

DOMESTIC VIOLENCE COURT PROGRAM
ACCESS TO FRENCH LANGUAGE SERVICES
EVALUATION

FINAL REPORT

PREPARED BY
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FOR



2007

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1.0 INTRODUCTION

Violence against women remains a persistent problem in Ontario and throughout Canada. It compromises the social and economic equality, the physical and mental health, as well as the well-being and safety of its victims. In Ontario, French-speaking women who are victims of violence are predominantly served either by government agencies, or non-profit organizations that are funded by the government.

Through its *Domestic Violence Action Plan for Ontario* (2005), the Ontario government has committed itself to protecting women and children from domestic violence by offering:

“(...) a balanced approach which reinforces community-based systems of support in order better to protect the victims, which emphasizes public education, early intervention and prevention strategies to reduce domestic violence, which reinforces the justice system and which offers better access to French-language services for the francophone community.”¹

The Action Plan advocates targeted approaches to improving access to French Language Services (FLS) and initiatives aimed specifically at meeting the needs of the francophone community.

The Domestic Violence Court Program (DVCP) has been implemented in the judicial system in Ontario over the last ten years. The goals of the DVCP are to enhance security for victims, increase offender accountability, increase confidence in the judicial system and, in a much broader sense, to recognize that assault and abuse are crimes against society. The Ministry of the Attorney General’s DVCP *Logic Model* emphasises, among other things, that the attainment of the DVCP’s objectives rests on the ability to offer “service in French of comparable quality to service in English in all aspects of Domestic Violence Court initiatives in the 24 designated regions of the province”.²

In Ontario the provincial government’s obligations to the French-speaking community are defined through five important legislative sources: the *Canadian Charter of Rights and Freedoms*, the *Official Languages Act of Canada*, the *French Language Service Act*, the *Court of Justice Act* and the *Ontario Human Rights Code*. As a whole, these laws and regulations protect the rights of French-speaking citizens by mandating that organizations and agencies of the provincial government to

¹ Ministry of Citizenship and Immigration. 2005. *Domestic Violence Action Plan*. Toronto. Ontario Women’s Directorate. p.1.

² Ministry of the Attorney General. 1997. *Domestic Violence Court Program Logic Model*. Toronto.

provide services in French whenever they do so in English. They demand that these services be equivalent to the services offered in English both in terms of availability and accessibility.

1.1 Core Problem

One of the core components of the DVCP is “to provide French language services of comparable quality to service in English in all aspects of the DVC initiatives in the 24 designated regions of the province;”³ In 2006, the Ministry of the Attorney General of Ontario evaluated the effectiveness of the DVCP,⁴ but did no more than touch upon the important aspect of language. For that reason, Action ontarienne contre la violence faite aux femmes (AOcVF), a provincial feminist francophone organization, was invited by the Ontario Victim Services Secretariat to undertake its own evaluation process of the FLS component of the DVCP to measure how effective and efficient the program is in meeting the needs of French-speaking women who access the services.

The goal of this evaluation is to measure the level of accessibility to FLS as well as their quality and permanence; to identify the concerns of front line workers who deliver the FLS within DVCP and to identify appropriate strategies and recommendations for improving the services of DVCP for French-speaking women.

This evaluation, in part, draws on previous performance and evaluation reports of the DVCP such as PRA Inc.’s report, *Evaluation of the Domestic Violence Court Program. Final Report*, completed in 2006 for the Ministry of the Attorney General and *Les Tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes ?* by Kathryn Penwill (2003) for AOcVF, as well as other important findings such as those reported in Linda Cardinal, Stéphane Lang, Nathalie Plante, Anik Sauvé and Chantal Terrien from the Chaire de recherche sur la francophonie et les politiques publiques, *Un état des lieux : Les services en français dans le domaine de la justice en Ontario*, published in 2005. The Evaluation also takes into account a number of other related studies conducted by other francophone groups and organizations. The objectives of the evaluation are to measure the accessibility, quality and permanence of services in French as well as the effectiveness of the DVCP in reaching its objectives, while also taking into account the experiences of francophone women victims of domestic violence in Ontario.

³ Ministry of Attorney General. 2003. *Implementing the Domestic Violence Court Program*. Toronto.

⁴ For a list of acronyms used in this text, please consult Appendix 1.

1.2 Structure of the Final Report

In order to meet the objectives of this evaluation, the final report has been laid out according to the following structure: Section 1 contains an overview and general background of the issues. Section 2 provides definitions, facts and statistics about violence as they relate to violence against women, as well as a profile of those French-speaking Ontarian women that are most vulnerable to violence. It ends with a brief description of the condition of French-speaking women in order to gain a better understanding of their reality and experiences in Ontario. Section 3 defines the provincial government's legal obligations with respect to FLS, provides some working definitions used in the evaluation as well as a description of a quality French language service. Section 4 outlines the DVCP and provides an overview of its objectives and services. Section 5 presents the methodology employed by the evaluation. Section 6 discusses the results of the evaluation and provides subsequent analysis. In conclusion we will return briefly to the question of the research and make a review of ideas discussed and the proposed courses of action.

2.0 Facts Regarding Violence Against Women in Ontario

In the last ten years, the French-speaking women's movement in Ontario has worked diligently to make the issue of violence against women understood, whether it is domestic violence, sexual assault or other forms of violence perpetrated against women. To set the research in context, it is essential to review some of the fundamental concepts regarding partner assault, sexual assault and other forms of violence against women. These are extremely serious and above all, painful issues.

Definitions of violence against women vary significantly according to the objectives of a study or particular policy and according to the source of the statistics used. For the purposes of the evaluation, the definitions used will be those that have been adopted by French-speaking women's organizations in Ontario including: Francophone Sexual Assaults Centres (CALACS), Francophone Women's Shelters and other Francophone community women's organizations. The *Declaration on the Elimination of Violence against Women* adopted by the United Nations General Assembly in 1993 and signed by Canada provides a broad definition accepted by the francophone community:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It constitutes a violation of human rights and fundamental liberties and it impedes women from enjoying these rights and liberties.

Article 2

Violence against women shall be understood to encompass but not be limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

According to the United Nations Population Fund (2005):

*“Gender-based violence is perhaps the most wide-spread and socially tolerated of human rights violations.(...) It both reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims.”*⁵

The *Criminal Code* of Canada (CCC) does not include gender specific provisions to deal specifically with violence against women or with partner assault. The dispositions in the CCC most often applied in these situations are those dealing with physical and sexual assault, criminal harassment, uttering threats, forcible confinement and homicide.

2.1 Different Forms of Violence⁶

- 1) Physical violence may include threats of violence, hitting and the use of weapons, with or without physical injury. This form of violence is the most widely known. All forms of physical violence are crimes under the CCC.
- 2) Sexual violence is any form of non-consensual or forced sexual activity or touching, including rape. The term “sexual assault” encompasses a wide range of criminal acts ranging from unwanted sexual touching to sexual violence involving weapons, and is categorized according to three levels of severity. The term “sexual offence” refers to the three levels of sexual assault as well as other sexual offences that are designed primarily to protect children. All forms of sexual violence are crimes under the CCC.
- 3) Psychological or emotional abuse includes insults, humiliation, put-downs and yelling, and extreme (often unfounded) jealousy. These are not crimes under the CCC (except, as stated above, for threats of violence), however these forms of abuse are often used effectively to control and intimidate intimate partners. Other acts that are crimes under the CCC, such as harming pets and damaging property, are also used to psychologically and emotionally abuse.
- 4) Financial abuse (also referred to as economic abuse or material exploitation) includes restricting access to family resources, inheritance or employment opportunities or to seize pay cheques.

Financial abuse is not a crime under the CCC, unless theft, fraud or some form of coercion is used.

⁵ United Nations Population Fund. 2005. *State of World Population 2005*. On line. URL: <http://www.unfpa.org/swp/2005/english/ch1/index.htm>. Page consulted on October 25, 2007. p. 64

⁶ Johnson, Holly. 2006. *Measuring Violence Against Women: Statistical Trend 2006*. Ottawa. Statistics Canada. p. 9.

- 5) Spousal abuse refers to physical or sexual violence, or psychological or financial abuse within current or former marital or common-law relationships, including same-sex spousal relationships. The broader category of intimate partner abuse encompasses spousal violence and violence committed by current or former dating partners.
- 6) Spousal assault is measured according to the *CCC* and includes physical or sexual assault and threats of violence.
- 7) Spousal homicide refers to the killing of a marital or common-law partner and includes first and second degree murder and manslaughter as defined in the *CCC*.
- 8) Criminal harassment (stalking) is obsessive behaviour that is directed toward another person. It can involve persistent, malicious and unwanted surveillance, and invasion of privacy that is a constant threat to the victim's personal security. Criminal harassment is an offence under the *CCC*.

2.2 Other Definitions

- 1) Spouses and ex-spouses include legally married, separated and divorced persons as well as common-law spouses and ex-spouses. Also includes same-sex partners.
- 2) Intimate partners and ex-partners include spouses and ex-spouses, and current or former dating partners.
- 3) Feminist Approach encompasses the terms "feminist analysis" and "feminist intervention." These terms are used interchangeably throughout the evaluation. The feminist approach forms the guiding principles in all the interventions with women, political activism and lobbying for social change of francophone women's movement and organizations in Ontario. The feminist approach is the cornerstone of the francophone women's movement and organizations in Ontario:

“Feminist analysis or the feminist approach considers violence against women not as an isolated incident but as a social problem. Its objective is to simultaneously transform the person and society. This objective is shared by the women's movement in French-speaking Ontario, which has incorporated the needs of individual women and the need to transform social institutions. Feminist analysis through its political action strives to reorganize power between men and women and between women and the State. This effort, by and for women, is

to take back the requisite power to control and manage their lives. For Francophone organizations with a feminist analysis, to engage in action is to ground one's analysis in women's real lives, to develop a discourse anchored in reality, to find the necessary arguments to recommend social changes, and to work collectively to change the social inequities women confront.”⁷

“Feminist intervention is founded upon an equal relationship between the worker and the assaulted woman, in order to allow her to regain control of her life. Its aim is to help women to become aware of their situation, to support them in their journey toward a life free of violence, and to help them to find solutions that allow them to take charge of their lives, collectively and individually, while respecting their choices. Social involvement and activism are also seen as collective solutions to the oppression experienced by women as a social group.”⁸

2.3 Statistics on Violence to Women in Ontario

The incidence of domestic violence and sexual assault is no longer shrouded in mystery. It has been measured and studied by numerous groups. Invariably, all reports indicate that violence against women seems to affect half of all Canadian women. What is also true for the purposes of this evaluation is that at least half or all Franco-Ontarian women in one way or another are also affected by violence. The following indicators provide a snapshot of violence to women in Ontario:

- On 15 April 2002, there were 34,588 persons in shelters in Ontario. Of these, 18,066 were women and 16,522 were children. (Statistics Canada, 2003)
- In Ontario for the year 2002, there were approximately 855,000 women living with a disability. Of these, it is estimated that 700,000 women experienced some form of assault and violence. Of these women, 630,000 knew the perpetrator and 229,000 had been assaulted on more than one occasion. (Handicaps.ca, 2004)
- In a 1992 study, one woman in five, aged 45 to 64, in French-speaking Ontario revealed having experienced one or more forms of violence⁹ (There doesn't appear to be any more recent data on this age group.)
- In 2000, 40% of female victims of sexual assault over 18 years of age were assaulted by a friend or an acquaintance, 23% by a stranger, and 23% by a member of the family (including a current spouse or ex-spouse). (Status of Women Canada, 2004)
- Since 1996, sexual harassment crimes are on the rise. In Canada, cases increased by 16% between 1990 and 2000. (Statistics Canada, 2001)

⁷ Kathryn Penwill, Gaëtane Pharand, Ghislaine Sirois et Louise Toone. 1997. « Action politique à la mode de chez-nous ». *Reflets, revue ontarioise d'intervention sociale et communautaire*. Sudbury. vol. 3, no.2. p. 8

⁸ Lucie Brunet and Marie-Luce Garceau. 2004. *Doing so much with so little... Overview and profile of French-language violence against women services*. Ottawa, AOcVF. p. 8.

⁹ M. L. Garceau, D. Dennie, B. Tremblay-Matte et M. Charron. 1992. *Cessons de penser que l'amour va tout vaincre. La situation des femmes francophones de 45 à 64 ans qui vivent en Ontario*. Sudbury. Fédération des femmes canadiennes-françaises de l'Ontario.

- Only 58% of charges come before the courts and 75% of harassers found guilty are not sentenced to prison. (Statistics Canada, 1998)
- Nearly half of women who are victims of mistreatment by their husbands turn to a social service (support centre, crisis line, counsellor or psychologist, community centre, refuge or shelter, women's centre, victims' services).¹⁰
- A significant number of those who do not use these services indicate that it is because they are unaware of them. (Statistics Canada, 2000)
- In December 2003, it was estimated that in Ontario 30% of women dependent on social assistance had experienced physical or sexual abuse. This represents 61,000 women, not counting children. According to the authors, this is a modest estimate.¹¹
- Violence against women costs 4.2 billion dollars per year. This includes the cost of social services, education, criminal justice, work and employment, health care and medical care.¹²

The incidence of violence against women is a reality in Ontario that is simply deplorable. Women continue to be exposed to and endure violence in their daily lives. Violence is a crime. Society, through its government, has an obligation to protect all women and their children by creating a range of permanent, quality FLS in order for women to be able to live in security with their children. For French-speaking women in Ontario the services necessary to meet this urgent need are far from being adequately in place.

We note that the victims themselves are now in a better position to report violence, and that they go to seek help. Thanks to public education and awareness-raising campaigns, violence is not tolerated as it once was. Certain forms of violence, such as domestic violence, are less taboo than before, yet they still remain largely hidden from view. This is particularly the case in certain rural and isolated areas, and in certain immigrant communities. Moreover, some people believe that Franco-Ontarian society has not yet held a real debate about violence, and that the phenomenon has remained marginal.¹³

2.4 The Francophone Community

French-speaking women in Ontario are vulnerable to violence and have their own distinctive characteristics. In order to best present these characteristics, the evaluation relied on the *Statistical*

¹⁰ Garceau *and al.*, *ibid.*

¹¹ Mosher *and al.* in Brunet and Garceau. *Ibid.*

¹² Joint Committee on Domestic Violence. 1999. *Working Towards a Seameless Community and Justice Response to Domestic Violence: A five Year Plan for Ontario*. Toronto.

