



LCC | CDC

Living Law | Pursuing Justice | Renewing Hope

WHAT WE HEARD

The Law Commission of Canada in Listen & Learn Mode

January to June 2026



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 providing leadership and guidance for the responsive evolution of law in the lives of Canadians.

The Law Commission connects law and justice actors with expert research to identify pathways and possibilities for Canada's future.

Introduction

When the LCC 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 its participation in roundtables, multilateral discussions, individual meetings, conferences, workshops, and informal conversations, the LCC sought to develop an understanding of the law and justice landscape in Canada and beyond. These engagements served several purposes: they uncovered issues which interlocutors considered pressing or likely to emerge on the horizon; they presented an opportunity to understand noteworthy initiatives already underway, so as to avoid unintended duplication and to identify potential partnerships; and they offered 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: [June to December 2023](#), [January to May 2024](#), [June to December 2024](#), [January to June 2025](#), and [July to December 2025](#).

This is the LCC's sixth ***What We Heard*** report, covering the period from January to June 2026. It sets out the preoccupations, projects, and possibilities that emerged from the LCC's engagements during this period, including: roundtables with faculties of law and community actors; 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 members of the judiciary.

The LCC produces ***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



I. Preoccupations

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

i. ***Access to Justice and Institutional Participation***

- Individuals may not appreciate that access to justice is a live issue until they are confronted with circumstances requiring legal assistance. They may only then discover that it is unavailable, unaffordable, or subject to significant delay. When individuals encounter delays, inaccessible procedures, or institutions which they perceive to be ill-

equipped to respond to their needs, disappointment can give way to cynicism toward lawyers, courts, and the justice system as a whole.

- Geography and institutional capacity are significant determinants of whether justice is meaningfully accessible. Rural and remote communities often face greater barriers to obtaining legal information and advice than their urban counterparts. In some regions, court operations are disrupted by a lack of personnel and resources (e.g. the Provincial Court of Newfoundland and Labrador), while the absence of publicly accessible law libraries creates additional obstacles for self-represented parties.
- The formal availability of a legal right or remedy does not ensure that justice system participants are able to access it. The costs associated with producing evidence and the complexity of procedures can push justice beyond the reach of those whom the law is intended to protect and benefit.
- Barriers to justice are not experienced equally. Newcomers may lack the support required to navigate unfamiliar legal processes; people with disabilities may be excluded from fulsome participation in judicial proceedings; and children may face obstacles to advancing complaints before human rights bodies, despite each being rights-holders in their own capacity.
- Migrants are subject to highly consequential legal decisions, but do not benefit from procedural protections otherwise available to litigants in most areas of law. Individuals appearing before immigration decision makers may lack legal aid representation even where an adverse decision could expose them to detention, removal, or serious harm. The use of criminal law tools and approaches in the immigration context can further restrict migrants' ability to assert legal rights.

ii. Power and Protection

- Law can sometimes be used to shield institutions and alleged wrongdoers. Survivors of sexual misconduct, harassment, and discrimination describe non-disclosure agreements (NDAs) as mechanisms that may bury damaging information to preserve the reputations and secrecy of perpetrators, while restricting survivors' ability to speak up about their experiences, seek support, or warn others of risks.
- Procedural complexity tends to favour better-resourced parties, who can retain counsel capable of navigating legal intricacies and exploiting ambiguities to their

advantage. In the context of NDAs, uncertainty over what information may be disclosed, when confidentiality obligations expire, and how changing circumstances affect enforceability can expose survivors to significant legal risk while enabling perpetrators to evade accountability.

- The profile of Canada's incarcerated population reflects broader social and institutional inequalities. Indigenous and Black individuals are disproportionately represented in within the carceral system, as are people experiencing mental illness, cognitive disabilities, substance dependence, and unemployment. These data suggest potential policy gaps and failures whose effects begin to materialize long before a person enters the correctional system.
- Correctional institutions often respond to mental illness and psychological distress through security-oriented measures such as isolation, discipline, physical force, restraints, and threats of coercion. These practices can exacerbate trauma and increase the risk of self-harm, particularly where access to mental health professionals is limited and correctional staff are expected to manage complex mental health needs without adequate training.



