

# 2021-2022 Departmental Results Report

**Department of Justice Canada**

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





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ISSN 2560-9440  
Cat. No. J1-21E-PDF



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## From the Minister

I am pleased to present the Department of Justice Canada's 2021-22 Departmental Results Report for the reporting period of April 1, 2021, to March 31, 2022. This report details the Department's key achievements over the last year.

As Canadians, we can be proud of the high-quality work Justice Canada employees have accomplished this year. The Department has helped advance a broad range of Government of Canada priorities. We applied a range of critical considerations to legal services and evidence-based public policy, such as legal risk analysis; diversity and inclusion, including Gender-Based Analysis Plus; privacy; modern treaty implications; and strategic environmental assessment. Our efforts this past year have had a meaningful impact on our justice system and have ultimately served Canadians.



Over the past year, the Department provided legal services on a wide range of government initiatives. Contributing to the Government of Canada's actions to fight the ongoing COVID-19 pandemic remained a key priority in 2021-22. Justice Canada provided legal advice to federal departments and agencies on public health and safety, benefit programs for Canadians in need, and Canada's economic recovery. We developed legislation that amended the *Criminal Code* to enhance protections for health care workers and ensure that everyone has safe and unobstructed access to health services. For this, I am especially grateful.

Justice Canada also provided legal services – including legal advice and litigation and legislative support – on other significant initiatives, notably stronger gun control laws to keep Canadians safe and efforts to address intimate partner violence.

The Department's work to strengthen and renew nation-to-nation, Inuit-Crown and government-to-government relationships with Indigenous peoples and advance meaningful reconciliation remained a key priority. At the heart of these efforts is our work with Indigenous partners to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act*. I am deeply proud of this critical work to uphold the human rights of First Nations, Inuit and Métis. This work complements other initiatives, including work towards the development of an Indigenous Justice Strategy, exploring administration of justice agreements, and advancing our response to the Truth and Reconciliation Commission's Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice. I am also pleased that, consistent with the Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples, the Department played an important role in the resolution of significant class actions relating to drinking water on reserves, as well as a number of other significant litigation matters. This work demonstrates our steadfast dedication to the shared path of reconciliation and working in partnership with Indigenous peoples to build a better Canada and a brighter future for generations to come.

This past year Justice Canada also made great progress in improving the fairness, equality and protection of Canada’s criminal justice system and addressing the overrepresentation of certain groups. Importantly, the Department developed legislation that amended the *Criminal Code* to ban conversion therapy practices, which will help protect the equality and dignity of 2SLGBTQI+ persons. Canada now has the most comprehensive criminal laws in the world against these harmful and discredited practices. Additionally, Justice Canada developed legislation that aims to keep communities safe, fight systemic racism, and make the criminal justice system more effective. These proposed changes would reform sentencing measures for certain offences, including repealing some mandatory minimum penalties that contribute to higher rates of imprisonment and disproportionately affect Indigenous people and Black Canadians. These proposed amendments would encourage alternative ways of responding to the causes and consequences of offending. Focusing on addressing systemic inequities and overrepresentation in the criminal justice system reminds us why we are here – to support those who need it.

I would like to thank all Department of Justice Canada employees for their hard work and dedication to serving the public. This work truly benefits Canadians across the country and helps shape a fairer and more relevant and accessible justice system for all.

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



## Results at a Glance

Through its [core responsibilities](#) of Legal Services Delivery and Justice System Support, the Department of Justice Canada supported a broad range of government initiatives and ministerial mandate letter commitments in 2021-22. To ensure strong and evidence-based public policy and good governance, the Department applied a range of critical considerations, which included legal risk analysis; diversity and inclusion using [Gender-Based Analysis Plus](#)<sup>i</sup> (GBA Plus) tools; privacy; modern treaty implications; and strategic environmental assessments.

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

### Legal Services

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

Key achievements:

- Provided legal advice to federal departments and agencies, in support of the Government's actions to fight the COVID-19 pandemic including measures to limit the spread of the virus (including emergency orders, test kit distribution, normalizing temporary regimes, procurement of medical supply and vaccines, increasing vaccine-manufacturing capacity and implementing vaccine mandates), assist Canadians in need (including implementing social benefit programs and ensuring health care to Indigenous communities), and support Canada's economic recovery.
- Provided litigation services, consistent with the Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples, including playing an important role supporting Indigenous Services Canada in the resolution of significant class actions relating to drinking water on reserve.
- Supported the Government's commitments on firearms control. Justice Canada helped prepare for the tabling of [Bill C-21](#)<sup>ii</sup>, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, which proposes significant changes to address handguns, trafficking and smuggling, and intimate partner violence.
- Provided legal advice to amend the [Public Service Employment Act](#)<sup>iii</sup>. Amendments to address employment equity, diversity and inclusion objectives came into force in 2021-22, including measures to identify and remove biases or barriers that disadvantage members of employment equity designated groups.

### Justice System Support

The Department played 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 achievements:

- Introduced criminal justice system reform and supported Parliament in considering two criminal justice system reform bills: [Bill C-3](#)<sup>iv</sup>, *An Act to amend the Criminal Code and the Canada Labour Code*, to enhance protections for health care workers and to ensure safe

access to health services; and [Bill C-4<sup>v</sup>](#), *An Act to amend the Criminal Code (conversion therapy)*, banning the harmful practice of conversion therapy. Both received Royal Assent in December 2021.

- Funded Indigenous-led engagements that will inform the development of an Indigenous Justice Strategy to address the systemic discrimination and overrepresentation of Indigenous peoples in the criminal justice system.
- Advanced implementation of the [United Nations Declaration on the Rights of Indigenous Peoples Act<sup>vi</sup>](#), which received Royal Assent in June 2021. This included creating and staffing a new Secretariat to fully support the implementation work happening with Indigenous partners and across all government departments; launching a broad and inclusive engagement process, along with a call for proposals to support Indigenous participation and Indigenous-led consultations to help shape the initial draft of an action plan and possible measures for aligning federal laws with the UN Declaration.
- Continued to support the Government's Agenda on Reconciliation by advancing Justice Canada's response to the [Truth and Reconciliation Commission Calls to Action<sup>vii</sup>](#). This included providing funding to support revitalization of Indigenous legal traditions, engaging with Indigenous leadership and experts to develop a proposed mandate for the [Special Interlocutor<sup>viii</sup>](#), who will work with Indigenous peoples to develop a framework in relation to unmarked burials and gravesites associated with residential schools, as well as advancing administration of justice in Indigenous communities.
- Continued to lead the policy facet of the [Privacy Act<sup>ix</sup>](#) modernization initiative towards the goal of tabling further legislation, through a focused Indigenous engagement strategy and extensive interdepartmental collaboration. Two reports were shared with Indigenous partners to ensure their voices were accurately heard: *What We Have Heard* and *Next Steps*.

### Internal Services

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

#### Key achievements:

- Ensured departmental readiness to respond to changing circumstances related to the COVID-19 pandemic, using tools such as surveys to assess ongoing and evolving employee needs.
- Continued to foster a work environment that is healthy and safe, both psychologically and physically, and also respectful, inclusive, and accessible, through the following initiatives: the departmental Mental Health Action Plan for 2020-23; Justice Canada's Anti-Racism and Anti-Discrimination Results Framework 2021-2024; and the development of both the 2022-25 Employment Equity Plan and the Accessibility Plan.
- Promoted digital approaches and strategies such as improving network infrastructure and adopting new software and reliable digital platforms.

For more information on the Department of Justice Canada's plans, priorities and results achieved, see the "[Results: What We Achieved](#)" section of this report.

## Results: What We Achieved

### Core Responsibilities

#### 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 inconsistency with the *Canadian Charter of Rights and Freedoms*<sup>x</sup> (the 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 and agencies on subjects within the authority or jurisdiction of Canada.

##### Results

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 ensure that it delivers effective and fiscally sustainable legal services that meet Government and client priorities. It does so by taking a risk-informed, collaborative, transparent, and proactive approach that is aligned with those of client departments in their search for solutions that benefit Canadians.

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

In 2021-22, the Department continued 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 provided legal advice to federal departments and agencies, including:

- Public Services and Procurement Canada (PSPC) in the ongoing procurement of goods, including personal protective equipment, ventilators, medical supplies, and vaccines.
- The National Research Council in the establishment of the Biomanufacturing Facility to increase Canada's vaccine manufacturing capacity and to ensure the existence of legal authorities for the creation of an independent not-for-profit corporation to govern the facility's operations. (The facility, located in Montreal, was completed in June 2021.)
- Transport Canada and other departments on all measures aimed at limiting the spread of COVID-19 in the transportation sector. This collaboration led to the implementation of a vaccination mandate for the transportation sector in fall 2021.
- The Canada Revenue Agency (CRA) and Employment and Social Development Canada (ESDC) in the design, establishment, and implementation of a number of social benefit programs, such as:
  - o the [Canada Emergency Response Benefit](#)<sup>xi</sup> for workers who lost income because of the COVID-19 pandemic.
  - o the [Canada Recovery Benefit](#)<sup>xii</sup>, [Canada Recovery Sickness Benefit](#)<sup>xiii</sup>, and the [Canada Recovery Caregiving Benefit](#)<sup>xiv</sup> to continue to provide income support for those self-employed or not eligible for Employment Insurance, including those who are sick, must self-isolate or must stop work to care for dependents due to the COVID-19 pandemic.
  - o the [Canada Emergency Student Benefit](#)<sup>xv</sup> to provide financial relief to students and recent graduates unable to work or to find work because of the COVID-19 pandemic.
  - o the [Canada Emergency Wage Subsidy](#)<sup>xvi</sup> to assist eligible employers to keep and re-hire employees and avoid layoffs.
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC) to support Indigenous communities, including providing legal support for the delivery of primary health care on reserve and other health services and funding; providing support for related litigation, inquests and human rights complaints; and providing ongoing legal support in relation to COVID-19 enforcement matters.
- Multiple federal departments and agencies to support economic recovery in response to the impacts caused by the pandemic. For instance, the Department provided legal advice to ensure the consistency of Canadian pandemic response measures with Canada's international trade obligations and to review the consistency of international trade law with measures taken by other countries as part of their pandemic response, specifically relating to international intellectual property rights, the international procurement of personal protective equipment, and COVID-19 vaccine export controls. Economic impacts of the pandemic on Canadians have included the surging cost of housing; the Department provided advisory support for initiatives related to housing affordability.

To respond to the economic impacts of the COVID-19 pandemic, the Department of Justice Canada worked alongside other departments and agencies, providing the legal services necessary to implement an unprecedented economic support package for employers, businesses, and all Canadians who needed it and to adopt measures to limit the spread of the virus.

In addition, Justice Canada supported the Government's implementation of its platform commitment to put in place a COVID-19 vaccination policy for the federal public service. More precisely, the Department supported the Treasury Board Secretariat (TBS) in the development, implementation and review of the *Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police*<sup>xvii</sup>. The Department also provided litigation support in response to various applications and actions contesting the Policy.

The Department provided significant support for initiatives relating to immigration in 2021-22. New ambitious immigration levels and a record high number of admissions of permanent residents were achieved despite travel restrictions. The Department advised clients on the development and implementation of numerous public policies to diminish the impact of the pandemic on future immigrants, international students, and temporary workers in core sectors such as the agri-food sector. It was also involved in delivering advisory and litigation services during the development and implementation of the public policy providing a one-time, unique pathway to permanent residence for 90,000 temporary residents who had been working in essential occupations in Canada, including in the health care sector, as well as for recent post-secondary graduates.

In support of the Government of Canada's ongoing commitment to advancing reconciliation with Indigenous peoples, the Department provided legal advisory services to CIRNAC and ISC, in accordance with the *Principles respecting the Government of Canada's relationship with Indigenous peoples*<sup>xviii</sup>. This included:

- Providing advice and negotiation support to ISC at all active child and family services coordination agreement tables, including advice and support in the negotiation of the two coordination agreements that were signed, one with the Cowessess First Nation and the other with the Wabaseemoong Independent Nations.
- Co-developing, with ISC, distinctions-based Indigenous health legislation. The Department provided ongoing operational legal and legal policy advice in support of the engagement process related to the legislation, which is being led primarily by First Nations, Inuit and Métis Nation partners at the national, regional and sub-regional levels and is expected to continue in 2022-23.
- Supporting the negotiation of modern treaties, agreements and constructive arrangements that reflect a recognition-of-rights approach, further reconciliation and the establishment of a new fiscal relationship with Indigenous peoples by providing legal support with respect to:
  - o the signing of the Anishinabek Nation self-government agreement and drafting a statute to implement the agreement.
  - o the negotiation of education agreements with the First Nations Education Council, the Saskatoon Tribal Council, the Manitoba First Nations School System, and the Institut Tshakapesh, as well as a memorandum of understanding with the Association of Iroquois and Allied Indians.
  - o the negotiation and execution of the incremental reconciliation agreement with the Haida Nation called the Changing Tide Agreement.

- 66 reconciliation tables in British Columbia and 77 reconciliation tables in the rest of Canada.
- Supporting CIRNAC in developing options to reform the Specific Claims process and resolving a significant number of claims.

In other Indigenous-related matters, the Department supported ISC and Public Safety (PS) Canada in co-developing a legislative framework for First Nations policing as an essential service. Justice Canada provided timely and effective advisory services to assist in PS's pre-engagement with the Assembly of First Nations to appropriately set the stage for public engagement. It supported ISC and PS in the development of an engagement plan and detailed engagement material towards First Nations policing legislation. It also supported PS in public engagements that began in March 2022. This legislative framework aligns with the *United Nations Declaration on the Rights of Indigenous Peoples Act*<sup>xix</sup> (*UN Declaration Act*).

