



March 27, 2017

[TRANSLATION]

By email: [mcu@justice.gc.ca](mailto:mcu@justice.gc.ca); [Hon.Melanie.Joly@canada.ca](mailto:Hon.Melanie.Joly@canada.ca)

The Honourable Jody Wilson-Raybould, P.C., M.P.  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8

The Honourable Mélanie Joly, P.C., M.P.  
Minister of Canadian Heritage  
15 Eddy Street  
Gatineau, QC K1A 0M5

Dear Ministers:

**Subject: Funding for access to justice in both official languages**

As your government prepares to draft the next federal action plan for official languages, I am writing to underscore the importance of improved access to justice in both official languages.

The Canadian Bar Association (CBA) is a national association with a membership base of over 36,000 lawyers, notaries, academics and law students from across Canada. Deeply committed to the improvement of the law and the administration of justice, the CBA has worked tirelessly to encourage official bilingualism in the legal arena for many years. Furthermore, as the CBA's first Acadian president, I attach special importance to the linguistic duality underpinning the core values of our national identity and our legal system.

Your government intends to draw from the results of public consultations conducted in the latter half of 2016 by the Department of Canadian Heritage and the Department of Justice to develop its next action plan on official languages. A report tabled by the House of Commons Standing Committee on Official Languages in December 2016, entitled *Toward a New Action Plan for Official Languages and Building New Momentum for Immigration in Francophone Minority Communities*, will also be taken into consideration.

With regard to legal matters, consultations by your two departments and public hearings conducted by the Standing Committee on Official Languages have exposed the urgent need to adopt strong measures to improve access to justice in both official languages. While members of the Standing Committee on Official Languages recognized the great strides made in addressing the issue, they also noted that access to justice in both official languages is still a challenge. More specifically, the Committee established the following findings:

- Hearings conducted in French outside Quebec are generally longer and more expensive, even in criminal law cases.

- Francophone and bilingual judges are negatively impacted by the low overall rate of bilingualism among judges. Called upon for their language skills, Francophone and bilingual judges are often made to hear cases outside their legal districts, thereby delaying the processing of files in their own districts.
- The limited bilingualism of other legal stakeholders—such as court clerks or police officers—is a serious barrier to accessing justice in French.
- Government support for the implementation of French-speaking lawyer associations in all provinces and territories is an essential step in improving access to justice in French.

In light of these significant needs, we strongly encourage you to increase funding to programs aiming to improve access to justice in both official languages. With regard to this, we welcome the recent budget announcement that your government aims to provide two million dollars over two years, as of 2017-2018 to the Courts Administration Service to increase the capacity of federal courts to make decisions available in both official languages. Though this, in itself, is an encouraging measure, there still remains much to accomplish.

We must first ensure bilingualism within the judiciary. To that end, the development of French-language programs for legal careers and enhanced training for legal system stakeholders across Canada remain top priorities. Secondly, we must work to increase public education and awareness about the right to access justice in the language of one's choice.

It is our hope that the next action plan on official languages will take these priorities into consideration.

Yours truly,

*(original signed by René J. Basque)*

René J. Basque, Q.C./c.r.

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