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The Honourable Denis Paradis

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• (0845)

[Translation]

The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)): Friends, since we are ready, let's begin.

Welcome, everyone.

Pursuant to Standing Order 108(2), we are continuing our study on the roadmap and immigration in francophone minority communities.

We are pleased to welcome Daniel Boivin, the president of the Fédération des associations de juristes d'expression française en common law Inc.

Mr. Boivin, welcome.

We will give you about 10 minutes for your presentation on the roadmap, after which we will go around the table for questions and comments. Then we will move to immigration, the topic of the second half, and go around the table again.

The floor is yours.

Mr. Daniel Boivin (President, Fédération des associations de juristes d'expression française de common law Inc.): Thank you very much.

Mr. Chair, members of Parliament, thank you very much for receiving the Fédération des associations de juristes d'expression française de common law Inc., FAJEF.

The FAJEF brings together seven associations of French-speaking lawyers whose mandate is to promote access to justice in French in predominantly anglophone provinces.

The French-speaking lawyers' associations (AJEFs) are in the four western provinces, in Ontario, in New Brunswick and in Nova Scotia. Together, the seven associations represent about 1,600 lawyers. The number of French-speaking lawyers goes up every year. However, it is important to note that the FAJEF and AJEFs are not defined by the number of lawyers we are representing, but rather by the francophone population to whom the associations provide legal services.

The FAJEF's seven member associations provide services to the vast majority of francophones in minority settings in Canada. In the absence of AJEFs in the other provinces and territories, the FAJEF acts as a nexus between francophone communities and the legal network. In the provinces and territories without an AJEF, the work is monumental. I will talk about that issue a little later in my remarks.

The FAJEF works closely with its AJEF network and national legal organizations, such as the Canadian Bar Association (CBA). From a community point of view, the FAJEF works closely with the Fédération des communautés francophones et acadienne du Canada (FCFA), which has appeared before you. Actually, the FAJEF is a member of the FCFA.

For about three years, the FAJEF has been working closely with the Réseau national de formation en justice (RNFJ), a major network that brings together various training institutions outside Quebec, such as the jurilinguistic centres in Moncton and Ottawa, the Centre canadien de français juridique and a number of colleges, including the Cité collégiale, Collège Boréal and the Collège communautaire du Nouveau-Brunswick, as well as universities, such as the law schools of University of Ottawa, Université de Moncton, Laurentian University and Université de Saint-Boniface. You know those institutions well.

My first remarks are about the roadmap.

As you probably know, the most recent roadmap has targeted two pillars of the justice system: training and information. Those are two extremely important pillars and the FAJEF agrees that they need to be considered priorities.

Important and beneficial projects have been carried out under those two pillars. However, by limiting the funding for the training and information pillars, the 2013-18 roadmap had a significant negative impact on the AJEF network. It actually eliminated the funding for activities outside those two pillars. It ended up eliminating the funding for activities meant to strengthen the ties between the legal community, the organizations in the legal community—the bar associations and the law schools—between the francophone community and the legal francophone community, and between provincial governments and other organizations of the francophonie.

Those activities, which were developed under the previous roadmap, had helped revitalize the AJEF network and the FAJEF. In Ontario, for instance, they also helped create a positive climate of co-operation between the francophone legal community and the Government of Ontario. As a result, major projects were born, but they no longer fall under mandatory funding in the roadmap ending in 2018.

Creating a solid network between the various community stakeholders makes it possible to better use each other's strengths and to identify effective synergies. However, networking is time-consuming for the AJEFs and the FAJEF on site. That's time, money and investments in time that a number of them cannot afford or they cannot fully exploit.

The FAJEF's first recommendation to the committee is that any new action plan provide for adequate, multi-year funding for the AJEF network's activities that seek to strengthen the ties between the legal community of the majority and the legal community of the minority, as well as the ties that may exist within the francophone, so that the different sectors work better together.

● (0850)

In terms of FAJEF's second recommendation, as you may have seen, there are no AJEFs in Newfoundland and Labrador, Prince Edward Island, and the three northern territories. The absence of AJEFs in those territories and provinces undermines the development of those French-speaking minority communities and the use of French in the legal sector. Those francophone communities face great challenges and would benefit from greater support.

Support for access to justice in French should eventually be provided through an AJEF in the provinces where the organization is absent. However, it is an illusion to think that the AJEFs would be viable without any preliminary pioneering work.

In terms of developing the network, the AJEFs and the FAJEF are ready to play that role in the provinces where they are not represented, but they need to receive the required resources to be able to go into the communities where they are not represented yet, to clarify the needs, the potential players and possible solutions in order to eventually create AJEFs.

The FAJEF's second recommendation is that adequate and multi-year funding be included in the action plan to allow the justice sector to benefit from a true Canada-wide presence.

