



# **Evaluation of the Access to Justice in Both Official Languages Initiative**

**FINAL REPORT**

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**Evaluation Branch  
Internal Audit and Evaluation Sector**

## **ACKNOWLEDGEMENT**

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## ACRONYMS

AJEF	Association de juristes d'expression française
AJEFO	Association des juristes d'expression française de l'Ontario
EDI	Equity, diversity and inclusion
EWG	Evaluation Working Group
FAJEF	Fédération des associations de juristes d'expression française de common law
FLIDP	French Language Institute for Professional Development
FPT	Federal-Provincial-Territorial
GBA+	Gender-based analysis plus
IAID	Innovations, Analysis and Integration Directorate
Justice	Department of Justice
NNJT	National Network for Justice training
OLMCs	Official language minority communities

# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
<b>1 INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose of the Evaluation .....	1
1.2 Evaluation Scope .....	1
<b>2 PROGRAM PROFILE .....</b>	<b>1</b>
2.1 Program Overview .....	1
2.2 Governance Structure.....	2
2.3 Resources.....	3
<b>3 EVALUATION METHODOLOGY .....</b>	<b>3</b>
3.1 Document and Data Review .....	3
3.2 File Review .....	4
3.2.1 Key Informant Interviews .....	4
3.3 Case Studies.....	4
3.4 Consideration of Gender-Based Analysis Plus .....	5
3.5 Constraints, Limitations and Mitigation.....	5
<b>4 FINDINGS .....</b>	<b>7</b>
4.1 Relevance .....	7
4.1.1 Appropriateness of the Current Strategy .....	7
4.1.2 Alignment with Stakeholder Needs.....	8
4.2 Effectiveness.....	10
4.2.1 Overview of Funded Activities .....	10
4.2.2 Access to Legal Information in Both Official Languages.....	13
4.2.3 Capacity of the Justice System to Operate in Both Official Languages.....	15
4.2.4 The Advisory Committee and the Federal-Provincial-Territorial Working Group.....	17
4.3 Design and Delivery.....	18
4.3.1 Performance Measurement Strategy.....	18
4.3.2 Equity, Diversity, and Inclusion Considerations .....	19
4.4 Efficiency.....	20
4.4.1 Funding Allocation Process .....	20
<b>5 CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>21</b>
5.1 Conclusions .....	21
5.2 Recommendations.....	22
<b>Appendix A: Logic Model.....</b>	<b>23</b>
<b>Appendix B: Evaluation Issues and Questions.....</b>	<b>24</b>
<b>Appendix C: Case Study Summaries.....</b>	<b>25</b>

## LIST OF TABLES

Table 1: Financial Resources Allocated to the Initiative for the Period covered by the Evaluation (in millions) .....	3
Table 2: Funding Allocated During the Period 2017-18 to 2020-21 .....	111

## LIST OF FIGURES

Figure 1: Distribution of Funding Allocated by Key Component (2017-18 to 2020-21) .....	11
Figure 2: Distribution of Funding Allocated Among Key Categories of Funding Recipients (2017-18 to 2020-21) .....	122
Figure 3: Activity Cycle .....	13
Figure 4: Information on the Vaccine Process.....	144
Figure 5: Key Components of Language Training Activities .....	166

# EXECUTIVE SUMMARY

## Introduction

The evaluation of the Access to Justice in Both Official Languages Initiative (the Initiative) was conducted by the Department of Justice (Justice) Evaluation Branch and it covers fiscal years 2017-18 to 2020-21. It was completed in accordance with the Treasury Board's *Policy on Results* and the *Financial Administration Act*, and considered the broader accountability process related to the *Action Plan for Official Languages - 2018-2023* (Action Plan).

The evaluation focussed on the results achieved through its two main pillars (information and training) and the activities undertaken in support of the Advisory Committee<sup>1</sup> and the Federal-Provincial-Territorial (FPT) Working Group. It included questions concerning the relevance of the Initiative, particularly in light of the needs in regions with smaller concentrations of official language minority communities (OLMCs), as well as the needs of underserved populations. The evaluation also assessed activities undertaken by the Official Languages Directorate and the Programs Branch's Innovations, Analysis and Integration Directorate (IAID) to support the implementation and management of the Initiative.

## Program Description

The Initiative helps to provide Canadians from OLMCs with access to legal information regarding their rights and responsibilities in the official language of their choice, and to access a justice system that meets their needs in that language. To this end, the Initiative includes two main pillars:

- The information pillar supports activities that specifically aim to offer legal information to help members of the OLMCs learn about their rights, obligations and responsibilities in the official language of their choice.
- The training pillar involves the training and the development of bilingual justice professionals 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.

The Initiative provides support to the Advisory Committee on Access to Justice in Both Official Languages, whose mandate is to bring together representatives from Justice, community organizations, jurilinguistic centres and law faculties from OLMCs. It also supports the FPT Working Group on Access to Justice in Both Official Languages, which includes representatives from Justice, the Public Prosecution Service of Canada, and representatives from provincial and territorial (PT) governments.

Finally, the Initiative provides operational and core funding to strengthen the internal capacity and financial stability of eligible organizations working in the field of access to justice in both official languages.

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<sup>1</sup> The committee's mandate is to promote consultation, information exchange and the creation of partnerships between the Department, the legal representatives in OLMCs and the spokespersons for these communities on issues affecting access to justice in a minority language setting.

## Findings

### Relevance

The Initiative is related to Justice's responsibility of ensuring that the federal government is supported by high-quality legal services and that the Canadian justice system is fair, relevant, accessible, and reflective of Canadian values. This is expected to be done in accordance with the broad framework provided by the Canadian constitution, including all applicable language provisions.

To support this vision, the Initiative provides core funding to a range of organizations that promote access to justice in both official languages, and supports a range of projects and activities that allow members of the OLMCs to be adequately informed about their rights and obligations in their official language. The Initiative also enhances the capacity of the courts and of the justice system more broadly to operate in both languages, and allows both community stakeholders and FPT governments to network, collaborate and pursue dialogues that specifically focus on the official languages dimensions of access to justice. Finally, the Initiative represents Justice's most significant contribution to supporting the goals of the federal Action Plan<sup>2</sup>.

Over time, the Initiative has been responding to the needs of various groups of individuals living within the OLMCs. Efforts have been made, particularly through a gender-based analysis plus (GBA+), to fully appreciate the range of needs that could be addressed, including those of more isolated or marginalized individuals and communities. The more predominant areas of the law where legal information is needed include family law, labour and employment, succession law, immigration law, and criminal law.

### Effectiveness

#### *Legal Information*

Evaluation findings point to significant progress made towards the goals set in relation to the information component of the Initiative. Particularly through the work of *CliquezJustice*, *Éducaloi*, and the jurilinguistic centres, there is a considerable body of relevant material available in both English (in Quebec) and French (for all other regions of Canada) on priority areas of the law such as family law, housing, labour and employment, succession law, and immigration law. This includes online information, videos, and paper-based documents, all written for a wide audience. Work has also been undertaken to identify emerging legal information needs, such as those related to mental health, services to victims of crime, and bankruptcy.

On that basis, there is a comprehensive network of organizations that deliver information activities, including legal information clinics and grassroots organizations that come with an already established trusting relationship with harder to reach and disenfranchised individuals and communities. The evaluation confirms the need to further expand delivery strategies that build on the existing strengths of the recipient organizations to secure a broader reach of the targeted population.

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<sup>2</sup> The Canadian Charter of Rights and Freedoms and the Official Languages Act require that the federal government engage with official language minority communities and promote the recognition and use of official languages in Canada and within its government. To that end, the 2018–2023 Action Plan, Canada's fourth five-year horizontal strategy, was developed to help Canada achieve measurable, evidence-based goals supporting the vitality of official-language minority communities and the bilingualism of Canadians.

Funded organizations regularly reassess their approach, based on the experience acquired and the feedback they received from the individuals they served and from their organizational partners. In this context, the Initiative has proven to be flexible enough to allow the organizations to implement required changes to their approach.

### ***Training***

The Initiative has proven to be the driving force behind the efforts in Canada to enhance the capacity of the justice system to operate in both official languages. It has facilitated the process of identifying needs and establishing priorities, and has supported organizations that have successfully designed and delivered training activities to various categories of justice professionals, using a range of materials, including the resources developed by the jurilinguistic centres. Ultimately, the funded activities allow justice professionals to enhance their abilities and comfort levels to operate in both official languages. Additionally, most of these training activities reproduce actual scenarios encountered in the justice system and this is seen as a best practice.

Moving forward, the challenges facing key stakeholders include the fact that activities funded to date cover many but not all key groups (for example, private practice lawyers) across all regions within the justice system. In addition, establishing strong partnerships among the various organizations involved in the provision of language training remains critical to further expand the reach of the Initiative and to secure the sustainability of the services offered.

### ***Advisory Committee and the FPT Working Group***

The Advisory Committee and the FPT Working Group are mature structures that have enhanced collaborations among key stakeholders. The evaluation indicates that facilitating further interactions between these two structures would facilitate their respective work.

### **Design and Delivery**

The Initiative rests on a solid delivery structure, and stakeholders are generally satisfied with the current reporting requirements that are associated with the funding provided. The range of information and data provided has proven to be a key source for this evaluation.

