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Quebec parents lose religious freedom case

Superior court says children cannot opt out of ethics and religious course

Deborah Gyapong

Canadian Catholic news (07.09.2009) / HRWF (09.09.2009) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - A Quebec Superior Court judge has ruled against Drummondville parents who want to opt their children out of the province's mandatory ethics and religious culture course.

The parents had sued their local school board, arguing the course violated parental rights and religious freedom. But the Aug. 31 court decision rejected those claims.

The decision relied heavily on the testimony of expert witness Father Gilles Routhier, a theologian at Laval University in Quebec City.

In an interview Sept. 1, Routhier said his testimony relied heavily on the Second Vatican Council's Decree on Religious Freedom. He told the court the course did not violate religious freedom because it does not pressure students to accept beliefs they do not share.

State intervention

However, the Coalition for Freedom in Education (CLÉ), a group representing citizens across the province, objected to the state acting as an interpreter of religious beliefs.

"To see a judgment that is so precisely based on Catholic dogma is a surprise to us," said Coalition for Freedom in Education (CLÉ) spokesperson Richard Décarie in an interview Sept. 1.

The courts are qualified to judge whether beliefs are sincerely held, but not to referee among various interpretations of religious belief, Décarie said.

CLÉ also represents evangelical parents who pulled their children out of the religious culture course in Granby, Quebec.

Growing opposition

CLÉ leads a growing movement of religious parents from other faiths, including Muslims and Jews, who oppose the program. A May Léger Marketing poll showed 73 per cent of

Quebecers think parents, not government, should decide the moral and religious training students receive in school.

"It's not a question of interpreting one religion against another, it's a question of rights," Décarie said.

He said CLÉ would assist the parents if they continue the fight up to the Supreme Court. The Drummondville parents are conferring with their lawyers on whether to appeal.

"The parents' modest means, when compared to those of the state, financed by our very own taxes, will not prevent us from appealing against this decision, if need be," said CLÉ president Marie-Josée Croteau in a statement.

Décarie expressed disappointment the Assembly of Quebec Catholic Bishops has not sided with the parents.

Instead, the bishops indicated they would withhold judgment for three years from the course's introduction in 2008. Then they would assess not only concerns about the content, but also on how the program has been implemented.

The Quebec bishops, however, are divided. Cardinal Marc Ouellet is among those who have spoken against the compulsory course.

Routhier acknowledged there is debate about whether the course content is relativistic.

Teaching children about other faiths is good, he said. For Muslims, for example, this is the first time they might hear what Christians believe.

He found the course material did not make judgments about the various faiths. "There is no brainwashing in the classrooms."

Equal footing

CLÉ objects to the way the course puts all religions on an equal footing, arguing it could lead children to reject their parents' faith.

Among other objections listed on the group's website (www.coalition-CLÉ.org) are that the course exposes children to prayers and rites and religious texts of other religions and demands that children discuss their own convictions. This is a violation of privacy, the group says.

Treatment decisions of mature teenagers "ought to be respected," Supreme Court of Canada rules

JW Office of Public Information (08.07.2009) / HRWF (09.07.2009) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - The Supreme Court of Canada issued a significant decision holding that once an adolescent under the age of 16 proves he or she has sufficient maturity to make a particular medical treatment decision, the adolescent's treatment decision "ought to be respected" by doctors and the state. That ruling was handed down on June 26, 2009.

A.C., one of Jehovah's Witnesses, is pleased that although the Supreme Court declined to find the appealed statute unconstitutional, it nonetheless redefined the child welfare legislation in Manitoba to make it "constitutionally compliant" by recognizing the treatment decisions of mature adolescents. The case of A.C. v. Manitoba (Director of

Child and Family Services) arose from A.C.'s religiously based refusal of blood transfusions. In recognition of the "major impact" of A.C.'s successful argument that child welfare legislation "should be interpreted in a way that allows an adolescent under the age of 16 to demonstrate sufficient maturity to have a particular medical treatment decision respected," the Supreme Court awarded A.C. her costs.

The official Supreme Court decision is available at <http://scc.lexum.umontreal.ca/en/index.html>.

Law student gets house arrest in 'cult' abduction"

By Barbara Brown

The Hamilton Spectator (14.05.2009) / HRWF (15.05.2009) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - A law student who participated in a brazen daylight kidnapping was sentenced to 15 months house arrest yesterday after admitting to a bizarre plot to rescue a woman whose family feared she was being brainwashed by a religious cult.

