

MINUTES OF SPECIAL CONVOCATION

London – Monday, 17th July, 2006
2:30 p.m.

Prior to Convocation, the Treasurer (Gavin MacKenzie) and benchers held a reception and luncheon for their guests at the London Convention Centre.

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Following the luncheon, the Treasurer, benchers and their guests proceeded to the auditorium for the Call to the Bar ceremonies of 75 candidates listed in the Report of the Professional Development, Competence and Admissions Committee.

CONVOCATION WAS CALLED TO ORDER AT 2:30 P.M.

A quorum of Convocation was present.

The body of the auditorium was occupied by the candidates and their guests.

The Treasurer asked all present to stand for the National Anthem sung by Denise Pelley.

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CONFERRING OF AN HONORARY DEGREE

Ms. Heather Ross, a representative of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate Dr. Emily Carasco and read the following citation:

“Treasurer, may I present to you and to this Convocation Emily F. Carasco and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.

Emily Carasco entered the study of law at a time when women were choosing to do so in increasing numbers. Many of these women sought not only to challenge the predominantly male composition of the profession but also to use their skills to challenge laws of this country that discriminated on the basis of gender and race. In doing so, they demanded that the legal profession honour its obligation to provide access to justice for all citizens.

Throughout her distinguished career, Emily Carasco has continued to question, challenge and change. She has been a professor of law at the University of Windsor since 1980 and is a well-respected member of the feminist legal academic community. Her thoughtful and disciplined analyses of issues of discrimination have served not only to educate but also to provoke acknowledgement, discussion and strategic thinking.

In addition to her academic contributions, she has worked tirelessly in the political arena to eliminate discrimination at the grassroots level.

It is through the work of those such as Emily Carasco that the legal profession remains relevant, current and true to its obligations.

Emily Carasco is deserving of the highest honour this Society can give and I request you, Sir, to confer upon her the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Dr. Carasco to the degree of Doctor of Laws, *honoris causa*.

Dr. Carasco then addressed the candidates and their guests.

“Mr. Treasurer, Madam Justice Leitch, Benchers, Ladies and Gentlemen, it is a pleasure and a privilege for me to have this opportunity to speak to you. I accept the honour bestowed on me by the Law Society of Upper Canada with humility and gratitude.

I would like to begin by congratulating all those being called to the Bar today. I ask your indulgence for a few minutes on this very special day for you and your families – to talk to you about a perspective on our profession that was indelibly impressed on me when I was at your stage in life and has continued to be a part of my life since then. I am talking about the potential, the ability and the responsibility that lawyers have – outside of the context of serving clients – to advance the cause of human rights – the promotion of the notion enshrined in the Universal Declaration of Human Rights of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

In 1972 a few months after I graduated from law school in Uganda, General Idi Amin, a ruthless military dictator, took it upon himself to expel all Asians from Uganda within three months. People were forced to flee the country with few or none of their possessions, families were ripped apart and fortunes were lost. Amin’s military government was harsh, incompetent and unpredictable – conditions in the country deteriorated rapidly and the government declared a state of emergency. As a young Asian woman, I was deemed to be particularly vulnerable and hasty arrangements were made to get me out of the country. Throughout this ninety day period of chaos and uncertainty, there was a deafening silence on the part in the media. But a few days before I made my tearful goodbyes to my family, there was one courageous letter of protest in the local newspaper against the government’s egregious breaches of human rights – it came from a young black Ugandan lawyer. He drew attention to the rules of international law that prohibited the type of activity that the government was engaging in. I was struck by the attention this letter received and the impact it had. I recognized then, that for better or for worse, the status that lawyers enjoy in society gives us the power to significantly alter public opinion. Clearly the brave young lawyer who wrote that letter felt a responsibility arising from his awareness of human rights law to use his influence in a positive way – even at great personal risk. I don’t know what became of him – these were not times when critics were tolerated – but I have never forgotten him.

My forced departure from Uganda propelled me towards the study of international protection of human rights in my Masters degree. In the course of my studies, I focused on the international community’s attempts to abolish apartheid which had existed in South Africa with almost complete impunity since the end of WWII. I recall my dismay at

the inability and unwillingness of the Security Council to act decisively but I was also heartened and inspired when I read the story of the young Indian lawyer in South Africa who had single-handedly stood up to the discriminatory laws of apartheid. He came to be known in India as the Great Soul – Mahatma – Gandhi.

