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Evaluation of the Access to Justice in Both Official Languages Initiative

Final Report

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Evaluation Division, Corporate Services Branch

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ABBREVIATIONS

AJEF	<i>Association des juristes d'expression française</i>
AJEFA	<i>Association des juristes d'expression française de l'Alberta</i>
AJEFCB	<i>Association des juristes d'expression française de la Colombie-Britannique</i>
AJEFM	<i>Association des juristes d'expression française du Manitoba</i>
AJEFNB	<i>Association des juristes d'expression française du Nouveau-Brunswick</i>
AJEFNE	<i>Association des juristes d'expression française de la Nouvelle-Écosse</i>
AJEFO	<i>Association des juristes d'expression française de l'Ontario</i>
AJEFS	<i>Association des juristes d'expression française de la Saskatchewan</i>
CCFJ	<i>Centre canadien de français juridique</i>
CLTD	Centre for Legal Translation and Documentation
CRFJ	<i>Centre de ressources en français juridique</i>
CTTJ	<i>Centre de traduction et terminologie juridiques</i>
FAJEF	<i>Fédération des associations de juristes d'expression française de common law inc.</i>
FPP Working Group	Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages
Gs&Cs	Grants and contributions

JUS	Justice Canada
OLMC	Official language minority community
PAA	Program Alignment Architecture
PCH	Patrimoine Canadien Heritage
PSPC	Public Services and Procurement Canada
RNFJ	<i>Réseau national de formation en justice</i>
RPP	Report of Plans and Priorities

EXECUTIVE SUMMARY

1. Introduction

The evaluation of the Access to Justice in Both Official Languages Initiative was conducted by Justice's Evaluation Division and covers a four-year period (2013-14 to 2016-17). The evaluation was completed in accordance with the Treasury Board's *Policy on Evaluation* and the *Financial Administration Act*. Its main objective was to assess the relevance and performance (effectiveness and efficiency) of the Initiative.

The evaluation examined the **relevance** of the Initiative based on:

- Its alignment with Department of Justice (JUS) and federal government's priorities;
- The role of the federal government in the area of access to justice in both official languages; and
- The continued need for activities funded by the Initiative.

In addition, the evaluation assessed the **effectiveness** of the Initiative, that is the extent to which its expected outcomes are being achieved, as well as the Initiative's **efficiency**.

2. Initiative Profile

The purpose of the Access to Justice in Both Official Languages Initiative is to provide Canadians from official language minority communities with access to legal information regarding their rights and responsibilities in the official language of their choice and, where necessary, to a justice system that meets their needs in that language.

The Initiative is part of the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities* (the Roadmap). This Roadmap constitutes Canada's horizontal initiative to promote official languages and enhance the vitality of official language minority communities (OLMCs).

The Initiative is based on two main pillars.

- The ***Information pillar*** aims to offer legal information services that will help minority Francophone and Anglophone Canadians learn about their rights, obligations and responsibilities in the official language of their choice.
- The ***Training pillar*** involves the training and development of bilingual justice professionals in order to improve their language skills, thereby increasing their ability to offer services in French outside Quebec and in English in Quebec as part of their work within the justice system, including in the area of criminal law.

3. Evaluation Methodology

The evaluation strategy was based on an approach using multiple sources of evidence. The information gathered was analyzed by comparing the results of the various sources of evidence, which in this case included documentation and various types of key informant interviews. To the extent possible, emphasis was placed on results that were confirmed by the various sources as part of a triangulated approach. The evaluation lines of evidence included a document and data review, interviews with 45 individuals including federal government employees, project representatives and various stakeholders, and mini case studies.

4. Findings

Relevance

The evaluation found that the Initiative is aligned with the priorities of the Department of Justice and the federal government. It is also in line with the Roadmap, which references the Justice Information Hubs and training.

Evidence demonstrates that the federal government has a legitimate and necessary role in the area of access to justice in both official languages from the perspective of the Canadian official languages legal framework. According to the evidence, there is an ongoing need to support language training for legal professionals, including judges, to ensure equal access to justice in both official languages. There is also a need for actions to ensure that OLMCs in general, and specific populations within those OLMCs such as recent immigrants, become aware of their rights and

obligations, as well as a need to provide legal information in both languages, especially to support self-represented litigants.

Effectiveness

Effectiveness of Information Pillar

Legal information was disseminated to a wide range of legal system users, with many of the services being delivered through the Legal Information Hub organizations. The information was deemed useful and tailored to the needs of groups and subgroups within OLMCs, such as newcomers to Canada. Despite efforts in the area, additional work needs to be done to coordinate the various projects, especially those delivered online, in a more integrated approach.

Effectiveness of Training Pillar

Activities under the Training pillar were targeted towards justice professionals to improve their second language skills. Most respondents agreed that the training was effective, resulting in an increased ability of justice system professionals to offer their services in French outside Quebec and in English in Quebec. Jurilinguistic centres were effective in producing materials serving legislative authorities, translators and the academic community, though questions were raised as to whether some of their activities could be funded by other groups.

Performance Measurement and Project Selection Processes

According to findings, the funding recipients reporting template has a number of limitations leading to inconsistent reporting, which lacks precise information about the longer-term impacts of the activities funded by the Initiative. Despite these limitations, the reports provided by recipients allow the program to meet accountability requirements (i.e. reporting back to JUS and PCH).

With respect to the project selection process, most respondents indicated that the program documentation and the selection process are clear, useful and easily accessible. Program staff assistance was deemed useful, with respondents indicating that the staff is eager to help applicants understand the Initiative and the funding application process.

Consultation Structures

Overall, respondents mentioned that the two consultation structures (i.e. the Advisory Committee and the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages [FPT Working Group]) were conducive to cooperation between partners. The Advisory Committee meetings serve as good opportunities for JUS and members of the community to share ideas and obtain feedback on these ideas. They also provide networking opportunities. A number of interviewees mentioned that the Advisory Committee structure and mandate could be updated to increase its reach, including the participation of representatives of other disciplines and of other federal departments involved in justice issues.

The FPT Working Group increases interjurisdictional cooperation and helps the participants understand concerns about a number of issues in certain provinces/territories, and potential solutions. However, because travel costs are not covered by the Initiative, between 30% and 50% of participants attend the meetings by telephone, which affects the quality of their participation.

Efficiency

Most of the recipients said that the Grants and Contributions (Gs&Cs) agreements were appropriate and that the level of funding was adequate. From the perspective of JUS, the agreements limit the Department's capacity to share content created with the Access to Justice in Both Official Languages Support Fund (Support Fund) resources between recipients due to the restrictive intellectual property clauses used in the Gs&Cs agreements. There is also an opportunity to have more specific calls and agreements to allow for a more integrated approach.

The Initiative has been in an underspending situation over the three years of the period covered by the evaluation for which expenditure data was available. However, the percentage of program costs dedicated to administration is deemed acceptable.

5. Recommendations

The evaluation made the following five recommendations concerning the Access to Justice in Both Official Languages Initiative:

Recommendation 1: That the Official Languages Directorate undertake a needs assessment with respect to the Initiative's Information pillar to identify gaps and with the view of better understanding where coordination between projects can occur.

Recommendation 2: That the Official Languages Directorate review the structure and mandate of the Advisory Committee in consultation with Committee members.

Recommendation 3: That the Official Languages Directorate determine the extent to which the activities of the jurilinguistic centres are in line with the objectives of the Support Fund.

Recommendation 4: That the Official Languages Directorate develop a more rigorous reporting template for funded projects, including standard indicators and measures to be used by recipients to report on progress.

Recommendation 5: That the Official Languages Directorate explore the possibility of modifying the intellectual property clauses in its agreements

In its management response, the Official Languages Directorate agreed with all of the recommendations, and has prepared an action plan to respond to each of them.

1. INTRODUCTION

This report presents the results of an evaluation of the Access to Justice in Both Official Languages Initiative. The purpose of the Initiative is to provide Canadians from official language minority communities (OLMCs) with access to legal information regarding their rights and responsibilities in the official language of their choice and, where necessary, with access to a justice system that meets their needs in that language. The Initiative has two major goals: 1) developing awareness among official language communities with regard to their legal rights and obligations; and 2) improving the capacity of stakeholders in the justice system to offer their services in both official languages.

The Initiative is part of the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities* (the Roadmap). This Roadmap constitutes Canada's horizontal initiative to promote official languages and enhance the vitality of OLMCs. Section 1.2 provides additional background information about the Initiative.

1.1. Scope and Objectives

The objective of this evaluation is to assess the relevance and performance (effectiveness, efficiency and economy) of the Initiative. The evaluation covers a four-year period (2013-14 to 2016-17).

The evaluation was guided by the following questions:

Relevance

1. How relevant is the Initiative in terms of the priorities of the Department of Justice (JUS) and the federal government with respect to access to justice in both official languages?
2. Is there a legitimate and necessary role for the federal government in the area of access to justice in both official languages?

3. Is there a continued need for the activities funded by the Initiative?

Effectiveness

4. How clear and transparent is the process for selecting projects funded through the Information pillar and the Training pillar?
5. To what extent did the work on consultation structures lead to increased cooperation between partners?
6. To what extent are the data relating to performance measurement and accountability collected and incorporated into the day-to-day management of the Initiative?
7. To what extent did the Information pillar contribute to the implementation of projects that help provide legal information services to allow Canadians from Francophone and Anglophone minorities to learn about their rights, obligations and responsibilities in the official language of their choice?
8. To what extent has the Training pillar contributed to the training of justice system stakeholders to help them serve Canadians in the official language of their choice?
9. To what extent were the identified training needs met?
10. To what extent do the activities undertaken through the Training and Information pillars meet the needs of justice stakeholders?
11. To what extent was there complementarity among the activities undertaken by the Information pillar and those undertaken by the Training pillar?
12. Did the Initiative have unanticipated impacts (positive or negative)?

Efficiency

13. How adequate were the project funding mechanisms?
14. Is there a more effective/efficient approach for achieving the Initiative's objectives?

15. Was the use of resources appropriate based on the resources allocated and the activities and outputs produced?
16. Were good practices or lessons learned identified?
17. Are the funding activities under both pillars sufficiently integrated and coordinated to allow for outcomes to be achieved efficiently?

1.2. Structure of the Report

The report is divided into six main sections, including this introduction. Section 2 provides a description of the Initiative, including its management structure and resources. Section 3 presents the methodology used to conduct the evaluation, including a document and data review and key informant interviews. It identifies the recipient organization's projects examined as part of mini case studies and describes the analytical approach and the limitations of this evaluation.

Section 4 summarizes the results of the evaluation. It is divided into three main sub-sections: relevance, effectiveness and efficiency. The relevance section evaluates the Initiative with regard to its alignment with priorities and roles of the Department and the federal government. It also explores if there is a continued need for activities funded by the Initiative. The effectiveness section reports on the effectiveness of projects related to the Information and Training pillars. It examines performance measurement and accountability, including project selection and monitoring processes during management of the Initiative. Furthermore, it examines the effectiveness of the complementarity between the two pillars and the consultation structures. Finally, it explores the unanticipated impacts and alternative approaches. The efficiency section evaluates the efficiency of the project funding mechanisms as well as the operational efficiency of the Initiative and the consultation structures.

The final two sections of the report present the conclusions and the recommendations and management response, respectively. The description of the logic model as well as the evaluation matrix and data collection instruments are included as appendices to the report.

2. DESCRIPTION

The Initiative is part of the Roadmap, which constitutes Canada's horizontal initiative to promote official languages and enhance the vitality of OLMCs. It spans a large number of sectors and fields of interest. In addition, it provides financial support to some 15 governmental departments and agencies working in the three key areas of education, immigration and communities.

The Initiative is based on two main pillars: the Information pillar and the Training pillar.

Information Pillar

The Information pillar aims to offer legal information services that help minority Francophone and Anglophone Canadians learn about their rights, obligations and responsibilities in the official language of their choice. More specifically, funding is granted to eligible organizations for the implementation of projects related to access to justice in both official languages. Most of the projects funded under this pillar are direct services to the population, providing useful and accurate legal information in French outside Quebec and in English in Quebec.

Training Pillar

The Training pillar involves the training and development of bilingual justice professionals in order to improve their language skills, thereby increasing their ability to offer services in French outside Quebec and in English in Quebec as part of their work within the justice system, specifically in the area of criminal law. The funded projects enable the development and delivery of language training curriculums for various justice professionals.

Management Structure

Two groups within JUS share the management of activities undertaken as part of the Initiative:

The Official Languages Directorate is responsible for policy development and the coordination of all activities under the Initiative. The Directorate oversees the work of the various advisory committees, helps define the Initiative's strategic directions, and reports on all Initiative activities.

The Innovations, Analysis and Integration Directorate located in the Programs Branch is responsible for managing all contribution agreements concluded in accordance with the terms and conditions of the Initiative. This group manages the submission, allocation and reporting process in connection with these agreements.

A **selection committee** comprised of members of both groups is responsible for reviewing funding applications in order to determine eligibility and to make recommendations for funding. Upon request, the committee is supported by a representative of the Department's Evaluation Division, who advises members on performance measurement issues.

Financial Resources

The Department has set a total budget of \$40.2 million for the Initiative, distributed over five fiscal years. The investment period covers fiscal years 2013-14 to 2017-18. A total of \$21.2 million is available for the Information pillar (Training, networks and access to justice services – Community Support component) while a total of \$19 million is dedicated to the Training pillar (Training, networks and access to justice services – Education component).

3. METHODOLOGY

The evaluation strategy was based on an approach using multiple sources of evidence. The information gathered was analyzed by comparing the results of the various sources of evidence, which in this case included documentation and various types of key informant interviews. To the extent possible, emphasis was made on results that were confirmed by the various sources as part of a triangulated approach. Findings were documented and analyzed using an evidence matrix.

The following sub-sections describe each line of evidence used for this evaluation.

3.1. Document and Data Review

A document and data review was conducted to inform the development of data collection instruments and to address the evaluation issues. The review focused on the contextual, management and operational framework for the Initiative to answer the relevant evaluation issues and questions, as outlined in the evaluation matrix. The documents included annual reports, previous evaluations, public reports and literature. An administrative and financial data review was also conducted and centered on data collected by the program with a focus on project outputs, outcomes and costs to better understand efficiency.

3.2. Key informant interviews

The key informant interviews conducted for this evaluation addressed the majority of evaluation questions, and were a significant line of evidence in gathering information on the need for and the effectiveness of the Initiative. Interviews were conducted with a total of 45 individuals within the following groups of stakeholders:

- Department of Justice Canada employees (6);
- Employees from other federal departments (3);

- Respondents associated with organizations funded by the Initiative and organizations that applied for but did not receive funding (26); and
- Experts, committee members and other stakeholders (e.g., learners) in the area of access to justice in both official languages (10).

Most interviews were conducted by telephone in either English or French, depending on the preferences of the respondents. Respondents in the National Capital Region were provided the opportunity to have the interview conducted in person or over the telephone.

3.3. Mini Case Studies of Recipient Organizations' Projects

During the key informant interviews, respondents were asked specific questions about projects funded by the Initiative (in addition to questions addressing other evaluation issues). This information allowed the evaluation team to focus and report on specific projects. They included the following:

- Justice Information Hubs
- Jurilinguistic centres
- *Éducaloi*
- French language training for judges
- Newcomer projects
- Development of public legal education and information materials
- *Jurisource.ca*
- English language training for judges
- Training of legal stakeholders
- *Réseau national de formation en justice*
- *Association des juristes d'expression française (AJEF)* core funding

Between two and five respondents provided views for each of the above projects.

