

What collective rights do official language groups have under the Charter?

WHAT'S IN THIS SECTION

This section presents information about the collective rights of **Francophones**, set out in Canada's Charter of Rights and Freedoms. You will find:

- A map about language majorities and minorities in Canada.
- Interviews with a Francophone student and an **Anglophone** student, describing how their collective rights affect their quality of life.
- Backgrounders about the history of the rights of Canada's **official language communities**.
- Flow charts showing the effect of those rights in Alberta and Québec.

What are you looking for?

As you read the section, look for:

- The challenges and opportunities Francophones face in maintaining their culture and identity.
- The effectiveness of the Charter in fostering Francophone identity.

Anglophone: a person whose first language is English

Francophone: a person whose first language is French

official language community: one of the groups in Canadian society whose members speak an official language of Canada — French or English — as their first language

This Francophone school in Fort McMurray has classes from Kindergarten to Grade 12. Alberta has Francophone schools because of the official language minority education rights of Franco-Albertans, recognized and protected in Canada's Charter of Rights and Freedoms.



What are official language minorities?

The next page presents an interview with a Francophone student from Saint-Isidore, Alberta, followed by an interview with an Anglophone student in the city of Québec. **What do Francophone students in Alberta and Anglophone students in Québec have in common? Use information from the map below to formulate your answer.**

Languages spoken by the majority in Canada, 2001



connect to the big ideas

Use evidence from the map to complete the activities below. **Go to the Skills Centre on pages 345 and 346 for tips on reading this map.**



1. Minority means a small group within a larger group. Why are Francophones in Alberta, such as those living in Saint-Isidore, considered to be living in a “minority setting”?
2. What challenges and opportunities does affirming Francophone and Anglophone identity create for Canada? Describe a challenge and opportunity for Francophones in Saint-Isidore, and a challenge and opportunity for Anglophones in Québec.

Une Élève Parle



A Student Speaks

Rachel St. Laurent is a Grade 10 student at École Héritage, a Francophone school in Falher, Alberta, established in 1988 because of section 23 rights in Canada’s Charter of Rights and Freedoms (see below). Rachel lives in Saint-Isidore, a Francophone community near Peace River. Francophones in Alberta belong to one of Canada’s **official language minorities**.

official language minority: a group that speaks one of Canada’s official languages (English or French) and that does not make up the majority population of a province or territory

I have attended a Francophone school ever since I was in kindergarten. My whole family is Francophone. I think it’s important to go to a Francophone school because it shows my community that I’m really trying to be involved in French.

I want to keep my French language my whole life, and to pass it on to my kids. I think it’s important, both for myself and for my community, to keep my French and to show it off. It shows people that everybody’s different, and nobody’s better than somebody else just because they speak another language.

French is the first language for just about everybody in Saint-Isidore. When I’m done with school, I’m planning to become a hairdresser. My friends and I want to own our own company. So it will be really useful to speak both French and English. I feel lucky to be bilingual.

I sometimes worry about losing my French. It takes effort to speak French in everyday life, because in Alberta almost everyone speaks English.



WHAT’S A FRANCOPHONE SCHOOL?

Rachel’s school, École Héritage, is one of 26 Francophone schools in Alberta. Francophone schools and school boards are a right of Alberta’s Francophone minority under section 23 of Canada’s Charter of Rights and Freedoms, just as Anglophone schools are a right of the Anglophone minority in Québec.

Francophone schools provide instruction for Francophone students — students whose first language is French. They are different from French immersion schools, which teach French to students whose first language is not French.

Francophone schools affirm the identity of Francophone students, their families and their communities.



How do Rachel’s rights as a Francophone affect her quality of life?

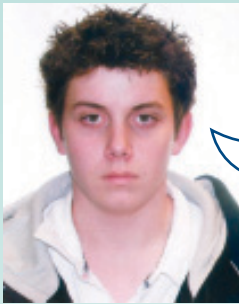


How does Rachel represent the concerns of a minority-language speaker?



