



# Department of Justice Canada

**2021-22**

# Departmental Plan

**The Honourable David Lametti,  
P.C., Q.C., M.P. Minister of Justice  
and Attorney General of Canada**

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## From the Minister

I am pleased to present the Department of Justice Canada's 2021-22 Departmental Plan.

This report provides information on the Department's key priorities, as well as Justice Canada's planned initiatives and activities for 2021-22. It highlights our objectives and future deliverables, and sets the course to help guide our efforts over the next fiscal year.



As Canada and the world continue to grapple with the impacts of COVID-19, the Department of Justice Canada will work alongside others to support the Government's efforts to fight the pandemic and build a stronger and more resilient Canada. The Department's contributions will include providing legal services to federal departments and agencies in areas such as public health and safety, vaccinations, including work with Indigenous communities, procurement, assisting Canadians in need, as well as domestic and international economic recovery efforts.

The Department will continue to support the Action Committee on Court Operations in Response to COVID-19 in restoring Canadian court operations in a way that prioritizes the health and safety of participants and upholds the justice system's fundamental values. Together, we will work to overcome this global crisis and build back a better and more resilient Canada.

We will also support a broad range of government priorities, as we improve, adapt and modernize our justice system to better meet the evolving needs of all Canadians. We will continue building a justice system that is fair, effective, and accessible to all Canadians – especially for those who face systemic barriers. We will take steps to ensure that the criminal justice system is used where it is needed to keep people safe, but not where it would be discriminatory or counterproductive. This means introducing legislation and making investments to address systemic inequities at all points along the criminal justice continuum from first contact through policing to sentencing.

Strengthening and renewing our relationship with Indigenous peoples continues to be a key focus for the Department. We will support the Government's commitment to advancing reconciliation through renewed nation-to-nation, Inuit-Crown, and government-to-government relationships – based on the recognition of rights, respect, cooperation, and partnership. We will further our work with Indigenous partners, including rights-holders and organizations, and other groups on key initiatives including legislation with respect to the United Nations Declaration on the Rights of Indigenous Peoples, and advancing the implementation of the Calls to Action of the Truth and Reconciliation Commission. Our work also includes contributing to a National Action Plan in response to the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Collaboration with our partners will be key to ensure that our actions are informed by the lived experiences of Indigenous peoples in Canada.

The Department will support the Government's continued commitment to building the Canada we are all striving for. We will work towards a legal framework and a justice system that reflect the values that define us as a country; where all Canadians are treated with the same respect, dignity and consideration, free from discrimination, and can enjoy equal entitlement to the protections of the law. We will continue to focus on promoting access to justice and to assist in tackling social issues that have a direct impact on the lives of Canadians, including senior and elder neglect and abuse, Indigenous justice and rights, LGBTQ2+ rights, gun control, privacy rights, and more.

The Department will also continue to innovate and find new ways to deliver easy to use, seamless, digitally enabled services that put the needs of Canadians first. As part of these efforts, the Department is reviewing Canada's *Privacy Act* to ensure it keeps pace with the effects of both technological change and evolving Canadian values. We are committed to ensuring that our laws meet the needs of Canadians and protect the vulnerable from online harm.

While the COVID-19 pandemic will continue to present challenges across Canadian society, Justice Canada will work to implement its plans and vision in the context of this global crisis. However, even in the face of great obstacles, we remain steadfast in our commitments – to ensuring a fair, effective, relevant and accessible justice system for all Canadians, especially for those facing systemic barriers.

As Minister of Justice and Attorney General of Canada, I encourage Canadians to read this 2021-22 Departmental Plan to learn more about what we are doing to deliver on mandate commitments. I have full confidence that the Department will continue to serve all Canadians in an open and transparent way, helping them gain a greater understanding and confidence in their justice system.

The Honourable David Lametti, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada

## Plans at a Glance

Through its core responsibilities of legal services delivery and justice system support, the Department of Justice Canada supports a broad range of government initiatives and ministerial mandate letter commitments. To ensure strong and evidence-based public policy and good governance, the Department applies a range of critical considerations, which include legal risk analysis; diversity and inclusion such as [Gender-Based Analysis Plus<sup>i</sup>](#) (GBA+); privacy; modern treaty implications; and strategic environmental assessment.

The following provides an overview of the Department of Justice Canada's key priorities in 2021-22 for each of its core responsibilities, as well as its internal services.

### Legal Services

The Department will support the implementation of many Government of Canada priorities through the delivery of high quality, integrated legal services – specifically, advisory, litigation, and legislative services.

#### Key actions:

- In support of the Government's actions to fight the COVID-19 pandemic, provide legal advice to federal departments and agencies on public health and safety, vaccinations, procurement, assisting Canadians in need, and domestic and international economic recovery efforts.
- Provide legal advisory services to Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada, and other government departments to further the Government's ongoing commitment to advancing reconciliation with Indigenous peoples.
- Provide legal advice to Public Safety Canada and related agencies to support the Government's renewed commitments on firearms control, including strengthening measures to control the flow of illegal guns into Canada and giving municipalities the ability to further restrict or ban handguns.
- Provide legal advisory and legislative services to Public Safety Canada and related agencies to introduce legislation and make investments to address systemic inequities in the criminal justice system.
- With respect to litigation, provide strategic advice and guidance in the development and national implementation of legal positions and strategies for complex cases and increasing numbers of class proceedings.

### Justice System Support

The Department will play an essential role in promoting respect for rights and in ensuring a fair, relevant and accessible legal framework and justice system that support alternative ways of responding to the causes and consequences of offending.

Key actions:

- Implement criminal justice system reform to address the overrepresentation in the system of Indigenous people and Black and marginalized populations, including Canadians suffering from substance abuse or with mental health issues.
- Continue to support efforts and explore options to address the neglect and abuse of seniors and elders.
- Collaborate with government partners, Indigenous organizations, and other groups on various initiatives relating to the Department's mandate; these include advancing the implementation of the [Calls to Action of the Truth and Reconciliation Commission](#)<sup>ii</sup> and, if enacted, [Bill C-15](#)<sup>iii</sup> (*An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*), as well as contributing to a National Action Plan in response to the [Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#)<sup>iv</sup>.
- Develop innovative approaches to Indigenous justice systems, including leading negotiations on administration-of-justice agreements with Indigenous partners and collaborative work with interested Indigenous organizations and with provinces and territories.
- Lead the policy facet of the [Privacy Act](#)<sup>v</sup> modernization initiative with the goal of tabling further legislation to help ensure that the *Privacy Act* reflects Canadians' modern expectations of privacy, while supporting horizontal and innovative initiatives within government.

## Internal Services

The Department will promote legal and business excellence with a strategic focus on its workforce, on innovation and collaboration, and on open, transparent and accountable operations.

Key actions:

- Maintain vigilance and readiness to adapt to changing circumstances related to the COVID-19 pandemic while planning for the future easing of workplace restrictions.
- Continue to foster a work environment that is healthy and safe, both psychologically and physically, and also respectful, inclusive, and accessible, through such initiatives as the departmental Mental Health Action Plan for 2020-23, the Employment Equity Plan, and the Accessibility Plan.
- Identify and implement meaningful strategies and practices, with the collaboration of various stakeholders, to improve inclusion and address discrimination in hiring, retention and promotional opportunities that may be experienced by Indigenous, Black and racialized employees.
- Promote digital approaches and strategies for information sharing and collaboration, while ensuring information management and information technology planning and data protection.
- Implement strategies to minimize the impacts of the Phoenix Pay System on Department employees.

For more information on the Department of Justice Canada's plans, priorities and planned results, see the "[Core Responsibilities: Planned Results and Resources, and Key Risks](#)" section of this report.



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## Core Responsibilities: Planned Results and Resources, and Key Risks

This section contains detailed information on the Department of Justice Canada's planned results and resources for each of its core responsibilities. It also contains information on key risks related to achieving these results.

### Legal Services

#### Description

The Minister of Justice and Attorney General of Canada provides legal services to the federal government and its departments and agencies. The Minister is responsible for seeing that the administration of public affairs is in accordance with the law. The Minister is also responsible for examining all government bills and regulations for consistency with the *Canadian Charter of Rights and Freedoms*<sup>vi</sup> (*Charter*). Additionally, the Attorney General is responsible for advising the heads of departments on all matters of law, for the legislative drafting of all government bills and regulations, and for conducting all litigation for federal departments or agencies on subjects within the authority or jurisdiction of Canada.

#### Planning Highlights

Legal work is increasingly complex and crosscutting, and the practice of law is dynamic. Moreover, demands for legal services may evolve, depending on the specific priorities of client departments and the various risks they face in implementing these priorities. As a provider of legal services to the Government of Canada, the Department has adopted a client-centric approach to improve its strategic partnerships and ensure that it delivers effective and fiscally sustainable legal services that meet Government and client priorities. This will continue to be done through an enhanced collaborative approach focused on supporting client departments in their search for solutions that benefit Canadians.

The Department will continue to protect the rights of Canadians and ensure that the *Charter* is respected. In addition, the Department will continue to advance a litigation strategy for the Government of Canada that is consistent with the *Principles guiding the Attorney General of Canada in Charter Litigation*<sup>vii</sup>, the *Principles respecting the Government of Canada's relationship with Indigenous peoples*<sup>viii</sup>, and the *Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples*<sup>ix</sup>.

#### 1. Departmental Result: Departments and Agencies Receive High Quality Legal Services

In 2021-22, the Department will continue to provide high quality legal advisory, litigation, and legislative services to its client departments and agencies.

#### Advisory Services

To support the Government of Canada's efforts to fight the COVID-19 pandemic and assist

Canadians in need, the Department will provide legal advice to federal departments and agencies, including:

- Health Canada and the Public Health Agency of Canada in:
  - operationalizing, implementing and enforcing existing and new measures, including making and renewing emergency orders as required;
  - assessing and approving drugs, vaccines and medical devices to help with testing, treating and/or responding to COVID-19;
  - reviewing COVID-19-related commercial agreements;
  - normalizing the temporary regimes created through interim orders made under the *Food and Drugs Act*<sup>x</sup>;
- Public Services and Procurement Canada in the ongoing procurement of goods including personal protective equipment, ventilators, medical supplies and vaccines;
- National Research Council in the establishment of the Biomanufacturing Vaccine Facility to increase Canada's vaccine manufacturing capacity;
- Transport Canada in the development and implementation of measures to stop the spread of the virus (e.g. bio-security measures at airports, measures for the marine sector) and measures to assist the transportation sector in their recovery efforts (e.g. assistance to the aeronautical sector, promoting zero-emission vehicles);
- Employment and Social Development Canada in providing benefits and support to Canadians throughout the COVID-19 pandemic, including modernizing Canada's Employment Insurance system, creating a Canada-wide early learning and childcare system, and addressing gaps in our social systems (e.g. chronic homelessness in Canada);
- Canada Revenue Agency (CRA) in its responsibilities for administering a number of social benefit programs to deliver on the mandate to help Canadians through the pandemic;
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC) in supporting Indigenous communities in preparing for, monitoring and responding to COVID-19, as well as supporting shifts in operations and strategic responses in relation to COVID-19 developments;
- Multiple federal departments and agencies in the development and implementation of policy, legislation, and measures to support the economic recovery from the impacts caused by the pandemic, including:
  - domestic measures to create jobs and strengthen the middle class;
  - leveraging of immigration for short-term and long-term objectives;
  - advice on international trade law to ensure that appropriate measures taken by Canada and its trading partners remain consistent with international obligations and respect the international rules-based order.

