

MANAGEMENT RESPONSE AND ACTION PLAN

Evaluation Report Title: Evaluation of Charter Statements

Approval Date of Evaluation by Deputy Minister: 06/2024

Recommendation 1: The Public Law and Legislative Services Sector, in consultation with appropriate parties, should clarify that in addition to their primary purpose of identifying the potential effects of government bills on Charter rights and freedoms, Charter Statements also describe key considerations that support the position of the federal government on the constitutionality of a proposed bill.

Rationale for Recommendation: Charter Statements are short documents that describe the potential effects of a bill on Charter rights and freedoms. They are intended to inform members of the Senate and the House of Commons as well as the public of those potential effects, including the possibility of how a bill may limit these rights and freedoms in a manner that is demonstrably justifiable. While Charter Statements provide legal information, they are not legal opinions on the constitutionality of a bill or a comprehensive overview of all conceivable Charter considerations. They reflect the bill at the time that it was introduced in Parliament and are not required to be updated to reflect any amendments to the bill during the legislative process as they articulate the main considerations that informed the Minister of Justice's conclusion that a proposed bill is not inconsistent with the Charter.

Evaluation findings indicate that there continues to be a lack of understanding regarding the intended purpose of Charter Statements. There are diverging opinions, including some views that criticize the lack of legal analysis contained in these statements, while others praise the perceived assurance they provide about the constitutionality of a proposed bill. However, the assertions on which these views were based are inaccurate and are evidence of the confusion and persisting ambiguity about the purpose of Charter Statements. Considering these findings, to bring further clarity on the intended purpose, it would serve the interest of all stakeholders to clarify that in addition to their primary purpose of identifying the potential effects of government bills on Charter rights and freedoms, Charter Statements also describe key considerations that support the position of the federal government on the constitutionality of a proposed bill. This clarification could for example be disclosed via the Charter Statement website and the explanatory note contained in future Charter Statements associated with new bills.

Management Response: The Human Rights Law Section (HRLS) will explore ways to improve awareness and clarify the purposes of Charter Statements.

Action(s)	Deliverable(s)	Accountability	Planned Completion Date
What SMART action(s) will be taken to address this recommendation?	Expected deliverable(s) to demonstrate the completion of the action.	ADM responsible for implementing the action.	
Review content on Charter Statements on public-facing Justice website for opportunities to improve awareness and clarify purposes of Charter Statements.	Reviewed and updated language on public-facing Justice website to clarify information about the purposes of Charter Statements.	Assistant Deputy Minister (ADM), Public Law and Legislative Services Sector (PLLSS)	June 2025

Explore whether the intended purposes of Charter Statements can be further clarified through changes to the text of the Charter Statement template.	Examined Charter Statement template and identified potential options for clarifying purposes of Charter Statements.	ADM PLLSS	June 2025
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Recommendation 2: The Human Rights Law Section (HRLS) should further expand the range of reference documents and templates available to support the efficient and consistent development of new Charter Statements.

Rationale for Recommendation: Over the evaluation period, HRLS has progressively developed templates, guidance, and reference documents that support a consistent approach to the Charter Statement drafting process. Evaluation findings indicate that it would be helpful to further expand the range of reference documents and templates available to HRLS legal counsel, particularly documents related to Charter rights and freedoms that are consistently used when identifying the rights engaged by a proposed bill. Increasing the range of these reference documents and templates is expected to have a direct impact on the effectiveness and efficiency of the Charter Statements drafting process.

Management Response: HRLS will produce expanded range of guidance and reference documents.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
HRLS to conduct a thorough review of currently available reference documents, identify gaps, and draft additional documents.	New reference documents developed to be made available on HRLS Digital Workspace.	ADM PLLSS	June 2025

Recommendation 3: The Public Law and Legislative Services Sector, in consultation with appropriate parties, should take measures to increase legal counsel from LSUs' awareness and understanding of the Charter Statement requirement and of their role in the drafting process.

Rationale for Recommendation: Several key stakeholders within the Department contribute to the development of Charter Statements. Evaluation findings indicate that the roles and responsibilities of those involved in Charter Statements are generally well defined and understood. This is particularly the case for all those within HRLS, and the legislative drafters from the Legislative Services Branch. The same was not found for LSUs, where some challenges remain. This is partly due to the varying extent to which legal counsel working in LSUs engage in legislative initiatives. Some may therefore never participate in a Charter Statement process or may do so sporadically. This in turn influences their awareness of the Charter Statement requirement and understanding of their role in ensuring HRLS is made aware of possible legislative initiatives. Early indications to HRLS signals the potential need for a Charter Statement and greatly supports efficient planning to help ensure resources are available when the drafting process is initiated. Evaluation findings indicate that increasing the awareness and

understanding among those involved in the Charter Statement process, particularly legal counsel in LSUs, would ensure that new and existing legal counsel have sufficient knowledge of the process, and of their role as part of it.

Management Response: HRLS will identify opportunities to increase awareness and understanding of Charter Statements in LSUs and other parts of the Department that may be less familiar with Charter Statements.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Give presentations to targeted groups involved in the Charter Statement process to increase awareness.	<p>Presentations to the Justice Heads of Legal Services Committee on Charter Statements.</p> <p>Updated existing resources on Charter Statements for Justice counsel in other units, including LSUs.</p> <p>Presentations to targeted groups in the Policy Sector on Charter Statements.</p>	ADM PLLSS	June 2025
Consult with Centre for Legal Education Services (CLES) on possibility of offering a course to those involved in the Charter Statement process.	Charter Statement course developed and included in the inventory of training offered by CLES.	ADM PLLSS	June 2025

Recommendation 4: The Public Law and Legislative Services Sector, in consultation with appropriate parties, should identify ways to increase external stakeholders' awareness of Charter Statements associated with new bills.

Rationale for Recommendation: Evaluation findings confirm that Charter Statements have become an established component of the federal legislative process. Parliamentarians have made references to them, and most non-parliamentarian stakeholders survey respondents who knew about these statements and used them have found them helpful. Although Charter Statements are available through a dedicated website, more sustained efforts, and a proactive approach to increasing awareness of these Statements would enhance their contribution.

Management Response: HRLS will consult Communications Branch to determine advisability of a proactive approach to increasing external stakeholders' awareness of individual Charter Statements.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Consult Communications Branch on ways to increase stakeholder awareness of individual Charter Statements.	Report on outcome of consultations with Communications Branch, including their advice on an appropriate communications plan.	ADM PLLSS	June 2025