



**LCC | CDC**

Living Law | Pursuing Justice | Renewing Hope

# WHAT WE HEARD

*The Law Commission of Canada in Listen & Learn Mode*

***January to June 2025***



Law Commission  
of Canada

Commission du droit  
du Canada

**Canada**

## Background

The Law Commission of Canada (“LCC”) is an independent and non-partisan federal agency which offers leadership and guidance on the responsible and responsive evolution of law in the lives of people across Canada.

## Introduction

When the LCC officially resumed its operations in June 2023, it immediately began its formal engagement with individuals and organizations who, each in their own ways, embody aspects of the agency’s *raison d’être*: living law, pursuing justice, renewing hope.

Through roundtables, multilateral discussions, individual meetings, larger conferences, and informal conversations, the LCC sought to develop an understanding of the law reform and justice landscape in Canada and beyond. These engagements bore many fruits: they uncovered issues which interlocutors considered pressing or likely to emerge on the horizon; they presented an opportunity to understand interesting initiatives already underway, so as to avoid unintended duplication and to identify potential partnerships; and they served as a site for mutually beneficial exchange, allowing participants to learn about the work and perspectives of others, and to form connections across their endeavours.

***What We Heard*** reports presenting an overview of key takeaways from past engagements are available on the LCC website: a first report for [June to December 2023](#), a second report for [January to May 2024](#), and a third report for [June to December 2024](#).

This is the LCC’s fourth ***What We Heard*** report, covering the period from January to June 2025. It sets out the preoccupations, projects, and possibilities that emerged from the LCC’s engagements during this period, including: Listen & Learn roundtables with faculties of law; participation in numerous conferences; discussions with scholars, researchers, and students interested in questions of law and justice; bilateral meetings with subject matter experts; and rich exchanges with Parliamentarians, policy makers, and community organizations.

The LCC will produce ***What We Heard*** reports on a biannual basis to continue highlighting the challenges, complexities, considerations, and creative possibilities that exist with respect to the ongoing evolution of law in Canada.

## What We Heard



## Preoccupations

Partners shared their concerns and preoccupations, as well as their hopes and aspirations:

- Around the world, there are growing challenges to the rule of law and increasing attempts to undermine the justice system in the public sphere. Lawyers, members of the judiciary, and universities have a particularly important role to play in this context.
- The coexistence of western legal systems and Indigenous legal orders should be explored through a rights lens and responsibilities lens. There is a need for this shift to take place at the pedagogical level in universities, particularly because students are at the heart of decolonization.
- The balance between the rights of victims and the rehabilitation of offenders in the context of criminal matters could be further explored and clarified.
- The *Criminal Code* contains a number of “zombie provisions” whose relevance has faded, and which have been buried by cumulative amendments made over the course of many years.

- More collaboration between jurisdictions and different levels of government is needed regarding the collection and dissemination of justice-related statistics. A lack of empirical data sharing undermines the collective ability to develop an accurate understanding of legal needs. The patchwork of data also results in challenges regarding how to measure normative change.
- Access to justice needs also exist with respect to physical accessibility, as courthouses and justice sector infrastructure in Canada is not universally accessible.
- Many Indigenous communities face challenges around inconsistent or missing state records and documents. Within communities, there can be a resistance to obtain records from churches and government departments, thereby limiting the ability to document intergenerational trauma.
- In Newfoundland and Labrador, the lack of both a law faculty and a provincial law reform agency significantly curtails the means by which jurists can participate constructively in law reform.
- In the territories, there is an important reliance on statutes and jurisprudence from southern provinces, including an assumption that these would apply locally, due to the limited amounts of local legislation and case law.
- While the financial thresholds to qualify for legal aid are frequently identified as a cause for concern, a broader cost-of-living crisis will mean that a growing number of people will be unable to afford a lawyer for basic legal needs (e.g. real estate transactions or workers compensation claims).
- Insolvency is a process that is increasingly being used by sophisticated corporate actors to skirt obligations, and civil procedure does not sufficiently account for the importance of power relations as part of this process.
- A consensus exists around the notion that artificial intelligence will have an impact on the practice of law and the public's understanding of law, but the speed at which the technology is evolving makes it difficult to gauge what this impact will specifically involve.
- Staff recruitment and retention challenges are notably acute in remote and northern communities, both within the justice sector and in adjacent sectors such as mental health and law enforcement.
- The circuit court system in Northern Canada entails particular challenges with respect to responsiveness and trust-building amongst justice system participants.
- Basic literacy represents an ongoing challenge in the North, given the number of people in the region for whom English is a second language. This raises access to

justice concerns when parties struggle to understand legal processes or decisions that are not in plain language.

- Many Northern communities are struggling with a perfect storm of intergenerational trauma and substance disorder, coupled with limited resources and infrastructure. For example, in Yellowknife, individuals involved in the drug treatment program must travel south in order to receive care, which presents a challenge for individuals living in remote communities who have never previously left the Territory.



*Listen & Learn roundtable at the [University of Manitoba's Faculty of Law](#)*

## Projects

Partners shared reflections based on activities, undertakings, and ventures that illustrated their commitments, responsibilities, and priorities:

- Claims seeking the recognition of Indigenous jurisdiction over environmental matters represent a concrete strategy through which to incorporate traditional knowledge into Canada's legal system.