Also, Justice has been including considerations related to equity, diversity, and inclusion (EDI) in the ongoing management of the Initiative. To this end, it has conducted a GBA+ that provided valuable insights and allowed for data gaps to be identified. Justice thereby engaged the Advisory Group in exploring how EDI considerations could be further integrated in the activities funded, including activities that focus on traditionally disenfranchised or harder to reach communities and individuals. Funded organizations are also responding to this call for a more systemic integration of EDI considerations within their own governance structures and processes.

### **Efficiency**

Stakeholders are generally satisfied with the current process used to allocate funding. The application process, the review of these applications, the allocation of funding are all seen as operating efficiently. There is strong support for multi-year funding, as this approach allows for more stability and facilitates the implementation of the funded activities. In addition, the Official Languages Directorate and IAID



have instituted more regular meetings to increase communication and information sharing between the two groups which has helped to facilitate an efficient funding application review process.

## Recommendations

Based on the findings described in this report, the following recommendations are made:

- 1) To ensure the broadest reach possible of individuals and communities who may benefit from the activities funded by the Initiative, including those who are more isolated or marginalized, the Programs Branch, in collaboration with the Official Languages Directorate, should facilitate the engagement of a broader range of organizations as part of its information pillar.
- 2) To maximize the contributions of the Advisory Committee and the FPT Working Group, the Official Languages Directorate should consider having each hold two meetings per year, including one in-person (when feasible), and to find opportunities for both entities to collaborate directly when appropriate.
- 3) To further include EDI considerations in the ongoing management of the Initiative, the Programs Branch, in collaboration with the Official Languages Directorate, should explore new data sources that can support its ongoing GBA+ efforts.

# 1 INTRODUCTION

## 1.1 Purpose of the Evaluation

This report presents the results of the evaluation of the Access to Justice in Both Official Languages Initiative (hereafter the Initiative). The evaluation was undertaken as part of the Department of Justice Canada 2019-20 to 2023-24 Integrated Audit and Evaluation Plan and was conducted in accordance with the Treasury Board's *Policy on Results* and the *Financial Administration Act*. The evaluation was also designed and planned to align with the broader accountability process related to the Action Plan since the Initiative is part of two of the plan's pillars: Strengthening our Communities and Access to Services.

## 1.2 Evaluation Scope

The scope of the evaluation was determined based on a review of available information, as well as consultations with stakeholders regarding issues and questions of interest. In doing so, it included considerations related to GBA+. It also considered and built upon the two previous evaluations of the Initiative that were conducted in 2012 and 2017.

The evaluation covers four fiscal years, namely the period from 2017-18 to 2020-21. It focusses on the results achieved through the two main pillars (information and training), while also exploring the activities undertaken in support of the Advisory Committee and the Federal-Provincial-Territorial (FPT) Working Group. In addition, the evaluation includes questions concerning the relevance of the Initiative, particularly in light of the needs in regions with smaller concentrations of official language minority communities (OLMCs), as well as the needs of underserved populations such as visible minorities and new immigrants, which have been identified as a priority for the Initiative. It also assessed activities undertaken by the Official Languages Directorate and the Programs Branch's Innovations, Analysis and Integration Directorate (IAID) to support the implementation and management of the Initiative.

Finally, the scope of this evaluation considered other planned evaluations to ensure there was no duplication or overlap. Recent changes to the *Divorce Act*, which add official language provisions, are largely excluded from the current evaluation as these will be covered in the Evaluation of the Federal Support for Family Justice (policy component) scheduled for 2024-25.

# 2 PROGRAM PROFILE

## 2.1 Program Overview

The Initiative is comprised of the Access to Justice in Both Official Languages Support Fund (hereafter the Support Fund), and a related policy function. The Support Fund was created in 2003 in response to the Government of Canada *Action Plan for Official Languages*. The action plan and its successors have included several initiatives aimed at enhancing the vitality of OLMCs, as well as fostering linguistic duality in Canada. The Support Fund is part of the current *Action Plan for Official Languages - 2018-2023: Investing in Our Future*.

The main purpose of the Initiative is to provide Canadians from OLMCs with access to legal information regarding their rights and responsibilities in the official language of their choice, and with access to a justice system that meets their needs in that language. To this end, the Initiative includes two main pillars:

- The information pillar, established in 2003, supports activities that specifically aim to offer legal information to help members of the OLMCs learn about their rights, obligations and responsibilities in the official language of their choice.
- The training pillar, established in 2008, involves 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.

In addition, the Initiative provides support to the Advisory Committee on Access to Justice in Both Official Languages (Advisory Committee). The committee's mandate is to promote consultation, information exchange and the creation of partnerships between the Department, the legal representatives in OLMCs and the spokespersons for these communities on issues affecting access to justice in a minority language setting. The Initiative also supports the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages (FPT Working Group), which includes representatives from Justice, the Public Prosecution Service of Canada, and representatives from provincial and territorial governments.

Furthermore, since 2018, the Initiative reintroduced operational and core funding to strengthen the internal capacity and financial stability of eligible organizations working in the field of access to justice in both official languages. This operational and core funding is expected to further enhance the capacity of the justice system and its stakeholders to offer justice services in both official languages. It is also expected to increase awareness in the legal community and official language minority and majority communities concerning their rights and issues related to access to justice in both official languages. See Appendix A for the Initiative's logic model.

## **2.2 Governance Structure**

The activities related to the Initiative are managed by the following two groups:

- The Official Languages Directorate, under the Public Law and Legislative Services Sector, is responsible for policy development and for the coordination of all activities under the Initiative. The Directorate oversees the work of the Advisory Committee and of the FPT Working Group, supports the development of the Initiative's strategic directions, and reports on all Initiative activities.
- The Innovations, Analysis and Integration Directorate, under the Programs Branch, is responsible for managing all funding 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.

## 2.3 Resources

During the period covered by the evaluation, Justice allocated approximately \$39.3 million in the Initiative. This includes the new funding included in the Action Plan to provide core funding for community organizations and to enhance the financial support available through the Support Fund. As this new funding is linked to the Action Plan, it started in 2018-19.

**Table 1: Financial Resources Allocated to the Initiative for the Period covered by the Evaluation (in millions)**

Categories	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21 <sup>1</sup>	Total
Operational costs <sup>2</sup>	\$1.5	\$1.5	\$1.5	\$1.5	<b>\$5.8</b>
Funding Agreements <sup>3</sup>	\$6.5	\$8.5	\$9.2	\$9.2	<b>\$33.5</b>
<b>Total</b>	<b>\$8.0</b>	<b>\$10.0</b>	<b>\$10.7</b>	<b>\$10.7</b>	<b>\$39.3</b>

1. Financial Resources Allocated in 2020-21 exclude \$0.4M received through Supplementary Estimates C under the initiative *Funding to implement new family support enforcement provisions and increase access to family justice services in the official language of one's choice* as it is out of the Evaluation Scope as per section 1.2.  
2. Operational costs include internal costs related to salaries and benefits, operations and maintenance, and other internal activities related to the Initiative.  
3. Funding is allocated based on agreements signed with funding recipients.  
Source: Public Accounts of Canada - Total may differ slightly due to rounding.

## 3 EVALUATION METHODOLOGY

To guide the evaluation, a methodology and evaluation matrix were developed, based on the guidance provided by the TB *Policy on Results (2016)*. The scope of the evaluation focused on relevance (continued need), design and delivery and performance (effectiveness and efficiency), and included nine evaluation questions which are included in Appendix B.

An Evaluation Working Group (EWG), composed of Justice Canada representatives from the Official Languages Directorate and the IAID, provided advice during the design and implementation of the evaluation. The EWG coordinated access to data and provided feedback on evaluation products (i.e., the evaluation questions and indicators, preliminary findings and the draft evaluation report).

The evaluation used four data collection methods: a document and data review, a file review, key informant interviews, and case studies. GBA+ considerations were also included in the design, data collection, and reporting activities. Each of the methods is described below.

### 3.1 Document and Data Review

The review of relevant documents and data informed all of the evaluation issues and questions. It also offered a common information base for the other lines of evidence. The first step in the document and data review consisted of reviewing program-related documents to assist in addressing evaluation questions related to continued relevance and performance. The types of documents reviewed include the following:

- Program foundational documents to understand the context and purpose of the program and overall structure (e.g., Program terms and conditions, committee records, agreements, etc.);
- Program implementation documents (overviews, information sheets, minutes, etc.);

- Performance information (previous evaluations, performance information, stakeholder reporting templates); and,
- Financial information or planned and actual funding per fiscal year.

## 3.2 File Review

A review was conducted of Support Fund files to enable an assessment of some of the basic characteristics of all projects funded during the period covered by the evaluation. To this end, a profile of all targeted projects was prepared, based on the available performance data and information. This process specifically covered four fiscal years (2017-18 to 2020-21).

The relevant data and information (level of funding provided, type of funding, nature of the activities, targeted clientele, etc.) were entered into a spreadsheet, and summary tables were prepared and included in a separate technical report.

### 3.2.1 Key Informant Interviews

Semi-structured interviews with key informants contributed to the in-depth understanding of the Initiative, and enabled the identification of successes, as well as problems and challenges, and potential solutions related to the Initiative. Key informants were also provided with an opportunity to corroborate, explain, or further elaborate on findings from other data sources, and provided important input into whether outcomes have or have not been achieved, and why.

The evaluation team collaborated with the EWG to identify key informants for this evaluation. In total, 36 interviews including 43 individuals (some were group interviews) were conducted involving representatives from the following stakeholder groups:

- Justice Canada representatives, including those involved in managing and implementing the Initiative (n=4 interviews);
- Representatives from the Advisory Committee and the FPT Working Group (n=9 interviews);
- Funded organizations (n=23 interviews).

