

Portrait of the Legal Needs of Francophone Women in Ontario

**A study conducted for Action ontarienne contre la violence faite aux
femmes on behalf of the Centre francophone de Toronto
for Legal Aid Ontario**

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List of acronyms used

ACE	Advocacy Centre for the Elderly
AOCVF	Action ontarienne contre la violence faite aux femmes
CAS	Children's aid society
CFT	Centre francophone de Toronto
CJA	<i>Courts of Justice Act</i>
FESFO	Fédération de la jeunesse franco-ontarienne
FLEW	Family Law Education for Women
FLIC	Family Law Information Centre
FLS	French-language services
FLSA	<i>French Language Services Act</i>
FLSC	Family Law Service Centre
FRO	Family Responsibility Office
LAO	Legal Aid Ontario
MAG	Ministry of the Attorney General
MCSS	Ministry of Community and Social Services
MOFIF	Ontario Movement for Francophone Immigrant Women
OPP	Ontario Provincial Police
SAC	Sexual assault centre
VAW	Violence against women

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I. OVERVIEW

A. Mandate

This study aimed to identify possible ways to improve services so the legal needs of French-speaking women in Ontario could be better met, particularly with regard to legal aid. Legal Aid Ontario (LAO) mandated the Centre francophone de Toronto (CFT) to conduct the study, which was carried out between July 2010 and March 2011. CFT partnered with Action ontarienne contre la violence faite aux femmes (AOcVF), a provincial network of organizations offering French Language Services (FLS) to women who are victims of violence. AOcVF contributed its expertise in needs identification and service development.

We believe in the indisputable principle of access to justice for everyone, especially **for all women**, as this study shows. In a complex and costly justice system, individuals are often at a disadvantage. As such, this study intends to help guide the improvement of legal aid services, expanding on recent LAO improvement initiatives, in the hopes of offering a more effective response to the needs of women, in particular the Francophone women of Ontario.

B. Project objectives

The project had the following objectives:

1. Identify the targeted legal needs of Francophone women, especially their needs in poverty law;
2. Identify innovative service delivery models that will best serve Francophone women;
3. Recommend achievable short- and medium-term solutions to improving Francophone women's access to justice in the areas of law handled by LAO, and recommend possible longer-term solutions to which LAO can contribute and that LAO can support with other partners;
4. Document and validate study results on access to justice by low-income Francophone women in all their diversity.

C. Methodology

D. Literature review

Francophone women represent between 2% and 3% of Ontario's population and make up a diverse group that has changed over time. Francophone women from visible minorities now make up 7.8% of the province's Francophone women (38.3% are Black, 16.2% Arabic, 13.4% Chinese and 10.5% South Asian). Aboriginal women represent 2.4% of Francophone women. Elderly women are also an important subgroup.

The legal needs of Ontario's Francophone women are often not well defined or understood since few studies to date have explicitly addressed the issue. Francophone women may experience systemic discrimination on multiple levels, because of their social status as women, because of a lesser economic power than men, and because not enough quality services are available in French. They have certain legal needs in common with the province's non-Francophone women

(systemic sexual discrimination) and its Francophone men (lack of access to legal services in French). However, they also have legal needs that are unique to them.

We examined various studies published between 1985 and 2010 that looked at the experiences of Ontario's Francophone women in diverse legal areas such as immigration, equality, health and violence against women. Thanks to the work of community organizations like Action ontarienne contre la violence faite aux femmes, sexual violence is the area most advanced in terms of understanding the legal needs of Francophone women.

Several studies show that Francophone women need a better understanding of their rights as women and as Francophones so that they can be more aware of their legal needs and more familiar with the array of services available to them, outside of those offered by lawyers and the police.

In short, the literature review identified that Francophone women need access to information and legal services in French, and particularly legal aid, in the areas of family law, health, immigration, income maintenance and violence. The literature also revealed the need to fight the multi-dimensional discrimination that Francophone women face. Lastly, it showed that information and services need to be adapted to the diverse needs of Francophone women. This brings us to the concept of active offer. Research shows that active offer is important not only in terms of FLS but also in terms of legal services and support workers that are sensitive to women's issues, especially in the areas of family law and violence against women.

E. Environmental Scan of FLS in Ontario's justice sector

The Ontario and federal governments have the legal obligation to protect the rights of Francophones in Ontario. This obligation stems from the Constitution of Canada and several laws, including Ontario's *French Language Services Act*. As a result, governments and several agencies, such as Legal Aid Ontario, have the obligation to provide French language services.

In 2006, the Ontario government adopted a Strategic Plan for the Development of FLS in the Justice Sector that made the active offer of FLS a priority. The plan also highlighted that Francophone women's needs included a specialized family law clinic. In 2011, the Ministry of the Attorney General developed a new strategic plan to continue the improvement of FLS.

The Office of the French Language Services Commissioner receives several complaints each year through the province's ministries, including those in the Justice Sector. Complaints are a quality control measure that allows issues to be identified and gives the appropriate entities the opportunity to put in place solutions to remedy FLS gaps. When Francophone women turn to the justice system, to the courts in particular, they want to feel that justice is served. They wish that service providers make an active offer of service without them having to demand FLS. In addition, they want their socio-economic situation, as women, to be understood.

F. Targeted needs of Francophone women

Our consultations and survey revealed women's many legal needs, which included legal information, advice and representation, access to FLS, access to legal aid or affordable legal services, income maintenance, safety in their personal relationships and legal custody of their children in cases of separation or divorce.

Women have needs in all fields of law, but their greatest needs are in family law. There are numerous challenges in this field of law. For example, not enough Francophone lawyers accept legal aid certificates; the certificates sometime expire too soon; existing services do not always meet women's needs; and there is a lack of awareness in the justice system at all levels towards the issue of violence against women.

In all fields of law, women face many obstacles in trying to access legal services. Few of them are eligible for legal aid, and most do not have the means to pay the often costly legal fees themselves. Women have to overcome certain barriers such as the indifference, slowness and complexity of the court process.

Some Francophone women know that legal aid is out there, but few of them know whether they are eligible. If they found out that they are eligible for legal aid, they can sometimes have great difficulty finding a Francophone lawyer able to offer his/her services in their area.

Nevertheless, in our survey, women stated they were satisfied with the legal services they did receive, whether through community legal clinics, legal aid or hiring a private-sector lawyer.

Women without access to legal services often abandon their case, relinquishing their rights. When representing themselves in court, they can be at a disadvantage against the opposing party's resources (e.g., better legal support, intimidation). The lack of legal representation can slow court proceedings and can lead to serious consequences pushing these women and their children into poverty..

For women who are victims of violence, access to legal services is first and foremost a question of justice. Secondly, it is a matter of survival; be it to protect themselves and their children from a violent ex-spouse or ensure that orders for child support are enforced.

This study showed the clear need for community legal education to be adapted to the realities of Ontario's Francophone population. Women need to be more familiar with the laws, their rights, legal procedures and the services available, and they need to better understand legal terminology. The laws in place are not well known, and their complexity makes it that much more difficult for them to be implemented.

The need for legal support, assistance and follow-up is also highlighted in this report, but goes beyond LAO's mandate. Currently, women also have access to support services in cases of violence against women. These services are very much appreciated and confirm the need to create legal support worker positions in the community.

In terms of FLS, access to services is inconsistent. Some women were unable to find a Francophone lawyer to advise them or represent them in court, even when those women were able to pay the lawyer or when they had a legal aid certificate. According to our study, interpretation services can be unsatisfactory, and the Ministry of the Attorney General has recently established a new testing system for legal interpreters to improve the quality of services offered. The number of specialized and community legal clinics as well as administrative tribunals able to offer quality FLS also appears insufficient to meet the needs across the province.

Although Legal Aid Ontario and the Ministry of the Attorney General have made commendable efforts to improve FLS, e.g., by implementing several new initiatives in the context of the Strategic Plan for the Development of FLS, these efforts do not meet all the needs of Francophone women.

G. Priorities and recommendations – one overall goal and four major priorities

Improving access to justice in French to meet Francophone women’s legal needs requires a set of measures to be carried out between many community agencies, Legal Aid Ontario and the Ministry of the Attorney General. The overall goal is to **improve access to legal aid and improve access to and the quality of services to better meet the legal needs of Francophone women.**

The study identified four priorities that encompass approximately fifty recommendations for LAO and other interested parties:

1. Develop an overall strategy to meet women’s legal needs, using approaches that take into consideration the realities and needs of Francophone women in all their diversity;
2. Improve access to information and legal aid for all Francophone women;
3. Support improvements to Legal Aid Ontario’s ability to offer quality services in French;
4. Simplify and improve access to and the quality of FLS in family law.

Our study shows that the language rights of Francophone women and their rights to equality and safety must be better recognized and respected. By sponsoring this study, LAO demonstrates its commitment toward its Francophone clients. This study is a leadership opportunity for LAO, one in which new measures to improve legal aid and legal services in French can be developed, so that Ontario’s Francophone women can truly have access to justice.

II. INTRODUCTION

Despite the progress made for Francophone women in Ontario, they still face numerous obstacles in accessing legal services.¹ They may experience systemic discrimination because they may have less economic power than men and because not enough quality services are available in French. Add to that violence, racism, Islamophobia, homophobia or transphobia, for example, and women find themselves at a serious disadvantage. Some women try turning to the services of Legal Aid Ontario (LAO). However, not all women may be eligible, whether for financial reasons or because LAO does not cover the field of law they need assistance in.

LAO is restructuring and is looking for ways to reduce costs while still meeting the increasing demand for services. The former Attorney General of Ontario Chris Bentley agreed in December 2009 to reform the family law system.² This study aims to identify possible solutions that can be used by LAO and other partners in the Ontario's justice system to better meet the legal needs of Francophone women, particularly with regard to legal aid.

It is important to state up front that Francophone women are not a homogenous group. Their needs vary depending, for example, on their geographic, economic, family, work and health situations, and on their ethnicity, ability, age and sexual orientation. They have certain legal needs in common with the province's non-Francophone women (systemic sexual discrimination) and its Francophone men (lack of access to legal services in French). They also have legal needs that differ from those of these two groups (e.g., isolation from the double discrimination they experience because of their gender and language).

When it comes to French-language services (FLS), some Francophone women—especially those who are less educated, newly arrived or older—have difficulty accessing justice because their command of the English language is insufficient, because they are unaware of their rights to FLS or because they have no access to such services. Other Francophone women can get by in English, are aware of their rights to FLS and want to take advantage of their rights but are prevented from doing so by the obstacles we will examine in more detail in the following sections.

Our study explores the current legal needs of Francophone women in Ontario, in particular in terms of legal clinics. For this study, we defined the terms “legal needs,” “legal services” and “legal aid” as follows:

Legal needs: *this refers to situations women may experience in their lives that have a legal dimension, such as family or work, and for which they require legal services;*

Legal services: *this refers to legal information, advice and services that may be funded by Legal Aid Ontario (LAO) or that must be paid for out-of-pocket;*

Legal aid: *this refers to legal information, advice and services that may be funded or offered directly by LAO.*

In the first part of the study, we will explore the socio-legal background of Ontario's Francophone women.

We will then examine a range of legal needs of Francophone women. Our study details how these needs manifest in the province's Francophone women and suggests solutions to meet those needs.

Our analysis of the legal needs identified in the existing literature, from the 1980s to today, is presented in Appendix 4. It contains three sections:

- a) Studies on Ontario's Francophone women;
- b) Studies on women's rights in general;
- c) Court decisions.

The needs determined in these studies are summarized in the Overview, in Part I of this document.

A. Methodology

The study had the following objectives:

1. Identify the targeted legal needs of Francophone women, especially their needs in poverty law;³
2. Identify innovative service delivery models that will best serve Francophone women;
3. Recommend achievable short- and medium-term solutions⁴ to improving Francophone women's access to justice in the fields of law handled by LAO, and recommend longer-term solutions to which LAO can contribute and that LAO can support with other partners;
4. Document and validate study results on access to justice by low-income Francophone women in all their diversity.⁵

This needs study used several data collection methods. Data was extracted from a review of various documents and from several consultations held by the research team. The main methods used were as follows:

- i. A review and analysis of relevant documentation and a literature review;
- ii. Focus groups held in 14 communities with a total of 109 women to discuss their legal needs and experience with legal services;
- iii. A survey of Francophone women on their legal needs (148 surveys were returned);
- iv. Phone interviews or email communication with 10 women who responded to the survey and were willing to talk about their experience;
- v. Individual interviews with approximately 20 people from the Justice Sector;
- vi. Exchanges with representatives from Legal Aid Ontario and Le Réseau francophone des cliniques de l'Ontario (the Francophone network of Ontario legal clinics);
- vii. A meeting to validate the study's results with a committee whose members have experience in the Justice Sector and in developing FLS.

Material cited in this document that is given in italics comes from the interviews, survey responses, literature review and focus groups held during the regional consultations. To facilitate reading, notes and other references are located at the end of the document.

We hope that this study will help better serve Ontario's population of Francophone women.

III. SOCIO-LEGAL BACKGROUND

A. Francophone women's rights – legal framework

The Canadian and Ontario governments have committed to protecting the rights of Ontario's Francophone women. In this section, we present the protective measures they are entitled to in theory, and we will later discuss to what extent these rights are respected in practice.

The human and linguistic rights of Ontario's Francophone women are protected by the Constitution of Canada⁶ and by several provincial laws. The *Human Rights Code*,⁷ *French Language Services Act*⁸ (FLSA) and *Courts of Justice Act*⁹ protect their linguistic rights. The *Human Rights Code*¹⁰ protects them against all forms of discrimination. The *Family Law Act*,¹¹ *Divorce Act*¹² and related legislation ensure women's right to equality in the family. The *Criminal Code*¹³ ensures that women's physical integrity is protected. Several other laws protect women's rights on other levels.

In terms of language, the Government of Ontario has multiple obligations toward Francophone women. In general, based on the courts' interpretation of the Constitution of Canada, the Government of Ontario has the duty to respect and protect its Francophone minority when making decisions or adopting legislation or policies.¹⁴

According to the *Human Rights Code*, every person has a right to equal treatment when they receive services. Language is not in itself a prohibited ground of discrimination. The prohibited grounds of discrimination given in the *Human Rights Code* include ethnic origin, ancestry and place of origin. Language may be seen as an element of those prohibited grounds of discrimination.¹⁵

More specifically, the FLSA requires that the Legislative Assembly of Ontario offer services in French, as must all central offices of Provincial Government Agencies and any of their offices located in or serving an area designated by the Ontario government.¹⁶ All services and procedures or communication that a Government Agency or Institution of the Legislature provides to the public must be offered in French.¹⁷ Since the FLSA was adopted, the courts have specified that the right to use French includes the right to communicate directly with the person providing the service. Using an interpreter is not enough.¹⁸ When a woman is looking for services in French offered by a community agency (e.g., shelters or sexual assault centres), if the program is "designated" under the Ontario's *French Language Services Act*, it must be offered in French and be of equal quality to the equivalent English-language service.¹⁹

In terms of the justice system, the official languages of Ontario's courts are French and English.²⁰ Someone who is a party to a proceeding (a witness is not considered as such) has the right to require that the proceeding be conducted as a bilingual proceeding.²¹ This requires that it be presided over by a judge who speaks French and English and that the evidence be recorded in the language in which it was given. However, there are certain restrictions. For example, the reasons for a decision will be written in either French or English, not both languages. Also, documents may be filed in French when the proceeding is held in an area designated in the *Courts of Justice Act*.²² In other areas, this is only possible when the other parties consent.²³

Administrative tribunals are subject to the FLSA:

*Ontario has over 200 administrative tribunals. These entities . . . are a part of Ontario's legal system and, by virtue of their nature, are subject to the French Language Services Act.*²⁴

In private matters, contracts may be written in French when all parties to the contract agree. This includes marriage contracts, separation agreements, employment contracts and rental or land sale contracts.²⁵

To summarize, Francophone women in Ontario benefit from a solid legal framework that ensures their rights are upheld. However, in the daily application of these laws, challenges do emerge. In the second part of the study, we will examine the challenges women encounter in having their rights protected.

B. Active offer of French Language Services in the Justice Sector

The active offer of legal services in French has been identified by many as a tangible way to improve the FLS situation. In 2006, the Ontario government adopted a Strategic Plan for the Development of French Language Services in the Justice Sector that made the active offer of French Language Services (FLS) a priority.²⁶ The French Language Services Commissioner clearly defined the concept of active offer by saying:

*Services are actively offered when members of the public are given a clear signal that, whether they are standing at a government service counter or speaking to a government employee over the telephone, they can receive service in French, because the agency's name and all of its posters, signage, brochures, literature, etc., are either bilingual or offered visually in English and in French. Active offer means that, from the moment they begin interacting with the public, government employees staffing a service counter or answering the telephone proactively offer service in both languages, creating an environment that is conducive to demand and that anticipates the specific needs of Francophones in their community When an institution actively offers its services in French, without being asked, it means . . . that Francophone citizens are instantly recognized as full members of a strong and respected community that is taking its rightful place in Ontario society.*²⁷

Without the active offer of FLS, Francophones in Ontario would not necessarily know they have the right to FLS and may assume that French Language Services do not exist.²⁸

In 2006, the government acknowledged the importance of the active offer of FLS with *Framework for Action: A Modern Ontario Public Service*.²⁹ This report proposed two principles for improving the quality and accessibility of FLS:

1. *High-quality modern public services [must] also include an active offer and delivery of French Language Services to Ontario's Francophone citizens;*
2. *The Ontario public service is effective at fulfilling its responsibility under the French Language Services Act when Francophone members of the public are informed about available services in French, have access to these services and are satisfied with the quality of these services.*³⁰

Active offer continues to be a priority. In its 2009–2010 annual report, the Office of the French Language Services Commissioner stated as its first recommendation:

The French Language Services Commissioner recommends that the Minister Responsible for Francophone Affairs ensure that:

a. A clear directive on the active offer of French Language Services is put in place by [the] Management Board of Cabinet, within the year 2010–2011, applicable to all ministries and government agencies;

b. The government implements an ongoing strategy to promote the offer of government services in French to Francophones throughout Ontario.³¹

C. FLS in the Justice Sector

In 2011, the Justice Sector (the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services) developed a new strategic plan to improve FLS.³² The plan aims to increase the bilingual capacity of the Justice Sector Ministries as well as improve and modernize access to information, while continuing to inform the public of its rights to FLS.³³ As the studies reviewed show, there seems to be a gap between Francophones' need for French Language Services in the Justice Sector and the availability of those services.

According to the 2006 *Survey on the Vitality of Official-Language Minorities*, 50% of Ontario Francophones feel it would be "important" or "very important" for their lawyer to be able to speak French, and 70% "would feel at ease speaking French if they were dealing with the police."³⁴ However, use of the services of a lawyer or the police is infrequent. Only 30% of Francophones in Ontario said they had used a lawyer's services, and less than 20% had used police services.³⁵

The 2006 Census revealed that 9,740 lawyers or notaries, i.e., 30% of the province's lawyers, were able to carry a conversation in French.³⁶ However, that does not necessarily mean they are able to offer high-quality services in French or that they would be willing to accept legal aid certificates. According to a study by Linda Cardinal, Stéphane Lang and Anik Sauvé, the criteria for high-quality French Language Services are the following: "qualified Francophone staff; permanent service; equal or exemplary quality; respect for diversity; management by and for Francophones; active offer; systematic qualitative evaluation."³⁷ It is unclear whether the 2006 Census took these criteria into consideration. As for police officers, 16% were able to carry a conversation in French.³⁸ The proportion is larger in regions where there are more Francophones, such as Southeastern Ontario and Ottawa.³⁹

Another study suggested that as at December 31, 2009, only 6.4% of Ontario lawyers were Francophone—a considerably lower proportion than indicated by the 2006 Census.⁴⁰ The Law Society of Upper Canada's annual reports⁴¹ show the percentage of lawyers able to offer services in French. These numbers are shown in the table to the right.

Since the criteria for French language proficiency are not the same across studies, it is hard to determine the number of lawyers or police officers able to offer high-quality French Language Services.

The 2006 Census also revealed that lawyers and police officers use French much less often than their stated ability to do so. Less than 10% of Ontario lawyers (in Ottawa; Southeastern Ontario—Prescott and Russell, Stormont, Dundas and Glengarry; and Northeastern

2001	5.7%
2002	5.5%
2003	4.4%
2004	7.6%
2005	6.8%
2006	8.0%
2007	8.1%
2008	7.9%
2009	8.4%

Ontario—Nipissing, Timiskaming, Greater Sudbury, Sudbury, Algoma, Cochrane) use French regularly at work. That number drops to less than 5% in regions where there are fewer Francophones (Toronto and Ontario regions other than those just mentioned).⁴²

Regarding police services, the Office of the French Language Services Commissioner's annual report contained a few complaints about the ability of the Ontario Provincial Police (OPP) to offer FLS.⁴³ Several measures have been implemented in recent years to rectify the situation.

Keep in mind that municipal police services, like all municipal services, are not required to comply with the FLSA.

One complaint involved an employee of the Ministry of Community Safety and Correctional Services. An agency had submitted documents in French in the context of a support program for victims of violence. The ministry employee asked the agency to translate those documents into English, even though the agency was fully within its rights to have submitted the documents in French.⁴⁴

The sources above show that access to FLS is limited and that it does not adequately meet the legal needs of the province's Francophone women. There is also a lack of information on gender-based analysis, an analysis essential to meeting Francophone women's legal needs. It is difficult to determine how many lawyers are able to offer French Language Services and even more difficult to determine how many have knowledge of women's relevant issues on which they can base their analyses.

Some clients who have faced difficult situations as women prefer to work with female lawyers. According to a 2009 study, 51.8% of the province's lawyers are women.⁴⁵ However, we have no data on and no way of determining how many of those women are able to offer French Language Services and also have a thorough understanding of women's socio-economic situation.

D. Legal Aid Ontario

LAO is a legal entity independent of the Government of Ontario, created by the *Legal Aid Services Act, 1998*.⁴⁶ The purpose of the Act is to "promote access to justice throughout Ontario for low-income individuals."⁴⁷ It details the objects of LAO as the following:

- (a) to establish and administer a cost-effective and efficient system for providing high quality legal aid services to low-income individuals in Ontario;*
- (b) to establish policies and priorities for the provision of legal aid services based on its financial resources;*
- (c) to facilitate co-ordination among the different methods by which legal aid services are provided;*
- (d) to monitor and supervise legal aid services provided by clinics and other entities funded by the Corporation;*
- (e) to co-ordinate services with other aspects of the justice system and with community services;*
- (f) to advise the Attorney General on all aspects of legal aid services in Ontario, including any features of the justice system that affect or may affect the demand for or quality of legal aid services.⁴⁸*

Under the FLSA, LAO must provide French Language Services, as a legal entity the majority of whose board members are appointed by the Lieutenant Governor in Council.⁴⁹ The *Legal Aid Services Act, 1998* also requires LAO to offer FLS in all designated areas of the province.⁵⁰ Under the Act, LAO must also assess whether its services meet the Act's requirements, and it must

produce an annual report on the state of FLS.⁵¹ LAO has a complete guide to FLS (written in English) that captures LAO's philosophy:

*The best philosophy to remember in providing French language services is that our offices must always give the client the choice of language. They should not have to ask for services in French.*⁵²

LAO expects its employees to develop ties with their area's Francophone community. Within its internal administration, the language of the staff remains English,⁵³ as it is the case for the whole of the Ontario Government.

The structure of LAO's legal services is complex. LAO can use the following service provision methods:

- (a) *the authorization of lawyers, by means of certificates, to provide legal aid services to individuals or a group of individuals;*
- (a.1) *entering into agreements with lawyers, groups of lawyers or law firms under which the lawyer, group or law firm provides legal aid services;*
- (b) *the authorization of service-providers, by means of certificates, to provide legal aid services other than legal services to individuals or a group of individuals;*
- (c) *the funding of clinics;*
- (d) *the establishment and operation of legal aid services staff offices;*
- (e) *the funding of student legal aid services societies;*
- (f) *the funding of Aboriginal legal services corporations to provide legal aid services to Aboriginal individuals and communities;*
- (g) *the provision of duty counsel;*
- (h) *public legal education;*
- (i) *assistance to individuals representing themselves, including the provision of summary advice, assistance in preparing documents, information packages or self-help kits;*
- (j) *the authorization of alternative dispute resolution services.*⁵⁴

Among these methods are legal aid certificates that provide access to the services of lawyers in private practice. Certificates are available in the areas of criminal, family, mental health and refugee law.⁵⁵

Additionally, legal clinics may receive funding from LAO, but they remain independent of LAO. They offer on-site legal services in poverty law—which covers issues related to housing, shelter, income maintenance and social assistance—and in human rights, health, employment and education.⁵⁶ Keep in mind that the *Legal Aid Services Act, 1998* does not include family law as an area of clinic law; however, family issues are an important factor in the poverty of women.⁵⁷

A review of LAO's annual reports reveals that LAO funds almost twice as many criminal law certificates as family law certificates. For example, in 2008, LAO spent \$95,581,000 on criminal law legal aid certificates and \$45,927,000 on family law legal aid certificates.⁵⁸ It should be noted that men are the main users of LAO's criminal law services and women the main users of its family law services. Some studies have pointed out the perception that there is unfairness in this situation;⁵⁹ however, there are many more family law service points for women, so the comparison is not a true one.

