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newsletter



I C J C A N A D A



Professor Errol Mendes is 2006 Recipient of the Walter S. Tarnopolsky Award

Inside

Tarnopolsky Recipientp.1

Letter from the Acting President .p.2

Annual Meeting, Calgaryp.2

Fournier donationp. 3

JEDNET Initiativep.4

Eminent Jurists Panelp.4

At the joint ICJ/Canadian Judges' Forum meeting held on August 14 in St. John's, ICJ Commissioner Hon. Ian Binnie presented the Tarnopolsky Award for outstanding contributions to the field of human rights to Professor Errol Mendes. Later, Professor Mendes addressed the ICJ Annual Meeting.

Professor Mendes is the former Director of the Human Rights Research and Education Centre at the University of Ottawa, of which Walter Tarnopolsky was the founding Director. He is internationally recognized for his expertise in the areas of constitutional law, human rights and international business and trade law. Professor Mendes is currently Editor-in-Chief of the National Journal of Constitutional Law. His work includes a major study on legal mechanisms to combat racism for the federal Department of Justice, and, with Senator Gérald-A. Beaudoin, the third edition of the Canadian Charter of

Rights and Freedoms (1996). Professor Mendes has served as project leader for human rights, governance, and justice projects in China, Thailand, Indonesia, Brazil, El Salvador, Sri Lanka, and India.

At the ICJ Annual Meeting, citing the disastrous 20th-century failures of many States to balance the claims of individual and collective rights, Professor Mendes spoke of the wisdom of using the Canadian model as a template for the protection of minority rights in multiethnic States worldwide: "The genius of the founding architects of Canadian nationhood was to entrench asymmetry up to the limits of the politically possible, but then to permit differences to flourish under other symmetrical provisions."

The full text of Professor Mendes' speech is available in the Documents Section at www.icjcanada.org.•



Brian A. Crane, Q.C.

Letter from the Acting President

tions, including the International Commission of Jurists, that work towards the protection of human rights. He explained that:

... By exchanging experiences we can, without our own differing legal provisions, learn to adapt old ways and to address the really urgent and important priorities for human rights in the courts in the 21st century.

... Recently I have been Rapporteur of an international group which has developed universal principles of judicial integrity. By dialogue between senior judges of the common law tradition and judges of the civil law tradition, basic principles have been agreed. Under the auspices of the United Nations Office on Drugs and Crime, Global Programme Against Corruption, Judicial Integrity Group, the principles have been submitted to, and endorsed in principle by ECOSOC within the United Nations. This is the type of activity in which judges of different traditions and regions can come together to express common principles. The greater the integrity of the judiciary, the more likely will be the success of its role in defending and upholding the human rights of

continued on page 3



We live in a time when many NGOs are re-examining long-standing goals and mandates to assess their relevance and importance in a rapidly changing world. Since 1948, the International Commission of Jurists, based in Geneva, has been dedicated to the protection of human rights and the advancement of the rule of law. The ICJ Judges and Lawyers Program focuses on laws and policies that guarantee the independence of judges and lawyers in accordance with recognized international standards.

tion of freedom and fundamental liberties throughout the world. Our various programs - providing observers to attend politically motivated trials, supporting projects for international judicial education, and encouraging thoughtful analysis of international human rights through local speakers and the annual Tarnopolsky lecture - are consistent with these objectives. However, ICJ Canada does not engage in political advocacy that could compromise our judicial members.

The Canadian Section of the International Commission of Jurists (ICJ Canada) was established in 1958 as an independent charitable organization to support the rule of law, the independence of the judiciary, and the preserva-

At the Inter-Regional Conference on Justice Systems and Human Rights held in Brasilia in September 2006, Justice Michael Kirby of the High Court of Australia, formerly President of the International Commission of Jurists, encouraged fellow judges support appropriate non-governmental organiza-

2007 ANNUAL MEETING IN CALGARY

It's not too early to mark your calendars for the 2007 ICJ Canada Annual Meeting to be held next summer in Calgary on Monday, August 13 from 3:30 to 5:30 at the Telus Convention Centre. The meeting will include the annual Tarnopolsky address by the 2007 recipient and will be followed by a reception once again generously sponsored by Fraser Milner Casgrain. The Tarnopolsky Award will be presented by Justice Ian Binnie at the joint ICJ/Canadian Judges Forum meeting to

be held from 9:15-10:45. This year's joint program will be on "Security in Our Courthouses and Courtrooms," and the panel will consist of three experts in the field, including Francois Rolland, Chief Justice of the Quebec Superior Court, and Norman Inkster, former Commissioner of the RCMP. ICJ Canada's representative will be Reid Morgan, ex-Director of CSIS and former Deputy Minister of Foreign Affairs. •

newsletter

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*those who come before the courts.**

Justice Kirby's remarks speak directly to the goals of ICJ Canada. Many of our judicial members participated in the CIDA-funded judicial education project in the Balkans under the leadership of Justice Michèle Rivet. We are currently exploring other avenues that may lead to partnerships with other organizations (see, for example, Justice Ginette Piché's report on page 4 of in this Newsletter). The Chair of the Executive Committee of the ICJ, Justice John Dowd of Australia, visited Canada in early December 2006 and met with ICJ Canada's Executive Committee to discuss better communication, as well as our involvement in upcoming Geneva projects. A further visit from ICJ Secretary-General Nicholas Howen is expected this spring.

