



Collective Rights and the Declining Vitality of the English-speaking communities of Quebec

Remarks to the Committee on Culture and Education
with regards to the General consultation and public
hearings on Bill 103, An Act to amend the Charter of the
French language and other legislative provisions

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September 22, 2010

Mme. Saint-Pierre, M. Marsan, M. Curzi, and members of the Committee on Culture and Education, good afternoon. On behalf of the Quebec Community Groups Network and Quebec's English-speaking minority community, thank you for inviting us to provide you with our views on Bill 103, An Act to amend the Charter of the French language and other legislative provisions.

As you know, the QCGN does not intend to address proposals relating to access to publicly funded English-language education. Other organizations within Quebec's English-speaking minority community are leading that discussion. Our submission is concerned with changes to the preamble of the Charter of Rights and Freedoms and the impacts that could have on our minority language community.

The Quebec Community Groups Network (QCGN) is a federation of community organizations serving to benefit the English-speaking Community of Quebec. In collaboration with institutions and other community stakeholders, we identify, explore and address the strategic issues affecting the development, vitality, and sustainability of Quebec's English-speaking community.

Allow me to begin by stating two fundamental and settled principles. Rights and freedoms - whether individual or collective - are not absolute. Section 1 of the Canadian Charter of Rights and Freedoms allows the State to place reasonable limits on our rights and freedoms, provided such limits can be "demonstrably justified in a free and democratic society." Relevant to our discussion today, we note the following:

- The Quebec legislature is justified in taking measure to limit the Constitutional rights of its citizens, if the purpose of those measures is to protect and promote the French language in Quebec, itself an important and legitimate objective. These measures, however, must be proportional, minimally impacting individual and collective minority rights to achieve the objective; and,
- The purpose of Canadian minority language educational rights is to protect and promote the minority language community in each province, not to provide minority language instruction to the majority.

As citizens of Quebec and Canada, we understand and support these precepts as settled law; rules of the game that have been tested in and reaffirmed by the Supreme Court of Canada most recently in *Nguyen v. Quebec*.

The QCGN represents an identifiable minority population, Quebec's English-speaking community, which represents between eight and 13 per cent of the Province's population depending on one's definition. The QCGN is concerned about the vitality and sustainability of Quebec's English-speaking communities. Our purpose here today is to demonstrate that our

minority communities are not a threat, but a constituency that strengthens Quebec society. We argue that it is detrimental to Quebec to exclude its English-speaking minority population. We seek to attain official recognition of the historic and ongoing contributions that the English-speaking minority makes to Quebec society and we seek legal protection of our minority's rights and freedoms.

There is a familiar tone to the public discourse surrounding the business in front of the Committee today. Surely we can agree that depicting Quebec's English-speaking communities as a threat to the French language run counter to Quebec's interests. The QCGN is proposing two fundamental shifts in perspective to help Quebec society move through the social and economic challenges that we will soon experience as the population ages and the workforce shrinks. All Quebecers will need to work together to ensure our collective economic and social future.

First, we suggest that the French-speaking majority recognize itself as a secure and dominant majority with the power and the responsibility to protect the institutional vitality of its vulnerable minorities, including the English-speaking communities of Quebec. Second, we believe we should be working together to improve the social cohesion of Quebec's French- and English-language communities.

Let us leave behind 'us versus them' thinking. The English-speaking Community of Quebec is in the unique position of being a minority within a majority that is also a minority. As such we understand the need for Quebec to take special measures to protect and preserve its language and culture. Quebec's English-speaking citizens are not concerned with the preservation of their language, but we are very much concerned with our capacity to continue as viable and sustainable communities, especially in the regions outside of Montreal.