Conference on coercion in mental health and addiction treatment organized by Beyond Tomorrow Report authors Emmanuelle Bernheim and Jean-Laurent Domingue at the University of Ottawa

iii. Technology, Information, and Human Judgment

- Digital tools can democratize access to information, but they also subtly shape which sources are visible, authoritative, and ultimately preserved. The growing reliance on legal databases, automated assessments, and the underuse of existing enforcement mechanisms demands attention not only to technological capabilities, but also to the human judgments, institutional choices, and legal implications embedded within these systems.
- Artificial intelligence has intensified uncertainty about the authenticity of disseminated information. When AI systems generate or shape public information without transparency, they can undermine trust in journalism and make it more difficult for individuals to distinguish reliable reporting from fabricated content. These concerns featured prominently at the [Canadian Association of Journalists' \(CAJ\) Annual Conference](#), where discussions explored the intersections of contemporary journalism, AI, and sovereignty.
- Predictive systems risk subordinating forms of human judgment grounded in professional expertise, ethical reflection, and a nuanced understanding of local context – qualities that depend on qualitative, not merely quantitative, forms of knowledge. Although AI can serve as a valuable tool, it should not become the voice that determines how information is framed, how communities are represented, or how professional decisions are made.
- Many AI systems are trained on the accumulated work of journalists and other creators, but without their consent or compensation. This raises questions concerning copyright protection, the economic sustainability of public interest information, and increasing dependence on a small number of powerful technology providers.
- Deepfake intimate imagery and other forms of technology-facilitated misconduct expose gaps in legal and regulatory frameworks that have yet to adapt to the rapidly evolving technological landscape. The speed and scale at which realistic synthetic images can be generated and disseminated complicate questions of consent, accountability, enforcement, and access to effective legal remedies.

iv. Reconciliation, Recognition, and Limits of State Law

- More than a decade after the release of the [Truth and Reconciliation Commission's Calls to Action](#), many remain unresolved, unfulfilled, or ignored. Participants in the Intergenerational Conversations in Law, supported by the Law Commission, emphasized that symbolic recognition cannot substitute for meaningful institutional reform. Indigenous interlocutors described reconciliation as a series of promises too often emptied of substance, particularly when governments and institutions acknowledge Indigenous experiences without altering the structures that continue to perpetuate harm.
- Indigenous legal orders are often not recognized as law when their authority is expressed through language, relationships, responsibilities, oral traditions, and collective forms of decision-making that differ from conventional understandings of state law. Although translating Indigenous legal orders into familiar Canadian legal categories may facilitate recognition within state institutions, the process can also distort their meaning, reduce them to cultural practices, or confine them to the private sphere.
- Litigation can be an awkward, ill-suited or inappropriate forum for resolving issues that affect Indigenous communities. Cases may proceed without broad community support, place significant rights at stake within the confines of a narrow factual dispute, or produce precedential legal principles in proceedings where other Indigenous communities are not represented as parties.

v. Trust, Transparency, and Democratic Accountability

- Access to courts and government information is essential to ensuring public oversight and accountability. Journalists have observed a systemic erosion of the open-court principle, increasingly onerous access-to-information processes, and significant discrepancies among jurisdictions in the availability of court records and information meant to be publicly available. These barriers undermine the public's right to know and impede its ability to observe justice being administered.
- Although Canada has been less affected than some jurisdictions, it is not immune to the transnational rise of populist movements. The rise of anti-rights rhetoric, the concentration of political power, and a diminishing public understanding of

constitutional fundamentals are among the manifestations of this broader phenomenon.



Canadian Association of Journalists' Annual Conference at Carleton University

II. Projects

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

i. Contextual and People-Centered Justice

- Impact of Race and Culture Assessments (IRCAs) are pre-sentencing reports that help sentencing judges to better understand the effect of poverty, marginalization, racism, and social exclusion on the offender and their life experience. Developed initially in Nova Scotia, and now being introduced in Quebec by the [Viola Desmond Justice Institute](#), IRCAs explain the relationship between the offender's lived experiences of

racism and discrimination and how they inform the circumstances of the offender, the offence committed, and the offender's experience with the justice system.

- The effective use of IRCAs depends on collaboration among lawyers, judges, clinicians, and community organizations. Assessors contribute specialized social and clinical expertise, lawyers present arguments explaining how the evidence should be taken into consideration, and judges are responsible for determining how the evidence should inform the legal outcome. This model recognizes that no single actor possesses all of the knowledge required to deliver justice.
- Family law and justice actors are adapting new techniques and tools such as the [HELP-M Toolkit](#) to identify and respond to family violence and power imbalances in mediative and interest-based dispute resolution environments. Legal design projects are also involving survivors of intimate partner violence in the development of more accessible information, specialized professional training, and systemic reforms intended to reduce delays and improve support.
- Community justice workers and mobile legal services, such as rural law vans, bring legal information and navigation assistance directly to remote communities. Their work illustrates that meaningful access to justice depends not only on technological innovation, but also on adaptability, sustained local presence, and relationships with the communities they serve.