Alan Honner of Toronto was handed a conditional sentence by Superior Court Justice Robert Reilly after pleading guilty on April 24 to kidnapping and forcible confinement.

The Osgoode Hall law student was granted permission by the judge to leave his house for one day next month in order to write his bar admission exams. Honner still faces an uphill battle, however, to convince the Law Society of Upper Canada that someone with his newly acquired but serious criminal record should be admitted to the bar.

As part of the negotiated plea deal, assistant Crown attorney Michael Fox withdrew a charge of forcible confinement against the convicted man's sister, Theresa Honner.

A conditional sentence means the married father of 11-month-old twins will now have a criminal record, but will be permitted to serve his sentence under house arrest and community supervision.

At the time of his plea, Reilly ordered a ban on publication of the facts and legal submissions heard in court in order to protect the fair trial of three accused. Dr. Renato Brun Del Re, 57, a Mississauga physician, and his son, Giancarlo Brun Del Re, 29, face one count each of forcible confinement and kidnapping.

The mother of the alleged kidnapping victim, Lucie Brun Del Re, 57, a Georgetown secondary school teacher, is charged with forcible confinement. A francophone, she has requested her trial be conducted in French.

At the centre of the high-profile kidnapping case is a charismatic church leader known as Pastor Peter Rigo, who founded the evangelical Dominion Christian Centre of Canada (DCC) on Park Street North in Hamilton.

Hamilton police charged the Brun Del Res after their daughter Mirella Brun Del Re, 26, was abducted off the street in late 2005 not far from the church and held at a secret location for 10 days before she escaped.

The Brun Del Res maintain the DCC is a religious cult and hired a Tennessee-based intervention consultant, Mary Alice Chrnalogar, in an effort to deprogram their daughter.

The kidnapping case grabbed national attention in 2006 when it was featured on W-Five, an investigative news program on CTV.

In February this year, the Canada Revenue Agency revoked the church's charitable status, citing serious issues of non-compliance and misuse of charitable funds.

Sect's privacy invaded

By Graeme Hamilton

National Post (12.05.2009) / HRWF (13.05.2009) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - When newspaper reporter Brigitte McCann spent nine months undercover as a member of the Raelian sect in 2003, the resulting articles caused a stir in Quebec and won her the province's top journalism prize. Her Journal de Montreal reports revealed a darker side of a group generally dismissed as UFO-believing clowns: Its leader believes he has been targeted for assassination by the CIA, he demands generous contributions from his 55,000 followers and his entourage includes "angels" prepared to die to protect him.

But in a decision that one lawyer says further restricts the media's freedom in Quebec, a judge has ruled that the Journal's "clandestine" investigation went too far. He has ordered its parent company, Sun Media Corp., to pay \$9,000 in damages to two Raelians who sued for invasion of privacy.

The publicity-hungry Raelians celebrated the decision with a news release yesterday calling it "a great victory for human rights and freedoms in Quebec."

The plaintiffs, whose names are withheld in the published judgment, both said they had suffered embarrassment and loss of revenue after being identified as senior figures close to sect leader Claude Vorilhon, who goes by the name Rael. Their photos, taken from a pamphlet distributed at a Raelian gathering, were published.

A woman who is a member of Mr. Vorilhon's inner circle of "angels," told Quebec Court's small-claims division that her practice as a psychologist suffered after she was publicly identified as a high-ranking Raelian. Two patients called the day the article was published to say they no longer wanted her to treat them, she said, and the medical clinic where she worked asked her to move out.

The other plaintiff, a general contractor, was identified by the newspaper as president of the company on which the Raelians UFOland headquarters lies in Valcourt, northeast of Montreal. He testified that he has attained "Level 4" in the Raelians six-level hierarchy, making him a "guide." He is in charge of the organization in eastern Quebec.

Although he wears a Raelian medallion in his day-today life, including when he appeared before the court, he testified that some of his employees made fun of him after the Journal article was published. He said someone he had hoped to hire declined the job offer out of fear of being associated with the Raelians.

The newspaper maintained that even if some harm were caused to the plaintiffs, it was outweighed by the public interest of learning how the Raelians operate. Ms. McCann, who is no longer with the paper, agreed to go undercover at a time when the Raelians were attracting international media attention with their false claim that they had cloned a human. The Journal also argued that the plaintiffs did not make a secret of their Raelian connections. It submitted evidence that a simple Internet search turned up articles written by the woman for the Raelian newsletter Contact.