3.4. Limitations and Mitigation Strategy

The evaluation findings should be reviewed in the context of the following limitations:

The evaluation relied mostly on documentation and a limited set of key informant interviews. Only a limited number of respondents outside the program and not affiliated with the projects were interviewed as part of the evaluation (n=9). To mitigate this limitation, the evaluation team developed a list of the most knowledgeable respondents, with the help of the program representatives. The evaluation team also maximized the use of each interview by combining questions related to the Initiative overall with specific questions about projects to which the respondents were associated. Finally, interviewees had the opportunity to present views about other projects they were not directly affiliated with, which brought additional external perspective about projects.

Another limitation was associated with the quality of the performance information, which mainly came from the final reports of project recipients. Unfortunately, the narrative format and the inconsistencies in reporting practices by recipient organizations did not allow the evaluation team to sum the reported impacts across projects. However, these information sources provided useful output and background information.

4. RESULTS

4.1. Relevance

The evaluation examined the relevance of the Initiative based on:

- Its alignment with JUS and federal government priorities;
- The role of the federal government in the area of access to justice in both official languages; and
- The continued need for activities funded by the Initiative.

4.1.1. Alignment with the priorities of the Department of Justice and the federal government

According to documentation and the interview findings, the activities and projects supported by the Initiative are aligned with the priorities of the Department and the federal government regarding access to justice in both official languages.

The Training pillar of the Initiative aims to support the bilingual capacity of justice professionals. Given that Supreme Court judges are usually selected from the Canadian pool of judges, the Training pillar is in line with one of the priorities in the *Minister of Justice and Attorney General of Canada Mandate Letter*, which stipulates that “those appointed to the Supreme Court should be functionally bilingual.”¹ Ensuring bilingual Supreme Court judges is also a priority of the Department, as stated in the 2016-17 Report on Plans and Priorities (RPP)².

¹ *Minister of Justice and Attorney General of Canada Mandate Letter* - Prime Minister Justin Trudeau. (2015). Retrieved from in January 2016 from: [http://ajc-ajj.net/files/library/44 - Press Monitoring November 10th to 16th 20152.pdf](http://ajc-ajj.net/files/library/44_-_Press_Monitoring_November_10th_to_16th_20152.pdf)

² Department of Justice: Report on Plans and Priorities (RPP) 2016-2017 http://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/rep-rap/index.html (PDF).

Through the Roadmap³, the federal government described how JUS would contribute to access to justice in both official languages. Under the Education and Community pillars, the Roadmap stated that Justice Canada:

- will continue to develop and offer training programs that aim at helping justice stakeholders;
- will support a range of post-secondary programs and training in both official languages;
- will develop a concept of Justice Information Hubs to ensure that Canadians can find legal information in both official languages;
- will encourage partnerships between associations and organizations serving both official language communities; and
- will support the portal *CliquezJustice.ca* which offers simplified legal information to French-speaking Canadians living in minority communities.

During the period covered by the evaluation, priorities of the Department were identified in the JUS Program Alignment Architecture (PAA)⁴ and the RPP⁵. The sub-sub program labelled “Justice in Official Languages” supported the PAA’s strategic outcome aimed at a fair, relevant and accessible Canadian justice system. Under this PAA component, it was stated that the Initiative “provides support to improve access to justice in both official languages to persons navigating the justice system”. It also mentioned that it is the Department’s responsibility to promote English and French in the development of OLMCs⁶.

The 2016-17 RPP⁷ identified the Initiative in its planning highlights. According to the RPP, the objectives of the Initiative include increasing the capacity of justice system stakeholders (judges, prosecutors, clerks, etc.) to offer justice services in both official languages, as well as increasing the availability and provision of legal information in the minority language to the legal community and OLMCs. The document specifies that the Department supports projects to: develop and disseminate linguistic tools; undertake research to the benefit of OLMCs; promote training for

³ Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities <http://canada.pch.gc.ca/eng/1457029880818>

⁴ Department of Justice: Program Alignment Architecture (PAA) for Fiscal Year 2015-16 http://www.justice.gc.ca/eng/rp-pr/cp-pm/paa-aap/2015_2016/

⁵ Department of Justice: Report on Plans and Priorities (RPP) 2016-2017 http://justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/index.html (PDF p.36).

⁶ Department of Justice: Program Alignment Architecture (PAA) for Fiscal Year 2015-16 http://www.justice.gc.ca/eng/rp-pr/cp-pm/paa-aap/2015_2016/

⁷ Department of Justice: Report on Plans and Priorities (RPP) 2016-2017 http://justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/index.html (PDF p.36)

stakeholders of the justice system in both official languages; and promote and provide legal information to OLMCs.

The RPP also stated the intention of the Department to continue to support the implementation of the Initiative by securing funding agreements with provinces, territories, universities, courts, non-governmental organizations and others.

The Initiative's webpage (on the JUS website) identifies activities and projects of interest that are aligned with the departmental and federal government's priorities regarding access to justice in both official languages. The intended objectives of these activities and projects are to:

- promote awareness, information and training about language rights and issues related to access to justice in both official languages;
- develop linguistic and legal tools;
- disseminate linguistic and legal tools;
- undertake research to the benefit of official language minority communities;
- provide justice services to official language minority communities as pilot projects;
- promote activities related to the Justice Training Component:
- provide advanced training focusing on legal terminology for bilingual justice professionals;
- contribute to the development of a curriculum for bilingual students interested in pursuing a career in the field of justice;
- elaborate a recruitment strategy and the promotion of justice-related careers; and
- develop linguistic training tools⁸.

Key informants also confirmed that the Initiative is clearly aligned with the mission of the Department, two of its three objectives being to:

- Ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;

⁸ Access to Justice in Both Official Languages Support Fund (Website) <http://www.justice.gc.ca/eng/fund-fina/jsp-sjp/ol-lo/index.html>

- Promote respect for rights and freedoms, the law and the *Constitution*⁹.

4.1.2. Alignment with the role of the federal government

The federal government has a legitimate and necessary role in the area of access to justice in both official languages, from the perspective of the Canadian official languages legal framework in place and the decisions associated with the *Beaulac* decision¹⁰.

The basis of the legal framework is found in the *Constitution*, Part XVII of the *Criminal Code*, Part VII of the *Official Languages Act*, and sections 16 to 20 of the *Canadian Charter of Rights and Freedoms*. Section 133 of the *Constitution* guarantees that both English and French can be used “in any Pleading or Process” before the courts of Canada. Section 530 of the *Criminal Code* guarantees that the accused has a right to be tried by a judge in the official language of his or her choice, and requires that the accused be advised of this right. Part VII of the *Official Languages Act* specifies the Government of Canada’s commitment to enhancing the vitality of the OLMCs in Canada and to supporting their development, as well as to fostering the full recognition and use of both English and French in Canadian society. The Act also sets out the duty of all federal institutions to take positive measures in order to fulfill these commitments. Finally, the *Canadian Charter of Rights and Freedoms* proclaims English and French as the official languages of Canada and requires that federal services be provided in both languages; section 16 specifically establishes that English and French have equal status, rights and privileges as to their use in all institutions of Parliament and of the Government of Canada.

In particular, the *Beaulac* decision held that an individual accused of a criminal offense has the right to be tried in the official language of his or her choice, regardless of where in the country that individual is being tried. For their part, most civil matters are areas of provincial jurisdiction. Some provinces have adopted legislation authorizing the use of French and English in the provincial legal system, while others have not. This is further discussed in subsection 4.1.3.

Despite these jurisdictional issues, key informants believed that the federal government has a leadership role in promoting access to justice in both official languages. JUS has acknowledged this role in its 2016-17 RPP where it communicated its “intention to continue to support the

⁹ Department of Justice’s website. Retrieved January 2017 from: <http://www.justice.gc.ca/eng/rp-pr/cp-pm/about-ahprop/index.html>

¹⁰ Supreme Court Judgments: *Beaulac* (R. v. *Beaulac*, [1999] 1 R.C.S. 768.) <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1700/index.do>

implementation of the Access to Justice in Both Official Languages Support Fund by securing funding agreements with provinces, territories, universities, courts, non-governmental organizations and others.”¹¹

4.1.3. Continued need

Evaluation evidence confirms that there is an ongoing need to support language training for legal professionals and a need to provide legal information to Canadians living in OLMCs.

Since 2002, a number of studies and reports have identified an extensive need for programs and activities to improve access to justice in both official languages. Most of these studies were published before 2011 and were summarized in the previous evaluation. This literature focusses on the capacity of the system to deliver legal services in French. Although there are many professionals involved in the legal system, judges are deemed key players with respect to facilitating access to justice in both official languages. In many instances, judges do not undergo oral or written language testing and it is difficult to determine how many of them are bilingual¹². In addition, official languages commissioners have spoken out several times on the issue of the insufficient bilingual capacity in courts. The Canadian Bar Association has called for a sufficient number of bilingual judges to be appointed to ensure equal access to justice, and recognizes bilingualism as an important selection criterion for being appointed to superior courts. Despite the legislative and constitutional requirements in place, there are still limitations to accessing the courts in one’s language of choice due to the presence of unilingual judges^{13 14}.

In another document¹⁵, it is stipulated that the provinces have an obligation to meet the requirements of the *Criminal Code*, and that the provinces and territories have, for the most part, implemented legislative provisions and other measures to clarify the language requirements in their courts. According to Hudon¹⁶, provisions recognizing the right to use French before the

¹¹ Department of Justice: Report on Plans and Priorities (RPP) 2016-2017 http://justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/index.html (PDP p.36)

¹² Marie-Ève Hudon. Bilingualism in the Federal Courts (updated 2016). Library of Parliament.

¹³ Ibidem

¹⁴ Another study, Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary (2013) found that the “judicial appointment process does not guarantee sufficient bilingual capacity among the judiciary to respect the language rights of Canadians at all times”. It concluded that language training should mainly be about maintaining and improving language skills, not teaching a second language. It also stressed the point that the judicial appointment process should ensure that there are enough bilingual judges.

¹⁵ Marie-Ève Hudon. Language Regimes in the Provinces and Territories (updated 2016). Library of Parliament.

¹⁶ Ibidem

provincial courts are part of legislation in Saskatchewan, Alberta and the three territories. In Ontario, legislation recognizing the status of French before the provincial courts has been adopted. In New Brunswick, Quebec and Manitoba, these rights are entrenched in the *Constitution*. No provisions exist on the status of French in the provincial courts in Nova Scotia, Newfoundland and Labrador, British Columbia, and Prince Edward Island.

Key informants for this evaluation recognized the importance of training, not only for judges, but for all professionals involved in the justice system (from police officers to judges, including professionals from mediation and arbitration services). They reiterated that equal access does not yet exist because there are delays in accessing justice in both official languages in minority language communities.

The Initiative in Support of Access to Justice in Both Official Languages Evaluation (2012)¹⁷ found that there is a continued need to renew the awareness activities targeting youth and new Canadians. The evaluation also concluded that newcomers, in addition to having little knowledge of the Canadian legal system, simply do not have sufficient knowledge of the majority language to be able to navigate the court system in that language. Key informants added that legal information has to be continuously updated because it changes constantly.

Key informants also mentioned that the number of Canadians who go to court without a lawyer is increasing, which is confirmed by literature¹⁸. With the Internet, people have increasingly greater access to legal information which assists them in representing themselves when they do not have sufficient financial resources to afford representation. In criminal proceedings and in civil proceedings in some jurisdictions, these Canadians are entitled to access justice in their official language of choice. They also need to have access to legal vocabulary they can understand. Some key informants identified newcomers to Canada as having greater needs in this area as many come from countries with a very different legal system.

¹⁷ Initiative in Support of Access to Justice in Both Official Languages Evaluation.2012). Retrieved in January 2017 from: <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/12/bole-edlo/p1.html>

¹⁸ According to a JUS document, several Canadian studies have noted increases in self-represented litigants over the last two decades as reported by court staff, judges, lawyers, other family justice service professionals, and as indicated by court data. In the last 12-15 years, an increasing number of divorcing parents did not have representation when resolving child-related issues such as custody, access and child support. (<http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/jf-pf/srl-pnr.html>)

4.2. Effectiveness

This subsection presents evidence related to the performance of the Initiative. Effectiveness was assessed through key informant interviews and a review of program files and data. It should be mentioned that the program files and data did not contain conclusive evidence about the longer-term outcomes of the Initiative. Few project files contained performance information with respect to outcomes. Nevertheless, project files indicate that the Initiative has allocated \$23.5M to 149 projects, for an average of 37 projects per year between 2013-14 and 2016-17 (see Appendix B: Allocated Funds – Additional Tables). Projects are grouped under the following rubrics:

- Activities/projects (e.g., Information Centres);
- Course Development (e.g., Common Law Certificate);
- Professional Training (e.g., Enhanced French Judge Training);
- Training Tools Development (e.g., *Jurisource*); and
- Recruiting (e.g., online mentorship for Justice in French for new immigrants).

Approximately 40% of the funding has been distributed to the Information pillar and 60% to the Training pillar. Activities and projects that provide information on legal rights and obligations fall under the Information pillar. The Training pillar includes course development, professional training, recruiting and training tools (see Appendix B).

Table 1 below provides an overview of funding amounts distributed to specific projects between 2013-14 and 2016-17, while Table 2 shows the funding provided to each of the AJEFs. As shown, 27% of the Initiative's grants and contributions (Gs&Cs) was allocated to information centres, and 14% was allocated to provincial courts for professional training. Financial details regarding Table 1 are presented in Appendix B.

Table 1: Allocated Funds per Specific Project (2013-14 to 2016-17)

Specific Project	Funding Amount (\$)	Percentage
Information Centres	6,290,278	27%
Provincial Courts (including <i>Conseil de la magistrature</i>)	3,351,050	14%
Jurilinguistics Centres	2,940,793	13%
<i>Centre canadien de français juridique</i>	2,457,788	10%
<i>CliquezJustice.ca</i>	1,655,500	7%

Specific Project	Funding Amount (\$)	Percentage
<i>Jurisource</i>	840,500	4%
Projects specific to newcomers	434,405	2%
Other funded projects (including, for instance, university training programs)	5,554,432	24%
Total	23,524,746	100%

Note: Between 2013-14 and 2016-17, contributions and grants totalling \$23,524,746 were allocated to 148 projects. When a particular project is allocated funds for one year, it is counted as one project. If the same project is allocated funding for four years, it is counted as four projects.

Table 2: Allocated Funds to AJEFs for Various Projects (2013-14 to 2016-17)

AJEF	2013-14	2014-15	2015-16	2016-17	TOTAL
AJEF CB	\$204,937	\$209,000	\$181,050	\$162,050	\$757,037
AJEFA (includes an information centre)	\$68,000	\$300,000	\$255,350	\$245,016	\$868,366
AJEFS (includes an information centre)	\$108,666	\$202,543	\$250,000	\$206,463	\$767,672
AJEFM	\$68,000				\$68,000
AJEFO (includes an information centre, <i>CliquezJustice</i> and <i>Jurisource</i>)	\$525,200	\$1,137,000	\$1,144,000	\$1,068,000	\$3,874,200
AJEFNB	\$85,000	\$108,391	\$227,590	\$68,338	\$489,319
AJEFNE (includes an information centre)	\$74,694	\$290,622	\$274,332	\$246,933	\$886,581
Total	\$1,134,497	\$2,247,556	\$2,332,322	\$1,996,800	\$7,711,175

*Note: Since 2013-14, AJEFs were allocated funds for projects only. The term project refers to information centres, projects such as *CliquezJustice* and *Jurisource*, as well as various information and training projects.*

4.2.1. Projects related to the Information pillar

According to program documentation, the Information pillar aims to offer legal information services that help minority Francophone and Anglophone Canadians learn about their rights, obligations and responsibilities in the official language of their choice. Most of the projects funded under this pillar center on the provision of legal information to the general population, in French outside Quebec and in English in Quebec.