Living en Anglais

Devin Mens is an English-speaking student who attends Québec High School in the city of Québec. Québec High School is one of many schools in the province of Québec that provides education for Anglophones. Like Francophone schools in Alberta, Devin's school comes from the right of Anglophones in Québec as an official-language minority.



Devin Mens

I'm bilingual, but English is my first language. I'm a lot more comfortable in English. My family speaks English at home.

I feel it's important for me to attend an English school because English is my mother tongue. I feel like I should be educated in my first language. Also, English is the language that has the most possibilities in the field I want to go into later on in life. I want to work in the sciences, and that's mostly in English.

I think my life is similar to students who live in places where English is the majority language. The biggest difference is probably everyday stuff — like having to know French terms at the grocery store. Outside of school and home, I have to speak French most of the time. For example, I'm on a baseball team, and every one of my teammates is Francophone.

I don't worry about losing my identity, living in Québec. If anything, living here makes my Anglophone identity stronger. Because there aren't very many of us here. In the city of Québec, less than 5 percent of people are Anglophones. You're more aware of the fact that you're an English-speaking person when you're in a French-speaking society.



How does Devin represent the concerns of a minority-language speaker?



The city of Québec is the oldest permanent European settlement in Canada, established by France in 1608. It is the capital of the majority French-speaking province of Québec today.

What are the Charter rights of official language groups?

Official bilingualism

- Sections 16 to 20 of the Charter establish French and English as official languages of Canada, and the right of Canadian citizens to conduct their affairs with the federal government in either official language.
- These sections also establish New Brunswick as an officially bilingual province.

Minority language education rights

- Section 23 of the Charter says that a French-speaking or English-speaking minority population of sufficient size in any province has the right to **publicly funded** schools that serve their language community.

 How do the collective rights and identity of Francophones reflect and affirm their history?

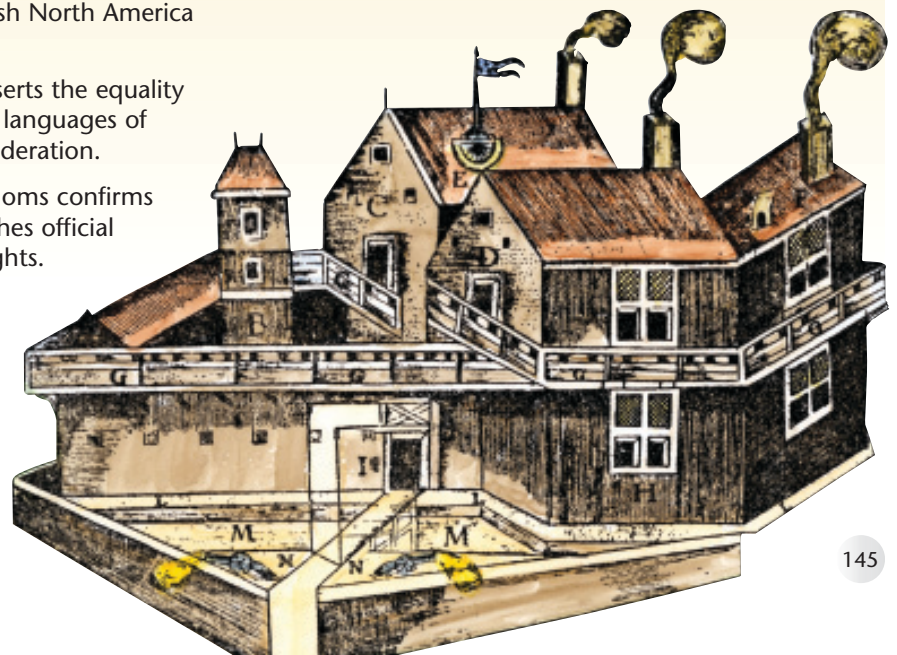
publicly funded: paid for by taxes and provided by government

The rights of Francophones in Canada today reflect the deep roots of Francophones in Canada's past.