LAO services also include service over the phone, duty counsel for certain courts, legal aid staff offices and Family Law Service Centres.⁶⁰ The Attorney General complements these services with the Family Law Information Centres.⁶¹

For an individual to access LAO services, the following conditions must be met:

- (a) he or she applies in accordance with the regulations;*
- (b) he or she meets the prescribed financial eligibility requirements;*
- (c) the matter for which he or she requires legal aid services is in an area of law and is a type of case and type of proceeding for which the Corporation provides legal aid services;*
- (d) he or she pays the application fee, if any; and*
- (e) the application for legal aid services is approved, in accordance with the procedures set out in the regulations.⁶²*

This does not necessarily mean that LAO services are free. The *Legal Aid Services Act, 1998* explicitly allows LAO to require the person requesting legal aid to contribute to the cost of the services.⁶³ For example, with regard to certificates, a family of three or more that owns property worth \$2,000 or greater (e.g., a house) may be ineligible for LAO services or may have to contribute to the cost of services.⁶⁴ Additionally, the time LAO allocates for lawyers to offer legal services (in general, two hours of consultation) is often insufficient to completely settle legal issues, because of their complexity,⁶⁵ so the remaining service costs must be assumed by others, whether users or their lawyers.

In general, the financial eligibility criteria for LAO services are not always easily understood, and the eligibility process recently underwent some changes.⁶⁶ Eligibility depends on the type of service. For example, the income threshold for a legal aid certificate is lower than that for duty counsel services.⁶⁷

To best meet the specific needs of their clientele, legal clinics have some latitude in how they prioritize the areas of law in which they work. However, they must remain within the legal framework of the *Legal Aid Services Act, 1998*. Eligibility criteria, on the other hand, are generally applied strictly and consistently.

Some courts offer services regardless of income. In family law, in the courts of Toronto and other regions, individuals who have student loans or receive assistance from Ontario Works, the Ontario Disability Support Program or the Old Age Security Program are not required to undergo financial eligibility testing to gain access to a duty counsel (a lawyer who represents you) or advice counsel (a lawyer who gives you legal advice).⁶⁸ In these courts, individuals who need family law services, such as urgent motions and summary advice, may receive them regardless of their income.⁶⁹

That said, it is still difficult for the average Francophone woman of Ontario to clearly know whether she will have access to LAO's services. In addition, many Francophone women who are ineligible for LAO services consider themselves to be low-income and most certainly do not have the means to pay the fees of a lawyer in private practice.

The problem extends even further. In many regions of Ontario, even when an individual is eligible for a legal aid certificate, it is difficult to find the services of a Francophone lawyer.

E. Legal needs identified in the existing literature

With this socio-legal background in mind, we explored existing literature on the legal needs of Ontario's Francophone women. We consulted work published by community organizations, the federal and provincial governments, and university and independent researchers. We also

examined decisions from Ontario court cases that involved Francophone women. The documents consulted were published between 1985 and 2010.

The literature review showed that a detailed study of the legal needs of Ontario's Francophone women does not exist. The most useful studies were those that dealt with Francophone women in Ontario and with women's rights in general.

In the next section, we will provide just a few general observations and a brief discussion of the legal needs identified in the literature review. In Appendix 4, we present in more detail the studies on Ontario's Francophone women, the studies on women's rights in general and, finally, the court decisions.

a) General observations

The studies consulted reveal that access to health services in French has been examined more closely than access to legal services in French. This may be because of the nature of health needs, which are frequent and may involve immediate risk, and because women are often responsible for the health needs of their entire family. It may also be related to the researchers' interests. Nevertheless, the studies we looked at did show legal needs related to family, child welfare, international child abduction, estates, refugee and immigration law, criminal law issues (including domestic violence and sexual assault), labour and employment, occupational health and safety, health in general, human rights, poverty and, lastly, class action lawsuits.

The literature review also showed that violence against women is the area in which understanding of the legal needs of Ontario's Francophone women is most developed.⁷⁰ Ontario Francophone women who are victims of violence have important legal needs that have been identified (2004) but not always fulfilled.⁷¹

Since FLS were implemented in shelters in 1976 and in sexual assault centres (SACs) in 1991, advocacy and law reform activities have multiplied.⁷² SACs and shelters identified the need for legal services related to their operations.⁷³ Certain studies already showed the lack of adequate French Language Services in the Domestic Violence Court Program.⁷⁴ Others revealed the need for child custody agreements to take domestic violence into account and a more general need for greater coordination between family law and criminal law.⁷⁵ Francophone immigrant and refugee women who are victims of violence have special needs.⁷⁶ They also require information and legal services in the areas of housing, poverty, social assistance and immigration, i.e., fields covered by legal aid.⁷⁷ The violence that these women have experienced or continue to experience must be kept in mind when developing information and services for them.

In that area, materials for public legal education and Legal Aid Ontario services have been created in French.⁷⁸ However, they have not always been adapted to the realities of French Ontario. Consultations have not always been held with Francophone women to develop these materials and services, which remain unknown to them.⁷⁹ As a result, the legal system currently faces many challenges related to the lack of awareness of French Language Services and violence against women.⁸⁰

IV. CONSULTATION RESULTS

By Lucie Brunet, community researcher (with assistance during certain interviews from Lise Gauthier, researcher)

A. Methodological considerations for the consultations

With the knowledge gained from our literature review, we developed the key parts of our research: the survey and consultations with the province's Francophone women and with individuals from the Justice Sector and women's organizations. In addition, a survey of Ontario's Francophone women was conducted by Action ontarienne contre la violence faite aux femmes and distributed during consultation meetings held in 14 communities across the province and to various organizations that serve French-speaking women.

Our sample was non-probabilistic, meaning that results cannot be generalized to the entire female population of the Ontario's French-speaking community. The results need to be interpreted with caution, since they are not representative of all female Francophone users of Legal Aid Ontario services. The survey can be seen as a snapshot of the respondents' state of mind at the time the survey was conducted. The main challenge in a survey on these issues is establishing a valid sample frame, since Francophone women who have access to a lawyer's services, legal aid and received legal aid certificates are very few and sometimes difficult to identify from among the population as a whole.

In this section, we will present the consultation and survey results. The words in italics indicate the source of the cited opinions and statements (refer also to the notes at the end of the document). The points of view expressed in this second section are mainly from:

- The 148 women who responded to our survey on women's legal needs (*survey respondent*);
- The 109 women who participated in AOCVF's 14 regional consultations (*regional consultation participants*);
- In-depth interviews with survey respondents, a summary of which appears under the "Personal account" headings below (*interview with a survey respondent*);
- Staff in community legal clinics (*interview with a community legal clinic*);
- Organizations in the area of violence against women (*interview with the violence against women sector*);
- LAO staff (*Legal Aid Ontario*).

Women's legal needs are wide-ranging. We will first discuss those needs identified through sources other than the consultations using documentary sources.

Let's begin with the survey. A total of 148 women responded to the survey. Of those, 51 (36% of respondents) had used Legal Aid Ontario (LAO) services in the past five years, and 37 of them (27% of respondents, or 1 in 4) had used LAO services in the past year. Of the 148 respondents, 125 answered all or most of the questions. The non-response rate was 15%.

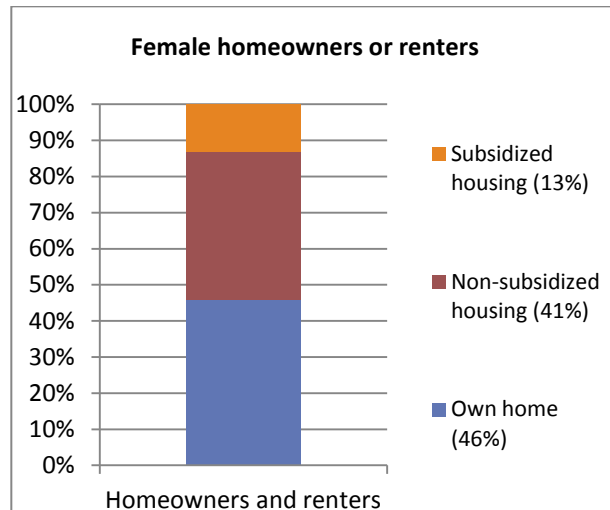
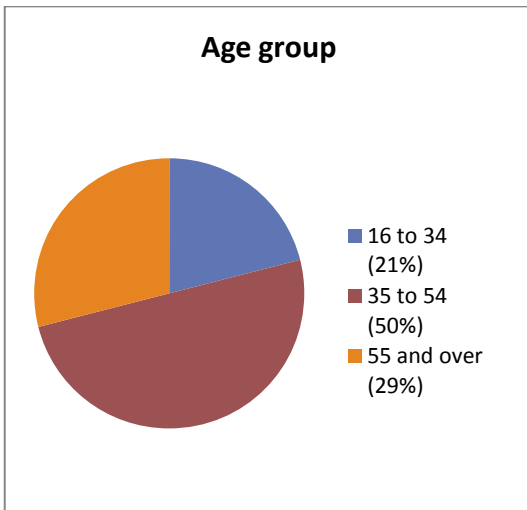
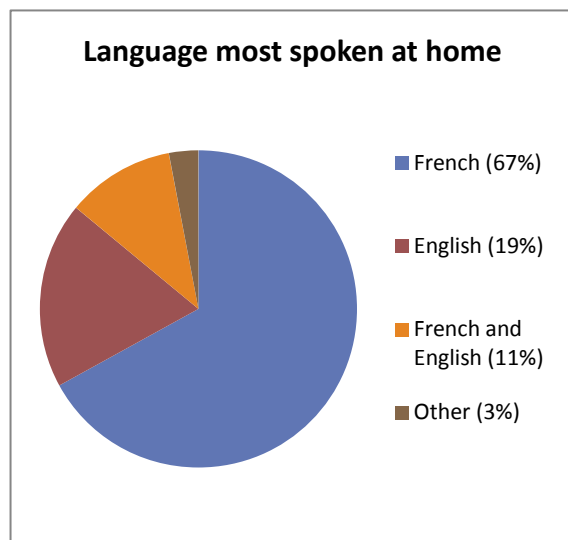
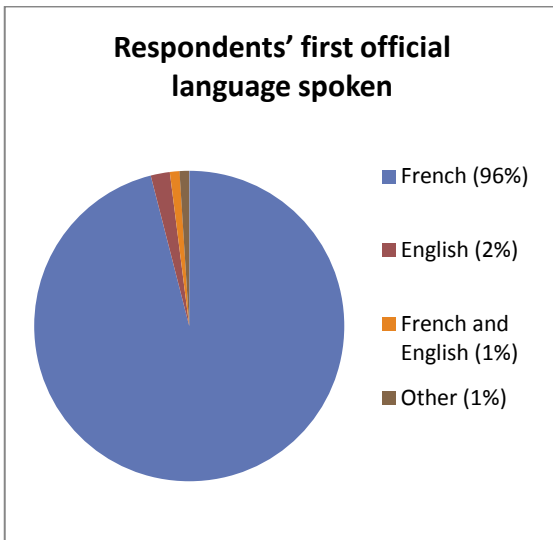
The number of respondents who had not used LAO services reflects the fact that not all women surveyed needed legal services at that time in their lives.

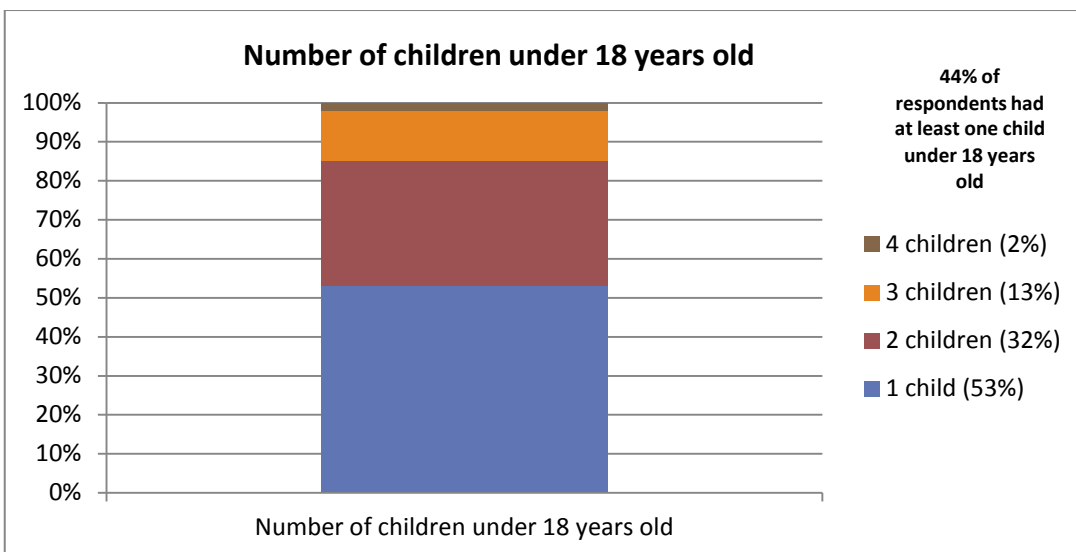
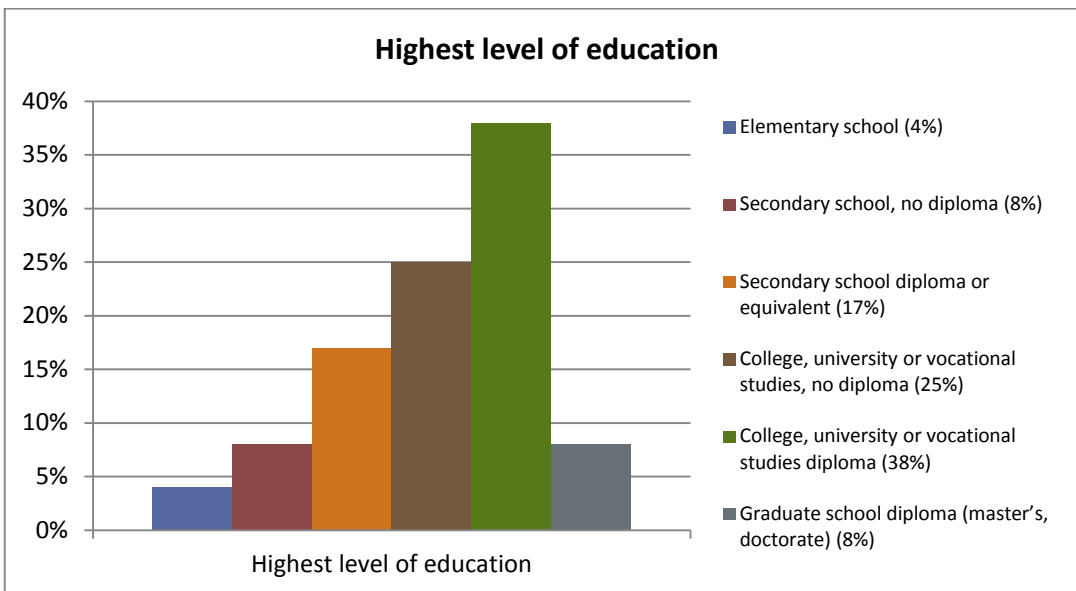
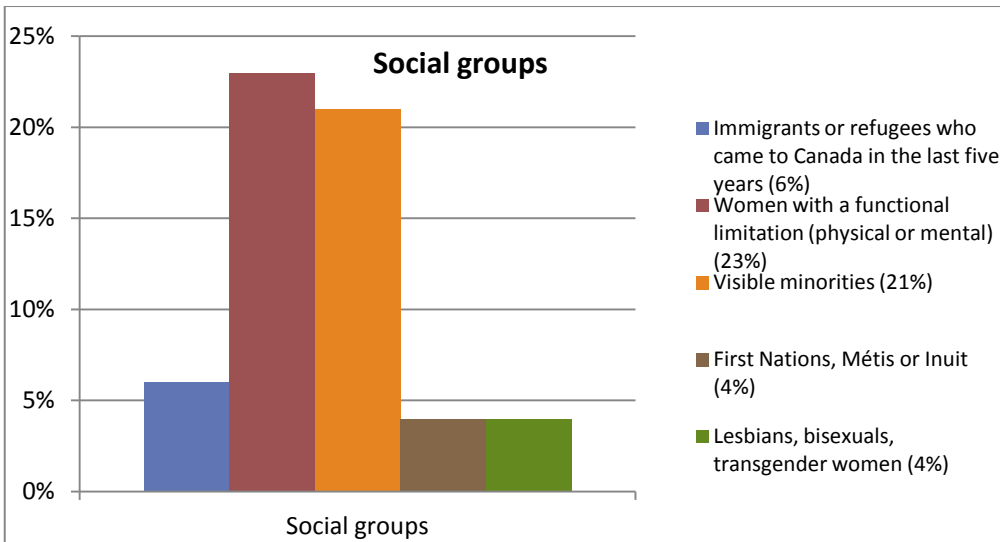
The survey sample still allows a general assessment of the rate of service usage and level of satisfaction with services. Despite the often low number of responses, the survey results shed light on specific situations and on which cause and effect links can be established and understood between certain variables.

The survey questionnaire is included as Appendix 5.

B. Respondents' socio-demographic profile

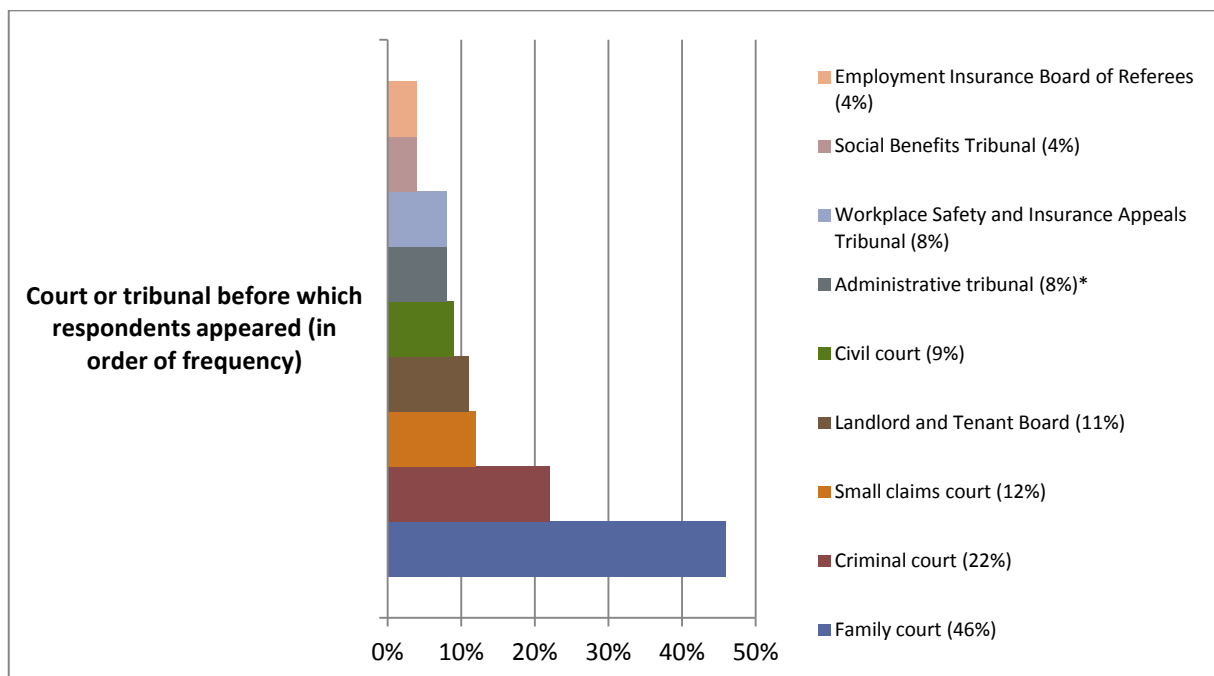
The charts below present the respondent profile:





C. Women’s needs by area of law

The women surveyed indicated which courts or administrative tribunals they have appeared before. Below is a representation of their responses, in order of frequency and by type of court or tribunal.



(* Administrative tribunal: this category includes such bodies as the Criminal Injuries Compensation Board, Ontario Human Rights Commission, Ontario Parole and Earned Release Board and Immigration and Refugee Board.)

We will now present an overview of women’s needs by area of law, as determined through the people and organizations consulted.

i. Criminal or penal law

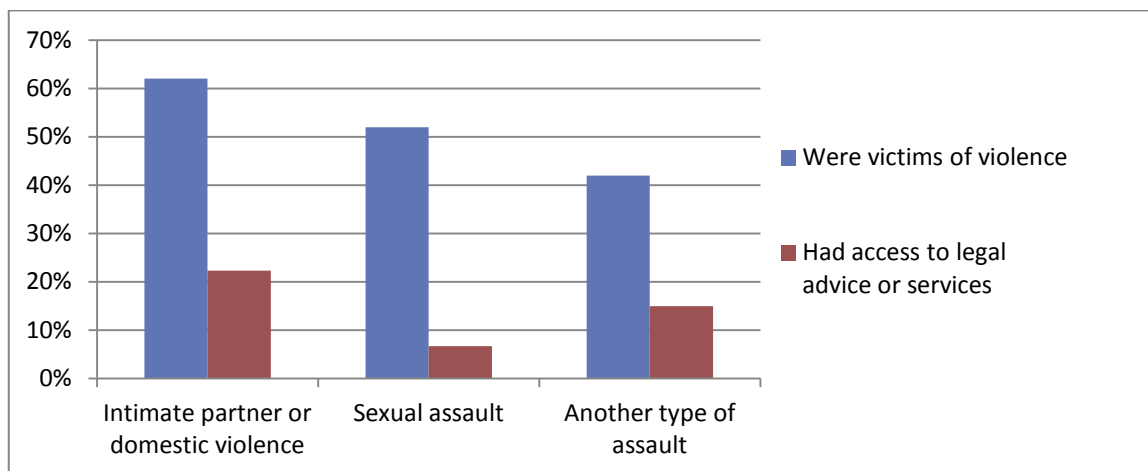
Legal Aid Ontario provides legal aid certificates to low-income individuals who have been accused of criminal acts and who face jail time. In general, it is not within the mandate of community legal aid clinics to provide assistance to those facing criminal charges. However, student legal aid clinics, including the University of Ottawa Community Legal Clinic, can provide services in criminal law (also called “penal law”) to women ineligible for a legal aid certificate in cases of, for example, shoplifting, fraud not exceeding \$5,000, mischief, domestic violence and, in certain instances, drug possession.⁸¹

As the following example illustrates, some women do require services in criminal law.

[Translation] We represented an immigrant woman—a young mother—who had been accused of shoplifting. She didn’t know about food banks and had stolen milk for her child.⁸²

In the survey, 11% of respondents said they had been charged by the police, and 9% had been called before the courts. One in five women (18%) was required to defend herself in court. Few women in these situations receive legal advice or services, mainly because they are ineligible for legal aid. Finally, the majority of respondents received services in English.

We asked respondents whether they had ever experienced violence that threatened their safety. Many said they had. The graph below shows what percentage of women received legal advice or services in three situations of violence.



(Were victims of intimate partner or domestic violence [62%], and 36% of these respondents had access to legal advice or services; were victims of sexual assault [52%], and 13% of these respondents had access to legal advice or services; were victims of another type of assault [42%], and 36% of these respondents had access to legal advice or services.)

Respondents who have supported someone close to them through incidents of violence (60%) say that they received little legal advice or services, even when needed.

Considering the survey's targeted distribution, i.e., that it was distributed to groups of women who have experienced violence and to women's organizations, the high percentages are not surprising. Remember that in cases of domestic violence, women may have little economic power, especially when the spouse controls the couple's finances. Domestic violence can also lead to separation, divorce and child custody issues. Depending of the situations, between 67% and 77% of respondents reported that they would have required legal advice or services.

ii. Immigration law

The legal situations women face are complex and require experienced legal assistance.⁸³ Some legal clinics have lawyers who have expertise in immigration law in French, but in the Ontario's French-speaking community, demand exceeds supply. The need for services is greatest in Toronto, Ottawa, Hamilton and Windsor.⁸⁴

Many immigrant women told us they are unaware of their rights in Canada and that they received little information on the matter when they arrived in the country. They do not know the steps to take to get divorced. Women with temporary status need information and assistance to move their file along and obtain permanent resident status.⁸⁵

Few of the survey participants were immigrants, refugees or women who were being sponsored: 13% of respondents said they had taken steps to become Canadian citizens, and 4% had applied for refugee status. Nearly two thirds of these women had access to legal advice or services.

Of the women who were being sponsored (4% of respondents), the majority (75%) reported they would have needing legal advice or services.

