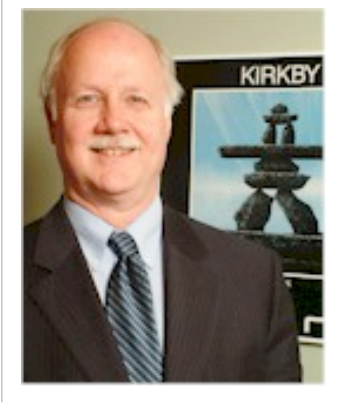


**MESSAGE FROM THE DEPUTY MINISTER OF JUSTICE  
AND DEPUTY ATTORNEY GENERAL**



I am pleased to present the Department of Justice Canada's Five-Year Action Plan for the Implementation of Section 41 of the *Official Languages Act* within the Department.

The mission of the Department of Justice Canada is to ensure that Canada's justice system is fair, efficient and accessible to all Canadians. Its responsibilities reflect the dual role of the Minister of Justice, who is also the Attorney General of Canada: while the Minister is concerned with questions of policy and their relation to the justice system, the Attorney General acts as the Government's legal advisor.

The Department also plays a key role in the Government's commitment to linguistic duality. Beyond its responsibilities for the application of the *Official Languages Act*, the Department contributes to the implementation of the governmental commitment to enhancing the vitality and development of Official Language Minority Communities and to improve access to justice for these communities.

In 2004, we finalized our Strategic Plan for the Implementation of Section 41. As part of this plan, the Department has adopted a specific mission to ensure and demonstrate leadership in the implementation of the commitment set out in section 41 of the *Official Languages Act*. More specifically:

- The Department will actively solicit and facilitate the participation of Official Language Minority Communities to create, develop, implement, and assess our programs, policies, and services so that we can identify and consider their needs.
- To attain these goals, the Department will inform its employees of the needs of Official Language Minority Communities with the purpose of developing effective relationships with these communities so that their needs are identified and considered, and their participation ensured.

Through the attached Five-Year Action Plan, the Department's Strategic Plan targets five components to support the development and vitality of Official Language Minority Communities. They are:

- the Access to Justice in Both Official Languages Support Fund;
- the Youth Justice Renewal Initiative;
- the Public Legal Education and Information;
- the Child-centred Family Justice Strategy;
- the Family Violence Initiative (Justice component).

Our Five-Year Action Plan illustrates the Department of Justice Canada's commitment to Official Language Minority Communities. It will be used both as an internal awareness-building and an external communication tool.

The Department is determined to take the necessary measures to integrate the “official languages” aspect within the development and implementation of its activities, services, programs, and directions.

John H. Sims

**FIVE-YEAR ACTION PLAN (2005-2010)  
DEPARTMENT OF JUSTICE OF CANADA**

**Implementation of Section 41 of the  
*Official Languages Act*, Community Component**

**Year 2005-2006**

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## SUMMARY

### **Background: Targeted Outcomes of the Strategic Plan**

The Department of Justice's 2004-2009 Strategic Plan for the Implementation of Section 41 of the *Official Languages Act*, Community Component targets the following three direct outcomes:

**Direct Outcome 1:** Recognition of the government's commitment to Section 41 of the *Official Languages Act* as a key dimension to take into account in the implementation of departmental programs and services.

**Direct Outcome 2:** Increased understanding of departmental programs and services by Official Language Minority Communities.

**Direct Outcome 3:** Increased understanding by the communities, as well as by the Department, of the impact of the policies implemented in the area of justice on the development of these communities.

This Action Plan describes the main measures proposed or outputs to reach the Strategic Plan's three direct outcomes. Together, the measures adopted will lead to the achievement of the following intermediate and ultimate outcomes, also described in the Department's Strategic Plan:

**Intermediate Outcome:** Increased cooperation, with the participation of Official Language Minority Communities, between the Department of Justice of Canada and provincial and territorial Justice Departments in the implementation of initiatives contributing to the development of communities in the area of justice.

**Ultimate Outcome:** To offer justice-related programs and services in the minority language those are comparable to those offered in the majority language.

### **Four priority areas**

The Department has identified four priority areas.

**Internal awareness-raising:** The Department will raise the awareness level of management and employees regarding the requirements of the implementation of Section 41 and the approach and means that will be used to promote the development of Official Language Minority Communities. All levels of the Department and all programs will be involved: the Executive Committee, senior management, program directorates, regional directorates and employees. For 2005-2010, five departmental components have been selected due to their potential impact on the development of Official Language Minority Communities. These priority components were chosen following widespread consultations with community leaders.

**External consultation and communication:** The Department has made a strategic decision to invest considerable resources in the creation of permanent consultation structures that will help establish ongoing working relationships with Official Language

Minority Communities. In February 2004, the Department created the Advisory Committee – Justice in Official Languages, whose mandate is to ensure linkage between legal and official language minority community stakeholders and the Department of Justice. Two Sub-Committees reporting to the Advisory Committee have been implemented in 2004-2005: an Advisory Sub-Committee, Access to Justice in Both Official Languages and an Advisory Sub-Committee, Community Component of Section 41 of the *Official Languages Act* (Francophone and Anglophone Components).

The Department will also implement ongoing communication strategies in order to let communities know about its programs and policies. The following major Department stakeholders will make their respective contributions to community communications: the Office of La Francophonie, Justice in Official Languages and Legal Dualism, which coordinates the implementation of Section 41 for the Department; the directorates of the five priority components identified; and the Regional and Departmental Program and Policy Coordinators.

**Taking into account of Section 41 in federal-provincial-territorial agreements:**

Since the administration of justice is a shared jurisdiction between the various government levels, the Department plans to influence the provinces and territories to take into account Section 41 in federal-provincial-territorial agreements in the area of justice.

**Interdepartmental partnerships:** The Department will explore the possibility of entering into formal interdepartmental partnerships.

The role of Attorney General is excluded from this Action Plan.

In the area of linguistic duality, the Department has carried out a number of projects and activities through the Official Languages Law Group, including:

- promoting respect for linguistic rights and the Constitution;
- raising public awareness in the area of official languages;
- training in law faculties;
- development of tools and reference books;
- publications.

These activities related to linguistic duality will be maintained. However, in light of the major needs identified in Official Language Minority Communities, the Department has chosen to give priority to the first component of Section 41, which targets the development of these communities.

