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NATIONAL COMMITTEE FOR LANGUAGE EQUALITY
COMITE NATIONAL POUR L'EGALITE LINGUISTIQUE

This group was formed recently when it became evident that concern over the inadequacy of the language provisions of the proposed Resolution on the Constitution was widespread. A representative group of people was formed across the country to express these concerns, and the National Committee for Language Equality is the result.

The principal members of the N.C.L.E. are as follows:

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The proposals put forward by the Government of Canada in "The Constitution of Canada 1980" are of great importance to the history and future of our country. We are profoundly concerned that certain segments of the proposal do not go far enough to meet the needs of this country, and we feel compelled to submit our concerns to the Parliamentary Committee. The issues have already been clearly restricted by the Resolution, and our purpose has been limited to setting out certain specific changes which we believe to be essential and to which we see no insuperable practical impediment.

The right to learn, use, and, insofar as it is possible, to live in the official languages of Canada is an essential part of being Canadian. Such rights strive to assure every Canadian of an equal opportunity to participate in the political, cultural, economic, and social life of this country.

We are concerned and dismayed that the Government of Canada has not seen itself able to go as far as we think necessary to affirm these vital rights. Although we believe that a more comprehensive provision for rights and services in both languages would be the ideal, we propose the following specific changes to the language provisions contained in the Resolution.

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1. The Resolution does not extend the right to use either official language in a court of law in Canada beyond the existing provisions of the British North America Act or of the Official Languages Act. That is to say that only in the Supreme Court of Canada, the Federal Court, and the courts of Quebec and Manitoba would there be a constitutional guarantee to use either language.

We believe that the right to be tried in either of the official languages of Canada, where the issue might lead to detention or imprisonment, is a constituent part of the freedom of a Canadian. It fulfils the spirit of Article 10 of the Universal Declaration of Human Rights.

We therefore propose that there be an article included in the Resolution presented to Her Majesty as follows:

"Every person has the right to be tried in the official language of his or her choice in any action instituted by the Crown in any court of Canada or of any province.

"This section shall not be construed as derogating in any way from any right at present existing under Section 133 of the British North America Act in respect of any court in Canada."

2. The second element which we believe to be crucial to democracy in Canada and which has been omitted from the Resolution is the right of members of any legislature in Canada to express themselves in either official language. Because the provinces are sovereign in their areas of jurisdiction, the right to debate in either language issues which arise in a provincial legislature is as essential as the existing right in the Parliament of Canada.

We therefore propose that there be a section added as follows which would be an extension of a part of Section 133 of the British North America Act to the whole country:

"Either the English or the French language may be used by any person in the debates of the Houses of Parliament of Canada or of any House of the Legislature of any province; and both those languages shall be used in the respective records and journals of those Houses."

3. We also believe it to be a fundamental right that all the statutes of Canada be in both official languages, and that Canadians of the language of the minority in each province be entitled to have their laws in that language. Accordingly, we propose an extension of Section 133 as follows:

"The acts of the Parliament of Canada and of every legislature shall be printed and published in both languages."

The statutes existing in any province before this provision came into effect and which are not at present in both languages should be translated, and the Government of Canada should offer to assume the cost of the translation.

We are deeply convinced that the right to educate children in either official language should not be qualified. The right of parents to educate their children in either English or French is at the root of our conception of this country. The inclusion of the clause "Where the number of children is sufficient to warrant the provision out of public funds of minority language education" is thus undesirable in principle. We also believe it to be unnecessary in practice. The right to education will be construed reasonably by the courts. In one case, it may mean the right of transportation to a French school; in another, a French classroom in an English school; where there is a community, a complete school.

We believe that the people of Canada, the legislatures of our provinces, and particularly our courts will construe this principle reasonably and fairly. The proposed limitation threatens to introduce confusion, sow dissension and propagate distrust among our institutions. The terms of the Resolution should reflect an act of faith in the capacity of our people and institutions to apply it in a fair-minded manner. The principle should be clear and absolute--and our institutions and people will be clear and reasonable in implementing it.

We therefore propose that Section 23 of the Resolution be included as it now stands without the qualifying clause:

23 (1) Citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside have the right to have their children receive their primary- and their secondary-school instruction in that minority language.

23 (2) Where a citizen of Canada changes residence from one province to another, and, prior to the change any child of that citizen has been receiving his or her primary- or secondary-school instruction in either

English or French, that citizen has the right to have any or all of his or her children receive their primary- and secondary-school instruction in that same language."

These changes are not the complete and all-inclusive ones to which we will continue to aspire. Nevertheless, they represent a vital minimum of language rights in our country. A failure to increase substantially the rights set out in the Resolution would, in our opinion, be a betrayal of the nature of this country and its people.

We think it is of particular urgency that these changes be incorporated to entrench the already-existing rights in the Province of New Brunswick, and that they should be extended to the Province of Ontario, whose special responsibility in this regard is of paramount importance to the future of our country. The present language guarantees in Manitoba and Quebec are to be reaffirmed in the new proposal. The fact that the Resolution does not seek to extend these constitutional rights to the nearly one million Canadians of French origin in Ontario and New Brunswick is, to us, an appalling omission. A country may be judged on the way in which it treats its minorities--it is a challenge that this country must accept and surmount with flying colours if it is to survive.

We are conscious of the fact that this constitution is yours to enact, but it will be ours to live by. While there may be some politicians in this country who lack the courage to lead their people in this, or who do not share our vision of Canada, we continue to believe in the noble vision of the founders of this nation.

There never has, nor will there ever be, any need for all Canadians to be bilingual. We believe, however, that one of the things which make us unique and admirable is that we are a nation of two great founding peoples who are enriched by the the experience of living together.

A constitution should define the characteristics of a nation, and language equality is an essential characteristic of this country. To ignore this fact is to deny the freedom of Canadians and to waste one of our principal riches.

We ask you not only to preserve these rights, but also to enhance them.