Francophone women who are immigrants or refugees have important legal needs relating to:⁸⁶

- Family reunification;
- Immigration issues: immigration status, refugee status, permanent resident status, sponsorship;
- Housing (including excessive rent increases);
- Precarious employment;
- The status of domestic workers;
- Income maintenance and access to social assistance;
- Child custody, in cases of separation or divorce;
- The procedures of children's aid societies.

Many new immigrant women live in poverty, isolation and insecurity. It is often many years before they get their lives on track. Many are survivors of armed conflict and unimaginable violence, experienced in their country of origin or in refugee camps.⁸⁷ Understandably, these traumas have deeply affected these women.

iii. Consumer law

It appears that legal services in French are rare in consumer law. The University of Ottawa Community Legal Clinic specializes in this area and can help Francophone women in need. Services can include representation in small claims court and advice on purchase contracts, cell phone contracts and fraud cases.⁸⁸

iv. Landlord/tenant law

Finding suitable and affordable housing is a challenge for Francophone women, especially in major urban centres. Community legal clinics have the mandate to provide information and advice on housing matters, e.g., substandard housing and unjustified rent increases, and to provide representation in such matters, e.g., defending a tenant's rights before the Landlord and Tenant Board (an administrative tribunal).⁸⁹

An example we were given in landlord/tenant law (commonly called "tenant law") was that of a woman who was having problems with her landlord after she refused the landlord's sexual advances.⁹⁰ A community legal clinic could help her. However, very few clinics are able to provide services in French. Landlord/tenant law is the area most often dealt with by the Sudbury Community Legal Clinic, because of the extremely strict local social housing regulations and lack of affordable housing in the private sector. A similar situation exists in Ottawa.

Elderly women may require information and representation when living in retirement homes or long-term care facilities.⁹¹

Young Francophone women in social housing can be evicted if they do not abide by the strict rules on guests, which include an intimate partner. Consequently, they may require representation before the Landlord and Tenant Board.⁹²

Finding housing is a concern for Francophone women who have a functional limitation. In the Ottawa region, if these women experience discrimination in housing matters, they are referred by Le Phénix⁹³ to a community legal clinic, to a lawyer in the area or to the Human Rights Commission.⁹⁴

v. Labour law

According to survey respondents, the number of incidents in the workplace, particularly those involving harassment, are very high, and few respondents have access to legal advice or services to help them deal with this type of workplace violence. In the workplace, women often experience situations that have a legal component:

- The incidence of workplace harassment is high: six in ten women have experienced workplace harassment;
- One in five women has been the victim of discrimination in employment;
- Workplace accidents are frequent (21% have been involved in a workplace accident);
- One in five women has lost her job without cause.

The majority of respondents stated that when legal services were provided in labour law, it was done so in English. The results show a surprising lack of legal protection for women in the workplace, which is likely the reflection of unstable employment conditions, the absence of labour standards and the freedom of employers to act in their own interest. In these situations, community support can offer little help. That being said, some community legal clinics do provide legal advice for labour law situations.

These responses show that Francophone women need assistance in employment situations, e.g., in cases of discrimination or wrongful dismissal. A study among Francophone and Anglophone women shows that incidents of workplace violence and harassment are frequent and that the abuse can take many forms: it may be sexual in nature or be motivated by discrimination against an individual's race, social class, functional limitation or immigration status.⁹⁵

Those who hold precarious employment—newcomers, in particular—need information on their rights and on what recourse they have if, for example, their employer requires them to work 50 hours a week without adequate compensation.⁹⁶ Some community legal clinics are able to assist Francophone women on these issues in French.

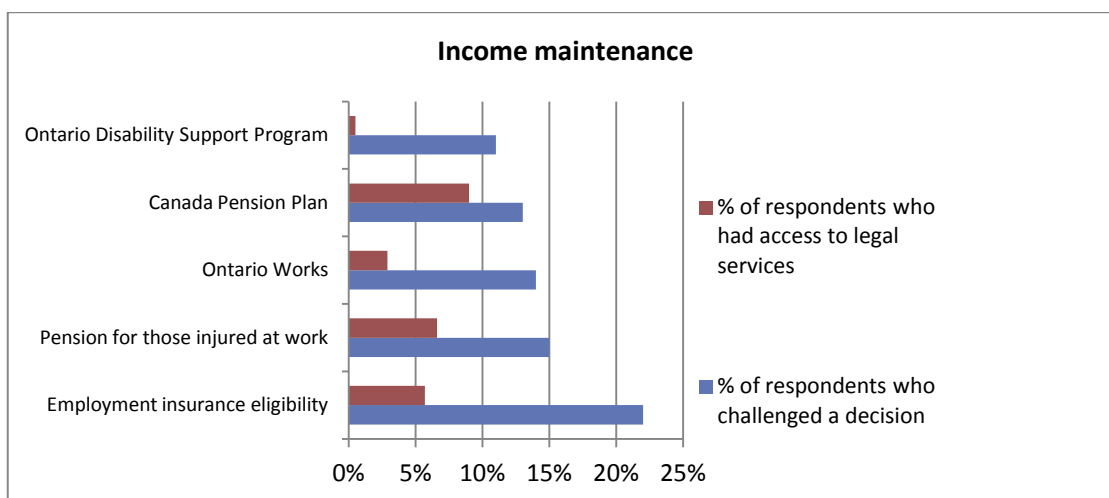
Women who have a functional limitation may be victims of discrimination in employment. Le Phénix sometimes refers them to a community legal clinic, to a lawyer in the Ottawa region or to the Human Rights Commission.⁹⁷

vi. Income maintenance law

For the purposes of this study, we consider income maintenance law to include those areas of the law involving employment insurance, social assistance, workplace accidents, benefits for persons with disabilities and the Canada Pension Plan.

Women are required to deal with various administrative tribunals, especially in the area of income maintenance. The majority of survey respondents said that services in this area were provided in English.

Regarding income maintenance (see the following table):



- 22% of respondents challenged their eligibility for employment insurance; only 26% of those respondents had access to legal advice or services;
- 15% of respondents challenged the pension for those injured at work; 44% of those respondents had access to legal advice or services;
- 14% of respondents challenged Ontario Works; only 21% of those respondents had access to legal advice or services;
- 13% of respondents challenged the Canada Pension Plan; 70% of those respondents had access to legal advice or services;
- 11% of respondents challenged the Ontario Disability Support Program; 46% of those respondents had access to legal advice or services.

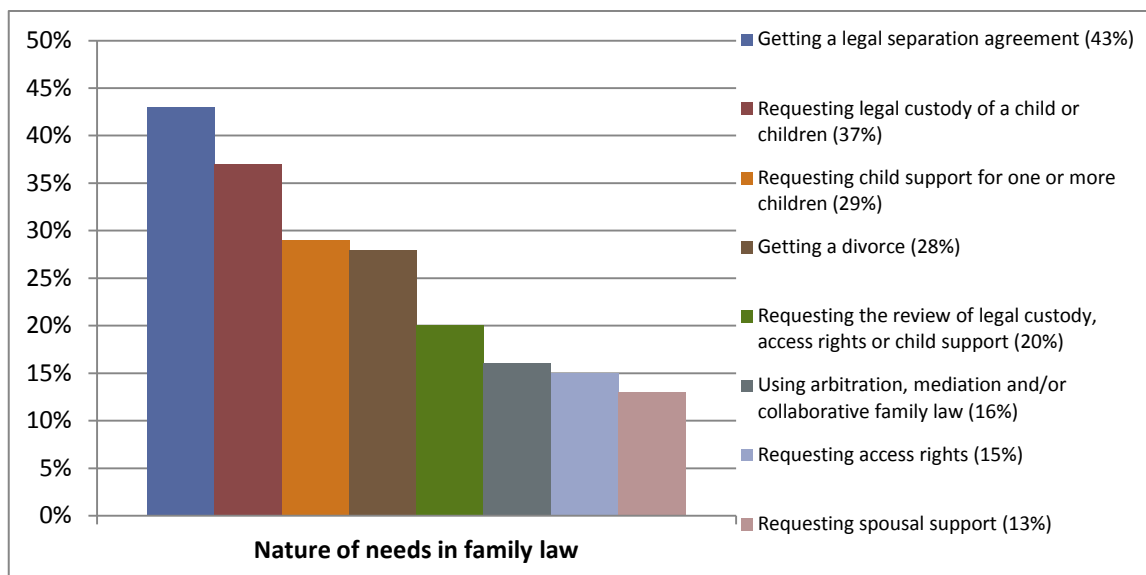
We noted the apparent difficulty women have in obtaining legal services to defend their interests when employment insurance or Ontario Works is involved. However, these are areas in which community legal clinics provide services: their services should be better promoted and more widely known. Help is more readily available for women dealing with the Canada Pension Plan and with workplace injuries and disability benefits, though to a lesser extent in these latter cases. This may be due to the strong community organizations (unions, advocacy groups) working in these specific areas (old age pension, workers' compensation, people with functional limitations) that can better refer people to the appropriate legal services.

It is clear for the number of respondents that the number of those who experienced an income maintenance situation is higher than the number who received legal advice or services for that situation, regardless of what it was. In other words, women are not using the services available or do not have access to them even when they feel they need them. .

Another need identified for women with a physical limitation or with mental health issues is eligibility to the Ontario Disability Support Program. Applicants may be required to go before an administrative tribunal to appeal decisions that refuse eligibility or that cut benefits. Program benefits equal approximately \$12,000 a year for a single individual.

vii. Family law

In general, the survey showed that respondents' legal needs are related mainly to family law.



These needs show the extent of women's needs in family law, which is the area in which women request the greatest number of services.

Some respondents had to challenge children's aid societies in defence of their own interests or those of their children. It seems more difficult to obtain legal services in these situations, either because family law is not currently an area handled by legal aid clinics or because women do not know where or how to obtain services. Legal needs in family law are great, and we see from the data that the services requested and received fall under the responsibilities traditionally assigned to mothers (divorce, separation, custody, access rights and child support).

Finally, survey responses show that whatever the legal situation, there were more women who did not receive services than women who did. Does that mean that women who did not receive services handled the legal situation on their own? We do not have the answer to that.

Most of the community legal clinics we consulted that provide services in French indicated that they receive many requests for family law services. These requests come mainly from women. Of the calls received through the summary advice regional phone lines for Francophones, family law is the second or third most discussed topic, and it represents 25% of all calls in Eastern Ontario, 17% in Northern Ontario, and 16% in Central Ontario.⁹⁸ In 2010, women who requested summary legal advice in family law represented 78.8% of callers to LAO's toll-free provincial phone line (also called the "call centre").⁹⁹

During our regional consultations, many women said they would like for community legal clinics to provide family law services, stating as reasons the proximity of the clinics, their community approach and dissatisfaction with the current system for settling family law disputes.

Clinics told us that they would like to provide family services in order to better meet the needs of the residents in their area.

[Translation] If we were to expand our services, it would definitely be to offer family law services. It's a broad field in which we receive a lot of requests, and it's the area that has the greatest impact on women's lives.¹⁰⁰

The Domestic Violence Advisory Council has recommended that Legal Aid Ontario increase the number of access points for family law services, including in community legal clinics, as well as the number of family law offices.¹⁰¹

Family law is not an area of clinic law provided by legal clinics as it is not listed in the *Legal Aid Services Act, 1998* covering¹⁰² Legal Aid Ontario's areas of activity. Nevertheless, some clinics have managed to provide their clients with limited access to on-site family law advice.

Among the clinics that provide French Language Services are the Clinique juridique francophone de l'Est d'Ottawa and Services d'aide juridique du Centre francophone de Toronto. These clinics have a duty counsel, who is paid by LAO, come in two to three hours per week to meet with clients and offer summary advice. Most consultations requested by women concern family law. Clients are given approximately 30 minutes to explain their situation and receive advice. If they then need representation, a legal certificate must be obtained.¹⁰³

The Services d'aide juridique du Centre francophone de Toronto said that for six years it has been asking for funds to increase the number of hours per week that a family law lawyer is present. The clinic provided LAO with statistics that support its request.

[Translation] It has always been a struggle to include family law in poverty law. This decision should depend on the community's needs. In a city like Toronto, we would be fulfilling a need that exists, because there's a real lack of French Language Services in family law.¹⁰⁴

The relationship between poverty law and family law came up countless times in our consultations. In most cases, separation or divorce has serious economic consequences on women and their children. If women are unable to affirm their rights and receive child or spousal support, they are condemned to live in poverty.¹⁰⁵

A description of the challenges Francophone women face in family law will be presented in a later section.

viii. Other areas of law

During our consultations, we saw that older women need more information on power of attorney issues.¹⁰⁶ A legal concern for the older population is the abuse of power of attorney. People granted power of attorney have great power but face few consequences if they abuse that power.¹⁰⁷ Few legal resources are available to Francophone seniors for all the issues identified that affect this demographic.¹⁰⁸

D. Challenges in family law

Most Francophone women who require legal services following a separation or divorce would describe the process of getting the needed support or assistance as an obstacle course. They feel powerless and weak against the injustices they are encountering. The numerous challenges they face are summarized below.

i. Unfamiliarity with laws, rights, legal procedures and available services

Many of the women we consulted through our survey and regional consultations stated that they could have benefited from a better understanding of the scope of the laws, of their rights, of legal procedures and of available assistance and recourse.

[Translation of French version of interview] I would need a very detailed guide describing 1) how to use a lawyer's services efficiently and 2) how to file a complaint and what my rights are if a lawyer mistreats me.

I would have liked to know that services existed. When you're faced with violence, you feel alone, you feel guilty. Presentations should be made in schools, and brochures should be left in doctors' offices. But when you come from a small town, you don't even dare take a pamphlet, because people see you doing it, and there's zero privacy.¹⁰⁹

ii. Lack of lawyers who accept family law certificates

Throughout Ontario, the people we consulted from various sectors said that there are increasingly fewer lawyers willing to accept a legal aid certificate, particularly in family law and in both French and English.¹¹⁰ The amounts that LAO pays by law, for lawyer's services are rather low, which likely contributes to this situation.

[Translation] The only female Francophone lawyer in our area who took legal aid certificates was overworked. Her bosses asked her to stop taking certificates. Since she's moved, no one in the area takes certificates to help Francophone women with their family law issues.¹¹¹

This problem seriously affects women in small communities. The number of lawyers is very small, and sometimes the ex-spouse makes it a point to meet with all of them first. This means that when the women arrive at the lawyers' offices seeking services, the lawyers cannot take their case because they have already met with the other party. These actions make it so that women no longer have access to legal services.¹¹²

The situation in the Kapuskasing region of Northeastern Ontario is critical: the number of lawyers in private practice has dropped from 19 to 4. The municipal council will launch a campaign to attract lawyers to the region, as is done to recruit doctors to the area.¹¹³ Women in the Kapuskasing region need to go to Timmins (one and a half hours away) or Sudbury (five hours away) for family law services. Even if they have a legal aid certificate, lawyers' travel costs are not normally covered.¹¹⁴ LAO increased what it pays lawyers who accept legal aid certificates in Northern Ontario, but with the lack of lawyers in Kapuskasing, no lawyers take certificates.

In certain areas, lawyers refuse to take certificates in cases involving the Children's Aid Society because it is "too complicated."¹¹⁵

iii. Degree of satisfaction with the quality of services received

The degree of satisfaction with legal services received varied between the Francophone women consulted. Several survey respondents said they were satisfied with some of LAO's services, notably the community legal clinics, lawyers paid with a legal aid certificate and duty counsels.

Respondents were more critical of other services, which they found unsatisfactory, such as the toll-free provincial legal advice phone line, LAO's family law information centre, and LAO's family law and criminal law offices.

In our consultations and individual interviews, some women expressed dissatisfaction and frustration with the process and quality of services received, which did not always meet their

expectations. For example, we heard that some lawyers who accept certificates may only do the minimum amount of work and that some spend 15 to 20 minutes with each client, although the certificate allows for two hours of consultation. Often, it is junior lawyers, with less experience, who accept certificates.¹¹⁶

[Translation] We had complaints from clients [with legal aid certificates] about their lawyers, who wouldn't meet with them, wouldn't return their calls and didn't prepare them. So, representation is inadequate.¹¹⁷

iv. Length of time for which family law certificates are valid

The number of hours allocated for a certificate is usually insufficient, particularly in complex cases that involve, for example, child support, child welfare or the legal custody of children, and especially in cases of domestic violence. In order to maintain control, the ex-spouse may use legal bullying tactics that delay hearings under various pretexts. Consequently, the hours of the certificate run out without anything having been settled, meaning that women may then be required to surrender their rights.

[Translation] The amounts of the certificates are not enough for women to be able to adequately defend their rights. After those hours run out, a woman has to represent herself or be aided by a duty counsel, and the man shows up with a lawyer whose representation he can afford.¹¹⁸

Legal aid certificates are valid for a limited amount of time. Lawyers sometimes have to rush through a case to respect the certificate's number of hours. In other situations, when the certificate is about to expire, the client must agree either to stop the proceedings, even if things have not been entirely settled, or accept to go into debt.¹¹⁹ Some of the women we interviewed said they sometime felt they were held hostage by their lawyer:

[Translation] There weren't any more hours on the legal aid certificate. My lawyer said to me, "You're better off accepting the offer, because there's no more money on the certificate."¹²⁰

It does happen that private-sector lawyers take certificates and purposefully drag things out so that a woman has to pay out-of-pocket if she wants to continue the proceedings. A lawyer may put a lien on the client's house, and when the separation as to property has been settled, the house is sold, and the lawyer's fees are paid with the portion the client receives, while the client herself may end up with nothing. It's a business that doesn't leave a lot of room for compassion. Clients have said, "I feel re-victimized by my lawyer."¹²¹

v. Cost of private-sector lawyers

Through our consultations, we learned that it is common for lawyers in family law to ask for a \$5,000 retainer to open a file and begin proceedings.¹²² Since most Francophone women earn less than Francophone men (on average 63% of their median income),¹²³ many women do not have the means to pay the retainer. It can easily cost upwards of \$10,000 to get a divorce, and that figure is often higher when legal custody is an issue.¹²⁴

The average hourly rate for legal services in private practice is \$338,¹²⁵ making legal services inaccessible to the majority of the middle class.

[Translation] In divorce cases, it's common for women to incur \$30,000 to \$50,000 in legal fees. And even then, there's no guarantee that she'll win in court. Cases can be so complex that just switching lawyers can cost \$10,000. Women go into debt and risk losing their houses and their savings. They often need to miss work to go to court and need to get services for their children, etc., so they risk losing their job. Their economic situation becomes precarious very quickly.¹²⁶

The Chief Justice of the Supreme Court of Canada, the Right Honourable Beverley McLachlin, has criticized the monopoly the legal profession has over legal services, as well as the fact that legal proceedings can destroy people's savings or eat up their home equity.¹²⁷ There is little information on how many middle-class Canadians have not been able to access justice because of high costs; however, studies from the U.S. show that nearly two thirds of middle-class individuals who have legal needs do not have the means to hire a lawyer.¹²⁸

Note that the middle class is not a clientele LAO targets. However, this issue affects the entire justice system.

vi. Understanding the dynamics of violence against women

The survey showed that 62% of respondents have been abused by their intimate or domestic partner, 52% have been sexually assaulted and 42% have been otherwise assaulted. In all situations, between 67% and 77% of respondents reported that they would have required legal advice or services.

It should also be noted that women who are victims of violence have a different experience of family court than other women, because of possible threats to their safety or even to their lives. It is widely known that violence and danger in an abusive relationship increase in the months leading up to or following a separation, a fact confirmed by the Annual Reports of the Ontario Office of the Chief Coroner's and the Domestic Violence Death Review Committee.¹²⁹

In other words, violence does not end with the breakup. It takes on other forms, such as harassment, legal bullying and even homicide. Women have been murdered by their ex-spouse either at the time of separation or during family court proceedings, especially when custody and access to children were involved.¹³⁰

Despite the many efforts to ensure that the dynamics of domestic violence are taken into consideration in the Ontario justice system, examples related to the lack of understanding and awareness of the dynamics of domestic violence abound. Lawyers, police officers, judges and court staff are not always familiar with the causes of violence against women or the consequences that violence has on them. This lack of understanding is felt by women in the words and actions of others.¹³¹

However, the Ministry of the Attorney General has set up courts across the province that specialize in domestic violence, in order to improve women's experience in the court process.

The lack of awareness of some lawyers can be blatant, as the following accounts demonstrate.

[Translation] My ex threatened to kill me, and he had several guns. He went out of town for a while, and when he got back, my lawyer told me I should let him sleep at my place because he didn't have anywhere to stay.¹³²

[Translation] I went to see a lawyer to talk about my husband, who was violent. He told me to prepare a nice supper and that everything would be fine.¹³³

[Translation] A lawyer called one of her clients "crazy" for leaving her abusive spouse.¹³⁴

Other lawyers may insist that their clients agree to share custody with their abusive ex-spouses, who through court-ordered contact can intimidate the women and continue to abuse them.¹³⁵ Here is an example:

[Translation] I was bullied by my lawyer. He said that women should be fair to their spouses, that it wasn't nice to try to prevent them from having custody of the children, and that that's why my husband was violent.¹³⁶

The women surveyed also said they noticed a lack of awareness about violence against women by Legal Aid Ontario's toll-free phone line staff. When the women called in, they had to volunteer the information that they were victims of violence because the question was rarely asked and because questions about violence did not come up. A phone line worker asked a woman who had told her she was a victim of violence, "Are you sure you want to leave him?" — An inappropriate question given the circumstances.¹³⁷ This points to the challenge of developing greater understanding of sexual violence and greater compassion for victims. Since the creation of Legal Aid Ontario's toll-free phone service in 2010, LAO has been providing awareness training to its Anglophone and bilingual phone line employees to avoid these situations. In addition, call screening identifies victims of violence, who receive call order priority. These measures were undertaken in collaboration with Action ontarienne contre la violence faite aux femmes, the association that alerted LAO to the problem.

vii. Turning to alternative dispute resolution methods in cases of domestic violence

To help reduce backlogs in family courts and reduce legal fees, the Ministry of the Attorney General promotes alternative dispute resolution methods.¹³⁸ This involves negotiation, mediation, arbitration and collaborative family law. Mediation remains one of the most recommended dispute resolution methods.¹³⁹ However, it can be inadequate and risky for women who are victims of domestic violence. To protect domestic violence victims, victims must be kept far from their abusers, and it must be kept in mind that violence itself creates an imbalance of power between the parties.

Lawyers need to remember that mediation should not be used as a shortcut for resolving marital conflicts and that mediation is contraindicated in relationships in which one of the parties is violent or abusive. The same applies to collaborative law when there is an imbalance of power between the parties.¹⁴⁰

[Translation] Even though my husband was violent, my lawyer encouraged me to negotiate with him and to go to mediation.¹⁴¹

Information sessions ordered by the Ministry of the Attorney General became mandatory in the summer of 2011. They aim to facilitate the resolution of family law disputes. As far as we know, these sessions have not yet been offered in French as part of the pilot projects.¹⁴² It is vital that the issue of violence against women be addressed and that these sessions are offered by violence-against-women community services.¹⁴³ The sessions strongly recommend mediation to the parties, which is inappropriate in relationships in which there is an imbalance of power. All options need to be presented to the parties so that they can make a free and informed decision, without pressure, about which option suits them best.¹⁴⁴

viii. Children exposed to domestic violence and the issue of parental alienation

The information we gathered leads us to believe that stakeholders in the Justice Sector and in children's aid societies do not always understand the issues involved in the custody of children exposed to domestic violence. We see more and more cases in which the court, following the recommendation of the Children's Aid Society, allows unsupervised contact or visits with the abusive ex-spouse. In response to a mother trying to protect the children and have their rights

recognized, or when children do not wish to see their father, the abusive ex-spouse, aided by his lawyer, may argue that “parental alienation” is taking place—an argument that may be accepted without question by the CAS.

During our consultations, women who reported needing help or counselling said they were afraid to seek help because they feared that they would appear to be unable to care for their children and therefore lose custody. Even before arriving in Canada, immigrant women were warned to be wary of children’s aid societies.¹⁴⁵ Despite the efforts made in recent years to build bridges between CASs and the VAW sector, there is still a lot of work to be done in several regions regarding the best way to protect children and their mothers in relationships characterized by violence and the best way to defend their legal rights.

ix. Informed consent

In our consultations, some women said they were forced to accept agreements or sign documents without knowing their content or implications. Some of the women’s lawyers did not take the time to explain the implications of their consent and forced them to sign the documents quickly. Some lawyers also decided on how to resolve a family law dispute without consulting their clients.¹⁴⁶

Women have also agreed to give legal custody to the father without understanding the consequences of this decision, and they are later at a disadvantage when they wish to claim legal custody of the child.¹⁴⁷

[Translation] I went through some very hard times. My lawyer told me I had to sign some papers and that things would be worked out later. I was a bit lost, and I signed the papers because my children were in danger. I shouldn’t have signed those papers.¹⁴⁸

A lack of informed consent is also seen in women with mental health issues, which may result from domestic violence. Ex-spouses take advantage of vulnerability to claim sole custody of the children.¹⁴⁹

[Translation] I was in the hospital when I received the documents for my divorce. I was mentally abused, and I was under medication. I don’t remember if I signed the documents or what was in them. I didn’t get custody of my children. I got half the house; that’s it.¹⁵⁰

These situations show the importance of making legal education more accessible to Francophone women and providing them with assistance and support from people who understand the issues of VAW, such as those working in violence against women or in community law.

x. Court process

During the consultations, many women spoke to us about their family law cases, which remain open despite their efforts and the money they have invested. They hired and paid two or three lawyers or had access to legal aid; however, even years later, nothing has been resolved.

