

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE QUÉBEC COURT OF APPEAL)**

BETWEEN:

LOYOLA HIGH SCHOOL AND JOHN ZUCCHI

Appellants
(Respondents)

– and –

ATTORNEY GENERAL OF QUÉBEC

Respondent
(Appellant)

– and –

CANADIAN COUNCIL OF CHRISTIAN CHARITIES, EVANGELICAL FELLOWSHIP OF CANADA, CHRISTIAN LEGAL FELLOWSHIP, WORLD SIKH ORGANIZATION OF CANADA, ASSOCIATION OF CHRISTIANS EDUCATORS AND SCHOOLS CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION, CATHOLIC CIVIL RIGHTS LEAGUE, ASSOCIATION DES PARENTS CATHOLIQUES DU QUÉBEC, FAITH AND FREEDOM ALLIANCE, ASSOCIATION DE LA COMMUNAUTÉ COPTE ORTHODOXE DU GRAND MONTRÉAL, FAITH, FEALTY AND CREED SOCIETY, HOME SCHOOL LEGAL DEFENCE ASSOCIATION OF CANADA, SEVENTH-DAY ADVENTIST CHURCH IN CANADA AND SEVENTH-DAY ADVENTIST CHURCH - QUEBEC CONFERENCE, CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE MONTRÉAL and L'ARCHEVÊQUE CATHOLIQUE ROMAIN DE MONTRÉAL

Interveners

**FACTUM OF THE INTERVENERS
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and ASSOCIATION DE LA COMMUNAUTÉ COPTE ORTHODOXE
DU GRAND MONTRÉAL**

(Rule 42 of the *Rules of the Supreme Court of Canada*)

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PART I: OVERVIEW AND STATEMENT OF FACTS

1. This appeal is about whether the Appellant, Loyola High School (“**Loyola**”), a Jesuit Catholic high school, can be exempt from teaching Québec’s Ethics and Religious Course (the “**ERC**”) in order to teach an equivalent program that is compatible with Loyola’s religious beliefs.
2. One of the issues in this appeal is whether Loyola, a not-for-profit corporation, has freedom of religion pursuant to section 2(a) of the *Canadian Charter of Rights and Freedoms*.¹
3. The Catholic Civil Rights League, the Association des Parents Catholiques du Québec, the Faith and Freedom Alliance and the Association de la Communauté Copte Orthodoxe du Grand Montréal (together, the “**Interveners**”) submit that corporations (and other legal persons) that are formed for the exercise of religious belief are entitled to the protection of section 2(a) of the *Charter*.
4. In support of its position, the Interveners make two submissions:
 - (a) The freedom of religion protects collective or group rights. Though religion is often about religious beliefs, it is also about the relationships between individuals that have a common faith. Religious corporations, including educational institutions such as Loyola, manifest a religious way of life that should not be infringed without demonstrable justification.
 - (b) The test for determining whether a corporation’s section 2(a) rights have been infringed should ask whether the corporation’s purpose is the exercise of a religious belief.

¹ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, s 2(a) [*Charter*]. The Interveners acknowledge that the Appellants’ claim is also made pursuant to section 3 of the *Charter of Human Rights and Freedoms*, RSQ, c C-12, but for simplicity refer to the *Charter* alone.

5. The Interveners accept the facts as stated in the Appellants' factum.

PART II: STATEMENT OF POSITION

6. The Interveners support the Appellants' position that Loyola has the freedom of religion under section 2(a) of the *Charter*.

7. The Interveners do not take a position on the other questions in issue in this appeal.

PART III: STATEMENT OF ARGUMENT

A. The Freedom of Religion Protects Group Rights

1. The Purpose of the Freedom of Religion

8. Section 2(a) of the *Charter* states that “[e]veryone has...freedom of conscience and religion”.²

9. The “essence” of the freedom of religion is the “right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.”³

10. One of the major purposes of the *Charter* is to protect Canadians from “coercion or restraint”—if a person is compelled to do something she would not otherwise have chosen, she is not acting of her own volition and “cannot be said to be truly free”.⁴

² *Ibid.*

³ *R v Big M Drug Mart*, [1985] 1 SCR 295 at 336 [*Big M Drug Mart*], Appellants' Book of Authorities (“**Appellants' Authorities**”), Vol II, Tab 32.