Furthermore, the Department provided continued support and significant legal and strategic advice to the Department of Fisheries and Oceans (DFO) in the development of a plan for the long-term implementation of the treaty right to fish in pursuit of a moderate livelihood of 34 First Nations in the Maritimes and Gaspé region and the Peskotomuhkati Nation.

In 2021-22, Justice Canada contributed its own policy initiatives while also supporting PS, the Royal Canadian Mounted Police (RCMP) and the Canada Border Services Agency in advancing the Government's commitments on firearms control. Specifically, the Department helped prepare for the tabling of *Bill C-21*<sup>xx</sup>, making significant progress towards addressing concerns about handguns, trafficking and smuggling, and intimate partner violence. The proposed new measures include:

- implementing a national freeze on handguns to prevent individuals from bringing newly acquired handguns into Canada and from buying, selling, and transferring handguns within the country.
- taking away firearms licences from those involved in acts of domestic violence or criminal harassment, such as stalking.
- fighting gun smuggling and trafficking by increasing criminal penalties, providing more tools for law enforcement to investigate firearms crimes, and strengthening border security measures.
- addressing intimate partner violence, gender-based violence, and self-harm involving firearms by creating a new "red flag" law that would enable courts to require individuals considered a danger to themselves or others to surrender their firearms to law enforcement, while protecting the safety and identity of individual applicants.
- strengthening restrictions on large-capacity magazines under the *Criminal Code*<sup>xxi</sup>.

Further to the passage of *Bill C-71*<sup>xxii</sup> in 2019, Justice supported the expansion of mandatory firearms licence background checks to cover the lifetime of an applicant and the reinstatement of the requirement to seek an authorization to transport restricted and prohibited firearms to most locations. It also continued to support the development of a firearms buyback program to provide compensation for the May 1, 2020 now prohibited firearms.

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 puts the needs of Canadians first. Justice Canada provided advice and support to the Minister of Digital Government, as well as to the TBS Office of the Chief Information Officer and Canadian Digital Service, in the development of improved digital services.

To address employment equity, diversity, and inclusion objectives, the Department provided legal advisory services to TBS and other client departments. As a result, amendments have been made to the *Public Service Employment Act*<sup>xxiii</sup>, some of which came into force in June 2021. These include:

- the introduction of a definition of "equity-seeking group".
- the addition of a preference for permanent residents, along with the existing preference for Canadian citizens.
- a new requirement for the employer, when establishing or reviewing qualification standards, to conduct an evaluation to identify potential biases or barriers that disadvantage persons belonging to any equity-seeking group and make reasonable efforts to remove it or to mitigate its impact on these persons.
- a new authority for the Public Service Commission to determine whether audits it conducts contain biases or barriers that disadvantage persons belonging to any equity-seeking group.

Through its Privy Council Office Legal Services Sector, the Department provided legal advisory support to the Clerk of the Privy Council and the Privy Council Office and to provide expert legal advice to a wide range of federal departments on questions involving Cabinet confidences. It also continued to support the Privy Council Office on matters related to Governor in Council appointments and performance management.

## **Litigation Services**

To further refine and adjust its litigation strategy, Justice Canada led the development of new approaches to litigation positions on complex issues, identifying cases for out-of-court resolution and other alternatives to litigation, including ensuring consistency with the *Principles Guiding the Attorney General of Canada in Charter litigation*<sup>xxiv</sup>, the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*<sup>xxv</sup>, and the *Directive on Civil litigation Involving Indigenous Peoples*<sup>xxvi</sup>.

Justice Canada worked with departments through a number of committees to support the review of its litigation strategy while also considering the policy, financial, and legal implications of complex litigation involving the Government of Canada.

To collaborate on litigation positions that may require a whole-of-government approach, the Department leveraged existing expertise and developed emerging national talent while managing complex cases and class proceedings nationally. The Department also worked effectively with a number of client departments, including Global Affairs Canada, Agriculture and Agri-Food

Canada, and Natural Resources Canada, on litigation positions in international trade disputes. Justice Canada also worked effectively with a number of provinces, including Alberta, Ontario, and Quebec, where provincial measures relating to international trade were at issue.

The Department further collaborated effectively with a number of client departments to develop and ensure that a consistent and principled approach was taken by Canada to defend and settle high-profile workplace assault, harassment and discrimination.

The Department continued to support the Action Committee on Court Operations in Response to COVID-19 to promote a nationally harmonious approach to restoring Canadian court operations which prioritizes health and safety while upholding the fundamental values of Canada's justice system. The Action Committee's work in 2021-22 fell under four areas of focus, each supporting the overarching goal of equitably restoring and stabilizing court operations across Canada. These areas were: protecting the health and safety of court users and personnel; addressing the impact of COVID-19 on marginalized court users; supporting court recovery by reducing backlog and delays; and supporting court recovery by integrating modern technology.

The COVID-19 pandemic continued to affect the way Justice Canada worked, including the increased importance of modernizing processes and the way the Department collaborates with clients. In 2021-22, the Department supported the modernization of work with the court system by implementing procedures and technologies to enable remote hearings and the electronic transfer of documentation. Virtual hearings continued to be the primary mode of proceeding in court, which significantly decreased the need for travel. Justice Canada also encouraged and supported courts in transitioning away from paper-based processes towards electronic means of conducting litigation (e.g. deemed consent to e-service, delayed filing of paper records, e-service/e-filing via file transfer platforms like court e-filing systems, SharePoint, TitanFile and e-hearings). The Department also worked with internal and external stakeholders to establish a professional networking and collaborative site (GCconnex) to share litigation readiness guidelines and templates with a broader information-management community.

Justice Canada also provided legal support to CIRNAC and ISC on a high volume of Indigenous litigation matters, including: defending the constitutional validity of the *Act respecting First Nations, Inuit and Métis children, youth and families* before the Quebec Court of Appeal; the settlement of Indigenous childhood claims, including several class actions, as well as the resolution of significant class actions relating to drinking water on reserve.

Justice Canada also provided significant support to 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.

The Trade Law Bureau provided legal services to the Government in complex international trade litigation in disputes with the United States over softwood lumber, dairy, auto rules of origin, and solar safeguards, as well as in the dispute with China over canola exports. The Bureau also represented Canada in high-profile, complex and high-value investor-state disputes under Canada's international trade treaties, successfully achieving the dismissal of claims valued in the hundreds of millions of dollars.



The Department also provided support to the Attorney General of Canada and the Public Prosecution Service of Canada on appellate court cases, including cases before the Supreme Court of Canada, regarding Charter challenges to criminal law. These cases include *R. v. Bissonnette*<sup>xxvii</sup>, which challenged the consecutive periods of parole ineligibility for multiple murders, and *R. v. Sharma*<sup>xxviii</sup>, which challenged restrictions to the availability of conditional sentences.

## Legislative Services

The Department provided legislative and regulatory drafting services to federal departments and agencies in 2021-22, including:

- PS, the Parole Board of Canada, the RCMP and the Correctional Service of Canada to address systemic inequities in the criminal justice system. This collaboration led to:
  - o Support for [Bill C-228](#)<sup>xxix</sup>, *An Act to establish a Federal Framework for Reducing Recidivism*, which came into force in June 2021.
  - o The amendment to the [Pardon Services Fees Order](#)<sup>xxx</sup>, which came into force in January 2022, making pardons more accessible to those seeking them by reducing fees.
- Canadian Heritage to modernize the *Official Languages Act*<sup>xxxi</sup>. The Department participated in the creation of two bills tabled during 2021-22: [Bill C-32](#)<sup>xxxii</sup>, *An Act to Amend the Official Languages Act and to make related and consequential amendments to other Acts* and [Bill C-13](#)<sup>xxxiii</sup>, *An Act for the Substantive Equality of Canada's Official Languages*. Further, Justice Canada continued to support Canadian Heritage and other departments in the development of legislation to combat serious forms of harmful online content to protect Canadians and hold social media platforms and other online services accountable for the content they host.
- TBS to introduce legislative amendments to the *Financial Administration Act*<sup>xxxiv</sup> to enable the Canadian Digital Service to provide its digital platform services more broadly, including to other jurisdictions in Canada, and clarify Canadian Digital Service's responsibilities under the *Privacy Act*<sup>xxxv</sup> and *Access to Information Act*<sup>xxxvi</sup> (ATIA). As a result, the measure was included in [Bill C-19](#), *An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures*, which received Royal Assent on June 23, 2022. Justice Canada also worked with TBS and other clients to support the implementation of changes to the ATIA.
- Many departments to contribute to the targeted regulatory reform agenda (Budget 2019), focusing on supporting innovation and business investment, such as:
  - o Environment and Climate Change Canada regarding [Bill C-12](#)<sup>xxxvii</sup>, *the Canadian Net-Zero Emissions Accountability Act*. As a result, this Act received Royal assent in June 2021.
  - o Health Canada in redesigning the food and pest control products regulations, as set out in the [Agri-food and Aquaculture Targeted Regulatory Review Roadmap](#)<sup>xxxviii</sup>.

- DFO in developing Canada's first *Aquaculture Act*<sup>xxxix</sup> as well as other aquaculture-related activities.

The Department also drafted multiple bills, regulations, and orders on an urgent basis and provided timely and often urgent advisory services, including:

- 33 interim orders pursuant to the *Aeronautics Act*<sup>xi</sup> to prevent certain persons from boarding flights in and to Canada due to COVID-19.
- five interim orders pursuant to the *Canada Shipping Act, 2001*<sup>xli</sup> respecting passenger vessel restrictions and restrictions to pleasure craft navigation.
- eight ministerial orders pursuant to the *Railway Safety Act*<sup>xlii</sup> on health checks before boarding trains.
- the invocation of a declaration of a public order emergency under the *Emergencies Act*<sup>xliii</sup> and related regulations concerning economic and other measures related to the blockades and occupation in February 2022.
- 31 orders pursuant to the *Quarantine Act*<sup>xliv</sup>.
- approximately 40 files related to Russia's invasion of Ukraine (mainly economic measures against Russia for Global Affairs Canada but also for the Department of National Defence, PSPC and the Department of Finance Canada).
- three pandemic-specific bills to help support people, businesses and fiscal sustainability, namely *Bill C-2*<sup>xlv</sup>, *Bill C-3*<sup>xlvi</sup> and *Bill C-10*<sup>xlvii</sup>.
- regulations amending the *Canada Worker Lockdown Benefit Act / Lockdown Regions Designation Order (COVID-19)*<sup>xlviii</sup>.

## Gender-Based Analysis Plus

**Gender-Based Analysis Plus**<sup>xlix</sup> (GBA Plus) is an analytical approach used to support the development of responsive and inclusive initiatives, including legislation, policies, programs, and services. An intersectional GBA Plus approach helps to understand who is affected by an issue and how it affects them, by taking into consideration different identity factors that go beyond biological (sex) and social-cultural (gender) differences. It includes the examination of a range of other intersecting identity factors (including, but not limited to, age, sexual orientation, disability, education, language, geography, religion and spirituality, racialization and ethnicity, culture, immigration status, and economic status). In addition, GBA Plus involves the analysis of structural and systemic barriers, including developing mitigation strategies to address them and to achieve more inclusive and equitable results for Canadians.

The guiding principles of GBA Plus continued to be applied in all areas of the Department's work in 2021-22, including the provision of legal services to client departments and advice to Cabinet.

### **GBA Plus: Legal services highlights for 2021-22**

The Department provided advice on:

- the Federal Internship Program for Canadians with Disabilities
- amendments to the *Public Service Employment Act* to increase diversity and identify barriers in the appointment process
- regulations to allow positive targeting of individuals who are part of a special program under the *Canadian Human Rights Act* or the *Canadian Charter of Rights and Freedoms*

### **United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals**

As a signatory to the [United Nations 2030 Agenda for Sustainable Development](#)<sup>1</sup>, the Government of Canada is committed to its 17 Sustainable Development Goals (SDGs) and to the overarching vision to leave no one behind. Through its Access to Justice Secretariat, which serves as a focal point, the Department of Justice Canada led Canada's efforts to advance SDG 16 domestically and abroad. This goal calls for peaceful, just, and inclusive societies that provide access to justice for all, domestically and internationally, and build institutions that are effective, accountable, and inclusive at all levels. The Department also supported SDG 5, which aims to achieve gender equality and empower all women and girls.