[Translation] It has been 12 years since I’ve been trying to get a separation. I moved to another region. I had to return twice to where I used to live to try to speed up the process of transferring my file. They lost all the paperwork. They finally found everything four months later.¹⁵¹

According to some of the women consulted, having requested French Language Services lengthens the process. For example, when a lawyer or duty counsel is not Francophone, the court

will adjourn the case until a Francophone lawyer is available. The same occurs when women request a hearing before a bilingual judge.

xi. Restraining orders

Restraining orders were a major problem for the women we consulted. Since restraining orders are often sought in emergencies, women do not always have the time to make the right decisions or have all the information they need to make a decision. As a result, restraining orders may not meet of their needs to ensure the women's safety or that of their children.¹⁵²

Additionally, ensuring that restraining orders are obeyed is a common problem. Often, it is the women themselves who have to notify authorities that the restraining order has been violated. In so doing, they relive the violence that led to the application for protection and experience high levels of stress and frustration when the police do nothing about the violation.

In reality, a restraining order has little impact since the ex-spouse may not obey it. Many women feel that restraining orders offer little real protection.

PERSONAL ACCOUNT

Rita (not her real name) is 70 years old. She is a nurse and great-grandmother. She was married twice. Her first husband was an alcoholic, and the second was manipulative and violent. She was abused physically, mentally and financially. She called the police during a violent episode, and her ex-spouse was charged with assault. She had to be hospitalized. Her violent ex-spouse was paroled but violated his parole conditions. He waited for Rita at her door. She was afraid and called the police.

Rita feels she had a lot of help getting out of the violent situation she was in. The Crown Attorney explained to Rita the criminal charges and what her rights were. Rita obtained the help of support workers from a shelter. She has now filed for divorce. Rita was unable to obtain legal aid because her pension is too high. She turned to a lawyer and has asked him for homework so that she can do some of the research herself to reduce the legal fees.

[Translation] "It doesn't matter how old you are. You have to be able to accept help. When you're down, you have to turn to someone you trust." Rita helps younger women who want to get out of violent situations.¹⁵³

xii. Child support and the Family Responsibility Office

Although this is not an area covered by LAO, women who were consulted faced challenges in this area. The women complained about the Family Responsibility Office's (FRO's) lack of structure and follow-ups in collecting court-ordered child support.

Many women spoke of the difficulties they had with the FRO, which they called "slow" and "permissive." False statements about income by the ex-spouses were frustrating for the women because income has an effect on child support. Currently, women have to do their own detective work to find out whether their ex-spouse's financial situation has changed. If their ex-spouse's income has increased, they must go through the steps of returning to court to have the child support arrangement modified.

The women consulted recommend that a more structured and regular process be implemented. They also recommend greater communication between the Canada Revenue Agency and the FRO

and that more information be exchanged between these agencies, especially to allow investigations to be carried out quickly when fraud is suspected.

xiii. Family Law Information Program

The brand new Family Law Information Program (FLIP) is available on LAO's website. It covers legal and practical information for people coming out of a relationship.¹⁵⁴

The FLIP was designed and developed by a team of Legal Aid Ontario family law lawyers. It contains information based on the Ministry of the Attorney General's Mandatory Information Program that has been implemented across the province.

The authors' efforts to present the material in simple, clear language and in a user-friendly format are commendable. However, not all women have regular access to a computer or an Internet connection, and not everyone can understand legal language even when simplified. Although this service is practical, it does not replace face-to-face consultations in helping women navigate the labyrinth of the legal system.

xiv. Family Law Information Centres

Many women in our consultations expressed frustration and dissatisfaction with the Family Law Information Centres (FLICs).¹⁵⁵

*[Translation] We feel like we're being laughed at in the face when we go to the FLIC. If a worker helps a woman who needs advice, they ask her to fill out the forms for them.*¹⁵⁶

FLICs answer to the Ministry of the Attorney General and are located in court houses. They offer free information about divorce, separation and related family law issues and referrals to community resources. Court staff and advice lawyers are available. These services are open to everyone, regardless of their income. Consultations with lawyers are limited to 20 minutes. Representation is not provided.

*[Translation] People are rushed when they have only 20 minutes to explain their situation and get advice. They can't be well represented.*¹⁵⁷

Many FLICs do not provide French-language services. A woman who went to the FLIC in Barrie in July 2010 tells her story:

*[Translation] I went to the Family Law Information Centre at the Barrie court. The lady at reception gave me a file without saying what it was for, so I asked her for help. She said it wasn't "Greek." I told her I was Francophone. She answered by saying not to use French as an excuse. I was very humiliated and didn't get the help I needed.*¹⁵⁸

Women from Northeastern Ontario who were victims of violence were able to get legal aid certificates for two hours of legal advice. However, since no lawyer would take the certificates, they had to go to Timmins, accompanied by a support worker from the Kapuskasing shelter, to try to see a lawyer at the FLIC who comes in only twice a month and sees only 11 people a day. It is first-come, first-served, meaning that appointments cannot be booked. Some of the women who made the one-and-a-half hour trip did not get to see a lawyer.

xv. Family Law Service Centres

Family Law Service Centres are a new service offered by Legal Aid Ontario. Eligible clients can get help filling out documents and receive advice or representation from an LAO staff lawyer or through a legal aid certificate. The centres also offer mediation for dispute resolution.¹⁵⁹

According to LAO, there are only six FLSCs in Ontario, none of which are located in Eastern or Northern Ontario.¹⁶⁰ In Ottawa and Thunder Bay, there are also family law offices that are required to provide FLS. Women who live far from these centres have a hard time accessing these family law services.

xvi. Family mediation services

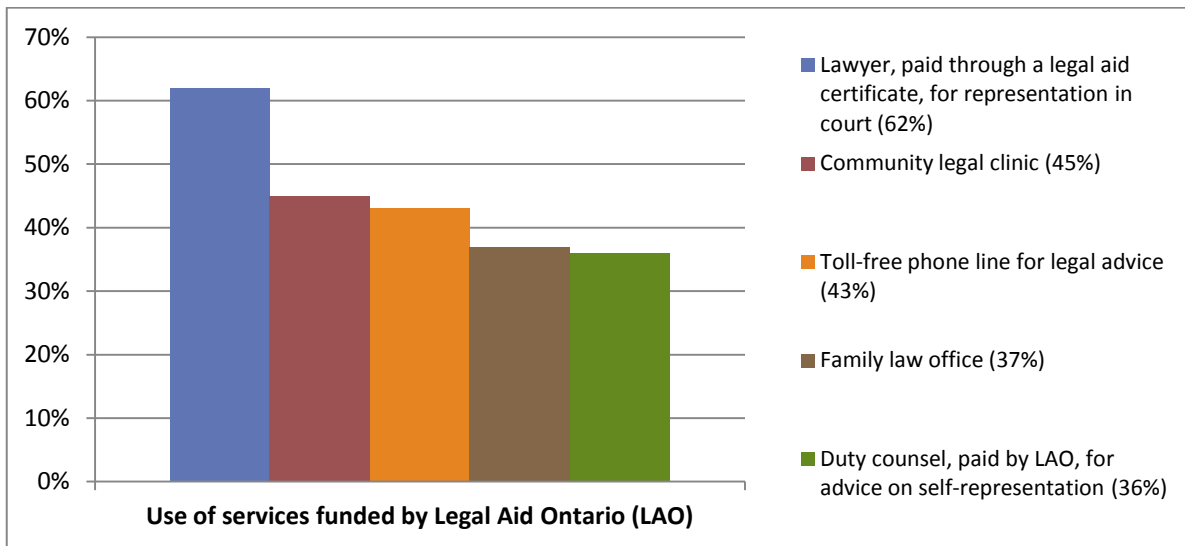
In the Brampton and Milton pilot projects that are part of the current family law reform, the court refers to mediation and arbitration services.¹⁶¹ When these services are offered by the private sector on behalf of the Ministry of the Attorney General, they are subject to the *French Language Services Act*.¹⁶² To ensure an active offer of services in French when the program is extended to all courts, measures will need to be put in place.

E. Survey results on Legal Aid Ontario services

We will now present other data drawn from the survey by Action ontarienne contre la violence faite aux femmes. Remember that 148 surveys were returned. Of the 148 respondents, 125 answered all or most of the questions. The non-response rate was 15%.

i. Use of services funded by Legal Aid Ontario

Respondents indicated which of LAO’s services they used most:



ii. Level of satisfaction with services

The level of satisfaction with services depended on the type of service received¹⁶³ and the language in which it was provided, which was usually English.

Of the services assessed, the majority of respondents rated the following services as satisfactory or very satisfactory:

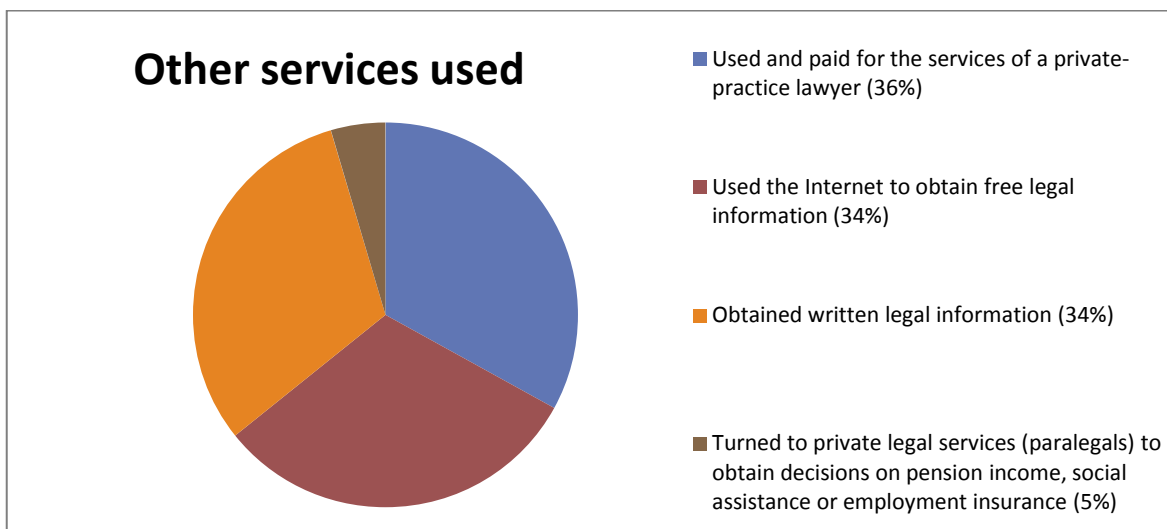
- Community legal clinics (74%);
- Lawyer paid through a legal aid certificate (68%);
- Duty counsel paid by LAO (60%).

However, there was a higher number of services that most women deemed unsatisfactory or very unsatisfactory:

- LAO’s Family Law Information Centres (62%);
- LAO’s criminal law office (57%);
- Toll-free phone lines for summary legal advice (56%);
- LAO’s family law office (55%);
- LAO’s Client Service Centre (52%).

iii. Other legal services used

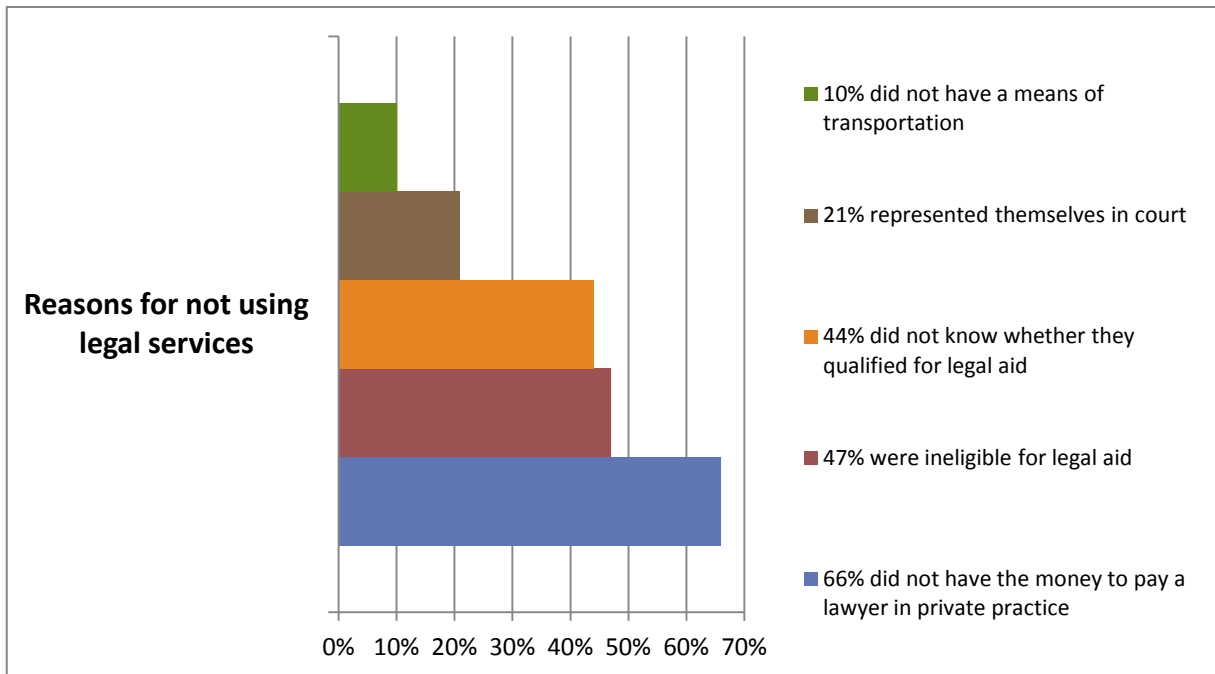
Some women who did not use LAO services used other services (see the following table):



When respondents used private legal services to challenge a pension or employment insurance decision, the level of dissatisfaction was very high.

iv. Reasons for not using legal services

In the survey, we asked women why they did not use legal services. Their main reasons are below.



In addition, many respondents did not require legal services or chose not to use legal services.

The information we have just presented shows there are numerous obstacles to accessing services. The main obstacles are:

- The cost and eligibility requirements of services;
- Unfamiliarity with services and rules;
- Shortcomings in the provision of French Language Services.

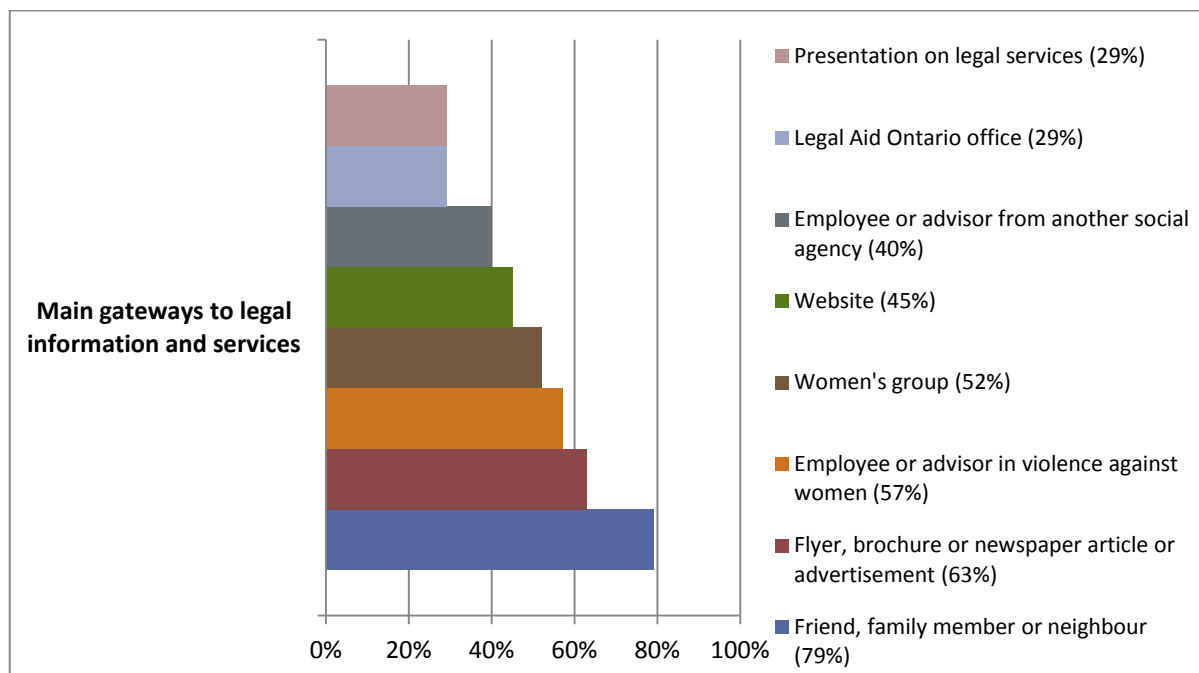
From this, we hypothesize that the majority of women do not know their rights and are not used to seeking out legal services or do not have the financial means to pay for legal services. This may explain why some women choose not to use legal services and give up on taking their case to court.

v. Awareness of legal services

As the graph below shows, women indicated that it was mainly through friends or family that they learned about available legal information and services. Printed materials, such as those distributed by women's and other organizations, came in second.

Support workers who work in the violence against women sector, in women's groups and other agencies play an important role, because of their proximity and because they are familiar with women's needs and their precarious financial situations. Lastly, almost half of respondents consulted the Internet.

The graph below shows the main gateways to legal information and services:



Concerning respondents' knowledge of available services:

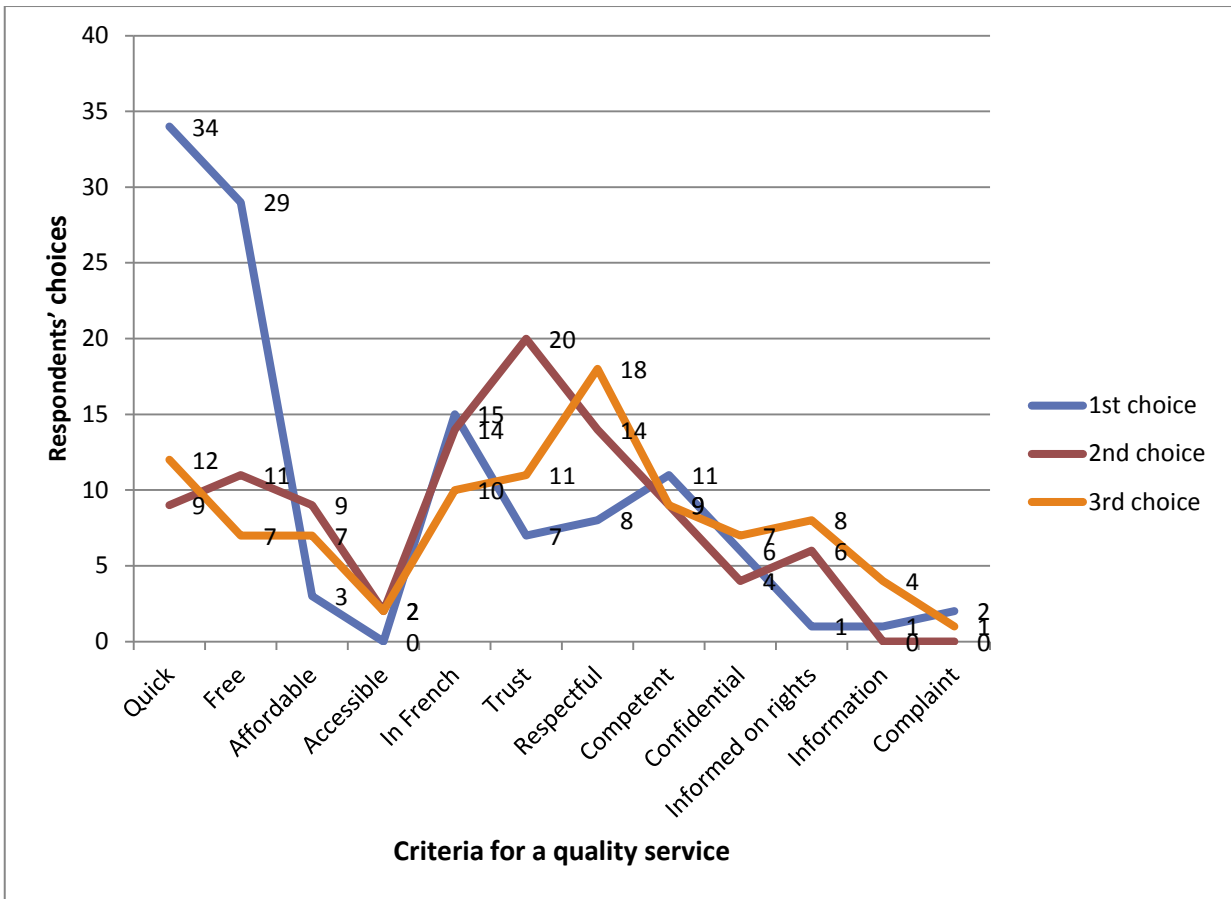
- 59% knew there was a community legal clinic in their region;
- 48% knew about the regional phone line.

However, fewer women knew about the specialized legal clinics that defend specifically the right of certain groups (36%)—such as the elderly, women who experience violence, persons living with HIV/AIDS, persons with a functional limitation, and victims of workplace accidents—or about other LAO services (37%)—such as its family law and criminal law offices.

vi. Most important criteria of a quality service, as rated by respondents

We asked women to rate characteristics of a quality service in order of importance (see Question 3.3. of Appendix 4). Among women's top criteria (in blue in the following graph) were that services be offered:

- Quickly;
- Free or affordably;
- By competent staff and that the relationship be built on trust, respect and confidentiality;
- In French.



We notice from the graph above that women do not see the right to lodge a complaint as important in judging service quality. Women may not see the use of lodging a complaint; however, it is a way for them to defend their rights, which is not something they always know how to do. They may also fear that by lodging a complaint they will be penalized on the already few services they do receive.¹⁶⁴

F. Eligibility application for legal aid

In this section, we will examine the questions raised during our consultations about legal aid eligibility. LAO's new application process has raised some questions. Because of restructuring and budget cuts, LAO's 51 area offices were closed and replaced with 9 district offices. There are now fewer LAO regional offices where women can go for personalized face-to-face service. Throughout the past few years, LAO has developed several other points of service, including the Family Law Service Centres, and has provided more duty counsels and legal workers to 53 courts.

By increasing access to these modes of service provision in the past two years, LAO has been able to help much more people.¹⁶⁵

Legal aid is also available by phone. LAO has been working extensively (and continues to do so) on developing a phone service to meet client needs. LAO's website lists phone numbers by region at which confidential legal aid and referral services are available, and it also lists the names of and contact information for specialized clinics that provide French Language Services.

The survey confirms that few women have access to legal aid services. Those who are eligible for services will accept them regardless of what language they are provided in. Women require these services to ensure their safety and defend their rights. Respondents stated that it was important to them to have access to the advice and information they need. Because they are financially disadvantaged, they have to accept the help that is available without having a real choice since it is all they have access to. Although the help is appreciated, it does not fully satisfy their needs, which is why they are dissatisfied with the services and critical of not having received greater assistance.

i. Eligibility requirements

Financial eligibility requirements for legal aid services are determined through provincial regulations. Eligibility cut-offs for duty counsel services and legal advice have been slightly higher in recent years. In the survey, only a few respondents qualified for legal aid. However, there are considerable needs, and respondents said they do not have the money for private-sector legal services.

As we mention in the first part of our literature review, people have to be poor or even very poor before they are eligible for a legal aid certificate or many of LAO's services. In one situation we were told about, a woman was refused a legal aid certificate because her income exceeded the limit by \$150.¹⁶⁶ Women who receive social assistance or disability benefits and women who have just arrived to Canada may qualify without too much difficulty.¹⁶⁷ However, immigrant women's dependents in their countries of origin are not taken into account.¹⁶⁸ The women we consulted said they noticed that eligibility criteria were applied differently between regions.

Legal Aid Ontario services are not always fully appreciated. Services that are provided free or at low cost are often associated with lesser quality. Some low-income women even said they chose to pay for a lawyer themselves, even though they were eligible for LAO services, because they did not want to be seen as "poor." One woman worked three jobs to pay her legal fees.¹⁶⁹ The stigma associated with poverty deprives women of the legal aid to which they may be entitled.