Francophones in Québec and in Canada have supported legislation to protect their language and preserve their culture in majority and minority settings.

- 1608** Samuel de Champlain founds the city of Québec, and establishes New France in North America.
- 1774** Britain passes the Québec Act, recognizing the rights of Francophones to their language and identity.
- 1867** Confederation establishes Canada as a bilingual, bicultural nation under the British North America (BNA) Act.
- 1969** The Official Languages Act reasserts the equality of French and English as official languages of Canada, as established at Confederation.
- 1982** The Charter of Rights and Freedoms confirms official bilingualism and establishes official language minority education rights.

The French established the first permanent European settlements in what became Canada, and developed important relationships with First Nations during the fur trade. This illustration, drawn by Samuel de Champlain, shows the *habitation* the French built at Québec in 1608.

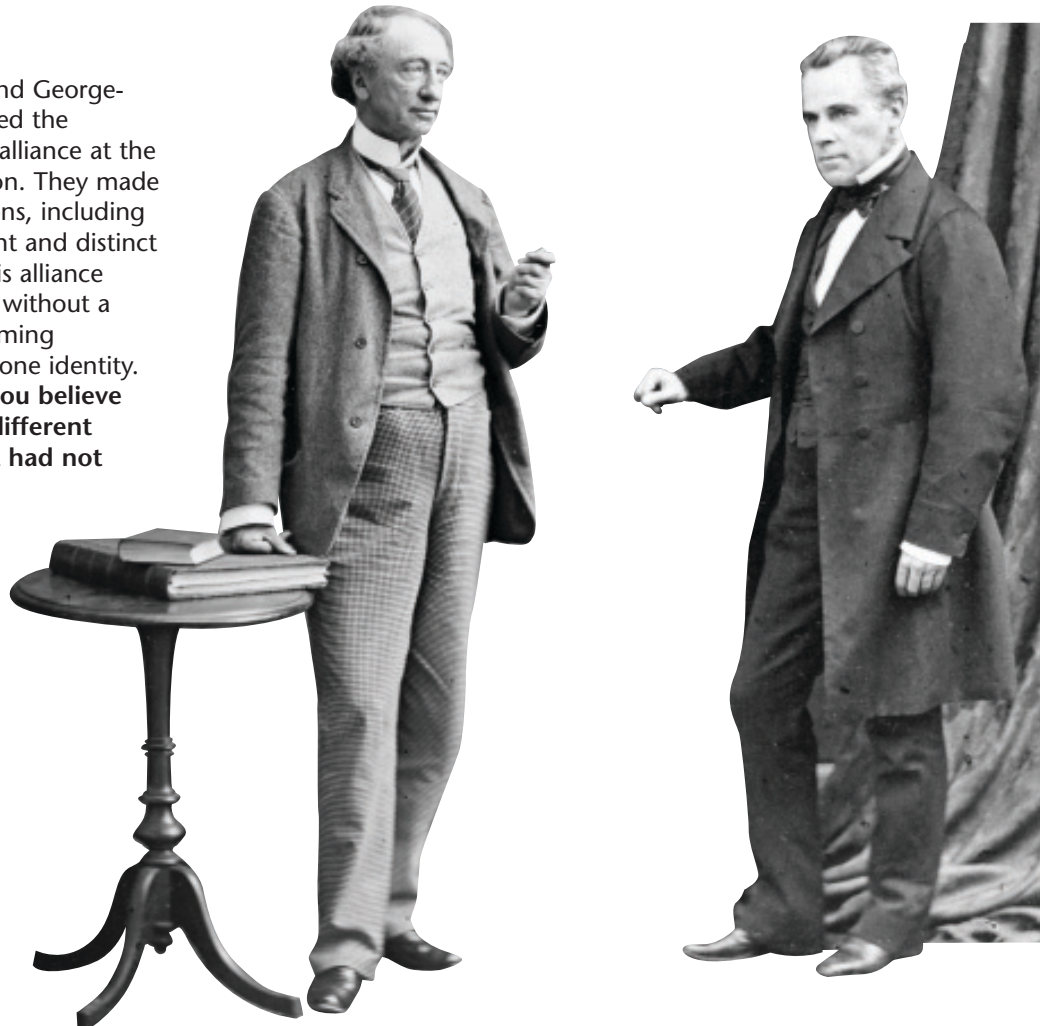


How has the Charter affected Francophone education?