Viola Desmond Justice Institute IRCA Symposium in Montreal

ii. Legal Education, Clinical Service, and Professional Development

- University legal clinics provide essential legal assistance in areas of unmet need, including poverty law, human rights, victim services, reproductive and sexual rights, and Indigenous child protection. Their role extends beyond service provision: clinics offer students firsthand insight into the practical effects of legal rules and help prepare future lawyers to understand and respond to the realities of poverty, trauma, and discrimination.
- Law students represent a significant resource for access to justice, but their contributions must be supported through adequate supervision and institutional infrastructure. Participants at the [Association for Canadian Clinical Legal Education](#) conference emphasized the need for coordination between governments, law societies, legal aid plans, and law faculties to ensure that clinical programs do not depend entirely on unsustainable or unsupported labour.
- Government support for university-based legal aid was identified as a limited but high-impact investment. Funding for clinics embedded in law schools could strengthen services for poverty-stricken communities while improving the professional training and development of the next generation of jurists.

iii. Indigenous Legal Orders, Languages, and Relationships in Practice

- Circle-based discussions allow students to learn directly from Elders through stories, teachings, ceremonies, and questions. The form of the gathering itself can reflect legal principles: participants look one another in the eyes, are treated as equals, and contribute to the dialogue without being interrupted.
- Faculties of law are working to build the capacity of future lawyers to engage responsibly with Indigenous legal orders. Consistent with the Truth and Reconciliation Commission's Call to Action No. 28, efforts are underway to integrate Indigenous legal orders into mandatory first-year legal education across law schools and to develop training that enables practitioners to work across legal traditions without reducing Indigenous law to a supplement to Canadian law.

- Scholars and practitioners are examining the relationship among Indigenous languages, legal concepts, representation, and state institutions. Work concerning Haudenosaunee law and the [Montour decision](#) explores how relational legal principles may reshape understandings of [section 35](#) of the *Constitution Act, 1982* and move legal thought away from assumptions that law depends primarily on force.



Intergenerational Conversation in Law at the University of Victoria

iv. Data, Mapping, and Public Legal Information

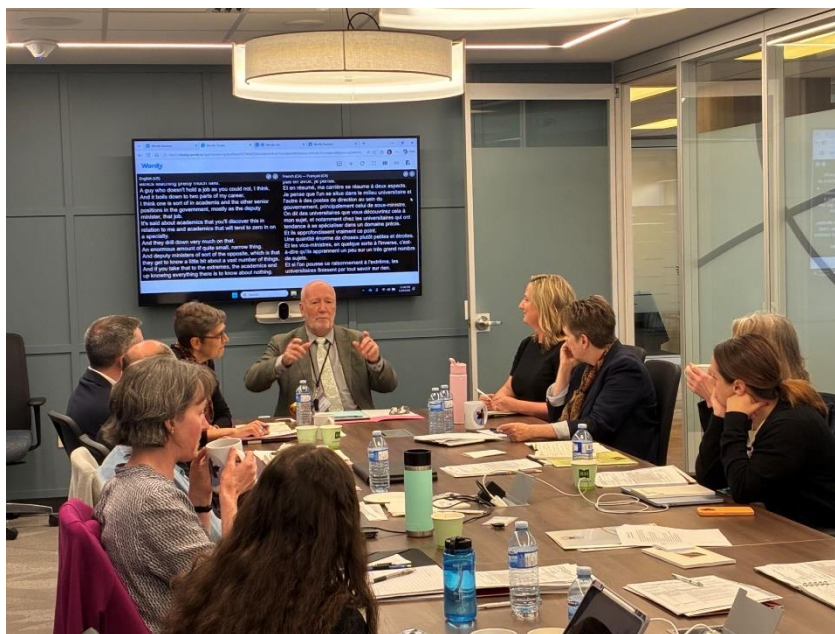
- Justice-sector actors are advocating for the development of a national access to justice data strategy. Improved collection, analysis, and sharing of information could illuminate the prevalence and costs of unresolved legal problems, help institutions identify unmet needs, and enable the evaluation and comparison of local initiatives across jurisdictions.
- Researchers at the [Université du Québec en Outaouais](#) are developing public-facing tools to map constitutional debate and government action. The [Observatoire de recherche sur les enjeux constitutionnels du Québec au sein de la fédération canadienne](#) designed a “constitutional radar” to track political commitments and the evolution of intergovernmental relations through quantitative visualizations and scholarly publications.
- Youth legal-literacy research is examining what young people know about law and the justice system and how legal information might be made more relevant to their

experiences. For example, the [Centre for Research, Evaluation and Action Towards Equal Justice](#) (CREATE Justice) conducted the first youth legal needs and literacy assessment in Saskatchewan, with support from the LCC. Results from the assessment indicate that lack of awareness is the primary barrier to youth accessing legal resources, and that most youth do not seek legal help even when they recognize a legal problem. Work of this nature can help institutions move beyond assumptions about what the public does not know, and toward evidence concerning how people interact with and use law.

