



LCC | CDC

Living Law | Pursuing Justice | Renewing Hope

WHAT WE HEARD

The Law Commission of Canada in Listen & Learn Mode

July to December 2025



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 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 reform and justice landscape in Canada and beyond. These engagements were fruitful in a number of ways: 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](#), a third report for [June to December 2024](#), and a fourth report from [January to June 2025](#).

This is the LCC’s fifth ***What We Heard*** report, covering the period from July to December 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 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 will continue to 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



I. Preoccupations

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

i. Rule of Law & Democracy

- We are witnessing a general erosion of democratic norms, of our economic system, and of rule of law. A wide range of actors have an interest in this space, but there remains room for greater coordination and collaboration amongst them.
- A broad decline in civic literacy has acted as a driver of democratic decay, with a majority of countries falling in the [World Justice Project's Rule of Law Index](#). If people do not know why they should care about an issue, it is unlikely that they will.
- While public discourse regarding rule of law is predominantly focused abroad, Canada cannot afford to be complacent. We are not immune to the trends that threaten rule

of law in other countries. There is a collective interest in ensuring the resilience of democratic institutions, and a collective responsibility to uphold their foundations and care for them.

- Parliamentarians perceive difficulties in accessing independent, non-partisan, and neutral legal expertise in the context of their work, which is often highly time sensitive. In smaller provinces and territories, it is not uncommon for governments to be formed without a single lawyer in cabinet. A better understanding of the foundations of Canadian law would allow parliamentarians to more effectively fulfill their duties as lawmakers, particularly for those without a legal background.

ii. Health & Law

- The opiate crisis will require a multidisciplinary reconsideration of fundamental concepts such as capacity and consent given the long-term debilitating effects caused by substance abuse.
- The exclusion of community-based mental health supports from “insured health services” under the [Canada Health Act](#) perpetuates the notion that physical health should be prioritized over mental health concerns.
- The exclusion of mental illness from [Canada’s medical assistance in dying regime](#) prevents access where certain kinds of complexities arise in association with psychiatric conditions alone, but not when these same complexities arise in association with physical conditions. For practitioners, this makes the exclusion difficult to operationalize because it is often incongruent with the realities of various patient profiles.

iii. Poverty and Housing

- A growing number of Canadians are vulnerable to poverty. Because poverty-affected individuals tend to have a greater degree of interaction with the legal system, more Canadians can be expected to need legal services. This adds an ethical dimension to access to justice, in addition to political and constitutional considerations.
- Housing access and homelessness have generally been associated with the country’s large urban centres, but these issues increasingly affect rural communities. In Prince Edward Island, community groups have seen an explosion in the cycle of homelessness, which now impacts younger individuals and has become particularly acute for those coming out of the criminal justice system.

iv. Meeting Community Needs

- Within Canada, funding uncertainty and the academic cycle – with learners coming in and out – pose a particular challenge for student legal clinics in their attempt to both ensure authentic guidance from the communities in which they operate and to ensure students are meaningfully connected to the communities they serve.
- At the international level, there is a persistent tension between investor protection and the development objectives of host states. While performance requirements could be used as tools to both protect foreign investments and promote domestic interests, the 11 investment treaties signed between Canada and African countries contain indirect prohibitions of performance requirements in the name of preserving commercial freedom.
- If populism is based on perceived divisions between “the people” and “the elites”, a self-perpetuating problem is created when institutions become interchangeable or associated with “elites” in public consciousness, fuelling the resentments of those who feel left behind.



Listen & Learn roundtable at [Université de Sherbrooke](https://www.usherbrooke.ca/)

II. Projects

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

i. Trust and Accountability

- Public institutions do not work unless they are reviewed and accountable. A range of public and civil society actors is engaged in the work of review and accountability in a variety of forums.
- Given the frequent mismatch between complex reporting requirements and the administrative capacity of funding recipients, many donors and funders are shifting toward a trust-based philanthropic approach. For example, the [Law Foundation of Prince Edward Island](#) has made increasing use of microgrants with a simplified reporting process predicated on trust that partners are doing good work in communities.