**SECTION I -  
GENERAL INFORMATION**

**Responsible Minister:       The Honourable Irwin Cotler  
  Minister of Justice and Attorney General of Canada**

**1. Identification of the institution**

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**2. Brief description of the institution's mandate**

The Department of Justice works to ensure that Canada's justice system is as fair, accessible and efficient as possible. The Department helps the federal government to develop policy and to make and reform laws as needed. At the same time, it acts as the Government's legal advisor, providing legal advice, prosecuting cases under federal law, and representing the Government of Canada in court. As such, the Justice Department serves Canadians indirectly by acting as the Government's law firm, rather than by directly handling citizens' personal or individual matters. The Department's responsibilities reflect the dual role of the Minister of Justice, who is also the Attorney General of Canada: while the Minister is concerned with matters of policy and their relation to the justice system, the Attorney General is the chief law officer of the Crown.

**The mission of the Department of Justice concerning the implementation of Section 41**

The role of Attorney General of Canada is excluded from this Action Plan.

The Department of Justice is responsible for a wide variety of issues in the overall implementation of Section 41 of the *Official Languages Act*.

In response to the Coordination and Accountability Framework contained in the federal government's Action Plan for Official Languages, the mission of the Department of Justice with regards to the implementation of Section 41, Community Component, is the following:

To provide and demonstrate leadership in implementing the commitment specified in Section 41 of the *Official Languages Act*.

More specifically:

1. The Department will seek out and facilitate the participation of Official Language Minority Communities in the design, development, implementation and assessment of its programs, policies and services, so that their needs may be identified and taken into consideration.
2. To achieve these goals, the Department will raise its employees' awareness of the situation of minority language communities in order to enable them to develop effective relations with these communities so that their needs are identified and considered and their participation ensured.

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**4. Period covered by the Action Plan**

The Action Plan presented to the Canadian Heritage Department by Justice Canada covers the period April 1, 2005 to March 31, 2010 and targets five priority components. The Plan will be reviewed once a year to make the necessary adjustments and to include the other components of the Department progressively.

## SECTION II - SETTING OF COMMUNITY PRIORITIES

### 5. Measures taken to establish the priorities of Official Language Minority Communities at the national, provincial and territorial levels

To build this Action Plan, the Department of Justice held widespread consultations with Francophone and Anglophone minority community networks.

The Department's efforts began in September 2002. Two consultation meetings were held with Official Language Minority Communities. In November 2002, thirty-seven people took part in a one-and-a-half day session, from the Department of Justice, official language minority community organizations and institutions and various government agencies concerned with the implementation of 41 of the *Official Languages Act*. Representatives from the Department's senior management took part in informal discussions with community representatives at this meeting. In addition, a consultation with the Quebec Anglophone community took place in February 2003 as part of the annual meeting of the Quebec Community Groups Network.

Further meetings were held with key stakeholders from these communities in the area of justice, including the Fédération des associations de juristes d'expression française de common law. The Department also included in its approach the justice priorities described in the overall plan of the Fédération des communautés francophones et acadienne du Canada, presented to the government in the wake of the preparations for the federal government's Action Plan for Official Languages.

The National Coordination Team for the implementation of Section 41 at the Department of Justice held regular meetings with some fifteen departmental program managers who currently have ties with Official Language Minority Communities or who have had such ties in recent years.

The Action Plan is also based on the results of a study entitled *Environmental Scan: Access to Justice in Both Official Languages*, prepared for the Department of Justice and published in July 2002. This study is available at:  
<http://canada.justice.gc.ca/en/ps/franc/>

### 6. Main priorities identified at the national, provincial and territorial levels

Following Departmental consultations and an analysis of the environment, an effective and efficient implementation of Section 41, Community Component will have to meet the following four priority categories:

1. The Department of Justice must be better acquainted with the priorities of the various groups from Official Language Minority Communities.

The priority groups identified are the following:

- groups working in the area of family violence;
  - ethno cultural communities (new Canadians, immigrants, Francophone refugees living in minority communities);
  - women;
  - youth;
  - seniors;
  - children.
2. The official language communities and their intermediary organizations must be better informed about the programs and services offered by the Department of Justice.

A study of the July 2002 *Environmental Scan*, as well as the consultations that followed, showed that communities knew little or nothing about the component of the Department's mandate related to social development. A departmental study had already confirmed, back in December 2000, that the majority of the Canadian public was ill-informed about the Justice Department's programs and services. This study recommended that the Department implement measures to raise public awareness of the activities and programs designed to protect and defend the Canadian population.

3. Justice is a shared jurisdiction. As such, there is a need for cooperation between the federal and provincial-territorial organizations and agencies working in the area of justice.
4. Official Language Minority Communities and the different government agencies working in the area of justice must be more aware of the potential impact of justice issues on the vitality of these communities.

Analyses showed that community groups were mostly interested in funding programs. During consultations, however, these same groups discovered that the Department was developing policies related to the administration of justice, and they realized the impact of this role on the development of Official Language Minority Communities, namely in matters of family justice, divorce, shared custody and their linguistic dimensions. It is likely that other areas of intervention by the Department have a similar impact on the communities without having yet been identified as such. The ability to identify such links early is in fact one of the reasons why the Department wanted to set up permanent consultation mechanisms with communities.

### SECTION III - ACTION PLAN CONTENT AND SCHEDULE

#### **Background: Strategic Plan for the Implementation of Section 41 of the *Official Languages Act*, Community Component**

The implementation of Section 41 of the *Official Languages Act* impacts all Justice Department programs and services.

Given the extensive responsibilities assigned to the Department of Justice of Canada by the federal government, and because of the required involvement of many of its sectors following the publication of the *Action Plan for Official Languages*, the Department of Justice has developed two distinct, interrelated and parallel components for the implementation of Section 41 of the *Official Languages Act*

#### Access to Justice in Both Official Languages Component

One component will specifically target the subject of access to justice in both official languages and the needs of justifiable. The government's *Action Plan for Official Languages*, entitled *The Next Act: New Momentum for Canada's Linguistic Duality*, and introduces the strategic axes in this area. The Department of Justice has developed a results-based management and accountability framework (RMAF) centred on results aimed specifically at the implementation of access to justice initiatives. The RMAF received Treasury Board approval.