The Francophone majority is not the only community that needs the support of collective rights in Quebec. Quebec's English-speaking community is not an extension of the Anglophone majority in the rest of Canada. We do not necessarily see ourselves or our stories reflected in the media produced by that Anglophone majority. English-speaking Quebecers have more in common with fellow Quebecers and French-speaking minorities elsewhere in Canada. With other Quebecers, we share similar values and a proven and abiding attachment to this distinct society into which we have planted deep historic roots. With French-speaking Canadians outside Quebec, we share a common bond as a linguistic minority. But as a minority within Quebec, our community must also be guaranteed collective rights to foster its development as a significant collective community in Quebec.

The QCGN is concerned that the Government of Quebec chose Bill 103, drafted in response to the Supreme Court of Canada's Nguyen decision on non-right holder access to public schools, to make important non-related amendments and additions to both the Charter of the French Language and the Charter of Human Rights and Freedoms. It is towards these parts of the Bill that I would like to now turn my attention.

Although we understand the need and legislative reflex to protect and promote the French language in Quebec, we are concerned that in this case of Bill 103, these measures are being undertaken in a way that undermines the rights and freedoms of Quebec's English-speaking minority. The judicial analysis of Bill 103 prepared for the QCGN shows that the amendments to the Quebec's Charter of Rights and Freedoms and features of the Charter of the French language will undermine the individual and collective rights of Quebec's English-speaking minority.

We are particularly concerned with the capacity of existing municipal bodies recognized in accordance with s29.1 of the Charter of the French language to continue to service the members of our community given section 11 of Bill 103. The proposed changes to the Charter of Human Rights of Freedoms excludes reference to Quebec's English-speaking minority, providing a narrow version of our collective patrimony, and setting up an environment that ignores our contribution to Quebec.

After all, the English-speaking community is also part of Quebec's heritage. English-speaking Quebecers have worked alongside their French neighbours to fish our waters, farm our land, work our mines, build our cities, and trade our products throughout Canada, the United States and the World. Those of us who live in Quebec today represent an historical lineage that is intricately woven into the fabric of Quebec's history and heritage. From the Irish community that helped build the Cathédrale Notre-Dame-de-Québec in Quebec City to the Black community of Quebec that traces its roots back 300 years, English-speaking Quebecers have laboured beside fellow French-speaking citizens to build this wonderful society. And English-speaking Quebecers continue to make their mark in this province in fields as varied as medicine, science, technology, architecture, finance and the aerospace industry. Just take a look at the long list of English-speaking Quebecers who are among the laureates of the Prix du Québec, the most prestigious award attributed by the Government of Quebec in all fields of culture and science.

The relationship between English- and French-speaking artists is a study in symbiosis. Quebec's English-language artists play an important role in promoting Quebec culture across Canada and throughout the world. Important collaborative work is done here, translating the work of French and English artists to make their art accessible to a wider audience. It is inspiring to see the number of actors and other artists working simultaneously in both languages, a practice that tremendously enriches their work. It is off-putting therefore to see Bill 103's proposed amendment to section 42.1 of Quebec's Charter of Human Rights and Freedoms that “the French language is an indissociable aspect of Quebec culture.” Whereas this is arguably accurate, the semantics hardly capture the collaborative and diverse nature of Quebec’s artistic patrimony and practice. Indeed, this leaves the impression that Quebec culture is limited to expression in the French language and that other languages, including English, have no place. We doubt this is the legislation’s intent. The challenge for a modern, confident and generous Quebec society is to craft an additional sentence to the proposed section 42.1, which acknowledges the immense contributions that the English-speaking community of Quebec makes to our collective patrimony.

The QCGN is also concerned with s21 of Bill 103, which adds an interpretive clause to the Charter of Human Rights and Freedoms that subordinates the inherent rights we all possess to a particular collective interest. Our shared value of ensuring the French language remain central in Quebec, must not be accomplished at the price of the rights and freedoms of its citizens, or at the expense of Quebec’s English-speaking minority.