¹³ Brunet and Garceau. *Ibid.* p. ix

Profile: Francophone Women in Ontario and the *Statistical Profile : Francophones in Ontario* (2005) (prepared by the Office of Francophone Affairs) and the report *Les femmes francophones de l'Ontario : un profil statistique* (from the Chaire de recherche sur la francophonie et les politiques publiques at University of Ottawa, October 2006). The following facts were compiled from the 2001 census and derived from those documents. The supporting statistics on the province as well as on the 49 census divisions of Ontario have been compiled. They are the most recent statistics available on francophone women in Ontario.

- The total French-speaking population in Ontario is currently about 527 708 persons or roughly about 4.7% of the total population.
- Women represent 52.7 % of the francophone population.
- Francophone women are under-represented in the 0 to 34 age group and over represented in the remaining age groups (from 35 to 64 years and over).
- As is the case for the francophone population in general, the average level of education attained for francophone women is inferior to that of the average level achieved by women in the general population.
- The percentage of francophone women in the labour market is lower than that of the general female population (57.8% of Francophones to 60% of the general population).
- A lower percentage of francophone women participates in the labour market than that of their male counterparts (57.8% compared to 70.5%), a situation highly similar to that of women in the population as a whole (60% compared to 73%)
- The average employment earnings of francophone women are 68 % of their male counterparts: \$21,509 versus \$32, 915.
- The proportion of francophone women in all regions living below the low-income cut-off is greater than that of francophone men (18.3% compared to 15.2%).
- The most vulnerable francophone women are those between 20 and 24 years of age, 30.7% of whom live below the low-income cut-off and those over 75 of whom 33.5% live below the cut-off.
- A greater proportion of Franco-Ontarians live in rural areas (21.9%) than do Ontarians in general (16.7%). Francophones from ethnic minorities make up 22.5% of the francophone population in Toronto and 8.9% in Ottawa-Carleton. The majority of Francophones (54%) belonging to an ethnic minority are concentrated in central Ontario.
- Women originating from developing countries experience unemployment, under-employment and difficulty exercising their rights. Racial discrimination, problems with the language, social isolation, the non-recognition of their diplomas and work experience are at the root of these problems.

- Women of colour are doubly disadvantaged because they are often ghettoized in service jobs with no benefits and little job security.¹⁴
- Sponsorship of immigrant women opens the door to various situations of dependence on their partners.¹⁵

As this statistical profile reveals, French-speaking women are more vulnerable than the general population of Ontarian women when they need to leave a violent situation, join the labour market or earn a decent income. In general, French-speaking women are older, less educated and less involved in the labour market. They are also more likely to live in rural areas and are therefore more likely to be geographically isolated, particularly when public transit is unavailable.

French-speaking women experience cultural and social isolation when they cannot fully live their french culture and speak with other francophone women. This statistical overview also reveals that Ontario's French-speaking population is changing and renewing itself through immigration.¹⁶

French-speaking women in Ontario also live in an environment where they are a linguistic minority. As Ghislaine Sirois, Executive Director of AOcVF points out:

“Growing up in oppressive conditions does have an impact on one’s way of being in the world. As women, we are well aware of this: some are passive, some seek justice, many are afraid and would rather disappear than say « I am woman and I want you to respect my rights » (..) there are a thousand and one ways of living interiorized oppression. These choices are survival mechanisms in a climate of intolerance.”¹⁷

In a minority environment, language can be a vehicle for oppression. Moreover, not all French-speaking women such as immigrant women for instance who want to work and integrate into Ontario's society speak both English and French. Immigrant women are not the only ones without a mastery of the English language. Older women, women with disabilities, women living in isolated areas and women from Québec who move to Ontario, also comprise part of a large class of French-speaking women who find it difficult to communicate their needs when confronted with violence. Experience has shown that it is easier for a woman to heal when she can take the necessary steps in her own language.

¹⁴ A. Bassolé, H. Hamboyan, M. Kérisit, N. Plante et M. Young. 2004. « On dit toujours que la guerre est finie mais la guerre n'est jamais finie... » *L'impact du conflit armé sur l'intégration des femmes immigrantes et des réfugiées francophones en Ontario*. Ottawa. Mouvement ontarien des femmes immigrantes francophones.

¹⁵ *Idem*.

¹⁶ Garceau and al. *Ibid.* p. 58.

¹⁷ Ghislaine Sirois. 1999. *Does Oppression of Francophone Women Exist?* Ottawa. Action ontarienne contre la violence faite aux femmes. pp. 13-14.

3.0 LEGISLATIVE OBLIGATIONS WITH RESPECT TO FRENCH LANGUAGE SERVICES

3.1 The *French Language Services Act*

Adopted in 1986, the *French Language Services Act (FLSA)* sets out the provincial government's obligation to provide FLS in Ontario. The FLSA protects the rights of citizens to access FLS in the main offices of all provincial government ministries and organizations, as well as the majority of the offices of provincial government ministries and organizations in any one of the 25 designated regions of the province or which serve any of these regions.

3.2 Designated Areas

A designated area is an area officially recognized by the Ontario government as having the right to service in French by virtue of its concentration of Francophones or the vitality of the francophone population in the community. For an area to be designated it must have 5,000 francophone residents or Francophones must make up at least 10% of the local population. See Appendix 2 for the list of areas designated under the *FSLA*.

3.3 Designation

Each Ontario government ministry is responsible for appointing a French Language Service Coordinator to work with the Office of Francophone Affairs in implementing and applying the *FLSA* within their respective Ministry. The Minister Responsible for Francophone Affairs, supported by the Office of Francophone Affairs, is responsible for the application and management of the *FLSA*. At the Ministry of the Attorney General, the Office of the Coordinator of French Language Services is responsible for planning FLS. The job of the FLS coordinator is to promote the development of services in French, to identify transfer payment agencies that should provide services in French, to review designation plans prepared by agencies and facilities, and to make recommendations to the Ministry about approving these plans. The French Language Services Coordinator's Office is also responsible for developing policies and procedures as well as implementation guidelines for FLS strategic plans within the Ministry of the Attorney General and the judicial system in Ontario: to provide regular updates on FLS delivery, to review designation plans prepared by agencies and organizations, to offer recommendations to the Minister concerning the acceptance of plans and to coordinate complaints. The request for designation is forwarded to the Office for Francophone Affairs which is responsible for preparing the Orders-in-Council. Designation under the *FLSA*

recognizes an organization's capacity to provide services in French. Once an organization has been designated, offering services in French becomes obligatory and permanent.

In all areas designated by the FLSA and for all programs and services subject to the dispositions of this law, the government of Ontario has committed to improving access to FLS by:

- Working in collaboration with transfer payment agencies to improve and increase services offered in French;
- Providing support to professionals and professional organizations to better serve their patients, clients and communities;
- Developing and adopting programs and services that respond more effectively to the needs of Francophones;
- Offering information about government programs and services to Francophones;
- Encouraging Francophones to inform themselves about programs and government services available in French and to use them.

3.4 Courts of Justice Act of Ontario

The *Courts of Justice Act of Ontario* (1990) (*CJAO*) declares that English and French are the official languages of provincial courts and that the trials are heard either in English or as bilingual. Essentially, this means that each individual has the right to a bilingual judge and the right to present testimony and comments in French. The individual also has the right to a bilingual jury and the right to submit documents written in French in designated regions in virtue of this law.

In keeping with the *CJAO*, since June 2001, Ontario Regulation 53/01 ensures the right to a bilingual proceeding in four ways: filing a requisition form, making an oral statement to the court, filing a written statement with the court or filing their first document in French.¹⁸

In Ontario, provincial courts include: the Superior Court of Justice, Divisional Court, Family Court, Small Claims Court and the Ontario Court of Justice. Before these courts, Ontarians who speak French have the right to demand that proceedings be heard as a bilingual hearing. Unless Francophones request a bilingual proceeding, the hearing will be held in English.

¹⁸ Association des juristes d'expression française de l'Ontario. 2007. *Principales dispositions linguistiques*. On line. URL: www.ajefo.ca. Page consulted on May 11, 2007.

3.5 Criminal Code

Articles 530 and 530.1 of the *CCC* guarantee the right to a trial in the French language for all French speaking individuals accused of having committed an offence under the *CCC* and other federal laws anywhere in Ontario. These two articles also clearly stipulate the court's obligations relative to this right. In criminal law proceedings in Ontario, victims of violence do not have the right to choose the language in which a trial will be heard. However, victims of violence can request the services of an interpreter in order to be able to participate in the process.

3.6 Definitions

3.6.1 Permanence and Quality of Services

In Ontario, designated service provider must ensure that all of its FLS are available and provided on a permanent basis. This is generally achieved through an agency's mission statement, internal regulations and policies. Human resources and staffing policies must provide for the ongoing availability of FLS. In addition, the designated institution or organization must be capable of identifying its francophone clientele in order to be able to provide quality FLS comparable to the English language services offered to the anglophone population. This implies having a mechanism to ensure the quality and evaluation of FLS, as well as a process to facilitate the filing and resolution of complaints.

3.6.2 Guaranteed Availability of Services

The French-speaking population has the right to receive FLS that are similar or comparable to those provided to the English-speaking population.

3.6.3 Accountability for the Delivery of French Language Services

Through its mission statement, internal regulations, policies, and service delivery, a designated service provider must take responsibility for the delivery of FLS. A FLS delivery plan must be adopted and its implementation monitored. The Ministry responsible for a designated service provider may require that designated service provider to provide an update on the delivery of its FLS.¹⁹

¹⁹ Réseau des services de santé en français de l'Est de l'Ontario. 1999. *Le Réseau des services de santé en français de l'Est de l'Ontario : présentation du modèle et de ses possibilités*. p.20.

3.6.4 French Language Services

All communications through which a designated administrative court interacts with members of the francophone community in order to offer them help or information, whether they be written, verbal, audiovisual or digital, must be made in French. Moreover, the means of communication used must be comparable to those used in the interaction with the English-speaking community.

3.6.5 Active Offer of Services

The main points of the concept of active offer of services in French are the following:

- The concept of active offer applies to all government services provided to the general public in designated areas by administrative bodies covered by the *FLSA*.
- The concept of active offer means that all communications by phone, in person, in writing or by electronic methods are made in the official language of the clientele's choice. Service providers must inform the public that they can communicate and be served in French.
- The public is assured from the outset that using French will not result in a diminished quality of service, regardless of where this service is offered.

Therefore, an active offer of FLS means:

- Providing quality service in the official language of the clientele's choice;
- Advising clients that they have the choice to receive the service either in French or in English in a manner that is evident and that the service is readily available and easily accessible to the client;
- Providing a comparable service in both official languages for all oral, written and electronic communications related to the service in question;
- Ensuring that FLS are real, available, accessible and known to the public, and that their quality is comparable to services offered in English.

3.6.6 Comparable Services

The francophone population has a right, at all times and for all services, to FLS equivalent to services offered in English, both in terms of availability and accessibility.

3.6.7 Francophone Representation

To be designated under the terms of the *FLSA*, an institution or organization providing service in a designated region must have representatives of the French-speaking community on its Board of Directors and in its management team.

3.7 Ideal Portrait of Quality French-Language Service

This ideal portrait of quality French-language service was developed in 1998 in the context of a study of French-language anti-violence services in Ontario.²⁰ In this study, Action ontarienne contre la violence faite aux femmes describes the elements that define concretely what constitutes quality French-language anti-violence services. This portrait sets out an ideal to be achieved in order to ensure the accessibility and quality of anti-violence FLS. It is a reminder which allows organizations and ministries to see to what extent anti-violence FLS are accessible and of high quality.

- a) The staff members are French-speaking and competent:
 - The service is managed by French-speaking women who have the power to make decisions affecting services;
 - The quality of the services offered in French is equal or superior to that of services offered in English;
 - All staff members speak and write French fluently. French-speaking staff are found at all levels of the services offered by the organization;
 - Staff recognize the diversity of Francophones in a minority environment. Staff are sensitive to the oppression of French-speaking women living in a minority environment and understand their reality;
 - Staff are committed and demonstrate empathy and respect for clients;
 - Workers have the skills and training to offer quality services.

- b) The human and financial resources are adequate:
 - The human and financial resources are adequate to meet the demand and to do the necessary community development work;

²⁰ Lucie Brunet. 1998. *Les services en français en matière de violence faite aux femmes : le défrichage d'un chemin tortueux*. Ottawa. Action ontarienne contre la violence faite aux femmes.

- Continuity of service is assured;
 - French-speaking volunteers contribute to the activities of the organization, but the service is not wholly dependent upon them to operate.
- c) All services are guaranteed and accessible at all times:
- Users may be served entirely in French from the beginning to the end of the process;
 - The full range of services offered is available in French;
 - Access to service in French is guaranteed and not only when it is requested;
 - The service meets needs;
 - The service is accessible to women who live at a distance;
 - The service is permanent;
 - French-speaking staff are available 24 hours a day, 7 days a week for emergency services;
 - Staff turnover is minimal;
 - The service is free;
 - The service is confidential;
 - The material in French is easily understood and used by all women.
- d) There is a feminist and holistic approach to services that respects the diversity of women:
- Services offered have a feminist orientation founded on respect, choices offered to women, prevention, and social change;
 - A range of options is presented to women;
 - Services are holistic and geared to the needs of users;
 - Services are accessible to women in all their diversity and can meet the needs of women from racial and cultural minorities, women with a disability, and other women with special needs;
 - Empowerment and individual and collective responsibility are encouraged.
- e) The organizational structure supports offering and developing services:

- The structure is homogenous, Francophone and autonomous;
- The organization takes seriously its mandate to serve French-speaking women;
- The organization actively offers services in French;
- Publicity materials and dealings with the media are in French;
- Both French-speaking and English-speaking clients are well informed of the existence of services;
- Management and staff create a climate in which users are encouraged to express themselves in French;
- Employees are supported by other French-speaking colleagues in the same field;
- The board of directors and committees are made up of Francophone women representative of the community;
- Management and those responsible for the various services and programs are French-speaking and are sensitive to the reality of Francophone women living in a minority environment;
- Training for staff and volunteers is available in French and meets clients' needs;
- Networking and referral to related resources is done in French whenever possible;
- The service is accountable to the French speaking community and reflects its values.²¹

²¹ Brunet and Garceau. *Ibid.* pp. 35-37

4.0 THE DOMESTIC VIOLENCE COURT PROGRAM

4.1 The Domestic Violence Court Program

The DVCP was first launched in 1997 by the Attorney General of Ontario and was finally established in all 54 jurisdictions of the province by the year 2007. The most extensive DVC program in Canada, it facilitates the prosecution of domestic assault cases and early intervention in domestic violence situations, provides better support to victims and increases offender accountability.

