

S E R V I N G  
C A N A D I A N S



DEPARTMENT  
OF JUSTICE  
CANADA



Department of Justice  
Canada

Ministère de la Justice  
Canada

Canada

## OUR ROLE

**T**he Department of Justice works to ensure that Canada's justice system is as fair, accessible and efficient as possible. The Department helps the federal government to develop policy and to make and reform laws as needed. At the same time, it acts as the Government's lawyer, providing legal advice, prosecuting cases under federal law, and representing the Government of Canada in court. As such, the Justice Department serves Canadians indirectly by acting as the Government's law firm, rather than by directly handling citizens' personal or individual matters. The Department's responsibilities reflect the double role of the Minister of Justice, who is also the Attorney General of Canada: while the Minister is concerned with questions of policy and their relation to the justice system, the Attorney General is the chief law officer of the Crown.

## WHO WE ARE

With its headquarters in Ottawa, near the Supreme Court of Canada, the Department of Justice is a relatively small government department, but one with a wide influence. Many Justice lawyers, for instance, work in legal services units located in some 30 other federal departments and agencies. Justice employees play a central role in drafting bills for Parliament, whether they originate with the Department of Justice or with another department. Roughly half of the Department's staff are lawyers; the other half includes experts in fields such as research, social sciences, and communications, as well as paralegals and support staff.

Many Justice employees work in the Department's 13 regional offices and sub-offices across the country, enabling the Department to be aware of regional issues and to respond effectively to them. Regional staff provide legal advice to federal departments and agencies outside Ottawa, and are responsible for most of the Government's litigation work in the provinces. The Department's offices in the territories also deal with some responsibilities normally carried out by provincial governments, such as *Criminal Code* prosecutions and property law transactions.

The Deputy Minister manages the Department of Justice, and meets regularly with the Minister to discuss policy developments and emerging issues. As well, just as the Minister is the Attorney General of Canada, the Deputy Minister is the Deputy Attorney

General. As the senior public servant in the Department, the Deputy Minister works with a team of three Associate Deputy Ministers who share the Deputy's functions and handle issues requiring the Deputy's immediate attention. The team, in turn, draws on the extensive accumulated knowledge of departmental personnel.

## HOW WE WORK

### Providing Legal Advice and Drafting Laws

**A**s the Government's legal adviser, the Department of Justice helps government departments develop, reform, and interpret laws. For example, one of the most important questions about any new law is whether it will be fully consistent with the *Canadian Charter of Rights and Freedoms*. The Department tries to examine all new legislation in detail to identify any areas which might lead to a law being challenged in court on the basis of the Charter.

Once Cabinet has decided what new laws should be introduced during a session, work begins on preparing bills. When the subject in question is the responsibility of a department other than Justice, specialists in that department work with Justice lawyers, who provide the legal expertise to draft the bill. Justice lawyers are consulted in the early stages of a department's work and continue to be involved through each step, from obtaining Cabinet approval to drafting (and redrafting) the bill until it is enacted by Parliament.

The Department also examines all draft regulations to ensure that they are legally valid, that they are clear in both official languages and that they take into account both of Canada's legal systems (the civil law in Quebec and the common law in all other provinces). It does this by providing legal opinions on the regulatory scheme; drafting the regulations or examining those sent by another department; and providing advice and services when required.

## **Making Policy**

The Department of Justice is an active policy department. Many Justice policies have a direct impact on the daily lives of Canadians, and the Department's policy work is founded on the values that we share as a society. For instance, Canadians value fairness and access to the justice system for all; these are among the most basic elements of any policy that the Department develops and of the policy advice Justice gives to other departments. The Department's policy work also helps shape Canadian attitudes by reflecting these common values not only in laws, but also in programs and services that in turn influence our society.

## **Public safety and security**

The Department's work in public safety and security is a prime example of policy making keeping pace with changes in society. The *Anti-Terrorism Act*, developed by the Department of Justice, came into force on December 24, 2001. The legislation, designed

to ensure that authorities have the tools they need to protect Canadians from terrorism, strikes a balance between respecting Canadian values of fairness and respect for human rights, while helping to ensure that Canadians and the global community are safeguarded. As well, in response to Canadian concerns about the growing threat of organized crime, the *Criminal Code* was amended, in cooperation with the provinces and territories, to help law enforcement officers and prosecutors disable and dismantle criminal organizations.

## **Youth justice**

Canadians had made it clear to their members of Parliament that Canada's youth justice system needed renewing. In response, the Department launched the Youth Justice Renewal Initiative aimed at establishing a fair, effective youth justice system in Canada. The Initiative, supported by the new *Youth Criminal Justice Act*, focuses on three key objectives: ensuring that young offenders face meaningful consequences; improving the rehabilitation of young offenders; and preventing youth crime. The new law and broader Initiative more accurately reflect current Canadian attitudes on youth justice, and go beyond legislation and the youth justice system to explore how society as a whole can address youth crime and its associated factors.

