

Canada

Canada is a federal parliamentary democracy, extending north into the Arctic Ocean, and sharing the world’s longest land border with the United States. Despite what should be strong constitutional protections for freedom of thought and expression, significant religious privileges are in force, both nationally and in several of its ten provinces and three territories.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>Preferential treatment is given to a religion or religion in general</u> <u>Legal or constitutional provisions exclude non-religious views from freedom of belief</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>There is state funding of at least some religious schools</u> <u>Religious schools have powers to discriminate in admissions or employment</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u> <u>Religious groups control some public or social services</u>	
<u>Official symbolic deference to religion</u> <u>Anomalous discrimination by local or provincial authorities, or overseas territories</u>	<u>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</u>		<u>Some concerns about political or media freedoms, not specific to the non-religious</u> <u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u>
		<u>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</u>	

Legend

Constitution and government

The Charter of Rights and Freedoms, part of the Canadian constitution, protects freedom of thought, conscience and religion, as well as the right to the freedoms of expression, association and assembly.

Rulings by the Supreme Court of Canada have established that Canadian governments have a “duty of religious neutrality” and in context of the multicultural nature of the country should not use secularism to exclude religion from the public sphere

<[justice.gc.ca/eng/csjsjc/charter-charte/check/art2a.html](https://www.justice.gc.ca/eng/csjsjc/charter-charte/check/art2a.html)>

<[justice.gc.ca/eng/csjsjc/charter-charte/check/art27.html](https://www.justice.gc.ca/eng/csjsjc/charter-charte/check/art27.html)>

The symbolic supremacy of God

The recognition of the supremacy of God is included in the preamble of the Constitution Act 1982 (“Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law”) and the French version of the national anthem references carrying a sword in one hand and a cross in the other. God is also present in the English version (“*God keep our land glorious and free!*”). In February 2018 the national anthem was amended in order to make it gender-neutral. Unfortunately the necessity of religious neutrality for an inclusive anthem escaped the legislators.

While these references to divinity are symbolic, and aren’t used to justify discrimination as such, the preamble to the Constitution was deployed as an argument from city lawyers in Saguenay (see below) for allowing governments to endorse prayer or religion as part of public office. In April 2015, the Supreme Court of Canada ruled against prayers at municipal councils. This was a significant victory for Mouvement Laïque Québécois (MLQ) and several Humanist groups which supported the MLQ. The judgement also represented the first jurisprudence which attempts to define the contours of religious neutrality in Canada. It specifically recognizes that the rights of the non-religious must be included when talking about religious rights.

<documentcloud.org/documents/1875528-mouvement-laique-quebecois-v-saguenay.html>
<montreal.ctvnews.ca/supreme-court-hears-saguenay-council-prayers-case-1.2052696>

Provincial privileges

The crucifix in public buildings

A crucifix has hung in the National Assembly of Quebec above the Speaker’s seat since the 1930s and most political parties in the province chose to support it in a 2017 motion.

<nationalpost.com/pmn/news-pmn/canada-news-pmn/quebec-liberals-decide-crucifix-at-national-assembly-will-stay-put>

However, the Quebec National Assembly was renewed in 2018 and the Coalition Avenir Québec took a majority of seats. In a spectacular reversal of opinion, but in phase with its June 2019 decision to declare Quebec a secular state, the crucifix was removed through a motion which had the support of all 103 Members of the National Assembly.

Unwarranted precedence of prelates

Also in Quebec, protocol rules still give higher ranking to Catholic prelates than to elected ministers, and buildings used for worship or other religious purpose in Quebec are taxed at a much lower rate than others. Direct subsidies to religious organisations by provincial and municipal government is still performed in full light. The excuse being usually that it helps the local economy» (case of the St-Joseph oratory in Montreal - about 50 million dollars) or that a building is of «patrimonial value», in many cases ignoring the well hidden capacity of religious organizations to finance the upkeep of deserted buildings.

Debatable use of the notwithstanding clause

The Canadian Charter of Rights and Freedoms also includes a “notwithstanding clause.” Any provincial government or the federal government can invoke this clause to overrule a court ruling for five years, at which point the clause can be renewed. The clause was used by the government of Alberta in 2000 to maintain an opposite-sex definition of marriage, a use that was later deemed *ultra vires* (beyond their legal power) and by the government of Saskatchewan in 2017 to permit non-Catholic students to attend publicly-funded Catholic schools (see “Education” below).

