



**INITIATIVE IN SUPPORT OF ACCESS TO JUSTICE
IN BOTH OFFICIAL LANGUAGES
EVALUATION
Final Report**

May 2012

**Evaluation Division
Office of Strategic Planning and Performance Management**



TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION.....	1
1.1. Evaluation Scope and Objectives.....	1
1.2. Structure of the Report.....	2
2. PROGRAM DESCRIPTION.....	3
2.1. Background.....	3
2.2. The Initiative’s Logic.....	3
2.3. Governance of the Initiative.....	5
2.4. Financial Resources	5
3. METHODOLOGY	7
3.1. Database Analysis and Literature Review	7
3.2. Interviews with Key Informants	7
3.3. Case Studies	8
3.4. Survey of Funded Organizations	8
3.5. Expert Panel	9
3.6. Methodological Limitations.....	9
4. EVALUATION FINDINGS.....	11
4.1. Relevance.....	11
4.2. Effectiveness.....	15
4.3. Efficiency.....	29
5. CONCLUSIONS AND LESSONS LEARNED.....	35
5.1. Relevance.....	35
5.2. Effectiveness.....	36
5.3. Efficiency.....	38
6. RECOMMENDATIONS AND MANAGEMENT RESPONSE.....	41

Appendix A : Evaluation Framework for the Initiative.....	43
Appendix B : Interview Guides	49
Appendix C : On-line Survey	65
Appendix D : Expert Panel	75

EXECUTIVE SUMMARY

This document constitutes the report from the evaluation of the Initiative in Support of Access to Justice in Both Official Languages. The Department of Justice Canada launched the Initiative in 2003, under the *Action Plan for Official Languages*, and broadened its scope in 2008 under the *Roadmap for Linguistic Duality*.

1. Description of the Initiative

Through the *Roadmap for Linguistic Duality*, the federal government committed to investing the amount of \$41.2 million over five years to facilitate access to justice in both official languages:

- An amount of \$21.2 million over five years was allocated to the Access to Justice in Both Official Languages Support Fund, which seeks to strengthen the capacity of justice stakeholders to provide services in both official languages and be involved in raising the awareness of official language communities about exercising their language rights in the area of justice;
- An amount of \$20 million over five years was allocated specifically to training bilingual justice professionals.

These two components of the Initiative are intended to contribute to the same outcome, namely increased ability of partners and the Department to implement solutions regarding access to justice in both official languages.

The Department of Justice also continued its work of coordinating the meetings of the *Advisory Committee on Access to Justice in Both Official Languages* and the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*.

All these activities seek the emergence of service delivery models in both official languages and ways to access information on the justice system.

2. Methodology

The evaluation of the Initiative is based on five main research methods:

- a review of all the documentation pertaining to the Initiative;
- interviews with various stakeholders who were involved in implementing the Initiative;
- case studies;
- a survey among funded organizations of the Initiative;
- an expert panel.

3. Relevance

The federal government plays a prominent role in the area of access to justice in both official languages due to its languages obligations set out by the Constitution, Part XXVII of the *Criminal Code* (section 530 and 530.1), Part IV of the *Official Languages Act*, the *Canadian Charter of Rights and Freedoms*, as well as the related case law, particularly the *Beaulac* case.

The objectives of the Initiative are consistent with the priorities of the Department of Justice and align with the Department's strategic outcome to "create a fair, relevant and accessible justice system that reflects Canadian values".

By its very nature, training for justice professionals is an ongoing need. Not only staff turnover requires this approach, but it is also important to recognize that training plays a lead role in maintaining acquired knowledge, especially in a minority language setting. As with training, the activities for promoting access to justice in both official languages are ongoing. Increasing awareness about justice careers, as well as delivering activities for providing legal information to official language minority communities, are activities that will need to continue. However, the strategies and tools used will have to evolve to reflect, among other things, new information technologies.

4. Effectiveness

Based on the experience acquired between 2003 and 2008, and given the fact that the Initiative's budget essentially doubled under the Roadmap, in 2008 the Department expanded its requirements regarding the information needed for assessing a funding request. These

adjustments have helped to more adequately manage the applications submitted. The Initiative's funded organizations are satisfied with the existing process regarding the information provided, the support when submitting funding requests and during the accountability process.

The existing coordination structures operate in an effective manner. In particular, the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages* has helped establish important connections among its various participants. The recent involvement of representatives responsible for Francophone affairs also helped expand the issues addressed by the Working Group. The *Advisory Committee on Access to Justice in Both Official Languages* continues to meet with a great number of the Initiative's funded organizations, which, among other things, enables the Department to communicate directly with them at least once a year.

The Department has established a system for managing contributions agreements, which includes an administrative database that contains information on each project's intended and achieved outcomes. Although some funded organizations have experienced delays, activity reports were available for the vast majority of the projects funded. However, measuring outcomes achieved remains a challenge for a number of funded organizations. As such, they often end up with data pertaining to outputs rather than intended outcomes. However, it is essential to build on the progress made to date and to refine the performance measurement strategies of the projects funded. In this regard, it is noted that some funded organizations carried out a formal evaluation of their projects, which is a best practice when the project's scope warrants it.

The training component was implemented effectively, due to the fact that, among other things, the Department conducted a needs study that was widely endorsed by justice professionals. That study established helpful parameters for guiding further investment in training. The training projects funded directly address the needs identified by the study. With the funding granted since 2008, the quantity and quality of training have improved. Progress has been made, especially with in-person training. Establishing the *Centre canadien du français juridique*, which arises directly from the Initiative's funding in training, strengthened the institutional capacity to offer a broader range of training to the various legal professionals. Although some activities had been undertaken in on-line training, other initiatives will have to come about to be able to adequately meet the needs in this area.

The organizations receiving core funding from the Initiative are considered important for access to justice in both official languages. However, since the new training component was implemented, the list of organizations operating in the system that receive funds from the Initiative through project funding, not core funding, continues to grow.

The Initiative has also allocated funding to promoting the various justice careers, including the *Carrière en justice* project. This project seeks to encourage young bilingual Canadians to aim for positions within the justice system. This type of activity receives steady support. It can be expected that these activities will lead to an increase in young bilingual Canadians registering for training programs for the careers that are promoted. Due to the methodological complexity of measuring such projects, this evaluation did not address this issue, although such a measurement could be covered by a stand-alone study.

The projects supported by the Initiative have helped ensure greater and ongoing access to justice services in both official languages. In the short term, the training activities have helped strengthen the language ability of justice professionals, including the judiciary, lawyers and Crown attorneys, as well as other professionals. The development of jurilinguistic tools also helps build a standardized common law and civil law vocabulary, in both French and English. In the longer term, the activities for raising awareness of and promoting justice careers among young bilingual Canadians should also help implement institutional bilingualism in the justice system.

5. Efficiency

The management practices implemented by the Initiative's selection committee foster an efficient use of human resources for achieving the expected outcomes. An initial process conducted by a program officer enables the committee members to focus on more specific and complex issues, including project vision, intended outcomes, impacts and potential partnerships. Moreover, the committee avoids duplication and funding projects that are known to be ineffective. Lastly, project selection is closely connected with the strategies set out in various needs analyses, such as the *Canada-Wide Analysis of Official Language Training Needs in the Area of Justice*.

As for efficiency, the evaluation compares the Initiative's funding strategy with the integrative model for access to justice in both official languages proposed by the case studies conducted by the Department in 2011. This model is the Department's first attempt to identify the key areas that the Initiative must fund to bring about structuring and multiplier effects. Use of the Initiative's resources seems efficient in that three quarters of the amounts funded during the period covered by this evaluation were directed specifically into the areas identified by the integrative model as having the greatest multiplier and structuring effects in connection with the Initiative's objectives.

1. INTRODUCTION

This document is the report from the evaluation of the Initiative in Support of Access to Justice in Both Official Languages (the “Initiative”). The Department of Justice Canada (the “Department”) launched the Initiative in 2003, under the *Action Plan for Official Languages*, and broadened its scope in 2008 under of the *Roadmap for Canada’s Linguistic Duality 2008-13: Acting for the Future* (the “Roadmap”).

1.1. Evaluation scope and objectives

This evaluation covers all activities carried out to date as part of the Initiative’s five-year funding period, namely 2008 to present. Those activities involve both the language aspects of court proceedings and the processes for educating official language minority communities about their rights and obligations. The evaluation examines the Initiative’s relevance, effectiveness and efficiency.

The evaluation aims, among other things, to achieve a set of objectives involving the Department’s reporting process:

- To meet the requirements included in the 2008 RMAF;
- To meet the requirements included in the *Federal Accountability Act*;
- To meet the requirements of the Treasury Board of Canada Secretariat’s *Evaluation Policy*;
- To contribute to the broader evaluation of the *Roadmap for Linguistic Duality*, coordinated by the Department of Canadian Heritage.

An evaluation framework, based on the one included in the 2008 RMAF, describes each issue that guided this evaluation. This evaluation framework is included in the annex of this report.

1.2. Structure of the report

This document has six sections, including this introduction. Section 2 describes the Initiative, while section 3 describes the methodology used for the evaluation. Section 4 summarizes the evaluation findings, and section 5 presents the conclusions and lessons learned. Section 6 presents the recommendations and management response.

2. PROGRAM DESCRIPTION

This section describes the Initiative, its management structure as well as its financial resources.

2.1. Background

The Initiative is part of the *Roadmap for Canada's Linguistic Duality 2008-13: Acting for the Future* announced by the federal government in June 2008. Representing an investment of \$1.1 billion over five years, the Roadmap provides financial support to an array of federal departments working in such areas as justice, health, education, culture, immigration and economic development.

In the area of justice, the Roadmap supports three initiatives:

- the *Contraventions Act* Fund for Implementation of Language Obligations;
- the Accountability and Coordination Framework;
- the Initiative in Support of Access to Justice in Both Official Languages.

This document concerns the third initiative, Access to Justice in Both Official Languages.

2.2. The Initiative's logic

The Initiative has two components: the Support Fund and the new Justice training component.

Access to Justice in Both Official Languages Support Fund

Created in 2003, the aim of the Support Fund is to strengthen the capacity of stakeholders in the justice system to offer services in both official languages, and to participate in making official language communities aware of their linguistic rights in the area of justice. The Support Fund supports two types of activities:

- *Core funding*: The Support Fund provides core funding to the *Fédération des associations de juristes d'expression française de common law* (FAJEF) and its seven member associations, through a series of contribution agreements;
- *Project funding*: The Support Fund provides funding to eligible organizations for the implementation of projects related to access to justice in both official languages. These can include projects to support the practice of law in minority environments, to increase the awareness level of official language communities, or to boost the ability of non-governmental organizations to meet needs in the area of access to justice in both official languages.

Justice training

Justice training is the new component of the Initiative and is aimed at bilingual professionals working in the field of justice. In particular, this training aims at mastering minority language vocabulary related to judicial and extrajudicial activities. This new component focuses on four action priorities:

- The improvement of bilingual court officers already working in the justice system;
- The development of a curriculum for bilingual students interested in pursuing a career in the field of justice;
- A recruitment strategy and the promotion of justice-related careers;
- The development of training tools.

In addition, the Initiative provides support to the *Advisory Committee on Access to Justice in Official Languages*, whose mandate is to bring together Justice Department representatives, community organizations, jurilinguistic centers and law faculties from the provinces and territories. It also supports the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*, which includes representatives from the Department of Justice as well as from provincial and territorial governments.

Although the Initiative includes two components, i.e. the Support Fund and the new Justice training component, its rationale is equally based on both components since they are ultimately aimed at the same outcome, i.e. an increased capacity by partners and the Department to implement solutions to support access to justice in both official languages. It should be noted, however, that the Support Fund has been in place since 2003, whereas the implementation of the

new Justice training component started a few years later, in 2009. The Initiative’s logic is shown in detail in Figure 1.

2.3. Governance of the Initiative

Managing the Initiative falls to two separate groups within the Department of Justice:

- The Office of Francophonie, Justice in Official Languages and Legal Dualism is responsible for overseeing the Initiative and coordinating the advisory structures;
- The Innovation, Analysis and Integration Directorate of the Programs Branch is responsible for managing all contribution agreements signed under the terms of the Initiative. This Directorate is also responsible for managing the accountability process, especially pertaining to reports submitted by the provincial governments.

A selection committee composed of members of the two groups is responsible for reviewing funding applications to determine whether projects are eligible, and recommend whether they be funded under the Initiative.

