

CANADA'S DEPARTMENT of JUSTICE



Note to readers: The justice system is a vital part of the public life of this country, and it is in the interest of every Canadian to understand the system and how it works. This booklet provides a general view of one important element of the justice system, the federal Department of Justice. For information on other elements of the justice system, we recommend consulting the booklets Canada's System of Justice and Canada's Court System, both available from the Department of Justice.

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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.

Our Role

The 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 draft and reform laws as needed. At the same time, it acts as the government's legal adviser, providing legal counsel and support, prosecuting cases under federal law, and representing the Government of Canada in court.

The Department's responsibilities reflect the double role of the Minister of Justice, who is also by law the Attorney General of Canada: in general terms, the Minister is concerned with the administration of justice, including policy in such areas as criminal law, family law, human rights law, and Aboriginal justice; the Attorney General is the chief law officer of the Crown, responsible for conducting all litigation for the federal government.

Who We Are

The Department of Justice is a medium-sized government department, but one with a wide influence. 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, the social sciences, and communications, as well as paralegals and support staff. Many of our lawyers work in legal services units in some 40 other federal departments and agencies.

In addition to Justice Headquarters in Ottawa, there are some 17 regional offices and sub-offices across the country. Regional staff provide legal advice to federal departments and agencies outside Ottawa, and are responsible for most of the federal government's litigation work in the provinces. In the territories, the Department's offices also deal with *Criminal Code* prosecutions and property law transactions, which are carried out in the provinces by the provincial governments.

The Department's work and operations are managed by the Deputy Minister, who meets regularly with the Minister to discuss policy and emerging issues. Just as the Minister of Justice is also the Attorney General of Canada, the Deputy Minister of Justice is also the Deputy Attorney General. As the Department's senior public

servant, the Deputy Minister works with a team of Associate Deputy Ministers who share the Deputy's functions and handle issues requiring immediate attention. The team, in turn, draws on the extensive accumulated knowledge and skills of the Department as a whole.

What We Do

Making law

As the government's legal adviser, the Department of Justice helps federal 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 examines 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 of Parliament, work begins on preparing bills (drafts of proposed laws). 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 is consulted in the early stages of the work and continues to be involved through each step, from obtaining Cabinet approval to drafting – and redrafting – the bill until it is enacted by Parliament. At that point, it becomes part of the law of the land, and is referred to as an “act” (also known as a “statute”).

The Department also ensures that all draft regulations 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 the rest of the country). Regulations set out rules, standards, procedures and other details related to particular statutes. Justice lawyers draft the regulations or examine those sent by other departments, and provide advice and other services as needed.

Criminal law reform

Ongoing law reform ensures that Canada's laws remain effective and relevant. Law reform is not just a matter of reacting to legal and social challenges as they arise; it also involves a broader, long-term plan based on enduring values and principles. Department of Justice experts regularly review existing laws and identify emerging issues that may require new legislation. Reforms may be called for in order to take decisive action to deal with crime; to ensure the law reflects the Charter; to reflect the law as it evolves in the courts; to take account of scientific developments related to detecting and prosecuting crimes, such as DNA identification and testing; to keep pace with technology and globalization that affect the scope of international criminal activity; and to reflect changing social attitudes about whether and how we should use the criminal law to influence individual and corporate behaviour. In developing options for legislative reform, the Department consults closely with provincial and territorial officials and non-governmental stakeholders.

Making policy

The Department of Justice plays an active role in developing federal government policy. 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 the Department develops and of the policy advice we give to other departments. Our 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 have an influence on society. We contribute to a wide range of public policy areas, such as protecting children from Internet predators and improving access to the justice system for official language minorities.

Public safety and security

The Department's work in public safety and security provides a good example of the need for policy making to keep pace with changes in society. The Department developed the *Anti-Terrorism Act*, which came into force on December 24, 2001, to ensure that authorities would have the necessary tools to protect Canadians from terrorism. The legislation was designed to strike a balance that would recognize Canadian values of fairness and respect for human rights while helping to ensure that Canadians and the global community are safeguarded. As part of the government's anti-terrorism strategy, the Department continues to monitor and assess the effects of the Act and to explore other legislative and regulatory options.

Similarly, in response to concerns about the growing threat of organized crime, the Department has worked with the provinces and territories to improve the law and help law enforcement officers and prosecutors disable and dismantle criminal organizations.

Child-centred family justice

Canadians expect parents to fulfill their responsibilities to their children, even when families break down. Through the Child-Centred Family Justice Strategy, adopted in 2002, the Department helps parents focus on the needs of their children following separation and divorce and encourages them to exercise child-rearing responsibilities in a way that will promote their children's best interests.

The Department also works with the provinces and territories to implement the *Federal Child Support Guidelines*, to monitor their effects, and find ways to improve them for the sake of the children.

Conducting litigation

Justice lawyers support the Attorney General of Canada in conducting a wide range of litigation – that is, legal actions such as lawsuits. They defend the government when it is taken to court, and provide legal services on behalf of other federal departments and agencies. A considerable portion of litigation work is carried out in such complex areas as taxation and immigration law, including refugee claims and other human rights issues.

Federal and provincial responsibilities

Canada has a federal system of government. This means that the authority to make laws is divided between the federal government 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 federal government has responsibilities on the international level as well, and Justice plays an active role providing advice and support in such areas as human rights and environmental law, efforts to combat terrorism and transnational crime, and legal issues related to trade and investment and intellectual property. 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

Canada is not only a bilingual country but also a “bijural” one – that is, it has two systems of law that exist side by side. These are the civil law and the common law, and the Department’s mandate means that its work covers both. Civil law 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 France, and is embodied in the form of the *Civil Code of Quebec*. Common law, on the other hand, is a system which originated in Great Britain in which judges use precedents, or previous decisions, to guide their decisions. In matters of property and private law, federal legislation generally depends on civil law in Quebec and common law in the other provinces and the territories.

Encouraging Innovation and Involvement

Canada's justice system is respected around the world. Other countries look to it as a model in shaping their own legal systems (often with firsthand help from Justice employees). 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 such areas as dispute resolution and Aboriginal justice, which explore constructive alternatives to the traditional pattern of courts and prisons.

Grants and contributions

The Department of Justice uses grants and contributions to test fresh approaches to improving Canada's justice system and to contribute to the development of policies. Projects that receive funding may address such goals as 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. The Department provides grants and contributions funding in such areas as family violence, victims of crime, the Child-Centred Family Justice Strategy, the Aboriginal Justice Strategy, and legal aid.

Consulting Canadians

The Department values the concerns and ideas that Canadians have about their justice system. We frequently consult the general public as well as various groups and organizations 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 valuable in exploring and developing policy on broad themes such as youth justice and the rights of victims of crime, as well as specific questions of law reform and policy.

Further Information

To learn more about Canada's Department of Justice, consult the Justice Web site, at www.justice.gc.ca, or contact the Department at the following address:

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