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the public expression of opinion based on religious belief.

The appeal was initiated by the SHRC when its decision against Whatcott was thrown out by the Saskatchewan Court of Appeal (League press releases, June 14). The SHRC brought Whatcott before the Saskatchewan Human Rights Tribunal in 2006 over his practice of distributing flyers outlining his opinion about the dangers of abortion and homosexuality. It launched its case following several complaints over a series of flyers that he had delivered in Saskatoon and Regina in 2001 and 2002. The Tribunal found that Whatcott had violated section 14(1)(b) of the province's human rights code, which prohibits speech that "exposes or tends to expose to hatred, ridicules, belittles or otherwise affronts the dignity of any person or class of persons on the basis of a prohibited ground." He was ordered to pay a \$17,500 fine and to cease publicly spreading his beliefs about homosexuality.

Our oral presentation is scheduled for Oct. 2. The League has been allotted 10 minutes presentation time, the maximum permitted to any one intervenor.

### Education article continued

(from page one)

As the first educators of their children, Catholic parents have a right to expect that their schools will not allow clubs, guest speakers or partnerships with organizations that have a primary purpose at odds with Church teaching. Groups devoted to advancing same sex marriage would be an obvious example, and there have been cases where they have spoken in Catholic schools under the umbrella of anti-bullying programs.

Election candidates should be asked if they support the right of Catholic schools to support equity policies that conform to Catholic teaching. In other issues, the League also recommends that voters ask candidates for their position on abortion funding, the use of mandatory union dues for partisan political advocacy and other issues of concern to them.

The League has been helping parents assert their rights as the primary educators of their children in several cases over the past year. In B.C., Western Region Director Sean Murphy helped parents protest some of the "anti-homophobia, anti-heterosexism" content in the board's equity policy, emphasizing the need for a policy against ALL bullying. The Declaration on the Authority of Parents and Guardians in the Education of their Children drafted by Mr. Murphy, has been adopted by numerous parent activists and is available on our website. In Quebec, we are intervening in the Supreme Court of Canada appeal of parents seeking the right to exempt their children from the province's new Ethics and Religious Culture course. A decision on the appeal is expected this Fall.

### Development appeal commences next month

The League will launch its semi-annual fundraising and development drive in October. In addition to the court cases and other issues discussed in this newsletter, we have our ongoing media relations program and support for educational events that we would like to continue. To support the League without receiving two or three fundraising letters a year, 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.*

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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](http://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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## The Catholic Civil Rights League

[www.ccrl.ca](http://www.ccrl.ca)

Quarterly highlights, September, 2011

### Make education stronger election issue, League says

In a press release Sept. 22, the League encouraged its Ontario members and supporters to take a stronger stand for the education of their children as almost all polls leading up to the October 6 provincial election show that education is not seen as a major issue by most voters.

"We're aren't disputing the importance of health care, job creation and other issues in this election, but the right to have Catholic schools that reflect Catholic teaching has been challenged in recent months," says Joanne McGarry, League executive director. "The possibility of losing publicly-funded Catholic schools is never far from the surface in Ontario, and there are groups that will use the controversy over equity policies and Gay-Straight Alliances (GSAs) in schools to push that agenda."

Throughout Ontario, many Catholic parent groups and teachers have expressed concerns that the province's requirement for all school boards to adopt an equity and inclusiveness in education (E.I.E.) policy could include provisions relating to homosexuality that are in conflict with Church teaching. Most concerns centre around the provision encouraging gay/straight alliances (GSAs) in high schools, and the assumption that same sex relationships must be accepted on the same basis as opposite sex ones.

The policy, developed by the Ministry of Education with input from numerous groups, ranging from the Coalition for Lesbian and Gay Rights in Ontario to educational organizations such as the Institute for Catholic Education, is devoted to prohibiting all forms of discrimination on the grounds of race, colour, creed, gender, sexual orientation, and all other prohibited grounds as enumerated in the Ontario Human Rights Code. Much of the policy is devoted to promoting equality for all racial, ethnic and income groups and is not controversial. Ontario Ministry of Education policy requires that all boards, public and Catholic, have a written policy by the end of 2012.