According to interviewees, many communication channels were used by these projects to disseminate legal information, including online sources, telephone services, workshops (e.g.,

language rights in criminal law), in-person activities and information centres (InfoJustice Manitoba, Alberta Legal Information Centre, Accès Justice Access Centre Nova Scotia, *Centre Info-Justice* in Saskatchewan, and the Ottawa Legal Information Centre). Audiences for these activities included the general public, law professionals and other professionals (such as health, education and social services professionals) to help them serve their clients and identify those that need legal help. The information centres provided information services and referred users to sources covering not only areas of federal jurisdiction (e.g., criminal, divorce, immigration), but also issues of shared jurisdiction and provincial legislation.

Legal Information Hubs

Many of these projects were delivered through the Legal Information Hub organizations, which in most cases are managed by the local AJEFs. Through these projects, the associations provided information, guidance and support to help people better understand what they are facing. Clients have access to online legal information and in-person services without an appointment, at no charge, and in the minority community's official language.

In **Manitoba**, the Initiative allocated resources to a legal information centre that provides legal information in person, as well as responses to email/telephone queries. Some information sessions have been delivered in rural communities, such as sessions targeting the elderly, sessions in schools, etc. The centre uses information online provided by *CliquezJustice*, which is another project funded by the Initiative. One of the challenges noted in Manitoba was that many users do not have the financial resources to access legal counselling services (and they are not eligible for legal aid). The information they receive helps them be prepared when they go to court without a lawyer, according to interviewees. Those who have the resources to hire a lawyer do not come to the centre (few lawyers, however, are bilingual). One project representative said that in spite of all the information provided by the centre, users in Manitoba struggle to find bilingual lawyers, which is a barrier to access justice in French. Project representatives are confident that the centre provides information services to Francophones in French, and in a timely manner. This encourages them to ask for court hearings in French.

In **Alberta**, a project was developed to support bilingual capacity in the private bar. Many Francophones live in rural communities in Alberta. A number of rural lawyers, including lawyers who speak French, will soon be retiring. For this project, activities consisted of matching bilingual law school graduates with bilingual law firms in order to develop a new generation of bilingual lawyers. A website was developed to match graduates with lawyers. Jobs are posted on the site, and access to the site is free. Work was also done with Law faculties in Alberta to pair French-

speaking graduates with lawyers who also speak French in law firms. Tours were organized to engage firms to participate in the project. According to interviewees, the project representatives were successful in reaching law firms, and graduates have been using the system to connect with the firms. They monitor progress using Weblog analytics, and there was evidence of some graduates being hired in firms located in St. Paul and Red Deer.

An organization in **St. John's, Newfoundland and Labrador**, received funds from the Initiative to provide legal information for Francophones in that province. The organization provides this information to allow Francophone minorities to learn about their rights, obligations and responsibilities in the official language of their choice. One of the projects also involved updating a database of French-speaking lawyers and legal agencies/organizations that offer legal services in French in the province. This information is made available to the public upon request.

In **Saskatchewan**, Initiative resources helped fund the creation in 2015 of a centre which responds in person to users seeking legal information. The centre also offers legal information workshops, which interview respondents deemed as being very effective and efficient in reaching many people. Each workshop has approximately 10 participants and lasts about 40 hours. They focus on specific topics, such as family mediation (for which there is a lot of demand according to project representatives). The centre has a Facebook page, and provides information by telephone to users. Furthermore, it offers workshops on law terminology for lawyers. According to interview respondents, all of these events are effective and encourage people to ask for services in French. Interview respondents said that many Francophones still do not know that they can access some justice services in French in Saskatchewan.

The Initiative provides funding to *Éducaloi*, an independent non-profit organization, to finance their provision of legal information through a portal for Anglophones in **Quebec**. The objective is to improve access to justice in Quebec through public education and information. *Éducaloi.qc.ca* provides translations of existing resources and tools, and adapts their content to reflect the cultural references of Quebec's Anglophone and allophone community whose first official language is English. Project respondents mentioned that they were well connected with the community stakeholders to inform them of the *Éducaloi* portal and how they can use it. Stakeholders include organizations and professionals that provide services in various sectors, including health, social work, education, etc. The tools of the portal allow the users (professionals) to recognize the legal dimensions of a situation with a client. The project is based on studies and survey data. It also tracks the statistics associated with the portal to identify priorities. Project representatives noted that the five-year funding allowed them to develop relationships with their users. It was mentioned that the portals were also used by the general public. *Éducaloi* is "highly respected" according to

one community representative, who also said that “the feedback from our members is that people do access *Éducaloi* and are very happy about it”.

In **Ontario**, the *Association des juristes d’expression française de l’Ontario* (AJEFO) has received funding for the *Centre d’information juridique d’Ottawa* (Ottawa Legal Information Centre), which provides legal information and referral services to residents of the Ottawa region and Ontario in general, in both French and English. Some staff are lawyers and can provide legal information for more complex questions.

Although the Centre offers services to the general public, there is a number of target groups, including low-income individuals and those with lower education, who lack the skills and/or resources to find legal information on their own. Many of these users cannot obtain this information from legal aid or other services for various reasons. The Centre also targets those in the medium-wage category who are not eligible for legal aid, and yet cannot afford services from a lawyer. According to documentation, approximately 85% of the Centre’s clients are not assisted by lawyers in their dealings with the legal system.

The Centre provides information that is updated on a regular basis, according to a project representative. In addition, the Centre organizes information sessions for the general public and offers practical tools for users. When relevant, the Centre refers users to professionals and has a database of 120 organizations for this purpose.

To assess its performance, the Centre conducted surveys of its users. Results indicate that those who have accessed the Centre’s services were generally satisfied with the quality and usefulness of its services. In 2015-16, 1,239 clients received information from the Centre, and the number of users is increasing each year. Clients meet for approximately 30 minutes with a representative from the Centre to obtain information, which is typically an explanation about a piece of legislation or procedures in court. The Centre provides services in both official languages; however, its working language is French and it actively promotes its services in French. According to the Centre’s mid-term evaluation report, approximately one third of its users are French-speaking, while Francophones account for approximately 20% of the Ottawa region’s population.

The Initiative also supports a national portal called *CliquezJustice.ca*, which is managed by the AJEFO. The portal contains legal information and video clips (in French) to help users understand their rights and be better prepared if they face a legal situation. It is promoted through various channels, including social media and presentations in schools and communities. In 2015-16, the portal had approximately 6,000 visitors per month. Video clips on the site were seen 53,259 times,

which corresponds to about 4,400 views per month. During that period, work was done to include more specific information regarding provinces/territories to the existing content. The site targets multiple users, including the general public, youth (12-18 years) and teachers.

Some respondents said that although this is meant to be a national site, it will be a challenge for the organization to keep the information up to date. Although the objective was to get information from and about other jurisdictions, a few respondents said that the transfer of information has thus far been limited. It was explained that there was some resistance from both parties (portal representatives and regional organizations) to such exchanges of information. Some respondents said that there was no national needs assessment done about the information side of programming, and that a needs study could help future decision making about these issues.

A number of respondents provided overall comments about the Legal Information Hubs projects. They mentioned that reach was an issue. For example, certain regions have bandwidth limitations and can only access part of the online information in a user-friendly way (or not at all). Respondents wondered if specific populations, such as the elderly, can access the online information. Others pointed out that this pillar is not yet integrated and that there is not really an information “network” like there is on the legal training side. It should be mentioned that the federation of AJEFs has made efforts to promote/share information and expertise, including training sessions for staff and volunteers providing legal information in local centres. The federation has also done work to identify best practices. However, it was acknowledged that it would be difficult to have an integrated approach given the various legislation/jurisdictions involved.

Projects for Newcomers

Within the Information pillar, the Initiative also supported projects aimed at newcomers (immigrants).

One of the projects, led by *La Passerelle-Intégration et développement économique*, aimed to educate young French speaking immigrants and their parents about their language rights and the Canadian justice system. This was done through awareness and education workshops on various themes such as language rights, family violence, vandalism, etc. Workshops were held in Toronto, London, Hamilton and Ottawa with a total of 110 participants. At the time the evaluation was conducted, additional workshops were held (or planned) in Alberta, Manitoba, British Columbia and Nova Scotia. Some training was facilitated by students from Collège Boréal’s legal assistant program who were members of ethnocultural communities and racial minorities.

Another project, conducted by the **Ontario Justice Education Network**, provided sessions to young Francophone newcomers about the justice system in Canada. The sessions were focused on skills development, knowledge building and attitudinal changes. The Network specifically aimed to educate Francophone youth living in high-risk communities and Francophone newcomer youth about misconceptions regarding the justice system. It also offered information on Canada's justice system (i.e. right to a trial in French) and on career opportunities within the justice system.

A third project under the newcomer theme focused on the **mentoring of members of visible minorities**. It stemmed from a study showing that visible minorities are not well represented in the legal profession. Project activities consisted of matching mentors (lawyers, police officers) with mentees (youth) through an online system. According to project representatives, the project was a success: it allowed the mentees to meet people from other communities in the area of justice. According to one representative, the mentees indicated that these linkages with the various stakeholders in the justice system led to an improved access to justice.

A final project example consisted of workshops that provided legal information in plain language to newcomers in French, such as how to access the legal system. Culturally adapted resources were developed for this purpose. Two years ago, a workshop on family law was also developed and was very successful. Project representatives indicated that surveys conducted following the workshops revealed that 90% of the participants used the information.

A few respondents mentioned that using a tailored approach instead of a one-size-fits-all approach is a good practice for newcomers. Projects need to take into account the cultural and contextual backgrounds of the various newcomer groups.

To summarize, projects under the Information pillar allow the provision of legal information to legal system users through online information sources and/or in-person individual or group sessions. These services are provided to many users, including Canadians who do not have access to legal aid and cannot afford to use a lawyer. Information is generally deemed useful and tailored to the needs of various groups. Although work has been done in the area to date, ongoing efforts will be necessary to coordinate the various projects, especially those delivered online, in a more integrated manner.

4.2.2. Projects related to the Training pillar

The Training pillar includes projects related to training and development of justice professionals in order to improve their second language skills. The purpose of these projects was to increase

their ability to offer services in French outside Quebec, and in English in Quebec, as part of their work within the justice system. These projects include in-person and online training for judges and other legal professionals. They also included projects to develop jurilinguistic tools and other online resources for legal professionals.

Training for Judges

The Initiative supported a number of language training projects to increase the bilingual capacity of judges. Training was provided by the **New Brunswick Provincial Court** with support from the *Centre canadien de français juridique* (CCFJ). These French training sessions for judges were delivered using case studies of court proceedings in a simulated environment (i.e. moot court). Two sessions per year have been provided, and training has focused on criminal law. The program also included vocabulary workshops and provided participants with tools, pronunciation guides and lexicons. Additionally, the program developed a grid (KORTOJURA, available online) to help evaluate initial language skills of justice professionals (oral, reading and writing, with an emphasis on oral) and to assess progress of the training participants. The test was developed with the help of experts in law, training and learning technologies. The courses were developed in consultation with the Canadian Council of Chief Judges (provincial courts) and were delivered by a team of judges and legal professionals. The Centre also provided special sessions for specific groups and webinars.

Approximately 100 judges have attended the sessions since 2011, with travel costs being covered by provincial governments. One key impact of the program, according to one project representative, has been the increased awareness among the participants of the importance of the linguistic issues in the system. According to the project respondents, participants appreciated the experience and most continued their participation in following years. One user mentioned that the training is in line with needs related to criminal law.

Despite these successes, the training has limitations, according to some respondents. One stakeholder said that the Initiative cannot meet the needs of the judges community, given its size (approximately 800 judges across Canada), and does not address the needs of the other professionals in the system, including the lawyers and prosecutors. If one link in the legal chain is unilingual, then there is a risk that all will be done in the language of the majority. Similar views were expressed by a project representative, according to whom the main problem in the legal system with respect to French services is not necessarily during the trial (chief justices usually have the flexibility to assign a bilingual judge with some delays due to the shortage of bilingual judges). Rather, the lack of French services is problematic before the trial – that is, at the

preliminary procedures and hearings stage. There is a need to increase the language skills of these other stakeholders in the system.

Some pointed out that the training was not an extensive language course — it is intended for judges who already have a basic knowledge of French. Extensive language courses would be delivered by training institutions. One respondent mentioned that there is no training for civil procedures such as divorce, probate, family disputes or general civil lawsuits, for which the respondent believed there is a need in terms of language training. One external respondent said that although good work is being done with this project, the curriculum could benefit from consulting even more with experts in the area of linguistics.

The Quebec counterpart of the Training component is the project **English language training for judges**. This project takes place in Quebec and New Brunswick, with a summer session at Bishop's University (Lennoxville, QC), and in St. Andrews, N.B. The courses in St. Andrews were developed in cooperation with the CCFJ and are based on the case study approach done with Anglophone judges. Over the last two years, approximately 30 participants have attended semi-private courses and 15 attended the immersion sessions per year. According to project reports provided to JUS, all judges registered in the program have reached the objective of increasing their skills to hold a trial in English. In 2014-15, it was reported that all judges have progressed as expected from one level of skills to another in the two-year period.

However, by program design, participants can only attend the session once. For this reason, program representatives have been working on a pairing system (*jumelage*) to help the learners after they have attended the course. Respondents said that the judges appreciated the course and that their participation is indicative of the need for this training. The program meets the current needs and there is no waiting list, but there is an ongoing need given the constant flow of new judges.

Two respondents said that there was no overlap with the sessions at Bishop's University, whose courses focused on civil law.

Training of Legal Stakeholders

The Initiative has also supported projects and activities for other stakeholders in the legal system. The CCFJ provided training for stakeholders (Crown prosecutors, probation officers, etc.) who did not benefit from the training offered to judges. It is the same approach used for the sessions with judges, that is a case study approach in simulated situations (i.e. moot court). The course itself has

two parts: a webinar, followed by in-person sessions lasting one week. Volunteer judges participate in the simulations. The project representative said that there are no evaluations at the end of the courses, but that he has heard of improvements resulting from the course, such as court clerks corresponding in the minority language.

One user said that she has seen progress over the years. Employers are now more open to letting staff participate in these courses. The in-person sessions also provide networking opportunities. Another user, a lawyer who attended in-person sessions, said that although he was a bilingual Anglophone, the session has given him the confidence to work in French in the courtroom. He says that the demand for French has increased in courts and that today, he regularly works in French in courts in his province. The case study approach has allowed him to practice preparing questions in French for the courtroom. His scores in the course quizzes (early and later in the course) indicated that his knowledge had improved. Another user, a clerk from a different province, said that before he attended the course, he could speak but could not write in French. Furthermore, he did not know legal terms in French. The user said that the case study approach is an effective way of learning key terminology. He can now perform as a clerk in a court case in French. He added that there is a need for training in the area of family law (divorce).

Some online courses have been supported in Manitoba and in Ontario. In Manitoba, *the Centre de ressources en français juridique* (CRFJ) provided an online course for legal support staff which focused on criminal law. The course is aimed at a wide range of users, including court clerks, probation officers, interpreters, Crown prosecutors, etc. During interviews, project representatives indicated that they would like to extend their target group to social workers and those who work with newcomers. A user commented on the online training provided by the Institut Jean-Dubuc, which was supported by the Initiative. He appreciated the online format which made it accessible.

In terms of alternatives or improvements that could be made to the program, some added that there is an opportunity for “train the trainer” projects; better evaluations to assess the language skills of training participants; as well as funding for one-on-one language training.

