Aboriginal peoples, the administration of justice and the autonomy agenda: An assessment of the status of criminal justice reform in Canada with reference to the Prairie region

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Abstract:
For more than 20 years the Canadian criminal justice system has been the subject of reforms designed to address overwhelming evidence of the system's disproportionate and discriminatory impact on Aboriginal peoples. For the most part, this approach has been unsuccessful, primarily because of a failure to recognize the critical nexus between justice reform and the demand of the First Nations, Metis and Inuit peoples of Canada for constitutional recognition of their right to govern in their own communities. An examination of several recent reports of Aboriginal justice inquiries suggests that this connection is finally being made, with the consequence that community-based autonomy has emerged as the underlying principle of justice reform initiatives. Recommendations for the establishment of comprehensive Aboriginal justice systems as a component of the inherent right of Aboriginal self-government are illustrative of a dramatic and encouraging re-direction of the reform agenda. However, before this major restructuring of the Canadian justice landscape can be effected, several key issues including the role of the Charter of Rights and Freedoms, and the jurisdictional framework for Aboriginal justice autonomy, must be resolved. Depuis plus de 20 ans, le systeme de justice criminel canadien a ete le sujet de reformes qui ont ete concues pour aborder les impacts de la disproportionalite et de la discrimination du systeme judiciere envers les peuples autochtones. En general, cette approche a connu peu de succes du au manque de connaissance des points critiques qui lient la reforme judiciaire et les demandes des Premiere Nations, des Metis et des peuples Inuit du Canada pour la reconnaissance de leurs droits constitutionnels qui leurs reservent le droit a l'auto-determination de leur communaut du que. Un examen de plusieurs recents rapports de demandes de justice autochtones suggere qu'une entente a finalement ete convenu, ayant pour consequences l'emergence de l'autonomie de la communaute comme le principe de base des nouvelles initiatives de la reforme judiciere. Les recommendations pour l'establissement complet du systeme de justice autochtones comme une composante de droits inherents des autochtones a l'auto-determination gouvernementale, demonstre un changement de direction dramatique mais encourageant de la reforme a l'ordre du jour. Cependant, avant qu'une restructuration majeure de la justice canadienne soit mis en application, plusieurs problemes cles, tel la Charte des droits et libertes et l'autonomie de la structure de jurisdiction de la justice autochtones, devront etre resolus.

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in Aboriginal communities is raised as a means of reducing crime and building relationships. Justice Louis Brandeis famously described the states as “laboratories of democracy,” and the states that have managed to reduce incarceration rates while also seeing crime rates drop have run exceptionally successful experiments.[22] Many of these successes have come in “red states,” generally in the South or the Midwest. A new agenda. A limited-government perspective on criminal justice is captured by one pithy observation: “Prison is for people we’re scared of, not people we’re mad at.” Limited prison space should generally be reserved for violent offenders. Some of the recommendations above relate to state policies and reforms and some to federal, and it is vital to respect the line between the two.