But let me bring you closer to home. A Canadian lawyer, John Humphrey was the principal author of what I think of as the most important legal document ever – the Universal Declaration of Human Rights which was adopted by the international community in 1948. That Declaration gave birth to the International Covenant on Civil and Political Rights which in turn influenced our very own Charter of Rights and Freedoms. If you have never read the Universal Declaration of Human Rights, please take a look at it. Two words in that document describing human rights jump out at me: ‘universal’ and ‘inalienable’. Human rights are for all human beings and all human beings are entitled to them simply by virtue of being human beings. Rights may be denied but they remain inalienable.

For Canadians born just before or any time after 1982, s.15 and its guarantee of equality are facts of life. But you need to know, if you don’t already that we came close to not having a truly substantive equality section. In its original form, the Charter’s provisions on non-discrimination were no stronger than they were under the earlier Canadian Bill of Rights. It took a group of women lawyers – women like Marilou McPhedran and Bev Bains - in the form of an Ad Hoc Committee on the Constitution - to lobby for equality both before and under the law. Thanks to this group we also have the provision on equality that came to be s. 28 of the Charter. At about the same time, a blind law student took it upon himself to lobby for non-discrimination based on disability. These commendable initiatives led to equality sections with the potential to promote the universality of human rights for all Canadians. But of course the notion of universality necessarily means that human rights protection should be accorded to everybody regardless of their status. Citizenship should not be an issue – the inalienable quality of fundamental human rights automatically grants every person these rights.

Last year Sharryn Aiken and Andrew Brouwer, two Ontario lawyers spearheaded an initiative to draw our Government’s attention to the potential and real breaches of human rights that result from the Security Certificate process utilized for persons deemed to be a security threat. Processes and actions that would ordinarily be deemed contrary to Charter principles are engaged in relation to non-citizens being held in detention. The result is that there are two levels of human rights protection in Canada - and that is clearly contrary to both the letter and the spirit of the Universal Declaration of Human Rights. I, like many others, await the decision by the Supreme Court of Canada on some of the problems associated with Security Certificates.

We cannot always tell how much of an impact our actions and words will have in the quest for universal protection of human rights. Some battles against human rights violations take longer than others. They are still worth taking on. It took four decades to abolish apartheid. To paraphrase something my favourite fictional lawyer Atticus Finch from Harper Lee’s *To Kill a Mockingbird* said when asked about why he was taking on a case he knew he was going to lose – he said: Just because we were licked a hundred years before we began, is no reason not to try and win the fight.

Speaking out against breaches of human rights becomes particularly important in times when fear of the unknown, the other, the foreigner, takes over. It is then that we are

most likely to forget that the universality of fundamental and inalienable rights demands that our friends as well as our alleged enemies are deserving of respect and dignity.

Having fled from a country where – during certain periods – there was little regard for human rights, I am very grateful to be a citizen of a country which not only has a proud tradition of promoting and protecting human rights but is a country in which it is possible to believe that someday we will have achieved the goal of universal protection of human rights for ourselves and all members of the international community.

So to all of you schooled in the principles and values of the Canadian Charter, I urge you to go forth with courage and become a part of that proud Canadian tradition of lawyers endeavoring to make this goal a reality. And who knows, our paths may cross in the process. I hope so.

Thank you”

CALL TO THE BAR

Mr. James Caskey, Mr. Abdul Chahbar and Ms. Judith Potter presented to the Treasurer the 75 candidates for the Call to the Bar.

75 CANDIDATES FOR CALL TO THE BAR

(Enclosed in Convocation file is a list of the candidates for Call to the Bar)

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new Barristers.

CONVOCATION ADJOURNED

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Following Convocation a Special Sitting of the Court of Appeal for Ontario and the Superior Court of Justice convened with The Honourable Madam Justice Lynne C. Leitch, Regional Senior Judge, South West Region, Superior Court of Justice, presiding.

The candidates were presented to Madam Justice Leitch before whom they took the Oath of Allegiance, the Barristers Oath and the Solicitors Oath and acknowledged their signatures on the Rolls in the presence of the Court.

Justice Leitch then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings the new Barristers and their guests were received by the Treasurer and benchers in the Ballroom Foyer of the London Convention Centre.

Confirmed in Convocation this 28th day of September, 2006.

Treasurer