<cbc.ca/news/canada/saskatchewan/sask-notwithstanding-catholic-1.4093835>

Discriminatory regulation of charities

Charities in Canada are regulated by the Income Tax Act but there is no statutory definition of what constitutes a charity. Instead, the Canada Revenue Agency relies on the 19th Century Pemsel categories defined by the House of Lords in the United Kingdom. This includes “the advancement of religion”. There is no equivalent for atheist or humanist groups. Courts and the CRA have interpreted religion in this context to require “an element of theistic worship”, instead of enlarging the reference to include ‘religion or belief’ for example.

<canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/summary-policy-r06-religion.html>

Most Humanist organizations in Canada therefore register as educational or human rights charities but face greater scrutiny on their activities than religious organizations. Recognized charitable organizations are able to issue tax receipts for donations. If a charity operates outside its recognized purposes, the CRA could strip it of its charitable status.

Statistics Canada and the census

In its long-form census, completed every 10 years, Statistics Canada asks Canadians what is their religion “even if no longer practicing.” This has the effect of creating an inflated impression of religious adherence and practice in Canada. Independent surveys typically find a greater percentage of Canadians do not identify with a religion. For example, according to Statistics Canada, 44% of British Columbians had “no religion” in 2011 but when asked whether they practice a religion or faith, 69% answered No to a 2016 survey by the BC Humanist Association and Insights West.

<bchumanist.ca/religious_and_secular_attitudes_2016>

The elections of 2015 brought a new government who re-established the long-census form but the religion section is no longer present.

Property tax exemptions

Churches are generally exempt from municipal property taxes in Canada. In British Columbia, the province requires all “houses of worship” to be exempt and many municipalities exempt any other property owned by a religious charity. Similar exemptions are not always afforded to secular charities. Some municipalities in BC, Saskatchewan and Quebec have begun taxing unused church properties.

Human rights protections

Every province and the federal government has a Human Rights Act that protects Canadians from discrimination in employment, housing, accommodation and services. Most of these acts include “religion” and this generally protects atheists from being coerced to practice a religion. However, in a Quebec case, the Human Rights Commission ruled that the protection did not extend to protect a Humanist group as Humanism is not a religion.

<bchumanist.ca/marriage_across_canada#quebec>

Ontario’s Human Rights Act includes “creed”, which the Ontario Human Rights Commission has explicitly said does include the non-religious. <ohrc.on.ca/en/policy-preventing-discrimination-based-creed>

Education and children's rights

Education is a provincial responsibility in Canada and most provinces provide at least partial financial support for sectarian education systems.

The Government of Canada worked with four churches to establish residential schools across the country to "Christianize" indigenous peoples across the country. A Truth and Reconciliation Commission into residential schools declared this practice a form of "cultural genocide" in 2015.

<<http://nctr.ca/reports.php>> The Government of Canada formally apologized for these schools in 2008 (and to those specifically in Newfoundland and Labrador in 2017) and three of the four churches have apologized. The Catholic Church claims it has a decentralized structure in Canada and therefore each diocese is responsible for its own actions.

<<http://www.cccb.ca/site/eng/media-room/files/2630-apology-on-residential-schools-by-the-catholic-church>>

Catholic Separate Schools

As part of the constitutional compromise reached between French Catholic and English Protestant colonists, Canada's Constitution Act, 1867 included provisions for state-funded separate school systems for the minority Catholic and Protestant populations in English and French Canada, respectively. Similar provisions were included in Section 17 of the Alberta and Saskatchewan Acts, 1905. When Newfoundland and Labrador joined confederation in 1949 it had several state-funded denominational school boards. Manitoba in 1890, Quebec in 1997, and Newfoundland in 1998 each amalgamated their separate school boards into secular systems.

Today, Ontario, Alberta, Saskatchewan, Yukon and Northwest Territories maintain fully-funded separate Catholic school boards. The Nunavut Act permits for Protestant or Roman Catholic communities to establish fully-funded separate school boards if they're in the minority but currently all publicly-funded schools in Nunavut appear to be secular.

These Catholic schools are able to discriminate in hiring staff and in student admissions. Students or parents are typically asked to provide baptismal certificates prior to admission. Teachers are required to be "practicing Catholics" and must provide a "faith formation plan and baptism certificate."

<ecsd.net/BoardofTrustees/overview/board-policy-handbook/Board%20Policy%20Handbook/Policy%2015.PDF>

Only Catholics are able to elect trustees to Catholic School Boards and those trustees are expected to live "a personal lifestyle that reflects the teachings of the Church."