2.4. Financial resources

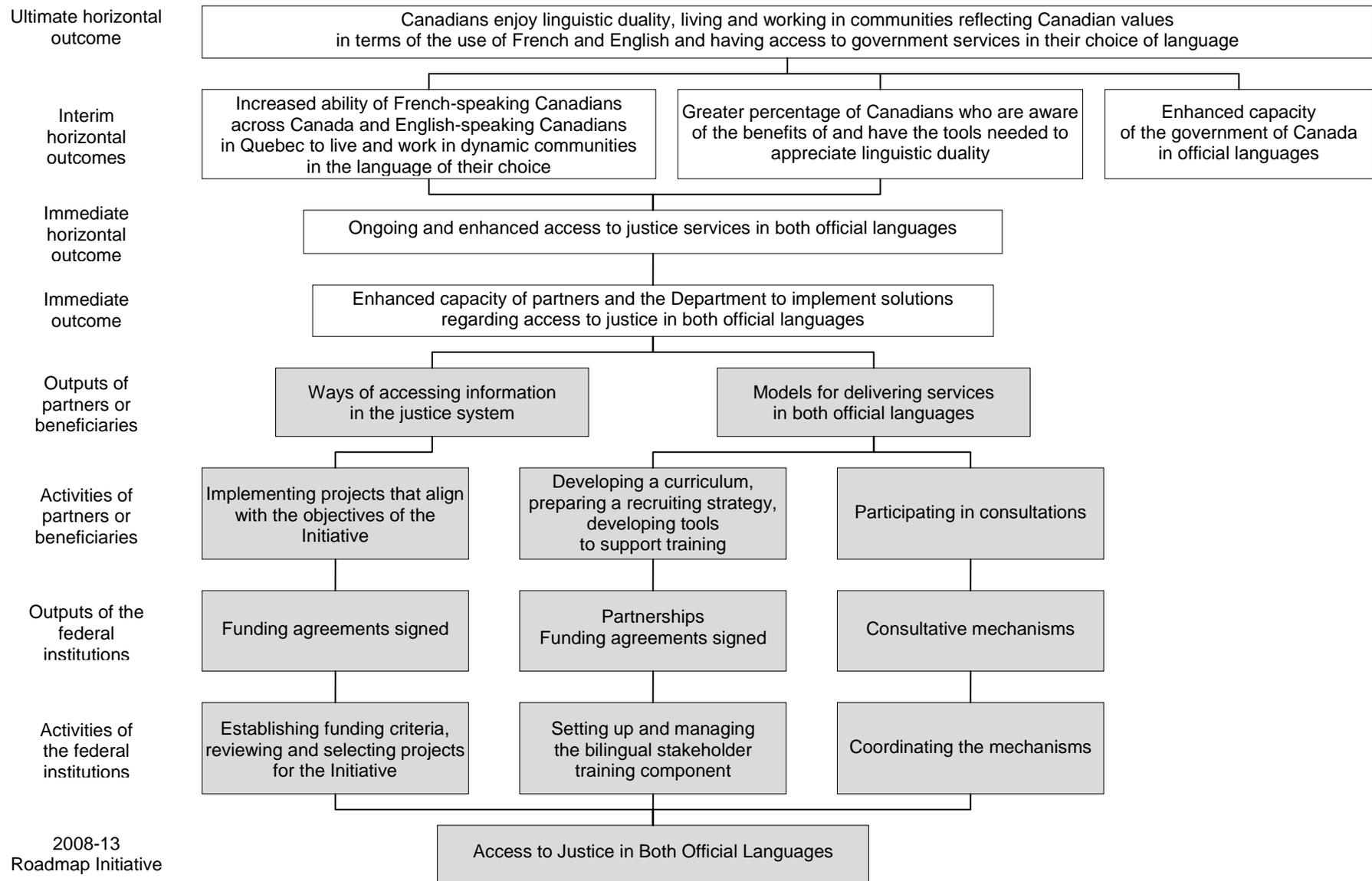
The Roadmap announced a \$41.2 million investment over five years for the Initiative. However, the Initiative accessed an amount of \$40.4 million. The investment period covers the years 2008-09 to 2012-13. Table 1 shows the distribution of those funds.

Table 1: Financial resources of the Initiative in Support of Access to Justice in Both Official Languages

Type of vote	2008-09	2009-10	2010-11	2011-12	2012-13	Total
Vote 5 (Project funding)	\$2,892,846	\$5,226,846	\$7,225,846	\$7,225,846	\$6,892,846	\$29,464,230
Vote 1 (operating expenditures)	\$1,346,154	\$2,294,628	\$2,425,512	\$2,510,112	\$2,382,910	\$10,959,316

Source: administrative documents.

Figure 1: Logic of the Initiative in Support of Access to Justice in Both Official Languages



3. METHODOLOGY

The methodology selected for this evaluation is based on five approaches described in this section.

3.1. Database analysis and literature review

Key Initiative-related documentation, including the database on the projects and organizations funded, was analyzed. These data provide information on the activities undertaken in the context of the Initiative, the outputs produced and the outcomes achieved by the Initiative's two components. The database analysis also provides detailed information on the projects funded and on the recipient organizations, their activities and their outputs. Analyzing the documentation helped build a solid information base for preparing the interviews with key informants and the other data collection activities.

The list of documents consulted includes:

- the Evaluation Framework of the Roadmap, prepared by the Department of Canadian Heritage;
- the Initiative's planning documents;
- the funding files (project proposals, interim and final reports);
- the documentation on the mandate of the various committees, especially the advisory committee and the federal-provincial-territorial working group.

3.2. Interviews with key informants

The interviews with key informants obtained informed opinions and perceptions on the relevance, effectiveness and efficiency of the Initiative. In total, 26 individuals were consulted, from various groups that were directly involved in implementing the Initiative's activities, as follows:

- employees of the Department of Justice Canada;
- members of the *Advisory Committee on Access to Justice in Both Official Languages*;
- members of the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*;
- other informants such as justice professionals, university representatives and funded organizations' employees.

In preparation for the interview, each informant received a guide with the questions to be asked. These guides appear in the annex to this report. The interviews were conducted in person or by telephone in the respondents' preferred official language. All the data gathered were analyzed using the NVivo tool to identify the topics connected with each evaluation question covered by this research method.

3.3. Case studies

Case studies pertaining to the Access to Justice in Both Official Languages Support Fund were conducted in 2010-11. The purpose of this analysis was to examine two of the Support Fund's specific activities: the core funding of the provincial associations of French-speaking jurists and their national federation, as well as the funding for projects relating to access to justice in both official languages. More specifically, in keeping with the objectives of the Initiative, these projects dealt with the multiplier effect of the Support Fund by examining the funding activities, progress towards results, as well as lessons learned and good practices implemented in the context of the Support Fund. The findings from the case studies were used to comment on the effectiveness and efficiency of the Initiative presented in this report.

3.4. Survey of funded organizations

An on-line survey was launched of organizations who received funding under the Initiative. This method was selected in order to maximize the response rates of the funded organizations in this study. The on-line survey gives respondents more flexibility regarding when to answer the questions and, at the same time, to answer only those questions that pertain specifically to their situation. The on-line survey of the funded organizations addressed topics involving the Initiative's effectiveness and efficiency.

A questionnaire with 35 questions was prepared and distributed to all of the Initiative's funded organizations, which were 29 at the time of the evaluation. The questionnaire was first tested internally before it was distributed to all recipient organizations. They were able to fill out the questionnaire in the official language of their choice. On two occasions, a reminder email was sent to the organizations that had not yet filled out the questionnaire.

In total, 19 organizations filled out the questionnaire, for a response rate of 63.3%. The data gathered through this survey were analyzed with SPSS software. The on-line survey questionnaire appears in the annex to this report.

3.5. Expert panel

An expert panel helped to provide context for the main data gathered through the other data sources and to qualify and validate some of the findings that emerged. A roll-up document, including a set of findings and issues, was prepared and distributed to participants in order to structure the discussion. A total of four experts from various regions in the country took part in the panel, which was conducted remotely through the WebEx tool. The questions asked during the expert panel appear in the annex to this report.

3.6. Methodological limitations

The methodology is in line with current evaluation research standards in its use of multiple lines of evidence to address each evaluation question. There are two or more lines of evidence associated with each individual evaluation question. Consequently, as with any research, the present study is subject to methodological limitations. These include the following:

- Measuring outcomes achieved remains a challenge for a number of funded organizations. As such, the reports submitted often report on outputs, rather than on outcomes achieved. This limits the quantity of data usable to report on the outcomes achieved. However, the interview guides and the survey questionnaire were designed to cover this aspect.
- Potential respondent bias in the Support Fund case study findings, which are primarily from the perspective of project funding recipients, and therefore could be positively biased.
- The same may be said of survey respondents. As funded organizations, they may be biased in favour of the continuation of the Initiative. It was not possible to target organizations that had unsuccessfully applied to the Initiative because they had other projects accepted.

- The Initiative, as designed in 2008, has two components: the Support Fund and the new Justice training component. However, it must be acknowledged that the Support Fund dates back to 2003, whereas the Justice training component was announced in 2008. As such, the changes specific to each of its components are different and must be accounted for in the data collection and the presentation on outcomes achieved. The data collection tools used in this evaluation were therefore adjusted to properly document this double evolution, and the Initiative's outcomes presented in this report reflect that reality.

4. EVALUATION FINDINGS

This section describes the main findings that arose from this evaluation. The information was grouped by the topics of relevance, effectiveness, and efficiency of the Initiative.

4.1. Relevance

The evaluation considered relevance of the Initiative with respect to the role of the federal government with regard to access to justice in both official languages, the alignment with federal priorities, and the ongoing need to the Initiative.

4.1.1. The Language Aspect of Access to Justice

The concept of “access to justice” contains several dimensions such as the one of official languages. The language considerations connected with judicial processes are of particular importance in Canada. First, section 14 of the *Canadian Charter of Rights and Freedoms* enshrines the principle of natural justice whereby everyone is entitled to a fair trial, which includes, among other things and as needed, the right to an interpreter. However, official bilingualism in Canada goes much further by giving the members of both official language communities the right, under certain circumstances, to judicial proceedings in the official language of their choice. As acknowledged by the Supreme Court of Canada in *Beaulac*, those rights are distinct from those established in section 14 of the *Canadian Charter of Rights and Freedoms* since they target other objectives, namely those for promoting Canada’s official languages and enhancing the vitality of official language communities.¹

Justice-related rights associated with both official languages are largely focused on criminal law. The language provisions in the *Criminal Code*, the *Official Languages Act* and sections 16 to 20 of the *Canadian Charter of Rights and Freedoms* guarantee the right to use French or English in criminal cases, consistently across the country.

¹ R. v. Beaulac, [1999] 1 R.C.S. 768.

In some provinces (New Brunswick, Quebec and Manitoba), constitutional rights to use French and English in civil cases have also been recognized. In addition, other provinces, including Ontario, have adopted legislation authorizing the use of French and English in civil proceedings.

As a result, from a language rights perspective, there is a national consistency with respect to criminal matters, but an inconsistent one in civil matters. Moreover, the federal government's responsibility to respect language rights connected with judicial proceedings focuses first and foremost on criminal proceedings. It falls mostly to provincial governments to ensure respect for language rights connected with civil law areas, where those rights exist.²

4.1.2. Role of the Federal Government

The federal government has a role to play in the area of access to justice in both official languages. This role is predominantly defined by the official languages legal framework in place, and related case law, particularly the *Beaulac* case.

In Canada, the official languages legal framework includes the Constitution, Part XXVII of the *Criminal Code* (section 530 and 530.1), Part IV of the *Official Languages Act* as well as the *Canadian Charter of Rights and Freedoms*. This framework enunciates the linguistic obligations of the federal government. These obligations are intrinsically linked, among other things, to access to justice in both official languages, including court proceedings.

In the *Beaulac* case, the Supreme Court ruled that a person accused of a criminal offence has the choice to be judged in the official language of his/her choice, no matter the level of language skills nor the inconveniences caused to the court. Consequently, the federal government must ensure access to justice, in the criminal area, in both official languages.

4.1.3. Consistency with Federal Priorities

The Initiative is consistent with the priorities of the federal government. By the objectives that it targets and by its inclusion in the Roadmap, the Initiative supports and promotes bilingualism in Canada. In its Speech from the Throne of 2010, the federal government reiterated the importance of bilingualism and of the Roadmap that supports it:

² Note that some civil law issues appear before federal courts (Federal Court and Supreme Court of Canada) or before federal administrative tribunals. In those circumstances, the language rights recognized in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act* apply.

