

Language Minorities Need Separate Rights Support Program

For immediate release

Montreal – April 12, 2016 – Equality rights are of real importance to Canadian society, but language rights are fundamentally different and the two streams within the Court Challenges Program should be independent of each other, the Quebec Community Groups Network told the House of Commons Standing Committee on Justice and Human Rights studying the government's pledge to reinstate the program.

“Courts play a central part in protecting and advancing linguistic rights, a process that invariably pits governments against Canada’s official language minorities,” commented Marlene Jennings, who appeared with the QCGN to represent Quebec’s English-speaking minority community.

“Our community has a long association with the Court Challenges Program, which was key in upholding and advancing the language rights of English-speaking Quebecers; particularly in the 1980s when we fought for freedom of expression in Ford,” said Jennings referring to the case where the Supreme Court ruled that English was allowed on signs as long as French was predominant.

“The Court Challenges program was also instrumental in funding cases that defined the scope of minority language educational rights after the repatriation of the Constitution in 1982,” recounted Mme. Jennings, who noted that the protection and advancement of these rights remains a very real and continuing need in the face of legislation like the much maligned educational reforms sought by the Government of Quebec.

“The tyranny of the majority can be prevented within our democratic tradition by ensuring individuals and minorities substantively equal access to justice to protect and advance their rights,” said Jennings. “But without initiatives like the Court Challenges Program, the scale of justice is tipped in the government’s favour, since the resources available to government – money, lawyers, time and power – are on its side.

QCGN's Director General, Sylvia Martin-Laforge acknowledged the leadership of the Fédération des communautés francophones et acadienne du Canada (FCFA) which fought to ensure support for language rights when the Court Challenges Program was defunded in 2006. The FCFA and QCGN participated in a joint Official Language Minority Community study committee to make recommendations related to the Government of Canada's pledge to reinstate the Court Challenges Program.

"The QCGN stands lock-step with the FCFA on this matter," said QCGN Director General Sylvia Martin-Laforge, noting that both national minority language groups, at the behest of the study committee, passed resolutions based on the principles of independence and sustainability. "The QCGN Board of Directors has made its support of the study committee's recommendation clear, and has directed that we press for a new program which is sustainable, independent; adequately funded, and expanded to include linguistic rights contained in key federal laws like the Official Languages Act.

The QCGN is calling for a program that is governed by a consortium of official language partners including Canada's English and French linguistic minority communities, leading law schools, and expert language-rights jurists.

"We believe that the new program should be independent of government. It should exist through an Act of Parliament – to which it should be accountable," said Jennings. "This independence should shelter the new program somewhat from the whims of the government of day. In any event, it is irrational for government to have a governance role in a program that exists to support court actions against it. "

Sustainability is also key, as is having sufficient resources at hand to meet the need. In addition to public investment, the new program should have the ability to raise funds from private sources. "We should be thinking in terms of a foundation proclaimed by an Act of Parliament, rather than a government program," suggested Jennings.

The Quebec Community Groups Network is a not-for-profit organization bringing together 48 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:

Rita Legault, Director of Communications and Public Relations | rita.legault@qcgnc.ca

Telephone: 514-868-9044, ext. 223, cellular: 514-912-6555