#### Community Component

This other component deals more specifically with the needs of Official Language Minority Communities concerning access to departmental programs as well as their participation in the development of policies in the area of justice in Canada.

Such a choice from the outset reduces the risk of scattering resources and ensures that the individuals responsible for the Community Component will be able to concentrate their efforts, energy and available resources on achieving definite results that will meet the priority needs identified by Official Language Minority Communities and Justice Canada.

The Strategic Plan for the Implementation of Section 41 of the *Official Languages Act*, Community Component is available at:

[http://canada.justice.gc.ca/en/ps/franc/plan\\_strat2004-09/](http://canada.justice.gc.ca/en/ps/franc/plan_strat2004-09/)

In the area of linguistic duality, the Department has carried out a number of projects and activities through the Official Languages Law Group, including:

- promoting respect for the linguistic rights and the Constitution;
- raising public awareness in the area of official languages;
- training in law faculties;
- development of tools and reference books;
- publications.

These activities related to linguistic duality will be maintained. However, in light of the major needs identified by Official Language Minority Communities, the Department has chosen to give priority to the first component of Section 41, which targets the development of these communities.

### **Objectives of the Strategic Plan**

Within the parameters of its mission and guiding principles, Justice Canada has the following objectives concerning the implementation of Section 41 of the *Official Languages Act*, Community Component:

1. Establish a durable relationship between the Department of Justice and Official Language Minority Communities, as well as with the organizations representing them.
2. Support the preparation of useful information, tools and resources for Official Language Minority Communities in the area of justice.
3. Promote the creation of local, regional and national partnerships to implement the initiatives related to justice in the minority language.
4. Facilitate the involvement of Official Language Minority Communities in Departmental consultations leading to the development of policies, programs and services in the area of justice.

### **Targeted Outcomes of the Strategic Plan**

The outcomes targeted by the Department's Strategic Plan were developed in the course of animated sessions with members of Official Language Minority Communities. A total of seventy-five (75) people took part in this exercise.

The Strategic Plan targets the following three direct outcomes:

**Direct Outcome 1:** Recognition of the government's commitment to Section 41 of the *Official Languages Act* as a key dimension to take into account in the implementation of departmental programs and services.

**Direct Outcome 2:** Increased understanding of departmental programs and services by Official Language Minority Communities.

**Direct Outcome 3:** Increased understanding by the communities, as well as by the Department, of the impact of the policies implemented in the area of justice on the development of these communities.

This Action Plan describes the main measures proposed or outputs to reach the Strategic Plan's three direct outcomes.

Together, the measures adopted will lead to the achievement of the following intermediate and ultimate outcomes:

**Intermediate Outcome:** Increased cooperation, with the participation of Official Language Minority Communities, between the Department of Justice of Canada and provincial and territorial justice departments in the implementation of initiatives contributing to the development of communities in the area of justice.

**Ultimate Outcome:** To offer justice-related programs and services in the minority language that is comparable to those offered in the majority language.

## **7. Proposed measures to meet community priorities**

The Office of La Francophonie, Justice in Official Languages and Legal Dualism coordinates the implementation of Section 41 of the *Official Languages Act*, Community Component.

Five Department of Justice components have been identified as priorities for the implementation of Section 41, Community Component, i.e.:

1. The Access to Justice in Both Official Languages Fund;
2. The Youth Justice Renewal Initiative;
3. Public Legal Education and Information;
4. The Child-centred Family Justice Strategy;
5. The Family Violence Initiative (Justice Component).

These priorities originate directly from interviews and consultations held between 2002 and 2004. Starting from a long list of potential programs, the five priority components were repeatedly identified as those being directly linked to the priorities of communities.

The Department of Canadian Heritage recommends that the organizations targeted by the accountability framework for the implementation of Sections 41 and 42 summarize their main actions under six themes:

1. Internal awareness-raising: raising the awareness level of employees and senior management regarding the priorities of communities.
2. External consultations: consultations held with communities regarding their priorities or new departmental initiatives, policies or programs.



3. Communication: information to communities regarding departmental programs and services.
4. Departmental and governmental coordination: discussions with other government agencies (federal, provincial and territorial or municipal).
5. Delivery of products and services: policies, programs and services made available to communities.
6. Evaluation and accounting.

The Appendix presents in detail the actions planned for the Office of La Francophonie, Justice in Official Languages and Legal Dualism, for each of the five priority components identified and for Regional and Departmental Program and Policy Coordinators.

### **1. Internal awareness-raising**

The Department of Justice's Executive Committee has approved, in April 2004, the Strategic Plan for the Implementation of Section 41, Community Component. The Champion of Official Languages will continue to raise the awareness level of the Department's senior management and will report annually on the implementation of the Action Plan.

The Coordination Team for the Implementation of Section 41 will develop an ongoing internal communication plan for the Department as a whole. It will organize an awareness campaign at the national and regional levels for Department directors, managers and employees regarding the Department's accountability with regards to Section 41 of the *Official Languages Act*, working together with the coordinators for Section 41 of the five priority components.

Regional and Departmental Program and Policy Coordinators will also play a key role in raising awareness. They will participate in meetings between the Official Languages Law Group and senior management at the regional level for a presentation on the Department's requirements regarding the implementation of Section 41 of the *Official Languages Act*.

A representative of each priority component will take part in the Advisory Sub Committee, Community Component of Section 41 to help them gain a better understanding of the priorities of official language communities, determine the potential impacts of their component on the development of these communities, and develop better approaches to meet the priorities of communities through these components.

### **2. External consultation**

The consultations held since 2001 to develop the Justice Department's strategic approach for the implementation of Section 41 have had significant positive impacts. The success of these consultations has led the Department to make a strategic decision to invest considerable resources in the creation of permanent consultation structures, which will help develop ongoing working relations with Official Language Minority Communities. These structures are as follows:

### **Advisory Committee, Justice in Official Languages**

In February 2004, the Department created the Advisory Committee, Justice in Official Languages, whose mandate is to ensure linkage between legal and official language minority community stakeholders and the Department of Justice. The activities of the Advisory Committee are aimed at promoting the development and growth of Official Language Minority Communities and improving access to justice for these communities. Members include representatives from: Francophone and Anglophone minority communities and Justice Canada.

Two Sub-Committees reporting to the Advisory Committee have been created in 2004-2005: an advisory Sub-Committee, Access to Justice in Both Official Languages and an advisory Sub-Committee, Community Component of Section 41 of the *Official Languages Act* (Francophone and Anglophone Components).