“We are a bilingual country. Canada's two official languages are an integral part of our history and position us uniquely in the world. Building on the recognition that the Québécois form a nation within a united Canada, and the Roadmap for Canada's Linguistic Duality, our Government will take steps to strengthen further Canada's Francophone identity. It will also continue to respect provincial jurisdiction and to restrict the use of the federal spending power.”³

In addition, the Initiative is consistent with the objectives of the Department of Justice. In the area of justice policies, laws and programs, the five core domains that are the Department of Justice Canada's focus include access to justice⁴. To that end, the Department undertakes a number of activities involving, among other things, legal aid, the *Contraventions Act* and the Initiative in Support of Access to Justice in Both Official Languages. This last activity, which is the subject of this evaluation, contributes to one strategic outcome of the Department which aims at “a fair, relevant and accessible justice system that reflects Canadian values”.⁵ Bilingualism is one of the Canadian values and the Initiative aims to ensure the accessibility of justice services in both official languages.

In the Department's Report on Plans and Priorities, the planning for the current fiscal year regarding access to justice also includes a commitment to “continue to implement the training component of the Access to Justice in Both Official Languages Support Fund”.⁶

4.1.4. Addressing Continued Needs

This range of activities funded by the Initiative continues to meet ongoing needs. The consultations held as part of this evaluation indicate that these needs, from both awareness and training perspectives, are permanent. By its nature, awareness necessitates a continued action in order to reach a large number of individuals. In fact, the audience to reach, whether it is young Canadians or new immigrants, is constantly evolving in the area of access to justice in both official languages. This requires continued renewal of awareness activities. The same argument can be made for training activities since turnover rate within justice professionals is naturally

³ Governor General of Canada. (2010). The Speech from the Throne 2010.
From <http://www.sft-ddt.gc.ca/eng/media.asp?id=1388>

⁴ For 2011-12, the other core domains are criminal justice, family justice, aboriginal justice, and private international and public law.

⁵ Department of Justice Canada. (2011). *Report on Plans and Priorities 2011-12*.
Accessible at: <http://www.tbs-sct.gc.ca/rpp/2011-2012/inst/jus/juspr-eng.asp?format=print>.

⁶ Ibid.

observed. Moreover, maintaining the skills acquired during training necessitates ongoing training activities, refresher courses and support tools.

Demographic trends also point to an ongoing need for supporting official language rights. The arrival of Francophone newcomers outside Quebec and Anglophones newcomers in Quebec is changing the situation in terms of the nature of the demand for legal services in the minority language. Thus, a number of newcomers have needs that arise directly from their status as immigrants or refugees. In addition to having little knowledge of the Canadian legal system, many of them simply do not have sufficient knowledge of the majority language to be able to navigate the court system in that language. As such, the informants consulted in this evaluation systematically underscored the importance of fully understanding the needs of this client base and to focus strategies accordingly. In 2009-10, the Initiative funded a first study specifically targeting newcomers' legal needs.

In its current form, the Initiative centers predominantly on criminal law. Due to the nature of the legal framework and linguistic obligations of the federal government relating to access to justice in both official languages, the involvement of the Initiative in criminal law is still necessary. However, a larger number of Canadians face civil legal issues rather than criminal law issues. A number of the informants consulted as part of this evaluation stressed the importance of including both criminal and civil law in the Initiative's mandate. Family law drew the attention of these informants because the federal government has jurisdiction over divorce matters.

It is important to mention that the Initiative already directly and indirectly supports certain initiatives in areas other than criminal:

- In partnership with the Family Law Policy Unit at the Department of Justice, the Initiative supported a pilot project on training family law mediators;
- The Initiative also financially supported a national symposium on family justice;
- Indirectly, the training offered to justice professionals helps increase the capacity of professionals who are not necessarily limited to criminal law activities.

4.2. Effectiveness

This section presents the findings related to the effectiveness of the Initiative. It focuses not only on both components of the Initiative – the Support Fund and Justice training – but also on its coordination mechanisms and the overall impact of the Initiative. First, this section presents an overview of the funding provided by the Initiative since 2008.

4.2.1. Overview of the Initiative's Funding

At the time this evaluation was undertaken, 137 projects had been funded under the Initiative since 2008.

Out of the \$40.4 million allocated to the Initiative, \$29.5 million went directly to funding projects, while the remaining amount is devoted to supporting the Department's consultation structures and operations in connection with access to justice in both official languages.

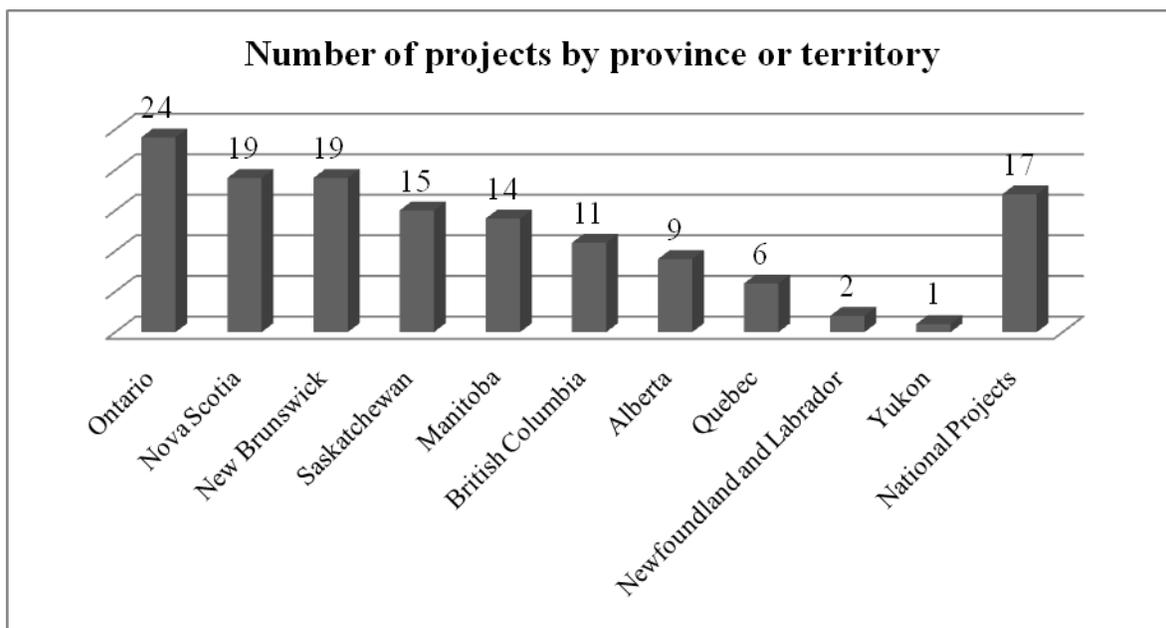
Over the first four fiscal years, covering the period from 2008-09 to 2011-12, the Department committed nearly three quarters of the amounts allocated to projects, namely \$16.4 million out of an initial budget of \$22.6 million. The difference representing the amounts not disbursed is largely due to the inability to commit all the amounts allocated over the 2009-10 and 2010-11 fiscal years. This was due to a reprofile of the 2008-09 Initiative's funds to the next three fiscal years.

Ninety-five of the 137 projects funded (69%) were projects submitted by associations of French-speaking jurists, including the *Fédération des associations de juristes d'expression française*. The other funded organizations include jurilinguistic centres, Éducaloi, the *Centre canadien de français juridique*, university institutions, provincial and territorial governments, as well as judicial authorities.

The projects funded are found in all regions of Canada, with a concentration in Ontario (24), Nova Scotia (19) and New Brunswick (19). A total of 15 projects were implemented in Saskatchewan, 14 in Manitoba, eleven in British Columbia, nine in Alberta, two in Newfoundland-Labrador and one in the Yukon. Quebec had six projects, arising from its six funding applications. This limited number of projects in Quebec is partly explained by the limited presence of organizational structures containing Anglophone justice stakeholders. Éducaloi, however, undertook a number of projects specifically targeting Quebec's Anglophone

community. Seventeen nationally focused projects were implemented by a national organization or had a national reach. Figure 2 shows the distribution of the Initiative’s funding in Canada.

Figure 2: Number of projects by province or territory funded by the Initiative since 2008



Nearly 45% of the amounts funded at the time of the evaluation involved the area of training. Of the amounts funded by the Initiative, nearly 20% were allocated to core funding for the associations of French-speaking jurists (including their national federation), whereas nearly 15% of the amounts funded were allocated to projects raising awareness of and promoting justice careers. Lastly, support for jurilinguistic tools development received roughly 19% of the amounts funded. Table 2 shows these breakdowns.

Table 2: Number of projects, amounts funded and percentage of the Initiative’s funding by area of activity since 2008

Area of activity	Number of projects	Amount funded	Percentage of total funding
Training	32	\$8,274,390	44%
Jurilinguistic tools	17	\$3,460,770	19%
Core funding	37	\$3,396,077	18%
Awareness and promotion of justice careers	17	\$2,211,565	12%
Other activities	34	\$1,309,564	7%
Total	137	\$18,652,366	100%

Source: administrative data

4.2.2. Support Fund

The Support Fund is composed of two funding areas: core funding and project funding. This subsection presents results achieved in these areas.

4.2.2.1 Core Funding

At present, the Initiative provides core funding to seven provincial associations of French-speaking jurists (AJEF): British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia. Core funding is also provided to the FAJEF. These organizations have the mandate to promote and defend the language rights of Canada’s minority Francophone and Acadian communities by facilitating access to justice in French across the country.

One of the Initiative’s important objectives, when it was initially announced in 2003, was to strengthen the country’s network of associations of French-speaking jurists. Although this network existed before 2003, its institutional capacity was greatly limited. Therefore, this was the issue that the Initiative addressed in 2003 by providing core funding, a measure considered exceptional at the time. During the first five years of funding, from 2003 to 2008, significant progress was made in this regard.

The core funding has allowed these associations to be more effective in representing and advocating on behalf of the communities, and to offer relevant services to their members and the community. This funding ensured administrative stability, enabling them to focus their efforts on managing projects, offering services and participating in the various committees and umbrella groups. These associations have also become visible and credible lobby groups, and important resources within their communities.

Core funding for these organizations is maintained under the Roadmap as nearly 20% of the Initiative's resources allocated at the time of this evaluation (\$3.4 million) were devoted to the core funding of these associations, including their national federation.

The experience acquired under the Roadmap confirms, in many respects, the results seen during the first years of the funding. The organizational capacity of these organizations is shown by, among other things, the fact that they are currently piloting or have piloted 58 of the 100 initiatives funded by the Initiative at the time this evaluation was undertaken.⁷

In addition to managing projects, these associations benefit from their core funding by undertaking awareness and networking activities, such as:

- Publishing a newsletter, articles in newspapers or participation in radio programs;
- Holding a law day;
- Participating in community organization gatherings focusing, for example, on the issue of immigration or development of an overall development plan;
- Doing representations with government bodies on issues connected with access to justice in both official languages;
- Holding annual assemblies with training or awareness activities involved.

The interviews conducted for this evaluation, as well as the data gathered through the case studies and the on-line survey, confirm the importance of the core funding of these associations of French-speaking jurists and their federation. They have been key players in the area of access to justice in both official languages. However, the impact that they have varied depending on the prevailing circumstances in their provinces.

⁷ It is worth noting that 37 of the 137 projects funded by the Initiative at the time of this evaluation represent the various allocations for the core funding of the associations of French-speaking jurists and their national federation. Therefore, we removed these 37 projects for the purpose of this finding.

The case studies note that the AJEFs of Ontario (AJEFO) and New Brunswick stand out due to their nature: they are professional associations of legal professionals, but in both instances, they have developed multiple connections with non-governmental organizations. The AJEFO's partners unanimously confirm the key role played by the organization in advancing access to justice in Ontario. The AJEFO has a key role in identifying service gaps; it takes the necessary steps and works with the appropriate bodies for filling the gaps.

The AJEFs of British Columbia and Alberta work in provinces where the public policy framework in terms of services in French presents challenges, versus in the other five provinces where AJEFs exist. Both organizations put more effort into raising the awareness of and educating the public and justice stakeholders rather than with their provincial governments.

The AJEFs of Saskatchewan, Manitoba and Nova Scotia have developed good working relationships with their respective provincial government. The public policy frameworks of the governments of these three provinces exhibit openness towards access to justice in the minority language. The three AJEFs sit on committees and working groups with their provincial government and see themselves as important partners. This was confirmed by the respondents from the provincial governments, who also consider the Associations as important partners. These AJEFs leverage their visibility within the community and their presence among non-governmental organizations.