- The [Wellness Court](#) in the Northwest Territories has instituted a practice of asking a “question of the week” to parties appearing before it, based on data supporting the principle that positive judicial interaction increases the likelihood of rehabilitation. During the LCC’s visit to the Wellness Court in Yellowknife, the question of the week was “What are you most looking forward to doing this summer?”
- The [Dene Wellness Warriors](#) are working with groups and Indigenous communities throughout the Northwest Territories to establish a master’s program for aspiring Indigenous counsellors, with a particular focus on intergenerational trauma and root causes of trauma.
- Courts in Nunavut have created space within their procedures to hear from Elders to ensure traditional knowledge is incorporated into their decisions, in particular with respect to sentencing.
- The [National Centre for Truth and Reconciliation](#) is a global leader in advising other countries (e.g. Taiwan, Norway, Australia, Brazil, Ireland, and Mali) on how to establish and run their own reconciliation commissions. Closer to home, it runs a book program for incarcerated Indigenous individuals, a community fridge, and a series of live events during Truth and Reconciliation Week.



*Kintohpatatin Mural at the National Centre for Truth and Reconciliation*

- [First Voice](#), a coalition organization for Indigenous peoples in St. John’s, has begun releasing annual [Reconciliation Reports](#) tracking progress on the 42 Calls for Change that the organization issued in 2023. This important initiative offers a perspective that is distinct from those of Indigenous governments or specific communities.
- A range of scholars are working on the possibilities for a multi-juridical future in Canada. Teaching the next generation of jurists in 2025 necessarily involves incorporating Indigenous legal traditions into law school curricula.



- The [Centre for Interdisciplinary Justice Studies](#) at the [University of Winnipeg](#) is leading a number of creative and engaging knowledge mobilization projects, ranging from an open access journal ([Annual Review of Interdisciplinary Justice](#)) to speaker series in retirement homes, libraries, and community centres.
- The [Office of the Child and Youth Advocate](#) ("OCYA") in Alberta is a national leader in ensuring legal representation for children. The OCYA has made concerted efforts to ensure youth are directly shaping the agency's work, including through participation in interviews to build the roster of lawyers and in the direct advocacy policy revision process.
- Scholars are considering the significant changes in administrative law that have taken place within the last decade, including what these changes imply about the separation of powers, areas of lingering uncertainty, and what role legislatures might play in bringing further clarity.



*LCC workshop with scholars from the University of Ottawa and Université Lyon II (France)*

- The [Office of the Federal Ombudsperson for Victims of Crime](#) is conducting a national systemic investigation on the ways in which survivors of sexual violence are treated within and by the criminal justice system.
- The [Office of the Correctional Investigator](#) has shifted its focus from individual complaints to systemic investigations touching on issues such as food, pay, health, sexual coercion, and gender equality within the carceral system.
- Lessons and messages about law, justice, and the legal profession can be gleaned from a critical examination of the architecture of law schools.

- Researchers are looking to develop tools to more systematically ensure that new legislation complies with legal instruments beyond the *Charter*, such as international law and human rights commitments.
- Several actors are working to forge closer connections between law reform, access to justice, and legal education, all of which benefit from constant revision and enriched imagination.
- Part of effective and responsive law reform involves developing citizenship participation structures and possibilities.



*Wellness Court in Yellowknife, NWT*

## Possibilities

Potential intersections and implications relevant to the LCC's work, in the form of reminders, advice, and potential directions to explore, emerged:

- By virtue of its constitutional structure and national history, Canada is an inherently rich source for comparative law, with the coexistence of common law, civil law, and Indigenous legal traditions.
- A broad understanding of legal pluralism calls for a focus on interactions of systems in peoples' lives and on human agency in navigating those systems.



- Federal spending power could be deployed as an instrument to improve law and justice, including by focusing on practices that shape individuals' interactions with the legal system.
- Facilitating more student exchanges would have a positive impact on the legal system downstream by fostering greater cultural understanding and sensitivity amongst the next generations of jurists.
- The Prairies represent an area of inspiring opportunities and models for incorporating Indigenous legal traditions into state-based law, including through a careful consideration of the ways in which 64 nations in Manitoba all maintain distinct relationships with the government.
- Meaningful reconciliation will involve the use of Indigenous research methods and will require building a decolonized archive that includes materials beyond written text and which reflects the plurality of memory.
- Accountability mechanisms for the implementation of UNDRIP and for the response to the [Truth and Reconciliation Commission's Calls to Action](#) remain underdeveloped and ill-defined.
- Silos persist both within and between law schools, law reform agencies, and public legal education organizations.
- Enriched public legal education would increase legal literacy and encourage the development of a bigger legal imagination that grows the collective capacity to understand, interpret, and apply principles in creative and innovative ways.
- Law reform agencies are well situated to lead discussions about the ways in which the development of AI regulation can be beneficial, lawful, and accountable.
- In some smaller communities, engaging law students on a remote basis could help to alleviate issues related to poverty, citizen empowerment, and access to justice.
- Experts in non-legal disciplines should be involved in work related to law and justice. There are clear benefits to bringing together actors with different backgrounds, skills, and perspectives, such as in matters where health and justice considerations are raised.
- Approaches to restorative justice diverge significantly across jurisdictions in Canada and represent a space where greater consistency and attention to best practices could bring significant benefits for justice system participants.



To share any feedback with the LCC, please contact [feedback-retroaction@lcc-cdc.gc.ca](mailto:feedback-retroaction@lcc-cdc.gc.ca)

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