To consult with communities, the Department uses the structure provided by the Advisory Committee and its two Sub-Committees, especially the Sub-Committee, Community Component of Section 41.

In December 2003, the Steering Committee of the National Program for the Integration of Both Official Languages in the Administration of Justice (POLAJ), met for the last time. This program's activities and budget now come under the Department of Justice and have been merged with the Access to Justice in Both Official Languages Support Fund. This forum will continue to exist, but it will be expanded and will become the Advisory Sub-Committee, Access to Justice in Both Official Languages.

In addition, the mandate of the Sub-Committee, Community Component of Section 41 of the *Official Languages Act* is to act as a forum to facilitate discussions between Official Language Minority Communities and the Department of Justice regarding the implementation of the Strategic Plan of Section 41, Community Component and to gain a better understanding of the communities' priorities with regards to this Community Component. The Sub-Committee includes representatives from the communities, both from the priority sectors identified by the Department and from the various groups targeted. It will meet officially once a year and will mandate working groups to examine specific topics related to its priorities.

The minutes from Advisory Committee and Sub-Committee meetings will be posted on the Department's website dedicated to the implementation of Section 41.  
<http://canada.justice.gc.ca/en/ps/franc/>

The Department will also call on the federal-provincial-territorial Working Group on Access to Justice in Both Official Languages to inform the various stakeholders and engage them in a dialogue on the main issues.

At the national level, the Department of Justice takes part in consultation sessions organized by the Department of Canadian Heritage. Regional and Departmental Program and Policy Coordinators have regular contacts with Official Language Minority Communities and their members, including attending their annual general meetings. In addition, once a year, Regional Coordinators will meet the organization representing

each province and territory and the association of lawyers in each province and territory where such an organization exists.

The Network of Regional and Departmental Program and Policy Coordinators intends to meet every eight weeks to share information and exchange on concrete and innovative measures that can be implemented to meet the needs of Official Language Minority Communities.

Beyond these official structures, the Department will entertain direct links with the main stakeholders in the area of access to justice in both official languages, particularly through the Access to Justice in Both Official Languages Support Fund. These stakeholders include provincial associations of French-speaking lawyers and their national federation, universities and governments. Linkages will be maintained using various means, e.g. website, attending and organizing meetings, etc. The Department intends to meet with the communities once a year.

### **3. Communication**

The Office of La Francophonie, Justice in Official Languages and Legal Dualism, who is responsible for coordinating the implementation of Section 41 at the national level, will continue to research and prepare quarterly mailings to communities in order to keep them informed about departmental initiatives, with the help of Regional Coordinators and Program and Policy Coordinators. These mailings are sent to some 200 groups from Official Language Minority Communities. They allow the Department to promote its products and services and to inform communities on matters of interest, deadlines for project applications and contacts at the national, regional and territorial provincial levels. They also allow the Department to disseminate the various plans, reports, minutes and bulletins on the implementation of Section 41 of the *Official Languages Act*, and to inform communities regarding the renewal of programs and services according to new structures where applicable.

The Department will also create promotional tools, including a series of new information tools that will be distributed as part of an awareness-raising campaign and the annual general meetings of community organizations. It will continue to use the medias from Official Language Minority Communities and their agencies to promote its mandate, the role of the Office of La Francophonie, Justice in Official Languages and Legal Dualism, as well as relevant information concerning departmental programs and services. Timely articles will be written for Canadian Heritage's Bulletin 41-42, which is largely distributed to Official Language Minority Communities and through the network of coordinators for Section 41.

The Network of Regional and Departmental Program and Policy Coordinators will play a key information and communication role. Coordinators will attend the annual general meetings of official language minority community organizations, answer specific requests for information from community stakeholders regarding departmental activities, and convey relevant departmental information to these organizations.

Section 41 coordinators for the five priority components will develop direct links with community organizations relevant to their sector and will be able to appreciate the role played by their component within the overall development of the communities. These

coordinators will inform Official Language Minority Communities about the services offered by their component through the quarterly mailings to communities. They will include information in documents, guides and web pages on the implementation of Section 41 within their component. The actions taken by the various components will vary based on their target groups.

#### **4. Departmental and governmental coordination**

The Department of Justice has put in place the formal structures necessary for the successful implementation of Section 41 of the *Official Languages Act*. The Department's Champion of Official Languages is at the heart of the decision-making process and works actively to raise awareness within the Department, especially with senior management. Coordination at the national level is done by the Office of La Francophonie, Justice in Official Languages and Legal Dualism. The Department has also set up a Network of Regional and Departmental Program and Policy Coordinators for the Implementation of Section 41.

At the federal government level, the Department will take part in the work of interdepartmental committees on official languages and will cooperate with federal departments and agencies working in the field of justice to implement initiatives in support of Official Language Minority Communities. The Department will explore the possibility of entering into formal interdepartmental partnerships. In addition, it will ensure a continued presence at Parliament committee sessions on official languages (House of Commons Committee and Senate Committee) and will submit reports on their work to the appropriate government and community stakeholders.

At the intergovernmental level, the Department of Justice will implement an effective and ongoing collaboration between federal and provincial-territorial government levels to ensure that the priorities of Official Language Minority Communities are taken into account. In this area, federal-provincial-territorial working groups are essential forums, including in the areas of access to justice in both official languages, youth justice, family justice and family violence. Some of the Department's programs will include a component on the implementation of Section 41 in their intergovernmental discussions and, where possible, in the terms of any ensuing agreements.

#### **5. Delivery of products and services**

The Access to Justice in Both Official Languages Support Fund, which has an annual budget of \$2 millions, is the only Justice Department program that specifically targets the development of Official Language Minority Communities. The Support Fund will make sure that the objectives of Section 41 of the *Official Languages Act* are taken into account by the project selection committee. It will fund projects that support these objectives and will sign contribution agreements with the provinces and territories and with non-government organizations that support the development of communities in the area of access to justice in both official languages.

In addition, the Support Fund will form partnerships with other departmental programs that contribute to the Fund's objectives and to the improvement of access to justice in both official languages, in order to coordinate the support, financial and otherwise, for projects that meet the objectives of more than one departmental program.