The case studies also found that the FAJEF is playing an important role. Due to its composition, it brings a unique perspective that no other organization, at the national level, is able to provide. It implements structuring initiatives, including the pan-Canadian project for training provincial stakeholders operating in the legal system, and positions itself for performing a monitoring function and being able to quickly communicate useful and needed information. The FAJEF's collaborative relationships with the Department of Justice Canada and the Canadian Bar Association are examples of its national stature.

In a broader context though, the federal government usually provides core funding only on an exceptional basis. Although there was a time when the core funding of non-profit organizations was widespread, the reality is different today. Moreover, there is an expansion in the list of organizations operating in the area of access to justice in both official languages that receive funds from the Initiative through project funding, not core funding, such as the *Centre canadien de français juridique*, provincial governments, universities, courts and other organizations such as Éducaloi.

4.2.2.2 Project Funding

The projects funded through the Support Fund can be grouped under two themes: promoting careers in justice and other activities intended to young people, and developing jurilinguistic tools. The next paragraphs present results of these projects, but also on the Department's project funding process and the reporting mechanisms.

Project funding process

As pointed out in section 2, the Department established a project selection committee in 2003 made up of representatives from the Office of Francophonie, Justice in Official Languages and Legal Dualism and from the Innovation, Analysis and Integration Directorate. Since 2008, a representative from the Department's Evaluation Division has been providing advice to the members of the committee on performance measurement issues.

During the period covered by the Roadmap, since 2008, the committee strengthened its requirements regarding the information needed for considering a funding application. Essentially, applications submitted must contain more detailed information on the project, and a complete results evaluation framework must be included. The committee members consulted in this evaluation justified this approach saying, among other things, that a greater number of grant applications were going to arise from the increase in funding allocated to the Initiative.

The project selection process was assessed positively by the funded organizations. Among other things, the survey indicates a very high satisfaction level with the documentation on the funding process, the support provided by the Department during this process, the timeframe leading to a decision, the explanations provided at the time of the decision, the signed contribution agreement and the reporting process. In all cases, the respondents' satisfaction rate was between 95% and 100%.

Reporting mechanisms

To support the reporting process, the Department established a system for managing contribution agreements, which includes an administrative database. This database contains information on the intended and achieved outcomes of each project funded by the Initiative. This evaluation benefitted from that information, especially for measuring the Initiative's effectiveness in supporting the funded organizations. The database is mainly populated by the project activity reports submitted by the Initiative's funded organizations. Although some reports are late, activity reports were available for the vast majority of the projects funded.

Measuring outcomes achieved remains a challenge for a number of funded organizations. As such, there is often data on outputs, rather than on outcomes achieved. This is partly explained by the fact that the recipient organizations do not all have the same ability to conduct such evaluations. It is important to note that the Department contacts the organizations if it is not satisfied with the submitted report, in order to make the required corrections. However, it is essential to build on the progress made to date and to fine-tune the performance measurement strategies of the projects funded. In this connection, it is noted that some funded organizations have conducted a formal evaluation of their projects, which is a best practice when the size of the project warrants it. The advice provided by the Department's Evaluation Division to the selection committee should also help strengthen the current performance measurement strategy.

Promoting careers in justice and other activities intended for young people

At the time this evaluation was undertaken, 17 projects representing \$2.2 million were devoted to promoting different justice careers. During the interviews conducted as part of this evaluation, the project that drew the most attention in this regard is *Carrière en justice*, initially introduced in Ontario and now offered in other parts of the country. This project combines an interactive website and a set of activities targeting, on a priority basis, high school students at Francophone and immersion schools. It essentially encourages young bilingual Canadians (from ages 11 to 18) to aim towards positions within the justice system, especially positions such as clerks, stenographers, bailiffs, lawyers, or police officers. In Quebec, Éducaloi has also undertaken a project for promoting justice careers among young bilingual Anglophones and Francophones.

These types of activities, especially the concept of the *Carrière en justice* project, were supported among all the groups consulted in this evaluation given that many young people may be unaware of the opportunities open to them in the field of justice, or they assume that these careers are limited to the duties of lawyers, judges or police officers. The projects funded by the Initiative expand the horizons of the young people who participate and enable them to see how their knowledge of both official languages can be leveraged. Project evaluation reports submitted by funded organizations indicate that the young individuals and the volunteers who participated to *Carrière en justice* have benefited from their experience. It can be expected that these activities will lead to a rise in young bilingual Canadians registering for education programs for the careers that are promoted. However, due to the methodological complexity of measuring mid- and long-term impacts of this type of project, this evaluation did not address this issue. It is suggested that such measurements be covered by a stand-alone study.

The Initiative also provided financial support to the University of Ottawa's Faculty of Law for offering a pre-law program for immigrant students admitted to the common law program in French. This program enables the participants to better understand the basis of the Canadian legal system, and thereby give them a more solid foundation for pursuing their legal studies. This project is aligned with the Initiative's vision because one of its objectives was to provide justice professionals to minority Francophone communities able to serve them in their first official language.

Various other activities aiming more specifically at informing young people about the field of justice were conducted such as *théâtre-action* activities, day camps or summer camps, and classroom presentations. These activities address the awareness objective of the Initiative.

Jurilinguistic tools

The existence of legislative bilingualism and bijuralism in Canada requires standardization of the common law and civil law vocabularies in French and English. It is for that purpose that work is being done to develop jurilinguistic tools. These tools also support the training activities provided, including those by the *Centre canadien de français juridique*.

At the time of this evaluation, 17 projects, representing \$3.5 million, had been devoted to developing jurilinguistic tools. This essentially reflects the work that is traditionally undertaken by jurilinguistic centres. This type of tool is different from those specifically or exclusively designed for the training sessions (even though they can obviously be used during these training activities). Thus, the list of tools developed through the Initiative includes:

- Work on standardizing a common law vocabulary in French;
- Development of on-line jurilinguistic reference tools;
- Preparation of French summaries of court decisions published only in English;
- Support services for legal practitioners handling jurilinguistic issues;
- Development of encyclopaedic dictionaries;
- Preparation of legal reference works on Canadian bilingualism and bijuralism.

The experience acquired to date and documented in the activity reports of the Initiative's funded organizations indicates that these tools are first and foremost used by legislative drafters and legal translators.

However, the case studies noted that the type of tools produced by the jurilinguistic centres has evolved over the years; they have gone from more theoretical tools to practical tools. The set of jurilinguistic tools has increased, and the tools are used by specialists and, in some cases, by practitioners. The Internet has changed the approach. It is no longer about producing tools in manuals for commercial sale, but to make them accessible to as many people as possible. Free tools means a drop in revenue for the project, but an increase in the use of the tools produced. Due to their nature, these projects do not and are not intended to have a direct impact in terms of raising the awareness of official language minority communities.

4.2.3. Justice Training

The Initiative received an additional \$20 million budget over five years in 2008 to support projects for training bilingual justice professionals such as judges, attorneys, clerks, bailiffs and probation officers. One of the first challenges was to incorporate those additional training-related funds into the Initiative's structures. In fact, the question was how to invest that amount effectively, especially within a relatively tight timeline. The next sub-sections provide details on the effectiveness of the implementation of this new component as well as on the funding provided to date.

4.2.3.1 Implementation

With the launch of the Initiative, the Department did not start funding training projects right away. Instead, it conducted a formal training needs study of justice professionals to establish the guiding principles and identify a set of strategic priorities. That study was carried out during the first fiscal year of the Roadmap and was completed by the Department in March 2009. It focused on four main areas:

- Developing the people who already work in the justice system;
- Developing a course program in partnership with colleges and universities for young bilingual Canadians who want to work in the system;
- Preparing tools that support the training and development of justice professionals;
- Establishing a promotion and recruiting strategy targeting young bilingual Canadians.

The objective of this training needs study was not to set specific projects, but rather to set strategic measures to consider. In fact, this document is a terms of reference for the Justice

training component of the Initiative, based on the specific training needs of justice professionals. This study suggested about a dozen specific strategic measures based on four guiding principles⁸:

- *Targeted intervention*: federal investment on its own cannot meet all training needs and must necessarily target its investment in order to contribute to the anticipated results;
- *Compensatory effect*: the official language training activities in the field of justice enable a systemic corrective action for filling an intermittent demand in the minority official language;
- *Building on acquired language knowledge*: to help achieve the objectives set out in the Roadmap, the federal investment must systematically target the justice professionals who already have a working knowledge in both official languages;
- *Vary the intensity of the intervention*: high-density learning activities (e.g. five consecutive days of training) should be connected with regular training activities (e.g. development tools).

The study particularly recommends that the Department invest in training professionals who already have a working knowledge of their second official language, support both in-person and on-line training, and broaden the scope of the training available to date in order to include a larger number of court professionals such as clerks, stenographers, registry officers or probation officers.

The individuals consulted in the course of this evaluation rated this requirements-study-based approach to be effective. In their view, this helped establish certain parameters on what would be accepted as training projects. It enabled the Department and potential applicants to have the same expectations in regard to the strategic direction of the Initiative's training component. The administrative data connected with the Initiative also confirm that the training projects funded are systematically linked to one of the strategic measures in the needs study.

4.2.3.2 Project Funding

At the time of this evaluation, 32 projects, representing \$8.3 million, were specifically devoted to justice-related training. The results of the on-line survey show that the training projects funded by the Initiative increased the capacity of justice professionals to operate in both official

⁸ Department of Justice Canada. (2009). *Canada-Wide Analysis of Official Language Training Needs in the Area of Justice: Report*. Ottawa, accessible at: http://www.justice.gc.ca/eng/pi/pb-dgp/ana_ol-ana_lo/index.html.

languages. In particular, more than half the respondents maintain that the capacity of Crown Attorneys and court officials increased and nearly half feel the same way about the members of the judiciary. Conversely, the increase in the capacity of the legal aid systems and private lawyers does not appear as evident. However, respondents reported that, since the Initiative's training component was implemented, they have noted significant growth in language training opportunities in connection with criminal law. The interviews with the key informants confirm these findings.

The projects funded mainly include training for justice professionals (judges, attorneys, clerks, bailiffs, probation officers, etc.), which was provided by the *Centre canadien de français juridique* and the Ontario Ministry of the Attorney General (French Language Institute of Professional Development), as well as other organizations, including the jurilinguistic centres. Two projects, in Ontario and Manitoba, also provided language training to police departments.

In a number of cases, the training projects undertaken needed new tools to be developed, as well as a concentrated effort to expand the pool of trainers. The data gathered as part of this evaluation indicate that significant progress has been made in this respect, especially pertaining to in-person training. The activity reports, case studies and interviews confirm the participants' high level of satisfaction with this type of training. It was described as being practical, well structured, given by high-calibre trainers, and enabling participants to improve their mastery of legal vocabulary. The establishment of the *Centre canadien de français juridique*, which arose directly from the Initiative's funding in the area of training, strengthened the institutional capacity to provide a wider range of training to the various legal professionals.

However, the development of on-line training did not progress at the same rate, although there are some initiatives in this area, including one conducted jointly by the *Association des juristes d'expression française de la Nouvelle-Écosse* in partnership with the Université Ste-Anne. Other initiatives will have to be undertaken in the future to address the needs for on-line training capacity described in the 2009 needs study.

Individuals consulted as part of this evaluation described certain measures that could be considered in order to improve the progress made to date in the area of training:

- The Initiative should encourage an expansion in training in order to reach more police departments, which have a key role in the criminal justice system and are often the first point of contact for offenders;

- In addition to the justice professionals covered to date, training should reach individuals who work with victims, social workers and other front-line staff;
- Some respondents consulted also encourage the Department to broaden the justice fields covered by the training provided. At present, this training is targeted mainly at criminal law. Due to the jurisdiction of the federal government in family law, more particularly in divorce matters, these respondents would like to see the Department fund training activities in that area;
- The Department is also encouraged to create a directory of all resources offered through the various training programs.

With respect to this last measure, the Department has already funded the development of a portal that will have this very function. At the time of this evaluation, that project, piloted by the Centre for Legal Translation and Documentation at the University of Ottawa, in partnership with the *Association des juristes d'expression française de l'Ontario*, was still in the implementation phase. Therefore, it was impossible to measure the outcomes of that project, but a number of individuals consulted during this evaluation expect that the project will have significant impacts on access to justice in both official languages, including the availability of tools and networking opportunities.