The DVCP was implemented in recognition of the distinct differences between violence involving family members and those involving acquaintances or strangers. Victims and witnesses are generally more reluctant to testify in family violence cases. In addition, the traditional sanctions meted out through the justice system, such as fines and prison sentences, have done little to address domestic violence in our society.²² The May/Iles Coroner's inquest greatly influenced the implementation of this program.²³ In the report of July 1998, the Coroner of Ontario recommended the following: to increase court access for domestic violence cases, to institute a system for coordinating with community partners in order to provide better support to victims, to intervene earlier in domestic violence situations, to demonstrate greater efficiency in investigations and prosecutions, as well as to ensure offender accountability.

4.2 Profile of the Domestic Violence Court Program

In a DVCP, teams of specialized personnel, including police, Crown Attorneys, Victim/Witness Assistance Program (V/WAP) staff, Probation services staff, Partner Assault Response (PAR) program staff and community agencies, work together in the management of the DVCP to offer well-coordinated services adapted to domestic assault victims and their children.²⁴

4.3 The objectives of the Domestic Violence Court Program:

The objectives of the DVCP are to:

- Lessen the impact of crime by providing services to domestic violence victims,
- Increase victim safety and help prevent re-victimization,
- Increase victim safety and help prevent re-victimization by holding offenders accountable,

²² Federal/Provincial/Territorial Working Group on Domestic Violence. 2003.

²³ Kathryn Penwill. 2003. *Les Tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes ?* Ottawa. Action ontarienne contre la violence faite aux femmes.

²⁴ Ministry of Attorney General. 2006. *Domestic Violence Court (DVC) Program*. On line. URL: <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/dvc.asp>. Page consulted on May 16, 2007.

- Intervene early in domestic violence cases.

The DVCP consists of several components integral to achieving its objectives:

- Improve investigative procedures used by police,
- Designate Victim/Witness Assistance Program staff,
- Designate Crowns for the prosecution of domestic violence cases,
- Establish specialized procedures to expedite the processing of case files,
- Implement specialized intervention programs for abusive partners with an outreach component to victims,
- **Service in French of comparable quality to service in English in all aspects of the 24 regions designated by the FLSA,**
- Establish hospital-based Sexual Assault/Domestic Violence Treatment Centres at certain locations,
- Provide interpretation services,
- Establish specialized procedures in cases of domestic violence for probation personnel and conditional release,
- Put in place an advisory committee with representatives of the justice and community sectors, appointed by the court program advisory committee (DVCAC), for the hearing of domestic violence cases.²⁵

4.4 Domestic Violence Program Core Components

In Ontario, every court for the hearing of domestic violence cases must include the following basic core components:

- A Domestic Violence Court Advisory Committee,
- Specially trained domestic violence Crowns, V/WAP staff, and interpreters,

²⁵ PRA Inc. 2006. *Evaluation of the Domestic Violence Court Program. Final Report*. Toronto. Ministry of Attorney General.

- Specialized evidence collection and investigation procedures by police,
- Case management procedures to coordinate prosecutions and ensure early intervention,
- A Partner Assault Response intervention program,
- Measures to insure the coordination of services.²⁶

4.5 Domestic Violence Court Program Partners

A key component of the DVCP is the coordination of services between the various partners involved, namely the Crown Attorney, the Victim/Witness Assistance Program, Police services, Partner Assault Response Program provider and Probation services. The Crown Attorney and the V/WAP Manager co-chair the DVCC and are co-responsible for achieving and maintaining the program's objectives.

4.6 Domestic Violence Court Program Services

4.6.1 Domestic Violence Court (DVC)

Domestic Violence Courts share the same goals, objectives and elements as the DVCP throughout the province. However, their forms may vary from one jurisdiction to another depending on the needs and characteristics of the community (volume of cases, size of the community, etc.) and the perspective of the decision-makers involved in the process. Certain jurisdictions have implemented specialized domestic violence courts while other have elected to implement a specialized domestic violence process within the regular criminal court program (rather than setting up a separate court).

The Domestic Violence Courts follow two principles in family violence dispositions:

- 1) **Early Intervention and Counselling** – First-time offenders who have caused no significant injury to the victim, have not used a weapon and who plead guilty, assume responsibility for their actions by participating in a Partner Assault Program – a specialized program for cases involving violence against women. This component of the DVC program gives first-time offenders an opportunity to learn non-violent ways of resolving conflict. The victims are consulted first on this matter. Participation in this program must be completed to the satisfaction of the court and is one of the conditions of parole for the offender before sentencing. If the offender does not complete the program or re-offends during PAR, a new charge is laid.

²⁶ Ministry of the Attorney General. 1997. *Domestic Violence Court Program Logic Model*. Toronto.

- 2) **Coordinated Prosecution** – If the offender re-offends or has inflicted serious injury on the victim, emphasis will be placed on the prosecution. Specially trained officers will use up-to-date techniques for the collection of evidence, in particular, use of 911 tapes, medical reports and videotaped victims' statements. These cases are entrusted to Crown Attorneys trained in domestic violence cases and are heard expeditiously.

Throughout the judicial process the victims will be aided and advised by personal from V/WAP and PAR (if the offender is participating in this program).

4.6.2 Victim/Witness Assistance Program

The mandate of the V/WAP is to provide information, assistance and support to victims and witnesses of crime throughout the criminal justice process in order to increase their understanding of, and participation in, the criminal justice process. The V/WAP services are provided on a priority level to victims that are most vulnerable and to witnesses of violent crimes (domestic violence, sexual assault, abuse and sexual assault of children and other heinous crimes), as well as to families of homicide victims or vehicle-accident victims. V/WAP services come in effect once police have laid charges and continue until after the sentencing hearing.²⁷

Services offered by the V/WAP include: crisis intervention, needs assessment, referrals to community agencies, emotional support, case-specific information (court dates, bail conditions), court preparation and court orientation.

V/WAP staff members also advise Crown Attorneys on issues related to sexual assault and domestic violence. In addition, staff members participate in public education activities, engage in community coordination initiatives and the development of related protocols with community partners. (See Appendix A for a list of regional V/WAP offices in the designated areas. Twenty eight of 54 programs are mandated to offer FLS in Ontario.)

²⁷ Ministry of Attorney General. *Victim/Witness Assistance Program (VWAP)*. On line. URL : <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/vwap.asp>. Page consulted on May 12, 2007.

4.6.3 Partner Assault Response Program

PAR programs are specialized counselling/educational programs delivered by community-based agencies for individuals who have abused their partners. The goal of a PAR program is to hold offenders accountable for their behaviour and enhance victim safety.

The programs, part of the DVCP, are 16 weeks long and provide participants with an opportunity to examine the beliefs and attitudes that they have used to justify their abusive behaviour and to learn non-abusive ways of resolving conflict. Participants are referred to the PAR program as a condition of a probation order, conditional sentence, parole or as a condition of bail prior to sentencing.

While the participants are in the program, agency staff provide their partners with safety planning, referrals to community resources, information about the PAR program and support.²⁸ (See “Appendix B for a list of Partner Assault Response Programs in Ontario. Twenty-four of 68 programs are mandated to offer FLS.

4.6.4 Domestic Violence Court Advisory Committee (DVCAC)

The advisory committee ensures inter-agency coordination between the various DVCP partners by facilitating coordination and communication. The committee has a mandate to draft frames of reference, protocols, policies and procedures to promote collaboration and information sharing between judicial partners, as well as between community partners. It is also a mechanism for identifying and finding solutions to problems, conducting case studies and file evaluations and for sharing information on the roles and responsibilities of the DVCP participants.²⁹ The DVCAC can be comprised of representatives of the following:

- Crown Attorney
- Victim/Witness Assistance Program
- PAR service provider
- Probation and Parole program

²⁸ Ministry of Attorney General. *Victim/Witness Assistance Program (VWAP)*. On line. URL : <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/vwap.asp>. Page consulted on May 12, 2007.

²⁹ Ministry of Attorney General. 2003. *Implementing the Domestic Violence Court Program*. Toronto. Ministry of Attorney General. p.42

- Police (provincial, regional and municipal)
- Women's shelters
- Rape Crisis Centres
- Childrens' Aid Society

4.6.5 Victim Crisis Assistance and Referral Services

The Victim Crisis Assistance & Referral Services (VCARS) program is a community response program providing immediate on-site service to victims of crime or disaster, 24 hours a day, seven days a week. They are delivered by a team of qualified volunteers working in partnership with police services and community agencies. Since VCARS are transfer payment autonomous agencies managed by a board of directors, they are not automatically subject to the *FLSA*. However, the Ontario Victim Secretariat has included, in the funding agreement with the VCARS agencies, the stipulation “that they must ensure that their total number of volunteers (including administrative councils) reflects the demographic of the surrounding population.” The government still has an obligation and a responsibility to ensure that the VCARS services are available in the French language.³⁰

VCARS services are currently available in 48 jurisdictions of the province. Of these, 20 VCARS programs are located in designated areas.

³⁰ Linda Cardinal, Stéphane Lang, Nathalie Plante, Anik Sauvé et Chantal Terrien. 2005. *Un état des lieux : les services en français dans le domaine de la justice en Ontario*. Chaire de recherche sur la francophonie et les politiques publiques. p. 92.

5.0 METHODOLOGY

The evaluation was carried out using the following data collection methods:

- A study of the documentation available about the DVCP,
- A review of prior evaluations of the DVCP,
- Interviews with DVC personnel (i.e. V/WAP, PAR, Crown Attorneys, Judges),
- Interviews with community partners (i.e. women's shelter, Rape Crisis Centres and counselling services),
- An interview with members of the Association des juristes d'expression française de l'Ontario,
- Testing and observation of active offer of French Language service via telephone, availability of French language materials and publications (web sites, broadcasts, posters, leaflets, etc.),
- Integration of previous relevant studies by other researchers.

For the evaluation a total of twenty-seven randomly selected people, from the various regions designated by the *FLSA*, were interviewed. The sample was drawn from the DVCP as well as the Women's Shelters, Rape Crisis Centres and other community partners working in the violence against women sector in the designated areas of province. The interviews were carried out— either face-to-face, by telephone or electronically using a questionnaire³¹—by respondents working in the different DVC programs, as well as with respondents working in the community sector in the area of violence against women. Some interviews were conducted without the questionnaire by respondents working within the DVCP, community partner agencies of the justice system and of the Attorney General.

An effort was made to ensure that each designated area was represented by a minimum of one (1) respondent. In addition there is an equitable representation of DVCP participants and violence against women sector /community partner respondents. The interviews were conducted between March and August 2007.

³¹ See Appendix 4 for a sample Interview Questionnaire.

The goal was to obtain a general impression of the efficacy of the DVCP in delivering FLS, inter-sector coordination as it relates to FLS, the effectiveness of FLS (level of accessibility, availability, permanence and quality) that are central to the DVC Program's mandate.

Table 1

Consultations/Interviews conducted³²		Regional Representation	
DVC Participants	7	North	8
DVC Community	5	South	7
Violence to Women Sector	11	Toronto	4
Independents (AJEFO, Community counselling)	2	West	3
Government Representatives (Ministry of the Attorney General)	2	East	3
		Provincial Perspective	2

Total interviews conducted: 27

5.1 Limits of the evaluation

Very tight schedules and a few communication problems limited the scope of this research. Time did not permit us to call upon all the sectors involved in the DVC system. For instance, we were not able to consult any Sexual Assault/Domestic Violence Treatment Centres, Probation and Parole Services, Cultural Interpretation, Judicial Services or Correctional Services. Nor did we attempt to address any of the problems or issues already identified in PRA Inc.'s evaluation report of July 2006. By no means is this evaluation meant to be an exhaustive study.

³² In order to maintain confidentiality and anonymity individual names, agency names and/or the names of specific communities have been omitted from the final report.

6.0 ANALYSIS AND RECOMMENDATIONS

6.1 The Current Situation: Key Findings

Within the scope of this research, we are able to confirm that the DVCP has contributed to the enhancement of services available to women victims of violence in each of the designated areas of the province. Nevertheless, our study also revealed that this improvement manifested itself primarily throughout the range of English language services for women rather than uniformly across the full spectrum of services for francophone women. This opinion was expressed commonly by both DVCP respondents and the violence against women sector respondents in all 24 designated areas of the province. We note that francophone women are reluctant to lodge complaints about the availability or quality of FLS, especially because they are afraid of repercussions. We observed an improvement in the level of the security of francophone women in all regions in which the DVCP was implemented. The majority of respondents indicated that French-speaking women and witnesses have a better understanding of the criminal justice process and a better understanding of their rights. Although there appears to be an increase in the number of offenders referred to the PAR Program, there are practically no PAR programs being offered in French to respond to the needs of French-speaking families in most of the designated areas. Respondents believe that the DVCP did not attain its objective of intervening rapidly in cases of domestic violence. Most cases of domestic violence still take from nine to eighteen months to be disposed off.

Two of the eight DVCP sites in Toronto are designated as per the *FLSA*. However, when we attempted to verify their capacity to actively offer FLS, the evaluation found that the services were not available nor were they accessible or permanent at either of the two designated sites. In reality, considering the size and dispersal of its French-speaking population, the francophone community of Toronto is not adequately served by the two offices that are currently designated.

The evolution of the general practices of the Crown Attorney is an example of the improvement of certain services of the DVCP. Thanks in part to the DVCP, perpetrators of domestic violence are made more accountable than in the past because most cases can now be prosecuted regardless of whether the victim is not able or willing to testify. In addition, all participants reported improvements in police intervention since the implementation of the DVCP, thanks to better techniques for gathering evidence. Recording of 911 calls, videos, medical reports, etc., help back up the evidence.

