



# **Section 23 in Quebec: A Legal and Political Timeline (2019–2026)**

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# Abstract

This working paper examines the legal and political developments surrounding section 23 of the *Canadian Charter of Rights and Freedoms* in Quebec between 2019 and 2026. It traces the major **legislative and policy initiatives introduced by the Coalition Avenir Québec (CAQ) government in the areas of secularism, education, language, integration, constitutional reform, and university funding**, and examines how these measures intersect with minority-language educational rights. Drawing on legislation, parliamentary debates, court decisions, and institutional briefs, the paper presents a chronological overview of Bills 21, 40, 96, 84, 94, 9, the proposed *Québec Constitution Act*, 2025, and changes to tuition policies affecting English-language universities. It highlights the legal challenges, public interventions, and policy engagement of English-language school boards, universities, and community organizations, with particular attention to the **evolving interpretation of section 23 and the constitutional principle of minority-language institutional management and control**.

# Introduction

This paper provides a timeline of the main laws, public policies, and court cases related to reforms adopted by the Coalition Avenir Québec (CAQ) government in Quebec from 2019 to February, 2026. It focuses on secularism, language, education, national integration, and constitutional issues. The cases examined involve public debates and legal challenges that directly or indirectly invoke section 23 of the *Canadian Charter of Rights and Freedoms* (the Canadian Charter). **Section 23 guarantees official-language minorities the right to education in their own language and to manage and control their educational institutions.**<sup>1</sup>

The purpose of this paper is to provide a background on **constitutional disputes involving access to certain educational institutions and the management and control rights protected by section 23** and defined through court decisions. It also examines how English-speaking community organizations, including school boards and universities, responded to these measures. Some of these organizations challenged the Quebec government's actions in court.

1 Government of Canada, "Section 23—Minority Language Educational Rights," *Canadian Charter of Rights and Freedoms*, accessed April 2, 2026, <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/checked/art23.html>.

# **Bill 21, *An Act respecting the laicity of the State*; Bill 94, *An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*; and Bill 9, *An Act respecting the reinforcement of laicity in Québec***

Enacted in June 2019, Bill 21, *An Act respecting the laicity of the State*, declares Québec a secular state and bars certain public officials in positions of authority from wearing religious symbols. **The law invokes the Canadian Constitution's notwithstanding clause to pre-emptively shield itself from court challenges.** It quickly became the focus of public debate in Québec.

Bill 21 raised major concerns over its impact on inclusion, equality, and access to public service jobs for religious minorities, particularly Muslim women who wear headscarves. Supporters claim that it fosters equality, while critics argue that it discriminates against religious minorities.

In fall 2025, the CAQ passed Bill 94, *An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*. This extends the ban on religious symbols to almost all employees in the education sector, government-subsidized daycares, and educational childcare centres, including support and maintenance staff.<sup>2</sup> It then announced Bill 9, *An Act respecting the reinforcement of laicity in Québec*, which would extend the scope of Bill 21 to all public spaces and restrict religious practices, in particular prayer, outside places of worship without municipal authorization.

2 Briefs tabled under the order to the committee "Special consultations and public hearings on Bill 94," <https://www.assnat.qc.ca/en/travaux-parlementaires/commissions/CCE/mandats/Mandat-53261/memoires-deposes.html>.

As of January 2026, the Supreme Court of Canada scheduled five days in March to consider challenges to Bill 21. This case raises major constitutional issues given Quebec's repeated and pre-emptive use of the notwithstanding clause, justified in the name of Quebec society's collective right to adopt a distinct approach on matters related to individual rights protected under the Canadian Charter. Bill 21, Bill 94, and Bill 9 are part of a larger debate on secularism, competing views on the neutrality of the state, and the protection of rights—which is why they are being addressed together.

## Timeline of bills 21, 94, and 9

- **March 28, 2019:** Bill 21, *An Act respecting the laicity of the State*, is tabled in Quebec's National Assembly.
- **March to May 2019:** Special consultations and public hearings are held on Bill 21.
- **June 16, 2019:** Bill 21 is passed, assented to, and goes into effect immediately.
- **Fall 2019:** Several court cases are filed challenging the constitutionality of Bill 21, including one by the English Montreal School Board.
- **December 12, 2019:** The Court of Appeal of Quebec rejects the application for a stay of Bill 21.
- **April 20, 2021:** The Superior Court of Quebec (Justice Blanchard) rules on the constitutional right of English-language school boards to exempt their staff from certain provisions of the bill under section 23 of the Canadian Charter.
- **February 29, 2024:** The Court of Appeal of Quebec confirms the constitutionality of Bill 21 and reverses the trial court's ruling respecting section 23.
- **January 23, 2025:** The Supreme Court of Canada agrees to hear an appeal in *English Montreal School Board, et al. v. Attorney General of Quebec, et al.*
- **March 20, 2025:** Bill 94, *An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*, is tabled.
- **October 30, 2025:** Bill 94 is passed and assented to, with the use of the notwithstanding clause to prevent possible legal challenges.
- **November 27, 2025:** Bill 9, *An Act respecting the reinforcement of laicity in Québec*, is tabled in Quebec's National Assembly.
- **March 2026:** The Supreme Court of Canada holds hearings on Bill 21.

## Reactions to Bill 21 during public consultations

In May 2019, during the special consultations of the Committee on Institutions, several organizations representing Quebec's English-speaking community voiced opposition to Bill 21, raising a range of concerns.<sup>3</sup> The Quebec English School Boards Association (QESBA) claimed that Bill 21 reflects a narrow view of secularism at odds with the inclusive practices of English-language school boards. It argued that prohibiting certain persons from wearing religious symbols jeopardizes freedom of religion, equal employment opportunities, and has a negative impact on the recruitment and retention of teachers when there is already a shortage of these professionals. **QESBA stated that the bill undermines the institutional independence of English-language school boards by infringing on their constitutional right, guaranteed by section 23 of the Canadian Charter, to manage and control their educational institutions.**<sup>4</sup> It pointed to *Mahé v. Alberta*, which identified the “recruitment and assignment of teachers and other personnel” as the “exclusive authority” of minority language representatives.<sup>5</sup>