Réseau national de formation en justice

The *Réseau national de formation en justice* (RNFJ) is another organization that has received Initiative funding. Founded in 2014, the RNFJ aims to increase the capacity of Canada's justice system to implement constitutional, legislative and regulatory provisions allowing access to justice in both official languages. The RNFJ also gathers statistics and coordinates the projects of its members, which include faculties of law and legal translation/terminology centres of ten colleges

and universities, two provincial government training programs, the AJEFO (which administers the *Jurisource.ca* national portal), the *Fédération des associations de juristes d'expression française de common law inc.* (FAJEF) and the CCFJ.

The RNFJ has also established a number of partnerships, including with the Canadian Police Knowledge Network and the Ontario Provincial Police, and attends working meetings of the Ontario government's French Language Institute for Professional Development. In addition, the network has established linkages with various post-secondary institutions. RNFJ met with community representatives and established a number of linkages with the English communities in Quebec, including McGill University.

Most respondents said that the RNFJ has been successful in creating synergies between its 14 members. A respondent from the CRFJ talked about a needs study conducted by the Centre, and said that the RNFJ was very helpful, opened doors and helped with the consultations. When the CRFJ considered developing a national training program for social workers, the RNFJ was very helpful.

Jurisource.ca

This project consisted of developing a portal that provides French legal terminology and tools for legal professionals outside of Quebec. The portal includes a search engine that provides access to contract templates, lexicons, thematic resources, professional development tools, jurisprudence, etc. Potential users include lawyers, judges, clerks and law students. The portal receives about 600 visits per month. The *Jurisource.ca* team mentioned that it obtained positive feedback on its product.

Some respondents noted that *Jurisource.ca* has had problems locating materials (templates of contracts, agreements, etc.), except for those provided by academia. Project representatives said that they have had difficulties getting materials associated with court cases to develop templates and tools.

One academic said that this type of tool is essential for the community. Another user mentioned that the portal is user-friendly, but that the search function does not distinguish between the types of tools, and there appeared to be no validation of the materials.

Jurilinguistics Centres

There are four jurilinguistic centres, in Moncton, Ottawa, Montreal and St-Boniface (Winnipeg). The centres received funds to develop tools, dictionaries, translations of key legal terms, and to translate common law and civil law. The *Jurisource.ca* website has links to the materials produced by the centres. Each jurilinguistic project has specialty areas and work is coordinated to avoid overlaps. One respondent said that the centres work together closely.

In Winnipeg, the CRFJ has been very active in developing and offering training for court clerks. They conducted surveys of users and results were positive, according to one respondent.

The *Centre de traduction et de terminologie juridiques* (CTTJ) in **Moncton** worked on translation (terms and analyses) and standardization, and developed French vocabulary in the area of common law. The CTTJ also created JURITERM, which is a terminology database in French dedicated to common law and produces the Juridictionnaire, which contains definitions of complex terms and resources. These resources allow OLMC legal professionals from Common Law jurisdictions to function in French.

According to the project respondent, jurilinguists as well as academics, legislators, clerks, journalists and students use the Centre's resources. One user mentioned that the terminology produced is rigorous and helps specialists provide better services in French. Another user reported that while the content is appropriate, the interface needs to be modernized, to be made more appealing.

The Centre for Legal Translation and Documentation (CLTD) at the University of **Ottawa** was created to set up the necessary legal documentation for the practice of law and the carrying out of legal services in French in Ontario and other common law jurisdictions. The CLTD participated in the development of French vocabulary for Ontario's legislation and the common law. The CLTD's website contains various online resources, including a section titled Ontario Case Law (French translations of decisions), a legal glossary of federal statutes, and templates for wills.

The Paul-André Crépeau Centre for Private and Comparative Law (McGill University) in **Montreal** received some Initiative funding for several of their activities. In addition to producing bilingual dictionaries for the private law of Quebec and offering civil law workshops for lawyers and notaries, the Centre organizes summer institutes of jurilinguistics. These summer institutes are day-long conferences attended by legal translators, lawyers, judges, plain language specialists and other interested people, with a total of 120 participants each year.

Overall, project recipients, experts and other respondents identified best practices related to these projects:

- Since not all law professionals have expertise in the area of linguistics, it is important to involve professionals from both legal and linguistic areas of practice in the development of templates.
- The creation of the RNFJ, which allows synergies and collaborations between institutions, was mentioned as a good practice.
- One respondent said that having the dictionaries online has made a huge difference, since “not everyone is going to pay money for a printed dictionary”. It is felt that the tools provided help to make it possible to work in English in Quebec.
- Some mentioned that the collaboration between jurilinguistic centres was a good practice.

One respondent said that the centres could play a greater role in disseminating standard templates for users.

In terms of resources, over the period covered by this evaluation, \$2.9M, or 12.5% of the total allocated Gs&Cs resources, were directed towards the jurilinguistic centres. A couple of interview respondents noted that this is significant in light of the fact that the centres’ activities have an indirect impact on users of the justice system. These respondents wondered if the work of the centres could be left to (and funded by) other groups, such as academia or the Translation Bureau of Public Services and Procurement Canada (PSPC)¹⁹.

To summarize, the Initiative supports various training activities geared towards justice professionals, including judges, clerks and other professionals. Although there is a lack of data to assess the skills acquired, the training activities are deemed relevant and useful by those who manage them as well as those who have participated in them. There is also evidence that the dictionaries, tools and templates developed through the jurilinguistics projects are used by the community, including linguists, academics, legislators, clerks, journalists and students. However,

¹⁹ According to the PSPC Departmental Plan (2017-18), the Translation Bureau offers translation, revision, interpretation and other linguistic services for Parliament, the judiciary, and federal departments and agencies. The Translation Bureau also provides services to Canadians through the Language Portal of Canada, which is a one-stop window that contains writing tools, quizzes and links to help Canadians improve their English and French. The Portal leads to Termium Plus (online), which is the Government of Canada’s terminology and linguistic data bank. The data bank provides translated terms in many fields, including Law and Justice.

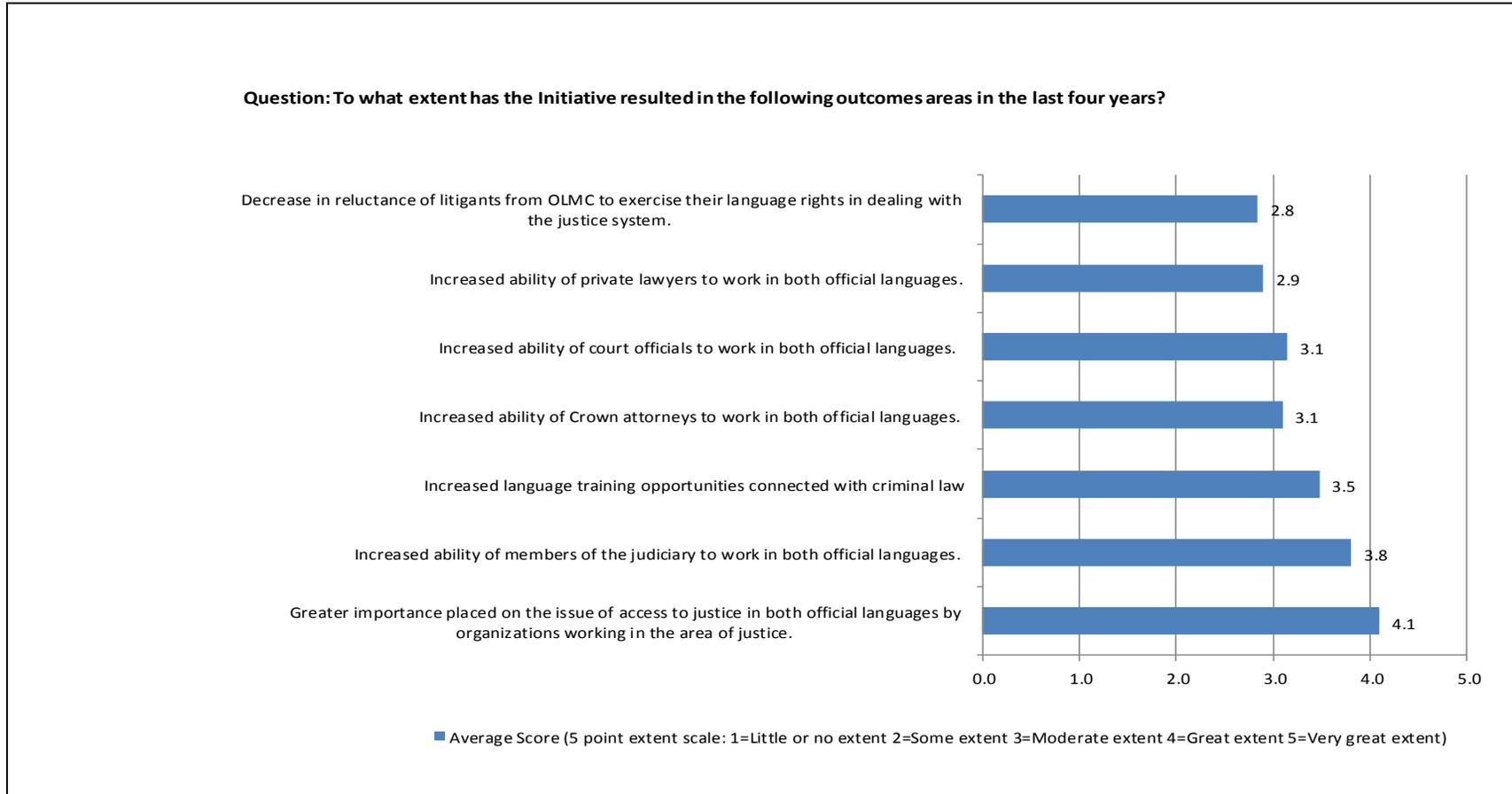
concerns have been expressed about the level of investment made by the Initiative in these activities (jurilinguistics), which could possibly be funded by other organizations.

4.2.3. Summary of impacts of all projects

As part of the interview, key informants (funding recipients and experts) were asked to assess the extent to which the Initiative resulted in various outcomes using a five-point extent scale. Results are shown in Figure 1. According to the results, the average score was highest for the following impact areas: “Greater importance placed on the issue of access to justice in both official languages by organizations working in the area of justice”, as well as “Increased ability of members of the judiciary to work in both official languages”. On average, respondents rated these as 3.8 and 4.1 on the extent scale (great/very great extent). They rated the following items as being the result of the Initiative to a moderate/great extent: “Increased language training opportunities connected with criminal law”, “Increased ability of Crown attorneys to work in both official languages”, and “Increased ability of court officials to work in both official languages”.

Respondents attributed lower scores (little/some extent) to: “Increased ability of private lawyers to work in both official languages” and “Decrease in reluctance of litigants from OLMCs to exercise their language rights in dealing with the justice system”.

Figure 1: Impacts of Initiative According to Interview Respondents



Source: Closed-ended questions asked to key informants (funding recipients and experts) (n=36)

4.2.4. Performance measurement and project selection processes

Performance measurement

The evaluation assessed the extent to which performance data are collected and incorporated into the day-to-day management of the Initiative. Based on a review of documentation, the Initiative's performance data is mostly derived from reports provided by the Gs&Cs recipients, and data from feedback surveys administered to advisory group members after their meetings. The Gs&Cs reporting template mostly included open-ended fields that respondents completed with narrative information. It is standard for all agreements.

Program officials said that the reporting system had a number of limitations. First, the narrative format caused inconsistencies — some reports were detailed, others less so; some contained quantitative information, while others did not. Questions in the template were deemed too broad (e.g., “explain how objectives have been met”). Some organizations did not provide a final report, and did not get the final payment as a result. For all of the above reasons, it was difficult for the evaluation team to assess outcome achievement.

Respondents said that the current information system is used by the program to report back to JUS (for the Departmental Performance Reports) and Canadian Heritage (for the Annual Report on Official Languages and other reporting requirements under the Roadmap). Some of the project reports were also made public, which allowed the communities to access this information. It was also mentioned that the project reporting system was under review and that one of the options considered was to require interim reports to see if projects were on track.

Project selection processes

With respect to the project selection process, respondents were asked questions about the clarity and transparency of the application and selection processes. Program officials said that the processes are clear and rigorous, and that the information for funding applicants is clear. Although there are no stated selection criteria, the objectives of the Initiative are clearly laid out, according to government respondents. They also mentioned that the ratio of successful versus unsuccessful applications is appropriate (with about 85% of applications receiving funding). The review of documentation confirmed that the departmental website provides clear information with regard to

the program's objectives. It also explains who is eligible and offers examples of types of projects or activities that could be funded through the Initiative²⁰.

Responses from funding recipients were more diverse. The majority of respondents said that communications about the Initiative and the selection process were clear. A few mentioned that the fact that there is no set date limit to send the applications makes it easier for applicants. However, approximately one-third of the respondents representing the funded organizations said that the selection process was not totally clear, and that there is not a lot of feedback regarding why some applications are unsuccessful. Some mentioned that the priorities used by the selection committee to select projects were not clear. However, a few respondents mentioned that the program representative/officer was very helpful when applicants connected with him to ask questions (e.g., to explain differences between pillars, what to do if the project was unsuccessful).

Otherwise, the two-stage proposal process oftentimes used by JUS is seen as a good practice. Under that process, applicants are first asked to submit a summary before writing a full proposal. This prevents applicants from investing a lot of time in developing a project proposal that would have a low probability of receiving funds.

4.2.5. Complementarity between Information and Training pillars

The evaluation assessed the extent to which there was complementarity between the activities under the Information pillar and those under the Training pillar. Overall, respondents said that both pillars complemented each other.

Respondents from government generally said that there was complementarity between pillars, the Information pillar aiming at the demand side, and the Training pillar serving the supply side (professionals). Most project representatives, experts and other respondents agreed that the pillars complemented each other, with one respondent explaining that one pillar "feeds" the other (Information feeds the Training deliverers).

4.2.6. Consultation structures

To examine the effectiveness of consultation structures, the evaluation collected information from key informant interviews and results from the analysis of two post-event surveys (2015 and 2016)

²⁰ Access to Justice in Both Official Languages Support Fund (Website) <http://www.justice.gc.ca/eng/fund-fina/jsp-sjp/ol-lo/index.html>

administered to the members of the Advisory Committee on Access to Justice in Both Official Languages (Advisory Committee) to gather feedback. Overall, respondents mentioned that the two consultation structures, the Advisory Committee and the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages (FPT Working Group), were conducive to cooperation between partners.

Advisory Committee

Key informants agreed that the Advisory Committee was conducive to an increased cooperation between stakeholders. They found committee meetings to be good opportunities to share ideas with JUS and other members of the community. The meetings allowed participants to learn about best practices (as well as what did not work) in other jurisdictions and the in-person format facilitated instant feedback. Meetings were perceived as an excellent networking vehicle because participants could meet and discuss with each other directly. Cooperation from participants at meetings was deemed excellent. Key informants from the federal government added that the Advisory Committee meetings allowed JUS staff to have direct contact with community representatives, understand the context, test ideas and exchange thoughts.

The analysis of results from the two post-event surveys corroborated the key informants' perceptions. Participants were satisfied with the overall organization of meetings. Networking, discussion and sharing were the most appreciated elements of the meetings. Respondents were more satisfied in 2016 for the time they had for this activity than in 2015 (89% compared to 75% in 2015), and indicated that they appreciated having the opportunity to meet with members of the Department and the Support Fund team. They also enjoyed the panels and round tables. The results of the two post-event surveys revealed that participants were mostly interested in topics such as:

- Information about the next Action Plan 2018-2023 regarding access to justice in both official languages;
- Presentations from OLMC representatives from different provinces on the needs of their communities, including strategic partnerships and projects/activities that had been or could be realized; and
- Issues regarding hard-to-reach clientele and newcomers' access to justice in both official languages.