Departmental initiatives that contributed to advancing SDGs include:

- Supporting the efforts of the International Assistance Group in discharging its mandate as Canada's central authority for extradition and mutual legal assistance for all offences covered, including those related to arms trafficking and organized crime, in a manner that complies with the Charter as well as with relevant multilateral and bilateral international agreements (SDG 16, targets 16.4, 16.5):
  - continued support for Canada's Anti-Money Laundering/Anti-Terrorist Financing Regime by contributing to Canada's delegation to the Financial Action Task Force (FATF) and regular engagement with domestic regime partners.
  - continued participation in relevant multilateral international and regional forums (e.g., G7, Commonwealth Secretariat, Organization of American States (OAS), Stolen Asset Recovery Initiative, Criminal Justice Forum for Asia and the Pacific, and FATF), seeking to enhance international law enforcement and cooperation in prosecution in relation to serious transnational crimes, including those related to arms

- trafficking and organized crime.
  - continued growth and modernization of Canada's extradition and mutual legal assistance treaty network to enhance and expand international cooperation in the fight against serious transnational crime, including arms trafficking and organized crime.
  - continued support for the capacity-building work of international agencies/organizations (e.g. United Nations Office on Drugs and Crime, International Institute for Justice and the Rule of Law, Commonwealth Secretariat, OAS, and FATF) by providing technical assistance experts.
- Providing strategic advice to the Organisation for Economic Co-operation and Development (OECD). Input was given on the [OECD's Framework and Good Practice Principles for People-Centred Justice](#)<sup>li</sup>, which were launched in December 2021 (SDG 16).
  - Participating in other multilateral international negotiations and forums. For instance:
    - Leading Canada's participation in the work of the [United Nations Commission on Crime Prevention and Criminal Justice](#)<sup>lii</sup>.
    - Continuing to chair the G7 Roma-Lyon Group's Criminal and Legal Affairs Subgroup, which brings together legal experts in international cooperation in criminal matters from the G7 member states and the European Commission to enhance the effectiveness and efficiency of international cooperation in criminal matters within the G7 member states and globally.
    - Leading efforts to re-establish the Canada-US Cross Border Crime Forum, in keeping with commitments made by the Prime Minister and the President in the Canada-US Roadmap, and supported by the Minister's participation in the March 2022 Canada-US Canada-United States Cross-Border Crime Forum Ministerial Meeting.
    - Leading Canada's participation in the negotiation of the [Second Additional Protocol to the Council of Europe Convention on Cybercrime](#)<sup>liii</sup> (Budapest Convention), aimed at enhancing cooperation and disclosure of electronic evidence (SDG 16, targets 16.4, 16.5).
  - Contributing to the development of reforms at the World Trade Organization, through the Trade Law Bureau, and in the context of the reform of Investor-State Dispute Settlement at both the International Centre for Settlement of Investment Disputes at the World Bank and at the United Nations Commission on International Trade Law. The Bureau has worked with other partners and like-minded states to ensure more diversity in panels and arbitrators in disputes involving Canada. Finally, Canada chaired the Working Group on investor-state dispute settlement reform at the United Nations; this Working Group includes ensuring inclusive dispute settlement and diversity in the arbitrator pool as one of its goals (SDGs 5, 16).

## Experimentation<sup>1</sup>

The Department continued to seek opportunities to improve the delivery of legal services by

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

exploring the adoption of emerging technologies to support litigation, document exchange, and assess client satisfaction.

To better support litigation services, Justice Canada launched Phase Two of the NextGen Litigation Software Project, which consists of establishing a standing offer that gives departments and agencies access to a variety of identification, preservation and collection tools required to meet pre-trial obligations. The deployment of this initiative will continue into 2022-23.

Justice Canada continued to advance the secure exchange of large, electronic documents with client departments and other parties, including the courts, by using an electronic platform. In 2021-22, 160 licences were procured to test the functionalities and ease of use of a cloud-based secure file transfer solution. Additionally, four more private firms were added to the Digital Exchange Platform Pilot, enabling them to serve one another via a digital portal. This approach reduced the administrative time spent exchanging information by Justice Canada and by private firm participants.

The Department conducts a Client Feedback Survey (CFS) as a standardized approach to measure client satisfaction and help improve the legal services it provides. The means of administering, analyzing and reporting on the [Legal Services Client Feedback Survey](#)<sup>liv</sup> continue to be updated to ensure that this initiative is taking full advantage of the latest data and digital tools available. In addition, the Department has been experimenting with an Instant Client Feedback Survey (ICFS), with the goal of recording and reporting active feedback specific to legal services provided. The viability of the ICFS is currently being explored by means of a pilot version deployed within ESDC.

## Key Risks

Cultivating and maintaining productive relationships with client departments enabled Justice Canada to achieve its intended results. Evolving legal practices, client priorities, and demands for legal services posed potential risks to certain relationships. To continue providing high-quality legal services to its partners, Justice Canada mitigated these risks by focusing on collaboration and joint planning with client departments, and modernized the way it delivers services, as a result of the COVID-19 pandemic.

Justice Canada ensured that its employees were provided with the training, resources, and tools necessary to provide legal services despite the modified work environment. For instance, virtual hearings continued to be the primary mode of proceeding in court. Therefore there were on-going efforts to leverage existing space to enable virtual courtrooms, within Justice buildings and employees' homes. Since April 2021, Justice has participated in over 6,700 remote hearings at all levels of courts and administrative tribunals across Canada. In addition, employees followed the guidelines developed by the National Litigation Sector Digital Litigation Working Group on remote litigation to address challenges in the context of digital and remote litigation, including novel process and technology issues (e.g. loss in connectivity, working with remote videoconferencing platforms, managing documents during remote hearings, remote

commissioning, conducting remote examinations). Staff also took advantage of electronic court processes such as e-filing, e-service and e-hearings when possible.

## Results Achieved

For Legal Services, the following table shows the results to be achieved, the performance indicators, the targets and the target dates for 2021–22, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2019–20 actual results	2020–21 actual results	2021–22 actual results
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 or greater	March 2022	Overall mean rating: 8.5 Advisory: 8.5 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.4 <sup>2</sup>	Overall mean rating: 8.5 Advisory: 8.6 Litigation: 8.4 Legislative: 8.6 Regulatory: 8.8 <sup>3</sup>	Overall mean rating: 8.6 Advisory: 8.6 Litigation: 8.6 Legislative: 8.7 Regulatory: 8.6 <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 or greater	March 2022	Overall mean rating: 8.5 Responsiveness / Accessibility: 8.7 Usefulness: 8.4 Timeliness: 8.2 <sup>5</sup>	Overall mean rating: 8.7 Responsiveness/ Accessibility: 9.0 Usefulness: 8.6 Timeliness: 8.4 <sup>6</sup>	Overall mean rating: 8.8 Responsiveness/ Accessibility: 9.0 Usefulness: 8.8 Timeliness: 8.5 <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	85%	92%	92%

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.

The CFS results presented for 2021-22 reflect interim feedback collected during Cycle IV (2020-2022) of the CFS. The interim results above show that client satisfaction ratings on the overall quality of legal services provided by Justice Canada continue to exceed the target of 8.0, which is consistent with previous results for CFS Cycle III (2016-2019). In addition, the Department continued to exceed the target of 8.0 for the performance of legal services against the

<sup>2</sup> Results from CFS Cycle III (2016-2019). To view the CFS Cycle III report, visit: <https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-pr/2019/sur/index.html>.

<sup>3</sup> The results presented for 2020-21 reflect interim feedback collected during CFS Cycle IV (2020-2022).

<sup>4</sup> The results presented for 2021-22 reflect interim feedback collected during CFS Cycle IV (2020-2022).

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

<sup>6</sup> See note 3.

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

Department's service standards. Together, overall service quality and performance ratings indicate that legal services users were largely satisfied with these services.

The percentage of litigation files successfully resolved from a Government of Canada perspective remained the same as last year at 92%.

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

### Budgetary Financial Resources (dollars)

For Legal Services, the following table shows net budgetary spending as well as net actual spending for 2021-22.

2021-22 Main Estimates	2021-22 planned spending	2021-22 total authorities available for use	2021-22 actual spending (authorities used)	2021-22 difference (actual spending minus planned spending)
218,606,709	218,606,709	229,371,539	222,168,257	3,561,548 *

\* The variance between planned spending and actual spending is mainly attributable to increases in salary and related employee benefit plan expenditures, resulting from an increase in the workforce in 2021-22.

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

### Human Resources (full-time equivalents)

The following table shows the human resources the Department needed to fulfill this core responsibility for 2021-22.

2021-22 planned full-time equivalents	2021-22 actual full-time equivalents	2021-22 difference (actual full-time equivalents minus planned full-time equivalents)
3,370	3,477	107 *

\* The variance between planned and actual full-time equivalents is attributable to an increase in demand for legal services (mainly advisory and litigation services), including tax and Indigenous-related matters, and to additional capacity needed for strengthening Canada's Anti-Money Laundering and Anti-Terrorist Financing Regime.

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

## Justice System Support

### Description

The Department of Justice Canada plays an essential role in ensuring a fair, relevant, and accessible 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.

### Results

The Department 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); family and children's law (including marriage and divorce); access to justice; bijuralism; human rights; privacy; access to information; official languages; and Indigenous justice.

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

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 so the system is able to be fair, timely, and accessible.

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

As a measure of the Department's ability to remain responsive and to lend support to activities under way within the context of [Canada's Anti-Racism Strategy](#)<sup>lviii</sup>, the Department continued to undertake 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 remained 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 focused efforts on the identification of emerging issues, the development of various options



(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 supported the Minister of Justice in bringing forward legislation to reform Canada's system of judicial governance and discipline. This included providing support throughout the parliamentary process that led to the introduction of Bill C-9, *An Act to amend the Judges Act*, in December 2021. These proposed amendments aim to strengthen the judicial complaints process managed by the Canadian Judicial Council through reforms to make the process more accountable, transparent, and fiscally responsible. In addition, the Department continued its work to further ensure that the federal judiciary is reflective of Canada's diversity and to improve methods of tracking progress.

The Department supported the 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. *Bill C-5<sup>lix</sup>, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, was introduced in December 2021 in the House of Commons to address the disproportionate negative impacts of existing criminal laws on Indigenous people, Black people, and members of marginalized communities by proposing changes to repeal a number of mandatory minimum penalties (MMPs) from the *Criminal Code<sup>lx</sup>* and all the MMPs in the *Controlled Drugs and Substances Act*, as well as removing restrictions on conditional sentences and promoting non-criminal approaches to simple drug possession, such as considering doing nothing, issuing a warning, or diversion to addiction treatment programs, where appropriate. Justice Canada also provided advice and support with the aim of developing an Indigenous Justice Strategy, as announced in Budget 2021. Development of a three-year engagement process to inform the Strategy began in 2021-22.

Justice Canada also launched the Justice Data Modernization Initiative (JDMI), in collaboration with Statistics Canada, in 2021-22. This initiative aims to improve the collection and use of disaggregated data to address the overrepresentation of Indigenous, Black, and racialized people in the criminal justice system. In 2021-22, Justice Canada developed a three-year research plan for the JDMI to conduct and commission research, which will help build an understanding of the role that all social sectors, governments, and communities can play in supporting well-being and reducing criminalization.

In addition, Justice Canada undertook several research studies aimed at informing this complex issue. This research drew from a wide range of methodologies, including statistical analyses, qualitative interviews, focus groups, and surveys. The results of several studies were published in 2021-22:

- *Indigenous People in Criminal Court in Canada: An Exploration Using the Relative Rate Index<sup>lxi</sup>*
- *Voices Matter: The Impact of Serious Legal Problems on 16- to 30-year-olds in the Black Community<sup>lxii</sup>*
- *Urban African Canadians: A Qualitative Study of Serious Legal Problems in Quebec<sup>lxiii</sup>*

- [2021 National Justice Survey data tables and report](#)<sup>lxiv</sup>

The coming into force of the [United Nations Declaration on the Rights of Indigenous Peoples Act](#)<sup>lxv</sup> (*UN Declaration Act*) is an important step towards reconciliation for Canada and First Nations, Inuit, and Métis, as it creates a legal framework and a roadmap for reconciliation. Since June 2021, the Government of Canada has begun to put the building blocks in place inside government to enable effective implementation of the Act. Progress to date has included the creation and staffing of a new secretariat within the Department of Justice to fully support the implementation work happening with Indigenous partners and across all government departments. Early work concentrated on providing funding to support the participation of Indigenous peoples in the process to develop the action plan and other measures required by the Act, including support for Indigenous-led consultations. There has also been a focus on working with First Nations, Inuit and Métis to identify initial priorities to help shape the draft action plan and begin to identify potential measures for aligning federal laws with the UN Declaration. Efforts have also been made to educate, inform and advise government departments on roles and responsibilities.

The *UN Declaration Act* came into force on June 21, 2021. In December 2021, Justice Canada launched a broad and inclusive engagement process with Indigenous peoples, representative organizations and groups on the implementation of the Act. In partnership with Indigenous peoples, the Department will work to develop an Action Plan to achieve the objectives of the Declaration, develop measures to ensure the consistency of federal laws with the UN Declaration; and develop and table annual reports on progress.

The Department also provided legal services to all departments and agencies on the implementation of the Act, including the ongoing obligation to consult and cooperate with Indigenous peoples and take the measures necessary to ensure that federal laws are consistent with the UN Declaration. Discussions with Indigenous partners have started on potential protocols, measures and mechanisms that could be implemented across the federal government to help ensure the consistency of federal laws and regulations with the UN Declaration.

In addition to work on the *UN Declaration Act*, Justice Canada undertook other initiatives to contribute to a renewed relationship with Indigenous peoples. For example, the Department continued to coordinate and report on work underway within the Department to respond to the [Calls to Action of the Truth and Reconciliation Commission](#)<sup>lxvi</sup> (TRC Calls to Action) by contributing to the updated report on progress published by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) in March 2022. In 2021-22, Justice Canada accelerated policy, program, and legislative work in a number of areas that helped address Calls to Action, including:

- efforts to support the appointment of a [Special Interlocutor](#)<sup>lxvii</sup> who will work with Indigenous peoples to develop a framework in relation to unmarked burials and gravesites associated with residential schools.
- funding for *Gladue* implementation.
- expanding the [Indigenous Justice Program](#)<sup>lxviii</sup> and the [Indigenous Courtwork Program](#)<sup>lxix</sup>.
- continuing to negotiate administration of justice agreements.

- introduction of [Bill C-5](#)<sup>lxx</sup> on the repeal of some MMPs and restrictions on conditional sentences of imprisonment.
- funding to support the revitalization of Indigenous legal traditions.

