

The criminal justice system in canada criminology essay



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Cultural factors under criminal justice has been a big problem of this country for a very long time and just because things have started to change it do not mean people perceptions have changed. However, there has been little consideration of the role of cultural factors in the trial process for criminal defendants, particularly in the phase of trial. It is not against the law for some of the diverse cultural to marry more than one wife but in Canada having more than one spouse can get you in trouble. The criminal justice has to consider the minority to maintain their culture practice and not to accuse them. The criminal justice system needs to consider cultural factors during sentencing because every person learns from their society in which he or she is born. Forcing people to change their cultural beliefs is not fair. Diversity cultural defense claim that members of the dominant group do not need a cultural factor defense in criminal justice sentencing, since the law already embodies their cultural values. White is worn by the bride during a marriage ceremony in Canada but is worn at funeral in China. In many countries, modern witchcraft killing cases continue to take place. Killing witchcraft in some countries is legal as they are compared to gangsters in American version. (Gary 2002). The law allows Gay practice in Canada and the United State of America but to some other countries around the world, they believe is abomination to their religion rules and conduct. When people practice gay relationship in different countries, the criminal of justice in that country consider them in many ways during sentencing, if they can do such for us, why not us doing for them. Dominant group prefer diverse cultures to learn integration but we all must learn about other people's culture and vice versa.

In the past years, the Aboriginal people have been having problem such as, fighting to be understood and fighting for equal rights with the municipal, provincial and federal government. Aboriginal people in Canada are sometime called First Nation People, Indian, or Indigenous peoples. Now among other things, Canadian Aboriginals are fighting for the continued right of self-government. Therefore, the Aboriginal people have face discrimination and disadvantage in the hands of law. For generations, the Aboriginal people have struggled for equality under the criminal justice system and elsewhere. Unequal treatment of minority and non-minority accused at sentencing is an important issue in Canada but measures must be putting in place for every ethnicity to practice their cultural. Aborigines only make 3. 8 percent of the Canadian population overall, but they make up to 19 percent of the Canadian prison population. However, a study of Aboriginal admissions to provincial correctional centre concluded that 50 percent of the offences committed by these offenders were alcohol related. Only 10 percent of the crime were committed by aboriginal offenders were against a persons (Canada 2006). These indicate that aboriginal offenders are incarcerated in the provincial and federal correctional system for minor infractions, rather than criminal problems. Most of the time, the Aboriginal accused are more likely to denied bails and not having legal representation at court proceeding. Aboriginal people often plead guilty because they are less confident by the court and simply want to get the proceedings over with. Criminologists discovered that Aboriginal crime is very different from non-Aboriginal crime. A study found a higher proportion of violent and social disorder offences were committed by Aboriginal than non-Aboriginal offenders (Fewer property offences and almost no crimes for profit, such as <https://assignbuster.com/the-criminal-justice-system-in-canada-criminology-essay/>

drug trafficking, fraud, and armed robberies, were committed by Aboriginal people (Gary 2002)

The fight to self government includes the right to a separate Aboriginal justice system based upon Aboriginal values, philosophies, customs and traditions. It has become increasingly clear to Aboriginal people that the Canadian criminal justice system is not addressing their needs at a satisfactory pace, including their demands for more control and authority in resolving criminal disputes within their communities. Aboriginal rights and right of self government include having control over the administration of justice for their own people. The Métis believe that for any real or positive change to take place within the justice system they must have say in such matters. The relationship of the aboriginal peoples to the law and the judicial system is a major issue at present and will continue to be for most self-governing units. On 1996 the Canadian parliament introduced major changes in criminal code of Canada. One of it changes was to arrange laws for the first time in Canada history, of the purpose and principles of sentencing. Section 718. 2(e) of criminal code of Canada state that, “ all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders with particular attention to the circumstance of Aboriginal offenders” (Canada 2006). However Non Aboriginal people believe that, this criminal code of Canada 718. 2(e) play discrimination in criminal justice of Canada. Due to the criminal code of Canada 718. 2(e) Law enforcement faces ethical dilemma in many cases. The dominant group must to understand that, is not good to force someone to change their cultural. Everyone must be allowed to practice their culture

and the criminal justice must look into consideration in cultural factors before sentencing but not in favour only of the dominant group.

Following the above explanations it is clear that a person cultural factor should be allowed playing role in criminal justice sentencing. Many Canadians are unaware of the enormous problems that the First Nations peoples have faced on the road to political recognition in this country. The past cannot be changed, but yesterday's injustices can be corrected by today's political leaders. However, under the criminal justice system there is no black or white, Aboriginal or Non Aboriginal, we are all equal. Unequal treatment of minority and non-minority accused at sentencing is an important issue in Canada but measures must be putting in place for every ethnicity to practice their cultural. To change this situation will require a real commitment to ending social equality in Canadian society, something to which no government in Canada has committed itself to date. This will be a far reaching involve much more than the justice system as it is understood currently. It will require government to commit themselves to economic and social policies that will allow Aboriginal citizen to participate fully in Canadian life. Aboriginal self-government is an attempt by aboriginal to regain the authority necessary to determine their own fate. Self government initiative would recognize First Nation people as distinct nations and could provide the authority for Aboriginal community to determine and control their culture language, educational, health and judicial processes.