



BEYOND WORDS



CANADA'S OFFICIAL LANGUAGES NEWSLETTER

WORD FROM THE COMMISSIONER

Fall 2007

Beyond Words

by *Graham Fraser*

A few weeks ago, I walked from downtown Winnipeg to the banks of the Red River and followed a pedestrian walkway to the Esplanade Riel—the bridge that connects Winnipeg to St. Boniface. On the east side of the river are the Collège universitaire de Saint-Boniface, the ruins of the cathedral and the tomb of Louis Riel; on the west side, the site for the Canadian Human Rights Museum.

The symbolism is dramatic, with a potential for an eloquence that goes beyond speeches, beyond words. A stone's throw from one of Canada's most important Francophone minority communities will be a museum dedicated to the celebration of human rights. This has enormous potential to tell the story of the struggle for language rights: a narrative that is part of the social fabric of Canada and, in particular, Western Canada, where rights were established, extinguished and then reaffirmed almost a century later.

One of the key instruments in re-affirming and re-establishing those rights has been the *Canadian Charter of Rights and Freedoms*, whose 25th anniversary we celebrate this year. Language rights were at the core of the Charter. One of the legal scholars who led the argument in favour of a charter of rights, F. R. Scott, was a member of the Royal Commission on Bilingualism and Biculturalism—the commission whose recommendations led not only to the *Official Languages Act*, but also to the *Multiculturalism Act*.

In 1967, 15 years before the Charter was entrenched in the Constitution, Pierre Trudeau, then Minister of Justice, told the Canadian Bar Association that language rights were, in essence, two-fold: the right to use, and the right to learn. Since the Charter, in 1982, those rights have been defined and clarified, leading to the creation not only of French-language schools across Canada, but French-language school boards. Neither of these achievements were obvious or self-evident; both met with substantial resistance, and both were unthinkable four decades ago.

The debates over the meaning and extent of those rights are far from over; the question of who has the right to send their children to minority language schools is still being argued before the courts. This is confirmation, once again, that rights are not static, but active—and subject to constant review and reassessment.

Similarly, language rights are not simply words on paper: they involve the creation of spaces for cultural expression, educational decision-making and instruction, and personal fulfilment. They go, as the title of this new publication expresses it, beyond words.

A year ago, on October 17, 2006, I succeeded Dyane Adam and became the sixth Commissioner of Official Languages. The first thing I realized was what a strong, devoted and professional team she had left in place. I have constantly been impressed by their commitment and hard work in the defence and promotion of language rights in Canada.

My second realization was that I needed to get a first-hand look at the minority communities across Canada. In my first 12 months, I have visited Vancouver, Calgary, Edmonton, Yellowknife, Regina, Saskatoon, Winnipeg, Sudbury, Waterloo, Toronto, Embrun, Gatineau, Montréal, Sherbrooke, Québec

City, Moncton, Halifax and Charlottetown. (Unfortunately a visit to St. John's had to be postponed because bad weather closed down the airport.) In the course of my travels, I have visited community centres, old age homes, university campuses, high schools, elementary schools and day-care centres. I have spoken to provincial premiers, ministers and senior officials; I have met university presidents, professors and researchers; I have talked to community activists, health care professionals, teachers, students and volunteers of all sorts.

What struck me most is the extraordinary vitality of minority language communities in Canada—and the differences in the way that vitality is expressed. Some communities show a sense of entrepreneurship, others are more collaborative and co-operative in style, while still others build on their historical roots and sense of identity.

Minority language communities are increasingly culturally diverse, welcoming newcomers to Canada from around the world; more and more, French-speaking Canada is becoming as diverse in origin as English-speaking Canada.

The relationship between linguistic duality and cultural diversity is not always an easy one, and the two concepts are sometimes (in my view mistakenly) viewed as being in conflict. Not only do I believe they are not in contradiction, I think they are complementary. As I noted earlier, the Royal Commission on Bilingualism and Biculturalism laid the groundwork for both Canada's language policy and its policy of multiculturalism; the Charter enshrined both in the Constitution.

Making sure that duality and diversity are both respected is not always easy. But doing so makes the Charter a tool that constantly evolves in its interpretation and application. And that respect is essential for the success of the country.

From Coast to Coast in two Languages

The Canadian Charter of Rights and Freedoms spawns a new generation

by *Scott Verity Stevenson*

Even a very narrow cross-section of young Canadians unearths a rich diversity of roots and viewpoints. If it took one, then two, national railways to unite us in the late 19th and early 20th centuries, clearly our two official languages cross the Canadian divides of this era.

From Vancouver Island to Lac St-Jean, the Acadian Shore to Sturgeon Falls; from Gaelic to English to French to Spanish; from minority to majority and vice versa; from hope to concern to optimism: four University of Ottawa students represent just some of the divides between us today—and speak the languages that unite us.

Amy Morris, Brigitte Noël, François Picard and Kate Stokes are all involved, bilingual senior undergraduate students with strong sensitivities to language. They were first interviewed for the Office of the Commissioner’s video, *One Charter, Two Languages, A Thousand and One Voices*, on the occasion of the 25th anniversary of the *Canadian Charter of Rights and Freedoms*.

A generation after the Charter was adopted, its offspring share a belief in bilingualism, pride in Canadian languages and a commitment beyond their generation to French as a first or second language.

Growing roots in British Columbia

“When you look at so much of the world, it’s rare to see just one language,” said Kate Stokes, in her third year majoring in history and minoring in Canadian studies. “In Canada, we’re a nation of immigrants. Personally, I think it’s wonderful if everyone can be comfortable in their language.

“I have a lot of [Francophone] friends who speak to me in English and I respond in French, to practise. It works well.”