The Department will continue to support efforts to respond to the impacts of the COVID-19 pandemic, through the provision of legal advisory, legislative and regulatory services, while also endeavoring to continue successfully delivering on the whole of its commitments to Canadians.

In support of the Government of Canada's ongoing commitment to advancing reconciliation with Indigenous peoples, the Department will continue to provide legal advisory services to CIRNAC

and ISC, in accordance with the [Principles respecting the Government of Canada's relationship with Indigenous peoples](#)<sup>xi</sup>, including:

- Supporting the negotiation and conclusion of coordination agreements pursuant to [An Act respecting First Nations, Inuit and Métis children, youth and families](#)<sup>xii</sup>;
- Supporting the negotiation of modern treaties, agreements and constructive arrangements that reflect a recognition-of-rights approach, and further reconciliation and the establishment of a new fiscal relationship with Indigenous peoples;
- Continuing to implement [Jordan's Principle](#)<sup>xiii</sup>, which is a Government commitment to ensure that First Nations children have access to the health, social and educational support and services they need, when and where they need them;
- Supporting the objective of eliminating long-term drinking water advisories on reserves;
- Continuing to work with First Nations on policy and legislative reforms for the [Specific Claims process](#)<sup>xiv</sup>, including exploring options on enhancing the independence of the process.

In Indigenous-related matters, the Department's delivery of legal services will also include supporting ISC and Public Safety Canada (PSC) in co-developing a legislative framework for First Nations policing as an essential service.

In addition, to support the Government's renewed commitments on firearms control, including strengthening measures to control the flow of illegal guns into Canada and giving municipalities the ability to further restrict or ban handguns, the Department will provide legal advice to PSC, the Royal Canadian Mounted Police (RCMP), and the Canada Border Services Agency.

The Department will also support PSC and related departments and agencies in taking action on combatting hate groups, in countering the rise of ideologically motivated violent extremism and terrorist organizations, and in efforts to prosecute terror suspects to the fullest extent of the law.

As a key player in the Government's efforts in the digital area, the Department of Justice Canada remains committed to supporting the Government's Service Strategy that aims to deliver easy to use, seamless, digitally enabled services that put the needs of Canadians first. The Department will continue to provide advice and support to the Treasury Board Minister of Digital Government, as well as to the Treasury Board Secretariat's (TBS) Office of the Chief Information Officer and Canadian Digital Service, in the development of improved digital services.

The Department will also provide legal advisory services to TBS and other client departments to support:

- Proposed amendments to the [Public Service Employment Act](#)<sup>xv</sup> to address employment equity, diversity and inclusion objectives;
- Regulations to implement a new proactive pay equity regime;
- Implementation of the [Accessible Canada Act](#)<sup>xvi</sup> and the Public Service Accessibility agenda.

Through its Privy Council Office Legal Services Sector, the Department remains committed to supporting the Clerk of the Privy Council and the Privy Council Office, and providing expert

legal advice to a wide range of federal departments on questions and litigation involving Cabinet confidences.

### **Litigation Services**

The Department will further refine and adjust its litigation strategy, integrating it into government public policy making, ensuring consistency with the *Charter*, our values, our commitments, and related principles and directives. Justice Canada will work with client departments to collaborate on litigation positions that consider a whole-of-government approach and include, where possible, early resolution or settlement, opportunities to narrow litigation, and resolution through government initiatives and programs or legislative and regulatory reform. A strategic cross-governmental approach will continue to be applied in litigation that may impact several departments, Indigenous groups, provinces, territories, industry, and other stakeholders.

The Department will continue to support the Action Committee on Court Operations in Response to COVID-19 in their role to promote a nationally harmonious approach to restoring Canadian court operations that prioritizes the health and safety of justice system participants while upholding the fundamental values of our justice system.

The Department will also support the modernization of our work with the court system by implementing procedures and technologies to enable remote hearings and the electronic transfer of documentation.

In supporting CIRNAC and ISC, the Department will continue to work on the settlement of Indigenous childhood claims, including several class actions.

By providing legal support, the Department will continue to assist the CRA in its sustained efforts to crack down on tax evasion and combat tax avoidance to ensure the fairness and integrity of the tax system.

To ensure that Canada retains the appropriate flexibility to enact necessary measures to govern in the interests of all Canadians, the Department will continue to provide high quality legal services to defend Canada's interests in the context of international trade disputes.

### **Legislative Services**

The Department will continue to provide high quality legislative and regulatory drafting services to federal departments and agencies. In particular, the Department will:

- Provide legal advisory and legislative services to PSC, the Parole Board of Canada, the RCMP and the Correctional Service of Canada to introduce legislation and make investments to address systemic inequities in the criminal justice system, from sentencing and records, to rehabilitation and diversion;
- Examine legislation for opportunities to address online hate and harassment, in addition to supporting Canadian Heritage and other departments in the development of complementary responses to concerns around this issue;
- Support ISC in the development of distinctions-based Indigenous health legislation;

- Participate in the interdepartmental working group on the modernization of the *Official Languages Act*<sup>xvii</sup>;
- Support TBS in the statutory review of the *Access to Information Act*<sup>xviii</sup>;
- Continue to contribute to the targeted regulatory reform agenda (Budget 2019), focusing on supporting innovation and business investment. The goal is to make the Canadian regulatory system more agile, transparent and responsive so businesses across the country can explore and act on new opportunities, resulting in benefits for all Canadians. Contributions will include working with client departments on:
  - advancing the modernization of regulations related to agri-food, aquaculture, health and biosciences, transportation and infrastructure;
  - second-round regulatory initiatives in the following areas:
    - enhancing clean technology innovation, adoption and competitiveness
    - advancing digitalization of tools and processes and supporting technology neutrality in the regulatory space
    - improving the incorporation of international standards, while ensuring Canada’s own robust standards for health, safety, security and environmental protection

### **Gender-Based Analysis Plus (GBA+)**

**Gender-Based Analysis Plus**<sup>xix</sup> (GBA+) is an analytical approach used to assess the potential impacts of policies, programs, services and other initiatives on groups of women, men and people with diverse identities. The GBA+ approach considers identity factors that go beyond biological (sex) and social-cultural (gender) differences. It includes the examination of a range of other intersecting identity factors (such as age, sexual orientation, mental or physical disability, education, language, geography, religion, ethnicity, culture, immigration status and socioeconomic status).

As part of the **departmental GBA+ policy**<sup>xx</sup>, the guiding principles of GBA+ will continue to be broadly applied in all areas of the Department of Justice Canada’s work, including the provision of legal services to client departments and advice to Cabinet. This will help ensure departmental policies and programs are inclusive and more responsive to the needs of diverse groups of Canadians. Implementing a GBA+ approach in decision-making processes helps to identify and address existing barriers to improving access to justice.

### **United Nations’ 2030 Agenda for Sustainable Development and the UN Sustainable Development Goals (SDGs)**

As a signatory to the **United Nations’ 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals**<sup>xxi</sup> (SDGs), the Government of Canada is committed to the overarching vision, “leave no one behind.” The Department of Justice Canada is the lead for Canada’s efforts to achieve SDG 16. This goal promotes peaceful, just and inclusive societies that provide access to justice for all, domestically and internationally, and build effective, accountable, and inclusive institutions at all levels.

To foster greater collaboration, the Department will champion and advance the theme of access to justice and other SDG 16-related themes among key partners and stakeholders, including within the federal, provincial, territorial and international contexts. The Department will also support the advancement of the overall 2030 Agenda, including SDG 5 (Gender Equality), SDG 8 (Decent Work and Economic Growth), SDG 10 (Reduced Inequalities), and SDG 17 (Partnerships for the Goals).

Department initiatives that will contribute to advancing SDGs include:

- Collaborating with the [National Security and Intelligence Review Agency](#)<sup>xxii</sup> in its systemic review of the relationship between the courts, the Canadian Security Intelligence Service and Justice Canada (SDG 16, target 16.6)
- Supporting efforts of the [International Assistance Group](#)<sup>xxiii</sup>, as Canada's central authority for extradition and mutual legal assistance (SDG 16, targets 16.4, 16.5)
- Supporting [Canada's Anti-Money Laundering and Anti-Terrorist Financing Regime](#)<sup>xxiv</sup> (SDG 16, targets 16.4, 16.5)
- Providing strategic advice to the [Organisation for Economic Co-operation and Development](#)<sup>xxv</sup> (OECD) on the advancement of a people-centered and accessible justice agenda, as a member of the OECD Advisory Group on the matter (SDG 16)
- Participating in multilateral international negotiations and forums (e.g. G7, Commonwealth Secretariat, Organization of American States, Financial Action Task Force) aimed at improving the international legal framework for law enforcement and cooperation in relation to the prosecution of serious transnational crimes (SDG 16, targets 16.4, 16.5)
- Setting Department-imposed obligations on legal agents of the Minister to abide by Canada's anti-corruption and anti-bribery legal framework in Canada and abroad (SDG 16, target 16.5)
- Providing Justice Canada experts as training resources in supporting the capacity-building work of international agencies and organizations (SDG 16, target 16.11a)
- Contributing to [World Trade Organization](#)<sup>xxvi</sup> and [United Nations Investor-State Dispute Settlement reforms](#)<sup>xxvii</sup> to ensure inclusive international dispute settlement mechanisms and better gender representation, through measures such as gender diversity of panelists and arbitrators (SDGs 5, 16)

## **Experimentation<sup>1</sup>**

The Department of Justice Canada will seek opportunities to improve the delivery of legal services by exploring the adoption of emerging and innovative technologies. Additionally, the Department will pursue improvements in program design and delivery. For instance, it will continue to pilot and adopt new electronic tools to support litigation and document exchange. The aim of these initiatives is to achieve improved service delivery and the adoption of evidence-based solutions that serve the public interest.

Justice Canada is currently using a Client Feedback Survey (CFS) to assess client satisfaction with legal services provided to government departments and agencies. The CFS is based on traditional sampling methodologies to obtain feedback. Individual client departments are

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<sup>1</sup> [Experimentation](#) is defined in the "[Appendix: Definitions](#)" section of this report.

surveyed on a cyclical basis. The complete cycle of surveying departments normally requires two years. In 2020, the Department began experimenting with a different platform to collect information on client satisfaction, through an Instant Client Feedback Survey (ICFS). This platform, and the manner in which the Department applies it, may provide a more efficient approach to collecting data. This could theoretically allow for greater agility in adjusting processes or practices to further ensure the Department provides high quality client-centric legal services. As a complement to the formal CFS, the ICFS follows the completion of key milestones on individual case files. A pilot is being conducted, which will run in parallel with the CFS to generate enough evidence to assess its viability. The experiment will continue into 2021-22, which will allow for a comparative analysis of survey platforms to determine the best course of action moving forward.

The impacts of the COVID-19 pandemic have accelerated initiatives to modernize the way we work. Justice Canada will continue to advance the secure exchange of documents with client departments and other parties (including the courts) using an electronic platform. For example, the Digital Exchange Platform Pilot was launched in the Toronto area in 2020 and is expected to run into 2022-23. In the current stage, the Ontario Immigration Law Division and six participating law firms can serve materials to each other and file documents via a digital portal. The initiative aims to facilitate the exchange of documents through electronic means without requiring the involvement of the courts or third-party process servers.

In addition, the Department has been working towards the modernization of our work with the court system by implementing procedures and technologies to enable remote hearings and reduce in-person attendance where counsel can appear by video or telephone (e.g. case-management conferences, largely procedural hearings, uncontested motions). As a result of this experiment, the Department intends to update or establish new guidance on document-sharing platforms and on the conduct of digital litigation, including remote hearings.

