Quebec Federation of Home and School Associations, Inc.

A Response to Bill 1:
Québec Constitution Act, 2025

Submitted by: The Quebec Federation of Home and School Associations Inc.

To: Committee on Institutions of the National Assembly of Quebec

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THE QFHSA

The 1947 Home and School Creed

That it should learn first-hand all school conditions and all community conditions affecting the child. That it should be a co-operative, non-partisan, non-sectarian, non-commercial effort to produce Canadian citizens who shall be capable of perpetuating the best of our national life. That it brings the men and women of the community into touch with one another, thus helping to break down prejudice and misunderstandings, and develops a common interest in the home, the school and the community.

The Quebec Federation of Home and School Associations Inc. (hereafter "QFHSA") was officially inaugurated in May 1944 and was incorporated by Letters Patent under the Quebec Companies Act in August 1959.

The QFHSA is an independent, incorporated, not-for-profit volunteer organization dedicated to enhancing the education and general well-being of children and youth. The QFHSA promotes the involvement of parents, students, educators, and the community at large in the advancement of learning and acts as a voice for parents.

We are a federation of local Home and School Associations driven by one objective: to provide a caring and enriched educational experience for students. Members of Home and School Associations come from all sectors of society: working parents, stay-at-home parents, grandparents, educational professionals, and other ordinary citizens with an interest in maintaining a high level of education in this province. The schools that their children attend are scattered across the province and represent the cultural diversity within the minority English-language school system: Anglophones, Allophones, and Francophones. Our members pay a modest annual fee through their local associations to the QFHSA. Membership is also open to individuals without any school affiliation. We represent 87 school communities and work with, for example, community learning centers, community organizations, and other associations who share our goals and objectives. We have 2000 family members, and the reach of the local Home and School associations includes well over 20,000 students.

The QFHSA is a charter member of the Canadian Home and School Federation (CHSF).

The roots of the QFHSA run deep in the history of the education system of Quebec. Partnerships with school boards, teacher and administrative associations, community organizations, and other parent associations have been long-standing, and necessary, in addressing common concerns affecting the minority language communities as a whole.

For over 81 years, our briefs, position papers, and resolutions to various provincial and national governments and agencies illustrate that we have been consistent in stating our beliefs and values, and further demonstrate that we have no affiliation to any political party.

The QFHSA welcomes the opportunity to submit this consultation Brief to the Committee on Institutions of the National Assembly of Quebec. It does so from its position of long-standing involvement in education, and in respect of the effects of Charter rights and freedoms thereupon.

EXECUTIVE SUMMARY

Bill 1, *Québec Constitution Act, 2025*, is the culmination of numerous laws enacted in recent years by the current provincial government, some innocuous but many deeply concerning. Unfortunately, this new Bill is the latter.

Contrary to the title, it barely resembles a Constitution as we've come to know it:

- It was not drafted based on broad consultations and with cross partisan consensus
- It fails to represent a significant portion of the population
- It does not promote diversity, equity, and inclusion
- It dictates what citizens are able to do with their own property, and gives the government immeasurable power over non-governmental organizations and institutions
- It provides mechanisms to override citizens' personal rights rather than protect them, and fails to afford rights that would greatly improve citizens' quality of life
- It removes almost all avenues available to challenge unjust or controversial laws
- It is easily amended and/or revoked with a simple majority vote

After careful review, it is the opinion of the QFHSA that the proposed Constitution would benefit the government rather than the people, and as such the Bill should be summarily withdrawn.

PROCESS AND UNILATERALISM

In a modern liberal democracy, a document as significant as a constitution should reflect the people it governs as a whole, which calls for broad consultations and cross partisan consensus. Bill 1 lacks both of these, having been drafted and tabled behind closed doors like any other piece of legislature, and only requiring a simple majority to amend. It mentions the indigenous populations but contains no protections for them, nor for the minority Anglophone and Allophone communities that were instrumental in establishing and developing this great province. In fact, the stated and obvious goals are to confirm the "majority French-speaking" nation as a secular state and to promote national integration, which suggests if not confirms a desire for the opposite. These things do not make for a constitution that reflects shared values and encourages diversity, equity, and inclusion of all Quebecers.

Also concerning is that this sweeping omnibus bill - which creates three new provincial statutes and amends twenty established ones - once again unilaterally amends the federal constitution in order to increase the constitutional autonomy of the "free national State." Without a referendum or in-depth consultations with an appropriate cross-section of the population, this cannot be assumed to be the will of the Quebec people.

While the Bill itself declares that "the Québec people has the inalienable right to freely decide the political system and legal status of Québec," we will have been denied that inalienable right should this Bill be adopted as is.

STATE POWER

There is nothing more telling about the intentions behind this bill than the fact that members of the National Assembly, who currently swear an oath to the people they were elected to represent, would now be required to swear loyalty to the Quebec nation and in defense of the Quebec constitution. That its stated purpose is not about the Quebec people, but to "preserve and increase the constitutional autonomy of Québec by affirming the sovereignty of the Parliament of Québec and by ensuring coordinated government action in the defence of Québec's higher interests, its territorial integrity and its representation within the common institutions of the Canadian federal union."

