

June 7, 2023

Members of the Standing Senate Committee on Official Languages  
Senate of Canada  
Ottawa, Ontario K1A 0A4

Honourable Senators:

As work on modernizing the *Official Languages Act* heads into the final stretch, the **Fédération nationale des conseils scolaires francophones** (FNCSF) wishes to commend the members of the Standing Senate Committee on Official Languages for their work and commitment during this process. It was in fact your Committee that launched debate on the *Official Languages Act* in 2017 with your multi-year study to “examine and report on Canadians’ views about modernizing the *Official Languages Act*.” At the conclusion of this study, your Committee recommended that the government amend the *Official Languages Act* “to require **the enumeration**” of the children of those who hold rights under section 23 of the *Canadian Charter of Rights and Freedoms*.<sup>1</sup> Unfortunately, your recommendation was dismissed by the government, which opted instead to include the obligation to merely “estimate” the number of such children.

That said, there is no denying the importance of asking 100% of the population, via the short-form census, the questions required to count all the children of those who hold rights under section 23 of the *Canadian Charter of Rights and Freedoms*. The Supreme Court of Canada itself explains that the question of whether the education provided to the minority is truly equivalent to that provided to the majority is determined at the local level, and that, consequently, the implementation of section 23 requires that the members of each local community be counted (not estimated) to determine what is “warranted” in a given community.<sup>2</sup> The data is only useful to French-language minority school boards and departments of education across the country if it enables them to determine the actual number of the children of section 23 rights holders and in which attendance area they physically are. An “estimate” of the number of children of right holders therefore does not allow for the implementation of section 23.

The FNCSF appreciates the complexity and scope of the reform of the *Official Languages Act*. Our federation, like all the other key players in the francophone community, is eager to see C-13 adopted quickly.

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<sup>1</sup> Standing Senate Committee on Official Languages, [Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations](#), June 2019, recommendation 17.2.

<sup>2</sup> *Association des parents de l'école Rose-des-vents and Conseil scolaire francophone de la Colombie-Britannique v. British Columbia (Education)*, 2015 SCC 21, paras. 36–37; see also *Conseil scolaire francophone de la Colombie-Britannique, Fédération des parents francophones de Colombie-Britannique et al v. British Columbia (Education)*, 2016 BCSC 1764, paras. 519–569.

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**However, for the future of our communities, it is crucial that the enumeration of the children of rights holders become an obligation under the new Act, as this will protect the sustainability of the French-language minority school system.**

Enrolment in French-language minority schools has grown by more than 20% over the past 15 years. However, this number could have been even larger had French-language schools had access to data on the number of children of rights holders in the communities they serve.

We now know, thanks to the count of children of rights-holders carried out by the latest census in 2021, that there is enormous potential for growth in the French-language minority school system. At least 593,000 children under the age of 18 were eligible for French-language minority education in 2021. These data, updated every five years thanks to the addition of education questions to the short-form census, are crucial in the fight to halt the assimilation of francophones and Acadians.

Yours sincerely,



Simon Cloutier  
President



Valérie Morand  
Executive Director