⁴ *Ibid.*, Appellants' Authorities, Vol II, Tab 32.

2. The Importance of Religious Group Rights

11. There should be no dispute that the freedom of religion has “both individual and collective aspects”.⁵ In *Edwards Books*, this Court held that the Constitution “shelters individuals and groups.”⁶

12. Group rights protect groups of individuals “because of their membership in a particular identifiable group”.⁷ In contrast, individual rights require the same or similar treatment regardless of an individual’s membership in a particular group.⁸

13. “Religion is about religious beliefs, but also about religious relationships.”⁹ If a community shares a common faith and a way of life that is viewed as a way of living their faith, an infringement of the group’s religious belief will impact both those beliefs and the life of their community.¹⁰ This right—the freedom to manifest one’s religion “in community with others”—is at the “heart” of the section 2(a) freedom.¹¹

14. Further, the autonomous existence of religious communities furthers pluralism in a democracy.¹²

15. Section 27 of the *Charter* endorses this principle: “[t]his Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of

⁵ *Alberta v Hutterian Brethren of Wilson Colony*, 2009 SCC 37, [2009] 2 SCR 567 ¶31 [*Hutterian Brethren*], Respondent's Book of Authorities (“**Respondent’s Authorities**”), Vol I, Tab 3; *R v Edwards Books and Art Ltd.*, [1986] 2 SCR 713 at 781 [*Edwards Books*], Interveners’ Book of Authorities (“**Interveners’ Authorities**”), Tab 1.

⁶ *Edwards Books*, *supra* note 5 at 759, Respondent’s Authorities, Vol II, Tab 29.

⁷ *Hutterian Brethren*, *supra* note 5 ¶130, Respondent’s Authorities, Vol I, Tab 3; *Edwards Books*, *supra* note 5 at 808, Interveners’ Authorities, Tab 1.

⁸ *Edwards Books*, *supra* note 5 at 808, Interveners’ Authorities, Tab 1.

⁹ *Hutterian Brethren*, *supra* note 5 ¶182, Respondent’s Authorities, Vol I, Tab 3.

¹⁰ *Ibid.*, Respondent’s Authorities, Vol I, Tab 3.

¹¹ *Ibid.* ¶131, Respondent’s Authorities, Vol I, Tab 3.

¹² *Ibid.*, Respondent’s Authorities, Vol I, Tab 3.

Canadians.”¹³ Canada’s multicultural heritage includes recognition of our ethnic, cultural *and* religious differences.¹⁴

16. Though section 27 is not a right unto itself, it has been used to interpret other rights, including the freedom of religion. For example, in *Big M Drug Mart*, this Court held that compelling a universal day of rest preferred by one religion is inconsistent with Canada’s multicultural heritage.¹⁵

17. In *R v Zundel*, this Court recognized that section 27 should be interpreted in its broadest sense to protect “collective rights”.¹⁶ This Court cited, with approval, the view that “the cultural heritage of *minority* Canadians almost invariably includes a history of human rights violations through collective discrimination”.¹⁷

18. In sum, the collective aspects of the freedom of religion are intertwined with its individual aspects. The Christian faith believes, no less, that “where two or three are gathered” Jesus Christ is with them. It is not useful to discuss the collective and individual aspects of the freedom of religion separately, especially where an impugned act or law has the effect of undermining “communities of faith” and may result in collective discrimination.

3. Religious Corporations Manifest Religious Group Rights

19. The principles that emerge from this Court’s decisions should not be viewed as limited to groups living in a rural, communal lifestyle (as in *Hutterian Brethren*).

¹³ *Charter*, *supra* note 1, s 27.

¹⁴ *Bruker v Marcovitz*, 2007 SCC 54, [2007] 3 SCR 607 ¶1, Interveners’ Authorities, Tab 2.

¹⁵ *Big M Drug Mart*, *supra* note 3 at 337-338, Appellants’ Authorities, Vol II, Tab 32.