Kathleen Wynne, minister of transportation and the former minister of education, has made it clear that she expects Catholic schools to adopt the program completely. "I think that the Catholic boards will all come around. And the premier has been very clear that if students want to form a group that deals with these issues of equity and homophobia, and allows kids from different backgrounds to have conversations about these issues, that those students must be allowed to do that," she told Xtra magazine, Canada's leading publication for the homosexual market, in an interview published Sept. 7. *(See page four)*

### League AGM to take place October 13

TORONTO, ON September 9, 2011 – The annual general meeting of the Catholic Civil Rights League will take place Thursday, Oct. 13 in downtown Toronto. League members and guests are encouraged to attend.

Attendees are invited to join us at the 5:30 Mass at St. Michael's Cathedral, which will be offered in memory of deceased members of the League. The business portion of the meeting will begin at 7 pm just across the road in the auditorium of St. Michael's Choir School, 66 Bond Street. A light buffet will be available.

Guest speaker will be Daniel Santoro, lawyer to pro-life protester Linda Gibbons, who has repeatedly challenged the injunction creating a bubble zone around several Toronto abortion clinics through silent protest. Ms. Gibbons has spent roughly nine of the past 17 years in jail for violating the bubble zone, and her case is now the subject of an appeal in the Supreme Court of Canada. Mr. Santoro will share valuable insights into the civil rights implications of Linda's case. The meeting will include the presentation of annual activity and financial reports, and voting for the slate of directors. You are eligible to vote if your name and complete address are in our database and you have made a donation in the 12 months preceding the meeting.

## **Media Watch: World Youth Day coverage misleading**

As we noted in a membership message Aug. 17, World Youth Day in Madrid did not attract a great deal of media coverage and what there was tended to focus on a small protest rather than on the large number of pilgrims. Concerns about costs were reported deadpan, despite the easily available facts that sponsors were covering the expenses and that, given the money the pilgrims would bring in, the net benefit was likely to be in the neighbourhood of \$72 million in costs and \$142 million in benefits.

More problematic, however, was the report by several wire services that priests hearing confessions at the event had been given special permission by the Archbishop of Madrid to “lift” excommunications incurred by penitents who confessed abortions. While these reports were not inaccurate, the potential for misunderstanding was great enough that the League asked Father Tom Lynch, pastor in the Peterborough Diocese and professor of theology, for some clarification.

“To incur an excommunication (for having an abortion), a woman has to be over 18 and free of fear, non-coerced and know what she is doing. I have spoken to well over 100 post-abortion women and never found anyone free of fear or non-coerced and even full knowledge is often lacking. Because of the severity of the action of killing a child, it is held that excommunication would be automatic if those conditions were met. The sin, if any, arises from the degree of responsibility. I have heard almost all of them speak about being almost “robots” as they come up to and go through the procedure. This seems to strongly mitigate any responsibility and therefore sin and the possibility of excommunication.

“Normally, a priest has the power to hear confessions about anything in the entire world (its called “jurisdiction”) unless a) his bishop or superior has restricted him - anywhere in the world or b) the local bishop has restricted or forbidden him within that ordinary's diocese. I think two things are at play here.

“(Chances are) the ordinary of Madrid wanted to be sure that all priests who came for the WYD know that they can lift the possible excommunication of abortion. The WYD can be powerful occasions of repentance and grace. Also, he may want to make a political statement about the awful and stark reality of abortion as the killing of the preborn.”

### **Pope “a divine figure,” says Star**

A sense of humour was in order when The Toronto Star, perhaps looking for a quick way to summarize historic doctrinal differences in a few lines, stated in a news report that Catholics regard the Pope as “a divine figure” while Coptic Orthodox regard him as “a human being.” The rest of the August 8 article was an accurate account of the threat of a Coptic Orthodox group to withdraw children from the Toronto Catholic school system if some changes aren't made to the board's proposed equity policy.

In our letter, we pointed out that while Catholics recognize the Pope as the authoritative voice on matters of Catholicism, we also know that he is indeed a human being. Although no letters were printed on the topic, there was a correction August 20. Thanks to numerous League members for bringing the article to our attention.

### **CBSC downplays concerns about “watershed hour”**

On July 28, HBO Canada aired the documentary “Hugh Hefner, Playboy, Activist and Rebel” at 3:30 p.m. Because the program featured adult topics and nude photographs it was clearly outside the Canadian Broadcast Standards Council's guideline for restricting such material to after 9 pm. In a letter in support of several League members' complaints, the League pointed out that this traditional “watershed hour” is widely disregarded, particularly by specialty networks. “Most will include a viewer advisory, but these advisories tend to lose their meaning, if not go unnoticed entirely, when they're repeated over and over again. A far better course would be to observe the 9 pm guideline consistently.”