A myth persists that a legal aid certificate gives its holder access to free legal aid. This is far from being true for all women who qualify for a certificate.¹⁷⁰

[Translation] I'm a college student. I don't earn a lot, but legal aid cut me off, saying I receive too much money since I live in low-income housing. They decided that the money I use to feed myself and my daughter should go to my lawyer.¹⁷¹

[Translation] There's a lot of talk about the importance of knowing and asserting one's rights. But that's costly, and most women don't have the means for it. If you have money, you'll have more options and greater success, whether in family law or criminal law. Men can choose to manipulate the legal system by delaying hearings. Why do judges let that happen? At \$300 an hour for their lawyer, women quickly run out of resources.¹⁷²

If a woman satisfies LAO's financial and legal criteria and has money or property, she may be eligible for a certificate by signing a contribution agreement in which she agrees to reimburse LAO for all or part of the legal fees. Note, however, that with a wider variety of service provision modes, LAO is able to make decisions early on in the process about which service is most appropriate for the client, and that service may, in fact, not be a certificate.¹⁷³

A woman may be eligible for a legal aid certificate under certain conditions. For example, LAO may place a lien on the house of a client who cannot pay for a lawyer because of low income and a lack of liquidity (including RRSPs that can be cashed in). LAO assumes that the woman will receive half the value of the house upon separation and so agrees to provide her with legal aid. If the woman refuses this arrangement, she will not receive representation. If she accepts the arrangement, she risks losing her house, even if she wins her case.¹⁷⁴

ii. Difficulties in obtaining eligibility for a legal aid certificate

Eligibility is based on family income. A woman who wants to leave her husband and who is unemployed or earns only a small income is ineligible for legal aid if her spouse's assets and income are much higher than her own. However, she would be eligible if only her own income were considered.

*[Translation] My ex-spouse earned a lot of money, and me, \$0. I wasn't eligible for legal aid. He didn't need it, but I really did. Totally unfair! How can a woman get out of an abusive relationship without financial resources? The system didn't work for me.*¹⁷⁵

Some people wonder whether the changes would make eligibility criteria even narrower.¹⁷⁶ Although the process for determining eligibility for legal aid has changed to make it simpler and more transparent, the criteria themselves have not changed. However, since new services are now available, such as those of duty counsels, avenues other than certificates do exist.¹⁷⁷

Of the survey respondents, 50 (39% of the women) said they had requested a certificate from Legal Aid Ontario to be able to work with a lawyer who could advise them and represent them in court.

Of those 50 women, 84% were given a certificate by LAO. Most certificates were granted in family law (47%), and most of those were valid for only a very short amount of time, e.g., two hours for victims of domestic violence. In addition, 13% of certificates were granted for criminal law matters, and another 13% to appeal pension or employment insurance decisions. No respondents stated that they requested or obtained a certificate for immigration law.

iii. Recourse for women ineligible for a legal aid certificate

The following are options available through LAO for women whose income is too high to be eligible for a legal aid certificate but who cannot afford a lawyer.¹⁷⁸ Our assessment is given as a bullet point below each option presented.

1. Women can receive advice from an advice lawyer before representing themselves in court;
 - A lawyer's advice is no doubt helpful, but ultimately it is up to the women to represent their interests against the opposing party, to understand the judge's instructions, etc.;
2. Women can consult LAO's website and that of the Ministry of the Attorney General, in particular the new Family Law Information Program;
 - Not all women have regular access to a computer or an Internet connection or know how to navigate the Web. Even if a woman has Internet access, there is no guarantee that she will be able to understand or correctly interpret legal language;

3. Women can turn to information and advice from a Family Law Information Centre when their case involves family law;
 - Consultations for advice are limited to 20 minutes, which is clearly not enough time to understand all the issues at stake, especially when violence is involved. Also, it can be difficult to access French Language Services at the FLICs.

Even when women have the means to pay for legal services, they are penalized by the system: in divorce, jointly held assets are placed in trust and for all intents and purposes are “frozen” until the legal dispute surrounding the separation or divorce is resolved. As a result, the women cannot access the funds to hire representation.¹⁷⁹ In some cases, the ex-spouse has made sure that the woman has not been able to put money aside, and in other instances, she is obligated to pay the debts her ex-spouse has incurred. It is not surprising that when a woman’s ex-spouse has a good income and can afford a lawyer, she may choose to give up many of her rights to resolve the matter as quickly as possible.¹⁸⁰ In a later section of the paper, we will see the disadvantages and risks of representing oneself in court. Obviously, a legal clinic would better meet the needs of women with limited financial resources.

G. Challenges to French Language Services

The major challenges of French legal services that were identified in the consultations will not be discussed again here in detail. Many of the issues raised in this section have already been addressed in studies conducted for the Justice Sector by Linda Cardinal et al. There is no need for us to reinvent the wheel, and our recommendations are largely drawn from those studies.¹⁸¹

An initial observation needs to be made: legal services are not available in French everywhere in Ontario. Availability is higher in Eastern Ontario (Ottawa and Prescott and Russell); however, even there we see many instances of insufficient services.

There is a lack of Francophone staff at almost all levels of the court system, even though the *Courts of Justice Act*¹⁸² and *French Language Services Act*¹⁸³ guarantee the right to legal services in French. It should be noted that, supported by the Montfort case decision, the Government of Ontario has the obligation to provide FLS that are in line with the aims and objectives of the FLSA: the protection of the Francophone minority in Ontario, advancement of the French language and equality between the French and English languages in Ontario.¹⁸⁴

In terms of access to French Language Services, survey respondents confirmed that FLS are not available in all regions. The majority of respondents (ranging from 52% to 82%) said that aside from the toll-free summary legal advice phone lines and printed and online legal information, the services they received were provided in English.

Our survey and consultation results show that women who request legal services will accept them no matter the language in which they are provided. Women need these services to ensure their rights are upheld: they will make do with English services when quality French Language Services are unavailable.

The following account illustrates the serious effects the lack of access to French Language Services can have on Francophone women and their children.

PERSONAL ACCOUNT

Suzanne (not her real name) lived with a violent spouse. In 2005, she went to a shelter with her son, who was 4 at the time. Everything was done in English, and she did not understand what was going on. During her stay at the shelter, her son was torn from her arms: a judge had given custody of the child to the abusive father and had granted her weekly visits of two hours each. Through the help of an Anglophone legal aid lawyer, she was granted what she thought was shared custody, but the child's principal residence was still with his father.

The father began severely restricting contact between his son, who did not like living with him, and his ex-spouse. Furious, the father did everything he could to cut off all communication between the son and the mother. For more than a year, Suzanne and her son did not get to see or speak to one another. In 2007 and again in 2010, she tried to assert her rights. When she went before a bilingual judge in 2010, he gave custody of the child to the father. She received three hours of visitation weekly that was to be supervised by the children's aid society.

During a supervised visit, the person supervising listens to everything to ensure that things are in order. Suzanne and her son spoke to each other in French. Because the worker from the children's aid society did not understand French, Suzanne's visitation rights were suspended for many months. The centre where the supervised visits took place reportedly made Suzanne sign a document that stated she would give up her rights as a Francophone in order to see her son. She was finally awarded the right to take her son to visit her family over the Christmas holidays and spring break.

Suzanne needed to fully understand the situation and be properly heard in court, which is why in 2005 and 2007 she requested that the proceedings be held in French. She said that in response, [Translation] "everyone laughed in my face." Since 2008, she has been representing herself. In 2009, two judges requested that the case be heard by a bilingual judge, which was possible only eight months later. The court allowed Suzanne to have an interpreter, who did not show up to the hearing. In 2010, Suzanne found a Francophone lawyer, but his "boss" forbade him from taking her legal aid certificate. It was impossible for Suzanne to pay the lawyer's fees, which would have been at least \$10,000, including the \$7,500 retainer. Suzanne appreciates the help she got from a support worker in a Francophone agency in the violence against women sector.

Suzanne will return before the judge in the spring of 2011, represented by an Anglophone legal aid lawyer, to present a motion to modify custody. She feels that her son has been "legally kidnapped" by his father, and that the court has been complicit since it refused to hear her arguments. She has filed a formal complaint with the Canadian Judicial Council and French Language Services Commissioner for infringement of her language rights under the Constitution and the *Canadian Charter of Rights and Freedoms*.¹⁸⁵

V. LEGAL NEEDS OF FRANCOPHONE WOMEN AND POSSIBLE SOLUTIONS

A. Summary of Francophone women's needs

The information that women generously volunteered through the survey and regional consultations allows us to better understand what women go through when faced with difficult life situations in which they require legal services. Their experience is divided into two phases:

- 1) When women first become aware of the problem, they may be in a state of shock or denial. They may be in survival mode and be focusing only on their basic needs. They usually need to take care of themselves and their children first. They look for the strength and courage to act, but they do not know what to do or where to go. They feel alone and helpless against the situation;
- 2) When women are ready to do something about the situation they are in and look into legal action, they often face numerous obstacles: lack of legal information, insufficient financial resources, lack of access to French Language Services, lack of support and assistance in navigating a complex and indifferent legal system, etc.

We feel that when women are between the two phases, or even before they reach the first phase, they should have access to support, education on their rights and help finding legal resources so they can exercise those rights. This phase could be done through:

- Raising awareness about women's rights;
- Public legal education;
- Support and assistance;
- Explaining legal jargon in plain or simplified language;
- Developing and adapting tools in French.

We will now look more closely at some of women's legal needs.

i. Need for empathy and consistency in legal services

Women in both the survey and consultations repeatedly stressed the importance of receiving help in person, of human contact and of consistency in services. They said they felt judged and out of place. They feel the legal system is "cold" and that court staff has become desensitized from having heard so many harrowing stories. They would like the people they work with to be empathetic, non-judgmental and sensitive, and they would like to be believed. The women feel that consistency in services and communication between the different courts and ministries is very important, especially between the criminal and family courts.

ii. Need for public legal education and simplified language

It was brought to our attention during the consultations that women need to be more familiar with their rights. Also, the legal system is hard to understand, and the terms used are very complex and often cause confusion. As well, legal language makes the legal system intimidating. Legal service staff often will not simplify the terminology used. Consequently, women feel intimidated and re-victimized when they appear in court without strong assistance. Inarguably,

women are in great need of simplified legal education,¹⁸⁶ especially when it comes to family and immigration law.

Community legal education is an integral part of the mandate of legal clinics, which is fulfilled to varying degrees by different clinics depending on the resources available. At the provincial level, clinics have access to materials created by Community Legal Education Ontario (CLEO), a clinic funded by LAO whose mandate is to produce and disseminate materials that explain the law in simple terms to low-income individuals and groups with specific needs, such as immigrants, refugees, seniors and women.

We feel that the French materials produced by CLEO do not take into consideration the minority position of the French language, nor do they consider the reality of Francophone women. Most of the materials employ only the masculine form, which does not reflect the new language rules that require the feminization of terms. For example, antiquated terms like “vieillards” (old people) are used to refer to the elderly. To improve the quality of the materials produced in French, relationships need to be built with Ontario’s Francophone organizations, which can then offer their input. In the Ontario’s French community, experience has shown that making information available online is not enough: efforts must be made in the communities to promote and disseminate the materials in partnership with local Francophone organizations.

iii. Need for support and assistance

Women’s need for support and assistance in legal matters is very real and can take many forms. For example, some women need brief services provided by community legal clinics (e.g. ,to draft a ghost letter which documents agreements entered into verbally between a landlord and tenant).

The women we met with said that when they took legal action, they needed to be reassured and to know that they would receive help and that their needs would be taken seriously. They wanted assurance that their confidentiality would be protected and to feel safe and understood.

Women’s situations and the undertaking of legal action cause a lot of stress, emotion and anxiety. Given their levels of stress, women sometimes have difficulty retaining the information they are given. Emotional support should be provided alongside the support that helps them understand the legal system. It helps women out enormously to be able to talk to other women who have experienced similar situations.

Since the legal system is very complex, women do not know where to start or what steps to take. They do not always receive answers to their questions or do not know how to interpret the answers they do get. They need help understanding the legal process and legal texts. They would like to have access to all the information they need to make the best decisions possible.

[Translation] Some judges who are women are more sensitive and tell the women before them in court, “You are not asking for what you are entitled to.”¹⁸⁷

Individuals working in legal clinics and the violence against women sector stated that Francophone women affected by mental health issues are especially in need of having their situation explained to them and receiving help in asserting their rights. Some of these women are unable to hold a job and rely on social assistance, and therefore live in poverty. They may have a hard time finding and holding on to safe, affordable housing, which means they are in danger of becoming homeless. Their situations are vulnerable and precarious.¹⁸⁸ Legal workers and

individuals working in other sectors need to be aware of and educated on the challenges faced by women who have a functional limitation or mental health issues.

In a study by Luke's Place¹⁸⁹ on the family court experience of Anglophone women who were victims of domestic violence, 63.5% of respondents said they felt their lives were threatened by their abuser during the separation process. Only half of respondents felt safe in court.

The Ministry of the Attorney General's Victim/Witness Assistance Program (VWAP)¹⁹⁰ provides support and assistance to victims and witnesses of crime. As a program of the Ministry of the Attorney General, VWAP staff works closely with Crown Attorneys, and there is no confidentiality between the VWAP and the Crown. Any information disclosed by a VWAP client that is relevant to a criminal proceeding must be shared with the Crown Attorney, who in turn must share that information with the defence counsel. During trial, the defence may try to discredit that client by using the information disclosed by the Crown Attorney.¹⁹¹

Some feel that there should be court support workers who are independent of the court.¹⁹² For this reason, the Government of Ontario created the new Family Court Support Worker Program.¹⁹³ It is hoped that some of these new positions will be assigned to the Francophone community. Support workers would provide specialized services to women who are victims of violence to increase their safety and provide them with the tools they need to more easily navigate the legal system.¹⁹⁴ Greater support should be offered to women through community organizations that are independent of the justice system, such as shelters and, eventually, the women Family Law Legal Centre proposed by this study.

As we have mentioned, the Family Law Information Centres do not assist their clients in filling out family law forms. Additionally, they are not able to handle all the requests they receive or address the targeted needs of women who require greater support as victims of violence.¹⁹⁵

*[Translation] A family law judge said, "These people who appear before me in court without a lawyer need help. I can't help them. They have to come back with the forms completed." Sometimes, it's the mediators who help the women with forms that haven't been filled out properly. It's sad.*¹⁹⁶

Occasionally, women are able to get help from a social worker, paralegal or support worker in the violence against women sector. In organizations for newcomers, employees there do the preliminary work in immigration law for the lawyers. This makes the legal steps that follow much easier. Solid assistance can reduce legal costs for both women and the justice system.

A Francophone support worker in the violence against women sector describes the work she does with women with family law needs:

*[Translation] Preparing for the meeting with the lawyer is important. Before the meeting, women are encouraged to write down their history with their partner and indicate their financial situation, including the couple's assets and debts. Preparing this way saves a lot of time for the woman and allows her to make better use of the two hours her certificate gives her with a lawyer. The lawyer will then have more time to explain to her what her rights are concerning the division of joint assets, child custody, etc.*¹⁹⁷

In terms of English-language legal assistance services, there are three examples. The first is Luke's Place Support and Resource Centre for Women and Children¹⁹⁸ in Durham Region, whose service provision model mainly involves training transitional support workers to prepare and support women in need of legal advice and representation. Luke's Place works with many lawyers who

accept legal aid certificates based on the condition that support workers from the centre prepare the women for the upcoming court proceedings.

Second is Jared's Place Legal Advocacy and Resource Centre for Women¹⁹⁹ in Hamilton, a newer organization whose mandate is similar to that of Luke's Place. It provides women who are victims of violence with legal advocacy services in family, criminal and immigration law and in related legal issues.

The third example is the Barbra Schlifer Commemorative Clinic²⁰⁰ in Toronto, which is partially funded by the Ministry of the Attorney General. It is a specialized legal clinic that provides a range of legal services to women who are victims of violence. This includes victims of domestic violence and sexual assault. In addition to offering community legal education and promoting legal reform, the clinic provides direct services in family, criminal and immigration law.

PERSONAL ACCOUNT

Carmen (not her real name) is 46 years old. She has four children, including two from an abusive ex-spouse. For seven years, she lived with domestic violence. The abuse began when she was pregnant with her twins. After a workplace accident, she was offered counselling. She was afraid that the children's aid society would take her children away. When she lived with her ex-spouse, he forced her to do drugs with him. She wanted to get out of the relationship, but he was familiar with the system and the law. He was one year behind in his child support payments.

To continue taking legal action, Carmen needed a lawyer to represent her in court. She had to reimburse legal aid costs with the small amount she had in income and disability benefits. She was unhappy with her lawyer, with court delays and with the court procedure and outcome. She felt she was under pressure, ill-equipped and forced to sign the document her lawyer gave her. Only later did she realize that the document concerned the father's visitation rights with the children. The father received 14 months probation for abusing his two seven-year-old children.

The children's aid society got involved, and Carmen has had to reorganize her life to take care of her four children. She is ashamed of her story. She volunteers in the community.

Based on her experience, Carmen recommends the presence in court of a support worker who knows the law and is able to advise women on their rights, so they can make informed decisions about what they sign. She now has access to services from an organization working in violence against women. She feels understood by the support worker she deals with.²⁰¹

In short, women need quality assistance to be adequately supported. We have already mentioned that VAW support workers need more legal training, so that they can better understand their clients' cases. A new legal assistance framework could also be added to provide long-term support for summary advice phone services and to train support workers on Francophone women's needs. Women could also be offered free support through video conferencing.

It is vital that whatever the assistance system, it respond to the needs of Francophone women. The research clearly shows that in the large majority of cases, women experience violence within the home. This is clearly supported by the homicide statistics.²⁰²

Lastly, domestic violence should be considered when determining a woman's eligibility for legal aid and the number of services she has access to, which should involve more than a certificate for two hours of legal advice. Violence against women is a criteria being taken into account by the

social housing sector, which gives priority to women who are victims of abuse. This is a precedent that is worth highlighting when discussing how to improve advocacy for women living with violence.

B. Innovative service delivery models for Francophone women

To improve Francophone women's access to justice in Ontario, the consultation process undertaken between the Franco-Ontarian community and the Justice Sector for the last several years needs to continue. This consultation process has been focussing, for some years already, on developing the Strategic Plan, in which LAO is fully active.

As indicated in the project objectives, we aimed to identify various elements for an innovative service delivery approach ...

i. Creating a network of Francophone Centres of Legal Expertise

A project that the LAO advisory committee on FLS is already considering is the creation of centres of expertise²⁰³ in specific areas of law (e.g., seniors, immigration and housing). These centres could be established in existing LAO clinics. Each Centre of Expertise could develop a specialty and work with expert staff from specialized Anglophone clinics.

The idea of creating Centres of Expertise as well as partnerships between the clinics offering FLS has been well received, given that these centres would become resources for other clinics. It has been suggested that Francophone clinic staff could communicate through video conferencing with one of the Centres of Expertise or another relevant community agency with the client present. The needs of specific client groups need to be looked into, e.g., seniors, who prefer face-to-face contact, and people with functional limitations. Also, the best locations for providing services to the various client groups targeted must be determined.

ii. Creating a Francophone Women Family Law Legal Centre

One of the recommendations of this report is that a Francophone Women Family Law Legal Centre specializing in family law be created—one that would respond to the systemic lack of family law services in French for women and that would promote the right to equality. The *Legal Aid Services Act, 1998* provides for the funding of clinics, public legal education, etc.²⁰⁴ In addition, the Ministry of the Attorney General's 2006 Strategic Plan reported the lack of specialized clinics that provide Francophone women with FLS in family law.²⁰⁵

In 2009, with such a law centre in mind, Action ontarienne contre la violence faite aux femmes began carrying out consultations and working with the network of stakeholders in the Justice Sector and other organizations providing services to Francophone women in all their diversity.²⁰⁶

VI. PRIORITIES AND RECOMMENDATIONS

In light of our literature review and the consultations we held as part of the legal needs study, we feel it is helpful to propose a set of measures designed to improve accessibility to legal aid and other legal services, and to build the capacity of Francophone community organizations to better serve Francophone women when it comes to legal issues.

Most of the recommendations deal with issues that fall under the jurisdiction of Legal Aid Ontario. However, given the variety of the issues raised in our research and consultations, we have a series of recommendations for various government bodies and community organizations.

The recommendations presented in the table below all serve a common overall goal and are grouped into four main priorities.

Each recommendation is identified by the letter A or B, depending on whether:

- (A) It is a short-term recommendation (i.e. over a period of one to two years); these appear in green;
- (B) It is a medium-term recommendation (i.e. over a period of three to five years); these appear in pink.

OVERALL GOAL: Improve access to legal aid and the quality of services to better meet the legal needs of Francophone women.

RECOMMENDATIONS FOR LEGAL AID ONTARIO

Priority 1: Develop an overall strategy to meet women’s legal needs, using approaches that take into consideration the realities and needs of Francophone women in all their diversity.	
Approach	Recommendation
Continued collaboration to improve access to justice for all (B)	<ol style="list-style-type: none"> 1. Continue with collaboration between the government and community organizations in the justice sector to improve access to legal services in French for the entire Francophone community, paying special attention to the specific needs of women. 2. Perform ongoing assessment of FLS that are available and requested and submit an annual report to the community-based sector on the progress being made in the area of FLS. 3. Keep track of language- and gender-related statistics on the Ontario population and the clientele being served; provide a gender-specific analysis for studies on Ontario Francophones and on the offering and utilization of legal services in the province.
Innovative models of legal service delivery to Francophone women (B)	<ol style="list-style-type: none"> 4. Consolidate the network of French-language legal services, made up of FLS offered in community and specialized legal clinics, summary advice phone lines, the centres of expertise proposed by LAO and the Francophone women’s legal centre proposed in this report (see Recommendation 7), in

	<p>partnership with the network of people involved in the justice and community sectors, specifically through a video conference network. For example, the summary advice phone lines could be incorporated into the proposed centres of expertise.</p> <p>5. Explore the possibility of offering more support for women through a new legal assistance and support program or even offering support independently of the justice system under the auspices of legal clinics, the proposed women’s legal centre or community organizations such as shelters.</p> <p>6. Explore the possibility of offering a preparatory work program for lawyers in a particular field, which would greatly facilitate subsequent legal processes, for example by using workers in various organizations and court support workers.</p>
Women’s right to equality, safety and rights protection (B)	<p>7. Assist LAO and the Government of Ontario in identifying the major gaps facing Francophone women with respect to their right to equality, safety and rights protection, and integrate women’s rights into the services offered in French using a gender-based approach.</p>
Increase awareness of violence against women (A)	<p>8. Provide mandatory awareness sessions on violence against women in collaboration with Action ontarienne contre la violence faite aux femmes and Anglophone organizations that deal with violence against women. These sessions would be offered to:</p> <ul style="list-style-type: none"> - LAO staff; - Lawyers who accept legal aid certificates; - Court interpreters; - People who perform mediation or who use other modes of alternative dispute resolution.
Priority 2: Improve access to information and legal aid for all women.	
Legal aid certificates (A and B)	<p>9. Through legislation, raise the threshold value at which low-income persons qualify for a legal aid certificate to make more women eligible for legal aid.</p> <p>10. Establish eligibility criteria on an individual basis rather than on a family basis so that a woman’s income alone (as opposed to the family income) will count.</p> <p>11. Broaden the coverage of family law legal aid certificates to include aspects such as division of matrimonial property.</p> <p>12. Change the eligibility criteria for women victims of domestic violence so that they become automatically eligible for a certificate based on their individual income (considered independently of the couple’s joint income and matrimonial property).</p> <p>13. Increase the time on the free certificate that shelters and other organizations can give women who have been victims of violence to three hours.</p> <p>14. Offer increased rates for private-sector lawyers who accept family law certificates and a premium for those who accept certificates for complicated cases or cases in which the</p>

	<p>children’s aid society is involved.</p> <p>15. Compensate women who receive a legal aid certificate but who must travel to other communities if they are unable to find a local Francophone private-sector lawyer who accepts certificates.</p> <p>16. Strengthen the directives in place for lawyers who accept certificates (they should give advice for 2 hours rather than only 15 or 20 minutes, unless justified and documented) and oversee their implementation.</p> <p>17. Improve legal services offered in French for women who are not eligible for a legal aid certificate and who cannot afford to hire a private lawyer and must represent themselves. This could be accomplished by using the services of court support workers or staff working in organizations, for example.</p> <p>18. Work with private lawyers to ensure that Francophone women refugee claimants are not penalized, as they are in an extremely fragile state and have few options for obtaining services in French.</p>
Plain language (A)	<p>19. Review the French content of publications and documents from LAO and the Ministry of the Attorney General (on paper and online) to ensure that they are written in clear and accessible language that takes into consideration the high rate of illiteracy in French.</p>
Community legal education (A)	<p>20. Ensure that the community legal education material produced by Community Legal Education Ontario (CLEO) is adapted to the concerns of the Francophone community, giving consideration to the feminization of texts, the generally lower literacy rates among Francophones and the use of terms that reflect usage in French Ontario.</p> <p>21. Collaborate with Action ontarienne contre la violence faite aux femmes and clinics to do community legal education and legal outreach on issues affecting women in all their diversity; this should be done in consultation with other members of the Francophone community as well.</p>
Priority 3: Support improvements to Legal Aid Ontario’s ability to offer quality legal aid services in French.	
FLS in community and specialized legal clinics (B)	<p>22. Include more stringent clauses in agreements between LAO and community and specialized legal clinics regarding the active offer of FLS, in the context of implementing the new regulation among third parties.</p> <p>23. Add designated bilingual positions in clinics located in regions with concentrations of Francophones and require a high level of proficiency in French.</p> <p>24. Ensure that people who work in reception and intake are fluent in French and that all staff members provide an active offer of FLS in regions with concentrations of Francophones.</p> <p>25. Identify and mandate specialized clinics that should develop expertise in French in fields of law that the proposed Francophone centres of expertise cannot accommodate.</p>