Quebec Court Judge Charles Grenier begins his lengthy decision by summarizing the Raelian beliefs. "Let's simply remember that Rael, who was born in France, claims to be the product of the union of an Eloha, a member of a family of extraterrestrials, the Elohim, and an Earthling, and that after having received the good word from [the Elohim], who presented themselves to him at the beginning of his adult life, he gave himself the mission of preparing the Elohim's return to Earth and creating favourable conditions for humans on Earth for their eternal care by them," the judge writes.

He concludes that the Journal was not justified in infiltrating the Raelians because information about the sect was publicly available. And he suggests accepting an undercover press investigation of the Raelians leads to a slippery slope.

"If the activities of a group or organization are legal and of a private nature, what can justify the use of so-called clandestine investigation methods in the name of the public right to information?" Judge Grenier asked.

"The non-conformity of ideas and activities? Their bizarreness? Their occult character? General disapproval? And what else?"

The judge found that the publication of the plaintiffs' pictures and personal information infringed their right to privacy. The woman was awarded \$7,000 in damages and the man \$2,000. Sun Media was ordered to pay the two another \$1,000 to cover their court costs.

Bernard Pageau, director of legal affairs for Sun Media Corp., said the company received the ruling on April 15, and has not decided whether to seek judicial review before Superior Court. He called the decision "badly founded," noting that the offending photos came from a pamphlet that was distributed to 800 Raelians from around the world. "It is not a private photo," he said. He added that infiltrating the group was the only avenue to learn about an organization that "controls its message very well."

Other Raelians have been unsuccessful in lawsuits against the newspaper over the same series of articles, he said.

Montreal lawyer Mark Bantey, who specializes in media law, said the decision could set a precedent for Quebec media. "Because the judge took so much care to write a carefully written decision, it will be cited in the future, especially by the Raelians," he said.

Already, media in Quebec are more restricted because of privacy protections in the Civil Code. In 1998, the Supreme Court ruled against a weekly Quebec newspaper that had published a woman's photo without her permission. "Freedom of expression should not vary from one province to another," Mr. Bantey said.

Woman's right to testify in veil a religious freedom?

By Shannon Kari

National Post (02.03.2009) / HRWF (03.03.2009) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - The Ontario Human Rights Commission is arguing that a provincial court judge failed to recognize the religious freedoms of a Muslim woman when he ordered her to testify at a sexual assault trial without a veil known as a niqab.

The government agency is asking for special permission to be allowed to intervene at a Superior Court proceeding hearing an appeal of the lower court decision because of its 45 years of "expertise" in the area of human rights.

"The commission can offer the court assistance and expertise in the area of accommodation particularly in relation to discrimination based on creed or religious belief," states an affidavit by Barbara Hall, chief commissioner of the human rights body.

The Superior Court hearing is scheduled to begin this morning in Toronto.

The hearing stems from a ruling last fall by provincial court Justice Norris Weisman.

He ruled that the woman must remove the veil that covers everything but her eyes while testifying at the preliminary hearing of two men accused of sexually assaulting her.

Lawyers representing the two men argued they should be permitted to see the demeanour of the woman while she testified, as part of their right to a fair trial. The defence suggested that demeanour would help determine the credibility of the woman.

The prosecution responded that the woman ought to be permitted to wear an article of "religious dress" if that was her preference.

While he observed that it was an "admittedly difficult decision," Judge Weisman noted that the witness had a photo taken for her driver's licence without a niqab. The photo was taken by a female employee, but "numerous males in modern society" might see the non-veiled picture.

"I find that the complainant's religious belief is not that strong," concluded Judge Weisman, who ruled that the woman should have to testify without her niqab.

The woman appealed the ruling to the Superior Court and last week the Human Rights Commission filed documents seeking to be allowed to participate in the hearing.

"The court had a duty to accommodate her religious beliefs and failed, procedurally and substantively to do so," the commission argues. Ordering the removal of the niqab was a "drastic measure" that was not necessary to balance the rights of the defendants, the human rights agency suggests.

The Superior Court hearing this morning before Justice Frank Marrocco will only determine whether the woman may wear the niqab at the sexual assault trial of the two accused, although it could be used as a precedent in other cases.

It is unusual for an outside party such as a government agency to be permitted to intervene in a criminal trial.

The commission says it can assist the court in interpreting the Ontario Human Rights Code and help explain issues of human rights.

"The commission's intention, if it were allowed to intervene, would be to articulate the current state of the law in respect of the duty to accommodate religious beliefs and practices and to explain how Mr. Justice Weisman's ruling is inconsistent with the current state of the law," the government agency argues.
