



Constitutional Language Rights in the Judicial Area

Note: This table is designed to provide a (non-exhaustive) overview of language rights at the federal level and in all provinces and territories, and does not constitute a legal opinion.

Rights	Examples	Enforced by	Reference
Federal			
Right to use English and French in parliamentary debates and in court.	People may testify in court in the official language of their choice.	Federal government (constitutional right)	Section 133 of the <i>Constitution Act, 1867</i> . For more details, see the <i>Official Languages Act</i> .
Right to use English or French in, or in any pleading in or process issuing from, any court established by Parliament.	People may testify in federal court in the official language of their choice. The definition of court is interpreted very broadly: it includes federal tribunals created by a federal law, for example, the Public Service Staffing Tribunal.	Federal government and federal courts (constitutional right)	Section 19 (1) of the <i>Canadian Charter of Rights and Freedoms</i> . For more details, see the <i>Official Languages Act</i> and the <i>Official Languages Regulations</i> . Part III of the <i>Official Languages Act</i> applies only to judicial and quasi-judicial courts.
All provinces and territories			
In matters of criminal and penal law, right to a trial in the official language of the accused at the request of the accused. The judge or prosecutor has an obligation to inform the accused of this right.	In matters of criminal law, section 530 of the <i>Criminal Code</i> includes the right to be understood by the judge without an interpreter and to be tried before a jury that understands the official language chosen.	Provincial government	Section 530 of the <i>Criminal Code</i> . Court rules of procedure.
New Brunswick			
Right to use English or French in, or in any pleading in or process issuing from, any court of New Brunswick.	Civil, criminal and penal trials. Administrative tribunals. Example: the Labour and Employment Board.	Provincial government (constitutional right)	Section 19 (2) of the <i>Canadian Charter of Rights and Freedoms</i> . Section 16 to 26 inclusive of the <i>Official Languages of New Brunswick act</i> .

Rights	Examples	Enforced by	Reference
Manitoba			
In matters of civil and criminal law, the right to choose a trial in English or French. Right to be tried before a judge who understands the trial language without an interpreter.	Right of any Manitoban to appear in court in the official language of their choice (including commissions and other quasi-judicial tribunals).	Provincial government (constitutional right)	Section 23 of the <i>Manitoba Act, 1870</i> . Section 530 of the <i>Criminal Code</i> . Policy on French-language services.
Québec			
Right to use English or French in court.	People may testify in court in the official language of their choice.	Provincial government (constitutional right)	Section 133 of the <i>Constitution Act, 1867</i> .
Saskatchewan			
Right to use English or French in the following courts: - Court of Appeal; - Provincial Court; - Court of Queen's Bench; - Highway Safety Board. In matters of criminal law, right to a trial in English or French at the choice of the accused.	Rules of court are printed and published in French and English. In matters of criminal law, the judge must understand the trial language without an interpreter and the court has an obligation to have the testimony of witnesses testifying in a language other than that of the trial translated.	Provincial government	Section 11 of <i>The Language Act</i> . Rules of court procedure. Section 530 of the <i>Criminal Code</i> .

Rights	Examples	Enforced by	Reference
Territories			
<p>In matters of criminal and penal law, right to a trial in the official language of the accused at the request of the accused. The judge and prosecutor have an obligation to inform the accused of this right. Simultaneous interpretation at the court's expense when necessary.</p>	<p>In matters of criminal law, additional obligations for territorial courts are provided for under section 530 of the <i>Criminal Code</i>. For example, the right to be understood by the judge without an interpreter and to be tried before a jury that understand the chosen language.</p>	<p>Territorial government (constitutional right)</p>	<p>Section 110 of the <i>Northwest Territories Act</i>. <i>Official Languages Act</i>. Section 530 of the <i>Criminal Code</i>. <i>Courts of Justice Act</i>.</p>
<p>The decisions of courts and administrative bodies must be written in English and in French when the matter is of general public interest or importance or when the trial or documents have been partly or wholly conducted or written in both official languages.</p>	<p>In matters of civil and criminal law.</p>	<p>Territorial government</p>	<p><i>Official Languages Act</i>. Official languages policy.</p>

This document was updated on October 24, 2013. Please note that laws may have been amended since the last update.