<p>Recommendations for AJEFO and LSUC</p> <p>Access to private Francophone lawyers (B)</p>	<p>26. Connect with AJEFO and LSUC in order to:</p> <p>27. Develop an awareness strategy in order to increase the number of Francophone lawyers who are willing to accept certificates, ensure that the list of Francophone lawyers who are able to address the court in French and who accept legal aid certificates is up to date and that these lawyers know what is meant by “quality service in French” before putting their names on the list.</p> <p>28. Intervene and take exceptional measures if necessary in certain regions to ensure the availability of services of Francophone lawyers capable of offering FLS.</p>
<p>Toll-free provincial phone line for LAO legal advice (A)</p>	<p>29. Continue training the Francophone staff who answer this phone line in order to ensure that all staff are giving the same information; consolidate the financing and funding of the Francophone capacity of the toll-free phone line in order to ensure prompt and ongoing access to services in French.</p> <p>30. Ensure that services with toll-free numbers are in fact free of charge and find solutions for people calling from cellular phones with prepaid phone cards.</p>
<p>Promote LAO French-language services (A)</p>	<p>32. Continue promoting LAO French-language services throughout the province, paying special attention to rural and remote areas.</p> <p>33. Increase investment in promotion of the provincial and regional phone lines to ensure that they are being used as much as possible.</p>
<p>Education on Francophones’ right to receive services in French (A)</p>	<p>34. Continue raising awareness and providing training on the legal rights of Francophones and the importance of the active offer of FLS among the following groups:</p> <ul style="list-style-type: none"> • LAO staff; • Community and specialized legal clinics; • Judges and court staff; • Lawyers who accept legal aid certificates. <p>35. Ask AOcVF to participate in this initiative and use “Across the Chasm” as a training resource.</p>
<p>Priority 4: Simplify and improve access to and the quality of FLS in family law.</p>	
<p>Mandate (B)</p>	<p>36. Revise the mandate of legal clinics to include family law.</p> <p>37. Increase the number of access points for family law services (legal clinics) and the number of family law offices.</p>
<p>Family Law Information Centres (B)</p>	<p>38. In collaboration with the Ministry of the Attorney General, increase the number of resources allocated to FLICs in the regions, improve FLS and make services more accessible.</p>
<p>Family Law Service Centres (B)</p>	<p>39. Establish FLSCs in the Northern and Eastern regions and ensure an active offer of quality FLS in all centres.</p>

Other recommendations

<p>Ministry of the Attorney General</p>	
<p>Communication between</p>	<p>40. Improve communication between family and criminal courts.</p>

courts of justice (B)	
Administrative tribunals (A)	41. Compile an inventory of the capacity of provincial administrative tribunals to offer FLS, with the aim of improving the quality of these services in all regions with concentrations of Francophones.
Interpretation services (A)	42. Ensure that the Court Services Division continues to improve the interpretation services used by the various courts and that interpreters are competent and sensitive to the issue of domestic violence.
Mandatory Information Program (B)	43. Inform the Ministry of the Attorney General that community organizations dealing with violence against women would be better positioned to offer, with additional remuneration, sessions of the Ministry's Mandatory Information Program in order to ensure that these information sessions are available in French.
Alternative dispute resolution (B)	44. Inform the appropriate authorities about the disadvantages of alternative dispute resolution methods in cases of domestic violence.
Legal workers (A)	45. Improve legal services offered in French for women who are not eligible for a legal aid certificate and who cannot afford to hire a private lawyer and must represent themselves. This could be accomplished by using the services of court support workers or staff working in organizations, for example. 46. Fund the creation of Francophone legal advocate positions in the future Francophone women's legal centre and in community organizations dealing with violence against women, and ensure that workers who give legal assistance are given a fair salary. 47. Increase the number of Francophone support workers in the courts in order to meet the needs of Francophone women across the province.
Ministry of Children and Youth Services and Ministry of Community and Social Services	
Children's aid societies (A)	48. Continue to provide staff at children's aid societies with training on the issue of violence against women, equality rights, the impact that exposure to violence has on children, and understanding of the issues related to parental alienation.
Family Responsibility Office (B)	49. Collaborate with the Family Responsibility Office (FRO) to improve the enforcement of support payments, to speed up the process and especially to ensure that women beneficiaries are not responsible for taking the appropriate steps when there are changes in the income of the person paying. 50. Create stronger links between the FRO and Canada Revenue Agency to ensure that investigations are carried out in cases of suspected fraud.
Ontario Public Service	
Administrative tribunals (A)	51. Compile an inventory of the capacity of provincial administrative tribunals to offer FLS, with the aim of improving the quality of these services in all regions where

	there are concentrations of Francophones.
Ministry of Labour	
Workplace harassment (B)	52. Make women aware of their legal rights with respect to employer discrimination and workplace harassment.
Community organizations	
Information on services offered in the community (A)	53. Spread the word in the Francophone community about the capacity of shelters, Francophone SACs and their satellite offices to give legal aid certificates for free two-hour consultations to women who have been victims of violence.
Legal reform	
Legal bullying (B)	54. Modify the procedures so that no party may use tactics to unduly delay hearings.
Restraining orders (B)	55. Review the process used to modify restraining orders to make sure they are obeyed for the sake of women's safety.
Immigration (B)	56. Support legal reform in the areas of family reunification and the status of women domestic workers; modify the federal discriminatory regulation, working in collaboration with key stakeholders.
Other	
Create a Francophone women's legal centre for family law (B)	57. With co-operation and support from the Ministry of Community and Social Services, the Ministry of the Attorney General (Victims and Vulnerable Persons Division) and other partners, create a new Francophone women's legal centre specializing in family law. The centre would have a service delivery model based on that of Luke's Place and would offer public legal education as well as legal information and advice for Francophone women, the workers who support them and the lawyers who represent them.

VII. CONCLUSION

To conduct a study of the legal needs of Francophone women, we first collected and analyzed the results of studies on access to justice for Francophone women. It was found that Francophone women have over the years become a very diversified group whose legal needs are poorly defined and understood, as few studies have thus far addressed the topic explicitly. The systemic discrimination that they experience on a number of levels is not yet fully recognized, which makes it all the more important to make services available that reflect their reality and specific needs.

Secondly, through a survey and multiple consultations, we attempted to identify the special needs of Francophone women with respect to legal aid, and specifically with respect to poverty law. We discovered that women have needs in all fields of law but that the most significant are those connected with family law.

Whether in family law or in other fields, women's needs are many: information, legal advice and representation, access to services in French, access to legal aid or affordable legal services, safety in relationships, income maintenance, lawful custody of children in cases of separation or divorce, and others.

Of all the obstacles faced by women, the difficulty qualifying for legal aid or paying legal fees that they cannot afford bears special mention. The indifference, the slowness and the complexity of the legal process represent additional hindrances. Without the help of legal services, women have to represent themselves, which makes them vulnerable to the other party.

When women represent themselves, the consequences can be major. For those attempting to get out of violent relationships, going without legal representation can put them in even more danger because they must regularly be in contact with the violent ex-spouse or the ex-spouse's lawyer.

If a woman represents herself before welfare or employment insurance authorities, she must plead on her own behalf, thereby running the risk of losing her primary source of income. This is why community legal clinics—when women have access to them—are so helpful in situations of this nature. Faced with so many obstacles, many women simply give up and waive their rights.

When it came to service, some women described themselves as satisfied with the legal services they received from LAO. A number of them talked about their negative experience and the fact that they suffered from not getting the help they needed because they and their children were in such precarious situations. Going to court can be a very trying experience. For women who have been victims of violence, access to legal services is an issue of justice and one of survival as well.

The need for community legal education for women was identified in light of women's lack of understanding about law, their rights, court procedures and the services available to them. Women expressed a desire to better understand legal terminology. They wanted access to support services, legal assistance and legal follow-up.

Although there are some strong points, such as the legislative framework surrounding FLS, the implementation of this framework leaves something to be desired, whether it is a case of getting access to a trial in French or finding a Francophone lawyer to provide advice and represent women in court, with or without a legal aid certificate.

In Part V of his study, we identified some innovative service delivery models that would serve Francophone women better. A set of measures must be taken through the coordinated work of several community organizations, LAO and the Ministry of the Attorney General to improve access to justice in French for all. These innovative models include establishing centres of expertise in Francophone or bilingual community legal clinics and creating a Francophone women's family law legal centre, which would be modelled after Anglophone organizations that provide women with legal information, assistance and advice.

The recommendations at the conclusion of our study are intended to:

- Ensure higher-quality services in French and improve access to them;
- Expand legal support and assistance services available to Francophone women;
- Increase access to legal aid, especially with respect to the certificate program;
- Improve FLS in family law.

It is essential that these recommendations be brought to the attention of the agencies and decision makers involved. Too many women are impoverished and vulnerable in our society; this is a reminder of how important legal aid and other legal services are. The needs study shows that Francophone women in Ontario do not fully enjoy the right to equality and safety.

The government must continue with its commitment to eliminating discrimination towards women and the violence they suffer. It is our hope that this study will help the government in this regard.

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APPENDICES

Members of the research team and validation committee

The research team included Julie Lassonde, research lawyer, who conducted the literature research; Lucie Brunet, of Brunet Sherwood Consultants, community researcher, team leader and head of the consulting group; and Lise Gauthier, researcher. Marc Charron and Marie-Luce Garceau, professors at Laurentian University in Sudbury, helped design a survey of 148 women from all regions of Ontario and analyze the results. At Action ontarienne contre la violence faite aux femmes, Josée Guindon, director of the popular legal education project, and Ghislaine Sirois, executive director, guided and supported the work of the research team. The study was conducted between July 2010 and March 2011.

A validation committee was established to review the content of the report and provide the research team with feedback. The committee was made up of:

- Thérèse Allard, director, Habitat Interlude, Kapuskasing;
- Linda Cardinal, professor and holder of the Chaire de recherche sur la francophonie et les politiques publiques at the University of Ottawa;
- Marc Charron, professor, Department of Sociology, Laurentian University, Sudbury;
- Jo-Anne David, director, Colibri: Centre des femmes francophones du comté de Simcoe, Barrie;
- Marie-Luce Garceau, professor and director of the School of Social Work, Laurentian University, Sudbury;
- Madeleine Hébert, lawyer, Sudbury Community Legal Clinic;
- Viviane Koné, director, Ontario Movement for Francophone Immigrant Women, Toronto;
- Aissa Nauthoo, director, Services d'aide juridique, Centre francophone de Toronto;
- Johanne Ouimette, trainer and consultant on violence against women, Prescott-Russell;
- Céline Pelletier, director, Maison Interlude House, Hawkesbury;
- Rose Viel, director, Centre des Femmes Francophones du Nord-Ouest de l'Ontario, Thunder Bay.

The content of this report is the responsibility of Action ontarienne contre la violence faite aux femmes and the Centre francophone de Toronto. The members of the validation committee are not responsible for the content.

List of resource persons consulted

<i>Sector</i>	<i>Contact person</i>	<i>Organization</i>
Legal Aid Ontario	Chantal Gagnon	French Language Service Program Manager
	Charles Lafortune	Toll-free telephone service for summary advice
	Ida Bianchi	Policy Counsel
Francophone community legal clinics	Aissa Nauthoo	Services d'aide juridique, Centre francophone de Toronto
	René Guitard	Clinique juridique francophone de l'est d'Ottawa
Bilingual and Anglophone community legal clinics	Madeleine Hébert Sherry Lewis-Larocque	Sudbury Community Legal Clinic
	Marie Laforge	Windsor-Essex Bilingual Legal Clinic
	Louise Guertin	Grand-Nord Legal Clinic
	Daniel Gagnon	Community Legal Services - Ottawa
	Isabelle Frenette	North Shore Legal
	Maryvonne Sallenave	Community Legal Services of Niagara South
	Reception	Rural Legal Services, Sharbot Lake
Specialized legal clinics	Gill McNall	HIV & AIDS Legal Clinic Ontario (Toronto)
	Reception	African Canadian Legal Clinic (Toronto)
	Mary Marrone	Income Security Advocacy Centre (Toronto)
Student legal aid organizations	Louise Toone	University of Ottawa Community Legal Clinic
	Lisa Cirillo	Downtown Legal Services (Toronto)
	Vanessa D'Souza and reception	Family Law Offices (Toronto, Ottawa, Thunder Bay)
	Carole Simone Dehan and reception	Refugee Law Office
	Mara Saley	Barrie Central District Office
	Valerie Aresta	Hamilton–Kitchener District Office (Hamilton)
	Reception	Sault Ste Marie Legal Aid Office
	Louise Huneault	Northeast District Office

	Rosemay Poster	Thunder Bay District Office
	Tina Roy	Timmins Legal Aid Office
Legal information	Caroline Lindberg	Community Legal Education Ontario
Ministry of the Attorney General	Anik St-Amour Liana Sauvé	Ontario Victim Services, Victim/Witness Assistance Program
French-language services development and policy	Linda Cardinal	Chaire de recherche sur la francophonie et les politiques publiques, University of Ottawa
Violence against women sector	Ghislaine Sirois and board of directors	Action ontarienne contre la violence faite aux femmes
	Workers in the violence against women sector	Organizations (shelters, sexual assault centres, etc.) offering support and assistance to women who have been victims of violence
	Johanne Ouimette	Trainer and consultant on violence against women
Francophone women's groups	Viviane Koné	Ontario Movement for Francophone Immigrant Women
	Guylaine Leclerc	Union culturelle des Franco-Ontariennes
	Judith Parisien	Le Phénix and OPALE (women with disabilities)
Elderly and retired people's groups	Céline Marx	Fédération des aînés et des retraités francophones de l'Ontario
	Jean-Luc Racine	Retraite en action

NB. Researchers were unable to secure interviews with some all clinics and offices contacted

Profile of Francophone women in Ontario

by Julie Lassonde, research lawyer

a) What is a Francophone?

From a statistical point of view, there are a number of different ways to determine who counts as “Francophone” in Ontario. The Government of Ontario has a new “inclusive definition of Francophone” which encompasses not only people whose mother tongue is French but also those whose mother tongue is neither English nor French but who know French well and speak it in the home.²⁰⁷ Statistics Canada’s language criteria can vary from study to study, but they often include criteria such as mother tongue and the first official language spoken.²⁰⁸

Having said this, according to the 2006 census, the number of Francophones in Ontario was between 510,000 and 544,000, depending on the method of calculation used, which can include those whose mother tongue is French, those whose first official language spoken is French and those who speak French most often or regularly in the home. The percentage is between 4.2 and 4.5% of the total Ontario population.²⁰⁹ According to a study by Linda Cardinal et al., based on the 2001 census, Francophone women represented 52.7% of the Francophone population of Ontario and 4.8% of the women in the provincial population.²¹⁰

The Francophones are spread among the different regions of Ontario as follows: 25.2% in Ottawa; 14.4% in the Southeast (Prescott–Russell; Stormont, Dundas and Glengarry); 23% in the Northeast (Nipissing, Timiskaming, Greater Sudbury, Sudbury, Algoma, and Cochrane); 8.7% in Toronto and 28.8% in the rest of Ontario.²¹¹

The Francophone population is older on average than the Ontario population as a whole.²¹² Within the Francophone population, there are more Francophone women aged 65 and older than men of the same age group. They represent 57.4% of the Francophone population in this age group.²¹³

It is worth noting also that 87.7% of Francophones in Ontario state that they are bilingual, meaning that they are able to carry on a conversation in English and in French.²¹⁴ This still means that many Francophones in Ontario do not speak English.

Francophone women make up a very diverse group. A total of 7.8% of Francophone women are visible minorities (of whom 38.3% are Black, 16.2% Arab, 13.4% Chinese and 10.5% South Asian), and 2.4% are First Nations women.²¹⁵

The economic circumstances of Francophones in Ontario have improved over the years. Younger Francophones, i.e. those from 25 to 44 years of age, tend to have higher incomes than older Francophones.²¹⁶ In general, people whose first official language spoken is French have a mean income comparable to that of Anglophones but a higher median income (see table below). This means that income differences are larger among Anglophones than among Francophones.

Mean income and median income of men and women by first official language spoken, Ontario, 2006²¹⁷

First official language spoken	Men		Women	
	Mean income	Median income	Mean income	Median income
	Dollars			
English	\$47,478	\$34,842	\$30,063	\$22,201
French	\$47,609	\$38,297	\$31,898	\$24,316
English and French	\$37,921	\$25,703	\$26,936	\$17,931
Total	\$46,962	\$34,454	\$29,712	\$21,669

Source: Statistics Canada, 2006 Census of Population.

Although the income difference between Francophones and Anglophones is smaller than it used to be, the difference between women and men is still considerable. According to the table above, women whose first official language spoken is French make 63% as much money as men in the same group in terms of median income.²¹⁸

The table also shows that the mean and median income of people whose first official language spoken is both English and French is much lower than Anglophones and Francophones in general.²¹⁹ Statistics Canada notes that these people are mainly immigrants.²²⁰ Taking into account factors of immigration, language and gender, we observe that Francophone women immigrants, or 11.5% of Francophone women,²²¹ are especially disadvantaged economically.

b) History of Francophone women in Ontario: identity and claims

As the profile of Francophone women in Ontario shows, this group is much more diverse today than it was in the past. Historically, Francophone women came from a Roman Catholic, agricultural, working-class background.²²² It was only in the 1980s and the early 1990s that differences in geography, level of education, age and economic status became apparent. The appearance of differences in racial background, immigration status and sexual orientation is even more recent. Francophone women as a group are far from homogeneous; it follows that they have diverse legal needs.

Cultural and geographic differences appear even in Francophone women who are not immigrants or visible minorities. According to one study on a group of Ontario teachers, Francophone women express their identity in many ways:

*[Translation] Janine is originally from Ontario and calls herself both **Francophone and bilingual**. Rachelle and Lise say the fact that their mothers were **teachers at the Franco-Ontarian school** has played a major role in defining their relationship with language and culture. **Rachelle calls herself Francophone and Franco-Ontarian**, while Lise calls herself just **Franco-Ontarian**. Rita believes that her time at a French-language secondary school in Ontario has had a permanent effect on her identity as a "Northern Ontario" Francophone. ... Linda is both **Franco-Ontarian and Québécoise**, while Geneviève is simply **Francophone**.²²³ (emphasis added)*

Aside from these differences, the relationship between gender and language has always been a core part of the identity of Francophone women. Historically, Francophone women have been confined by the Francophone minority nationalist movement to the role of propagating the Francophone population and passing on the language through their traditional role as mothers in

the home.²²⁴ Despite this confinement, over the years, Francophone women developed a passion for defending their language and culture, a passion which has been expressed through many roles besides that of mother.²²⁵

The feminist movement has contributed to this shift in Francophone women's relationship with their language. They assert their rights as Francophones in all spheres of activity: work, family, community involvement, etc. Recent statistics also demonstrate that a greater proportion of women pass on their mother tongue than do men.²²⁶ Also note that despite the increase in exogamous couples (defined here as those who do not share a mother tongue) over the years, the passing on of French has not diminished. In fact, it has increased.²²⁷ The complex relationship that Francophone women have with language carries with it a set of difficulties with respect to women's rights and Francophone rights; it partly explains why Francophone women have special legal needs. They require legal services in French coupled with a deep understanding of the socio-economic reality of women.

The history of Francophone feminism in Ontario also reveals differences between these women and their Anglophone sisters. Francophone women in Ontario started gathering together in 1914 through organizations such as the Fédération des femmes canadiennes-françaises.²²⁸ Like immigrant women and visible minorities, they were a minority group because they did not match the profile of the "middle-class WASP woman."²²⁹ In the 1970s and 1980s, Francophone women's groups helped solidify their distinct identity and reclaim their history.²³⁰ Today, immigrant women play a special role in asserting their place in the Francophone community:

Most often it is other Francophone services that refer people to French language services. Which reminds me of another common myth—that immigrant women are not Francophones. What I mean by this is, when an immigrant woman goes to a primarily English service, she will not be referred to French-language services because she is not considered to be Francophone, she is considered to be an immigrant. (Jenny-Wolff Jean-François, Maison d'amitié)²³¹

You can spend weeks without speaking at all, because you cannot express yourself in English! As an immigrant woman who speaks French, it's natural for you to reach out to the Francophone Community. (Jeanne Françoise Mouè, Executive Director, Centre Novas – CALACS francophone de Prescott-Russell).²³²

In fact, in the early 1980s, a wave of Francophone immigration from Asia took place; this was before the days of the *French Language Services Act*. After the Act was adopted, a second wave of immigration from Francophone Africa occurred. The result is that those who arrived before the Act was adopted were not properly integrated into the Francophone community because there was no infrastructure in place to welcome them at the time. Those who arrived after the adoption of the Act are much better integrated into the Francophone community.²³³

Because the history of Francophone women in Ontario is not widely known and often forgotten, service providers, especially in legal services, often fail to understand why it is so important to honour their legal obligations to Francophone women.

Even though it may be difficult to understand from a humanistic perspective why services in French are so valued, even by bilingual women, certain women have explained it well in terms of health services: they feel treated as a "whole person" instead of feeling like only one part of them is being addressed (i.e. the part of them who requires health services).²³⁴ Other women explain that when it comes to their everyday lives, it is an issue of understanding or culture. A total of

73% of senior women interviewed stated that they preferred to be served in French either because they didn't understand English or simply because they preferred speaking French.²³⁵

Addressing the special needs of Francophone women in Ontario is a key part of developing the social fabric of the province: it prevents discrimination against women and the assimilation of Francophones.

Literature review

by Julie Lassonde, research lawyer

a) Studies on Ontario's Francophone women

The studies on Francophone women in Ontario published between 1985 and 2010 deal with widely varying topics: breast cancer, lesbians, sponsorship of non-citizens, reunification of newcomer families, the situation of women between the ages of 45 and 64 and senior women, single mothers, the right to equality, domestic violence, sexual violence and myths surrounding the issue of rape. Each of these subjects gives an idea of the type of legal needs associated.

A study on Francophone women with breast cancer demonstrates these women's need to defend their right to receive services in French, to learn about their right to benefits during extended sick leave and to oppose discrimination against lesbians.²³⁶

Another study revealed the need for legal information on family law for lesbians. This study also demonstrates that it is harder for Francophone lesbians in Ontario to join together to defend their rights than it is for Francophone lesbians in Quebec or Anglophone lesbians in Ontario.²³⁷

A study on the impact of sponsorship on Francophone immigrant women's right to equality shows that these women require legal information on certain specific subjects related to immigration law:

*The issue of the impact of sponsorship on the equality rights of immigrant women appeared as a priority for the Table féministe francophone de concertation provinciale de l'Ontario during its 1996 training, consultation and strategic discussion project on the constitutional equality rights of Franco-Ontarian women.*²³⁸

Another study identified family reunification as an important legal topic for Francophone immigrant and refugee women in Ontario.²³⁹

In addition, a study on Francophone women between the ages of 45 and 64 demonstrated that these individuals are more able to identify their health, financial and family needs than their legal needs.²⁴⁰ This suggests that women need information on women's rights and Francophone rights in general, and that the legal needs most easily identified by women had to do with separation and divorce.

Another study explored support networks for Francophone senior women in the United Counties of Prescott and Russell.²⁴¹ This study demonstrated the need for services for women who have been victims of family violence in rural areas as well as the need for home care.²⁴²

Research on the social support needs of senior Francophone women in Ottawa-Carleton illustrates the need for greater awareness of services offered in French.²⁴³ This study discusses the relationship between the marital status of these women and their financial security: being single is associated with poverty.²⁴⁴ This suggests that information on family law is needed. It is also interesting to note that, according to this study, elderly women hesitate to ask for assistance [Translation] "out of fear of inconveniencing their children or losing their independence."²⁴⁵ Service providers must therefore take this fact into account.

The report of a 1986 symposium deals with the situation of Francophone single mothers and that of female workers, in the context of unionization of Ontario women in the early 1980s.²⁴⁶ A 1996 report on Francophone women in Toronto going through a separation or divorce also speaks of women's needs with respect to family law. The women who participated in this research made the following recommendations: [Translation] "Have services specifically for divorced women," "Have a phone line for women in distress," "Have a better child support collection plan," and "Calculate the child support amount based on the needs of the children."²⁴⁷ It can be seen from this that Francophone women have legal needs with respect to family, poverty and employment law.