¹⁶ *R v Zundel*, [1992] 2 SCR 731 at 818, Interveners’ Authorities, Tab 3.

¹⁷ *Ibid*, Interveners’ Authorities, Tab 3.

20. In modern Canada, religious groups manifest their religious beliefs by forming churches or temples, organizing charities and disseminating their faith through schools and educational institutions. These practices accord with the “essence” of religious freedom.

21. It is practically impossible for a religious group of individuals to operate, or manifest such beliefs, without legal personality. Canada’s legal framework provides for special status for churches and church associations to allow them to enter into contracts, own land or operate a bank account. The Province of Québec permits groups of individuals with “religious” objects to incorporate under Part III of Québec’s *Companies Act*, and by doing so, benefit from limited liability and other corporate rights.¹⁸ Loyola is constituted as a not-for-profit corporation with a “religious” object under this legislation.¹⁹

22. Though religious charities and advocacy groups could operate as unincorporated associations, there would be significant legal risks to the group’s members and the group would be disadvantaged when soliciting donations. Further, it is practically impossible for a religious group to operate a school or other educational institution without incorporating.

23. Religious corporations are the embodiment of religious relationships that are at the “heart” of the freedom of religion.

24. If a religious community has established a corporation that has, as its purpose, the exercise of a common faith, the imposition of a majoritarian view (secular or otherwise) may impede that community’s way of life. The state should not be allowed to coerce a religious corporation into doing anything that violates the corporation’s religious purpose, just as the state

¹⁸ *Companies Act*, RSQ, c C-38, ss 218, 226.

¹⁹ Official translation: Judgment of Québec Superior Court (The Honourable Gérard Dugré, J.S.C.), ¶216-217, Appellants’ Record, Vol I, p 97.

cannot coerce an individual member of the same religious community to do anything that violates his or her free will.

25. Though the Attorney General of Québec relies on this Court's reasons in *Big M Drug Mart* and *Edwards Books* to argue that corporations do not have religious freedom, those cases are distinguishable in that none of the defendants in either case had, as their purpose, the exercise of religion.

26. In contrast, both the Court of Appeal for Ontario and the Québec Court of Appeal have found that religious corporations or organizations can rely on section 2(a) of the *Charter*:

- In *R v Church of Scientology of Toronto*,²⁰ the Church, a corporation, was convicted of breach of trust. The Church argued, amongst other things, that the “identification doctrine” violated its freedom of religion. The Court of Appeal for Ontario held that the “corporation embodies...the beliefs of its human parishioners”. The Church could, therefore, rely “on the religious freedom of its parishioners” in asserting its section 2(a) rights.²¹
- In *Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c Val-Morin (Municipalité de)*,²² the Congregation alleged that municipal zoning regulations that prevented it from using buildings as a synagogue violated its freedom of religion. There was no dispute at trial or in the Québec Court of Appeal that the Congregation could rely on section 2(a) of the *Charter*.

²⁰ *R v Church of Scientology of Toronto* (1997), 33 OR (3d) 65, [1997] OJ No 1548 (QL) (CA), Interveners' Authorities, Tab 4.

²¹ *Ibid* at 134, Interveners' Authorities, Tab 4.

²² *Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c Val-Morin (Municipalité de)*, 2008 QCCA 577, [2008] JQ No 2459 (QL), Interveners' Authorities, Tab 5.

27. Canada's international commitments also protect group or collective religious freedom. The *Universal Declaration of Human Rights*²³ and the *International Covenant on Civil and Political Rights*²⁴ both state that the freedom of religion includes "freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

28. This protection for religious corporations or organizations is consistent with other jurisdictions. For example:

- United States of America: In *Hosanna-Tabor Evangelical Lutheran Church and School v Equal Employment Opportunity Commission*,²⁵ the United States Supreme Court held that the First Amendment "gives special solicitude to the rights of religious organizations", extending constitutional protection to religious groups for the purpose of collectively expressing and propagating shared religious ideals.²⁶
- Europe: In *Metropolitan Church of Bessarabia and Others v Moldova*,²⁷ the European Court of Human Rights held that though religious freedom is primarily a matter of individual conscience, it was manifested "in community with others".²⁸

29. The protection of religious corporations and organizations is also consistent with anti-discrimination statutes, which this Court has described as quasi-constitutional.²⁹ For example, the

²³ *Universal Declaration of Human Rights*, GA Res 217 (III), UNGAOR, 3d Sess, Supp No 13, UN Doc A/810, (1948) 71, art 18.

