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BILINGUALISM OF FEDERAL JUDGES

Statement by:

The Honourable Claudette Tardif

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THE SENATE

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[*Translation*]

BILINGUALISM OF FEDERAL JUDGES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, bilingualism and the equality of all Canadian citizens are two of this country's basic values, reinforced by a 1999 Supreme Court decision stating that section 16 of the Charter, concerning the equality of status and use of the two official languages, confirms the equality of language rights.

The Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada, reminded us that:

Much of our collective sense of freedom and safety comes from our community's commitment to a few key values: democratic governance, respect for fundamental rights and the rule of law, and accommodation of difference. Our commitment to these values must be renewed on every occasion, and the institutions that sustain them must be cherished.

• (1340)

Honourable senators, the time has come to reiterate our commitment to the values of bilingualism and equality of language rights in Canada.

It is inconceivable that a prime minister of Canada, the official representative and leader of the government of an officially

bilingual country, should be unilingual. It is also inconceivable that a justice of the Supreme Court, the highest court in this bilingual and bijural land, should be unilingual.

The fact that the court's interpretation and translation services are excellent is not a valid argument for failing to require Supreme Court justices to be bilingual.

The subtlety and nuance of a language simply cannot be translated flawlessly. Labour-intensive translation services, which slow the legal process and delay court rulings, cannot replace good comprehension of both official languages and good comprehension of the arguments and documents used to plead a case.

Honourable senators, it is unfortunate that the motion for the government to appoint bilingual justices to the Supreme Court of Canada was not agreed to unanimously. Four members, Conservative members of the official languages committee, voted against the motion.

Bilingualism and equality are at the core of the spirit of the Charter and of Canadian identity and values. Federal judges must have sufficient linguistic ability to understand legal arguments without the need for simultaneous translation, thereby ensuring the right of all citizens to be judged in the official language of their choice.

Let us reaffirm our commitment to linguistic duality and bilingualism by demanding that justices of the Supreme Court of Canada be bilingual.