While not explicitly citing section 23, the Quebec Community Groups Network (QCGN) called Bill 21 a serious and unconstitutional infringement of fundamental rights, particularly freedom of religion in particular. It condemned the pre-emptive use of the notwithstanding clause as an attempt to avoid judicial review and as a form of discrimination. According to the QCGN, the bill would disproportionately affect certain religious minorities, especially women in these groups. The QCGN also pointed out other impacts of the bill, such as a higher risk of out-migration among young anglophones, and that it would foster a perception that Quebec is less welcoming to non-Christians. In short, according to the QCGN, the bill weakens social cohesion and contradicts values of pluralism and openness.<sup>6</sup>

The English Montreal School Board (EMSB) invoked section 23 more directly, claiming that Bill 21 limits the ability of the English-speaking community to manage its educational institutions in accordance with its values and needs. It argued that Bill 21 restricts the minority English-speaking community's control over aspects of education that have, or may have, an impact on their language and culture.<sup>7</sup>

3 Briefs tabled under the order to the committee “Special consultations and public hearings on Bill 21,” <https://www.assnat.qc.ca/en/travaux-parlementaires/commissions/CI/mandats/Mandat-41031/memoires-deposes.html>.

4 Quebec English School Boards Association (QESBA), *Brief by the Quebec English School Boards Association (QESBA) presented to the Committee on Institutions, Special Consultations and Public Hearings on Bill 21, An Act respecting the laicity of the State* (May 2019), [https://quesba.qc.ca/wp-content/uploads/2021/10/Brief\\_QESBA\\_-\\_Bill21\\_-\\_Eng.pdf](https://quesba.qc.ca/wp-content/uploads/2021/10/Brief_QESBA_-_Bill21_-_Eng.pdf).

5 Ibid., p. 6.

6 Quebec Community Groups Network (QCGN), *Brief by the Quebec Community Groups Network* (May 13, 2019).

7 English Montreal School Board (EMSB), *Brief presented to the Committee on Institutions, National Assembly of Quebec, Bill 21, An Act Respecting the Laicity of the State*, May 2019, p. 6.



The Association of Administrators of English Schools of Quebec, the Quebec Federation of Home and School Associations, and the English-Speaking Catholic Council all raised similar concerns regarding freedom of religion and the impact of the bill on English-language educational and religious institutions.<sup>8</sup> Overall, there has been widespread opposition to Bill 21 from a variety of institutions motivated by their own concerns.

## Legal challenges to Bill 21

In October 2019, the EMSB filed a motion challenging the validity of the bill, arguing that it violates fundamental constitutional protections, in particular the rights of linguistic minorities and gender equality, which are enshrined in sections 23 and 28, respectively, of the Canadian Charter.<sup>9</sup> Other organizations, including the *Fédération autonome de l'enseignement*, the National Council of Canadian Muslims, the Canadian Civil Liberties Association, the World Sikh Organization of Canada, and the Legal Committee of Coalition Inclusion Québec, also challenged the bill.

**The EMSB's challenge focused mainly on section 23 of the Canadian Charter,** which guarantees linguistic minorities (including anglophones in Quebec) the right to manage and control their educational institutions. The EMSB claimed that Bill 21 infringes on this right by limiting its freedom to recruit and manage staff based on its values and needs. It also cited section 28 of the Canadian Charter, which protects gender equality. The EMSB argued that the bill would have a disproportionate impact on women, particularly Muslim women who wear religious symbols. This application for a stay of execution was rejected by the Court of Appeal of Quebec on December 12, 2019.

On April 20, 2021, the Superior Court of Quebec ruled partially in favour of those challenging the bill, concluding that certain provisions of Bill 21 violated section 23 of the Canadian Charter.<sup>10</sup> In his ruling, Justice Marc-André Blanchard pointed out that, under section 23 of the Canadian Charter, as interpreted by the Supreme Court in *Mahe v. Alberta*, English-language school boards, including the EMSB, have a constitutional right to manage and control their educational institutions, including recruiting and assigning staff, and that the restrictions imposed by Bill 21 infringe on that protected institutional independence. Had this ruling been upheld, it would have meant that Bill 21 did not apply to English-language school boards.

8 English-Speaking Catholic Council. Statement on Bill 21, *An Act respecting the laicity of the State*, submitted by the English-Speaking Catholic Council, May 2019.

9 *English Montreal School Board, Mubeenah Mughal, and Pietro Mercuri v. Attorney General of Quebec*, Application for judicial review and for declaratory judgment, and notice of constitutional question (challenge to the Act respecting the laicity of the State, SQ 2019, c. 12), Superior Court of Quebec, District of Montreal, October 21, 2019.

10 *Hak v. Attorney General of Quebec et al.* [2021] 1466.

However, on February 29, 2024, **the Court of Appeal of Quebec reversed this decision.**<sup>11</sup> It deemed that Bill 21, including its application to English-language school boards, was constitutional. The EMSB publicly expressed its disappointment and announced its intention to pursue legal recourse, including seeking permission to appeal the decision before the Supreme Court of Canada.<sup>12</sup> For its part, QESBA condemned what it considered a restrictive interpretation of the rights enshrined in section 23 of the Canadian Charter, and stressed its support for the legal proceedings under way.<sup>13</sup>

Following an unfavourable ruling on appeal, the EMSB petitioned the Supreme Court of Canada to hear the case. In January 2025, the Supreme Court agreed to hear the appeal in *English Montreal School Board, et al. v. Attorney General of Quebec*, entering a decisive stage in the constitutional review of Bill 21 at the highest-level court in Canada.<sup>14</sup>

The EMSB's statement focused mainly on the interpretation of section 23 of the Canadian Charter, which grants it the right to manage and control the hiring of teachers in public schools. This includes the right that these individuals have to wear religious symbols at work, based on an "open culture of secularism" in the English-speaking community.<sup>15</sup> At the hearing before the Supreme Court on March 23, 2026, attorney Perri Ravon argued that **religious diversity is fundamental to the culture of the English-speaking minority in Quebec, and that it is therefore protected by section 23 of the Canadian Charter.**<sup>16</sup> She contended that these proceedings raised major constitutional issues regarding the use of the notwithstanding clause to override certain rights guaranteed by the Canadian Charter.

At the time of writing, the Supreme Court has not yet issued a ruling in this case. The rulings to come will clarify the constitutional limitations of this clause and the mechanisms to protect fundamental rights that it affects.

11 *World Sikh Organization of Canada v. Attorney General of Quebec* [2024] QCCA 254.