In terms of the third recommendation, thanks to the information pillar in the latest roadmap, a number of legal information centres able to serve francophone clients have been appearing in the past few years in Ontario, Nova Scotia, Manitoba, Saskatchewan and Alberta. Those centres, which serve clients directly, have become essential to ensuring access to justice in French. I will have a few comments on that when I talk about immigration.

There are three bilingual legal information centres in Ontario, Nova Scotia and Alberta, as well as two centres that are exclusively francophone. Ontario is an example of bilingualism, but its bilingualism is safeguarded by the francophone community. So the francophones are the ones providing the French-language services, and the services in the majority language. Almost all the centres have a service centre for individuals and provide programs and information sessions to the groups they serve.

The legal information centre model has already demonstrated that it has been extremely useful for the community. However, it is unrealistic to think that the users could pay for those services. So those services can exist only with the contribution of government players.

The FAJEF's third recommendation is that there be adequate and multi-year funding so that the legal information centres can continue their good work in the communities. In addition, the FAJEF recommends that the funding allow for more consultation between those organizations to achieve the type of synergy that teamwork can create.

As for the fourth recommendation, for francophone litigants to have access to justice in French, it is essential that the various players in the justice system, particularly lawyers and judges, but also clerks, mediators, police officers, probation officers and paralegals, have access to professional training in French and in legal French. For those who want to work in the justice sector, it is also important to have access to college and university training in French.

In terms of access to justice, the most frequently noted roadblocks are the lack of bilingualism or insufficient bilingualism among the major players in the judiciary. For a long time, you have been hearing the AJEFs and the FAJEF talk about the insufficient number of bilingual judges. However, that's not the only problem. Some judges who say that they are bilingual are not sufficiently fluent in French to be able to fully provide the services. It is also important to note that, even when the judge and the lawyers are bilingual, if the other players in the courtroom—the clerks and police officers—are unable to speak French, the judiciary cannot operate in a fully bilingual way.

● (0855)

The FAJEF's last recommendation this morning is that there be increased, multi-year funding as part of a brand new action plan to expand the availability of training in legal French and of professional, college and university training in French for legal professions.

The Chair: Thank you very much, Mr. Boivin.

We will now have questions.

I will ask Ms. Boucher to start.

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Thank you, Mr. Chair.

Good morning, Mr. Boivin. That's very interesting. What you want is clear.

When we talk about the legal field, there's the federal level—that's us—and the provinces. You have to work with the federal and provincial governments in that setting. Do you have agreements with the provinces? How much money would you like the Liberal government to invest so that you can operate properly and so that there is a synergy, as you say? That's important and it does not come automatically with the funding. All the stakeholders must want to work together too.

Mr. Daniel Boivin: The amount needed for each province depends on the people who receive the services. Generally speaking, the amount required in each province is what would ensure a presence for each of the AJEFs and the FAJEF. Having a player, someone whose job is to be in the community and to forge ties with the legal community and the players in the other sectors of the francophonie, makes it possible to network and to be present, supporting revitalization. That also enables someone to listen to the community in order to tailor the projects and activities of the legal network to the individual needs of francophone communities.

Mrs. Sylvie Boucher: We talked about bilingual judges and the entire legal apparatus that should be bilingual. That work should be done at the provincial level as well. How do you bring the provincial and federal governments together when we know that some provinces are very cautious about accountability? We give money to the provinces, and the provinces earmark it for certain programs. We have our own programs. How do you bring everything in line? Do you have agreements with the provinces?

● (0900)

Mr. Daniel Boivin: Ontario is a success story and there are agreements with the provincial government. AGEFO has extensive ties with the federal network and it has a direct working relationship with all the departments involved in justice, be it the attorney general, the solicitor general or Public Safety Canada. A consultation table has been set up at the provincial level for all those working in the justice sector to meet and identify the community needs. Community groups are added to this focus, such as the CALACS for women who need services, child services or anything justice-related.

So it's an example of a project where someone is able to have ties in the community and this dynamic can be created. That's what enables us to get a little funding from the provincial government for a project, a combined effort with another community group for another project, to finally move things forward. The system of projects in silo, which is the model used in the roadmap ending in 2018, makes flexibility more difficult because everything has to be defined by project. Without that flexibility, it is not possible to seize some opportunities to bring everyone together.

Mrs. Sylvie Boucher: I have one last question for you. Ontario's success could be a pillar for the other provinces outside Quebec. How do you explain that, in some provinces, people still don't have access to justice in French?

Mr. Daniel Boivin: It's a matter of linguistic authority. Unfortunately, some provinces don't have the same rights of access to justice in French as those in Ontario. However, people can certainly have access to justice services in French everywhere when it comes to criminal law. So we have to provide services.

In some provinces where there is no access to civil justice in French, the AJEFs work very hard to provide the necessary basic services so that at least the federal services are given. Once this base exists, they will be able to provide other types of services. We build on the minimum required under the Constitution, and the provinces are gradually increasing the services they offer.

