



Atheist Freethinkers
PRESS RELEASE
For immediate release

AFT welcomes judgment of Court of Appeal of Quebec but calls for removal of all mention of religion from Charters

Montreal, 4th March 2024 – *Atheist Freethinkers* (LPA-AFT) heartily welcomes the decision of the Court of Appeal of Quebec, rendered on February 29th concerning Quebec’s State secularism Bill 21 (*Loi sur la laïcité de l’État*). The Court thus validates the legislation almost entirely.

This decision recognizes Quebec’s legitimacy in asserting State secularism and ratifies the use of the notwithstanding clauses of the Canadian and Quebec charters in order to assert parliamentary sovereignty. In particular, the Court reverses the decision of the Superior Court which exempted Quebec’s English-language school system from application of the Bill.

Despite the progress which this decision represents, *Atheist Freethinkers* calls upon the Quebec government to go further by removing all mention of religion from the Charter of Human Rights and Freedoms. AFT also calls upon the federal government to do the same with the Canadian Charter of Rights and Freedoms.

Although this Court of Appeal decision regarding the constitutionality of Bill 21 is gratifying, the law’s validity remains fragile. Not only could the Supreme Court of Canada still overturn the judgment, but to maintain the law’s validity requires that the application of the notwithstanding clause at the federal level, included in the Act, be renewed every five years by the Quebec National Assembly.

This fragile, unstable equilibrium is attributable, in our view, to a single cause: the fact that both Charters mention freedom of religion as one of several fundamental rights.

However, both Charters fail to take into consideration the fact that freedom of religion has two major components: (1) freedom of belief, which is part of freedom of conscience, already protected by the Charters; and (2) freedom of concrete religious practice which does not merit such protection.

For AFT, there is no doubt that freedom of religious belief, as **thought or opinion**, must remain completely protected. But this is already unambiguously guaranteed by the freedom of conscience protected in both Charters.

Nevertheless, the protection which the Charters grant to **concrete practices** (whether of a religious nature or not) arising from such beliefs is, in our opinion, no longer justified today, particularly when such practices conflict with democratically enacted civil laws and rules. Such protection constitutes, in our view, an unjustified privilege because these practices are prescribed by authorities unrecognized by the citizenry, have never been subjected to any democratic exercise, and arise from scientifically unverifiable hypotheses.

The religious nature of such practices does not justify granting them more legitimacy than granted to practices arising from many other beliefs, such as astrology, “chemtrails,” unicorns or the Illuminati, beliefs for which no one would suggest any constitutional protection whatsoever.

It is similarly unacceptable for social or legal privileges to be attributed to religious beliefs, privileges such as tax exemptions, State funding of religious schools or impunity for hateful remarks made publicly if such remarks are apparently “justified” by a belief in a religious text.

It is time to initiate a public debate on these issues. Furthermore, the debate about State secularism must no longer be allowed to become mired in considerations of identity, power struggles between governments or concerns linked to immigration.

– 30 –

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