A training project on the right to equality of Francophone women in Ontario from 1995 to 1996 also demonstrates the need for popular legal education of Francophone women in Ontario.²⁴⁸ The principal needs identified in the initiative were to have access to information on women's rights in general, immigration law, "workfare" (i.e. the obligation to [Translation] "perform designated work in order to receive welfare payments"²⁴⁹) and violence against women. The initiative also identified a number of obstacles preventing Francophone women from exercising their rights at the time:

*[Translation] Over the course of these consultations, the participants identified a multitude of government policies that endanger women's right to equality, specifically budgetary restrictions in programs dealing with violence against women; **restrictions to legal aid**; the introduction of "workfare"; special rules concerning immigration, specifically those governing the sponsorship of married women; cuts to social programs; the imminent elimination of rent control; reforms in employment law and the elimination of the Employment Equity Act; cuts in child care services; cuts in health and education; **lack of services in French.**²⁵⁰ (**emphasis added**)*

Since the end of the project, work was undertaken by independent researchers, by Action ontarienne contre la violence faite aux femmes and by the Table féministe francophone de concertation provinciale de l'Ontario in order to address these needs better. The project also demonstrated that giving Francophone women in Ontario popular legal training was a good way to learn the nature of their legal needs, both for researchers and the women themselves. In other words, having some basic knowledge in law enables people to identify their own needs better.

When it comes to violence against women, a 2004 study on accessibility of FLS in Ottawa for Francophone women who are victims of domestic and sexual violence brought up a number of legal needs.²⁵¹ According to this study, these Francophone women have difficulty accessing local legal aid services.²⁵² They have trouble finding Francophone lawyers, and even more trouble finding Francophone lawyers who accept legal aid certificates.²⁵³ The study recommends that legal aid should be used to defend the right to equality provided for in the *Canadian Charter of Rights and Freedoms* and to increase the number of hours that legal aid allocates to legal services.²⁵⁴ Another study conducted in 2003–2004 and published in 2008 on the myths surrounding the issue of rape perpetuated by the justice system emphasizes the need of Francophone women who are victims of sexual assault to be served better by the justice system.²⁵⁵ The study specifies the need for protection against the tactics of offenders and the need for FLS:

The right of the accused to choose the language in which the trial takes place can be intentionally manipulated by the accused to put the woman at a disadvantage. One Francophone offender, who had abused and isolated

*a Francophone woman for years, asked for the trial to be in English because he knew that she did not speak English.*²⁵⁶

*One woman who wished to obtain legal information in French had to speak to a person from another department. Her resource person turned out to be an administrative assistant.*²⁵⁷

b) Studies on women's rights in general

In addition to these studies on Francophone women in Ontario, it is important to note that a number of studies on women's rights in general are applicable to Francophone women in Ontario. These studies reveal needs in legal aid services, FLS and family law.

Here is a quotation from a study on legal aid by the National Association of Women and the Law:

*[Translation] Women are more often victims of poverty than men because their work in the home is devalued economically and they experience a form of discrimination on the job market. They should have a right to legal aid to help fix the problems arising from this double disadvantage. Not only do women need legal services to resolve the problems resulting from the breakup of their marriages, but they should also receive legal aid to bring action against offending parties in cases of workplace discrimination, especially those associated with sexual harassment, pay equity and employment equity.*²⁵⁸

This study recommends that legal aid in Canada be given in such a way that respects the diversity of women in the country, which specifically includes the linguistic issues facing Francophone women in Ontario.²⁵⁹

A study from the Alliance des femmes de la francophonie canadienne on female caregivers contains a section on Ontario and points out the lack of FLS in health care:

*[Translation] There is nothing in French. There is really nothing at all [as far as service is concerned]. It is always a fight!*²⁶⁰

The authors of this study make a number of recommendations for improving FLS in health care, some of which could also apply to law (central information bank of users, home care, specialists in small communities, addressing the situation of children by evaluating the needs of a family, etc.).²⁶¹

A report from the Department of Canadian Heritage clearly demonstrates that women in Ontario who use LAO services have needs when it comes to family law:

*About 70 percent of LAO's family law clients are women.*²⁶²

Francophone women have needs that resemble those of Ontario women in general. This topic is covered in greater detail in Part IV of our study, which deals with the results of consultations.

c) Court decisions

Ontario court decisions do not point to any conclusions about the legal needs of Francophone women. Firstly, it is not possible to identify all decisions involving Francophone women, as they do not always identify themselves as such in court processes. Also, courts represent just one type of legal service among many. In fact, very few legal problems make it as far as the courts; most are resolved before this. Certain legal needs, such as the need for legal information, are met through other means than through the courts. Nevertheless, research into examples of decisions involving Francophone women showed that some Francophone women did use the courts in an attempt to resolve their conflicts and that they therefore had legal needs in the fields of law specified above.

In one Human Rights Tribunal of Ontario decision,²⁶³ for example, a Francophone Muslim woman with visual impairment stated that her employer reprimanded her for not having complied with workplace policies governing the dress code and food. In this case, she had been wearing long clothing and a hijab and was heating spicy food in the microwave. She also said that she had been negatively affected by a new language policy preventing bilingual staff from speaking French with each other. This was a special case where issues of gender, ability, language, race, culture and religion all converged. At the Human Rights Tribunal of Ontario, this woman was not able to prove that the language policy constituted discrimination, but she was able to prove discrimination on the basis of origin, ethnicity, creed and sex when it came to the dress code and food policy. The employer, however, had the decision reviewed by the Divisional Court, which concluded that a number of procedural mistakes had been made and ordered a new hearing before the Human Rights Tribunal of Ontario, to be presided over by a different member.²⁶⁴ We will not find out what becomes of this case any time soon. Regardless, the facts of the case serve to illustrate the kinds of situations that Francophone women in Ontario can be faced with.



Survey of Legal Needs of Francophone Women in Ontario and Utilization of Legal Services

This is a translation of the survey which was administered in French.

Hello,

Action ontarienne contre la violence faite aux femmes (AOcVF) is conducting a study to gain a better understanding of the legal needs of Francophone women in Ontario and the legal services they have received or those they would have liked to receive at certain times in their lives. You are invited to participate in a survey whose purpose is to improve access to and the quality of legal services in French. This study is funded by Legal Aid Ontario.

Your participation in this survey is entirely voluntary. Your answers are anonymous and will be kept confidential. We thank you for your assistance.

Definitions:

Legal needs: This refers to situations women may experience in their lives that have a legal dimension, such as family or work, and for which they require legal services.

Legal services: This refers to legal information, advice and services that may be funded by Legal Aid Ontario (LAO) or that must be paid for out-of-pocket.

In order to better analyze the data collected in this survey and regional legal needs, please provide your postal code:

Part 1: YOUR USE OF LEGAL AID SERVICES

1.1. Have you used the services of Legal Aid Ontario to resolve situations in your life...	Yes	No
a) In the last 5 years?	<input type="checkbox"/>	<input type="checkbox"/>
b) In the last year?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered no to a) and b), skip to question 1.3.		

1.2. If you answered yes to question 1.1, please indicate which services you received from Legal Aid Ontario (LAO).			In which language did you receive assistance?		How satisfied were you with the services you received?
	Yes	No	F	E	1=very dissatisfied 2=dissatisfied 3=satisfied 4=very satisfied
a) Toll-free phone line for legal advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
b) Community legal clinic in your region	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
c) Lawyer who was paid with a legal aid certificate to advise you and/or represent you in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
d) Duty counsel paid by LAO who gave you some advice before you went to court, where you represented yourself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
e) LAO Family Law Office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
f) LAO Criminal Law Office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
g) LAO Family Law Service Centre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
h) LAO Customer Service Centre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
i) Notary services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
j) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4

1.3. If you answered no to question 1.1, please indicate whether you received other types of legal services.			In which language did you receive assistance?		How satisfied were you with the services you received?
	Yes	No	F	E	1=very dissatisfied 2=dissatisfied 3=satisfied 4=very satisfied
a) Written legal information (e.g., pamphlets)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
b) Online legal information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
c) Private lawyer whom you paid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
d) Private services that you paid for to appeal decisions concerning your pension income, your welfare income or your employment insurance income	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4
e) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 2 3 4

1.4. LAO certificates	Yes No	In which language did you receive assistance? F = French E = English	How satisfied were you with the services you received? 1=very dissatisfied 2=dissatisfied 3=satisfied 4=very satisfied
a) Have you ever applied for an LAO certificate in order to access the free services of a lawyer capable of advising you and representing you in court? If you answered yes to question a), continue to question b). If you answered no to question a), skip to question 1.5.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
b) Have you ever obtained an LAO certificate?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
If so, what was the reason for your LAO certificate?			
c) Family law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
d) Immigration	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
e) Criminal law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
f) Court appeal over pension or employment insurance	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4
g) Other (specify)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	1 2 3 4

1.5. If you have never used legal services (regardless of whether you needed them), why not?	True	False
a) I did not feel I needed them.	<input type="checkbox"/>	<input type="checkbox"/>
b) The services offered were not available in French.	<input type="checkbox"/>	<input type="checkbox"/>
c) I did not know that legal services could help me.	<input type="checkbox"/>	<input type="checkbox"/>
d) The services I needed are not offered by legal clinics.	<input type="checkbox"/>	<input type="checkbox"/>
e) I did not know that I could have qualified for free legal aid services.	<input type="checkbox"/>	<input type="checkbox"/>
f) My family income was too high for me to qualify for legal aid.	<input type="checkbox"/>	<input type="checkbox"/>
g) I did not have enough money to pay for a private lawyer.	<input type="checkbox"/>	<input type="checkbox"/>
h) The services offered were not accessible to persons with disabilities.	<input type="checkbox"/>	<input type="checkbox"/>
i) I did not have access to transportation.	<input type="checkbox"/>	<input type="checkbox"/>
j) I represented myself.	<input type="checkbox"/>	<input type="checkbox"/>
k) I chose not to use any legal services.	<input type="checkbox"/>	<input type="checkbox"/>
l) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

Part 2: YOUR LEGAL NEEDS

Check all answers that apply, and then indicate whether you had access to services or whether you would have liked to be able to receive services.

FAMILY	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in what language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
2.1. Have you ever...								
a) Gotten a divorce?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Gotten a legal separation agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Requested legal custody of your child or children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Requested access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Requested child support for your child or children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Requested spousal support?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Requested a revision of legal custody, access or support?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Used arbitration, mediation and/or collaborative family law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Had to defend your interests against the children's aid society concerning your child or children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INCOME MAINTENANCE	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in which language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
2.2. Have you ever appealed your eligibility or benefits you received from...								
a) Employment Insurance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Social assistance (Ontario Works)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Ontario Disability Support Program (ODSP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Workplace Safety and Insurance Board (WSIB)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Canada Pension Plan (CPP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EMPLOYMENT	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in which language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
2.3. Have you ever...								
a) Been fired without a valid reason?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Been dismissed because of discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Had unpaid wages?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Experienced workplace harassment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Been discriminated against at work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Had an accident at work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PHYSICAL AND PSYCHOLOGICAL WELL-BEING 2.4. Have you ever...	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in which language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
a) Experienced relationship-based violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Been accused of relationship-based violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Been sexually assaulted (e.g., incest, rape, touching)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Been otherwise assaulted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Experienced abuse as a woman 65 years or older?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Supported someone in your life who experienced violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IMMIGRATION AND REFUGEE STATUS	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in which language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
2.5. Have you ever...								
a) Taken steps to become a Canadian citizen?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Applied for refugee status?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Lost your status as a result of a criminal record?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Been sponsored?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Sponsored someone else?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Had a sponsorship broken up because of domestic violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Applied to move away with your child or children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Challenged a deportation order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Had your child or children kidnapped?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Been employed as a domestic worker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHARGES AND REPRESENTATION IN COURT	Have you ever experienced this?		Did you have access to legal advice or services?		If so, in which language did you receive assistance? F = French E = English		If not, would you have needed them?	
	Yes	No	Yes	No	F	E	Yes	No
2.6. Have you ever...								
a) Been charged by the police?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Been called to appear before the court following charges by police?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Had to represent yourself in court to defend your rights?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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2.7. If you went to court for a situation you were involved in, at which court did you appear?	Yes	No
a) Family	<input type="checkbox"/>	<input type="checkbox"/>
b) Criminal	<input type="checkbox"/>	<input type="checkbox"/>
c) Administrative (a specialized government agency whose responsibility is to resolve certain disputes in a less formal fashion than the Court of Justice). For example: <ul style="list-style-type: none"> - Information and Privacy Commissioner - Criminal Injuries Compensation Board - Ontario Human Rights Commission - Ontario Parole Board - Immigration and Refugee Board of Canada) 	<input type="checkbox"/>	<input type="checkbox"/>
d) Civil	<input type="checkbox"/>	<input type="checkbox"/>
e) Small claims	<input type="checkbox"/>	<input type="checkbox"/>
f) Landlord and Tenant Board	<input type="checkbox"/>	<input type="checkbox"/>
g) Workplace Safety and Insurance Appeals Tribunal (WSIAT)	<input type="checkbox"/>	<input type="checkbox"/>
h) Social Benefits Tribunal (SBT)	<input type="checkbox"/>	<input type="checkbox"/>
i) Employment Insurance Board of Referees	<input type="checkbox"/>	<input type="checkbox"/>

OTHER LEGAL NEEDS	Yes	No
2.8. Have you had any other experiences with the legal system not described in the previous questions?	<input type="checkbox"/>	<input type="checkbox"/>
2.9. If you answered yes, what were your needs and what steps did you take?		

Part 3: YOUR KNOWLEDGE OF LEGAL SERVICES

3.1. If you accessed information or legal services, how did you find out about them?	Yes	No
a) Pamphlet, brochure, article or newspaper advertisement	<input type="checkbox"/>	<input type="checkbox"/>
b) Website	<input type="checkbox"/>	<input type="checkbox"/>
c) Friend, family member or neighbour	<input type="checkbox"/>	<input type="checkbox"/>
d) Women's group	<input type="checkbox"/>	<input type="checkbox"/>
e) Worker or consultant in violence against women	<input type="checkbox"/>	<input type="checkbox"/>
f) Worker or consultant from another social agency	<input type="checkbox"/>	<input type="checkbox"/>
g) Presentation on legal services	<input type="checkbox"/>	<input type="checkbox"/>
h) Legal Aid Ontario office	<input type="checkbox"/>	<input type="checkbox"/>
i) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

3.2. Are you familiar with the following services offered by Legal Aid Ontario (LAO)?	Yes	No
a) Community legal clinic in your locality or region	<input type="checkbox"/>	<input type="checkbox"/>
b) Legal advice phone lines in French offered by community legal clinics in the North, South and East	<input type="checkbox"/>	<input type="checkbox"/>
c) Special services to defend the rights of specific clientele such as elderly people, women in violent situations, people living with HIV/AIDS, people with disabilities, victims of workplace accidents, etc.	<input type="checkbox"/>	<input type="checkbox"/>

d) Other LAO services such as family law offices, criminal law offices, etc.	<input type="checkbox"/>	<input type="checkbox"/>
e) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

3.3. If you needed legal services, what service criteria were the most important to you?	From the following list, rank the different criteria from 1 (most important) to 13 (slightly less important).
a) Reaching someone who can help me quickly	
b) Free service	
c) Affordable service; inexpensive service	
d) Accessible service (e.g., accessible building, transportation to get there)	
e) Being served in French	
f) Feeling confident to ask for help and tell my story	
g) Being frank, feeling respected and feeling that my needs are understood	
h) Getting help from competent staff	
i) Being assured of confidentiality	
j) Being informed of my rights and choices	
k) Receiving useful information and suggestions	
l) Expressing my dissatisfaction and filing a complaint if the service is unsatisfactory	
m) Other (specify)	

4. Do you have suggestions or recommendations to improve legal information and services for Francophone women in Ontario?

RESPONDENT PROFILE

Please provide us with some information about yourself. This information will be used to generate a profile of the women who responded to the survey and will contribute to the formulation of recommendations.

1. Which is the first official language you learned to speak? French English
2. Which language is spoken most often in your home? French English Other (specify) _____
3. What is your age group?
 - 16-24 years
 - 25-34 years
 - 35-44 years
 - 45-54 years
 - 55-64 years
 - 65 years or more

4. Do you:
 - Own your own home? (If so, skip to question 6)
 - Rent?

5. If you rent, do you live in social housing?
 - Yes No

6. Do you belong to any of the following groups?

	Yes	No
a) Immigrants or refugees who have arrived in Canada in the last 5 years	<input type="checkbox"/>	<input type="checkbox"/>
b) Women with disabilities (physical or mental)	<input type="checkbox"/>	<input type="checkbox"/>
c) Visible minorities	<input type="checkbox"/>	<input type="checkbox"/>
d) First Nations, Métis or Inuit	<input type="checkbox"/>	<input type="checkbox"/>
e) Lesbians, bisexuals, transgender people	<input type="checkbox"/>	<input type="checkbox"/>
f) Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

7. What is the highest level of education you have achieved?
 - Elementary school
 - Some secondary school
 - Secondary school diploma or equivalent
 - Some college, university or professional training
 - College, university or professional training diploma or certificate
 - Graduate studies (master's, doctorate)

8. Do you have children under the age of 18? Yes No

9. If you answered yes, how many children under 18 do you have?

1 2 3 4 5 or more

Thank you for your co-operation!

INVITATION TO PARTICIPATE IN AN INDIVIDUAL INTERVIEW

Would you be willing to participate in a confidential telephone interview to speak with us about the legal services you used?

Yes No

If so, do you agree to share the answers you gave in this survey with the person conducting the interview?

Yes No

Please indicate your availability for a telephone interview. (Check the times that are most convenient for you.)

	Morning	Afternoon	Evening
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			

How would you prefer to be contacted to arrange a telephone interview?

By telephone By email

Your first name: _____ Your telephone number: (____) _____

Your email address: _____

Which of these legal situations would you like to discuss in the interview?

- Family
- Income maintenance
- Employment
- Housing
- Physical and psychological well-being
- Immigration and refugee status
- Charges and representation in court

Your interview will be kept confidential and anonymous.

If a large number of women express interest in participating in an interview, we may have to limit the number of interviews, in which case you will not be interviewed. Regardless, we will contact you to keep you informed. Thank you!

Notes

¹ In 1917, Ontario became the fifth province to give women the right to vote (see <http://www.thecanadianencyclopedia.com/articles/womens-suffrage>).

² See the Government of Ontario website: <http://news.ontario.ca/mag/en/2010/12/family-law-reform-in-ontario.html>.

³ These areas of legal need, except family law, are areas normally covered by legal clinics (see the *Legal Aid Services Act, 1998*, S.O. 1998, c. 26, s. 2, “clinic law”).

⁴ Short-term = 1 year; medium-term = 2–3 years.

⁵ By “women,” we mean all people who identify as women. This includes women in all their diversity.

⁶ *Constitution Act, 1867* (UK), 30 & 31 Vict., c. 3; *Constitution Act, 1982* (UK), Schedule B to the *Canada Act 1982* (UK), 1982, c. 11.

⁷ *Human Rights Code*, R.S.O. 1990, c. H.19.

⁸ *French Language Services Act*, R.S.O. 1990, c. F.32, “FLSA.”

⁹ *Courts of Justice Act*, R.S.O. 1990, c. 43.

¹⁰ *Human Rights Code*, R.S.O. 1990, c. H.19.

¹¹ *Family Law Act*, R.S.O. 1990, c. F.3.

¹² *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.).

¹³ *Criminal Code*, R.S.C. 1985, c. C-46.

¹⁴ Guilbeault, Mélodie, *Les services en français en Ontario*, Ottawa, Action ontarienne contre la violence faite aux femmes, 2005, p. 4, available online (in French only): http://ressources-violence.org/documents/Doc_de_base_SEF.pdf.

¹⁵ Ibid.

¹⁶ FLSA, supra note 8.

¹⁷ Guilbeault, supra note 14, p. 12.

¹⁸ See *Dehenne v. Dehenne* (1999) 47 O.R. (3d) 140 CJ; Guilbeault, *ibid.*, p. 13.

¹⁹ Guilbeault, *ibid.*, pp. 12, 25 ff.

²⁰ *Courts of Justice Act*, supra note 9, s. 125.

²¹ *Ibid.*, s. 126. Witnesses, such as victims of sexual assault, are not considered parties to a proceeding and therefore have no influence on the language used in the proceeding.

²² Counties: Essex, Middlesex, Prescott and Russell, Renfrew, Simcoe, Stormont, Dundas and Glengarry; territorial districts: Algoma, Cochrane, Kenora, Nipissing, Sudbury, Thunder Bay, Timiskaming, the area of the County of Welland as it existed on December 31, 1969; the Municipality of Chatham Kent; the Regional Municipality of Peel; cities: Hamilton, Ottawa, Greater Sudbury, Toronto (see the *Courts of Justice Act*, supra note 9, s. 126, sched. 2).

²³ *Ibid.*, ss. 126(2) and 126(7).

²⁴ Office of the French Language Services Commissioner, *Open for Solutions*, Toronto, Office of the French Language Services Commissioner, 2010, p. 33. This annual report states that the FLSA applies to the entire range of services offered by these tribunals (see note 29 and FLSA s. 5(1)).

²⁵ Ministry of the Attorney General (Ontario), “The Rights of French-Speaking Individuals in the Ontario Justice System,” available online: <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/justiceinbothlanguages.asp>.

²⁶ Cardinal, Linda and Anik Sauvé, *From Theory to Practice: Mechanisms for the Offer of French Language Services in Ontario’s Justice Sector*, Volume 1, Ottawa, Chaire de recherche sur la francophonie et les politiques publiques, University of Ottawa, 2010, p. 7, “Cardinal, *Theory to Practice*, 2010.”

²⁷ Office of the French Language Services Commissioner, supra note 24, p. 11. See also Cardinal, Linda, Stéphane Lang, Nathalie Plante, Anik Sauvé and Chantal Terrien, *Environmental Scan: French Language Services in Ontario’s Justice Sector*, Ottawa, Ministry of the Attorney General, December 2005, p. 66, “Cardinal, *Environmental Scan*, 2005.”

²⁸ For more details on the mechanisms for the active offer of French-language services, see Cardinal, *Theory to Practice*, 2010, supra note 26.

²⁹ Cabinet Office, *Framework for Action: A Modern Ontario Public Service*, Toronto, Cabinet Office, 2006.

Internal document cited in the Office of the Coordinator of French Language Services for the Justice Sector’s

Strategic Plan for the Development of French Language Services in Ontario's Justice Sector, Toronto, Ministry of the Attorney General, 2006, available online:

http://www.sciencesociales.uottawa.ca/crfpp/pdf/plan_strategique-Avr2007_e.pdf.

³⁰ Ibid., p. 2.

³¹ Office of the French Language Services Commissioner, *supra* note 24, p. 8.

³² Ministry of the Attorney General, "Strategic Plan for the development of French Language Services (2010)" (PowerPoint presentation submitted to Action ontarienne contre la violence faite aux femmes by the Ministry of the Attorney General).

³³ Ibid.

³⁴ Corbeil, Jean-Pierre and Sylvie Lafrenière, for Statistics Canada, *Portrait of Official-Language Minorities in Canada: Francophones in Ontario*, Ottawa, Minister of Industry, 2010, p. 51.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Cardinal, Linda, Stéphane Lang and Anik Sauvé, *French Language Services in Ontario's Justice Sector: Report on Consultation with Francophone Stakeholders*, Ottawa, Ministry of the Attorney General, July 2006, p. 33.

³⁸ Corbeil 2010, *supra* note 34, p. 50.

³⁹ Ibid.

⁴⁰ Law Society of Upper Canada, Pro Bono Law Ontario, The Law Foundation of Ontario, *Listening to Ontarians: Report of the Ontario Civil Legal Needs Project*, 2010, pp. 80–81.

⁴¹ Data obtained from Josée Bouchard, Equity Advisor, taken from the annual filings of members of the Law Society of Upper Canada.

⁴² Corbeil 2010, *supra* note 34, p. 51.

⁴³ Office of the French Language Services Commissioner, *supra* note 24, p. 34.

⁴⁴ Ibid., p. 28.

⁴⁵ Law Society of Upper Canada, *supra* note 40.

⁴⁶ *Legal Aid Services Act, 1998*, ss. 1, 3.

⁴⁷ Ibid., s. 1.

⁴⁸ Ibid., s. 4.

⁴⁹ Legal Aid Ontario, *FLS Manual 2010 Update Introduction* (provided by Chantal Gagnon), p. 1.

⁵⁰ Ibid., p. 2: "Legal aid area offices fall under the definition of 'office' of the agency or institution. As a result, Legal Aid Ontario is required to provide legal aid services across the province both in English and in French in designated areas in area offices and staff offices."

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid., p. 3. For more information on LAO's ability to actively offer FLS, see Cardinal, *Theory to Practice*, 2010, *supra* note 26.

⁵⁴ *Legal Aid Services Act, 1998*, *supra* note 46, s. 14.