Many services are now offered in French in Alberta. That is how it worked. Manitoba is a province where French has historically been well represented. I will be in the province next week to talk to the

English-language bar association about services in French. We can build on that.

The Chair: Thank you very much.

Go ahead, Mr. Lefebvre.

Mr. Paul Lefebvre (Sudbury, Lib.): Thank you, Mr. Chair.

Mr. Boivin, your presentation was excellent. Thank you for listing your requests. It was very clear.

I want to discuss your first and fourth recommendations.

Your first recommendation is that adequate funding be provided to support networking between the majority and minority legal communities and governments. You said that the previous roadmap provided funding for this but the recent roadmap does not.

I know you've spoken about it, but I'd like you to come back to that. What are the successes? What are the problems with the lack of funding for the two roadmaps in this area?

Mr. Daniel Boivin: The first plan that allowed this was what we called the Dion plan. It offered the possibility of basic funding, as it was called at the time—the terms have been changed a bit since then. Such permanent funding revived the FAJEF and the federal network of all the associations because it was possible to establish a presence in every province.

This created a network of people who talked to each other. With a network comes collaboration, and several national projects have been launched.

The roadmap was created, and funding was then based on well-defined projects. Since the network already existed, gains were not lost everywhere, but many provinces that had not received as much funding per project had to give up on maintaining a presence.

Extraordinary projects have been set up focusing on training and information, which are undoubtedly very important. However, the need for funding per project and for those projects to be defined within that dual focus has made us lose a little flexibility to adapt. And as I said earlier, it has also lost us the possibility of seeing more “one-off” projects in a community.

Without making it into a federal funding project, there could be some collaboration with seniors, for instance. The Ontario elder abuse project is not a national program, but it was created because the AJEFO had a presence in the francophonie network and someone in the seniors network identified a very specific need.

This flexibility, which is ensured by the presence of each AJEF, helps to identify needs and create projects more easily, but also to ensure that the same thing is not repeated in every province and every network. We use the strengths of each one, which we are familiar with because we are in the network. This would be much more difficult without a presence.

● (0905)

Mr. Paul Lefebvre: Thank you.

Your fourth recommendation is for funding to increase the training provided.

I am a graduate of the University of Ottawa, where you teach evidentiary law. I have practised law in French in Ontario. I did corporate law. We were two lawyers and we could speak in French. We did a commercial transaction, and we wanted the documentation in French, but our assistants couldn't help us because their training had been in English.

Could you tell us about the challenges related to the lack of training for administrative teams in the minority legal environment?

Mr. Daniel Boivin: Thank you. That is an excellent question.

Thirty years ago, we wanted to train lawyers. So we created programs in the faculties. The programs at the University of Ottawa and the Université de Moncton are strong and help to train many lawyers. Other law faculties also have French programs that allow francophones to choose to go to anglophone faculties to continue to improve their legal French.

So we are strong in that respect. However, when only lawyers speak French in a courtroom or in a commercial transaction—your example is excellent—and paralegals are unable to write documents in French, it becomes much more expensive for clients. Everyone is ready to work in French before the courts, but all the players we don't think about as much, including clerks and paralegals, are vital for the system to work.

We are strong in terms of training lawyers in French, but now we need to train other players in the legal system. The police need to be trained not only on language rights, but also on the terminology to be used. College-level programs, such as those for becoming legal assistants or paralegals, need to be in French. Without this support system, the legal system will not be able to move forward more quickly.

The Chair: Thank you.

We will now move on to Mr. Choquette.

Mr. François Choquette (Drummond, NDP): Thank you, Mr. Chair.

Mr. Boivin, thank you for your presentation today. It was really very interesting. Access to justice is something I want to promote. Perhaps you know that my predecessor, Yvon Godin, worked very hard on this matter. He introduced bills on this.

We currently have a policy on the bilingualism of Supreme Court justices. People are saying that legislation should be passed to ensure that this policy continues.

What does your federation think?

• (0910)

Mr. Daniel Boivin: The current policy is excellent, but the network of francophone lawyers has long said that there should be legislation.

I worked with Mr. Justice Rowe at Gowling WLG before he left for Newfoundland and Labrador. He is functionally bilingual. That is the kind of appointment that should always be made to the Supreme Court. If this policy is not consolidated by law, a future government

could take a different direction. Supreme Court appointments last a very long time. If the entire group of justices cannot work in French, it may cause problems. The FAJEF welcomes the current policy, but it would be very good if it were permanent.

Mr. François Choquette: Thank you very much.

You mentioned the problems of self-assessment for superior court judges. There is a 2013 report from the Official Languages Commissioner, which you may be very familiar with, that focuses specifically on access to superior courts of justice. It had been shelved by the previous government, but the current government seems to want to bring it centre stage again.