²⁴ *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, arts 9-14, Can TS 1976 No 47, 6 ILM 368, art 18.1.

²⁵ *Hosanna-Tabor Evangelical Lutheran Church and School v Equal Employment Opportunity Commission*, 132 S Ct 694 (2012), 2012 US LEXIS 578, Interveners' Authorities, Tab 6.

²⁶ *Ibid* ¶31, Interveners' Authorities, Tab 6.

²⁷ *Metropolitan Church of Bessarabia and Others v Moldova*, no 45701/99, [2001] ECHR (QL), Interveners' Authorities, Tab 7.

²⁸ *Ibid* ¶118, Interveners' Authorities, Tab 7.

²⁹ *New Brunswick (Human Rights Commission) v Potash Corporation of Saskatchewan Inc*, 2008 SCC 45, [2008] 2 SCR 604 ¶19, Interveners' Authorities, Tab 8.

Ontario *Human Rights Code* exempts religious organizations from the prohibition on discrimination in the provision of services or employment.³⁰

B. Modifying the Test for Freedom of Religion

30. In a freedom of religion claim, the claimant must prove that:

- (a) he or she has a practice or belief, having a nexus with religion, which calls for a particular line of conduct, either by being objectively or subjectively obligatory or customary, or by, in general, subjectively engendering a personal connection with the divine or with the subject or object of an individual's spiritual faith, irrespective of whether a particular practice or belief is required by official religious dogma or is in conformity with the position of religious officials; and
- (b) he or she is sincere in his or her belief.³¹

31. The first part of the test is concerned with whether the practice or belief being relied upon has a nexus to religion. If a corporation is asserting a section 2(a) right, it would still need to demonstrate a connection between its religion and the practice that it claims is being interfered with.

32. The second part of the test is whether the claimant sincerely or honestly holds the belief. This branch of the test should be modified to ask whether the corporation's purpose includes the exercise of that religious belief. This assessment can be based on several non-exhaustive criteria, such as the corporation's mandate or purpose, its functions and the faith of its officers or directors. However, the court should not go further and assess the "validity or veracity" of the

³⁰ *Human Rights Code*, RSO 1990, c H.19, s 18.

³¹ *Syndicat Northcrest v Amselem*, 2004 SCC 47, [2004] 2 SCR 551 ¶56, Appellants' Authorities, Vol II, Tab 39.

corporation's religious purpose nor become an "arbiter of [the] religious dogma" asserted by the corporation (no more so than it would with an individual asserting the freedom of religion).³²

C. Loyola's Freedom of Religion Has Been Infringed

33. The freedom of religion, properly understood given its purpose and essence, protects both individual religious beliefs and religious communities. If religious communities manifest their religious belief through a corporation that has, as its purpose, the exercise of religion, then that corporation also enjoys freedom of religion.

34. In this case, Loyola is a Catholic education institution administered by the Jesuit Order. Its mission, teachings and characteristics are Jesuit. All of Loyola's school life is imbued with God, faith and Catholic morality. Its purpose is to provide its students with a Jesuit Catholic education.³³

35. Loyola's students, students' parents and employees have decided to manifest their Jesuit Catholic faith and culture and pass it to future generations through Loyola. Loyola, as an institution, is therefore central to the Jesuit Catholic community, their way of life and enjoys freedom of religion.

36. The ERC requires Loyola to set aside its Jesuit Catholic (or "confessional") purpose and manifest a secular world view.³⁴

37. However, true state neutrality is only guaranteed when the state "neither favours nor hinders any particular religious belief".³⁵ The state must show "respect for all postures towards

³² *Ibid* ¶50-51, Appellants' Authorities, Vol II, Tab 39.

