



FIRST VOICE
Urban Indigenous Coalition

Indigenous Justice Action Circle (IJAC)

Terms of Reference

Adopted November 15, 2023

1. PURPOSE

The purpose of the First Voice Indigenous Justice Action Circle (the “Action Circle”) is to promote, support, and coordinate work to advance priority Calls for Change specific to the legal community and other actors in the justice system in Newfoundland and Labrador. These priority Calls for Change are appended to these *Terms of Reference* as Schedule Ax.

2. MANDATE

The Action Circle is constituted under the First Voice *Coalition Charter* and is accountable to the First Voice Partnership Table. In pursuing its Purpose, the Action Circle shall strive to be fully inclusive of all Indigenous Peoples in the province.

3. SCOPE OF WORK

The Action Circle’s Scope of Work includes the following:

- (a) Developing and delivering justice-specific antiracism training in line with TRC 57, appended to these *Terms of Reference* as Schedule B;
- (b) Expanding the availability and use of restorative justice programs;
- (c) Researching effective policies and practices to reduce the over-incarceration of Indigenous people, including the use of Gladue reports in sentencing;
- (d) Supporting the implementation of one or more Indigenous navigator positions within the criminal justice system; and
- (e) Promoting greater understanding of UNDRIP among actors in the justice system and their alignment with the Declaration’s minimum human rights standards.

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4. MEMBERSHIP

1.1 Co-Chairs

(a) The Action Circle shall be led by the following Co-Chairs:

- Human Rights Commission of Newfoundland and Labrador, as represented by its Executive Director or another duly assigned delegate; and
- First Voice Community Advocate Lisa Smith.

(b) The Co-Chairs have the following powers and responsibilities:

- Setting the substantive direction of the Action Circle;
- Reporting to the First Voice Partnership Table on the work of the Action Circle;
- Inviting appropriate individuals to participate in the work of the Action Circle as needed; and
- Publicly Representing the Action Circle.

1.2 Partners, Contributors, and Individual Supporters

In addition to the two Co-Chairs, the following organizations and individuals are members of the Action Circle:

(a) First Voice Organizational Partners

- First Light St. John's Friendship Centre
- Stella's Circle
- St. John's Status of Women Council

(b) Organizational Contributors

- Department of Justice and Public Safety
- Flat Bay Band
- Law Society of Newfoundland and Labrador
- Legal Aid NL
- Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (NLSACPC)
- Nunatsiavut Government
- Public Legal Information Association of Newfoundland and Labrador (PLIAN)
- Public Prosecutor Service of Canada
- Relationships First NL

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- Serious Incident Response Team of Newfoundland and Labrador (SIRT-NL)
- The Journey Project
- Qalipu First Nation

(c) Individual Supporters

- Catherine Fagan, B.C.L., LL.B.
- Kelly Simms (First Voice Community Advocate)
- Judge Robin Fowler
- Prof. Rosemary Ricciardelli
- Rutanya Wynes (First Voice Community Advocate)

4.3 Ex Officio Members

All members of the First Voice Partnership Table are entitled to participate in the Action Circle at their own discretion.

4.4 Code of Conduct

Everyone who participates in the Action Circle agrees, by virtue of their participation, to abide by the First Voice *Code of Conduct*.

5. DECISION-MAKING

5.1 Consensus

All substantive decisions related to the Action Circle's work shall be made by consensus among its members. As defined in the First Voice *Coalition Charter*, "consensus" means that everyone involved in making the decision:

- Feels they have been heard;
- Understands the reasons for the decision and the need to take action; and
- Can support the final outcome, even if they personally hold an opposing view.

In the event that consensus cannot be reached, the Co-Chairs may call a vote whereby a final decision is made by (a) a majority of voting members; and (b) a majority of voting members who are Indigenous.

Observers are not entitled to be present during the decision-making process.

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5.2 Quorum

No final decisions shall be made at any meeting of the Action Circle unless the following members are present:

1. At least one of the two Co-Chairs;
2. A majority of First Voice Partner organizations, as represented by their duly designated delegate(s); and
3. A majority of Indigenous individuals who are active members of the Action Circle.

In the event that these conditions are not met, decision-making powers of those present shall be limited to proposing tentative decisions to be ratified or rejected according to Article 5.3 below.

5.3 Indigenous Leadership

No final decision shall be made without a majority of Indigenous individuals who are members of the Action Circle having had an opportunity to participate in the decision-making process, whether at or following a meeting of the Action Circle.

6. ADMINISTRATION

Through its Action Circle Coordinator, First Voice is responsible for providing all necessary administrative support to ensure the Action Circle is able to carry out its work. This includes:

- Coordinating and facilitating all meetings, including compiling and circulating agendas, meeting minutes, and other meeting papers in a timely manner;
- Supporting the active participation of all members in the Action Circle's decision-making process, and particularly those who identify as Indigenous;
- Facilitating information-sharing between and among participants and other stakeholders, including drafting and disseminating reports;
- Obtaining any necessary research support;
- Ensuring compliance with the Action Circle's *Terms of Reference* and the First Voice *Coalition Charter and Code of Conduct*.

7. AMENDMENTS

Amendments to these *Terms of Reference* may be proposed, via the Action Circle's Co-Chairs, to the First Voice Partnership Table for consideration at its regular monthly meeting. The

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Partnership Table has final decision-making authority with respect to these *Terms of Reference*.

SCHEDULE A:
PRIORITY FIRST VOICE CALLS FOR CHANGE

Call for Change 6. Build strategic partnerships to support the development and delivery of sector-specific anti-racism training in essential areas such as health, law, education, engineering, and government services.

Call for Change 7. Collaborate with professional licensing bodies in essential areas such as health, law, education, and engineering to establish appropriate requirements that encompass antiracism and the histories and cultures of Indigenous Peoples.

Call for Change 35. Ensure the availability of Indigenous cultural programming within the corrections system.

Call for Change 36. Promote and support the implementation of an Indigenous navigator position within the criminal justice and child welfare systems.

Call for Change 37. Promote and support the availability and use of restorative justice programs.

Call for Change 38. Promote and support the implementation of Gladue reports in sentencing.

Call for Change 40. Advocate for the adoption and full implementation of UNDRIP at all levels of government.

SCHEDULE B:
CALL TO ACTION 57 OF THE TRUTH AND RECONCILIATION COMMISSION

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