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Appointment of Women to Judiciary

Question by:

The Honourable Claudette Tardif

Tuesday, March 13, 2012

THE SENATE

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[Translation]

JUSTICE

APPOINTMENT OF WOMEN TO JUDICIARY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

In her reply to Senator Fraser's question last week, the leader stated that the government is making every effort to increase the number of women in the judiciary. However, statistics on judicial appointments indicate that the percentage of women appointed to the federal judiciary by the Minister of Justice has decreased significantly since 2006.

In 2005, 40 per cent of judges were women. However, since 2006, only 30 per cent of the justices appointed have been women and the trend seems to be heading downward.

In 2010 and 2011, for example, just 25 per cent of the justices appointed were women. Could you describe the efforts you said are being made to increase the number of women in the judicial system and why there has been a decrease, as shown by the statistics, even though the number of women in the legal profession continues to increase?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have said, we are extremely proud of the judicial appointments we have made, and this includes the appointment of Chief Justice Nicole Duval Hesler, the first woman in Canada's history ever to be appointed as Chief Justice to the Quebec Court of Appeal. The appointment of qualified women to Canada's judiciary is a priority for our government, and we are making progress.

We recently appointed Justice Karakatsanis to the Supreme Court, which means that now four of the nine judges of the Supreme Court are women. Five of the eleven judges at the Federal Court of Appeal are also women and our government is extremely proud of the fact that we appointed four of those women.

[Translation]

Senator Tardif: Indeed, honourable senators, those are good appointments. However, facts are facts and the statistics show a decline.

The leader also said last week that the government is ensuring that women are well represented in the appointment process. However, as Senator Losier-Cool pointed out in a question in December, women are also under-represented on the committees charged by the Minister of Justice to make federal judicial appointments. In all, women hold just 28 of the 133 positions on those committees. The government's guidelines require the federal Minister of Justice to consider representation of the public in the composition of the advisory committees.

How does the government plan to adjust the composition of these committees in order to ensure that they better reflect the population, including women?

[English]

Senator LeBreton: As the honourable senator knows, there are 17 judicial advisory committees that work on a volunteer basis to identify and recommend qualified candidates for Canada's judiciary. The honourable senator is mistaken if she believes that these advisory committees are set up by the federal Department of Justice.

I have some experience and knowledge in this area. These judicial advisory committees are set up across the country. They are made up primarily of the justices of the various provinces and territories, plus the Chief Justice of the court and others. These advisory committees, of course, are responsible for making recommendations to the Department of Justice for judicial appointments, and we will continue to seek out, select and recommend for appointment women and men of undisputable merit and legal excellence, with input from a broad range of stakeholders.

The judicial appointments process is one that has stood the test of time. We started this process back under the Mulroney government. It was carried on by the Chrétien and Martin governments. It has produced high-quality people to serve in the judiciary, and we are constantly seeking out appointments of highly qualified women. I just put on the record the names of some of the women we have appointed recently.