12 English Montreal School Board, "EMSB deeply disappointed with Québec Court of Appeal decision on Bill 21," press release, February 29, 2024, <https://www.emsb.qc.ca/emsb/articles/emsb-deeply-disappointed-with-quebec-court-of-appeal-decision-on-bill-21>.

13 Quebec English School Boards Association (QESBA), "QESBA shocked with Bill 21 appeal decision," press release, February 2024, <https://qesba.qc.ca/en/communiqués-presse/qesba-shocked-with-bill-21-appeal-decision/>.

14 *English Montreal School Board, et al. v. Attorney General of Quebec, et al.* [2025] SCC 41231.

15 English Montreal School Board, et al. v. Attorney General of Quebec, et al. [2025] SCC 41231, memorandum of argument on application for leave to appeal, <https://www.scc-csc.ca/cases-dossiers/search-recherche/41231/>.

16 Supreme Court of Canada, *English Montreal School Board, et al. v. Attorney General of Quebec et al.*, <https://www.scc-csc.ca/cases-dossiers/search-recherche/41231/>.

## Expansion of Bill 21: Bills 94 and 9

On March 20, 2025, the CAQ enacted Bill 94, *An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*, which extends the prohibition on religious symbols to almost all employees in the education sector, government-subsidized daycares, and early childcare centres.<sup>17</sup> The bill also replaces elected school board representatives with directors general, which raises concerns about local control over the administration of school taxes.

During the public hearings, QESBA submitted a brief in which it qualified the bill as a “disproportionate response to isolated cases.”<sup>18</sup> It acknowledges the seriousness of the events at Bedford Elementary School, where teachers created tension and imposed religious values incompatible with Quebec’s educational mission. It argues that the rules imposed by the bill cannot be applied across the province without causing collateral damage. On this point, QESBA once again invoked section 23 of the Canadian Charter, accusing the government of disregarding the special situation of English-language school boards, which “have a distinct character and governance system.”<sup>19</sup> More specifically, “in addition to trampling upon religious freedoms and equality rights, it runs roughshod over the rights of community management and control guaranteed in section 23 of the *Canadian Charter of Rights and Freedoms*.”<sup>20</sup>

The National Assembly adopted Bill 94 on October 30, 2025, and, in January 2026, the EMSB initiated a new lawsuit against the Quebec government, challenging the budget rules that would unduly limit the ability of English-language school boards to manage their own finances and educational services, thereby infringing on the management and control rights guaranteed by section 23 of the Canadian Charter.<sup>21</sup>

On November 27, 2025, the Quebec government announced Bill 9, *An Act respecting the reinforcement of laicity in Québec*, which extends the scope of Bill 21 to all public spaces by restricting religious practices, in particular prayer, outside places of worship without municipal authorization. At the time of writing, the special consultations and public hearings on Bill 9 have yet to take place.

17 Briefs tabled under the order to the committee “Special consultations and public hearings on Bill 94,” <https://www.assnat.qc.ca/en/travaux-parlementaires/commissions/CCE/mandats/Mandat-53261/memoires-deposes.html>.

18 Quebec English School Boards Association (QESBA), *Brief presented by Quebec English School Boards Association (QESBA) to the Committee on Culture and Education of the National Assembly, Special consultations and public hearings on Bill 94, An Act to, in particular, reinforce laicity in the education network and to amend various legislative provisions*, April 2025.

19 Ibid., p. 2.

20 Ibid., p. 2.

21 Andy Riga, “Reckless or wilfully blind: EMSB sues the Legault government again,” *The Gazette*, January 20, 2026, <https://montrealgazette.com/news/local-news/quebec-english-school-board-lawsuit-caq>.

# Bill 40, *An Act to amend mainly the Education Act with regard to school organization and governance*

Adopted in February 2020, Bill 40, *An Act to amend mainly the Education Act with regard to school organization and governance*, constitutes a major reform of Quebec's school governance system. **The bill fundamentally changes public education governance in Quebec** by amending several provisions of the Education Act and related legislation. Its stated objectives include administrative decentralization and reducing the political power of school authorities.<sup>22</sup>

In practice, in the French-language system, the reform eliminates school service centre elections, sets a framework for teacher training, grants broader powers to school governing boards, requires the establishment of a commitment-to-student-success committee in each school service centre, makes it easier for parents to enroll their children in a school that is outside their territory of residence, sets guidelines for grade reassessments, etc. **English-language school boards, which were to be abolished by this bill, have maintained their status following a court decision** based on the constitutional protections provided for in section 23. Unlike bills 21 and 96, Bill 40 does not explicitly make use of the notwithstanding clause. However, it does express the same desire to unilaterally redefine school organization, despite possible clashes with existing constitutional guarantees.

22 Gouvernement du Québec, "Dépôt du projet de loi no 40 : le nouveau gouvernement du Québec confirme la fin des commissions scolaires telles qu'on les connaît," *Actualités*, October 1, 2019, <https://www.quebec.ca/nouvelles/actualites/details/depot-du-projet-de-loi-no-40-le-nouveau-gouvernement-du-quebec-confirme-la-fin-des-commissions-scolaires-telles-quon-les-connaît>.

## Timeline of Bill 40

- **October 1, 2019:** Bill 40, *An Act to amend mainly the Education Act with regard to school organization and governance* is tabled in the National Assembly.
- **November 2019 to January 2020:** Special consultations and public hearings are held on Bill 40.
- **February 8, 2020:** Quebec's National Assembly adopts Bill 40.
- **February to November 2020:** Bill 40 is implemented. English-language school boards retain their status while awaiting a court ruling.
- **August 10, 2020:** The Superior Court of Quebec suspends the application of Bill 40 to English-language school boards.
- **2021-2023:** The Superior Court of Quebec hears arguments on the constitutionality of Bill 40. On **August 2, 2023**, it rules that several provisions of Bill 40 infringe on the rights guaranteed by section 23 of the Canadian Charter.
- **April 3, 2025:** The Court of Appeal of Quebec upholds the stay of the application of several provisions of Bill 40 to English-language school boards.
- **May 2025:** The Quebec government seeks permission to appeal the Court of Appeal's ruling with the Supreme Court of Canada.