## **Child support**

Canadians expect parents to fulfill their responsibilities to their children, even when families break down. The amendments to the *Divorce Act* that took effect in 1997 provided for the establishment of the *Federal Child Support Guidelines*. The Department works with the provinces and territories to implement the Guidelines. It also monitors the effect of the Guidelines and pursues new ways to improve them on behalf of children.

## **Crime prevention**

An important way to reduce crime is to address the root causes that can lead to it. That is the mission of the National Strategy on Community Safety and Crime Prevention. In pursuing a “social development” approach, the National Strategy helps Canadians address risk factors such as family violence, poor parenting, social isolation, and drug and alcohol abuse that contribute to crime and victimization. Through community-based crime-prevention initiatives, the Strategy works to remove these personal, social and economic factors that can lead some individuals to become involved in criminal acts as offenders or victims. The National Strategy places particular emphasis on children and youth, Aboriginal peoples, women’s personal security as well as seniors, persons with disabilities and ethno-cultural minorities.

## **Gun control**

The Department carried out important policy work in the development of Canada's *Firearms Act* which requires the licensing of all firearms owners and the registration of all firearms. The legislation works to make communities safer by keeping firearms away from those who pose a danger to themselves, to their families or to the public. Firearms-safety education and awareness are key aspects of this initiative. The Department continues to work with federal, provincial and territorial partners through the Canadian Firearms Centre to coordinate the implementation of the *Firearms Act* across Canada.

## **Litigation**

The work that Justice lawyers do for the Attorney General of Canada covers a range of legal matters. They defend the Government when it is taken to court, and they provide legal services on behalf of other federal departments and agencies.

## **International, federal and provincial responsibilities**

Canada has a federal system of government. This means the authority to make laws is divided between the Government of Canada and the provincial governments. The federal government deals with matters that affect all of Canada, such as criminal law, trade between provinces, telecommunications, immigration and extradition, and fisheries. The provinces make laws in such areas as education, property and health services.



Most *Criminal Code* offences are prosecuted by the provinces, but the Department of Justice, acting for the Attorney General, carries out prosecutions under all other federal laws, including drug offences. In the territories, the Department conducts all criminal prosecutions, including those under the *Criminal Code*. The Department also fulfils Canada's international treaty obligations to provide assistance to foreign states in criminal matters through extradition and mutual legal assistance processes.

## **Common law and civil law**

The Department's mandate means that its work covers both civil and common law. In matters of property and civil rights, federal legislation generally depends on Quebec civil law and provincial common law. Common law is a system which originated in Great Britain in which judges use precedents, or previous decisions, to guide their decisions. Civil law, on the other hand, relies on a code that has a set list of rules; judges look first to the code and then to past decisions. Civil law was introduced into North America by the French, and is embodied in the form of the *Civil Code of Quebec*. Common law is used in the rest of Canada.

# ENCOURAGING INNOVATIVE APPROACHES

Canada's justice system is respected around the world. Other countries look to it as a model in shaping their own legal systems. But there is always room for improvement, and the Department constantly seeks new ways to work with Canadians to improve the justice system here at home. Department of Justice policy encourages and supports innovative approaches, notably in areas such as dispute resolution and Aboriginal justice which explore constructive alternatives to the traditional pattern of courts and prisons.

## **Grants and contributions**

Grants and contributions are used by the Department to test fresh approaches to improving Canada's justice system and to contribute to the development of policies. Projects that receive funding address goals such as creating a safer society; promoting access to justice, equality and human rights; improving access to the justice system and making the system more fair and efficient; and, addressing Aboriginal needs. Areas of the Department providing grants and contributions funding include family violence, victims of crime, youth justice, community safety and crime prevention, the Child-centred Family Law Strategy, the Aboriginal Justice Strategy, legal aid and others.

## **Consulting Canadians**

The Department values the concerns and ideas that Canadians have about their justice system. It frequently consults with them in developing law, policies and programs, and in identifying emerging trends in law and policy. To ensure a broad cross-section of views, the Department uses a mix of conferences, community workshops, consultation documents and other avenues of communication, depending on the subject, to reach as many people as possible. These forums have proven beneficial in exploring and developing policy on broad themes such as youth justice, crime prevention and the rights of victims of crime, as well as specific questions of law reform and policy.

## **JUSTICE FOR ALL CANADIANS**

The justice system affects us all every day in many ways, serving to balance the rights and responsibilities we share with our fellow citizens. Through its work, the Department of Justice strives to ensure that our system remains fair, accessible and efficient as it evolves to reflect changes in Canadian society.

## OUR MISSION

The mission of the Department of Justice is to:

- support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- provide high-quality legal services and counsel to the Government and to client departments and agencies; and
- promote respect for rights and freedoms, the law and the Constitution.

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