³³ Judgment of Québec Court of Appeal (The Honourable Allan R. Hilton, Richard Wagner, Jacques R. Fournier, J.J.C.A.), ¶182, Appellants' Record, Vol I, p 187.

³⁴ *Ibid* ¶124, Appellants' Record, Vol I, p 187.

³⁵ *SL v Commission scolaire des Chênes*, 2012 SCC 7, [2012] 1 SCR 235 ¶32, Appellants' Authorities, Vol II, Tab 37.

religion”.³⁶ For the state to promote secularism in all contexts would be to “distort liberal principles in an illiberal fashion”³⁷ and lead to “convergence liberalism”.³⁸ This type of liberalism, or alleged “state neutrality”, undermines the constitutional guarantee of pluralism by encouraging a social consensus rather than co-existence, tolerance and respect.

38. The Ministry of Education, Recreation and Sport incorrectly failed to balance the *Charter* values of freedom of religion and multiculturalism with the statutory objectives of the relevant legislation.

39. By requiring Loyola to teach and manifest a non-religious—if not anti-religious—world view, the ERC hinders Loyola's sincerely held religious beliefs and violates its freedom of religion.

PART IV: SUBMISSIONS CONCERNING COSTS

40. The Interveners do not seek their costs of this appeal. The Interveners should not be ordered to pay the whole or any part of the costs of this appeal.

PART V: ORDER REQUESTED

41. The Interveners respectfully request permission to present oral argument at the hearing of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 7TH DAY OF MARCH 2014.



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³⁶ *Ibid*, Appellants’ Authorities, Vol II, Tab 37.

³⁷ *Chamberlain v Surrey School District No 36*, 2002 SCC 86, [2002] 4 SCR 710 ¶137, Interveners’ Authorities, Tab 9.

³⁸ Iain T Benson, “Living Together with Disagreement: Pluralism, the Secular, and the Fair Treatment of Beliefs in Canada Today” (Revised and updated presentation delivered at the Ronning Centre forums at the Faith and Life Chapel, University of Alberta, 17 February 2007, and Christ Church, Calgary, Alberta, 18 February 2007) (Edmonton: McCallum Printing Group Inc, 2010) at 23-28, Interveners’ Authorities, Tab 10.

PART VI: TABLE OF AUTHORITIES

JURISPRUDENCE	CITED AT:
<i>Alberta v Hutterian Brethren of Wilson Colony</i> , 2009 SCC 37, [2009] 2 SCR 567.	¶11, ¶12, ¶13, ¶14
<i>Bruker v Marcovitz</i> , 2007 SCC 54, [2007] 3 SCR 607.	¶15
<i>Chamberlain v Surrey School District No 36</i> , 2002 SCC 86, [2002] 4 SCR 710.	¶37
<i>Congregation of the Followers of the Rabbis of Belz to Strengthen Torah c Val-Morin (Municipalité de)</i> , 2008 QCCA 577, [2008] JQ No 2459 (QL).	¶26
<i>Hosanna-Tabor Evangelical Lutheran Church and School v Equal Employment Opportunity Commission</i> , 132 S Ct 694 (2012), 2012 US LEXIS 578, 2012 US LEXIS 578.	¶28
<i>Metropolitan Church of Bessarabia and Others v Moldova</i> , no 45701/99, [2001] ECHR (QL).	¶28
<i>New Brunswick (Human Rights Commission) v Potash Corporation of Saskatchewan Inc</i> , 2008 SCC 45, [2008] 2 SCR 604.	¶29
<i>R v Big M Drug Mart</i> , [1985] 1 SCR 295.	¶9, ¶10, ¶16
<i>R v Church of Scientology of Toronto</i> (1997), 33 OR (3d) 65, [1997] OJ No 1548 (QL) (CA).	¶26
<i>R v Edwards Books and Art Ltd</i> , [1986] 2 SCR 713.	¶11, ¶12
<i>R v Zundel</i> , [1992] 2 SCR 731.	¶17
<i>SL v Commission scolaire des Chênes</i> , 2012 SCC 7, [2012] 1 SCR 235.	¶37
<i>Syndicat Northcrest v Amselem</i> , 2004 SCC 47, [2004] 2 SCR 551.	¶30, ¶32
SCHOLARLY LITERATURE	CITED AT:
Iain T Benson, “Living Together with Disagreement: Pluralism, the Secular, and the Fair Treatment of Beliefs in Canada Today” (Revised and updated presentation delivered at the Ronning Centre forums at the Faith and Life Chapel, University of Alberta, 17 February 2007, and Christ Church, Calgary, Alberta, 18 February 2007) (Edmonton: McCallum Printing Group Inc, 2010).	¶37