I am delighted to report that your Executive Committee has approved the recommendation of the Nominating Committee, chaired by Justice Bob Richards, that Paul Fraser, Q.C. Vice-President for British Columbia, be appointed as President of ICJ Canada to serve until the Annual Meeting in August 2007. Paul replaces Ed Ratushny who retired at the Annual Meeting in 2006 after five years of exceptional service to ICJ Canada.

In addition, Laura Stewart, a litigation partner at Gowlings (Ottawa), has been appointed Assistant Secretary-Treasurer of ICJ Canada to assist in the management and supervision of the Ottawa office.

Finally, I wish to express my appreciation to our busy officers: Moira McConnell (Vice-President for the Maritimes), Justice Ginette Piché (Vice-President for Quebec), Justice Charles Hackland (Secretary-Treasurer), Ron Atkey (Vice-President for Ontario), Justice Bob Richards (Vice-President for the Prairies) and Paul Fraser (Vice-President for British Columbia), and our ICJ Commissioners Justice Ian Binnie and Justice Michèle Rivet. •

★ The full text of Justice Kirby's address, "Strengthening of the Judicial Role in the Protection of Human Rights – An Action Plan," is available from the Ottawa office.

See also, M D Kirby, "Judicial Integrity: A Global Social Contract" (2003) 29 *Commonwealth Law Bulletin* 976. The original principles are published (2001) 27 *Commonwealth Law Bulletin* 404 at 408.

Paul A. Fournier Foundation Gives Grant for 2007



Justice Pierre-Claude Fournier

The Paul A Fournier Foundation has once again made a very generous donation to ICJ Canada. This is the fourth time a donation has been made by the Honourable Mr. Justice Pierre-Claude Fournier of the Quebec Superior Court in Sherbrooke, who is the nephew of Paul A. Fournier and the Administrator and Governor of the Foundation.

Paul A. Fournier, a successful real estate magnate and ski lift manufacturer who died in 1995, left the majority of his estate to the Foundation, which donates funds to a wide range of groups and organizations for work in such fields as medical research, the arts, education, and outreach. The Foundation has contributed to the fight against hunger on a global level and support for victims of domestic violence in Canada.

Once again, our thanks to Justice Fournier for his thoughtfulness and generosity in supporting the activities and aims of ICJ Canada. •



Left to right:
Hon. Ian Binnie,
Hon. John Dowd,
Brian Crane,
Hon. Charles Hackland

ICJ Canada Involved in New NJI Initiative



The Hon. Ginette Piché

and delivered a two-course seminar for judges, designed to teach the basic skills and approaches relevant to effective international work. This unique program has been very successful.

One of the most important outcomes of the meeting was the announcement that the Canadian Judicial Council has finally agreed that international work fits within a judge's judicial activities.

A discussion was held on the formation of a Consortium of Judicial Education bodies in Canada. Mr. Thomson insisted on the need to make Canadian expertise available when judicial education projects are designed and delivered. The Committee discussed that problems that arise when judges are asked to become involved in judicial education, and the Committee also decided not to participate in competitive bidding because of the ethical and practical issues that such a process may raise. •

More information on JEDNET may be found at <http://jednet.nji.ca/nji/JEDNET/home.cfm>

In November, the Honourable Ginette Piché, Vice-President for Quebec, represented ICJ Canada at a meeting of the Advisory Committee of the newly formed, CIDA-funded Judicial Educators' Network Project (JEDNET), which, under the auspices of the National Judicial Institute, aims to develop a sustainable network for sharing judicial education experience to be found within judicial organizations in Canada and abroad. The dual aims of JEDNET are to build the capacity of the Canadian judiciary to engage in effective and sustainable international judicial cooperation initiatives and to build partnerships and share judicial education approaches

and resources with counterpart judicial education institutions in developing countries.

The November 20 meeting of the Advisory Committee was chaired by George Thomson, Senior Director of NJI, and included representatives from the Canadian Council of Law Deans, the CBA, Justice Canada, the Canadian Institute for the Administration of Justice, the Canadian Superior Court Judges Association, and ICJ Canada, among others. The meeting began with an overview of the JEDNET program and an update on the popular Judicial Roster that now boasts a registration of over 70 judges. NJI has also developed

Rescheduled EJP Hearings in April Feature Arthur Chaskalson and Robert Goldman

The Canadian hearings of the Eminent Jurists Panel that were originally scheduled for September 2006 had to be postponed when one of the panelists, Professor Vitit Muntarbhorn of Thailand, was called to speak at the UN. The Canadian hearings in Toronto and Ottawa have been rescheduled for the week of April 23, 2007. The Hon. Arthur Chaskalson, Chair of the Eminent Jurists Panel and former Chief Justice of South Africa and the first President of South Africa's new Constitutional Court, and Robert Goldman, Professor of Law at American University's Washington College of Law, who recently served as the UN Human Rights Commission's expert on

counter-terrorism and human rights and is a former member of the Inter-American Commission on Human Rights, will sit as a panel of the Eminent Jurists.

The Canada hearings are being organized by Professor Craig Forcese of the University of Ottawa Law School. Ron Atkey, Vice-President for Ontario, will chair a committee comprised of Judge Michèle Rivet, ICJ Commissioner, and Paul Fraser, President of ICJ Canada, to work with Professor Forcese on this upcoming event. Details will be available on the web site at www.icjcanada.org as they become available. •



The Hon. Arthur Chaskalson



Prof. Robert Goldman