering to vote, this means that as little as 24% of the electorate (people who are of age to vote) may choose the governing party of our country!
- Elected representatives (like Members of Parliament) may follow party lines (vote the same way that their political party does) on issues instead of voting in a way that represents their constituents (the people they are representing).
- Voter ignorance: Sir Winston Churchill once said, *"The best argument against democracy is a five-minute conversation with the average voter."* The vote of a politically uneducated person carries the same weight as the vote of a politically knowledgeable person.

In respect to the advantages and disadvantages of democracy, consider this quote by former United States President, Harry Truman: *"No government is ever perfect. One of the chief virtues of a democracy, however, is that its defects are always visible and, under democratic processes, can be pointed out and corrected."*

Majority Rules

"Majority rules!" Have you ever heard this phrase before, perhaps in a classroom, playground, or even at home? **"Majority rules"** means that more than one-half of a group makes a decision for the group as a whole. It seems like the fair way to come to group decisions, but what about the rest of the group? It is possible that 49% of a group would be unhappy with the decision. If there are three "groups" of people trying to come to a conclusion, the "majority" would need even less than 49% to win. Consider the following scenario:

Twenty-one people must come to a decision on what to name their soccer team. The 21 people have fractured into three subgroups. Group A wants to call the team "Aces F.C.", Group B wants to call the team "Legends," and Group C wants to call the team "The Strikers." To be fair, the team captain decides that the team will vote on the new team name and majority will rule in the final decision. Here are the results:

- 9 votes for the name "Aces F.C."
- 8 votes for the name "Legends"
- 4 votes for the name "The Strikers"

The soccer team's new name is the Aces F.C. because the majority of the players opted for that name. However, only 43% of the team chose the name! How do you think the minority feels in this situation?

Situations like this happen in real-life democracies such as Canada. In the 2008 federal election, Stephen Harper and the Conservative Party established a minority government. Here is the breakdown of the 308 seats in the House of Commons after the 2008 federal election:

Political Party	Number of Seats in the House of Commons	Percent of Total Seats (308)
Conservatives	143	46%
Liberals	77	25%
Bloc Québécois	49	16%
New Democratic Party	37	12%
Independent	2	0.6%

Let's do a little "majority rules" math now:

- The Conservatives won the election because they had the most seats in the House of Commons—143.
 - 143 divided by 308 equals 46%.
 - They formed the Government of Canada with 46% of the seats.
- The parties in the minority position (the Liberals, Bloc Québécois, NDP, and one independent member) make up 54% of the MPs in Parliament.
- Statistics from the 2008 federal election tell us that only 59.1% of voters cast their ballots; therefore, we can say that only 27.2% of Canadians chose the Conservatives to govern this country. ($59.1 \text{ voters} \times 46\text{-percent in the House of Commons}$)

The two previous federal elections also elected minority governments:

- in 2004 Paul Martin and the Liberal party won with 44% of the Parliament seats
- in 2006 the Conservatives were elected with only 40% of the seats

In Lesson 6, you read about First Nations Traditional Government. It read:

To First Nations Peoples, the idea of majority rule would seem tremendously unfair. In their opinion, it is not right to force people (the minority) to accept a course of action they do not believe in. When a decision had to be made in First Nations society, there would be discussion until a consensus (complete agreement) was reached.

"Some people call a democratic system the 'tyranny of the majority.' This means that the majority are forcing the minority to accept a course of action they do not believe in."

(Laurier LaPlante, CTV discussion, 2 July 1993)

How does the *majority rules* concept affect groups of minorities and marginalized groups in Canada?

Note:

The *Employment Equity Act* defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-White in colour."



Visible Minorities

During the Canadian federal election of 1993, few people belonging to an ethnic minority ran in the election as candidates. In the end, only 13 people who were visible minorities were elected as Members of Parliament (MPs). There are 308 seats that are filled by elected MPs in the House of Commons. This means that only 4.2% of the seats were represented by individuals who were identified as a visible minority (13 divided by 308 = 0.042). However, visible minorities represented 9.4% of the Canadian population in 1993. From these statistics, you can conclude that the House of Commons was not representing the diversity of the Canadian population.



Note:

A federal election means that every citizen over 18 years of age across the country can vote. These people vote for someone to become a Member of Parliament for their particular ridings. Canada is divided into 308 ridings. To help you understand ridings, imagine Canada as a puzzle with 308 pieces. Each piece, or riding, represents a section of the population.

Jumping forward to 2008, 21 MPs were elected who were members of a visible minority group. This represented 6.8% of the seats in the House of Commons. Once again, the percentage of visible minorities in the Canadian population was greater. In fact, it was much greater at 17.3%. Let's take a look at this information in a table.

Year	1993	2008
Number of MPs who are members of visible minorities	13	21
Percentage of MPs who are members of visible minorities in the House of Commons (total = 308 seats)	4.4%	6.8%
Percentage of the population who are members of visible minorities	9.4%	17.3%

In 1993, there were only 13 MPs who were members of a visible minority group. In 2008, there were 21. If you look only at the number of MPs who are members of a visible minority group, you may think that things are going well. However, if you look at the percentages, you will notice that as our visible minority population increases, this increase is not as high in the House of Commons.

One could expect that the percentage of the population who are visible minorities should be identical to the percentage of MPs who are visible minorities. That is not so. In 1993, the percentage of the population who are visible minorities was 9.4%. This is just over double the percentage of MPs who are visible minorities in the House of Commons. In 2008, the percentage of the population who are visible minorities was 17.3%. This is almost triple the percentage of MPs who are visible minorities in the House of Commons.

Women

You can also see inequity in the House of Commons when you look at the number of women MPs. In 1993, there were 53 women elected as MPs. In the House of Commons, this represented 17.2% of MPs. In 2008, 69 women were elected as MPs. This represented 22.4% of the House of Commons. When compared to the table above, it is obvious that there are more women in the House of Commons than there are people who are visible minorities. However, as of 2008, women represented just over half of the population at 50.4%.

For both people who are visible minorities and women, this lack of representation in the House of Commons is an issue. Sometimes women and people who are visible minorities believe they are marginalized in the political arena. They feel left out and less important because they see no one representing their interests at the federal level of government. Some people believe that our system of democracy needs to be reworked so that all Canadians, regardless of race, sex, or wealth, feel as though they are represented in government. What do you think?



Note:

In this context, *marginalized* means to limit the power of a group so that it is harder for them to communicate their needs and wants. For women and visible minorities, who have not been fairly represented in Canadian politics, it means that the issues that these two groups care about have been left out of the political decision-making process. For example, many women and visible minorities face the problem of discrimination in the workplace. They feel that this is a serious issue and yet many feel this topic is not being given priority in politics.



Do Learning Activity 2.9 and Assignment 2.3