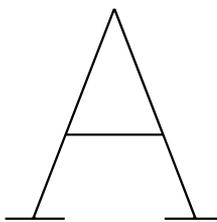




The UN to hold Quebec accountable for its segregated school system

Stéphane Vigneault



is how it happened, and why it matters.

In February 2020, the Mouvement L'école ensemble sent a report to the United Nations (UN) Committee on Economic, Social and Cultural Rights in which it called on the UN body to make the Quebec government accountable for its (unofficial) school segregation policy as far as its human rights obligations are concerned.

The Committee on Economic, Social and Cultural Rights is made up of 18 independent experts that monitor the implementation of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) by its State parties. All States parties are required to submit

after half a century of willfully ignoring its segregated school system, the Quebec government will have no choice but to justify it in front of a UN human rights committee in Geneva. Here

regular reports to the Committee on how these rights are being implemented. The Committee considers each report and shares its concerns and recommendations with the State party in the form of “concluding observations”.

The ICESCR constitutes one-third of the International Bill of Human Rights alongside the *International Covenant on Civil and Political Rights* and the *Universal Declaration of Human Rights*. In accordance with the constitution's separation of powers, the responsibility for the implementation of international human rights treaties and for respect of human rights principles in Canada lies jointly with federal, provincial and territorial governments.

The Mouvement's report (available on the UN website), is based on the *Guiding Principles on the Human Rights Obligations of States to Provide Public Education and to Regulate Private Sector Involvement in Education*, better known as the Abidjan Principles (abidjanprinciples).

org). These principles were adopted in February 2019 by more than 50 recognized experts around the world, and were quickly supported by many institutions, including the UN, through a Human Rights Council resolution of July 2019, and a report of the UN Special Rapporteur on the Right to Education presented in June 2019. They constitute a reference point for the analysis of the governance of education, and the role of public and private actors.

An unfair system

Of course, Quebec's unfair three-tier education system, with its three components — subsidised private, selective public and regular public — is highly problematic. Our report to the UN showed that nine Abidjan Principles are violated by Quebec's education system. Those include:

- Principle 29 (“*States must respect, protect, and fulfill the right to free, quality, public education*”)

Quebec's public selective schools charge fees that can reach more than \$4,000 yearly. These fees have been known to be illegal, but current Education Minister Jean-François Roberge passed Bill 12 in 2019 to retroactively legalize them. The Bill was passed against the recommendation of the provincial human rights commission.

- Principle 65 (a) (“*Any potential public funding to an eligible private instructional educational institution should meet all the following substantive requirements:*
a. it is a time-bound measure, which the State publicly demonstrates to be the only effective option to advance the realisation of the right to education in the situation in question....”)

The private education sector has been subsidized in Quebec since December 1968, a provisional measure implemented to help the newly-created (1964) Department of Education cope with the Baby Boom. However, the time-bound aspect of public funding was never enshrined in law, and as a result, funding has been available for 51 years without interruption.

The Mouvement L'école ensemble appeared on March 9, 2020 before the Geneva-based committee by videoconference. The members then met in camera to decide on the questions to be addressed to Canada. The list of issues prior to submission of the seventh periodic report of Canada was made public on March 24th. The Committee decided to specifically target Quebec, asking it to provide information on “measures taken to ensure equal access to education for students in the three-tier school system in Quebec, regardless of the economic situation of their parents, and measures taken to improve the quality of education in regular public schools.” (art. 26.e).

The Quebec government has until June 2021 to submit its response (an extended deadline because of the COVID-19 pandemic). We at the Mouvement will get a chance to comment on the government's response before senior government officials are flown to Geneva where they will have to answer publicly to the UN Committee.

A milestone

To have the UN describe Quebec's education system as being “three-tier” is in itself an important milestone for all of us who work to desegregate Quebec schools. If these words have ever been uttered by anyone in power in *la vieille capitale*, it has been to flatly deny the reality they describe, like in former Education Minister Sébastien Proulx's book (“school segregation, a term that seems to me to be very ill-chosen”). This is why the UN decision to single out Quebec and specifically demand how the province can reconcile its human rights obligation with its inequitable education system is important.

Forcing the government to simply acknowledge the reality of the issue is no small feat. After it finally happens, the next question quickly becomes — maybe as soon as the plane leaves Geneva — “how do we fix this mess?” ●

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