## Reactions to Bill 40 during public consultations

During the special consultations on Bill 40, the briefs submitted by English-language organizations focused mainly on a constitutional reading of the reform, in which section 23 of the Canadian Charter plays a pivotal role.<sup>23</sup> QESBA stated that the bill infringed on the English-speaking minority's right to manage and control its educational institutions. It argued that **increased ministerial powers, more complex governance structures and reduced institutional independence directly compromised the exercise of this right** without clear proof that the reform would improve educational success.<sup>24</sup> It also warned that the bill would have an impact on "the English-speaking minority's right to the control and management of its community's institutions, rights repeatedly expressed in the decisions of the Supreme Court of Canada, constitutionalized in the Charter for the protection of both the English-speaking minority in Quebec and the French-language minority in the rest of Canada."<sup>25</sup>

23 Briefs tabled under the order to the committee "Special consultations and public hearings on Bill 40," <https://www.assnat.qc.ca/en/travaux-parlementaires/commissions/CI/mandats/Mandat-41031/memoires-deposes.html>.

24 Quebec English School Boards Association (QESBA), *Brief presented by the Quebec English School Boards Association to the National Assembly Committee on Culture and Education on Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance*, November 2019.

25 Ibid., p. 2.

The QCGN concurred, emphasizing that **management and control cannot be purely formal or symbolic**; they must confer real decision-making power on the representatives of the linguistic minority. In its opinion, the proposed system would hand governing boards' decision-making power over to Ministry and administrative staff, thereby making section 23 meaningless. The QCGN also argued that the fact that the English-speaking community was not consulted beforehand went against the very spirit of this constitutional provision.<sup>26</sup>

Other briefs referred more indirectly to section 23, focusing on the bill's democratic and community impact. The Townshippers' Association, for example, pointed out that the right to management and control guaranteed by the Canadian Charter should not be limited to the participation of parents of currently enrolled students, especially in rural areas where schools play a key role in the community. It argued that **the bill adopts a very narrow definition of rights holders**, which could exclude legitimate members of the English-speaking minority from the decision-making process and go against the collective spirit of section 23.<sup>27</sup>

For its part, the Advisory Board on English Education (ABEE) explicitly recognized the constitutional protection granted to the English-language school system, while taking a more cautious stance on the legal aspects. It nevertheless argued that the proposed hybrid model—elected representatives and the transition toward school services centres—would jeopardize the balance between local governance and community control, a key aspect of section 23 as interpreted by case law. ABEE believes that **universal suffrage, despite its limitations, is still a key mechanism that allows the linguistic minority to retain political control over its institutions**, and that limiting this control could undermine the democratic legitimacy of the English-language education system.<sup>28</sup>

The briefs submitted by stakeholders involved in everyday school governance, including the Association of Administrators of English Schools of Quebec and the English Parents' Committee Association of Quebec, referred to section 23 less directly, while still emphasizing the potential impacts of the change. They feared that redefining governance without taking into account the special circumstances of each institution would jeopardize the institutional conditions that allow the English-speaking minority to actually control their children's education, a condition essential to constitutional protection.<sup>29</sup>

26 Quebec English School Boards Association (QESBA), *Brief presented by the Quebec English School Boards Association to the National Assembly Committee on Culture and Education on Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance*, November 2019.

27 Townshippers' Association, *Brief, Bill no. 40, An Act to amend mainly the Education Act with regard to school organization and governance*, November 2019.

28 Advisory Board on Education (ABEE), *Bill 40 and the English Education System in Quebec, A brief presented to the Committee on Culture and Education*, November 2019.

29 English Parents' Committee Association (EPCA), *Le projet de loi no. 40, Loi modifiant principalement la Loi sur l'instruction publique relativement à l'organisation et à la gouvernance scolaires, Présenté par l'Association des comités de parents anglophones à la Commission de la culture et de l'éducation, Assemblée nationale du Québec, le mardi 5 novembre 2019*, November 5, 2019.

## Legal challenges to Bill 40

As soon as Bill 40 took effect, a number of English-language school boards filed suit, arguing that this school governance reform infringes on the linguistic minority's right to manage and control its educational institutions, in particular by imposing the composition of the governing boards, depriving many rights holders of their right to vote, and expanding ministerial powers.

On August 10, 2020, the Superior Court of Quebec suspended the application of Bill 40 to English-language school boards.<sup>30</sup> The Court concluded that there were serious constitutional issues to consider, and that **the immediate application of the bill would cause irreparable harm to the linguistic minority**, in particular by disrupting school elections and irreversibly changing the governance structures protected by section 23. Soon after, this suspension was upheld by the Court of Appeal, which acknowledged the institutional and symbolic importance of suspending a bill before judgment on the merits in a context where constitutional rights may be at stake.

Between 2021 and 2023, the case was before the Superior Court of Quebec. In a ruling handed down on August 2, 2023, the Court concluded that several of the key provisions of Bill 40 did indeed infringe on the rights guaranteed by section 23.<sup>31</sup> The judge pointed out that the linguistic minority must have real decision-making power over its educational institutions, and invalidated several provisions of the bill affecting English-language school boards.

The Quebec government appealed the ruling. On April 3, 2025, the Court of Appeal of Quebec delivered a major judgment upholding the bulk of the conclusions drawn by the Superior Court.<sup>32</sup> **It reasserted that section 23 protects the linguistic minority's right to manage and control school staff, and that Bill 40, in its application to the English-language system, diminished its control in a manner incompatible with the Canadian Charter.** The Court therefore upheld the stay of the provisions deemed unconstitutional, and stressed the importance of consulting the linguistic minority in cases where a legislative reform directly affects its constitutional rights.

Following this judgment, in May 2025, the Quebec government sought permission to appeal with the Supreme Court of Canada.<sup>33</sup> Its goal was to obtain a final and binding decision on the ability of a province to undertake a thorough reform of school governance without using the notwithstanding clause, while meeting the requirements of section 23. At this point in time, Bill 40 has full effect in the French-language system, but is only partially applicable to the English-language system until a final decision on the constitutional issue is reached.

30 *Quebec English School Boards Association, et al. v. Attorney General of Quebec* [2020] QCCS 2444.

31 *Quebec English School Boards Association, et al. v. Attorney General of Quebec* [2023] QCCS 2965.

32 *Attorney General of Quebec v. Quebec English School Boards Association, et al.* [2025] QCCA 383.

33 Sidharta Banerjee, "Québec fera appel d'une décision concernant les commissions scolaires anglophones," *Le Devoir*, May 31, 2025, <https://www.ledevoir.com/actualites/education/885994/quebec-fera-appel-decision-concernant-commissions-scolaires-anglophones>.