- Journalists, lawyers, and law schools have considered developing systems to assess whether courts meet standards of openness and accessibility. The [Court Access National Initiative](#) is assembling representatives across jurisdictions to identify recurring barriers concerning court records, publication restrictions, and media relations.

v. *Technology-Focused Reform*

- Canadian law reform agencies and partners – such as the [Law Commission of Ontario](#), the [Institut québécois de réforme du droit et de la justice](#), and the [British Columbia Law Institute](#) – are examining the opportunities and risks associated with the use of artificial intelligence in different parts of the justice system. These initiatives seek to anticipate emerging AI policies and develop recommendations before technological systems and institutional practices become entrenched in ways that may be difficult to adjust or unwind.
- Public investment in AI education and innovation, particularly for students and smaller news organizations with limited technological resources, could foster experimentation while ensuring that emerging tools remain oriented toward community engagement and public-interest information rather than displacing human relationships.



Members of the Federation of Law Reform Agencies of Canada hear from retired Senator Brent Cotter during the group's annual meeting at the LCC office

III. Possibilities

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

i. For Participatory and Community-Led Reform

- The principle of “nothing about us without us” requires forms of engagement that exceed procedural consultation, demanding meaningful participation before institutional priorities and reform agendas are fixed. People affected by law should have opportunities to help identify problems, shape questions, and assess whether reforms respond to their lived realities.
- Participatory justice may, indeed, already be supported by features of existing private and procedural law that have received insufficient attention. Looking beyond conventional access to justice initiatives may reveal opportunities for citizens and communities to participate more actively in resolving disputes and shaping the legal processes that affect them.
- Lived experience should be recognized as a form of perspectival expertise. Survivors, children, persons with disabilities, migrants, incarcerated people, and members of

remote communities possess situated knowledge that enables them to identify how power operates through the implementation of law in ways that may not be apparent to others. Attending to these perspectives can enrich both legal decision-making and institutional design by revealing barriers, assumptions, and unintended consequences that might otherwise remain invisible.



LCC President Shauna Van Praagh speaks with first-year students at the University of New Brunswick

ii. For Law Students, Scholars, and Schools

- Students should be understood as essential contributors to law reform. Their priorities, research, and experience of contemporary legal education constitute an underutilized source of insight into the kind of justice system the next generation of jurists seeks to build and sustain.
- Public law can change through gradual shifts in institutional language and practice. There has been a movement from “justification” toward “explainability” in administrative law, reduced emphasis on substantive equality, and the development of forms of intergovernmental coordination that sit uneasily with conventional understandings of public law frameworks. Such changes may be difficult to perceive at the micro level, but warrant sustained consideration at the macro level.

- Law schools can function as public bodies that connect legal education with community service, professional governance, legislative institutions, courts, and civil society. Their teaching, research, and public programming can therefore be designed to create sustained encounters among actors who might otherwise remain institutionally separated, fostering collaboration, reciprocal learning, and more responsive approaches to law reform.

iii. For Intergenerational Exchange

- Intergenerational conversations – such as those convened at the [University of Montreal](#) and the [University of Victoria](#) – create opportunities for knowledge to flow in multiple directions. Students learn from the experience and teachings of Elders, practitioners, and community members, while established actors engage with the questions, concerns, and aspirations that younger participants bring to law and justice. Such exchanges strengthen legal institutions by fostering mutual learning across generations.
- Indigenous legal orders can be integrated throughout legal education rather than confined to a discrete basket of courses or specialized programs. Embedding Indigenous laws across the curriculum better equips future lawyers to engage with legal pluralism and to work responsibly with communities whose legal traditions exist alongside, rather than within, the state's legal order.

iv. For Experimentation, Imagination, and Collaboration

- Experimental initiatives need not be fully developed or completed before contributing to reform. Workshops centered on works in progress, pilot projects, draft principles, and locally developed models enable participants to test assumptions, identify shortcomings, and refine emerging approaches through collective reflection rather than waiting for a fully realized national solution.
- Thought experiments, scenarios, speculative fiction, and other creative methods can expand the horizons of legal inquiry by prompting researchers to confront problems that conventional doctrinal analysis is not yet equipped to address. Imagining "law after cataclysm" or alternative constitutional orders encourages participants to consider how legal institutions might respond to profound political, ecological, or

technological transformation, while exposing assumptions embedded in existing legal frameworks.

- Law reform agencies can also strengthen their work through sustained collaboration with access to justice organizations, human rights institutions, Indigenous research bodies, faculties of law, and public legal education providers. Formal partnerships, including memoranda of understanding that preserve institutional independence, can move collaboration beyond personal relationships and ad hoc initiatives, creating more durable structures for shared learning and coordinated reform.



To share any feedback with the LCC, please contact feedback-retroaction@lcc-cdc.gc.ca

ISSN 2818-6028



Law Commission of Canada
Commission du droit du Canada

Living Law | Pursuing Justice | Renewing Hope