<ecsd.net/BoardofTrustees/overview/board-policy-handbook/Board%20Policy%20Handbook/Policy%2004.PDF>

Some Catholic school boards have in recent years have been trying to prohibit the creation of Gay Straight Alliances in their schools <nationalpost.com/news/canada/ontario-catholic-schools-face-off-over-gay-straight-alliances>

Other Catholic schools routinely encourage students to take part in pro-life protests.

<globalnews.ca/news/552626/ottawa-catholic-schools-paid-3000-to-send-students-to-pro-life-rally/>

Multiple initiatives are currently challenging the public funding of Catholic schools.

<oneschoolsystem.org>

<ouridea.ca>

In 2017, a Saskatchewan court ruled that the province's practice of allowing non-Catholic students to attend Catholic schools was unconstitutional. In essence, the court ruled the constitution only permits the state to fund minority faith schools for members of that faith. To fund non-minority faith students violates the state's duty of religious neutrality and equality rights under the Charter. The court ruled that all non-Catholics must be transferred to public schools by June 30, 2018. The provincial government plans to appeal the ruling and has invoked the notwithstanding clause to maintain the status quo.

<leaderpost.com/news/local-news/long-running-theodore-court-case-decides-non-catholic-students-wont-be-funded-to-attend-catholic-schools>

Publicly-funded independent faith schools

Five provinces provide partial funding to qualifying "independent schools." These are Quebec, Manitoba, Saskatchewan, Alberta and British Columbia. Funding ranges from 35% to 70% of the per-student subsidy that public schools receive. Almost half of all independent schools in Canada are faith-based. These schools are generally able to have religious admission and staffing requirements.

<<https://www.fraserinstitute.org/studies/a-diverse-landscape-independent-schools-in-canada>>

Other religious programs in schools

In Alberta, the public school system operates a number of religious-based "alternative programs". The number of these programs has ballooned in recent years and includes numerous Protestant Christian, Jewish and Islamic programs. For example, the Edmonton Public School Board offers four Christian programs and Palliser Regional Schools offers seven Christian and one Islamic program.

<epsb.ca/programs/faith-based/>
<pallisersd.ab.ca/schools/faith-based-alternative-programs>

Section 50 of the Alberta School Act also permits "religious and patriotic instruction." This permits school boards to "prescribe religious instruction" or "exercises" to public school students. Parents must provide a signed, written request to exclude their children from this instruction, at which point the student will either "leave the classroom" or not take part in the instruction. Some rural boards still use this section as justification for performing the Lord's Prayer every morning. Lower court rulings in Ontario and Saskatchewan have found this practice to be unconstitutional but it has never reached the Supreme Court of Canada and there has not yet been a challenge in Alberta.

Section 50.1 of the Alberta School Act requires parent's receive written notice for "subject matter that deals primarily and explicitly with religion or human sexuality." This section was added as part of a compromise with evangelical parents in the province who wanted the option to pull their students from classes they objected to.

Upholding secularism... in British Columbia

Unique until recently among the provinces, British Columbia's School Act requires all public schools to be "strictly secular and non-sectarian". The Supreme Court of Canada ruled in 2002 that this section meant school board trustees could not impose religious values by refusing to allow pro-LGBTQ materials in the classroom.

<scc-csc.lexum.com/scc-csc/scc-csc/en/item/2030/index.do>

In 1996, British Columbia's Education Minister used this section to force the Abbotsford School District to ensure that evolution, not Creationism, was taught in biology classes.

<thefeed.blackchicken.ca/2013/07/08/creationism-in-canada-part-3/>

Quebec formally becomes a “secular state”

In June 2019, the Quebec government made Quebec a formally “secular” state through its much publicized Bill 21. Its institutions may no longer favour any religion or religion over non-belief. Simultaneously, it took the unprecedented step in Canada to restrict the dress codes of some civil servants, mostly teachers in primary and secondary schools and civil servants in positions of authority. During their hours of service they may no longer wear religious signs. This measure is applicable only to new hires after March 2019. This measure was widely supported in Quebec (more than 60% of the population, and the organization Humanists in Quebec), though many others in Canada and beyond considered it an unacceptable restriction of individual freedom of religion. The debate and differences in opinion may be said to reflect the split between Anglophone secularism and Francophone *laïcité*. In Quebec, the negative experience of mixing religion and politics is keenly felt, and any attempt by religious groups to use the power of the state, consciously or unconsciously, is met with immediate opposition.