All departmental programs, particularly those identified as priorities, will contribute to the attainment of common objectives related to the development of Official Language Minority Communities. However, the majority of programs have their own budget allowance and will grant funding on the merits, following their own analysis and criteria. In the case of priority components, this analysis will include an appreciation of the projects from a community development angle or, more specifically, from the angle of Section 41 of the *Official Languages Act*.

In their work related to the implementation of Section 41, some programs will target specific groups that have a link with their respective mandate.

As an example, the Youth Justice Renewal Initiative will communicate with Official Language Minority Communities organizations to alert them to funding opportunities such as calls for proposals. In particular, the Initiative will aim to provide this information to organizations that offer services to youth from Official Language Minority Communities.

For its part, the Public Legal Education and Information Component, which works with a designated organization in each province, will put special emphasis on the climate of cooperation between legal education and information organizations and the Fédération des associations de juristes d'expression française and its provincial associations. The Department will encourage lawyer associations to establish link with designated legal education and information organizations, and vice versa, to ensure that Official Language Minority Communities are kept informed on the various sources of assistance and information that exist in Canada in the area of justice.

Regarding the development and implementation of policies, the Department will use the work done by the federal-provincial-territorial committees, consultation mechanisms with Official Language Minority Communities, and coordination and research mechanisms within the Department.

And finally, the Department will add tools to its research and analysis strategies to help understand the priorities of Official Language Minority Communities and better measure the impact of departmental policies and programs on these communities.

## **6. Evaluation and accounting**

The team responsible for coordinating the implementation of Section 41 of the *Official Languages Act* will ensure the strategic planning of the implementation of Section 41 using Reports on Plans and Priorities, Departmental Performance Reports or Status Reports, Business Plans and other corporate reports.

The Department will develop performance indicators for which the priority components will have to submit an annual report based on the presentation of the Status Report to the Department of Canadian Heritage.

Since this initiative is not a program in itself, the progress in the implementation of Section 41 of the *Official Languages Act*, Community Component will be measured using a third party administrative evaluation. The formative evaluation is scheduled for 2007-2008 and the summative evaluation, for 2009-2010.

The Office will work with the priority components and with the Department's Evaluation Division to develop performance indicators for the Action Plan outputs. These indicators related to Section 41 will be developed in 2005-2006 and inserted in the ongoing performance measurement and monitoring strategy of the components concerned.

Permanent data collection mechanisms will have to be developed based on the results and indicators presented. When establishing working relationships with the managers of the priority components, it will be necessary to develop new mechanisms or, preferably, to adjust existing tools, to include a component measuring the impact of these components on Official Language Minority Communities.

## **8. Financial and other resources dedicated to carrying out of the Five-Year Action Plan**

The Department of Justice relies mainly on its Network of Regional and Departmental Program and Policy Coordinators and on its managers to carry out its Action Plan.

A team of four will coordinate the Action Plan at the Office of La Francophonie, Justice in Official Languages and Legal Dualism. The positions are as follows:

- one senior policy analyst who will act as National Coordinator of Part VII of the *Official Languages Act*;
- two policy analyst positions;
- one administrative position.

The Office will coordinate the creation and the work of the Advisory Sub-Committee, Community Component of Section 41 of the *Official Languages Act*.

A \$200,000 annual budget has been earmarked to support the work of the consultation mechanisms.

In addition, the Department has set up a Network of Regional and Departmental Program and Policy Coordinators. The Network will meet every eight weeks in addition to its annual meeting. These coordinators' normal responsibilities will include tasks related to the implementation of Section 41, Community Component.

Regional Coordinators will:

1. Establish linkages with communities and Regional Coordinators from other sectors and departments;
2. Report to the National Coordinator on the implementation activities for Section 41;
3. Take part in the development and coordination of the Action Plan and the Status Report;
4. Work closely with departmental program and policy officers to support the growth and development of Official Language Minority Communities;
5. Work on internal and external awareness-raising activities;
6. Take part in Canadian Heritage's regional interdepartmental committees with the communities.

Program and Policy Coordinators will:

1. Establish the necessary linkages with their program directorate to ensure the implementation of Section 41;
2. For their program, act as liaison with Official Language Minority Communities throughout Canada;
3. Establish linkages with other departmental Program and Policy Coordinators;
4. Report to the National Coordinator on the implementation activities for Section 41;
5. Take part in the development and coordination of the Action Plan and the Status Report.

**SECTION IV -  
COMMUNICATION PLAN**

**9. Measures proposed to promote the Action Plan**

Justice Canada's Action Plan for the Implementation of Section 41 of the *Official Languages Act*, Community Component will be posted on the Department's website at:  
<http://canada.justice.gc.ca/en/ps/franc/>

The Action Plan will also be available on the Department of Justice's new website dedicated to the implementation of Section 41 at:  
<http://canada.justice.gc.ca/en/ps/franc/41/>

In addition, the Department will distribute it to all Official Language Minority Community groups, as well as to all the government agencies and organizations concerned.

**SECTION V -  
SIGNATURE**

Michel Bouchard  
Associate Deputy Minister of Justice and  
Champion of Official Languages

Date

## APPENDIX - DETAILED MEASURES BY COMPONENT

This Appendix contains the detailed measures proposed for:

- The Office of La Francophonie, Justice in Official Languages and Legal Dualism, which coordinates the implementation of Section 41 of the *Official Languages Act*, Community Component;
- The five Department of Justice components identified as priorities for the implementation of Section 41, Community Component, i.e.:
  1. the Access to Justice in Both Official Languages Fund;
  2. the Youth Justice Renewal Initiative;
  3. the Public Legal Education and Information Component;
  4. the Child-centred Family Justice Strategy;
  5. the Family Violence Initiative (Justice Component).
- The Regional and Departmental Program and Policy Coordinators for Section 41, Community Component.

### **OFFICE OF LA FRANCOPHONIE, JUSTICE IN OFFICIAL LANGUAGES AND LEGAL DUALISM**

The Office of the Francophonie, Justice in Official Languages and Legal Dualism coordinates the following activities relating to the development of Official Language Minority Communities:

- The activities of the Department of Justice relating to the Canadian Francophonie;
- The institutional activities of the Department of Justice relating to international Francophonie;
- The implementation of Part VII of the *Official Languages Act*;
- The promotion and implementation of Canada's legal duality at the national and international levels.
- The promotion of access to justice in both official languages (support fund, consultation mechanism and terminology standardization).