At the same time, the evaluation noted that the mandate of the Committee has not been formally revised or updated since 2003, and that its members have expressed an interest in seeing the

Department play a greater role in terms of consulting with and coordinating between stakeholders. The following specific suggestions regarding the Advisory Committee were made by key informants and survey respondents:

- Involve participants from other departments in the justice system, including Royal Canadian Mounted Police, Canada Border Service Agency, Immigration, Refugees and Citizenship Canada, etc.
- Use a format that could be more open-ended to allow discussions.
- Have JUS use various mechanisms to engage and consult with other groups, such as:
 - face-to-face meetings (this was the most common suggestion to engage people);
 - telephone meetings or Skype with small groups (of up to five participants) to discuss one or two key questions during a one-hour meeting; and
 - have more time to network, discuss and share issues specific to each province and less time to inform participants. Even though participants were more satisfied (89%) in 2016 than in 2015 (75%) with regard to networking, discussion and sharing, they indicated in the 2016 post-event survey that they would still appreciate more time for these activities.

FPT Working Group

Respondents who were able to speak to the work of the FPT Working Group said that the Group increases interjurisdictional collaboration and cooperation. It also facilitates the understanding of participants with regard to concerns about specific issues in certain provinces/territories, and potential solutions. It is a good forum to share information, including problems, solutions and best practices used in the other jurisdictions, even though the Group had not met every year.

Some respondents noted that the Initiative has not covered the travel costs of the FPT participants. Many participate via telephone, which has affected the quality of the meetings. One government respondent mentioned that despite this limitation, the committee structure in place can be seen as a good practice that builds bridges with a wide variety of groups, including academics, community representatives, association representatives and provincial representatives. The program has also been open to new ideas, including new ways of providing training and activities that are geared towards prevention instead of being reactive.

4.2.7. Unanticipated impacts

When asked about unanticipated impacts of the Initiative, the majority of respondents said that the activities led to networking and partnerships between organizations and training participants. Some explained that the Initiative allowed organizations to work with others, allowing them to work less in silos. For example, projects in the Information pillar led to linkages between health professionals and those involved in access to justice. On the Training side, it was said that justice professionals attending training also had the opportunity to have conversations and create linkages which continued after the events. One project representative said that their training project led to impacts on the Information pillar side of the Initiative.

4.3. Efficiency

4.3.1. Project funding mechanisms

Various dimensions of program delivery were assessed to address this issue, including the adequacy of the contribution agreements and the implications of the change with respect to core funding for organizations.

Adequacy of Funding Mechanisms

Overall, a total of \$17.1M in Gs&Cs was provided between 2013-14 and 2015-16. An additional \$5.9M was requested through project proposals but was not funded for various reasons. Of the 15 proposals that did not receive funding, two had been withdrawn and one funding application was incomplete (those three projects accounted for 23% of the requested but refused funds). Another two proposals were for core funding in years following its elimination (9%). Of the remaining 10 proposals, almost all were determined by the project selection committee to not meet the terms and conditions of the Support Fund, or to not be responsive to its most immediate priorities. Only one project, for which \$1.2M had been requested, was not funded strictly due to an insufficiency of funds. The relatively small number of proposals that were not funded by the Initiative suggests that the current level of Gs&Cs resources is appropriate to achieve the set objectives of the Fund.

When asked about the adequacy of the funding mechanisms, most interview respondents (from the recipients group) said that they were adequate. The agreements are deemed flexible and meet the needs of the organizations. Among the limitations mentioned, some regretted that core funding was no longer among the funding options open to AJEFs (discussed below), and that there are not

enough funds for the projects. One respondent mentioned that the multi-year projects could be divided differently to better match the actual expenses: for example, start-up projects typically involve more expenses in the second year of their life cycle than the first year.

Program officials said that the Gs&Cs agreements led to effective and efficient activities. However, some mentioned that the intellectual property clauses in the agreements are too restrictive from a government standpoint. The current clauses restrict the use by third-party entities of materials and other outputs developed solely with the Initiative's funds. A broader license could allow organizations to benefit from materials already created by another organization, rather than having to develop the materials themselves.

Government respondents mentioned that there is an opportunity to expand the list of partners and project recipients. Some also indicated that the program has now matured to the point where further work could be done to better integrate funded project activities to have a more coordinated approach nationally. Although efforts have been made, more work needs to be done to achieve this coordinated approach. One of the instruments to achieve this would be the use of more targeted calls for proposals. These calls could be communicated during the Advisory Committee meetings.

Impacts of Changes to Gs&Cs (Abolishment of Core Funding)

During the evaluation period, JUS changed some elements of the funding structure for the AJEFs. Prior to 2013-14, the AJEFs each received core funding (varying in amount from \$68,000 to \$150,000 per year), in addition to any specific project funding obtained through a project selection process. In March 2013, JUS announced that the core funding would no longer be provided to AJEFs. Going forward, funding would only be available for projects having a direct link with the objectives of the Initiative.

Government officials interviewed as part of the evaluation indicated that the rationale behind this change was to establish a funding mechanism that provided a better alignment of priorities between the activities undertaken by the AJEFs and the objectives of the Support Fund. They explained that core funding was never meant to be a perpetual funding mode, but rather it was put in place to assist in the development of a network of organizations capable of developing projects aimed at advancing the public policy goal of access to justice in both official languages. The core funding would then enable the AJEFs to submit additional proposals to the Support Fund.

However, internal analysis had revealed that some AJEFs, and the *Association des juristes d'expression française du Nouveau-Brunswick* (AJEFNB) in particular, had undertaken very few

projects directly related to the priorities of the Support Fund. In fact, there are years where some AJEFs would only receive core funding and not make any other application to the Support Fund. Therefore, there was little correlation found between receiving core funding and developing projects aimed at supporting the objectives of the Support Fund. JUS officials explained that project-based funding allows the program to ensure that the resources are used to fund activities and initiatives which directly support the objectives of the program. Using grants as a core funding instrument provides limited controls over how program money is used by the recipients. In the end, eliminating core funding increases accountability for Canadians and encourages organizations to develop projects that meet the needs of their communities.

The program did acknowledge that the abolishment of core funding would require some adjusting on the part of the AJEFs. In recognition of this, and to ease the transition, JUS provided transitional funding in 2013-14 to each of the AJEFs and the FAJEF. Each association received an amount identical to the core funding received in previous years. As a funding condition, part of that money was to develop a plan detailing the needs of the OLMCs they serve with respect to access to justice in both official languages, and to lay out a strategy on how the AJEF would meet those needs. The intent of these plans was to assist the associations in identifying projects that could receive multi-year funding going forward.

As part of the evaluation, respondents were asked about the usefulness of the transition funding. Most of the organization representatives agreed that this funding was useful and that they implemented their transition plan as expected. A respondent from an AJEF explained that it allowed their organization to develop a business plan on how to maintain and develop other partnerships, to participate in committees and to prepare future projects while maintaining a secretariat function. In at least one case, an organization expanded the size of some of its projects (i.e. national scope) to increase its overall project funding to compensate for the loss of core funding.

Organization representatives were also asked to discuss the consequences of this change to the funding model. Most respondents said that the change had significant implications for their organizations. Many mentioned that AJEFs have stopped or changed some of their activities, such as providing fewer training activities. It should be noted, however, that this type of project would qualify as one that could be funded through a project-based proposal, as it could fall under the objectives of the Support Fund. Some respondents also indicated that the AJEFs have reduced their activities related to networking, promotion and communications. According to two of the respondents, this has resulted in fewer linkages with faculties, other Francophone associations, law societies and provincial authorities, including the provinces that have no AJEFs. Two respondents

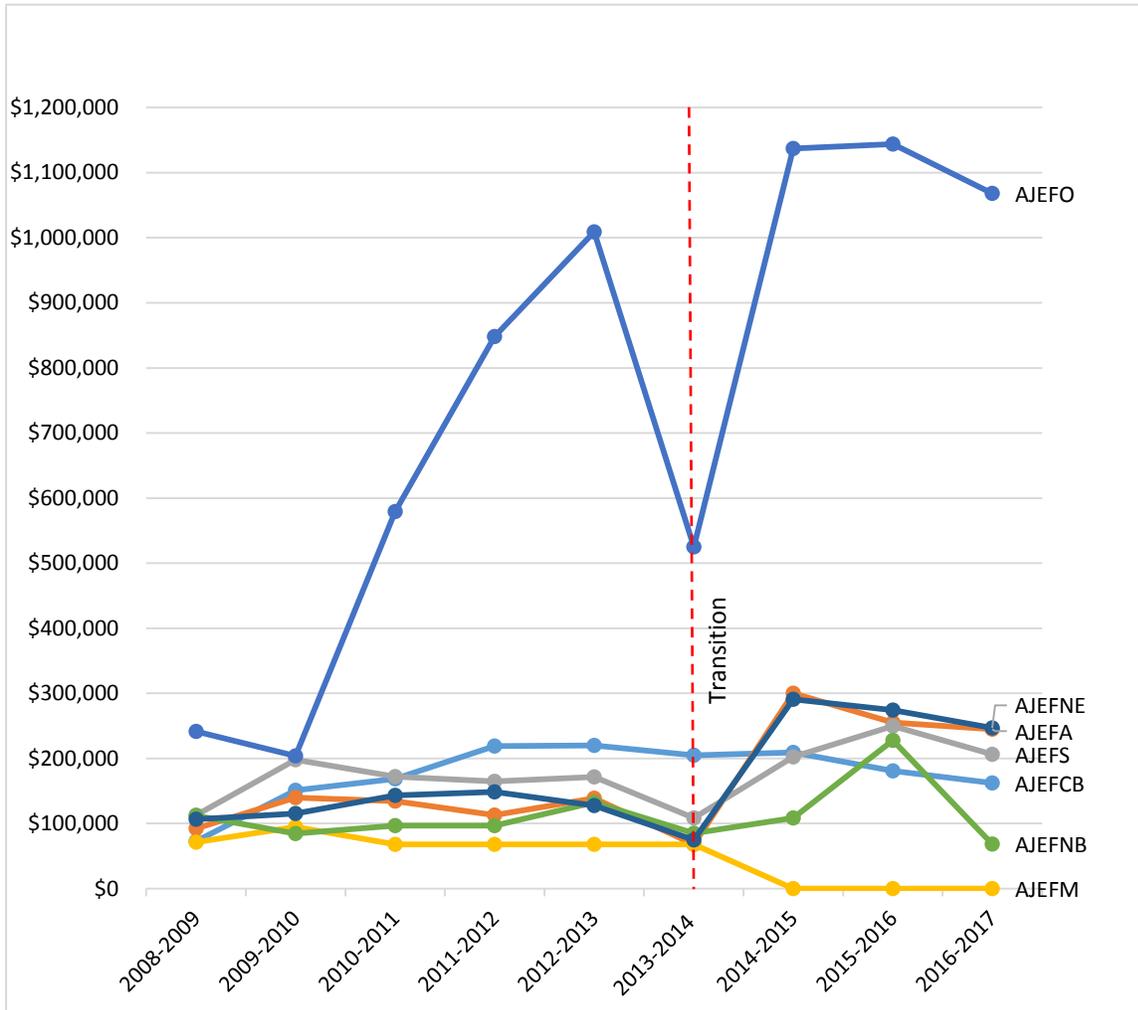
also indicated that the core funding had supported their participation in various committees, and that they now turn down some requests to make presentations due to lack of funds/time. Because AJEFs now function project by project, they rely on a set percentage allowed for overhead. One representative indicated that this complicates their internal administrative procedures.

Some representatives explained that the result of the abolishment of core funding is that the AJEFs' capacity to promote the use of French in the legal system of their province has been reduced; however, no further details were provided in this regard. One respondent mentioned that the Initiative should have a third pillar regarding the promotion of access to justice in both official languages. This suggestion was echoed by another evaluation respondent (not representing the AJEFs).

Although AJEF representatives noted their opposition to the end of core funding, and spoke of how their associations' activities have shifted as a result, none indicated that the needs of their OLMCs were no longer being met. Interview respondents spoke about the impact of the funding model change on their associations' operations, but not on the OLMCs they serve.

Most AJEFs have in fact received similar or greater amounts of funding after the transition year (2013-14). One exception is the *Association des juristes d'expression française du Manitoba*, which has not requested funding since 2013-14. The Figure below presents the total amounts of funding for each AJEF before and after the core funding was discontinued. The fact that most of these organizations continue to have access to similar (or greater) amounts of funding, coupled with the fact that the contribution model allows for greater oversight by the Department to ensure that funds are being spent in accordance with the objectives of the Initiative, lead the evaluation to conclude that the current funding model is the appropriate one.

Figure 2: AJEF Allocated Funding Before and After the Transition Year



4.3.2. Operational efficiency

The table below provides an overview of the financial profile of the Initiative (budget and expenditures).

Table 3: Financial Profile of the Initiative

	2013-14		2014-15		2015-16	
	Allocation	Expenditures	Allocation	Expenditures	Allocation	Expenditures
Salaries	\$591,271	\$712,754	\$591,271	\$741,669	\$591,271	\$717,257
O&M	\$594,604	\$94,652	\$594,604	\$148,992	\$594,604	\$80,578
EBP	\$118,254	\$142,551	\$118,254	\$148,334	\$118,254	\$143,451
Gs&Cs	\$6,492,846	\$4,280,472	\$6,492,846	\$6,365,032	\$6,492,846	\$6,466,010
Total	\$7,796,975	\$5,230,429	\$7,796,975	\$7,404,027	\$7,796,975	\$7,407,296
Allocation minus expenditures, total		\$2,566,546		\$392,948		\$389,679
Surplus as a percentage of total allocation		33%		5%		5%
Salaries + O&M + EBP as a percentage of total expenditures		18%		14%		13%

Note: PWGSC evaluation and communication costs are not included in the expenditures.

As shown above, the Initiative has been in an underspending situation over the three-year period. Although the percentage of administrative costs was relatively high the first year, it lowered to the level of 13% in 2015-16. There are no standards with respect to what would be an appropriate level of administrative costs, though some benchmarks have been established in the non-profit sector (16%)²¹. As shown, the program's administrative costs ratio has been generally lower than that of the charity sector benchmark. From this perspective, it is concluded that the program is efficient from an administration costs perspective.

4.3.3. Efficiency of the consultation structures

The evaluation assessed specifically the extent to which the consultation structures were efficient.

Advisory Committee Meetings

Annual meetings were held in 2015 and 2016. These meetings were held in person in Ottawa, and included community organization representatives, delivery organization representatives and

²¹ Although there are no known benchmarks regarding the administration costs of Gs&Cs programs in Canada, one comparison point used by many researchers is the charity sector. The most extensive study conducted in Canada about charity organizations indicated that on average, administrative costs absorbed by charitable programs represent 16% of their expenditures. The study was based on data from 69,230 organizations in Canada. Source: D. Sharpe, *A portrait of Canada's charities: the size, scope and financing of registered charities*. Toronto: Canadian Center for Philanthropy, 1994.

federal public servants. According to project files, the costs associated with the 2016 meeting were as follows:

Table 4: Advisory Committee Meeting Costs (2016)

	Cost to JUS (\$)
Travel costs	20,242
Hospitality costs	1,269
Costs for boardrooms and equipment	3,602
Total	25,113

Respondents were asked if these meetings were efficient in terms of the resources used to organize and hold them. Meeting participants agreed that they were efficient with government respondents echoing this, specifying that the Advisory Committee meetings are fairly low cost given the size of the program. Most expenses are related to travel for the participants. One respondent mentioned that a videoconference platform, in addition to the in-person participation, would allow other participants to attend the meetings. Another respondent added that virtual meetings could be envisaged to reduce costs, but that this would affect the effectiveness of the meetings. The fact of having participants together in Ottawa ensures quality interactions and provides valuable networking opportunities.