Kate Stokes grew up in Sidney, British Columbia, on Vancouver Island, where French roots still have some growing to do. She became bilingual by participating in a core French program from kindergarten through Grade 12, a two-month study exchange in Québec City, then a work exchange at Île-Perrot outside Montréal. Today, she takes some courses at the University of Ottawa in French and writes submissions in French “as much as I’m able to do.” She is motivated to learn French by “a thirst for being able to understand outside of your normal realm—realizing there are worlds out there incomprehensible to you.”

Travelling by train to Québec City in winter as a 15-year-old must have been a shock in itself. “That was a real immersion in the Canadian experience,” she said. “I’d never experienced -40 degrees before!”

Her exchange involved studying at Collège St-Charles Garnier during the months of February and March with Rosemarie Tremblay-Lemay, who then spent two months with Stokes studying at Parkland Secondary School in Sidney.

Family roots inspire a love for language as well. Kate Stokes’ grandmother Lucille (Dubord) Donnelly was a Franco-Albertan, her father took Gaelic immersion in school in Ireland, and her parents, Francophiles from different continents, met in their youth while travelling in France.

Ms Donnelly hadn’t passed French on to her children “because she wanted her husband to understand his kids,” Stokes said. That was in the 1950s—before the *Official Languages Act* and the *Canadian Charter of Rights and Freedoms* established and strengthened a new bond from sea to sea.

French, the language of the majority in Quebec

Growing up in Alma, Quebec, in the Lac St-Jean region, François Picard learned little of the Canadian Charter or the *Official Languages Act*. “Growing up in Quebec, we heard more about Bill 101.”

In Alma, the majority of the population is Francophone, but Picard nonetheless had the good fortune to study intensive English from Grade 6 through three years of high school, after which he also learned

Spanish. Now a member of the minority language community in Ottawa, he advocates official bilingualism for the city. “It’s a little absurd that the national capital isn’t bilingual.”

Picard said his parents, Francophones from New Brunswick, speak basic English and can get along in part thanks to their university education. His grandparents, also Francophone, are from New Brunswick and Quebec.

Picard’s English was strengthened by family in New Brunswick and British Columbia, where French was spoken at home, but he also got to practise outside the home, at the corner store for example.

He chose the bilingual University of Ottawa because he wasn’t entirely comfortable enough in English for an English-language university, but he wanted the opportunity to “put my English to the test.” It has undoubtedly improved: he is vice-president of communications of the University of Ottawa’s student federation, whose prerequisite for members of the board is bilingualism, and he lives with his English-speaking girlfriend.

Deep pride in Ontario

Brigitte Noël’s father learned to be proud of his French the hard way: he was bullied for his French accent growing up in Windsor, Ontario. “It was very, very difficult,” she said. “He was harassed at school. He became very proud. Wherever he had raised us, he would have taught us French.”

In mostly French-speaking Sturgeon Falls, Ontario, and with a completely Francophone family, Brigitte Noël had no trouble keeping her first language—or her father’s pride in French. “It’s not just important to learn French. It’s not just French, but the pride that comes with it,” said Noël, who is studying communications and is vice-president of student affairs of the University’s student federation. “It’s important to learn the language’s history. Learning a language is fine, but when there’s not a lot associated with the language, it’s not worth very much.”

Struggling in Nova Scotia

Nova Scotia, even the Acadian Shore, is not such an easy place to preserve one’s French.

“In our towns, all the business you do is in English; French is being left to the wayside,” said Amy Morris, who is Acadian, but for whom “English is my stronger language.”

“Everyone in my extended family is bilingual. In my nuclear family, we speak only in English.”

Although Morris’s parents are both Acadian, her mother grew up mostly in French and her father in English, due to his mother growing up in the United States.

Acadian French may predominate through Morris’s family tree, but the language of the majority in Nova Scotia is overpowering. “You can’t keep marrying within these villages. Acadians are becoming assimilated within Nova Scotia.”

The next generation: A focus on French and bilingualism

What of the future, then, for these four Charter-generation youth?

“I want my children to be bilingual,” said Morris, of Nova Scotia. “I’ll speak to them in French to ensure they’re bilingual.”

“For sure I want them to be Francophones, to be able to speak in French, and to be proud to do so,” said Brigitte Noël, of Ontario. “Learning English and other languages is also important. I don’t want it to be one or the other, English or a third language.”

“I know there are some people who are interested in learning only one language,” said Kate Stokes, of British Columbia. “In my small town there aren’t many kids studying French and English now. When it’s French versus woodworking, they’re choosing the trades.”

“I definitely want to learn more languages as I go along,” she said. “It’s absolutely important if you can understand another language. I would love [my own family] to have as many languages as possible.”

If François Picard has children, “They will definitely learn French. It’s an asset to learn both languages.” French has “a bright future ahead of it. That doesn’t mean we don’t have to fight for it though,” he added. The *Official Languages Act* was first adopted in 1969, and the *Canadian Charter of Rights and Freedoms*, protecting English and French even further, in 1982.

Parliament: Bilingual or Not?

Bilingualism in Parliament: The Effect of the Charter on the Use of Both Official Languages

by Peter Murphy

The 25th anniversary of the Charter, which was celebrated earlier this year, makes it a fitting time to reflect on the effect this important legal text has had on the lives of Canadians. As the most evident symbol of Canadian democracy and one of our country's most important institutions, Parliament not only sets the example for all Canadians, but at the same time is also representative of the country and its fundamental values. Several parliamentarians were therefore asked to share their experiences about the coming into effect of the Charter and what difference it has made on the use of both official languages in Parliament today.

As former commissioner of official languages M.F. Yalden pointed out in an appearance before the Special Joint Committee on the Constitution of Canada, language has always been a matter of utmost importance and concern in our country. Our collective history is rooted in the use of both English and French. According to the Honourable Mauril Bélanger, Member of Parliament since 1995 and former minister responsible for official languages, this linguistic duality is at “the core of Canadian identity and Canadian unity.”