PART VII: CONSTITUTION, STATUTES AND INSTRUMENTS

<p><i>Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.</i></p>	<p><i>Charte canadienne des droits et libertés, partie I de la Loi constitutionnelle de 1982, constituant l'annexe B de la Loi de 1982 sur le Canada (R-U), 1982 c 11.</i></p>
<p>Fundamental Freedoms</p> <p>2. Everyone has the following fundamental freedoms:</p> <p style="padding-left: 40px;">(a) freedom of conscience and religion;</p> <p style="padding-left: 40px;">[...]</p> <p>Multicultural heritage</p> <p>27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.</p>	<p>Libertés fondamentales</p> <p>2. Chacun a les libertés fondamentales suivantes :</p> <p style="padding-left: 40px;">a) liberté de conscience et de religion;</p> <p style="padding-left: 40px;">[...]</p> <p>Maintien du patrimoine culturel</p> <p>27. Toute interprétation de la présente charte doit concorder avec l'objectif de promouvoir le maintien et la valorisation du patrimoine multiculturel des Canadiens.</p>

<p><i>Companies Act, RSQ, c C-38.</i></p>	<p><i>Loi sur les compagnies, LRQ, c C-38.</i></p>
<p>Formation of New Legal Persons</p> <p>218. The enterprise registrar may, by letters patent under his hand and seal, grant a charter to any number of persons, not less than three, who apply therefor, for objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional, athletic or sporting character, or the like, but without pecuniary gain.</p> <p>Such charter shall constitute such persons, and others who have become subscribers to the application and memorandum hereinafter mentioned and who thereafter become members of the legal person thereby created, as a legal person for any of the purposes or objects above set forth or other objects of the same nature, and for no other purpose.</p> <p>The letters patent issued by the enterprise registrar under his hand and seal shall have the</p>	<p>De la Formation et du Fonctionnement de la Personne Morale</p> <p>218. Le registraire des entreprises peut, au moyen de lettres patentes sous ses seing et sceau, accorder une charte à tout nombre de personnes, n'étant pas moindre que trois, qui demandent leur constitution en personne morale sans intention de faire un gain pécuniaire, dans un but national, patriotique, religieux, philanthropique, charitable, scientifique, artistique, social, professionnel, athlétique ou sportif ou autre du même genre.</p> <p>Cette charte constitue les requérants qui ont signé la requête et le mémoire ci-après mentionnés et les personnes qui deviennent subséquemment membres de la personne morale créée par elle, en personne morale pour le ou les objets ci-dessus énumérés ou autres objets de même genre et pour nulle autre fin.</p>

<p><i>Companies Act, RSQ, c C-38.</i></p>	<p><i>Loi sur les compagnies, LRQ, c C-38.</i></p>
<p>same effect as if they were issued by the Lieutenant-Governor under the Great Seal.</p> <p>[...]</p> <p>226. The members shall not be personally responsible for the debts of the legal person.</p>	<p>Les lettres patentes délivrées par le registraire des entreprises sous ses seing et sceau ont le même effet que si elles étaient délivrées par le lieutenant-gouverneur sous le grand sceau.</p> <p>[...]</p> <p>226. Les membres ne sont pas personnellement responsables des dettes de la personne morale.</p>

