

Use of Notwithstanding Clause Would Run Roughshod Over Rights of English-speaking Quebecers

MONTREAL, April 22, 2021 – The Quebec Community Groups Network is alarmed that Premier François Legault foreshadowed that the Quebec government may invoke the notwithstanding clause to limit the linguistic rights of English-speaking Quebecers.

“The QCGN was already concerned about what the government will propose to enforce and reinforce the Charter of the French Language (Bill 101) and his comment does nothing to alleviate our apprehensions,” comments QCGN President Marlene Jennings: “The QCGN is and has always been opposed to the use of the notwithstanding clause to override the rights of all Quebecers.”

“We have yet to hear details of the government’s proposal to strengthen Bill 101,” Jennings says. “The fact that Premier Legault is already considering the use of the notwithstanding clause is certainly cause for concern. Does this mean that what his government will propose is likely to contravene our Constitutional rights enshrined in the Canadian Charter of Rights and Freedoms?”

The notwithstanding clause cannot be invoked to override the rights in the Constitution Act of 1867, for example the right to use French and English in Quebec’s National Assembly and the courts. Nor can it be used to set aside constitutional language rights contained in Sections 16-23 of the Canadian Charter, for example minority language education rights and the official bilingualism of Canadian institutions.

In their rush to protect the French language, past and present Quebec governments have shown an unfortunate tendency to trample on the rights of English-speaking Quebecers. The notwithstanding clause is a blunt instrument that should not be used to ride roughshod over our rights and freedoms.

Premier Legault asserts the Canadian Charter does not reflect what the majority of Quebecers want. However, Jennings notes, the Canadian Charter exists precisely to protect the rights of minorities, including official language minorities: “The fact that Quebec never ‘signed on’ to the Charter has no effect on its application. It applies here in Quebec like everywhere else.”

The Quebec Community Groups Network (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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