The interviewees addressed issues related to the relevance of the Initiative, the extent to which the Initiative has achieved its expected results, the effectiveness and efficiency of the management structure, and the reporting and accountability processes.

## 3.3 Case Studies

A total of three case studies were conducted with a view of documenting the results of the Initiative and of illustrating the various types of projects funded, along with best practices and lessons learned. Each case study involved a review of the relevant documentation and interviews (individual or group interviews). More specifically and as applicable, individuals who were interviewed as part of the general key informant interview process described in subsection 3.2.1 were asked additional questions that related specifically to a case study.

In consultation with the EWG, the following themes were covered by the case studies:

- *Access to justice in English in Quebec:* This case explored the ecosystem of stakeholders and service providers involved in facilitating access to justice in English in Quebec, with a view of documenting the relative contribution of the Initiative in achieving this goal. Organizations consulted as part of this case study included Éducaloi, the Quebec Community Groups Network, and the Côte-Nord Community Justice Centre.
- *Meeting the needs of underserved communities:* This case study explored the extent to which the Initiative is reaching underserved or more marginalized communities (e.g., newcomers, more isolated communities, etc.). It provided an opportunity to document any achievements and unmet needs, and provide helpful insights from an EDI perspective. Projects that were covered in this analysis included the Réseau des chercheuses africaines, Head & Hands (legal clinic), the Auberge Francophonie (legal information workshops), and the “*Politique de 2019 sur la diversité et l’inclusion*” adopted by the Association des juristes d’expression française de l’Ontario (AJEFO).
- *Language training:* This case study assessed the current avenues available to provide language training for stakeholders involved in the justice system. The focus was placed on the acquisition of linguistic capacity in the second official language among these individuals (as opposed to the provision of substantive law training offered in the second language). This provided an opportunity to assess the contribution of the Initiative in the continuum of activities offered, including the development of training material, the delivery of training activities, and the assessment of linguistic capacity acquired through this training. Projects that were covered in this analysis included the Centre canadien de français juridique, Juralingo, and KortoJura.

For each case study, a technical report was prepared, which covers the overall findings as they relate to the theme addressed, and the contribution of the Initiative. A summary of each case study is included in Appendix C.

### 3.4 Consideration of Gender-Based Analysis Plus

The federal government’s *Policy on Results*, along with its associated *Directive on Results* specify the expectations related to GBA+ in the context of evaluation studies. First, it confirms that in establishing their performance measurement strategy, program managers must include, where relevant, a GBA+ lens. It also identifies, as a mandatory procedure, that all evaluations be planned to take into account, where relevant, GBA+ considerations.

This evaluation of the Initiative provided an opportunity to explore how a GBA+ may strengthen our understanding of the extent to which the program’s reach and benefits include diverse groups of women, men and non-binary individuals, considering a range of identity factors such as language, regional distribution, race, age, disability, or education.

### 3.5 Constraints, Limitations and Mitigation

The main constraints related to this evaluation are the nature and extent of performance information being collected in relation to each project funded. To mitigate these issues, the evaluation assessed the results that have emerged during the evaluation period, but also took into account activities and investments that occurred prior to the evaluation period but whose associated benefits were

experienced during the evaluation period. Also, while the performance data and information included some information gaps, particularly for the case studies, interviews were conducted, and other relevant information were integrated in the analysis.

Also, the uncertainty surrounding the COVID-19 pandemic had an impact during the data collection process. To mitigate this challenge, the period assigned to conduct interviews was expanded, and a variety of means (phone, MS Teams, and Zoom) were used to accommodate key informants.

## 4 FINDINGS

### 4.1 Relevance

In addressing the issue of the relevance of the Initiative, the evaluation focussed on two specific dimensions: the appropriateness of the current approach in supporting access to justice in both official languages, and the extent to which the Initiative is capable of responding to the needs of those stakeholders it targets.

#### 4.1.1 Appropriateness of the Current Strategy

The Initiative ensures that official languages considerations are directly integrated in efforts to promote access to justice in Canada. It offers a comprehensive approach that is well aligned with the vision included in the federal action plan on official languages.

The Initiative is related to Justice's responsibility of ensuring that the federal government is supported by high-quality legal services and that the Canadian justice system is fair, relevant, accessible, and reflective of Canadian values. In so doing, the Initiative operates in a fairly complex ecosystem of institutions and stakeholders that must combine their efforts aimed at access to justice in accordance with the broad framework provided by the Canadian constitution. This includes the formal and constitutionally entrenched recognition that English and French are the official languages of Canada,<sup>3</sup> and the quasi-constitutional commitment found in the *Official Languages Act* that all federal departments and agencies be committed to enhancing the vitality of the English and French linguistic minority communities in Canada, to supporting and assisting their development, and to fostering the full recognition and use of both English and French in the Canadian society.<sup>4</sup>

The Initiative supports this vision at three complementary levels:

- At the community level, the Initiative provides funding to a range of organizations that promote access to justice in both official languages, in addition to supporting a range of projects and activities that allow members of the OLMCs to be adequately informed about their rights and obligations in their official language.
- At the institutional level, it provides funding to enhance the capacity of the courts and of the justice system more broadly to operate in both official languages, for all matters that require the intervention of the justice system.
- From an engagement perspective, the Initiative allows both community stakeholders and federal, provincial, and territorial governments to network, collaborate and pursue dialogues that specifically focus on the official languages dimensions of access to justice.

Evaluation findings indicate a high level of support for this overall approach, as it fosters a comprehensive strategy to ensure that access to justice in Canada integrates considerations related to official languages. As repeatedly noted during interviews, there are no other means that can achieve what the Initiative is mandated to pursue. In the absence of the Initiative, there would be a significant

<sup>3</sup> Section 16 (1) of the *Canadian Charter of Rights and Freedoms*.

<sup>4</sup> Section 41 (1) of the *Official Languages Act*, (R.S.C., 1985, c. 31 (4th Supp.)).



gap that would jeopardize what has been achieved to date in enhancing access to justice in both official languages.

While enhancements to the Initiative were discussed and raised as part of interviews, and are addressed throughout this report, no broader alternative to the actual strategy pursued by Justice, through the Initiative, has emerged.

## **Integration in the Federal Action Plan for Official Languages**

The Initiative emerged as part of the federal government's first five-year official languages action plan, covering the period of 2003 to 2008. Since then, every such action plan has integrated a dimension related to the access to justice in both official languages. The most recent iteration of the plan, the *Action Plan for Official Languages - 2018-2023: Investing in Our Future* makes no exception. In addition to maintaining the levels of funding for justice-related programs and activities, it includes an additional \$13.3 million over five years to expand the funding available through the Support Fund and to provide core funding to community organizations promoting access to justice in both official languages.

By framing and linking \$2.7 billion<sup>5</sup> in funding over five years for a wide range of initiatives covering areas such as education (first and second language), culture, media, employment and economic development, health, immigration and justice, the Action Plan stands at the core of the federal government's vision of the two official languages, and of its commitment to support OLMCs across Canada. During interviews, stakeholders from all groups consulted emphasized the direct alignment of the Initiative with the Action Plan. In fact, the Initiative is seen as Justice's most significant contribution to supporting the goals of the Action Plan.<sup>6</sup>

### **4.1.2 Alignment with Stakeholder Needs**

The Initiative is well aligned with the needs of stakeholders, and efforts have been made to ensure that the full range of needs, including those of more marginalized populations, are taken into account in the implementation of funded activities

#### **The Information Pillar**

In terms of the information pillar, evaluation findings confirm the importance of fostering the capacity of citizens to understand their rights and obligations, and the various paths that individuals may pursue to address legal issues. Achieving these goals in Canada requires that citizens be provided with the information they need in either English or French. On that basis, the primary challenge facing all key stakeholders, and the Initiative by extension, consists in identifying the range of target population groups, and ensuring that the organizations serving these individuals and communities be aware of the financial support that the Initiative may provide in order to undertake relevant activities in either English or French.

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<sup>5</sup> Source: Government of Canada. *Action Plan for Official Languages - 2018-2023: Investing in our Future*, page 52. <https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/official-languages-action-plan/2018-2023.html>.

<sup>6</sup> The other main component of the *Action Plan for Official Languages - 2018-2023* related to justice is the *Contraventions Act* Fund, which provides funding to ensure that the implementation of the *Contraventions Act* is carried out in accordance with the applicable language rights.

The GBA+ undertaken by the Official Languages Directorate (see subsection 4.3.2 for further details) has allowed program managers to acquire a broader understanding of the various subgroups of Canadians who could benefit from the activities funded by the Initiative. In particular, needs of newcomers, racialized groups or marginalized populations, vulnerable youth, seniors, and individuals located in remote communities have emerged from this analysis as being particularly relevant. The Initiative has responded by providing funding to a variety of organizations that have tailored their strategy to each of these target groups. Legal information sessions and workshops, online material, legal information clinics, and outreach workers are some of the means by which targeted populations have been reached and served in both English and French.

During interviews, funding recipients emphasized how the flexibility within the management of the Initiative has allowed for critical adjustments to be implemented in response to the COVID-19 pandemic. Considering that in-person activities have always played a predominant role in reaching out to vulnerable, marginalized or disenfranchised individuals and communities, funded organizations have had to rethink and reframe their approach to promptly move to online and distance delivery options. Evaluation findings confirm that the Initiative has succeeded in allowing these changes to be successfully implemented.