### **Key Risks**

Cultivating and maintaining productive relationships with client departments enables Justice Canada to achieve its expected results. As legal practices, client priorities, and demands for legal services evolve, there may be risks for particular relationships. To mitigate these risks, the Department will continue to focus on collaboration and joint planning with client departments to meet Government and client priorities, especially during this time of the COVID-19 pandemic. The Department will work with client departments to prioritize efforts and manage demand. In the context of litigation services and as a result of the recent evaluation of litigation services, the Department will continue to advance its priority of strengthening strategic partnerships with clients.

## Planned Results for Legal Services

Departmental Result	Departmental Result Indicator	Target	Date to Achieve Target	2017-18 Actual Result	2018-19 Actual Result	2019-20 Actual Result
Departments and agencies receive high quality legal services	Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the overall quality of legal services	8.0 or greater	March 2022	Advisory: 8.8 Litigation: 8.5 Legislative: 8.6 Regulatory: 7.9 <sup>2</sup>	Advisory: 8.6 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.0 <sup>3</sup>	Advisory: 8.5 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.4 <sup>4</sup>
	Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the performance of legal services against the Service Standards for the Provision of Legal Services in Government	8.0 or greater	March 2022	Responsiveness/Accessibility: 8.9 Usefulness: 8.6 Timeliness: 8.5 <sup>5</sup>	Responsiveness/Accessibility: 8.8 Usefulness: 8.5 Timeliness: 8.3 <sup>6</sup>	Responsiveness/Accessibility: 8.7 Usefulness: 8.4 Timeliness: 8.2 <sup>7</sup>
	Percentage of litigation files resolved in a fiscal year that have a successful outcome (settled or adjudicated) from the Crown's perspective	75% or greater	March 2022	79%	80%	85%

N.B.: The Department is currently conducting an in-depth review of its departmental result indicators, including target dates. This review will assess and amend indicators, as appropriate, with a view to ensuring they are regularly supported with high quality and available data.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>xxviii</sup>.

<sup>2</sup> The results presented for 2017-18 and 2018-19 reflect cumulative interim feedback collected during Cycle III of the [Department of Justice Canada Legal Services Client Feedback Survey \(CFS\)](#) (<https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2012/sur/index.html>).

<sup>3</sup> See note 2.

<sup>4</sup> Cycle III of the CFS was completed in 2019-20 and the [CFS Survey Results – Cycle III \(2016-2019\) report](#) was published in January 2021 (<https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2019/sur/index.html>).

<sup>5</sup> See note 2.

<sup>6</sup> See note 2.

<sup>7</sup> See note 4.

## Planned Budgetary Financial Resources for Legal Services

2021-22 Budgetary Spending (as indicated in Main Estimates)	2021-22 Planned Spending	2022-23 Planned Spending	2023-24 Planned Spending
218,606,709	218,606,709	219,082,931	218,460,309

N.B.: Financial resources for Planned Spending are based on Main Estimates and are net of [respendable revenues](#). These exclude funding announced in the [2020 Fall Economic Statement](#)<sup>xxx</sup> and any funding to be received through Budget 2021.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>xxx</sup>.

## Planned Human Resources for Legal Services

2021-22 Planned Full-Time Equivalents	2022-23 Planned Full-Time Equivalents	2023-24 Planned Full-Time Equivalents
3,370	3,370	3,370

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>xxx</sup>.

## Justice System Support

### Description

The Department of Justice Canada plays an essential role in ensuring a fair, relevant and accessible Canadian justice system. This responsibility is shared among a broad range of players, including Parliament; the judiciary; federal departments and agencies; partners in provincial, territorial and municipal governments; a broad range of non-governmental organizations and stakeholders; and, ultimately, all Canadians.

### Planning Highlights

The Department of Justice Canada develops and coordinates all federal justice legislative reforms, policy options and initiatives. The Department also tests innovative approaches to strengthening the legal framework within various domains, notably criminal justice (including sentencing, criminal procedure, youth criminal justice, and justice for victims of crime); children and family law (including marriage and divorce); access to justice; bijuralism<sup>8</sup>; human rights; privacy; access to information; official languages; and Indigenous justice.

The Department provides justice system support to realize three key results for Canadians:

1. Laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada.
2. The criminal justice system supports alternative ways of responding to the causes and consequences of offending.
3. Canadians in contact with the justice system have access to appropriate services enabling a fair, timely and accessible justice system.

As the Department works to achieve these results, it must remain ready to respond to the accelerated pace at which new policy issues emerge or unfold. Adding to this, the broad scope of justice issues and the multi-tiered nature of Canada's justice system require the involvement and collaboration of many partners and stakeholders.

As part of this responsiveness and to lend support to activities under way within the context of Canada's Anti-Racism Strategy, the Department is undertaking, among other activities, an anti-racism review of its policy and program processes.

### **1. Departmental Result: Laws and Policies Abide by the Rule of Law and Promote Respect for Rights and a Fair, Accessible and Relevant Legal Framework in Canada**

The Department remains committed to engaging with provincial and territorial governments, Indigenous governments, organizations and communities, other countries, and domestic and international organizations, as well as an increasingly diverse community of stakeholders. It will focus efforts on the identification of emerging issues, the development of various options

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<sup>8</sup> Bijuralism is the coexistence of two legal traditions within a single state. Since the common law and civil law coexist in Canada in both official languages, Canada is said to be a bijural country.

(including policy, legislative and operational responses), and the implementation of reforms to improve the criminal, family and youth justice systems and promote public confidence.

In an effort to strengthen the confidence of Canadians in the federally appointed judiciary, the Department will support the Minister of Justice in bringing forward legislation to reform Canada's system of judicial governance and discipline. As the lead for this initiative, the Department will contribute to all elements of policy development and parliamentary support. In collaboration with the Office of the Commissioner for Federal Judicial Affairs and the Canadian Judicial Council, who will later lead the implementation, the Department will work on measures to strengthen the governance arrangements and the independence of the Council. The Department will also continue its work to further ensure that the federal judiciary is reflective of Canada's diversity, and improve methods of tracking progress.

The Department will build upon its review of the criminal justice system to ensure that Canadians are kept safe, while also continuing to address systemic inequities and the overrepresentation of certain populations in the criminal justice system.

Sentencing policies that have limited judicial discretion through an increased use of mandatory minimum penalties and restricted conditional sentence orders<sup>9</sup> have negatively impacted the criminal justice system, as well as public confidence in the system. In addition, such sentencing policies have disproportionately affected Indigenous peoples, Black persons, and offenders with mental health and addiction issues. There have been significant and sustained calls for reform, including from the Standing Senate Committee on Legal and Constitutional Affairs, the Truth and Reconciliation Commission, and the National Inquiry into Missing and Murdered Indigenous Women and Girls. In order to address this, the Department will pursue criminal law reforms that address the harmful impacts caused by the broad reduction of judicial discretion in sentencing, while ensuring public safety and offender accountability in a manner that reflects the seriousness of the offence and the degree of responsibility of the offender.

Black Canadians are more likely to be admitted to federal custody for an offence punishable by a mandatory minimum penalty. In 2016-17, while Black Canadians represented approximately only 3.5% of the [Canadian population](#)<sup>†</sup>, Black inmates represented 7.2% of the total [federal offender population](#)<sup>††</sup>.

The proportion of Indigenous offenders admitted for an offence punishable by a mandatory minimum penalty has increased over the past ten years. In 2016-17, though they represented approximately only 5% of Canada's general population, Indigenous people accounted for 18% of offenders admitted to federal custody for an offence punishable by a mandatory minimum penalty (excluding impaired driving offences).

In 2020, [Indigenous people](#)<sup>‡</sup> represented over 30% of federally incarcerated inmates. Furthermore, Indigenous women represented 42% of federally incarcerated women.

<sup>†</sup> Statistics Canada, [Population and demography statistics](https://www.statcan.gc.ca/eng/subjects-start/population_and_demography) ([https://www.statcan.gc.ca/eng/subjects-start/population\\_and\\_demography](https://www.statcan.gc.ca/eng/subjects-start/population_and_demography)).

<sup>††</sup> Public Safety Canada, [2018 Corrections and Conditional Release Statistical Overview](https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2018/index-en.aspx) (<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2018/index-en.aspx>).

<sup>‡</sup> Office of the Correctional Investigator, [Indigenous People in Federal Custody Surpasses 30% Correctional Investigator Issues Statement and Challenge](https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx) (<https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>).

<sup>9</sup> Conditional sentence orders are sometimes referred to as "house arrest."

With support from CIRNAC, the Department led the development with Indigenous peoples of [Bill C-15<sup>xxxii</sup>](#) (*An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*), which was introduced in December 2020. If enacted by Parliament, Bill C-15 will create a lasting framework for reconciliation through federal [implementation of the UN Declaration<sup>xxxiii</sup>](#). The Department will work with others to support the implementation of the UN Declaration legislation across the federal government, in cooperation and consultation with Indigenous peoples.

In addition, the Department will continue to support the Deputy Minister of Justice in her role as a member of the Deputy Ministers Committee on Indigenous Reconciliation. Efforts will include the provision of timely and integrated horizontal advice and support to the whole-of-government review of laws, policies and programs for consistency with the UN Declaration and [Section 35 of the Constitution Act, 1982<sup>xxxiv</sup>](#).

The Department will contribute to a renewed relationship with Indigenous peoples by continuing to collaborate with federal, provincial and territorial government partners, national Indigenous organizations, and other stakeholders to accelerate progress on various initiatives that relate to the Department's mandate. This includes advancing the implementation of the [Calls to Action of the Truth and Reconciliation Commission<sup>xxxv</sup>](#) (TRC Calls to Action) and responding to the [Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls<sup>xxxvi</sup>](#) (MMIWG Calls for Justice).

Furthermore, the Department will continue to support efforts to combat all forms of gender-based violence. In particular, it will do so by supporting CIRNAC in the development, delivery and implementation of a responsive and evergreen [National Action Plan<sup>xxxvii</sup>](#) to end the systemic causes of violence against Indigenous women, girls, and LGBTQ2+<sup>10</sup> persons (in response to the [MMIWG Calls for Justice<sup>xxxviii</sup>](#)). Aligned with the commitments presented in the Speech from the Throne, the Department will also support Women and Gender Equality Canada (WAGE) in the development and implementation of a National Action Plan under [Canada's Strategy to Prevent and Address Gender-Based Violence<sup>xxxix</sup>](#). This National Action Plan will focus on ensuring that anyone facing gender-based violence has reliable and timely access to protection and services. The Department will be contributing to the development and implementation of a Justice pillar under each aforementioned National Action Plan. This work, as well as the Department's broader work on criminal law reform and victims' issues, will be informed by a series of Indigenous-led community dialogue sessions with key stakeholders.

The Department will continue to support the full implementation of the criminal justice system reforms enacted through [An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts<sup>xl</sup>](#) (former Bill C-75). Building on these reforms, the Department will further support the Government in its efforts to ensure that Canada's criminal justice system is efficient, effective and accessible. These objectives remain critical, particularly as Canada continues to navigate the challenges posed to all social institutions, including the justice system, during the COVID-19 global pandemic. Ongoing

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<sup>10</sup> LGBTQ2 is the acronym used by the Government of Canada to refer to the Canadian community, and refers to Lesbian, Gay, Bisexual, Transgender, Queer, and Two-Spirit. The "plus" (+) serves to indicate the inclusion of other identities, such as Questioning, Intersex, and Asexual.

efforts will focus on identifying ways to improve criminal procedure to ensure equitable and timely access to the justice system for all impacted – accused, victims, witnesses, and those responsible for the administration of justice.