Additionally, and in keeping with the Minister's mandate letter, the Department engaged actively with Indigenous leadership and experts on the proposed mandate of the [Special Interlocutor on Indian Residential Schools Unmarked Burial Sites](#)<sup>lxxi</sup>.

The Department also moved forward in its response to the findings of the [National Inquiry into Missing and Murdered Indigenous Women and Girls, and 2SLGBTQIA+ people](#)<sup>lxxii</sup>, including the Calls for Justice. In 2021, the Department supported CIRNAC in the development, delivery and implementation of a responsive and evergreen [National Action Plan](#)<sup>lxxiii</sup> to end the systemic causes of violence against Indigenous women, girls, and 2SLGBTQI+ people.

The [Federal Pathway](#)<sup>lxxiv</sup>, which outlines the Government of Canada's approach to ending violence against Indigenous women, girls and 2SLGBTQI+ people, is one component of the broader National Action Plan. Both the [National Action Plan](#)<sup>lxxv</sup> and the [Federal Pathway](#)<sup>lxxvi</sup> were released in June 2021. As a result, themes were developed to help focus the commitments made in the [Federal Pathway](#)<sup>lxxvii</sup>. In collaboration with Public Safety, Justice Canada developed the Justice theme of the [Federal Pathway](#)<sup>lxxviii</sup>. This theme includes seven justice-specific objectives and accompanying commitments validated through the National Action Plan working group structure, which focuses on First Nations, Inuit, Métis, urban issues, 2SLGBTQI+ people, data, and families and survivors of missing and murdered Indigenous women and girls.

The Department also co-led, with the Department of Women and Gender Equality, the development of the justice-related pillar of the Government of Canada's National Action Plan to End Gender-Based Violence. This pillar promotes responsive justice systems that better serve survivors and address gender-based violence effectively. This was approved in principle by federal, provincial and territorial ministers responsible for the status of women in December 2021.

In 2021-22, the Department supported criminal justice system reforms aimed at reducing delays and making the system more efficient, particularly in the face of challenges that arose during the COVID-19 pandemic. The Department supported the February 2022 introduction of [Bill S-4](#)<sup>lxxix</sup>, *An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts* (COVID-19 response and other measures). [Bill S-4](#)<sup>lxxx</sup> proposes

In 2021, the Minister of Justice and Attorney General of Canada was mandated with developing, in consultation and cooperation with Indigenous partners, provinces and territories, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous peoples in the Justice system. The Department launched an open Call for Proposals process to support Indigenous-led engagement in December 2021. The Call for Proposals closed in January 2022. Funding applications were reviewed by Departmental officials and 38 proposals were approved by the Minister in March 2022.

changes that would facilitate the use of technology in modernizing the criminal justice system and give courts increased flexibility in how they hold criminal proceedings and issue orders, such as by clarifying and expanding the availability of remote appearances. [Bill S-4](#)<sup>lxxxix</sup> builds on and complements previous criminal justice system efficiency measures, including those enacted through former [Bill C-75](#)<sup>lxxxii</sup>, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*.

Since the criminal justice system plays a critical role in maintaining public safety and protecting vulnerable Canadians, Justice Canada continued to support and explore options to improve criminal justice system responses to the neglect and abuse of seniors. In 2021, Justice Canada established the Interdepartmental Advisory Group on Addressing National Data Gaps in Senior Abuse, including membership from four departments, to support federal coordination, identify data gaps, and share expertise. The Department began working on two research projects aimed at improving data in the area of senior abuse: one exploratory study project examining national data gaps and the various challenges in the collection of data from long-term care and other residential facilities, as well as correctional institutions; and one case study of the Edmonton Police Service's specialized senior abuse unit to understand the characteristics of senior abuse cases that come to their attention.

One of the key commitments in the Minister's mandate letter is to establish an independent Criminal Case Review Commission. The Commission's mandate is to facilitate the review of applications submitted by people who may have been wrongfully convicted. In 2021-22, the Department created a Secretariat and conducted consultations with domestic and international stakeholders.

In the context of Canada's family justice system, many provisions in former [Bill C-78](#)<sup>lxxxiii</sup>, *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* came into force in March 2021. Some of the related regulatory amendments also came into force at the same time. The Department supported the implementation of the reforms by providing extensive training to family law professionals and the public and collaborating with provincial and territorial partners. Additionally, changes to Part III of the *Family Orders and Agreements Enforcement Assistance Act*<sup>lxxxiv</sup> (FOAEAA) related to the denial of federal licences came into force in November 2021 along with the changes to the *Denial of Licences for Family Orders and Agreements Enforcement Regulations*<sup>lxxxv</sup>.

The Department advanced its work to implement the changes made to Part I (release of information) and Part II (interception of federal moneys) of the FOAEAA, including any necessary regulatory changes. All these legislative changes have helped to ensure that federal family laws are more responsive to Canadian families' needs by promoting the best interests of the child, addressing family violence, reducing child poverty, and making Canada's family justice system more accessible and efficient.

To assist family law legal advisers in supporting clients who have experienced family violence, the Department developed 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. As

a result, the [HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers](#)<sup>lxxxvi</sup> was launched in early January 2022.

Finally, Justice Canada continued to lead the policy facet of the [Privacy Act](#)<sup>lxxxvii</sup> Modernization initiative towards the goal of tabling further legislation. Since spring 2020, Justice Canada has reached out to 64 Indigenous governments and organizations to initiate discussions on how the [Privacy Act](#)<sup>lxxxviii</sup> could be modernized to better reflect the respective needs and expectations of First Nations, Inuit, and Métis. In August 2021, the Department published a [What We Heard Report](#)<sup>lxxxix</sup> on the consultation.

## Results Achieved

For Justice System Support, the following table shows the results to be achieved, the performance indicators, the targets and the target dates for 2021–22, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2019–20 actual results	2020–21 actual results	2021–22 actual results
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	7.0% (9 <sup>th</sup> /128) <sup>8</sup>	8.6% (12 <sup>th</sup> /139) <sup>9</sup>	8.6% (12 <sup>th</sup> /140)
	Percentage of Canadians who think that the criminal justice system is (a) fair and (b) accessible	TBD <sup>10</sup>	TBD <sup>11</sup>	Not available <sup>12</sup>	51% of Canadians have moderate to high confidence that the criminal justice system is fair 52% of Canadians have moderate to high confidence that the criminal justice system is accessible <sup>13</sup>	50% of Canadians have moderate to high confidence that the criminal justice system is fair 58% of Canadians have moderate to high confidence that the criminal justice system is accessible <sup>14</sup>

<sup>8</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](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf))

<sup>9</sup> Eleven countries were added to the Rule of Law Index 2021 (World Justice Project, <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-21.pdf>).

<sup>10</sup> The target has been established as part of the 2022-23 Departmental Plan [70%].

<sup>11</sup> The date to achieve the target has been established as part of the 2022-23 Departmental Plan [March 2025].

<sup>12</sup> The National Justice Survey was not conducted in 2019 because of the election period. The 2020 National Justice Survey was cancelled because of the COVID-19 pandemic.

<sup>13</sup> The 2021 National Justice Survey asked respondents to first rate their confidence "before the pandemic" and then their confidence "today". The percentages reported for 2020-21 reflect respondents who reported that they were moderately to very confident that the criminal justice system is fair/accessible to all people on the day surveyed. National Justice Survey 2021, Final Report, <https://www.justice.gc.ca/eng/rp-pr/jr/njs-snj.html>

<sup>14</sup> The 2022 NJS was in field from February 15 to March 10, 2022. (National Justice Survey 2022, Final Report, <https://www.justice.gc.ca/eng/rp-pr/jr/njs-snj.html>)

	Number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada	TBD <sup>15</sup>	TBD	Provincial/territorial courts of appeal: 32 Federal Court of Appeal: 3 Supreme Court of Canada appeals: 10	Provincial/territorial courts of appeal: 27 Federal Court of Appeal: 5 Supreme Court of Canada appeals: 10	Provincial/territorial courts of appeal: 17 Federal Court of Appeal: 1 Supreme Court of Canada appeals: 4
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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.

Canada’s international ranking with respect to the rule of law is provided by The World Justice Project Rule of Law Index, which provides original, independent data on the rule of law in 139 countries and jurisdictions. The Index draws on national surveys of more than 138,000 households and 4,200 legal practitioners and experts to measure how the rule of law is experienced and perceived worldwide. While data for 2022 is not yet available, from 2020 to 2021, a year dominated by the global COVID-19 pandemic, 74% of surveyed countries experienced a decline in rule of law performance. From 2020 to 2021 Canada scored slightly lower (0.01 to 0.02 out of 1) on six of the eight subcategories included in the overall ranking, resulting in a net decrease in rank of one position. It should also be noted that eleven countries were added to the index from 2020 to 2021. Canada’s performance remained stable in 2022.

Confidence that the criminal justice system is fair to all people was relatively stable compared to the previous year, while confidence that the criminal justice system is accessible to all people increased. As for the third performance indicator, the number of constitutional challenges in the provincial and territorial courts of appeal and the Supreme Court of Canada declined between 2020-21 and 2021-22.

Financial, human resources and performance information for the Department of Justice Canada’s Program Inventory is available in [GC InfoBase<sup>xc</sup>](#).

## 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 focused 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.

In line with these objectives and in response to commitments set out in the Minister of Justice Canada’s mandate letter, the Department worked on three relevant bills in 2021-22. First, [Bill C-3<sup>xc</sup>](#), *An Act to amend the Criminal Code and the Canada Labour Code*, which received Royal Assent in December 2021, amended the [Criminal Code<sup>xcii</sup>](#) to enhance protections for health care

<sup>15</sup> Measure not appropriate for establishing a target. Indicator is better suited to demonstrating trends.

workers and to ensure everyone has safe and unobstructed access to health services. In addition, [Bill C-4<sup>xciii</sup>](#), *An Act to amend the Criminal Code (conversion therapy)*, which also received Royal Assent in December 2021, amended the *Criminal Code*<sup>xciv</sup> to ban conversion therapy practices. Finally, [Bill C-5<sup>xcv</sup>](#), *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, was tabled and introduced in December 2021. It proposes reforms to address the disproportionate negative impacts of existing criminal laws on Indigenous people, Black persons and members of marginalized communities, including by proposing to repeal several MMPs of imprisonment for certain offences that involve firearms and drugs and allowing greater use of conditional sentences in appropriate cases.

A key means to support alternative measures for responding to the causes and consequences of offending is the provision of financial assistance to a variety of departmental stakeholders. For example, the Department continued 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>xcvi</sup>](#), the [Youth Justice Fund<sup>xcvii</sup>](#), the [Intensive Rehabilitative Custody and Supervision Program<sup>xcviii</sup>](#), the [Drug Treatment Court Funding Program<sup>xcix</sup>](#), and the [Indigenous Justice Program<sup>c</sup>](#).

Specifically, the Department increased its financial support to Indigenous community-based justice programs that offer culturally relevant restorative justice alternatives to mainstream processes in appropriate circumstances, through the [Indigenous Justice Program<sup>ci</sup>](#). Existing budgets were increased to stabilize community-based programming. Additional funding was also made available to new and existing partners to enhance and expand work in the areas of systemic change, *Gladue* casework and aftercare, as well as civil and family mediation.

In addition, to support the advancement of the Canadian Drugs and Substances Strategy led by Health Canada, the [Drug Treatment Court Funding Program<sup>cii</sup>](#) continued to provide funding to participating provinces and territories for court-monitored treatment and community service support for non-violent offenders with a substance use disorder. In 2021-2022, the Program allocated \$5.9 million for the operation of 20 Drug Treatment Courts.

The Department provided approximately \$200 million through its three youth justice programs to support the delivery of critical youth justice services and programs that are consistent with the federal policy objectives contained in the [Youth Criminal Justice Act<sup>ciii</sup>](#) (YCJA).

Justice Canada also led the Coordinating Committee of Senior Officials (CCSO) - Youth Justice and the Federal-Provincial-Territorial Working Group on Youth Justice Cost- Sharing and Programs to promote a more equitable and effective youth justice system by engaging in and strengthening partnerships with provincial and territorial governments on the implementation of the YCJA. These two working groups serve as a forum for ongoing monitoring and discussion of legislation and interjurisdictional youth justice policies, programs and other issues.

## Results Achieved

For Justice System Support, the following table shows the results to be achieved, the performance indicators, the targets and the target dates for 2021–22, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2019–20 actual results	2020–21 actual results	2021–22 actual results
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	Maintain baseline level of 448 or increase	March 2022	448 restorative justice programs <sup>16</sup>	450 restorative justice programs <sup>17</sup>	462 restorative justice programs <sup>18</sup>
	Number of people who have used the available restorative justice programs/ processes <sup>19</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	March 2025	48% of adults received a custodial sentence <sup>20</sup>	44% of adults received a custodial sentence <sup>21</sup>	Not available <sup>22</sup>
	Percentage of individuals who were referred to an Indigenous justice program and participated in the program	90% or greater	March 2022	89%	Not available <sup>23</sup>	Not available <sup>24</sup>
	Percentage of youth court cases receiving a non-custodial (community-based) sentence as compared to previous reported years	85% or greater	March 2022	88% <sup>25</sup>	90% <sup>26</sup>	Not available <sup>27</sup>

<sup>16</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>17</sup> See note 16.

<sup>18</sup> See note 16.

<sup>19</sup> This particular indicator has been reviewed and will not be retained by the Department.

<sup>20</sup> In 2019-20, 48% 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>21</sup> In 2020-21, 44% 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>22</sup> 2021-22 data will be published by Statistics Canada in the Fall of 2023.

