



The Catholic Civil Rights League

www.ccrl.ca

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SCC decision limits parental rights, says League

The Catholic Civil Rights League (CCRL) provided the following commentary 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 experi-



Above: Supreme Court of Canada building in Ottawa.

ences 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.

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.

Ontario's "Respecting Difference" supports Catholic education rights in anti-bullying

"Respecting Difference" establishes guidelines for Catholic school boards to follow in implementing anti-bullying strategies that will be both comprehensive and consistent with Catholic teaching on sexual morality. The report was issued January 26 by the Ontario Catholic School Trustees Association (OCSTA) on behalf of the joint Ontario Catholic bishops and OCSTA committee tasked with developing guidelines regarding the establishment and operation of activities or organizations promoting equity and respect for all students in Catholic schools. It follows months of controversy surrounding "Gay-Straight Alliances" in Ontario's publicly-funded schools.

The report states that "Respecting Difference" groups can be established in Catholic schools provided they are open to all students, consistent with Catholic teaching, led by adults who know and are committed to Catholic teaching, and limit outside speakers to those respectful of Catholic teaching. "Student activities or organizations are not intended as fora for activism, protest or advocacy of anything that is not in accord with the Catholic faith foundation of the school." The report, available through a link from this article on our website (ccrl.ca), places bullying based on sexual orientation in the wider context of the need for a welcoming and accepting school atmosphere for all students.

By opposing all forms of bullying and insisting on the rights of Catholic schools to operate student clubs and organizations in a manner consistent with Church teaching, "Respecting Difference" emphasizes Catholic schools' commitment to equality for all members of the school community. It also stresses the importance of conforming to Catholic teaching, which is what parents expect when they choose a Catholic school for their children. Catholic parents and educators should insist that the Ontario government respect this constitutionally-guaranteed reality. Unfortunately, both Premier McGuinty and Education Minister Laurel Broten have indicated that they want issue-specific clubs such as GSAs available in all schools.



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Bill C-304 passes second reading

The League was pleased to learn 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. We encourage our members to support Bill C-304.

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."

League supports effort to update legal definition of personhood

Canada's Criminal Code provisions surrounding the legal rights of the unborn child are confusing and not in step with medical and social realities. Therefore the Catholic Civil Rights League supports recent efforts by MPs, including Stephen Woodworth and Jeff Watson, recommending that the provisions be discussed in Parliament. "While most people acknowledge that human life is present from conception onward, legal personhood is a different story; it is denied until complete, live birth has occurred," notes Joanne McGarry, League executive director. "Medical science has seen numerous advances in pre-natal treatments for the fetus, so we believe many Canadians would like to see laws affecting personhood updated to reflect today's realities."

As MP Stephen Woodworth stated in a December 21 media release, Section 223 (1) of the Code "defines a human be-

ing as a child who has completely proceeded in a living state from the mother's body, whether or not the child has breathed. This means that in Canada a child is legally considered to be sub-human while his or her little toe remains in the birth canal, even if he or she is breathing."

Mr. Woodworth added that this law is based on 400-year old jurisprudence that has never been updated.

Section 223(2) also speaks to this issue, stating that a homicide occurs when a person deliberately injures a child before or during its birth and the child dies after exiting the birth canal. If the child dies before birth as a result of the same act, no charges are possible under this Section.

These laws do not reflect modern medical realities, and Parliament is the best setting to discuss whether they reflect today's understanding of human rights and personhood. The League would support appropriate legislation to update the provisions.

On February 6, Mr. Woodworth filed Motion #312 with the Clerk of the House of Commons to ask Parliament to form a special Committee to study Canada's 400 year old definition of "human being" and report back to the House on the medical evidence it finds and on options to deal with this archaic law. If passed, this motion may lead to some form of recognition that the preborn child is indeed a "human being" and may deserve some protection under the law. In any event, the motion will get a couple of hours debate in parliament when it comes up for debate, probably in later March.