“For better or for worse, language has always been a matter of concern in this country; for worse, because it has too often been the cause of deep and painful division; for better, because at times it has shown itself a source of richness and diversity that is the envy of other nations. It is precisely because of this symbolic dimension which will profoundly affect our national cohesiveness in the future, as it has in the past that we need to keep (...) the Confederation bargain by seeing to it that language rights are clearly and unequivocally recognized in our fundamental constitutional law.”

Testimony of M.F. Yalden, Commissioner of Official Languages, before the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada, November 17, 1980.

The framers of the *Constitution Act, 1867*, recognized the importance of these two languages by including section 133, which set out the constitutional guarantees of the use of French and English in the Canadian Parliament. The importance of this parliamentary bilingualism stems from the recognition of Parliament as the representative, both domestically and internationally, of the country and its people as a whole.

The entrenchment of language rights in the Charter

The language rights contained in the *Canadian Charter of Rights and Freedoms* furthered the bilingual nature of Parliament. Of the seven sections under the heading “Official Languages of Canada,” three deal specifically with the use of English and French in Parliament. Subsection 16(1), for example, states that English and French are the official languages of Canada, and while this status had been granted before, in the first official languages act of 1969 among others, it was not until the Charter that it benefited from constitutional protection. The rights found in sections 17 and 18 also existed before the Charter, for example in section 133 of the *Constitution Act, 1867*, and had been recognized by the courts on several occasions; however, these rights were added to and extended in the Charter, thereby providing them with much stronger constitutional protection than they had had before.

The importance of the entrenchment of these rights in the Charter cannot be downplayed. In addition to recognizing their importance, their inclusion also ensures they receive the highest level of protection that can be afforded—they are now exempt from the notwithstanding clause and the provincial and federal governments must reach unanimous agreement before they can be changed. This “double entrenchment” ensures that the bilingual nature of Parliament is now a permanent part of the Canadian identity.

It can therefore be said that the Charter improved institutional bilingualism in two indirect ways: through the constitutionalization of the language rights found in the *Official Languages Act, 1969* (and its own unique additions), and through its influence on the subsequent strengthening and passage of a new official languages act in 1988, which was updated to reflect the rights guaranteed in the Charter.

A new official languages act

The signing of the Charter in 1982 led to a major overhaul of language legislation, culminating with the *Official Languages Act, 1988*. This act sets forth for the first time, in subsection 4(2), the provision of facilities for simultaneous interpretation services, even though these services had existed since 1959, and the obligation, in section 6, to enact the acts of Parliament in both official languages.

The advancement of bilingualism in Parliament

While it is now clear that Parliament is officially obligated to be bilingual, have these rights advanced bilingualism in Parliament or, as in the mind of Senator Lowell Murray, have they served to “reinforce what was there already in section 133 of the *Constitution Act, 1867*, and the *Official Languages Act* of 1969”?¹

For Senator Murray, who first began working with the Senate in 1961 and was appointed to that house in 1979, the most important steps taken towards the creation of a bilingual Parliament were the introduction of simultaneous interpretation in 1959 and the passage of the *Official Languages Act* in 1969. After the introduction of simultaneous interpretation, for example, the amount of French spoken in Throne and debate speeches rose to just over 20%, from under 5%, in only four years.²

According to Senator Murray, the Charter has “had an indirect impact on making the houses and members of Parliament more bilingual by making the whole apparatus bilingual,” and this impact is largely a result of the *Official Languages Act*.

In fact, all the parliamentarians interviewed for this article believe there is a great amount of respect amongst the members for linguistic duality. According to Louis Plamondon, the second-longest serving current member of Parliament, this increase in respect has led to an expansion of the services provided in both official languages in Parliament.

For Mr. Plamondon, this includes a greater effort on the part of parliamentarians to ensure that members in positions of authority, such as committee presidents or meeting chairpersons, are competent in both languages. It also includes the extension of translation and interpretation services, which are automatic in House debates and standing committees, to less formal gatherings involving members of all parties, such as committee head meetings and private receptions. The fact that these services are being provided during the less formal parliamentary activities, more and more often without members having to ask for them, is a sure sign of an increased respect for the principles of institutional bilingualism amongst parliamentarians across party lines.

Steven Blaney, Member of Parliament since 2006, was surprised to discover that parliamentary bilingualism was not limited to respecting legal obligations and instead has been integrated into members’ daily work. As a result, both English and French are alive and well on Parliament Hill. Mr. Blaney also noted that many parliamentarians not only are working on perfecting their skills in the other official language, but also want to learn more about the other culture.

Not all is coming up roses

While there is a great amount of respect for both official languages in Parliament, to conclude that all is coming up roses would be to ignore the costs associated with the indirect effect the Charter has had on the language rights of MPs and the obligations of Parliament. One such cost is quite literally just that, the cost. According to the Honourable William Blaikie, the longest continuous serving member of Parliament, the biggest difficulty is sometimes the unavailability of documents in both languages, in particular documents from outside the government. The simple cost of translating is sometimes used as a reason for this unavailability.

Time is another cost of a bilingual Parliament. Parliamentary policy dictates that written submissions to parliamentary committees must be available in both official languages before they are distributed to committee members, although exceptions can be made with a unanimous vote by the committee in question. However, as Mr. Blaikie pointed out, members are reluctant to use this derogation for fear of creating a precedent for future committees—a slippery slope best avoided. A general respect for the

principles of parliamentary bilingualism plays a part in members' unwillingness to accept documents that are available in only one language. The end result is lost time while the committee waits for the translation of important documents. Depending on the issue at hand, this problem can range from slight annoyance to major legislative slowdowns.

Worthwhile benefits

All federal policies incur costs and require a certain amount of effort to carry out. In this case, as Mr. Blaney stated, the benefits of parliamentary bilingualism without question make up for these inconveniences. Parliamentary bilingualism is an important part of Canadian identity that we all benefit from, both as individuals and as a group.

