Globe editorial

**Why aboriginal people are underrepresented on juries**

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The underrepresentation of natives on Canadian juries is an issue with many dimensions. It emerges clearly from a report by Frank Iacobucci, a former justice of the Supreme Court of Canada, published \*on Tuesday, that the problem is the result not only of a lack of effort on the part of officials to obtain well-balanced juries but also of a reluctance by many aboriginals to take part in the court system, for which they feel a very understandable mistrust and alienation.

Mr. Iacobucci’s review was commissioned by the attorney-general of Ontario, but essentially the same deficiencies and difficulties are found in other parts of Canada – as also in Australia and New Zealand – where aboriginals constitute a high proportion of the population.

The practice has often been to draw names for juror from municipal property-tax rolls, but residents of reserves are not municipal taxpayers in the first place. Moreover, reserves are often far away from the towns where the courthouses are.

Among the more insidious ways of excluding aboriginals from active participation is the ease with which lawyers – especially prosecutors, when the defendant is a native – can reject potential jurors by a “peremptory challenge,” that is, without any specific objection. Although the word “systemic” can be a slippery one, Mr. Iacobucci’s conclusion that the justice system is systemically biased against natives is reasonable.The report does not offer quick solutions, but rather such measures as the persistent harvesting of names from a variety of government sources, including health-care cards and drivers’ licences, as well as continuing committees and an assistant deputy attorney-general dedicated to the whole issue.

One of Mr. Iacobucci’s more encouraging and interesting findings is that many natives would be quite willing to take part as jurors on coroner’s inquests, though they may be reluctant to do so in criminal trials; they prefer to discover and understand causes of deaths and how to prevent them, rather than to draw conclusion that will lead to punishments.

Officials must be assiduous in making sure natives take an active part in juries, and natives should try to overcome their mistrust of the justice system.