Were you consulted for that report? Minister Joly told us that steps have been taken. Were you consulted about the review?

Mr. Daniel Boivin: The FAJEF is working very closely with the Department of Justice on all these projects. This problem was identified a long time ago. Most lawyers have argued—and I am one of them—that the level of technical language used by some witnesses in court to explain concepts was difficult to understand because the level of French was not advanced enough.

We can look at some specific examples with the Department of Justice. This problem was raised a long time ago by several organizations, including the Canadian Bar Association.

Mr. François Choquette: Do we know how many of the 24 new judges appointed to superior courts in the past year are bilingual? Are we continuing to request self-assessment? Has further assessment of their language skills been suggested?

Mr. Daniel Boivin: Several francophone judges have been appointed. We know that these people are capable of hearing cases in French.

This is not a problem for some people, and the community realizes this. However, it is a little difficult for the francophone community to test this once the person is on the bench. If there was a way to consistently assess language capacity, a judge who had just been appointed to the court would not find it insulting to have to take that kind of test. By subjecting everyone to the same type of assessment, we would have much more measurable results.

Mr. François Choquette: The Commissioner of Official Languages also presented further evidence. Some judges are bilingual, while other judges who are not really bilingual, as you mentioned, hold designated bilingual positions. Those bilingual judges are required to take almost all the cases in French, and sometimes those cases are less interesting, legally speaking. The bilingual judges are frustrated about not taking other, more important cases because there aren't enough bilingual judges.

Do you hear this kind of thing as well? What recommendations would you make?

Mr. Daniel Boivin: There are some very interesting and very important cases in the French community. It's important not to think that all cases in French are less important.

That said, the fact that the same judge is always the person designated for bilingual trials greatly decreases flexibility. That is one of the problems we have. If this sole bilingual judge is assigned to a long trial in French or in English, there is no one else to hear cases in French. That is one of the practical aspects of that.

Unfortunately, many people in the legal community misunderstand the language capacity required to hear trials. In some cases, it isn't just the law that is complicated, but also the subject and the evidence. When dealing with a physical injury issue where very complex medical evidence is given, the judge's language ability must be very advanced.

In such situations, it would be good to have an assessment at the outset. In addition, the necessary tools should be given to bilingual judges who know that they aren't comfortable enough with these cases so that they can improve their French and not always give their francophone colleagues the more complex cases.

• (0915)

The Chair: Thank you very much.

Mr. Arseneault?

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Thank you, Mr. Chair.

Good afternoon, Mr. Boivin. Welcome.

I am a proud graduate of the faculty of law at the Université de Moncton, and I have always been a member of New Brunswick's Association des juristes d'expression française. I was on its board of directors for ages. During my student years, I worked at the Centre international de la common law en français, which you surely know. So I'm familiar with the issues.

I'm from northern New Brunswick. Everything I'm hearing are things I haven't experienced. As a lawyer, 95% of my 23 years of practice was exclusively in French. Our judges, prosecutors and police officers are bilingual. The prisons are bilingual, too. However, once we leave northern New Brunswick, which is sort of Canada's testing ground, it looks like the rest of the country.

There are other players in the legal world that we don't think about. Who comes to mind in particular are francophone women accused of a crime who had to serve two or three months in prison. There is no prison for francophone women. The situation is the same everywhere. There are even francophone young men who go to prison and don't have a prison for them. So it's a problem.

I have a thousand questions. I don't want to get carried away. I'm quite familiar with the matter. I want to go back a little to the end of what my colleague Mr. Choquette was talking about. Francophone cases are as interesting as anglophone cases. There is another negative effect of having one bilingual judge. Not only is he compelled to do only this and expects nothing else, but it is our experience in New Brunswick that bilingual judges are in too much demand, much more than their unilingual anglophone colleagues. They work much more because they need to be everywhere and need to travel a lot. They aren't often home, and that causes conflicts in the agendas.

On the topic of agenda conflicts, some cases are delayed because there is no bilingual judge nationally. What is your reaction to that? How can we solve this problem?

Mr. Daniel Boivin: These issues have been raised in the report of the Commissioner of Official Languages. So the problem has been clarified at the federal level. In Ontario, a report specifically on the situation in Ontario was prepared, notably by Justice Rouleau, who is a leader in access to justice. He found the same difficulty.

When a small community has a judge who is very functionally bilingual, but who is no longer available because of a trial or sick leave, for instance—and that's a situation we see as well—we need to “steal” the bilingual judge assigned to another community, which creates a domino effect that has an impact on all the communities. The waiting list for motions, requests or trials grows in each community.

The absence of one person causes a problem across the network. No matter how many people are involved, time adds up. Francophones then say that they don't want to wait for a solution to their problem and choose to move on to the English side. This domino effect is significant. The way to solve the problem is to ensure that there are enough bilingual appointments in every province.