FPT Working Group

Meetings of the FPT Working Group were held in 2014, 2015 and 2016.

Committee members representing provincial and federal governments indicated that the meetings were efficient. One said that the meetings would be more efficient if more work was done or follow-up was made between meetings. This could be done by creating sub-committees or sub-working groups. Documentation for the meetings could also be distributed earlier to make better use of the meeting time. One mentioned that there could be more participants from the RNFJ. In previous meetings, representatives from the RNFJ did not cover all the provinces.

Respondents from government said that the Working Group meetings are highly efficient from a federal government perspective (see table below) as travel costs for non-federal participants are not covered by the program, though some jurisdictions do cover the costs for their own representatives to attend the meetings in person.

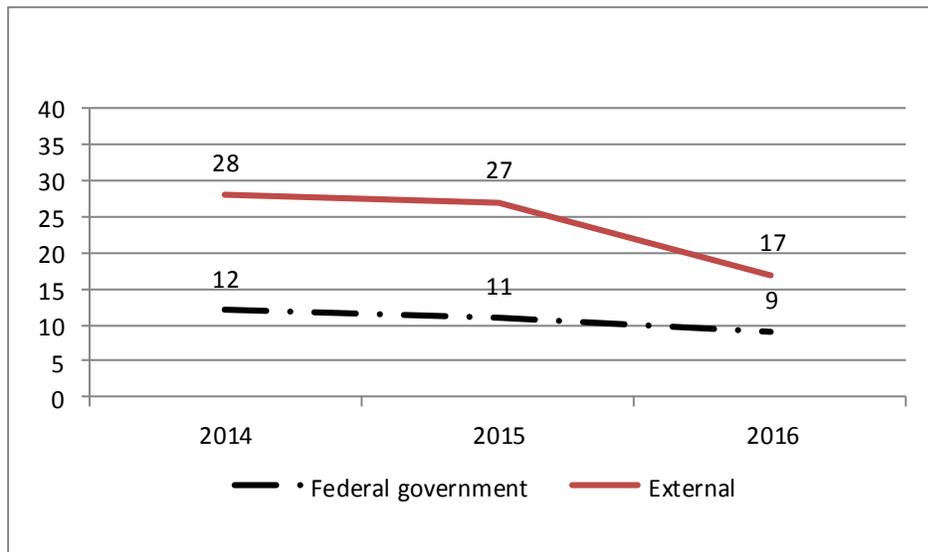
Table 5: FPT Working Group Meeting Costs (2016)

	Cost to JUS (\$)
Travel costs	872
Hospitality costs	560
Costs for boardrooms and equipment	5,646
Total	7,077

However, as mentioned earlier (Section 4.2.6), some respondents said that although the Working Group’s meeting costs are low, the teleconference format affects the quality of the communication and is not conducive to networking.

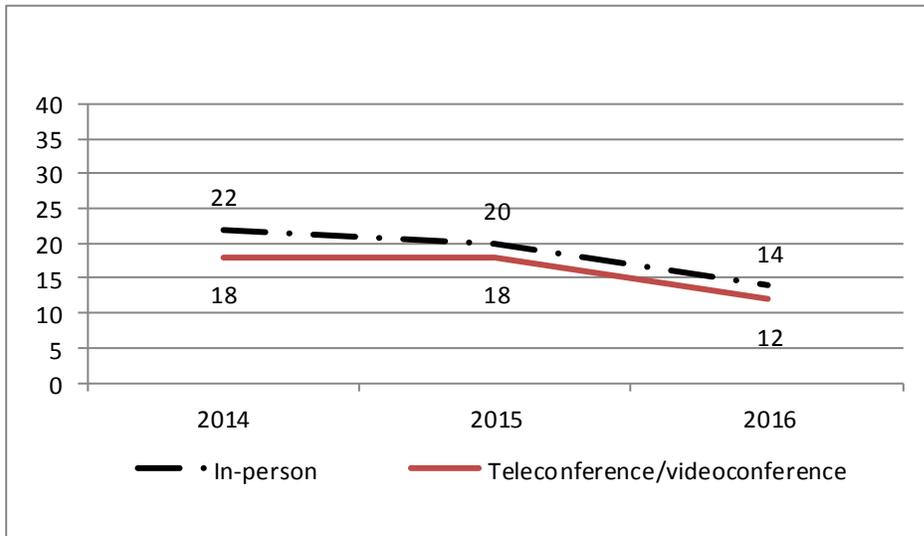
As noted in Figure 3 below, the number of external participants in the FPT meetings has gone from 28 in 2014 to 17 in 2016 (though the number of participants invited has remained stable). Figure 4 shows that participation rates for both in-person and telephone/videoconference attendees have declined during the same period.

Figure 3: Number of Participants in FPT Meetings by Year and Type



Source: Program data

Figure 4: Number of Participants in FPT Meetings by Year and Mode of Participation



Source: Program data

According to the interview findings, the lack of funding for participants’ travel costs has not only affected the quality of the communications throughout the meetings as noted above, but is also responsible in part for the decline in the meeting participation rates. Program officials are of the opinion that FPT representatives are less engaged and motivated to participate in the meetings on account of the lower-quality interactions resulting from the high proportion of participants dialing in. These respondents indicated that funding for travel should be considered to support participation in the meetings of the FPT Working Group.

5. CONCLUSIONS

The following points summarize the key findings of the evaluation.

Relevance

According to findings, the Initiative is aligned with the priorities of the Department of Justice and the federal government. The Initiative is also in line with the *Roadmap for Canada's Official Languages*, which references the Justice Information Hubs and justice training. The Initiative is covered in the JUS PAA and 2016-17 RPP.

According to documentation, the federal government has a legitimate and necessary role in the area of access to justice in both official languages from the perspective of the Canadian official languages legal framework. The basis of the legal framework is the *Constitution*, Part XVII of the *Criminal Code*, Part VII of the *Official Languages Act*, and sections 16 to 20 of the *Canadian Charter of Rights and Freedoms*. As confirmed in the *Beaulac* decision, the federal government has the responsibility to ensure that individuals accused of a criminal offense have judicial proceedings in the official language of their choice. In other areas of law, the use of both official languages in the court system varies greatly from one province and territory to another. For this and other reasons, key informants believed that the federal government has a leadership role in promoting access to justice in both official languages.

According to the evidence, there is an ongoing need to support language training for legal professionals, and a need to provide legal information to Canadians living in minority language communities. Multiple sources indicate the need for more bilingual capacity among judges. Key informants indicated that there is an ongoing need to train and support other legal professionals to ensure equal access to justice in both official languages. There is also a need for actions to ensure that OLMCs in general, and specific populations within those OLMCs such as recent immigrants, become aware of their rights and obligations, as well as a need to provide legal information in both languages, especially to support self-represented litigants.

Effectiveness

Effectiveness of Information pillar. Most projects under this pillar center on the provision of legal information to legal system users, either through online information sources, or in-person individual or group sessions. The in-person delivery model involves the provision of legal information and referrals to other professionals, including law professionals, as well as those in other sectors such as social work and health. According to the findings, the in-person delivery model also involves a wide range of information, including information about areas with shared jurisdiction (such as family law). These services are provided to many users, including middle-class Canadians who do not have access to legal aid and/or who cannot afford to retain a lawyer. Information is generally deemed useful and tailored to the needs of groups and subgroups within OLMCs, such as newcomers to Canada.

The reach of the online sources appears to be increasing, as indicated by the number of users. However, there were concerns about the amount of regional-specific legal information, which is lower than expected, and the challenge of updating the information in the future. Despite efforts in the area, additional work is needed to coordinate the various projects, especially those delivered online. A needs study may help the Department and partners to have a clearer picture of the needs of OLMCs and to make decisions about these projects in the future.

Effectiveness of Training pillar. Training activities funded by the Initiative were targeted towards justice professionals (judges, clerks and attorneys) to improve their second language skills. Training is mostly targeted towards individuals who already have some knowledge of their second language and includes both in-person and online sessions. Although most respondents indicated that these mechanisms were effective, there are no language assessments conducted following the completion of the courses to demonstrate this effectiveness. Some respondents also expressed concerns that generally, the training does not reach private sector lawyers. The RNFJ is deemed effective in connecting the various stakeholders involved in legal training.

The jurilinguistics centres have been effective in producing materials serving legislative authorities, translators and the academic community. The dictionaries, tools and templates developed through the jurilinguistics projects are used by the community, even though there have been challenges obtaining templates. Questions were raised as to whether some of their activities could be funded by other groups.

The evaluation assessed the adequacy of performance monitoring and found that the reporting template used by funding recipients has a number of limitations leading to inconsistent reporting.

Despite these limitations, the reports provided by recipients allow the program to meet accountability requirements (i.e. reporting back to JUS and PCH).

The evaluation assessed the appropriateness and effectiveness of the Gs&Cs selection process. Most respondents said that the program documentation, the selection process and application forms are clear, useful and easily accessible. Program staff assistance was deemed useful, with respondents indicating that the staff is eager to help applicants understand the Initiative and the funding application process.

Respondents mentioned that the two consultation structures (i.e. the Advisory Committee and the FPT Working Group on Access to Justice in Both Official Languages) were conducive to cooperation between partners. The Advisory Committee meetings are good opportunities for JUS and members of the community to share ideas and obtain feedback on these ideas. They also provide networking opportunities. The FPT Working Group increases interjurisdictional cooperation and helps the participants understand concerns about a number of issues in certain provinces/territories, and potential solutions. However, because travel costs are not covered by the Initiative, most external participants attend the meetings by telephone. Telephone participants are less involved and this has affected the effectiveness of the meetings.

Overall, most respondents said that the two pillars were complementary. They said that the activities under both pillars lead to networking and partnerships between organizations and training participants, resulting in less siloed activities and other positive impacts on the projects and the communities.

Efficiency

Most of the recipients indicated that the Gs&Cs agreements were appropriate and that the level of funding was adequate. From the perspective of JUS, the agreements limit the Department's capacity to share content created with Support Fund resources between recipients due to the restrictive intellectual property clauses used in the Gs&Cs agreements. There is also an opportunity to have more specific calls and agreements to allow for a more integrated approach.

The AJEFs also used to receive core funding in the past and were critical of the Department's decision to replace this type of funding with project-specific funding. Respondents representing or knowledgeable about the AJEFs mentioned that the transitional funding used to ease the transition from core funding to project funding was deemed useful. However, most AJEF representatives agreed that the loss of core funding has affected the AJEFs' capacity to promote access in both

official languages. The challenge from the perspective of the Department is that core funding, as a funding mechanism, is not an efficient tool to ensure proper alignment between departmental objectives and priorities of the Initiative and activities undertaken by the organizations receiving core funding. The fact that these organizations continue to have access to similar (or greater) levels of funding through contribution agreements, coupled with the fact that the project-based funding model allows for greater oversight by the Department to ensure that funds are being spent in accordance with the objectives of the Initiative, lead this evaluation to conclude that the current funding model is appropriate.

The Initiative has been in an underspending situation over the three years of the period covered by the evaluation for which expenditure data was available. However, the percentage of program costs dedicated to administration is deemed acceptable.

Respondents said that the Advisory Committee and the FPT Working Group meetings were efficient. The Advisory Committee meetings involve JUS coverage of travel costs, but respondents felt that these amounts were limited given the size of the program, and were justified given the added benefits of holding these meetings in person, including the exchange of ideas and information. The FPT Working Group meetings, which do not involve travel costs to JUS, were considered efficient. However, the teleconference format, for those who choose not to travel, affects the quality of the interactions between participants. Following the decision to cease to cover the travel costs of provincial and territorial members, participation in the Working Group meetings has been declining.

According to findings, the Advisory Committee structure and mandate could be updated to increase its reach, including the participation of representatives of other disciplines and other federal departments involved in justice issues.

6. RECOMMENDATIONS AND MANAGEMENT RESPONSE

This final section presents the recommendations of the report and the management response to these recommendations.

From 2003 to 2013, under two successive Government of Canada official languages strategies, the seven *Association des juristes d'expression française* (AJEFs) across Canada and the FAJEF each received annual core funding (ranging from \$68,000 to \$150,000 per organization) from JUS's Access to Justice in Both Official Languages Support Fund. This core funding was provided only to the network of AJEFs to the exclusion of all other Support Fund beneficiaries, including other non-governmental organizations from OLMCs.

The exclusive nature of this funding was first allocated to the AJEFs to assist them in the development phase of building their organizational capacity so that they could play a proactive role in the justice sector, and more precisely in improving access to justice in both official languages. It was an acknowledgement that the role and activities of those OLMC organizations were to a certain measure closely connected with the Support Fund's own mandate, objectives and priorities. The core funding was provided with the expectation that the AJEFs would also submit proposals for additional funding to develop specific projects geared towards improving access to justice in both official languages. However, over the course of this ten-year period, internal analysis had revealed that some AJEFs had undertaken very few projects directly related to the priorities of the Support Fund. In fact, there were some years in which AJEFs would only receive core funding and not make any other applications to the Support Fund to develop projects. Therefore, little correlation was found between receiving core funding and developing projects aimed at supporting the objectives of the Support Fund.

In March 2013, Justice unveiled its reframed strategy on access to justice in both official languages, which set out a citizen-centric approach to access to justice and aimed to fund projects that would benefit members of OLMCs directly. At that time, the Department also announced that the core funding would no longer be provided to AJEFs. Going forward, funding for these associations, as is the case with all other proponents from OLMCs, would only be available on a project-by-project basis. The rationale behind this change was to establish a funding mechanism

that provided a better alignment of priorities between the activities undertaken by the AJEFs and the objectives of the Support Fund, while increasing accountability for Canadians. It was also consistent with the fact that core funding was never meant to be a perpetual funding mode; rather, it was put in place to assist in the development of a network of organizations capable of developing projects aimed at advancing the public policy goal of access to justice in both official languages. To ease the transition, bridge funding equal to the amount of core funding each organization previously received was provided to each of the AJEFs and the FAJEF for 2013-14. These associations were eligible to receive this bridge funding on the condition that they each develop a document detailing the access to justice needs of the OLMCs they serve, as well as a proposal outlining the activities they could undertake to specifically meet those needs identified by members of their community.

According to the AJEFNB, this change to the Support Fund funding model had a significant negative impact on its members. The Association filed a complaint with the Commissioner of Official Languages alleging JUS breached Part VII of the *Official Languages Act* in ending core funding. The Final Investigation Report of the Commissioner of Official Languages states that “[i]t was not sufficient to inform the AJEFs that [core funding] might be eliminated. Justice Canada was required to take appropriate measures to evaluate the consequences of this possibility and mitigate any negative impact.” As such, the Report made three recommendations: (1) that Justice Canada analyze the needs of OLMCs with respect to supporting access to justice; (2) that Justice Canada evaluate the impact on OLMCs of the planned changes to the Support Fund’s objectives, taking into account their specific needs and their priorities in terms of access to justice in the language of the minority; and (3) that Justice Canada evaluate the impact of eliminating AJEF core funding on the OLMC in each province that has an AJEF and take appropriate measures if the evaluation determines that the needs of the OLMCs are not being met.

As illustrated in the Management Response and Action Plan, the Official Languages Directorate has undertaken a broad sectoral consultation with current Support Fund beneficiaries (e.g., AJEFs and FAJEF) as well as other access to justice stakeholders (e.g., *Fédération des communautés francophones et acadienne*, Quebec Community Groups Network) to identify needs under the Information pillar, as well as possible best practices and instances where coordination of projects can occur. More informal, punctual consultations continue to be held with specific stakeholders to deepen the Official Languages Directorate analysis. Discussions with other departments have also been initiated with a view to establishing interdepartmental coordination to respond to access to justice needs.

