

**For immediate release**

## **Huge Victory for Minority School Boards in Supreme Court B.C. School Board Case**

**Montreal, June 12, 2020** – In a landmark decision today, the Supreme Court of Canada has given a generous and broad interpretation of Section 23 of Canada’s Charter of Rights and Freedoms, which guarantees minority language educational rights to French-speaking communities outside Quebec and to the English-speaking minority within Quebec.

In the decision Chief Justice Richard Wagner states that “the purpose of s. 23 is not only to ensure the sustainability of the country’s linguistic communities, which is a concern focused on the future, but also to make it possible for those communities to develop in their own language and culture, a concern focused on the present.”

“This is excellent news for parents in B.C., but also for official language minority communities across Canada,” said QCGN President Geoffrey Chambers, applauding the Conseil scolaire francophone de la C.-B., which has been leading this important legal battle for the past decade.

The immediate result of the ruling will be improved access to quality French-language education and schools in British Columbia. The ruling also sends a message to provinces across Canada to take heed of the rights of their minorities when it comes to the provision of minority language schools.

According to the majority of the Supreme Court, “What s. 23 does is to protect an official language minority from the effects of decisions of the majority in the area of education by granting the minority a certain autonomy in relation to its education system. The history of the relationship between the majority and the minority in this area shows that the minority’s interests are not well served if it does not have some control over the management and funding of its schools.”

“This is a resounding reaffirmation of the rights of official language minority communities across Canada to receive education in their own language,” Chambers said. He points out that the Supreme Court has ruled that individual rights conferred upon minority language communities in Section 23 of the Constitution have a collective scope.

“Unlike some other rights provisions, s. 23 recognizes rights that are assessed not only in individual terms, but also on a collective level this means that the courts must, in interpreting s. 23, consider each language group’s social context, demographics and history,” states Chief Justice Richard Wagner in the majority ruling. “... I am therefore of the opinion that the purpose of s. 23 is not only to ensure the sustainability of the country’s linguistic communities, which is a concern focused on the future, but also to make it possible for those communities to develop in their own language and culture, a concern focused on the present.”

Chambers said this ruling can only help a recent court action by the Quebec English School Boards Association (QESBA) and other groups against Bill 40, which abolishes school boards and replaces them with service centres.

“We are looking very closely at this ruling,” commented QCGN lawyer Marion Sandilands, who represented QCGN as an intervener in the Supreme Court case. “The Court reaffirmed that s. 23 is aimed at all official language minorities - French and English. The Court has also set a high bar to justify breaches of s. 23 under s. 1 of the Charter. The Court has said clearly that cost savings by the province cannot justify a breach of minority education rights.”-

The B.C. School Board Case “mega-trial”, which dealt with a wide variety of issues around Section 23 of the Charter, has been winding its way through the courts for more than a decade. The original trial centered on the constitutional right to financing for minority language education and touched on many issues, including the right to minority school facilities; the quality of those facilities; admissions policies; management and control; and capital funding.

The Quebec Community Groups Network ([www.qcgn.ca](http://www.qcgn.ca)) is a not-for-profit organization bringing together English-language community organizations across Quebec. As a centre of evidence-based expertise and collective action it identifies, explores and addresses strategic issues affecting the development and vitality of the English-speaking community of Quebec and encourages dialogue and collaboration among its member organizations, individuals, community groups, institutions and leaders.

**For further information:**

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