



Legal Aid Services in Canada

Overview of legal aid in Canada



- Federal funding for legal aid comes from the Department of Justice's Legal Aid Program (LAP) and Canada Social Transfers (CST).
- The LAP funds matters of shared jurisdiction in criminal justice, immigration and refugee matters, and civil law.
- The CST is a block transfer to provinces and territories for social services. Each province and territory allocates a portion of the CST to legal aid service providers.



- Provinces and territories are responsible for the administration and delivery of legal aid services.
- In most Provinces, the Ministry of Attorney General or Ministry of Justice with the provincial government is responsible for overseeing the delivery of legal aid services. Some of the smaller plans are a department within the Ministry.



National expenditures

Legal aid plans across Canada expended **over \$947 million CAD** in the last fiscal year, a total increase of 5% over the previous year.

49%

(\$464 million)

Criminal matters
+7% over the past year



45%

(\$426 million)

Civil matters (family, child
protection, poverty, tenancy)
+1% over the last year



5%

(\$47.3 million)

Immigration and refugee
matters
+15% over the last year

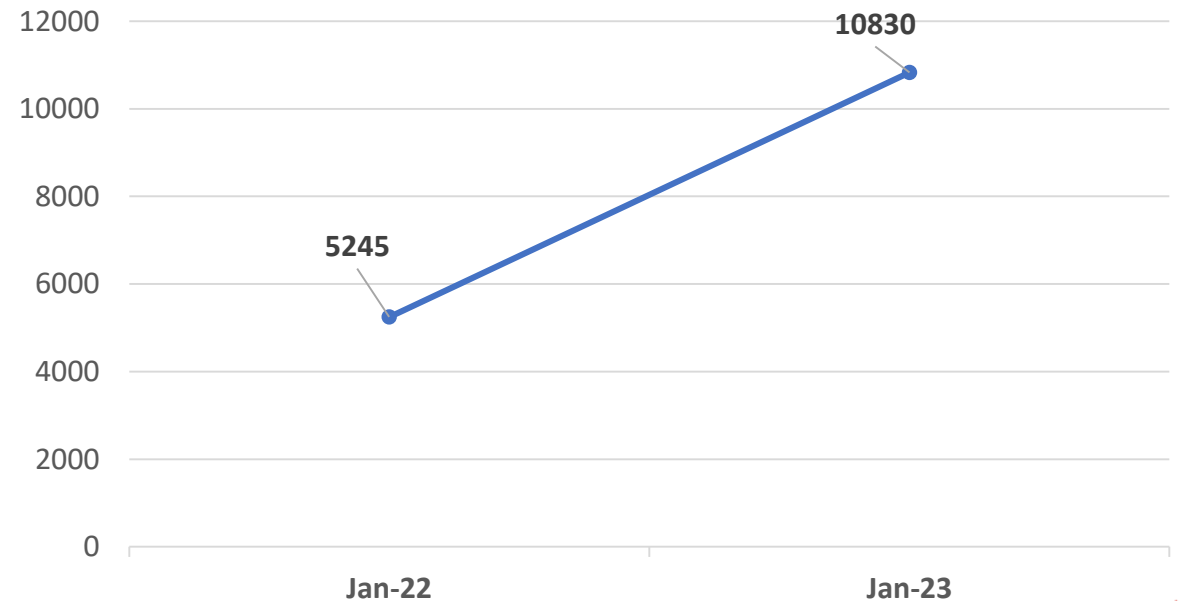


Source: Legal Aid in Canada 2021-22, Department of Justice Canada 2023.

Demand for immigration legal services

In 2021-22, immigration and refugee case volumes across Canada increased by **27%** compared to the previous year, and expenditures increased by **20%**.

Asylum request trend:
Canada Border Services Agency +
Immigration, Refugees and Citizenship Canada



Legal aid clients

All provincial legal aid organizations collect demographic data on gender

- Most legal aid clients were male (64%) and accessed criminal legal aid services (54%).
- Males aged 18-34 made up the highest proportion of legal aid clients overall.
- Females aged 18-34 made up the highest proportion of civil legal aid clients.

Ten legal aid organizations collect information about the Indigeneity of their clients

- Indigenous people make up 5% of Canada's population but 35% of clients who received full representation in criminal law matters.
- Indigenous people make up 17% of Saskatchewan's population but 72% of clients who received full representation in criminal law matters.
- Indigenous people make up 3% of Ontario's population but 30% of clients who received full representation in criminal law matters.





- The Indigenous population in federal prisons now represents over 30% of the total incarcerated population in Canada, despite representing only 5% of the total population.



- 53% of children in foster care are Indigenous, despite representing only 7% of the population of all children in Canada.





- Over 70% of both federally incarcerated men and women meet the criteria for one or more current mental health disorders.
- 12% of federally incarcerated men and 17% of federally incarcerated women meet the criteria for a current major mental disorder.



Legal aid improves fairness and equality

In Canada, legal aid ensures that all persons, regardless of income, can exercise their constitutional and legal rights, including the right to:

- Publicly funded counsel in serious criminal and child protection matters.
 - (*R. v. Rowbotham* (Ont.C.A), New Brunswick (*Minister of Health and Community Services v. G. (J.)*) (SCC))
- Immediately speak to a lawyer after arrest.
 - (*R. v. Brydges* (SCC))
- Not to be denied reasonable bail without just cause.
 - (*R. v. Antic* (SCC))
- A full and oral hearing for refugee claimants.
 - (*Singh v. Minister of Employment and Immigration*) (SCC)



Legal aid improves fairness and equality

Legal aid organizations in Canada seek to address the systemic disadvantages faced by these groups by:

Funding counsel in specialized courts, including courts for Indigenous peoples, mental health courts, drug treatment courts, and integrated domestic violence courts.

Additional supports for representation of Indigenous and racialized communities (i.e., *Gladue* and *IRCA* reports on sentencing).

Enhanced eligibility and supports for victims and survivors of intimate partner violence.