Mr. René Arseneault: As you said earlier, you applaud the current policy of appointing bilingual judges, and you would like it to be permanent.

How might that come true?

Mr. Daniel Boivin: We were talking earlier about appointments to the Supreme Court. We must amend the Supreme Court Act to ensure the policy will be applied on a permanent basis.

• (0920)

Mr. René Arseneault: So it's through legislation and regulations on appointments.

Mr. Daniel Boivin: Legislation is the best way to ensure that the Supreme Court and the other superior courts have enough bilingual judges.

Mr. René Arseneault: Do you have statistics on delayed or cancelled trials and on cases of people being released as a result of the delays linked to the lack of bilingual judges across the country?

Do these types of statistics exist?

Mr. Daniel Boivin: The best study is the one submitted a few years ago by the Commissioner of Official Languages. It concerns access to justice. I don't have the numbers on hand and I haven't heard about any studies as comprehensive as the Commissioner's study.

We see some fluctuations as a result of the effect I mentioned earlier. Occasionally, the service provided to francophones is exceptional. In Ottawa, for example, prothonotaries were responsible for francophone cases. Things moved very quickly, until one of them fell ill or was assigned to a more important case. The effect lasted six months. The delays became much longer on the francophone side.

It's difficult to keep longitudinal statistics on the effect, because we're continually moving faster or slower, faster or slower, and so on. We're really victims of—

Mr. René Arseneault: You're saying the appointment of bilingual judges should become mandatory and should be regulated and legislated.

Mr. Daniel Boivin: Yes.

Mr. René Arseneault: That would be the solution. Is that correct?

Mr. Daniel Boivin: It would solve one of the problems.

Mr. René Arseneault: Thank you.

The Chair: Thank you, Mr. Arseneault.

We'll now move on to the second part, which concerns immigration.

Mr. Boivin, you can tell us about the links between immigration and the justice sector. We're listening.

Mr. Daniel Boivin: Thank you, Mr. Chair.

You already know that immigration is very important for francophone minority communities in Canada. It's also obvious that, to successfully integrate into Canadian society, new immigrants must be aware of the standards and rights in Canada in all aspects of their integration into host communities. These aspects include property rental, property purchase, consumer protection, labour standards, separation and divorce, relations with the police or relations with the various governments.

Everyday life and justice intersect on many levels. These points of intersection can be sources of considerable stress for new immigrants, and can even constitute barriers to integration when the Canadian justice system differs significantly from the system in their country of origin.

That's exactly why, in 2011, the FAJEF conducted a major national study on the justice needs of francophone immigrants. Even though the study is now five years old, its findings are still very valid and they still guide our activities and planning.

The study collected information from 589 francophone immigrants from 35 different countries who lived in a number of provinces, including British Columbia, Alberta, Manitoba, Ontario and New Brunswick. The immigrants filled out a questionnaire and participated in discussion groups. The results showed two areas that required action with respect to new Canadians, namely, access to justice and access to legal professions.

In terms of access to justice, the study produced a bimodal result. Within the francophone immigrant populations, one group had a tremendous amount of legal needs and another group had very few legal needs or access to justice needs. It's important to note that a large proportion of women expressed many legal needs.

In cases where the francophone newcomers expressed many needs, it's not surprising to think that the needs mostly concerned help with immigration issues, such as immigration documents and sponsorship. The survey also revealed a major need for help with access to government services, including social services, health services and immigrant services, but also the entire social fabric.

The survey shed light on the major need for help with understanding contractual obligations in Canadian law, such as a lease on an apartment or a contract to rent or purchase a car. Lastly,

there was a significant need for help with issues related to employment conditions, such as employment contracts and separation from work. All these areas were very important for the francophone immigrant populations.

Apart from the bimodal aspect of the determination of needs, the survey didn't reveal significant differences based on country of origin, location in Canada or family income.

The survey also showed a significant lack of knowledge of the legal resources available. For example, the newcomers didn't know who they could consult if a family member had trouble with the law or who could answer their legal questions.

The legal communities have tried to meet these needs by creating the legal information centres I mentioned earlier. Since the creation of these centres, the nature of the needs identified in the survey has been confirmed in the field. In some provinces, the immigrant population amounts to about 70% of the clients served by the legal centres.

It's also apparent that the services for newcomers cover much more than immigration law. As indicated in the study, immigrants ask for advice on all aspects of Canadian law. Therefore, the legal information centres are a valuable tool for both the established Canadian population and the immigrant population.

● (0925)

That's one of the reasons why the FAJEF recommended earlier that funding be provided to these centres, which are very important tools in many ways.

There's an urgent need for legal information in clear and understandable language to explain the basics of the justice system to Canadians and francophone immigrants who have no legal training. They need to receive an explanation on the immigration steps, but also on the basics of other aspects where everyday life and the legal system intersect.