While inroads have been made in responding to the needs of various groups of individuals living within the OLMCs, evaluation findings indicate that ongoing research and assessment are expected in order to fully appreciate the range of needs that could be addressed through the Initiative. Arguably and considering the level of funding available, the Initiative cannot address all needs from all potential beneficiary groups. However, evaluation findings indicate that continuing to document the needs using a GBA+ lens can inform future decisions and directions, particularly in funding projects and activities under the information pillar.

As for areas of the law where legal information is most needed, evaluation findings confirm the predominance of civil and administrative law matters. This can include issues related to family law (separation, divorce, child support, and child protection), housing (leases, rental conditions, etc.), labour and employment, succession law, and immigration law. There are also information needs concerning criminal issues, such as family violence. However, the funded organizations do not typically provide information or assistance to individuals under detention, and may provide limited assistance to individuals who have been charged with criminal offences; these services tend to be predominantly offered by legal aid services.

## **The Training Pillar**

Since the period following the establishment of the Initiative's training component in 2008, a number of organizations have collaborated to enhance the capacity of justice professionals related to their ability to communicate in both official languages. Whereas the range of stakeholders and needs associated with the information component of the Initiative is fairly challenging to circumscribe, the range of stakeholders and needs related to the *training* pillar is more contained. Ultimately, the goal for the latter component is to ensure that all key justice professionals, such as judges, lawyers (including prosecutors for criminal proceedings), court support workers, and probation officers, be in a position to effectively communicate in both official languages, particularly in the context applicable to their specific duties. To confirm, this is not about being capable of holding a casual conversation in both languages. It is about achieving a level of competence that allows for a full understanding of the nuances associated with the duties undertaken, and providing assurance and confidence to those

individuals involved in court proceedings that using either official language will lead to the same treatment and the same outcome.

While the goal may be fairly straightforward, the overall task at hand remains colossal. Historically, efforts related to language training of justice professionals have focused on those operating within the criminal justice system. This reflects the fact that the Parliament has exclusive jurisdiction over criminal law, and that the *Criminal Code* guarantees the right to a proceeding in French or in English anywhere in Canada (sections 530 and 530.1). Even then, the complexity and specificities of each provincial or territorial court system, the involvement of provincially appointed and federally appointed judges, the critical role of legal aid services, and the involvement of private practice lawyers, among other considerations, have required careful planning in pursuing an overall strategy of enhancing the language capacity of justice officials operating in that area of the law.

Recent amendments made in 2019 to the *Divorce Act* will now expand the right to proceedings in both official languages for those involved in such matters.<sup>7</sup> The language training provided in relation to family law matters will be significantly different than the one provided in the context of criminal law. For instance, while a large share of criminal matters are heard by provincial courts, almost all family law matters are heard by superior court judges. In the context of criminal law matters, the right to proceed in either English or French is provided to the accused, and the justice system is expected to accommodate his or her choice. In the case of family law, the right to proceed in either English or French is given to both parties, which may lead to English, French, or bilingual proceedings.

Evaluation findings indicate that the network of organizations and actors in place is well positioned to identify the needs for language training in a legal setting, and to engage with Justice, through the Initiative, to pursue the appropriate strategies.

As noted during interviews, the range of stakeholders currently involved with the Initiative's training component covers all relevant areas, from fundamental training in both official languages (in law faculty and colleges), to ongoing language training for professionals, and the formal assessment of the new language skills acquired. In that sense, the Initiative is well aligned with the evolving needs of key stakeholders.

## 4.2 Effectiveness

### 4.2.1 Overview of Funded Activities

To help contextualize the information contained in the following subsections, which explore the effectiveness of the Initiative, an overview of the activities funded during the evaluation period is included in this subsection.

In total, 110 projects<sup>8</sup> involving 49 organizations were allocated a total of \$33.5 million of funding during the period covered by the evaluation. Some of these projects started before 2017-18, while others

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<sup>7</sup> Subsection 23.2(1) of the *Divorce Act*, which deals with the use of both official languages in divorce proceedings, will come into force incrementally by Order in Council. As of March 1, 2021, the subsection was in force in Manitoba, Yukon and Nunavut.

<sup>8</sup> For the purpose of this analysis, the term "project" refers to the set of activities that were approved for funding under the Initiative. It includes various types of training and information activities, as well as the core funding provided to organizations. The same project funded through multiple fiscal years is considered to be a single project.

continued after 2020-21, but all were active during the evaluation period.<sup>9</sup> As noted in Table 2, they cover all provinces and territories except Prince Edward Island and Nunavut. A little over half of the projects were located in New Brunswick, Ontario and Manitoba.

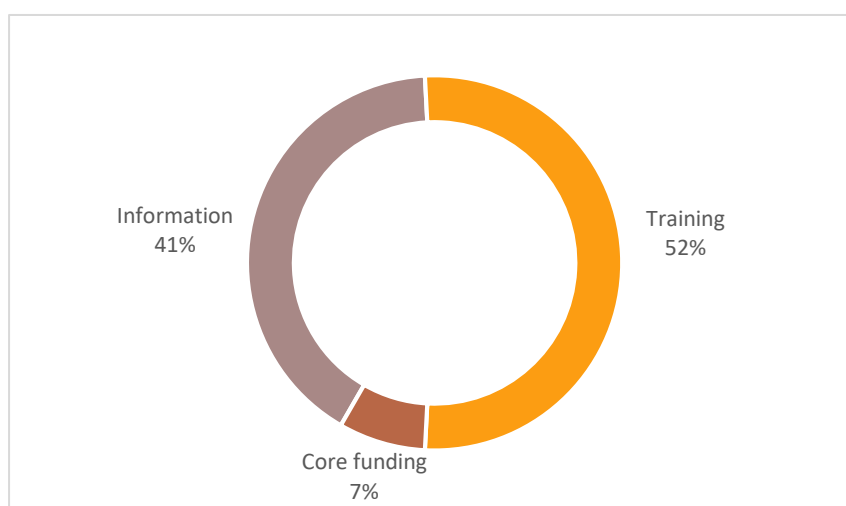
**Table 2: Funding Allocated During the Period 2017-18 to 2020-21**

Province/territory	Number of funded projects	Number of funded organizations	Funding allocated (in million \$)
Newfoundland and Labrador	7	4	\$0.4
Nova Scotia	8	2	\$1.3
New Brunswick	17	6	\$5.5
Quebec	9	7	\$5.1
Ontario	25	11	\$9.8
Manitoba	18	8	\$6.7
Saskatchewan	5	2	\$1.5
Alberta	7	3	\$1.9
British Columbia	10	2	\$0.9
Yukon	3	3	\$0.2
Northwest Territories	1	1	\$0.1
<b>Total</b>	<b>110</b>	<b>49</b>	<b>\$33.5</b>

Source: Administrative data – Total may differ slightly due to rounding

Figure 1 indicates that the largest portion of the funding was allocated to training activities, followed by activities focussed on information. The core funding which is provided to associations of French-speaking lawyers and provincial organizations, represents 7% of the funding allocated.

**Figure 1: Distribution of Funding Allocated by Key Component (2017-18 to 2020-21)**

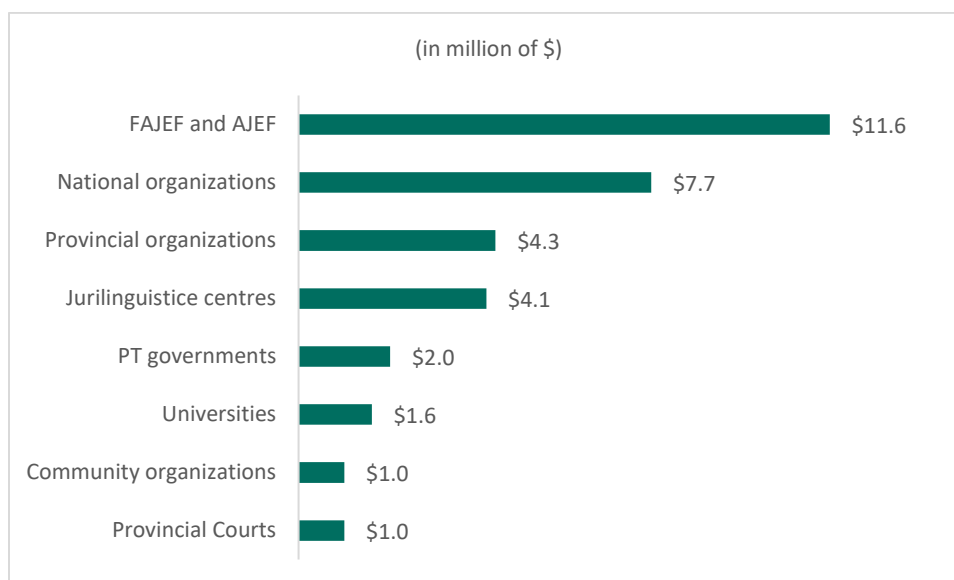


(Source: Administrative data – Total may differ slightly due to rounding)

<sup>9</sup> The total value of the 110 projects funded, including all fiscal years covered by these projects, is \$85.7M.