<p><i>Human Rights Code, RSO 1990, c H.19.</i></p>	<p><i>Code des droits de la personne, LRO 1990, c H.19.</i></p>
<p>Special interest organizations</p> <p>18. The rights under Part I to equal treatment with respect to services and facilities, with or without accommodation, are not infringed where membership or participation in a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by a prohibited ground of discrimination is restricted to persons who are similarly identified.</p>	<p>Groupement sélectif</p> <p>18. Ne constitue pas une atteinte aux droits, reconnus dans la partie I, à un traitement égal en matière de services et d'installations, avec ou sans adaptation, le fait qu'un organisme ou un groupement religieux, philanthropique, éducatif, de secours mutuel ou social dont le principal objectif est de servir les intérêts de personnes identifiées par un motif illicite de discrimination, n'accepte que des personnes ainsi identifiées comme membres ou participants.</p>

<p><i>International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171, arts 9-14, Can TS 1976 No 47, 6 ILM 368.</i></p>	<p><i>Pacte international relatif aux droits civils et politiques, 19 décembre 1966, 999 UNTS 171, arts 9-14, RT Can 1976 no 47, 6 ILM 368.</i></p>
<p>Article 18.</p> <p>1. Everyone shall have the right to freedom of thought, con science and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.</p>	<p>Article 18.</p> <p>1. Toute personne a droit à la liberté de pensée, de conscience et de religion; ce droit implique la liberté d'avoir ou d'adopter une religion ou une conviction de son choix, ainsi que la liberté de manifester sa religion ou sa conviction, individuellement ou en commun, tant en public qu'en privé, par le culte et l'accomplissement des rites, les pratiques et l'enseignement.</p>

<p><i>Universal Declaration of Human Rights, GA Res 217 (III), UNGAOR, 3d Sess, Supp No 13, UN Doc A/810, (1948) 71.</i></p>	<p><i>Déclaration universelle des droits de l'Homme, Rés AG 217 (III), Doc off AG NU, 3^e sess, supp no 13, Doc NU A/810 (1948) 71.</i></p>
<p>Article 18.</p> <p>Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</p>	<p>Article 18.</p> <p>Toute personne a droit à la liberté de pensée, de conscience et de religion; ce droit implique la liberté de changer de religion ou de conviction ainsi que la liberté de manifester sa religion ou sa conviction seule ou en commun, tant en public qu'en privé, par l'enseignement, les pratiques, le culte et l'accomplissement des rites.</p>

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE QUÉBEC COURT OF APPEAL)**

BETWEEN:

LOYOLA HIGH SCHOOL AND JOHN ZUCCHI

Appellants
(Respondents)

– and –

ATTORNEY GENERAL OF QUÉBEC

Respondent
(Appellant)

– and –

CANADIAN COUNCIL OF CHRISTIAN CHARITIES, EVANGELICAL FELLOWSHIP OF CANADA, CHRISTIAN LEGAL FELLOWSHIP, WORLD SIKH ORGANIZATION OF CANADA, ASSOCIATION OF CHRISTIANS EDUCATORS AND SCHOOLS CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION, CATHOLIC CIVIL RIGHTS LEAGUE, ASSOCIATION DES PARENTS CATHOLIQUES DU QUÉBEC, FAITH AND FREEDOM ALLIANCE, ASSOCIATION DE LA COMMUNAUTÉ COPTE ORTHODOXE DU GRAND MONTRÉAL, FAITH, FEALTY AND CREED SOCIETY, HOME SCHOOL LEGAL DEFENCE ASSOCIATION OF CANADA, SEVENTH-DAY ADVENTIST CHURCH IN CANADA AND SEVENTH-DAY ADVENTIST CHURCH - QUEBEC CONFERENCE, CORPORATION ARCHÉPISCOPALE CATHOLIQUE ROMAINE DE MONTRÉAL and L'ARCHEVÊQUE CATHOLIQUE ROMAIN DE MONTRÉAL

Interveners

**FACTUM OF THE INTERVENERS
CATHOLIC CIVIL RIGHTS LEAGUE, ASSOCIATION DES PARENTS CATHOLIQUES DU QUÉBEC, FAITH AND FREEDOM ALLIANCE
and ASSOCIATION DE LA COMMUNAUTÉ COPTE ORTHODOXE
DU GRAND MONTRÉAL**

(Rule 42 of the *Rules of the Supreme Court of Canada*)

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