Although Bill 40 does not govern school board budgets, the above-mentioned litigation is taking place in a context of tighter budgetary constraints. In the summer of 2025, a number of English-language school boards in Quebec joined a class-action lawsuit against the budget rules and cuts imposed by the CAQ government.<sup>34</sup> According to the plaintiffs, these measures—in particular the tighter restrictions on the use of government funds—weaken their institutional independence and their right to manage and control their educational institutions, rights which are covered by the constitutional protections afforded to linguistic minorities, in particular those set out in section 23 of the Canadian Charter.<sup>35</sup>

34 Jason Magder, "More English school boards join legal challenge to Quebec budget cuts," *The Gazette*, August 15, 2025, <https://montrealgazette.com/news/more-english-school-boards-join-legal-challenge-to-quebec-budget-cuts>.

35 Quebec English School Boards Association (QESBA), "QESBA files legal challenge on the 2025-2026 budget rules," press release, August 21, 2025, <https://quesba.qc.ca/en/nouvelles/quesba-files-legal-challenge-on-the-2025-2026-budget-rules/>.



# Bill 96, An Act respecting French, the official and common language of Québec

Enacted in May 2021, Bill 96, *An Act respecting French, the official and common language of Québec*,<sup>36</sup> was a major reform of the *Charter of the French language* (Bill 101). **As with Bill 21, the CAQ government sought to shield the bill through the pre-emptive use of the notwithstanding clause.**

The bill's purpose is to strengthen the status of French as the official and common language of Quebec by amending other laws, in particular the *Charter of the French language*, Quebec's *Charter of Human Rights and Freedoms*, and several other laws governing public administration, justice, and education.

**Bill 96 also included a unilateral amendment to the *Constitution Act, 1867*—something that can usually be done only by the federal government with consensus of the provinces—to include the recognition of Quebec as a nation and French as its official language.**

## Timeline of Bill 96

- **May 13, 2021:** Bill 96, *An Act respecting French, the official and common language of Québec*, is tabled in Quebec's National Assembly. Special consultations and public hearings on Bill 96 are held in September and October 2021.
- **May 24, 2022:** Quebec's National Assembly adopts Bill 96.
- **June 1, 2022:** Bill 96 receives royal assent and comes into force. The Quebec government makes pre-emptive use of the notwithstanding clause and unilaterally amends the *Constitution Act, 1867*.
- **Summer and fall 2022:** English-language school boards, among others, challenge the constitutionality of Bill 96.
- **April 19, 2024:** The Superior Court of Quebec suspends the application of certain provisions of Bill 96 to English-language school boards.
- **June 5, 2024:** The Court of Appeal of Quebec rejects the government's appeal and upholds the partial suspension of the bill to the EMSB, among others.
- **2024 - present:** The constitutional challenges make their way through the Quebec courts. A final decision is pending.

<sup>36</sup> *Act respecting French, the official and common language of Québec*, SQ 2022, c. 14, [https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers\\_client/lois\\_et\\_reglements/LoisAnnuelles/en/2022/2022C14A.PDF](https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuelles/en/2022/2022C14A.PDF).

## Reactions to Bill 96 during public consultations

Several organizations representing Quebec's English-speaking community voiced opposition to the bill during the special consultations and public hearings held in fall 2021.

The QCGN highlighted concerns from various organizations in the English-speaking community regarding Bill 96. Because of the limited number of invitations to the hearings by the National Assembly Committee on Culture and Education, the QCGN held its own parallel public consultations on Bill 96 and added contributions from more than 26 community organizations to its brief. In it, **the QCGN characterized Bill 96 as a constitutional reform and a major upheaval in Quebec's legal system.** Section 23 of the Canadian Charter, which does not apply to post-secondary education, did not figure in its analysis, which instead focused on the functioning of the Quebec government and public governance.

The brief presented three main concerns. First, the QCGN argued that Bill 96 changed the very foundations of the province by combining sweeping use of the notwithstanding clause, unilateral amendments to the *Constitution Act, 1867*, and diminishing the role, independence, and accessibility of judicial power. Second, the QCGN pointed out that the reform would make it more difficult to do business in Quebec, since it creates more red tape for companies, and makes the province less economically attractive. Third, it highlighted the anticipated negative impact on the English-speaking minority, particularly in terms of access to public services and justice in English, education, and their sense of belonging. In July 2024, the QCGN reacted strongly when the *Office québécois de la langue française* said it planned to inspect computers at Santa Cabrini Hospital to ensure compliance with Bill 96.<sup>37</sup>

While reiterating its support for the protection and promotion of the French language, the QCGN argued that Bill 96 was neither necessary nor proportionate to the achievement of this goal. It recommended first and foremost that the bill be withdrawn and that vast public consultations be held. Failing that, it called for the most problematic provisions to be substantially amended.<sup>38</sup>

37 Quebec Community Groups Network, "OQLF has no business in Quebec operating rooms," press release, July 24, 2024, <https://talq.ca/wp-content/uploads/2024/07/Statement-on-OQLF-inspections-3.pdf>.

38 Quebec Community Groups Network (QCGN), *Brief to the National Assembly Committee on Culture and Education, Special consultations and public hearings on Bill 96, An Act respecting French, the official and common language of Quebec*, September 28, 2021.

For its part, QESBA acknowledged the legitimacy of efforts to protect the French language, but argued that Bill 96 infringed on the constitutional right of the English-speaking minority to manage and control its educational institutions.<sup>39</sup>

QESBA addressed several specific provisions of the bill, in particular the dispute concerning temporary authorization for non-permanent residents to receive education in English, rules governing the language of communication within school boards and with service providers, the cap on enrolment in English-language CEGEPs for non-rights holders, requirements relating to judges' knowledge of French, and the proposed constitutional amendment. The association also argued **that the shared objective of promoting and defending the French language should not imply "setting aside the fundamental rights of Quebecers, [or] infringing on the rights of the English-speaking community of Quebec."**<sup>40</sup>

Champlain College Saint-Lambert addressed the specific impacts of Bill 96 on English-language college education. It raised concerns about admission quotas, more stringent French-language requirements for non-rights holders, and the potential impact on the attractiveness of English-language CEGEPs. In short, the college argued that these measures would jeopardize the educational mission of CEGEPs.<sup>41</sup>

Lastly, the Townshippers' Association underscored the special situation of anglophone communities in rural areas, pointing out that the restrictions set out in Bill 96 would have a disproportionate impact outside the Greater Montreal region. It warned that reduced access to English-language services in already vulnerable communities, and that the bill could accelerate the decline of historically-rooted rural anglophone communities.<sup>42</sup> The association focused on the pre-emptive use of the notwithstanding clause, stressing its infringement of Quebec's Charter of Human Rights and Freedoms and the Canadian Charter. Section 23 of the Canadian Charter was not specifically invoked in this brief.