<sup>23</sup> Most recent result available is for 2019-20.

<sup>24</sup> See note 23.

<sup>25</sup> In 2019-20, 12% of youth found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence, whereas 88% 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>26</sup> In 2020-21, 10% of youth found guilty under the *Criminal Code* (excluding traffic offences) received a custodial sentence, whereas 90% 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>27</sup> 2021-22 data will be published in the Fall of 2023.



	Percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment	100%	March 2022	100%	100%	100%
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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.

According to available data, 462 restorative justice programs were reported in the [Department of Justice Canada Directory of Restorative Justice](#)<sup>civ</sup> in 2021-22. Of these, 211 were Indigenous justice programs.

The percentage of identified, eligible Intensive Rehabilitative Custody and Supervision cases receiving specialized treatment was successfully maintained at 100%.

Financial, human resources and performance information for the Department of Justice Canada's Program Inventory is available in [GC InfoBase](#)<sup>cv</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>cvi</sup>, [Indigenous Courtwork Program](#)<sup>cvi</sup>, and [Access to Justice Services Agreements](#)<sup>cvi</sup>, the Department continued to contribute funding to provincial and territorial governments for the provision and delivery of legal aid services to economically disadvantaged people, for public legal education and information programs, and for Indigenous courtwork services. Indigenous courtwork services 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 supported efforts through a number of initiatives relating to its mandate. These included:

- funding through the [Legal Aid Program](#)<sup>cix</sup> for legal advice to those who have experienced sexual harassment in the workplace.
- funding through the [Justice Partnership and Innovation Program](#)<sup>cx</sup> (JPIP) to 20 projects aiming to address workplace sexual harassment through the development of public legal education and information resources for employers and employees.
- funding to 11 projects aiming to address workplace sexual harassment in male-dominated and hospitality/service industries.
- the development, enhancement, and expansion of services with the goal of providing coordinated and holistic support through social and health sectors to employees, employers, communities, and the general public to address workplace sexual harassment.

In addition, Justice Canada continued to support reconciliation with Indigenous peoples by advancing its response to the [TRC Calls to Action<sup>cxii</sup>](#), specifically in relation to the administration of justice in Indigenous communities. The Department developed administration of justice agreements with Indigenous communities to strengthen community-based justice systems and support self-determination, and established new tables with several Indigenous groups to explore such agreements. Over the course of 2021-22, Justice Canada increased the number of negotiation tables from seven to twelve.

The Department also worked with Indigenous and provincial partners, such as the governments of British Columbia and Ontario, to increase Indigenous peoples' access to the criminal justice system, specifically through improved access to Community Justice Centres (CJCs) and the development of recommendations to address ongoing challenges in relation to enforcement of First Nations laws. CJCs are an innovative approach for moving justice out of the traditional courtroom and into a community setting. They bring together justice, health, employment, education, and social services to collectively address the root cause of crime, break the cycle, and improve public safety and community well-being. Through this collaboration:

- The BC First Nations Justice Council (BCFNJC) was approved for over \$8.9 million over five years to support and expand Indigenous Justice Centres in British Columbia. This funding will also support BCFNJC's Virtual Indigenous Justice Centre, a unique web-based platform that allows for the delivery of remote legal services to Indigenous peoples across the province.
- Canada, Ontario, and Chiefs of Ontario launched a tripartite collaborative technical table in May 2021 to explore solutions to challenges associated with the enforcement and prosecution of First Nations laws and by-laws in First Nations communities within Ontario.

In response to a commitment set out in the Minister's mandate letter, Justice Canada led key ramp-up activities aimed at reviving the Law Commission of Canada following its announcement in Budget 2021. The objective of this initiative is to enable the Commission to provide independent advice on necessary law reform to address complex legal issues facing Canadians, such as systemic racism in the justice system, the need for reconciliation with Indigenous peoples, climate change, and rapidly changing global technology.

To protect Canada's two official languages, approximately \$12.7 million was made available to 78 projects in 2021-22 through the [Access to Justice in Both Official Languages Support Fund<sup>cxiii</sup>](#), 59 of these projects were part of the Government of Canada's [Action Plan on Official Languages 2018-2023: Investing in our Future<sup>cxiii</sup>](#). The funding, provided to 24 organizations and associations, five academic institutions, and seven provincial governments, helped increase the capacity of the justice system and its stakeholders to offer justice services in both official languages and increase the availability of legal information to Official Language Minority Communities. Projects focused on raising awareness, supporting public legal information activities, developing curricula, developing linguistic tools, and providing training to justice professionals. For instance:

- The *Auberge francophone d'accueil et des services aux immigrants*, a Toronto-based community organization, increased awareness about various rights and obligations through free French-language workshops offered to 214 participants from multicultural communities.
- The Justice Sector Linguistic Training Program for provincial Crown prosecutors, legal aid lawyers, court clerks, and probation officers offered by the *Centre canadien de français juridique*, a Manitoba-based non-government organization, offered 27 training sessions to 300 participants.

Through the *Canadian Family Justice Fund*<sup>cxiv</sup>, the Department supported access to appropriate services for families experiencing separation and divorce. Funding support of \$15 million for provinces and territories continued in 2021-22. An investment of \$28.35 million over five years was made available through the Fund to support provincial and territorial efforts to expand the availability of government-funded services to supervise parenting time between a child and parent in cases of separation and divorce, particularly in cases where there may be concerns about the safety of a child or another family member due to family violence. Under the projects component of the Fund, 16 projects received funding, including five projects directed towards the implementation of public legal education and information materials and ten projects focused on the needs of underserved populations. During 2021-2022, funding was provided to British Columbia, Alberta, Manitoba, Ontario, Nova Scotia, Newfoundland and Labrador and Prince Edward Island, to assist with the implementation of the official language provision of the *Divorce Act*<sup>cxv</sup>.

Through the *Contraventions Act Fund*<sup>cxvi</sup>, the Department provided financial resources to six provinces and one municipality where the *Contraventions Act*<sup>cxvii</sup> regime is in effect and where there are no provincial obligations to fulfil the offender's official language rights. This funding ensures that language rights are respected in the administration and enforcement of federal contraventions and that Canadians who have received a federal contraventions ticket receive judicial services in the official language of their choice.

The Department leads the Federal Victims Strategy (FVS). This strategy undertakes a wide-range of policy and program initiatives to increase access to justice for victims and survivors of crime and give them a more effective voice in the criminal justice system, some of which can be found in the paragraphs below. Project funding in support of the FVS is delivered through the *Victims Fund*<sup>cxviii</sup>.

Throughout 2021-22, Justice Canada supported a range of awareness-raising, knowledge-sharing, and training activities to increase access to culturally responsive services and supports for Indigenous victims and survivors of crime, and families of missing and murdered Indigenous women and girls. For example, funding and policy activities supported the delivery of *Family Information Liaison Units*<sup>cxix</sup> (FILUs). FILU teams across Canada worked together to overcome the systemic and structural barriers that families of missing and murdered Indigenous women and girls face in accessing up-to-date, accurate information about their loved ones from all levels of government and agencies and across jurisdictions, while ensuring families have access to all available culturally grounded supports and services to assist them in their healing journey. The Department has funding agreements in place with all 13 jurisdictions for FILUs, which are

delivered in partnership with provincial and territorial governments and Indigenous community organizations.

The Department continued to improve access to justice for victims and survivors of crime, including through multi-faceted efforts to support the implementation of the 2021 changes to the *Criminal Code*<sup>cxix</sup> to ban and criminalize conversion therapy practices. In addition to new research, the *Victims Fund*<sup>cxxi</sup> made funding available to 11 national and regional public legal education and information organizations to support victims of conversion therapy.

Funding through the *Victims Fund*<sup>cxvii</sup> continued 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 improve access to justice and appropriate services for victims of sexual offences. The Department made funding available to 27 projects to support child and youth victims, 10 projects to meet the unique needs of victims of human trafficking, and 11 projects to support victims of sexual offences.

Throughout 2021-22, the FVS continued to support knowledge-sharing and awareness-raising events to increase knowledge about the experiences of victims in the criminal justice system, victims' rights, and services available through new virtual platforms and methods, including Victims and Survivors of Crime Week workshops and webinars. In the area of family violence, through the FVS, the Department worked with provincial and territorial partners to identify gaps in knowledge and services for victims of family violence, and it supported knowledge sharing and awareness raising on the issue of family violence through virtual workshops.

The *Office of the Federal Ombudsman for Victims of Crime*<sup>cxviii</sup> (OFOVC), which operates at arm's length from the federal government, provided direct information, referrals, and complaint-review services to its primary clients: victims, victims' family members or representatives, and victim-serving agencies, and other stakeholders. The OFOVC served a total of 765 clients during the reporting period.

## Results Achieved

For Justice System Support, the following table shows the results to be achieved, the performance indicators, the targets and the target dates for 2021–22, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2019–20 actual results	2020–21 actual results	2021–22 actual results
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%	97%
	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	Not available <sup>28</sup>	Not available <sup>29</sup>	Not available <sup>30</sup>
	Number of times duty counsel provide assistance in criminal matters	1,000,000 or greater	March 2022	1,036,525 <sup>31</sup>	670,286 <sup>32</sup>	Not available <sup>33</sup>
	Number of full-service criminal legal aid applications approved	270,000 or greater	March 2022	253,786 <sup>34</sup>	199,767 <sup>35</sup>	Not available <sup>36</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	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>28</sup> 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>29</sup> See note 28.

<sup>30</sup> See note 28.

<sup>31</sup> [Legal Aid in Canada 2019-20 \(https://canada.justice.gc.ca/eng/rp-pr/jr/aid-aide/1920/index.html\)](https://canada.justice.gc.ca/eng/rp-pr/jr/aid-aide/1920/index.html).

<sup>32</sup> [Legal Aid in Canada 2020-21 \(https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2021/index.html\)](https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2021/index.html).

<sup>33</sup> Results for 2021-22 will be published in the annual report for Legal Aid in Canada 2021-22, which is expected to be released in 2023.

<sup>34</sup> See note 31.

<sup>35</sup> See note 32.

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

There has been a decline in the number of criminal legal aid applications received and a corresponding decline in approvals. In 2020-21 both the number of applications received and approved declined by 18% from the previous year. This is attributable to the disruptions the COVID-19 pandemic caused to the justice system such as the closure of courts. The decrease in criminal legal aid applications is also partly linked to broad changes in provincial policies and legal aid service delivery. It does not indicate a reduction in legal aid services. For example, in Quebec, a program allowing defence lawyers and the Crown to deal with lesser offences outside of the court system is gaining in popularity, and decreases in social assistance recipients and in criminal offending may also play a role. Alberta now provides enhanced duty counsel services in more court locations to try to resolve issues before trial. The province also provides duty counsel in specialized courts and has streamlined its application process to pre-screen clients to determine eligibility for legal aid. As a result, ineligible clients no longer fill out applications.

The percentage of federal funds accessed by provinces, territories, non-governmental organizations, and other stakeholders to deliver targeted services in support of federal priorities is consistent with that of previous reporting periods.

Results relating to the OFOVC indicate that the percentage of client inquiries or complaints assessed and acted upon was successfully maintained at 100%, in accordance with the established target.

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

### Gender-Based Analysis Plus

To help reduce inequality in Canada, address the diverse needs of different groups of people, and foster fair and inclusive outcomes for Canadians, the Department applied Gender-Based Analysis Plus (GBA Plus) considerations throughout the design, development, and implementation of different programs and initiatives under the Justice System Support core responsibility.

For example, an intersectional GBA Plus lens was applied to the Department's commitments towards Indigenous communities. In December 2021, Justice Canada initiated a broad and inclusive engagement process with Indigenous peoples, representative organizations and groups, including representation from Indigenous women, two-spirit and gender-diverse individuals, elders and youth, to advance implementation of the *UN Declaration Act*. These engagement sessions are designed to be meaningful, inclusive, and accessible for diverse participants, as well as culturally safe and respectful of key Indigenous protocols, principles and traditions.

#### **GBA Plus: Justice System Support highlight for 2021-22**

The Department of Justice updated its *Policy on Gender-Based Analysis Plus: Applying an Intersectional Approach to Foster Inclusion and Address Inequities* to strengthen the GBA Plus methodology and promote the use of an intersectional approach.

Furthermore, the Department applied an intersectional GBA Plus lens to the initiatives specific to the Department's response to the [Final Report of the National Inquiry into Missing and](#)

**Murdered Indigenous Women and Girls**<sup>cxv</sup> (MMIWG), through the justice-specific input into the **National Action Plan 2021**<sup>cxvi</sup>. As a result, the Government of Canada's contribution, the **Federal Pathway**<sup>cxvii</sup>, reflects concrete activities to help counter the barriers faced by Indigenous women, girls and 2SLGBTQI+ people.

Lastly, an intersectional GBA Plus lens was integrated into the development and implementation of the invitational call for proposals for projects focused on developing and adapting models for independent legal advice/representation for survivors of sexual assault and for victims of intimate partner violence, as well as two calls for proposals to provide additional supports for victims of intimate partner violence involved in the family justice system. All projects approved under these initiatives were required to report on the use of an intersectional GBA Plus approach and on the efforts to reach diverse groups. An intersectional GBA Plus lens has been incorporated into the development of reporting templates and data tools for the initiatives to allow for the collection of data that can be disaggregated by target population, gender identity, and rural versus urban areas.