Conclusion

It would be hard to argue that the Charter has had any direct impact on the practical use of both official languages in Parliament since, as already noted above, most of the rights enshrined in it already existed prior to the *Constitution Act, 1982*. What is undeniable though is the indirect effect the Charter has had on the creation of a new-found respect for language rights amongst the members of Parliament and its effect on acts, such as the *Official Languages Act*, under which Parliament operates on a daily basis.

Notes

¹*An Act respecting the status of the official languages of Canada*, S.C. 1969.

²Hoffman, David and Ward, Norman, *Bilingualism and Biculturalism in the Canadian House of Commons* [Documents of the Royal Commission on Bilingualism and Biculturalism: 3] (Ottawa: Queens Printer, 1966) p.6.

Evolution of the Education System

Achievements and challenges for French minority language education in Canada

by Marc L. Johnson

The vitality of the school system for Canada's Francophone minority communities is astonishing, with 31 school boards, 600 schools, 29 school-community centres, 16,000 staff and 140,000 students. In total, the budget for French-language instruction in these communities is estimated at over a billion and a half dollars.¹

The education system has been revitalized since the Sommet des intervenants et des intervenantes en éducation dans la mise en oeuvre de l'article 23 en milieu francophone minoritaire held in June 2005. This event, organized by the Fédération nationale des conseils scolaires francophones, created unprecedented enthusiasm throughout the country. The section 23 action plan that was the result of the summit is now used as a guide by stakeholders working to improve the French-language education system in Canada². The implementation of the plan is ensured by a tripartite committee made up of representatives from the Francophone communities, provincial and territorial ministries of education and the federal government.

However, the French-language education system has not always been a success. When Canada came into being, the Constitution Act recognized the right to education in French, which was provided by Catholic schools in certain provinces. Yet this arrangement did not prevent the provinces, one by one, from denying this right to Francophone communities, thereby creating what historians call the "school crises," a century of discrimination that led to the decline of the Francophone Catholic school network³.

After the Royal Commission on Bilingualism and Biculturalism found that "Francophone minorities have largely been denied the right to education in their first language,"⁴ Francophone communities have been increasingly vocal in asserting their demands. Nevertheless, it was the 1982 *Canadian Charter of Rights and Freedoms*, and its section 23 in particular, that led to a major shift in policy⁵. This must be understood in terms of "led to" because it took almost a decade of court challenges before Francophones were able to fully benefit from the scope of the rights granted by the Charter.

In fact, the real trigger occurred in 1990 with the decision in *Mahe*, which stated the purpose of section 23, "to preserve and promote minority language and culture throughout Canada" and at the same time "to remedy past injustices"⁶. This Supreme Court of Canada decision clarified the scope of the rights of the linguistic minority to have their own schools and manage them. Subsequent decisions would define these rights even further⁷.

Even though issues still remain to be argued before the courts, the provinces now generally recognize the right of Francophone minorities to have educational facilities in their language, to manage their schools and to receive quality education that is equivalent to that in the schools of the majority⁸. The Senate Committee on Official Languages recently defined this principle of equality: "educational results that are the consequence of substantial equality, which requires that Francophone communities in a minority setting be treated differently, if necessary, according to their particular circumstances and needs, in order to provide them with a standard of education equivalent to that of the official-language majority⁹."

During the course of these legal battles, the Francophone school system has gradually been developed, first in New Brunswick and then in Ontario. In New Brunswick, where the school system is made up of separate Anglophone and Francophone networks, Francophone school boards were created in 1978. In 1986, Ontario created its first Francophone board, which has grown into a network of 12 today. This province is now a true leader in terms of investing in French-language education. It has also adopted a language planning policy, supports the Centre franco-ontarien de ressources pédagogiques and recently created the Ontario French-Language Educational Communications Authority. The other provinces and territories created their Francophone school boards following the decision in *Mahe*.

Creation of Francophone School Boards	
New Brunswick	1978: homogeneous school boards are established; they were dissolved in 1997, and five were then re-established in 2001.
Ontario	1986: the first board in Toronto is created, followed by a second in Ottawa, in 1988, and a third in Prescott-Russell, in 1992; eight Catholic Francophone school boards and four public Francophone school boards have been in place since 1998.
Prince Edward Island	1990: a school board is created that covers the province's entire Francophone population.
Yukon	1990: the Comité scolaire de l'école Émilie-Tremblay becomes a school board; the actual Yukon Francophone School Board is created in 1995.
Alberta	1993: the first three Francophone boards are created, followed by a fourth in 2000.
Saskatchewan	1994: the Conseil scolaire fransaskois de la Vieille is created in Gravelbourg; seven new Francophone school boards are established in 1995; all boards are brought under a single school division in January 1999.
Manitoba	1994: the Division scolaire franco-manitobaine is created.
Northwest Territories	1994: the Conseil scolaire francophone de Yellowknife is created.
British Columbia	1995: the Conseil scolaire francophone is created.
Nova Scotia	1996: the Conseil scolaire acadien provincial is created; however, a board administered in French had already existed in the Clare-Argyle region since 1982.
Newfoundland and Labrador	1997: the Conseil scolaire francophone provincial is created.
Nunavut	2004: the Commission scolaire francophone du Nunavut is created.
Source: Commissioner of Official Languages. <i>Annual Report 2004–2005. Special 35th Anniversary Edition 1969–2004</i> . Ottawa, 2005, p. 15. (Updated)	

Strengthening the school board structures has not solved all the problems however. While the decline in the student population is a general trend across Canada, the population of Francophone minority schools is declining steadily and is cause for concern (see table next page).

Year	Francophone Minority School Enrolment
1970–1971	191,673
1980–1981	159,871
1990–1991	155,734
2000–2001	148,848
2004–2005	143,039
Sources: Canadian Heritage. <i>2003–2004 Official Languages Annual Report</i> . Ottawa, 2004; Blouin, Patric and Marie-Josée Courchesne. <i>Summary Public School Indicators for the Provinces and Territories, 1998–1999 to 2004–2005</i> . Ottawa: Statistics Canada, 2007.	

