

Friday, June 20, 2008

## “Judging Bastarache” assesses record of retiring Supreme Court of Canada Justice

- Follow-up to 2007 “Judging the Judges” report reveals a mixed record on constitutional rights and freedoms for Justice Michel Bastarache, retiring from the Supreme Court of Canada at the end of June

OTTAWA/CALGARY: The Canadian Constitution Foundation (CCF) today released “*Judging Bastarache*,” a report on the constitutional decisions by Supreme Court of Canada Justice Michel Bastarache. Appointed to Canada’s highest court in 1997 by Jean Chretien, Justice Bastarache retires at the end of June, 2008. “*Judging Bastarache*” follows in the footsteps of the 2007 report “*Judging the Judges*,” a first-of-its-kind study which ranks Supreme Court of Canada judges as to their records in upholding individual and economic freedom, and equality before the law.

A 70-page study posted at [www.CanadianConstitutionFoundation.ca](http://www.CanadianConstitutionFoundation.ca), “*Judging Bastarache*” reveals that the retiring Justice had an over-all strong record of defending individual freedom, economic liberty, and equality before the law. As between those three topics, his record was strongest on cases involving economic freedom (eg. upholding contracts) and equality rights, but weaker in respect of the individual freedoms set out in Section 2 of the *Charter*: freedom of expression, association, religion and conscience.

*Judging Bastarache* was researched and written by Ottawa lawyer Christopher Schafer. Mr. Schafer serves on the Board of Directors of the Canadian Constitution Foundation, a registered charity, independent and non-partisan, with a mission to defend the constitutional freedoms of Canadians through education and public interest litigation.

“The Charter of Rights and Freedoms has the potential to protect our valuable freedoms from state intrusion and interference, but it is up to our judges on the Supreme Court to defend them,” stated Chris Schafer. “This report on retiring Justice Bastarache serves to remind Canadians that the judges we appoint to our nation’s highest Court have a wide discretion in how they interpret our constitutional freedoms,” continued Schafer.

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