ii. Access to Justice and Connections to Communities

- Most Canadians interact with the justice system through administrative tribunals, rather than through criminal or civil courts. Administrative tribunals therefore have a central role to play in respect of access to justice. Tribunals such as the [Alberta Human Rights Commission](#) have found that providing a support person to help individuals navigate the complaints process improves both organizational efficiency and access to justice.
- Legal clinics are important instruments for access to justice and community connection. Many clinics, like [Downtown Legal Services](#) in Toronto, have developed specialized programs in different domains to better serve their clients and communities: housing, disability, health and income security, employment, criminal law, family law, refugee and immigration law.
- In remote regions such as the territories, law libraries like the [Yukon Public Law Library](#) play an essential role in meeting the legal needs of communities. This is particularly true because of the significant increase in self-represented parties since the COVID-19 pandemic, and compounded by the small number of lawyers in private practice in Northern Canada.



Meeting with [Downtown Legal Services](#) in Toronto

iii. Technology, Data, and Information

- Civil society actors, such as the [Samara Centre for Democracy](#), are tracing the impacts from the decline in traditional or legacy media organizations and the corresponding shift to social and other forms of new media, including the rise of disinformation and misinformation designed to disrupt democratic processes.
- While significant gaps in legal data collection persist, there is increasing collaboration among actors at different levels in the sharing and dissemination of legal and judicial statistics. For example, the [Société québécoise d'information juridique](#) ("SOQUIJ") has recently partnered with the provincial [Coroner's Office](#) to create a free virtual library and accessible database for all coroner reports, allowing users to search by keyword, name, recommendations and follow-ups, or cause-of-death.
- A number of actors are seeking to safely and effectively integrate artificial intelligence into their daily work and operations. The [Superior Court of Quebec](#) is conducting a pilot project using a closed-circuit AI tool developed using the text of provincial laws and legal opinions from the court's research services to help judges with research and writing. The tool cannot be used to draft summaries, nor can it be used to predict or give suggestions for outcomes in a matter.

iv. Looking Back and Looking Ahead

- Consideration of issues related to electoral interference is generally limited to the modern era. However, electoral interference has existed in various forms since the advent of elections, but the means and methods of interfering have evolved over time. Some scholars are now considering the issue through a longer historical lens.
- There is a growing recognition that unfunded liabilities for environmental cleanups are not strictly a concern in rural or remote regions involving decommissioned mines or inactive oil fields. Many urban residents will be confronted with these issues in light of a growing need to consider how to deal with asbestos in buildings or former industrial sites.
- Jurists are increasingly delineating the notion of “the rights of future generations”. Blending civil, political, economic, social, cultural, and environmental rights, the concept is marked primarily by the principle of temporal non-discrimination, which promotes the idea that persons who do not yet exist nonetheless have rights. With a view to future generations, the concept is concerned with anticipating risks such as nuclear war, climate change, pesticides, geoengineering, and transhumanism.
- Environmental researchers are working to square the circle of an energy transition in which the mining of critical minerals is both resource intensive and environmentally destructive, yet essential to the clean energy future.

v. *Self-Government and Reconciliation*

- In Yukon, the modern treaty process has resulted in [Self-Government Agreements](#) between 11 individual Yukon First Nations, the Government of Canada, and the Government of Yukon. Self-Government Agreements define the First Nation’s powers, authorities, and responsibilities, and they are negotiated under the framework of the [Umbrella Final Agreement](#), which was signed in 1993 and shaped by the persistent, determined, and creative efforts of Dave Joe and the [Council of Yukon First Nations](#). These Self-Government Agreements have made Yukon a leader in Indigenous governance, giving significant responsibility to First Nations in the justice landscape.
- The [Teslin Tlingit Council](#) became the first Yukon First Nation to conclude an [Administration of Justice Agreement](#) in 2011. This offered the nation the opportunity to develop a justice model rooted in its traditional form of government and clan system, including the establishment of a [Peacemaker Court](#). With an amendment to the Administration of Justice Agreement regarding corrections and community services signed in 2025, Teslin Tlingit Council can now fully exercise their self-

government jurisdiction over justice matters and move forward in implementing their vision for peace and safety within their community.