Training is an activity that usually needs to occur on an ongoing basis, not only because there is necessarily a turn-over among the players in the justice system and that, therefore, it is important to ensure succession in these areas, but also because the skills acquired during this training must be maintained. Skill maintenance is identified by a number of respondents consulted as a major challenge for access to justice in both official languages and, therefore, for the Initiative. In this regard, the needs study noted, with reference to the provisions of the *Criminal Code* on official languages:

“(...) equality of status must often be joined with demographic inequality. Certain initiatives are therefore necessary in order to provide a compensatory effect. It is precisely this purpose that training can serve. Besides developing new language skills, training activities help to keep the stakeholder connected to his second official language in the workplace.”⁹

⁹ Department of Justice Canada. (2009). Canada-Wide Analysis of Official Language Training Needs in the Area of Justice: Report. Ottawa, pg. 35.

In short, the funding under the Initiative's training component proved effective. Before 2008, the system had a minimal capacity for providing training to justice professionals. With the projects funded since 2008, the quantity and quality of training activities has improved. Progress has been made, including building the institutional capacity to provide in-person training. However, given that the additional funding has been available only since 2008, additional effort will be needed to adequately meet the needs identified in the 2009 needs study. The mid- and long-term impacts of the training projects will have to be measured in the future evaluation exercises conducted by the funded organizations and the Department.

4.2.4. Coordination Mechanisms

Over the period covered by this evaluation, the Department coordinated two consultation structures:

- The *Advisory Committee on Access to Justice in both Official Languages*, which brings together representatives from the Department of Justice, representatives from umbrella organizations in official language minority communities, jurilinguistic centres, and faculties of law. The Commissioner for Federal Judicial Affairs, Commissioner of Official Languages and Canadian Heritage officials also attend the committees' meetings as observers;
- The *Federal-Provincial-Territorial Working Group on Access to Justice in both Official Languages*, which brings together representatives from the Department of Justice and from the provincial and territorial ministries responsible for the administration of justice.

The Advisory Committee participants consulted as part of this evaluation are generally satisfied with its operation. The Committee meets once a year and enables the Department of Justice to inform the Initiative's funded organizations of the strategic direction that it intends to take and its funding priorities. This committee also helped increase networking among the participants and facilitate experience-sharing among them. However, certain participants consulted mentioned that the Committee would benefit from broadening the type of stakeholders able to participate.

The Federal-Provincial-Territorial Working Group participants consulted in this evaluation said they were very satisfied with the activities undertaken through this advisory structure. The members of this working group formally meet once a year, but are in constant communication throughout the rest of the year. It enables them to establish work relations and share their respective experiences in access to justice in both official languages.

It should be noted that the Department of Justice was invited by the Ministerial Conference on the Canadian Francophonie to present the activities that it undertook in the area of access to justice in both official languages. This intergovernmental organization is composed of federal, provincial and territorial ministers responsible for Canadian Francophonie. They meet annually to discuss intergovernmental questions involving the Canadian Francophonie and to engage in a dialogue aimed at fostering the development of public policies to strengthen the country's linguistic duality.¹⁰ The departments followed up on that presentation by passing a resolution inviting the provinces and territories to designate a representative from their Francophone affairs to take part in the Federal-Provincial-Territorial Working Group. The presence of this representative further raises the awareness of the various provincial and territorial ministries about matters pertaining to access to justice in both official languages.

4.2.5. Overall Impact of the Initiative

Overall, the outcomes achieved through the Initiative have enabled the Department of Justice to make a tangible contribution to expanding access to justice in both official languages in Canada.

Due to the existence of legislative bilingualism and bijuralism in Canada, the concept of access to justice in both official languages would be unable to advance without a standardized common law and civil law terminology in both French and English. Development of this terminology is being pursued through funding of jurilinguistic tools projects under the Initiative, along with the development of tools facilitating access.

As well, the Initiative has supported the training of professionals in the justice system. In particular, the training activities helped reach a broader range of justice professionals, which is one of its central objectives. However, given that the approach under the training component is relatively recent, work still remains to be done to meet the initially identified needs. It will also be important to measure the mid- and long-term impacts, especially pertaining to learning retention.

The Initiative also enabled the network of associations of French-speaking jurists and their national federation to strengthen their institutional capacity and undertake activities to raise awareness among justice professionals and the Canadian population in general about law and the legal field in the context of official language communities. Nearly 70% of the projects funded by

¹⁰ Ministerial Conference on the Canadian Francophonie. *The Canadian Francophonie: An Overview of Government Initiatives*. September 2008.

the Initiative were implemented by one of those organizations. However, uncertainty around their core funding could lead them to redefine a portion of their mandate. To that end, these organizations could be asked to play a greater direct role among the population. Drawing on the model of the community justice centre, some interview respondents consulted in this evaluation would like the community component of these organizations to take the form of direct services for the population wishing to better understand their rights and obligations, in the language of their choice.

4.3. Efficiency

This evaluation found that the Initiative operates under management practices that foster efficient use of human resources. Moreover, the Initiative's project funding strategy enables the Department to achieve results through an efficient use of financial resources. This subsection examines these issues.

4.3.1. Management Practices

All the projects funded by the Initiative are approved by the Department's selection committee. As indicated previously, a very large majority of funded organizations are very satisfied with their interactions with the committee. The Department has managed to maintain flexible-enough processes to be able to respond effectively and in a timely manner to all requests submitted. The evaluation found that the management practices implemented by the Initiative's selection committee foster efficient use of human resources for achieving the anticipated outcomes.

First, before a project is submitted to the committee, it must go through certain preliminary steps. The project in question is analyzed by a program officer to determine whether all the documentation has been submitted and whether the information presented is specific enough. The organization submitting an application may also be asked more general questions. These activities aim to provide the committee with complete information so that it can focus on the worth of the projects, including the intended outcomes and potential partnerships. It is not uncommon for the organizations submitting a contribution application to have to answer a set of questions on these topics before obtaining approval for their project's funding.

The selection committee also considers the other projects funded in the past in order to avoid duplication. It is possible for an organization to be asked to adapt an existing project to its provincial context. Projects undertaken under the 2003 *Action Plan* that were unable to achieve

meaningful results are also considered in order to avoid projects that are known to be inefficient. This approach is strongly supported by the contribution agreement management system database, which proved especially useful for the purpose of this evaluation.

Lastly, the Initiative's selection committee systematically referred to the Justice training needs study when analyzing funding applications submitted by the organizations. At the time of this evaluation, roughly 45% of the amounts funded by the Initiative involve the area of training. Each training project funded was found to be closely tied to one or more strategic measures set out in this study. This approach, based on stakeholders' needs and on high-impact projects, helped to strategically target the Initiative's training funding given that funds explicitly devoted to training were new and the timeline was relatively tight.

The Canadian official language minority population, especially the minority Francophone population, has changed considerably over the past decade. Outside Quebec, there are increasingly more Francophone citizens through international immigration. That reality is leading to new needs in terms of access to justice in both official languages. The projects, including those involving awareness-raising, must reflect that reality. Therefore, the selection committee also looks at the analysis of newcomers' needs in the area of justice done in 2009-10. This analysis helps properly direct some of the Initiative's financial resources to projects that address those needs.

4.3.2. Project Funding Strategy

The case studies conducted by the Department in 2011 analyzed the projects funded through the Initiative from 2008 to 2010, along with their impact on the issue of access to justice in both official languages. The case studies propose, amongst other things, an integrative model for access to justice in both official languages. This model is a first attempt by the Department to identify the key areas that the Initiative must fund to bring about structuring and multiplier effects. The Department should clarify and refine this model as the Initiative evolves. Concretely, this model, shown in Figure 4, identifies the areas where funding will have the greatest effects in relation to the Initiative's objectives.

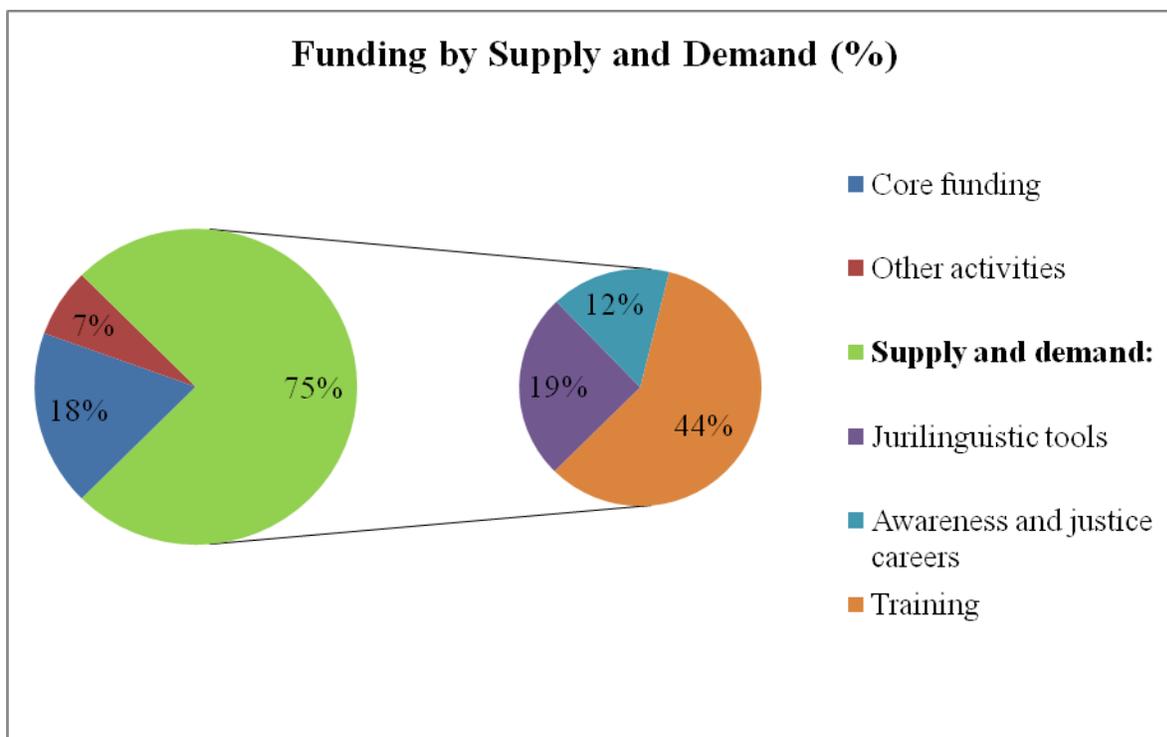
This integrative model proposes that funding should cover two perspectives: support the supply of services (increased capacity to develop innovative solutions), and stimulate the demand for services (increased awareness of exercising one's rights).

The supply of services includes two components: the provincial public policy framework pertaining to the minority official language (which includes legislation, by-laws and policy statements), and the capacity of justice professionals. The actions of the organizations working in this area must necessarily deal with these two components. Although the Initiative does not act directly on the public policy framework, it can fund activities that have a direct impact on justice professionals' capacity to provide services in the minority official language. Therefore, the evaluation finds that the Initiative has supported projects in training, educational tools development and reference documents for justice professionals. In fact, 63% of the financial resources were allocated to projects for training and jurilinguistic tools development.

Again based on this model, the demand for services is also influenced by two factors: collective attitudes and beliefs, as well as personal ones. Thus, the projects for stimulating demand must necessarily cover activities that educate the legal community and the minority community about exercising their language rights. The evaluation finds that 12% of the financial resources directly involve stimulating demand, including through awareness projects and careers in justice projects.

On the whole, the three quarters of the amounts funded by the Initiative during the period covered by this evaluation went directly into areas identified by the integrative model as having the greatest multiplier and structuring effects in relation to the Initiative's objectives. Figure 3 shows these findings. Use of the Initiative's resources seems efficient in that the funding points are closely aligned with the integrative model proposed by the case studies. It is important to specify, however, that the remaining amount funded by the Initiative, namely 25%, involves the core funding of the AJEFs and the FAJEF and other one-time activities. Even though a direct link with supply and demand cannot be established so easily, these activities may have had an impact on supply and demand in the system of access to justice in both official languages.

