



BY EMAIL: justin.trudeau@parl.gc.ca

Richmond, Wednesday, June 24, 2020

Attention: The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, Ontario K1A 0A6

Subject: “As a federal government, we will always stand ready to support and help minority language communities across this country”; that the federal government add questions aimed at enumerating all rights holders under section 23 of the *Canadian Charter of Rights and Freedoms* to the short-form questionnaire of the 2021 Census, in addition to the long-form questionnaire

Dear Prime Minister:

I am writing to you as the President of the Conseil scolaire francophone de la Colombie-Britannique (CSF), the only French-language school board in the province responsible for implementing section 23 of the *Canadian Charter of Rights and Freedoms*. As you know, on June 12th, in an historic judgment, the Supreme Court of Canada decided in favour of the CSF and the Fédération des parents francophones de Colombie-Britannique in a decade-long case, brought against the Minister of Education of the province, concerning French language education.

I would like to thank you on behalf of the CSF for celebrating this crucial victory with us by highlighting, on June 12th, that the decision of the Supreme Court of Canada represented “good news for minority language communities right across the country who’ve long felt they haven’t been receiving the right level of services from their provincial governments.” “We now hope that the provincial governments will step up further in areas that are their exclusive jurisdictions like education and certain services for minority language communities.”

Notably, in its decision, the Supreme Court of Canada concluded that “children of s. 23 rights holders must receive an educational experience that is substantively equivalent to the experience provided to the majority, regardless of the size of the school or program in question.” In other words, the *Charter of Canadian Rights and Freedoms* confers on our communities the right to substantively equivalent instruction in our language, regardless of the size of our community.

To exercise this right to instruction, however, the official language minority community must know the exact number of children who have the right to attend a minority language school and receive instruction in that minority language. As you are aware, the Census has unfortunately only ever enumerated one of the three categories of rights holders. This has been the case since your

father's government adopted the *Canadian Charter of Rights and Freedoms* in 1982. Adding the proposed questions to the Census is in some ways a second, "federal", piece of the puzzle.

During the October 2019 election campaign, the Liberal Party of Canada committed, if it formed the next government, to "undertake an enumeration of rights holders."

A consensus has existed for a long time on the question: the short-form questionnaire of the Census is the only means to enumerate all children with at least one parent with rights under section 23 of the *Canadian Charter of Rights and Freedoms* and the only way to satisfy the legal criteria established by the Supreme Court of Canada. The questions in the short-form Census are sent to 100% of households, allowing for a determination of exactly who could eventually be entitled to instruction in the minority official language. Any other solution would plunge official minority language communities back into the legal uncertainty that the CSF and the Fédération des parents sought to clarify.

On June 12th, as we all celebrated the historic victory of the CSF and the Fédération des parents, official minority language communities heard your commitment loud and clear to, "as a federal government [...] always stand ready to support and help minority language communities across this country" while respecting the responsibility and the jurisdiction of the provinces in matters of Education. We trust in the sincerity of your commitment. You yourself have contributed to the advancement of the French language in North America, a noble project, first as a French language teacher in British Columbia, and since, through your government's multiple public policies regarding official languages.

In accordance with the *Constitution Act, 1867*, the federal government has exclusive jurisdiction over the Census. The *Statistics Act* therefore provides that it is up to Cabinet to "prescribe the questions to be asked in any census." You occupy the highest office in the country and you have the power to make all the difference.

I urge your government to decide that the questions aimed at enumerating all those with rights under section 23 of the *Canadian Charter of Rights and Freedoms* be added to the short-form questionnaire of the 2021 Census, and not solely to its long-form questionnaire.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Marie-Pierre Lavoie', with a stylized flourish at the end.

Marie-Pierre Lavoie
Président of the Board Of Trustees
Conseil scolaire francophone de la Colombie-Britannique