



EAGLE FEATHERS NOW AVAILABLE IN ALL NOVA SCOTIA COURTS

Thursday, Nov. 8, 2018 (Halifax, NS) – Indigenous witnesses, accused individuals, victims and others appearing in the Nova Scotia Courts will now have the option to take legal affirmations with a sacred eagle feather.

Members of the Nova Scotia Judiciary joined Mi'kmaq leaders from across the province at an event in Halifax today, Nov. 8, to officially launch the initiative.

“Our work with the Mi'kmaq community in Nova Scotia has taught us that the eagle feather is an important symbol of spirituality that is used in many Indigenous traditions,” said The Hon. Michael MacDonald, Chief Justice of Nova Scotia. “Introducing the feather into the existing court process will help ensure a more inclusive and relevant legal system for First Nations peoples and is another step toward reconciliation with Nova Scotia’s Indigenous community.”

Each main courthouse in the province will have one eagle feather for courtroom use and a second for the front counter. The feather will be available in courtrooms for taking an affirmation in the same way that a Bible is available to swear an oath. Those testifying may hold the eagle feather, or have it placed in front of them, while affirming to tell the truth. Individuals are also permitted to bring their own eagle feathers with them to court.

Chief Paul J. Prosper, Justice Lead for the Assembly of Nova Scotia Mi'kmaq Chiefs, spoke with the judges about the symbolism of the eagle feather, as well as the history and significance of the Honour Song, smudging and the role of Elders in the Indigenous community.

“We are proud that Nova Scotia continues to lead the way for recognition of our unique culture and traditions,” Chief Prosper said. “Eagle feathers are a sacred part of our spirituality and its introduction for legal affirmations into the Nova Scotia Courts is significant for both the Judiciary and the Mi'kmaq of Nova Scotia.”

“I want to congratulate the Nova Scotia Courts for their leadership in providing the eagle feather to every courthouse across the province,” said Mark Furey, Minister of Justice and Attorney General. “We all want our justice system to be more responsive and sensitive to Indigenous culture and the eagle feather represents such a powerful spiritual symbol and sign of respect for the Mi'kmaq people.”

The Nova Scotia Courts have taken several other steps to help improve access to justice for the Indigenous community.

“It is clear that in many instances, the legal system as it exists today is not meeting the needs of First Nations peoples,” said The Hon. Joseph Kennedy, Chief Justice of the Supreme Court of Nova Scotia. “A big part of that is not fully understanding the history and unique challenges facing this community — challenges that are contributing greatly to why many from the Indigenous community become involved in the legal system in the first place.”

With that in mind, Nova Scotia judges from the Supreme Court (Family Division) and the Family Court have visited Membertou and Millbrook First Nations to learn more about the challenges facing Indigenous communities, particularly in the realm of child protection. The Nova Scotia Court of Appeal and Family Division judges also held meetings at the Mi'kmaw Native Friendship Centre in Halifax to learn more about the services that centre provides.

The Nova Scotia Judiciary took another important step toward reconciliation in June when it celebrated the grand opening of the new courthouse in Wagmatcook First Nation. That court is among the few in the country that holds regular sittings on reserve and fully incorporates Indigenous restorative justice traditions and customs, including the eagle feather. Nova Scotia also operates a satellite court out of Eskasoni First Nation.

“Wagmatcook was the first in Nova Scotia to regularly use the eagle feather in court,” said The Hon. Pamela Williams, Chief Judge of the Provincial and Family Courts. “Since the Provincial Court and the Supreme Court (Family Division) started sitting there, the Wagmatcook model has quickly emerged as a successful example for other jurisdictions considering Indigenous court programs.”

Other initiatives aimed at improving access to justice for the Indigenous community include resources in the Mi'kmaw language that the Supreme Court (Family Division) helped develop to assist parents whose children have been taken into custody. A booklet and videos are posted on the Courts of Nova Scotia website and hard copies are available at family courthouses across the province.

The Supreme Court (Family Division) also plans to establish a liaison committee involving lawyers, judges and community leaders that will advise the Court on access to justice and other related issues facing families and children in culturally diverse communities.

Another example is the Nova Scotia Mental Health Court Program in Dartmouth, which partners with the Mi'kmaq Legal Support Network (MLSN). The court team there includes a dedicated court worker from MLSN to ensure the cultural and other unique needs of its Indigenous participants are considered throughout the court process.

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