

May 9, 2025


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

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



Conference organised by

 QUESCREN



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, 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

Raphaël Gani, Université Laval
Brian Lewis, Concordia University

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

Moderator:
Lorraine O'Donnell, Concordia University

"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

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

The Hollow Hope of Section 23 of the Charter of Rights in Quebec: When Constitutional Rights and Judicial Review Make Little Difference for a Minority Community

James Kelly, Concordia University

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



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

Thomas Mulcair, Université de Montréal

1:25 PM BREAK

1:40 PM	PANEL 3 English-Language Education in Quebec: Eligibility, Vitality, Legitimacy	Moderator: Patrick Donovan, Concordia University
	From Section 23 to Children Eligible for English-Language Education in Quebec	Dominique Pépin-Filion, Statistics Canada
	School Governance and the Vitality of Canada's Official Language Communities	Diane Gérin-Lajoie, University of Toronto
	When Participation Isn't Enough. How Can the Interests of the English-Speaking Minority be Taken into Account When Writing School Programs in Quebec?	Raphaël Gani, Université Laval
3:00 PM	BREAK	
3:20 PM	PANEL 4 How Can We Take into Account English-Speaking Communities in Quebec?	Moderator: Marion Sandilands, Conway Baxter Wilson LLP
	Does the Quebec Government Have More Control Over the English Public Education System Than Other Provinces and Territories Have Over Their Own Education Systems?	Michael Bergman, Bergman & Associates
	Towards an Asymmetrical Interpretation of Section 23 of the Canadian Charter? Historical, Textual, Jurisprudential, International, and Sociological Foundations	Guillaume Rousseau, Université de Sherbrooke
	The Challenges of Obtaining Remedies Under the Canadian Charter of Rights and Freedoms	Julius H. Grey, Grey Casgrain s.e.n.c.
4:40 PM	CLOSING REMARKS	John McMahon, Secrétariat aux relations avec les Québécois d'expression anglaise Raphaël Gani, Université Laval

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](#). QUESCEN also receives funding from [Canadian Heritage](#) and [Concordia University](#).

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