Looking more closely at the different categories of organizations receiving financial support, Figure 2 indicates that the associations of French-speaking lawyers and their national federation (i.e., Fédération des associations de juristes d'expression française de common law [FAJEF] and Association de juristes d'expression française [AJEF]) were provided 35% of the \$33.5 million of funding allocated. This includes core funding as well as funding for activities related to both the information and training components. The bulk of the funding allocated to these organizations was directed towards their information-related projects (\$8 million, including legal information centres or clinics, online resources (such as CliquezJustice.ca), and many workshops and awareness-raising activities targeting specific groups (youth, new immigrants, seniors, etc.).

**Figure 2: Distribution of Funding Allocated Among Key Categories of Funding Recipients (2017-18 to 2020-21)**



(Source: Administrative data – Total may differ slightly due to rounding)

Projects undertaken by national organizations focused almost entirely on the language training of legal professionals. This includes the training offered by organizations such as the Centre canadien de français juridique or Jurilingo, the coordination activities done by the NNJT or the language assessment services offered by KortoJura.

Provincial organizations focused almost exclusively on legal information-related activities. It included the \$2 million allocated to Éducaloi in Quebec to offer legal information for English-speaking communities. It also included funding allocated to the Quebec Community Groups Network (\$1 million) to undertake provincial-wide consultations in support of a strategic analysis on the need for legal information in English in Quebec among seniors, youth in need of protection or who interact with the justice system, and people who deal with labour-relation issues.

The Initiative also provided funding to the provincial and territorial governments of New Brunswick, Nova Scotia, Newfoundland and Labrador, Ontario, Manitoba, Alberta and the Yukon. The large majority of the activities funded were aimed at enhancing the language capacity of provincial judges. In the case of Ontario, the Initiative has also been supporting the well-established National French Language Institute for Professional Development (FLIPD), which provides an annual one-week intensive training course on French language legal terminology to an average of 100 justice professionals, including prosecutors, court support staff, legal aid duty counsel, as well as some social

services agency staff dealing with victim issues. Some information-related activities were also undertaken by the funded PT governments, particularly in the area of family law.

The jurilinguistic centres are focusing on expanding the body of terminology in both English and French for the common law and the civil law, and have been providing translated court decisions. They have also used the funds provided to develop tool kits to enhance the awareness among the general population of their rights and obligations.

The law faculties of the University of Ottawa and the University of Manitoba received funding to provide opportunities for law students to enhance their ability in French Common Law. This has included the newly established Certification in Common Law in French, which is a partnership between the Common Law Faculty of the University of Ottawa and the College of Law of the University of Saskatchewan.

Finally, community organizations in Quebec, Ontario and Alberta received funding to undertake information-related activities focusing on more isolated, marginalized and racialized population groups.

Based on this overview of the projects that were active during the evaluation period, the following subsections explore the impact that these activities have had.

#### 4.2.2 Access to Legal Information in Both Official Languages

The Initiative continues to support significant initiatives that facilitate the development of the required content, the implementation of delivery strategies, and the ongoing assessment of activities related to the access to legal information in both official languages. The evaluation confirms the need to explore strategies to further expand the reach of these activities.

The ultimate goal of the Initiative when it comes to legal information is to secure and support the appropriate partnerships and collaborations to ensure that individuals from OLMCs across Canada are in a position to learn about their rights, obligations, and responsibilities in their official language of choice. The fundamental blocks upon which the achievement of this goal rests include the development of the needed content (e.g. legal information on rights, obligations, and responsibilities) in either or both English and French, based on the target groups, the delivery strategies used to communicate this information (i.e. reference materials, brochures, videos, etc.), and the ongoing monitoring of emerging needs and the resulting adjustments to the activities provided (see Figure 3).

The assessment of these dimensions cannot be limited to the activities that occurred during the period covered by the evaluation. What is currently in place is the result of efforts initiated in 2003 when the Initiative was first announced. A more informative approach consists of documenting how the work done since 2003 has manifested itself during the period covered by the evaluation.

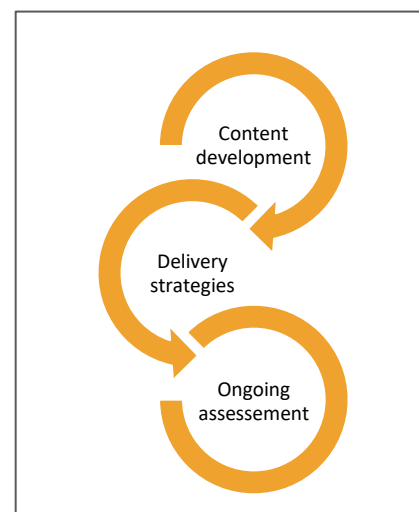


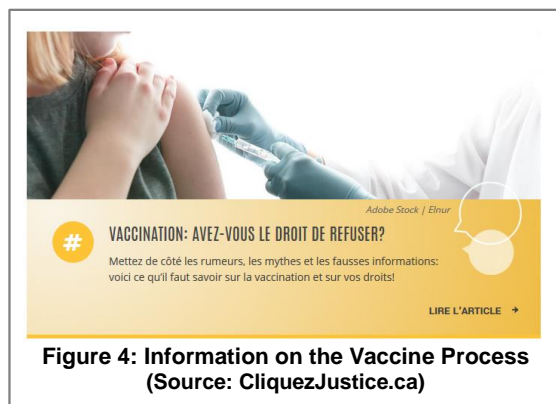
Figure 3: Activity Cycle

Evaluation findings point to significant progress made towards the goals set in relation to the information component of the Initiative.

## Content Development

Particularly through the work of CliquezJustice, Éducaloi, and the jurilinguistic centres, there is a considerable body of relevant material available in both English (in Quebec) and French (for all other regions of Canada) on the priority areas of the law described in subsection 4.2.1, including family law, housing, labour and employment, succession law, and immigration law. This includes online information, videos, and paper-based documents, all written for a wide audience.

Work has also been undertaken to identify emerging legal information needs. During interviews, representatives of funded organizations noted that the program has adopted a flexible approach to providing legal information that accommodates new priority areas as they emerged. For instance, key informants noted that legal issues around mental health, services to victims of crime, and bankruptcy are expected to require further attention in the future. This is particularly true in the context of the COVID-19 pandemic. It should be noted that existing content has already been produced concerning the pandemic, such as rights and obligations associated with the vaccine process (see Figure 4).



## Delivery Strategies

Here again, the work done since 2003 in building a comprehensive delivery approach has led to significant achievements that have continued to progress during the evaluation period. In a number of French-speaking communities, legal information clinics have been successfully established and have reported high levels of activities. For instance, the Centre d'information juridique de l'Ontario has served more than 11 000 individuals between 2015 (the year it was established) and 2020.<sup>10</sup>

Funding support has also been provided to grassroots organizations that come with an already established trusting relationship with harder to reach and disenfranchised individuals and communities, in order to provide legal information. A case in point is the work of Head & Hands, a well-established community-based organization located in Montreal that has used the funds from the Initiative to hold legal clinics and engage with its client groups in legal awareness activities relevant to them. Also in Quebec, the Côte-Nord Community Justice Centre has received support from the Initiative to organize community meetings, participate in radio shows, engage with individuals through social media, and prepare information kits to address legal issues relevant to those living in the Côte-Nord, which includes many isolated communities. Finally, the Autobus de la Justice in rural Alberta is another illustration of a tailored strategy to reach and address legal issues and concerns of members of the OLMCs.

During interviews, key informants emphasized the need to design delivery strategies that build on the existing strengths of the recipient organizations. However, while a legal information centre may be very successful in providing much needed legal information to the broader community, this same setting might fail to reach some subsections of the targeted population. In other words, some potential beneficiaries will gladly come to the service provider, while in other cases, the service provider will

<sup>10</sup> Association des juristes d'expression française de l'Ontario. (2020). *Rapport annuel 2019-2020*, p. 29.

need to meet the beneficiaries in their own environment. For this reason, diversifying delivery strategies and broadening the range of organizations involved in delivering activities related to the information component of the Initiative is essential to ensure that no systemic barriers limit the access of some eligible individuals or groups to the support provided.

As noted in subsection 4.2.1, the COVID-19 pandemic has had a significant impact on organizations delivering legal information activities. While the effects of the pandemic were not strictly speaking a focus of the evaluation, they were nonetheless raised during many of the interviews that were conducted as part of this study. Vulnerable populations have been particularly hard hit by the pandemic, and being unable to reach them in person has proven to be very challenging for many of the funded organizations. As noted during interviews, the quality of the service provided has been affected by moving to online and remote delivery models. Once the pandemic has been largely resolved, it will be important to identify the lessons learned and to determine the best strategy to reconnect with potential beneficiaries that were not in a position to engage with the activities offered during the pandemic.

### **Ongoing Assessment**

During interviews, representatives from funded organizations noted that they regularly reassess their approach, based on the experience acquired and the feedback they received from the individuals they served and from their organizational partners. As previously noted, the Initiative has proven to be flexible enough to allow the organizations to implement required changes to their respective approaches.