Studies on academic achievement also reveal a worrying situation: the results of minority Francophone students are below the national average in reading and writing and in written science assignments. Only in mathematics do they come near the average.¹⁰

The challenges to be addressed over the next few years have been clearly outlined in the section 23 action plan. They revolve around six major themes:

- The promotion of French-language instruction, in order to enrol the majority of children of rights holders;
- The creation of adequate infrastructure in French-language schools, in accordance with the principle of equality;
- The training, recruitment and retention of human resources required by French-language schools;
- The development of teaching approaches and resources adapted to the specific context in which Francophone minorities find themselves;
- The creation of cultural and artistic educational activities and activities related to the development of identity that promote the Francophone identity;
- The assurance that Francophones have access to high-quality early childhood and family services in their own language.

Notes

¹ Canadian Council on Learning. *Report on the state of learning in Canadian minority Francophone communities*. Ottawa (forthcoming).

² Fédération nationale des conseils scolaires francophones. *Plan d'action — article 23 : Afin de compléter le système scolaire de langue française au Canada*, Ottawa, 2006 (in French only – Online : <http://www.fncsf.ca/files/File/publications/Plan-action-article23-rapport-final-fev2006.pdf>).

³ Behiels, Michael D. *Canada's Francophone Minority Communities: Constitutional Renewal and the Winning of School Governance*. Montréal/Kingston: McGill-Queen's University Press, 2004, pp. 325–326.

⁴ Royal Commission on Bilingualism and Biculturalism. *Report of the Royal Commission on Bilingualism and Biculturalism. General introduction and first book*. Ottawa: The Queen's Printer, 1967, p. 127.

⁵ Clarke, Paul T. and Pierre Foucher. *École et droits fondamentaux : Portrait des droits collectifs et individuels dans l'ère de la Charte canadienne des droits et libertés*. Institut français/Winnipeg: Presses universitaires de Saint-Boniface, 2005, p. 36.

⁶ *Mahe v. Alberta*, [1990] 1 S.C.R. 342.

⁷ *Reference re Public Schools Act (Man.)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839; *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3; *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3.

⁸ Power, Mark and Pierre Foucher. “Les droits linguistiques en matière scolaire,” *Les droits linguistiques au Canada*, under the direction of Michel Bastarache. Cowansville: Les Éditions Yvon Blais, 2004, pp. 442–458.

⁹ Corbin, Eymard G. (Chairman). “Glossary,” *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*. Interim Report of the Standing Senate Committee on Official Languages. Ottawa: Senate of Canada, June 2005. (Online: <http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/offi-e/rep-e/rep06jun05-e.pdf>)

¹⁰ Council of Ministers of Education. *Pan-Canadian Results of Minority Francophone Students in the School Achievement Indicators Program (SAIP)*. Analytic Report. Toronto, October 2004, p. 24. Report prepared for the Pan-Canadian French as a First Language Project.

Je suis bilingue... I don't excuse my French

With the catchy slogan “Je suis bilingue... I don't excuse my French,” the [Coalition for the Promotion of the French Language and the Francophone Culture in Saskatchewan](#) launched its first promotional campaign for young people last August.

This major campaign, entitled [Bonjour Saskatchewan](#), aims to significantly increase enrolment and improve the retention of students in French-language schools and French as a second language programs. Enthusiasm for this project has already snowballed in the Franco-Saskatchewanian community. All across the province governments, parents' groups, businesses, Francophone associations and other stakeholders are rallying behind two goals: raise awareness among parents and young people about the opportunities for learning French and increase the visibility of the Francophone culture across the province.

The five-year campaign will consist of radio and television ads, posters and the participation by members of the Coalition in a number of events. Its target audience is not limited to Saskatchewan's Francophone community: by promoting the benefits of bilingualism, the campaign also aims to convince Anglophone parents to enrol their children in [one of Saskatchewan's French-language programs](#). In short, the campaign aims to show, in the words of the slogan targeting parents, that “learning French is a smart choice.” These benefits include improved intellectual abilities and an openness to the world that is necessary in a globalized society.

While enrolment in immersion, intensive French and core French programs has not dropped, the Coalition thinks it is possible to do better. The challenge: dispel the myths and make young people proud to be part of the Franco-Saskatchewanian community.

The Coalition's promotion campaign will continue in the coming months and be intensified in early 2008 during the school enrolment period. After holding a number of discussion groups, the Coalition found that the irreverent tone of the “Je suis bilingue... I don't excuse my French” slogan appeals to young people. Let's hope that all these efforts will bear fruit!

“We don't just want our youth to be bilingual, but to be proud to be bilingual [...] The more people enrol in French programs, the more people will speak French and will be proud to do so and to participate in the Franco-Saskatchewanian community!”

Geneviève Lapierre, Communications Officer, Coalition for the Promotion of the French Language and the Francophone Culture in Saskatchewan

To learn more...

- [Bonjour Saskatchewan campaign](#)
- [Saskatchewan's Francophone School Division](#)
- [French Education Branch](#) (Saskatchewan Department of Learning)
- [Canadian Parents for French](#) (national network of volunteers dedicated to promoting and creating opportunities for learning French as a second language)
- [French Culture and Learning French as a Second Language: Perceptions of the Saskatchewan Public - \(January 2007\)](#)
- [The Evolution of Public Opinion on Official Languages in Canada](#)

Languages in the World



Capital: Helsinki

Area : 337,032 km²

Currency: Euro

Administrative divisions: 446 municipalities, 20 regions or districts and 6 provinces (Lapland, Oulu, Western Finland, Eastern Finland, Southern Finland, Åland)

Population in 2004: 5.2 million, 75% of whom live in Southern or Western Finland

Official bilingualism in Finland

by *Jacques Leclerc*

There are currently 193 sovereign states in the world, of which 45 are officially bilingual. These bilingual states have a variety of language policies and various forms of bilingualism or multilingualism. The Finnish model is of special interest because it works so well.