Further, Parliament would be able to include a parliamentary sovereignty provision in its legislature, without any requirement to contextualize or justify the provision, which would pre-empt any judicial review that was based on rights and freedoms. This marks a disturbing amount of power being taken from the courts and given to the ministers and cabinet members that draft these laws, and very little opportunity for recourse.

The Bill also specifically names over a hundred organizations, including educational institutions, that would be subject to its contents and beholden to its stated purpose. In effect, these organizations could be ordered to refuse or block federal funding, suspend agreements, not participate in federal policy-making, and/or conduct themselves in any manner in which the government may deem necessary. While English-language school boards are not currently on this list, that will not remain the case if this Bill is passed, regardless of the outcome of the Supreme Court ruling on Bill 40. This is a daunting amount of power for the government to hold over our institutions and is rife with potential for overreach.

Individually these changes would be concerning; combined they are downright alarming.

COLLECTIVE RIGHTS OVER INDIVIDUAL RIGHTS

"16. The provisions of an Act that expressly provides, in accordance with section 52 of the Charter of human rights and freedoms or, regarding fundamental language rights, with section 88.16 of the Charter of the French language, that they apply despite those Charters are deemed to be compatible with the Constitution."

It is unsurprising in light of Bills 21 and 94 that one of the few individual/personal rights added by Bill 1 is that of equality of women and men, especially when it is specifically noted that this right will prevail over freedom of religion if the two are in conflict. In conjunction with Bill 84, the government's goal continues to appear to be less about equality and achieving secularism and more about discrimination/xenophobia and compelling assimilation.

That aside, the Bill focuses mainly on collective rights that align with the stated purpose of the Bill: to promote and protect the Quebec nation (culture, language, etc.), to live and develop in French, to freely develop and organize institutions, to the secularism of institutions and services, etc.. Rights that would be of interest to most if not all Quebecers, such as the rights to **quality healthcare**, **quality education**, and **affordable housing**, are notably absent.

While most individual rights are untouched by the Bill, the proposed parliamentary sovereignty provision mentioned in the last section makes it clear that they are considered secondary to collective rights and therefore easily infringed upon. And because the Bill applies to the state and individuals alike, it gives free reign to private actors, such as employers and landlords, to discriminate against any Quebecer in the name of protecting the Quebec state, setting a very dangerous precedent.

Bill 1 in its entirety restricts the fundamental Charter rights and freedoms, as well as the civil and political rights, of all Quebecers, undermining our liberal democracy.

LIMITED RECOURSE

*"*5. *The Parliament of Québec may declare in an Act that the Act or a provision of the Act protects the Québec nation as well as the constitutional autonomy and fundamental characteristics of Québec."*

*"*9. *No application for judicial review, based on a right or freedom referred to in such a parliamentary sovereignty provision, may be brought in order to have the Act or provision referred to in the parliamentary sovereignty provision declared inoperative."*

*"*31. *…it is presumed that the contested rule of law was passed in the public interest and that the public interest is served by maintaining the application of that rule during the proceeding. The State is not required to demonstrate that the rule benefits the public."*

Bill 1 goes to great lengths to limit any available recourse to past and future controversial legislation.

It does so by declaring the 'Constitution' to be paramount, by instituting the 'parliamentary sovereignty provision' to pre-empt possible court challenges, by making it difficult to get stays in the face of unconstitutional laws by making all laws presumptively constitutional, and by prohibiting the use of public funds to challenge laws that may merit it.

It dissuades dissent by allowing audits into the allocation of funds, and by declaring that members or directors of organizations deemed to have misused funds will be held liable and responsible for returning the funds. This is especially appalling - yet wholly unsurprising - to the minority English-speaking community, given the funds it receives from the federal government to ensure its protection and continuity.

The Bill goes so far as to form the Conseil constitutionnel, which circumvents the courts and by its very nature is required to be biased towards the entity and purpose which created it.

Laws created in the best interests of the people should not need to be as unassailable as this government is trying to pre-emptively make them.

CONCLUSION

Bill 1 is not the creation of a Quebec Constitution but that of a provincial *notwithstanding clause*, enabling the Quebec government to validate and embed controversial laws by preventing challenges based on individual rights and freedoms. It is a tool to further consolidate and centralize state power and compel the views and values of the current provincial government upon the state as a whole.

Rather than extending constitutional or charter rights to include those that are increasingly important to Quebecers, this Bill diminishes the existing ones and redirects protections to the state over the people. And by declaring the 'Constitution' to be paramount in Quebec law and beyond reproach and challenge, it intentionally weakens those citizens it is meant to represent and support.

The purpose of a Constitution should be to limit the power of the government such that the rights of the citizens are protected from government abuse.

As such, the entire Bill should be withdrawn and, upon consulting with the population and institutions at large, redrafted to reflect the full diversity and values of Quebec society, while upholding the Rights and Freedoms currently guaranteed by both the *Canadian Charter of Rights and Freedoms* and the Quebec *Charter of Human Rights and Freedoms* for all Quebecers.