Meeting with the Teslin Tlingit Council

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 LCC Contributions

- The LCC's outreach activities effectively function as a form of cost-effective legal needs assessment, capturing the priorities, concerns, and commitments of a range of actors and individuals working in law and justice.
- Many legal challenges are enduring and intractable, and therefore likely to remain on the agenda across generations. However, there can be a fundamental tension between the motivations of public decision makers and what researchers consider appropriate pathways for reform. Scholars hope that the LCC will serve as a site for long-term thinking on issues which are likely to remain evergreen.

ii. For Civic Education

- Effective civic education may entail helping Canadians realize how much they already know and understand about the law, rather than seeking to fill in perceived gaps in

knowledge. In their daily lives – from classrooms to sports fields to highways – Canadians of all ages and from all backgrounds operate in numerous contexts supported by clear rules, transparency, fair decision-making, and equality.

- Public legal education and information providers note that interest in legal issues amongst members of the public most frequently arises in moments of crisis. Enhanced focus on civics in middle and high schools, and initiatives such as “Law Day” from the [Canadian Bar Association’s Manitoba Branch](#), may help reinvigorate appreciation for and curiosity about law and justice.

iii. For Legal Education

- Leaders in the Canadian legal academy are mindful of the important role of legal education in contemporary discussions on rule of law, and eager for faculties of law to contribute to public awareness and conversation. However, there is a need for coordination and further cooperation as to the forms those contributions may take.
- As directed by the [Council of Yukon First Nations](#), [Yukon University](#) is developing a law program that will build legal capacity within Indigenous communities in Northern Canada that would help nations advance culturally appropriate policies and further their ability to self-govern.

iv. For Meaningful Exchange

- Systemic and sustainable change requires the involvement and empowerment of the range of actors within a given system. The [Office of Joyce’s Principle](#), a department of the [Council of the Atikamekw of Manawan](#), organized a gathering of Indigenous health advocates, band council leaders, legal scholars, physicians, and nursing professionals in Trois Rivières called “Joyce Five Years Later”. These actors convened on the five-year anniversary of the passing of Joyce Echaquan to assess progress and identify pathways forward in respect of Indigenous health equity.
- Creating space for dialogue between generations is particularly important in legal orders based on oral traditions. As part of the LCC’s Intergenerational Conversations in Law initiative, the [Waskapitan Pimatisiwin Otcî roundtable](#) at the [University of Ottawa](#) brought together youth and Elders from Anishinaabe, Innu, and Nehirowisiw communities. Over three days, the group shared legal teachings rooted in stories, tales, and legends and discussed the evolution of Indigenous law against the backdrop

of the 10-year anniversary of the [Truth and Reconciliation Commission's Calls to Action](#).

- Political trends around the world have undermined significant progress that had been made at the intersection of business and human rights. In prioritizing the development of critical minerals, investing in data centres, and expediting the review process for major projects, Canada risks following this trend. In this context, there is significant value in creating space for people to discuss, think deeply, exchange perspectives, and propose solutions, as modelled by the [Canadian Forum for Business and Human Rights](#) at the [University of Manitoba](#) during its inaugural conference at the [Canadian Museum for Human Rights](#).



[Canadian Museum for Human Rights](#) in Winnipeg, site of the [Canadian Forum for Business and Human Rights](#)' inaugural conference

v. For Specific Substantive Consideration

- In the area of constitutional law, it is interesting to consider how historical norms and assumptions are interpreted and applied in a contemporary context. For example, the invocation of section 33 of the [Charter of Rights and Freedoms](#) ("the notwithstanding clause") was expected to incur political consequences for governments choosing to invoke it, but this has seemingly not proven to be the case. While current work in this

space is largely tied to litigation, there is room to think about the issues without being tethered to a particular factual context.

- There are contradictory ways of thinking about the Crown in different areas of law. For example, there is a convention that the Crown does not practically exercise the powers that are conferred upon it in the Constitution, but in case law about the honour of the Crown, the symbol of the Crown ends up constraining the power of the executive. Canadians could benefit from a greater understanding of the concept that is present in criminal matters, citizenship ceremonies, treaty negotiations, cabinet government, and property rights, among others.



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

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