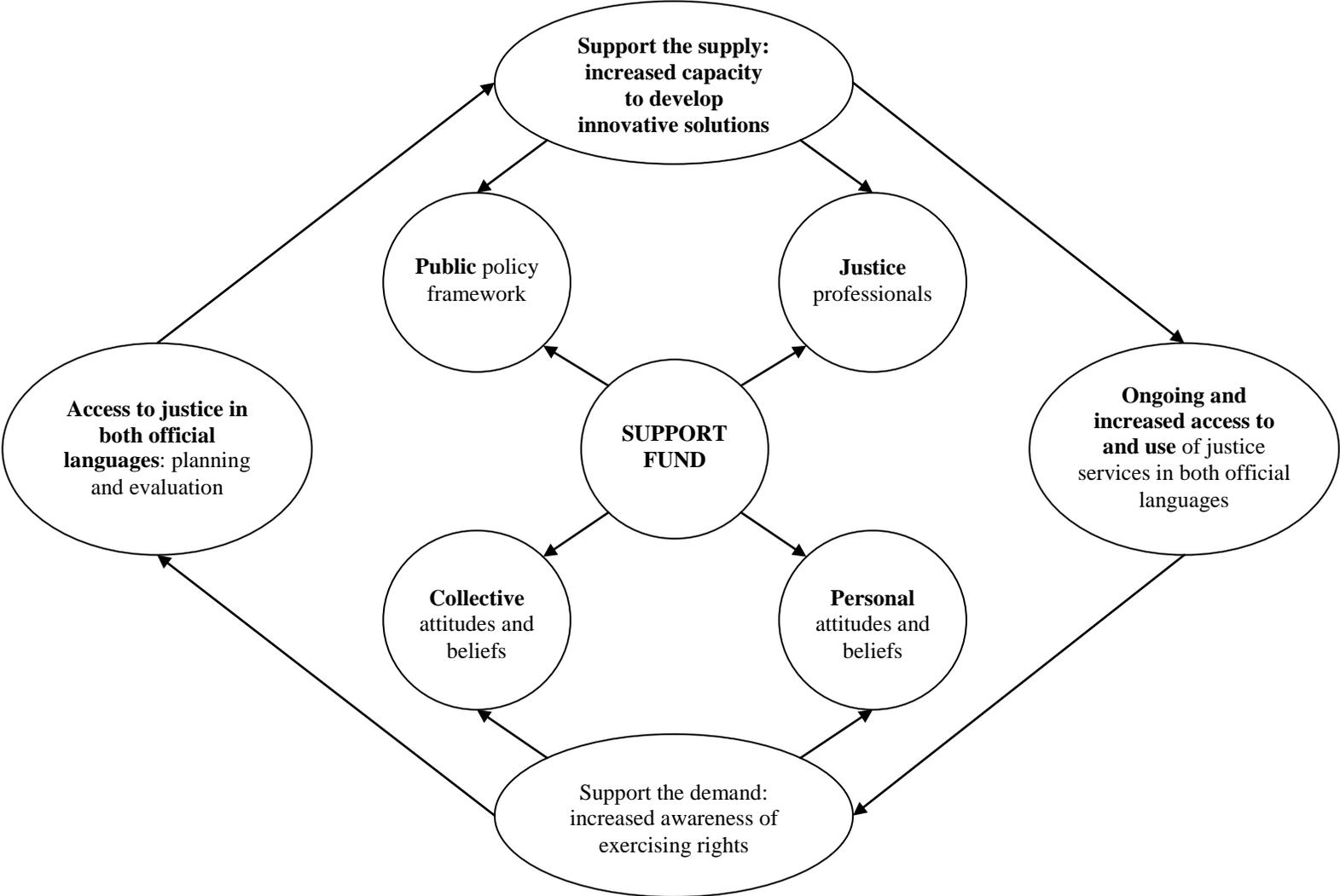
Figure 3: Percentage of the Initiative’s direct funding on the “supply” and “demand” components suggested by the integrative model from the case studies.



Moreover, it has been noticed that some projects were carried out on a multipartite funding basis. That funding basis means that the funding for those projects was supported by more than one organization, including the Department of Justice. During the period covered by this evaluation, 12% of the projects supported by the Initiative were funded on that basis¹¹. These projects represent 10% of the Initiative’s total spending.

¹¹ The core funding of AJEFs and the FAJEF was excluded from this calculation.

Figure 4: Integrative model – Access to justice in both official languages



5. CONCLUSIONS AND LESSONS LEARNED

This section of the report contains the conclusions and lessons learned from the evaluation. The information is structured according to each of the evaluation questions.

5.1. Relevance

1. What is the Initiative's relevance in relation to the priorities of the Department of Justice and the federal government in terms of access to justice in both official languages?

The Initiative's objectives directly align with the federal government's priorities. The federal government, in its 2010 Speech from the Throne, reiterated the importance of bilingualism and the Roadmap that supports it. The Initiative also contributes to one of the Department's strategic outcome, which aims at "a fair, relevant and accessible justice system that reflects Canadian values". In addition, the Initiative fits into the broader framework of access to justice, a widely shared concern among many organizations, including the Department of Justice.

2. Is there a legitimate and necessary role for the federal government in the area of access to justice in both official languages?

The federal government has a role to play in the area of access to justice in both official languages. This role is predominantly defined by its language obligations enunciated in the official languages legal framework in place, and related case law, particularly the *Beaulac* case.

3. To what extent do the activities undertaken through the Initiative meet the needs of justice stakeholders?

In the area of training, the needs study conducted by the Department during the first fiscal year covered by the Initiative helped set meaningful parameters for guiding further training funding. The Department also supported its funding approach with the analysis of newcomers' justice needs completed in 2009-10. The other activities carried out to facilitate access to justice in both

official languages also reflect the needs of justice professionals. In particular, the actions to raise awareness of and promote justice careers helped educate many young bilingual Canadians about the opportunities available in the justice system.

4. Is there a continued need for the activities funded by the Initiative?

By its very nature, training for justice professionals is a continuing need. Not only staff turnover requires this approach, but it is also important to recognize that training plays a lead role in maintaining acquired knowledge, especially in a minority language setting. Along the same line, the other activities for promoting access to justice in both official languages are ongoing. Raising awareness of careers in justice, as well as delivering activities for providing legal information to official language minority communities, are measures that will have to continue. The strategies and tools used, however, will have to evolve to reflect, among other things, new information technologies.

5.2. Effectiveness

5. Does implementation of the training-related component align with the objectives of the Initiative and the *Roadmap for Linguistic Duality*? Was it implemented effectively?

Implementation of the training component was carried out effectively since, among other things, the Department conducted a needs study that was widely endorsed by justice professionals. The projects funded in the area of training directly address the needs identified by the study. Establishing the *Centre canadien de français juridique*, which arises directly from the Initiative's funding in the area of training, strengthened the institutional capacity for offering a wider range of training activities to different legal players. Although some activities had been undertaken in the area of on-line training, other initiatives will have to come about to be able to adequately meet the needs relating to this area.

6. How clear and transparent is the process for selecting projects funded through the Support Fund and the training component?

Based on the experience acquired between 2003 and 2008, and in view of the fact that the Initiative's budget increased under the Roadmap, the Department, as of 2008, raised its requirements regarding the information required for considering a funding application in order to better manage the applications submitted. The Initiative's funded organizations are satisfied with

the existing process from the perspective of the information provided, the support when submitting funding applications and reporting requirements.

7. Do the coordination structures connected with the Initiative operate effectively?

The existing coordination structures are generally effective. In particular, the *Federal-Provincial-Territorial Working Group on Access to Justice in both Official Languages* helped establish important links among its various participants. The recent involvement of provincial representatives responsible for Francophone affairs also helped expand the issues addressed by the Working Group. The *Advisory Committee on Access to Justice in Both Official Languages* continues to meet with a high number of the Initiative's funded organizations, which, among other things, enables the Department to communicate directly with them at least once a year.

8. To what extent are the data relating to performance measurement and reporting collected and incorporated into the day-to-day management of the Initiative?

The Department has established a system for managing contribution agreements, which includes an administrative database containing information on each project's intended and achieved outcomes. Although some funded organizations experience delays, activity reports were still available for the vast majority of the projects funded. Measuring outcomes achieved remains a challenge for many funded organizations. As such, they often end up with data pertaining to outputs, rather than outcomes achieved. However, it is essential to build on the progress made to date and refine the performance measurement strategies of the projects funded.

9. To what extent did the Initiative contribute to the implementation of projects helping to ensure increased, ongoing access to justice services in both official languages?

The projects supported by the Initiative helped ensure increased, ongoing access to justice services in both official languages. In the short term, the training activities strengthened the language capacity of a number of professionals in the justice system, including the judiciary, lawyers and Crown attorneys. The development of jurilinguistic tools also helps establish a standardized common law and civil law vocabulary in both French and English. In the longer term, the activities for raising awareness of and promoting careers in justice among young bilingual Canadians should also help establish institutional bilingualism in the justice system. These activities reach young people all across the country and expand their options in this regard. Also noted is an increase in activities in Quebec, particularly through the organization Éducaloi. Traditionally, the number of projects introduced in Quebec was limited due, among other things,

to the limitations in the institutional capacity of justice stakeholders within that province's Anglophone community.

10. To what extent has the training component contributed to the development of an academic program, recruiting tools and strategies for ensuring increased, ongoing access to justice services in both official languages?

The Initiative projects in the area of training focused on training justice professionals who already have a basic knowledge of the other official language, especially individuals working in positions supporting the courts. To that end, a set of educational tools were created, and a number of individuals were trained to be able to act as trainers.

11. To what extent were the identified training needs met?

The Initiative broadened the training opportunities across the country. Needs still remain, however, since this is still a recent initiative.

12. To what extent is there complementarity among the activities undertaken by the Support Fund and those undertaken by the training component?

The Initiative's two components had very complementary roles. In fact, both of them contribute to the same end, namely expanding access to justice in both official languages. The training clearly drew special attention under the Roadmap, given the amounts that were invested in this area. This new dynamic also led to an expansion of organizations involved in implementing the projects funded by the Initiative.

13. Did the Initiative have unanticipated impacts (positive or negative)?

No unanticipated impacts were identified during this evaluation.

5.3. Efficiency

14. How adequate were the project funding mechanisms?

The management practices currently in place propose aspects involving the efficient use of human resources. Also, the Initiative's project funding strategy systematically supports projects from the perspectives of "supply" and "demand". The case studies conducted in 2011 identified

those as the key areas where the projects could have structuring and multiplier effects on the system of access to justice in both official languages.

15. Is there a more effective approach for achieving the Initiative's objectives?

No other more effective or efficient approach was identified by this evaluation.

6. RECOMMENDATIONS AND MANAGEMENT RESPONSE

Issue 1: Evaluation of the activities connected with promoting justice careers in French

The Initiative devoted significant efforts for promoting justice careers in French among young bilingual Canadians. The data gathered as part of this evaluation, as well as the *Canada-Wide Analysis of Official Language Training Needs in the Area of Justice* conducted in 2009, confirm the validity of this initiative. However, the mid- and long-term impacts around this type of activity have not been measured to date. Due to the methodological complexity of measuring such projects, this evaluation did not address this issue.

Recommendation 1: The Department of Justice Canada should consider undertaking a stand-alone impact study specifically targeting the careers in justice activities.

Management Response:

Management agrees with this recommendation. The Initiative's Careers in Justice component seeks to encourage young bilingual Canadians to develop an interest in the field of justice in order to make it a career. The Department has been funding projects in this direction since 2004. This component is intended mainly for young people who have come from immersion programs. The Department will conduct an impact study of this component in 2014-15.

Issue 2: Performance measurement system

The Department established a contribution agreement management system that gathers certain data on the outcomes intended and achieved by each project funded. This system is a best practice in that it supports the ongoing management of the Initiative and evaluation exercises such as this one. The challenge facing the Department is supporting the Initiative's funded organizations to enable them to collect more data not just on outputs from their projects, but also their impacts.

Recommendation 2: The Department of Justice Canada should continue its efforts to strengthen the capacity of funded organizations to gather data on the impact of their activities.

Management Response:

Management agrees with this recommendation. The Department has improved data collection by stressing to funded organizations about the importance of this type of information. The Evaluation Division has been providing advice to members of the committee on performance measurement issues. Its input on the evaluation frameworks is sent to the funding applicants. This practice has helped improve the type and quantity of information collected.

Issue 3: Incorporating new information technologies into the training activities

The Initiative supported a number of training activities among justice professionals. The *Canada-Wide Analysis of Official Language Training Needs in the Area of Justice* of 2009 had stressed the importance of incorporating the new information technologies into this type of activity. The data gathered in this evaluation show that it has been mainly in-person training activities that have been funded to date.

Recommendation 3: While maintaining its financial support for in-person training activities, the Department of Justice Canada should consider an approach for making distance training one of its funding priorities in connection with the Initiative.

Management Response:

Management agrees with this recommendation. The Department encouraged and supported the use of new technologies in accordance with the findings from the *Canada-Wide Analysis of Official Language Training Needs in the Area of Justice*. On-line learning is now available for bilingual prosecutors in the provinces through their involvement with Ontario's *Institut de développement professionnel en français*. The *Centre canadien de français juridique* is currently developing an on-line learning platform that is now accessible to various priority clients targeted in the *Needs Analysis*.