39 Quebec English School Boards Association (QESBA), *Brief presented to the National Assembly Committee on Culture and Education by the Quebec English School Boards Association on Bill 96, An Act respecting French, the official and common language of Quebec*, September 2021.

40 Ibid., p. 20.

41 Champlain College Saint-Lambert, *Brief presented to the National Assembly Committee on Culture and Education by the Quebec English School Boards Association on Bill 96, An Act respecting French, the official and common language of Quebec*, September 2021.

42 Townshippers' Association, *Brief, Bill 96, An Act respecting French, the official and common language of Quebec*, October 6, 2021.

## Legal challenges to Bill 96

When Bill 96 was enacted in May 2022, a coalition of English-language school boards, represented by the EMSB, filed a legal challenge to its validity, invoking section 23 of the Canadian Charter, section 133 of the Constitution Act, 1867, and Part V of the *Constitution Act, 1982*.<sup>43</sup> **The EMSB argued that Bill 96 violated the English-speaking community's right to manage and control its educational institutions.** Furthermore, the resolution calling for legal action contended that Bill 96 violated Quebecers' right to legislation of equal authority in English and French, and the right to use either English or French in the courts under section 133 of the *Constitution Act, 1867*. The EMSB held that section 133 could not be unilaterally modified or restricted by the National Assembly.

In November 2023, the EMSB asked the Superior Court of Quebec for a stay of certain provisions of Bill 96 requiring the use of French in the majority of communications within English-language school boards.<sup>44</sup> It argued that this excessively restrictive interpretation of the provisions would interfere with its educational mission, place an unnecessary burden on staff, and cause irreparable harm to the English-speaking community while the province faced a teacher shortage.<sup>45</sup> The stay was granted in April 2024, and later upheld in a June 2024 by decision of the Court of Appeal of Quebec, which rejected a challenge by the CAQ government.<sup>46</sup>

43 English Montreal School Board, "EMSB to institute legal proceedings to challenge Bill 96," press release, May 27, 2022, <https://www.emsb.qc.ca/emsb/articles/emsb-to-institute-legal-proceedings-to-challenge-bill-96>.

44 *Ortona v. Attorney General of Quebec* Superior Court of Quebec [2024] QCCS 1259.

45 English Montreal School Board, "EMSB asks Québec Superior Court for stay of provisions of Bill 96 and the *Charter of the French Language* requiring use of French in internal communications in the English education network," press release, November 8, 2023, <https://www.emsb.qc.ca/emsb/articles/emsb-asks-quebec-superior-court-for-stay-of-provisions-of-bill-96-and-the-charter-of-the-french-language-requiring-use-of-french-in-internal-communications-in-the-english-education-network>.

46 English Montreal School Board, "EMSB very pleased with partial stay on Bill 96," press release, June 5, 2024, <https://www.emsb.qc.ca/emsb/articles/emsb-very-pleased-with-partial-stay-on-bill-96>.

# Bill 84, *An act respecting integration into the Québec nation*

Tabled in January 2025, Bill 84, *An act respecting integration into the Québec nation*, is one in a series of identity and language reforms launched by the CAQ government starting in 2018. The bill seeks to establish a formal model of national integration for immigrants by articulating a set of shared values and reinforcing Quebec's role in the integration process. It aims to more closely align integration policies with the linguistic and civic principles set out in Quebec law.

Unlike bills 21 and 96, Bill 84 has not, at this stage, been subject to structured legal challenges or court decisions. The debates it raised have been carried out mainly in the political arena and the media, particularly during parliamentary consultations. **No challenges based on section 23 of the Canadian Charter and school language rights have yet been launched**, since the bill does not specifically apply to governance or to the linguistic minority's access to educational institutions.

## History of Bill 84

- **30 janvier 2025 : January 30, 2025:** Bill 84, *An Act respecting national integration*, is tabled in Quebec's National Assembly.
- **February and March 2025:** Special consultations and public hearings are held on Bill 84.
- **May 28, 2025:** Bill 84, now titled *An Act respecting integration into the Québec nation*, is enacted by Quebec's National Assembly.

## Reactions to Bill 84 during public consultations

At the special consultations and public hearings held in spring 2025, several English-speaking community organizations expressed major reservations concerning Bill 84, with comments reflecting the specific mandates of each group.

The QCGN characterized Bill 84 as a far-reaching framework law that could potentially have an impact on all government action.<sup>47</sup> It criticized the lack of explicit recognition of the English-speaking community in the definition of national integration and expressed concern about a narrow view of Quebec culture centred almost exclusively on the French language. Although the brief did not specifically mention section 23 of the Canadian Charter, it raised the issue of the marginalization of linguistic minorities, in particular the English-speaking minority, when accessing public services and participating in civic life.

47 Quebec Community Groups Network (QCGN), Brief presented to the Committee on Citizen Relations, Special Consultations and Public Hearings on Bill 84, *An Act respecting national integration*, February 25, 2025.

In its brief, the Quebec English-Speaking Communities Research Network (QUESCREN) also noted the **risks involved in a narrow interpretation of the concepts of “Quebec culture” or “common culture” that excludes the contributions of language minority communities.**<sup>48</sup> Without mentioning section 23, the brief also emphasized the need to integrate formal mechanisms for consulting and recognizing linguistic minorities in the development of the future national integration policy.

The Quebec English School Boards Association focused its criticism specifically on institutional and constitutional issues.<sup>49</sup> While acknowledging integration and the promotion of the French language as legitimate goals, it argued that Bill 84 did not take sufficient account of the constitutional status of the English-speaking community. It established a direct link with section 23 of the Canadian Charter, pointing out that it guarantees linguistic minorities the right to manage and control their educational institutions. The association expressed particular concern about the scope of the powers conferred on the minister responsible under the bill, and argued that integration policies adopted could have an indirect effect on the independence of English-language school boards if consultation and protection measures are not clearly established.