The legal material must take into account cultural issues, beliefs and the attitudes of people, who could have a negative view of the Canadian justice system as a result of something that happened in their country of origin.

CliquezJustice.ca is a project that started in Ontario. However, the site is now a national legal information portal that gives the general public information in plain language on how the justice system works, on legal careers, and on various current topics in several legal fields, such as immigration.

The site also covers family law, housing and employment. In fact, it covers all the services identified in the study as services on which newcomers to Canada needed information. CliquezJustice.ca is now visited almost 15,000 times a month. The number of visits shows a need in this area.

With regard to francophone newcomers to Canada, the CliquezJustice.ca section on immigration is visited over 1,500 times a month. This means that francophone immigrants are also asking questions and that they need information.

I'll now talk about legal training.

The FAJEF's survey on immigration showed that francophone immigrants know little about legal careers in Canada. Even when people think they know about a given career, the fact that they had a different legal system in their country of origin often leads to confusion. Most francophone immigrants come from civil law countries. These immigrants have inaccurate information on the nature of the legal system and on the roles of each person in the system.

Legal careers are generally much less appealing to young francophone immigrants aged 12 to 18. The young immigrants are unfamiliar with these careers. They don't have models for these types of careers in their community and family. Unfortunately, they often see the justice system through the lens of a negative experience, for example with the police. Francophone immigrants are severely under-represented according to their proportional democratic weight in all legal careers.

Francophone immigrant populations would have much greater access to justice through projects such as *CliquezJustice.ca*. The roadmap should include these types of projects. It should be flexible enough to help identify ways to take action in the communities and to launch programs that may have an impact on a potential problem in the communities. *CliquezJustice.ca* is an example where, through networking, a very useful national project was successfully created.

● (0930)

The FAJEF believes that the four recommendations I identified earlier are completely consistent with the increase in access to justice for the general public, but also with the integration of newcomers to Canada, since they receive accurate information on the nature of the Canadian legal system.

The Chair: Thank you, Mr. Boivin.

Mrs. Boucher, you have the floor.

Mrs. Sylvie Boucher: Thank you, Mr. Chair.

Mr. Boivin, thank you again.

The issue is fairly clear. However, two points caught my attention. You spoke a great deal about programs and about educating immigrants on justice issues. However, these matters fall under provincial jurisdiction. Common law exists, but each province has its own justice system. Therefore, justice falls under provincial responsibility. The federal government can help in various areas, but many requests concern matters under provincial jurisdiction.

With regard to immigrants, you mentioned that most immigrants come from civil law countries. In Quebec, with the *Code civil*, the immigrants must feel somewhat more familiar with the system. However, outside Quebec, if the provinces don't provide a model, how can the federal government make the provinces understand that they must implement programs that are accessible to youth? The provinces and the federal government need to discuss this issue, but many factors must be considered.

I'll go back to my question. Many of your observations fall under provincial jurisdiction, and we must avoid interfering with areas of provincial jurisdiction. What can we do to help the provinces

understand that they must implement programs to help immigrant youth access a legal career and to generate interest in the field?

Mr. Daniel Boivin: You are absolutely right in saying that there are a number of areas for action that pertain directly to matters of provincial jurisdiction. There are of course differences among the provinces in the way the system is designed, but there are nonetheless a great many points in common. All common law jurisdictions have essentially the same justice system, apart from a few differences.

In defining roles and with respect to providing information, however, there is a great deal of information that can be re-used with a few differences from one province to another, outside of Quebec. The roadmap does in fact focus on immigrants coming from common law jurisdictions.

The creation of a database, a system that would apply everywhere would therefore provide a solid foundation that the AJEFs could then adapt to the specific reality of their province. The site *CliquezJustice.ca* began in Ontario with the careers in justice initiative, which is an education tool. Designed for the Ontario network, this tool has been so successful that it has been adapted to all the provinces with very few changes.

This is an example of networking that shows how a bit of money can be used to benefit everyone. We would like to be able to create better synergy by having everyone work together. The government has an important role to play to facilitate this synergy. Each province will of course have to play a role in this kind of initiative since education falls under provincial jurisdiction. With a good foundation as part of a federal network, the work flows much better.

● (0935)

[*English*]

Mr. John Nater (Perth—Wellington, CPC): I have a quick question. I will ask in English but feel free to answer in either language.

You mentioned new francophone Canadians not seeing a legal career as a potential career choice. We had a little bit of a discussion with departmental officials and they mentioned that one of the things they want to see happen is encouragement of foreign students to remain in Canada after their studies are complete.

Do you see that happening? How might we improve that with foreign francophone students being encouraged to remain in Canada and perhaps pursue a legal career? Do you see that happening, and if not, how could we improve matters to ensure that those who come to Canada with a francophone background are encouraged to stay?

