



Opinion

An open letter to the minister of justice

943 words

29 September 2006

[The Toronto Star](#)

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Dear Vic Toews,

As part of a package of program and spending cuts announced on Sept. 25, the government of Canada has decided to close the Law Commission of Canada. As former and present members of the commission's Citizens' Advisory Council, researchers who have contributed to the commission's work, and citizens who recognize the importance of its contributions to justice in Canada, we ask that you reconsider this action and restore funding to this vital and important agency.

In 1992, a previous government abolished Canada's path-breaking Law Reform Commission. It took five years before the federal government realized the value of what had been lost, and established the new commission in 1997. We urge you to avoid making this mistake again.

The mission of the law commission is to engage Canadians in the renewal of the law to ensure that it is relevant, responsive, effective, equally accessible to all and just.

Its mandate is to provide independent, non-partisan advice to the government to ensure that our laws and legal system meet the changing needs of Canadian society and its citizens. It also stands ready to advise the government on specific questions referred to it by your office.

The social issues Canadians face in their communities are complex and dynamic. The law commission facilitates an approach to law reform that recognizes this complexity and is equal both to Canada's diversity and to its common commitments to justice, equality, fairness and accountability.

Since its inception, the commission has addressed a range of difficult questions. How can the law be used to restore the dignity of those who have suffered institutional child abuse? How can law better support close adult personal relationships? What should the relationship be between public and private law enforcement?

How can law support participatory and restorative justice? How should age be used as a category in law? Does contemporary labour law adequately address the realities of working in the new economy?

What can we learn from our country's indigenous legal traditions? Does Canada's electoral system produce just outcomes? What is the status of Canada's laws beyond its borders? When is criminal law the best means to control unwanted social behaviours? When are other alternatives preferable?

These are complicated questions that go to the heart of justice in this country. The Law Commission of Canada has been uniquely positioned to address them. Parliament and the ministry of justice develop policy and make laws.

The law commission does neither. Instead, it gathers the best expertise and sponsors comprehensive research on the toughest questions. Most important, it engages Canadians directly in deliberating upon how law and the legal system can best serve their communities.

Through its citizens' advisory council, and through innumerable forums, roundtables and consultations held across the country on a regular basis, the commission engages diverse Canadians from all walks of life in debate and discussion about their laws and legal system.

In this way, it fulfills its mission to ensure that law is relevant to Canadians, by actively ensuring that Canadians always remain relevant to the law, and to those who make and enforce it.

The quality of debate and proposals that emerges from this process is nothing short of outstanding. In the nine years of its existence, the Law Commission of Canada has become a model of best practices to law reform bodies operating in more than 60 countries throughout the world.

Should you close it down, Canada will go from being a country that boasts one of the world's finest such bodies to one that does not have a law reform commission at all.

Sadly, Canada's international reputation is only the least of that which will suffer should the closure of the law commission proceed. Once again, we urge you to reconsider.

Signed:

June Callwood, Companion of the Order of Canada; Doris Anderson, Companion of the Order of Canada and past-president, Canadian Advisory Council on the Status of Women; Dr. Marie-Andree Bertrand, professor emeritus, University of Montreal and Officier de l'Ordre national du Quebec; Dr. Darin Barney, Canada Research Chair in Technology & Citizenship, McGill University; Robert Menzies, professor and J.S. Woodsworth Resident Scholar, Simon Fraser University; Dr. Philip Stenning, professor of criminology, Keele University, U.K.; Gordon Christie, associate professor and director, First Nations Legal Studies Program, Faculty of Law, University of British Columbia; Susan B. Boyd, professor of law and director, Centre for Feminist Legal Studies, UBC; Dr. W. Wesley Pue, Nathan T. Nemetz Chair in Legal History, University of British Columbia; Bruce Ryder, associate professor and director, Centre for Public Law and Public Policy, Osgoode Hall Law School, York University; Ervan Cronk, administrative vice-president, Communications, Energy & Paperworkers Union of Canada; Chantal Morton, academic director, Intensive Program in Poverty Law, Osgoode Hall Law School; professor Rosemary Cairns Way, vice-dean of common law, University of Ottawa; Avvy Go, clinic director, Metro Toronto Chinese & Southeast Asian Legal Clinic; Lorraine Berzins, Community Chair of Justice, Church Council on Justice and Corrections; Dr. Elizabeth Comack, professor of sociology, University of Manitoba; professor Janet Mosher, Osgoode Hall Law School, York University; Joan Brockman, professor, Simon Fraser University; Freya Kodar, assistant professor of law, University of Victoria; Dr. Natasha Affolder, assistant professor, UBC Faculty of Law; Martha Shaffer, associate professor of Law, University of Toronto; Roxanne Mykitiuk, associate professor of Law, Osgoode Hall Law School; Margaret E. Beare, associate professor of law and sociology, York University; Jennifer Chandler, assistant professor of Law, University of Ottawa and more than 20 others.

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