Nevertheless, despite all these improvements and undeniable advantages that can be attributed to the DVCP, the evaluation unfortunately revealed that the DVCP's core objective to offer "services in French of comparable quality to service in English provided in the 24 designated regions according to the terms of the FLSA" is far from being realized. Furthermore the evaluation found that:

- The full spectrum of DVCP and services are available in English in each of the designated areas of the province that we consulted. However, these same services are not always available or accessible at the same level in French (quality, permanence, accessibility) as the services in English in those areas.
- In general, the community respondents were satisfied with the DVCP services that are available in English, however they were not satisfied with the level of FLS, the quality of FLS, the accessibility of FLS, or with the capacity of the DVCP to offer FLS in the designated areas.
- The majority of community respondents are aware of the DVCP in their community. However, the majority are not familiar with the terminology or the jargon of the DVCP in French. Many respondents did not even realize we were talking about the DVCP until the program was referred to in English or until the evaluation employed the English terminology and acronyms (V/WAP, PARS, DVC, DVCAC, VCARS).
- In general, the community respondents did not believe that the French-speaking women they had served had been satisfied with the quality, accessibility or the availability of the FLS that were offered to them within the DVCP in the designated areas.
- The community respondents were convinced that francophone women did not show their dissatisfaction with the FLS for a number of reasons: fear of reprisals, ignorance of the complaint procedure, lack of information, ignorance of their rights, the inability to affirm themselves, the lack of self-esteem after having been the victim of violence, etc.
- The majority of respondents put forward the notion that French-speaking women victims of domestic violence do not insist on being served in French because they are already preoccupied by other priorities, such as their safety and the safety of their children.

- French-speaking women want a complete range of quality services in French, yet the constraints of the system are such that these women must often choose between a decent service in English and service in French of lower quality.

According to our research, only four of the 24 DVCPs in the province are in a position to offer a complete range of FLS in a permanent way. In addition, ten other sites are in a position to offer certain services in French depending on the availability of human resources.

- Within the framework of the regional DVCP, the majority of the courts do not offer a DVC, but rather a specialized process within the general criminal tribunal.
- The City of Toronto is a region that is designated in its totality and in conformity with the demands of the *FLA*, only two of the eight DVCP sites are designated. However, neither of these sites were able to provide a complete range of FLS at the time that the evaluation was conducted. No members of their personnel were identified as French-speaking or bilingual, nor could they participate in the FLS evaluation process.
- In certain regions such as the South and the South-West, we communicated directly with the personnel in designated “bilingual” positions. Often these positions were filled by English-speaking individuals who did not have a command of the French language. In many cases, conversation was arduous. If this situation proved difficult for the respondent, it would be much more challenging for a francophone woman in a state of crisis reaching out for help and support.
- Only 24% (6 out of 25) of the DVCACs were in compliance with the guidelines from the French Language Coordinator’s Office of the Ministry of the Attorney General with respect to ensuring representation and participation from the francophone community on the DVCAC in designated areas.
- There is very little promotion of the PAR Program in French targeting either the francophone members of the judiciary or the francophone perpetrators of violence. Judges, defence lawyers and Crown attorneys are unaware that transfer payment agencies are mandated to offer the PAR program in French.

- We note that there exists a significant lack of qualified personnel to offer the services of the DVCP in French.
- There are important gaps in terms of standards and best practices in the active offer of service in French within the DVCP in Ontario within the following areas:
 - Offer and request for FLS;
 - Access to FLS;
 - Coordination of services between justice and community partners;
 - Data collection about FLS, its evaluation and the level of client satisfaction;
 - Francophone representation on consultative committees;
 - Human Resources and Training of personnel.

6.2 Offer of Service and Requests for French Language Services

The majority of respondents from the community indicated that for the most part the francophone women they served seemed to be satisfied with the V/WAP intervention and with the contact with the Crown Attorney. However, it was not surprising to learn that most of the victims found the criminal justice process quite long and difficult to comprehend, especially since most hearings were typically held in English.

The evaluation also confirmed that police services are not in a position to respond effectively to the needs of French speaking women, especially when they are experiencing distress. The following testimonials are used to illustrate the problem.

“There isn’t even one Crown attorney who speaks French in a community made up of more than 50% Francophones.”

“The V/WAP told us they never receive any requests for French language services, but in the last year we have provided services to over 100 francophone women (...).”

“There is no defence lawyer in our region who even speaks French!”

“There are Crown attorneys who speak French and there are judges who speak French in our city, but that is no guaranty that you will get a hearing that will take place in French...often, they have an interpreter brought in to translate (...).”

Frequently, women themselves will initiate first contact with the DVCP, usually by contacting the police after an incident of domestic violence, or later to learn the outcome of a bail hearing, or after

being referred by a related agency. In all cases they are redirected to the V/WAP by Court services, by the Crown's Office, by police services or by VCARS.

The methods used by the DVCP to identify French-speaking women are not always efficient or effective. When the evaluation inquired about how French-speaking women were identified, participants responded that they often guessed at it from the woman's surname, from her accent or if they learned of it from the woman herself once a direct request for FLS was made. One respondent asserted:

"I don't know how we identify francophone women or if the DVCP even attempts to identify them."

In most cases, the DVCP staff offer FLS only if the person has difficulty expressing themselves in English or if the person explicitly requests service in French.

The V/WAP is aware of the importance of developing efficient strategies to identify the needs of FLS and to respond to these needs, but does not actively offer FLS to its clientele. When we inquired about any policies or best practices concerning the active offer of FLS not one participant from the DVCP could respond to our questions.

There is no space on any referral form or intake form or in the client file to indicate language of preference, nor is there any formal mechanism to identify if the client is francophone. The evaluation also revealed that the V/WAP data base *VicTrack* (case management system)³³ does not collect any information regarding language preference. When we asked to see the statistical data on the francophone women/victims served in the last five years, not one of the V/WAP sites consulted was able to provide the information requested. Even though some of the V/WAP sites keep hard copies of their data, the practice is not standardized across the province in a logical, systematic or coherent fashion.

There is no way to measure the amplitude of requests for FLS in the DVC Program in Ontario over the past five years since no statistics seem to have been collected. The following testimonials illustrate the problem well:

³³ VICTRACK is a case management system used by the Victim Witness Assistance Program that allows V/WAP staff to collect, record and create a database of information for all clients.

“Data collection is all done online, on an information management system and we don’t have access to the data [...] we have no way of answering your question.”

“We really don’t get very many requests for FLS, all of our clients are bilingual and they all understand English anyway.”

The number of requests for FLS is not always high for a variety of reasons: French-speaking women are not always aware that FLS exist; French-speaking women do not want to wait longer to have access to services; French-speaking women do not want to be considered as difficult or hard-to-serve clients simply because they insist on receiving their services in French; and many French-speaking women do not know that they have a right to receive services in French, especially from a designated agency. We can also add to this, the fact that many people continue to presume that all French-speaking women in Ontario are bilingual and that they can manage well enough in English without having their services delivered entirely in French. This may be compounded by the fact that French-speaking women, who are already oppressed and intimidated by their violent partners, do not dare jeopardize or compromise the support they are receiving by insisting on FLS.

Community respondents affirm that French-speaking women do not insist on receiving FLS. We note this phenomenon to be, as one respondent put it:

“(...) it is part of the assimilation of francophone women not to recognize their right to receive service in the French language. Women would be much less satisfied with the services they receive if they understood that it is a fundamental right to receive services in French, and not just a privilege,”³⁴

In other words, if the services were offered to them in French they could judge the quality of the service offered. When French-speaking women are provided services in English, they do not generally dare to protest if the services do not meet their needs. Moreover, there are no formal mechanisms that exist where women can file a complaint regarding the services they received without fear of repercussion (i.e. losing the support and the assistance that they are getting).

As far as the right to request FLS is concerned, this is what one of the respondents had to say:

“(...) women understand their right [to French language services] theoretically, but they do not understand it in practical terms (...)”

³⁴ Testimonial from a respondent in the Violence to Women sector.

In theory, women understand that they have a right to receive services in French, however they do not know how to make this notion concrete and apply it to their own situation.

Recommendations:

1. Increase awareness among French-speaking women of their right to FLS and educate them as to how to access FLS.
2. Promote the DVCP's French language services in the community.
3. Put in place a mechanism to receive FLS complaints and establish an investigation procedure in order to ensure that all complaints are treated in a transparent and equitable fashion.

6.3 Communications

The evaluation revealed that written communications with victims in the majority of DVCP sites is done primarily in English. In designated areas, communication is done in keeping with the protocols negotiated by the DVCACs.

Generally all domestic violence related incident reports are forwarded to the V/WAP or the Crown Attorney's office by the police. The incident report includes the victim's contact information as well as a summary of the incident but does not contain any specific information regarding the victim's language of communication. Once the report is received, V/WAP personnel communicate systematically with the victim. The first contact is often by way of a form letter or a telephone contact to introduce the victim to the program. The letter of introduction to the V/WAP programme is available in both languages, however it is generally only sent in English, except in those cases where a francophone woman is already known to the V/WAP personnel. It is not standard practice to send a bilingual letter for reasons related to time management and human resources.

In all regions, the majority of the respondents (justice sector and violence to women sector) indicated that victims are generally well informed by the V/WAP of the judicial process and of the status of the perpetrator /accused in the system. However, the information and the documents received from the DVCP overall, including the V/WAP as we saw earlier, are not always available in French and the documents French-speaking women receive from the DVC are often not understood because they are entirely in English. When the documents are translated into French, they are often missing certain information or the information is not exact because the translation and interpretation are mediocre.

Women might give their consent or sign a document without really understanding the meaning or the consequences.

In the words of more than one of the respondents:

“(...) francophone women are not kept up to date on the progress of their case. Interpretation of documents, such as court orders is always done in English. All correspondence is in English even if the program worker knows that the woman is French-speaking.”

“(...) it takes too long (to produce a bilingual letter). It’s like doing the work twice, once in English and once in French. We don’t have time to do that, we’re already overloaded with work...”

All the community respondents expressed the need to send bilingual documents to francophone women. It should also be noted that the documents are available in French but they are not used, either because of a lack of awareness of the needs of French-speaking women or from a lack of human resources.

Recommendations:

4. Develop and implement a mechanism to identify French-speaking women in each step of the DVC Program.
5. Implement communication mechanisms in order to increase the effectiveness of the active offer of FLS.
6. Ensure that all documents and information concerning the judicial process be available and accessible in French.
7. Ensure that all judicial documents such as bail conditions, conditional discharges, probation orders and other pertinent information concerning the file of the accused and the safety of the victim be available and accessible to French-speaking women in French.
8. Develop best practices around the active offer of FLS.
9. Design a resource kit that would be available to improve the delivery of FLS.
10. Provide sensitivity and awareness training to all DVCP personnel regarding the specific needs and rights of French-speaking women.

11. Provide training to DVCP personnel on the active offer of FLS.
12. Develop a mechanism to evaluate the delivery of FLS within the DVCP an on-going basis.
13. Revise the data collection tool to measure the requests for FLS.

6.4 Interpretation Services

In most of the V/WAP sites in the designated areas there is usually at least one designated position as per the *FLSA*.

In the event that a bilingual worker is not available, the V/WAP personnel call upon the services of a translator, although the majority of the sites consulted reported very few requests for interpretation services. The difficulties with translation and interpretation services are self-evident. Francophone women victims of violence have the right to be served in their language, all the more since recourse to an interpretation service or to bilingual personnel in bilingual or anglophone agencies is burdened with organizational problems, such as the availability of personnel or with problems of comprehension related to a merely approximate translation. It is not simply the content that suffers in translation problems. It is the line of communication that is broken and the expression of emotions, of sorrow and pain felt in abusive situations that is repressed. Moreover, it is a question of breach of confidentiality, given the presence of a third person.³⁵ The following testimonials are from some of the respondents:

“If a person has to resort to an intermediary to interpret, the message is lost; it doesn’t have the same meaning...”

“(...) francophone women are not all bilingual, I’m thinking of women from Quebec now living in Ontario or senior women who are Franco-Ontarian by origin who speak only French (...)”

“(...) there are immigrant women who pass for Francophones who originate from countries that were colonized by France whose mother tongue is neither French or English, but who speak French as their second language. It’s very complicated.”

6.5 Accessibility of French Language Services

A number of studies have shed light on obstacles that French-speaking Ontarians face in attempting to access FLS. These studies have demonstrated that the accessibility of FLS falls short of a comparable level of access to services in English.

³⁵ Brunet and Garceau. *Ibid.* p. 53

The organization of services in French is a determining factor of accessibility. In many cases, DVCP organizations are simply not in a position to offer the FLS for multiple reasons. The root of many of these issues is the shortage of qualified francophone human resources in the justice sector as well as in other partner organizations in the community, but this is not the only factor.

The following factors also impact accessibility of FLS:

- Certain transfer payment agencies that have been encouraged to obtain designation under the *FLSA* are either unable or unwilling to complete the task.³⁶
- There is no funding attached to the delivery of FLS. There are therefore very few incentives or regulations that obligate organizations to make an effort to offer FLS.
- Certain organizations are not very sensitive to francophone culture, or to the priorities expressed by the francophone community.
- There is no representation from the francophone community on most advisory committees of the DVCAC to provide adequate planning and delivery of FLS.
- The evaluation of the delivery of FLS in the DVCP in the designated areas is not sufficient to ensure the availability of services in French.
- Certain difficulties can present themselves when a DVCP partner such as the Crown attorney must call upon the services of an interpreter. Many respondents in the justice sector emphasized that FLS delivery is not always adequate in this situation.
- Many organizations often resort to informal translation or interpretation services that are often inadequate and influence the quality of services received.
- When requests for FLS are at low-levels, decision-makers may consider it justifiable not to introduce FLS. For example, respondents from PAR clearly indicated that there were not enough referrals to justify delivering the PAR in French, notwithstanding that the materials and tools to facilitate a francophone group are all available. Nevertheless, community respondents reported that French-speaking women are often left bitterly disappointed that their partners are not able to access PAR Program services in French and that alternatives such as individual counselling and anger management in no way respond to their needs.

³⁶ Examples of transfer payment agencies are VCARS, PAR Programs that are typically delivered through Counselling Services, etc.

- Some organizations do not recognize the importance of offering FLS or are of the opinion that we should accord more attention to other linguistic minorities notwithstanding the rights guaranteed under the *FLSA* to French-speaking women in Ontario.

Recommendations:

14. The Ministry of the Attorney General must ensure that the transfer payment agencies that it funds to deliver the PAR Programs are organizations that have been designated under the *FLSA*.
15. The Ministry of the Attorney General and the Office of Francophone Affairs should develop mechanisms to evaluate FLS and hold all designated organizations accountable for the delivery of quality and permanent services.