Mr. Daniel Boivin: It's a very interesting question. I mentioned that there are two populations, two needs, that have been identified in the study. In one of the sectors, there's very little need for information, and a lot of the foreign students coming to Canada for advanced legal studies, for instance, would be in a group that requires less intervention. They very often want to use the bijuridical model in Canada to import certain very interesting notions into their countries, perhaps because they are now faced with common law and with international commerce coming into a more civilian jurisdiction. It would be difficult to keep these people in Canada, because they come here to get knowledge they can use in their own countries, and that's a very positive import for Canada.

In the second population, those with higher needs, the problem is not that they go away after their studies. The problem is that they don't access all the fields of justice. We need to give them information from a very young age to tell them justice is an interesting area to get into. We need to dispel some of the negative myths that could exist in those communities because of perhaps negative interactions with the authorities and convince them to be in this field and be an example to the younger members of their community. The issue is not them leaving; it's just entering that field of education.

[Translation]

The Chair: Thank you very much.

Mr. Darrell Samson has the floor.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Thank you, Mr. Chair.

Hello, Mr. Boivin.

I am happy to have you here as a witness before the committee. As my friend Mr. Arseneault pointed out earlier, I know that francophone jurists have to work very hard, to travel, and so forth. I know an expression from the education field. As an Acadian or a francophone in a minority community, you have to go to bed later and get up earlier to survive. You can quote me on that.

You spoke in detail about how to influence people in the area in question. I am interested to know what role you play in recruiting francophone immigrants to Canada. That is one stage. Perhaps you play no role at all, I don't know. I would like to know if you play a role at that stage.

Moreover, once they come to Canada, what role do you play to get them interested in living in French and then using services in French? Those are my two questions.

To place this in context, a great many refugees have come to Canada. Does your association play some role in influencing and attracting people to Canada? Do the organizations in question make efforts in the relevant provinces?

Third, are these organizations helping with refugee integration or in the use of services? I know it is rather complex.

● (0940)

Mr. Daniel Boivin: That is a very interesting question.

Thank you for giving me the opportunity to speak to this question.

One of the things that contributes to Canada's excellent reputation is that our society is founded on the rule of law. In my personal experience, one of the very important features that attracts newcomers to Canada is that our society is founded on the rule of law and provides legitimate recognition of minorities.

Parents who have chosen Canada as a new home for their children and who come here have great respect for the legal system. The legal community does not have to go to other countries to encourage people to come to Canada. It is certainly a major factor that attracts people.

As to the influence our association has in specific situations, such as the influx of refugees, this kind of crisis is of course sudden: it is not something that is anticipated 5 or 10 years in advance. In general terms, the legal community, both francophone and anglophone, did mobilize—I am not limited to speaking about francophone communities only—to facilitate their immigration. Clinics offering pro bono services were created and many lawyers were trained on specific issues related to refugees. That was one of the factors that made the operation a success.

In the francophone community, we had to adapt very quickly to the needs of certain incoming groups, groups of francophones arriving, or where the host community was francophone. We had to react quickly to make this one-off project a success. This was much easier in communities where resources were already in place, there was someone there to get organized and find the volunteers needed to offer the one-time service.

This is another example where having resources in place, if they are well-funded, makes it possible to adapt more quickly to an urgent situation in the community where everyone had to pitch in.

Mr. Darrell Samson: I would like to follow up on that.

Your association has spoken out on the issue of bilingual judges. So you take a position on issues that are important to francophone minority communities.

Do you have a position on the need for the Government of Canada to achieve the desired target for francophone immigration to Canada and the provinces? What role do you play in this regard? What could you do to help us more?

● (0945)

Mr. Daniel Boivin: The FAJEF has not taken a position on francophone immigration targets.

The legal community will be there to help the other players in the community to make sure this initiative works, that it is a success, and to help new Canadians integrate well. We know very well that informing these newcomers about our legal system is an important part of making it work. We see this at our legal information centres. That is the role we take on, to continue offering services to the general public at information centres in order to demystify things, to inform and guide people in order to make sure that the legal system is not an obstacle to their integration into Canadian society.

The Chair: Thank you, Mr. Boivin.

Mr. Choquette, you have the floor.

Mr. François Choquette: Thank you, Mr. Chair.

Mr. Boivin, thank you again for being here and for sharing your expertise. It is very helpful to us in updating the roadmap. This update is extremely important given all the anticipated benefits for official language minority communities.

My question is about training. At the start of your presentation, you stated that training is one of the pillars of the last version of roadmap, information being the second. Your recommendations regarding immigration draw a lot on these two pillars, namely, that there should be a strong focus on providing training and information.

With regard to training, you said that much progress has been made. I'm not sure how far we have come, but you said that much more training is now offered in both official languages—in French, but probably also in English in Quebec—to lawyers, jurists and judges, and that we must now focus on other sectors in the judicial system.