Lastly, this final report discusses the abolishment of core funding at p. 37 to 41. At p. 39, the Report states “(a)lthough AJEF representatives noted their opposition to the end of core funding, and spoke of how their associations’ activities have shifted as a result , none indicated that the needs of their OLMCs were no longer being met. Interview respondents spoke about the impact of the funding model change on their associations’ operations, but not on the OLMCs they serve. (...) The fact that most of these organizations continue to have access to similar (or greater) amounts of funding, coupled with the fact that the contribution model allows for greater oversight by the Department to ensure that funds are being spent in accordance with the objectives of the Initiative, lead the evaluation to conclude that the current funding model is the appropriate one.”

Issue 1: Needs assessment for the Information pillar

The evaluation evidence indicates that the Information pillar has funded valuable projects in a wide range of areas. However, projects under this pillar remain somewhat uncoordinated and face complex and expanding needs. To ensure that the Initiative makes the best use of its resources, that is by addressing needs in the most cost-efficient manner, it is recommended that a needs assessment study be conducted. The study should identify the most pressing needs (services and user groups), areas where common tools could be shared, and options for the Initiative to fund projects in a coordinated fashion.

Recommendation 1:

That the Official Languages Directorate undertake a needs assessment with respect to the Initiative’s Information pillar to identify gaps and with the view of better understanding where coordination between projects can occur.

Management Response:

Agreed. The Official Languages Directorate has undertaken a broad sectoral consultation with current Support Fund beneficiaries as well as other access to justice stakeholders to identify needs under the Information pillar as well as possible best practices.

The Official Languages Directorate also undertakes to continue the needs assessment, as necessary, and identify instances where coordination of projects can occur.

Issue 2: Scope of the Advisory Committee

The Advisory Committee on Access to Justice in Both Official Languages results in increased cooperation between stakeholders and remains relevant. However, its mandate has not been formally updated since 2003, and members expressed an interest in seeing the Department of Justice play a greater role in terms of consulting with and coordinating between stakeholders.

Recommendation 2:

That the Official Languages Directorate review the structure and mandate of the Advisory Committee, in consultation with Committee members.

Management Response:

Agreed. The Official Languages Directorate will review the structure and mandate of the Advisory Committee, in consultation with Committee members.

Issue 3: Jurilinguistic centre activities

Over the period covered by the evaluation, \$2.9M, or 12.5% of the total allocated Gs&Cs resources, were directed towards the jurilinguistic centres. There is evidence that the dictionaries, tools and templates developed through the jurilinguistic projects are used by the legal community. However, the projects' impact on users of the justice system is an indirect one, and some interview respondents indicated that the work could perhaps be funded by other groups, such as academia or the Translation Bureau of Public Services and Procurement Canada.

Recommendation 3:

That the Official Languages Directorate determine the extent to which the activities of the jurilinguistic centres are in line with the objectives of the Support Fund.

Management Response:

Agreed. The Official Languages Directorate will examine the extent to which the activities of jurilinguistic centres are in line with the Support Fund's objectives.

Issue 4: Performance measurement

The evaluation was challenged by the fact that the performance measurement system of the Initiative does not gather output and outcome information in a systematic manner. Although funding recipients are required to complete a project summary report, these reports are not completed using consistent indicators and do not always contain quantitative data regarding outcome achievement. As a result, the program is not able to report on the collective impact of the projects funded by the Initiative.

Recommendation 4:

That the Official Languages Directorate develop a more rigorous reporting template for funded projects, including standard indicators and measures to be used by recipients to report on progress.

Management Response:

Agreed. The Official Languages Directorate will develop a more rigorous and results-oriented reporting template for funded projects.

Issue 5: Intellectual property

The intellectual property clauses contained in the current contribution agreements restrict the use by third-party entities of materials and other outputs developed solely with Initiative funds. A broader license could allow organizations to benefit from materials already created by another organization, rather than develop these materials themselves.

Recommendation 5:

That the Official Languages Directorate explore the possibility of modifying the intellectual property clauses in its agreements.

Management Response:

Agreed. The Official Languages Directorate will examine whether it should modify the intellectual property clauses in its agreements.

Appendix A:
Logic Model of the Initiative

Logic Model of the Initiative

Although the Initiative has two components, i.e. the Information and Training pillars, its logic encompasses both pillars since they lead to the same result, which is the development of initiatives and partnerships with government and non-governmental organizations in order to give Canadians access to justice services in both official languages. However, it is important to note that the Information pillar has been in place since 2003 (although not always described as such), whereas the Training pillar was instituted in 2008. The Initiative's logic is illustrated in Figure 1 and described in the following sub-sections.

Activities and Outputs

Set funding criteria and select projects under the Initiative

Information pillar

The Department of Justice will pursue the work begun in 2003 to inform partners about its funding priorities and select projects that fit the requirements of the Information pillar. Funding under this pillar is granted to eligible organizations for the implementation of projects related to access to justice in both official languages. Most of the projects funded under this pillar are direct services to Canadians, providing useful and accurate legal information in French outside Quebec and in English in Quebec.

Training pillar

In order to achieve the anticipated outcomes of the Training pillar, the Department uses grants and contributions to financially support provincial and territorial administrations, universities and colleges, and non-governmental organizations offering services to Francophone communities outside Quebec and Anglophone communities in Quebec, in order to improve access to justice in both official languages.

For the Training pillar, the Department promotes and supports initiatives and projects with the following objectives: to pursue and develop new language training and development activities in legal terminology in the minority language for bilingual professionals already working in the area of justice; to maximize the use of information technologies in order, among other things, to reach as many professionals as possible and make training available at all times; and to develop legal and jurilinguistic tools and resources in support of training activities. Finally, under this pillar, the Department continues to capitalize on its investments made since 2008 in the area of training,

including the professional development of young bilingual Canadians who wish to pursue a career in justice.

Outputs: Priorities shared with partners and contribution agreements concluded.

Consultation management and coordination

The Department manages and coordinates consultations with government and non-governmental organizations. Through the consultations process, the Department can monitor the implementation and impacts of the two pillars of the Initiative. To this effect, the Initiative provides support to the Advisory Committee on Access to Justice in Both Official Languages, whose mandate is to liaise between representatives of non-governmental organizations from the legal and academic worlds and the Department of Justice. In addition, the Initiative provides support to the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official languages, which is made up of Justice Department representatives as well as representatives from provincial and territorial governments.

Outputs: Consultation mechanisms.

Outcomes

Immediate Outcome

The activities implemented and funded by the Initiative are aimed at developing initiatives and partnerships with government and non-governmental organizations in order to give Canadians access to justice services in both official languages.

Intermediate Outcomes

The Initiative targets two intermediate outcomes. The first is the delivery of direct legal information services developed and implemented based on the needs of OLMCs. The second intermediate outcome is an increased capacity by stakeholders to provide justice services in both official languages.

Ultimate Outcome

Ultimately, the purpose of the Initiative is for Canadians from OLMCs to have access to information regarding their rights and responsibilities in the official language of their choice and, where necessary, access to a justice system that meets their needs in that language.

Alignment with Department's strategic outcome

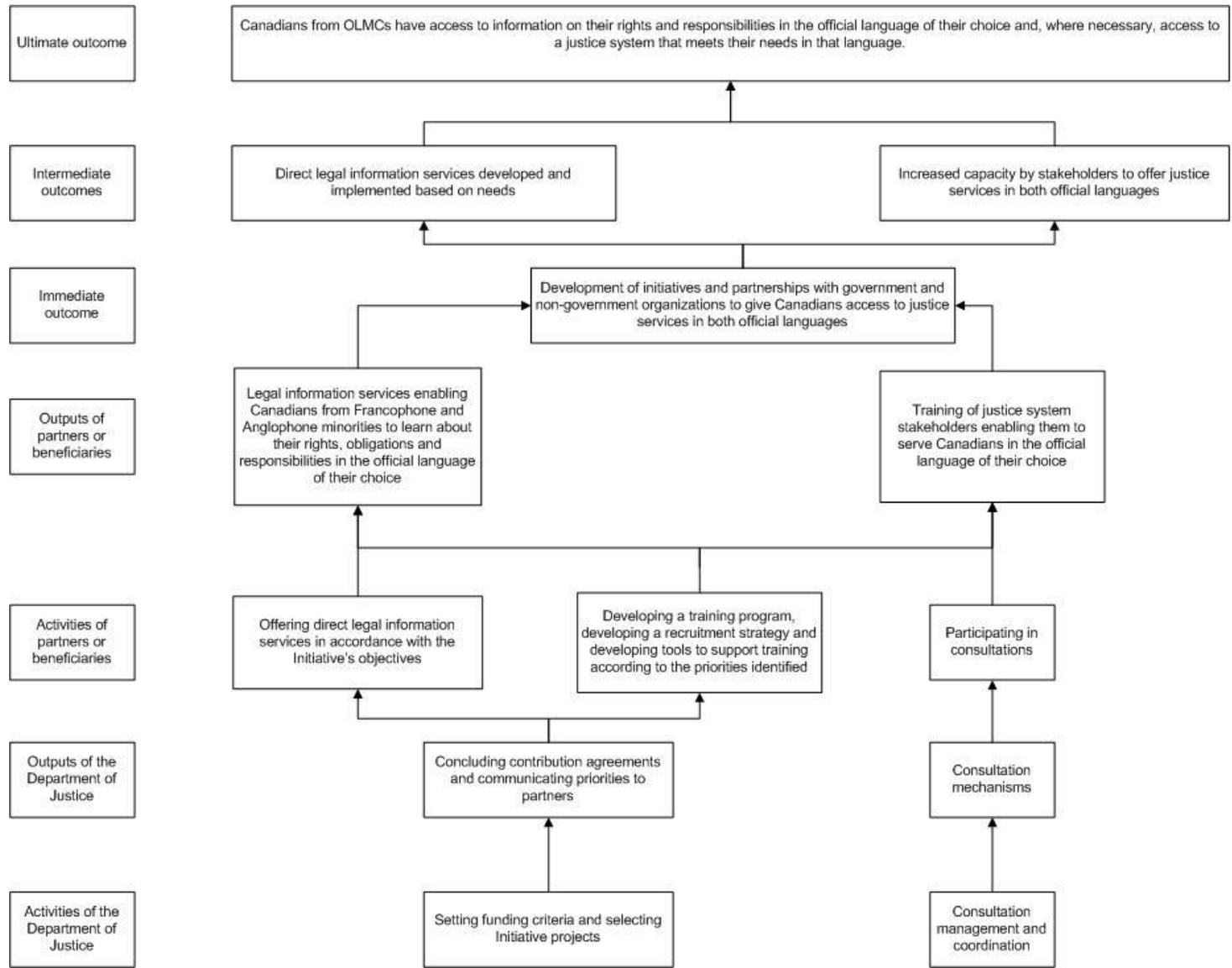
Overall, the Initiative is aligned with the Department's strategic outcome which aims at ensuring a fair, relevant and accessible Canadian justice system.

Reporting Process

The Department of Justice manages all contribution agreements concluded with funded organizations. To this end, the Department has implemented a reporting process to collect data on the Initiative's performance:

- Each contribution agreement lists the data that funded organizations must submit and includes a schedule to submit this information.
- The Department's Innovation, Analysis and Integration Directorate manages each contribution agreement using the Grants and Contributions Information Management System, which allows for the centralization of all reporting data.
- The Department has developed templates to facilitate the collection of performance data, which will continue to be improved.

Figure 1 - Logic Model of the Initiative



Appendix B:
Allocated Funds – Additional Tables

Allocated Funds per Number of Projects

Fiscal Year	Number of Projects*	Allocated Funds (Grants and Contributions) (\$)
2013-14	27	4,122,898
2014-15	42	6,383,405
2015-16	43	6,468,109
2016-17	37	6,550,334
TOTAL	149	23,524,746

* Projects include all activities (e.g., training tools, course development, centres, professional training, etc.) funded by the Initiative during the fiscal year. A three-year project is counted as three separate projects in this calculation.

Allocated Funds per Pillar

Pillars	Allocated Funds (Grants and Contributions) (\$)				
	2013-14	2014-15	2015-16	2016-17	TOTAL
Information Pillar (Contributions)	683,569	2,689,540	2,725,622	3,049,129	9,147,860
Training Pillar* (Contributions)	2,639,863	3,554,795	3,545,212	3,493,475	13,233,345
Information and Training Pillars (Grants)	49,466	139,070	197,275	7,730	393,541
Transitional Funding for AJEFs	750,000				
TOTAL	4,122,898	6,383,405	6,468,109	6,550,334	22,774,746

* Training pillar includes course development, professional training, recruiting and training tools.

Allocated Funds per Specific Project or Group

Financial Details for Information Centres

Information Centres	Allocated Fund (Grants and Contributions) (\$)			
	2013-14	2014-15	2015-16	2016-17
<i>SFM Centre de justice francophone</i>			170,141	253,490
<i>AJEFA Centre de justice</i>		300,000	255,350	245,016
<i>AJEFNE Centre de proximité</i>		290,622	274,332	246,933
<i>AJEFS Centre d'information</i>		202,543	250,000	206,463
<i>Éducaloi</i>	317,188	554,000	498,000	498,000
<i>AJEFO Centre de justice de proximité</i>	28,200	400,000	425,000	375,000
TOTAL	345,388	1,747,165	1,872,823	1,824,902

Financial Details for Provincial Courts

Provincial Courts	Allocated Funds (Grants and Contributions) (\$)			
	2013-14	2014-15	2015-16	2016-17
Alberta	109,130	111,280	112,118	110,281
Manitoba	59,906	59,906	59,906	59,906
New Brunswick	293,240	534,114 7,082	543,175 14,164	14,164 456,931 275,600
Newfoundland and Labrador	17,494	27,500	12,000	12,000
Quebec (<i>Conseil de la magistrature</i>)	90,000	108,000	108,000	108,000
Yukon	5,650	12,430	13,673	15,400
TOTAL	575,420	860,312	863,036	1,052,282

Financial Details for Jurilinguistics Centres

Jurilinguistics Centre	Allocated Fund (Grants and Contributions) (\$)			
	2013-14	2014-15	2015-16	2016-17
St-Boniface: CRFJ (USB)	201,000	195,800	50,000 187,930	165,595
Moncton: <i>Centre de traduction et de terminologie juridiques</i>	243,894	225,085	215,000	190,000
Ottawa: Centre for Legal Translation and Documentation	228,135	160,764	160,764	
Montréal: McGill - Jurilinguistics Projects	187,408	183,865	183,951	161,602
TOTAL	860,437	765,514	797,645	517,197

Appendix C:
Interview Guides

Evaluation of the Access to Justice in Both Official Languages Initiative
Interview Guide
Program Staff

The purpose of the Access to Justice in Both Official Languages Initiative is to provide Canadians from official language minority communities access to legal information regarding their rights and responsibilities in the official language of their choice and, where necessary, with access to a justice system that meets their needs in that language. The Initiative is based on two main pillars.

- The *Information pillar* aims to offer legal information services that will help minority Francophone and Anglophone Canadians learn about their rights, obligations and responsibilities in the official language of their choice.
- The *Training pillar* involves the training and development of bilingual justice professionals in order to improve their language skills, thereby increasing their ability to offer services in French outside Quebec and in English in Quebec as part of their work within the justice system, including in the area of criminal law.

The objective of this evaluation is to assess the relevance and performance (effectiveness, efficiency and economy) of the Initiative, in accordance with the TBS's *Policy on Evaluation*. The evaluation covers a four-year period (2013-14 to 2016-17).