The criminal justice system plays a critical role in maintaining public safety and protecting vulnerable Canadians. The Department will continue to support and explore options to improve criminal justice system responses to the neglect and abuse of seniors and elders. This work will involve examining and implementing legislative, programmatic and policy measures, as appropriate, to address the gaps in existing system responses. Given the shared areas of jurisdiction, the Department will work closely with the provinces and territories.

One of the key mandates of the Minister of Justice involves the establishment of an independent Criminal Case Review Commission to facilitate the review of applications submitted by people who may have been wrongfully convicted. The Department is leading the development of a proposal to create a commission on criminal conviction review, which will act independently from the Minister of Justice and the interests of the police and prosecution services that participated in the original trial process. Over its course, this initiative will include creating a secretariat that will be responsible for bringing in an external consultant, consultations with domestic and international stakeholders, recommendations on the commission’s structure and framework, and legislative reform to create the commission.

The Department led the development of [Bill C-13](#)<sup>xli</sup> (*An Act to amend the Criminal Code (single event sport betting)*), which was tabled in the House of Commons by the Minister of Justice in November 2020. This Bill seeks to decriminalize single event sport betting by amending paragraph 207(4)(b) of the *Criminal Code*. The proposed amendments would permit provinces and territories to offer gaming and betting products on single sporting events through regulated lottery schemes. The Department will also support the Minister in engaging with provincial and territorial counterparts as well as Indigenous nations, communities and organizations on the role of Indigenous communities in the regulation of the gaming industry.

In the context of Canada’s family justice system, the Department will continue to work towards the full implementation of the reforms to federal family laws made through [An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act](#)<sup>xlii</sup> (former Bill C-78). These reforms are designed to promote the best interests of the child; address family violence; help reduce child poverty; and make Canada’s family justice system more accessible and efficient. The Department is developing a broad range of public legal education and information materials to help Canadians understand the changes to the law, along with a suite of professional training resources to support effective implementation.

In addition, the Department is leading a project with federal government partners and experts in the field to assist family law legal advisers in supporting clients who have experienced family violence. The project involves the development of a bilingual, evidence- and user-based tool for advisers with practical suggestions on how to identify and respond to family violence in a way that is safe for clients.

Informed by public consultations and engagements with Indigenous governments and organizations throughout 2020-21, the Department will continue to lead the policy facet of the *Privacy Act*<sup>xliii</sup> Modernization initiative towards the goal of tabling further legislation. Updating the *Privacy Act* will help ensure it reflects Canadians' modern expectations of privacy, while supporting horizontal and innovative initiatives within government, including a number of digital initiatives.

The Department will continue its work as policy lead towards fulfilling its commitment to adopt all of the recommendations put forward by the Honourable Anne McLellan in her [review of the roles and structure of the Minister of Justice and Attorney General of Canada](#)<sup>xliv</sup>.

## Planned Results for Justice System Support

Departmental Result	Departmental Result Indicator	Target	Date to Achieve Target	2017-18 Actual Result	2018-19 Actual Result	2019-20 Actual Result
Justice Canada laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada	Canada's international ranking with respect to the rule of law	Top 10%	March 2022	8.0% (9 <sup>th</sup> /113) <sup>11</sup>	7.1% (9 <sup>th</sup> /126) <sup>12</sup>	7.0% (9 <sup>th</sup> /128) <sup>13</sup>
	Percentage of Canadians who think that the criminal justice system is a) fair; and b) accessible	TBD <sup>14</sup>	TBD	Not available / New indicator	57% of Canadians have moderate to high confidence that the criminal justice system is fair  62% of Canadians have moderate to high confidence that the criminal justice system is accessible <sup>15</sup>	Not available <sup>16</sup>
	Number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada <sup>17</sup>	TBD <sup>18</sup>	TBD	Not available / New indicator	Provincial/ territorial courts of appeal: 56  Supreme Court of Canada appeals: 5	Provincial/ territorial courts of appeal: 32  Federal Court of Appeal: 3  Supreme Court of Canada appeals: 10

N.B.: The Department is currently conducting an in-depth review of its departmental result indicators, including target dates. This review will assess and amend indicators, as appropriate, with a view to ensuring they are regularly supported with high quality and available data.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>xlv</sup>.

<sup>11</sup> World Justice Project, [Rule of Law Index 2017-2018](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf) (https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\_0.pdf)

<sup>12</sup> World Justice Project, [Rule of Law Index 2019](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced_0.pdf) (https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced\_0.pdf)

<sup>13</sup> World Justice Project, [Rule of Law Index 2020](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf) (https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online\_0.pdf)

<sup>14</sup> Target establishment under review.

<sup>15</sup> [National Justice Survey 2018, Final Report](https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice_canada/2019/061-18-e/report.pdf) (https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice\_canada/2019/061-18-e/report.pdf)

<sup>16</sup> The National Justice Survey was not conducted in 2019 because of the election period. Due to impacts of the COVID-19 pandemic, the next National Justice Survey is anticipated for 2021.

<sup>17</sup> Departmental result indicator currently under review.

<sup>18</sup> Measure not appropriate for establishing a target. Indicator is better suited to demonstrate trends.

## **2. Departmental Result: The Criminal Justice System Supports Alternative Ways of Responding to the Causes and Consequences of Offending**

In support of continued policy work aimed at developing and implementing alternative measures for responding to the causes and consequences of offending, the Department will continue to focus efforts on ensuring that the criminal justice system is used where it is needed to keep people safe, but not where it would be discriminatory or counterproductive. This includes addressing systemic inequities in all phases of the criminal justice system. Alongside Public Safety Canada, the Department will continue to co-lead the development and delivery of a Pan-Canadian Strategy and Action Plan to address the overrepresentation of Indigenous people in the criminal justice system. This work is undertaken collaboratively and is informed through a range of federal-provincial-territorial working groups.

In addition, the Department will continue to provide funding support to provinces, territories and non-governmental organizations for the delivery of services and programs through the [Youth Justice Services Funding Program](#)<sup>xlvi</sup>, the [Youth Justice Fund](#)<sup>xlvii</sup>, the [Intensive Rehabilitative Custody and Supervision Program](#)<sup>xlviii</sup>, the [Drug Treatment Court Funding Program](#)<sup>xlix</sup>, and the [Indigenous Justice Program](#)<sup>l</sup>.

More specifically, through the [Indigenous Justice Program](#)<sup>li</sup>, the Department will keep delivering financial support to Indigenous community-based justice programs that offer culturally relevant restorative justice alternatives to mainstream processes in appropriate circumstances. These programs are community-led and designed to reflect the cultures, values and specific justice needs of the communities they serve. This initiative contributes to the Government's commitment to renew its relationship with Indigenous peoples as well as to address the overrepresentation of Indigenous people in the criminal justice system.

By working closely with the provinces and territories, the Department will continue to explore legislative, programmatic and policy opportunities to promote the use of restorative justice in the criminal justice system. This work is intended to increase the use of restorative justice while holding offenders accountable, meeting victim's justice needs, and involving the community where appropriate, in order to support both victims and offenders and prevent further crime. The Department also supports federal-provincial-territorial working group initiatives on restorative justice.

Funding provided through the [Drug Treatment Court Funding Program](#)<sup>lii</sup> will help to address crime committed in relation to drug dependency by promoting and strengthening the use of alternatives to incarceration for non-violent offenders who meet specified criteria. The program provides court-monitored treatment and community service support for qualifying non-violent offenders motivated by drug addictions.

The Department will continue to promote a more equitable and effective youth justice system by engaging and strengthening partnerships with other federal government departments on the implementation of the [Youth Criminal Justice Act](#)<sup>liii</sup> (YCJA). This includes offering training to federal government employees whose work may be impacted by the YCJA, leading and

facilitating the provision of legal expertise on the YCJA within the federal government, and providing support related to the interpretation of the YCJA.

### Planned Results for Justice System Support

Departmental Result	Departmental Result Indicator	Target	Date to Achieve Target	2017-18 Actual Result	2018-19 Actual Result	2019-20 Actual Result
The criminal justice system supports alternative ways of responding to the causes and consequences of offending	Number and type of restorative justice programs/processes available <sup>19</sup>	Maintain baseline level of 448 or increase	March 2022	Not available / New indicator	448 restorative justice programs <sup>20</sup>	448 restorative justice programs <sup>21</sup>
	Number of people who have used the available restorative justice programs/processes <sup>22</sup>	TBD	TBD	Not available	Not available	Not available
	Number/percentage of court-imposed community-based sentences as compared to number/percentage of incarceration sentences	35% custody sentences or lower	March 2025	46% of adults received a custodial sentence <sup>23</sup>	46% of adults received a custodial sentence <sup>24</sup>	Not available <sup>25</sup>
	Percentage of individuals who were referred to an Indigenous justice program and participated in the program	90% or greater	March 2022	Not available / New indicator	88%	Not available <sup>26</sup>
	Percentage of youth court cases receiving a non-custodial (community-based) sentence as compared to previous reported years	85% or greater	March 2022	87% of youth received a non-custodial sentence <sup>27</sup>	88% of youth received a non-custodial sentence <sup>28</sup>	Not available <sup>29</sup>
	Percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment	100%	March 2022	100%	100%	100%

N.B.: The Department is currently conducting an in-depth review of its departmental result indicators, including target dates. This review will assess and amend indicators, as appropriate, with a view to ensuring they are regularly supported with high quality and available data.

<sup>19</sup> Departmental result indicator under review.

<sup>20</sup> The [Directory of Restorative Justice](https://www.justice.gc.ca/eng/cj-jp/rj-jr/sch-rch.aspx) (<https://www.justice.gc.ca/eng/cj-jp/rj-jr/sch-rch.aspx>) only provides information on the number of self-reported restorative justice programs available. Please note that not all programs reported in the Directory received funding from the Department of Justice Canada.

<sup>21</sup> See note 20.

<sup>22</sup> Departmental result indicator under review as a result of data-availability issues.

<sup>23</sup> In 2017-18, 46% of adults found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence (Statistics Canada, [Table 35-10-0031-01 Adult criminal courts, guilty cases by most serious sentence](https://doi.org/10.25318/3510003101-eng), <https://doi.org/10.25318/3510003101-eng>).

<sup>24</sup> In 2018-19, 46% of adults found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence (Statistics Canada, [Table 35-10-0031-01 Adult criminal courts, guilty cases by most serious sentence](https://doi.org/10.25318/3510003101-eng), <https://doi.org/10.25318/3510003101-eng>).

<sup>25</sup> Most recent data published by Statistics Canada is for 2018-19.

<sup>26</sup> Most recent result available is for 2018-19. Result for 2019-20 is anticipated to be made available in 2021-22. Departmental result indicator under review.

<sup>27</sup> In 2017-18, 13% of youth found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence, whereas 87% of guilty cases received a non-custodial (community-based) sentence (Statistics Canada, [Table 35-10-0042-01 Youth courts, guilty cases by most serious sentence](https://doi.org/10.25318/3510004201-eng), <https://doi.org/10.25318/3510004201-eng>).

<sup>28</sup> In 2018-19, 12% of youth found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence, whereas 88% of guilty cases received a non-custodial (community-based) sentence (Statistics Canada, [Table 35-10-0042-01 Youth courts, guilty cases by most serious sentence](https://doi.org/10.25318/3510004201-eng), <https://doi.org/10.25318/3510004201-eng>).

