



Atheist Freethinkers

PRESS RELEASE

For immediate release

AFT Denounces the Inaction and Dishonesty of the Federal Justice Minister Regarding Religious Hate Propaganda

Montreal, 24th April 2018 – *Atheist Freethinkers* (LPA-AFT), an association which promotes secularism and supports the rights of atheists, denounces the deception of the Minister of Justice and Attorney General, Jody Wilson-Raybould, in her response to our petition asking for repeal of the religious exception 319(3)b) in the Hate Propaganda provisions of the Criminal Code. [The petition](#) received over 1500 signatures on the Parliament website and was presented to the House of Commons on 1st March 2018.

In [her response](#) tabled on 16th April 2018, the Minister attempts to justify the religious exception by conflating three different exceptions:

“In *R. v. Keegstra*, [1990] 3 SCR 697, the Supreme Court of Canada examined these defences. The Court said that the three defences which include elements of good faith or honest belief--namely, paragraphs 319(3)(b), (c) and (d) --seemed to negate the *mens rea* or mental fault requirement for the offence, for only rarely would a person who intends to promote hatred be acting in good faith or upon honest belief.”

However, our petition dealt only with exception 319(3)b), not the two following ones c) and d). Furthermore, the version of 319(3)b) in effect and used by the Court in 1990 was the following:

“if, in good faith, he expressed or attempted to establish by argument an opinion on a religious subject;” [R. v. Keegstra, \[1990\] 3 S.C.R. 697](#)

But the current version of paragraph 319(3)b) reads as follows:

“if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;” [Criminal Code](#)

It is obvious that the addition of the phrase “an opinion based on a belief in a religious text” in the current version favours believers to the detriment of non-believers. Religious believers just need to find a hateful passage in a so-called sacred text in which they claim to believe, and they are protected: they obtain impunity! Indeed, this was precisely the intended result of adding the phrase, because the current version was adopted by the House on 17th September 2003 in [Bill C-250](#) simultaneously with the addition of sexual orientation to the list of identifiable groups, in order to calm the religious concerns of several homophobic MPs.

In attempting to justify the unjustifiable by referring to an old version of the exception targeted by our petition, the Minister is not only being dishonest, but her rejection of our request to repeal this religious exception lends support and encouragement to both homophobia and atheophobia. The history of the exception's adoption confirms that it is homophobic; it allows the use of biblical or coranic passages in order to excuse hate propaganda directed against gays and other sexual minorities. More generally, paragraph 319(3)b) is atheophobic as it discriminates against atheists by granting an enormous privilege to believers, i.e. the privilege of making hateful declarations with impunity.

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