We suggest that there is a way to accomplish what “Les Intellectuels pour la souveraineté” referred to in their brief to this Commission as, “une solution légitime et équilibrée.” Following in the footsteps of Gérald Godin, we propose that phrases be added to sections of Bill 103 amending the Charter of Human Rights and Freedoms and the French Language move the generous sentiments expressed in the preamble to the Charter of the French Language into the legislation itself, ensuring respect for Quebec’s English-speaking community and preventing derogation of our individual and collective rights and freedoms.

The Commission des droits de la personne et des droits de la jeunesse and others also expressed concern with the process that is making important amendments to the Quebec Charter of Human Rights and Freedoms and the French Languages as an addendum to Bill 103. The QCGN would certainly favour an approach that separated the questions of English-language school access and changes to our human rights legal architecture in order to ensure that we could give the latter more considered debate.

English-speaking Quebecers choose to remain here, or have come to Quebec precisely because it is such an interesting, unique and special place for self and collective expression -- and one where the preservation and promotion of French is a laudable and inspiring undertaking. As English-speaking Quebecers, we are the only linguistic minority that is paradoxically concerned not with the preservation of its own language, but upon fluency in the language of the majority. Our community has consistently sought to improve its French-language skills, recognizing that to fully participate in Quebec society; we must be able to communicate effectively in the language of the majority. It is quite useful to note that the purpose of the Charter of the French Language was never to regulate the language spoken at home, but to make the French language the public language of Quebec. In Montreal, where most of Quebec's English-speakers live and work, more than 90 per cent of the population uses French in the workplace.

Threats to French in Quebec do not come from its English-speaking minority. English-speaking Quebecers today are largely bilingual and we strive to ensure that our children are bilingual and bi-cultural. However, in its zeal to advance a vision of Quebec that centres on the French language, successive Quebec governments have penned legislation that is discriminatory to the rights and freedoms of its English-speaking minorities. The intrusions on individual rights and freedoms have adversely affected the vitality and sustainability of our collective institutions, particularly schools which are cornerstones of our communities. This has an adverse impact on the vitality of our English-speaking communities. It seems counter-productive and counter-intuitive to constantly reaffirm in the words of the proposed addition to Quebec's Charter of Human Rights and Freedoms that "French ...constitutes a fundamental aspect of its cultural patrimony and social cohesion." Yes, of course it does for the majority, but here again is an example of terminology that is exclusive, and that establishes the 'us versus them' conditions that fosters dissension and division. There are many, many cultures that have and continue to contribute to Quebec's cultural heritage.

In Quebec the 'two solitudes' often speak at cross-purposes. While French speakers feel most concerned about the fate of their own language relative to the spread of English, Anglophones feel most concerned about the decline of their community relative to the Francophone majority. Thus Francophones have tended to focus on the threat and drawing power of the English language relative to French worldwide, while ignoring the decline of English-speaking communities here in Quebec. Conversely, English speakers have focused on the dominant position of the Francophone majority.

As the Government of Quebec once again reviews its language legislation, we call upon it to work with the English-speaking community in a spirit of cooperation and to recognize our community's collective and ongoing contributions to Quebec society. The English-speaking

community of Quebec is an integral and vital part of Quebec society. We expect this recognition from the political leadership, and hope to see it reflected in the laws of our society. We also expect the Government of Quebec to protect the rights and freedoms of its minorities, not to curtail them. We hope Quebec will support and partner with its English-speaking minority communities in ways that contribute to the strength and vitality of both the minority and majority.

When the Supreme Court of Canada released its ruling on Bill 104 in October 2009 and the Government of Quebec was offered a second chance to draft legislation, the QCGN suggested that it work with all stakeholders, including the English-speaking Community, to achieve a reasonable compromise between the goals of protecting the French language and preserving the vitality of English schools and school boards. We are pleased that you have taken the time to hear our concerns and hope that they will be acted upon. Your English-speaking minority has demonstrated the willingness and the capacity to function in French in Quebec society. Let us work collaboratively to find an effective way to harness the potential of our vital and vibrant Community to the benefit of Quebec.