Status of languages in Finland

A large majority of Finland's population speaks Finnish (92.1%), while a minority speaks Swedish (5.5%). Though Finnish and Swedish are the official languages of Finland, no legal document specifies this status; they are instead referred to as "**national languages**."

As a result, Swedish is not legally speaking considered a minority language, but one of the two national languages, which have equal status even though the Swedish-speaking population is very small. "Swedish from Sweden" is spoken in the south, around Helsinki and on the Åland Islands, while a regional variety of Swedish, called *Finlandssvenska* or "Swedish from Finland," is spoken on the west coast.

The recognized **minority languages** are Sami, Russian, Romany and Tatar. All other languages have the status of **foreign languages**.

Legal instruments protecting language rights

Among the 45 bilingual states, Finland is one of 39 whose constitution mentions the status of national or official languages. Section 17 of the 2000 Constitution states that "the national languages of Finland are Finnish and Swedish." This section also states that "the Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture."

Only 10 of the 45 bilingual states (22.2% of them) have one or more language laws. Finland has a considerable amount of language legislation, dating back to 1920. Here are some examples:

- *Act on the Use of the Sami Language before the Authorities* (1991),
- *Sami Language Act* (1992),
- *Act on the Sami Parliament* (1995),
- *Act on the Knowledge of Languages Required of Personnel in Public Bodies* (2004),
- the new *Language Act* (2004),
- *European Charter for Regional or Minority Languages*.

Type of protection chosen by Finland

Finland is one of a very few countries where language protection of languages is based both on the principle of individual rights and on the principle of territorial rights.

Protection is based on individual rights with regard to education and the institutions of the central government in Helsinki, but it is based on territorial rights with regard to the municipalities. Thus the basic unit of language rights in Finland is the municipality, whose status may be either bilingual or unilingual.

Municipal bilingualism

Under section 5 of the 2004 *Language Act*, a municipality is designated bilingual if the Finnish- or Swedish-speaking minority comprises at least 8% of the population or at least 3,000 persons. A municipality is designated unilingual if the minority comprises less than 3,000 persons and its proportion is below 6%.

As a result, a unilingual municipality may become bilingual and a bilingual municipality may become unilingual. This status is based on data from the census, which is taken every 10 years. When a municipality loses its bilingual status, the minority loses its language rights, except those pertaining to the central government.

In May 2006, there were 446 municipalities in Finland; however, the government has recently undertaken a major reform of municipal structures, which should be completed in 2009. After the municipalities are amalgamated, there may only be 90, or even 50, left.

In the **unilingual Finnish municipalities**, Swedish speakers cannot demand municipal services in Swedish. The same is true of Finnish speakers in the three unilingual Swedish municipalities. When a court is located in a unilingual municipality, its proceedings are conducted in that municipality's official language.

In the **bilingual municipalities**, bilingualism applies to local government, the courts, business, transportation, radio, newspapers, language of work, etc. However, Swedish speakers sometimes find that government officials in bilingual municipalities do not speak Swedish very well. In principle they are required to know Swedish, but in fact their ability to speak the language is sometimes very rudimentary.

When a court is located in a bilingual municipality, the defendant's language is used. If two defendants speak different languages, the court will generally choose the language that reflects the rights and interests of the parties.

Institutional bilingualism does not apply to the autonomous province of Åland, which is unilingual Swedish and has special status as a sovereign state associated with Finland. Finnish speakers have no language rights in the 16 unilingual Swedish municipalities in this archipelago.

Governmental bilingualism

In terms of government services, bilingualism is obligatory throughout the country. In principle, every Swedish-speaking citizen is guaranteed to receive services in his or her language, as long as they involve institutions under the central government.

Constitutional and statutory provisions mean that the entire legislative process is bilingual. Bilingualism applies to debates in the Parliament in Helsinki and to the drafting and enactment of laws. However, because the number of Swedish-speaking members of Parliament is so small (about a dozen), Swedish is in fact little used. Reports from state commissions or ministerial committees are always published in Finnish, but with a summary in Swedish.

Education

Municipalities, regardless of whether they have bilingual or unilingual status, are required to provide instruction in Finnish and in Swedish. All children are entitled to attend schools in the language of their choice, at the kindergarten, primary, secondary and university levels. In most Swedish schools, the

proportion of Finnish-speaking students is high, sometimes reaching 80% in the Helsinki area, and this can lead to pedagogical problems.

Minority languages

Finnish legislation contains certain special measures for the Sami and the Roma, and some minimal provisions for Russians and Tatars. Members of the Sami Aboriginal minority in the province of Lapland enjoy the same rights as Swedish speakers with regard to government services and education; in the courts, however, interpreters may be used if court personnel do not speak Sami. The recognized minorities are entitled to their own schools and newspapers.

As a result, the Swedish-speaking community in Finland enjoys considerable protection compared to minorities elsewhere in the world. These rights can be considered exceptional, and while the system is not perfect, the Finnish model is unequalled in its effectiveness.

Officially Bilingual Sovereign States**Africa**

Burundi
 Cameroon
 Cape Verde
 Central African Republic
 Chad
 Comoros
 Djibouti
 Eritrea
 Kenya
 Lesotho
 Madagascar
 Mauritania
 Namibia
 Rwanda
 Seychelles
 South Africa
 Swaziland
 Tanzania

Asia

Afghanistan
 East Timor
 India
 Israel
 Kyrgyzstan
 Sri Lanka
 Pakistan
 Philippines
 Singapore

Oceania

Kiribati
 Nauru
 New Zealand
 Palau
 Samoa
 Tonga
 Tuvalu
 Vanuatu

America

Canada
 Haiti

Europe

Belgium
 Belarus
 Bosnia-Herzegovina
 Finland
 Ireland
 Malta
 Norway
 Switzerland

Constitutional rights and language legislation around the world

Language rights are sometimes set out in a country's constitution, giving them a solemn and definitive character. Of the 45 bilingual states, 39 (87%) have declared official bilingualism in their constitutions. Only Rwanda, Seychelles, Belgium, Bosnia-Herzegovina and Vanuatu have three official languages, while Singapore has four.