The evaluation will involve key informant interviews with recipient organization representatives, community stakeholders and Justice Canada program staff. The interview will take about 60 minutes.

1. To provide context, what is your involvement with the Initiative?

Relevance

2. Is there a legitimate and necessary role for the federal government in the area of access to justice in both official languages?
3. To what extent is the Initiative aligned with Departmental priorities? Federal government priorities?
4. To what extent is there a continued need for the activities funded by the Initiative?

Effectiveness: Delivery

5. The Initiative provides support to the Advisory Committee on Access to Justice in Both Official Languages, whose mandate is to liaise between representatives of non-governmental organizations from the legal and academic worlds and the Department of Justice. In your opinion:
 - a. How does the committee contribute to the goals of the Access to Justice in Both Official Languages Fund?
 - b. Is the mandate still relevant?
 - c. Are stakeholders satisfied with this structure?
 - d. Does the Advisory Committee lead to increased cooperation between partners?
 - e. Are the operations of the Advisory Committee efficient?
6. The Initiative provides support to the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official languages, which is made up of Department of Justice representatives as well as representatives from provincial and territorial governments. In your opinion:
 - a. How does the Working Group contribute to the goals of the Access to Justice in Both Official Languages Fund?
 - b. Is the mandate still relevant?
 - c. Are Working Group members satisfied with this structure?
 - d. Does the Working Group lead to increased cooperation between partners?
 - e. Are the operations of the Working Group efficient?
7. The Initiative involves a selection process to select projects in each of the pillars.
 - a. What has Justice done to communicate the program to potential funding recipients? What has been done to make the selection criteria clear?

8. Let's talk about the data collection and reporting system for the Initiative within Justice. (EQ8)
 - a. Is the right data collected? Is it accurate and complete? What mechanisms are in place to ensure accurate and complete reporting (i.e. are the project reports reviewed)?
 - b. Is data used for reporting purposes? Does it meet Justice reporting requirements?
 - c. Are the reports useful for management purposes?

Effectiveness: Information Pillar

9. What strategies/models have been used by recipients to provide legal information services to allow Francophone and Anglophone minorities to learn about their rights, obligations and responsibilities in the official language of their choice?
 - a. In your opinion, were the right strategies used to provide legal information?
 - b. Is the content of the information accurate? Is the content up to date (e.g., in line with latest jurisprudence)?
 - c. Who are the targeted users? Is the content targeted towards the most pressing needs?
 - d. Were the targeted users reached? Is the information being used?
 - e. Does the information facilitate access to the justice system in the users' official language of choice?
 - f. Does it contribute to the protection of official language rights of both Anglophone and Francophone minorities?

Effectiveness: Training Pillar

10. What strategies/models have been used by recipients to provide training and development of bilingual justice professionals?
 - a. In your opinion, were the right training strategies used?
 - b. Were strategies effective in reaching professionals directly in their workplace using information technologies?

- c. Who are the targeted users? Were the targeted users reached?
 - d. Was the training in line with the training needs? Did the training increase the ability of justice professionals to offer services in French outside Quebec and in English in Quebec, including in the area of criminal law?
 - e. Did the funded projects increase awareness about linguistic obligations? About the exercise of language rights by litigants?
 - f. Does the information facilitate access to the justice system in the users' official language of choice?
 - g. Does it contribute to the protection of official language rights of both Anglophone and Francophone minorities?
11. To what extent were the activities of the pillars complementary to each other?
12. Did the activities funded under both pillars lead to unintended outcomes, either positive or negative? (e.g., social, cultural and economic impacts)

Efficiency

13. Were the project funding mechanisms adequate?
- a. Did the agreements meet the needs of the recipients?
 - b. Did the agreements and reporting mechanism meet Justice needs, including risk and performance management needs?
14. Are funding activities under both pillars integrated and coordinated? Please describe information sharing mechanisms used at Justice.
15. How can the delivery of the Initiative be improved?
- a. Can it be delivered more efficiently? Are there unnecessary or duplicate activities?
 - b. Should some activities be changed or emphasized?
 - c. Can the Initiative be improved to increase the effectiveness of the funded activities?

16. What were the good practices or lessons learned about this Initiative?

Thank you

Evaluation of the Access to Justice in Both Official Languages Initiative
Interview Guide
Recipient Organization Representatives and Other Stakeholders

The purpose of the Access to Justice in Both Official Languages Initiative is to provide Canadians from official language minority communities access to legal information regarding their rights and responsibilities in the official language of their choice and, where necessary, with access to a justice system that meets their needs in that language. The Initiative is based on two main pillars.

- The ***Information pillar*** aims to offer legal information services that will help minority Francophone and Anglophone Canadians learn about their rights, obligations and responsibilities in the official language of their choice.
- The ***Training pillar*** involves the training and development of bilingual justice professionals in order to improve their language skills, thereby increasing their ability to offer services in French outside Quebec and in English in Quebec as part of their work within the justice system, including in the area of criminal law.

The objective of this evaluation is to assess the relevance and performance (effectiveness, efficiency and economy) of the Initiative, in accordance with the TBS's *Policy on Evaluation*. The evaluation covers a four-year period (2013-14 to 2016-17).

The evaluation will involve key informant interviews with recipient organization representatives, community stakeholders and Justice Canada program staff. The interview will take about 60 minutes.

1. To provide context, what is your involvement with the Initiative?

Relevance (*ask these questions only of experts*)

2. Is there a legitimate and necessary role for the federal government in the area of access to justice in both official languages?
3. To what extent is there a continued need for the activities funded by the Initiative?

Effectiveness: Delivery

4. Are you a member of the Advisory Committee on Access to Justice in Both Official Languages? If yes:
 - a. How does the Advisory Committee contribute to the goals of the Access to Justice in Both Official Languages Fund?
 - b. Is the Advisory Committee's mandate still relevant?
 - c. Are stakeholders satisfied with this structure?
 - d. Does the Advisory Committee lead to increased cooperation between partners?
 - e. Are the operations of the Advisory Committee efficient?
5. Are you a member (or aware) of the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official languages? If yes:
 - a. How does the Working Group contribute to the goals of the Access to Justice in Both Official Languages Fund?
 - b. Is the Working Group's mandate still relevant?
 - c. Are Working Group members satisfied with this structure?
 - d. Does the Working Group lead to increased cooperation between partners?
 - e. Are the operations of the Working Group efficient?
6. The Initiative involves a selection process to select projects in each of the pillars. (*Ask only of representatives from funded organizations*)
 - a. Is the selection process clear from your perspective? Is the documentation about the Initiative useful/accessible in this regard?
 - b. Is the selection process transparent? Are communications clear about the process, including the selection criteria?

Success of funded projects

In this part of the interview, respondents are asked to provide views and information about specific projects. According to program file information, your organization received funding for Correct? (or for other stakeholders “Are you aware of any of the following projects?”)

Legal Information Hubs

7. What strategies/models have been used by Legal Information Hubs to provide legal information services to allow Francophone minorities to learn about their rights, obligations and responsibilities in the official language of their choice?
 - a. In your opinion, were the right strategies used to provide legal information?
 - b. Is content up to date (e.g., in line with latest jurisprudence)?
 - c. Who are the targeted users? Is the content targeted towards the most pressing needs?
 - d. Were the targeted users reached? Is the information being used?
 - e. How does the information facilitate access to the justice system in the users’ official language of choice?
 - f. How does it contribute to the protection of official language rights of Francophone minorities?
 - g. Do you have documentation that we could use to address the above questions? (e.g., statistics)

Éducaloi

8. What strategies/models have been used by recipients to provide legal information services to allow Anglophone members/communities to learn about their rights, obligations and responsibilities in the official language of their choice?
 - a. In your opinion, were the right strategies used to provide legal information?
 - b. Is content up to date (e.g., in line with latest jurisprudence)?
 - c. Who are the targeted users? Is the content targeted towards the most pressing needs?

- d. Were the targeted users reached? Is the information being used?
- e. How does the information facilitate access to the justice system in the users' official language of choice?
- f. How does it contribute to the protection of official language rights of Anglophone minorities?
- g. Do you have documentation that we could use to address the above questions?

Jurilinguistics centres

- 9. What strategies and tools have been used by the jurilinguistics centres to provide development of bilingual justice professionals?
 - a. In your opinion, were the right strategies and tools used?
 - b. Were these effective in reaching professionals directly in their workplace using information technologies?
 - c. Who are the targeted users? Were the targeted users reached? Is the information being used?
 - d. How does the information facilitate access to the justice system in the users' official language of choice?
 - e. How does it contribute to the protection of official language rights of official language minority communities?
 - f. Could the various tools be consolidated (Moncton, Ottawa, McGill and St-Boniface) in some way? Any activities? Operations?
 - g. Do you have documentation that we could use to address the above questions?

French training for judges

- 10. What strategies/models have been used by recipients to provide this training?
 - a. What is your opinion of the courses? Are the materials and approach to teaching effective?

- b. Is the linguistic capacity grid appropriate?
 - i. Were provincial representatives or experts consulted to develop the grid?
 - ii. (If yes) How did this input improve the product?
 - iii. (If no) Why not?
 - iv. Do you think that the grid can be used more broadly (e.g., other organizations)?
- c. How were the training needs assessed? Was the training in line with the training needs?
- d. How does the information facilitate access to the justice system in the users' official language of choice?
- e. How does it contribute to the protection of official language rights of Francophone minorities?
- f. Do you have documentation that we could use to address the above questions?

Projects aimed at newcomers

- 11. What strategies/models have been used by recipients to support immigrants?
 - a. In your opinion, were the right strategies used? Are they adapted to immigrants?
 - b. Is content up to date (e.g., in line with latest jurisprudence)?
 - c. Were the targeted users reached? Is the information being used?
 - d. Does the information facilitate access to the justice system in the users' official language of choice?
 - e. Does it contribute to the protection of official language rights of both English and French minorities?
 - f. Do you have documentation that we could use to address the above questions?

Development of public legal education and information materials: *CliquezJustice.ca*

12. In your opinion, is the right strategy used by *CliquezJustice.ca* to provide legal information?
- a. Is the interface in line with the latest best practices in Web communications?
 - b. Is content up to date (e.g., in line with latest jurisprudence)?
 - c. Who are the targeted users? Is the content targeted towards the most pressing needs?
 - d. Were the targeted users reached? Is the information being used?
 - e. How does the information facilitate access to the justice system in the users' official language of choice?
 - f. How does it contribute to the protection of official language rights of Francophone minorities?
 - g. What is the business plan going forward for *CliquezJustice*? With the site now running, in what way are resources needed?
 - h. Did the project manage to secure other sources of funding?
 - i. Do you have documentation that we could use to address the above questions?

Jurisource.ca

13. In your opinion, is the right strategy used by *Jurisource.ca* to provide tools for justice professionals?
- a. Is the interface in line with the latest best practices in Web communications?
 - b. Is content up to date (e.g., in line with latest jurisprudence)?
 - c. Who are the targeted users? Is the content targeted towards the most pressing needs?
 - d. Were the targeted users reached? Is the information being used?
 - e. How did this portal increase the ability of justice professionals to offer services in French outside Quebec and in English in Quebec, including in the area of criminal law?

- f. Did the portal facilitate access to the justice system in the users' official language of choice?
- g. Does it contribute to the protection of official language rights of both Anglophone and Francophone minorities?
- h. Do you have documentation that we could use to address the above questions?

Training of Quebec members of the judiciary in English

14. What strategies/models have been used by recipients to provide training and development of bilingual justice professionals?
- a. In your opinion, were the right training strategies used?
 - b. Were strategies effective in reaching professionals directly in their workplace using information technologies?
 - c. Who are the targeted users? Were the targeted users reached?
 - d. Was the training in line with the training needs? Did the training increase the ability of justice professionals to offer services in English in Quebec, including in the area of criminal law?
 - e. Did the funded projects increase awareness about linguistic obligations? About the exercise of language rights by litigants? Is there data on how many sittings of court took place in English?
 - f. Does the information facilitate access to the justice system in the users' official language of choice?
 - g. Is there any duplication between the projects at Bishop's University and St. Andrews? How are they complementary?
 - h. Do you have documentation that we could use to address the above questions?

Training of justice stakeholders

15. What strategies/models have been used by recipients to provide training and development of bilingual justice professionals?
- a. In your opinion, were the right training strategies used?
 - b. Were strategies effective in reaching professionals directly in their workplace using information technologies?
 - c. Who are the targeted users? Were the targeted users reached?
 - d. Was the training in line with the training needs? Did the training increase the ability of justice professionals to offer services in French outside Quebec, including in the area of criminal law?
 - e. Did the funded projects increase awareness about linguistic obligations? About the exercise of language rights by litigants?
 - f. How does the information facilitate access to the justice system in the users' official language of choice?
 - g. How does it contribute to the protection of official language rights of Francophone minorities?
 - h. Do you have documentation that we could use to address the above questions?

Réseau national de formation en justice

16. Did this project create synergies between organizations involved in training and professional development? What type of activities/supports created linkages between them?
- a. How many organizations are involved?
 - b. Did the project lead to exchanges of resources between these organizations? Please provide examples.
 - c. Have any linkages been made with the English-speaking communities in Quebec? If not, why not?

d. Do you have documentation that we could use to address the above questions?

General Questions (all respondents)

17. To summarize, to what extent has the Initiative resulted in the following outcomes areas in the last four years?

	1. Little or no extent	2. Some extent	3. Moderate extent	4. Great extent	5. Very great extent	Don't know
a) Increased language training opportunities connected with criminal law.						
b) Greater importance placed on the issue of access to justice in both official languages by organizations working in the area of justice.						
c) Decrease in reluctance of litigants from official language minority communities to exercise their language rights in dealing with the justice system.						
d) Increased ability of members of the judiciary to work in both official languages.						
e) Increased ability of Crown attorneys to work in both official languages.						
f) Increased ability of private lawyers to work in both official languages.						
g) Increased ability of legal aid systems to operate in both official languages.						
h) Increased ability of court officials to work in both official languages.						

18. Did the Initiative or your organization’s funded activities lead to unintended outcomes, either positive or negative (e.g., social, cultural and economic impacts)?

19. To what extent were the activities of the pillars complementary to each other?

Base funding and impact on the vitality of official language minority communities

20. In 2013, the Department ceased to provide core funding for the seven Associations for French-Speaking Jurists and their federation.

a. A transition year was used to allow the associations to plan and adapt to this change. Was this funding useful?

- b. In your operations from 2014 onwards, did you implement the business/activity plan developed in 2013-14? How? Was it useful?
- c. How do you compare the level of financing you received under the present Initiative compared to previous Roadmaps? (Idea: comparing perceptions and realities)
- d. Do you include activities previously covered by core funding in your project funding?
- e. How would you compare the one-year funding mechanism and the multi-year mechanism?
- f. How do you go about developing projects to align with government initiatives/priorities?
- g. Do you think that clear government priorities (like having two clear pillars) enhance or hinder the vitality of the OLMCs?
- h. How did the elimination of this core funding affect the financial stability of these associations? Did it affect the vitality of the OLMCs?

Non-Funded Projects (*Ask only of organizations that had other projects that did not receive funding*)

- 21. Did your organization apply for funding for another project but was unsuccessful (for this Initiative)?
 - a. What was the project about?
 - b. For what reason was it not successful?
 - c. Did your project go ahead despite the negative result of the application? Did you manage to find another source of funding?

Efficiency

- 22. Were the project funding mechanisms (Justice funding) adequate? (*Ask only of representatives of funded organizations*)
 - a. Did the agreements meet the needs of your organization?
 - b. Were you able to leverage additional funding from other organizations?

23. From your perspective, how can the delivery of the Initiative be improved?

24. What were the good practices or lessons learned from this Initiative?

Thank you