⁵⁵ Ibid., s. 13; see also the Legal Aid Ontario website:

http://www.legalaid.on.ca/en/getting/type_immigration.asp.

⁵⁶ Ibid., s. 2, "clinic law."

⁵⁷ Ibid.

⁵⁸ Legal Aid Ontario, 2008 Annual Report, Toronto, Legal Aid Ontario, p. 22.

⁵⁹ Mossman, Mary Jane, *Comparing and Understanding Legal Aid Priorities: A paper prepared for Legal Aid Ontario*, Toronto, Legal Aid Ontario, 2009, executive summary, p. 7.

⁶⁰ See the Legal Aid Ontario website: <http://www.legalaid.on.ca/en/contact/contact.asp?type=flsc>.

⁶¹ See the Ministry of the Attorney General website:

<http://www.attorneygeneral.jus.gov.on.ca/english/family/infectr.asp>.

⁶² *Legal Aid Services Act, 1998*, *supra* note 46, s. 16

⁶³ Ibid., s. 40.

⁶⁴ Legal Aid Ontario, *Financial Eligibility Criteria for Certificates*, June 2010, p. 12.

⁶⁵ A survey showed that almost 50% of area office and in-custody clients resolved their issues using the services of a lawyer provided by LAO; 90% of Francophone respondents said they were well served by their lawyer or duty counsel (p. 16) (see Legal Aid Ontario, Quality Service Office, *LAO Common Measurement*

Tool: Overview of 2009 Results, 2009 CMT, p. 6, “LAO, Tool, 2009”; note that in the survey, a little over half of respondents self-identified as belonging to a group, and of those respondents, slightly more than 5% said they were Francophone—see p. 15).

⁶⁶ Discussion with Chantal Gagnon, Vanessa D’Souza and Ida Bianchi, LAO employees, in December 2010 and January 2011; discussion with Aissa Nauthoo, Services d’aide juridique du Centre francophone de Toronto, March 1, 2011; see also a letter sent by LAO to legal clinics on February 1, 2011, announcing the new eligibility criteria for legal aid certificates.

⁶⁷ Discussion with Chantal Gagnon, Vanessa D’Souza and Ida Bianchi, LAO employees, in December 2010 and January 2011.

⁶⁸ Legal Aid Ontario, “Toronto Family Duty Counsel/Advice Counsel: Financial Eligibility Testing – In Court Services – Clarifications,” February 2006, p. 1 (document provided by Vanessa D’Souza).

⁶⁹ For a list of all services available regardless of income, see *ibid.*, p. 2.

⁷⁰ By “violence against women,” we mean all forms of violence that women in all their diversity may experience.

⁷¹ Brunet, Lucie and Marie-Luce Garceau, *Doing so much with so little... Overview and profile of French-language violence against women services (1994–2004)*, Ottawa, Action ontarienne contre la violence faite aux femmes, 2004.

⁷² *Ibid.*, pp. 9, 22.

⁷³ Convergence, coopérative d’expertes conseils, *Needs Assessment Study: Shelter Services in the Toronto Region for Francophone Women and Their Children Who Are Fleeing a Violent Relationship*, Ottawa, Action ontarienne contre la violence faite aux femmes, 2006, p. 9.

⁷⁴ Fournier, Carole-Anne, *Domestic Violence Court Program, Access to French Language Services Evaluation: Final Report*, Ottawa, Action ontarienne contre la violence faite aux femmes, 2007.

⁷⁵ See Côté, Andrée, Pamela Cross, Carole Curtis and Eileen Morrow, *Brief to the Federal, Provincial, Territorial Family Law Committee on Custody, Access and Child Support*, prepared by the Ontario Women’s Network on Custody and Access, Ottawa, National Association of Women and the Law, 2001.

⁷⁶ Bassolé, Angèle, Hoori Hamboyan, Michèle Kérisit, Nathalie Plante and Marta Young, *L’impact du conflit armé sur l’intégration des femmes immigrantes et réfugiées francophones en Ontario*, Toronto, Ontario Movement for Francophone Immigrant Women, 2004, p. 140.

⁷⁷ *Ibid.*

⁷⁸ See the websites of Community Legal Education Ontario, <http://www.cleo.on.ca/en>, and Family Law Education for Women, <http://www.onefamilylaw.ca/en/english>.

⁷⁹ Discussion with Ghislaine Sirois, Executive Director, Action ontarienne contre la violence faite aux femmes, December 9, 2010.

⁸⁰ Brunet, *supra* note 71, pp. 17–18.

⁸¹ Interview with a community legal clinic.

⁸² *Ibid.*

⁸³ Ontario Movement for Francophone Immigrant Women.

⁸⁴ Interviews with community legal clinics.

⁸⁵ Ontario Movement for Francophone Immigrant Women.

⁸⁶ *Ibid.*

⁸⁷ Bassolé, *supra* note 76.

⁸⁸ Interviews with community legal clinics.

⁸⁹ Interviews with community legal clinics.

⁹⁰ Interviews with community legal clinics.

⁹¹ Interviews with community legal clinics.

⁹² Interviews with community legal clinics.

⁹³ Le Phénix is a non-profit organization located in Eastern Ontario vowed to the representation of people with disabilities and to community development. See the Le Phénix website:

<http://www.lephenix.on.ca/?lang=en>.

⁹⁴ Le Phénix.

⁹⁵ MacQuarrie, Barbara, Sandy Welsh, Jacque Carr and Audrey Huntley, *Workplace Harassment and Violence Report*, London, Centre for Research on Violence Against Women and Children, 2004.

⁹⁶ Ontario Movement for Francophone Immigrant Women.

⁹⁷ Le Phénix.

⁹⁸ Data respectively provided by Clinique juridique francophone de l'Est d'Ottawa, the Sudbury Legal Clinic and Services d'aide juridique du Centre francophone de Toronto.

⁹⁹ Since the phone line has been open, Legal Aid Ontario phone line representatives have answered nearly 275,000 calls. In 2010, 3,370 Francophones called in. Phone line employees do not keep track of the sex of people calling the toll-free line for referrals or to request legal aid, but they do keep track of the sex of callers to the summary legal advice line. In 2010, women made up 43.9% of callers to the criminal law summary legal advice line and 78.8% of callers to the family law summary legal advice line. Email communication with Charles Lafortune, Legal Aid Ontario, February 11, 2011.

¹⁰⁰ Interview with a community legal clinic.

¹⁰¹ Domestic Violence Advisory Council, *Transforming Our Communities: Report from the Domestic Violence Advisory Council for the Minister Responsible for Women's Issues*, 2009, p. 68.

¹⁰² *Legal Aid Services Act, 1998*, supra note 46.

¹⁰³ Interviews with community legal clinics.

¹⁰⁴ Interview with a community legal clinic.

¹⁰⁵ Consultation with the violence against women sector.

¹⁰⁶ Retraite en Action.

¹⁰⁷ Ibid.

¹⁰⁸ The Advocacy Centre for the Elderly (ACE), located in Toronto, is a specialized legal clinic that deals with issues affecting the elderly. It serves low-income individuals who are 60 years old or older, but its direct services for elder abuse, informed consent, consumer protection, the right to care and pensions, etc., are available only to Toronto residents. To our knowledge, ACE does not offer French-language services.

¹⁰⁹ Ibid.

¹¹⁰ Interviews with community legal clinics and the violence against women sector.

¹¹¹ Consultation with the violence against women sector. Interview with a community legal clinic.

¹¹² Ibid.

¹¹³ Interview with a community legal clinic.

¹¹⁴ Consultation with the violence against women sector.

¹¹⁵ Interview with a community legal clinic.

¹¹⁶ Ibid.

¹¹⁷ Interview with a community legal clinic.

¹¹⁸ Interview with a community legal clinic.

¹¹⁹ Consultation with the violence against women sector.

¹²⁰ Opinions expressed by women at the regional consultations.

¹²¹ Consultation with the violence against women sector.

¹²² Ibid.

¹²³ According to a 2001 study by Linda Cardinal et al., in Ontario, Francophone men had an average income of \$32,517.83 and Francophone women, \$24,425.12. Therefore, Francophone women's income was 75% that of Francophone men (see Cardinal, Linda, Stéphane Lang, Nathalie Plante, Anik Sauvé and Chantal Terrien, *French Ontario: A Statistical Overview*, Ottawa, Ministry of the Attorney General, October 2005, p. 7). The calculation methods may differ from those of the study by Jean-Pierre Corbeil and Sylvie Lafrenière. Nevertheless, these studies show a wide income gap between Francophone women and men.

¹²⁴ Consultation with the violence against women sector.

¹²⁵ Makin, Kirk, "Access to justice becoming a privilege of the rich, judge warns," *The Globe and Mail*, February 10, 2011.

¹²⁶ Consultation with the violence against women sector.

¹²⁷ Makin, supra note 125.

¹²⁸ Ibid.

¹²⁹ Office of the Chief Coroner, Province of Ontario, *Annual Report of the Domestic Violence Death Review Committee*, Toronto, 2009, p. 14.

¹³⁰ Woman Abuse Council of Toronto, *Making Violence Visible: Provisions for Women Experiencing Violence in the Family Law Process Improvement Project*, Toronto, 2010, p. 5.

¹³¹ Opinions expressed by women at the regional consultations.

¹³² Ibid.

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- ¹³³ Ibid.
- ¹³⁴ Consultation with the violence against women sector.
- ¹³⁵ Ibid.
- ¹³⁶ Opinions expressed by women at the regional consultations.
- ¹³⁷ Ibid.
- ¹³⁸ Family Law Education for Women, versions revised by Action ontarienne contre la violence faite aux femmes, 2010–2011, available online: <http://www.onefamilylaw.ca/en/english>.
- ¹³⁹ Luke’s Place, *MAKING THE SYSTEM WORK, Reforming Family Court Processes to Support Abused Women and Their Children: A Brief for the Attorney General of Ontario*, December 2009, p. 4.
- ¹⁴⁰ Ibid.
- ¹⁴¹ Opinions expressed by women at the regional consultations.
- ¹⁴² Action ontarienne contre la violence faite aux femmes.
- ¹⁴³ Woman Abuse Council of Toronto, supra note 130.
- ¹⁴⁴ Luke’s Place, supra note 139.
- ¹⁴⁵ Ontario Movement for Francophone Immigrant Women.
- ¹⁴⁶ Opinions expressed by women at the regional consultations.
- ¹⁴⁷ Ibid.
- ¹⁴⁸ Ibid.
- ¹⁴⁹ Consultation with the violence against women sector.
- ¹⁵⁰ Opinions expressed by women at the regional consultations.
- ¹⁵¹ Survey respondent.
- ¹⁵² Opinions expressed by women at the regional consultations.
- ¹⁵³ Interview with a survey respondent.
- ¹⁵⁴ See the Legal Aid Ontario website on the Family Law Information Program: <http://www.legalaid.on.ca/en/getting/flip.asp>.
- ¹⁵⁵ Legal Aid Ontario, Family Law Information Centres, online: <http://www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.asp>.
- ¹⁵⁶ Consultation with the violence against women sector.
- ¹⁵⁷ Interview with a community legal clinic.
- ¹⁵⁸ Complaint shared by an organization in the violence against women sector.
- ¹⁵⁹ Legal Aid Ontario, Family Law Service Centres, online: <http://www.legalaid.on.ca/en/contact/contact.asp?type=flsc>, discussion with Vanessa D’Souza, November 2010.
- ¹⁶⁰ Ibid.
- ¹⁶¹ See the Government of Ontario website on family law reform in Ontario: <http://news.ontario.ca/mag/en/2010/12/family-law-reform-in-ontario.html>.
- ¹⁶² Action ontarienne contre la violence faite aux femmes.
- ¹⁶³ At the regional consultations, the survey was completed before the focus group met. When women expressed themselves verbally, their level of dissatisfaction with LAO services was much higher.
- ¹⁶⁴ Violence against women sector.
- ¹⁶⁵ Chantal Gagnon, LAO.
- ¹⁶⁶ Opinions expressed by women at the regional consultations.
- ¹⁶⁷ Interview with a community legal clinic.
- ¹⁶⁸ Ontario Movement for Francophone Immigrant Women.
- ¹⁶⁹ Opinions expressed by women at the regional consultations.
- ¹⁷⁰ Consultation with the violence against women sector.
- ¹⁷¹ Survey respondent.
- ¹⁷² Consultation with the violence against women sector.
- ¹⁷³ Chantal Gagnon, LAO.
- ¹⁷⁴ Consultation with the violence against women sector.
- ¹⁷⁵ Survey respondent.
- ¹⁷⁶ Interview with a community legal clinic.
- ¹⁷⁷ Chantal Gagnon, LAO.

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- ¹⁷⁸ Ida Bianchi, LAO.
- ¹⁷⁹ Opinions expressed by women at the regional consultations.
- ¹⁸⁰ Consultations with the violence against women sector.
- ¹⁸¹ Cardinal, *Theory to Practice*, supra note 26, and Cardinal, *Environmental Scan*, supra note 27.
- ¹⁸² *Courts of Justice Act*, supra note 9.
- ¹⁸³ FLSA, supra note 8.
- ¹⁸⁴ Guilbeault, supra note 14, p. 14; see also *Lalonde v. Ontario* 2001 56 O.R. (3d) 577 (CA).
- ¹⁸⁵ Interview with a survey respondent.
- ¹⁸⁶ Action ontarienne contre la violence faite aux femmes obtained funding for three years from Status of Women Canada to develop and promote public legal education materials.
- ¹⁸⁷ Interview with a community legal clinic.
- ¹⁸⁸ Lalonde, Jocelyne, Lucie Brunet, Marielle Beaulieu, Judith Lapierre and Monique Lalande, *Étude de besoins des femmes francophones marginalisées à Ottawa*, Ottawa, Centre espoir Sophie, 2003.
- ¹⁸⁹ Dragiewicz, Molly and Walter DeKeseredy, *Study on the Experiences of Abused Women in the Family Courts in Eight Regions in Ontario*, Luke's Place Support and Resource Centre for Women and Children, for the Ontario Women's Directorate, 2008. Cited by VAW stakeholders in a memorandum to the Ministry of the Attorney General re: court support workers, December 18, 2010, p. 2.
- ¹⁹⁰ See the Ministry of the Attorney General website on the Victim/Witness Assistance Program: <http://www.attorneygeneral.jus.gov.on.ca/english/ovss/programs.asp#vwap>.
- ¹⁹¹ Consultation with the violence against women sector.
- ¹⁹² Juries in the Coroner's inquests into the deaths of Arlene May (1998) and Gillian Hadley (2002) recommended an independent, community-based, government-funded system of advocates to support women in both family and criminal court. Cited by VAW stakeholders, supra note 189, p. 2.
- ¹⁹³ See the Ministry of the Attorney General website "Stronger Support for Victims of Domestic Violence," March 11, 2011: <http://news.ontario.ca/mag/en/2011/03/stronger-support-for-victims-of-domestic-violence.html>.
- ¹⁹⁴ VAW stakeholders, supra note 189, p. 3.
- ¹⁹⁵ Ibid.
- ¹⁹⁶ Interview with a community legal clinic.
- ¹⁹⁷ Consultation with the violence against women sector.
- ¹⁹⁸ See the Luke's Place website: <http://www.lukesplace.ca/index.htm>.
- ¹⁹⁹ See the Jared's Place website: <https://intervalhousehamilton.org/legal-support>.
- ²⁰⁰ See the Barbara Schliker Commemorative Clinic website: <http://schlikerclinic.com>.
- ²⁰¹ Interview with a survey respondent.
- ²⁰² Between 2002 and 2008, 91% of domestic homicide victims were women. In total, 168 women and 16 men were killed by their ex-partner. Office of the Chief Coroner, supra note 129, p. 11.
- ²⁰³ Legal Aid Ontario, *Draft French Language Services delivery model – Centres of expertise*, September 18, 2010.
- ²⁰⁴ *Legal Aid Services Act, 1998*, supra note 46, s. 14.
- ²⁰⁵ Office of the Coordinator of French Language Services for the Justice Sector, supra note 29.
- ²⁰⁶ Action ontarienne contre la violence faite aux femmes, *La clinique juridique des femmes francophones de l'Ontario*, Ottawa, Action ontarienne contre la violence faite aux femmes, April 2009.
- ²⁰⁷ The 2009 report by the Ontario Office of Francophone Affairs uses the inclusive definition of Francophone (IDF), which is based on census questions regarding (1) the mother tongue, (2) the language spoken in the home and (3) the knowledge of official languages; see the website of the Office of Francophone Affairs, available online: Office of Francophone Affairs, <http://www.ontario.ca/en/communities/francophones/profile/index.htm#footnotes>.
- ²⁰⁸ Corbeil, Jean-Pierre and Sylvie Lafrenière, supra note 34, p. 7.
- ²⁰⁹ Ibid.
- ²¹⁰ Cardinal, Linda, Nathalie Plante and Anik Sauvé, *Francophone Women in Ontario: A Statistical Profile*. Ottawa, Ministry of the Attorney General, October 2006, p. 5.
- ²¹¹ Corbeil, supra note 34, p. 14. Note that the classification of regions in this study comes from a 2006 study by Statistics Canada: Corbeil, Jean-Pierre, Claude Grenier and Sylvie A. Lafrenière, *Minorities Speak Up: Results of the Survey of the Vitality of Official-Language Minorities*, Ottawa, Statistics Canada, 2006,

available online: <http://www.statcan.gc.ca/pub/91-548-x/91-548-x2007001-eng.htm>. To view a map illustrating the classification of the regions, see <http://www.statcan.gc.ca/pub/91-548-x/2007001/4129732-eng.htm>.

²¹² See the Government of Ontario website, "Profile of Ontario's Francophone Community": http://www.gov.on.ca/en/communities/francophones/profile/ONT05_024277.html.

²¹³ Cardinal 2006, "Statistical Profile," supra note 210, p. 5.

²¹⁴ See the Government of Ontario website, "Profile of Ontario's Francophone Community": http://www.gov.on.ca/en/communities/francophones/profile/ONT05_024280.html.

²¹⁵ Cardinal, *Statistical Profile*, 2006, supra note 210, p. 5.

²¹⁶ Corbeil 2010, supra note 34, p. 76.

²¹⁷ *Ibid.*, Table 4.6.2, p. 76.

²¹⁸ According to a 2001 study by Linda Cardinal et al., in Ontario, Francophone men had an average income of \$32,517.83 and Francophone women, \$24,425.12. Therefore, Francophone women's income was 75% that of Francophone men (see Cardinal, Linda, Stéphane Lang, Nathalie Plante, Anik Sauvé and Chantal Terrien, *French Ontario: A Statistical Overview*, Ottawa, Ministry of the Attorney General, October 2005, p. 7). The calculation methods may differ from those of the study by Jean-Pierre Corbeil and Sylvie Lafrenière. Nevertheless, these studies show a wide income gap between Francophone women and men.

²¹⁹ Corbeil 2010, supra note 34, p. 76.

²²⁰ *Ibid.*

²²¹ Cardinal, *Statistical Profile*, 2006, supra note 210, p. 5.

²²² Cardinal, Linda, "Making a Difference: The Theory and Practice of Francophone Women's Groups, 1969–82" in Edited by Joy Parr, *A Diversity of Women: Ontario, 1945-1980*. Toronto: University of Toronto Press, 1995, p. 303.

²²³ Villella, Melissa-Lynn, *L'enseignante francophone vivant en situation de mariage exogame* (master's thesis). Toronto: Department of Curriculum, Teaching and Learning, Ontario Institute for Studies in Education, University of Toronto, 2007, p. 82.

²²⁴ See Cardinal, Linda, "Femmes et francophonie : une relecture du rapport ethnicité-féminité" in Laurentian University, Institut franco-ontarien, *Les femmes francophones en milieu minoritaire : état de la recherche : colloque tenu à Sudbury les 19 et 20 mai 1992*, Sudbury, Institut franco-ontarien, 1993. Note that this seminar gave rise to the Table féministe francophone de concertation provinciale, which was active from 1992 to 2003 (see <http://francofemmes.org/tablefeministe>).

²²⁵ *Ibid.*, p. 103.

²²⁶ Corbeil 2010, supra note 34, p. 23.

²²⁷ *Ibid.*, p. 83. See also Villella, supra note 223. This thesis demonstrates that Francophone women teachers in exogamous marriages pass on the language in their role both as teachers and as mothers. The study also demonstrates these teachers' need to understand Francophone rights.

²²⁸ See Cardinal, "Making a Difference," 1995, supra note 222. Linda Cardinal traces the history of women's groups in Ontario.

²²⁹ *Ibid.*, p. 281.

²³⁰ *Ibid.*, p. 303.

²³¹ Action ontarienne contre la violence faite aux femmes, *Facilitation Guide: Across the Chasm: A Better Understanding of French Language Services in Ontario*, Ottawa, Action ontarienne contre la violence faite aux femmes, 2008, p. 11.

²³² *Ibid.*

²³³ Discussion with Ghislaine Sirois, Executive Director, Action ontarienne contre la violence faite aux femmes, December 9, 2010. Note that the history of Francophone immigration in Ontario is poorly documented. We were not able to find many resources on the subject; most of the existing resources covered only the most recent years in the history.

²³⁴ See Andrew, Caroline, for the Table féministe francophone de concertation provinciale de l'Ontario, the Association féminine d'éducation et d'action sociale and the National Network on Environments and Women's Health, *Conditions Favouring the Development of French Language Health Care and Social Services in Ontario: A Challenge for Women* (English summary of the study *Réseautage entre les équipes de recherches en santé et femmes francophones (Ontario-Québec)*, Toronto, National Network on Environments and Women's Health, 1998).

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- ²³⁶ Austin, Stéphanie, *Une étude sur le vécu des femmes francophones atteintes du cancer du sein*, Toronto, Centre for Research in Women's Health, 2004, pp. 4–5.
- ²³⁷ Demczuk, Irène, Michèle Caron, Ruth Rose and Lyne Bouchard, "Recognition of Lesbian Couples: An Inalienable Right," Ottawa, Status of Women Canada, Policy Research Fund, 2002, pp. 96–98.
- ²³⁸ Côté, Andrée, Michèle Kérisit and Marie-Louise Côté, *Sponsorship... For Better or For Worse – The Impact of Sponsorship on the Equality Rights of Francophone Women in Ontario*, Ottawa, Status of Women Canada, 2001, p. 10.
- ²³⁹ Grenon, Émilie, Michèle Kérisit and Françoise Magunira, *L'analyse des enjeux des femmes immigrantes et réfugiées francophones vivant en Ontario séparées de leurs enfants*, Toronto, Ontario Movement for Francophone Immigrant Women, 2008.
- ²⁴⁰ Garceau, Marie-Luce, Donald Dennie, Bibiane Tremblay Matte and Marc Charron, *Cessons de penser que l'amour va tout vaincre : la situation des femmes francophones de 45 à 64 ans qui vivent en Ontario : rapport final*, Ottawa, Fédération des femmes canadiennes-françaises, 1992.
- ²⁴¹ Poirier, Jo-Anne, *Les réseaux de soutien des femmes âgées francophones des Comtés unis de Prescott et Russell* (thesis), Ottawa, University of Ottawa, 2002.
- ²⁴² *Ibid.*, pp. 21, 94.
- ²⁴³ Baril, supra note 235, p. VIII.
- ²⁴⁴ *Ibid.*, p. 8. For more on poverty in senior women, see L'Union culturelle des Franco-Ontariennes, *Les femmes francophones de l'Ontario et les politiques gouvernementales*. Ottawa: L'Union culturelle des Franco-Ontariennes, 2003.
- ²⁴⁵ *Ibid.*, p. VII.
- ²⁴⁶ Council on Franco-Ontarian Affairs, "Symposium pour la femme francophone: rapport," Toronto, Council on Franco-Ontarian Affairs, 1986, pp. 80, 83.
- ²⁴⁷ See Arend, Sylvie, Lise Gauthier and David Welch, *Femmes francophones de la région torontoise face aux lois et aux services en matière de séparation, de divorce et du bien-être des enfants : rapport final*, Toronto, Research funded by the Social Sciences and Humanities Research Council, 1996, pp. 122–123.
- ²⁴⁸ Côté, Andrée, "Éducation juridique populaire sur les droits des femmes en Ontario," in *Reflets : revue d'intervention sociale et communautaire*, 3(2) pp. 50–73, Sudbury, 1997, available online: <http://id.erudit.org/iderudit/026172ar>.
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- ²⁵⁰ *Ibid.*, p. 65.
- ²⁵¹ Younes, Mila for the Comité Réseau, *Accessibilité des services en français dans la région d'Ottawa pour les femmes francophones et les femmes immigrantes d'expression française victimes de violence conjugale et de violence à caractère sexuel*, Ottawa, Comité Réseau, 2004.
- ²⁵² *Ibid.*, p. 19.
- ²⁵³ *Ibid.*, pp. 19, 38.
- ²⁵⁴ *Ibid.*, pp. 57, 74.
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- ²⁶¹ *Ibid.*, p. 127.
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²⁶⁴ *Audmax Inc. v. Ontario Human Rights Tribunal*, 2011 ON SC 315.