

Separate systems for aboriginal people in canada



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Aboriginal tribes of Canada constitute 3% of the total population but their legal offenders, prosecuted and sentenced, represent more than 20% of the total offenders serving their sentence (Statistics Canada, 2005). The statistics are testament to the discriminatory practices and unequal representation of the people who are in minority and have the socio-economic disadvantage that are enjoyed by the majority white population. Several aboriginal groups and state commissions have proposed separate justice system that would be able to better address the needs and requirements of the aboriginals in Canada. We would therefore be discussing the pros and cons of the separate justice system.

Advantages of separate system

The aboriginal tribes of Canada have distinct identity with unique traditions and cultures that have been passed on to the successive generations through the centuries. Their cultural identities have survived the tests of the time but recently their evolution has seen their inclusion in the so called mainstream population of the whites which has not been to their advantage. The separate legal system would go a long way in restoring their self confidence and help them to enact laws that are responsive to their needs and may conform to their traditional values and cultural paradigms.

A separate legal system would also facilitate a wider scope of decision making processes that are not dominated by the understanding and narrow interpretations of the white population. Legal systems are designed to support the needs and requirements of the community and a separate justice system for the aboriginal tribes would be fulfilling the wider aims and objectives of the state constitution and legal system. It is also seen that a separate system would be the enabling factor that would help them to gain

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control over the justice system for their people.

Disadvantages of a separate system

The aboriginal population is an integral part of Canada and the Canadian state is morally bound to develop strategies and programs that would facilitate their socio-economic development so that they can rise beyond their poverty and participate in the overall development of the nation. A separate legal system would hinder the basic objectives of the state and adversely affect the socio-economic development of the tribes to improve their standard of living as envisaged by the state.

National constitution is a strong representative of the people of the state and the legal and justice system is designed to provide uniform code of conduct for its people. A separate system for the aboriginals would represent a failure of the core constitution to meet the needs and requirements of the tribes. It may also send a subtle message of deliberate lack of understanding to the world, while meting out justice to the aboriginal tribes.

At the same time, it is important that the aboriginal tribes must participate side by side with the majority white population and develop wider understanding of each other so that together they can take pride in the development of their country. It would only be possible if there is single justice system that is fair and understanding towards one and all so that there is no scope of discriminatory practices.

Reference

Statistics Canada. (2205). Collecting Data on Aboriginal People in the Criminal Justice System: Methods and Challenges. Canadian Centre of Justice Statistics. Prepared by Rebecca Kong & Karen Beattie. Published by Ministry of Industries. Ottawa.

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