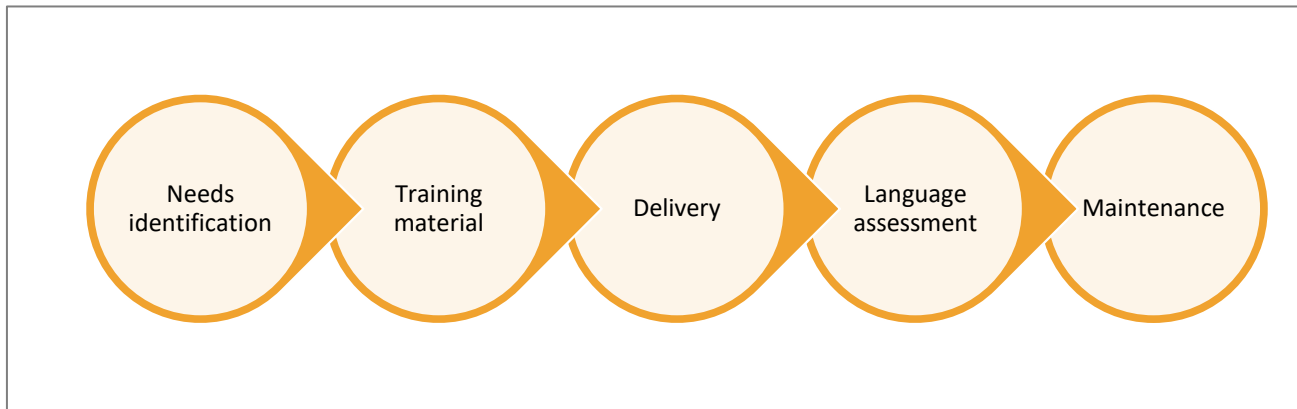
In addition, key informants noted that the Advisory Committee provides a unique opportunity to learn about projects and strategies being implemented throughout the country, and to better understand Justice's vision and priorities when it comes to official languages and access to justice. It was suggested that Justice may wish to hold meetings of the Advisory Committee more regularly to further these opportunities.

### **4.2.3 Capacity of the Justice System to Operate in Both Official Languages**

The Initiative supports activities covering the entire language training cycle and all key functions within the justice system. Key challenges are to expand the regional reach and to facilitate increased partnerships among the key stakeholders.

As noted in subsection 4.1.2, enhancing the capacity of the justice system to operate in both official languages is a significant endeavour, which mobilizes several stakeholders. As illustrated in Figure 5, to be successful, the strategy must cover the entire learning process, from needs identification to the maintenance of an individual's capacity in an acquired official language.





**Figure 5: Key Components of Language Training Activities**

### **Contribution of the Initiative**

At the time of the evaluation, the Initiative was undeniably the driving force behind the efforts in Canada to enhance the capacity of the justice system to operate in both official languages. Other players, including some provincial governments, also contribute to these efforts, but evaluation findings leave no doubt that, in the absence of the Initiative, this nation-wide endeavour would largely come to a halt.

As noted in subsection 4.1.2, the Initiative has been supporting the process of identifying needs and establishing priorities, particularly for French-language training outside Quebec. The Initiative has also supported, to some extent, all the other key components of the training continuum:

- Organizations such as the Centre canadien de français juridique, Jurilingo, and the FLIPD have successfully designed and delivered training activities to various categories of justice professionals, using a range of materials, including the resources developed by the jurilinguistic centres. Participants include judges, lawyers (both private lawyers and prosecutors), court support staff, and legal aid duty counsel.
- An increasing number of activities are being offered to justice professionals to maintain the acquired language skills. This includes regular language training sessions and workshops that address various fields of law.
- KortoJura has emerged as the only organization in Canada that systematically assesses language skills in a legal context. The assessment is tailored to the specific functions of the justice system, and applies to capacity in either one of the two official languages.
- Law students are presented with an increasing number of opportunities to build their capacity to practice in both official languages. The Initiative supports the implementation of activities in law faculties at the University of Ottawa and the University of Manitoba. This includes a summer preparatory program that is addressed specifically to immigrant or refugee students who have been accepted into the French common law program at the University of Ottawa and who have limited knowledge of the Canadian context, both in terms of the legal system and the Canadian university setting.

During interviews, representatives of funded organizations noted that these activities allow justice professionals to enhance their abilities and comfort level to operate in both official languages. In particular, the fact that most of these training activities reproduce actual scenarios encountered in the

justice system is seen as a best practice. Moreover, allowing learners to better understand both the language and the culture found in the various OLMCs allows them to appropriately contextualize what they hear and determine how to best communicate.

## Identified Challenges

Evaluation findings point to two central challenges concerning the Initiative's training component.

First, activities funded to date cover key groups within the justice system, but not all of them. For instance, judges and prosecutors have historically been the focus of the training activities offered. There are also some activities that are offered to court personnel, legal aid staff lawyers, and other professionals such as probation officers, however some of these activities are not offered in many provinces and territories and the reach has yet to be expanded as capacity is being increased. Other groups, such as private practice lawyers, have largely not required the training offered to date. Yet, with the progressive coming into force of new language rights provisions provided in the *Divorce Act*<sup>11</sup>, the ability of private practice lawyers to communicate in both official languages will be essential towards contributing to a meaningful implementation of these new language rights.

Second, establishing strong partnerships among the various organizations involved in the provision of language training is perceived as critical to further expand the reach of the Initiative, both geographically and among all the various groups of professionals who need to operate in both official languages. These partnerships also serve to secure the sustainability of the services offered.

### 4.2.4 The Advisory Committee and the Federal-Provincial-Territorial Working Group

The Advisory Committee and the FPT Working Group are mature structures that have proven to be valuable in enhancing collaborations among key stakeholders. Facilitating interactions between these two structures would further enhance their respective work.

The Advisory Committee and the FPT Working Group are seen as highly relevant forums to promote coordination, information sharing, and the development of priorities. As noted throughout this report, enhancing access to justice in both official languages requires the involvement of a multitude of government and non-governmental actors. The Advisory Committee and the FPT Working Group are the only means by which these stakeholders can systematically gather and discuss relevant issues or challenges.

Evaluation findings indicate that, while there is value in allowing each group to meet on its own, it would be desirable to explore the possibility of increased opportunities for greater collaboration between the two groups. In practical terms, this means that government representatives from the FPT Working Group could attend, when relevant, a portion of the meeting of the Advisory Committee, and vice versa. This would promote greater transparency on the overall strategy to enhance access to justice in both official languages, as well as the opportunity for a shared vision of all key stakeholders to emerge.

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<sup>11</sup> Subsection 23.2(1) of the *Divorce Act*, which deals with the use of both official languages in divorce proceedings, will come into force incrementally by Order in Council. As of March 1, 2021, the subsection was in force in Manitoba, Yukon and Nunavut.

Other improvements that were suggested during interviews are summarized below:

- Once the pandemic is largely resolved, the goal should be to have two meetings per year, including one in-person meeting. The experience of the pandemic has confirmed that videoconferencing is a valid means by which meetings can be held. However, retaining in-person meetings is just as important, as they allow for much richer discussions and networking activities to occur.
- Each meeting should allow for enough time for discussions and, as applicable, work in subgroups. While various presentations are helpful, it is important to ensure that the meetings remain interactive and allow for conversations and dialogue to occur.
- The Advisory Committee should ensure that new voices can be added to reflect the needs and priorities of various groups of potential beneficiaries of the activities funded by the Initiative. Organizations assisting more remote communities, disenfranchised individuals, racialized communities, new immigrants, or LGBTQ2 individuals are some of the examples mentioned during interviews. Their participation can be as guests or as permanent members, as applicable.

### 4.3 Design and Delivery

#### 4.3.1 Performance Measurement Strategy

Stakeholders are generally satisfied with the current reporting requirements, and the range of information and data provided on funded activities.

At the time of the evaluation, Justice was well positioned to document the activities undertaken with the support of the Initiative. In particular, the Department was receiving annual activity reports from the funded organizations, and could generate annual allocation reports from its grants and contributions management system. Based on this information and other data sources as required, Justice also publishes an annual Review on Official Languages in the section of its web site dedicated to Justice in Official Languages.<sup>12</sup> The Justice in Official Languages Newsletter and the Departmental Action Plan for Official Languages 2017-2022 are other documents that either report on activities funded, or provide a broader context in which the Initiative operates within Justice. It is important to emphasize that this information has provided critical input into this evaluation process.

During interviews, representatives from both Justice and the funded organizations indicated that they were satisfied with the current reporting process and requirements. It was noted that the reporting template was modified during the period covered by the evaluation, which led to a more streamlined and efficient reporting process.

Interviews also indicated that more could be done with the information provided through the annual activity reports, to build a richer understanding of the results achieved by the Initiative. A review of a sample of these reports confirmed this statement. These activity reports include fairly detailed information that could be aggregated to produce both qualitative and quantitative insights in the results achieved by the Initiative.

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<sup>12</sup> Justice in Official Languages: <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/franc/index.html>.

### 4.3.2 Equity, Diversity, and Inclusion Considerations

Justice has been including considerations related to equity, diversity, and inclusion (EDI) in the ongoing management of the Initiative. To this end, it has conducted a GBA+ and engaged key stakeholders in further exploring these considerations.

There is a clear link between the nature of the activities funded by the Initiative and considerations related to EDI. The very purpose of facilitating access to justice, including access in both official languages, is to ensure that the justice system equally serves all Canadians, regardless of any of their identity dimensions. As noted by the Right Honourable Beverley McLachlin, former Chief Justice of Canada, “The most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve.”<sup>13</sup>

Including EDI considerations in the management of a program such as the Initiative requires careful planning, monitoring and adjustments as required and applying GBA+ can support a better integration of these considerations. GBA+ is an analytical tool used to assess the potential impacts of policies, program, services and initiatives on diverse groups of people with a range of intersecting identity dimensions. Once an analysis has been completed, it is up to program management to consider the information that has been collected and to decide how best to proceed. As such, a GBA+ may support the development of an EDI strategy.

