



LOOKING TO 2025 AND BEYOND

Justice Canada conducted an engagement exercise to obtain feedback from non-governmental stakeholders/partners on the top challenges and/or opportunities that the justice system could face over the next 5-10 years.

Method

Justice Canada consulted with non-governmental stakeholders/partners through a hybrid qualitative and quantitative survey format between December 2018 and February 2019. The purpose of this engagement was to: 1) identify which challenges and/or opportunities stakeholders/partners believe will affect the justice system in the next 5-10 years; and 2) identify how these issues might have differential impacts on particular groups, communities and populations in Canada. Stakeholders/partners were engaged through two rounds of feedback: the first round identified issues, and the second asked respondents to prioritize and explain the importance of these issues.

The engagement was undertaken with justice system professionals, as well as people from non-governmental and non-profit organizations who may not work on justice issues *per se* but on broader issues in policy areas that concern the justice system. Gender-based Analysis Plus (GBA+) informed the research design, in that a number of stakeholders/partners were chosen because they provide services to specific groups including: women, LGBTQ2+ populations, children and youth, the elderly, people with disabilities, ethnocultural groups, Indigenous peoples, and newcomers and refugees. All geographic regions were represented in the list of invited stakeholders and both official languages were represented. In total, ninety stakeholders/partners were invited to participate and were also encouraged to distribute the invitation to colleagues within their organizations or to appropriate member organizations.

In **round one**, respondents (n=44) were asked to write short paragraphs identifying the three most important challenges/opportunities facing the justice system in Canada over the next 5-10 years, how such challenges would affect access to justice, and if these issues might impact a specific demographic group either positively or negatively.

In **round two**, respondents (n=33) were asked to specify which issues identified in round one should be prioritized and to provide more detail on the importance of these issues. This second round had two parts:

- **Part A** of round two presented the challenges/opportunities identified in the first survey. Respondents were given a list of 18 issues identified through round one responses and were asked to select **all issues** that they agreed would affect the justice system in the next 5-10 years. Respondents were also given the option of identifying up to three additional issues that were not mentioned in the list. This part served to validate results from the first round.
- **Part B** asked respondents to select the **three most important** issues in the upcoming years using the list of 18 issues, but with an option of adding issues not on the list. Respondents were then asked to explain why they believe these issues would be important and how they might have differential impacts on particular segments of Canadian society.

What we found

- Stakeholders who work as justice system professionals or in non-governmental or non-profit organizations identified 18 distinct issues that they believed the justice system could face in the next 5-10 years.
- When asked to choose which of the 18 issues identified in round one would have the most impact on the justice system in the next 5-10 years, respondents from round two prioritized the following as the top three issues:
 - Focusing on **Indigenous rights and issues** (n=13; 42%¹), including the implementation of the Truth and Reconciliation Commission Calls to Action.
 - Addressing the **root causes of crime** (n=11; 35%), including socioeconomic drivers, substance use and addiction, and mental health issues. Respondents also called for early support and intervention programs for children and young people.
 - Improving **affordability and accessibility of legal services** (n=10; 32%), including the need to sustain and increase legal aid funding and addressing concerns about unrepresented litigants.
 - Encouraging **greater efficiency and effectiveness in courts and the justice system** (n=10; 32%), including the timely adoption of information and communications technology, and the use of alternative dispute resolution (ADR) mechanisms to reduce court delays.
- Additional key issues prioritized by respondents in round two² included the following:

¹ Percentages are calculated based on a total of 31 respondents. While 33 respondents participated in round two, 31 submitted responses for Part B.

² These issues, in addition to the issues listed above, were prioritized as key issues in round two, Part A.

- **Ensuring access to justice for diverse groups**, especially Indigenous peoples and others who may face barriers, including: racialized groups, migrants, women, LGBTQ2+ people, seniors, youth, those with a disability, people in rural and northern communities, those with low income, and those with lower literacy levels.
- **Reducing overrepresentation of Indigenous people in the criminal justice system**, which would require addressing systemic racism and the root causes of crime, in cooperation with affected communities.
- **Increased use of alternatives** to the adversarial court system and incarceration, such as restorative justice and specialized courts (e.g., drug and mental health courts), which may reduce the overrepresentation of certain groups in the criminal justice system and improve legal system efficiency.