Their response – saying they couldn't deal with our concern because it wasn't about just one program – displayed only a limited understanding that our complaint concerned a general and growing problem. Nevertheless, they stated that they will process and attempt to resolve our members' complaints, and we will report on the outcome.

*Let the League know:* Articles, cartoons and advertising that you believe have anti-Catholic content should be sent to [ccrl@ccrl.ca](mailto:ccrl@ccrl.ca) to help us respond in a timely way.

## **National roundup**

### **MP's proposal to change prostitution law welcomed**

The League wrote to MP Joy Smith July 15 to thank her for her plan to introduce a private member's bill that would strengthen Canada's prostitution laws. The proposal, which will be introduced this Fall, is based on the “Nordic model,” adopted in several Scandinavian countries, in which customers and profiteers can be charged, but the prostitutes themselves rarely are.

In thanking Mrs. Smith for her initiative in this matter, we noted that Parliament is the place for changes to social policy, not the courts. “We are part of (the current court case) not because we think our current laws are perfect, but rather because we think they offer at least some protection for those coerced and exploited into being part of the business, and because we think any fundamental social change should be made in Parliament, not in the courts. Proposals such as yours are an important means of getting such social policy matters back into Parliament, and we commend you for it. Be assured that all our members will be following the progress of this bill closely.”

### **Doctors cannot arbitrarily overrule family in end-of-life care, court rules**

The Ontario Court of Appeal ruled unanimously June 29 that doctors cannot unilaterally cease treatment over the objections of family members, but rather that it is necessary for them to refer their concerns to the Ontario Consent and Capacity Board, which has the jurisdiction to determine the issue of consent and to address any challenges to that consent made by a doctor. The case relates to a medical conflict over the fate of Hasan Rasouli, who has been in a coma at Sunnybrook Hospital and whose doctors argued they did not need the family's consent to withdraw life-sustaining treatment. The family believed such cessation would violate his religious beliefs. Ontario's appeal court said the family's wishes could not be overruled by the doctors.

The three justices writing for the Appeal Court unanimously upheld a Superior Court decision saying that withdrawing life-support constituted medical treatment and required the consent of the patient's family. When the family refuses consent, doctors must appeal to the Ontario Consent and Capacity Board for a decision, they said.

The Consent and Capacity Board includes lawyers, psychiatrists, and citizens in Ontario who are appointed by the province to resolve disputes such as in the Rasouli case between doctors and the family. The Euthanasia Prevention Coalition, of which the League is a member, says the case will set a precedent for the resolution of similar conflicts across Canada, upholding the importance of the wishes of the patient and the family. This decision has profound implications for patients in terms of feeling safe and secure in accessing medical services near the end of life, says Euthanasia Prevention Coalition Executive Director Alex Schadenberg, whose organization intervened in the Appeal.

### **League letter on euthanasia**

There is significant confusion about what is meant by euthanasia, and it could be influencing what people say in one poll or another. Euthanasia needs to be clearly understood as the taking of intentional steps with the primary motive of ending life. It is not the decision to discontinue active treatment that can be of no further benefit, or to increase the dosage of pain killer even though a secondary effect might be to shorten life. Once the distinction is well-understood, people often recognize that legalizing euthanasia would put severe emotional strain on the already-stressed family members who would have to make the decision in many cases, and serious ethical dilemmas for medical practitioners. It would also create religious and conscientious freedom issues for doctors, nurses, pharmacists and other health care professionals who do not wish to participate. These are just some of the reasons why the law, as you say, needs to err on the side of life.

- from League Executive Director Joanne McGarry, **Globe and Mail**, Sept. 13/11

### **Saskatchewan hate speech provision must be struck, says League**

The League, as an intervenor in the Supreme Court of Canada Appeal of the case between William Whatcott and the Saskatchewan Human Rights Commission, has filed its factum in the case and made it available online through a link from this article on our home page, [www.ccrl.ca](http://www.ccrl.ca).

The appeal aims to strike down Section 14 of the Saskatchewan Human Rights Code, which restricts freedom of expression. The outcome will have implications for