Where do the Charter rights of official language groups come from?

- Rights for Francophones and Anglophones are part of what made Confederation, and so Canada, possible.
- Under the British North America Act (BNA Act) in 1867, Confederation established Canada as a bicultural, bilingual country with rights for Francophones and Anglophones.
- It made French and English official languages of Canada's parliament.
- It guaranteed public schools for the Protestant minority in Québec and the Catholic minorities in the rest of Canada. The “rest of Canada” at that time included Ontario, Nova Scotia and New Brunswick. These religion-based rights corresponded to English–French language divisions in Canada at the time, since most Protestants spoke English and most Catholics spoke French.

John A. Macdonald (left) and George-Étienne Cartier (right) forged the Francophone-Anglophone alliance at the foundation of Confederation. They made the alliance for many reasons, including a desire to stay independent and distinct from the United States. This alliance would not have happened without a commitment to rights affirming Francophone and Anglophone identity. **Think critically:** How do you believe life in Canada would be different today if this commitment had not been made in 1867?



DID YOU KNOW?

Confederation established Canada as a bilingual, bicultural country with education rights for Protestants and Catholics. But, for many years, the equality of Francophones and Anglophones was more of an ideal than a reality, especially for Francophones in minority settings.

In what way did the following acts and resolutions draw the founding principles of Confederation into question?

1890 Manitoba Schools Act

Manitoba entered Confederation in 1870, as a bilingual province with rights to publicly funded Catholic schools that served the Francophone community and Protestant schools that served the Anglophone community. Although these rights had been hard won by Louis Riel, and central to the entry of Manitoba into Confederation, the Manitoba Schools Act:

- Abolished public funding for Catholic schools.
- Made Manitoba an officially English-only province.

1892 Haultain Resolution and North-West Territories Ordinance Number 22

Before Alberta became a province, it was part of the North-West Territories, which was officially bilingual and had publicly funded Catholic schools and Protestant schools.

- The Haultain Resolution was proposed by the premier of the territory, Frederick Haultain, and passed by the territory assembly. It called for the proceedings of the assembly to be English only.
- Ordinance Number 22 required English as the language of instruction in all schools.



What effect do you think the laws

described on this page would have on a minority-language group?

