

# The Ministère de la Justice

The primary mission of the Ministère de la Justice revolves around ensuring the supremacy of law within society and upholding a fair justice system in Québec which inspires trust and hence favours respect for individual rights.

## Type of complaints

### Complaints reviewed by the Québec Ombudsman

Justice**						
Under investigation at April 1, 2007	Received	Investigated*				Under investigation at March 31, 2007
		Referred	Interrupted	Unsubstantiated	Substantiated	
5	58	3	19	21	10	3

\* Excluding complaints whose processing was interrupted or which were referred.

\*\* Are excluded the demands involving the Directeur de l'Etat civil

As with the previous exercises, there are few complaint grounds involving the administration of justice. This is because most citizens who communicate with the Québec Ombudsman denounce either the scope of a law or a judge's decision. Except for parliamentary watch activities, these areas are outside of the Québec Ombudsman's jurisdiction.

## Ombudsman follow-up and actions

### Compensation for victims of crime

The Minister of Justice notably oversees the application of the Crime Victims Compensation Act (R.S.Q., c. I-6), while the Commission de la santé et de la sécurité is responsible for the plan's administration.

### Review of the compensation plan for victims of crime

In February 2007, the Québec Ombudsman participated in the consultations of the task force created to review the compensation plan for crime victims introduced by the Minister of Justice. In addition to reiterating its position as unveiled in a 2002 document entitled Rapport spécial sur le régime d'indemnisation des victimes d'actes criminels, the Québec Ombudsman put forth new recommendations aimed at bringing up to date the compensation plan for victims of crime. The task force mandated to review the plan was supposed to issue a report by March 31, 2007. As of March 31, 2008, one year later, the report had not yet been made public.

The Québec Ombudsman repeats the importance of ensuring that the review process regarding the compensation plan for victims of crime offer up results that are viewed as positive and significant by the victims. This is particularly true given the inadequacy of compensation rules.

In this regard, the Québec Ombudsman will analyze the task force's report as soon as it is tabled and subsequently issue any applicable comments and recommendations.

## **Compensation for persons wrongly convicted**

As announced in its 2006-2007 annual report, the Québec Ombudsman continued its analysis of persons who have been wrongly convicted.

Wrongly convicted individuals have served an unfair prison sentence and been significantly prejudiced: they have been deprived of a fundamental right, namely liberty, and of the enjoyment of life, not to mention having their reputation blemished and being subject to the protracted effects of imprisonment on their employability and their loved ones. The Québec Ombudsman will issue a notice in this regard, including recommendations, over the coming months.

## **Review of child support payment amounts granted by the courts**

Citizens who wish to make a change to the amount of support payments set by the initial judge can contact the special court clerk to homologate their agreement if they concur as to the revised support amount. In numerous circumstances, however, the citizens do not agree on the changes requested by one of the parties. In such cases, they must obtain a new judgment from the Superior Court, a process that can be too costly for many people to initiate. In fact, certain situations - when the parties agree to support payment amounts, for example - should not be subject to the process involved in a court filing.

The Québec Ombudsman has in the past taken numerous steps to have the department consider simplifying the review process concerning child support payments. In its 2006-2007 annual report, it recommended that the Civil Code of Québec and the Code of Civil Procedure be correspondingly amended.

In 2007-2008, the Ombudsperson and department authorities held two work sessions on this topic. Exchanges mostly involved the introduction of a new legislative provision aimed at making it easy for parents to be heard by the courts by notably reducing judicial review delays and costs. This, it was felt, could be achieved by simplifying the formal process for modifying child support payments. Over the coming year, the Québec Ombudsman will continue to monitor progress in this regard with a great deal of interest.

## Review of the Civil Code of Québec and the Directeur de l'état civil

In its 2006-2007 annual report, the Québec Ombudsman issued the following two recommendations:

### 2006-2007 RECOMMENDATION :

That the Civil Code of Québec be amended so that a person born in Québec can ask the Directeur de l'état civil for a certificate of change of designation of sex even if he or she is no longer domiciled in Québec;

That it also be amended to take into account the traditions and customs of new immigrants and members of cultural communities with regard to patronymics upon registration of a birth in the register of civil status.

The Directeur de l'état civil reported back to the Québec Ombudsman that it had requested legislative changes in this regard. A request was submitted to the Ministère de la Justice during the course of the year, with the issue notably taken over by the department's Direction de la législation. The Québec Ombudsman will follow up on these recommendations with department authorities.

### Refusal to deliver a death certificate

*This involves a case where the Directeur de l'état civil found itself unable to deliver a death certificate given the lack of an attestation of death by either a medical doctor or a policeman, since the body of her child had not been found.*

*Because the current legislative framework does not allow, in such a case, for issuing the desired certificate until the declaratory judgment of death has been rendered and in light of a second such case brought to the Québec Ombudsman's attention in 2007, a formal request has been sent the department asking that such situations no longer be able to occur. The Ministère de la Justice is currently analyzing this recommendation.*

## Comments from the department

The following statement from the Ministère de la Justice was issued by its Deputy Minister :

“We agree with what has been said regarding compensation for victims of crime, the review of the compensation plan for victims of crime and the compensation for persons wrongly convicted.”

Regarding the review of the Civil Code of Québec and the Directeur de l'état civil :

“In terms of the modification of acts of civil status subsequent to a sex change undergone in another province, I am aware that the department has considered various legislative proposals, but that a consensus on this issue has yet to be reached. (...) However, following our meeting on February 7, I asked that the project be revived with the aim of tabling a bill as soon as possible.”

Regarding the refusal to issue a death certificate :

“We are sensitive to the fact that such situations can be difficult for families, and I have pledged to consider means of resolving these. (...) We are studying a proposed legislative amendment. I will provide you with more details on this initiative in the near future.”