

**Summary by the Language Rights Support Program of the impact study entitled:**

**“Bill 103: Collective Rights and the declining vitality of the English-speaking communities of Quebec”**

The impact study « Bill 103: Collective Rights and the declining vitality of the English-speaking communities of Quebec » (Study), carried out by the Quebec Community Networks Group (QCGN), examines the impact on collective rights and the vitality of English-speaking communities of Bill 103, proposed by the Quebec Government. This legal proposal follows the ruling in *Nguyen v. Québec* by the Supreme Court of Canada in 2009 which declared that Quebec’s former Bill 104 was invalid. Among others, Bill 104 did not allow the transfer of children enrolled in private English-language schools to the public English-language school system, where the parents of these children were not, prior to registration, rights holders under section 23 of the *Canadian Charter of Rights and Freedoms* and section 73 of the *Charter of the French Language* of Quebec.

These rights allow parents to send their children to English-language schools, financed by public funds, in three circumstances: (1) if one of the parents received his or her primary school instruction in English; (2) if the child is receiving or received the major part of his education in English (for example, in another province before moving to Quebec); (3) If one child is receiving or received the major part of his or her education in English, then, all his or her brothers or sisters may study in English as well.

Under the former Bill 104, children’s instruction in private schools was not considered in the calculation of the “major part” of instruction in English. The Supreme Court of Canada decided that this ban was too restrictive and gave the Government of Quebec one year to amend the *Charter of the French Language*. According to the new Bill 103, proposed by the Government of Quebec, children must have completed three years of instruction in a private English-language school before they can be transferred to a public English-language school. Furthermore, according to the Bill, each case must be examined by officials of the Ministry of Education according to various criteria before the transfer is accepted. This Study maintains that the conditions required by Bill 103 are too strict.