<sup>29</sup> Most recent data published by Statistics Canada is for 2018-19.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>liv</sup>.

### 3. Departmental Result: Canadians in Contact with the Justice System Have Access to Appropriate Services Enabling a Fair, Timely and Accessible Justice System

Through its [Legal Aid Program](#)<sup>lv</sup>, [Indigenous Courtwork Program](#)<sup>lvi</sup>, and [Access to Justice Services Agreements](#)<sup>lvii</sup>, the Department will continue to contribute funding to provincial and territorial governments for the provision and delivery of legal aid services to economically disadvantaged persons, as well as for public legal education and information programs and for Indigenous courtwork services. The latter help to ensure that Indigenous people in contact with the criminal justice system obtain fair, just, equitable and culturally relevant treatment and representation.

In the context of the Government's five-year funding commitment to address sexual harassment in the workplace, the Department will continue to support efforts through a number of initiatives relating to its mandate. These include:

- funding through the [Legal Aid Program](#)<sup>lviii</sup> for legal advice to those who have experienced sexual harassment in the workplace;
- funding through the [Justice Partnership and Innovation Program](#)<sup>lix</sup> for a Pan-Canadian outreach program to better inform workers, particularly those who are most vulnerable, about their rights and legal options;
- the development and dissemination of public legal education and information outreach campaigns to better inform workers within specific employment sectors about their rights and how they can access help;
- the development, enhancement, and expansion of services with an emphasis on collaborative models to ensure the justice system is connected to social and health sectors, with the goal of providing coordinated and holistic support to employees, employers, communities and the public to address workplace sexual harassment.

In the context of its goal to eliminate gender-based violence and harassment, the Government of Canada committed \$50 million over five years to address sexual harassment in the workplace (Budget 2018). The Department remains committed to supporting this goal.

The [Justice Partnership and Innovation Program](#)<sup>lix</sup> will continue to fund activities that respond effectively to the changing conditions that affect Canadian justice policy. For instance, the program will support activities that promote the revitalization of Indigenous laws and legal traditions, which will contribute to the implementation of [TRC Call to Action #50](#)<sup>lxi</sup>.

The Department will strive to develop innovative approaches to Indigenous justice systems, guided by the [TRC Calls to Action](#)<sup>lxii</sup> and the [MMIWG Calls for Justice](#)<sup>lxiii</sup>. This will include leading preliminary or ongoing negotiations on administration-of-justice agreements with Indigenous partners and working collaboratively with interested Indigenous organizations and communities as well as provinces and territories.

This work provides a foundation for the development of a new conceptual framework for Indigenous groups to assume a greater role in the administration of justice within their communities to advance self-determination, promote community development, enhance public safety, and develop capacity for change that is enduring and transformational. These processes also offer an opportunity to promote and enforce non-discriminatory laws and policies for sustainable development.

In line with its [Action Plan for Official Languages - 2018-2023](#)<sup>lxiv</sup>, the Government of Canada has recently renewed its commitment to protecting Canada's two official languages. The Department's [Access to Justice in Both Official Languages Support Fund](#)<sup>lxv</sup> will continue to support projects and activities that foster the recognition and use of both English and French in the Canadian justice system and enhance access to justice for official languages minority communities. This will include funding provinces and territories for the implementation of the official languages rights provision included in recent amendments to the [Divorce Act](#)<sup>lxvi</sup>, which is planned to come into force progressively beginning in March 2021.

Through its [Canadian Family Justice Fund](#)<sup>lxvii</sup>, the Department will support provinces and territories in implementing the amendments to the [Divorce Act](#)<sup>lxviii</sup>. The fund supports activities and services for Canadian families experiencing separation and divorce. This will include funding projects directed towards the implementation of these amendments, together with updating existing public legal education and information materials. The fund will also focus on projects and activities that target underserved populations.

Finally, through the [Contraventions Act Fund](#)<sup>lxix</sup>, the Department will continue to support provinces, territories and municipalities in their efforts to ensure that official language rights are respected as they deliver the [Contraventions Act](#)<sup>lxx</sup> regime on behalf of the federal government.

Through the Federal Victims Strategy, the Department will advance policy and program initiatives that recognize and support the rights of victims of crime, including implementation of the [Canadian Victims Bill of Rights](#)<sup>lxxi</sup>. The Department will continue to fund and support [Family Information Liaison Units](#)<sup>lxxii</sup> to ensure that family members of missing or murdered Indigenous women and girls have access to all available information from government agencies about their loved ones, as well as access to culturally grounded and trauma-informed services and supports. In addition, the Department will develop policy and continue to provide enhanced and ongoing funding to address the specific needs of vulnerable victims<sup>30</sup>.

Under the [Victims Fund](#)<sup>lxxiii</sup>, additional resources will continue to support enhanced measures to address gaps in services provided to child and youth victims, to improve trauma-informed services for victims of human trafficking, and to increase access to justice and appropriate services for victims of sexual offences. These resources help organizations to respond better to the needs of vulnerable victims of crime by increasing their capacity and ability to develop and deliver programs and services, and expanding their scope and reach. Medium-term outcomes include increased access to responsive services that support vulnerable victims and enhanced

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<sup>30</sup> A portion of the Victims Fund, within the Federal Victims Strategy, is earmarked specifically for projects and activities that address the needs of vulnerable victims, including victims of human trafficking, victims of sexual offences, child victims, and victims in remote, rural and Indigenous communities.

criminal justice system responses. Together, such initiatives help achieve the Federal Victims Strategy's goals of improving access to justice for victims and survivors of crime, and giving victims a more effective voice in the criminal justice and federal corrections systems.

The [Office of the Federal Ombudsman for Victims of Crime](#)<sup>lxxiv</sup>, which operates at arm's length from the federal government, will provide direct information, referrals and complaint-review services to its primary clients, including victims, victims' family members or representatives, victim-serving agencies, and other stakeholders.

## Planned Results for Justice System Support

Departmental Result	Departmental Result Indicator	Target	Date to Achieve Target	2017-18 Actual Result	2018-19 Actual Result	2019-20 Actual Result
Canadians in contact with the justice system have access to appropriate services enabling a fair, timely and accessible justice system	Percentage of federal funds accessed by provinces, territories, non-governmental organizations and other stakeholders to deliver targeted services consistent with federal priorities	100%	March 2022	98%	98%	98%
	Percentage of Indigenous Courtwork Program clients indicating a level of satisfaction of "satisfied" or "very satisfied" with the usefulness of the information provided	80% or greater	March 2023	95%	Not available <sup>31</sup>	Not available <sup>32</sup>
	Number of times duty counsel provide assistance in criminal matters	1,000,000 or greater	March 2022	993,971 <sup>33</sup>	1,020,718 <sup>34</sup>	Not available <sup>35</sup>
	Number of full service criminal legal aid applications approved	270,000 or greater	March 2022	266,263 <sup>36</sup>	270,274 <sup>37</sup>	Not available <sup>38</sup>
	Percentage of Office of the Federal Ombudsman for Victims of Crime (OFOVC) client inquiries or complaints that are assessed and acted upon	100%	March 2022	Not available / New indicator	100%	100%

N.B.: The Department is currently conducting an in-depth review of its departmental result indicators, including target dates. This review will assess and amend indicators, as appropriate, with a view to ensuring they are regularly supported with high quality and available data.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>lxxv</sup>.

<sup>31</sup> Departmental result indicator under review. The Indigenous Courtwork Program client survey is administered every five years, in the course of program evaluations. The next evaluation is scheduled to be completed in fiscal year 2022-23.

<sup>32</sup> See note 31.

<sup>33</sup> [Legal Aid in Canada, 2017-18 \(https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/1718/index.html\)](https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/1718/index.html).

<sup>34</sup> [Legal Aid in Canada, 2018-19 \(https://canada.justice.gc.ca/eng/rp-pr/jr/aid-aide/1819/index.html\)](https://canada.justice.gc.ca/eng/rp-pr/jr/aid-aide/1819/index.html).

<sup>35</sup> Results will be published in the 2019-20 annual report for Legal Aid in Canada, which is anticipated to be released in late 2021.

<sup>36</sup> See note 33.

<sup>37</sup> See note 34.

<sup>38</sup> See note 35.

## **Gender-Based Analysis Plus (GBA+)**

To contribute to reducing inequality in Canada and address the diverse needs of different groups of people in order to help foster fair outcomes, the Department will continue to take [Gender-Based Analysis Plus](#)<sup>lxxvi</sup> (GBA+) considerations into account in all areas of its work, including different programs and initiatives under the Justice System Support core responsibility.

The GBA+ approach requires rigorous analysis that goes beyond biological (sex) and social-cultural (gender) differences and examines how sex and gender intersect with a range of other identity factors, such as ethnicity, religion, age, and mental or physical disability. In addition, GBA+ involves the analysis of structural conditions, such as employment, care, economy, housing, social, cultural and environmental contexts, to help reduce barriers in accessing government services and benefits and support equal opportunities for success.

For instance, a GBA+ approach will be incorporated in the process of establishing an independent [Criminal Case Review Commission](#). While fewer women are convicted of crimes than men, some women, particularly Indigenous women, are more likely to be convicted than others. It is possible that women who should benefit from the criminal conviction review process are not doing so. When designing the framework and drafting legislation for the new regime, GBA+ will ensure an inclusive approach.

The Department will continue to bring a GBA+ lens to the implementation of the [TRC Calls to Action](#) and the development of the WAGE-led [National Action Plan to address Gender-Based Violence](#).

Justice Canada is supporting a series of themed, Indigenous-led community dialogue sessions across Canada to identify practical and concrete actions to address violence against Indigenous women, girls and LGBTQ2+ persons. These sessions include Indigenous women's groups as well as Indigenous groups focused on LGBTQ2+. Department officials have also presented to a number of sub-working groups, including one specifically focused on LGBTQ2+, to obtain additional perspectives and feedback. The input generated through these engagements will help to inform the Department's contributions to the development of the [MMIWG Calls for Justice National Action Plan](#) to end violence against Indigenous women, girls and LGBTQ2+ persons, being led at the federal level by CIRNAC. Moreover, these engagements will help inform the future development of policy regarding criminal law and victim issues.

With respect to the [administration-of-justice agreements](#) initiative, the Department is committed to including the perspectives, experiences, and voices of diverse groups within Indigenous communities, specifically Elders, youth, women and LGBTQ2+ persons, throughout the various phases of the process. Administration-of-justice agreements are expected to provide a unique opportunity to help reduce the victimization of Indigenous women, youth, and LGBTQ2+ persons by facilitating the development of a community-led and community-focused justice agreement. As such, the Department intends to increase emphasis on GBA+ considerations in discussions with Indigenous communities about administration of justice.

## United Nations' 2030 Agenda for Sustainable Development and the UN Sustainable Development Goals (SDGs)

Justice Canada's Access to Justice Secretariat supports the Department in its leadership role for advancing [SDG 16](#)<sup>lxxvii</sup> and provides a focal point for the Government's efforts to promote access to justice for all, domestically and internationally.

The Department continues to build on existing efforts to foster a more inclusive society, including promoting the addition of a civil justice indicator for measuring SDG 16 progress. The Department will champion a people-focused approach to justice and other SDG 16-related themes more broadly among key partners and stakeholders at home and abroad. This will include following up on the international engagement demonstrated at the [2020 Global Week for Justice](#)<sup>lxxviii</sup>, hosted by Canada in partnership with Pathfinders for Peaceful, Just and Inclusive Societies, the Organisation for Economic Co-operation and Development, and the Open Government Partnership.