Appendix A:
Evaluation Framework for the Initiative

Evaluation Framework for the Initiative

Evaluation Questions	Indicators	Data Sources
Relevance		
1. How relevant is the Initiative in terms of the priorities of the Department of Justice and the federal government with respect to access to justice in both official languages?	<ul style="list-style-type: none"> • Comparison between the Initiative’s expected outcomes and the Department of Justice’s strategic outcomes; • Comparison between the Initiative’s expected outcomes and the federal government’s official language priorities; • Opinion of key informants. 	<ul style="list-style-type: none"> • Review of relevant literature (Speech from the Throne, the Department’s policy documents, etc.); • Interviews; • Expert panels.
2. Is there a legitimate and necessary role for the federal government in the area of access to justice in both official languages?	<ul style="list-style-type: none"> • Sharing of roles and responsibilities in the area of official languages; • Opinion of key informants. 	<ul style="list-style-type: none"> • Review of relevant literature (Speech from the Throne, the Department’s policy documents, etc.); • Interviews; • Expert panels.
3. To what extent do the activities undertaken through the Initiative meet the needs of justice stakeholders?	<ul style="list-style-type: none"> • Change in the legislative context connected with justice in both official languages; • Change in the demographic context of official language communities; • Opinion of key informants; • Results from studies on access to justice in both official languages. 	<ul style="list-style-type: none"> • Review of writings; • Literature review; • Interviews; • Expert panels; • Training requirements study; • Survey among recipient organizations.
4. Is there a continued need for the activities funded by the Initiative?	<ul style="list-style-type: none"> • The extent to which the training needs remain. 	<ul style="list-style-type: none"> • Interviews; • Results from the training requirements study.
Effectiveness		
5. Does implementation of the training-related component align with the objectives of the Initiative and the Roadmap for Canada’s Linguistic Duality? Was it implemented effectively?	<ul style="list-style-type: none"> • Nature of the link between the activities undertaken and the objectives set out in the Roadmap; • Degree of fit between the implementation plan and the means available to the Department; • Progress level in implementing the training component. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Expert panels.

Evaluation Questions	Indicators	Data Sources
6. How clear and transparent is the process for selecting projects funded through the Support Fund and the training component?	<ul style="list-style-type: none"> • Number and format of information materials made available to eligible organizations; • Level of clarity in the project selection process; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature reviews; • Interviews; • Surveys among recipient organizations; • Case studies.
7. Do the coordination structures connected with the Initiative operate effectively?	<ul style="list-style-type: none"> • Level of clarity in the roles and responsibilities of the coordination structures; • Level of involvement in the coordination structures; • Opinion of individuals involved on the coordination structures; • Number of meetings of the coordinating structures; • Participants' satisfaction level. 	<ul style="list-style-type: none"> • Literature review; • Interviews.
8. To what extent are the data relating to performance measurement and accountability collected and incorporated into the day-to-day management of the Initiative?	<ul style="list-style-type: none"> • Level of fit between the information gathered and the Department's reporting commitments; • Quality level of the data gathered; • Level of use of the data in managing the Initiative. 	<ul style="list-style-type: none"> • Interviews; • Data analysis; • Literature review.
9. To what extent did the Initiative contribute to the implementation of projects that help ensure increased, ongoing access to justice services in both official languages?	<ul style="list-style-type: none"> • Number and types of projects funded; • Level of advancement in the supply of services in both official languages within the justice system; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Survey among recipient organizations; • Expert panels; • Case studies.
10. To what extent has the training component contributed to the development of an academic program, recruiting tools and strategies for ensuring increased, ongoing access to justice services in both official languages?	<ul style="list-style-type: none"> • Number and types of projects funded; • Level of advancement in developing a curriculum and access to tools and strategies; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Survey among recipient organizations; • Expert panels; • Case studies.
11. To what extent were the identified training needs met?	<ul style="list-style-type: none"> • Percentage of the identified training needs that are addressed by the projects; • Nature of the outcomes achieved through the projects funded in the area of training; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Survey among recipient organizations; • Expert panels.

Evaluation Questions	Indicators	Data Sources
12. To what extent was there complementarity among the activities undertaken by the Support Fund and those undertaken by the training component?	<ul style="list-style-type: none"> • Nature of the connections between the Support Fund projects and those of the training initiative; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature review • Interviews; • Survey among recipient organizations; • Expert panels.
13. Did the Initiative have unanticipated impacts (positive or negative)?	<ul style="list-style-type: none"> • Evidence of unanticipated outcomes; • Opinion of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Survey among recipient organizations; • Expert panels; • Case studies.
Efficiency		
14. How adequate were the project funding mechanisms?	<ul style="list-style-type: none"> • Opinion of representatives from recipient organizations; • Level of Departmental consultation with recipient organizations; • Opinions of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Surveys among recipient organizations.
15. Is there a more effective approach for achieving the Initiative's objectives?	<ul style="list-style-type: none"> • Feasibility of alternative approaches; • Opinions of key informants. 	<ul style="list-style-type: none"> • Literature review; • Interviews; • Survey among recipient organizations; • Expert panels.

Appendix B:
Interview Guides

Interview Guides
Representatives from the Office of Francophonie,
Justice in Official Languages and Bijuralism

The Department of Justice hired PRA Inc. to conduct the evaluation of the Access to Justice in Both Official Languages Initiative (hereinafter the “Initiative”), which involves two components: the Support Fund and the component for training justice stakeholders. The evaluation will cover the Initiative’s relevance, design and implementation and the associated success factors. We are asking various groups of stakeholders to take part in this study, including representatives from the Department of Justice Canada, members of advisory committees and working groups as well as other justice professionals.

The information gathered will be used solely for this study and will be managed, stored and destroyed in accordance with the *Privacy Act*. No information gathered during the interviews will be associated with a stakeholder, and each participant enjoys the right of access to information and the right to protection of his/her personal information. Moreover, your involvement in this interview is voluntary, and you can withdraw from the study at any time. Lastly, please note that the information gathered during these interviews will be shared with the Department of Justice Canada’s Evaluation Division.

Introduction

1. In what way are you involved with the Initiative in Support of Access to Justice in Both Official Languages?

Relevance

2. Overall, please describe what you see as being the federal government’s role pertaining to access to justice in both official languages? How does this role differ from the role of the other stakeholders, including the provincial and territorial governments?

The Initiative’s objectives are to strengthen the capacity of the legal system and its stakeholders for providing services in both official languages and to participate in making official language communities aware of their rights in this regard.

3. In your opinion, how are these objectives connected with your Department’s and the federal government’s priorities in the area of access to justice in both official languages?

4. Please describe the changes that you see in the needs of justice stakeholders regarding the issue of access to justice in both official languages.
5. To date, the federal government's role in access to justice in both official languages has focused heavily in the area of criminal law. What is your view regarding the potential for broadening this role to other areas of law?

Implementation

6. Implementing the commitments described in the *Roadmap for Canada's Linguistic Duality* included the new component specifically connected with training. Please describe your experience in connection with implementing this new component? What lessons did you learn from this experience? What were the main challenges that you faced?
7. How do you see this training-related component changing during the post-Roadmap period?
8. Please describe the strategy that you chose for selecting projects funded by the Support Fund? How does this process under the Roadmap compare to the one you had used under the *2003-08 Action Plan for Official Languages*? What lessons did you learn from that experience?
9. In your opinion, to what degree do the Support Fund and the training component adequately reach the groups working in these areas?

Your Department set up a number of advisory structures to support it in implementing the Support Fund and the training component. The list of these structures includes, among others, the *Advisory Committee – Justice in Official Languages*, the *Subcommittee on Access to Justice in Both Official Languages* and the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*.

10. Please describe how these structures helped implement the Support Fund and the training component. What lessons did you learn from that experience? How do you see the role of these structures changing in the future?
11. Regarding accountability, please describe the strategy that you chose for gathering the information you needed for ensuring effective management of the Support Fund and the training component? What lessons did you learn from that experience?

Success

12. The Support Fund has been funding projects for ensuring improved access to justice services in both official languages since 2003. Please describe what you consider to be the Fund's main accomplishments over the past eight years. What accomplishments can be expected from the Fund in the coming years?
13. The projects funded through the training component are, for the most part, in the implementation phase. In your opinion, what accomplishments can be expected from this component in the coming years?
14. How do you see the link between these two components changing in the coming years?
15. Based on all the answers that you have provided, how do you think the effectiveness of the Support Fund and the training component could be improved in the coming years?

Conclusion

16. Do you have any other comments?

Thank you for your participation.

Interview Guide

Representatives from the Innovations, Analysis and Integration Group

The Department of Justice hired PRA Inc. to conduct the evaluation of the Access to Justice in Both Official Languages Initiative (hereinafter the “Initiative”), which involves two components: the Support Fund and the component for training justice stakeholders. The evaluation will cover the Initiative’s relevance, design and implementation and the associated success factors. We are asking various groups of stakeholders to take part in this study, including representatives from the Department of Justice Canada, members of advisory committees and working groups as well as other justice professionals.

The information gathered will be used solely for this study and will be managed, stored and destroyed in accordance with the *Privacy Act*. No information gathered during the interviews will be associated with a stakeholder, and each participant enjoys the right of access to information and the right to protection of his/her personal information. Moreover, your involvement in this interview is voluntary, and you can withdraw from the study at any time. Lastly, please note that the information gathered during these interviews will be shared with the Department of Justice Canada’s Evaluation Division.

Introduction

1. In what way are you involved with the Initiative in Support of Access to Justice in Both Official Languages?

Relevance

2. A number of justice stakeholders are called upon to play a role in implementing projects funded through the Initiative. Please describe how you see this division of roles, especially pertaining to the role that the Department of Justice Canada is called upon to play.
3. Please describe the changes you see in the needs of justice stakeholders regarding the issue of access to justice in both official languages.

Implementation

4. Implementing the commitments described in the *Roadmap for Canada’s Linguistic Duality* included the new component specifically connected with training. Please describe your

experience in connection with implementing this new component? What lessons did you learn from this experience? What were the main challenges that you faced?

5. How do you see this training-related component changing during the post-Roadmap period?
6. Please describe the strategy that you chose for selecting projects funded by the *Support Fund*? How does this process under the Roadmap compare to the one you had used under the *2003-08 Action Plan for Official Languages*? What lessons did you learn from that experience?
7. In your opinion, to what degree do the Support Fund and the training component adequately reach the groups working in these areas?

Your Department set up a number of advisory structures to support it in implementing the Support Fund and the training component. The list of these structures includes, among others, the *Advisory Committee–Justice in Official Languages*, the *Subcommittee on Access to Justice in Both Official Languages* and the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*.

8. Please describe how these structures helped implement the Support Fund and the training component. What lessons did you learn from that experience? How do you see the role of these structures changing in the future?
9. Regarding accountability, please describe the strategy that you chose for gathering the information you needed for ensuring effective management of the Support Fund and the training component? What lessons did you learn from that experience?

Success

10. The Support Fund has been funding projects for ensuring improved access to justice services in both official languages since 2003. Please describe what you consider to be the Fund's main accomplishments over the past eight years. What accomplishments can be expected from the Fund in the coming years?
11. The projects funded through the training component are, for the most part, in the implementation phase. In your opinion, what accomplishments can be expected from this component in the coming years?

12. How do you see the link between these two components changing in the coming years?
13. Based on all the answers that you have provided, how do you think the effectiveness of the Support Fund and the training component could be improved in the coming years?

Conclusion

14. Do you have any other comments?

Thank you for your participation.

Interview Guide

Representatives from the Sub-Committee on Access to Justice in Both Official Languages

The Department of Justice hired PRA Inc. to conduct the evaluation of the Access to Justice in Both Official Languages Initiative (hereinafter the “Initiative”), which involves two components: the Support Fund and the component for training justice stakeholders. The evaluation will cover the Initiative’s relevance, design and implementation and the associated success factors. We are asking various groups of stakeholders to take part in this study, including representatives from the Department of Justice Canada, members of advisory committees and working groups as well as other justice professionals.

The information gathered will be used solely for this study and will be managed, stored and destroyed in accordance with the *Privacy Act*. No information gathered during the interviews will be associated with a stakeholder, and each participant enjoys the right of access to information and the right to protection of his/her personal information. Moreover, your involvement in this interview is voluntary, and you can withdraw from the study at any time. Lastly, please note that the information gathered during these interviews will be shared with the Department of Justice Canada’s Evaluation Division.