Generally speaking, constitutions set out general principles, while specific language protection measures are provided in a statute. However Belgium, Canada and India have an impressive number of constitutional provisions, to the extent that one can almost say language legislation has been constitutionalized.

Only 10 of the 45 bilingual states (22%) have one or more language laws to govern official bilingualism practices.

Countries With One or More Language Laws		
Country	Name of language law	Year adopted
Belgium	<i>Law of 18 July 1966 on the use of language in administration</i>	1966
Belarus	<i>Language Act</i>	1990
Canada	<i>Official Languages Act</i>	1988
India	<i>Official Languages Act</i>	1963-1967
Ireland	<i>Official Languages Act</i>	2003
Kyrgyzstan	<i>Law on the use of the official language</i>	2004
New Zealand	<i>Maori Language Act</i>	1987
Finland	<i>Language Act</i>	2004
Malta	<i>Maltese Language Act</i>	2003
Norway	<i>Act on Language Usage in the Civil Service</i>	1980 and 1988

Some states have also adopted other laws to regulate specific aspects of language use. In addition, laws not regulating language may contain sections concerning the use of language in various fields or circumstances (adoption, marriage, elections, labelling, police services, insurance, etc.).

A country may give itself a considerable amount of latitude and use regulations, decrees or administrative circulars to specify how a law is to be enforced. As a result, some bilingual states have no constitutional provisions on language and no language law, as is the case, for example, with Israel, Nauru, Samoa and Tonga.

Obviously, the extent to which a country specifies the language rights of its citizens in a legal instrument will determine the degree to which these rights are applied and respected. On the other hand, merely proclaiming two official languages in a constitution is generally not sufficient to ensure the rights of a minority, which may remain theoretical or be subject to all sorts of interpretations, often restrictive ones.

Types of language rights

Officially bilingual states recognize different types of rights. These include individual rights, territorial rights, collective rights and combinations of these rights.

Individual rights

These rights are given to individuals regardless of where they reside in the country. This means the rights are portable, accompanying people when they change their place of residence. Like most countries, Canada decided on individual rights because there are minorities all across the country.

Collective rights

Collective rights are rare because they are highly effective and apply only to the individuals of a given linguistic group. In Canada, the Constitution provides the legal basis for the collective education rights of the Francophone and Anglophone minorities. Collective rights exist only to the extent that they are legally recognized, and once acquired, they strengthen individual rights by making them even more effective.

Territorial rights

Territorial rights apply only within established language boundaries. This approach is possible only when language communities are concentrated in linguistically homogeneous areas, which is rare. Language borders may or may not be permeable. They are not permeable when no group can cross the border without losing its rights (as in Switzerland, Belgium, Bosnia-Herzegovina or Cameroon). They are permeable when the majority's rights accompany them when they cross into the minority zone. A country may be divided into a variety of bilingual or unilingual linguistic zones.

Language rights may also be granted on both an individual and a territorial basis, as happens in Finland. This approach is rare.

The ACOA

The Secret of a bilingual workplace

by *Mireille E. LeBlanc*

“The secret to creating a truly bilingual workplace is to find ways, however small they may be, to make learning a language interesting.” This is the Monique Collette’s philosophy on respect for and promotion of official languages. The President of the [Atlantic Canada Opportunities Agency](#) (ACOA) maintains that bilingualism is one of the most valued skills in this federal agency, whose mandate is to stimulate the economy of the Atlantic region.

“Bilingualism has become part of ACOA’s culture. Language skills are valued as part of employees’ job skills,” she added.

Diversified initiatives

In addition to recruiting bilingual employees, ACOA integrates language training into employees’ career development. ACOA’s management committee promotes the use of the language of the minority at meetings by discussing at least one agenda item in French.

In 2006, ACOA’s New Brunswick Region Official Languages Committee—New Brunswick Region won a Public Service Award of Excellence, which highlighted ACOA’s efforts to promote linguistic diversity within the Agency. The Committee launched a peer mentoring program to help employees perfect their second language skills.

The Committee also organized Wednesday in French, days when employees are encouraged to speak French. On these days, all employees receive an e-mail with links to French words of the day, grammar and vocabulary exercises and tips on using both official languages. These e-mails are very popular with employees.

A good rating

ACOA achieved an overall rating of B in the last Office of the Commissioner of Official Languages’ performance report card, which is testament to management’s commitment to respect official languages and support Francophone communities in the Atlantic region.

Overview of ACOA’s 2006-2007 Performance Report Card	
Factor	Rating
Management	B
Service to the public	C
Language of work	B
Equitable participation	A
Development of official language minority communities and promotion of linguistic duality	B
Overall rating	B

ACOA received an A in the equitable participation category because 31.3% of the workforce is Francophone. “I think the fact that ACOA’s head office is located in the country’s only officially bilingual province makes it easier to recruit people who are proficient in both official languages. There is also

increased awareness, not only of the French fact, but also of the benefits of bilingualism,” explained Monique Collette proudly.

ACOA also did well in the complaints subcategory, with a rating of A. “We are well aware of situations that may lead to complaints, and we follow up on them quickly,” continued Ms. Collette, explaining ACOA’s strong performance in this area.

However, we should not ignore ACOA’s rating of C in the service to the public category and the active offer and service delivery subcategory. According to the Office of the Commissioner’s evaluation, none of the staff made an active offer of service in both official languages.

Ms. Collette recognizes ACOA’s shortcomings in this area and says that efforts have been made to address them. “We have an evaluation system for our senior managers, and one of their objectives is to implement measures to correct this problem,” she said. Ms. Collette commends the performance report card initiative, which has enabled ACOA to identify areas for improvement.