Department initiatives that will contribute to advancing SDGs include:

- Implementation of the [official languages rights provision in the \*Divorce Act\*](#), which is intended to ensure that Canadians in every part of the country can obtain a divorce in the official language of their choice (SDG 16)
- Implementation of [federal family law reforms](#) through former Bill C-78 (SDG 16)
- Commitment to [eliminating the overrepresentation](#) of Indigenous people, Black and racialized Canadians in the justice system, including the Department's continued work on the development and delivery of a [Pan-Canadian Strategy](#) to address the overrepresentation of Indigenous people in the criminal justice system (SDG 10)
- Introduction of [Bill C-15](#), to be followed by the development and implementation of a National Action Plan on the UN Declaration. Canada's implementation of the UN Declaration is intended to promote sustainable development in Indigenous communities across the country, as well as demonstrate global leadership (SDGs 5, 10, 16)
- Contributions to the development, delivery and implementation of a responsive and evergreen [National Action Plan](#) to address systemic causes and end violence against Indigenous women, girls and LGBTQ2+ persons (SDGs 5, 10, 16)
- Negotiation of [administration-of-justice agreements](#) with Indigenous groups (SDGs 5, 10, 16, target 16.7)
- Partnering with Statistics Canada and several other federal departments and agencies to implement the Canadian Legal Problems Survey, to be launched in early 2021 and aimed at obtaining a greater understanding of the legal problems that Canadians are experiencing and the mechanisms they are using to resolve these problems, if any. The Survey will collect data on the prevalence and nature of serious legal problems across Canada, as well as whether and how those problems were resolved (SDG 16)
- Exploring the development of an [Open Justice Commitment](#)<sup>lxxix</sup> as part of Canada's 5<sup>th</sup> National Action Plan on Open Government (SDG 16)
- Participating in the [Open Government Partnership Coalition on Justice](#)<sup>lxxx</sup>, whose members seek to advance open justice commitments, promote peer-to-peer learning, and foster research and data collection (SDG 16)

## Experimentation<sup>39</sup>

The Department of Justice Canada will continue to strive to innovate and test improvements in program design and delivery. It will also seek opportunities to improve the accessibility of justice information, engagement and outreach, and delivery of services by exploring new approaches as well as emerging and innovative technologies.

Through contribution funding from its Legal Aid Program, Justice Canada is supporting [Legal Aid British Columbia](#)<sup>lxxxix</sup> in its experimentation with a new “limited criminal representation contract.” Launched in 2019, the Criminal Early Resolution Contract aims to help defendants whose cases are appropriate for resolution within 90 days before trial dates are set. The contract follows the same expanded coverage and financial eligibility criteria as expanded criminal duty counsel (\$1,000 per month above the standard financial eligibility threshold and not facing a risk of jail).

This initiative seeks to help improve delivery of legal aid services by increasing the early resolution of cases, broadening the scope of recipients of criminal legal aid and legal representation services, and ensuring continuity of service for clients who would previously not have been eligible for expanded duty counsel or legal representation. If the initiative is successful, it would reduce the number of court appearances for cases that fit the program’s criteria. This includes reducing the number of court attendance needed for witnesses and victims of crime.

## Key Risks

Actively maintaining productive relationships with essential justice system partners and stakeholders is important to ensuring Justice Canada’s ability to meet priorities and expected results. To mitigate risk to these essential relationships, the Department will monitor emerging trends to inform forward planning and seek to increase policy and program engagement capacity and responsiveness. With a view to helping ensure successful outcomes for the Government’s reconciliation agenda, the Department will continue to seek and leverage opportunities to engage with national Indigenous organizations, Indigenous governments and representative organizations, and federal, provincial and territorial partners. These engagement opportunities will include participating in permanent bilateral mechanisms and leveraging, for example, CIRNAC’s [MMIWG Calls for Justice National Action Plan](#) governance structure, which includes Indigenous representatives, families and survivors.

The Department recognizes that progress on various justice system initiatives may continue to be impacted due to the reduced capabilities or capacity of key stakeholders or partners as a result of the COVID-19 pandemic. In response, the Department will advance work by virtual means and work with partners to set an appropriate pace of work.

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<sup>39</sup> Experimentation is defined in the “Appendix: Definitions” section of this report.

## Planned Budgetary Financial Resources for Justice System Support

2021-22 Budgetary Spending (as indicated in Main Estimates)	2021-22 Planned Spending	2022-23 Planned Spending	2023-24 Planned Spending
491,424,229	491,424,229	474,142,197	464,528,633

N.B.: Financial resources for Planned Spending are based on Main Estimates. These exclude funding announced in the [2020 Fall Economic Statement](#)<sup>lxxxii</sup> and any funding to be received through Budget 2021.

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>lxxxiii</sup>.

## Planned Human Resources for Justice System Support

2021-22 Planned Full-Time Equivalents	2022-23 Planned Full-Time Equivalents	2023-24 Planned Full-Time Equivalents
308	308	308

Financial, human resources and performance information for the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>lxxxiv</sup>.



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## Internal Services: Planned Results

### Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the ten distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- ▶ Management and Oversight Services
- ▶ Communications Services
- ▶ Legal Services
- ▶ Human Resources Management Services
- ▶ Financial Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Real Property Management Services
- ▶ Materiel Management Services
- ▶ Acquisition Management Services

### Planning highlights

Initiatives under the Department of Justice Canada's Internal Services program will enable business and legal excellence with a focus on the Department's workforce and modernization efforts.

### Supporting Employees

The Department will continue to implement strategies to minimize the impact of the Phoenix Pay System on employees. This will be achieved through the continued use of dedicated resources to improve internal processes, including direct one-on-one support and guidance to employees. Further, new tracking and measurement processes will be implemented to enhance analytical capacity and monitor performance.

Efforts will also include a focus on strategic recruitment, employee development, and talent-management strategies to strengthen the workforce. Through its three-year Corporate Learning Plan, the Department will continue to build expertise in emerging areas of law, provide opportunities for continuous learning focusing on corporate learning needs, and ensure the recruitment, development and retention of employees with the skills and competencies to meet its business needs. For example, the Department will establish a national legal orientation program, as well as continue implementation of its National Paralegal Strategy and the training and development program for entry-level lawyers (with the first fully immersed cohort of participants in 2021-22). Further, supported by the remote working environment, the Department is modernizing and transforming how training activities are developed and delivered, with a particular focus on online delivery.

The Department is also building capacity to manage change as well as empowering employees with the means to apply design methodologies to consider the end-to-end user experience – from the perspectives of both the client and the organization.

In support of the [Federal Public Service Workplace Mental Health Strategy](#)<sup>lxxxv</sup> and the departmental Mental Health Strategy, the Department will continue to foster a psychologically healthy and safe, respectful and inclusive workplace by continuing to implement a psychological health and safety management system. In addition, the departmental Mental Health Action Plan for 2020-23 takes into consideration the impacts of the COVID-19 pandemic on the mental health of our workforce. As the health and safety of all Department employees remains a priority during the pandemic, continued support for both managers and employees will be provided through communications material, resources, tools and training.

Efforts to build diversity, inclusion, and accessibility and to support representativeness are also central to strengthening the Department's workforce. Our commitment to upholding the values that define Canada begins with identifying and addressing sources of systemic racism, discrimination and inequities at an internal level, such as within processes and rules.

This will be achieved through the departmental Employment Equity Plan and Accessibility Plan. Using the "Nothing About Us Without Us" principle, equity-focused groups will be consulted on employment equity and accessibility initiatives that impact their situation. The consultations will serve to identify further means of uplifting employees who face systemic inequality and inequity and barriers in their everyday lives, while fostering greater understanding of and responsibility among all employees for addressing these issues.

In addition, Justice Canada established a new Anti-Discrimination Secretariat that will focus on resolving systemic barriers in the organization. This work will include identifying and implementing meaningful strategies to address discrimination experienced by Indigenous, Black and racialized employees in hiring, retention and promotional opportunities.

Furthermore, as an outcome of the Safe Workspace Action Plan, the newly established Ombuds Office will also provide a trusted and safe space to talk about workplace issues and help navigate existing resources to find support and reach solutions.

To promote ongoing stability, the Department will continue to enhance its focus on emergency preparedness, business continuity management, and maintaining delivery of critical services. Activities to support departmental readiness to respond to changing circumstances related to the pandemic are planned to continue, including a rigorous schedule of task force and committee meetings. Remote work will continue to be the recommended choice, and the Department will monitor COVID-19 cases and manage building occupancy while offering support for employees working from home. Plans for a future easing of workplace restrictions will be monitored and adjusted in accordance with the most up-to-date public health recommendations.

## Promoting Innovation and Collaboration

Justice Canada continues to promote digital information sharing and technology to improve collaboration within the organization, across government, and with external partners. With improved network infrastructure and access to new software and reliable digital platforms, the Department will continue to ensure employees have the necessary support for remote work. Information Management and Information Technology planning and data protection are priorities for this reporting period.

The Department will progress further on implementing a Departmental Data Strategy to embed data-driven insight and intelligence into decision making, opportunities and outcomes for better services to clients and Canadians. This includes concrete actions to achieve stronger data governance, develop analytics expertise, and experiment with artificial intelligence to leverage data in delivering the Department's mandate.

Justice Canada will undertake planning for the multi-year implementation of the National Workplace Accommodations Strategy to help establish a modernized workspace that meets the evolving needs of the Department's workforce long into the future. In implementing the strategy, the Department will balance the need for physical space with the changing needs associated with increasing remote work.

The Department will continue to provide strategic communications advice and solutions to help inform and engage employees and the general public on key Justice Canada priorities. The Department will adopt a tailored approach to communicating with the varied and diverse audiences across the country – one that considers the realities of Canadians who face systemic barriers, including Indigenous people, Black and racialized Canadians, and other marginalized communities.

Supporting diversity and inclusion, improving collaboration, engagement and services to Canadians, and identifying new means to a sustainable future are at the centre of the Department's ongoing efforts. In support of the [Federal Sustainable Development Strategy 2019-2022](#)<sup>lxxxvi</sup> and the [Justice Sustainable Development Strategy 2020-2023](#)<sup>lxxxvii</sup>, the Department will continue to shift to low-carbon, climate-resilient and green government. In building a strong sustainable development culture, developing mindsets and behaviors that support these goals through outreach and communications initiatives and ongoing consultations with key stakeholders will continue to be a focus for the Department.

## Experimentation<sup>40</sup>

To respond to the COVID-19 crisis and direction of public health agencies, the Department of Justice Canada continues to explore ways to ensure an organized, safe, and gradual return of employees to the workplace. Protecting the health and safety of employees not only contributes to minimizing the risk of the virus spreading, but also helps to ensure the continued delivery of Justice Canada services and programs to Canadians. The Department has experimented with different technologies that could allow a controlled access to the workplace while integrating the

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<sup>40</sup> Experimentation is defined in the "Appendix: Definitions" section of this report.

required health and safety policies and protocols. Through experimentation, Justice Canada has built a robust, low-cost, and secure app-driven solution, which was deployed throughout the Department in 2020. The success of the Office Entry application has had an even larger impact since being adopted as the standard return-to-work solution for many other federal government departments. The Department plans to contribute to further development and improvement of the application.

### Key Risks

There is a risk that an increased use of and reliance on technology will expose the Department to new cyber threats, losses, or disruption due to attacks on or breaches of our technological infrastructure. This risk, heightened by the COVID-19 pandemic, continues to be mitigated by departmental cybersecurity activities in collaboration with Shared Services Canada, Public Safety Canada, Public Services and Procurement Canada, and other partners.

