

Continuity
of language
instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application where
numbers warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Commencement of
paragraph 23(1)(a)
in respect of
Quebec

59. (1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Authorization
of Quebec

(2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec.

Repeal of
this section

(3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequential upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.*

* Section 59 of the *Constitution Act*, 1982, is not a part of the Charter of Rights and Freedoms. However, it is reproduced here because it directly relates to the subject of minority language education rights.

French Canadian children have access to an education in French, even if their parents did not receive instruction in French.

2. *Language in which the parents were educated in Canada.* If you were educated in English in Canada and you live in Quebec, you can send your children to school in English in that province. Similarly, if you were educated in French in Canada and live in one of the other nine provinces, you can have your children educated in French in those provinces.

3. *Language in which other children in the family are receiving or have received their education.* If you have one child who has received primary or secondary school instruction in English or French in Canada, you have the right to have all your children educated in the same language.

All three criteria depend on there being enough children eligible for minority language education in an area to warrant setting up schools in that language for them out of public funds.

The second and third criteria – language in which parents and other children were educated – apply with respect to the minority language education systems (either French or English) in all 10 provinces. If you meet either of these criteria you are constitutionally guaranteed access to minority language education systems across Canada.

The first criterion – access by virtue of mother tongue applies in all provinces except Quebec.

In order to accommodate Quebec's concerns, the constitutional resolution varies the application of the mother tongue criterion (Section 23(1) (a) of the *Constitution Act, 1982*) for Quebec. This criterion will not apply to Quebec unless and until authorized by the legislative assembly or government of Quebec.