The demographic data indicate that a diverse range of stakeholders/partners participated. While respondents held a variety of professional roles, the majority of participants were executives and lawyers, and most respondents had 10 years or more of experience in their field. Key areas of expertise included access to justice, human rights, child protection, and equity issues. The populations that respondents commonly work with included women, men, low income and marginalized individuals, children and youth, and Indigenous peoples.

It should be noted that this project is part of a larger set of consultations and data collection activities intended to inform government policy regarding upcoming issues in the justice system in the medium to longer term. Input was limited since the respondents in this work were few, and reflected a small portion of justice system stakeholder groups. Finally, many of the identified issues are current concerns, not new problems, but participants believed they would likely continue to be of concern in the next 5-10 years.

For further information on the findings or method mentioned in this document, please contact the Department of Justice's Research and Statistics Division (rsd.drs@justice.gc.ca)

Acknowledgements provided with permission³

Acknowledgements for Round 1

Barbra Bailey - Law Society of Saskatchewan
Board of Directors, LGBT Purge Fund | Le fonds Purge LGBT
Cheryl Milne - David Asper Centre for Constitutional Rights
Christine O'Doherty - directrice générale de l'ICAJ
Daryl Reimer, Counsellor - Family Conciliation Branch, Manitoba Department of Families
Eleanor Moore, Vice President - Family Mediation Canada
Ellen Mullally, Executive Director - Community Legal Information Association of PEI
Gabrielle Bouchard, Présidente - Fédération des femmes du Québec
Glenn Tait, CEO - Law Society of the NWT
Helen Kennedy - Egale Canada
Howard Chow, Deputy Chief Constable
Ian S. Patey, Vice President - Law Society of Newfoundland and Labrador
Jeff Surtees, Executive Director - Legal Resource Centre of Alberta o/a The Centre for Public Legal Education Alberta
Jim McCartney - McCartneyADR
Julia Vera - Chair of the Family Lawyers Association
Julie Mathews - Executive Director, Community Legal Education Ontario
Karen Logan, Mediation Coordinator
Kathy Vandergrift, President and Chair - Canadian Coalition for the Rights of Children
Kevin O'Shea, Executive Director - Public Legal Information Association of Newfoundland and Labrador
Lilian Ma, Executive Director - Canadian Race Relations Foundation
Lisa Cheeseman, Family Mediator
Marina Sedai - Chair of the National Immigration Section of the Canadian Bar Association
Paulette Senior, President & CEO - Canadian Women's Foundation
Satyamoorthy Kabilan, Vice President - Policy, Public Policy Forum
Scott Siemens, Director - ADR Institute of Canada
Sharif Mahdy, Executive Director - The Students Commission of Canada
Sylvie Champagne, Secrétaire de l'Ordre et directrice des affaires juridiques - Barreau du Québec

Acknowledgements for Round 2

Cheryl Milne - David Asper Centre for Constitutional Rights
Eleanor Moore, Vice President - Family Mediation Canada
Francis Barragan - Éducaloi
Glenn Tait - Law Society of the Northwest Territories
Jean-François Gaudreault-DesBiens, Professeur titulaire et doyen - Faculté de droit, Université de Montréal
Kabelo Mokoena - Department of Justice, Government of Nunavut
Kathy Vandergrift, Chair - Canadian Coalition for the Rights of Children
Kevin O'Shea, Executive Director - Public Legal Information Association of Newfoundland and Labrador
M. Scott Siemens - ADR Institute of Canada
Melanie Del Rizzo, Q.C., Partner - Smyth Woodland Del Rizzo Barrett
Mickey McLeod, A/Warden - Nunavut Department of Justice, Corrections Division
Mona Paré, Associate Professor - University of Ottawa
Paulette Senior, President & CEO - Canadian Women's Foundation
Phil Heard, Acting Executive Officer - Vancouver Police Department
Public Legal Education Association of Saskatchewan
Sarah J. Rauch - Rauch Darby & Company, Barrister & Solicitor
Sarah, Manager, Legal Translation, Justice
Sylvie Champagne - Barreau du Québec

³ Only respondents who provided permission for their names to be shared are included in these lists.