Bilingualism as a tool for economic development

With economic development as ACOA’s primary mandate, Ms. Collette would be remiss if she did not mention strengthening the Atlantic region’s economic capacity and the role of a bilingual workforce in job creation. She reiterated that Francophone communities are the minority in the Atlantic region and that language plays an important role in their development. “Language is of the utmost importance in the development of the region as a whole. Each community has its own unique potential to draw on, and it's only by recognizing this potential that we can ensure economic development.”

Since 2000, ACOA has invested over \$59 million in official language minority communities in the Atlantic region, through non-commercial projects funded under the Business Development Program.

ACOA’s Investments in Official Language Minority Communities 2000-2006	
• Cape Breton	\$5,356,074
• Nova Scotia	\$8,129,139
• New Brunswick	\$26,973,969
• Newfoundland and Labrador	\$1,635,443
• Prince Edward Island	\$6,012,366
• Head Office	\$11,526,264
Total	\$59,713,255

Source: <http://www.acoa-apec.ca/e/cd/olmc.shtml>

Coming Event**Celebrating Québec City in 2008!**

Québec City is inviting the world to be part of “*la rencontre*” for its 400th anniversary in 2008. Long a gathering place for peoples and cultures, “the encounter” has been aptly chosen as the theme for year-long celebrations that are slated to kick off on December 31, 2007, and conclude with the 12th Sommet de la Francophonie in October 2008.

On July 3, 1608, Samuel de Champlain established a settlement in a place named “*kebec*,” an Algonquin word meaning “place where the river narrows.” Québec City has historically been a gateway for many immigrants, and as such this anniversary year celebrates not only the birth of a city but also 400 years of French presence in North America and the exploration of a continent.

The following is a list of some of the main events:

- 400th anniversary opening event (December 31, 2007);
- 2008 IIHF World Hockey Championship (May 1–18, 2008);
- 49th International Eucharistic Congress (June 15–22, 2008);
- 400th anniversary celebrations of the founding of Québec City (July 3, 2008);
- 4th World Youth Congress (August 10–21, 2008);
- 12th Sommet de la Francophonie (October 17–19, 2008).

The governments of Quebec and Canada are each investing approximately \$110 million in the 400th anniversary celebrations. The mandate for planning, coordinating and producing the 2008 festivities was given to the Société du 400^e anniversaire de Québec, an autonomous, non-profit organization.

For more information, visit the following Web sites:

Portal for all initiatives being organized by the federal government for the anniversary of Québec City
(Online: <http://www.quebec400.gc.ca/bienvenue-welcome-eng.html>)

Official site of the Société du 400^e anniversaire de Québec (Online:
<http://www.monquebec2008.com/MonQuebec2008/index.php?lang=en-ca>)

Under Study

Vitality of Francophone communities in Winnipeg, Sudbury and Halifax

The Office of the Commissioner of Official Languages carried out studies on the Winnipeg, Sudbury and Halifax Francophone communities. This is a concrete action research project that is well rooted in the everyday life of the communities.

The research focused on vitality in four specific sectors of activity: immigration, health care, community governance and access to government services.

In each city, a working group made up of approximately 10 people who work in these different sectors was created. As these communities are the primary architects of their own development, it was important for them to participate actively in the study and in designing a community vitality assessment tool that reflects their priorities.

In each sector of activity, the communities drew up a list of the expected short-, medium- and long-term results, the corresponding indicators and the sources of data. These tools will be useful to not only the communities that were studied, but also other minority communities and governments that have specific responsibilities in terms of the development and vitality of official language communities.

The results of our research are published on the Office of the Commissioner of Official Languages' Web site.

We are currently starting another component of the study, which will focus on three Quebec Anglophone communities: in the Estrie region, in Québec City and on the Lower North Shore. The results will be released in 2008.

These studies are part of an extensive research project on vitality. The first research report, published in May 2006, is entitled *A Sharper View: Evaluating the Vitality of Official Language Minority Communities* (Online: http://www.ocol-clo.gc.ca/html/stu_etu_052006_e.php)

Linguistic Reminder

The question as to whether

Problem

The expression *the question as to whether* is wordy.

Solution

To write plainly and concisely, opt for *whether* instead.

Examples

The following table shows a more concise usage to replace *the question as to whether*.

Wordy	Concise
<i>The question as to whether</i> there is a surplus remains a hotly debated topic.	<i>Whether</i> there is a surplus remains a hotly debated topic.
The members will vote on <i>the question as to whether</i> they should strike.	The members will vote on <i>whether</i> they should strike.

Tip

Begin, commence, start

Begin is the more general term; *commence* is more formal; and *start* usually applies to physical motion.

- Until I can start my car, I cannot *begin* to finish my chores.
- The meeting will *begin* at 8:30 exactly.
- The ceremony will *commence* promptly at 11 a.m.
- My course in Canadian history *begins* (or starts) on Tuesday, May 15.
- Some people say the world *began* with a big bang.
- Do not *begin* writing until the bell rings.
- Ladies and gentlemen, *start* your engines!

The content of the Linguistic Section has been taken from the Translation Bureau's linguistic tools. Visit the Bureau's Web site (<http://www.translationbureau.gc.ca>) to discover new linguistic tips monthly.

The content of this section has been tailored specifically for English or French and covers the different rules of grammar, syntax, style and usage of each language. Read the tip for French online.

Did you know?

Q - What five Canadian cities have the most inhabitants who speak both of Canada's official languages?

A - According to the 2001 census conducted by Statistics Canada, the census metropolitan areas with the most people who speak both English and French are:

- 1 – Montréal (about 1.8 million people)**
- 2 – Ottawa-Gatineau (about 500,000 people)**
- 3 – Toronto (about 400,000 people)**
- 4 – Québec City (about 200,000 people)**
- 5 – Vancouver (about 150,000 people)**