Can you elaborate on this? Do immigrants receive information in both official languages? The *CliquezJustice.ca* site is very user-friendly, easy to use. I see that it can be very useful. I will let you talk a bit about training.

Mr. Daniel Boivin: Thank you.

Much work has been done in this regard. For example, we work very closely with community colleges to ensure there are enough graduates to fill vacancies in the legal system. We also have to continue to ensure that faculties of law have the necessary tools to train future lawyers. That must not be overlooked. Right now, we are focusing on other aspects.

Police training centres also offer a great deal of training. We have to make sure that police officers are aware of the language rights of the people to whom they give tickets or whom they arrest later on. They must also be informed about the specific culture of francophone communities. This training is currently offered on an occasional basis at colleges whose mandate is to train police officers, for example, or translators.

This type of training will at some point have to be included in the curriculum of these institutions instead of being offered on an occasional basis only. This is an area we have to focus on now, as community colleges in Ontario are doing. We also have work to do with the other provinces.

Mr. François Choquette: I have a supplementary question about the AJEFs.

You stated that some provinces and territories do not yet have that kind of association. Did they have one in the past or has there never been one at all? Why is there none? What can we do to enhance the presence of French-language jurist associations throughout Canada, while at the same time attracting francophone jurists, lawyers and judges to these provinces and territories, and offer training and services there? I have no doubt that these associations are very helpful. How can we address this issue?

● (0950)

Mr. Daniel Boivin: Some provinces had very strong AJEFs, but they are no longer as strong because they no longer have sufficient funding to keep them going. That is another issue though.

The other issue is that there are no AJEFs in some places. Newfoundland and Labrador, for instance, has never had one. There are many Francophone legal communities, but often their members are so busy giving advice to their community and being involved in other community groups that they don't have either the time or the energy to create an AJEF and focus on it. They dabble in everything. They do everything and often have to rely on other resources to organize the francophone legal community.

One possible solution is to use the FAJEF, which has tools that can be transferred from one province to another. We have to use the francophone community, the organizations offering general services to the francophone community. We have to use jurists from neighbouring provinces. We have to coordinate the work of all these stakeholders in order to create synergy and sufficiently fertile group for an AJEF to be created later on. This facilitates access to justice in French in those provinces and gives the francophone legal community visibility in that province. This in turn increases the chances that young people will go into legal professions. It is about creating synergy.

The Chair: Thank you, Mr. Choquette.

Mr. Arseneault now has the floor for three minutes.

Mr. René Arseneault: Thank you, Mr. Chair.

Mr. Boivin, I have some brief questions and I would like brief answers, please.

I clearly understood that the association does not really play a direct role as regards immigration, in terms of promotion, recruitment, retention, and so forth. Its role instead is to make sure there are bilingual legal services, with all the stakeholders in the legal community. To go back to what my colleague, Ms. Boucher, said earlier, Quebec has civil law while it is common law in the rest of the country. Do you think that is a factor for immigrants who come to Canada? Do immigrants ask whether they are going to a province with civil law or common law? Or do immigrants not talk about this at all?

Mr. Daniel Boivin: Many immigrants choose Quebec because they are familiar with a number of pillars of the community. Many choose other parts of Canada for other reasons, such as geography, work opportunities, and so forth. They report significant stress owing to the fact that they are not familiar with these systems. That is where the legal information centres come into play.

Mr. René Arseneault: So the legal system does figure into their decision. In practical terms, we can focus on Canada's legal diversity and its two systems that people are familiar with. The fact that immigrants have access—limited in some locations but very strong elsewhere—to justice in both official languages is also important.

Mr. Daniel Boivin: It is certainly a selling feature. I was referring earlier to the two legal systems being a draw for university students. It should also be promoted to other people.

Mr. René Arseneault: We know that the targets for the proportion of francophones in Canada—or of anglophones in Quebec, who have the opposite experience—are not being achieved and that they are very low.

I would like to ask you something. As my friend, Mr. Samson, was saying, people in minority communities have to stay up late and get up early. Your association is already doing that. Do you think your association should be able to play a greater role in appealing directly to immigrants in order to familiarize them with all the stakeholders in the legal community, all the bilingual positions we need to fill, whether in corrections, in court reporting or in legal offices?

Mr. Daniel Boivin: Certainly, the FAJEF could sell the availability of jobs as well as the Canadian justice system, which already has great appeal among many other people.

The Chair: Thank you very much, Mr. Boivin. It has been a good discussion. Thank you for your presentation on both topics. Thank you also for your comments and your answers to the questions.

We will break for a few minutes and resume in camera, since we will be considering the first part of our work plan for our report. The meeting is suspended for about 10 minutes.

[The meeting resumed in camera.]

- _____ (Pause) _____
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