These criticisms were not taken into account in the final version of the bill, which included few changes. It remains to be seen what the actual integration policy, which has not yet been tabled, will include.

48 Quebec English-Speaking Communities Research Network, *Brief regarding Bill 84*, submitted to the Committee on Citizen Relations, February 25, 2025.

49 Quebec English School Boards Association, *Brief by the Quebec English School Boards Association (QESBA)*, submitted to the Committee on Citizen Relations, Special Consultations and Public Hearings on Bill 84, An Act respecting national integration, 2024.

# Bill 1, Québec Constitution Act, 2025

Tabled on October 9, 2025, Bill 1, the *Québec Constitution Act, 2025*, aims to establish a distinct constitution for Quebec, which **would become the province's "law of laws,"** consolidating and codifying the fundamental principles of the Quebec state, particularly its national identity, autonomy, institutions, values, and certain collective rights. The text also proposes the creation of an *Act respecting the constitutional autonomy of Québec*, a constitutional council, and amendments to Quebec's *Charter of Human Rights and Freedoms*, as well as other legislative provisions.<sup>50</sup>

This bill has raised a number of public debates and criticisms from several legal experts and organizations, including the *Barreau du Québec*. **Critics believe that the bill could reduce the current scope of Quebec's Charter of Human Rights and Freedoms and weaken the role of the courts and countervailing powers.** They also condemn the fact that the bill was drafted without an in-depth and inclusive consultation process.<sup>51</sup>

## Reactions to Bill 1

As of January 2026, the briefs submitted to the National Assembly Committee on Institutions have not been made available to the public. However, TALQ (formerly QCGN) has published its brief. The document tackles Bill 1 head-on, arguing that it is incompatible with the basic fundamental principles of a constitution in a free and democratic society.<sup>52</sup> The organization believes that the bill is the result of a closed and non-participatory process that does not align with the contemporary principles of participatory democracy and that it tends to shift power away from the people to the government. TALQ expressed serious concerns about the weakening of the judiciary, efforts to discourage challenges by civil society organizations, and the consolidation of government power through quasi-constitutional mechanisms.

50 Gouvernement du Québec, *Projet de loi constitutionnelle de 2025 sur le Québec*, 2025, <https://www.quebec.ca/gouvernement/politiques-orientations/constitution-quebec>.

51 Barreau du Québec, "Le Barreau du Québec prévient que la Constitution doit respecter l'état de droit," November 24, 2025, <https://www.barreau.qc.ca/fr/nouvelle/memoires-enonces-positions/barreau-previent-constitution-doit-respecter-etat-droit/>.

52 TALQ, TALQ *Brief to the National Assembly Committee on Institutions, Bill 1, "Québec Constitution Act, 2025,"* <https://talq.ca/wp-content/uploads/Memoire-de-TALQ-Projet-de-loi-no-1-2025.11.21-FRENG.pdf>.

The brief also points out that Bill 1 neither protects nor strengthens the fundamental rights of Quebecers and that it marginalizes minority communities. TALQ notes that the linguistic and educational rights guaranteed by section 23 of the Canadian Charter are basic constitutional protections that cannot be undermined by a provincial constitution. In conclusion, it recommends that the bill be withdrawn and that a vast, multi-stakeholder public consultation be held, including an independent legal review.

On February 10, 2026, at the National Assembly committee meetings, Joe Ortona, chair of the EMSB, expressed his views on Bill 1. He contended that the bill is neither unifying nor inclusive, since it omits any explicit recognition of the constitutional rights of the English-speaking community, in particular those guaranteed by section 23 of the Canadian Charter. He also condemned the absence of any mention of the right to education in the bill, and argued that **it subordinates the rights of linguistic minorities to the collective rights of the majority**. In his opinion, constitutional reform should be based on a broad and inclusive consultation process and ensure balanced protection of minorities; in the absence of such guarantees, he requested that the bill be either withdrawn or completely rewritten.<sup>53</sup>

53 National Assembly of Quebec, "Séances des commissions," February 10, 2026, <https://m.assnat.qc.ca/fr/video-audio/archives-parlementaires/travaux-commissions/AudioVideo-111913.html>.



# CAQ policies on tuition rates for English-language universities

In fall 2023, the CAQ government announced a significant reform of the university tuition fee structure for international students and Canadian students from outside the province. This reform, announced on October 13, 2023, included a **substantial increase in tuition fees for Canadian students from outside the province enrolled in English-language universities**, as well as a minimum tuition fee for international students, starting in fall 2024. The government justified these measures based on the need to protect the French language in Montreal and to rebalance university funding in favour of French-language institutions, arguing that English-language universities draw a disproportionate number of students from outside Quebec and Canada, generating substantial revenue.<sup>54</sup>

## Timeline of government policies on English-language universities

- **October 13, 2023:** The CAQ government announces a major increase in tuition fees for Canadian students from outside Quebec, as well as a minimum tuition fee for international students, aimed primarily at English-language universities.
- **October and November 2023:** McGill, Concordia and Bishop's universities react.
- **November 6, 2023:** The English-language universities submit a joint alternative proposal aimed at adjusting the fee hikes and integrating francization requirements.
- **December 13, 2023:** Bishop's University is exempted from the increase in tuition fees.
- **February 23, 2024:** McGill and Concordia file suit before the Superior Court of Quebec, challenging the legality of the new rules.
- **Fall 2024:** The new rules to increase tuition fees for Canadian students from outside Quebec and impose language requirements associated with certain fee structures take effect.

54 Gouvernement du Québec, "Nouveau modèle de tarification pour les étudiants hors Québec," Québec.ca – Nouvelles et actualités, October 13, 2023. Accessed January 21, 2026, <https://www.quebec.ca/nouvelles/actualites/details/nouveau-modele-de-tarification-pour-les-etudiants-hors-quebec-51195>.

- **April 24, 2025:** The Superior Court of Quebec quashes the tuition fee hikes for Canadian students from outside Quebec and the associated language requirements, while upholding the minimum tuition fee for international students.
- **2025:** The government amends the regulation and holds discussions on the new funding framework for English-language universities.
- **January 2026:** The government announces that it will maintain the tuition fee increase for Canadian students from outside Quebec, despite the court ruling.
- **February 2026:** McGill and Concordia withdraw their lawsuits.