<www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2019C12A.PDF>

Following this move, the crucifix in the Quebec parliament and in the various Courts of Justice in Quebec were removed.

Atheism too “negative” for ethics course

In Quebec, the mandatory course on “Ethics and Religious Cultures” was supposed to give all primary and secondary schoolchildren an understanding of the main religions. However the term ‘atheist’ was deemed to be too “negative” to be included in the course. Following the publishing of *La face cachée du cours ECR* (“The hidden face of the ECR course”) in August 2016, and following pressure from humanists and freethinkers, two of the three main political parties in Quebec agreed to include the removal of the Religious Culture part from the course, as part of their campaign platforms. However, following the election of one these parties, the Coalition Avenir Quebec (CAQ), in 2018, and despite the declaration of secularism by the CAQ, there is still no sign of the course being removed. What is currently in process as of 2019 appears to be an “update” of the course. The *Association humaniste du Québec* is closely monitoring the issue.

Family, community and society

Solemnization of marriage

Regulating who may perform a marriage is provincial jurisdiction in Canada. Every province permits religious clergy to solemnize a marriage but only Ontario has recognized Humanist officiants. Most provinces offer a civil marriage option but those positions are generally tightly controlled by the government.

When the Association humaniste du Quebec applied to their government to perform marriages in 2011, they were denied. They subsequently launched a human rights complaint with the Commission des droits de la personne but were unsuccessful. The Commission ruled in 2016 that since Humanism is not a religion, the Association cannot claim protection from discrimination based on religion.

In British Columbia, the BC Humanist Association (BCHA) was denied an application to register as a religious organization to perform marriages in 2012. The BCHA filed a freedom of information request in 2016 and showed that Zen Buddhists, Wiccans and Scientologists have been registered by

the government. The BCHA continues to petition the Government of BC and is considering a constitutional challenge.

<bchumanist.ca/the_case_for_humanist_marriage_in_bc>

Faith based hospitals, conscientious objections

The first hospitals and healthcare facilities in Canada were established by Catholic and Protestant missionaries. Following the spread of socialized medicine in the mid-twentieth century, many of these facilities are now funded by provincial governments, even though they retain religious leadership. These hospitals, care homes and other institutions provide healthcare services without discrimination on the basis of faith but many, notably Catholic-run facilities, refuse to provide abortions or medical assistance in dying (both legal in Canada).

Numerous religious groups are also arguing for the right for doctors, pharmacists and other healthcare providers to claim conscientious objections to providing services that violate their faith (generally abortions and medical assistance in dying). These rules vary by province and can create difficulties for patients in remote rural communities from accessing health care.

Addictions treatment

Many addictions treatment facilities in the country, including some paid for by provincial healthcare systems, rely on faith-based 12-Step programs. People are routinely required to attend these and follow up with Alcoholics Anonymous (AA) by employers, health insurers or as part of a court order. Unlike in the USA, there is no jurisprudence on the constitutionality of these requirements. In 2016, the BC Human Rights Tribunal agreed to consider a complaint by an atheist who lost his job after refusing to attend AA.

<http://www.bchumanist.ca/human_rights_complaint_over_religion_in_aa_to_proceed> In 2017, the Toronto-area umbrella for AA settled a complaint over whether it had to admit agnostic AA groups <<https://www.theglobeandmail.com/news/national/organizing-body-of-alcoholics-anonymous-in-gta-opens-doors-to-secular-groups/article33920196/>>.

Freedom of expression, advocacy of humanist values

The “Blasphemy” law is no longer.

Section 296 of the Criminal Code said that “Blasphemous Libel” was an indictable offence and was punishable with imprisonment for a term not exceeding two years. Strong constitutional protections probably made the prison sentence truly unenforceable, but the law remained on statute until December 2018.

The provision provided a “good faith and decent language” defense. A priest attempted to file charges against a cinema that screened Monty Python’s the Life of Brian in 1979, but Ontario’s Attorney General refused to prosecute. The last successful prosecution was in 1935.

A contemporary prosecution would probably have been found unconstitutional if challenged. However, it remained on the books, and therefore perpetuated a potential to chill free expression and, more ominously, had been cited as justification for new blasphemy laws by theocratic governments.

In 2016, over 7500 Canadians signed a Parliamentary e-Petition initiated by Humanists and calling for the blasphemy law to be repealed. <petitions.parl.gc.ca/en/Petition/Details?Petition=e-382>

In its response, the Government stated that the section was under review as part of a broader

program of justice reform. Indeed, as part of a bill for the general overhaul of the criminal code, the Federal Government introduced a bill, C51(2017), to repeal the section 296 and, following a lengthy legislative process in the Senate, received the final Royal Assent on December 13th 2018.