Website: <http://canada.justice.gc.ca/en/ps/franc/>

### **Measures proposed for 2005-2010**

- Ensure the strategic planning of the implementation of Section 41 of the *Official Languages Act* using Reports on Plans and Priorities, Departmental Performance Reports or Status Reports, Business Plans and other corporate reports.
- Organize an awareness-raising campaign at the national and regional levels for Department directors, managers and employees regarding the Department's



- accountability with regards to Section 41 of the *Official Languages Act*, working together with the coordinators for Section 41 of the five priority components of the Department.
- Encourage active participation by Department employees in the *Rendez-vous de la Francophonie* organized by the Office of La Francophonie, Justice in Official Languages and Legal Dualism.
  - Work with federal departments and agencies working in the area of justice to implement initiatives in support of the development of Official Language Minority Communities. Among other measures, the Department will explore the possibility of entering into formal interdepartmental partnerships.
  - Attend Parliament committee sessions on official languages (House of Commons Committee and Senate Committee) and publish a report of its work to inform appropriate stakeholders.
  - Develop and maintain a new website dedicated to the implementation of Section 41 at the Department of Justice.
  - Research and prepare quarterly mailings to communities in order to keep them informed of departmental initiatives, with the help of Regional Coordinators and Program and Policy Coordinators. These mailings are sent to some 200 groups from Official Language Minority Communities. They allow the Department to promote its products and services and to inform communities on matters of interest, deadlines for project applications and contacts at the national, provincial, territorial and regional levels. They also allow the Department to disseminate the various plans, reports, minutes and bulletins on the implementation of Section 41 of the *Official Languages Act*.
  - Inform main clients, i.e. Official Language Minority Communities, regarding the renewal of programs and services according to the new structures, if applicable.
  - Implement an effective and ongoing collaboration between federal and provincial-territorial government levels, including through mechanisms such as the federal-provincial-territorial Working Group on Access to Justice in Both Official Languages.
  - In cooperation with Communications, create promotional tools on the role of the Office of La Francophonie, Justice in Official Languages and Legal Dualism to inform Official Language Minority Communities. The Office also plans to adopt a new visual identity (signature or logotype) and develop a new set of tools that will be distributed as part of an awareness-raising campaign and the general annual meetings of organizations from these communities.
  - Use minority medias to promote the Office, the Department's mandate and other relevant information concerning departmental programs and services. For its distribution and media placement needs, the Office uses the services of OPSCOM, associated with the Association de la presse Francophone, which represents 30 weekly French-language publications outside Quebec, and the services of the Quebec Community Newspaper Association.
  - Write news articles for the Department of Canadian Heritage's Bulletin 41-42, which is widely distributed throughout the network of Section 41 coordinators and to Official Language Minority Communities.
  - Take an active part in the annual general meetings of official language minority community organizations.
  - Set up and maintain consultation mechanisms with Official Language Minority Communities. The Office will call upon the Advisory Committee and the Advisory Sub-Committees (Access to Justice in Both Official Languages and Community

Component of Section 41), as well as the federal-provincial-territorial Working Group on Access to Justice in Both Official Languages, as the main means of disseminating key issues and enlist the participation of various stakeholders in the dialogue on these issues.

- Coordinate the implementation of the Action Plan and manage the Network of Regional and Departmental Program and Policy Coordinators.
- Coordinate the updating of the Action Plan and prepare the Status Report with coordinators.
- Provide strategic and operational opinions, advice and information regarding Section 41 to the Department's program managers and senior managers.
- Take part in the drafting of plans, Memoranda to Cabinet, policy statements, working documents, briefing notes, speeches and other materials on the *Official Languages Act* (Part VII) for the Minister of Justice, the Deputy Minister, the Assistant Deputy Minister, the General Counsel and the Department's senior management.
- Maintain up to date the list of community organizations for distribution to government and other stakeholders. This list includes organizations by field of interest or target group (youth, women, etc.) and by province.

### **ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES SUPPORT FUND**

The overall goal of the Access to Justice in Both Official Languages Support Fund is to create an increasingly relevant and accessible justice system that will meet the needs of Canadians by ensuring better access to justice in both official languages. The overall objectives of the Support Fund are as follows:

- Increase the capacity of the Department's partners to develop innovative solutions to emerging issues related to access to justice in both official languages.
- Raise awareness among the legal community and Official Languages Minority Communities on the exercise of their rights and the issues related to access to justice in both official languages.

The reach of the Access to Justice in Both Official Languages Support Fund includes provincial and territorial governments, the legal community including bar associations, non-government organizations and the academic community (universities and centers for jurilinguistics and law research). These are primary players in community projects of interest, by offering services and resources of all types and by taking part in the sharing of information.

Website: [http://www.justice.gc.ca/en/ps/pb/prog/official\\_languages.html](http://www.justice.gc.ca/en/ps/pb/prog/official_languages.html)

### **Measures proposed for 2005-2010**

- Make sure the objectives of Section 41 of the *Official Languages Act* are taken into account by the Fund's project selection committee, and fund projects that support these objectives.
- Sign contribution agreements with the provinces and territories and with non-government organizations that support the development of communities in the area of access to justice in both official languages.

- Make sure the objectives of Section 41 of the *Official Languages Act* are taken into account in discussions with provincial and territorial governments as part of the federal-provincial-territorial Working Group on Access to Justice in Both Official Languages.
- Form partnerships with other departmental programs that contribute to the Fund's objectives and to the improvement of access to justice in both official languages, in order to coordinate the support, financial and otherwise, for projects that meet the objectives of more than one departmental program.
- Organize the annual meetings of the Advisory Committee and the Sub-Committee, Access to Justice in Both Official Languages and distribute the minutes of these meetings to appropriate stakeholders. The Advisory Committee and Sub-Committee include representatives from community groups and senior officials from the Department's Policy and Program Sector.
- Entertain direct links with the main stakeholders in the area of access to justice in both official languages, particularly through the Access to Justice in Both Official Languages Support Fund. These stakeholders include provincial associations of French-speaking lawyers and their national federation, universities and governments. Linkages will be maintained using various means, e.g. website, attending and organizing meetings, etc.
- Develop and implement a communication strategy for all stakeholders in the area of access to justice in both official languages including Justice Canada employees. This strategy will include the design and active distribution of an information kit on the promotion of access to justice in both official languages and its main stakeholders, as well as the dissemination of information through the new website dedicated to the implementation of Section 41 at the Department of Justice.
- Disseminate information to official language minority communities concerning the different project funding possibilities under the Access to Justice in Both Official Languages Support Fund.
- Encourage the establishment of partnerships between designated PLEI organizations in each province, the French-speaking lawyers associations or the Anglophone legal community in Quebec and the Official Language Minority Communities.