6.6 Human Resources

One of the essential elements to ensure the accessibility of FLS is the availability of francophone personnel. The problem is as much an issue with administrative personnel of the courts as it is with judges, lawyers and other professionals working in the other core services of the DVCP and the associated community partner services (PAR, VCARS). The Association des juristes d'expression française de l'Ontario (AJEFO) recognizes the shortage of community services and qualified French speaking professionals in the justice sector. It is for this very reason that AJEFO has launched the initiative *Carrières en justice* (Careers in justice) which aims to “ensure the continued existence of services in French.”

Unfortunately, our study revealed that the francophone human resources, for example, V/WAP personnel in designated bilingual positions carry a caseload made up primarily of English speaking clients, which results in longer wait times for francophone women who request FLS or French-speaking women are not assigned a “bilingual” worker.

“[...] the bilingual worker has to provide services to Anglophone clients also – it’s first come first served – there is no guarantee that the francophone woman will be served by the bilingual worker. If the francophone woman is seen by the Anglophone worker at intake, that’s the worker who will follow the woman all the way through the process. It makes absolutely no sense!”

Francophone or bilingual DVCP personnel are not always confident in their ability to speak French. They may be under the impression that their knowledge of French is insufficient. They are not encouraged to express themselves in French at their workplace and they receive little to no training in French to increase their confidence level. It is important to keep in mind that English is the dominant language in virtually every institution of the DVCP and francophone personnel are assimilated by the dominant culture.

Recommendations:

16. That the DVCP, with the support of the Attorney General, develop a coherent vision of FLS for the DVCP in Ontario which takes into account the reality and diversity of the francophone community in the various regions of the province.
17. Take the necessary measures to ensure that quality FLS that are comparable to similar English language services are available at all times.
18. Take necessary measures to ensure that the offices located in the designated areas of the province by virtue of the *FLSA* have sufficient human resources required to provide quality, permanent FLS in order to:
 - a) Recognize that the French-speaking human resources in the regions cannot be solely responsible for the entire French-speaking dossier;
 - b) Provide training for anglophone managers and administrators to help them better understand their obligations toward the French-speaking community and to ensure cooperation and collaboration with regard to FLS;
 - c) Ensure collaboration and representation by allocating the funding to facilitate the French-speaking community's participation on the DVC Advisory Committee.
19. Remunerate personnel for their linguistic capacities. In other words, recognize the French language linguistic capacity as an important intervention skill and qualification required to serve the francophone community.
20. Meet with the representatives of the French-speaking community on a regular basis (on local, regional and provincial levels) in order to recognize their needs and concerns, and collaboratively to identify solutions to the problems they observe (consultation mechanism).

21. Make sure that control measures are implemented that will ensure the continuity of FLS and that evaluation measures are implemented that bring solutions to problems (i.e. evaluation mechanisms of FLS performance and of the level of user satisfaction.)
22. Provide equitable funding to FLS within the justice sector while taking into account the challenges encountered by the French-speaking community in regard to the level of participation on multiple committees, barriers encountered in other service sectors and the obligations of increased representation, etc. required to best represent Francophones in all their diversity.
23. That the government of Ontario recognize initiatives which encourage professional careers in the French language such as the one initiated by AJEFO, and that it encourage development of these initiatives and subsidize them.
24. Support the training of competent personnel, capable of working and providing legal services in the French language (Crown attorneys, judges, defence lawyers, etc.).

6.7 Training

The majority of DVCP personnel and their community partners have access to training on issues related to domestic violence and on the DVCP. However, front-line personnel such as judges, police, lawyers, VCARS workers and their volunteers, interpretive services and other connected services that are the first to respond often have a poor perception of the DVCP objectives. These front-line personnel should receive more training. Workers and victims are concerned that the quality of the intervention by these front-line personnel depends on the attitude and the level of training and awareness regarding both domestic violence and FLS. The quality of the intervention the women receive rests exclusively on the individual providing the service:

“It (the quality of the intervention) depends on his attitude toward domestic violence and the attitude toward Francophones in general...there is a lack of French speaking police officers in designated regions. There are police officers with specialized training in domestic violence in larger centres such as Toronto, London and Hamilton... but none of them speak French!”

“Furthermore, there is only one Crown attorney specialized in domestic violence cases in many communities and most of the time, that attorney is not bilingual.”

The magistracy does not necessarily understand the goals and objectives of the DVCP. The lack of a clear process has created significant problems. Judges need to receive training to gain more insight

into the objectives of the DVCP as well as to better understand the rights of francophone individuals to access FLS in Ontario.

Recommendations:

25. Judges and magistrates must be trained to understand the objectives of the DVCP.
26. All Crown attorneys should be specialized in the prosecution of domestic violence cases.
27. The ministry must undertake a review of all current training sessions to:
 - Support more local training initiatives and professional development opportunities to improve and enhance French language proficiency;
 - Provide on-going training and professional development in French to francophone personnel;
 - Implement an incentive program to encourage francophone legal professionals who demonstrate leadership by integrating best practice models defined during training.
28. Police services must place greater emphasis on providing training in cases of domestic violence for front line personnel and for specialized Domestic Violence Units.
29. Increase victim security and help to prevent re-victimization of francophone women through the development of better practices and an intervention guide to deal with the francophone community for DVCP personnel who are not able to communicate in French.

6.8 Service Coordination and Advisory Committees

In keeping with the Ministry of the Attorney General of Ontario's model, the DVCP brings together partners in the community and the justice sector in order to improve the collaboration and coordination of services for violence against women. The DVC Advisory Committees are mandated to coordinate the services of the DVC. Our research demonstrated that there is much work of collaboration and cooperation to be done with the francophone community. There is no coordinated approach, standardisation or guidelines to identify problems or to plan, coordinate and evaluate the delivery of FLS in the DVCP. None of the advisory committees evaluated in this study had a mechanism to identify the problems or to find solutions for FLS. Francophone community workers were excluded from the planning, coordination and evaluation of the DVC services.

According to the DVCP model, effective system coordination and efficient functioning depends on the contribution of all the partners. Their absence from the process has created serious deficiencies in coordination and sectorial communication.

In general, the DVCP respondents whom we consulted described their relationships with their partners as positive and described the process as collaborative. They report having a good information sharing process between partners both within the DVCAC and during informal consultations. The majority of community respondents reported improved collaboration since the implementation of the DVC. However, many respondents indicated a lack of coordination of services in French between elements of the DVCP.

“(...) perhaps it’s better coordinated in the Anglophone community...”

Most of the respondents both in the justice sector and in the community reported that the French-speaking community partners had not been invited to participate on the DVCAC in their community. For instance, the Centre Oasis in Toronto, the Carrefour des femmes in London and the Centre Victoria in Sault-Ste-Marie are the only CALACS (Sexual Assault Centres) in those regions to offer FLS. Yet they were not invited to represent francophone women at the advisory committee of the DVCP. It was their English-speaking counterparts that were invited to participate on the DVCAC as representatives of all women victims of violence. This representation, which is an attempt at inclusiveness, has precisely the opposite effect: it annihilates the voice of French-speaking women victims of violence and ignores their specific needs.

Other important concerns were also brought up: francophone organizations who are invited to participate on the DVCAC often have a limited capacity to participate because of a lack of human resources and when the personnel do participate on committees, they often get the impression that other committee members may be resentful of their participation because they simply do not fully understand the government’s obligations toward the French-speaking community.

The make-up and the role of the DVCACs vary from one community to another. The majority of the DVCACs also draw on larger community coalitions or coordinating committees who are responsible for organizing and implementing public education and awareness activities addressing issues of violence against women. These coalitions are neither mandated to identify problems as they relate to FLS nor to solve these problems, and they are not expected to evaluate or measure outcomes.

Some community respondents reported they were not aware of the activities of the advisory committee in their community while some were even unaware of its existence. The majority of community respondents reported that their organization was not involved in the DVCP implementation process and that they had not been invited to participate on the DVCAC. Most of the respondents were not aware of the protocol agreements that exist between DVCP partners.

The organization of committee meetings (frequency of meetings, agenda, participation, working language) varies from one site to another. Committees usually function in English, however three of the DVCACs whose memberships are currently all bilingual members, reported that they alternate between the two languages at each meeting (one month the meeting is conducted in English, the next month the meeting is in French). As one respondent asserted:

“Unfortunately, the reality is that the day will come when one of our members will have to leave and that person’s replacement will be a unilingual Anglophone which will mean we won’t be able to continue having any of our meetings in French!”

Several respondents from the justice sector reported that the DVCAC in their community does not meet regularly, that there exist gaps in communication between the partners and that there is a need to clarify roles and responsibilities among the partners at the table. Many community respondents were not aware of any protocols or procedures to guide the specialized process of the DVCP.

Recommendations:

30. The ministry must ensure that the French-speaking community is appropriately represented on each of the DVCAC in each of the designated areas.
31. The Advisory Committees must clarify the roles and responsibilities of all the partners in the formal protocols.
32. French-speaking representation at the DVCAC must be encouraged to evolve into an adequate representation which will in turn ensure a planning process for services that answers its needs.
33. Ensure the implementation of best practices to coordinate and integrate FLS within the DVCP.
34. Create FLS evaluation mechanisms in order to discern problematic issues and identify possible solutions.

35. Provide funding for a pilot project to develop best practice models to standardize working tools and to establish model protocols that could be easily exportable and adaptable to other designated regions. There are currently three DVCP in Ontario that offer and deliver a complete range of quality FLS that could potentially serve as model sites for such a pilot project (Kapusking, L'Original and Cornwall).
36. Repeat the evaluation of the French language component of the DVCP in 5 years to measure any improvement in the level of accessibility, availability, permanence and quality of services.

7.0 CONCLUSION

Within the context of this report, we sought to carry out applied research in order to understand why the evaluation of the DVCP completed in July 2006 barely addressed the delivery of FLS. The evaluation wanted to measure the level of accessibility, the quality and the permanence of FLS that are currently provided within the DVCP. We attempted to gain insight into the issues and preoccupations concerning the French-speaking personnel working in the violence to women sector.

The evaluation revealed that the requirements as set out in the *FLSA* have been applied sporadically and with little follow-up by the DVCP, that there is no coherence between one designated area and another. There does not seem to be any coherent vision for the delivery of FLS as a whole. It is clear that the regional offices of the Attorney General did not demand that organizations in their jurisdiction make an active offer of services in French. The places where one finds a DVCP do not always have the same practices, the same resources or the same understanding of the rights of francophone women in Ontario.

The study revealed some significant systemic gaps with respect to FLS at all levels within the DVC Program in Ontario, particularly within the following key areas:

- Offer of and request for FLS
- Access to FLS
- Data collection, evaluation of the FLS and satisfaction of those who use the service
- Francophone representation on DVCAC
- Coordination of services between justice and community partners
- Human Resources and Training

This evaluation has painted a deplorable picture of the performance and capacity of the DVCP to deliver FLS to French-speaking women in Ontario. The evaluation further details an unacceptable situation that requires immediate remedial action.

We have made a total of 36 short, medium and long-term recommendations to address the situation. The government must take action as soon as possible to ensure French-speaking women are

represented on the DVC Advisory Committees; to establish accountability mechanisms for the delivery of FLS; and to see to the development and the implementation of best practice models for the active offer of FLS. The ministry of the Attorney General and the government of Ontario as a whole must renew their commitment to collaborate with the francophone community in order to ensure the accessibility, permanence and quality of FLS as guaranteed by the legislation of Canada and of the province.

In order to improve the situation, the Ontario Victim Services Secretariat could work in collaboration with Action ontarienne contre la violence faite aux femmes and the francophone communities in different regions towards the implementation of the 36 recommendations proposed in the present document.

BIBLIOGRAPHY

Texts

- Action ontarienne contre la violence faite aux femmes. 2001. *C'est pas de l'amour, c'est du harcèlement*. Ottawa. AOcVF.
- Action ontarienne contre la violence faite aux femmes. 1998. *Commentaires et réflexions concernant le cadre d'action des initiatives en matière de violence faite aux femmes proposé dans le rapport McGuire*. Ottawa. AOcVF.
- Action ontarienne contre la violence faite aux femmes. 2004. *Plan stratégique 2004 de développement des services en français en violence contre les femmes*. Ottawa. AOcVF.
- Action ontarienne contre la violence faite aux femmes. 2001. *Plan stratégique de développement des services en français en matière de violence*. Ottawa. AOcVF.
- Action ontarienne contre la violence faite aux femmes. 1998. *Plan stratégique de développement des services en français en matière de violence, 1997-2001*. Ottawa. AOcVF.
- Bassolé, A., Hamboyan, H., Kérisit, M., Plante, N. et Young, M. 2004. *On dit toujours que la guerre est finie mais la guerre n'est jamais finie... L'impact du conflit armé sur l'intégration des femmes immigrantes et des réfugiées francophones en Ontario*. Ottawa. Mouvement ontarien des femmes immigrantes francophones.
- Brunet, Lucie. 1998. *Les services en français en matière de violence faite aux femmes : Le défrichage d'un chemin tortueux*. Ottawa. Action ontarienne contre la violence faite aux femmes.
- Brunet, Lucie and Garceau, Marie Luce. 2004. *Doing so much with so little... Overview and profile of French-language violence against women services*. Ottawa, Action ontarienne contre la violence faite aux femmes.
- Cardinal, Linda, Lang, Stéphane, Plante, Nathalie, Sauvé, Anik et Terrien, Chantal. 2005. *Un état des lieux : les services en français dans le domaine de la justice en Ontario*. Ottawa. Chaire de recherche sur la francophonie et les politiques publiques.
- Cardinal, Linda, Plante, Nathalie et Sauvé, Anik 2006. *Les femmes francophones de l'Ontario : un profil statistique*. Ottawa. Chaire de recherche sur la francophonie et les politiques publiques.
- Centre ontarien de prévention des agressions (COPA). 2001. *Projet sur la sensibilisation en matière de violence faite aux femmes*. Ottawa. Action ontarienne contre la violence faite aux femmes.

