



# Catholic Civil Rights League

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Monthly highlights

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## SCC decision limits parental rights, says League

The Catholic Civil Rights League (CCRL) provided this comment February 17 on the decision of the Supreme Court of Canada in the case of Quebec parents who sought an exemption for their children from the mandatory Ethics and Religious Culture (ERC) course. The League intervened in the appeal as part of the Christian Coalition for Parental Rights in Education (RCDPE), in support of the right of parents to exempt their children from the course.

“The Supreme Court has denied the request for exemption in this case, on a finding that the Appellants could not meet the evidentiary burden of how the course was delivered to support a finding of interference with their right to religious freedom” said Philip Horgan, President of the Catholic Civil Rights League. “In part, that evidentiary burden could not be met because the parents had removed their two children (one of whom was six years old when the program was introduced) from the course.”

The court found the evidence submitted by the parents to be insufficient, without acknowledging that this process was initiated in 2008, and the parents could only introduce the original curriculum and the only textbook that had been produced at the time they commenced this process.

In effect, the court has asserted that all Quebec parents must expose their children to this course (including the more than 2,000 parents who sought such exemptions), obtain an evidentiary record for their concerns or their allegations, and

return to the process of seeking an exemption from their local school board.

The court leaves open the possibility that such an application with the proper evidentiary support could be mounted in the future.

The court's determination is contrary to the finding of the Quebec Superior Court in the case involving Loyola High School (currently under appeal), which decided in June, 2010, that the efforts of the Quebec Ministry of Education to impose the ERC course on a private boys high school violated the freedom of religion of its stakeholders.

As a result of today's decision, Quebec parents will need to maintain a serious vigilance on these issues, and secure their own evidentiary record, presumably from their experiences from the first three and a half years of the implementation of the course, in order to return to the process of seeking exemptions if they find that their religious beliefs are being compromised in the classroom.

The overall impact of the court's decision enlarges the state's role into family autonomy. The denial of the exemption in this case merely invites thousands of Quebec parents to seek exemptions, as they are entitled to do under the province's public education legislation, in order to maintain the right to chart the course of their children's moral upbringing.

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The rights of parents as first educators of their children are upheld in numerous documents in international protocols as well as within Canada. These documents include the Charter of Rights and Freedoms of Quebec, the Civil Code of Quebec and the Universal Declaration of Human Rights (Article 12 and 26), the Convention on the Rights of the Child (Article 18).

Today's decision is also contrary to some international trends, such as a decision two weeks ago by the new government of Spain to pull a controversial social studies program to which many parents had objected.

The League urges the government of Quebec to take the concerns of parents seriously, and to provide an alternative delivery of a program which accords with their religious rights, which numerous surveys have indicated a majority of Quebec parents would prefer.

### **Bill C-304 passes second reading**

The League was pleased to learn February 15 that Bill C-304, introduced September 30 by MP Brian Storseth (CPC-Westlock-St. Paul), passed its second reading vote 158-131 February 15 in the House of Commons, and has been sent to the Standing Committee on Justice and Human Rights for study. If it passes a third and final reading following the committee's report, it will repeal the section of the federal human rights code banning hate speech over the Internet.

Because Section 13 has been used to penalize the peaceable expression of opinion based on religious belief, the League has long supported efforts to rescind or significantly re-interpret it to protect freedom of religion and freedom of speech. The case against Catholic Insight magazine is just one instance where the Section, and similar provisions in provincial human rights codes, has been used to penalize the peaceful expression of opinion based on religious belief.

"The hate speech provisions in the Criminal Code provide limits on expression that are sufficient in a democracy," says Joanne McGarry, League executive director. "A situation where accusers are free to file complaints that may even lack a serious basis, and then leave the accused to pay his or her own potentially high costs in response, is unacceptable. Freedom of expression and freedom of religion are both Charter rights, and any limitation on them belongs in Parliament and the courts, not administrative tribunals."

### **Media Watch**

#### **Star's choice of graphics demeans Catholicism**

We have written to The Toronto Star concerning the use of graphics offensive to Catholics in a February 22 article about an art show by a Canadian fringe artist working in Europe. Among other things, we pointed out that their editors seemed to believe words were sufficient when the issue at hand was the Mohammed cartoons, even though the newsworthiness was much greater, and questioned the double standard.

**Let the League know: If you see articles, notices of TV programs or other media content that you believe have serious anti-Catholic content, please contact us at [ccrl@ccrl.ca](mailto:ccrl@ccrl.ca) to help us evaluate and respond in a timely way.**

*Mark your calendars:* League annual dinner takes place Thursday June 7 in Toronto. Guest speaker Robert Ventresca, professor of history at Kings University College, London, Ontario, is Canada's leading authority on Pope Pius XII's wartime efforts to limit harm to Jews and other persecuted groups. Ticket information will be mailed in April.

### **Supporting the League**

*We rely completely on your generous support to continue our work.* Gifts can be made online ([www.ccrl.ca/join/donate](http://www.ccrl.ca/join/donate)) or by mail to CCRL, 500-120 Eglinton Ave. E., Toronto