



THE CANADIAN  
BAR ASSOCIATION  
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BARREAU CANADIEN

January 15, 2020

By email: [hon.melanie.joly@canada.ca](mailto:hon.melanie.joly@canada.ca)

The Honourable Mélanie Joly, P.C., M.P.  
Minister of Economic Development and Official Languages  
235 Queen Street  
Ottawa, ON K1A 0H5

Dear Minister:

I am writing to congratulate you on behalf of the Canadian Bar Association's French Speaking Common Law Members Section for your recent election and appointment as Minister of Economic Development and Official Languages. We look forward to building a positive and constructive relationship with you and your team.

The Canadian Bar Association is a national organization representing over 36,000 juristes, including lawyers, notaries, academics and law students from across Canada. The CBA mandate includes improvement of the law and the administration of justice. We have worked to encourage official bilingualism in the legal arena for many years. The CBA French Speaking Common Law Members Section promotes the practice of common law in the French language. Our 550+ members work with the CBA to organize activities in French, including professional development programs and meetings.

Canadian society has undergone sweeping changes in the past three decades, and the expectations of its official language minority communities have also evolved. The *Official Languages Act* was passed before the advent of the internet, before the spike in Francophone immigration, and before a number of significant Supreme Court of Canada judgments on the interpretation of the rights enshrined in the *Canadian Charter of Rights and Freedoms*, including official languages guarantees.

The reality of official languages in Canada is in a state of constant flux, but the *Official Languages Act* is stuck in time, no longer reflecting the real needs of communities nor ensuring that the linguistic guarantees set forth in the Charter can be properly enforced.

That is why we're pleased that you have been tasked with modernizing and strengthening the *Official Languages Act* to better reflect the present-day reality of Canada's linguistic duality. The

future of this duality and the vitality of official language minority communities hinge on the success of this endeavour.

Many Canadians would be surprised and dismayed to learn that the majority of Canadian constitutional texts have not been adopted in both official languages. The contradiction is striking: the Constitution guarantees the equal status of French and English and requires Parliament to enact laws in both official languages, yet the majority of our country's constitutional texts are unilingual. Failure to have a fully bilingual Constitution undermines the rule of law and access to justice.

We ask your government to assume a leadership role on this issue and to work closely with the provinces and territories to ensure that the Constitution of Canada is officially bilingual, in accordance with section 55 of the *Constitution Act, 1982*.

Given our unique perspective on these important issues, we would appreciate the opportunity to meet with you and discuss the CBA's positions and how best to work together toward our shared objective.

Yours sincerely,

*(original letter signed by Julie Terrien for Alexia Bystrzycki)*

Alexia Bystrzycki  
Chair, French Speaking Common Law Members Section