

## 2008:01 APPOINTMENT OF JUDGES TO SUPREME COURT OF CANADA

**Whereas 1** the power to appoint judges to the Supreme Court of Canada is held by the Governor General, although in practice appointments are made in consultation with, and upon the recommendation of, the Prime Minister, who has been advised by the current cabinet, and independent Advisory Committees; and

**Whereas 2** in order to preserve public confidence in the Supreme Court of Canada, it is of the utmost importance that the principle of judicial independence be maintained and the appointment of judges be based on merit; and

**Whereas 3** the composition and role of independent advisory committees is an important part of the process in the selection of Supreme Court judges; and

**Whereas 4** the changes implemented in 2006 by the Government of Canada are widely assessed as having decreased the independence of the Advisory Committees, thus opening the door to appointments based on ideology rather than merit; and

**Whereas 5** if the Parliament of Canada has a role in meeting prospective appointees to the Bench of the Supreme Court before their candidature is confirmed, the public perception will be that such judges report to Parliament at the expense of their independence; therefore be it

**Resolved 1 that the National Council of Women of Canada adopt as policy that:**

- a. the Supreme Court of Canada function on the principle of judicial independence;
- b. appointments to the Supreme Court be made on the basis of merit; and
- c. nominees not be required to meet with Parliamentary committees as part of the selection process; and be it further

**Resolved 2 that the National Council of Women of Canada urge the Government of Canada to ensure that:**

- a. judicial independence be recognized as essential to the functioning of the Supreme Court of Canada;
- b. an independent Advisory Committee be set up to ensure that appointments are made on the basis of merit;
- c. the Advisory Committee be composed of representatives from each party in the House Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness; the Canadian Bar; and the Federal Minister of Justice;
- d. The Advisory Committee be asked to differentiate between qualified and highly qualified nominees; and
- e. nominees not be required to meet with Parliamentary committees as part of the selection process.