

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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12 April 2024

The Honourable Niki Sharma  
Attorney General of British Columbia  
Province of British Columbia  
Email: [AG.Minister@gov.bc.ca](mailto:AG.Minister@gov.bc.ca); attention [Tanera.Nanninga@gov.bc.ca](mailto:Tanera.Nanninga@gov.bc.ca)

Dear Attorney General,

## **British Columbia, Canada: Bill 21 violates international human rights law and standards**

This letter follows up our letter of 10 April 2024<sup>1</sup> which was sent shortly before we became aware of the introduction of to the British Columbia (BC) legislature of Bill 21.<sup>2</sup> Lawyers' Rights Watch Canada (LRWC) has examined the Bill in light of LRWC members' decades of experience and knowledge in the area of international human rights law and standards applicable to the independence of lawyers and integrity of legal systems.

We are alarmed by the dramatic changes to the governance and structure of the legal profession. These proposed changes are in clear violation of BC's obligations under international human rights law and standards.

LRWC emphasizes BC's duty to implement the United Nations (UN) *Declaration on the Rights of Indigenous Peoples* (UNDRIP). In light of Bill 21's repeated reference to the UNDRIP, LRWC is deeply disturbed by the glaring omission of any mention of BC's duties under other relevant international human rights treaties and instruments, such as the *International Covenant on Civil and Political Rights* (ICCPR)<sup>3</sup> and the United Nations (UN) *Basic Principles on the Role of Lawyers* (Basic Principles).<sup>4</sup>

Bill 21 makes no reference at all to the duty to uphold the rule of law, which requires the separation of powers and entails the independence and integrity of the legal profession, both of which are violated by Bill 21's sweeping provisions to abolish and replace the current governance structure of the Law Society of BC (LSBC). Bill 21 is in clear violation of international standards for the

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<sup>1</sup> LRWC's letter of 10 April 2024 is found at <https://www.lrwc.org/canada-bc-proposed-legislation-on-lawyers-violates-international-standards/> along with the brief of the same date,

<sup>2</sup> Bill 21, Legal Professions Act, *5th Session, 42nd Parl. 2024*, 1st reading, 10 April 2024, <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/5th-session/bills/first-reading/gov21-1?TermStoreId=f521b6c0-e6c1-466c-944a-97821d4f74fb&TermSetId=9f16e9ee-3dfd-4a20-9566-040d3f546e57&TermId=14dccc64-77f1-492c-8d89-acd5dc259c66&UrlSuffix=gov21-1>

<sup>3</sup> *International Covenant on Civil and Political Rights* [ICCPR], 16 December 1966, Articles 2, 14, 22, and 25, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>4</sup> UN *Basic Principles on the Role of Lawyers*, 7 September 1990, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>.

independence of lawyers and the duty to ensure public participation in all decisions affecting rights as required international standards.

LRWC deplors the BC government's persistent refusal to undertake adequate consultation about this law with BC's lawyers, civil society and the public on the contents of this proposed legislation prior to tabling it in the legislature yesterday. This persistent denial of consultation is despite repeated requests for full public participation by the Law Society of BC, various bar organizations, and LRWC.<sup>5</sup> We do not know what consultation has taken place with Indigenous Peoples. Prior to yesterday's tabling of the Bill, very few people had an opportunity to see or study the provisions of the draft law. With only a few weeks left in the spring session of the legislature, there is now an inadequate opportunity for input by lawyers, other legal services providers, civil society, Indigenous Peoples, or the general public.

LRWC is currently revising the 10-page brief we provided to you yesterday, however, the overall concerns explained in the brief remain unchanged. In fact, LRWC's is increasingly concerned about BC government overreach that appears to overlook or disregard international law and standards. LRWC is in the process of updating the brief and plans to provide you with more fulsome analysis as soon as possible.

In the meantime, LRWC insists that the BC government ensure that all legislation complies, in substance and process, with international law and standards for independence of lawyers and public consultation. We strongly urge your government to:

- Immediately withdraw Bill 21.
- Fully consult and cooperate with lawyers, and other providers of legal services, relevant civil society organizations, the general public, and Indigenous Peoples on any and all proposed laws related to the governance of the lawyers or other practitioners engaged in the provision of legal services, such as paralegals, notaries public, or others.
- Create, in cooperation with the lawyers, a comprehensive plan on access to justice, including utilization of the Provincial Sales Tax (PST) on legal services to fully fund Legal Aid BC so as to ensure the right of all persons to representation by a lawyer in all cases where they require legal representation by a lawyer to secure their rights.

We emphasize that LRWC's concern is not the protection of lawyers' unjustified self-interest. Rather, LRWC's overriding concern is to ensure the protection of human rights and the rule of law. This includes the right of every person to equality of access to competent, confidential

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<sup>5</sup> LSBC, <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2024/updates-and-timeline-proposed-single-legal-regula/> and <https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2024/proposed-single-legal-regulator-legislation-raises/>; The Federation of Law Societies in Canada wrote to the AGBC requesting that the draft legislation be made public for in-depth feedback; Twelve legal organizations expressed concern to the BC AG about the Single Legal Regulator reform process, signed by the Canadian Bar Association, BC Branch, Trial Lawyers Association of BC, Federation of Asian-Canadian Lawyers (BC), South-Asian Bar Association (BC), Alberta Civil Trial Lawyers Association, Saskatchewan Trial Lawyers Association, Abbotsford & District Bar Association, Cowichan Valley Bar Association, Kamloops Bar Association, South Cariboo Bar Association, Surrey Bar Association, Vancouver Bar Association, [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Advocacy/Submissions/Letter\\_to\\_Attorney\\_General\\_Concern\\_Single\\_Legal\\_Regulator\\_Reform\\_Process.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Advocacy/Submissions/Letter_to_Attorney_General_Concern_Single_Legal_Regulator_Reform_Process.pdf);

representation by a lawyer of their own choosing in all matters where the services of a lawyer are required to ensure the protection of their rights.

Sincerely,

[signed]

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Co-Chair, LRWC

[signed]

Catherine Morris  
(Past) Executive Director and UN Main Representative, LRWC

[signed]

Gail Davidson, Director, LRWC

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