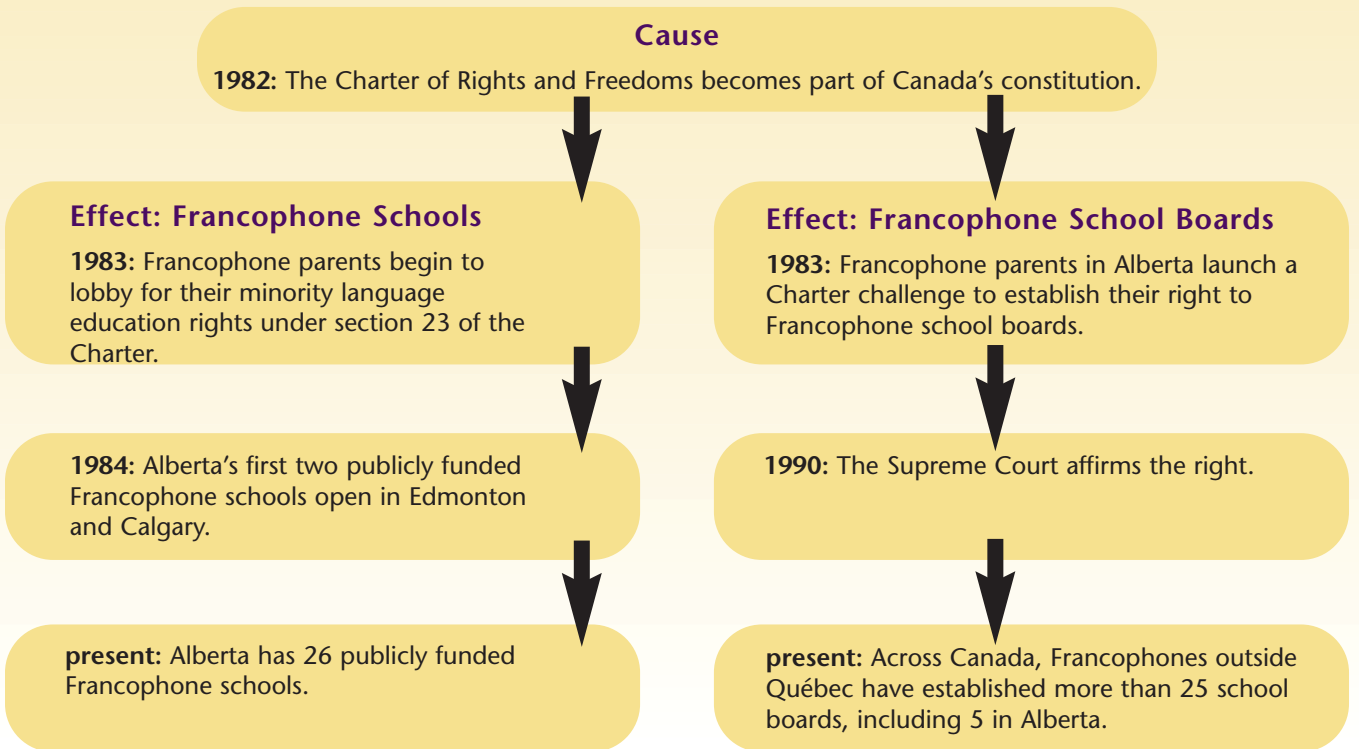


Decisions about the language of government and instruction had a direct impact on the lives of Francophones in Alberta, such as the Vasseur family in Sylvan Lake. This photo was taken in 1908.

The Charter and Official Language Minority Education Rights

When Prime Minister Pierre Trudeau sought to patriate Canada’s constitution in 1982, he saw an opportunity to renew Canada’s commitment to official language rights, established in the BNA Act in 1867 and in the Official Languages Act in 1969. He considered section 23, which sets out the education rights of official language minorities, particularly important. **How does the chart below convey the impact of section 23?**

THE CHARTER AND FRANCOPHONE EDUCATION RIGHTS IN ALBERTA



connect to the big ideas

1. Create a diagram that illustrates your understanding of the relationship between language and identity. Explain it to a partner.
2. How effectively does the Charter support the identity of Francophones in minority settings? Use evidence from this page to back up your conclusion.
3. To what extent should provincial and federal governments in Canada support and promote the education rights of official language minorities? Back up your position with three points about the history of these rights. Explain how the inclusion of these rights in the Charter affects your answer.
4. What languages are recognized by provincial and territorial governments today? Go online to find up-to-date information.

Putting Francophone Rights into Action



It's one thing to have a right and it's another to access that right. A right makes a difference in your life only when you use it. Nothing happens automatically from entrenching a right in the Charter.

In 1982, the rights in section 23 were new to us — they were new to everybody. So, the first step was understanding what the right granted us. Then, we had to educate others about what the right meant: that Francophones in Alberta could establish French first-language schools for themselves, distinct from other schools. This was the same right the English minority in Québec had had since Confederation.

This upset some people. But Francophones need Francophone schools — this one thing, distinct, for us. We need it for the survival of our community.

For Francophone students to become contributing members of our country and the world, they need to learn in their first language, and in an environment that supports their identity. They need to learn from other Francophones and hear the stories — learn the stories. Not just so they can retell the stories, but so they can create with them, and find new ways of being Francophone.

