

Independent Commission endorses Supreme Court of Canada challenge against Quebec's denial of rights to non-francophones

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[/EINPresswire.com/](https://EINPresswire.com/) -- The Supreme Court of Canada is currently reviewing a Leave to Appeal application against Ville de Gatineau. The case provides an indirect but significant challenge to the efforts of Premier François Legault and the province of Quebec to promote French as the "common language" in Quebec through Bill-96.

Raymond Carby-Samuels, who filed the Leave to Appeal application, is hoping to set a legal precedent for

communities in Quebec that seek to push back against the quasi-separatist nationalistic government that wants to promote the French language at the cost of denying the rights of non-francophones.

Language minorities in and outside Quebec now exist in a state of imbalance. If Canada is to be a "united nation," it must recognize a set of fundamental rights and freedoms for everyone. Quebec's exclusionary language laws are at risk of undermining these Canadian values.

Indeed, our [Canadian Charter of Rights and Freedoms](#) is meaningless if large communities of people cannot defend their rights and freedoms in a court of law, simply because they cannot speak the language of court proceedings.

Furthermore, the idea that Canada is a country united by a set of democratic values lacks integrity if Quebec can simply ignore fundamental Charter rights and freedoms.

Outside of Quebec, francophones and members of other minority language communities are entitled to free access to an interpreter in all court hearings. The Supreme Court of Canada has made this clear. Yet, Quebec continues to deny similar rights to its very large English-speaking communities and "allophones," a uniquely Canadian term for speakers of languages other than



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English or French. Quebec's policies have empowered fully bilingual lawyers in Quebec to win their cases by default, simply by speaking French to prevent non-francophones from being able to defend against infringements of their rights.

A [Government of Ontario](#) website stipulates that the province provides more than 150,000 hours of free court interpreter services as a result of the Supreme Court of Canada's decisions; these are the same decisions that Quebec and its court system scandalously choose to ignore. Consideration is given to French speakers outside of Quebec, yet the province, which relies on substantive transfer payments from the other provinces, fails to offer the same courtesy to Quebec's non-Francophone population.

A new not-for-profit organization is seeking to challenge this national imbalance regarding basic access to justice. The Independent Canadian Commission on Civil and Human Rights, through the Leave to Appeal application of Carby-Samuels v. Ville de Gatineau, seeks to defend the rights of all Canadians to have free access to a court interpreter.

In this particular case, the [Quebec Human Rights Commission](#) originally sided in favour of Carby-Samuels, who experienced profound discrimination at the hands of the Gatineau Police Services.

During a Quebec Human Rights Tribunal held on May 24, 2023, DHC Avocats, the law firm representing the City of Gatineau, and Catherine Pilon, the presiding judge, began to engage in verbal exchanges about Carby-Samuels in French and refused to translate what they said into English. When these exchanges were later translated into English from a transcription of the proceeding, it was apparent that Carby-Samuels would have sought to object to the nature of these verbal exchanges. Yet, not a French speaker, he was unaware of what was said at the time, and the judge and lawyers refused to translate. This is despite the fact that this same lawyer had spoken entirely in English in the initial Quebec Human Rights Tribunal hearing in late December 2022.

Carby-Samuels sought to transfer his file to the Quebec Superior Court to seek judicial relief from the indignity he had experienced. But, at the Superior Court level, Carby-Samuels was again denied access to a free court interpreter.

Case management of the Quebec Court of Appeal informed Carby-Samuels that they would also not provide free access to a court interpreter. These events have precipitated the current Leave to Appeal application by Carby-Samuels.

In the name of "preserving the French language," the Government of Quebec, through Bill-96, has entirely destroyed the integrity of the Canadian Charter of Rights and Freedoms and, indeed, our very values as a pluralistic democracy.

The National Assembly in Quebec authorizes the Tribunal in Quebec to judicially review human

rights cases. This same tribunal denies access to justice to non-francophones who are pitted against high-priced francophone lawyers whose clients have been assessed by the Quebec Human Rights Commission to have perpetrated infringements against the human rights code.

In a pluralistic democracy, the rights of everyone must be protected. Fundamentally, that must include access to justice through a court interpreter.

The Supreme Court of Canada has affirmed that the right to the assistance of an interpreter is a fundamental right grounded in the rules of natural justice (Tran, *supra*, page 963; MacDonald v. City of Montreal, [1986] 1 S.C.R. 460 at page 499; Société des Acadiens v. Association of Parents, [1986] 1 S.C.R. 549 at page 621, per Wilson J., concurring).

The Independent Canadian Commission of Civil and Human Rights believes that the French language can best be promoted by providing financial and other resources to educational, cultural, and literary activities that promote the French language.

Yet, Bill-96, along with Quebec's continued denial of free access to a court interpreter, is instead based upon a discriminatory premise that one group, which in this case are "French-Quebecois," have an inherently superior status that entitles this group to oppress or ignore the rights of others, including access to justice.

Efforts to extinguish the rights of others, including the denial of access to justice, are predicated on the use of force through oppressive laws and draconian policies. This is a foolish way to seek to protect the French language, especially given the French people's historical affinity with the cause of resisting inequality and social injustice. Average Quebecers of all languages seek to be good neighbours to each other. They share common a set of common values that supports the pursuit of a just society for all. The denial of court interpreter services to non-francophones neither respects the values of average Quebecers nor the rule of law.

Carby-Samuels v. Ville de Gatineau is a Leave to Appeal application that affects the rights of hundreds of thousands of non-francophone Canadians within and outside the Province of Quebec who may need to pursue the affirmation of their civil and human rights in a Quebec courtroom.

Should francophone public entities like the Gatineau Police Service feel confident that they can trample the rights of non-francophones who don't have the money to hire an expensive francophone lawyer, simply by electing to speak French in court hearings?

Should the Government of Quebec be allowed to ignore the rule of law as it pertains to Supreme Court of Canada decisions that seek to affirm the Charter?

Should the minority rights of hundreds of thousands of Canadians in Quebec continue to be marginalized by francophone organizations that run roughshod over the rights of these

minorities, backed by provincial government policies that ignore our fundamental rights and freedoms?

The Independent Canadian Commission on Civil and Human Rights invites interested parties to contact them through their [HumanRightsCommission.ca](https://www.humanrightscommission.ca) website to get involved as interveners in a collective effort to reaffirm rights and freedoms in Quebec. The Commission seeks to promote French language and culture without subverting the integrity of the progressive values of our Charter.

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