Introduction

1. Could you tell us when you joined the *Sub-Committee on Access to Justice in Both Official Languages*? What duties do you have outside of the Sub-Committee?

Relevance

2. Overall, please describe what you see as being the federal government’s role pertaining to access to justice in both official languages? How does this role differ from the role of the other stakeholders, including the provincial and territorial governments?

The objectives of the Initiative are to strengthen the capacity of the legal system and its stakeholders for providing services in both official languages and to participate in making official language communities aware of their rights in this regard.

3. Please describe the changes you see in the needs of justice stakeholders regarding the issue of access to justice in both official languages.

4. To date, the federal government's role in access to justice in both official languages has focused heavily in the area of criminal law. What is your view regarding the potential for broadening this role to other areas of law?

Implementation

5. Implementing the commitments described in the *Roadmap for Canada's Linguistic Duality* included the new component specifically connected with training. What lessons have you learned to date from the implementation of this new component?
6. In your opinion, to what degree do the Support Fund and the training component adequately reach the groups working in these areas?

The Department of Justice Canada set up a number of advisory structures to support it in implementing the Support Fund and the training component. The list of these structures includes, among others, the *Advisory Committee – Justice in Official Languages*, your *Subcommittee on Access to Justice in Both Official Languages* and the *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*.

7. Please describe how your Sub-Committee helped implement the Support Fund and the training component. What lessons did you learn from that experience? How do you see the role of your Sub-Committee changing in the future?

Success

8. The Support Fund has been funding projects for ensuring improved access to justice services in both official languages since 2003. Please describe what you consider to be the Fund's main accomplishments over the past eight years. What accomplishments can be expected from the Fund in the coming years?
9. The projects funded through the training component are, for the most part, in the implementation phase. In your opinion, what accomplishments can be expected from this component in the coming years?
10. How do you see the link between these two components changing in the coming years?
11. Based on all the answers that you have provided, how do you think the effectiveness of the Support Fund and the training component could be improved in the coming years?

Conclusion

12. Do you have any other comments?

Thank you for your participation.

Interview Guide

Representatives from the F-P-T Working Group on Access to Justice in Both Official Languages

The Department of Justice hired PRA Inc. to conduct the evaluation of the Access to Justice in Both Official Languages Initiative (hereinafter the “Initiative”), which involves two components: the Support Fund and the component for training justice stakeholders. The evaluation will cover the Initiative’s relevance, design and implementation and the associated success factors. We are asking various groups of stakeholders to take part in this study, including representatives from the Department of Justice Canada, members of advisory committees and working groups as well as other justice professionals.

The information gathered will be used solely for this study and will be managed, stored and destroyed in accordance with the *Privacy Act*. No information gathered during the interviews will be associated with a stakeholder, and each participant enjoys the right of access to information and the right to protection of his/her personal information. Moreover, your involvement in this interview is voluntary, and you can withdraw from the study at any time. Lastly, please note that the information gathered during these interviews will be shared with the Department of Justice Canada’s Evaluation Division.

Introduction

1. Could you tell us when you joined the *Federal-Provincial-Territorial Working Group on Access to Justice in both Official Languages*? What duties do you have outside of the Working Group?

Relevance

2. Overall, please describe what you see as being the federal government’s role pertaining to access to justice in both official languages? How does this role differ from the role of the other stakeholders, including the provincial and territorial governments?

The objectives of the Initiative are to strengthen the capacity of the legal system and its stakeholders for providing services in both official languages and to participate in making official language communities aware of their rights in this regard.

3. Please describe the changes you see in the needs of justice stakeholders regarding the issue of access to justice in both official languages.

4. To date, the federal government's role in access to justice in both official languages has focused heavily in the area of criminal law. What is your view regarding the potential for broadening this role to other areas of law?

Implementation

5. Implementing the commitments described in the *Roadmap for Canada's Linguistic Duality* included the new component specifically connected with training. What lessons have you learned to date from the implementation of this new component?
6. In your opinion, to what degree do the Support Fund and the training component adequately reach the groups working in these areas?

The Department of Justice Canada set up a number of advisory structures to support it in implementing the Support Fund and the training component. The list of these structures includes, among others, the *Advisory Committee – Justice in Official Languages*, the *Subcommittee on Access to Justice in Both Official Languages* and your *Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages*.

7. Please describe how your Working Group helped implement the Support Fund and the training component. What lessons did you learn from that experience? How do you see your Working Group's role changing in the future?

Success

8. The Support Fund has been funding projects for ensuring improved access to justice services in both official languages since 2003. Please describe what you consider to be the Fund's main accomplishments over the past eight years. What accomplishments can be expected from the Fund in the coming years?
9. Based on all the answers that you have provided, how do you think the effectiveness of the Support Fund and the training component could be improved in the coming years?

Conclusion

10. Do you have any other comments?

Thank you for your participation.

Interview Guide

Stakeholders Working in the Area of Justice

The Department of Justice hired PRA Inc. to conduct the evaluation of the Access to Justice in Both Official Languages Initiative (hereinafter the “Initiative”), which involves two components: the Support Fund and the component for training justice stakeholders. The evaluation will cover the Initiative’s relevance, design and implementation and the associated success factors. We are asking various groups of stakeholders to take part in this study, including representatives from the Department of Justice Canada, members of advisory committees and working groups as well as other justice professionals.

The information gathered will be used solely for this study and will be managed, stored and destroyed in accordance with the *Privacy Act*. No information gathered during the interviews will be associated with a stakeholder, and each participant enjoys the right of access to information and the right to protection of his/her personal information. Moreover, your involvement in this interview is voluntary, and you can withdraw from the study at any time. Lastly, please note that the information gathered during these interviews will be shared with the Department of Justice Canada’s Evaluation Division.

Introduction

1. Please describe your duties at the present time. In what way are they connected with the issue of access to justice in both official languages?

Relevance

2. Overall, please describe what you see as being the federal government’s role pertaining to access to justice in both official languages? How does this role differ from the role of the other stakeholders, including the provincial and territorial governments?

The objectives of the Initiative that we are evaluating are to strengthen the capacity of the legal system and its stakeholders for providing services in both official languages and to participate in making official language communities aware of their rights in this regard.

3. Please describe the changes you see in the needs of justice stakeholders regarding the issue of access to justice in both official languages.

4. To date, the federal government's role in access to justice in both official languages has focused heavily in the area of criminal law. What is your view regarding the potential for broadening this role to other areas of law?

Implementation

Implementing the commitments described in the *Roadmap for Canada's Linguistic Duality* includes the new component specifically connected with training. Along with this are activities funded by the Support Fund.

5. In your opinion, to what degree do the Support Fund and the training component adequately reach the groups working in these areas?
6. Please describe, if applicable, the needs in the area of access to justice in both official languages that are not currently covered by the Initiative as implemented.

Success

7. The Support Fund has been funding projects for ensuring improved access to justice services in both official languages since 2003. Please describe what you consider to be the Fund's main accomplishments over the past eight years.
8. The projects funded through the training component are, for the most part, in the implementation phase. In your opinion, what accomplishments can be expected from this component in the coming years?
9. How do you see the link between these two components changing in the coming years?
10. Based on all the answers that you have provided, how do you think the effectiveness of the Support Fund and the training component could be improved in the coming years?

Conclusion

11. Do you have any other comments?

Thank you for your participation.

Appendix C:
On-line Survey

Survey Questionnaire for Recipient Organizations

Introduction

Welcome to the survey for beneficiaries of the Access to Justice in Both Official Languages Initiative (the Initiative), by the Department of Justice Canada.

You will need roughly 15 minutes to answer the questionnaire. Please note that you are the only person connected with your organization to receive this invitation. Therefore, if needed for answering our questions, do not hesitate to consult other people who took part in the project(s) that your organization undertook. To that end, please note that you can answer the questions in more than one session.

The information provided is confidential and the survey results will be presented in roll-up format only. The survey is available until November 4, 2011.

The survey is part of the evaluation of the Access to Justice in Both Official Languages Initiative. That evaluation also includes a literature review, a series of interviews and expert panels. Once the final evaluation report is approved, the Department of Justice Canada will publish it on their website.

Your participation in this process is completely voluntary. For any questions about the survey, please contact Brigitte Bouchard-Morris from PRA, at bouchard-morris@pra.ca. If you experience technical difficulties, please contact support@pra-surveys.ca.

Background

To begin, we would like to know a bit more about the organization with which you are connected.

1. In which province or territory is your organization located? (CHECK ONE ANSWER)

British Columbia
Alberta
Saskatchewan
Manitoba
Ontario
Quebec
Newfoundland and Labrador
Nova Scotia
New Brunswick
Prince Edward Island
Yukon
Northwest Territories
Nunavut

2. During the period that began April 1, 2008, how many projects submitted by your organization were funded (in whole or in part) by the Department of Justice Canada under the Initiative? (CHECK ONE ANSWER)

Just one
Between 2 and 4
Between 5 and 7
More than 7
Don't know

3. Again during the period that began April 1, 2008, did you officially submit a funding application under the Initiative that was not selected by the Department of Justice Canada? (CHECK ONE ANSWER)

Yes
No
Don't know

4. Which language group(s) is(are) involved in your organization's projects that were funded by the Initiative? (CHECK ONE ANSWER)

Mainly minority Francophones
Mainly minority Anglophones
Both groups (Francophones and Anglophones)
Don't know

5. Which clients are involved in the projects for which you received funding through the Initiative? (CHECK ALL ANSWERS THAT APPLY)

Members of the judiciary
Lawyers
Court officials
The public
Other (SPECIFY)

6. Which of the following categories best defines your organization? (CHECK ONE ANSWER)

An association of French-speaking jurists
A provincial ministry
An information and awareness organization
A judiciary group
Other

Needs in relation to access to justice

In view of the changing needs in relation to access to justice in both official languages, please indicate the importance that you currently assign to the following areas (CHECK ONE ANSWER IN EACH CASE)

	Very important	Important	important	important	Don't know
7. Networking among community stakeholders working in the justice system					
8. Promotion and awareness activities among official language communities					
9. Canvassing and awareness work done by jurist groups					
10. Language training for members of the judiciary					
11. Language training for lawyers					
12. Language training for court officials (court clerks, bailiffs, registry officers, etc.)					
13. The creation of jurilinguistic tools					

The funding mechanism

Now, please indicate your level of satisfaction with the following aspects of the funding process for the Initiative (CHECK ONE ANSWER IN EACH CASE)

	<u>Very</u> <u>satisfied</u>	<u>Satisfied</u>	<u>Dissatisfied</u>	<u>Very</u> <u>dissatisfied</u>	<u>Don't</u> <u>know</u>
14. The documentation pertaining to the funding process					
15. The support provided by the Department of Justice Canada during the funding application process					
16. The timeframe leading to a decision on project funding					
17. The explanations given regarding the decision on project funding					
18. The contribution agreement signed with the Department					
19. The reporting process					

If you answered “dissatisfied” or “very dissatisfied” to any of questions 14 to 19:

20. How could the process be improved? _____

Results achieved

Based on what you have been able to see as trends over the last five years, please indicate your level of agreement with the following statements (CHECK ONE ANSWER IN EACH CASE):

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
21. I have seen significant growth in terms of language training opportunities connected with criminal law					
22. The organizations working in the area of justice, such as the Bars, court managers or judiciary groups, place greater importance on the issue of access to justice in both official languages					
23. Litigants from official language minority communities are much less hesitant to exercise their language rights					
24. The ability of members of the judiciary to work in both official languages has increased					
25. The ability of Crown attorneys to work in both official languages has increased					
26. The ability of private lawyers to work in both official languages has increased					
27. The ability of legal aid systems to operate in both official languages has increased					
28. The ability of court officials to work in both official languages has increased					

**Appendix D:
Expert Panel**

Questions for the Expert Panel

A document was submitted to the participants of the expert panel. That document identified the session's objectives, the evaluation methodology and the key findings from the evaluation at the time of the session. That document aimed to put the participants in context to facilitate the discussions around the expert panel's research questions. Here is the list of questions:

1. What do you retain from the data presented in this document? What are the highlights?
2. In view of the accomplishments documented to date, what role do you see this Initiative having beyond the Roadmap (April 2013)?
3. How should the training-related component change in the future?
4. What role do you see for the Department of Justice Canada versus the associations of French-speaking jurists?
5. Can you identify any needs in terms of access to justice in both official languages that are not currently covered by the Initiative?
6. In your opinion, what is the greatest impact resulting from this initiative?