



Fédération des
parents francophones
de Colombie-Britannique

PRESS RELEASE

**Conseil scolaire francophone, Fédération des parents francophones and co-applicant parents
before the Supreme Court of Canada**

Winnipeg, Thursday, September 26, 2019 – Today in Winnipeg, the Conseil scolaire francophone de la Colombie-Britannique (CSF), the Fédération des parents francophones de C.-B. and co-appellant parents are appearing before the Supreme Court of Canada. It is now up to the highest court in the land to hear why the appellants maintain that the Supreme Court of British Columbia committed fundamental errors in law in its ruling of September 26, 2016.

In April, the Supreme Court of Canada agreed to hear this case because it raises issues of national public interest, including the following:

1. **Substantive equivalence:** The Supreme Court of British Columbia and the Court of Appeal wrongly concluded that in order to determine whether there is equivalence between a CSF school and English-language or French immersion schools, a comparison should be made with schools with similar student populations and buildings with similar or even identical capacities. An analysis of this kind will almost always put the linguistic minority community at a disadvantage. The British Columbia courts focused on “proportionality” between school buildings, and as a result, their rulings run counter to the principle of “substantive equivalence” 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 challenged the trial judge’s conclusion that section 1 of the *Charter* can be successfully used by a province, regardless of its financial capacity. According to the Court of Appeal, providing Francophones with the school buildings to which they are entitled under the *Charter* would be too expensive. This was not only the first time a court of appeal had made such a ruling, but until now, with rare exceptions, it has only been in the case of a financial crisis that the Supreme Court of Canada has considered an infringement of *Charter* rights to be “justified” because of cost.
3. **Damages for a *Charter* violation:** The trial judge ruled that after a decade of structural underfunding of school transportation, the province must now remedy this infringement of the Constitution by paying 6 million dollars in damages. The Appeal Court judges rejected this conclusion. According to the criteria set out by the Appeal Court, situations justifying the award of damages to those whose *Charter* rights have been violated would be much more rare.

Pour plus d’informations,
merci de communiquer avec :

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“This is a historic moment not just for the future of Francophone education in British Columbia, but also for the future of all of B.C.’s *Francophonie*,” said CSF Chair Marie-Pierre Lavoie. “We have done everything in our power to get equivalent spaces for our students, but so far without success. We are confident that the Supreme Court of Canada will hear our requests and will understand the urgency to act.”

“We must insist that governments uphold the rights of Francophone minorities,” said Suzana Straus, Chair of the Fédération des parents. “The judges’ decision will have an impact not only on the Francophone community in our province, but also on Francophone communities throughout the country. The future of upcoming generations is now in the hands of the Supreme Court of Canada.”

For more information on the legal action: <https://causejuridique.csf.bc.ca>

To watch the live broadcast of the hearing: <https://www.scc-csc.ca/case-dossier/info/webcast-webdiffusion-eng.aspx?cas=38332>

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 47 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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