- Centre Victoria pour femmes. 2002. *Fiches atouts ! Trousse de formation des bénévoles œuvrant auprès des femmes francophones victimes d'agression à caractère sexuel et de violence conjugale*. Sudbury. Centre Victoria pour femmes.
- Coopérative Convergence. 1994. *Le colloque « Sensibiliser, décider, agir », 14, 15 et 16 octobre 1994. Les actes*. Ottawa. Coopérative Convergence.
- Garceau, M.L. et Charron, M. 2001. *Pour exprimer son histoire en français. Recherche-action sur les besoins, les services et les modèles de prestation de services en français en matière de violence contre les femmes dans le nord de l'Ontario*. Thunder Bay. Centre des femmes francophones du Nord-Ouest de l'Ontario.
- Garceau, M.L., Dennie, D., Tremblay-Matte, B. et Charron, M. 1992. *Cessons de penser que l'amour va tout vaincre. La situation des femmes francophones de 45 à 64 ans qui vivent en Ontario*. Sudbury. Fédération des femmes canadiennes-françaises de l'Ontario.
- Godin, C. et Sirois, G. 1996. « La violence faite aux femmes : analyse de la situation en Ontario français. » *Reflets, revue ontarioise d'intervention sociale et communautaire*, vol. 2, no 1, 116-133.
- Johnson, Holly, 2006. *Measuring Violence Against Women: Statistical Trends 2006*. Statistics Canada.
- Joint Committee on Domestic Violence. 1999. *Working Towards a Seameless Community and Justice Response to Domestic Violence: A five Year Plan for Ontario*. Toronto.
- Lewett, Andrea and Johnson, Holly. 1998. *A Statistical Comparison of Women's Experiences of Violence in Urban and Rural Areas*. Technical Report. Justice Canada.
- Ministry of Citizenship and Immigration. 2005. *Domestic Violence Action Plan for Ontario*. Toronto. Ontario Women's Directorate.
- Ministry of Attorney General. 2003. *Implementing the Domestic Violence Court Program*. Toronto. Ministry of Attorney General.
- Ministry of the Attorney General. 1997. *Domestic Violence Court Program Logic Model*. Toronto.
- Mosher, J, Evans, P., Little, M. and Community Partners. 2004. *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System*. Toronto. Ontario Association of Interval and Transition Houses.
- Office of Francophone Affairs. 1999. *Francophone Women in Ontario: A Statistical Profile*. Toronto. Office of Francophone Affairs.
- Office of the Coordinator of French Services for the Justice Sector. 2007. *Strategic Plan for the Development of French Services in the Ontario's Justice Sector*. Toronto.

- Penwill, Kathryn. 2003. *Les tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes ?* Ottawa. Action ontarienne contre la violence faite aux femmes.
- Penwill, Kathryn, Pharand, Gaëtane, Sirois, Ghislaine et Toone, Louise. 1997. « Action politique à la mode de chez-nous ». *Reflets, revue ontarioise d'intervention sociale et communautaire*, vol. 3, no.2.
- PRA Inc. 2006. *Evaluation of the Domestic Violence Court Program. Final Report*. Toronto. Ministry of Attorney General.
- Réseau des services de santé en français de l'Est de l'Ontario. 1999. *Le Réseau des services de santé en français de l'Est de l'Ontario : présentation du modèle et de ses possibilités*. Ottawa.
- Réseau local d'intégration des services de santé du Nord-Est. 2006. *Plan de services de santé intégré : Services de santé en français*. North Bay. RLISS du Nord-Est.
- Sirois, Ghislaine. 1999. *Does Oppression of Francophone Women Exist ?* Ottawa, Action ontarienne contre la violence faite aux femmes.
- Statistics Canada. 2001. *Crime Statistics. The Daily. Thursday, July 19, 2001*. Statistics Canada.
- Statistics Canada. 2000. *Family Violence in Canada: A Statistical Profile*. Ottawa, (85-224-XIE). Statistics Canada
- Statistics Canada. 1998. *Family Violence in Canada: A Statistical Profile*. Ottawa, Statistics Canada.

Internet

- Association des juristes d'expression française de l'Ontario. *Principales dispositions linguistiques*. 2007. Page consultée en ligne le 11 mai 2007. URL : www.ajefo.ca.
- Canadian Legal Information Institute. *French Language Services Act. R.S.O. 1990, c. F.32*. On line. Page consulted on May 11, 2007. URL : <http://www.canlii.org/eliisa/highlight.do?text=French+Language+Services+Act&language=en&searchTitle=Search+all+CanLII+Databases&path=/on/laws/sta/f-32/20080821/whole.html>.
- Handicaps.ca. 2004. *La violence ! Par où commencer pour l'expliquer ? Par où commencer pour la dénoncer ?* On line. URL : <http://www.handicaps.ca/c'estassez/>.
- Heritage Canada. *Making Your Organisation Bilingual*. On line. URL: <http://www.patrimoinecanadien.gc.ca/guide/processus>. Page consulted on May 11, 2007.
- Heritage Canada. *Canada-Ontario Agreement on French Language Services 2005-06 – 2008-09*. On line. URL : http://www.pch.gc.ca/progs/lo-ol/entente-agreement/services/on/2005-06_2008-09/a_e.cfm. Page consulted on May 11, 2007.

- Ministry of Attorney General. *Victim/Witness Assistance Program (VWAP)*. On line. URL : <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/vwap.asp>. Page consulted on May 12, 2007.
- Ministry of Attorney General. 2007. *Partner Assault Response Program (PAR)*. On line. URL: <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/par.asp>. Page consulted on May 12, 2007.
- Ministry of Attorney General. 2006. *Domestic Violence Court (DVC) Program*. On line. URL: <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/dvc.asp>. Page consulted on May 16, 2007.
- Office of Francophone Affairs. *Map of Designated Areas*. 2007. On Line. URL : <http://www.ofa.gov.on.ca/english/FLSA-map.html>. Page consulted on May 11, 2007.
- Statistics Canada. 2003. *Family Violence. The Daily, Monday, June 23, 2003*. On line. URL : <http://www.statcan.ca/Daily/English/030623/td030623.htm>.
- United Nations. 1993. *Declaration on the Elimination of All Forms of Violence Against Women. On line*. URL : www.ohchr.org/french/law/femmes_violence.htm. Page consulted on October 25, 2007.
- United Nations Population Fund. 2005. *State of World Population 2005. On line*. URL: <http://www.unfpa.org/swp/2005/english/ch1/index.htm>. Page consulted on October 25, 2007.

Appendix A

**VWAP OFFICES
DESIGNATED AREAS**

SIMCOE

114 Worsley Street
Barrie, ON
L4M 1M1
Tel: (705) 739-6560
Fax: (705) 739-6603

HAMILTON

The John Sopinka Court House
45 Main Street East, Suite 478
Hamilton, ON
L8N 2B7
Tel: (905) 645-5272
Fax: (905) 645-5271

WELLAND

(ST. CATHARINES Satellite)
102 East Main St.
Welland, ON
L3B 3W6
Tel: (905) 735-4326
Fax: (905) 735-4329

BRAMPTON

55 Hurontario Street, Suite 100
5th Floor, Suite 505
Brampton, ON
L6W 4T6
Tel: (905) 456-4797
Fax: (905) 456-4796
1-888-600-3769

CORNWALL

216-218 Pitt Street
Cornwall, ON
K6J 3P8
Tel: (613) 933-7744
Fax: (613) 933-6778

PEMBROKE

77 Mary Street
Suite 302
Pembroke, ON
K8A 5V4
Tel: (613) 732-2035
Fax: (613) 732-1491

L'ORIGINAL

14 Court Street
P.O. Box 300
L'Original, ON
K0B 1K0
Tel: (613) 675-1991
Fax: (613) 675-2772

OTTAWA

161 Elgin Street
Suite 1004
Ottawa, ON
K2P 2K1
Tel: (613) 239-1229
Fax: (613) 239-1473

NORTH BAY

360 Plouffe Street
North Bay, ON
P1B 9L5
Tel: (705) 495-8339
Fax: (705) 495-8336

HAILEYBURY SATELLITE

393 Main Street
Haileybury, ON
P0J 1K0
Tel: (705) 672-4050
Fax: (705) 672-4052

KENORA

216 Water Street
 Kenora, ON
 P9N 1S4
 Tel: (807) 468-2839
 Fax: (807) 468-2888

SUDBURY

144 Pine St., Suite 206
 Sudbury, ON
 P3C 1X6
 Tel: (705) 564-7694
 Fax: (705) 564-7695

THUNDER BAY

1805 East Arthur St.
 2nd Floor
 Thunder Bay, ON
 P7E 5N7
 Tel: (807) 625-1627
 Fax: (807) 622-1826

SAULT STE MARIE

123 March Street
 Suite 204
 Sault Ste Marie, ON
 P6A 2Z5
 Tel: (705) 946-6567
 Fax: (705) 946-6566

TIMMINS

38 Pine Street
 Suite 129
 Timmins, ON
 P4N 6K6
 Tel: (705) 360-1905
 Fax: (705) 360-1565

KAPUSKASING SATELLITE

25 Brunetteville Road
 Kapuskasing, ON
 P5N 2E9
 Tel: (705) 337-4330
 Fax: (705) 337-4333

COLLEGE PARK

444 Yonge Street,
 Room 281
 Toronto, ON
 M5B 2H4
 Tel: (416) 325-6117
 Fax: (416) 325-7384

NORTH YORK

1000 Finch Avenue West
 Downsview, ON
 M3J 2V5
 Tel: (416) 314-0009
 Fax: (416) 314-0573

LONDON

80 Dundas Street
 Ground Floor,
 Unit B London, ON
 N6A 6A2
 Tel: (519) 660-3041
 Fax: (519) 660-2299

WINDSOR

200 Chatham St.E. L.5
 Windsor, ON
 N9A 2W3
 Tel: (519) 253-2897
 Fax: (519) 254-2816

CHATHAM

425 Grand Avenue West, Suite 325
 Chatham, ON N7M 6M9
 Tel: (519) 355-2216
 Fax: (519) 355-2217

Appendix B**DESIGNATED PARTNER ASSAULT PROGRAMS****Barrie**

New Path Youth and Family Counselling Services of Simcoe County
61 Wellington St W
Barrie, ON
L4N 1K5
705-733-2654

Hamilton

Catholic Family Services of Hamilton-Wentworth
447 Main Street East
Unit 201
Hamilton, Ontario
L8N 1K1
905-527-3823

Peel

Family Services of Peel
151 City Centre Drive, #501
Mississauga, ON L5B 1M7
905-270-2250

Peel

Catholic Family Services of Peel-Dufferin
10 Gillingham Drive, Unit 201
Brampton, ON
L6X 5A5
905-450-1608

Peel

MERGE Counselling and Education Services
2155 Leanne Boulevard, Suite 216
Mississauga, ON L5K 2K8
905-855-8028

Welland

Design for a New Tomorrow (Welland)
60 James Street, Suite 502
St. Catharines, ON L2R 7E7
905-684-1223

Welland

Family and Children's Services Niagara (Welland)
82 Hanover Drive
P.O. Box 24028
St. Catharines, ON L2R 7P7
905-937-7731

Cornwall

Family Counselling Centre of Cornwall and United Counties
26 Montreal Road
Cornwall, ON K6H 1B1
613-932-4610

L'Orignal

Prescott-Russell Services to Children and Adults
173 Old Route 17, Box 248
Plantagenet, ON K0B 1L0
613-673-5148

Ottawa

Catholic Family Service Ottawa/Service Familial Catholique Ottawa
219 Argyle Avenue, 3rd Floor
Ottawa, ON
K2P 2H4
613-233-8478

Pembroke

Living Without Violence Inc.
P. O. Box 790
Eganville, ON
K0J 1T0
613-628-3145

Dryden

Kenora-Patricia Child and Family Services
75 A Van Horne Avenue
Dryden, ON
P8N 2B2
807-223-5325

Elliot Lake

Elliot Lake Family Life Centre
9 Oakland Blvd, Suite 2
Elliot Lake, ON
P5A 2T1
705 848 2585

Haileybury

Canadian Mental Health Association Cochrane Timiskaming Branch
330 Second Ave.
Suite 201 Timmins, ON
P4A 8A4
705-267-8100

Kapuskasing

Services de counseling de Hearst-Kapuskasing- Smooth Rock Falls Counselling Services
29 Byng Street, Suite 1,
Kapuskasing, ON
P5N 1W6
705-335-8468

North Bay

Community Counselling Centre of Nipissing
361 McIntyre Street East
North Bay, ON
P1B 1C9
705-472-6515

Sault Ste. Marie

Algoma Family Services
205 McNabb Street
Sault Ste. Marie, ON
P6B 1Y3
705-945-5050

Sudbury

Sudbury Family Service
866 Newgate Avenue
Sudbury, ON
P3A 5J9
705-524-9629

Thunder Bay

The Catholic Family Development Centre of Thunder Bay
380 Dufferin Street
Thunder Bay, ON P7B 1N6
807-345-7323

Timmins

Timmins Family Counselling Centre
104 Pine St. South, Timmins, ON
P4N 2K2
705 267 7333

Toronto

North York General Hospital, Branson Division
4001 Leslie Street
North York, ON
M2K 1E1
416-756-6649

Chatham

Changing Ways London Inc. (Chatham)
388 Dundas Street Suite 302-B
London, ON
N6B 1V7
519-438-9869

London

Changing Ways (London) Inc. (London Program)
388 Dundas Street, Room #302 B
London, ON
N6B 1V7
519-438-9869

Windsor

Hiatus House
250 Louis Avenue
Windsor, ON N9A 1W2
519-252-7781

Appendix 1

Domestic Violence Court Program (DVCP)³⁷

Ontario's Domestic Violence Court (DVC) program is the most extensive DVC program in Canada. It facilitates the prosecution of domestic assault cases and early intervention in abusive domestic situations, provides better support to victims and increases offender accountability.

In a DVC program, teams of specialized personnel, including police, Crown attorneys, Victim/Witness Assistance Program (VWAP) staff, probation services, Partner Assault Response (PAR) program staff and community agencies, work together to ensure priority is given to the safety and needs of domestic assault victims and their children.

An operational DVC includes the following components:

- A Domestic Violence Court Advisory Committee
- Specially trained domestic violence Crowns, VWAP staff, and interpreters
- Specialized evidence collection and investigation procedures by police
- Case management procedures to coordinate prosecutions and ensure early intervention
- A Partner Assault Response intervention program
- Expanded training for police, Crowns, VWAP staff, court staff, Probation and Parole staff, and interpreters

³⁷ Ministry of Attorney General. Domestic Violence Court Program. On line. Page consulted on May 11, 2007.
URL : <http://www.attorneygeneral.jus.gov.on.ca/english/about/vw/dvc.asp>.