## **YOUTH JUSTICE RENEWAL INITIATIVE**

The Youth Justice Renewal Fund was set up to facilitate, help and support the successful implementation of the *Youth Criminal Justice Act* and the Youth Justice Renewal Initiative. The Fund is aimed specifically at promoting greater involvement by citizens and communities in the youth justice system. The Fund helps reinforce and increase participation by a large number of organizations, associations and community groups who are directly or indirectly involved in youth justice because they serve the needs of youth who come into conflict with the law.

Please note that the Terms and Conditions of the Program (Youth Justice Renewal Fund) expire on March 31, 2005. The Youth Justice Policy Section is currently seeking Treasury Board approval for renewal of the Fund's Terms and Conditions in order to continue the program's activities as of April 1, 2005).

Website: <http://www.justice.gc.ca/en/ps/yj/>

### **Measures proposed for 2005-2010**

- Ensure Section 41 of the *Official Languages Act* is understood and recognized by offering information/awareness-raising sessions on the application of Section 41 to the following groups within the Department of Justice:
  - the team responsible for the Initiative;
  - the Coordinating Committee of Senior Officials -Youth Justice (Federal-Provincial-Territorial Group);
  - the Interdepartmental Working Group on Youth Justice.
- Include a component relating to Section 41 in the application form to submit projects to the Public Legal Education and Information component.
- Add a Section on the implementation of Section 41 of the *Official Languages Act* on the Initiative's Internet (web) site.
- Include relevant information on the implementation of Section 41 of the *Official Languages Act* in the call for proposals and in the information kit sent to all groups who may be eligible for funding under the Initiative.
- Communicate with Official Language Minority Communities organizations to alert them to funding opportunities (i.e. calls for proposals). In this respect, make a concerted effort to provide this information to organizations that offer services to youth from Official Language Minority Communities.
- Contribute to the quarterly mail-outs to Official Language Minority Communities organizations via the Office of the Francophonie, Justice in Official Languages and Legal Dualism, and utilize this vehicle to disseminate information on the Initiative's communications and educational materials.
- Invite Official Language Minority Communities organizations to participate in consultations to develop policies under the Initiative that may have an impact on these communities, where applicable.
- Influence the provinces and territories to take Section 41 into consideration in federal-provincial-territorial agreements on youth justice.
- Encourage the establishment of partnerships between designated Public Legal Education and Information organizations in each province, the French-speaking lawyers associations or the Anglophone legal community in Quebec and the Official Language Minority Communities.

## **PUBLIC LEGAL EDUCATION AND INFORMATION COMPONENT**

The Public Legal Education and Information activities (PLEI) aim to provide Canadians with information about the laws and how it affects them so that they can make informed decisions and participate effectively in the justice system. These activities contribute to guarantee that Canada has an accessible and responsive system of justice.

To this end, the Department of Justice of Canada provides core funding on an annual basis to one Public Legal Education and Information organization in each province, selected jointly by the province and the Department. This organization provides justice-related information and education activities that help community members understand their rights and responsibilities in the area of justice. This funding is in accordance to the terms and conditions of the Justice Partnership and Innovations Funds. Core funding is limited to these designated organizations. In the North West Territories, Nunavut and Yukon, Public Legal Education and Information activities are delivered under Access to Justice Agreements concluded between each territorial government and the Department of Justice of Canada.

Furthermore, the Department can provide funding to non governmental organizations for projects that provides public legal education and information activities under other components of the Department namely: the Justice Partnership and Innovation Fund, the Victim Fund, the Family Violence Initiative, the Youth Justice Renewal Initiative, the Child Centred Family Justice Strategy and the Access to Justice in both Official Languages Support Fund.

Website: [http://www.justice.gc.ca/en/ps/pb/prog/legal\\_ed.html](http://www.justice.gc.ca/en/ps/pb/prog/legal_ed.html)

### **Measures proposed for 2005-2010**

- Encourage the establishment of partnerships between designated PLEI organizations in each province, and French-speaking lawyers associations or the Anglophone legal community in Quebec and the Official Language Minority Communities.
- Sensitize the Public Legal Education Association of Canada (PLEAC) to the needs of the Official Language Minority Communities and to encourage them to invite the Fédération des associations de juristes d'expression française and the French-speaking Lawyers Associations to their annual general meeting.
- Inform the designated Public Legal Education and Information Organisations of the Five-year Action Plan and of their role in the Action Plan.

### **Contemplated Measures for project funding in accordance to various funding programs of the Department for 2005-2010**

- Disseminate information to the Official Language Minority Communities concerning the different project funding possibilities under the Justice Partnership and Innovation Fund.

## **CHILD-CENTRED FAMILY JUSTICE STRATEGY**

The Child-centred Family Justice Strategy is composed of three pillars: reform of the *Divorce Act*; ongoing support for the successful delivery of services in the area of family justice; the promotion of family court models that meet the needs and circumstances of separated and divorced families (unified courts).

The Child-centred Family Justice Fund supports Child-centred Family Justice programs and services offered by the provinces and territories and by non-government organizations.