### Planned Budgetary Financial Resources for Internal Services

2021-22 Budgetary Spending (as indicated in Main Estimates)	2021-22 Planned Spending	2022-23 Planned Spending	2023-24 Planned Spending
84,439,375	84,439,375	84,395,769	84,161,583

N.B.: Financial resources for Planned Spending are based on Main Estimates and are net of [responsible revenues](#). These exclude funding announced in the [2020 Fall Economic Statement](#)<sup>xxxviii</sup> and any funding to be received through Budget 2021.

### Planned Human Resources for Internal Services

2021-22 Planned Full-Time Equivalents	2022-23 Planned Full-Time Equivalents	2023-24 Planned Full-Time Equivalents
1,042	1,042	1,042

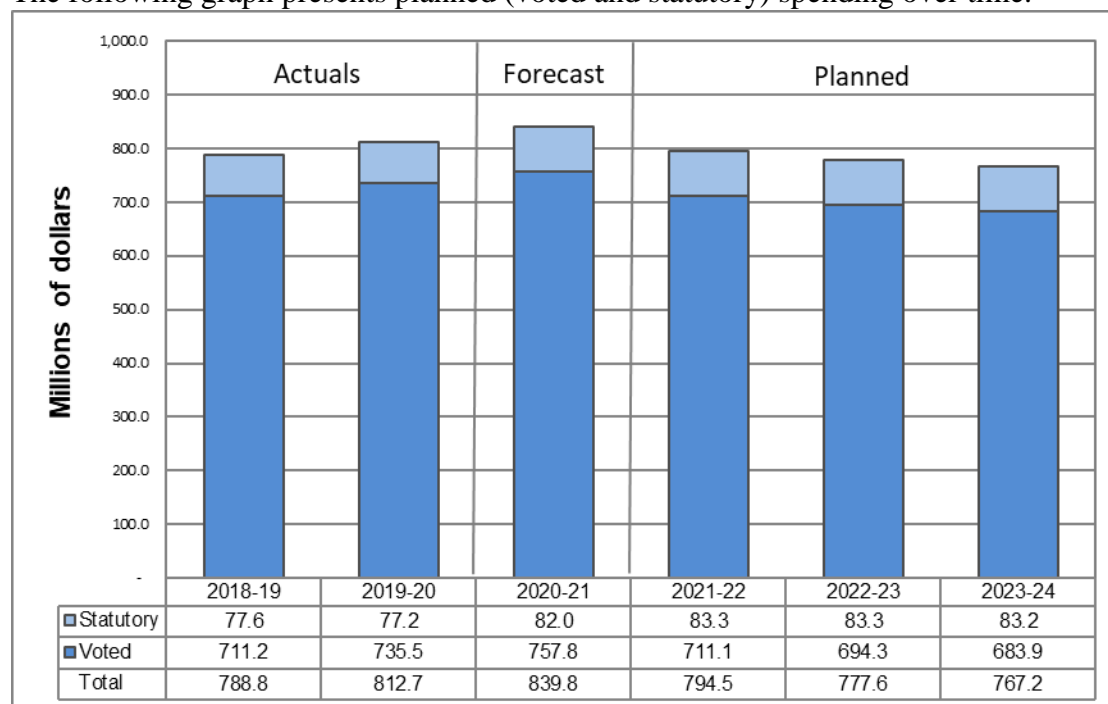
## Spending and Human Resources

This section provides an overview of the Department’s planned spending and human resources for the next three consecutive fiscal years and compares planned spending for the upcoming year with the current and previous years’ actual spending.

### Planned Spending

Departmental Spending 2018-19 to 2023-24

The following graph presents planned (voted and statutory) spending over time.



\* Differences may arise due to rounding.

The Department of Justice Canada’s total planned spending for 2021-22 is \$794.5 million:

- \$218.6 million for Legal Services (27%);
- \$491.4 million for Justice System Support (62%); and
- \$84.5 million for Internal Services (11%).

As the primary provider of legal services to other federal government departments and agencies, the Department has a **Vote-Netted Revenue** (VNR) authority to collect and spend revenue received from the provision of such services (**respendable revenue**). For the purpose of departmental reporting, these respendable revenues reduce total departmental authorities and operating expenditures. For comparability purposes, “planned spending” is net of respendable revenues.

Planned spending for 2021-22 (\$794.5 million) is expected to decrease by \$45.3 million compared to forecast spending for 2020-21 (\$839.8 million). This decrease is mainly attributable

to additional funding the Department received in 2020-21 from Treasury Board Central Votes (such as the Operating Budget Carry Forward) that are not included in future years' planned spending. The planned spending for 2021-22 and future years reflects only funds already approved through the Main Estimates. The remainder of the variance is explained by a reduction in Grants and Contributions funding in 2021-22 when compared to the forecast for 2020-21, which included one-time funding for immigration and refugee legal aid to address pressures in 2020-21 (Economic and Fiscal Snapshot 2020).

Planned spending for 2022-23 (\$777.6 million) is expected to decrease by \$16.9 million compared to planned spending for 2021-22 (\$794.5 million), which is mainly explained by the sunset of additional temporary contributions funding for immigration and refugee legal aid received under the initiative Enhancing the Integrity of Canada's Borders and Asylum System (Budget 2019).

#### Budgetary Planning Summary for Core Responsibilities and Internal Services (dollars)

The following table shows actual, forecast and planned spending for each of the Department of Justice Canada's core responsibilities and Internal Services for the years relevant to the current planning year.

Core Responsibilities and Internal Services	2018-19 Expenditures	2019-20 Expenditures	2020-21 Forecast Spending*	2021-22 Budgetary Spending (as indicated in Main Estimates)	2021-22 Planned Spending**	2022-23 Planned Spending**	2023-24 Planned Spending**
Legal Services	243,874,771	223,737,181	232,793,998	218,606,709	218,606,709	219,082,931	218,460,309
Justice System Support	448,180,851	485,250,753	506,125,044	491,424,229	491,424,229	474,142,197	464,528,633
<b>Subtotal</b>	<b>692,055,622</b>	<b>708,987,934</b>	<b>738,919,042</b>	<b>710,030,938</b>	<b>710,030,938</b>	<b>693,225,128</b>	<b>682,988,942</b>
Internal Services	96,751,723	103,733,100	100,877,301	84,439,375	84,439,375	84,395,769	84,161,583
<b>Total</b>	<b>788,807,345</b>	<b>812,721,034</b>	<b>839,796,343</b>	<b>794,470,313</b>	<b>794,470,313</b>	<b>777,620,897</b>	<b>767,150,525</b>

\* Forecast as of October 31, 2020.

\*\* Financial resources for Planned Spending are based on Main Estimates and are net of [responsible revenues](#). These exclude funding announced in the [2020 Fall Economic Statement](#)<sup>xxxix</sup> and any funding to be received through Budget 2021.

In the table above, the Legal Services core responsibility shows a decrease in expenditures from 2018-19 to 2019-20, which is mainly attributable to retroactive compensation payments and salary increases from various collective agreements that were signed and ratified in 2018-19.

The Justice System Support core responsibility shows an increasing trend from 2018-19 to 2020-21, which is mainly attributable to an increase in spending in Grants and Contributions for programs such as the Immigration and Refugee Legal Aid Program, the Justice Partnership and Innovation Program, and the Legal Advice for Complainants of Workplace Sexual Harassment Program. The decreasing trend in Justice System Support planned spending for future years is mainly explained by the sunset of temporary contributions funding for immigration and refugee legal aid received under the initiative Enhancing the Integrity of Canada's Borders and Asylum System (Budget 2019).

Internal services spending from 2018-19 to 2020-21 has remained relatively stable; the small fluctuations are mainly explained by the increased workforce to manage the challenges related to the Phoenix Pay System. The decrease in planned spending in Internal Services for 2021-22 and future years is explained by the fact that planned spending does not include a forecast of funding from Treasury Board Central Votes (such as the Operating Budget Carry Forward).

#### 2021-22 Budgetary Planned Gross Spending Summary (dollars)

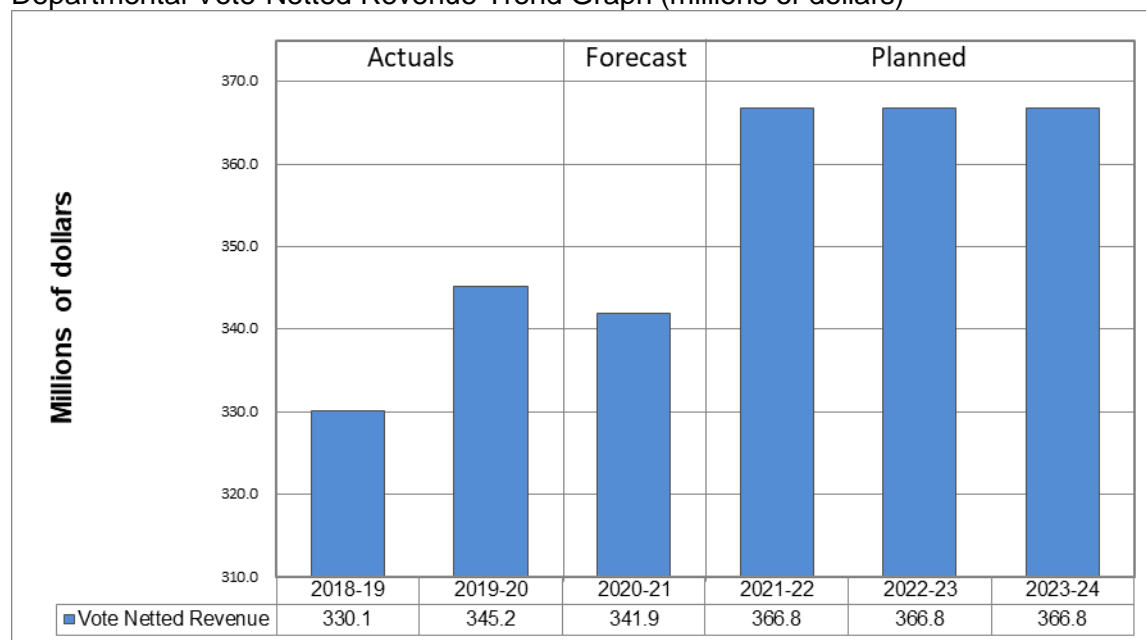
The following table reconciles gross planned spending with net planned spending for 2021-22.

Core Responsibilities and Internal Services	2021-22 Planned Gross Spending	2021-22 Planned Revenues Netted Against Expenditures	2021-22 Planned Net Spending
Legal Services	525,688,709	307,082,000	218,606,709
Justice System Support	491,424,229	0	491,424,229
<b>Subtotal</b>	<b>1,017,112,938</b>	<b>307,082,000</b>	<b>710,030,938</b>
Internal Services	144,157,375	59,718,000	84,439,375
<b>Total</b>	<b>1,161,270,313</b>	<b>366,800,000</b>	<b>794,470,313</b>

The table above reflects the Department's planned gross spending for 2021-22, which includes the VNR authority of \$366.8 million. The Department's 2021-22 VNR authority (\$366.8 million) has increased by \$39.8 million compared to the 2020-21 VNR authority (\$327.0 million). This increase is to better align with the expected revenue, which is higher due to the increased legal services rates as a result of the latest ratified collective agreements.