Extra protections for specifically religious clergy and services

In May 2017, the Ministry of Justice announced Bill C51 (2017) which included, among other things, two proposed abrogations of interest: article C296 (blasphemy law) and article C176(2), an article that specifically criminalize threats and violence against the clergy while other articles already cover threats and violence against any citizen. The anticipated abrogation of article C176(2) triggered a reaction from the Archbishop of Toronto who argued that its removal would be an assault on freedom of religion. The government was flooded with letters from religious activists defending section C176.

<catholicregister.org/item/25577-criminal-code-changes-raise-religious-freedom-concerns>

Several people have been arrested since the 1980s under section 176(2) of the Criminal Code for protesting in or near churches. This section criminalizes “disturbing religious worship”. One case made it to the Supreme Court of Canada after six members of a small Catholic church were arrested for kneeling instead of standing to receive Communion. The Court overturned the conviction but upheld the section. Protests that are “brief, essentially passive in nature and are voluntarily desisted from, upon request” were deemed legal.

Following this, a self-described “dissident” Jehovah’s Witness was repeatedly arrested for protesting outside Kingdom Hall’s between 1983 and 1999.

The bill to repeal section 296 initially included a repeal of section 176, but MPs on the House of Commons Justice Committee voted to amend, rather than delete, the section after pressure from religious groups and so the section 176 remains.

“Religion” as an exemption to anti-hatred legislation

Section C319 of The Criminal Code makes the public incitement of hatred of identifiable groups an offence punishable by an imprisonment for a term not exceeding two years. However, subsection (3)(b) if the same law exempts such hate speech from prosecution “if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text”. (Other defences include that the statement was true, or “if on reasonable grounds he believed them to be true” and in the public interest.)

In 2002-2004 an amendment proposed by NDP MP Svend Robinson failed to pass (Bill C-250).

<carters.ca/pub/bulletin/church/2004/chchlb02.htm> A 2017 Parliamentary e-Petition calling for the repeal of this exemption has received over 1400 signatures.

<<https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-763>>

In February 2017 calls for the murdering of Jews were heard – and recorded – in a mosque in Montreal. The preaching would otherwise have constituted a clear breach of article C319, as heinous speech against an identifiable group. A Jewish association brought the case to the police in March 2017, however we have no indication whether the case was seriously pursued by the state, and the primary suspect had already escaped to Jordan.

A petition to the Federal Parliament (e763) demanded the abrogation of exception C319(3)b. However it was rejected by the government on the basis that:

In R. v. Keegstra, [1990] 3 SCR 697, the Supreme Court of Canada examined these defences. The Court said that the three defences which include elements of good faith or honest belief—namely, paragraphs 319(3)(b), (c) and (d)—seemed to negate the mens rea or mental fault requirement for the offence, for only rarely would a person who intends to promote hatred be acting in good faith or upon honest belief. The Court also said that the defences found in subsection 319(3) reflect a commitment to the idea that an individual's freedom of expression will not be curtailed in borderline cases.

petitions.ourcommons.ca/en/Petition/Details?Petition=e-763>

Humanist groups have expressed dissatisfaction with this answer which is now 29 years old, at a time when “calls for murdering the Jews” were yet unheard in Montreal, and will continue to request a change of this section of the C319 law.

Same-sex marriage

Between 2002 and 2005 courts across Canada began ruling that prohibitions on same-sex marriage were unconstitutional and in 2005 the federal government passed the Civil Marriage Act, legalizing same-sex marriage across the country. The Act allows officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

The Civil Marriage Act states:

“no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.”

Religious groups have pointed to this provision to justify the exclusion of same-sex couples from evangelical universities and other institutions.

laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html>

Homophobic laws

In 2017, Prime Minister Justin Trudeau delivered an apology to Canada's LGBTQ2 community for “a Purge” of LGBTI+ people from the public service in the federal government. The apology was accompanied by a bill to expunge the records of people convicted under historic homophobic laws.

straight.com/life/1001181/full-prime-minister-justin-trudeaus-speech-apologizing-governments-past-discrimination>

EGALE Canada and other groups maintain ongoing reports into the state of anti-LGBTQ2 discrimination in Canada, including outdated laws, restrictions on blood donations from “men who have sex with men” and concerns over prejudicial treatment by the justice system.

egale.ca/apology/>

Abortion

Following a victory at the Supreme Court of Canada in 1988 by Humanist Canada founder Henry Morgentaler, there are no laws on abortion in Canada and the practice is entirely regulated within

the publicly-funded healthcare system. Access in remote communities remains an issue in some provinces.