List of acronyms and French equivalents	
DVCP PTICVC	Domestic Violence Court Program Programme de tribunaux pour l’instruction des causes de violence conjugale
DVC TICVC	Domestic Violence Court Tribunal pour l’instruction des causes de violence conjugale
PAR PIPV	Partner Assault Response Program Programme d’intervention auprès des partenaires violents
VWAP PAVT	Victim Witness Assistance Program Programme d’aide aux victimes et aux témoins
VCARS SOAIV	Victim Crisis Assistance and Referral Program Services d’orientation et d’aide immédiate aux victimes
DVCAC CCTICVF	Domestic Violence Court Advisory Committee Comité consultatif sur les tribunaux spécialisés dans l’instruction des causes de violence familiale
<i>FLSA</i> <i>LSF</i>	<i>French Language Services Act</i> <i>Loi sur les services en français</i>
FLS SEF	French Language Services Services en français
CCC CCC	Criminal Code of Canada Code criminel du Canada
<i>CJAO</i> <i>LTJ</i>	<i>Courts of Justice Act of Ontario (1990)</i> <i>Loi sur les tribunaux judiciaires (1990)</i>

Appendix 2

The following areas are designated by virtue of the *FSLA* in Ontario³⁸

1. City of Toronto (All)
2. City of Hamilton (All of the City of Hamilton as it exists on Dec. 31, 2000)
3. Regional Municipality of Niagara: Cities of: Port Colborne and Welland
4. City of Ottawa (All)
5. Regional Municipality of Peel: City of Mississauga, City of Brampton (effective January 1, 2007)
6. City of Greater Sudbury (All)
7. County of Dundas: Township of Winchester
8. County of Essex: City of Windsor, Towns of Belle River and Tecumseh; Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
9. County of Glengarry (All)
10. County of Kent: Town of Tilbury, Townships of Dover and Tilbury East
11. County of Prescott (All)
12. County of Renfrew: City of Pembroke, Townships of: Stafford and Westmeath
13. County of Russell (All)
14. County of Simcoe: Town of Penetanguishene, Townships of: Tiny and Essa
15. County of Stormont (All)
16. District of Algoma (All)
17. District of Cochrane (All)
18. District of Kenora: Township of Ignace
19. District of Nipissing (All)
20. District of Sudbury (All)
21. District of Thunder Bay: Towns of Geraldton, Longlac and Marathon, Townships of Manitouwadge, Beardmore, Nakina & Terrace Bay
22. District of Timiskaming (All)
23. County of Middlesex: City of London
24. District of Parry Sound: municipality of Callander
25. County of Frontenac: City of Kingston (effective May 1, 2009)

(It is important to note that some areas were designated before the *FLSA* came into effect and do not necessarily meet the criteria for designation.)

³⁸ For the map of designated areas go to: <http://www.ofa.gov.on.ca/english/FLSA-map.html>

Appendix 3

Bonjour,

Je vous remercie d'avoir accepté de contribuer à ce projet de recherche en participant à une entrevue. Les questions qui suivent ne sont qu'un guide; j'encourage les participantes à partager toute information, observation, incident ou anecdote servant à illustrer l'impact du Programme de tribunaux spécialisés pour l'instruction des causes de violence conjugale (PTICVC) sur l'expérience des femmes francophones victimes de violence conjugale qui passent par le système judiciaire.

Ce projet de recherche de l'Action ontarienne contre la violence faite aux femmes (AOcVF) fait suite à l'Évaluation du Programme de tribunaux pour l'instruction des causes de violence conjugale (PTICVC) effectuée par le ministère du Procureur général de l'Ontario en juillet 2006. Par l'entremise de cette étude, l'AOcVF vise à mieux comprendre le rôle des tribunaux spécialisés par rapport à la communauté de langue française. Le but du projet est de s'assurer que la réalité et les besoins des femmes francophones soient pris en considération dans les tribunaux spécialisés, tant au niveau de l'accès aux SEF que de la compréhension de la réalité des femmes francophones dans toute leur diversité.

Nous sommes conscientes que vous pouvez ne pas avoir personnellement toutes les connaissances requises pour répondre à certaines questions et que certaines questions ne s'appliqueront peut-être pas toutes à votre service. Si vous n'êtes pas en mesure de répondre à une question, s.v.p. dites-le-nous. Cependant, sentez-vous à l'aise de répondre aux questions qui sont les plus pertinentes pour vous.

Cette entrevue devrait prendre environ une heure et demie et, avec votre permission, elle sera enregistrée pour assurer l'exactitude de l'information rapportée. L'information recueillie sera rapportée de façon anonyme; les réponses individuelles ne seront pas divulguées à l'extérieur de l'AOcVF. Tous les enregistrements seront effacés une fois la recherche terminée.

Je vous prie d'agréer l'expression de mes sentiments les meilleurs.

Carole-Anne Fournier

Projet de recherche PTICVC
Action ontarienne contre la violence faite aux femmes

Appendix 4

Projet de recherche sur les Tribunaux spécialisés dans l'instruction des causes de violence conjugale Guide d'entrevue à l'intention des intervenantes communautaires

Nom :

Agence/organisme/secteur :

Région :

Date :

Questions générales

1. Savez-vous s'il existe un PTICVC dans votre communauté ? (Pour une définition du PTICVC veuillez vous référer à la lettre de présentation) Si oui, quelle information avez-vous reçue concernant le PTICVC ? (Depuis quand est-ce que le PTICVC existe dans votre région ? Quels services sont offerts ? Comment fait-on la promotion des services ? Est-ce que la promotion des services est faite en français ? etc.)
2. Comment la mise en œuvre du PTICVC a-t-elle amélioré les services pour les femmes survivantes de violence conjugale ? (Prenez en considération les enjeux tels que les types de services offerts, le nombre de femmes contactées, le nombre de femmes recevant des services et tout autre changement que vous avez pu noter. À votre avis, est-ce que ces changements sont attribuables au PTICVC ?)
3. Est-ce que les services du PTICVC répondent adéquatement aux besoins des femmes francophones ? Expliquez.
4. D'après vos observations, quels sont les changements attribuables au PTICVC par rapport à :
 - la sécurité des femmes
 - l'accessibilité des services
 - la connaissance des femmes ou des témoins du processus judiciaire criminel
 - la compréhension qu'ont les femmes des droits de la victime
 - les enquêtes policières en matière de violence conjugale
 - les interventions rapides dans les causes de violence conjugale
 - l'aiguillage des contrevenants vers le PIPV
 - le nombre de poursuites judiciaires criminelles dans les causes de violence conjugale
 - la coordination de services à l'intérieur du PTICVC (procureur de la Couronne, la police, le PAVT et le PIPV)
 - la coordination de services entre le PTICVC et les partenaires communautaires
 - autres ?

5. Y a-t-il d'autres domaines sur lesquels le PTICVC a eu un impact, soit positif ou négatif, sur la façon dont le système judiciaire traite les cas de violence conjugale ? (contre-accusations, PIPV pour femmes, par exemple).

6. En pensant aux types de services disponibles pour les femmes victimes de violence conjugale dans votre région, est-ce que vous constatez des lacunes dans ces services ? Est-ce que vous constatez des lacunes dans ces services pour les femmes francophones spécifiquement ?

7. À votre avis, pour quelles raisons les femmes victimes de violence conjugale ne feraient-elles pas appel au PAVT et aux autres services disponibles dans le cadre du PTICVC ? Et plus spécifiquement, pourquoi est-ce que les femmes francophones ne feraient pas appel à ces services ?

8. En tant qu'intervenante, quel est votre degré de satisfaction à l'égard du PTICVC ? (Encerclez la réponse qui correspond)

Pas satisfaite satisfaite Très satisfaite

9. En tant qu'intervenante, quel est votre degré de satisfaction par rapport aux services en français du PTICVC ? (Encerclez la réponse qui correspond)

Pas satisfaite satisfaite Très satisfaite

10. Que croyez-vous être le degré de satisfaction des femmes survivantes de violence conjugale à l'égard du PTICVC ?

Pas satisfaite satisfaite Très satisfaite

11. Que croyez-vous être le degré de satisfaction des femmes à l'égard des services en français disponibles à l'intérieur du PTICVC ?

Pas satisfaite satisfaite Très satisfaite

Coordination des services

Comité consultatif sur les tribunaux spécialisés dans l'instruction des causes de violence familiale (CCTICVF)

1. Que savez-vous de votre CCTICVF ? Quand est-ce que le CCTICVF a été établi dans votre région ?

2. Quels organismes et agences communautaires sont représentés au sein du CCTICVF ?

3. Est-ce que votre organisme ou agence participe au CCTICVF ?

4. Est-ce qu'il y a des organismes et agences francophones qui participent au CCTICVF ? Si non, comment est-ce que la communauté francophone est représentée au CCTICVF ?

5. Est-ce qu'il y a des organismes ou agences qui devraient faire partie du CCTICVF mais qui n'y sont pas ? Si oui, pourquoi ne participent-ils pas ?

6. Veuillez commenter le travail du CCTICVF sur les aspects suivants :

- Le niveau de coordination et de collaboration qui existe entre les membres du CCTICVF
- La fonctionnalité des protocoles qui sont en place (Sont-ils connus? Sont-ils utilisés? etc.)
- L'efficacité des mécanismes qui évaluent les services en français, qui discernent les problématiques et qui identifient les solutions

Expériences des femmes

A. Accès à l'information et aux renseignements

1. Est-ce que les femmes reçoivent des renseignements adéquats concernant le processus judiciaire auquel elles sont assujetties ? Qui leur fournit ces renseignements ? (PAVT, procureur de la Couronne, police ou autres) Est-ce que ces renseignements sont disponibles en français ?

2. Est-ce que les informations qu'elles reçoivent sont justes, fiables, constantes et cohérentes ? (Les femmes reçoivent-elles les informations et les renseignements dont elles ont besoin ? Reçoivent-elles les mêmes informations des différentes personnes à qui elles parlent ? Est-ce que les informations sont bien expliquées ?, etc.) Est-ce que ces informations sont disponibles en français ?

3. Est-ce que le rôle et les pratiques du procureur de la Couronne sont clairs et bien définis ? Est-ce que le procureur de la Couronne assigné au dossier est suffisamment disponible pour répondre aux questions et aux besoins de la femme avant, durant et après le procès ? Est-ce que les services offerts par le procureur de la Couronne sont disponibles en français ?

4. Est-ce qu'il y a des informations que les femmes victimes de violence conjugale devraient recevoir mais qui ne sont pas disponibles ou qui ne sont pas offertes ? Si, oui, pouvez-vous donner des exemples ? Est-ce que les informations en français sont accessibles ? Si non, pouvez vous donner des exemples ?

5. La *Loi sur les services en français* garantit aux citoyens francophones des 25 régions désignées de la province l'accès à des services gouvernementaux en français qui sont comparables à ceux offerts en anglais en termes d'opportunité, d'accessibilité et de qualité. Le PTICVC répond-il aux exigences de la loi quant à l'offre de services en français équivalant à ceux offerts en anglais dans les cas suivants :

- | | |
|--------|-------------------------|
| ▪ PAVT | ▪ Services de la police |
| ▪ PIPV | ▪ SOAIV |

6. Est-ce que le PTICVC assure l'accessibilité des services pour toutes les femmes victimes de violence conjugale de la communauté ? (femmes immigrantes, femmes noires, femmes de minorités visibles, femmes autochtones, femmes vivant avec une maladie mentale, femmes vivant avec un handicap, femmes vivant dans des régions isolées, femmes pauvres, et femmes vivant avec d'autres besoins susceptibles d'avoir une répercussion sur leur capacité d'avoir accès aux services) Est-ce que tous les services du PTICVC sont accessibles en français ?

7. Comment le PTICVC garde-t-il les femmes au courant de leur dossier avant, pendant et après le procès ? (mise en liberté sous caution, retrait des accusations, condamnation, probation et libération conditionnelle, conditions de mise en liberté, ordonnance de non-communication, etc.)

B. Soutien

1. Est-ce que le PAVT communique systématiquement avec les femmes qui accèdent aux services du TICVC? De quelle façon ? (téléphone, lettre, etc.)

2. Comment identifie-t-on les femmes francophones ? Est-ce que les communications sont disponibles en français ?

3. Quel type de soutien reçoit la femme de la part du PAVT ? (accompagnement en cour, etc.)

4. Quelle est l'expérience de la femme avec le PAVT et est-ce qu'elle est mise au courant des limites de la confidentialité ? Est-ce qu'il y a des risques pour la femme lorsqu'elle utilise les services du PAVT ? (Toute information dévoilée au PAVT doit être rapportée au procureur de la Couronne qui représente les intérêts de l'état et pas nécessairement ceux de la femme).

5. Recevez-vous des références des femmes à vos services de la part du PAVT ? Du SOAIV ? Des services policiers ? Du programme PIPV ?

C. Sécurité

1. De quelle façon est-ce que la sécurité des femmes est assurée lorsqu'elles passent par le processus du PTICVC ? (plan de sécurité, outils pour l'évaluation de risque, Supportlink, etc.)

2. Quelle est l'efficacité de l'intervention de la police lorsqu'un accusé contrevient aux conditions de sa mise en libération sous caution ? Quelle est l'efficacité de la coordination entre les différents éléments du PTICVC lors d'une telle situation ?

D. Respect du choix de la femme

1. Jusqu'à quel point est-ce que la femme peut contribuer et avoir un impact sur la direction du processus (poursuite coordonnée, modification du cautionnement, enquête sur le cautionnement, sentence)
2. Basé sur vos observations des femmes que vous connaissez qui ont eu accès au TICVC, comment évalueriez-vous l'impact, en général, du processus du TICVC sur l'expérience des femmes dans le processus judiciaire ?

Attitudes envers la problématique de la violence contre les femmes et sensibilité envers le vécu des femmes violentées

1. Est-ce que les individus œuvrant à l'intérieur du PTICVC démontrent une attitude sensible et empathique envers les femmes violentées ? Est-ce qu'ils démontrent des connaissances face à la problématique de la violence faite aux femmes ? Est-ce qu'ils sont sensibles aux besoins des femmes francophones ?
2. Comment est-ce que cela est reflété dans les interventions que les femmes reçoivent ?

Recueil des preuves

1. De quelle façon les femmes sont-elles impliquées en tant que témoins au TICVC ? Est-ce qu'on dépend uniquement de leur témoignage comme preuve ou est-ce que d'autres preuves sont recueillies et utilisées dans le procès ? (vidéo, enregistrement de l'appel au 911, par exemple).

