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News Release

PROPOSALS TO RENEW THE GENERAL PART OF THE CRIMINAL CODE

OTTAWA, June 28, 1993 -- The Honourable Pierre Blais, Minister of Justice and Attorney General of Canada, today announced, at a Conference of The Society for the Reform of the Criminal Law entitled "100 Years of Criminal Codes", the release of a white paper on the renewal of the General Part of the Criminal Code.

"The 100th anniversary of the Criminal Code presents an opportunity to look beyond the many individual amendments that governments have made to update and improve the Code since its inception", said Minister Blais. "Most important, it allows us to ask whether a criminal law based on 19th century concepts and values effectively serves a modern, technologically advanced society."

These proposals represent the government's response to the Parliamentary report entitled First Principles: Recodifying the General Part of the Criminal Code of Canada, issued in February 1993.

The Sub-Committee on the Recodification of the General Part was established in March 1992 and heard from the legal community and other interested individuals during a six month period the directions that such a modernization should take. In its report, the Sub-Committee confirmed the importance of a Criminal Code that speaks to all Canadians.

The renewal of the Criminal Code rests on three major objectives:

- ▶ modernize the fundamental principles found in the General Part of the Criminal Code in order to better reflect current social values;
- ▶ clarify many legal principles and rules of behaviour to make the Criminal Code easier for Canadians to understand; and



comprehensively codify, in the General Part of the Criminal Code, the fundamental rules of criminal liability, including defences, many of which now exist only in the judge-made common law.

While the proposals contained in the white paper address most of the principal recommendations of the Parliamentary Sub-Committee, some areas, such as physician-assisted suicide, are not covered by the proposals. Such issues require further study and need a careful review of the legal and ethical issues involved.

Clarifications to the General Part of the Criminal Code are required for many reasons. First, since the common law is almost inaccessible, except to legal specialists, it is paramount that Canadians be able to understand criminal law principles and rules that govern them. Second, general principles now contained only in the jurisprudence must be added to the General Part to better reflect the evolution of criminal law. Finally, Parliament needs to review the Criminal Code to ensure that it respects the fundamental principles found in the Canadian Charter of Rights and Freedoms.

The proposals were made public in an effort to consult Canadians interested in criminal law reform. Comments may be sent until the end of October to "The recodification of the General Part of the Criminal Code", Criminal and Social Policy Sector, Department of Justice, Ottawa, K1A 0H8.

Copies of the white paper are available from the Communications and Consultation Branch, at (613) 957-4222.

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