



Fédération des
parents francophones
de Colombie-Britannique

PRESS RELEASE

B.C. Francophones to take their case before the Supreme Court of Canada to defend their right to an education in French that is substantively equivalent to that offered in English

Richmond, Thursday, April 11, 2019 – Today the Supreme Court of Canada agreed to hear the appeal of a decision handed down by the British Columbia Court of Appeal on French-language education. This is a positive response to the application for leave to appeal filed by the Conseil scolaire francophone de la Colombie-Britannique (CSF), the Fédération des parents francophones de Colombie-Britannique and co-plaintiff parents. The date of the hearing has not yet been announced by the Court. The hearing itself will be no longer than one day.

The problems at the heart of this case – in particular, those relating to capital projects and the underfunding of school transportation – have the effect of exacerbating the level of assimilation in the province, as they lead significant numbers of parents to opt to enrol their children in French immersion or English-language programs rather than French-language programs. Research shows that such choices are detrimental to the transmission of the French language and Francophone culture to children living in a minority setting.

The Supreme Court of Canada has agreed to hear this case as it raises questions of public and national importance, notably:

- 1. Substantive equality:** The Supreme Court of British Columbia and the British Columbia Court of Appeal wrongly concluded that in order to determine whether there is equivalence between a CSF school and competing English-language or immersion schools, schools with similar populations and buildings with similar or identical capacities should be compared. This kind of analysis would almost always put the linguistic minority at a disadvantage. The B.C. courts are interested in the “proportionality” between school buildings; in this way, they distort the criterion of “substantive equality” laid down by the Supreme Court of Canada.
- 2. Section 1 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”):** The appeal before the British Columbia Court of Appeal questioned Justice Russell’s finding that section 1 of the *Charter* could be successfully relied on by a province, regardless of its financial means. According to the British Columbia Court of Appeal, providing Francophones with the school buildings to which they are entitled would be too expensive. This is not only the first time a court of appeal has drawn such a conclusion, but until now, with few exceptions, only financial crises have led the Supreme Court of Canada to “justify” an infringement of rights guaranteed by the *Charter*.
- 3. Damages for *Charter* violations:** The trial judge found that, as a result of a decade of structural underfunding of school transportation, the Province of British Columbia must now compensate for that constitutional infringement by paying the CSF \$6 million in damages. The appeal court judges rejected that finding. As a result of the criteria set out by the British Columbia Court of Appeal, it will be much less common for situations to justify ordering damages for those whose *Charter* rights have been violated.

It is also worth highlighting that significant gains regarding French-language education were already made following the decision of the Supreme Court of British Columbia, including the creation of a funding

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envelope specifically earmarked for capital projects for French-language education. These gains will in no way be affected by the Supreme Court of Canada's ruling.

"The appeal before the Supreme Court of Canada aims to diminish the effects of assimilation," said CSF President Marie-Pierre Lavoie. "French is alive and well outside of Quebec! We exist and we must continue to fight for the respect of our rights."

"In some provinces and territories, such as in Ontario, we are currently seeing policies emerge that are not in the interests of Francophones or Acadians," noted Suzana Straus, Chair of the Fédération des parents. "Historically, the Supreme Court of Canada has come to the aid of minority Francophone communities when they have faced decisions by their provincial governments that did not respect Francophone rights, and this is what we hope the Court will do for B.C. Francophones," she added.

Conseil scolaire francophone de la Colombie-Britannique

Since it was established in 1995, the CSF has been providing educational programs and services promoting the comprehensive development and cultural identity of the province's Francophone students. A partner in the advancement of the Francophone community in B.C., the CSF now has nearly 6,100 students attending 41 schools – including 24 homogeneous French-language schools – and serves around one hundred communities throughout the province.

Fédération des parents francophones de Colombie-Britannique

Founded in 1979, the Fédération des parents francophone de Colombie-Britannique is an umbrella organization for 45 school and preschool parents' associations. Its mission is to bring together, represent, support and empower parents in their role as primary educators and to promote their commitment and participation in fostering a vibrant Francophone community in British Columbia.

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