



## CALL FOR PROPOSALS

### Section 23 and the Legal Challenges Concerning English-Language Education in Quebec



This conference, organized by the **Quebec English-Speaking Communities Research Network (QUESCREN)**, will take place on **May 9, 2025**, at the 92nd annual ACFAS congress at Concordia University in Montreal, Quebec, Canada.

**Proposal Submission Deadline: February 10, 2025**

#### **CONTEXT**

Section 23 of the Canadian Charter of Rights and Freedoms guarantees the right to education in the language of the official linguistic minority of a province or territory (English in Quebec and French elsewhere in Canada).

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.

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, and communicate different points of view.

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.

## **POTENTIAL CONFERENCE THEMES**

We invite specialists in the fields of history, education, and constitutional and linguistic law, as well as community and educational leaders, to address the following questions:

- **History:** What role has Section 23 played in defending the education rights of English speakers in Quebec? What have been the key legal battles and their outcomes? What parallels can be drawn between past and present litigation?
- **Law:** What is the legitimacy of Section 23 as a defense argument in Quebec? How might judicial decisions in Quebec affect the rights of Francophones in other provinces and territories? What legal precedents could be established? How might recent changes in the Official Languages Act, which emphasize the asymmetry of linguistic rights and substantive equality, influence the interpretation of jurisprudence related to Section 23?
- **Political Science:** Do these legal disputes reflect the vision of Coalition Avenir Québec (CAQ) for engaging with English-speaking Quebec? What are some underlying political objectives of the different political parties involved? What are the electoral and ideological stakes?

- **Community:** How are the legal disputes surrounding Section 23 perceived and experienced within the English-language educational network? What effects do these disputes have on relations between Indigenous peoples, Anglophones, “Allophones,” and Francophones in Quebec and Canada?
- **Education:** What are the repercussions of these legal disputes for the education of Anglophone students? How do these disputes influence how the Ministère de l’Éducation and the Ministère de l’Enseignement supérieur address the educational needs of Anglophones?

This is a multidisciplinary colloquium: we welcome other related questions, relevant comparisons, or perspectives from different fields.

## ORGANIZERS

The organizing committee consists of:

- **Raphaël Gani, Ph. D.**, Assistant Professor, Education, Université Laval; Researcher-Member, QUESCEN, Concordia University
- **Patrick Donovan, Ph.D.**, Affiliate Professor, History; Research Associate and Advisor, QUESCEN, Concordia University
- **Anna Hunt, MA**, Research Associate, QUESCEN, Concordia University

The scientific committee is composed of Drs. Gani and Donovan and the following QUESCEN Researcher-Members:

- **Stéphanie Chouinard, Ph.D.**, Associate Professor, Department of Political Science, Royal Military College of Canada and Queen’s University
- **Anthony Di Mascio, Ph.D.**, Full Professor, School of Education, Bishop’s University
- **Me. Marion Sandilands, B.C.L./LL.B.**, Partner at Conway Baxter Wilson LLP/s.r.l.; Part-time Law Professor, University of Ottawa

## CONFERENCE FORMAT

The conference will be hybrid with in-person and virtual participation possible. In-person attendance is encouraged.

## LANGUAGE OF PRESENTATIONS

At the Acfas Congress, French is the primary language for work and presentations. Presentations can be given in English, as long as a French abstract is provided. Conference organizers can assist English-speaking presenters with conference registration and translation of written material into French.

## TO PARTICIPATE IN THE CONFERENCE

Researchers, professors, students, and community organizers are invited to send an individual presentation proposal.

It must include the following:

- Name, title, affiliation, and email of the presenter and any co-authors;
- Title of the presentation (maximum 160 characters, including spaces);
- Abstract in French or English (maximum 1,250 characters, including spaces);

- Short biography (maximum 750 characters, including spaces);
- Short bibliography supporting the proposal.

The organizers are seeking funding to cover certain participation costs (registration, transportation, accommodation). Please indicate if you require funds to cover these.

**Please send your proposal electronically by midnight on February 10, 2024, by filling out this form: [click here](#).**

## **EVALUATION OF PROPOSALS**

The scientific committee will evaluate proposals based on their scientific quality and relevance in relation to the conference theme. They will inform authors of accepted proposals by email by February 19<sup>th</sup> 2025.

## **PUBLICATION**

The organizers may invite submissions for publication after the conference.

## **OBLIGATORY CONGRESS REGISTRATION FEES**

**Please note that Acfas requires all participants, without exception, to pay the congress registration fees.** These fees provide access to all congress activities, including our conference.

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Thank you to our financial partners

