



UNIFORM LAW CONFERENCE OF CANADA

**WORKING GROUP ON THE RESTRICTION OF THE PUBLICATION OF
THE NAME AND OTHER IDENTIFYING INFORMATION OF AN ACCUSED
PERSON**

STATUS REPORT

**Presented by
the Working Group**

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**Winnipeg
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Presented to the Criminal Section

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info@ulcc-chlc.ca

WORKING GROUP ON THE RESTRICTION OF THE PUBLICATION OF THE NAME AND OTHER IDENTIFYING INFORMATION OF AN ACCUSED PERSON

- [1] At the 2024 Annual Meeting of the Uniform Law Conference of Canada (ULCC) in Ottawa, Ontario, the Criminal Section passed a resolution at the request of the Ontario Criminal Lawyers' Association (ON-CLA2024-01):

That a ULCC working group be formed to make recommendations concerning the restriction of the publication of the name or other identifying information of an accused person, given the need to protect the privacy interests, dignity, security of the person and the presumption of innocence relating to that person, while recognizing public safety and other interests of justice. (Carried as amended 24-4-1)

- [2] At the 2025 annual meeting, a status report provided to the Criminal Section indicated that a working group had yet to be constituted and recommended that efforts to form a working group continue so that it may study this issue and report back to the Criminal Section at the next ULCC Annual Meeting in 2026. The Criminal section passed the following resolution (ULCC2025-01):

Be it resolved that:

1. The Status Report of the Working Group on the restriction of the publication of the name and other identifying information of an accused person be accepted; and
 2. The Working Group provide its next report to the Criminal Section at the 2026 annual meeting. (Carried as amended: 31-0-1)
- [3] The working group was formed in the fall of 2025 and has met virtually seven times between November 2025 and June 2026. Boris Bytensky (CLA, Bytensky Shikhman Criminal Law Firm) and Christina Croteau (ULCC Legal Program and Research Coordinator) acted as co-chairs. Recently, Justice Bytensky was appointed to the Ontario Court of Justice in June 2026 and had to leave the working group. Members of the working group also include Matthew Hinshaw (Government of Alberta), Rory Ziv (Defense Counsel, Edmonton), Justin Reid (Ministry of the Attorney General, Ontario), David Parry (CBA, Assistant Crown Attorney, Toronto), Nicolas La Grand Alary (Barreau du Quebec), Ariane Gagnon-Rocque (L'AQAAD), Chelsea Moore (Justice Canada), Myriam Wills (Justice Canada), Jocelyn Sigouin (Justice Canada), Dylan Gold (Bytensky Shikhman Criminal Law Firm, Toronto), Tonya Kent (Defense Counsel, Toronto), Iris Fisher (Blakes), Kaley Pulfer (Lawson Lundell LLP), Sarah DeFillipis (Assistant Crown Attorney, Saint Catharines), James Meloche (PPSC), Brent Joly (Canadian Association of Journalists).

[4] The working group has discussed the following topics:

1. The open court principle in Canada, including the impact of publishing names of accused people, particularly in the context of mental illness, stigma, and discrimination.
2. Police policies to publish or not publish the names of accused people.
3. Publication bans currently available in other contexts in the Criminal Code

[5] Further topics to be discussed have been identified as follows:

1. Policies and legislation regarding the publication of the names of accused people in other jurisdictions
2. Legislation and policy approaches
3. Policy Options

The working group also plans to identify and potentially add additional topics as the work progresses.

[6] Discussions within the working group have illustrated the timeliness of the working group's formation in the age of the internet and social media as well as the difficulty of balancing the interests engaged. We anticipate that the working group will provide valuable background and insight to policy makers in this area.

[7] It is recommended that the working group continue to study this issue and report back to the Criminal Section at the next ULCC Annual Meeting in 2027.