### **United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals**

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

Departmental justice system support initiatives that contributed to advancing SDGs include:

- Since the Divorce Act was amended in March 2021, the official language rights provision in the Divorce Act was implemented in Yukon, Nunavut, Manitoba, Saskatchewan and Ontario to ensure that Canadians can obtain a divorce in the official language of their choice. Yukon, Nunavut and Saskatchewan have implemented the provision without funding provided by Justice Canada (SDG 16).
- The coming into force of many provisions in former **Bill C-78**<sup>cxix</sup>, *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*, and consequential regulatory amendments to make Canada's family justice system more accessible and efficient (SDG 16).
- The introduction of **Bill C-5**<sup>cxx</sup>, *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, to address the disproportionate negative impacts of existing laws on Indigenous people, Black persons and members of marginalized communities (SDG 10).
- The development, in consultation and cooperation with Indigenous partners, provinces and territories, of an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous peoples in the Justice system. The Department launched an open Call for Proposals process to support Indigenous-led engagement in December 2021. The Call for Proposals closed in January 2022. Indigenous partners have now received funds to support respective engagements (SDG 10, 16).
- Provincial and territorial collaboration with Indigenous communities in their jurisdictions and other working groups to develop recommendations on what can be done to effectively

address the overrepresentation of Indigenous people in the criminal justice system, as part of the Pan-Canadian Strategy implemented by the Federal-Provincial-Territorial Aboriginal Justice Working Group (SDG 10).

- The coming into force of [Bill C-15](#)<sup>cxxxix</sup>, the *UN Declaration Act*. This also involves, as a first step in the development and implementation of an Action Plan, working with First Nations, Inuit, and Métis to better understand their priorities and launching a Call for Proposals for funding to support Indigenous participation in the process, including support for Indigenous-led consultations. (SDGs 5, 10, 16).
- Coordination of input from across the Department to develop the Justice theme of the [Federal Pathway](#)<sup>cxxxix</sup> as part of the [National Action Plan 2021](#)<sup>cxxxix</sup> to address systemic causes and end violence against Indigenous women, girls and 2SLGBTQI+ persons (SDG 5, 10, 16).
- Implementation of the [Canadian Legal Problems Survey](#)<sup>cxxxix</sup> to identify the kinds of serious legal problems people face, how they attempt to resolve them, and how these experiences impact their lives. Results were released in January 2022. The Department also published eight accompanying qualitative studies on the experiences of minority populations in various regions of Canada (SDG 16).
- Participation in TBS-led public consultations and engagement with civil society to inform the development of an Open Justice Commitment, which will be included in Canada's 2022-24 National Action Plan on Open Government (SDG 16).
- Participation in the meeting of the [Open Government Partnership \(OGP\) Coalition](#)<sup>cxxxix</sup> in May 2021 and engagement in OGP peer-to-peer exchanges with the Netherlands and the United Kingdom in the spring and summer of 2021.

### Experimentation

The Department of Justice Canada remained committed to innovate and test improvements in program design and delivery. It also sought opportunities to improve the accessibility of justice information, engagement and outreach, and the delivery of services by exploring new approaches along with emerging and innovative technologies.

The Department also worked with Statistics Canada to explore the feasibility of using machine learning to code factors considered in sentencing decisions. Phase One (2021-2022) of this project involved the development of a coding framework and manually coding approximately 500 sentencing decisions for key factors, including aggravating factors as described in the [Criminal Code](#)<sup>cxxxix</sup> and the presence of a *Gladue* report or [Impact of Race and Culture Assessment](#)<sup>cxxxix</sup>.

### 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 the risk to these essential relationships, the Department monitored emerging trends to inform forward planning to increase policy and program engagement capacity and responsiveness. In 2021-22, the Department sought and leveraged opportunities to engage with national Indigenous organizations, Indigenous governments and representative organizations, and federal, provincial and territorial partners.



The COVID-19 pandemic had a direct impact on Justice Canada's ability to engage with Indigenous peoples, provinces and territories, Parliamentarians, and others in relation to the *UN Declaration Act*, among other initiatives. To maintain momentum, the Department advanced work by virtual means. Justice Canada leveraged technology (Zoom, MS Teams, House of Commons and Senate on-line proceedings) to enable participation in meetings and parliamentary processes (e.g. in relation to the *UN Declaration Act*) to continue to make progress on this priority initiative. The Department also improved established practices and processes to facilitate telework, engage with clients to increase and streamline workflow, and ensure an equitable distribution of work among employees to properly manage workload and ensure employee rotation in the evenings and weekends.

### Budgetary Financial Resources (dollars)

For Justice System Support, the following table shows budgetary spending as well as actual spending for 2021-22.

2021-22 Main Estimates	2021-22 planned spending	2021-22 total authorities available for use	2021-22 actual spending (authorities used)	2021-22 difference (actual spending minus planned spending)
491,424,229	491,424,229	601,370,321	582,469,495	91,045,266 *

\* The variance between planned spending and actual spending is primarily explained by an increase in contribution spending, mainly in the [Youth Justice Services Funding Program](#)<sup>cxviii</sup>, the Immigration and Refugee Legal Aid Program, the [Criminal Legal Aid Program](#)<sup>cxix</sup>, and the [Indigenous Justice Program](#).<sup>cxl</sup>

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

### Human Resources (full-time equivalents)

The following table shows the human resources the Department needed to fulfill this core responsibility for 2021-22.

2021-22 planned full-time equivalents	2021-22 actual full-time equivalents	2021-22 difference (actual full-time equivalents minus planned full-time equivalents)
308	332	24 *

\* The variance between planned and actual full-time equivalents is mainly explained by additional legal policy work on Indigenous-related matters, and additional staffing resulting from new funding secured in 2021-22 for various initiatives.

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



## Internal Services

### 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 the corporate obligations of an organization. Internal services refers to the activities and resources of the ten distinct service categories that support program delivery in the organization, regardless of the internal services delivery model in a department. The ten service categories are:

- ▶ acquisition management services
- ▶ communication services
- ▶ financial management services
- ▶ human resources management services
- ▶ information management services
- ▶ information technology services
- ▶ legal services
- ▶ material management services
- ▶ management and oversight services
- ▶ real property management services

In 2021-22, initiatives under the Department of Justice Canada's Internal Services program enabled business and legal excellence with a focus on the Department's workforce and modernization efforts.

### Supporting Employees

The Department took action to minimize the impact of the Phoenix Pay System on employees. Tracking and measurement processes were implemented to enhance analytical capacity and monitor and improve performance. Employees also benefited from direct one-on-one support and guidance in addressing their questions and concerns.

Justice Canada recruited, developed and retained employees with the skills and competencies to meet its business needs through programs such as the national paralegal strategy and the national legal training and development program for entry-level lawyers.

Through its three-year Corporate Learning Plan, the Department continued to build expertise in emerging areas of law and provide opportunities for continuous learning.

In line with the Clerk of the Privy Council's [Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service](#)<sup>cxliii</sup>, the Anti-Racism and Anti-Discrimination Secretariat focused on resolving systemic barriers in the organization, outlined in the Justice Canada's Anti-Racism and Anti-Discrimination Results Framework 2021-2024. The Framework identifies strategies to address discrimination experienced by Indigenous, Black, and racialized employees in hiring, retention and promotional opportunities.

Justice Canada also prepared the 2022-25 Employment Equity Plan, in consultation with employment equity and equity-seeking groups, to identify concrete and measurable actions for management to take to address systemic inequality, inequity, and barriers in the workplace. Additionally, the Department began to develop an Accessibility Plan to support the *Accessible Canada Act*<sup>cxliv</sup>. Both plans aim to increase diversity, inclusion, and accessibility and to support representativeness to strengthen the Department's workforce.

In support of the *Federal Public Service Workplace Mental Health Strategy*<sup>cxlv</sup> and the departmental Mental Health Strategy, the Department fostered a psychologically healthy and safe, respectful and inclusive workplace by continuing to implement a psychological health and safety management system. The departmental Mental Health Action Plan for 2020-2023 considered the impacts of the COVID-19 pandemic on the mental health of Justice Canada's workforce. Managers and employees received ongoing support through communication materials, resources, tools and training.

Furthermore, the Department established the Ombuds Office to provide employees with a trusted and safe space to talk about workplace issues and help navigate existing resources to find support and reach solutions.

### **Promoting Innovation and Collaboration**

Justice Canada continued to promote digital information sharing and technology to improve collaboration within the organization, across government, and with external partners. The Department improved its network infrastructure and adopted new software and reliable digital platforms such as MS Teams to ensure employees have the necessary support for remote work and for staying connected.

Through its *Digital Transformation Strategy 2021-2024*<sup>cxlvi</sup>, Justice Canada has laid out its intended path towards a digital future. This path will foster a culture of innovation and collaboration that enables high-quality services and at the same time unleashes the power of our information.

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

Through pilot projects, Justice Canada experimented with the implementation of a hybrid workforce, as well as various components of the National Workplace Accommodation Strategy, which provides a roadmap to modernizing the workplace. This will help improve space utilization and ensure sound stewardship of resources while meeting long-term operational needs of modernity, accessibility, technology and flexibility of spaces to adapt to new ways of working.

The Department also adopted a tailored approach to communicating with 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.

In support of the [Federal Sustainable Development Strategy 2019-2022](#)<sup>cxlvii</sup> and the [Justice Sustainable Development Strategy 2020-2023](#)<sup>cxlviii</sup>, the Department continued to shift to low-carbon, climate-resilient and green government practices, and began to implement a flexible hybrid workplace model, further reducing workforce carbon emissions.

### **Experimentation**

To respond to the COVID-19 pandemic and direction of public health agencies, the Department explored ways to ensure an organized, safe, and gradual return of employees to the workplace. The Department experimented with an Office Entry application, a robust, inexpensive and secure application-based solution deployed throughout Justice Canada. This application also had a significant wider impact as it was adopted as the standard return-to-office solution for many other federal departments, such as Natural Resources Canada and Transport Canada.

### **Key Risks**

The Department of Justice continued its cybersecurity activities in collaboration with Shared Services Canada, Public Safety Canada, Public Services and Procurement Canada, the Canadian Centre for Cyber Security and other partners to mitigate the risk of exposure to new cyber threats and loss or disruption due to attacks or breaches of the Department's technology infrastructure, heightened by the COVID-19 pandemic.

### Budgetary Financial Resources (dollars)

For Internal Services, the following table shows net budgetary spending as well as net actual spending for 2021-22.

2021-22 Main Estimates	2021-22 planned spending	2021-22 total authorities available for use	2021-22 actual spending (authorities used)	2021-22 difference (actual spending minus planned spending)
84,439,375	84,439,375	108,914,576	102,779,851	18,340,476 *

\* The variance between planned spending and actual spending is primarily explained by an increase in salary expenditures attributable to the increase in the workforce and compensation adjustments.

### Human Resources (full-time equivalents)

The following table shows the human resources the Department needed to carry out its internal services for 2021-22.

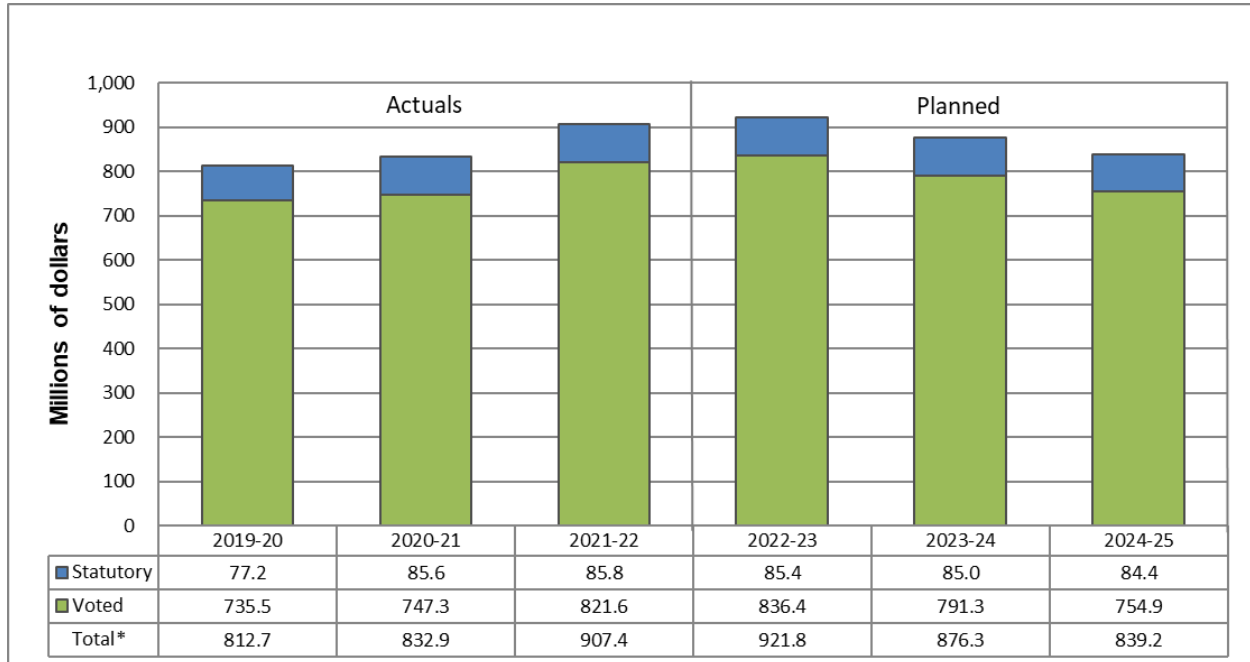
2021-22 planned full-time equivalents	2021-22 actual full-time equivalents	2021-22 difference (actual full-time equivalents minus planned full-time equivalents)
1,042	1,091	49 *

\* The variance between planned and actual full-time equivalents is explained by increases within several areas, notably an increase in IT staffing to support the increased workload brought on by the COVID-19 pandemic modified working environment (i.e. remote work), the creation of the Anti-Racism and Anti-Discrimination Secretariat, and the creation of the Justice Ombuds Office.

