



Religious Freedom and the Rule of Law:

**A case study of the province of Quebec
Mais oui, mais non!**

The Province of Quebec

Canada's French province

Until 1960s Quebec was very Roman Catholic – 90% attended church on Sunday

Roman Catholic Church ran schools, labour unions, hospitals, social services

In 1960s, Quiet Revolution – Quebec abandoned the Church and the state took over all the functions

Now it is the most secular province – 4% attend church on Sunday

Religious Minorities in Quebec

- Quebec has many minority religions present:
 - Protestant Christian – 4.7%
 - Orthodox Christian – 1.4%
 - Muslim – 1.5%
 - Jewish – 1.25%
 - Buddhist – 0.6%
 - Hindu - .34%
 - Sikh - .12%

Jehovah's Witnesses in Quebec

Jehovah's Witnesses are a small, Christian sect that strongly opposes Roman Catholicism

This made them very unpopular in Quebec, which is Roman Catholic

During Second World War, 1930-1945, they were a banned organization in Canada at the request of Quebec bishops

In the 1950s, the Premier of Quebec had a campaign of oppression against them and 1500 were arrested

Jehovah's Witnesses in court

- A series of court decisions laid groundwork for religious freedom:
 - Saumur v. City of Quebec (1953) – distribution of literature
 - Chaput v. Romain (1955) – freedom of assembly
 - Roncarelli v. Duplessis (1959) – rule of law
 - Lamb v. Benoit (1959) – freedom of speech
- In 1960, Canada adopted a Bill of Rights

Charter of Rights 1982

- Charter of Rights requires all levels of government to protect religious freedom:
 - S. 2(a) “freedom of conscience and religion”
 - S. 15 – equal protection of the law without discrimination on the basis of religion
- S. 24 allows anyone to go to court to enforce rights under the Charter
- S. 33 allows a government to override sections of the Charter for a period of 5 years

Bill 21 - “An Act respecting the laicity of the state”

- Passed in June 2019
- Bans all government employees from wearing religious symbols at work – includes politicians, bureaucrats, teachers, police, judges, doctors and nurses
- Some religions have dress requirements so this law disproportionately affects them:
 - Muslim women → hijab
 - Sikh men and women → turban
- Quebec invoked s. 33 to prevent court challenge

Court challenge to Bill 21

- Hak v. Attorney General of Quebec – June 2021
- Invoking s. 33 insulates the law from review under the Charter
- Very narrow scope of review where s. 33 does not apply
- Court is clear that it does not like the law but allows Quebec government to violate religious freedom
- Many religious adherents will have to choose between a job and their religion