Website: <http://canada.justice.gc.ca/en/ps/pad/about/>

### **Measures proposed for 2005-2010**

**(Note: the current program cycle ends in 2007-2008)**

- Ensure Section 41 of the *Official Languages Act* is understood and recognized by offering information/awareness-raising sessions on the application of Section 41 within the Justice Department to all key employees in units working on the implementation of the Strategy:
  - Family, Children and Youth Section Coordinators;
  - Program Analysts from the Program Development Unit;
  - Federal-Provincial-Territorial Coordinating Committee of Senior Officials (Family Justice).
- Inform Official Language Minority Communities that the Child-centred Family Justice Strategy also can fund programs and services in both official languages, in three areas:
  - *Family justice initiatives*: This component supports provincial and territorial programs and services in the area of family justice designed to help parents settle issues involving child support, support enforcement and parental agreements (parental agreements and orders, personal contact orders, custody orders and visitation rights). The funds will be transferred in accordance with the distribution agreements negotiated with each province and territory.
  - *Pilot projects*: A smaller portion of the funding will go to pilot projects that provincial and territorial governments will submit, aimed at developing, implementing and evaluating innovative services in the area of family justice.
  - *Public Legal Education and Information and Professional Training*: Non-government agencies will have access to grants or contributions to implement projects aimed at informing the Canadian population, including legal communities, regarding parental agreements, guidelines on child support and support enforcement measures. Funding applications submitted for this type of project must have the support of the provincial or territorial governments concerned.
- In cooperation with Communications, create promotional or information tools on the role of the Child-centred Family Justice Strategy to inform Official Language Minority Communities.
- Ensure that the research undertaken by the Strategy will increase knowledge within the community in the area of family justice regarding specific matters,

including regarding family situations in Official Language Minority Communities. This knowledge will enlighten discussions about policies and programs, help develop or perfect policies and programs and help clarify laws.

- Implement the commitment to support and promote the development and maintenance of family justice services in order to improve access to the family justice system in both official languages. This objective will be made possible through funding available under the Child-centred Family Justice Fund. Through the Advisory Sub Committee – Access to Justice in both Official Languages Communities will be consulted regarding the appropriate methodology to be used to implement this commitment, taking their priorities in to account.
- Disseminate information to the Official Language Minority Communities concerning the different project funding possibilities under the Child-Centre Family Justice Strategy.
- Encourage the establishment of partnerships between designated PLEI organizations in each province, the French-speaking lawyers associations or the Anglophone legal community in Quebec and the Official Language Minority Communities.

### **Unified Family Courts**

Unified Family Courts (UFCs) consolidate jurisdiction over all family justice related matters within one level of court (the provincial superior court) which allows the court to take a holistic approach to each family's situation. The structure of the UFC offers support services that vary from jurisdiction to jurisdiction, but typically include parent education and mediation programs and other court-related services.

### **Measures proposed for 2005-2010**

- Ask provinces and territories, in the development of their proposals, to consider the improvement of access to the family justice system in both official languages, particularly in relation to family justice services.
- Seek to achieve a better understanding of the UFC model and its associated services within Official Language Minority Communities through the participation of the Bench, the Bar and the other stakeholders in the development of proposals.
- Ask jurisdictions to form partnerships with federal officials and courts to collect and analyze the information needed to evaluate the United Family Court model. An element of the UFC evaluation includes change in the improvement of access to justice in both official languages. However, it is important to note that this evaluation will be completed only in 2007-2008.

## **FAMILY VIOLENCE INITIATIVE**

The mandate of the Department of Justice of Canada regarding the Family Violence Initiative is to improve the criminal justice system's response to family violence. The activities undertaken by the Department in this area include policy development, law reform, research, project funding and public legal education and information.

Website: <http://canada.justice.gc.ca/en/ps/fm/>

### **Measures proposed for 2005-2010**

#### **Relevant to funding program**

- Include relevant information on the implementation of Section 41 of the *Official Languages Act* in the Initiative information kit.
- Add a section on the implementation of Section 41 of the *Official Languages Act* on the Initiative's website.
- Make a presentation to Official Language Minority Communities on the Family Violence Initiative. Target especially the members of ethno cultural communities, immigrants and refugees and encourage cooperation between immigrant women groups and organizations from Official Language Minority Communities.
- Use existing information on Official Language Minority Communities, (e.g. the list of organizations from these communities) when evaluating project funding to encourage partnership or to ensure that the project meets the needs of Official Language Minority Communities, where applicable.
- Assist the official language minority communities in the preparation of their funding applications.
- Disseminate information to the Official Language Minority Communities concerning the different project funding possibilities under the Family Violence Initiative.
- Encourage the establishment of partnerships between designated PLEI organizations in each province, the French-speaking lawyers associations or the Anglophone legal community in Quebec and the Official Language Minority Communities.

#### **Relevant to policy analysts**

- Raise awareness of the federal-provincial-territorial Working Group on Family Violence on the implementation of Section 41 of the *Official Languages Act*.
- Promote understanding and recognition of Section 41 of the *Official Languages Act* at a meeting of the Departmental Family Violence Committee.

## **MEASURES FOR REGIONAL AND DEPARTMENTAL PROGRAM AND POLICY COORDINATORS**

The following measures apply to Regional and Departmental Coordinators for Section 41, Community Component, within the Department of Justice:



- Answer specific requests from community stakeholders for information regarding departmental activities and convey relevant departmental information to these organizations.
- Once a year, meet the organization representing each province and territory and the association of lawyers in each province and territory where such an organization exists.
- Participate in meetings between the Official Languages Law Group and senior management at the regional level for a presentation on the Department's requirements regarding the implementation of Section 41 of the *Official Languages Act*.
- Meet regional policy units, if applicable, to raise awareness regarding the implementation of Section 41 of the *Act*.

In addition, in three provinces, regional coordinators will undertake the following specific measures in 2005-2006:

#### Saskatchewan

- Attend the annual meeting of the Association des juristes d'expression française de la Saskatchewan and of the Association Fransaskoise.
- Prepare, participate in and conduct appropriate follow-ups to the forum scheduled in 2005 on access to justice in French in Saskatchewan. This forum aims to develop the bases of a five-year action plan on French-language legal services in the province. The Department's specific outputs for the Saskatchewan region will be identified following this forum.

#### Manitoba

- Attend the annual meeting of the Association des juristes d'expression française du Manitoba as well as the annual meeting of the Société Franco-Manitobaine. The Justice Department will present the Strategic Plan for the Implementation of Section 41 as well as the objectives and terms of certain programs identified as priorities.
- Support the preparation of a linguistic rights dossier that will be part of the Human Rights Museum to be erected in Winnipeg.

#### Ontario

- Take part in the Advisory Committee set up by the Ontario Justice Department in order to develop a provincial strategic plan in the area of access to justice in both official languages in this province. The Department's specific outputs will be identified during the development of this strategic plan.
- Participate in the Advisory Committee on official Languages, Ontario Federal Council, organized by Canadian Heritage.

**Feedback: What do you think of the Action Plan?**

**General comments:**

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**Strong points:**

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**Areas requiring improvement:**

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**Suggestions:**

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Please return this form to:  
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