## Spending and Human Resources

### Spending 2019–20 to 2024–25

The following graph presents actual and planned spending over time.



\* Differences may arise due to rounding.

As illustrated in the graph above, the Department’s actual spending shows an increasing trend. Actual spending in 2021-22 (\$907.4 million) represents a \$74.5 million (9.0%) increase compared to 2020-21 (\$832.9 million).

The \$74.5 million increase in spending from 2020-21 to 2021-22 was mainly due to:

- an increase in Grants and Contributions spending<sup>37</sup> resulting from new investments as announced in the [Fall Economic Statement 2020<sup>cxlix</sup>](#) and Budget 2021, with the most significant increases being under the following programs:
  - Youth Justice Services Funding Program<sup>cli</sup>
  - Indigenous Justice Program<sup>cli</sup>
  - Criminal Legal Aid Program<sup>clii</sup>
  - Justice Partnerships and Innovation Program<sup>cliii</sup>
  - Immigration and Refugee Legal Aid Program<sup>cliv</sup>
  - Victims Fund<sup>clv</sup>

<sup>37</sup> For additional information on Grants and Contributions funding and spending, refer to the Details on Transfer Payment Programs Supplementary Information Tables.

- an increase in salary expenditures as a result of an increase in workforce and compensation adjustments.

The Department's planned spending projects a decrease from 2022-23 (\$921.8 million) to 2024-25 (\$839.2 million). This \$82.6 million overall reduction is mainly attributable to the end of temporary funding for various initiatives under the Justice System Support core responsibility.

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

The following table presents the budgetary financial resources allocated for the Department of Justice Canada's core responsibilities and for internal services.

Core responsibilities and internal services	2021-22 Main Estimates	2021-22 planned spending	2022-23 planned spending	2023-24 planned spending	2021-22 total authorities available for use	2019-20 actual spending (authorities used)	2020-21 actual spending (authorities used)	2021-22 actual spending (authorities used)
Legal services	218,606,709	218,606,709	219,037,730	218,414,091	229,371,539	223,737,181	228,106,265	222,168,257
Justice system support	491,424,229	491,424,229	621,285,285	576,876,579	601,370,321	485,250,753	497,598,856	582,469,495
<b>Subtotal</b>	<b>710,030,938</b>	<b>710,030,938</b>	<b>840,323,015</b>	<b>795,290,670</b>	<b>830,741,860</b>	<b>708,987,934</b>	<b>725,705,121</b>	<b>804,637,752</b>
Internal services	84,439,375	84,439,375	81,434,060	81,031,518	108,914,576	103,733,100	107,148,024	102,779,851
<b>Total</b>	<b>794,470,313</b>	<b>794,470,313</b>	<b>921,757,075</b>	<b>876,322,188</b>	<b>939,656,436</b>	<b>812,721,034</b>	<b>832,853,145</b>	<b>907,417,603</b>

In 2021-22, the Main Estimates totalled \$794.5 million and the total authorities available for use amounted to \$939.7 million. The total authorities available for use included \$111.4 million of funding received through the [Supplementary Estimates](#)<sup>clvi</sup> processes (\$102.6 million for grants and contributions programs) and \$32.5 million of funding received in relation to the operating budget carrying forward of prior year authorities, compensation adjustments, and other expenditures.

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

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

Core responsibilities and internal services	2021-22 actual gross spending	2021-22 actual revenues netted against expenditures	2021-22 actual net spending (authorities used)
Legal services	561,140,691	338,972,434	222,168,257
Justice system support	582,469,495	0	582,469,495
<b>Subtotal</b>	<b>1,143,610,186</b>	<b>338,972,434</b>	<b>804,637,752</b>



Core responsibilities and internal services	2021–22 actual gross spending	2021–22 actual revenues netted against expenditures	2021–22 actual net spending (authorities used)
Internal services	157,075,838	54,295,987	102,779,851
<b>Total</b>	<b>1,300,686,024</b>	<b>393,268,421</b>	<b>907,417,603</b>

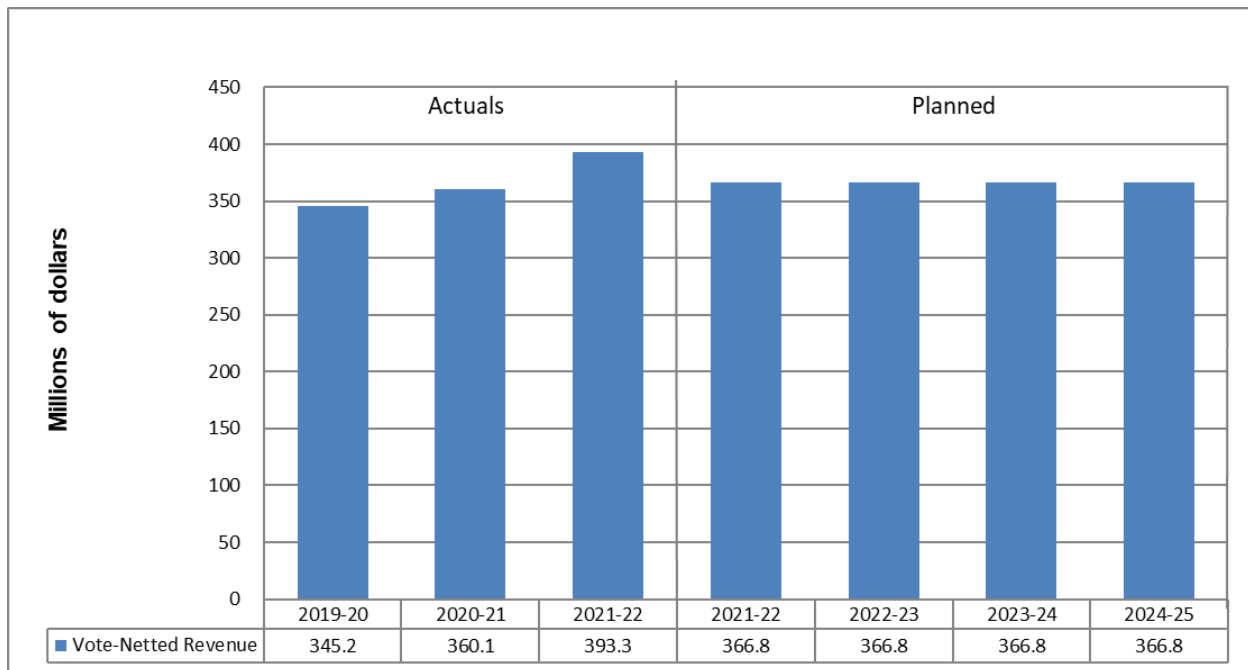
### Vote-Netted Revenue (dollars)

As the primary provider of legal services to federal government departments and agencies, the Department of Justice Canada has Vote-Netted Revenue (VNR) authority to collect responsible revenue. For the purpose of departmental reporting, the total amount of expenditures are reduced by the revenues received by the Department.

Vote-netted Revenue	2019-20 actual	2020-21 actual	2021-22 planned*	2021-22 actual	2022-23 planned**	2023-24 planned**
Total	345,233,102	360,097,042	366,800,000	393,268,421	366,800,000	366,800,000

\*The 2021-22 planned VNR is based on the information provided in the [2021-22 Departmental Plan](#).<sup>clvii</sup>

\*\*The 2022-23 and 2023-24 planned VNR corresponds to the Departmental VNR authority.



In 2021-22, \$393.3 million of VNR was collected, an increase of \$33.2 million compared to 2020-21 (\$360.1 million). This increase was primarily due to the following:

- an increase in demand for legal services from client departments and agencies in such areas as tax and immigration matters and
- increases in the workforce and in the legal services rates.

## Human Resources

The following table presents the full-time equivalents (FTEs) allocated to each of the Department of Justice Canada's core responsibilities and to internal services.

### Human resources summary for core responsibilities and internal services

Core responsibilities and internal services	2019–20 actual full-time equivalents	2020–21 actual full-time equivalents	2021–22 planned full-time equivalents	2021–22 actual full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents
Legal services	3,243	3,361	3,370	3,477	3,535	3,535
Justice system support	284	308	308	332	342	342
<b>Subtotal</b>	<b>3,527</b>	<b>3,669</b>	<b>3,678</b>	<b>3,809</b>	<b>3,877</b>	<b>3,877</b>
Internal services	1,043	1,053	1,042	1,091	1,094	1,094
<b>Total</b>	<b>4,570</b>	<b>4,722</b>	<b>4,720</b>	<b>4,900</b>	<b>4,971</b>	<b>4,971</b>

The table above shows an increasing trend in human resources. The actual FTEs increased by 178 from 2020-21 (4,722) to 2021-22 (4,900). The most significant increase is an additional 116 FTEs in the Legal Services core responsibility, where demand for legal services has increased over the years and is projected to increase in the future.

### Expenditures by Vote

For information on the Department of Justice Canada's organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2021](#)<sup>clviii</sup>.

### Government of Canada Spending and Activities

Information on the alignment of the Department of Justice Canada's spending with the Government of Canada's spending and activities is available in [GC InfoBase](#)<sup>clix</sup>.

## Financial Statements and Financial Statements Highlights

### Financial Statements

The Department of Justice Canada's Financial Statements (unaudited) for the year ended March 31, 2022, are available on the [departmental website](#)<sup>clx</sup>. The financial highlights presented within this document are intended to serve as a general overview of the Department's Statement of Operations and Statement of Financial Position as presented in the 2021-22 Departmental Financial Statements (unaudited). These statements are prepared in accordance with accrual accounting principles and are therefore different from reporting on the use of authorities as reflected in previous sections of this report. Reconciliation between authorities used and the net cost of operations is set out in note 3 of the 2021-22 Departmental Financial Statements (unaudited).

## Financial Statement Highlights

The financial results are driven by delivering on the Department's core responsibilities and associated internal services. The two core responsibilities aim to ensure a fair, relevant and accessible Canadian justice system and a federal government that is supported by high-quality legal services.

### Condensed Statement of Operations (unaudited) for the year ended March 31, 2022 (dollars)

Financial information	2021-22 planned results	2021-22 actual results	2020-21 actual results	Difference (2021-22 actual results minus 2021-22 planned results)	Difference (2021-22 actual results minus 2020-21 actual results)
Total expenses	1,255,500,000	1,386,298,722	1,303,274,100	130,798,722	83,024,622
Total revenues	366,800,000	393,228,029	360,079,897	26,428,029	33,148,132
Net cost of operations before government funding and transfers	888,700,000	993,070,693	943,194,203	104,370,693	49,876,490

### Planned Results

Planned Results are based on the Future-Oriented Financial Statements presented in the [2021-22 Departmental Plan](#)<sup>clxi</sup>. The actual expenses for 2021-22 were \$130.8 million higher than planned expenses, mainly due to the following:

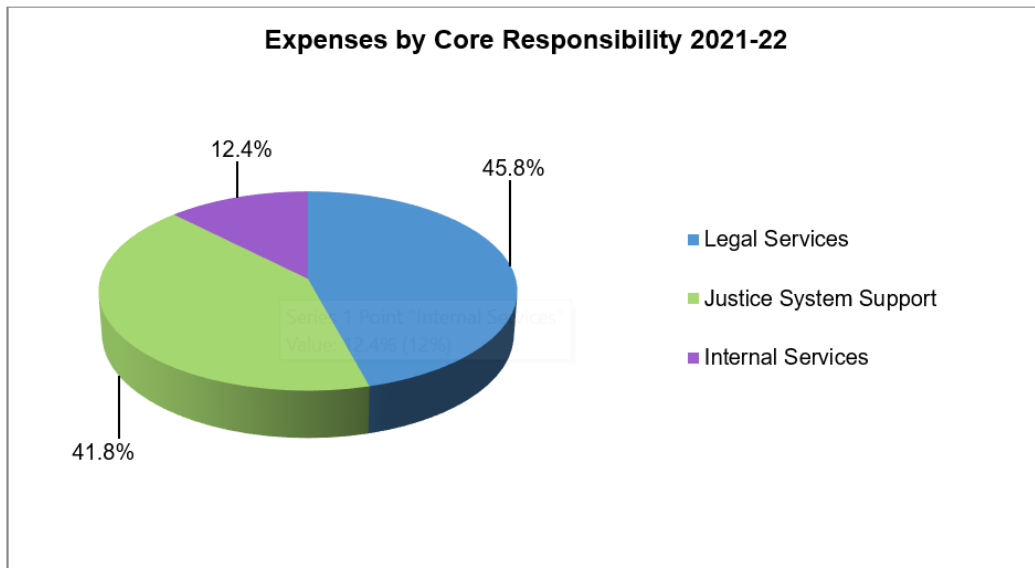
- increased expenses related to new funding received during the year, mainly for the [Youth Justice Services Funding Program](#)<sup>clxii</sup> and Immigration and Refugee Legal Aid transfer payment programs; and
- increased personnel expenses for increased workforce, parental benefits and other entitlements upon cessation of employment, payments for damages due to the Phoenix pay system, retroactive compensation payments, and in-year increments related to the ratification of collective agreements.

The actual revenues for 2021-22 are \$26.4 million higher than planned revenues. This is mainly attributable to an increase in the provision of legal services to a broad range of clients and the increase in legal services rates during the year.