<cbc.ca/news/canada/nova-scotia/nova-scotia-abortion-difficult-1.4246880>

Health Canada has approved Mifegymiso, the abortion pill, for up to 9 weeks into pregnancy; however there are still concerns about access in remote rural communities.

<globalnews.ca/news/3848477/health-canada-abortion-pill-mifegymiso-later/>

Assisted dying

A ban on medical assisted dying was also struck down by the [Carter ruling](#) of the Supreme Court of Canada in 2015. A new law passed in 2017 allows individuals whose “natural death” is “reasonably foreseeable” are able to choose an assisted death. The law has been called unconstitutional by advocates for dying with dignity as it excludes people with psychiatric conditions, mature minors and those with degenerative illnesses. A new constitutional challenge has already been launched. The denial of assisted dying for people with permanent suffering but with no «end-of-life» conditions was declared unconstitutional by the [Beaudoin judgment](#) in the Superior Court of Quebec (Sept. 2019). The Quebec government says it will not appeal and the Federal government says it will change the law.

Access to both abortion and medical assistance in dying is threatened by religious groups calling for protections of “conscientious objections.” While many Colleges are requiring objecting medical professionals to provide an effective and timely referral to a non-objector, Christian doctors in Ontario have challenged the constitutionality of that provision in court.

<thestar.com/news/gta/2017/06/13/group-of-doctors-challenge-policy-requiring-referral-to-services-that-clash-with-morals.html>

Communications privacy and civil liberties concerns

Quebec and Ontario have anti-SLAPP (strategic lawsuits against public participation) laws, meaning individuals and groups can be silenced with the threat of defamation lawsuits.

<bccla.org/bc-needs-anti-slapp-legislation/>

<ccla.org/focus-areas/fundamental-freedoms/freedom-of-expression-2/public-participation-anti-slapp/>

A 2015 anti-terrorism law called Bill C-51 gave broad authority to Canadian government agencies to share information, monitor citizens and expanded the authority of Canada’s spy agency CSIS. A bill to amend the legislation, C-59, was before Parliament as of December 2017, but has been criticized by civil liberties groups for not going far enough.

<ccla.org/campaigns/c59/>

Highlighted cases

Exemptions from religious programmes in Catholic schools

A father, **Oliver Erazo**, wanted his son, Jonathan, exempt from having to attend religious programmes in a Roman Catholic school in Ontario. The case began in early 2013 and a panel of three judges ruled in favour of Mr Erazo in April 2014. The law this relates to is Education Act, R.S.O. 1990, CHAPTER E.2, Section 42(13).

<e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm#BK47>

Mr Erazo took the school to court and won the case, he has since set up a website,

myexemption.com, detailing the case and informing other parents how they can effectively exempt their children too.

<news.nationalpost.com/2014/04/08/father-wins-right-to-have-son-exempted-from-all-religious-programs-at-ontario-catholic-high-school/>

Failure of religious schools to provide a proper education

In October 2014 a former Hassidic Jew, **Yohan Lowen**, living in Quebec, sued the schools and authorities whom he claims deprived him of the capacity to work in a professional job. He sued for \$1.2 million two Hasidic schools in Boisbriand, near Montreal (Yeshiva Beth Yuheda and the Rabbinical College Oir Hachaim D'Tash), the Quebec Government, the Seigneurie-des-Mille-Îles School Board and the Direction of the Youth Protection (DPJ), which, according to his suit, were negligent with regard to the dire situation in those religious schools while he was a pupil. The two named schools, according to the formal notice, failed to conform to the provincial mandatory curriculum, choosing to offer instead a program centered on the Torah. Thus, Mr Lowen "was not able to benefit from the free, mandatory, education expected from the laws ruling the Quebec province". Mr Lowen's complaint alleged he was not properly taught English or French because of this religious program, hence his difficulties to find a job as an adult.

<http://rightswatch.ca/2017/10/13/former-hasidic-jews-sue-province-of-quebec-for-lack-of-quality-education/>

As of October 4th 2019, we have no more information on this case.

The non-compliance of religious schools is a recurrent theme in Quebec with each successive government easily satisfied with empty promises from many guilty schools to correct their deficiencies, for sure, by the next academic year...