To express support for this motion, there are petitions available through the websites of Life Canada (www.lifecanada.ca) and Priests for Life Canada (www.priestsforlifecanada.com). Letters to MPs should be sent to them personally at:
House of Commons
Ottawa ON K1A 0A6

Poll shows better palliative care is needed, says League

The League commented January 3 on results of a Forum Research Poll finding that 67 per cent of Canadians surveyed said they support making it legal for doctors to help the terminally ill kill themselves. The poll, taken December 13 when a high profile assisted death court case was in the news, surveyed 1,160 adults across Can-

ada using accepted professional polling techniques. The question was "Are you in favour of making physician-assisted suicide legal in Canada for the terminally ill." Support was very high in Quebec (81 per cent) and ranged from 60 to 65 per cent in other parts of Canada.

"The result is fairly consistent with what other polls have found in the past, and really speaks more to the need for improved palliative and other end-of-life care," said Joanne McGarry, League executive director. "For most of us, it's not that we want help in committing suicide so much as that we don't want a painful or protracted end. This is the issue that we spoke to in our respect-life submission to the parliamentary committee on this topic, and the committee's recent research and report put a strong emphasis on it."

People who support assisted suicide usually do so in a qualified way, and often express concerns about it being abused to the point where vulnerable people such as the elderly and disabled could be killed against their will. Most polls, such as that conducted last fall by Life Canada, find that these concerns are significant even if support for euthanasia or assisted suicide is expressed.

Chapter contacts

For upcoming meetings of our *Windsor-Essex chapter* contact Bob Baksi at robert@baksi.com.

Antigonish chapter: Contact Greg MacDougall, chapter president danielgregmacdougall@hotmail.com, for details. From September to June the chapter meets the first Tuesday of each month.

St. Catharines Chapter: Contact Justin O'Donnell at justinodonnell@cogeco.ca

League annual dinner June 7

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. Nominations for the Archbishop Adam Exner Award for Catholic Excellence in Public Life are welcome. The award, which is presented at the dinner, recognizes outstanding achievements fields such as education, philanthropy and evangelization. Suggestions can be mailed to us at the address below, or e-mailed to ccrl@ccrl.ca.

Media Watch

Double standard thrives at Star

The following letter, which was not published, was sent to the Toronto Star by the League in response to some photos included with an article about a minor Canadian fringe artist living in Europe. The article (Poking sacred icons draws reaction, Star, Feb. 23) concerned reaction in Madrid to the show "Obscenity" by Bruce La Bruce. Thanks to the League members who alerted us to the article, and wrote letters of their own to the newspaper. Text of the League letter follows:

There may be some merit in a news report about a controversy in Spain caused by a show called "Obscenity", given that the artist involved is Canadian. However, running some photos from the exhibit is rather insulting to readers, particularly Catholic readers. The mock simulation of Holy Communion, complete with a host on the tongue, is particularly insensitive. The fact that the sacrament is at the centre of Catholic life is well known. You could have safely assumed that the descriptions in the article were quite sufficient for the reader; in fact, you seemed to understand this well back in 2005, when the issue at hand was the "Mohammed cartoons" that you decided not to publish, even though they had caused rioting all over the world and were quite a bit more newsworthy than this comparatively obscure art show. Plainly a double standard is alive and well when it comes to satirical religious images!

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 to help us evaluate and respond in a timely way.

Membership appeal update

Next month we will begin our Spring development appeal with a special invitation to bring in new members. The League relies completely on individual donors to sustain our activities, and steady growth in our membership base will help us keep fundraising appeals to a reasonable level. Unfortunately membership growth has slowed in recent months as deaths and changes of address have not been matched by new subscriptions.

If you are able to distribute membership brochures or newsletters among family, friends and your parish community, we'd be happy to send you some. The League is pleased to address parish and school groups in regions where we have a director available. Contact Joanne at 416-466-8244 for more information.

To support the League without receiving further fundraising letters, please consider our monthly giving program. Available through auto-debit, Visa or MasterCard, your gift will provide the League with steady support throughout the year and help reduce your mail load. Whatever your choice, all donations are greatly appreciated.

Do we have your e-mail address?

If you would like to receive our monthly electronic newsletter, just send your request with your name and e-mail address to ccrl@ccrl.ca

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Support the League

We rely completely on your generosity to continue our work. Gifts can be made online (www.ccrl.ca) or by mail to CCRL, 500 – 120 Eglinton Ave. E., Toronto, ON M4P 1E2., using this convenient form:

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