Poursuite obligatoire

1. Qu'arrive-t-il si la femme se rétracte ? De quelle façon est-ce que le TICVC compose avec cette situation ? Quel est l'impact sur la femme ?

Programme d'intervention auprès des partenaires violents (PIPV)

1. Est-ce que le PIPV est disponible dans votre communauté ? Est-ce que les services sont accessibles en français ?
2. Quelles sont les attentes initiales des femmes par rapport aux programmes pour partenaires violents ? Est-ce que le PIPV répond à leurs attentes ? Quel est l'impact du PIPV sur la relation des femmes avec leur partenaire ?
3. Comment évalue-t-on la performance des participants ? Comment est la communication et le niveau de coordination intersectorielle des services en ce qui concerne la participation et la présence des participants au groupe ?

4. Comment est-ce que la sécurité des femmes est assurée lorsqu'elles et leur partenaire participent au PIPV ?
5. Est-ce qu'il arrive dans votre communauté qu'on ordonne à un contrevenant de participer à un programme de gestion de la colère au lieu du PIPV ?
6. Est-ce qu'il arrive dans votre communauté que les femmes soient elles aussi accusées de violence conjugale et qu'on leur ordonne de participer à un PIPV ?
 - a) Si oui, est qu'il y a un programme qui a été mis en place pour répondre spécifiquement aux besoins des femmes ?
 - b) Si non, doivent-elles participer au programme avec les hommes ? Est-ce que les animateurs du PIPV ont une analyse féministe (La violence faite par les femmes n'est pas de la même nature que la violence faite par les hommes. Souvent, le comportement violent des femmes qui sont ordonnées à suivre le PIPV est relié à l'autodéfense – elles se défendaient ou défendaient leurs enfants contre leur partenaire violent.)

Autres commentaires

Avez-vous d'autres commentaires ou recommandations à formuler ?

Appendix 5

Projet de recherche sur les tribunaux spécialisés dans l’instruction des causes de violence conjugale Guide d’entrevue à l’intention des travailleuses et travailleurs du PTICVC

Nom :

Agence/organisme/secteur :

Région :

Date :

Questions générales

1. Depuis quand est-ce que le PTICVC existe dans votre région ? Quels services sont offerts ? (police, procureur de la Couronne, Programme d’intervention auprès des partenaires violents, Tribunal pour l’instruction des causes de violence conjugale, Programme d’aide aux victimes et aux témoins)
2. Est-ce que l’ensemble des services auxquels s’adressent les femmes victimes de violence sont disponibles en français dans votre communauté ? Est-ce que les organismes font une offre active et verbale des services en français ? Est-ce que l’offre de service est basée sur la demande que fait la femme ? Quand est-ce que l’on offre le service en français ? Est-ce que l’offre est faite une seule fois ou à plusieurs reprises avec les femmes qui sont identifiées comme étant bilingues ou d’expression française ?
3. Comment fait-on la promotion des services ? Décrivez comment on fait la promotion des services en français. (affiches, dépliants, annonces publicitaires, documentation, Internet, etc.)
4. Comment est-ce que la mise en œuvre du PTICVC a amélioré les services pour les femmes francophones survivantes de violence conjugale ? (Prenez en considération les enjeux tels que les types de services offerts, le nombre de femmes contactées, le nombre de femmes recevant des services et tout autre changement que vous avez pu noter. À votre avis, est-ce que ces changements sont attribuables au PTICVC ?)
5. Est-ce que les services du PTICVC répondent adéquatement aux besoins des femmes francophones ? Expliquez (juges et procureurs de la Couronne désignés pour l’instruction des causes de violence conjugale, PIPV disponible en français, etc.)
6. D’après vos observations, quels sont les changements attribuables au PTICVC par rapport à :
 - la sécurité des femmes
 - l’accessibilité des services

- la connaissance des femmes et des témoins du processus judiciaire criminel
- la compréhension qu'ont les femmes des droits de la victime
- les enquêtes policières en matière de violence conjugale
- les interventions rapides dans les causes de violence conjugale
- l'aiguillage des contrevenants vers le PIPV
- le nombre de poursuites judiciaires criminelles dans les causes de violence conjugale
- la coordination de services au sein du PTICVC (procureur de la Couronne, police, PAVT et PIPV)
- la coordination des services entre le PTICVC et les partenaires communautaires
- autres ?

5. Y a-t-il d'autres domaines sur lesquels le PTICVC a eu un impact, soit positif ou négatif, sur la façon dont le système judiciaire traite les cas de violence conjugale ? (contre-accusations, PIPV pour femmes)

6. En pensant aux types de services disponibles pour les femmes victimes de violence conjugale dans votre région, est-ce que vous constatez des lacunes dans ces services ? Est-ce que vous constatez des lacunes dans ces services pour les femmes francophones spécifiquement ?

7. À votre avis, pour quelles raisons les femmes victimes de violence conjugale ne feraient-elles pas appel au PAVT et aux autres services disponibles au sein du PTICVC ? Et plus spécifiquement, pourquoi est-ce que les femmes francophones ne feraient pas appel à ces services ?

8. Le PTICVC a-t-il influencé les activités des tribunaux de votre juridiction ? Le programme a-t-il eu une influence sur les questions en attente ? Si oui, de quelle façon ?

9. Décrivez comment fonctionne l'intervention précoce dans votre juridiction ? (Dans le cas où l'accusé plaiderait coupable et se verrait contraint de participer au PIPV et les poursuites coordonnées, par exemple) Quelle est votre opinion sur la façon de fonctionner de chacun ?

La demande de service

1. Est-ce que les services qui sont offerts en français sont de qualité ? (Comparable à ceux qui sont offerts en anglais ? Sans obstacles, sans délais, sans frais supplémentaires) Le personnel professionnel parle-t-il français ?

2. Combien de femmes francophones avez-vous desservies en français pour les exercices :

- 2006-2007
- 2005-2006
- 2004-2005
- 2003-2004

3. [À demander uniquement aux procureurs de la Couronne] Combien d'instances bilingues (procès se sont déroulés en français) pour les exercices :

- 2006-2007
- 2005-2006
- 2004-2005
- 2003-2004

Coordination des services

Comité consultatif sur les tribunaux spécialisés dans l’instruction des causes de violence familiale (CCTICVF)

1. Quand est-ce que le CCTICVF a été établi dans votre région ?
2. Quels organismes et agences communautaires sont représentés au sein du CCTICVF ?
3. Est-ce qu’il y a des organismes ou agences francophones qui font partie du CCTICVF ? Si non, comment est-ce que la communauté francophone est représentée au sein du CCTICVF ?
4. Est-ce qu’il y a des organismes ou agences qui devraient faire partie du CCTICVF mais n’en font pas partie ? Si oui, pourquoi ne participent-ils pas ?
5. Veuillez commenter le travail du CCTICVF sur les aspects suivants :
 - Le niveau de coordination et de collaboration qui existe entre les membres du CCTICVF
 - La fonctionnalité des protocoles qui sont en place (Sont-ils connus ? Sont-ils utilisés ? etc.)
 - L’efficacité des mécanismes qui évaluent les services en français, qui discernent les problématiques et qui proposent les solutions

Expériences des femmes

A. Accès à l’information et aux renseignements

1. Est-ce que les femmes reçoivent des renseignements adéquats concernant le processus judiciaire auquel elles sont assujetties ? Qui leur fournit ces renseignements ? (PAVT? Le procureur de la Couronne? La Police ?) Est-ce que ces renseignements sont disponibles en français ?
2. Est-ce que les informations qu’elles reçoivent sont justes, fiables, constantes et cohérentes ? (Les femmes reçoivent-elles les informations et les renseignements dont elles ont besoin ? Reçoivent-elles les mêmes informations des différentes personnes à qui elles parlent? Est-ce que les informations sont bien expliquées ?) Est-ce que ces informations sont disponibles en français ?
3. Est-ce que le rôle et les pratiques du procureur de la Couronne sont clairs et bien définis ? Est-ce que le procureur de la Couronne assigné au dossier est suffisamment disponible pour

répondre aux questions et aux besoins de la femme avant, durant et après le procès ? Est-ce que les services offerts par le procureur de la Couronne sont disponibles en français ?

4. Est-ce qu'il y a des informations que les femmes victimes de violence conjugale devraient recevoir mais qui ne sont pas disponibles ou qui ne sont pas offertes ? Si, oui, pouvez-vous donner des exemples ? Est-ce que les informations en français sont accessibles ? Si non, pouvez vous donner des exemples ?

5. La *Loi sur les services en français* garantit aux citoyens francophones dans les 25 régions désignées de la province l'accès à des services gouvernementaux en français qui sont comparables à ceux offerts en anglais en termes d'opportunité, d'accessibilité et de qualité. Le PTICVC répond-il aux exigences de la loi quant à l'offre de services en français équivalant à ceux offerts en anglais dans les cas suivants :

- PAVT
- Services de la police
- PIPV
- SOAIV

6. Est-ce que le PTICVC assure l'accessibilité des services pour toutes femmes victimes de violence conjugale de la communauté ? (Femmes immigrantes, femmes noires, femmes de minorités visibles, femmes autochtones, femmes vivant avec une maladie mentale, femmes vivant avec un handicap, femmes vivant dans des régions isolées, femmes pauvres, et femmes vivant avec d'autres besoins susceptibles d'avoir une répercussion sur leur capacité d'avoir accès aux services) Est-ce que tous les services du PTICVC sont accessibles en français ?

6. Comment le PTICVC garde-t-il les femmes au courant de leur dossier avant, pendant et après le procès ? (Mise en liberté sous caution, retrait des accusations, condamnation, probation et libération conditionnelle, conditions de mise en liberté, ordonnance de non-communication, etc.)

7. Est-ce que les femmes comprennent bien leur droit aux services en français ? Est-ce que les femmes francophones qui consultent une avocate ou un avocat sont informées de leur droit à l'emploi du français dans le traitement de leur dossier ? Dans les situations où la femme est l'accusée, est-elle consciente qu'elle doit faire une demande pour un procès en français ? Est-ce que les femmes exercent leur droit à un service en français ?

B. Soutien

1. Est-ce que le PAVT communique systématiquement avec les femmes qui ont accès aux services du TICVC ? De quelle façon ? (téléphone, lettre, etc.)

2. Comment identifie-t-on les femmes francophones ? Est-ce que les communications sont disponibles en français ?

3. Quel type de soutien la femme reçoit-elle du PAVT ? (accompagnement en cour)

4. Quelle est l'expérience de la femme avec le PAVT et est-ce qu'elle est mise au courant des limites de la confidentialité ? Est-ce qu'il y a des risques pour la femme lorsqu'elle utilise les services du PAVT ? (Toute information dévoilée au PAVT doit être rapportée au procureur de la Couronne qui représente les intérêts de l'État et pas nécessairement ceux de la femme).

C. Sécurité

1. De quelle façon est-ce que la sécurité des femmes est assurée lorsqu'elles passent par le processus du PTICVC ? (Plan de sécurité, outils pour l'évaluation de risque, Supportlink, etc.)

2. Quelle est l'efficacité de l'intervention de la police lorsqu'un accusé contrevient aux conditions de la mise en liberté sous caution ? Quelle est l'efficacité de la coordination entre les différents éléments du PTICVC lors d'une telle situation ?

D. Respect du choix de la femme

1. Jusqu'à quel point est-ce que la femme peut contribuer et avoir un impact sur la direction du processus (poursuite coordonnée, modification du cautionnement, enquête sur le cautionnement, sentence)

2. Basé sur vos observations des femmes que vous connaissez qui ont eu accès au TICVC, comment évalueriez-vous l'impact, en général, du processus du TICVC sur l'expérience des femmes dans le processus judiciaire ?

Attitudes envers la problématique de la violence contre les femmes et sensibilité envers le vécu des femmes violentées

1. Est-ce que les individus œuvrant au sein du PTICVC démontrent une attitude sensible et empathique envers les femmes violentées ? Est-ce qu'ils démontrent des connaissances de la problématique de la violence faite aux femmes ? Est-ce qu'ils sont sensibles aux besoins des femmes francophones ?

2. Comment est-ce que cela est reflété dans les interventions que les femmes reçoivent ?

Recueil des preuves

1. De quelle façon les femmes sont-elles impliquées en tant que témoins au TICVC ? Est-ce qu'on dépend uniquement de leur témoignage comme preuve ou est-ce que d'autres preuves sont recueillies et utilisées au cours du procès ? (vidéo, enregistrement de l'appel au 911).

Poursuite obligatoire

1. Qu'arrive-t-il si la femme se rétracte ? De quelle façon est-ce que le TICVC compose avec cette situation ? Quel est l'impact sur la femme ?

Programme d'intervention auprès des partenaires violents (PIPV)

1. Est-ce que le PIPV est disponible dans votre communauté ? Est-ce que les services sont accessibles en français ?
2. Quelles sont les attentes initiales des femmes par rapport aux programmes pour partenaires violents ? Est-ce que le PIPV répond à leurs attentes ? Quel est l'impact du PIPV sur la relation des femmes avec leur partenaire ?
3. Comment évalue-t-on la performance des participants ? Comment est la communication et le niveau de coordination intersectorielle des services en ce qui concerne la participation et la présence des participants au groupe ?
4. Comment est-ce que la sécurité des femmes est assurée lorsqu'elles et leur partenaire participent au PIPV ?
5. Est-ce qu'il arrive dans votre communauté qu'on ordonne à un contrevenant de participer à un programme de gestion de la colère au lieu du PIPV ?

Évaluation des services en français

1. Est-ce que votre organisme évalue la qualité et le niveau de satisfaction des femmes à l'égard des services en français qu'elles reçoivent de votre organisme ?
2. Quels mécanismes utilisez-vous pour mesurer le niveau de satisfaction des femmes à l'égard des services en français ? (Formulaires d'évaluation, sondage auprès de vos partenaires communautaires, etc.) Si oui, que mesurez-vous ? (Qualité du SEF, disponibilité, accessibilité des services) et comment le mesurez-vous ?
3. Quels sont vos critères de performance ? Avez-vous des indicateurs de rendement pour déterminer si vous êtes en mesure d'atteindre vos objectifs de services ? Avez-vous des critères pour mesurer la satisfaction de la qualité des services que vous offrez en français ? Si oui, quels sont vos critères ?
4. Avez-vous recueilli des données sur le niveau de satisfaction des femmes à l'égard des services en français ?

Autres commentaires

Avez-vous d'autres commentaires ou recommandations à formuler ?