Evaluation findings confirm that EDI considerations have been integrated in the management of the Initiative.

In 2016, the federal government published its *Policy on Results* and its associated *Directive on Results*, which set an expectation that “government-wide policy considerations such as gender-based analysis and official languages, where relevant” be integrated in the management of any programs. In order to proceed in accordance with this requirement, the management group responsible for the Initiative carried out a first GBA+, which aimed at better understanding how such an analysis could apply to the Initiative, and set some follow-up actions.

This initial GBA+ provided valuable insights, while also allowing for data gaps to be identified. In particular, the reporting activities associated with the activities funded by the Initiative do not systematically gather identity data on project participants, for either the information or training components. There is also no data that could provide a better understanding of the diversity found in the pool of potential beneficiaries of the activities funded by the Initiative. It is, however, important to emphasize that such gaps are to be expected. This type of data has not been historically collected, and individuals engaging in program activities will always provide such information on a volunteer basis. It is for this reason that GBA+ is considered an ongoing process. The goal is not to achieve a perfect mapping of the identity dimensions of existing or potential program beneficiaries. It is rather to continuously improve on the existing information, and use whatever data is available to reasonably inform the decision-making process.

Evaluation findings indicate that Justice has engaged the Advisory Committee in exploring how EDI considerations could be further integrated in the activities funded and, as described in subsection 4.2.2

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<sup>13</sup> Office of the Commissioner of Official Languages. (2013). *Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary*. <https://www.clo-ocol.gc.ca/en/publications/studies/2013/access-to-justice-in-both-official-languages-improving-the-bilingual-capacity-of-the-superior>.

of this report, funding has been allocated to a number of organizations that specifically target traditionally disenfranchised or harder to reach communities and individuals. Justice intends to continue exploring ways to better integrate EDI considerations.

Funded organizations are also responding to this call for a more systemic integration of EDI considerations. For instance, the AJEFO adopted, in 2019, a *Politique sur la diversité et l'inclusion*. This internal policy applies to all employees, Board members, volunteers, and members of the organization. It guides all the strategic planning of the organization, as well as the implementation of its programs and activities. Its fundamental purpose is to ensure that everyone, regardless of any identity dimension, is fully integrated and valued. To further its work on diversity and inclusion, the Association collaborates with a wide range of organizations, including those that participate in the Roundtable of Diversity Associations, which is led by the Toronto Lawyers Association and includes a wide range of other associations representing Arab, Black, Muslim, Somali, and Indigenous lawyers, among others.

## 4.4 Efficiency

### 4.4.1 Funding Allocation Process

There is a wide support for the current funding allocation process, including the multi-year funding offered when applicable.

All stakeholders, from both Justice and funded organizations, are generally satisfied with the current process used to allocate funding. The application process, the review of these applications, and the allocation of funding are all seen as operating efficiently.

There is a particularly strong support for multi-year funding, as this approach allows for more stability and facilitates the implementation of the funded activities. Since many of the funded recipients have a long history with the Initiative, this approach appears particularly well suited. There was also the suggestion that, when feasible, the funding could be allocated on a five-year basis, to align with the federal Action Plan for Official Languages. Another suggestion provided would be to implement a fast-track process for project renewals when little to no change is made to the funded activity.

## 5 CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Conclusions

The Initiative constitutes the primary means by which Justice supports access to justice in both official languages. The current program structure, which covers an information component and a training component, in addition to the core funding, is well suited to pursue the goal of ensuring that Canadians from OLMCs have access to information on their rights and responsibilities in the official language of their choice, and that the justice system has the institutional capacity to offer services in both official languages. The Initiative has also proven to be sufficiently flexible to adapt to the needs of OLMCs and justice system stakeholders.

Findings gathered on the projects and activities that were active during the evaluation period provided an opportunity to assess the progress made since the Initiative was first established in 2003. As documented in this report, the program has achieved considerable maturity and has secured important results:

- Concerning the information component, the Initiative has supported the development of a significant body of relevant material, and is providing funding to a wide range of organizations that inform members of OLMCs about their rights and obligations, using a variety of strategies that are adapted to the targeted groups. During the evaluation period, EDI considerations have been more systematically integrated into the management of the Initiative, including a GBA+, which has proven particularly relevant for the information component of the Initiative.
- As it relates to the training component, the support provided since 2008 has led to a strong institutional framework that supports a systemic assessment of training needs, the development of the required training material, the delivery of training activities, the assessment of the language capacity of participants, and provision of follow-up activities to maintain the language skills acquired. There is a need to pursue the expansion of partnerships among all stakeholders involved in the training component to ensure that all activities achieve their full potential. The emergence of new language rights in family law will require new training strategies to be pursued to support their implementation.
- The core funding is providing the required stability among the recipient organizations, which allows them to more adequately fulfill their mandate and undertake projects.

To support the ongoing management of the Initiative, the Advisory Committee and the FPT Working Group are seen as valuable platforms to facilitate dialogue, to share information, and to address emerging priorities. Exploring further opportunities for the two groups to collaborate could further enhance their effectiveness.

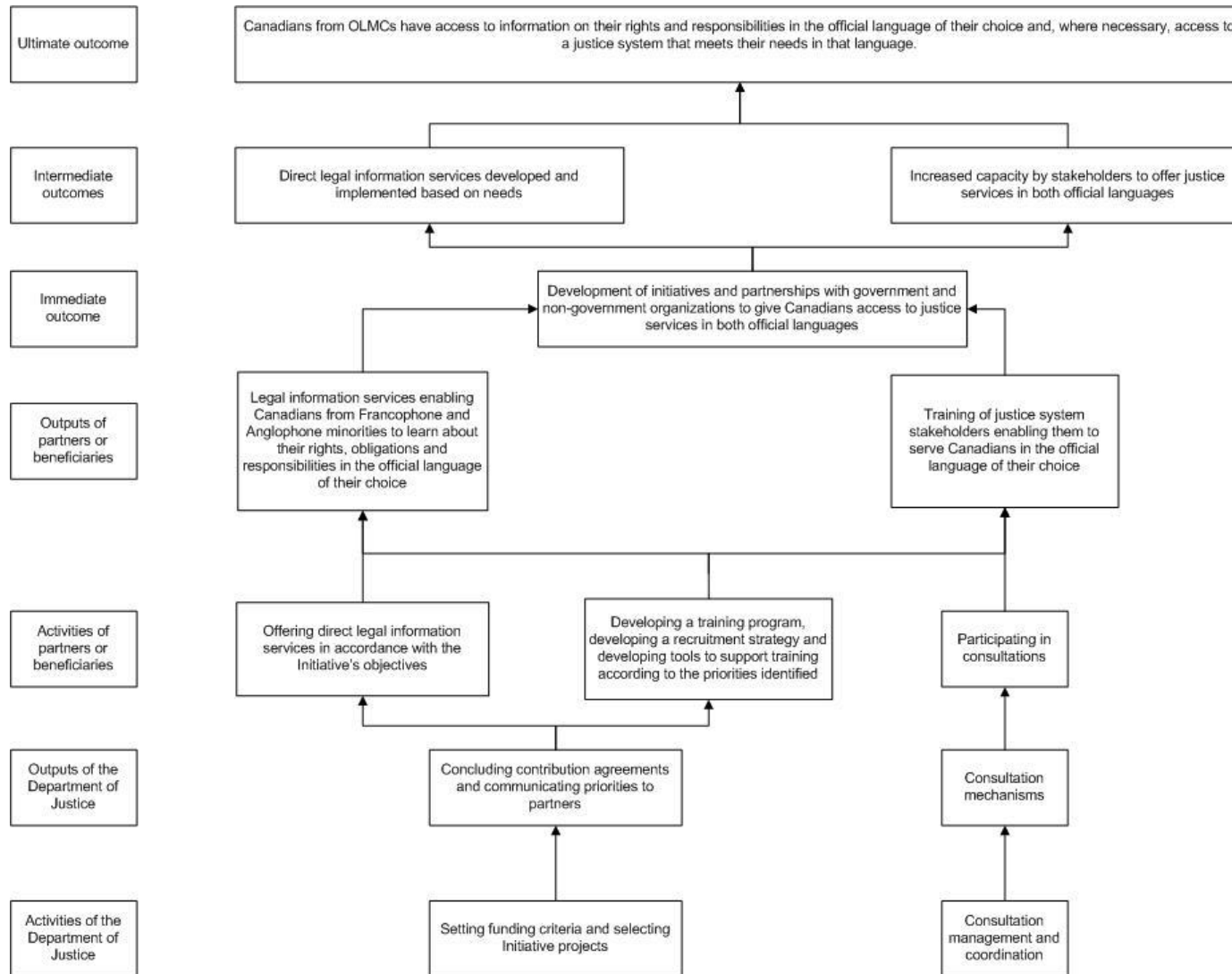
The overall management of the program has proven to be effective. The funding allocation and the reporting requirements are also seen to be effective. The management of the Initiative is also integrating EDI considerations, and the evaluation has provided opportunities for further improving the GBA+.