### Expenses

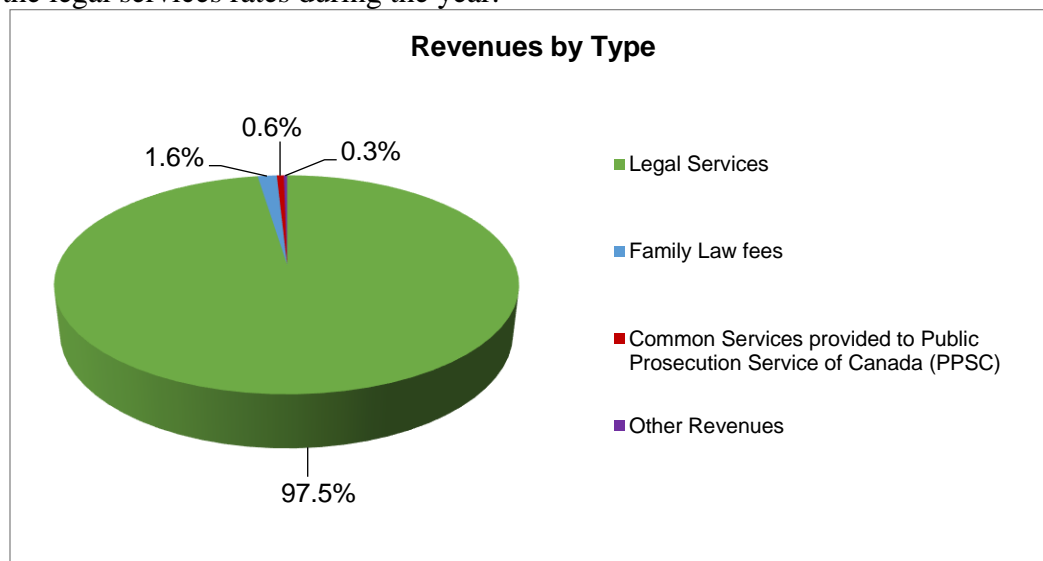
Total departmental expenses were \$1.3 billion in 2021-22, which represents an increase of \$83.0 million from 2020-21. The variance is explained by increases in the following accounts:

- expenses for cost-shared programs with provinces and territories, namely the [Youth Justice Services Funding Program](#)<sup>clxiii</sup> and [Criminal Legal Aid Program](#)<sup>clxiv</sup>; and
- salary expenses and employee benefits related to an increase in the workforce and yearly compensation adjustments due to the ratification of various collective agreements.



### Revenues

Total departmental revenues were \$393.2 million in 2021-22, a net increase of \$33.1 million from 2020-21. This variance is mainly explained by an increase in legal services revenues resulting from increased demand, supported by an increase in the workforce, and an increase in the legal services rates during the year.



**Condensed Statement of Financial Position (unaudited) as of March 31, 2022  
(dollars)**

Financial information	2021–22	2020–21	Difference (2021–22 minus 2020–21)
Total net liabilities	541,043,087	437,373,880	103,669,207
Total net financial assets	487,256,126	377,154,865	110,101,261
Departmental net debt	53,786,961	60,219,015	(6,432,054)
Total non-financial assets	27,669,302	32,741,192	(5,071,890)
Departmental net financial position	(26,117,659)	(27,477,823)	1,360,164

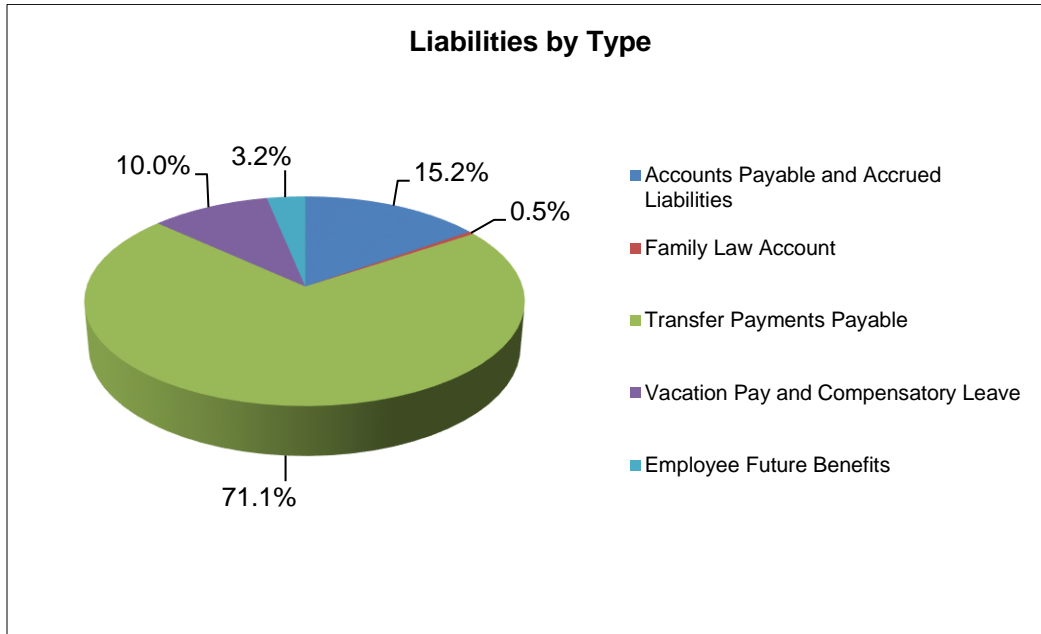
From 2020-21 to 2021-22, the Departmental Net Financial Position has increased by \$1.4 million due to a number of factors, which are reflected in the information presented below.

The 2021–22 planned results information is provided in the Department of Justice Canada’s [Future-Oriented Statement of Operations](#)<sup>clxv</sup> and Notes 2021–22.

**Liabilities**

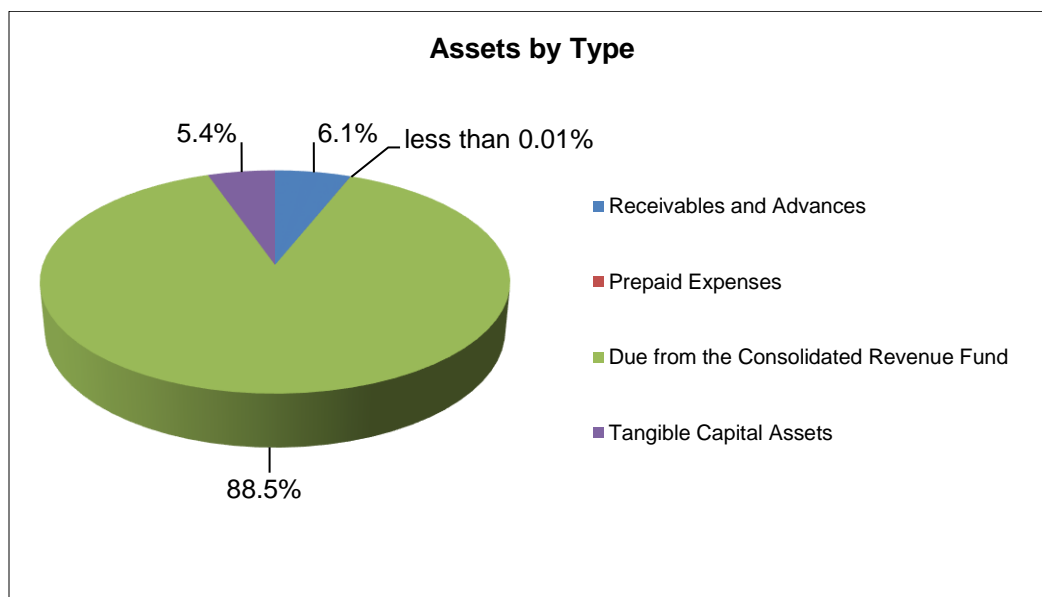
The Department’s total net liabilities were \$541.0 million at the end of 2021-22, which represents an increase of \$103.7 million from 2020-21. The variance is mainly explained by increases in transfer payments payable due to timing of payments, particularly for payables related to additional funding received as announced in the [Fall Economic Statement 2020](#)<sup>clxvi</sup> and Budget 2021 initiatives, such as:

- Improving Access to Justice for Indigenous People, including victims, offenders and families;
- Advancing a National Action Plan to End Gender-Based Violence;
- Diverting Youth Away from the Justice System;
- Enhancing Legal Support for Vulnerable Communities; and
- Funding for Gladue Principles - Systemic and Community-led Responses to Address Overrepresentation of Indigenous People in the Criminal Justice System.



**Financial and Non-Financial Assets**

Total net financial assets and non-financial assets were \$514.9 million at the end of 2021-22, which represents an increase of \$105.0 million from 2020-21. The variance is mainly explained by increases in amounts due from the Consolidated Revenue Fund (CRF), because of expenses incurred but not paid from the CRF and revenue recognized but not yet collected and/or deposited to the CRF by March 31, 2022. The due from CRF amount is the net of total cumulative payables and receivables at year end, and represents the balance of cash that Justice can access from the CRF without charging departmental authorities.



## Corporate Information

### Organizational Profile

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

**Institutional head:** A. François Daigle

**Ministerial portfolio:** Justice

**Enabling instrument:** *Department of Justice Act*<sup>clxvii</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>clxviii</sup>.

For more information on the Department's organizational mandate letter commitments, see the [Minister's mandate letters](#)<sup>clxix</sup>.

### Operating Context

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

## Reporting Framework

The Department of Justice Canada’s Departmental Results Framework and Program Inventory of record for 2021-22 are shown below.

	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>	Internal Services	
		<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>	<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

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

## Supplementary Information Tables

The following supplementary information tables are available on the Department of Justice Canada's website:

- ▶ [Departmental Sustainable Development Strategy/Reporting on Green Procurement](#)<sup>clxxii</sup>
- ▶ [Details on transfer payment programs](#)<sup>clxxiii</sup>
- ▶ [Gender-based analysis plus \(GBA Plus\)](#)<sup>clxxiv</sup>
- ▶ [Responses to parliamentary committees and external audits](#)<sup>clxxv</sup>
- ▶ [United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals](#)<sup>clxxvi</sup>

## Federal Tax Expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#)<sup>clxxvii</sup>. This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs, as well as evaluations and GBA Plus analyses of tax expenditures.

## Organizational Contact Information

### Mailing Address:

Department of Justice Canada  
284 Wellington Street  
Ottawa, Ontario  
Canada K1A 0H8

**Telephone:** 613-957-4222

**TDD/TTY:** 613-992-4556

**Email:** [webadmin@justice.gc.ca](mailto:webadmin@justice.gc.ca)

**Website:** [www.justice.gc.ca](http://www.justice.gc.ca)



## 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 an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

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

A plan or project that a department has chosen to focus and report on during the planning period. 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 quantitative measure of progress on a departmental result.

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

A framework that connects the department's core responsibilities to its 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 to inform evidence-based decision-making, and improve

outcomes for Canadians, by learning what works, for whom and in what circumstances. 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. For a particular position, the full-time equivalent figure is the ratio of number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

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

An analytical tool used to support the development of responsive and inclusive policies, programs and other initiatives; and understand how factors such as sex, race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic conditions, geography, culture and disability, impact experiences and outcomes, and can affect access to and experience of government programs.

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

For the purpose of the 2021–22 Departmental Results Report, 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; and The Canada we're fighting for.

**horizontal initiative** (*initiative horizontale*)

An initiative where 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 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 the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

**result** (*résultat*)

A 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.

**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

- <sup>i</sup> Women and Gender Equality Canada, Gender-based Analysis Plus (GBA Plus), <https://women-gender-equality.canada.ca/en/gender-based-analysis-plus.html>
- <sup>ii</sup> Parliament of Canada, Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-21/first-reading>
- <sup>iii</sup> Justice Laws Website, Public Service Employment Act, <https://laws-lois.justice.gc.ca/eng/acts/p-33.01/page-1.html>
- <sup>iv</sup> Parliament of Canada, Bill C-3, *An Act to amend the Criminal Code and the Canada Labour Code*, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-3/royal-assent>
- <sup>v</sup> Parliament of Canada, Bill C-4, *An Act to amend the Criminal Code (conversion therapy)*, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-4/royal-assent>
- <sup>vi</sup> Parliament of Canada, Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, <https://parl.ca/DocumentViewer/en/43-2/bill/C-15/royal-assent>
- <sup>vii</sup> Truth and Reconciliation Commission of Canada, Truth and Reconciliation Commission of Canada: Calls to Action, [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls\\_to\\_Action\\_English2.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf)
- <sup>viii</sup> Department of Justice Canada, Backgrounder: Special Interlocutor on Indian Residential Schools (IRS) Unmarked Burial Sites, <https://www.canada.ca/en/department-justice/news/2021/08/backgrounder-special-interlocutor-on-indian-residential-schools-irs-unmarked-burial-sites.html>
- <sup>ix</sup> Justice Laws Website, Privacy Act, <https://laws-lois.justice.gc.ca/eng/acts/P-21/>
- <sup>x</sup> Justice Laws Website, *Constitution Act, 1982*, <https://laws-lois.justice.gc.ca/eng/const/page-15.html>
- <sup>xi</sup> Government of Canada, Canada Emergency Response Benefit (CERB), <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>
- <sup>xii</sup> Canada Revenue Agency, Canada Recovery Benefit (CRB), <https://www.canada.ca/en/revenue-agency/services/benefits/recovery-benefit.html>
- <sup>xiii</sup> Canada Revenue Agency, Canada Recovery Sickness Benefit (CRSB), <https://www.canada.ca/en/revenue-agency/services/benefits/recovery-sickness-benefit.html>
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