

Name: Lau, Pui Chi

School: Prince of Wales Secondary School

Grade: 11

Email:

Phone:

Student #:

Teacher's Email:

Class: Law Studies 12

What do you think is the greatest threat to the rule of law in Canada, and what steps can you take to defend it?

As one of the countries which plays a vital role in advocating democracy, Canada has established a fair judicial system for all citizens, and the rule of law is a major key contributing to its success. The ultimate purpose of the rule of law is to ensure that everyone has an equal treatment regardless of their race, gender, occupation, and level of wealth. The rule of law vividly demonstrates the democratic value of the Canadian society, as everyone is entitled to enjoy personal autonomy while being responsible for their own conducts. Under the presence of the rule of law, human rights in Canada have been secured and protected over decades. Elite impunity, seizure of one's property, and arbitrary imprisonment are some examples of prohibited actions guaranteed by the rule of law. Without the rule of law, some individuals may have more privileges over those with lower socio-economic status, causing them to be above the nation's law. This will essentially pose a threat to Canada's legal system, as well as the primary rights of all citizens.

According to the National Justice Survey 2022 Infographic, the percentage of respondents who lack confidence that the Criminal Justice System would be fair to everyone has risen to 49%, while 39% of the respondents lack confidence in the system's accessibility to all people. In addition, the survey reveals a trend of which the confidence of respondents generally increases with age and income. Therefore, we could notice the urge to restoring citizens' confidence in the country's legal system by enhancing public access to and understanding of the law.

There are numerous threats that may endanger the rule of law in Canada. In my point of view, the potential bias that exists in our society would be one of the greatest hazards that

interfere with the justice system of our country. From my perspective, bias related to individual characteristics such as race, gender, and wealth might cause some people to mistakenly believe that they would be able to elude their legal obligations through various means, resulting in the exploitation of one's power and the commitment of felonious actions. This misconception may eventually lead to the hinder of Canada's justice system, and even become a significant drawback to our democratic society.

To begin with, wrongful prejudice could culminate in the arise of social disparities and unfair treatments. When the public perceives favoritism in our society, individuals in higher socioeconomic statuses would be able to enjoy more privileges or even exploit those who have less power, ending up with a breach of the rule of law. This implies that the country's legal system may become biased in favour of specific individuals or parties as they could execute their prerogative in certain circumstances, while turning unfavourable for other citizens. This behaviour may fully demonstrate the detrimental effects that could possibly arise in the absence of the rule of law. Not only would such bias create disparities among individuals that reside in our country, but it might as well render the justice system vulnerable and insecure.

The *Hunter v. Southam Inc.* case is an example of which the violation of the rule of law took place. In April 1982, some government investigators searched the office of the Edmonton Journal without warrants, while claiming that they wanted to search every file in the building except files in the newsroom. The officers declined to provide the name of the complainant or any information about the initiation of the inquiry, or to specify under which

section of the Combines Investigation Act authorized the inquiry. In the end, the Supreme Court ruled that the act had violated the Charter since no appropriate process for issuing warrants was followed. Additionally, the Court emphasized that there must usually be “reasonable and probable grounds” to believe that an offence has been committed and evidence could be found at the place of search to obtain a warrant. From this example, we can observe that government investigators or those in higher positions might abuse their authority, and bias might exist in some situations. Apparently, Canada has worked diligently to establish a more transparent government system throughout the past decades, aiming to prevent situations like that from happening in the future. However, the risk of corruption or wrongful prejudice might persist. This case built a foundation to protect citizens’ rights against unreasonable search and seizure, ensuring that no one would be above law to intrude on others’ privacy through the infringement of the rule of law.

Another example illustrating the violation of the rule of law due to bias is R.v. Marshall case (1999). In 1993, Donald Marshall jr., a member of the Membertou First Nation, was stopped for fishing in Pomquet Harbour. Marshall was found catching and selling eels without a licence during closed-season times, his equipment was seized, and he was arrested, facing charges under the federal Fisheries Act and the Maritime Provinces Fishery Regulations. However, Marshall argued that his actions were legally protected by the Peace and Friendship Treaties, so he pleaded for an appeal. Although the Nova Scotia Court of Appeal maintained Marshall’s conviction, the Supreme Court heard the Marshall case and affirmed his wrongful conviction in 1999. The Supreme Court of Canada acknowledged that the scope of Donald Marshall Jr.’s fishing activities fell within treaty rights, while stating that courts

must “choose from among the various possible interpretations...the one which best reconciles” Indigenous interests and those of the Crown. This case exemplifies the systemic discrimination and the unjust treatment of Indigenous individuals within the legal system, as the authorities failed to recognize and respect the Indigenous people's rights as outlined in the treaties.

One of the most effective strategies to defend the nation's rule of law is to establish educational lectures for the public. It is indispensable to cultivate citizens' understanding of the country's justice system, empowering them to recognize their legal rights and responsibilities to treat others equally as Canadian citizens. Despite government-launched programs, there are only a few non-profit organizations and groups that play a crucial role in supporting individuals' access to the legal education in Canada. Notably, while resources are allocated to resolving various social issues, the peremptory to strengthen the country's democratic values remain unmatched. By providing initiatives for people to engage in legal education, they can be more committed in upholding the rule of law, thereby fostering a just and transparent relationship between the government and the community.

As a high school student, I feel a strong connection to the future development of Canada's legal system. In order to contribute to defending the rule of law, I aim to always stay informed about the current legal and political issues, and participate in legal education programs to deepen my understanding of the complexities within Canada's justice system and my lawful obligations. On top of that, I could also join or establish students-led groups dedicated in raising public awareness of legal matters and advocating fairness for everyone.

Engaging in events, discussions, and initiatives will allow me to further explore the principles of the rule of law and activate my interest in law. By performing these actions, I could be able to share my knowledge with my family, friends, and peers. Not only could this broaden my understanding about legal matters, but also enhance the promotion of the importance of the rule of law.

To sum up, I believe that the biased nature of citizens poses the greatest threat to the rule of law. Barriers emerged due to the presence of prejudice and favoritism towards a certain individuals or groups, thereby compromising the fair application of the rule of law. Based on the findings from various research, I can conclude that more resources should be spent on cultivating public about the country's law and its inseparable relationship with our society. While my individual actions might not immediately create a massive impact, it is crucial for us to acknowledge that the rule of law stands as a fundamental principle in our democratic country. In this framework, everyone is entitled to enjoy equal treatment and basic human rights, and the responsibility of defending it lies squarely on our shoulders. Although there is still a long path ahead to encourage all Canadian citizens to fully embrace the principle of rule of law, even the small steps could lead us to great achievements.

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