

Quebec should be as tolerant of religious diversity as it has been of sexual orientation

BY ROBERT LECKEY AND ROBERT WINTEMUTE, THE GAZETTE SEPTEMBER 19, 2013



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Given Quebec's historical, linguistic and cultural ties with France, it is understandable that Quebec's policy-makers consider policy models from France along with those from other countries. But that an idea comes from France doesn't make it a good one. This is especially true about respect for human diversity regarding sexual orientation and religion.

Concerning religion, Quebec should choose the same tolerant approach it applies to sexual orientation. It should maintain its tradition of permitting visible diversity in public- and private-sector employment and education. It should not be tempted by France's rigid concept of secularism.

Some proponents of the Charter of Quebec Values evoke the political courage that propelled passage of Bill 101 in 1977. But back then, it was not clear that banning commercial signs in languages other than French violated protected human rights. It was only later that the Supreme Court of Canada and the United Nations Human Rights Committee condemned parts of Bill 101.

By contrast, the Supreme Court of Canada has made it crystal clear that the Quebec Charter of Rights and the Canadian Charter generally require religious accommodation.

If the proposed Quebec values charter ever becomes law, its application to civil servants from religious minorities could not be justified in a democratic society. It would thus violate both rights charters.

Merely displaying the religious symbols of minorities in the workplace or at school is not proselytizing. It does not undermine the state's religious neutrality. Roman Catholics and atheists must tolerate such symbols, just as they must in the métro or on a bus.

What is true of the sight of a head scarf on a doctor at a hospital is true of the sight of a same-sex couple in a park, holding hands or strolling with their children. This recalls Quebec's status as an international leader when it comes to sexual orientation.

In 1977, Quebec became the world's first jurisdiction to prohibit discrimination in employment and other areas. Since 1991, provincial law has provided a basis for adoption by same-sex couples. Were it not for Ottawa's power over marriage, Quebec's 2002 law on civil unions might have been the first in the

Americas allowing same-sex couples to marry. That law was path-breaking in allowing a lesbian mother's partner to become the legal parent of the child born to them after donor insemination without an adoption procedure.

France has lagged far behind Quebec in granting parenting opportunities to lesbian and gay individuals and couples. Until its defeat in the European Court of Human Rights in January 2008, the French government had defended local authorities' right to refuse to consider lesbian and gay individuals as potential adoptive parents. The same was true of same-sex couples seeking to adopt jointly, until elections in 2012 brought political support for this year's law, allowing same-sex couples to marry and to adopt jointly.

Even then, France's 2013 law passed only after long, bitter legislative debate, accompanied by large, occasionally violent street demonstrations. The scale of opposition to the law would be unimaginable in Quebec.

The proper approach is to do unto minorities as we would have done unto us, if we were living in a country where we were the minority. In particular, if Quebec would like to see equal rights abroad for women, for Christian and other religious minorities, and for lesbian and gay minorities, it should set a good example. This means respecting visibly different Muslim women wearing head scarves and assuring them equal opportunities in employment and education.

The proposed Charter of Quebec Values would have the opposite effect. It would exclude minorities and send a message of intolerance and discrimination around the world.

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