



# *Session 17*

## *Minority rights*

## French minority

The perceived role of Quebec within the confederation is questioned where independence can either mean

- 'sovereignty-association', that is, in a limited partnership with the other provinces
- 'federalism' where each level of the state provides a check on the use and misuse of power by others .

## *French minority (cont.)*

Pressure to preserve the French character in the province, Bill 101 (Charter of the French Language) has aimed at making of French the official language throughout Quebec.

ACTIVITY: read case *Ford v. Quebec* (2004: 196-197) to comment on the effects of Bill 101

the bill (s.22, 23) appears to clash with the Quebec charter of human rights (s.3)

## Aboriginal rights

Aboriginal rights involve rights resulting from ancestor longstanding use of land, considering differences of one group from another.

ACTIVITY: read case *R v. Drybones* (2004: 207-208) to compare the *Indian Act, 1876* and the Charter.

drunkenness is not an offence for non aboriginals, who could be convicted under the Liquor Ordinance Act; in the end the Indian Act was found invalid by the Supreme Court – recognition of the Bill of Rights

## Aboriginal rights (cont.)

### Land claims

- Two types are brought to the courts
  - 'specific land claims' applicable to groups that have signed treaties,
  - 'comprehensive land claims', when aboriginal people have not signed treaties but have lost access to ancestral land.
- Such claims are made in an overall effort to recognize rights that have been questioned and the Constitution Act, 1982 is an important step in this direction

ACTIVITY: read case *R v. Marshall* to comment on the impact that the acknowledgement of aboriginal rights has had on fisheries.