

May 9, 2025

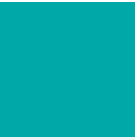
# SECTION 23 AND THE LEGAL CHALLENGES CONCERNING ENGLISH-LANGUAGE EDUCATION IN QUEBEC

92<sup>ND</sup> ACFAS CONGRESS, ÉCOLE DE TECHNOLOGIE SUPÉRIEURE  
BUILDING B; ROOM: B-0906  
MONTREAL, QC



Conference organised by

 UESCREN



**This multidisciplinary conference analyzes Quebec's English-language education sector in the context of the province's current sociopolitical climate and ongoing legal disputes involving Section 23. It will explore their potential impacts on the vitality of Quebec's English-speaking minority and Francophones across the country, and seek to establish dialogue from multiple perspectives to foster mutual understanding.**

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**Ongoing litigation challenges the ability of Quebec's English-language education network to:**

- > Recruit employees wearing religious symbols (Law 21),
- > Govern through school boards (Law 40),
- > Use English in communications with the government (Law 96), and
- > Offer tuition rates similar to those of Francophone universities for out-of-province students.

All these disputes invoke Section 23 of the Canadian Charter of Rights and Freedoms, which guarantees the right to education in the language of the official linguistic minority of a province or territory.

Advocates for Anglophone rights leverage this Section to emphasize the importance of their autonomy in the face of a centralizing Quebec state.

Provincial courts have sometimes sided with this perspective. For instance, Quebec's Superior Court initially upheld the right of Anglophones to bypass Law 21, but this ruling was overturned on appeal.

At the federal level, the Supreme Court of Canada maintains that Section 23 should be interpreted broadly to strengthen minority autonomy, without being limited by economic considerations. Additionally, the article is beyond the reach of the notwithstanding clause (Section 33).

Critics of this broad interpretation argue that it undermines the authority of a democratically elected majority to enact laws, and that it could weaken the status of the French language in Quebec.

## **Organiser**

This conference is organized by the Quebec English-Speaking Communities Research Network (QUESCREN). Established in 2008 at Concordia University, **QUESCREN** is a collaborative network of researchers, stakeholders, and educational and other institutions that improves understanding of Quebec's English-speaking communities and promotes their vitality.

The evaluation committee is made up of the following **QUESCREN** Researcher-Members:

- Dr. Raphaël Gani, Université Laval,
- Dr. Patrick Donovan, Concordia University,
- Dr. Stéphanie Chouinard, Royal Canadian Military College and Queen's University,
- Dr. Anthony Di Mascio, Bishop's University,
- Me. Marion Sandilands, B.C.L./LL.B, Conway Baxter Wilson LLP and Ottawa University

# SCHEDULE

## 9:00 AM (EST) OPENING REMARKS

Brian Lewis, Concordia University  
Raphaël Gani, Université Laval

## 9:10 AM PANEL 1 Defining Canadian Culture, Identity and the Role of School Boards

Moderator:  
Lorraine O'Donnell, Concordia University

FR "Culture" as an Interest Protected by Section 23 of the Charter

Érik Labelle Eastaugh, Université de Moncton

Section 23, Language and Canadian-ness

Marion Sandilands, Conway Baxter Wilson LLP

FR The Future of Elected School Boards: Quebec v QESBA and its Impact on the Rights of Official Language Minority Communities

Emmanuelle Richez, University of Windsor

## 10:30 AM BREAK

## PANEL 2 Historical Continuity, Legal Limits and Knowledge of Educational Rights

Moderator:  
Stéphanie Chouinard, Canadian Royal Military College

From Section 93 to Section 23: Assessing Public Knowledge About the Shift in Constitutional Protections for Minority Schooling in 1990s Quebec

Anthony Di Mascio, Bishop's University

Litigation and Advocacy Positions of QESBA Concerning Section 23

David Meloche, QESBA

Navigating Section 23: Challenges and Opportunities for Minority Language Educational Rights in English-Speaking Quebec

Stephen Thompson, MEPEC

## 12:10 PM LUNCH KEYNOTE

Moderator:  
Raphaël Gani, Université Laval



FR **Section 23 of the Canadian Charter: Drafting, Interpretation and Application**

Thomas Mulcair, Université de Montréal

Please note that lunch is provided

## 1:25 PM BREAK

FR Presentation in French

<b>1:40 PM</b>	<b>PANEL 3</b> <b>English-Language Education in Quebec: Eligibility, Vitality, Legitimacy</b>	Moderator: Patrick Donovan, Concordia University
	<ul style="list-style-type: none"> <li><span style="color: blue; font-size: 0.8em;">FR</span> From Section 23 to Children Eligible for English-Language Education in Quebec</li> <hr/> <li><span style="color: blue; font-size: 0.8em;">FR</span> School Governance and the Vitality of Canada's Official Language Communities</li> <hr/> <li><span style="color: blue; font-size: 0.8em;">FR</span> When Participation Isn't Enough. How Can the Interests of the English-Speaking Minority be Taken into Account When Writing School Programs in Quebec?</li> </ul>	<ul style="list-style-type: none"> <li>Dominique Pépin-Filion, Statistics Canada</li> <hr/> <li>Diane Gérin-Lajoie, University of Toronto</li> <hr/> <li>Raphaël Gani, Université Laval</li> </ul>
<b>3:00 PM</b>	<b>BREAK</b>	
<b>3:20 PM</b>	<b>PANEL 4</b> <b>How Can We Take into Account English-Speaking Communities in Quebec?</b>	Moderator: Marion Sandilands, Conway Baxter Wilson LLP
	<ul style="list-style-type: none"> <li>Does the Quebec Government Have More Control Over the English Public Education System Than Other Provinces and Territories Have Over Their Own Education Systems?</li> <hr/> <li><span style="color: blue; font-size: 0.8em;">FR</span> Towards an Asymmetrical Interpretation of Section 23 of the Canadian Charter? Historical, Textual, Jurisprudential, International, and Sociological Foundations</li> <hr/> <li><span style="color: blue; font-size: 0.8em;">FR</span> The Challenges of Obtaining Remedies Under the Canadian Charter of Rights and Freedoms</li> </ul>	<ul style="list-style-type: none"> <li>Michael Bergman, Bergman &amp; Associates</li> <hr/> <li>Guillaume Rousseau, Université de Sherbrooke</li> <hr/> <li>Julius H. Grey, Grey Casgrain s.e.n.c.</li> </ul>
<b>4:40 PM</b>	<b>CLOSING REMARKS</b>	John McMahon, Secrétariat aux relations avec les Québécois d'expression anglaise Raphaël Gani, Université Laval
	<ul style="list-style-type: none"> <li><span style="color: blue; font-size: 0.8em;">FR</span> Presentation in French</li> </ul>	

This conference is supported in part by funding from the [Secrétariat aux relations avec les Québécois d'expression anglaise](#) and the [Social Sciences and Humanities Research Council](#). QUESCREN also receives funding from [Canadian Heritage](#) and [Concordia University](#).

## THANKS TO OUR FINANCIAL PARTNERS



Secrétariat aux relations  
avec les Québécois  
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