

BILL 96 AND THE DEAF: THE UNINTENDED CONSEQUENCES OF LEGISLATION

Quebec recently unveiled plans to make substantial changes to the *Charter of the French Language* through Bill 96, *An Act respecting French, the official and common language of Québec*. The purpose of Bill 96 is “to affirm that the only official language of Quebec is French.” It also affirms that French is the common language of the Quebec nation. Bill 96 pre-emptively invokes Section 33 (the notwithstanding clause) of the federal *Charter of Rights and Freedoms*, which would shield the *Charter of the French Language* from judicial review. In a nutshell, Quebecers will lose their fundamental freedoms, legal, and equality rights in the application of the *Charter of the French Language*.

The current *Charter of the French Language* specifically prohibits or limits all languages other than French. No recognition has been made of any sign language. While the exclusion of sign language may not have been intentional, the effect has been and continues to be devastating for Quebec’s deaf community. Numerous attempts have been made over the years to include LSQ and ASL sign languages within the *Charter of the French Language*. *None came to fruition. Bill 96 continues the status quo of “no exemptions,” with significant consequences for Quebec’s deaf community. Moreover, judicial remedy as a matter of equality rights will not be available after Bill 96 passes because of the invocation of the notwithstanding clause.*

At the federal level, the Official Languages Act does not preclude the use of a language other than English and French. Indeed, a principle of the *Accessible Canada Act* is that “all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities.” In Quebec, this protection is normally provided through the province’s human-rights legislation, the *Charter of Human Rights and Freedoms*. However, Bill 96 would place the application of the *Charter of the French Language* above Quebec’s human-rights code.

Bill 96 provides an instructive example of how the drafting of legislation is an inherently imperfect process, and why public consultations are vital during the legislative process. Democratic governments should not limit public participation in consultations. They should ensure wide participation to make sure the effects of a bill are known and understood before legislation is passed.

It is doubtful that it is Quebec's legislative intent to block public services and access to the courts to deaf people. But that is exactly what Bill 96 will do if it is adopted in its current form. The QCGN supports the efforts of individuals and organizations advocating on behalf of deaf people to ensure their equality before and under the law and the right to the equal protection and equal benefit of the law without discrimination. We strongly encourage Simon Jolin-Barrette, the Minister Responsible for the French Language, to ensure that the updated *Charter of the French Language* does not impair the ability of Quebec's deaf citizens to participate fully in our society.

To learn more about language rights in Canada and Quebec, please visit <https://qcgnc.ca/language-2021/>