The VNR authority is notionally distributed between the Legal Services core responsibility and Internal Services. The actual revenues distributed between programs could vary depending on numerous factors such as legal service rates approved periodically by Treasury Board, fluctuation in client departments' demand for legal services, and the actual amount of revenues collected in excess of or less than the authority.

## Departmental Vote-Netted Revenue Trend Graph (millions of dollars)



As shown in the graph above, the forecasted amount of VNR for the Department, as of October 31, 2020, is expected to reach \$341.9 million in 2020-21. This forecast is lower than originally anticipated due to the impacts of the COVID-19 pandemic and the reduced operations of courts and tribunals which directly impacts the provision of legal services, mostly litigation services, within the government.

## Planned Human Resources

The following table shows actual, forecast and planned full-time equivalents (FTEs) for each core responsibility in the Department of Justice Canada's departmental results framework and Internal Services for the years relevant to the current planning year.

### Human Resources Planning Summary for Core Responsibilities and Internal Services

Core Responsibilities and Internal Services	2018-19 Actual Full-Time Equivalents	2019-20 Actual Full-Time Equivalents	2020-21 Forecast Full-Time Equivalents*	2021-22 Planned Full-Time Equivalents	2022-23 Planned Full-Time Equivalents	2023-24 Planned Full-Time Equivalents
Legal Services	3,122	3,243	3,370	3,370	3,370	3,370
Justice System Support	291	284	308	308	308	308
<b>Subtotal</b>	<b>3,413</b>	<b>3,527</b>	<b>3,678</b>	<b>3,678</b>	<b>3,678</b>	<b>3,678</b>
Internal Services	973	1,043	1,042	1,042	1,042	1,042
<b>Total</b>	<b>4,386</b>	<b>4,570</b>	<b>4,720</b>	<b>4,720</b>	<b>4,720</b>	<b>4,720</b>

\* Forecast as of October 31, 2020.

Overall, there is an increasing trend in FTEs over the three-year period from 2018-19 to 2020-21. The Legal Services core responsibility shows an increase of 248 FTEs; this is largely explained by increasing demand for litigation for a broad variety of client departments and agencies in such

areas as tax, Indigenous, and immigration matters. Internal Services shows an increase of 69 FTEs; this is mainly explained by workforce growth in Human Resources Management Services to continue managing the challenges related to the Phoenix Pay System, and workforce growth in other areas providing corporate support (such as Communication Services, Information Technology Services and Real Property Management Services). The FTEs for the Justice System Support core responsibility have remained relatively stable.

## Estimates by Vote

Information on the Department of Justice Canada's organizational appropriations is available in the [2021-22 Main Estimates](#)<sup>xc</sup>.

## Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides an overview of the Department of Justice Canada's operations for 2020-21 to 2021-22.

The amounts for forecast and planned results in this statement of operations were prepared on an accrual basis. The amounts for forecast and planned spending presented in other sections of the Departmental Plan were prepared on an expenditure basis. Amounts may therefore differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the [Department of Justice Canada's website](#)<sup>xci</sup>.

### Future-Oriented Condensed Statement of Operations for the Year Ending March 31, 2022 (thousands of dollars)

Financial Information	2020-21 Forecast Results	2021-22 Planned Results	Difference (2021-22 Planned Results minus 2020-21 Forecast Results)
Total Expenses	1,296,931	1,255,500	(41,431)
Total Revenues	341,901	366,800	24,899
Net Cost of Operations Before Government Funding and Transfers	955,030	888,700	(66,330)

Total expenses are forecasted to decrease from \$1,296.9 million in 2020-21 to \$1,255.5 million as planned in 2021-22 (a decrease of \$41.4 million). A portion (\$20.4 million) of this decrease is mainly due to:

- a decrease in contributions expenditures for the Immigration and Refugee Legal Aid Program in 2021-22; and
- a decrease in operating expenditures, which is primarily explained by funding received in 2020-21 from Treasury Board Central Votes (Operating Budget Carry-Forward) being included in the 2020-21 forecast, but excluded from 2021-22 planned spending.

The variance in revenues from \$341.9 million to \$366.8 million (increase of \$24.9 million) is attributable to the difference between the latest revenue forecast for 2020-21 and the approved Vote-Netted Revenue authority in 2021-22.

## Corporate Information

### Organizational Profile

**Appropriate minister:** David Lametti, P.C., Q.C., M.P.

**Institutional head:** Nathalie G. Drouin, Ad. E.

**Ministerial portfolio:** Justice

**Enabling instrument:** *Department of Justice Act*<sup>xcii</sup>

**Year of incorporation / commencement:** 1868

### Raison D'être, Mandate and Role: Who We Are and What We Do

“Raison d'être, mandate and role: who we are and what we do” is available on the [Department of Justice Canada's website](#)<sup>xciii</sup>.

For more information on the Department's organizational mandate letter commitments, see the [Minister's mandate letter](#)<sup>xciv</sup> and the [Supplementary Mandate Letter](#)<sup>xcv</sup> issued January 15, 2021.

### Operating Context

Information on the operating context is available on the [Department of Justice Canada's website](#)<sup>xcvi</sup>.

## Reporting Framework

The Department of Justice Canada’s approved departmental results framework and program inventory for 2021-22 are as follows.

	Core Responsibility 1: Legal Services	Core Responsibility 2: Justice System Support	
Departmental Results Framework	<p>Departmental Result: Departments and agencies receive high quality legal services.</p> <p><u>Indicators</u></p> <ul style="list-style-type: none"> <li>Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the overall quality of legal services.</li> <li>Client satisfaction mean rating of 8.0 (or greater) on a 10-point scale on the performance of legal services against the Service Standards for the Provision of Legal Services in Government.</li> <li>Percentage of litigation files resolved in a fiscal year that have a successful outcome (settled or adjudicated) from the Crown’s perspective.</li> </ul>	<p>Departmental Result: Justice Canada laws and policies abide by the rule of law and promote respect for rights and a fair, accessible and relevant legal framework in Canada.</p> <p><u>Indicators</u></p> <ul style="list-style-type: none"> <li>Canada’s international ranking with respect to the rule of law.</li> <li>Percentage of Canadians who think that the criminal justice system is a) fair; and b) accessible</li> <li>Number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada.</li> </ul>	Internal Services
		<p>Departmental Result: The criminal justice system supports alternative ways of responding to the causes and consequences of offending.</p> <p><u>Indicators</u></p> <ul style="list-style-type: none"> <li>Number and type of restorative justice programs/processes available.</li> <li>Number of people who have used the available restorative justice programs/processes.</li> <li>Number/percentage of court imposed community based sentences as compared to number/percentage of incarceration sentences.</li> <li>Percentage of individuals who were referred to an Indigenous Justice Program and participated in the Program.</li> <li>Percentage of youth court cases receiving a non-custodial (community-based) sentence as compared to previous reported years.</li> <li>Percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment.</li> </ul>	
		<p>Departmental Result: Canadians in contact with the justice system have access to appropriate services enabling a fair, timely and accessible justice system.</p> <p><u>Indicators</u></p> <ul style="list-style-type: none"> <li>Percentage of federal funds accessed by provinces, territories, non-governmental organizations and other stakeholders to deliver targeted services consistent with federal priorities.</li> <li>Percentage of Indigenous Courtwork Program clients indicating a level of satisfaction of “satisfied” or “very satisfied” with the usefulness of the information provided.</li> <li>Number of times duty counsel provide assistance in criminal matters.</li> <li>Number of full service criminal legal aid applications approved.</li> <li>Percentage of Office of the Federal Ombudsman for Victims of Crime (OFOVC) client inquiries or complaints that are assessed and acted upon.</li> </ul>	
Program Inventory	<p><u>Programs</u></p> <ul style="list-style-type: none"> <li>Advisory Services</li> <li>Litigation Services</li> <li>Legislative Services</li> </ul>	<p><u>Programs</u></p> <ul style="list-style-type: none"> <li>Legal Policies, Laws and Governance</li> <li>Legal Representation</li> <li>Drug Treatment Court Funding Program</li> <li>Contraventions Regime</li> <li>Victims of Crime</li> <li>Youth Justice</li> <li>Family Justice</li> <li>Indigenous Justice</li> <li>Justice System Partnerships</li> <li>Ombudsman for Victims of Crime</li> </ul>	

## Supporting Information on the Program Inventory

Supporting information on planned expenditures, human resources, and results related to the Department of Justice Canada's program inventory is available in the [GC InfoBase](#)<sup>xcvii</sup>.

## Supplementary Information Tables

The following supplementary information tables are available on the [Department of Justice Canada's website](#)<sup>xcviii</sup>:

- ▶ Sustainable Development Goals
- ▶ Departmental Sustainable Development Strategy
- ▶ Details on Transfer Payment Programs
- ▶ Gender-Based Analysis Plus (GBA+)

## Federal Tax Expenditures

The Department of Justice Canada's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2021-22.

Tax expenditures are the responsibility of the Minister of Finance, and the Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures](#)<sup>xcix</sup>. This report provides detailed information on tax expenditures, including objectives, historical background and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are solely the responsibility of the Minister of Finance.

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## Appendix: Definitions

### **appropriation (crédit)**

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

### **budgetary expenditures (dépenses budgétaires)**

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

### **core responsibility (responsabilité essentielle)**

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

### **departmental plan (plan ministériel)**

A report on the plans and expected performance of a department over a 3-year period. Departmental plans are tabled in Parliament each spring.

### **departmental priority (priorité ministérielle)**

A plan or project that a department has chosen to focus and report on during the planning period. Departmental priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

### **departmental result (résultat ministériel)**

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

### **departmental result indicator (indicateur de résultat ministériel)**

A factor or variable that provides a valid and reliable means to measure or describe progress on a departmental result.

### **departmental results framework (cadre ministériel des résultats)**

A framework that consists of the department's core responsibilities, departmental results and departmental result indicators.

### **departmental results report (rapport sur les résultats ministériels)**

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding departmental plan.

### **experimentation (expérimentation)**

The conducting of activities that seek to first explore, then test and compare, the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works and what doesn't. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be

an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

**full-time equivalent (équivalent temps plein)**

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

**gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])**

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race, ethnicity, religion, age, and mental or physical disability.

**government-wide priorities (priorités pangouvernementales)**

For the purpose of the 2021-22 Departmental Plan, government-wide priorities refers to those high-level themes outlining the Government's agenda in the 2020 Speech from the Throne, namely: Protecting Canadians from COVID-19; Helping Canadians through the pandemic; Building back better – a resiliency agenda for the middle class; The Canada we're fighting for.

**horizontal initiative (initiative horizontale)**

An initiative in which two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

**non-budgetary expenditures (dépenses non budgétaires)**

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

**performance (rendement)**

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

**performance indicator (indicateur de rendement)**

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**performance reporting (production de rapports sur le rendement)**

The process of communicating evidence-based performance information. Performance reporting supports decision-making, accountability and transparency.

**plan (plan)**

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally, a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

**planned spending (dépenses prévues)**

For departmental plans and departmental results reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their departmental plans and departmental results reports.

**program (programme)**

Individual or groups of services, activities or combinations thereof that are managed together within a department and focus on a specific set of outputs, outcomes or service levels.

**program inventory (répertoire des programmes)**

Identifies all of a department's programs and describes how resources are organized to contribute to a department's core responsibilities and results.

**result (résultat)**

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

**statutory expenditures (dépenses législatives)**

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

**strategic outcome (résultat stratégique)**

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

**target (cible)**

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

**voted expenditures (dépenses votées)**

Expenditures that Parliament approves annually through an appropriation act. The vote wording becomes the governing conditions under which these expenditures may be made.



## Endnotes

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