## 5.2 Recommendations

Based on the findings described in this report, the following recommendations are made:

- 1) To ensure the broadest reach possible of individuals and communities who may benefit from the activities funded by the Initiative, including those individuals and communities who are more isolated or marginalized, the Programs Branch, in collaboration with the Official Languages Directorate, should facilitate the engagement of a broader range of organizations as part of its information pillar.
- 2) To maximize the contributions of the Advisory Committee and the FPT Working Group, the Official Languages Directorate should consider having each hold two meetings per year, including one in-person (when feasible), and to find opportunities for both entities to collaborate directly when appropriate.
- 3) To further include EDI considerations in the ongoing management of the Initiative, the Programs Branch, in collaboration with the Official Languages Directorate, should explore new data sources that can support its ongoing GBA+ efforts.

# Appendix A: Logic Model





## Appendix B: Evaluation Issues and Questions

### Relevance

1. To what extent is the Initiative the most appropriate policy and programming means by which Justice can advance its goals of facilitating access to justice in both official languages?
2. To what extent is the Initiative responding to the needs of stakeholders involved in facilitating access to justice in both official languages?

### Effectiveness

3. How has the Initiative enabled members of the OLMCs to access legal information about their rights, obligations and responsibilities? As applicable, what factors have facilitated or hindered the achievement of these results?
4. How has the Initiative enhanced the capacity of the justice system to serve Canadians in both official languages? As applicable, what factors have facilitated or hindered the achievement of these results?
5. To what extent have the Advisory Committee and the FPT Working Group supported the implementation of the Initiative?

### Design and delivery

6. To what extent are the results achieved by the Initiative adequately documented? Are the tools used to measure the results of the Initiative adequate?
7. How has the implementation of the activities under the Initiative addressed the requirements for GBA+, as contained in the Directive on Results?

### Efficiency

8. How efficient is the current process for allocating the financial support provided by the Initiative? As applicable, what changes should be implemented to enhance the efficiency of this process?
9. Is the current allocation of funding the most efficient approach to achieving the Initiative's expected outcomes? What changes, if any, could enhance the efficiency of the Initiative?

## Appendix C: Case Study Summaries

### CASE STUDY: ACCESS TO JUSTICE IN UNDERSERVED COMMUNITIES

#### Focus

This case study examined the extent to which the Initiative has successfully reached traditionally marginalized individuals or communities to help address their legal-related needs or challenges. The case study focused on four organizations that have been funded by the Initiative:

- The Côte-Nord Community Justice Centre
- Head & Hands
- L'Auberge francophone
- The Association des juristes d'expression française de l'Ontario

#### Policy Context

It is well established that many individuals in Canada face challenges and barriers when it comes to accessing the justice system and, more broadly, relevant information about their rights and responsibilities. The systemic bias and discrimination found in the justice system itself has also been acknowledged by the Supreme Court of Canada.

Since the Initiative is specifically focussing on access to justice, it is important that its reach include individuals and communities that are traditionally marginalized and disenfranchised. This is aligned with the requirement found in the federal *Directive on Results* that all programs include GBA+ considerations in their ongoing management.

#### Needs Addressed

There are multiple sub-groups of individuals within each official language minority community that include more marginalized and vulnerable individuals who face systemic barriers as a result of any number of identify characteristics such as gender, age, sexual orientation, geographic location, income, literacy, or race. The activities undertaken by the funded organizations covered by this case study address important needs to access legal information and support, particularly in the areas of family law (child support, child protection services, separation and divorce), family violence, housing, labour and employment, succession law, immigration law, and criminal law.

In order to adequately support more marginalized individuals and communities, considerations must also be given to the strategies used to reach them. Using organizations that already work closely with marginalized individuals and communities, and have built trusting relationships, is seen as a best practice.

#### Activities and Results

The COVID-19 pandemic has had significant negative impacts on the ability of funded organizations to pursue their traditional outreach activities, which are heavily focused on in-person interactions and engagement. This approach continues to be seen as the most effective in providing assistance on legal related questions and matters. As such, the funded organizations intend to resume in-person activities once the public health directives concerning the pandemic allow for this to happen.

In the meantime, the funded organizations have provided on-line services and sessions using tools such as Zoom and Facebook, as well as using media such as community-based radio stations, to provide legal information and assistance. Based on these activities and the feedback received, the funded organizations will also continue to expand their services and the reach of their activities.

In the specific case of the AJEFO, the organization has adopted a policy on diversity and inclusion, which applies to all employees, board members, volunteers, and members of the organization, and guides all of the strategic planning and implementation of its programs and activities.

## **CASE STUDY: LANGUAGE TRAINING**

### **Focus**

This case study examined the range of funded activities that support language training for those holding various positions in the justice system, in order to enhance the overall capacity of the justice system to operate in both official languages. The case study focused on five organizations that have been funded by the Initiative:

- Juralingo
- Centre canadien de français juridique (CCFJ)
- Réseau national de formation en justice (RNFJ)
- Ontario Ministry of the Attorney General
- KortoJura

### **Overview of the Ecosystem**

Ensuring access to justice in both official languages requires that a wide range of stakeholders in the justice system, including judges, prosecutors, defence lawyers, court support workers, probation officers, police officers, and other related professionals be capable of communicating in both English and French. This is particularly crucial considering the language provisions that have been contained in the Criminal Code, and those that are being implemented in the Divorce Act. While there are a number of organizations in Canada that provide language training, very few provide such training in the specific context of the justice system.

Enhancing the language capacity of justice stakeholders requires the development of appropriate training materials, the delivery of training sessions, and the assessment of the competencies acquired to date, and those needing to be further developed.

### **Activities and Results**

Over time, the Initiative has funded a range of activities that have incrementally enhanced the capacity of stakeholders in the justice system to access training that specifically reflects the legal environment in which they operate. At the time of the case study, the following services were offered:

- Juralingo was focussing specifically on the delivery of week-long immersion sessions (typically offered in person, but offered on line during the COVID-19 pandemic) for provincially-nominated judges throughout Canada.
- The CCFJ was offering training to a wider range of stakeholders, including judges, prosecutors, private lawyers, court support workers, and police officers. This training is offered on-demand, in any region of the country.
- The Ontario Ministry of the Attorney General was offering training to prosecutors, legal aid lawyers, and police officers. Participants come predominantly from Ontario, but seats are also made available to individuals from other provinces and territories.
- KortoJura is allowing justice stakeholders to have their language capacity be systematically assessed and measured, using assessment tools that reflect the legal environment in which they operate. The assessment can aid the recruitment process, support language training strategies, or confirm the language capacity level of individuals.

- Finally, the RNFJ provides an opportunity for all stakeholders involved in language training in the justice system to coordinate their efforts.

The Initiative has been pivotal in building the scope and reach of training opportunities offered to justice stakeholders. As new needs emerge, these stakeholders have the opportunity to coordinate their efforts and adapt their strategies. In addition, to maximize the impact and outcomes of these efforts, close collaboration and coordination is critical, particularly through the RNFJ. Finally, there are also opportunities for stakeholders to enhance their ability to document the impact of their activities.

## **CASE STUDY: ACCESS TO JUSTICE IN ENGLISH IN QUEBEC**

### **Focus**

This case study examined the range of funded activities supporting access to justice in English in Quebec. While taking into account the various projects funded in the province, it focused on the following three organizations, which reflect the range of activities funded:

- The Côte-Nord Community Justice Centre
- Éducaloi
- Quebec Community Groups Network (QCGN)

### **Overview of the Ecosystem**

Individuals residing in Quebec have the right to access justice in both English and French, covering civil, administrative, criminal, and public law. The English-speaking community in Quebec constitutes approximately 12% of Quebec's total population, and close to 60% of English-speaking individuals in Quebec reside in Montreal, while the remaining portion is predominantly found in the Montérégie, Laval, and the Outaouais region. To ensure proper access to justice in English, key stakeholders in the justice system must be able to communicate in both English and French, and citizens must be able to access legal information in both languages. This means that the legal terminology, particularly for civil law (which was first created in French), must be established in English. Additionally, proper language training and information awareness activities need to be conducted in English throughout the province and in a manner that adequately meets the needs of the diverse communities served, including underrepresented or marginalized communities.

While some training has been supported by the Initiative, particularly for provincial judges, the majority of the funds invested in the province of Quebec has been directed to legal information (both for the creation of the materials and the provision of activities to communicate the information).

### **Activities and Results**

The following activities were undertaken by the funded organizations covered by the case study:

- Éducaloi plays a pivotal role in the creation of materials that are used to promote greater legal knowledge in English-speaking minority communities. On that basis, it offers workshops, develops guides, and authors news articles addressing a range of legal issues. In recent years, the activities undertaken by Éducaloi have had a particular focus on older community members, racialized minorities, and newcomers. The materials created by Éducaloi are also used by a range of community organizations, such as the Côte-Nord Community Justice Centre.
- The Centre is a fairly new addition to the list of organizations funded by the Initiative. The strength of this organization is its capacity to serve more isolated communities from the Côte-Nord region, including a number of well-established English-speaking minority communities, and Indigenous communities that use English as their main non-Indigenous language to communicate as applicable. The organization provides workshops and webinars (particularly during the COVID-19 pandemic) to raise awareness on relevant legal issues, and bridge individuals to other service providers as needed.

- To provide an overall vision and understanding of the needs for legal services and information in English, the Initiative has been providing funding to the QCGN. With this support, the organization has undertaken a needs assessment, hosted forums to allow stakeholders to coordinate their efforts, and plan future projects to address emerging needs. The organization promotes a citizen-centred approach to responding to the need for access to justice in English in Quebec. The organization is also using the support provided by the Initiative to more systematically document the needs of communities on an ongoing basis.