When the reform was announced in October 2023, the English-language universities (McGill, Concordia and Bishop's) publicly expressed their opposition, condemning a targeted policy adopted without adequate consultation and apt to severely compromise their interprovincial and international appeal.<sup>55</sup> They also raised the issues of equal access to post-secondary education for international students and Canadian students from outside Quebec in a context where tuition fees are a key lever for institutional competitiveness.

In their public communications and institutional documents, English-language university representatives also **invoked the Canadian Charter, which protects the right to education in the minority language across Canada.**<sup>56</sup> Although section 23 applies in principle to elementary and secondary education and not university education, the universities argued that a policy that disproportionately fragments English-speaking minority institutions may hinder access to higher education for English-speaking communities in Quebec and, indirectly, the exercise of the broader language rights recognized by the Canadian Charter, i.e. the equality of anglophones and francophones in Canada and the protection of the English-speaking minority in Quebec. This argument was intended to demonstrate that the government policy raises broader constitutional concerns in terms of linguistic equality, even though section 23 does not strictly apply to post-secondary education.

55 Concordia University, "Concordia launches legal challenge to Quebec tuition fee changes," *Concordia News – Need to Know*, February 23, 2024, <https://www.concordia.ca/cunews/main/need-to-know/2024/02/23/concordia-launches-legal-challenge-to-quebec-tuition-fee-changes.html>  
 McGill University, "McGill launches legal challenge against government measures," *McGill Newsroom*, February 23, 2024, <https://www.mcgill.ca/newsroom/channels/news/mcgill-launches-legal-challenge-against-government-measures-355652>.

56 Ibid.

On November 6, 2023, the three universities submitted a joint alternative proposal to the government in an effort to adjust the tuition fee hikes by discipline and to integrate francization requirements for non-francophone students.<sup>57</sup> The stated objective of this proposal was to respond in part to the government's linguistic concerns while limiting the negative economic impact of the reform. The government heard their proposal, but maintained the general orientation of its policy.<sup>58</sup> Following conversations with the three universities, the government agreed to exclude Bishop's University from the tuition fee hikes given its status as a regional institution and issues relating to the vitality of English-speaking communities outside Montreal.

In early 2024, the Ministère de l'Enseignement supérieur integrated the new measures into its university budget rules, confirming a considerable increase in tuition fees for Canadian students from outside Quebec and setting language requirements associated with certain fee schedules. On February 23, 2024, McGill and Concordia filed proceedings before the Superior Court of Quebec, challenging the legality of these rules and the rationale behind them.<sup>59</sup> Their suit was based mainly on the issue of administrative rights, citing the arbitrary nature of the government's decisions, as well as the general principles of equality and non-discrimination, including arguments focused on constitutional concerns with respect to language rights, even though these are not strictly covered by section 23.

On April 24, 2025, **the Superior Court of Quebec handed down a significant decision, quashing the tuition fee hikes for Canadian students from outside the province**, as well as the associated language requirements, ruling that these measures were insufficiently justified and constituted unreasonable administrative decisions.<sup>60</sup> At the same time, the Court confirmed the government's power to set a minimum tuition fee for international students and to redistribute some of this revenue within its university funding framework.

57 Concordia University, "Tuition for Canadian students outside Quebec: Bishop's, Concordia and McGill deplore the impact of the measures announced and submit enhanced proposal to government," *Concordia.ca – Latest news*, December 9, 2023, <https://www.concordia.ca/news/stories/2023/12/09/tuition-for-canadian-students-outside-quebec-bishops-mcgill-concordia-deplore-the-impact-of-the-measures-announced-and-submit-enhanced-proposal-to-government.html>.

58 Tommy Chouinard, "Les universités anglophones font une offre à Legault : franciser plutôt que faire payer les étudiants," *La Presse*, November 6, 2023, <https://www.lapresse.ca/actualites/education/2023-11-06/franciser-plutot-que-faire-payer-les-etudiants/les-universites-anglophones-font-une-offre-a-legault.php>.

59 Concordia University, "Concordia launches legal challenge," 2024; McGill University, "McGill launches legal challenge," 2024.

60 Maura Forrest, "Québec subit un revers concernant la hausse des droits de scolarité des étudiants non québécois," *Le Devoir*, April 24, 2025, <https://www.ledevoir.com/actualites/justice/871501/quebec-subit-revers-hausse-droits-scolaire-etudiants-non-quebecois>; Concordia University, "Quebec Superior Court rules in Concordia's favour on tuition changes, francization," *Concordia.ca – All stories*, April 24, <https://www.concordia.ca/cunews/main/stories/2025/04/24/quebec-superior-court-rules-in-concordias-favour-on-tuition-changes-francization.html>.

Constitutionally speaking, the ruling did not recognize the direct application of section 23 to university education, but emphasized the importance of respecting the principles of linguistic equality in the development of public policies affecting institutions associated with language minority communities.

The Quebec government did not appeal the ruling, confirming a partial legal win for the English-language universities. It undertook to review its university budget rules to comply with the ruling, while temporarily maintaining certain fee structures until the adoption of a new regulatory framework. However, in January 2026, the government announced that it would maintain the tuition fee hikes for Canadian students from outside Quebec despite the court ruling.<sup>61</sup> In February 2026, McGill and Concordia announced that they were withdrawing their lawsuit against the Quebec government, citing limited financial resources and the desire to repair their relationship with the province.<sup>62</sup>

61 Andy Riga, "Quebec keeps 33% tuition hike for out of province students after court ruling," *The Gazette*, February 2, 2026, <https://montrealgazette.com/news/local-news/quebec-out-of-province-tuition-hike-court>.

62 Isaac Olson, "McGill and Concordia drop legal fight over Quebec's out-of-province tuition hikes," *CBC News*, February 27, 2026.

# Conclusion

Between 2019 and 2026, several policies and bills put forward by the CAQ government brought section 23 of the Canadian Charter to the forefront of debates on the rights of the English-speaking minority in Quebec. Although this provision formally applies to access to elementary and secondary school education, it has been invoked in a broader range of contexts, including school governance, secularism, language policy, and measures affecting English-language universities. The legal challenges launched by the school boards, universities and various community organizations demonstrate the **enduring importance of section 23 as a tool for protecting institutions and defending the linguistic minority's governance and control rights**. Several suits are still pending at the time of writing; future court rulings could redefine the scope of these rights and the relationship between English-language institutions and the Quebec government.

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