People in the majority don't have to think about what supports their identity. The supports are just there. But they aren't "just there" for us.

When you're a Francophone in a minority setting, the English-speaking world is all around you. If you don't pay attention, you can become assimilated. Francophone schools make you aware that you have a choice. If you want to remain Francophone, it's a decision. You have to make it consciously and often.

The fact of the right, and using the right, makes me proud as a citizen. I'm living in a country that allows me to say, "I'm legitimate. I have a right to be here." I really feel good about that for myself, my family, my community — and for Canada.



CRITICAL THINKING CHALLENGE

How does official bilingualism help create a society in which all Canadians belong?



Claudette Roy, C.M., led her community to obtain the first publicly funded Francophone school in Edmonton in 1984, after section 23 of the Charter of Rights and Freedoms enshrined minority language education rights in Canada's constitution. She was named to the Order of Canada in 2000 for her work in education.



CRITICAL THINKING CHALLENGE

In what way is asserting collective rights an act of citizenship? In what way does it build a society in which people of different identities and perspectives can belong?

How does the Charter affect Francophone identity in Québec?

In 1977, Québec’s government passed the *Charte de la langue française* (Charter of the French Language), or Bill 101. Use the evidence on this page to establish the connection of this law to Francophone identity in Québec, and the impact of Canada’s Charter of Rights and Freedoms on the law.

1977

Bill 101: *Charte de la langue française*

This Québec law sets down rules for protecting and promoting the use of the French language in Québec. It states these reasons:

- French-speaking people are a distinct people and French is the language that expresses their identity.
- The people of Québec want to make French the language of government and the everyday language of work, education and business.



BEFORE CHARTER

Rule: Commercial signs may use only French.

Rule: Francophones and immigrants in Québec must attend Francophone schools.

1982: Section 23 Rights, Charter of Rights and Freedoms

Freedom of expression

Anglophone businesses seek the right to use English on signs.

Equality rights

Francophone and immigrant parents in Québec seek the right to educate their children in English.

AFTER CHARTER

1988

Supreme Court decision: The law can require signs to use French, but cannot prohibit the use of English in addition. The law can require French to be more prominent than English.

2005

Supreme Court decision: Francophone parents do not have a right to educate their children in Anglophone schools in Québec, since this violates the intent of section 23 to protect Francophone identity as a minority culture in Canada. Immigrant parents have this right, if their children have already received some education in English.

This parking-ticket dispenser in Montréal reflects the law about commercial signs in Québec: it displays both French and English, and makes French prominent to the extent that it displays French first. **Think critically: Why might Canadians have different perspectives on what this sign represents about affirming Francophone identity in Québec?**



connect to the big ideas

1. Citizenship involves building a society that includes you and everyone. How do the collective rights of Francophones affect citizenship? Brainstorm three ways in which rights of official language groups in Canada affect your responsibilities as a citizen of Canada.
2. Read the statement below from Montréal MP Denis Coderre. What responsibilities of citizenship does it reflect?
3. Why might some Francophones have a different perspective than Denis Coderre on the significance of the Charter?
4. Using electronic publishing tools, write and publish an editorial stating your position on the question: How do collective rights affect quality of life for everyone in Canada? Support your ideas with facts and examples from this section.

The Charter of Rights and Freedoms says you can be equal and different at the same time.

That's the purpose of the Charter of Rights and Freedoms: to protect your freedoms and to protect who you are — your place in this great nation. It says we can be different from one another, and that we are all first-class citizens, too.

In Canada, we believe in sharing our different cultures, while also being full participants in overall issues. That's the beauty of our country. The Charter reflects our common goal to add our different identities to Canada, not replace them.

The Charter is clearly a fundamental law that defines who Canadians are.



Denis Coderre is an MP from Montréal. In 2002, he was Minister of Citizenship and Immigration. **Think critically:** To what extent does the Charter affect Denis Coderre's quality of life?



According to Denis Coderre, how do collective rights affect quality of life for everyone in Canada?